

Special City Council Meeting
February 17, 2016

1. Agenda Only

Documents:

[AGENDA ONLY 2016-02-17.PDF](#)

2. Agenda With Packet

Documents:

[AGENDA AND PACKET 2016-02-17.PDF](#)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

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

AGENDA
SPECIAL CITY COUNCIL MEETING
FEBRUARY 17, 2016

The Portland City Council will hold a Special City Council Meeting at 5:00 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) February 1, 2016, Special City Council Meeting State of the City Address Minutes
February 1, 2016, Regular City Council Meeting Minutes

PROCLAMATIONS:

Proc 18-15/16 Proclamation Honoring Detective Mary Sauschuck as Police Officer
(Tab 2) of the Month for January 2016 – Sponsored by Mayor Ethan K. Strimling.

Proc 19-15/16 Proclamation Honoring Toni Doucette as Employee of the Month for
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APPOINTMENTS:

CONSENT ITEMS:

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(Tab 4) Sponsored by Jon P. Jennings, City Manager.

This order declares Sundays on the Boulevard from May 1 through September 25, 2016, from 9:00 a.m. to 4:00 p.m. as a festival.

The Boulevard will be closed from Vannah Avenue to Payson Park. Street closures are included in the agenda backup material

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(Tab 5)**

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This order authorizes the Color Vibe 5K Race to be held on Sunday, May 15, 2016, noon to 4:00 p.m. The race starts at 1:00 p.m.

The race route takes runners along Baxter Boulevard and Back Cove Pathway, around Back Cove. Street closures are included in the agenda backup material.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

**Order 162-15/16
(Tab 8)**

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Application submitted on 1/14/16. New City and State applications. Current location of Portland Patisserie, which is also owned by same people. Petite Jacqueline will be replacing Portland Patisserie.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 146-15/16 (Tab 9) **Order Accepting an Easement Option for Public Access at the Portland Company Historic District – Sponsored by the Planning Board, Elizabeth Boepple, Chair.**

This order accepts an easement option from CPB2 LLC to allow public access at the Portland Company Historic District.

At the January 20, 2016 Council meeting this item was postponed to coincide with consideration of companion Order 147-15/16 and 148-15/16 below. Five affirmative votes are required for passage after public comment.

Order 147-15/16 (Tab 10) **Order Designating Portland Company as a Historic District and Amending the Map of Historic Districts – Sponsored by the Planning Board, Elizabeth Boepple, Chair.**

The Planning Board is recommending that a portion of the Portland Company complex at 58 Fore Street be designated a local historic district subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code).

The Planning Board's recommendation is pursuant to a recommendation forwarded by the Historic Preservation Board. In the case of a nominated historic district, the historic preservation ordinance requires sequential review by the Historic Preservation Board and Planning Board prior to consideration by the City Council.

The Historic Preservation Board's role in historic district deliberations is to determine whether the nominated historic district meets the designation criteria of the historic preservation ordinance, which address both the significance of the nominated resource, as well as its integrity, including integrity of condition.

Based upon its analysis, the Historic Preservation Board recommends district boundaries and assigns building classifications identifying which buildings warrant preservation and which, by virtue of condition or lack of significance, may be removed.

The Planning Board's role in the designation process is to confirm whether the designation criteria in the historic preservation ordinance have been met and to consider the effect of such designation on other aspects of the Comprehensive Plan.

The Planning Board's recommendation regarding designation of a Portland Company Historic District amends that of the Historic Preservation Board. The Planning Board is recommending a revised historic district involving both an area at the core of the property as well as an additional building located on the property's Western Boundary, as indicated on the revised map attached to the Planning Board's recommendation.

The Planning Board is also recommending that Building #1, which the Historic Preservation Board recommended classifying as a contributing structure, be reclassified as a noncontributing structure.

The Planning Board's recommendation for amended district boundaries and for reclassification of Building #1 is related to a finding by the Board that the goals of the Comprehensive Plan would be better achieved through the creation of a smaller district and the execution of a fifty (50) foot wide public access easement in favor of the City from Fore Street across the site to the waterfront.

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(Tab 11)**

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This item authorizes a refund amount of not to exceed \$11,400,000 in bonds. This amount is comprised of \$5,920,000 of Series 2006 bonds and \$5,520,000 of Series 2007 bonds.

By refunding these bonds and reissuing them at a lower interest rate the City can achieve an annual average cash flow savings of approximately \$100,000 per year from now until maturity of these bonds in 2026 and 2027.

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Order Appropriating \$11,440,000 of Bond Proceeds – Sponsored by Jon P. Jennings, City Manager.

This is a companion order to Order 155-15/16 above.

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ORDERS:

**Order 163-15/16
(Tab 14)**

Order Accepting Sidewalk Easement from Schlotterbeck Block LLC – Sponsored by Jon P. Jennings, City Manager.

Schlotterbeck Block, LLC is seeking the City Council's acceptance of a sidewalk easement on private property, which will provide for public access. The applicant is offering the easement to the City to allow public access on a sidewalk located on their property at the intersections of Preble and Kennebec Streets and Kennebec and Elm Streets.

On December 15, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for the fifty-five (55) unit market-rate apartment building located at 117 Preble Street. The Planning Board voted unanimously 6-0 to approve the application with waivers and conditions.

Five affirmative votes are required for passage after public comment.

**Order 164-15/16
(Tab 15)**

**Order Approving the Landlord Consent and Agreement with
Loring House Associates Limited Partnership – Sponsored by Jon P.
Jennings, City Manager.**

Loring House is a 104-unit, rental housing project which serves elderly and disabled residents and is located on the Barron Center Campus.

Pursuant to a 1985 agreement, the City sold the buildings on the property to a developer, City Housing Hospital Associates and entered into a 99-year ground lease with the developer. The developer renovated the property to serve low and moderate income elderly residents. The historic nature of the building was preserved, and the structure is listed on the National Register of Historic Places as Portland City Hospital. At the end of the lease term, which has 68 years remaining, title to the buildings reverts to the City.

City Housing Hospital Associates is now assigning its interest in the property to a new developer, Loring House Associates Limited Partnership, which plans to perform substantial rehab of the property with financing from MaineHousing and Portland Housing Development Corporation in the amount of \$5.4 million.

Although the tenant has the right to assign its interest under the lease without Council approval, the City of Portland is also being asked to consent to the new developer's leasehold mortgages to MaineHousing and Portland Housing Development Corporation and to subordinate its interest in the property to MaineHousing's affordable housing covenants and restrictions. The City's subordination is required as a condition for MaineHousing's loan to the developer.

In order to prevent a delay in the closing of the financing for the Loring House Associates Limited Partnership, staff is requesting that this order be passed as an emergency.

Seven affirmative votes are required for passage as an emergency after public comment.

AMENDMENTS:

**Order 165-15/16
(Tab 16)**

**Amendment to Portland City Code Re: Reorganizing Planning and
Other Department Divisions into a New Department of Permitting and
Inspections – Sponsored by Jon P. Jennings, City Manager.**

With the goal of radically improving the City's many permitting and inspections functions, current positions, processes and structures were reviewed. Staff proposes a new one-stop department. This requires some code changes, and staff is also requesting an increase in building permit fees of .5%.

Approximately 40 interviews were conducted, including several external partners; two 2013 studies, one from the University of Southern Maine and the other from the Government Consulting Group were reviewed; and best practices from Boston, Burlington, VT and Lowell, MA were examined. The Planning and Urban Development Department has made concerted efforts over the past few years to strengthen these functions, and many improvements can be attributed to their hard work.

Staff is now poised to build on these initial improvements and restructure to fully realize the goal of an effective, efficient permitting and inspections department that provides excellent customer service.

Key areas of emphasis from internal and external interviewees are:

- Need to greatly improve customer service focus;
- Information and application materials are far too complex;
- Need more detailed web-based interface regarding application status;
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- Applications must be triaged so are not all in one queue, but separated by complexity;
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- Ordinances need to be rewritten for clarity, consistency and brevity.

The interviews and research indicate that there are clear efficiencies and improvements to be gained by co-locating Inspections, Housing Safety, Zoning, and Business Licensing. Adding Food Service Inspections in the future also makes sense, given the overlapping involvement with overall inspections and business licensing processes.

Cost Information

The staffing changes result in an expected increase of about \$280,000 in salaries and benefits, as well as approximately \$8,500 in training costs and close to \$300,000 for major technology upgrades. Comparable building permit fees from Bangor, Burlington VT, Lewiston, Manchester VT, Portsmouth NH and South Portland were analyzed. South Portland's was the most relevant, and they are at 1.5% of construction costs. Portland is currently at 1.1%. Staff recommends moving to 1.6%. Detailed information can be found in the agenda backup material.

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

BREAK FOR DINNER:**7:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:****UNFINISHED BUSINESS: Continued**

Order 143-15/16 (Tab 17) Order Approving Elementary School Construction Project with Total Costs not to Exceed \$29,720,456 and Authorizing General Obligation Bonds in an Amount not to Exceed \$29,720,456 Therefore – Sponsored by Councilor Edward J. Suslovic.

These items would authorize the construction of a new Hall Elementary School on the existing site, at a total cost of \$29,720,456. All but \$1,390,485 of the bonded amount would be reimbursed by the State. Both the Hall School Building Committee and the Portland Board of Education voted to recommend the locally funded options. The local share of the project would be for the following purposes:

Classroom Security Upgrades	\$	53,235
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Additional Play Equipment/Outdoor Learning	\$	49,690
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Middle School Sized Gym	\$	538,090
Larger Cafeteria	\$	346,675
Stormwater Treatment	\$	194,525
Bond Anticipation Notes	\$	65,000
Total	\$	1,390,485

The existing enrollment at Hall School is approximately 440 students, and the targeted enrollment at the new school is 558 students, grades pre-k through 5.

The existing school has an area of approximately 54,000 square feet, but is only a single-story building. The new school will have an area of approximately 84,890 gross square feet, and includes two classroom wings. One wing is two-story, and the other is single-story but will be designed with the structural capability to allow for a second story expansion in the future if additional student capacity is needed.

On October 9, 2015 the State Board of Education voted to approve the site design for this project. The concept design was reviewed by the State Board's construction sub-committee on January 4, 2016. The entire Board meet on January 13, 2016, and unanimously approved the concept.

The proposed project schedule, assuming a positive referendum outcome, is for construction to begin in the late spring of 2017 with substantial completion the summer of 2018 and occupancy in the fall of 2018.

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**Order 144-15/16
(Tab 18)**

Order Appropriating \$29,720,456 of Bond Proceeds – Sponsored by Councilor Edward J. Suslovic.

This is a companion order to Order 143-15/16 above.

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**Order 145-15/16
(Tab 19)**

Order Submitting Elementary School Construction Project Bond Order to Referendum – Sponsored by Councilor Edward J. Suslovic.

This order submits the Elementary School Construction Project Bond Order to referendum at the special municipal election to be held on April 5, 2016

This is a companion order to Orders 143-15/16 and 144-15/16 above.

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The existing enrollment at Hall School is approximately 440 students, and the targeted enrollment at the new school is 558 students, grades pre-k through 5.

The existing school has an area of approximately 54,000 square feet, but is only a single-story building. The new school will have an area of approximately 84,890 gross square feet, and includes two classroom wings. One wing is two-story, and the other is single-story but will be designed with the structural capability to allow for a second story expansion in the future if additional student capacity is needed.

On October 9, 2015 the State Board of Education voted to approve the site design for this project. The concept design was reviewed by the State Board's construction sub-committee on January 4, 2016. The entire Board meet on January 13, 2016, and unanimously approved the concept.

The proposed project schedule, assuming a positive referendum outcome, is for construction to begin in the late spring of 2017 with substantial completion the summer of 2018 and occupancy in the fall of 2018.

This item must be read on two separate days. It was given a first reading on January 20, 2016. At the February 1, 2016, Council meeting this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

**Order 144-15/16
(Tab 18)**

Order Appropriating \$29,720,456 of Bond Proceeds – Sponsored by Councilor Edward J. Suslovic.

This is a companion order to Order 143-15/16 above.

This item must be read on two separate days. It was given a first reading on January 20, 2016. At the February 1, 2016, Council meeting this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

**Order 145-15/16
(Tab 19)**

Order Submitting Elementary School Construction Project Bond Order to Referendum – Sponsored by Councilor Edward J. Suslovic.

This order submits the Elementary School Construction Project Bond Order to referendum at the special municipal election to be held on April 5, 2016

This is a companion order to Orders 143-15/16 and 144-15/16 above.

This item must be read on two separate days. It was given a first reading on January 20, 2016. At the February 1, 2016, Council meeting this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

Tab 1 2-17-16

IN COUNCIL SPECIAL MEETING FEBRUARY 1, 2016 VOL. 132 PAGE 67

ROLL CALL: Mayor Strimling called the meeting to order at 5:00 P.M. (Councilor Duson arrived during the Annual State of the City Address.

STATE OF THE CITY ADDRESS:

Pursuant to the Portland City Charter Article II City Council, Section 5(a) Mayor's Power and Duties, the Mayor will give his annual State of the City Address.

Motion was made by Councilor Suslovic and seconded by Councilor Hinck to adjourn. Passage 9-0.

A TRUE COPY.

Katherine L. Jones, City Clerk

IN COUNCIL REGULAR MEETING FEBRUARY 1, 2016 VOL. 132 PAGE 68

ROLL CALL: Mayor Strimling called the meeting to order at 5:25 P.M. (All Councilors Present).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Costa and seconded by Councilor Brenerman to approve the minutes of January 20, 2016, Special City Council Meeting. Passage 9-0.

PROCLAMATIONS:

APPOINTMENTS:

Order 149-15/16 Order Appointing and Setting Salary of David Jackson as Fire Chief – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic for passage as an emergency. Passage 9-0.

CONSENT ITEMS:

Order 150-15/16 Order Authorizing the Urban Runoff/Green Neighbor Family Festival 2016 – Sponsored by Jon P. Jennings, City Manager.

Order 151-15/16 Order Declaring May 30, 2016 as the Memorial Day Parade and Ceremony Festival - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Suslovic for passage of the consent items. Passage 9-0.

LICENSES:

BUDGET ITEMS:

COMMUNICATIONS:

Com 6-15/16 Communication Re: Revisions to Temporary Art Guidelines - Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 136-15/16 Order Rescinding and Repealing Conditional Zone Agreement C-36 Re: Morrill's Corner and 33 Allen Avenue – Sponsored by the Planning Board, Elizabeth Boepple, Chair. This item was given first reading on January 4, 2016, postponed on January 20, 2016.

Motion was made by Councilor Brenerman and seconded by Councilor Costa for passage. Passage 9-0.

Order 143-15/16 Order Approving Elementary School Construction Project with Total Costs not to Exceed \$29,720,456 and Authorizing General Obligation Bonds in an Amount not to Exceed \$29,720,456 Therefore – Sponsored by Councilor Edward J. Suslovic.

Motion was made by Councilor Suslovic and seconded by Councilor Ray to postpone Order 143 to the February 17, 2016 City Council meeting. Passage 9-0 .

Order 144-15/16 Order Appropriating \$29,720,456 of Bond Proceeds – Sponsored by Councilor Edward J. Suslovic.

Motion was made by Councilor Suslovic and seconded by Councilor Costa to postpone order 144 to the February 17, 2016 City Council meeting. Passage 9-0.

Order 145-15/16 Order Submitting Elementary School Construction Project Bond Order to Referendum – Sponsored by Councilor Edward J. Suslovic.

Motion was made by Councilor Hinck and seconded by Councilor Duson to postpone order 145 to the February 17, 2016 City Council meeting. Passage 9-0.

Order 147-15/16 Order Designating Portland Company as a Historic District and Amending the Map of Historic Districts – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

Motion was made by Councilor Brenerman and seconded by Councilor Ray to postpone Order 147 to the February 17, 2016 City Council meeting. Passage 9-0.

Order 148-15/16 Amendment to Portland City Code Chapter 14 Land Use, Article IX Historic Preservation, Section 14-651 Re: Building Height in Portland Company Historic District.

Motion was made by Councilor Mavodones and seconded by Councilor Costa to postpone Order 148 to the February 17, 2016 City Council meeting. Passage 9-0.

ORDERS:

Order 152-15/16 Order Accepting the 2015 Annual Report and 2016 Budget Plan of the Portland Public Art Committee – Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 9-0.

Order 153-15/16 Order Approving Purchase and Sale Agreement to Portland Housing Development Corporation Re: 65 Munjoy Street – Sponsored by Jon Jennings, City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Hinck for passage as an emergency. Passage 9-0.

Order 154-15/16 Order Changing Polling Place for District 5 Precinct 1 from the Seventh-Day Adventist Church, 97 Allen Avenue to the Deering High School Gymnasium, 370 Stevens Avenue – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Brenerman and seconded by Councilor Hinck for passage. Passage 9-0.

Order 155-15/16 Order Authorizing Refunding Bonds in an Amount not to Exceed \$11,400,000 – Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

Order 156-15/16 Order Appropriating \$11,440,000 of Bond Proceeds – Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

AMENDMENTS:

IN COUNCIL REGULAR MEETING FEBRUARY 1, 2016 VOL. 132 PAGE 71

Order 157-15/16 Amendment to Zoning Map Re: South of Preble Street Extension, East of Forest Avenue and North of Baxter Boulevard Change to B-2b Zone - Sponsored by Councilor Belinda S. Ray.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to waive the second reading. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to refer Order 157 back to the planning board; instead of putting a time limit on this, that the Planning Board makes their recommendations on this amendment prior to conducting site plan review on any development in this section of the corridor. To ensure that should there be a zone change that it will affect the developments in the corridor.

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic to amend the amendment by striking site plan application and adding that the planning board report back by April 1, 2016. Motion failed 4-5 (Duson, Costa, Ray, Thibodeau, Strimling.)

Motion was made by Councilor Costa and seconded by Councilor Duson amend the amendment by adding; in no case shall that review be later than April 1, 2016. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to refer Order 157 back to the planning board; instead of putting a time limit on this, that the Planning Board makes their recommendations on this amendment prior to conducting site plan review on any development in this section of the corridor. To ensure, that should there be a zone change that it will affect the developments in the corridor. In no case shall that review be later than April 1, 2016. Passage as amended 9-0.

BREAK FOR DINNER:

7:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Motion was made by Councilor Mavodones and seconded by Councilor Ray to adjourn. Passage 9-0, 7:15 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Due 18-15/16
Tab 2 2-17-16*

PROCLAMATION
HONORING
DETECTIVE MARY SAUSCHUCK

WHEREAS, **Detective Sauschuck** joined the Portland Police department in 1997. Prior to becoming a sworn Officer she served as a Community Policing Coordinator. Detective Sauschuck served on the Federal Safe Streets Task Force and the Maine Violent Offender Task Force and is currently assigned to the Criminal Investigation Division; and

WHEREAS, **Detective Sauschuck** is recognized for her lengthy investigation targeting an individual involved in large scale credit card fraud, general fraud and firearm possession; and

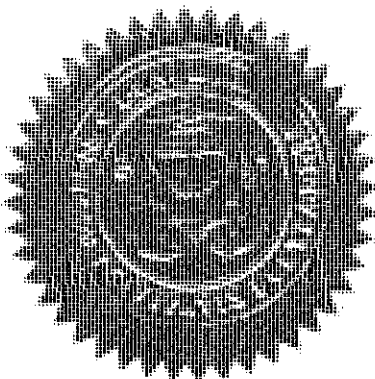
WHEREAS, **Detective Sauschuck** worked jointly with federal investigators and the United States Attorney's Office on this investigation that recently culminated in the suspect being convicted on eight federal charges; and

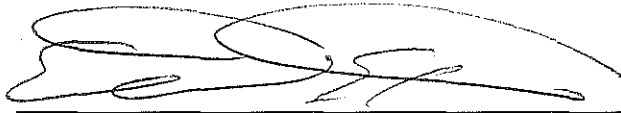
WHEREAS, **Detective Sauschuck** is held in high regard by the Bureau of Diplomatic Security for her thorough attention to detail, insight and commitment to this case; and

WHEREAS, **Detective Sauschuck** is commended for her exemplary performance and outstanding representation of the Portland Maine Police Department.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to Detective Mary Sauschuck as Officer of the Month for January 2016.

Signed and sealed this 17th day of February 2016





Ethan K. Strimling, Mayor
City of Portland, Maine

Proc 19-15/16
Gab 3 2-14-16

PROCLAMATION

Honoring

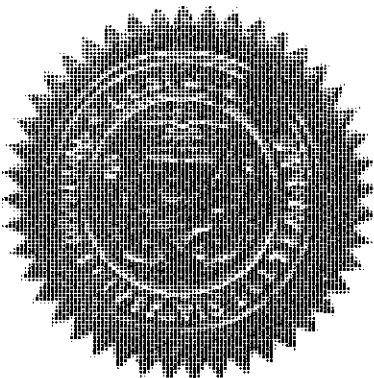
Toni Doucette
Employee of the Month

January 2016

- WHEREAS:** **Toni Doucette** of the Recreation & Facilities Management Department has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of 1,300; and
- WHEREAS:** This award is presented in recognition of **Toni's** work as a Port Facility Security Officer with 10 years of service. Portland has seen a dramatic increase in cruise ships over the past several years. There are days when three to four ships can be in port at the same time but no one would know it by **Toni's** calm demeanor; and
- WHEREAS:** **Toni** balances the needs of the ships' staff, U.S. Customs, Coast Guard and Harbor Master along with thousands of passengers who want to enjoy tours and local shopping. **Toni** handles provisioning for the ships, emergencies, and anything that might get in the way of a great experience for the ship or passengers; and
- WHEREAS:** **Toni** handled 83 ships this season with over 97,000 passengers. She manages 10-18 people at two different locations most days. **Toni** has developed outstanding relationships with all levels of ship staff. The cruise lines can depend on **Toni** and have commented on the efficient and effective security screening she manages. **Toni** certainly is part of the growing cruise ship business for our port and we thank her for her dedication. **Toni** truly is an asset to the Recreation & Facilities Management Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Toni Doucette** as **City Employee of the Month, January, 2016**.

Signed and Sealed this 17th day of February, 2016



A handwritten signature in black ink, appearing to read "Ethan K. Strimling", is written over a horizontal line.

Ethan K. Strimling, Mayor
City of Portland, Maine

*Order 158-15/16
Tab 4 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING SUNDAYS ON THE BOULEVARD
FESTIVAL DAYS IN 2016**

ORDERED, that Sundays from May 1, 2016 to September 25, 2016 are hereby declared to be Sundays on the Boulevard Festival Days; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be Baxter Boulevard from Vannah Avenue to Payson Park; and

BE IT FURTHER ORDERED, that Baxter Boulevard from Vannah Avenue to Payson Park, second entrance, and the Payson Park first entrance road from the tip of the grass triangle to Baxter Boulevard shall be closed to traffic from 9:00 a.m. to 4:00 p.m. on every Sunday from May 1, 2016 to September 25, 2016; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area (interior roadways) shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Sundays on the Boulevard Festival Days area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under §25-27 of the City Code to the Sundays on the Boulevard Committee, subject to the direction and control of the City Manager and to the following specific conditions:

1. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area; and
2. Assistance from City Departments will be in kind; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: January 28, 2016
RE: Council Agenda Item – Sundays on the Boulevard

I am requesting that the following order be placed on the next City Council agenda:

Order declaring “Sundays on the Boulevard” as a weekly festival event, and that Baxter Boulevard, between Vannah Avenue and the entrance to Payson Park, be closed to traffic every Sunday, May 1 – September 25, 2016, 9am – 4pm, in order to allow the public to use that portion of the street as recreational space.

In 2014 and 2015, Portland City Council approved the closing of Baxter Blvd. to vehicular traffic on Sundays, in order to facilitate “Sundays on the Boulevard.” The boulevard was closed from Vannah Ave. to Payson Park, Sundays (9am – 4pm) from May to November.

The “Sundays on the Boulevard” committee would like to continue this tradition of recreational opportunity to the public, and requests permission to close the boulevard from May 1 – September 25, 2016, time frame again 9am – 4pm. On some of those Sundays, there may be programmed events happening: music, bicycle demos, yoga class, paddleboard demos, etc.

The closure will sometimes have city staff, as well as volunteers from advocacy groups and the Back Cove Neighborhood Association in attendance at the barricaded intersections.

For “Sundays on the Boulevard,” streets listed below will be closed to vehicular traffic on Sundays (May 1 – September 25, 2016), 9am – 4pm:

Baxter Blvd. (From Vannah Ave. to Payson Park, 2nd entrance)

Payson Park 1st entrance road (from tip of Grass Triangle down to Baxter Boulevard).

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Sundays on the Boulevard Committee for the use of the above-described area for said Festival subject to the following conditions:

- Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;
- Assistance from City Departments will be in-kind.

(continued)



The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Ted Musgrave, PW Event Coordinator

*Order 159-15/16
Tab 5 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING MAY 8, 2016 THE PORTLAND SEA DOGS
MOTHER'S DAY 5K RACE FESTIVAL**

ORDERED, that Sunday, May 8, 2016 is hereby declared to be the Portland Sea Dogs Mother's Day 5K Race Festival, sponsored by the Portland Sea Dogs; and

BE IT FURTHER ORDERED, that the Portland Sea Dogs Mother's Day 5K Race Festival area shall be Park Avenue from the Portland Exposition Building and Weymouth Street, west to Outer Congress Street, north on Stevens Avenue, southeast on Brighton Avenue; and south on Deering Avenue to the Fitzpatrick Stadium entrance; and

BE IT FURTHER ORDERED, that the following streets shall be closed at the following times:

- Both lanes of Park Avenue from Weymouth Street to St. John Street shall be closed to traffic from 8:50 a.m. to 9:20 a.m. for the start of the race;
- West-bound lanes of Park Avenue in front of William B. Troubh Ice Arena shall be closed to traffic from 7:30 a.m. to 9:30 a.m.; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the Portland Sea Dogs Mother's Day 5K Race Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Portland Sea Dogs under §§25-26 to 25-30 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Portland Sea Dogs shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The

Portland Sea Dogs shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area;
4. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Public Works Event Office shall be adhered to;
5. The Portland Sea Dogs shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Mother's Day 5K Race Festival;
6. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Portland Sea Dogs has agreed shall participate; and
7. The Portland Sea Dogs is responsible for paying associated city costs including but not limited to Police assistance, Parking Control Officer assistance, MEDCU assistance, Public Works assistance, Public Assembly Facilities assistance, Public Works permit fees and "No Parking" sign fees; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: January 27, 2016
RE: Council Agenda Item – Sea Dogs Mother's Day & Father's Day Races

I am requesting that the following order be placed on the next City Council agenda:

Order declaring Sunday, May 8, 2016, as Portland Sea Dogs Mother's Day 5K Race Day, and Sunday, June 19, 2016, as the Portland Sea Dogs Father's Day 5K Race Day.

For many years the Portland Sea Dogs have held their Mother's Day 5K Race. Six years ago they added a Father's Day Race. They would like to run these two races again this year. Attendance at these races is large: organizers expect 3000 runners for the Mother's Day Race; 2,000 runners for the Father's Day Race.

The Order should include the following items:

The Portland Sea Dogs Mother's Day 5K Race be authorized for Sunday, May 8, 2016, and the Portland Sea Dogs Father's Day 5K Race, be authorized for Sunday, June 19, 2016, to be held in Portland, specifically, Park Ave. in front of Expo and Ice Arena - runners travel west down Park Ave., continue out onto outer Congress Street, take a right onto Stevens Ave., take a right onto Brighton Ave., continue onto Deering Ave., then take a right into Fitzpatrick Stadium Entrance Gate and finish inside Hadlock Stadium on center field.

Both races follow the same route and both necessitate the closing of the same city streets for the formation of runners, etc.

Park Ave. – from the Expo / Weymouth Street to St. John Street, both sides of the street need to be closed to traffic from 8:50am – 9:20am for the start of the races.

Park Ave. – from 7:30 – 9:30am, the west-bound lanes will be closed to traffic (in front of the ice arena). The other side of the street (which is 2 lanes) will become a 2-way section – so traffic will still flow on that park of the street (up until 8:50am, when road is shut down completely and traffic detoured).

Race organizers will work with METRO to ensure impacts to transit services is kept to a minimum, however, METRO will need to take detours.

Police officers assist at some of the race intersections (and provide a lead and follow car) and Sea Dogs security personnel are stationed as well on Park Ave., and at the side streets leading onto Park Ave. (Forrest and Valley Street -Gillman Street).

(continued)



Runners congregate on Park Avenue (sidewalks and both lanes of the street), in front of Expo and Ice Arena for the start of races. Both races start at 9:15am.

This area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of race organizers, for the purpose of conducting the Portland Sea Dogs Mother's Day 5K Race and the Portland Sea Dogs Father's Day 5K Race, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to the Portland Sea Dogs Race organizers subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event;
- Portland Sea Dogs shall indemnify the City and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 combined single limit for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in a permit issued from Public Works Event Office, shall be adhered to;
- Race organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the races; and
- **Race organizer is responsible for paying associated city costs (such as Police assistance, PCO assistance, Medcu assistance, Public Works assistance, PAF assistance, and City Clerk's License Fees and Public Works Permit fees / "No Parking" sign fees).**

During the **Portland Sea Dogs Mother's Day 5K Race, Sunday, May 8, 2016**, and the **Portland Sea Dogs Father's Day 5K Race, Sunday, June 19, 2016**, streets listed below will be closed to vehicular traffic:

Park Ave. (from the Expo / Weymouth Street to St. John Street), 8:50am – 9:20am for the start of the races. The west-bound lanes of Park Ave. (in front of Portland Ice Arena), 7:30 – 9:30am.

(continued)



The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Ted Musgrave, PW Event Coordinator

*Order 168-15/16
Grab 6 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING JUNE 19, 2016 THE PORTLAND SEA DOGS
FATHER'S DAY 5K RACE FESTIVAL**

ORDERED, that Sunday, June 9, 2016 is hereby declared to be the Portland Sea Dogs Father's Day 5K Race Festival, sponsored by the Portland Sea Dogs; and

BE IT FURTHER ORDERED, that the Portland Sea Dogs Father's Day 5K Race Festival area shall be Park Avenue from the Portland Exposition Building and Weymouth Street, west to Outer Congress Street, north on Stevens Avenue, southeast on Brighton Avenue; and south on Deering Avenue to the Fitzpatrick Stadium entrance; and

BE IT FURTHER ORDERED, that the following streets shall be closed at the following times:

- Both lanes of Park Avenue from Weymouth Street to St. John Street shall be closed to traffic from 8:50 a.m. to 9:20 a.m. for the start of the race;
- West-bound lanes of Park Avenue in front of William B. Troubh Ice Arena shall be closed to traffic from 7:30 a.m. to 9:30 a.m.; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the Portland Sea Dogs Father's Day 5K Race Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Portland Sea Dogs under §§25-26 to 25-30 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Portland Sea Dogs shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The

Portland Sea Dogs shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area;

4. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Public Works Event Office shall be adhered to;

5. The Portland Sea Dogs shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Father's Day 5K Race Festival;

6. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Portland Sea Dogs has agreed shall participate; and

7. The Portland Sea Dogs is responsible for paying associated city costs including but not limited to Police assistance, Parking Control Officer assistance, MEDCU assistance, Public Works assistance, Public Assembly Facilities assistance, Public Works permit fees and "No Parking" sign fees; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

*Order 161-15/16
Tab 7 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING MAY 15, 2016 AS
THE COLOR VIBE 5K RACE AS A FESTIVAL**

ORDERED, that Sunday, May 15, 2016 is hereby declared to be the Color Vibe 5K Race Festival, sponsored by Color Vibe LLC with organizational assistance from the City of Portland Recreation Division; and

BE IT FURTHER ORDERED, that the Color Vibe 5K Race Festival area shall be Payson Park and Baxter Boulevard from Vannah Avenue to Payson Park; and

BE IT FURTHER ORDERED, that Baxter Boulevard from Vannah Avenue to Payson Park shall be closed to traffic from 9:00 a.m. to 4 p.m. on May 15, 2015; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area (interior roadways) shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the Color Vibe 5K Race Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Color Vibe LLC under §25-26 to §25-30 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Color Vibe LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Color Vibe LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area;

3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Public Works Event Office shall be adhered to;
4. Color Vibe 5K Race Festival organizers shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Color Vibe 5k Race Festival;
5. City permit fees for the use of grounds will be waived but the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to Color Vibe LLC
6. Color Vibe LLC will also cover the cost for city staff assistance including Public Assembly Facilities staff, Police staff, Parking Control staff, and MEDCU staff; and
6. The route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: January 29, 2016
RE: **Council Agenda Item – Color Vibe 5K Race 2016**

I am requesting that the following order be placed on the next City Council agenda:

Order authorizing the Color Vibe 5K Race, scheduled for Sunday, May 15, 2016.

Races where participants are covered with colored starch are becoming more and more popular in the U.S. and attract many runners (and spectators) to the events. There are now a few such races in Maine. The Color Vibe was held for the first time in Portland last year, 2015, and was a great success, attracting 700 runners to Payson Park. This year, the city's Recreation Dept. is a co-sponsor of the event and will receive some of the proceeds from the event.

The race route takes runners along Baxter Blvd. and Back Cove Pathway, around Back Cove. For this 2nd year race, expected number of registered runners is hoped to reach 2,000.

Baxter Blvd. will be closed to vehicle traffic that day (from Vannah Ave. to Payson Park), 9am – 4pm, as part of the city's "Sundays on the Blvd." events. The Color Vibe 5K Race is piggybacking on this event (with the race beginning at 1pm).

The Order should include the following items: The Color Vibe 5K Race be authorized for Sunday, May 15, 2016, from Noon - 4pm (race start at 1pm), to be held in Portland, specifically, Payson Park and Baxter Blvd. – from Vannah Avenue to Bates Street / 295 Ramp. The race route takes runners around Back Cove. Runners will congregate at Payson Park for the start and finish of race. Following the race is a short rally featuring music and dancing. Color Vibe would need to hire a Police Officer for the Bates Street/295 Ramp street closure location, and hire an EC and security staff from the Facilities Management Dept. to oversee events at the park and adjacent parking areas.

Payson Park and Baxter Blvd. itself (and the Back Cove Trail), will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the Color Vibe organizers, for the purpose of conducting the Color Vibe 5K Race and festivities, subject to the direction and control of the City Manager.

(continued)



The City Manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to Color Vibe subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event.
- Color Vibe shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes.
- Conditions for use of grounds, specified in a permit issued from Public Works Event Office, shall be adhered to.
- Color Vibe 5K Race co-organizers (city's Recreation Division) shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the race festivities.
- City permit fees for use of grounds will be waived, however City Clerk's license fees and Inspection Division fees, and costs for city staff assistance, will be paid by Color Vibe.
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day.

During the Color Vibe 5K Race, streets listed below will be closed to vehicular traffic, Sunday, May 15, 2016:

Baxter Blvd. (From Vannah Ave. to Bates Street/295 Ramp/Washington Avenue) – Noon to 4pm,

Payson Park roads: there will be no vehicle access to Baxter Blvd. from Payson Park.

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Ted Musgrave, PW Event Coordinator

Date: January 29, 2016

*Order 162-15/16
Tab 8 2-17-16*

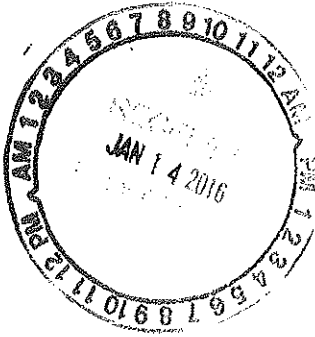
ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

**Derasse, LLC d/b/a Petite Jacqueline. Application for a Class I FSE with Outdoor Dining on
Public Property at 46 Market St.**



January 14, 2016

Dear Mayor Strimling and Member's of the City Council -

I, Michelle Corry, am the owner of 555, Petite Jacqueline and Portland Patisserie. All three of these businesses hold current liquor licenses here in Portland. I am looking to merge Petite Jacqueline and Portland Patisserie into one business under the name Petite Jacqueline at our 46 Market St location. I am looking to obtain a new liquor license for this location and business. Petite Jacqueline will be a casual French bistro serving breakfast, lunch and dinner 7 days a week. We will have 48 seats including our bar. Thank you for your consideration on this issue.

Sincerely,
Michelle Corry

Portland, Maine



Yes. Life's good here.

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8957
www.portlandmaine.gov

RECEIVED
JAN 14 2016
CITY CLERK

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	derasse, LLC (Petite Jacqueline)
Location Address:	46 Market St
If new, what was formerly at this location:	
Mailing Address:	555 Congress St
Contact Person:	Elizabeth Koenigsberg
Contact Person Email:	ewkayod@gmail.com
Manager of Establishment:	Elizabeth Koenigsberg
Owner of Premises (Landlord):	Port Property / Joe Porta
Address of Premises Owner:	105 Grant St

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
derasse, LLC		555 Congress St Portland, ME	
Contact Person:	Elizabeth Koenigsberg	Phone:	207 321 8052
Principal Officers	Title	Date of Birth	Residence Address
Elizabeth Koenigsberg	gm/owner	11/30/80	Portland, ME
Michelle Carry	owner	2/7/73	Scarborough, ME
Stephen Carry	owner	10/31/69	"

About Your Establishment

Class of Liquor License:	CLASS 1	
Type of food served:	French Cuisine	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: 100,000	Generated from Alcohol: 300,000
Hours & days of operation:	9am - 10pm 7 day wkly	

QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		☒ Y ☐ N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		☒ Y ☐ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)		☒ Y ☐ N
Will you permit dancing on the premises?		☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		☒ Y ☐ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		5/15/16
What is your targeted opening date?		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		☒ Y ☐ N
If Yes, please list business name(s) and location(s): 555 Congress St - 555 restaurant the Market St - Portland Patisserie, 190 State St Petite Jacqueline		
Is any principal officer under the age of 21?		☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		☒ Y ☐ N
If Yes, please explain:		

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

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

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

Signature E. Koenigsberg Title owner Date 1/16/16

For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 26-A at www.maine.gov.



Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Check all that apply: ☒ New Application for Outdoor Dining or ☐ Renewal Application for Outdoor Dining ☐ Application for dining on Private Property		
☐ Outdoor Dining in a Public Park ☐ If Renewal, are there changes to previous permit?		
☐ Outdoor Dining in a Historic District ☒ Yes ☐ No		
☐ Petition for Exception for Special Circumstances		
☒ Liquor License required?		
City Clerk signature for liquor license approval: _____		
City Clerk Date: _____		
Location Name & Address: <u>416 Market St - Petite Jacqueline</u>		Chart Block Lot
Owner Name: <u>Joe Porta / Port Property</u>		Total Square Footage of Proposed Outdoor Dining Area: ¹ <u>72 sq ft</u>
Owner Phone #: <u>207 553 1701</u>		Fee: \$80 (Public-Annual) \$125 (Private 1X) Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x \$2) \$ _____ (sq ft x \$6 for public parks)
Applicant *must* be owner or lessee Name: <u>Elizabeth Koenigsberg</u> Address: <u>555 Congress St</u> City, State & Zip: <u>Portland, ME 04107</u> E-Mail: <u>ewkayod@gmail.com</u>		Total Fees: \$ _____ (Permit not issued until all fees are paid)
Current use: <u>restaurant seating</u>		
Business name: <u>Petite Jacqueline</u>		
Seating area dimensions: <u>3 x 24</u>		
How many chairs? <u>12</u> How many tables? <u>6</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact: <u>Elizabeth Koenigsberg</u> Phone: <u>207 321 8052</u>		
Address: <u>555 Congress</u> E Mail: <u>ewkayod@gmail.com</u>		

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit. New applications and renewals are reviewed on an annual basis and should be submitted no later than June 1st.

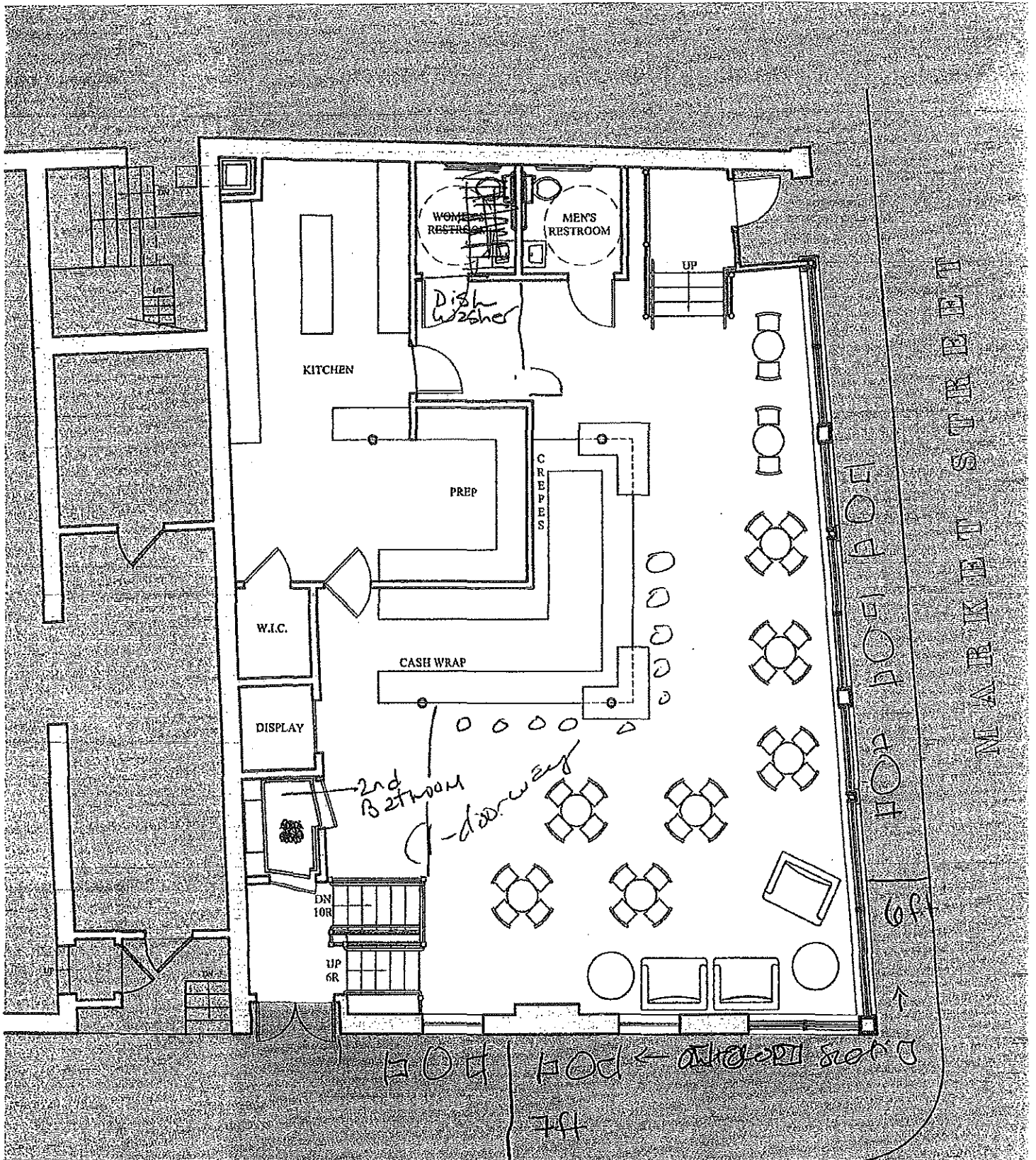
In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: Elizabeth Koenigsberg

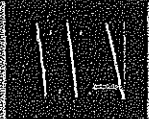
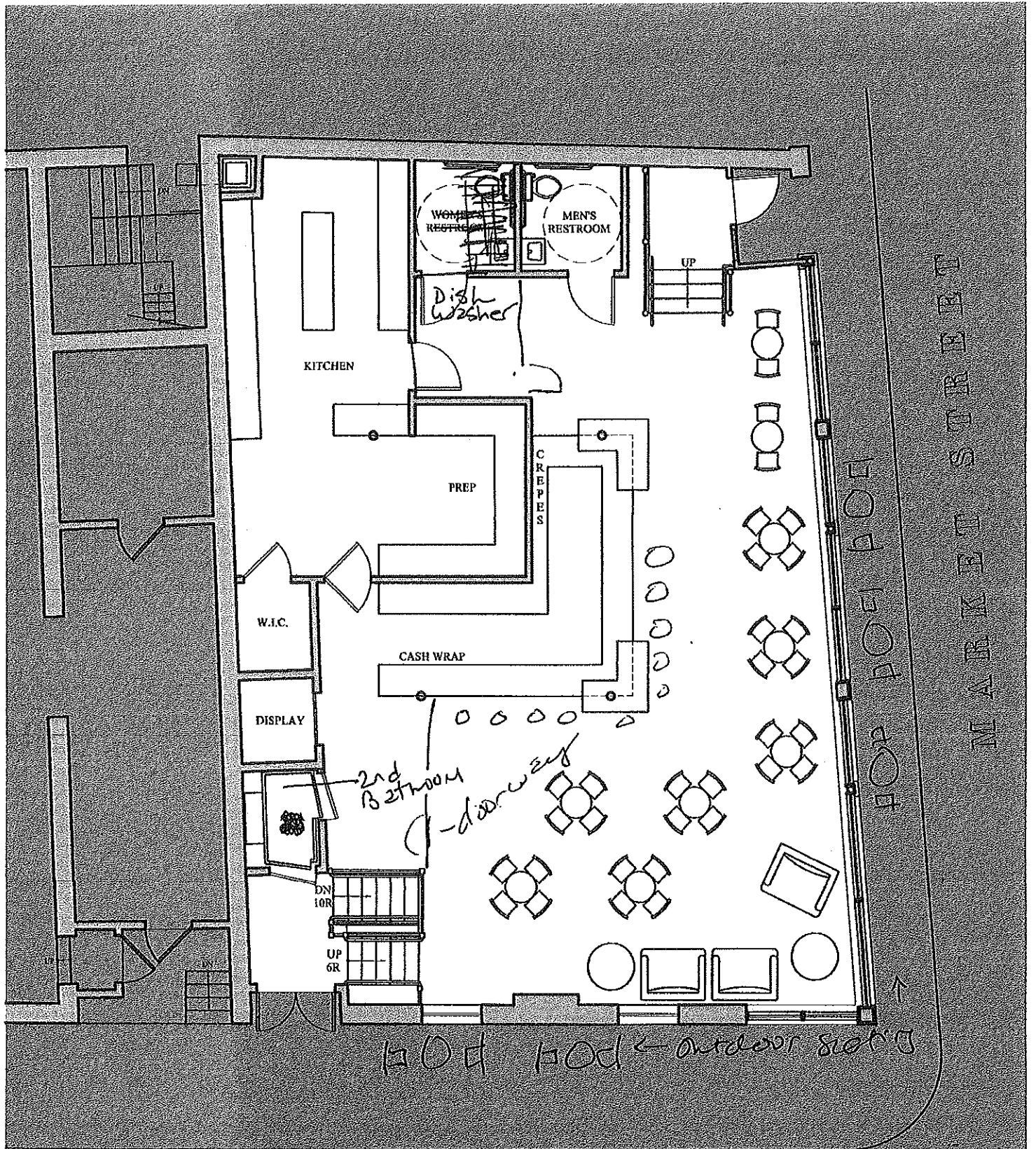
Date: 1/6/16

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.



M.A.R.K.
MUELLER
ARCHITECTS

100 COMMERCIAL ST. - SUITE 205
PORTLAND, MAINE 04101
P: 207.774.9057 F: 207.773.3851
E: chamuel@markmuellerarchitects.com



M.A.R.K.
MUELLER
ARCHITECTS

100 COMMERCIAL ST., SUITE 205
PORTLAND, MAINE 04101
P: 207.774.8057 F: 207.773.8951
E: rlf@muellerarchitects.com

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
derasse, LLC		Petite Jacqueline	
DOB:			
DOB:		46 Market St	
DOB:		Portland Me 04101	
Address 555 Congress St		Location (Street Address)	
Portland Me 04101		City/Town State Zip Code	
City/Town State Zip Code		City/Town State Zip Code	
207-321-8052		555 Congress St	
Telephone Number Fax Number		City/Town State Zip Code	
207-321-8052		Portland Me 04101	
Federal I.D. # 274183118		Business Telephone Number Fax Number	
		207-321-8052	
		Seller Certificate #	

EMAIL ADDRESS: ewkay@gmail.com

3. If premises is a hotel, indicate number of rooms available for transient guests: ☒ 100,000 ☐ 300,000

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 100,000 LIQUOR \$ 300,000

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

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

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

8. If business is NEW or under new ownership, indicate starting date: 5/15/10

Requested inspection date: 4/30/10 Business hours: 9am - 10pm

9. Business records are located at: 555 Congress St Portland, ME 04101

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

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

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Elizabeth Koenigsberg	11/30/80	Portland, ME
Michelle Derasse Corry	2/7/73	Philadelphia PA
Stephan Corry	5/31/69	Quincy, MA

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

Elizabeth K - Portland, Maine
Steve & Michelle Corry - Scarborough, ME

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

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

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

Joe Porta 105 Grant St Portland, ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Full Service Restaurant

Serving breakfast, lunch & dinner - French BISTRO

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☐ Applied for: _____

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

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

If YES, give details: _____



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

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

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

derasse, LLC

2. Other business name for your entity (DBA), if any:

Petite Jacqueline

3. Date of filing with the Secretary of State: 11/2010

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

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

Name	Address for Previous 5 years	Date of Birth	Ownership %
Elizabeth Roenlaskberg	47 Lafayette St Portland, Me	11/30/80	10
Michelle Corry	Brackett St Portland, Me	2/7/73	45
Stephen Corry	Spurwink Rd Scarborough, Me	5/31/69	45
	Spurwink Rd Scarborough, Me		

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

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

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

Yes ☐ No ☒

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

Name: _____

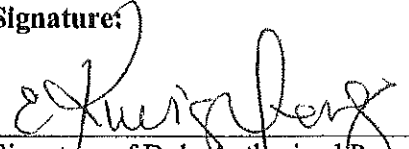
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

1/16/15
Date

Elizabeth Koenigsberg
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station
Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

SMALL

GREEN SALAD
GREENS . FINE HERBS...6
BRAISED LEEKS
LEEK . SAUCE GRIBICHE...9
BLUE CHEESE SALAD
CANDIED PECANS . BLUE CHEESE
RADDICCHIO...10
LYONNAISE
POACHED EGG . BACON . CROUTONS
FRISÉE...14
ONION SOUP
ONION SOUP WITH GRUYERE CHEESE...10

CHEESE & CHARCUTERIE

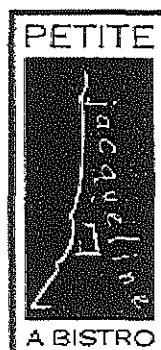
D'AFFINOIS, FRANCE...7
MORBIER, FRANCE...6
GOUDA, HOLLAND...6
COMTE, FRANCE...7
RACLETTE, FRANCE...7
CAMEMBERT, FRANCE...6
PATE DE CAMPAGNE...7
CHICKEN LIVER TERRINE...9
DUCK LIVER MOUSSE...7
DUCK RILLETES...6
SAUCISSON DE PARIS...6
ROSETTE DE LYON...5
SAUCISSON SEC...5

MEDIUM

DUCK EGG
DUCK EGG . MUSTARD BEURRE BLANC
SEASONAL VEGETABLE...14
ESCARGOTS
ESCARGOT BUTTER . MUSHROOMS
PEAS...9
SWEETBREADS
PEARL ONIONS . MUSHROOMS...18
TARTE FLAMBE
CARAMELIZED ONION . LARDONS
CREAM...12
BONE MARROW
FRISÉE SALAD . RADISHES. TOAST...15
FOIE GRAS
TOASTED SOURDOUGH . SEA SALT...23
BERKSHIRE PORK BELLY
BEETS . PEARS . PICKLED MUSTARD
SEED . SHERRY GASTRIQUE...15

**PRIX FIXE
DU JOUR**

\$30



LARGE

FISH MEUNIERE
WHITE FISH . GREEN BEANS . CAPERS
BEURRE BLANC...24
STEAK FRITES*
FRIES...25
MUSSELS DIJONNAISE
LOCAL MUSSELS . GRAINY MUSTARD
CREAM...21
CHICKEN EN CROUTE
SEASONAL VEG . GRAVY . PUFF PASTRY...26
SEASONAL VEGETABLE POTEE
LOCAL VEGETABLES . HEN OF THE WOODS
MUSHROOM BROTH...21
BOURGUIGNON
BURGUNDIAN BEEF STEW...25

**PLAT DU JOUR
(BLUE PLATE SPECIALS)**
LUNDI: PORK
MARDI: QUAIL
MERCREDI: RABBIT
JEUDI: POT AU FEU
VENDREDI: CHOUCRUTE
SAMEDI: DUCK
DIMANCHE: STEAK

RAW

(RAW BAR)* MARKET PRICE
LOCAL OYSTERS ON THE ½ SHELL WITH
MIGNONNETTE
CLAMS ON THE ½ SHELL
CHILLED JUMBO SHRIMP COCKTAIL

SEAFOOD "EIFFEL" TOWER
ASSORTMENT OF OYSTERS, CLAMS, SHRIMP
AND LOBSTER

**HAPPY HOUR
1130AM-6PM
DAILY AT OUR
BAR!**

SIDES

HONEY ROASTED CARROTS ...8
MUSHROOMS . CREAM...7
OLIVES...4
FRITES...4

* This food is or may be served undercooked or may contain raw or undercooked foods. Consumption of this food may increase the risk of foodborne illness. Please check with your physician if you have any questions about consuming raw or undercooked foods.

Business Licensing - PETITE JACQUELINE - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 1/19/2016 2:11 PM
Subject: PETITE JACQUELINE - PENDING Business License Approval

PETITE JACQUELINE - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 1/19/2016

Zone:
Comments: Liquor license and outdoor dining.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



Office of the City Clerk
Katherine L. Jones, CCM, City Clerk

February 1, 2016

Derasse, LLC
Attn: Elizabeth Koenigsberg
555 Congress St.
Portland, ME 04101

Re: Derasse, LLC d/b/a Petite Jacqueline. Application for a Class I FSE with Outdoor Dining on Public Property at 46 Market St.

Dear Ms. Koenigsberg,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Wednesday, February 17th, at 5:00 p.m.** for the review of your application for a Class I FSE License with Outdoor Dining on Public Property at 46 Market St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

*Order 146-15/16
Feb 14 1-20-16
Feb 9 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER ACCEPTING AN EASEMENT OPTION
FOR PUBLIC ACCESS
AT THE PORTLAND COMPANY HISTORIC DISTRICT**

ORDERED, that a Public Access Easement Option from CPB2 LLC to allow public access at the Portland Company Historic District is hereby accepted in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is authorized to exercise the Easement Option as set forth in paragraph 4 of the Easement Option upon Corporation Counsel's approval of the public access easement.

PUBLIC ACCESS EASEMENT OPTION

This PUBLIC ACCESS EASEMENT OPTION is dated as of _____, 2016 (the "Effective Date"), by and between **CPB2 LLC**, a Delaware limited liability company having a mailing address of c/o CPB2 Management LLC, P.O. Box 7987, Portland, Maine 04112 ("Grantor"), and the **CITY OF PORTLAND**, a body politic and corporate having a mailing address of 389 Congress Street, Portland, Maine 04101 ("Grantee" or "City").

WHEREAS, Grantor is the owner of that certain real property known as 58 Fore Street in the City of Portland, County of Cumberland and State of Maine, which is more particularly described in deeds dated July 19, 2013 and April 1, 2014 and recorded in the Cumberland County Registry of Deeds in Book 30879, Page 75 and Book 31425, Page 267 respectively ("Grantor's Property"); and

WHEREAS, the existing improvements on Grantor's Property include, among other things, buildings associated with the former Portland Company; and

WHEREAS, the City has designated a portion of Grantor's Property as the Portland Company Historic District and has designated certain, existing buildings within the Historic District as contributing and non-contributing; and

WHEREAS, Section 14-610(d) of the City's Land Use Code requires the City Council to consider the effect of historic district designation on other aspects of the City's comprehensive plan; and

WHEREAS, the Statement of Principles in the Eastern Waterfront Master Plan lists several principles and objectives which are to be treated with equal value and applied uniformly; and

WHEREAS, the objectives of the Eastern Waterfront Master Plan include, but are not limited to the following: "encourage historic preservation and the adaptive reuse of historic structures;" "increase public use of the water, waterfront and shore through public access and green space development;" and "encourage public physical and visual access to the water where appropriate;" and

WHEREAS, in recognition of and consistent with the objectives of the Eastern Waterfront Master Plan, the Grantor has agreed to provide the City with a fifty-foot wide public access easement across Grantor's Property from Fore Street to the southerly boundary of the Grantor's Property in the location set forth below in order to provide physical and visual public access to the water for pedestrians; and

WHEREAS, the existence of physical and visual public access across the Property in the location set forth below informed the City's conclusion that its delineation of the District boundaries and its determination as to contributing and non-contributing structures are consistent with the City's Eastern Waterfront Master Plan;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee, intending to be legally bound hereby, do hereby agree as follows:

1. GRANT OF OPTION. Subject to the terms and conditions contained herein, Grantor hereby grants, bargains, sells, conveys and delivers unto Grantee a binding, exclusive and irrevocable option (the "Option") to acquire an easement on a portion of Grantor's Property for the purpose of providing physical and visual public access to the water for pedestrians (the "Public Access Easement").

2. EASEMENT AREA and TERMS.

(a) The location of the Public Access Easement described herein shall be determined as follows:

(i) Easement Area A: If Grantor or its successor or assign shall remove Building 1, the Public Access Easement shall be located on and over a fifty (50) foot wide portion of Grantor's Property traversing a portion of the footprint of former Building 1, and extending from Fore Street to the southerly boundary of Grantor's Property ("Easement Area A"), subject to the provisions of Paragraph 2(b).

(ii) Easement Area B: If Grantor or its successor or assign elects not to remove Building 1 for any reason, the Public Access Easement shall be on and over a fifty (50) foot wide portion of Grantor's Property lying westerly of the building commonly known as "Building 2," and extending from Fore Street to the southerly boundary of Grantor's Property ("Easement Area B"), subject to the provisions of Paragraph 2(b).

(b) Grantor and Grantee agree that the above descriptions of Easement Area A and Easement Area B are intended to be general in nature and that the final location and configuration of the Public Access Easement shall be determined by Grantor in Grantor's reasonable discretion, subject to approval by the Portland Planning Board and Corporation Counsel's office.

(c) Before either (i) the submission of a site plan application by Grantor or its successor or assign for the portion of Grantor's Property that includes the Public Access Easement or (ii) the submission of an application by Grantor or its successor or assign for a demolition permit to demolish Building 1, Grantor or its successor or assign shall negotiate the terms of the Public Access Easement with Grantee. The parties agree to include in the Public Access Easement terms that are consistent with the terms contained in the draft easement attached hereto as Exhibit A. Grantor and Grantee agree to negotiate in good faith to finalize the Public Access Easement within sixty (60) calendar days after Grantee's receipt of the first draft of the Public Access Easement.

(d) At any time on or before either (i) the submission of a site plan application by Grantor or its successor or assign for the portion of Grantor's Property that includes the Public Access Easement or (ii) the submission of an application by Grantor or its successor or assign for a demolition permit to

demolish Building 1, Grantor shall submit to the Grantee the negotiated Public Access Easement containing the terms and conditions set forth herein and other customary provisions.

3. OPTION TERM. The term of the Option shall commence when (i) the date when Grantor or its successor or assign has received final site plan approval by the Portland Planning Board for the portion of Grantor's Property that includes the Public Access Easement or (ii) the date when Grantor or its successor or assign has received a demolition permit for Building 1, whichever occurs first, and when all applicable appeal periods have expired without an appeal being filed (or, if an appeal has been timely filed, the appeal has been fully adjudicated). The term of the Option shall expire ninety (90) calendar days thereafter (the "Option Term"). If Grantee does not exercise the Option within the Option Term in the manner set forth in Paragraph 4, then the Option shall automatically expire, but Grantor's right to remove Building 1 shall not be affected by such expiration. In no event shall Grantor remove Building 1 prior to Grantee's exercise of the Option or prior to the expiration of the Option Term, whichever occurs first.

4. OPTION EXERCISE. Grantee shall exercise this Option on or before the expiration of the Option Term by (i) executing and acknowledging, without amendment, the final Public Access Easement previously executed and acknowledged by Grantor or its successor or assign, and (ii) delivering the same to Grantor or its successor or assign for recordation, without any reservation or any condition other than, if applicable, the finalization of the location of the Public Access Easement. Grantor and Grantee shall further sign and deliver, together with the Public Access Easement, such other forms and documents as may be customary or required by state and/or federal law in order to effect the transaction contemplated herein.

5. MISCELLANEOUS.

(a) Execution by Both Parties: This instrument shall not become effective and binding until fully executed by both Grantor and Grantee. This instrument may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.

(b) Notice: Grantee, its successors and assigns, shall at all times keep Grantor advised of the representative of Grantee who will handle inquiries and notifications. All notices and other communications required or permitted to be delivered hereunder shall be in writing and delivered in hand or mailed postage prepaid, by United States mail, or by electronic mail to the parties or their agents, with evidence of receipt by the primary addressee, at the following addresses or to such other address as the person to whom notice is to be given may have previously furnished to the other in writing in the manner set forth above:

IF TO GRANTOR: CPB2LLC
c/o CPB2 Management LLC
P.O. Box 7987
Portland, Maine 04112

WITH COPY TO: Bernstein, Shur, Sawyer & Nelson, P.A.
Attention: Mary E. Costigan, Esq.
100 Middle Street, West Tower

Portland, Maine 04101

IF TO GRANTEE:

City of Portland

Attention: _____

389 Congress Street

Portland, Maine 04101

WITH COPY TO:

(c) Governing Law: This instrument shall be governed by and construed in accordance with the laws of the State of Maine.

(d) Successors and Assigns: This instrument shall apply to, inure to the benefit of and be binding upon and enforceable against the parties hereto and their respective heirs, successors, and or assigns, to the extent as if specified at length throughout this instrument.

(e) Time: Time is of the essence of this agreement.

(f) Cost of this Agreement: Any cost and/or fees incurred by the Grantor or Grantee in preparing and executing this Agreement shall be borne by the respective party incurring such cost and/or fee, other than as provided herein.

(g) Amendments: This instrument may not be modified or amended unless such amendment is set forth in writing and executed by both Grantor and Grantee.

(h) Severability: In the event that any of the provisions of this instrument are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions shall not be affected thereby.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives as of _____, 2016.

WITNESS:

CPB2LLC

By: _____

Print Name:

Its:

WITNESS:

CITY OF PORTLAND

By: _____

Print Name:

Its:

STATE OF MAINE

COUNTY OF CUMBERLAND, ss.

_____, 2016

Personally appeared the above-named _____,
of the City of Portland, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Print Name:

Notary Public/Attorney-at-law

My Commission Expires:

DRAFT PUBLIC ACCESS EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that _____, a Maine limited liability company with a place of business in Portland, Maine and mailing address of _____ Portland, ME, 04101 (the "Grantor"), FOR CONSIDERATION PAID, hereby GRANTS to the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "Grantee" or the "City"), a public access easement for the purpose described below, over portions of Grantor's property at _____ in Portland, Maine, more particularly described in Exhibit A attached hereto and as depicted in the drawing attached hereto as Exhibit B and made a part hereof (the "Easement Area").

The purpose of the public access easement granted herein is to provide physical and visual public access to the waterfront for pedestrians within the Easement Area, which access shall include an ADA compliant access way for pedestrians, subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety; and provided that wheelchair access to the access way shall be provided on the southern end of the Easement Area. Notwithstanding the foregoing, wheelchairs and emergency vehicles as well as snow removal equipment shall be permitted in accordance with applicable federal and/or state laws regulating accessibility for such devices, vehicles or equipment. Maintenance, repair and snow removal responsibilities within the Easement Area shall belong solely to the Grantor, its heirs and assigns; however, Grantee shall have the right, but not the obligation, to maintain or repair the Easement Area, or to remove snow therefrom, when Grantee, in its sole discretion, deems such maintenance, repair or snow removal necessary to ensure public safety and Grantor has failed to perform the same within a reasonable time after notice from Grantee.

Grantor agrees not to use or permit any use, condition or state of disrepair that would be contrary to or otherwise unreasonably interfere with the use of the Easement Area by pedestrians in the manner contemplated herein.

This easement is given for recreational use and the Grantor and Grantee claim the rights and protections against liability in accordance with Title 14 MRS §159-A to the maximum extent permitted by law.

TO HAVE AND TO HOLD the aforegranted and bargained public access easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, _____, the Grantor has caused this instrument to be executed by _____, its _____ thereunto duly authorized, this ____ day of January, 2016.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 147-15/16
Feb 15 - 1-20-16
Feb 10 - 2-1-16
Feb 10 2-17-16

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

**ORDER DESIGNATING PORTLAND COMPANY AS A HISTORIC DISTRICT
AND AMENDING THE MAP OF HISTORIC DISTRICTS**

WHEREAS, the City Council is authorized pursuant to Portland City Code Chapter 14, Section 622 to designate a defined area in the City as an historic district; and

WHEREAS, the Portland Historic Preservation Board and Planning Board have both recommended the designation of the Portland Company Historic District; and

WHEREAS, the designation of the Portland Company Historic District will fulfill a stated objective of the Comprehensive Plan to protect the City's historic resources through ongoing identification and designation of eligible landmarks and districts; and

WHEREAS, the designation of the Portland Company Historic District will fulfill the stated objectives of the Eastern Waterfront Master Plan to increase public use of the water, waterfront and shore through public access and green space development and encourage public physical and visual access to the water where appropriate by the grant and acceptance of a fifty (50) foot wide public access easement in favor of the City from Fore Street across the site to the waterfront, thereby creating high quality public access; and

WHEREAS, the designation will formally recognize the unique history of the Portland Company, founded in 1846 in conjunction with the construction of the Atlantic & St. Lawrence Railroad built to connect Portland to Montreal, and it remained in operation at its 58 Fore Street location for 137 years until its closing in 1982; and

WHEREAS, the designation will prevent the demolition of identified historic structures within the Portland Company district; avoid the incremental loss of character that can occur through inappropriate building alterations and additions over time; and encourage new infill development that is compatible with the neighborhood's historic character;

NOW THEREFORE BE IT HEREBY ORDERED that, pursuant to Chapter 14, Section 622, the Portland City Council hereby designates a portion of the Portland Company property, as shown on the attached map, as the Portland Company Historic District; and

BE IT FURTHER ORDERED, that, pursuant to Chapter 14, Section 622, the Portland City Council hereby designates the buildings located within the Portland Company Historic District as either contributing or non-contributing, as shown on the attached map; and

BE IT FURTHER ORDERED, that notwithstanding its non-contributing designation, "Building 1," as depicted on the attached map, shall not be eligible for a demolition permit until such time as the Easement Option granted by CPB2 LLC has been exercised by the City or has expired; and

BE IT FURTHER ORDERED, that the map of Historic Districts with Landmarks and Historic Landscape Districts is hereby amended to include the Portland Company Historic District as set forth on the attached map.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Stuart O'Brien, City Planning Director
Deborah Andrews, Historic Preservation Program Manager

DATE: January 6, 2016

SUBJECT: Recommendation to Designate Portland Company Historic District

SPONSOR: Portland Planning Board, Elizabeth Boepple, Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading January 20, 2016 **Final Action** February 1, 2016

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

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

Not applicable (1st reading only)

I. ONE SENTENCE SUMMARY

The Planning Board is recommending that a portion of the Portland Company complex at 58 Fore Street be designated a local historic district subject to the provisions of Portland's historic preservation ordinance.

II. AGENDA DESCRIPTION

The Planning Board is recommending that a portion of the Portland Company complex at 58 Fore Street be designated a local historic district subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code). The Planning Board's recommendation is pursuant to a recommendation forwarded by the Historic Preservation Board. In the case of a nominated historic district, the historic preservation ordinance requires sequential review by the Historic Preservation Board and Planning Board prior to consideration by the City Council. The Historic Preservation Board's role in historic district deliberations is to determine whether the nominated historic district meets the designation criteria of the historic preservation ordinance, which address both the significance of the nominated resource as well as its integrity, including integrity of condition. Based upon its analysis, the Historic Preservation Board recommends district boundaries and assigns building classifications identifying which buildings warrant preservation and which, by virtue of condition or lack of significance, may be removed. The Planning Board's role in the designation process is to confirm whether the designation

criteria in the historic preservation ordinance have been met and to consider the effect of such designation on other aspects of the Comprehensive Plan.

The Planning Board's recommendation regarding designation of a Portland Company Historic District amends that of the Historic Preservation Board. The Planning Board is recommending a revised historic district involving both an area at the core of the property as well as an additional building located on the property's Western Boundary, as indicated on the revised map attached to the Planning Board's recommendation. The Planning Board is also recommending that Building #1, which the Historic Preservation Board recommended classifying as a contributing structure, be reclassified as a noncontributing structure. The Planning Board's recommendation for amended district boundaries and for reclassification of Building #1 is related to a finding by the Board that the goals of the Comprehensive Plan would be better achieved through the creation of a smaller district and the execution of a fifty (50) foot wide public access easement in favor of the City from Fore Street across the site to the waterfront. In addition, the Planning Board is also recommending an amendment to the historic preservation ordinance making explicit that building heights in the Portland Company Historic District be controlled by the underlying zoning and not by historic preservation ordinance review standards as they pertain to regulation of building heights. The Historic Preservation Board did not take a position as to the regulation of building height.

III. BACKGROUND

The Portland Company was founded in 1846 in conjunction with the construction of the Atlantic & St. Lawrence Railroad which was built to connect Portland to Montreal. The company remained in operation at its 58 Fore Street location for 137 years, until its closing in 1982. The Portland Company was the first locomotive works in the country to bring all the necessary shops and a foundry together in a single facility. Putting all stages of large machinery production in one location was a radical advance over traditional practices and contributes to the complex's significance. In addition to the extraordinary volume of locomotives, engines, cars and other railroad-related items it produced, the Portland Company manufactured and installed marine engines, boilers, navigational aids and other equipment for hundreds of vessels constructed at shipyards throughout Maine and other parts of the country. The company also produced numerous vessels from the keel up, including tugboats, fireboats, freighters, fishing vessels, and ferries. Beyond these two initial areas of focus, the Portland Company produced essential equipment for Maine's paper, textile and canning industries, as well as numerous other industries throughout the country.

The Portland Company was the state's largest 19th century foundry/machine shop and is the only intact 19th/early 20th century industrial complex remaining in the city. Based on the complex's significance at the local, state and national level, the Maine Historic Preservation Commission determined in 1976 that the Portland Company complex was eligible for listing in the National Register of Historic Places. In 1990, when Portland's historic preservation program was established, the Portland Company complex was specifically identified as eligible for local designation. The current owners of the property were informed of the complex's eligibility for local historic district designation and of the Planning & Urban Development Department's interest in pursuing designation prior to their purchase of the property.

The recommendation now before the Council follows a review process that began in September 2014. The Historic Preservation Board's and Planning Board's deliberations were aided by a detailed report prepared by a preservation consultant on the complex's history and significance, as well as two building condition assessments prepared structural engineers.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Designation of a Portland Company Historic District fulfills a stated objective of the Comprehensive Plan, which calls for the protection of Portland's historic resources through the ongoing identification and designation of eligible landmarks and districts.

V. FINANCIAL IMPACT

Final resolution of the issue of what, if any, portion of the site to designate, will inform the redevelopment of this complex. Any redevelopment of the complex is likely to have significant positive financial impacts for the City in terms of net tax revenues and the economic multiplier effect of the development.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

See Planning Board report, with attachments, including the Historic Preservation Board recommendation.

VII. RECOMMENDATION

Staff sees merit in designating a portion of the complex given the level of significance of the Portland Company complex at a local, state and national level. The preservation of Portland's unique resources and character has a proven track record as a community and economic development tool. Considering the scope of the City's goals for the area, however, that designation must be balanced with other public policy goals. The Council will need to make a decision on the scope and size of the proposed historic district, recognizing that the Planning Board and Historic Preservation Board are not in full agreement regarding the scope of the district. Specifically, they offer different recommendations on district boundaries and the preservation status of Building #1. The Preservation Board did not recommend designating the entire complex but recommends preserving 8 of 16 extant structures on the site and creating a single contiguous district that includes Building #1 as a contributing structure. The Planning Board recommends a smaller historic district, excluding Building #1 as a contributing structure, based on the Planning Board's finding that the Eastern Waterfront Master Plan places significant emphasis on providing physical and visual access from Fore Street to the waterfront as part of any property redevelopment within the eastern waterfront. The Planning Board found that amending the historic district proposal is appropriate in order to guarantee, by way of an easement benefitting the City, the Comprehensive Plan's goals of high quality public access from Fore Street across the site.

VIII. LIST ATTACHMENTS

1. 1/5/16 Planning Board Report--Recommendation to Designate Portland Company Historic District, 58 Fore Street

Report Attachments

- A. Map - Portland Company Historic District Boundaries and Building Classifications as recommended by the Planning Board at 10/27/15 public hearing
- B. Formal Findings and Recommendation of the Planning Board as voted upon at 10/27/15 public hearing
- C. Map - Portland Company Historic District Boundaries and Building Classifications as recommended by the Historic Preservation Board at its June 27, 2015 public hearing
- D. Staff Report for 10/27/2015 Public Hearing - Recommendation of Historic Preservation Board to Designate Portland Company Historic District. Report includes following attachments:
 - 1. Proposed Historic District Map with Boundaries and Individual Building Classifications
 - 2. Portland Company Historic District Designation Report

Attachments prepared in response to questions raised at PB's 7/28 Workshop

- 3. 9/2/15 Memo from Scott Hanson, Sutherland Conservation & Consulting, regarding Building 1
- 4. 9/4/15 Letter from Al Hodson, Resurgence Engineering, re: condition of Buildings 1 and 16
- 5. 9/4/15 Letter from Maine Historic Preservation Commission
- 6. 8/26/15 letter from Mary Costigan on behalf of CPB2

Information and Public Comment received since 9/8

- 7. Staff memo summarizing HP Board's 10/21/15 review of latest condition report prepared by Becker Structural Engineers
 - a. Staff memo for 10/21/15 HP Board review
 - b. October 13, 2015 report from Becker Structural Engineers
 - c. Copy of GPL testimony at 10/21 meeting
- 8. Compilation of most recent public comment

- E. Easement proposed by CPB2

Supplemental Information

- F. Introductory remarks of Historic Preservation Board member John Turk at 10/27/15 Planning Board public hearing
- G. Proposed historic district boundaries and building classifications as presented by CPB2 on 10/27/15

- H. Planning Board report filed in Clerk's office following 10/27 public hearing
- I. Excerpts from Portland's historic preservation ordinance (Article IX of the Land Use Code).
- J. *The Portland Company: Historic Significance and Integrity*, prepared for City of Portland by Sutherland Conservation & Consulting
- K. *Portland Company Complex General Building Condition Report*, prepared for City of Portland by Resurgence Engineering and Preservation Inc.
- L. Evaluation of *Existing Buildings at the Portland Company Property*, prepared for CPB2 by Becker Structural Engineers
- M. Appendix A: Comparative Condition/Cost Analysis (excerpted from Resurgence report)
- N. March 31, 2014 Letter from Maine Historic Preservation Commission regarding eligibility of Portland Company Complex for Listing in the National Register of Historic Places

Prepared by: Stuart O'Brien, City Planning Director
Date: January 5, 2016

Bean/agendarequestmemo/rev 11/2015



PLANNING BOARD REPORT PORTLAND, MAINE

Recommendation of Planning Board regarding Designation of Portland Company Historic District 58 Fore Street

Submitted to: Portland City Council	Prepared by: Stuart O'Brien, City Planning Director Date: January 6, 2016
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I. INTRODUCTION

On October 27, 2015 the Planning Board voted 5-0 (Hall absent) to recommend to the City Council that a portion of the Portland Company building complex at 58 Fore Street be designated a local historic district subject to the protections and provisions of Portland's historic preservation ordinance. A map illustrating the Planning Board's recommended boundaries for the Portland Company Historic District is enclosed as **ATTACHMENT A**. Note that the map includes a legend with recommended classifications for each building within the proposed district boundaries (i.e. "contributing", "noncontributing"). The Board's findings and formal recommendation are recorded in **ATTACHMENT B**. A description of the Planning Board's October 27th public hearing including summaries of introductory presentations made to the Board, information and clarification provided by staff, a breakdown of public comment, discussion of the Planning Board's deliberations and the stated basis for its final recommendation is provided in Section II of this report. Pursuant to ordinance requirements, a report of the Planning Board's decision was posted in the City Clerk's office within 10 days of the public hearing. This report has been amended for purposes of clarity and to eliminate typographical errors. The version of the report filed in the Clerk's office is included as **ATTACHMENT I**.

The Planning Board's consideration of a Portland Company Historic District was pursuant to a formal recommendation forwarded by the Historic Preservation Board. (In the case of a nominated historic district, the historic preservation ordinance requires review by both the Historic Preservation Board and the Planning Board prior to consideration by the City Council.) The Historic Preservation Board began its analysis of a potential Portland Company Historic District in September 2015 and, following four workshops and two site visits, held a public hearing and voted on a formal recommendation on June 27, 2015. The Historic Preservation Board's recommended historic district boundaries and building classifications are shown in **ATTACHMENT C**. A detailed description of the Historic Preservation

Board's review process, findings and formal recommendation is provided in the staff report prepared for the Planning Board's October 27th public hearing. (See ATTACHMENT D.)

The Historic Preservation Board's role in historic district designation deliberations is to determine whether the nominated historic district meets the designation criteria included in Division 3 of the historic preservation ordinance. These criteria address both the *significance* of the nominated resource as well as its *integrity*, including integrity of condition. The HP Board must first address the merits of the overall resource or area nominated for designation—in this case, the Portland Company *building complex*. Following consideration of the overall district, the Board takes up the question of relative significance and integrity of *individual buildings within the district*. Based upon this analysis and following guidelines established by the National Park Service, the Historic Preservation Board is charged with delineating boundaries for the recommended historic district and assigning building classifications, identifying which buildings warrant preservation and which, by virtue of poor condition or lack of significance, may be removed. The Historic Preservation Board is also required to prepare a Designation Report on the proposed district which summarizes the district's history, areas of significance and visual character. (The Portland Company Historic District Designation Report is enclosed as ATTACHMENT G.2)

The Planning Board's role in the historic district designation process is to confirm whether the Historic Preservation Board's recommended historic district meets all applicable designation criteria of the historic preservation ordinance and that proposed district boundaries and building classifications are clearly defensible. The Planning Board also considers the effect of such designation on other aspects of the Comprehensive Plan. Based on its findings, the Planning Board forwards its own recommendation to the City Council, which has the final authority as regards local designation of nominated historic properties.

As noted in the following section of this report, the Planning Board's recommendation regarding the designation of the Portland Company complex as a local historic district differs from that of the Historic Preservation Board. The Planning Board is recommending a smaller contiguous historic district on the east side of the current entrance yard and a second "subdistrict" on the western boundary of the property. The subdistrict consists of one building (Building #12). The Planning Board is also recommending that Building #1 (the Erecting Shop), which was classified by the HP Board as a contributing structure, be reclassified as a noncontributing structure. The Planning Board's recommendation for amended district boundaries and for reclassification of Building #1 is contingent upon the execution of a fifty (50) foot wide public access easement in favor of the City from Fore Street across the site to the waterfront (See ATTACHMENT E). The Planning Board is also recommending adoption of a design guideline specific to the Portland Company Historic District making explicit that building heights in the district will be controlled by the underlying zoning (recently adopted by the Council) and not by historic preservation ordinance review standards as they pertain to regulation of building heights.

II. SUMMARY OF 10/27 PLANNING BOARD PUBLIC HEARING AND DELIBERATIONS

On October 27, 2015, the Planning Board held a public hearing on the recommendation forwarded by the Historic Preservation Board to designate a portion of the property at 58 Fore Street as a local historic district. The Planning Board's public hearing followed one workshop on the designation proposal, held on July 28th. The public hearing had originally been scheduled for September 8th, but was postponed at the request of the property owner to provide more information regarding the status of Building #1 within the proposed historic district boundaries. In agreeing to table the public hearing, the Planning Board requested that the property owner present any supplemental information to the HP Board before the Planning Board's rescheduled public hearing to provide an opportunity for HP Board comment. The supplemental information was presented to the HP Board on October 21. The property owner's supplemental information, as well as the HP Board's response to the new information was provided to the Planning Board as part of the 10/27 public hearing report. (See **ATTACHMENT D, # 7.**)

The proposed Portland Company Historic District as recommended by the Historic Preservation Board encompasses 4.3 acres of the 9.93 acre parcel at 58 Fore Street. Of the sixteen (16) extant Portland Company structures on site, the HP Board-recommended district includes eight (8) "contributing" historic structures and eight (8) "noncontributing" structures. A "noncontributing" classification was assigned to those buildings which were 1) constructed in recent decades, well after the Portland Company's period of most significant production (i.e. the office building of 1950 and the large 1968 addition to the original foundry) or 2) were found to be in severely deteriorated condition, making their rehabilitation infeasible. The district boundary proposed by the Historic Preservation Board also encompasses site elements original to the complex and integral to the Portland Company's operations, such as the entrance yard and entrance drive. As noted above, the basis for the HP Board's recommendation is discussed in detail in the October 27 Planning Board public hearing report. (See **ATTACHMENT D.**)

The Planning Board's public hearing began with an introduction of the Historic Preservation Board's recommendation by HP Board member John Turk (see **ATTACHMENT F** for text of Mr. Turk's remarks), followed by a detailed presentation by Historic Preservation Program Manager Deb Andrews. The Planning Board then provided an opportunity for property owner CPB2, represented by Jim Brady, to make a presentation. Mr. Brady presented an alternative district proposal, details of which are discussed below. The Board then heard public testimony from twenty-three (23) individuals or organizational representatives regarding the relative merits of the proposed historic district designation. Thirteen (13) spoke in support of the HP Board's recommendation; five (5) spoke in support of an amended district as presented by CPB2; two (2) voiced non-specific support for a historic district; and one (1) individual raised general questions/concerns about any designation of the property.

At the conclusion of the public hearing, the Planning Board deliberated on the Historic Preservation Board's recommendation, addressing the research, analysis and findings upon which the HP Board's recommendation was made. The Planning Board also discussed the merits of the alternative proposal made by the property owner at the start of the public hearing. Mr. Brady had proposed that, pursuant to

CPB2 granting to the City a fifty (50) foot wide public access easement from Fore Street across the site (and within the footprint of Building #1) to the waterfront, Building 1 be reclassified as a “noncontributing” structure within the Portland Company Historic District. Mr. Brady also proposed that the boundaries of the historic district be reduced, removing from the district the area that included the Portland Company’s original entrance yard and entrance drive. Finally, CPB2’s proposal called for creating a second “subdistrict” comprised of one building--Building #12, which is located west of the current entrance yard. (See **ATTACHMENT G** for the historic district map proposed by CPB2 at the meeting.)

During the Planning Board discussion that followed, staff was asked questions related to the potential implications of pursuing a modified historic district proposal such as that proposed by CPB2. In response, staff summarized the implications of a modified district in the context of the preceding Historic Preservation Board review. Staff addressed potential eligibility for historic tax credits, the significance of Building #1, and physical and visual access through the site. Staff cautioned that reclassifying Building #1 to “noncontributing” status despite findings that it was significant to the complex and in salvageable condition, removing from the district boundaries areas and site features that were integral elements of the historic industrial complex, and creating a second, separate “subdistrict” could potentially affect the property owner’s eligibility for federal or state historic tax credits. In order to qualify for tax credits the local historic district will need to be “certified” by the National Park Service (NPS) and, based on staff’s understanding of NPS requirements for historic district designations and discussions with the Maine Historic Preservation Commission, it is uncertain that a modified district as described above would be supported by the National Park Service. Meeting NPS requirements had been an important consideration for the Historic Preservation Board in developing its historic district proposal because the Board was aware that tax credits could become important to the economics of any future redevelopment of the property.

In responding to CPB2’s alternative district proposal, staff reiterated the Historic Preservation Board’s findings as regards the significance and condition of Building #1 (the Erecting Building), noting that the building played a key and integral role in the Portland Company’s manufacturing process since its construction in 1918 and that it had replaced an earlier wood-frame erecting building in the same location. Building #1 was also found eligible for rehabilitation by both CPB2’s consulting engineer and the consulting engineer retained by the City. To be considered noncontributing, the HP Board would have needed to find the building insignificant in the history of the Portland Company and/or to have become “so deteriorated that the overall integrity of the structure has been irretrievably lost”.

Beyond the question of Building #1’s significance and condition, the Historic Preservation Board found Building #1 to contribute significantly to the historic industrial complex’s unique *visual character*. (See *discussion of the complex’s visual character in the Portland Company Designation Report—ATTACHMENT D.2.*) The Portland Company complex is characterized by a series of linear rows of connected buildings separated by private “streets” or alleys. The placement of the buildings in linear rows and the connected nature of the buildings communicate the sequential nature of the metal fabrication process. With the necessary removal of Building #4 due to its deteriorated condition, the HP Board

found that Buildings #1, #2 and #3 of the complex's core manufacturing row become especially important in illustrating how industrial machinery was fabricated in a sequential fashion from start to finish on this site. In the opinion of the HP Board, preserving Buildings #2 and #3 alone would not be enough to communicate this essential characteristic of the complex. Also, if Building #1 were removed from the property, one would no longer be able to appreciate the impressive scale of the Portland Company's operations or its significant presence on the Portland waterfront for more than a century. *(Note: a more detailed response to the preceding questions had been provided in the staff report for the 10/27 hearing—see ATTACHMENT D., Section VIII, beginning on page 14).*

Lastly, staff responded to the suggestion that removing Building #1 was necessary to provide visual and physical access from Fore Street to the waterfront. Pointing to aerial photographs, staff described how visual and physical access to the waterfront could be provided across the site in a position immediately west of Building #1 and that the removal of Building #7 (which had been classified by the HP Board as noncontributing due to its condition) further facilitated this option. Staff noted that other options could likely be possible as well.

During deliberations, members of the Planning Board noted that its role in historic district designation deliberations is distinct from that of the Historic Preservation Board in that the Planning Board must not only confirm the HP Board's findings that the designation criteria included in the historic preservation ordinance have been met and that the proposed district boundaries are clearly defensible, but also consider the effect of such designation on other aspects of the Comprehensive Plan. The Planning Board did not disagree with the Historic Preservation Board's findings that the district as delineated and described in the HP Board's recommendation clearly meets the historic preservation ordinance's district designation criteria and that the proposed classifications of individual buildings within the district--including the categorization of Building 1 under the criteria of Section 14-602 of the Historic Preservation Ordinance relating to the definition of a contributing structures --are supported by documentation and analysis.

The property owner had argued and presented information throughout the review process that Building #1 was not significant in the history of the Portland Company complex and that its preservation was infeasible due to its condition. While acknowledging that the historic district recommendation forwarded by the Historic Preservation Board was well-founded, the Planning Board discussed the need to balance preservation goals with other goals and objectives included in the Comprehensive Plan, specifically the Eastern Waterfront Master Plan. They noted that the Eastern Waterfront Masterplan includes numerous goals related to the general goal of providing the public visual and physical access to the waterfront as part of any future redevelopment of property along the eastern waterfront. In consideration of the opportunity to secure in perpetuity a public access easement from Fore Street to the waterfront that would ensure consistency with this key goal of the Eastern Waterfront Master Plan and in consideration of CPB2's proposal to locate the public access easement across the site, the Board found that it was appropriate to recommend to the City Council that Building #1 be classified as a "noncontributing" structure.

The Planning Board also discussed the option of reducing the size of the historic district and creating a separate “subdistrict”, based on a proposal by CPB2. Planning Board members noted that if the district were made smaller, the Historic Preservation Board would still have at least an advisory role in the review of any new development within the area removed from the original recommended district boundary. Under the site plan ordinance’s “100-foot standard”, if a proposed development is located within 100 feet of a landmark or historic district boundary the Planning Board must find the project to be “generally compatible” with the abutting portion of the historic district. The standard requires that staff provide a written analysis of the proposed development’s immediate historic context to aid the Planning Board in its review and HP staff has the option of forwarding the proposal to the HP Board for preliminary comment. Although not expressly stated, in addition to the provision of the easement, it appeared that the Planning Board’s ultimate decision to support a smaller historic district was based in part on its understanding that the HP Board would continue to have a role in the review of projects abutting the reconfigured historic district boundaries.

Following the Planning Board’s discussion of historic district boundaries and building classifications, the Board took up the question of how building height will be regulated within the proposed historic district. Although building height is specifically listed in the historic preservation ordinance as one of the building characteristics subject to review by the Historic Preservation Board in its review of new construction within historic districts (see Sec. 14-651 Standards for Review of New Construction), Planning Board members noted that the question of allowable building heights for the 58 Fore Street property had only recently been studied in considerable detail by the Planning Board and Council as part of the applicant’s rezoning request. Given this recent analysis and the precedent set for exempting HP review of building heights in the Congress Street and India Street historic districts, members of the Planning Board expressed the view that it was appropriate in this district to allow the underlying zoning to govern building height and not be superseded by the historic preservation review process.

FORMAL PLANNING BOARD RECOMMENDATION

Following a series of formal findings that the historic district proposal as recommended by the Historic Preservation Board meets all applicable designation criteria (Sec. 14-610 a & b and Sec. 14-611) within the historic preservation ordinance and a separate finding that the designation of the Portland Company Historic District is consistent with the goals of the Comprehensive Plan (Sec. 14-610 (d)), the Planning Board voted 5-0 (Hall absent) as follows:

On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district, as amended by the Planning Board pursuant to amended ATTACHMENT 2 adopted at the October 27, 2015 Planning Board Hearing and to designate Building #1 as a non-contributing building, subject to finalization and execution in favor of a fifty (50) foot wide public access easement from Fore Street across the site. A district, including provision of this access easement, ensures consistency with the goals of the Eastern Waterfront Masterplan including supporting public access to the waterfront, enhancement of the pedestrian environment, increased recreation opportunities, protection and preservation of key views of the harbor, the creation of quality open spaces and supports the idea of the eastern waterfront developing into an extension of the surrounding neighborhood

while establishing an identity as a new urban neighborhood. The location of said easement is necessary to satisfy those goals. The easement discussed herein should be reviewed by Corporation Counsel prior to submission of the designation to the City Council to ensure consistency with this recommendation.

In a separate motion, the Planning Board also voted 5-0 as follows:

In the adoption of design guidelines for the Portland Company Historic District that it be made explicit that building height will be controlled by the underlying zoning and not the historic preservation ordinance review standards.

(Staff note: this is an amendment to Sec. 14-651 (a) of the historic preservation ordinance.)

See **ATTACHMENT B** for full text of Planning Board's formal findings and recommendation to the City Council.

ATTACHMENTS

- A. Map - Portland Company Historic District Boundaries and Building Classifications as recommended by the Planning Board at 10/27/15 public hearing
- B. Formal Findings and Recommendation of the Planning Board as voted upon at 10/27/15 public hearing
- C. Map - Portland Company Historic District Boundaries and Building Classifications as recommended by the Historic Preservation Board at its June 27, 2015 public hearing
- D. Staff Report for 10/27/2015 Public Hearing - Recommendation of Historic Preservation Board to Designate Portland Company Historic District. Report includes following attachments:
 - 1. Proposed Historic District Map with Boundaries and Individual Building Classifications
 - 2. Portland Company Historic District Designation Report

Attachments prepared in response to questions raised at PB's 7/28 Workshop

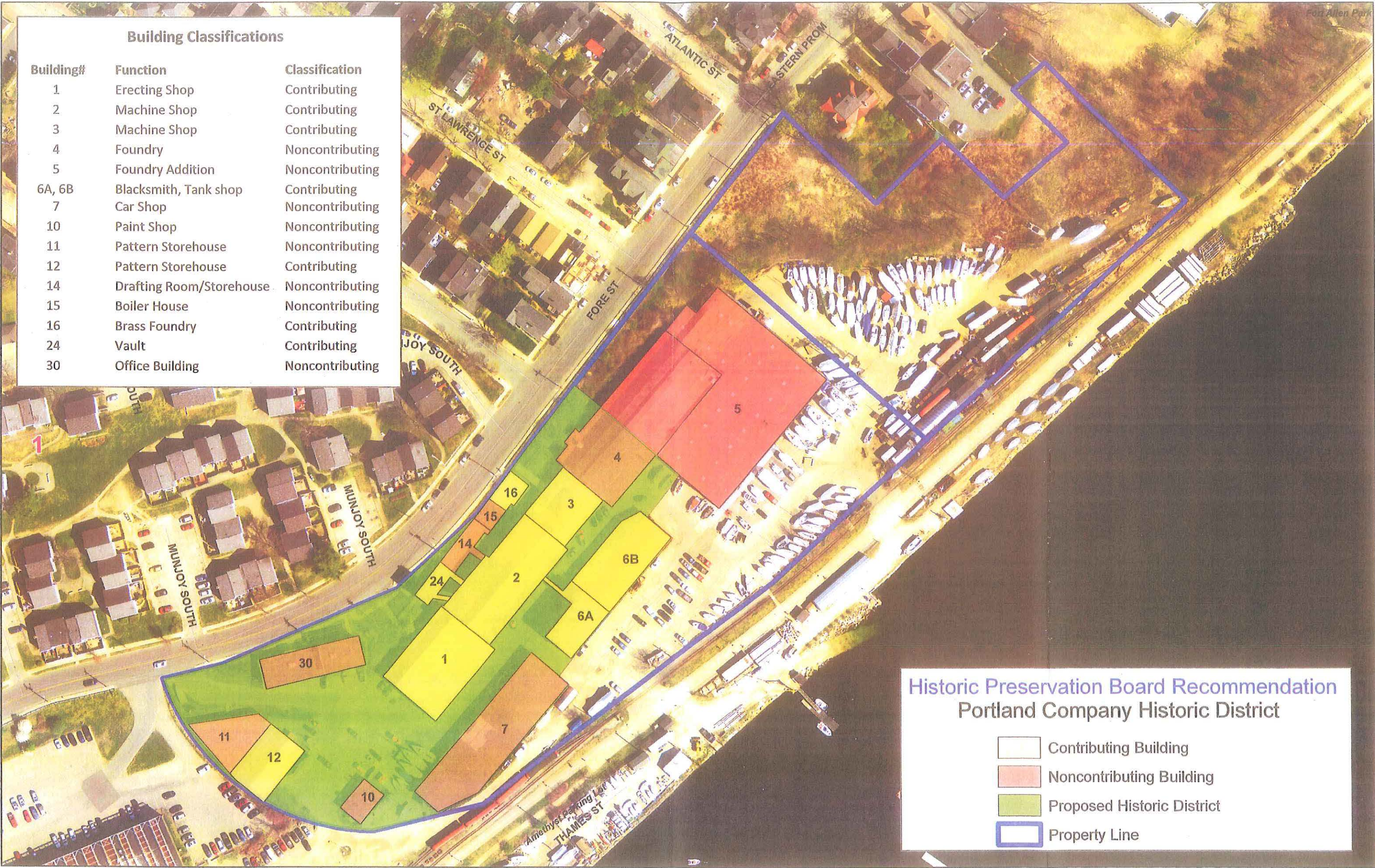
 - 3. 9/2/15 Memo from Scott Hanson, Sutherland Conservation & Consulting, regarding Building 1
 - 4. 9/4/15 Letter from Al Hodson, Resurgence Engineering, re: condition of Buildings 1 and 16
 - 5. 9/4/15 Letter from Maine Historic Preservation Commission
 - 6. 8/26/15 letter from Mary Costigan on behalf of CPB2

Information and Public Comment received since 9/8

 - 7. Staff memo summarizing HP Board's 10/21/15 review of latest condition report prepared by Becker Structural Engineers
 - a. Staff memo for 10/21/15 HP Board review
 - b. October 13, 2015 report from Becker Structural Engineers
 - c. Copy of GPL testimony at 10/21 meeting
 - 8. Compilation of most recent public comment
- E. Easement proposed by CPB2

Supplemental Information

- F. Introductory remarks of Historic Preservation Board member John Turk at 10/27/15 Planning Board public hearing
- G. Proposed historic district boundaries and building classifications as presented by CPB2 on 10/27/15
- H. Planning Board report filed in Clerk's office following 10/27 public hearing
- I. Excerpts from Portland's historic preservation ordinance (Article IX of the Land Use Code).
- J. *The Portland Company: Historic Significance and Integrity*, prepared for City of Portland by Sutherland Conservation & Consulting
- K. *Portland Company Complex General Building Condition Report*, prepared for City of Portland by Resurgence Engineering and Preservation Inc.
- L. Evaluation of *Existing Buildings at the Portland Company Property*, prepared for CPB2 by Becker Structural Engineers
- M. Appendix A: Comparative Condition/Cost Analysis (excerpted from Resurgence report)
- N. March 31, 2014 Letter from Maine Historic Preservation Commission regarding eligibility of Portland Company Complex for Listing in the National Register of Historic Places



10/27/15 Findings and Formal Recommendation of the Planning Board Regarding Designation of Portland Company Historic District

Upon the recommendation of the Historic Preservation Board and on the basis of the Portland Company Historic District Designation Report, documentation and analysis provided in reports prepared by Sutherland Conservation & Consulting and Resurgence Engineering & Preservation, and information included in the staff report for the September 8, 2015 public hearing, and additional evidence presented at the October 27, 2015 continuation of the September 8th hearing,

- 1) The Planning Board finds that the proposed Portland Company Historic District:
 - a) meets the historic preservation ordinance's minimum criteria for designation as set forth in Sec. 14-610 (a), specifically Criteria 1, 2, 3, 4, 5 and 6, based on the Board's findings that all of the summary statements as to significance of the Portland Company complex included in the 9/8/15 and 10/27/15 public hearing reports are well-founded and based on detailed research and documentation. Accordingly, the Board confirms and references the report's statements of significance as the basis for its finding; and
 - b) meets the criterion in Sec. 14-610 (b), based on the Board's finding that a substantial number of the structures and sites within the proposed district have a high degree of historic and/or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the significant structures located within it. Pursuant to this finding, the Board supports the building classifications included in the Designation Report, except as to Building 1 as discussed in (3) below; and
 - c) meets the integrity criterion set forth in Sec. 14-611, based on the Board's finding that the district and identified contributing structures therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration.
- 2) The Planning Board also finds that designation of the Portland Company Historic District, as amended herein, is consistent with the goals of the Comprehensive Plan pursuant 14-610(d), including the Masterplan for Redevelopment of the Eastern Waterfront, based on the analysis provided in the 9/8/15 public hearing report and further evidence provided at the October 27th Planning Board Hearing .
- 3) On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district, as amended by the Planning Board pursuant to amended ATTACHMENT 2 adopted at the October 27, 2015 Planning Board Hearing and to designate Building #1 as a non-contributing building, subject to finalization and execution in favor of a fifty (50) foot wide public access easement

from Fore Street across the site. A district, including provision of this access easement, ensures consistency with the goals of the Eastern Waterfront Masterplan including supporting public access to the waterfront, enhancement of the pedestrian environment, increased recreation opportunities, protection and preservation of key views of the harbor, the creation of quality open spaces and supports the idea of the eastern waterfront developing into an extension of the surrounding neighborhood while establishing an identity as a new urban neighborhood. The location of said easement is necessary to satisfy those goals. The easement discussed herein should be reviewed by Corporation Counsel prior to submission of the designation to the City Council to ensure consistency with this recommendation.

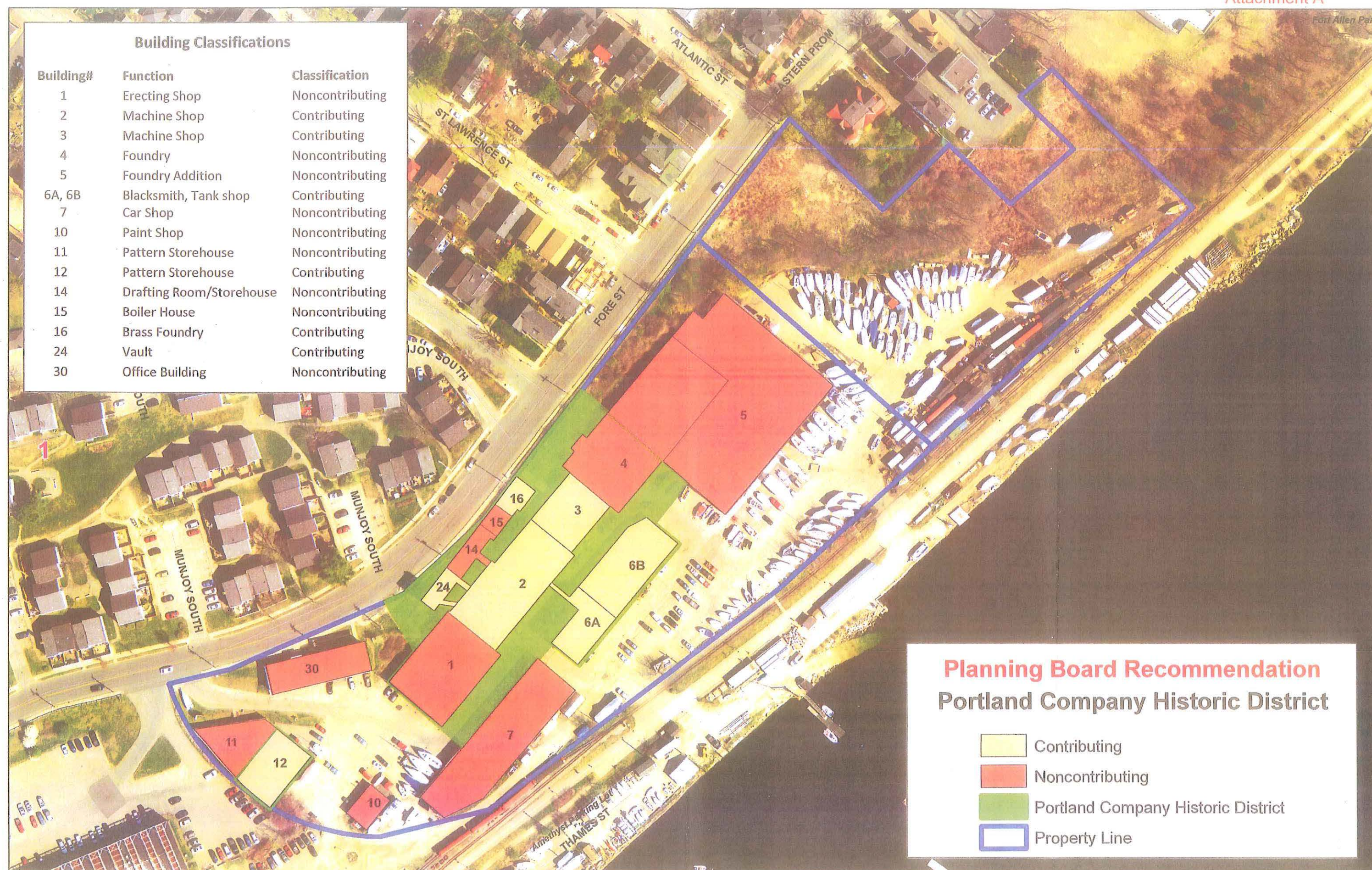
Vote: 5-0 (Hall absent)

- 4) The Board also recommends that in the adoption of design guidelines for the district that it be made explicit that the height for the district will be controlled by the underlying zoning and not the historic preservation ordinance review standards. *(Staff note: this is an amendment to Sec. 14-651 (a) of the historic preservation ordinance.)*

Vote: 5-0 (Hall absent)

Building Classifications

Building#	Function	Classification
1	Erecting Shop	Noncontributing
2	Machine Shop	Contributing
3	Machine Shop	Contributing
4	Foundry	Noncontributing
5	Foundry Addition	Noncontributing
6A, 6B	Blacksmith, Tank shop	Contributing
7	Car Shop	Noncontributing
10	Paint Shop	Noncontributing
11	Pattern Storehouse	Noncontributing
12	Pattern Storehouse	Contributing
14	Drafting Room/Storehouse	Noncontributing
15	Boiler House	Noncontributing
16	Brass Foundry	Contributing
24	Vault	Contributing
30	Office Building	Noncontributing





PLANNING BOARD REPORT PORTLAND, MAINE

Recommendation of Historic Preservation Board to Designate Portland Company Historic District 58 Fore Street

Submitted to: Portland Planning Board
Public Hearing Date: October 27, 2015

Prepared by: Deborah Andrews, HP Program Manager
Date: September 4, 2015 and October 22, 2015

Note: The following report was prepared in advance of the Planning Board's scheduled September 8 public hearing on the proposed historic district designation. On September 8, the Planning Board agreed to table the public hearing to October 27 to allow time for the property owner to submit additional information related to the condition of Building #1. The Board directed the property owner to submit any additional information to the Historic Preservation for its review and comment in advance of the new hearing date. The supplementary information provided to the Historic Preservation Board at its October 21 meeting, together with a summary of the HP Board's comments are included in ATTACHMENT 14. Public comment received since September 8 is enclosed as ATTACHMENT 15.

INTRODUCTION

The Planning Board will hold a public hearing and final deliberations on a recommendation by the Historic Preservation Board to designate a portion of the property at 58 Fore Street as a local historic district subject to the provisions of Article IX (Historic Preservation) of the Land Use Code. The Planning Board's role in this matter is to determine whether the nominated **Portland Company Historic District** meets applicable designation criteria in Division 3 of the historic preservation ordinance, specifically the criteria identified in Sec. 14-610 (a) and (b). The Planning Board is also charged with considering the effect of such designation on other aspects of the Comprehensive Plan. Based on its determination, the Planning Board will forward its recommendation regarding designation of the Portland Company Historic District to the City Council, which has the final authority as regards local designation of nominated historic properties.

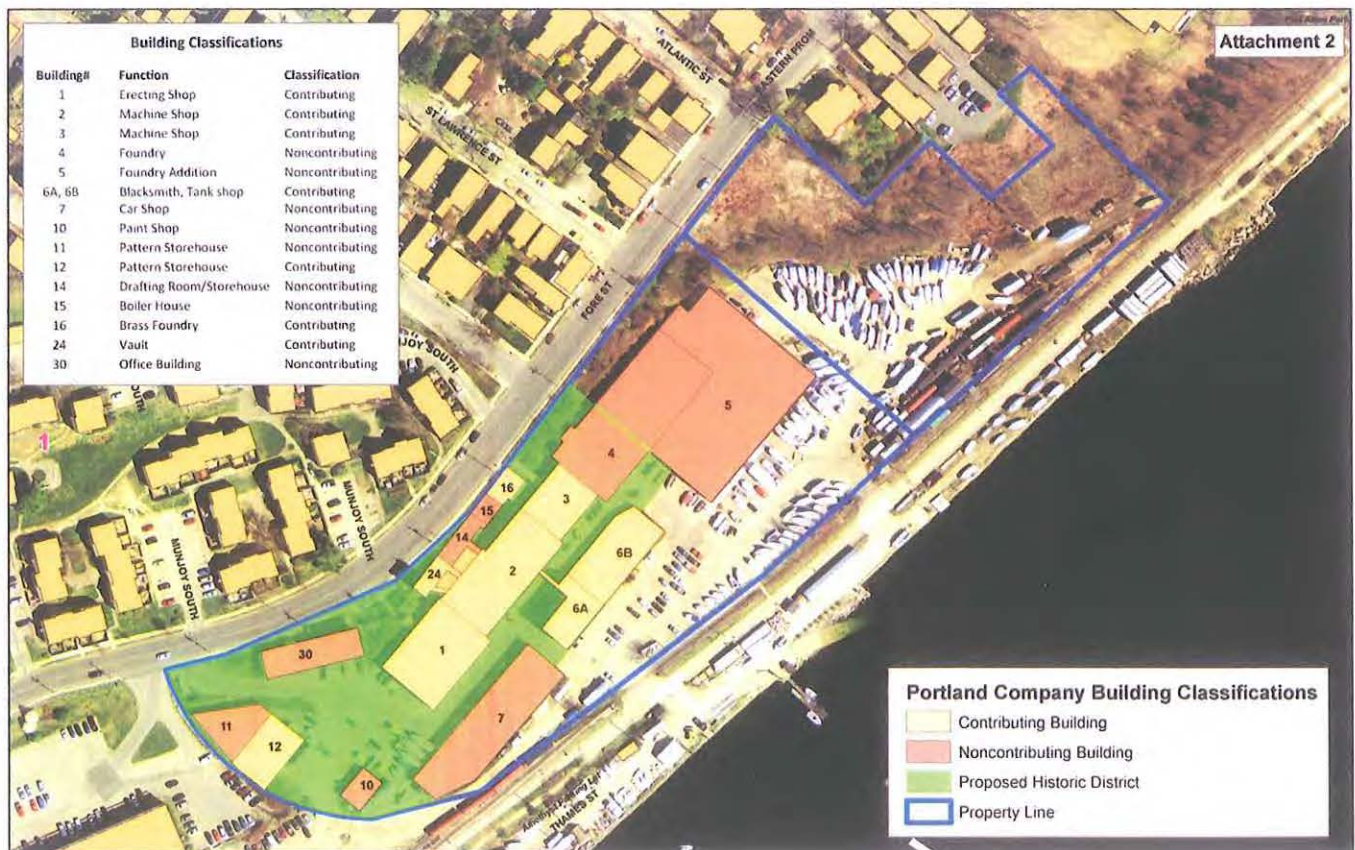
The proposed designation applies to an area occupying approximately 4.3 acres of the 9.93 acre 58 Fore Street parcel and includes 8 identified contributing structures, the footprint of several structures classified as noncontributing due to physical condition or date of construction and common areas associated with the historic Portland company complex.

A workshop on the proposed designation was held on July 28, 2015. Much of the material provided in the July 28 workshop memo is included in the public hearing report. **New material** included in this report includes:

- Responses to questions raised during the preliminary workshop--see Section IX of the report, page 14. Additional attachments related to these responses are enclosed as ATTACHMENTS 10, 11, 12 and 13.
- An evaluation of the effect of the proposed designation on other aspects of the Comprehensive Plan, prepared by Senior Planner Christine Grimando—see Section X of the report, page 19
- Motions for the Board's consideration

I. HISTORIC PRESERVATION BOARD RECOMMENDATION

On June 24, 2015, the Historic Preservation Board voted 7-0 to recommend to the Planning Board and City Council that the Portland Company complex at 58 Fore Street be designated a local historic district as delineated below and as further defined/described in the attached Portland Company Historic District Designation Report—see ATTACHMENT 2. The Historic Preservation Board's recommendation was based on findings that the proposed district meets the designation criteria in Division 3 (Categories and Criteria for Designation) of the historic preservation ordinance (Article IX of the Land Use Code).



II. ROLE OF THE HISTORIC PRESERVATION BOARD IN THE DESIGNATION PROCESS

As prescribed in Portland's historic preservation ordinance, the Historic Preservation Board's role in the designation of landmarks and historic districts is to review the merits of the nomination and, based on findings as to whether or not the nominated resource meets the ordinance's designation criteria, forward a recommendation regarding designation to the Planning Board and Council for their consideration. The ordinance requires that the Historic Preservation Board's recommendation be accompanied by a report which includes the following information (see Sec. 14-617):

- Explanation of the significance or lack of significance of the nominated district as it relates to the ordinance's criteria for designation
- Explanation of the integrity or lack of integrity (as defined in the ordinance) of the nominated historic district.
- Any proposed design guidelines for review of alterations or construction in the proposed historic district
- Explanation of the relationship of the nominated district to the ongoing effort by the Historic Preservation Board to identify and nominate potential areas, sites and structures that meet the criteria for designation.
- A map showing the boundaries of the nominated district.
- A list of every site, structure and object in the nominated historic district indicating their degree of cultural, historic, architectural or archaeological significance by classification as of a landmark or contributing significance.

The formal **Portland Company Historic District Designation Report**, including map and building classifications, is enclosed as ATTACHMENT 2. The report reflects the findings of the Historic Preservation Board and is informed by documentation and analysis provided in two consultant reports commissioned by the Portland Planning Department for the City's evaluation of a potential Portland Company historic district. These include *The Portland Company: Historic Significance and Integrity*, prepared by Sutherland Conservation & Consulting (ATTACHMENT 4) and *Portland Company Complex General Building Condition Report*, prepared by Resurgence Engineering and Preservation Inc. (ATTACHMENT 5).

III. ROLE OF THE PLANNING BOARD

In the case of a recommendation for historic district designation, the Historic Preservation Board forwards its recommendation to the Planning Board for its review and recommendation to the City Council. (Recommendations for individual landmark designations are forwarded directly to the City Council.) Like the Historic Preservation Board, the Planning Board must determine whether the district as defined and delineated in the Designation Report meets the minimum criteria for designation set forth in Division 3, Sec. 14-610 (a) and (b) AND Sec. 14-611 of the historic preservation ordinance. These criteria address the *significance, historic and architectural integrity, as well as physical integrity* of the nominated historic district. The Planning Board shall also consider the effect of the proposed designation on other aspects of the comprehensive plan.

IV. BACKGROUND – DOCUMENTATION AND ASSESSMENTS COMMISSIONED BY THE PLANNING DEPARTMENT

In preparation for the Historic Preservation Board's consideration of the proposed designation, the Planning Department commissioned two detailed reports to provide the level of documentation and assessment needed to fairly evaluate the nominated resource and its eligibility for local historic district designation. Mindful of the fact that the Maine Historic Preservation Commission identified the Portland Company as eligible for listing in the National Register of Historic Places as early as 1976 but that the detailed documentation required for nomination had never been prepared, the Planning Department contracted with Sutherland Conservation & Consulting to document the history of the company (which remained in continuous operation on Fore Street from 1847 to 1982) and to assess its place in the history of Portland and its significance in the history of manufacturing and transportation at the local, state and national levels. The Sutherland report provides a detailed description of the development history of the complex itself as the company evolved to accommodate changes and expansion in production over time. The report also provides a description and assessment of the individual extant historic structures within the complex, describing their respective role in the Portland Company's operations and their level of historic and architectural integrity. Finally, the Sutherland report provides an analysis of the visual character of the overall building complex. See ATTACHMENT 4 for a copy of the Sutherland report.

The Planning Department also commissioned a building condition report on the individual structures within the complex. A condition report was important in this instance given the fact that the historic structures within the Portland Company complex appear not to have received any significant level of maintenance, repair or rehabilitation in recent decades and given that the historic preservation ordinance requires that a nominated district not only meet the ordinance's designation criteria related to *significance*, but also a separate criterion related to the *integrity* of the resource. In order to designate a landmark or historic district, the nominated resource must be found to have sufficient integrity of location, design, *condition*, materials and workmanship to make it worthy of preservation (see Sec. 14-611). The Sutherland report provided adequate information to assess the question of several other relevant aspects of integrity, but it did not address the question of condition.

Although the owners of the property had retained Becker Structural Engineers to provide a condition assessment for their own planning purposes and had provided a copy of the report to the City (see ATTACHMENT 6), Planning and Historic Preservation staff determined that an independent condition assessment would be important to the Board's deliberations. Resurgence Engineering & Preservation, a structural engineering firm with expertise and experience in historic rehabilitation, was hired by the City to conduct the assessment. It should be noted that the Resurgence report, like the Becker report, was necessarily limited in scope and taken from a "30,000-foot view". Given the number of buildings to be assessed, the limited budget for the report and the fact that no specific use had yet been identified for any of the buildings which would inform a full assessment of applicable building code, life safety and other requirements, the review was limited to the current condition of the building envelope and structural systems. (The limited parameters of the assessments were acknowledged in both reports.) Additionally, neither consulting firm was asked to explore or recommend specific solutions to address identified building envelope and structural deficiencies.

Although the two condition reports include a fairly detailed written narrative for each building that describes the building envelope and structural system and include observations and identification of issues, both reports also summarize their findings in a rating system for ease of reference—with 1

representing very poor condition and 5 representing a good structural condition. Although the Resurgence report, which came after the Becker report, used the same rating system for ease of comparison, Resurgence provided an alternative rating system as well. As stated in the Resurgence report, “REP believes there is a more accurate and further defined way to classify the buildings in terms of condition.”

In addition to the condition index, both reports provide a “relative structural renovation cost index”. As stated in the Becker report, the cost index was prepared “in an effort to quantify what a renovation might cost”. An inverse rating system was used here—with 1 representing a relatively low renovation cost and 5 representing a relatively high renovation cost. It should be noted that the historic preservation ordinance does not include rehabilitation cost as a factor in the evaluation of nominated historic resources.

A copy of Resurgence Engineering’s *Portland Company Complex General Building Condition Report* is enclosed as ATTACHMENT 5. An excerpted chart from the Resurgence Report (ATTACHMENT 7) provides a building-by-building comparison of Resurgence Engineering’s findings as regards condition and relative rehab cost with those of Becker Structural Engineers.

V. SUMMARY OF PRELIMINARY HP BOARD REVIEW SESSIONS

As noted in the introduction, the Historic Preservation Board held four preliminary workshops on the proposed historic district designation, as well as two site walks.

Workshop and Site Visit to Review History and Significance of Complex

The first workshop, held on September 24, 2014, followed the completion of the Sutherland report. Sutherland’s Scott Hanson made a detailed, illustrated presentation on the history of the Portland Company itself, explaining that it was built in conjunction with construction of the Atlantic & St. Lawrence Railroad and was the first complex in the country built specifically for the manufacture of railroad equipment where the foundry and all of the necessary related shops were located on a single site. He reviewed the extraordinary range of machines, engines and products related to the fields of railroad and marine transportation, industry, manufacturing, and architecture that were produced over the company’s 135-year history, as well as the distribution of its products to industries and municipalities throughout the country. Mr. Hanson also described the pivotal role the Portland Company played in the city of Portland’s development and economy (it was the single largest business in the City in the mid-19th century), as well as that of the state of Maine.

Mr. Hanson also discussed the Portland Company’s “period of significance”, noting that National Register listing requires the identification of a period of significance. (Portland’s ordinance does not specifically require the identification of a period of significance.) The Maine Historic Preservation Commission had determined a period of significance extending from the company’s founding in 1847 to its closing in 1982. Within that period, however, Sutherland found that there are more specific (and more limited) periods of significance for key aspects of the Portland Company’s production. Mr. Hanson indicated that as of the end of World War II, most of the Portland Company’s marine and transportation-related work--the type of engines, machinery and products the company had been founded to produce--had ended and it had diversified its operations to produce a wide range of architectural, industrial and other products. The last building constructed for the express purpose of serving the company’s marine and transportation-related work was the Erecting Building, built in 1918.

In his presentation, Mr. Hanson described the specific role each of the extant buildings played in the overall manufacturing process and the sequence in which products moved throughout the complex—from the initial drawing and pattern-making stage onto the foundry and machine shops and finally, onto assembly in the Erecting Building or Car Shop. Mr. Hanson explained that while some of the Portland Company's original buildings were lost due to fires or were replaced or expanded over time to respond to changing production needs, the historic buildings that remain on the site today collectively encompass the complete historic manufacturing process of the Portland Company. In this respect alone, the Portland Company complex as it exists today is highly significant and underscores Sutherland's finding that *the Portland Company property derives its significance as a complex of related, interdependent structures*. Collectively, the buildings provide a substantially complete record of the type of industry that was located at this site and of the specific functions or steps involved in its fabrication process. The number and size of extant buildings on the site also convey the company's scope and scale of operations during the 19th and 20th centuries.

Mr. Hanson also reviewed Sutherland's findings regarding the historic integrity of each of the extant buildings on the Portland Company property. As Mr. Hanson explained, historic integrity, as defined by the National Register, "is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship, feeling, and/or association, to convey the significance of a property." Sutherland found that all of the buildings retained sufficient historic integrity to convey the significance of the property. Most of the buildings were found to retain a high degree of historic integrity.

Finally, Mr. Hanson reviewed the visual character of the Portland Company site and described how the complex's visual character contributed to the overall significance of the historic property. Contributing elements to the complex's visual character are the primary entrance drive into the site from Fore Street, which has been the entrance since 1847, as well as the entrance yard which serves the function of entranceway to the linear manufacturing paths of circulation. The entrance yard is also the point from which one can best appreciate the linear alignment of the manufacturing complex. The historic functional organization and placement of the Portland Company buildings in linear proximity to each other is also a major visual characteristic of the site and is unique to Portland in the way that the industrial buildings form private streets or alleys. The overhead pedestrian bridges spanning these private streets were also found to be unique in Portland and contribute to the visual character of the site. As summarized in the Sutherland written report, "to a large degree, the architectural significance of the Portland Company exists in the relationship of the buildings to each other within the complex. The proximity and orientation of the buildings to each other permitted related manufacturing processes to take place in a way that allowed for the efficient progress of stages in the production of the company's products."

Except for a follow-up site walk of the complex in December led by Mr. Hanson, the Historic Preservation Board's consideration of potential historic district designation of the Portland Company was temporarily suspended until April of 2015. Board review was suspended at the request of the Planning Director in order to allow the property owners' pending rezoning request for the property to proceed through review by the Planning Board and Council to conclusion and provide for a sequential review process. Rezoning was felt to be a threshold issue for any potential redevelopment of the site and that consideration of potential historic district designation would appropriately follow.

Formal District Nomination

On February 23, 2015, Board members John Turk and Ted Oldham submitted a formal letter to the Planning Department nominating the Portland Company complex as a local historic district, consistent

with the requirements for nomination and designation set forth in the preservation ordinance. While the previous workshops had been conducted in anticipation of/preparation for the formal designation review process, the nomination letter set the formal process into motion. The letter of nomination was filed as the Planning Board was concluding its review of the rezoning request and the matter was being sent to the City Council for final action.

Workshops and Site visit to Review Building Condition

On April 1, 2015, Al Hodson, principal of Resurgence Engineering, presented his analysis and findings regarding building condition in a detailed workshop session. Like Mr. Hanson, Mr. Hodson provided a building-by-building analysis, describing each building's original structural system and building envelope as well as any modifications which had affected the structural system over time. He reviewed his general observations of condition and highlighted specific areas of concern. He also presented the ratings he had assigned to each building based on his analysis and explained that he had adopted the same rating system used in the Becker report for ease of reference and comparison, while noting that perhaps a more nuanced rating system would provide a more accurate summary of the condition and potential of the buildings. An alternative building condition index was offered for consideration.

Mr. Hodson explained that while all of the buildings had suffered some level of deterioration due to years of deferred maintenance, three buildings stood out as presenting the greatest structural and building envelope challenges. Of the buildings his firm evaluated, three buildings were found to be in the most compromised condition. These were Building #7 (Car Shop), Building #10 (Paint Shop), and Building #11 (Pattern Storehouse). (*Resurgence Engineering's report is enclosed as ATTACHMENT 5. See pg. 2 of Executive Summary; pgs. 25-28 for written condition analysis of each building; pg. 1 of Appendix A for assigned condition and cost rating.*)

Mr. Hodson also identified Building #4 as having unique condition issues with an exterior brick masonry wall system that is integrated with built-up iron or steel structural columns, which columns are exposed to weather and in an advanced state of disrepair. The columns at the building exterior would require replacement as part of any rehabilitation program. Detailing for replacement would need to consider both improved performance as well as preservation of historic integrity, including degree of replacement of original material. Like the roof structures at Buildings #1, #2, and #3, Mr. Hodson noted that the roof structure at Building #4 will need to be evaluated for snow load capacity, the decking above the beams will need to be replaced at deteriorated areas and all of the roof sheathing may need replacement. Recognizing these issues, Mr. Hodson's report also noted that the large and consistently framed building has fewer variations in its framing than many other structures on the Portland Company site and this repetition in detailing along with open access to structural members may serve to simplify necessary structural repairs. (*See pg. 1 of Executive Summary, pgs. 19-22 for written condition analysis of Building #4, pg. 1 of Appendix A for assigned condition and cost rating, and pg. 6 of Appendix A for an explanation of the basis for cost opinion conclusions for Building #4.*)

In preparation for the April 1 workshop, Board members were provided copies of the Resurgence Engineering report as well as the Becker Structural Engineers report, which had been produced for the current property owner. During the workshop session, Mr. Hodson made frequent reference to the findings of the Becker report as well as his own. Based on Resurgence's written report and Mr. Hodson's presentation, it appeared that the findings of the two reports were quite similar as regards most buildings. (A comparison chart of the summary rankings for building condition and relative cost to address condition was provided in Mr. Hodson's report (Appendix A, pg. 1) and is enclosed with this report as a separate attachment – ATTACHMENT 7.)

On May 20, a second site walk was conducted of the Portland Company complex, this walk focusing on the issue of condition. Both Mr. Hodson and Paul Becker of Becker Structural Engineers provided commentary, summarizing their findings relative to each building. Given the constraints of a site visit in terms of providing opportunity for Board discussion or public comment, a follow-up workshop session was scheduled for May 27th in City Hall. At the May 27 workshop, Board members shared their observations from the site visit. Staff also provided information about the requirements of the federal and state historic tax credit program and summarized discussions held with staff of the Maine Historic Preservation Commission (MHPC) regarding potential access to tax credits.

Consideration of NPS Certification and Availability of Tax Credits

As the availability of historic tax credits can be a significant factor in the feasibility of an historic rehabilitation project, staff and the HP Board had identified early on in the review process that it would be important to learn more about what might affect the property owners' eligibility for the tax credits. Staff explained that distinctions between Portland's local designation criteria and National Register designation criteria (especially as regards the issue of building condition) made the question of whether current or future owners of the property would be able to take advantage of tax credits fairly complicated. Eligibility for tax credits might be particularly challenging if several buildings were determined under Portland's designation criteria to be noncontributing by virtue of condition. MHPC staff had indicated, however, that if a strong case could be made that the *local* Portland Company Historic District was clearly based on and supported by its local designation criteria, it might be approved as a "Certified Local Historic District" and thereby make the project eligible for federal and state tax credits. A clear and rational basis would have to be demonstrated for the boundaries of the local district and the assigned classifications of individual buildings (landmark, contributing, and noncontributing).

Final Workshop – Preliminary Board Deliberations

On June 10th, the Historic Preservation Board held a final workshop to synthesize the information provided in the various consultant reports, staff reports, site visits and preliminary workshop sessions. While each of the previous workshops had focused on a specific aspect of the Board's overall deliberations, the June 10 session was the first opportunity for Board members to consider the various applicable designation criteria in the aggregate and begin to assign a net "preservation value" for each structure within the complex. The Board also took up the question of appropriate, defensible district boundaries. Chair Benson organized the discussion, focusing on the specific designation criteria (Sec. 14-610 and 611) that must be met in the ordinance and the questions that must be addressed in the designation report that accompanies the Board's recommendation to the Planning Board and City Council (Sec. 14-617).

Following discussion of the significance and integrity of the complex as a whole, the Board spent considerable time discussing the integrity (*historic/architectural* as well as *condition*) of each building and assigned a preliminary classification to each. In taking up each building, Chair Benson summarized the salient findings for each structure included in each of the consultants' reports.

The assignment of a classification is required by the ordinance as part of the designation process. A list of every building, object or site within a nominated historic district must be included in the designation report and assigned a classification of "landmark", "contributing" or "noncontributing" indicating its degree of significance and that a list of structures.

The ordinance's definitions for these terms are instructive in assigning a classification:

Landmark: A property, site, structure or object designated by the Council as having a high degree of historical, cultural and/or architectural significance.

Contributing: A classification applied to a site, structure or object within a historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archaeological significance as embodied in the criteria for designating an historic district, but without being itself a landmark.

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

The Board's June 10 preliminary deliberations informed its formal findings and vote on June 24, a summary of which follows.

VI. HP BOARD PUBLIC HEARING – BOARD FINDINGS AND FORMAL RECOMMENDATION

A public hearing on the nomination was held on June 24, 2015. At the start of the hearing, attorney Mary Costigan, representing the property owner, distributed a letter requesting a reclassification of several buildings identified as contributing structures during the Board's preliminary deliberations. These included Buildings 1, 4, 14, and 16. Arguments for reclassifying the buildings were included in her letter. (See ATTACHMENT 9). Ms. Costigan also proposed that the district boundaries be reduced. Finally, Ms. Costigan asked that the Board include in its recommendation to the Planning Board language (likely in the form of an ordinance amendment) making clear that the height allowances established by zoning supersede the historic preservation regulations as they would apply to height for new construction.

Following a review of the Ms. Costigan's letter and a public hearing, the Board conducted its formal deliberations. Following are the Board's formal findings:

CRITERIA FOR DESIGNATION

Sec. 14-610 (a) Minimum Criteria for Designation (Note: nominated districts must satisfy a minimum of one of the following criteria)

1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

Finding: the Portland Company complex exhibits local, state and national significance, as described in detail in the Sutherland report, *The Portland Company: Historic Significance and Integrity*. The Board identified the following major areas of significance:

National significance

- Research suggests that the Portland Company was the first complex in the country built specifically for the manufacture of railroad equipment with all necessary shops and foundry on a single site.
- Rare surviving example of a pre-civil War foundry, machine shop and car shop complex, and apparently the only surviving plant in the nation where locomotives were built for the US Government as part of the war effort.

Significance to the State of Maine

- Contributed significantly to the development of Maine's railroads and maritime industries through manufacture of locomotives, railroad cars, marine engines and boilers.
- Played a significant role in the development of Maine's paper-making, textile and canning industries.
- The state's largest 19th century foundry/machine shop

Local significance

- Founding was directly tied to the establishment of the Atlantic & St. Lawrence Railroad. Company was founded to manufacture railroad locomotives for the railroad.
- Company's founding was directly associated with the creation of Commercial Street and filling of Broad and Clay Coves, as well as the organization of rail service throughout the City
- Only intact 19th and early 20th century industrial complex remaining in the city.
- Largest 19th century employer in the city.

2. Its location as a site of significant historic or prehistoric activity which may have taken place within or which involved the use of any existing structure on the property.

Finding: The Portland Company complex was the site of significant industrial activities of local, state and national importance, as detailed in #1 above, which took place within extant structures on the property.

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

Finding: The Portland Company was founded by John Poor, director of the Atlantic and St. Lawrence Railroad and the person most responsible for Portland's successful bid over Boston to become Montreal's winter port via rail. Other stockholders in the company included noted industrialist, developer and civic leader J.B. Brown and U.S. Secretary of the Treasury William Pitt Fessenden. William Chapman, electrical engineer in charge of the company's research department, did important work in the research that led to the development of microwave technology as well as experimentation and invention related to the use of electricity in manufacturing. Chapman's inventions were used in mills and factories throughout the state.

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship.

Finding: The building complex as a whole, and the individual structures included in it express the evolution of construction techniques developed for industrial building types as was required to enclose increasingly complex and large scale manufacturing processes. Located within the complex are substantially unaltered examples of several distinctive industrial building types constructed between 1847 and 1920. The Portland Company buildings from the 1840's and 50's are the only industrial buildings of that period remaining in the city today.

5. Its identification of the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England Region or the United States.

Finding: Although noted Portland architect Frederick Thompson was responsible for the design of the projecting shed dormers that were added to the roof of Building # 2 (Machine Shop), this designation criterion is not applicable for the Portland Company.

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

Finding: The Portland Company complex is representative of Portland's role as a major center of rail and maritime transportation for Maine and northern New England as described in detail in the Sutherland report.

Sec. 14-610 (b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, site, structures or objects have a high degree of cultural, historic, architectural or archaeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties site, structures or objects, which while not of such cultural,...significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites structures or objects located within it.

Finding: The Board found that the Portland Company complex meets this requirement. Given the high degree of significance of the district as a whole and the interrelated role each building plays within the district, the Board discussed the possibility of designating it as "landmark district", however this designation type is not included in the preservation ordinance. Also discussed was the possibility of classifying each building as a landmark. Ultimately, the Board determined that the individual buildings are appropriately characterized as "contributing" structures to the overall complex, which is highly significant.

Sec. 14-611. Integrity of landmarks and historic districts.

Any area structure or object that meets the criteria in Section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration. (Note that this integrity standard applies to the district as a whole; the question of integrity also applies in the assignment of a classification or "preservation value" to each individual building or structure within the nominated district boundary.)

Finding: As described in the Sutherland report, the complex as a whole retains a high degree of *historic and architectural integrity* within its identified period of significance. (A period of significance *for the buildings* within the complex was identified as extending from 1847 when the first building was constructed to 1920 when the last building associated with the Portland Company's core transportation and/or marine-related business had been completed. Note that the *company's* period of significance extends much longer, as it remained a leader in its field until the end of WW II, and continued to operate until 1982. It should be noted that Portland's ordinance does not require a determination of period of significance, but the Board discussed the question as part of its effort to determine the relative significance of the more recent extant structures on site: the office building, built in 1950, and the large metal building, built in 1968.

As regards the question of *integrity of condition*, the Board found that although a number of the 16 extant structures have become so deteriorated due to deferred maintenance as to make their rehabilitation infeasible (see assigned classifications of individual structures below), the complex as a whole retains sufficient integrity of condition to make it worthy of preservation and rehabilitation. This finding was based on assessments provided in two separate condition reports prepared by Resurgence Engineering & Consulting and Becker Structural Engineers.

DESIGN GUIDELINES

In the report which is required to accompany the Historic Preservation Board's recommendation regarding designation, the Board may recommend specific design guidelines for the review of alterations or new construction within the proposed district—See Sec. 14-617-(c). Following discussion, the Board elected not to recommend specific design guidelines for the Portland Company district, but to include in the designation report a description of the complex's major visual characteristics that contribute to the district's significance and should be recognized in evaluating future proposals for alterations and infill construction within the district. (See pages 8-10 of Designation Report, ATTACHMENT 2.) The visual character of the site is also described in the Sutherland report (see pg. 4). Major visual characteristics include the presence of a major entrance off Fore Street at the west end of the complex; the open entrance yard; the linear alignment and east-west orientation of the buildings; the separation of connected buildings by private streets and alleys; the presence of overhead pedestrian bridges; the predominance of brick and granite building exteriors; and large scale windows typical of industrial structures.

DISTRICT BOUNDARY DELINEATION and ASSIGNED BUILDING CLASSIFICATIONS

Taking into consideration the documented significance of the Portland Company complex as a whole, the assessment of the complex's extant historic structures in terms of their significance and current condition, and in consideration of the identified visual character of the Portland Company complex, which was determined by the Board to contribute significantly to one's understanding of and appreciation of the historic resource, the Board determined that the district boundary and building classifications as delineated on ATTACHMENT 1 should be recommended to the Planning Board and Council.

Assigned Classifications for Individual Structures within the Proposed District Boundaries

Building 1	Erecting Shop	1918	Contributing
Building 2	Machine Shop	c. 1847	Contributing (a)

Building 3	Machine Shop	c. 1847	Contributing
Building 4	Foundry	1895	Noncontributing (b)
Building 5	Foundry Addition	c. 1980's	Noncontributing (c)
Building 6A, 6B	Blacksmith & Tank Shop	1883, 1896-1904	Contributing
Building 7	Car Shop	1873, 1904	Noncontributing (d)
Building 10	Paint Shop	c. 1873	Noncontributing (e)
Building 11	Pattern Storehouse	1885	Noncontributing (f)
Building 12	Pattern Storehouse	1895	Contributing
Building 14	Drafting Rm/Storehouse	1858-64	Noncontributing (g)
Building 15	Boiler House	1848-64	Noncontributing (h)
Building 16	Brass Foundry	1864-71	Contributing
Building 24	Vault	c. 1905	Contributing
Building 30	Office Building	1950	Noncontributing (i)

Notes:

- (a) Cantilevered roof addition noncontributing due to structural instability
- (b) Noncontributing due to condition, potential requirement for significant reconstruction
- (c) Constructed in 1968, outside the period of significance
- (d) Noncontributing due to severely deteriorated condition
- (e) Noncontributing " " " " " "
- (f) Noncontributing " " " " " "
- (g) Noncontributing " " " " " "
- (h) Noncontributing " " " " " "
- (i) Constructed in 1956, outside the period of significance

Note that a classification of noncontributing allows a building to be demolished as of right. Any proposed replacement new construction would, however, be subject to review and approval under the historic preservation ordinance's new construction standards.

Although several of the buildings included within the recommended district boundary were determined by the Board to be noncontributing due to condition or date of construction, Board members expressed the view that the boundary should include the footprint of most of these noncontributing buildings.

In coming to this conclusion, the Board noted that the placement, alignment and relationship of the extant structures is key to conveying the Portland Company's history and significance and is an important character-defining element of the complex. They also noted that whatever is built in close proximity to the remaining historic structures has the potential to either reinforce or undermine the remaining buildings and one's appreciation of this historic complex. Acknowledging that noncontributing buildings may be demolished as of right under the provisions of Portland's historic preservation ordinance and that new construction within the district is likely, including the footprints of most of the historic extant structures within the district boundary will ensure that whatever new construction is introduced within the historic core of the complex will be reviewed for general compatibility with the abutting or adjacent contributing structures. They also noted that district designation would not preclude future adjustments or alterations to buildings or site features within the district boundaries.

In response to the property owner's request to classify additional buildings as noncontributing (i.e. Buildings 1 and 16), Board members found these buildings to be important contributing structures to the overall complex, as documented in the preservation consultant's report, and that their condition did not warrant their removal. Board members also expressed the view that allowing the removal of additional historic structures from the property would materially affect one's ability to understand and appreciate the history, significance and scale of operations of the former Portland Company complex.

REQUESTED ORDINANCE AMENDMENT

As noted above, Ms. Costigan requested that the Board include as part of its recommendation to the Planning Board an ordinance amendment providing that the height allowances established by the underlying zoning for this property supersede the HP Board's authority as regards review of building height. As the Historic Preservation Board had not been involved in discussions regarding building heights for this property and had not been briefed on details of the final rezoning, including allowable building heights, the Board did not think it was appropriate to include such an amendment as part of its recommendation. They also noted that review of building height for compatibility with a development's surrounding context is an integral part of the Historic Preservation Board's review process for new construction. While it is rare that the Board has required heights lower than that allowed by zoning, maintaining the authority to impose this requirement may be important in some instances. The Board also pointed out that they made an exception to this rule for the Congress Street Historic District given the wide range of building heights exhibited within the district and the fact that recently adopted building heights for the B3 zone had been based on a careful analysis of Congress Street's existing building stock.

VII. FINAL HP BOARD VOTE ON PROPOSED DISTRICT DESIGNATION

Based on the above findings, the Board voted 7-0 to recommend to the Planning Board and City Council that the former Portland Company complex be designated as a local historic district as delineated in the map enclosed as ATTACHMENT 1.

Note: Following the Historic Preservation Board's formal vote on June 24, staff prepared a draft designation report for the Board's review and comment. The draft designation report was reviewed on July 15. Following an opportunity for public comment, the Board confirmed the content of the report with minor clarifications and amendments.

New Information (for 9/8/15 public hearing)

VIII. RESPONSES TO QUESTIONS RAISED AT PLANNING BOARD's 7/28 WORKSHOP

At the Planning Board's July 28 workshop a number of questions were raised about various aspects of the Historic Preservation Board's deliberations and recommendation. Following are responses to specific questions raised by members of the Planning Board as well as clarification on aspects of the Historic Preservation Board's deliberations and findings that appeared to warrant further explanation.

What was the Historic Preservation Board's process for assigning a classification to each building? Is it a balancing act between consideration of significance and condition?

The Board's review process began with an analysis of the Portland Company complex *as a whole*, rather than a focus on individual buildings. This was the appropriate approach given the fact that the Portland Company property is comprised of buildings that are historically and functionally related to each other. Only after the

significance and integrity of the overall complex was evaluated was it appropriate to move on to a detailed evaluation of the individual buildings within it. The building-by-building evaluation focused primarily on the question of *condition* because the *significance* of virtually every extant building within the complex was made clear in the report prepared by Sutherland Conservation & Consulting. The Sutherland report explained that each building within the complex played a specific, necessary and interdependent function in the overall manufacturing process and that much of the property's significance is due to the fact that, collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company.

The Board's first task was to consider whether the complex of buildings meets the ordinance's *minimum criteria for designation*, which are outlined in Sec. 14-610 (a) and (b) of the ordinance.

Sec. 14-610 (a) lists six potential areas of significance, at least one of which must be clearly met by the nominated resource. In the case of the Portland Company complex, all six of the criteria were found to be met. For two of the criteria, the Portland Company complex was found to be significant at the local, state *and* national level. (A more detailed description of the Board's findings as regards significance is included in the 9/2/15 PUBLIC HEARING report.)

Next, the Board had to determine whether the complex (proposed district) meets the criterion in Sec. 14-610 (b), which states: "In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it."

Here, the Board determined that all of the extant buildings within the Portland Company complex, with the exception of the 1956 office building (Building #30) and the large 1968 metal building addition to the foundry (Building #5), exhibit a high degree of historic significance as they all played an important, distinct and interdependent role in the overall manufacturing process of the Portland Company. Since the office building did not represent the core function of the historic complex and was added much later in its history, it was found not to be significant. Building #5 was found not to be significant because it was built late in the company's history, when the nature of company's product line began to change.

Note that this review criterion also requires demonstration of "integrity". "Integrity" as defined under this ordinance criterion applies only to a structure's cultural, historic or architectural integrity. Historic integrity is distinct from structural integrity or integrity of condition. "Historic integrity", as explained in the Sutherland report, "is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship and/or association to convey the significance of the property. The Sutherland report includes an entire section on the integrity of the individual buildings within the complex and on the integrity of the complex as a whole--see SECTION II, beginning on page 21. Here, the Board found that the remaining historic structures within the complex exhibited a high level of *historic and architectural integrity*, as they remain in relatively unaltered condition from the time of their construction.

Following consideration of these two threshold criteria, the ordinance requires that the Board then address the nominated resource's *integrity of condition*:

Sec. 14-611. Integrity of landmarks and historic districts

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

Under this criterion, the Board considers the *integrity of condition of the overall complex*, taking into consideration the condition of the individual buildings within the complex. Notwithstanding the poor condition of a number of individual buildings, as documented in two reports available for the Board's reference, the Board found that the complex, or proposed district as a whole, had "sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration."

The assignment of a classification for each building within a proposed district is a requirement of the historic preservation ordinance and must be provided as part of the historic district designation report that accompanies the Historic Preservation Board's recommendation. (See Sec. 14-617 (f).) It should be noted that the ordinance does not provide specific criteria which must be met to prove that a building is "noncontributing"; the only guidance provided for this determination is the ordinance definition included in Sec. 14-602 Definitions, which states:

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

In reviewing the results of the condition reports, the question for the Board was not whether a building was in poor condition, but whether it had "so deteriorated that the overall integrity of the...structure...had been irretrievably lost." The two condition reports, one prepared for the CPB2 for initial planning purposes and cost/benefit analysis (which is not a relevant consideration in the designation review process) and the other for the City for the purposes of designation deliberations, were by their nature preliminary assessments of the overall condition of the buildings. Neither consultant was asked to develop specific proposals for addressing identified structural or building envelope deficiencies. Without knowing what use was proposed for a given building, it would be impossible to develop specific recommendations or to reasonably determine the feasibility of its adaptive reuse.

Given the preliminary nature of the condition reports, it is fair to say that the Historic Preservation Board demonstrated a willingness to accept the findings of the reports where the two reports were clear, definitive and in strong agreement. Accordingly, Buildings #7, #10, #11 and #15 were identified early on in Board's discussions as noncontributing due to condition. Later, based on additional information from CPB2, the Board reclassified Building #14 as well, from contributing as noncontributing

Classification of the foundry (Building #4) proved to be the most difficult. In the Resurgence report, Building #4 was not one of the buildings identified as being in significantly deteriorated condition. (See pg. 32 of Resurgence report, Recommendations and Conclusion - ATTACHMENT 5. Both the Resurgence and the Becker reports, however, noted that Building #4 exhibits unique condition issues with an exterior brick masonry wall system that is integrated with iron structural columns. The columns are exposed to weather and

in an advanced state of disrepair. They noted that in order to correct the structural deficiencies, it might be necessary to dismantle the exterior masonry walls (or portions thereof). The roof structure was also identified as inadequate for snow loads and might need replacement or substantial reinforcement. In response to the findings in the two reports, CPB2 representatives questioned whether this degree of potential intervention (partial or complete reconstruction) could reasonably be defined as preservation or rehabilitation.

At the final workshop, several members of the Board argued that it was premature to classify the foundry as noncontributing without a more detailed structural analysis or exploration of options. They suggested that Building #4 be classified as contributing, but that the classification be annotated to indicate the Board's willingness to reconsider its classification upon more detailed structural analysis. CPB2 argued that the ordinance does not provide for annotated or qualified classifications. Ultimately, the Board voted to classify Building #4 as noncontributing due to condition. This was a particularly difficult decision, as the foundry represents to a large extent the "heart" or center of the Portland Company's operations. The foundry is also a key component of the complex's core manufacturing row, which is comprised of four connected structures through which most of the company's product line moved from raw material stage to final assembly. Also making the decision difficult was the Board's recognition that the removal of the large foundry building would inevitably impact one's ability to appreciate the scale and magnitude of the Portland Company's operations and the significance of the company to Portland's economy from the mid-19th to the mid-20th century.

How were the district boundaries determined? Why does the proposed boundary include the footprint, or partial footprint, of buildings that have been determined to be noncontributing due to condition?

As noted above, the Portland Company property derives its significance *as a complex*. This complex is defined not only by the buildings within it, but also by the alignment and spatial relationship of the buildings and by its contributing site features such as the entrance drive, the alleyways, the entrance yard and the elevated bridges. Collectively, these elements communicate how this industrial complex functioned.

Although several buildings within the complex have been determined to be noncontributing due to their physical condition and it is very likely that new development will be introduced in their place, the question of how future development relates to the remaining historic resources--in terms of placement, orientation, massing, etc.--is an important consideration. It is appropriate to include the footprints (or portion thereof, in the case of Building 4) of these noncontributing structures within the district boundary because of their close proximity to what will likely become the only remaining historic structures on site and so that the architectural characteristics that distinguish this historic complex are taken into consideration in future development. Similarly, it is appropriate to include within the district boundary the entrance drive and entrance yard, as these are elements have been part of the complex since the company's inception. While it is likely that the position, size and/or function of these key site elements will change with any future redevelopment scheme (the Historic Preservation Board has acknowledged this possibility) including them within the district boundary provides an opportunity to preserve the primary visual characteristics of the Portland Company complex by maintaining such attributes as the spatial relationship between the buildings and building rows as well as a general sense of the footprint, scale and sequential nature of the overall complex.

See page 4, *Historic Significance and Visual Character of the Portland Company Site* of Sutherland report (ATTACHMENT 4) for a description of the contribution each element makes in conveying the significance of this property.

Is Building 1 (Erecting Building) significant and does its condition warrant classification as a noncontributing building?

With respect to the question of the Erecting Building's significance, please see attached memo from preservation consultant Scott Hanson, the principal author of the Sutherland report. (ATTACHMENT 10)

With respect to the Erecting Building's condition and feasibility of rehabilitation, please see attached letter from structural engineering consultant Al Hodson, who prepared the building condition report for the City. (ATTACHMENT 11)

It should also be noted that, apart from the Erecting Building's individual merits, it is a key component of the Portland Company's core manufacturing/assembly row, which is currently made up of four buildings. With the potential removal of Building #4 due to condition, preservation of Building 1 becomes especially important if the overall scale and magnitude of the Portland Company's operations and its major presence on the Portland waterfront for almost 150 years is to be conveyed. The Executive Summary in the Sutherland report (see pg. 4) includes the following: "The removal of any of the historic buildings existing in the complex will diminish the ability of the complex to demonstrate the historic manufacturing process of the Portland Company."

What is the condition of Building 16 (brass foundry) and how will the removal of Building 15 affect Building 16?

Please see attached memo from Al Hodson of Resurgence Engineering & Preservation. (ATTACHMENT 11)

Why is the district's eligibility for National Park Service certification (and thus eligibility for historic tax credits) a relevant consideration in the City's local district designation process?

Any conversation about eligibility for Federal or State historic tax credits is only to highlight the opportunity as a possible path to pursue for a future rehabilitation project. Tax credits have proven to be a powerful financial incentive and have been employed in approximately 110 historic rehabilitation projects in Portland alone. It behooves the City of Portland to determine whether the proposed historic district is likely to meet the requirements for National Park Service certification, because NPS certification will be *required* in order to access the historic tax credits.

Reference to the possibility of NPS certification and tax credit eligibility is also relevant to the discussion because Portland's designation criteria are patterned directly after the criteria used by the Maine Historic Preservation Commission and the National Park Service. (The only difference is that Portland's ordinance takes into consideration the physical condition of nominated resources while the National Park Service does not.) If the National Park Service determines that the Portland Company Historic District as proposed by the City of Portland does not include sufficient historic resources to adequately convey the history and significance of the Portland Company complex, it will not certify the district. Portland must be able to make a strong and defensible argument for the removal of historically significant buildings and site elements if the district is to be certified.

See letter from the Maine Historic Preservation Commission - ATTACHMENT 12.

Should the height allowances established in the underlying zoning should govern height within the proposed district or should the HP review standards as they apply to height supersede the zoning regulations?

The Historic Preservation Board did not include as part of its recommendation a proposed ordinance amendment that would pertain to the regulation of building height for new construction within the Portland Company Historic District. As the Historic Preservation Board was not involved in discussions regarding allowable building heights for this property and has not been briefed on details of the final rezoning, the Board did not think it was appropriate to include such an amendment as part of its recommendation. Board members noted that review of building height for compatibility with a proposed development's surrounding context is a standard and integral part of the Historic Preservation Board's review process for new construction. While it is rare that the Board has required a height lower than that allowed by zoning, maintaining the authority to impose this requirement may be important in the review of some projects, particularly in very sensitive contexts. While an exception to this rule was made for the Congress Street Historic District, it was based on the fact that Congress Street exhibits a very wide range of building heights. Additionally, the allowable building heights in the B3 zone had been based on a careful, and recent, analysis of Congress Street's existing building stock. In the Board's view, waiving otherwise applicable review standards should be carefully considered.

Responses to information and attachments included in Ms. Costigan's letter of August 26, 2015:

Note that the district boundary map proposed by CPB2 as provided in Ms. Costigan's letter of August 26 (ATTACHMENT 13) includes two separate boundaries: one around several buildings on the east side of the entrance yard and another around Building # 12. According to cite NR Bulletin 16A, pg. 57, as cited by staff of the Maine Historic Preservation Commission, this is not consistent with standard requirements for delineating boundaries of historic districts. Historic *districts* typically comprise a single contiguous area.

Also, on page 2 of Ms. Costigan's letter, she states "as we know, these credits are reviewed annually and should not be considered as planning tools and may in fact not be available at the time of development or any other rehabilitation project". Maine Historic Preservation Commission staff has confirmed that there is no sunset provision for the Federal tax credits and the State tax credits were recently extended to 2023. An annual *report* on state historic tax credit activity is required, but no *reauthorization review* is required.

IX. ANALYSIS OF PROPOSED DESIGNATION'S CONSISTENCY WITH COMPREHENSIVE PLAN

Senior Planner Christine Grimando has evaluated the proposed historic district designation consistency with the Comprehensive Plan. Following are Ms. Grimando's findings:

The Comprehensive Plan is widely supportive of preservation of Portland's historic resources. Volume 1, State Goal I, *To preserve the State's historic and archeological resources*, endorses preserving and enhancing distinctive areas, sites, structures and objects that have historic, cultural, architectural and archeological significance. It includes an overview of preservation efforts in the city, recommendations for furthering preservation, and reference to the adoption, as part of the 1990 Comprehensive Plan, of the Historic Preservation Ordinance, and the Historic Resources Design Manual, both still being utilized today.

There are several, but not extensive, references to the Portland Company site/58 Fore Street, as well as more general policy for the Eastern Waterfront as a whole, within elements of the Comprehensive Plan. Below are pertinent components for preservation as it concerns 58 Fore Street.

- Volume 1 gives an overview of the years of waterfront planning efforts of the City, and addresses redevelopment of the Waterfront East specifically, which encompasses and extends beyond the Portland Company complex. It outlines four redevelopment principles for development in this area: 1) Character and Impact of Development; 2) Mixed-use as a component of an active, vibrant urban area; 3) maintaining Maritime Resources; and 4) Economically Responsible Development that benefits the city and the region. *Character and Impact of Development* calls for a variety of related outcomes, including compatibility with surrounding neighborhoods and maritime uses, historic preservation and adaptive reuse, compatible architecture, protection of view corridors, as well as integrated street and trail networks.
- Volume I, State Goal I references the Historic Resources Design Manual, which identifies 58 Fore Street as eligible for the National Register of Historic Places on the basis of the 1976 Portland Historic Resources Inventory.
- **A Masterplan for Redevelopment of the Eastern Waterfront** (Masterplan) consists of three documents: 1) **A Masterplan for Redevelopment of the Eastern Waterfront**, 2) **Eastern Waterfront Building Height Study** (Height Study), and 3) **Design Guidelines for the Eastern Waterfront** (Design Guidelines) - the latter are two freestanding documents that were both adopted by reference into the Masterplan. The Height Study does not mention preservation of historic structures, and is focused on height recommendations for new construction, without explicit consideration of how new construction would interact with the existing urban fabric.

The Masterplan reiterates and expands upon the four redevelopment principles for the Eastern Waterfront of Volume 1, encouraging historic preservation and active reuse of historic structures as a component of the *Character and Impact of Development* principle (page 12). The document also encourages aggregation of surface parking for better use of valuable land, including more intensive reuse of historic buildings, replacement of non-historic structures, and open space enhancement (page 6). This also is a recommendation that applies to the entirety of the Eastern Waterfront. In regard to specific recommendations for the Portland Company complex (page 8), the Masterplan notes its potential for adaptive reuse, and that it is a property that has been deemed eligible for inclusion in the National Register of Historic Places. It goes on to note that parking enhancements and better site access will better integrate the property with the rest of the Eastern Waterfront, which in turn is expected to spur adaptive reuse and restoration of historic structures. Finally, adaptive reuse and sensitive rehabilitation of existing historic structures is a primary development consideration.

The Design Guidelines note the historic character of the area by making strong recommendations for new construction that respects the historic character of the waterfront, while representing the best elements of contemporary design (page 4). In regard to historic structures the guidelines state: *Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated in a way that is consistent with their original architectural intent. The challenge and opportunity is to adaptively reuse significant structures while retaining their historic character. New additions to historically significant buildings should be designed for compatibility with the original structure in size, composition and material and should result in the minimum necessary loss of original architectural material* (page 7).

An historic district on the site of the Portland Company complex is consistent with Comprehensive Plan policy. The Comprehensive Plan recognizes the importance of historic preservation and rehabilitation for the city as a whole, the unique characteristics of the Eastern Waterfront, and the significant legacy of the Portland Company complex. It also anticipates new construction, and the need for sensitive, compatible architecture beside and (in some cases) in place of the existing building stock. While recognizing the value of preservation and adaptive reuse, its support is framed broadly enough to allow for the Historic Preservation Board, and ultimately the Planning Board and City Council, to make final, informed determinations about the appropriate parameters of a district boundary and its specific contents.

X. MOTIONS FOR CONSIDERATION

Upon the recommendation of the Historic Preservation Board and on the basis of the Portland Company Historic District Designation Report, documentation and analysis provided in reports prepared by Sutherland Conservation & Consulting and Resurgence Engineering & Preservation, and information included in the staff report for the September 8, 2015 public hearing,

- 1) The Planning Board finds that the proposed Portland Company Historic District:**
 - a) meets the historic preservation ordinance's minimum criteria for designation as set forth in Sec. 14-610 (a), specifically Criteria 1, 2, 3, 4, 5 and 6, based on the Board's findings that all of the summary statements as to significance of the Portland Company complex included in the 9/8/15 public hearing report are well-founded and based on detailed research and documentation. Accordingly, the Board confirms and references the report's statements of significance as the basis for its finding; and**
 - b) meets the criterion in Sec. 14-610 (b), based on the Board's finding that a substantial number of the structures and sites within the proposed district have a high degree of historic and/or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the significant structures located within it. Pursuant to this finding, the Board supports the building classifications included in the Designation Report.; and**
 - c) meets the integrity criterion set forth in Sec. 14-611, based on the Board's finding that the district and identified contributing structures therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration.**
- 2) The Planning Board also finds that designation of the Portland Company Historic District is consistent with the goals of the Comprehensive Plan, including the Masterplan for Redevelopment of the Eastern Waterfront, based on the analysis provided in the 9/8/15 public hearing report.**

On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district (as delineated in ATTACHMENT 2 of the 9/8/15 public hearing report) subject to the provisions of Article IX of the Land Use Code.

ATTACHMENTS

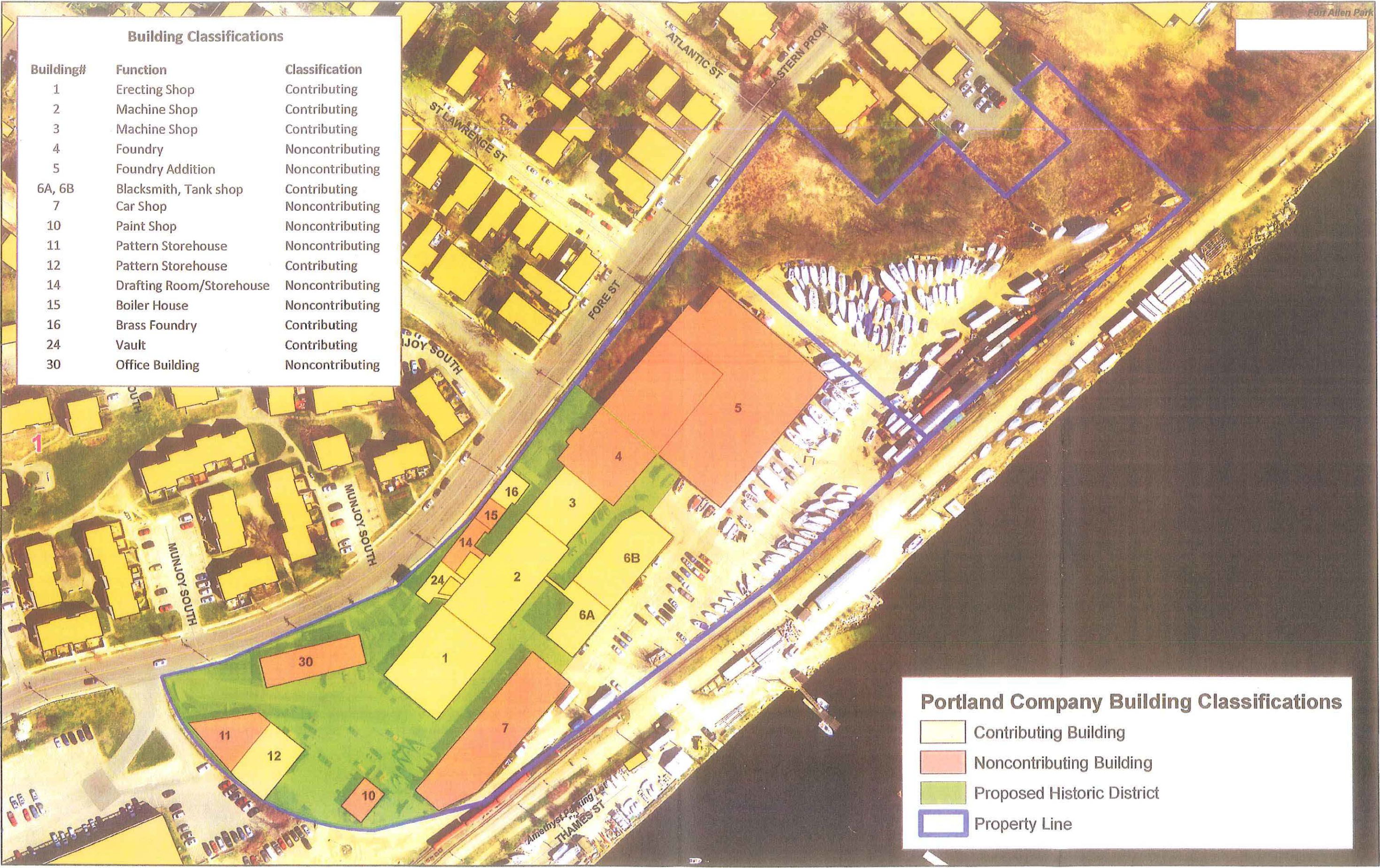
1. Proposed Historic District Map with Boundaries and Individual Building Classifications
 2. Portland Company Historic District Designation Report
 3. Excerpts from Portland's historic preservation ordinance (Article IX of the Land Use Code).
 4. *The Portland Company: Historic Significance and Integrity*, prepared for City of Portland by Sutherland Conservation & Consulting
 5. *Portland Company Complex General Building Condition Report*, prepared for City of Portland by Resurgence Engineering and Preservation Inc.
 6. Evaluation of *Existing Buildings at the Portland Company Property*, prepared for CPB2 by Becker Structural Engineers
 7. Appendix A: Comparative Condition/Cost Analysis (excerpted from Resurgence report)
 8. March 31, 2014 Letter from Maine Historic Preservation Commission regarding eligibility of Portland Company Complex for Listing in the National Register of Historic Places
 9. Letters from interested parties
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Attachments prepared in response to questions raised at PB's 7/28 Workshop

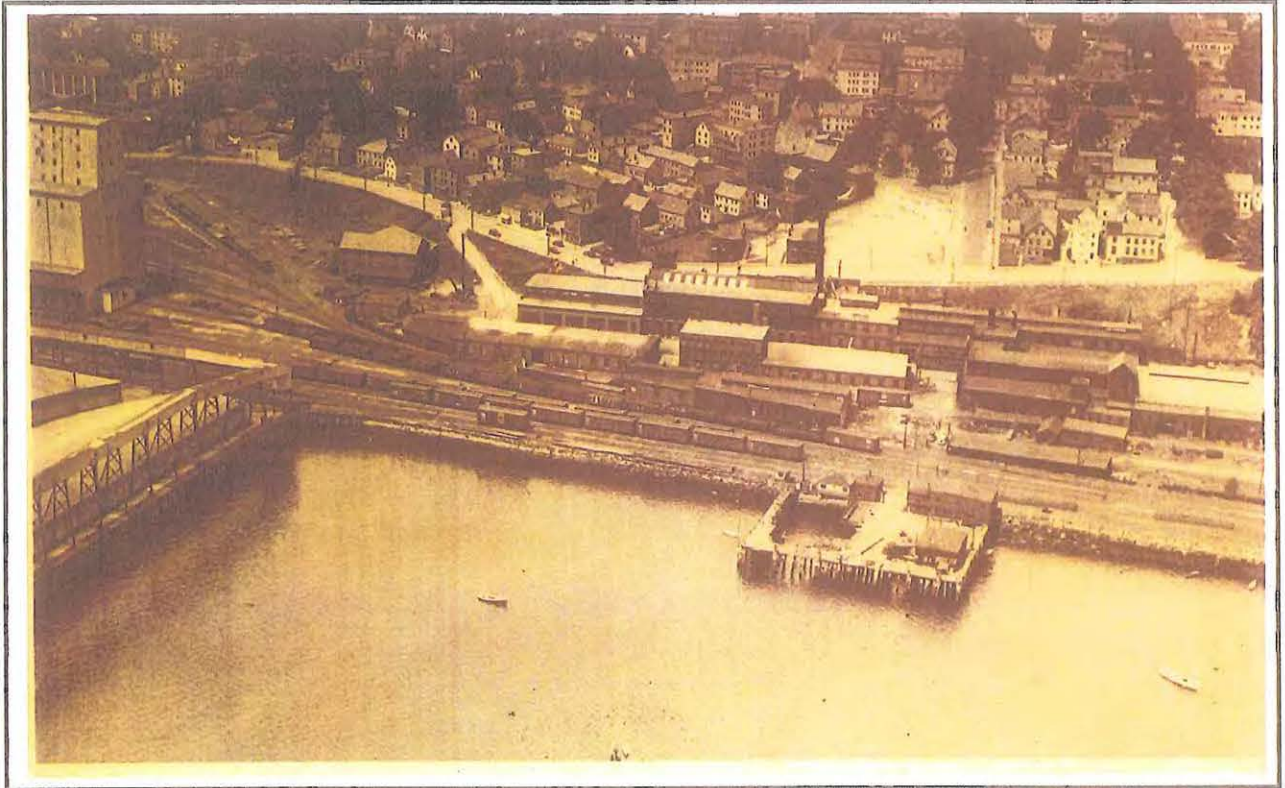
10. 9/2/15 Memo from Scott Hanson, Sutherland Conservation & Consulting, regarding Building 1
 11. 9/4/15 Letter from Al Hodson, Resurgence Engineering, re: condition of Buildings 1 and 16
 12. 9/4/15 Letter from Maine Historic Preservation Commission
 13. 8/26/15 letter from Mary Costigan on behalf of CPB2
-

Information and Public Comment received since 9/8

14. Staff memo summarizing HP Board's 10/21/15 review of latest condition report prepared by Becker Structural Engineers
 - A. Staff memo for 10/21/15 HP Board review
 - B. October 13, 2015 report from Becker Structural Engineers
 - C. Copy of GPL testimony at 10/21 meeting
15. Compilation of most recent public comment



Portland Company Historic District Designation Report



Portland Company circa 1938

Portland Company Historic District

Designation Report

General Description of Complex

The Portland Company complex today is comprised of 16 extant structures occupying approximately 4.3 acres of a 9.93 acre parcel. The complex is located below the original shoreline along Fore Street on filled land that was created to accommodate the construction of the St. Lawrence and Atlantic Railroad.



With the exception of an office building constructed in 1950, all of the buildings within the complex are industrial structures built to house a specific function within the Portland Company's overall manufacturing process. These include both the core production buildings where the company's diverse line of cast metal products were fabricated and assembled (i.e. the principal foundry, a brass foundry,

two machine shops, an erecting building, blacksmith shop, tank shop, and car shop) as well as various accessory structures that housed functions or materials important to the overall operations of the industrial complex. Accessory structures include two pattern storehouses, a paint shop, a drafting room/storehouse and vault. The pattern storehouses and paint shop were purposefully sited well away from the core production buildings to keep flammable materials such as pattern molds and paints away from production areas.

The construction date of the extant buildings ranges from 1847, shortly after the Portland Company was founded, to a large metal building addition constructed circa 1968. Most of the extant structures, however, and all of the structures specifically associated with the company's significant railroad- and marine-related work, were constructed before 1920. With the growth of the company and the need to accommodate the changing demands of the various manufacturing processes that took place in the plant, additional buildings, replacement buildings, and building additions were introduced in the 1870's, 1880's, 1890's and 1910's. As such, the Portland Company complex exhibits several industrial building types, each representative of its respective era in terms of design and structural system. Although the buildings have suffered from decades of deferred maintenance and expedient repairs since the Portland Company closed its doors in 1982, most remain in remarkably unaltered condition from the time of the company's occupation.

Most of the buildings on the site are organized in a linear alignment, running more or less parallel to the water's edge. During the Portland Company's tenure, multiple rail lines ran between the southern edge of the manufacturing complex and the water's edge; the locomotives and thousands of other items produced by the company were loaded onto these rails. Today, the number of tracks is significantly reduced.

The individual buildings within the manufacturing core (on the east side of the entrance yard) are physically connected at their end walls to allow for the efficient movement of products from one stage of the manufacturing process to the other. This manufacturing core includes three "rows" of buildings separated by private "streets" or alleys. (The northwest row of buildings is actually built against the Fore Street retaining wall. The retaining wall forms the rear wall of these buildings; the side walls of the buildings form buttresses that help support the retaining wall.) Overhead pedestrian bridges span the private alleyways to provide upper floor access between building rows.

Virtually all of the extant buildings within the complex are brick. (While some of the early buildings were wood, they were typically replaced with brick, in some cases due to fire.) Another consistent feature in all of the core manufacturing structures is the presence of large multi-light windows, which were needed to maximize the amount of daylight reaching the interior of these buildings.

The industrial complex is approached from a curving entrance drive off Fore Street, near the western end of the property. The drive leads to a wide entrance yard which separates the manufacturing facilities to the east from the paint shop and pattern storage buildings to the west.

History of the Portland Company

Following is a brief history of the Portland Company. For more detailed and illustrated history of the company, see the Sutherland report or The Portland Company 1846-1982 by David H. Fletcher.

The Portland Company was founded as the Portland Iron Manufacturing Company in 1845 on filled land on Portland's eastern waterfront. The name was changed to the Portland Company in 1846 and the company remained in operation at its 58 Fore Street location for 137 years, until 1982.

The Portland Company was established in conjunction with the construction of the Atlantic & St. Lawrence Railroad which was built to connect Portland to Montreal. John A. Poor, the individual most responsible for Portland's successful bid over Boston to become Montreal's winter port via rail, was a Director of the Atlantic & St. Lawrence and became to Portland Company's first president. The company was founded primarily to build steam railroad locomotives for the newly formed railroad and was sited to be convenient to it, as the railroad's main line ran between the shop buildings and the waterfront and down Commercial Street.

The first locomotive produced by the company, the *Augusta*, was completed in 1848. For the next 60 years, the manufacturing facility turned out a total of 630 steam locomotives in at least five different gauges. The company built locomotives for Boston & Maine, Maine Central, Northern Pacific, Panama Railroad, Mexican Central, Sandy River, Wiscasset and Quebec, Portland & Rochester, as well as many other railroad lines.



This 1938 view illustrates the scale and scope of the industrial complex. The Portland Company was the city's largest employer in the 19th century and spurred residential development on Munjoy Hill and in the India Street neighborhood.

The Portland Company was the only locomotive works in the country to be established specifically to produce locomotives, as most of the other builders had their start as general machine shops. Here, all of the necessary shops, as well as two foundries to pour both iron and bronze castings, were brought together in a single facility. The use of cast metals, particularly iron, was central to the rapid

industrialization and expansion of the United States in the nineteenth century and the use of it at the scale undertaken during the period the Portland Company was founded was unprecedented. Cast iron has been called “the plastic of the nineteenth century” for the way it transformed production and expanded the range of products available to industry and the public. Putting all of the stages of production for large machines in one place was a radical advance over traditional practices.

In addition to the hundreds of railroad-related engines, cars and other items it produced, the Portland Company manufactured and installed marine engines and boilers, aids, and other equipment for hundreds of vessels constructed at shipyards throughout Maine. It also shipped marine equipment to other shipyards throughout the country. The Portland Company also produced numerous vessels from the keel up, including tugboats, fishing vessels, yachts, dredges, freighters, fireboats and ferries. Also significant was the Portland Company’s production of lighthouse components and navigation buoys. “Bug Light” at the entrance to Portland Harbor was entirely produced by the Portland Company.

Beyond these two core areas of focus, the Portland Company produced equipment for Maine’s paper, textile and canning industries, as well as other industries throughout the region. Its extraordinary range of manufactured products included freight and passenger cars, fire engines, heavy snowplows, cast iron storefronts, elevators, light poles, manhole covers, and even neutron reactor shells for nuclear power plants late in the company’s existence.

Areas of Significance

As documented in the report prepared for the Portland Planning Department by Sutherland Conservation & Consulting, the Portland Company complex is significant at the local, state and national level. At the local level, the complex exhibits both historic *and* architectural significance.

The Portland Company has national historic significance because it appears to have been the first complex in this country built specifically for the manufacture of railroad equipment with all of the necessary shops and a foundry on a single site. The Portland Company complex as it stands today is a rare surviving example of a pre-Civil War foundry, machine shop, and car shop complex because it retains a number of its original and early buildings, whereas most, if not all, other pre-Civil War complexes have been substantially or wholly demolished. As such, the Portland Company complex contains the oldest surviving railroad shop buildings in the nation still within their historic manufacturing complex context. Recent research indicates the Portland Company appears to be the only surviving pre-Civil War locomotive manufacturing plant in the nation, making it the only one surviving where locomotives were built for the U.S. Government as part of that war effort.

The Portland Company has statewide historic significance because the company made a significant contribution to the development of Maine’s railroads (including the state’s iconic two-foot gauge lines) and maritime shipping industry. The locomotives, railroad cars, marine engines and boilers, and maritime navigation aids produced entirely or in part at the Portland Company were important to the

development of rail and maritime transportation in the State of Maine from the middle of the nineteenth century into the twentieth century. Industrial expansion, natural resource extraction, commerce, and tourism all benefited from improved transportation made possible by products manufactured by the Portland Company.

The Portland Company was the state's largest nineteenth century foundry and machine shop, with those two shops combined in a way that was unprecedented in Maine. The company grew to be the state's most substantial engineering and machine manufacturing business, employing 150 of the 500 machinists in the state at one point. The Portland Company also played a significant role in the development of many important Maine industries including the paper-making, textile, and canning industries. A number of industrial processes likewise benefitted from the research and development of electrical engineer and inventor William Chapman for the Portland Company and through the Chapman Electric Neutralizer Company at the Portland Company.

The Portland Company has local historic significance because it is the only intact nineteenth and early twentieth century industrial complex remaining in the city. Thirty-three manufacturing plants can be identified in the 1876 Bird's Eye View of Portland. Only the Portland Company complex remains largely intact 139 years later. Portland had 60 sizable companies engaged in industrial production of various sorts in 1924, occupying more than 85 buildings. Of these 85 buildings, fewer than a dozen survive outside the Portland Company, none as complexes.

The Portland Company also has local historic significance for its direct association with several major nineteenth century planning and development initiatives within the city of Portland. As part of John A. Poor's vision for creating a modern international port at Portland, he conceived of a wide new street along the waterfront which would contain railroad tracks to connect the Atlantic & St. Lawrence Railroad on the east end of the city to the Portland, Saco & Portsmouth Railroad on the west end while providing both railroads access to the numerous wharves between their terminals. The narrow original waterfront street, Fore Street, followed the natural landform, snaking along the shore around Clay and Broad coves. The new street would be built by filling between the existing wharves below Fore Street, far enough out into the harbor to allow the construction of large new warehouse buildings along the land side of the street. Broad Cove would be filled for construction of the Atlantic & St. Lawrence Railroad terminal and for the Portland Company works and Clay Cove would be filled for the street and new buildings. The Portland Company site alone was originally almost seven acres, the majority of it made by filling the mud flats and cove. This project was undertaken cooperatively by the two railroads, the Portland Company, and the City of Portland, with the railroads paying the cost of filling between the wharves and the City paying wharf owners for the value of their properties seized through eminent domain. The mile-long and one hundred foot wide street would be named Commercial Street. This project was the largest urban planning initiative undertaken in the city of Portland in the nineteenth century and was transformative in its effects.

The buildings of the Portland Company complex have historic architectural significance because they illustrate several distinctive industrial building types constructed between 1847 and 1920; in both their design and their structural system, they are representative of their period of construction. These buildings remain substantially unaltered from their time of the company's occupancy. Additionally, the Portland Company buildings from the 1840s and 1850s are the only industrial buildings of that period remaining in the city of Portland today.

The buildings of the Portland Company also have historic architectural significance because each of the remaining buildings served distinctive function(s) within the overall manufacturing process. Collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company.

National Register Eligibility: In 1976 the Portland Company complex was identified by the Maine Historic Preservation Commission as being eligible for listing in the National Register of Historic Places. The fact that the historic industrial complex was recognized as being highly significant as early as the 1970's is noteworthy, as the buildings and neighborhoods identified as National Register-eligible during that time period were typically landmark structures or neighborhoods with concentrations of high-style, architecturally notable buildings. Just like vernacular buildings or early working class neighborhoods, industrial sites were slower to gain recognition for their historic or architectural significance. It was the Portland Company's significant role in transportation and marine history at the local, state and national level, as well as its extraordinary importance to the history and economic growth of the City of Portland and the State of Maine that led to its early recognition as a National Register-eligible site.

Integrity of Portland Company Complex

As documented in the Sutherland report, the extant historic structures within the Portland Company complex retain a high degree of historic integrity. Historic integrity is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship and/or association, to convey the significance of a property. Except for some reversible alterations (e.g. infilled or enlarged window or door openings), most of the buildings remain substantially unchanged from the time of their original construction or alteration during the Portland Company's period of significance. For local designation purposes, the complex's *period of significance* has been defined as extending from 1847 (when the first building was constructed) until 1920, when the last purpose-built structure for the company's marine- and transportation-related work had been constructed.

As regards integrity of condition, six of the fourteen extant historic structures within the complex have been determined to be so deteriorated as to make their rehabilitation infeasible. Accordingly, these buildings have been classified as "noncontributing" structures due to their condition. (See map

and list of buildings with classifications in ATTACHMENTS 2 and 3. The assignment of this classification was based on applicable ordinance definitions and the professional assessment of two independent structural engineering firms. This level of deterioration is due primarily to a lack of maintenance and necessary repairs in recent decades. In the case of Buildings 4 and 11, however, other complicating factors have accelerated their deterioration. In the case of Building 11, the siting of the building against the Fore Street slope has undermined its structural integrity. In the case of Building 4, its exposed-to-the-weather structural system, which was experimental at the time the building was constructed, has failed.

Notwithstanding the finding as regards these six structures, the complex as a whole retains sufficient integrity of condition to make the remaining buildings and contributing site features worthy of preservation and feasible to rehabilitate. As has been demonstrated in numerous historic rehabilitation projects since Portland's historic preservation ordinance went into effect in 1990, once-significantly deteriorated buildings such as the former Cumberland Cold Storage Building on Merrill's Wharf, the Tracy-Causser Building at 507 Fore Street and the Portland Packing Company Building at 14-26 York Street, have been successfully rehabilitated and creatively adapted to new uses. Additionally, state and federal historic tax credits are available to offset the costs of challenging historic rehabilitation projects.

Visual Character of the Portland Company Site

One's ability to understand and appreciate the Portland Company as a historic industrial site relies in great measure on the *relationship* of the buildings to each other within the complex. Indeed, the Portland Company derives its significance *as a complex*. Unlike most of Portland's other historic districts which are comprised of individual, often unrelated, structures that were sited according to a pre-established street grid, the Portland Company buildings were sited to perform a specific function within a larger manufacturing process. The proximity and orientation of the buildings to each other permitted related manufacturing processes



The linear alignment of the buildings east of the entrance yard creates a series of private streets or alleys. The distance between building rows allows one to observe the connected nature of the buildings and appreciate the scale of the historic complex.

to take place in a way that allowed for efficient progression of stages in the overall production process. Not only does this functional organization and placement of buildings in linear proximity to each other convey the history of this particular property, it also creates a visual character for the site that is unique for Portland. Also unique to this district is the way that the spacing between individual rows of connected buildings forms private streets or alleys. The overhead pedestrian bridges spanning these private alleyways also contribute to the district's distinct visual character.



A number of architectural characteristics serve to unify the individual buildings within this district. These include a shared material palette (mostly brick with granite or concrete window lintels and sills), a simplicity of form and a linear nature generally associated with industrial architecture. The repetitive nature of the buildings' fenestration is also a unifying characteristic.

A unifying characteristic of the industrial buildings within the Portland Company complex is their simplicity of form and repetition of detail. Most buildings are brick with granite or concrete window lintels and sills.

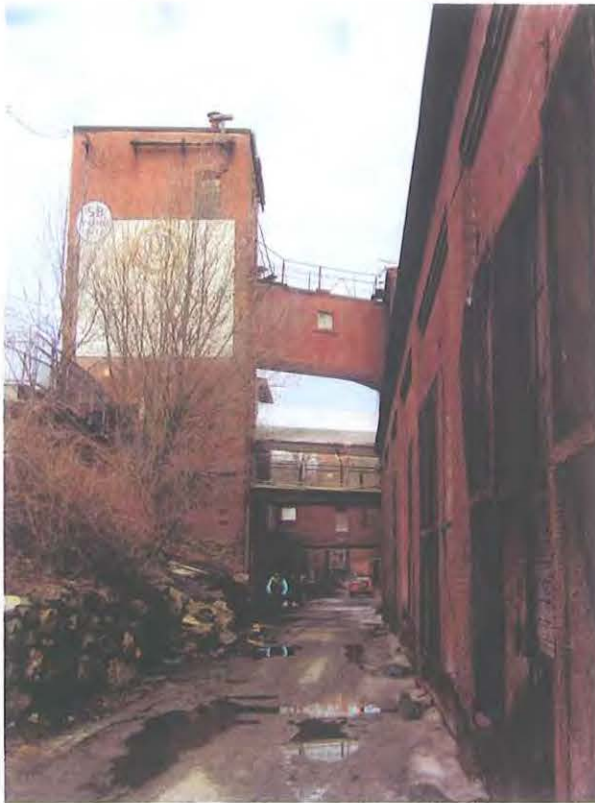
Other important visual characteristics of the Portland Company site include the presence of a major entrance at the west end of the property that follows the grade between the original shoreline at Fore Street and the complex below. (The current driveway has been the primary entrance to the complex since 1847.)

Important site characteristics include a major entrance into the complex from Fore Street near the west end of the district and a generous open space between Building 12 and the historic manufacturing rows. It is from this open yard that the original alignment of the production buildings is observed and the alleys are accessed.

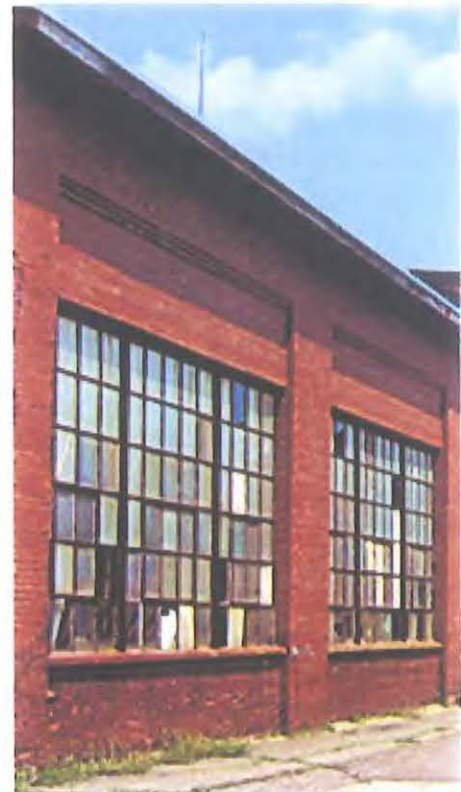


The entrance yard is another important character-defining feature of the property. The yard has been, and continues to be, an open space serving the function of entranceway to the linear manufacturing paths of circulation. It is the point from which the streets or alleys of the complex are accessed. Historically, the entrance yard also served as a fire break between the manufacturing facilities to the east and the pattern and paint storage buildings to the west. The entrance yard has been in its current configuration since 1918.

It is important that these strong and identifiable visual characteristics be considered in the review of future infill development, new construction and site improvements within the district boundaries. New construction within the district should be a clear product of its own time but should also respect and reinforce the industrial architectural vocabulary, site organization and features that are unique to this historic property.



The pedestrian bridges connecting the manufacturing rows at the upper floor level are character-defining features of the industrial complex.



Windows within the manufacturing rows, whether on mid-19th century structures or this 1918 Erecting Building, are typically large and multi-lite.

Proposed Historic District Boundary

The land area encompassed by the proposed historic district is approximately 3.45 acres. Given that much of Building 4 and all of Building 5 are not included within the proposed boundary, the area of the proposed district is smaller than the area occupied by the current building complex (approximately 4.3 acres). The size of the entire property is 9.93 acres.

The district boundary has been drawn to encompass most of the extant historic structures on the Portland Company property, as well as site features and areas that are original to the complex and which contribute to its visual character. Although some of the historic structures within the boundary have been classified as non-contributing and may therefore be demolished as of right, any new development that might occupy the area of the demolished structures will likely affect one's appreciation and understanding of the remaining historic buildings and the complex as a whole. Accordingly, the boundary includes (almost) all of the extant historic structures. The one exception to this rule is the way the boundary is drawn in the vicinity of Building 4 (the 1895 foundry). Here, the boundary encompasses about one third of the length of the original structure. Given Building 4's classification as a noncontributing structure (due to its structural condition), its considerable length and its distance from several major view corridors within the site itself, including its entire footprint within the district boundary was determined to be unwarranted. Including a portion of the footprint, however, ensures that whatever is built adjacent to the remaining historic core of manufacturing buildings (Buildings 1-3) will be generally compatible with this historic core.

On the upland side of the district, the boundary extends to Fore Street. On the water's edge of the district, the boundary is held to the edge of the historic buildings themselves.

See ATTACHMENT 1 for a larger version of the district boundary map shown below.



Structures Included Within Proposed Historic District Boundary

ATTACHMENT 2 is a color-coded map showing the buildings by classification. See ATTACHMENT 3 for photographs of each building within the existing complex, together with its classification (i.e. Contributing or Noncontributing).

Note: The findings in this designation report are based in part on documentation and professional assessments provided in two studies commissioned by the Portland Planning Department. These include *The Portland Company: Historic Significance and Integrity* prepared by Sutherland Conservation & Consulting and *Portland Company Complex General Building Condition Report* prepared by Resurgence Engineering and Preservation, Inc. Copies of the full reports are available in the Portland Planning Office.

ATTACHMENTS

1. Proposed District Boundary
2. District Boundary with Building Classifications Shown
3. List of Individual Buildings within Proposed District

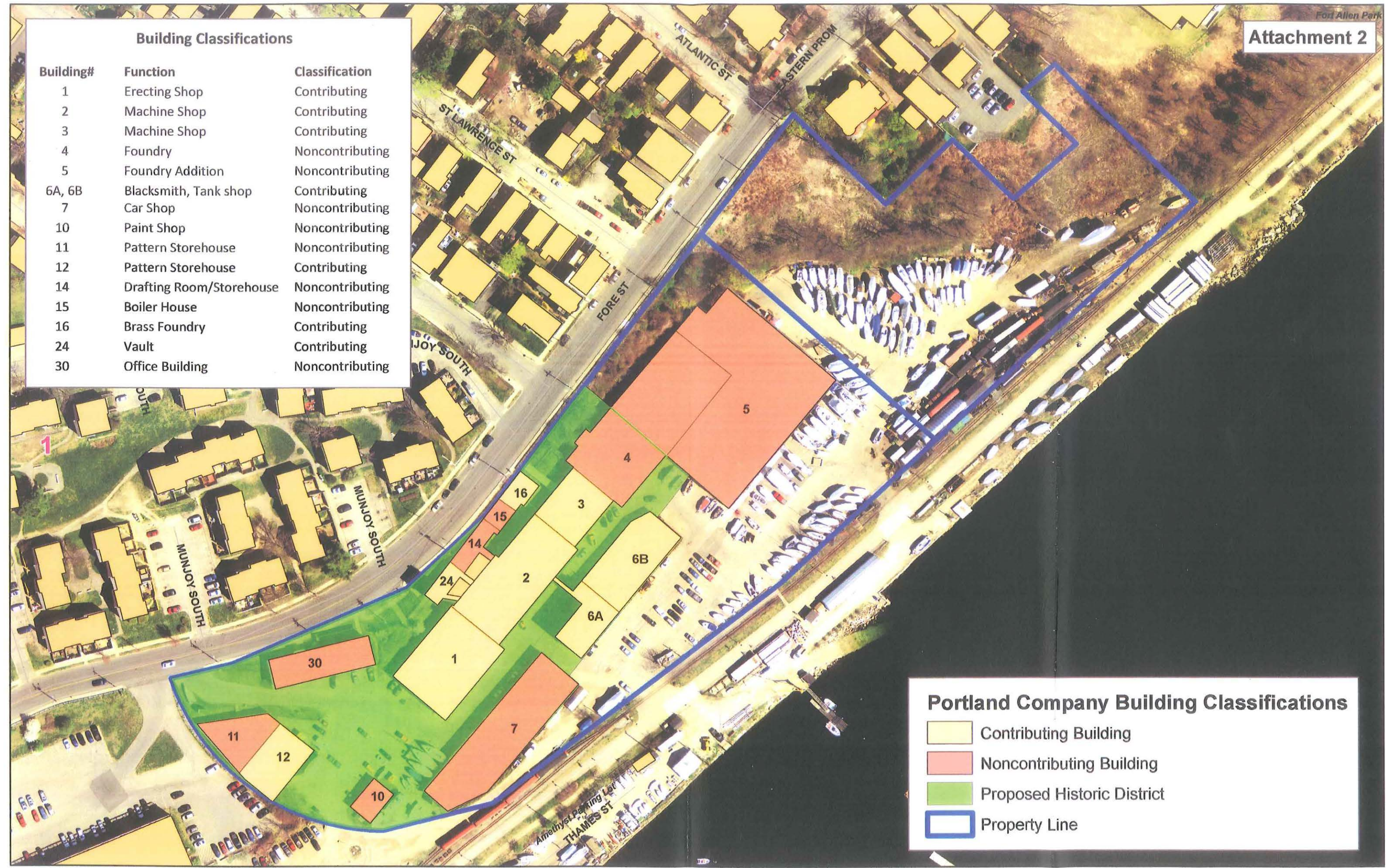


Proposed Portland Company Historic District
Property Line

0 70 140 280 420 560 Feet

Building Classifications

Building#	Function	Classification
1	Erecting Shop	Contributing
2	Machine Shop	Contributing
3	Machine Shop	Contributing
4	Foundry	Noncontributing
5	Foundry Addition	Noncontributing
6A, 6B	Blacksmith, Tank shop	Contributing
7	Car Shop	Noncontributing
10	Paint Shop	Noncontributing
11	Pattern Storehouse	Noncontributing
12	Pattern Storehouse	Contributing
14	Drafting Room/Storehouse	Noncontributing
15	Boiler House	Noncontributing
16	Brass Foundry	Contributing
24	Vault	Contributing
30	Office Building	Noncontributing



Portland Company Building Classifications

- Contributing Building
- Noncontributing Building
- Proposed Historic District
- Property Line

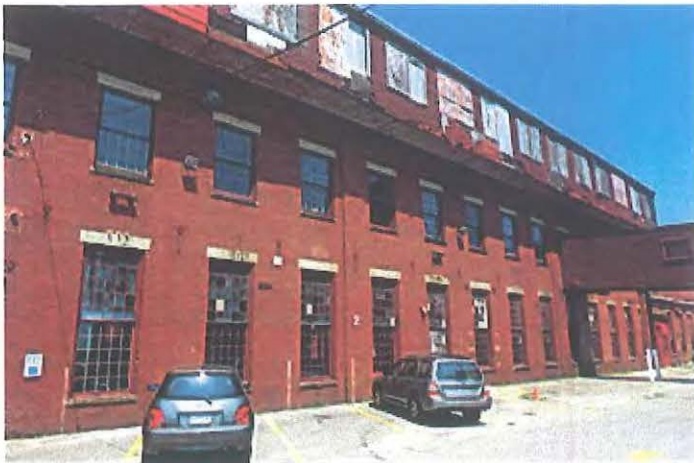
List of Portland Company District Buildings, with Classifications



Building 1

Erecting Shop, 1918

CONTRIBUTING

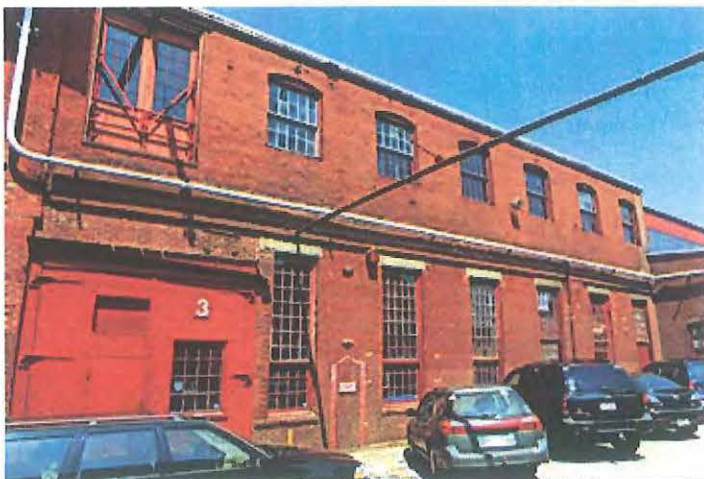


Building 2

Machine Shop, 1847

CONTRIBUTING*

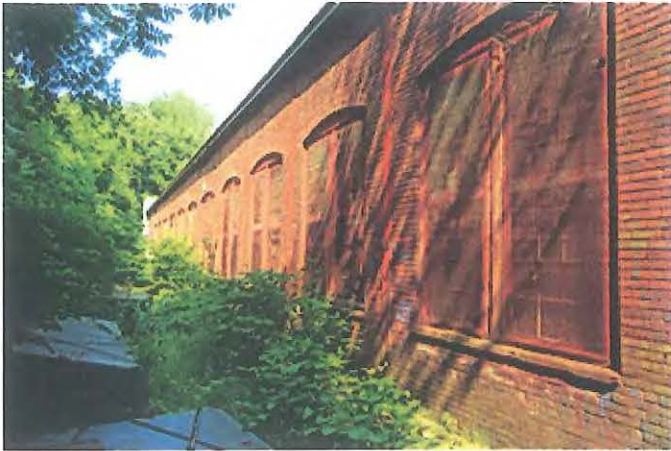
*shed dormer noncontributing based on structural condition



Building 3

Machine Shop, ca. 1847, addition ca 1895

CONTRIBUTING



Building 4

Foundry, 1895, addition 1904-1909

NONCONTRIBUTING based on structural condition



Building 5

Circa 1968 Addition to Foundry

NONCONTRIBUTING (outside the period of significance)



Buildings 6A

Chapman Electric Company building, 1896-1904

CONTRIBUTING



Building 6B

Blacksmith & Tank Shop, 1883

CONTRIBUTING



Building 7

Car Shop, c. 1873, addition 1904

NONCONTRIBUTING based on overall condition



Building 10

Paint Shop, c. 1873

NONCONTRIBUTING based on overall condition



Building 11

Pattern Storehouse, c. 1885, 1895 addition

NONCONTRIBUTING based on structural condition



Building 12

Pattern Storehouse, 1895

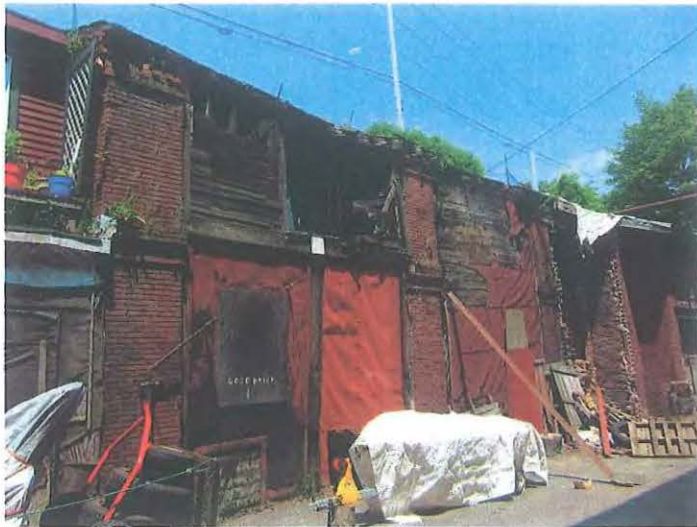
CONTRIBUTING



Building 14

Drafting/Storehouse, ca. 1858-64

NONCONTRIBUTING based on condition, alterations



Building 15

Boiler, 1858-1864

NONCONTRIBUTING based on condition



Building 16

Brass Foundry, 1864-1871

CONTRIBUTING



Building 24

Vault Storage, ca. 1905

CONTRIBUTING



Building 30

Office Building, 1950

NONCONTRIBUTING (outside period of significance)



To: Deb Andrews
 Historic Preservation Program Manager
 City of Portland

From: Scott Hanson
 Sutherland Conservation & Consulting

September 2, 2015

RE: Portland Company Building 1(Erecting Shop)

Dear Deb:

You have requested that I provide specific information regarding to the role of Building 1(Erecting Shop) at the Portland Company throughout the productive life of the company, and its relative significance within the complex. I understand that this question is pursuant to questions raised at the July 28 Planning Board Workshop relative to the historic and architectural significance of the building. The following is from our August 2014 report commissioned by the City of Portland:

Building 1: Erecting Shop (Construction Date: 1918)

The Erecting Shop was built to replace an earlier wooden erecting shop, built between 1871 and 1880 on the same site. The Foundry, Machine Shop, and Erecting Shop were closely related in the production process, and were aligned so the steps of the work could flow from the Foundry, through the Machine Shop, and into the Erecting Shop, where a locomotive or other large piece of machinery could be assembled above railroad tracks that led from the building to the Grand Trunk rail yard. The brick wall construction relates it to earlier buildings on the site, but its steel truss roofing system, electric overhead traveling crane, clerestory, and large steel framed windows provided maximum utility with a large open floor space and considerable natural light for the assembly process. The building retains a very high degree of integrity to the time of its construction with some alterations to the south and east elevations. These involve increasing the size of the bay doors on the south elevation, likely during the period of significance; and infilling two windows on the east elevation with modern siding material. The remainder of original windows are intact, with some limited areas of deterioration to the frames.

As stated in our report, "The buildings of the Portland Company complex embody the distinctive characteristics of a type, period, or method of construction, specifically several types of industrial buildings built between 1847 and 1920," and "The buildings of the complex retain a high degree of architectural integrity to the period of Portland Company production..." The uses of Building 1 are detailed in the report, stating that the building was, "constructed as the Erecting Shop to replace an earlier one-story wood building from the 1870s that was used for the same purpose. By 1949 Building 1 was used as a machine shop."

The report only briefly addresses late 19th/Early 20th century diversification at the Portland Company, after the period of locomotive construction was over. In the interest of keeping our report on the long and complex history of the site to a readable length, the emphasis of the report was on the development of the buildings, not on their subsequent uses. Like most fabrication shops, the Portland Company was in a state of flux and constant change throughout its lifetime. The many areas of significance documented in the Sutherland report make plain this wide range of products produced by the company. To imply that it has one significant purpose during a short period is to misunderstand the very nature of the Portland Company's ever-changing business. This report's emphasis on the pre-1920 period in no way suggests that the significance of the complex ends at that point in history. As is repeatedly stated in the report, the period of significance continues well into the 20th century. This later period was not detailed in the report to the degree the earlier period was because there were few changes to the physical plant after the construction of Building 1 in 1918. 1918 represents the end of the significant historic *development* of the complex, not the end of its significant historic *functions*.

Like all industrial concerns in the U.S., the Portland Company struggled through the Depression. Unlike many companies, it survived that difficult period and was returned to full production during World War II. Following the war, the company continued its long-time function in providing machinery and equipment for production of consumer products. Following changes in the market, the company began making machinery for the new thermo-plastics industry while continuing to make machinery for paper and textile mills. This type of shift in production is typical of historic industrial facilities and does not constitute a disruption in historic significance as long as the essential stages of production remain the same. At the Portland Company, the essential stages of production described in our report continued until the end of the period of significance. From steam locomotives in 1847 to nuclear reactor containment shells in the 1970s, the production process remained essentially unchanged. Building 1 provided the second largest clear floor space of all the buildings (only the foundry was larger). The large modern steel framed windows made it the best day-lit space in the complex. After the period of use in the erection of massive equipment for paper mills and hydroelectric power plants largely ended, the space was used for an expansion of the neighboring machine shop. As the newest building in the complex, it remained essential to the functioning of the company until the end of the period of significance.

A series of photographs taken at the Portland Company by photographer Leyland Whipple (below) includes a number of images of Building 1 in 1949-50. These photos clearly document that the building was an important functional part of the operations of the Portland Company more than thirty years after it was built. This photo album can be found at: <https://www.flickr.com/photos/mvfotog/sets/72157604779520888/> (accessed September 2, 2015).



1. Portland Company Building 1 from Gate, c. 1950.



2. Employee Charlie Pratt at work in Building 1, c. 1950.



3. Employee Happy Pettis at work in Building 1, c. 1950.



4. Employee Frank Riley at work in Building 1, c. 1950.

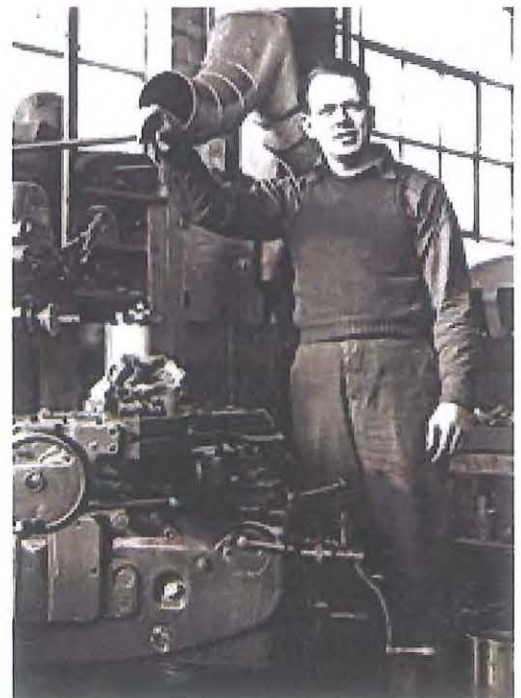


5. Employee Ritchie Murray at work in Building 1, c. 1950.



6. Employee Vic Hammon at work in Building 1, c. 1950.

7. Employee Win Strout at work in Building 1, c. 1950.



RESURGENCE

ENGINEERING AND PRESERVATION, INC.

132 BRENTWOOD STREET
PORTLAND, MAINE 04103
V/F (207) 773-4880
WWW.RESURGENCEENGINEERING.COM

September 4, 2015

City of Portland Planning Department
Attn: Deb Andrews
Via email to: dga@portlandmaine.gov

RE: Portland Company Complex, 58 Fore Street, Portland, Maine

Dear Deb,

As I understand, during the Planning Board meeting of July 28, the Board raised questions about the overall condition of Building 1 and Building 16 of the Portland Company Complex. The following discussion provides more background on the building assessment that we performed, and further describes the work required to rehabilitate these two structures. Following are the summary statements regarding the condition of the two buildings included in my March 26, 2015 report. (More detailed analyses were also included in the report.).

Building 1 - Erecting Building, c.1918

Relative rehabilitation costs for this structure and building envelope are based primarily upon the fact that the structure is repetitive in construction technique, offset by the likely reconstruction of the front masonry (west) wall. The staging and access cost required to perform clerestory rehabilitation from interior and exterior will be an increasing cost factor in building rehabilitation. A significant amount of steel-framed window glazing would require repair or replacement. Since this is the youngest building in the study, existing steel materials may be of higher quality and some understanding of snow loading requirements was incorporated into the design.

Building 15/16 – Boiler House and Brass Foundry c.1858, 1864

We did not enter Building 15, but the visible condition of the second floor framing means the structure would likely need to be rebuilt. Building 16, the Brass Foundry, requires several of the same structural assessments and likely upgrades that Building 14 requires, as well as the rehabilitation of the small south façade.

Additional Comments:

Building 1 – Erecting Building, c. 1918

Our historic construction research, described in our report, reveals that Building 1 was constructed in an era that did, in fact, consider the effects of snow loading on buildings, although that snow loading did not consider drift loading adjacent to lower and upper roof intersections. We understand that change of occupancy and conformance with contemporary code requirements dictates full evaluation and strengthening of the roof. Roof strengthening is common in a redevelopment project that involves changing a building's occupancy from industrial or storage occupancy to business or assembly occupancy.

When rehabilitating Building 1, it is possible that original roof decking, which is rotted in many areas, could be recycled and replaced with metal decking or plywood that would create a much stronger roof system. Original roof decking could be cleaned and re-integrated as a finish ceiling surface between new or supplemental roof framing, maintaining the architectural feature of the open structure while providing necessary structural strength to resist snow, wind, and seismic forces.

Exposed steel lintels are often replaced in century-old buildings undergoing rehabilitation. Contemporary coating systems and galvanizing can provide far better long-term corrosion protection than welding and rehabilitating existing corroding lintels, and preserve the original appearance of the original construction. Replacing the lintel systems can also present opportunities to improve lateral force stability.

It is commonplace to replace missing mortar and repoint brick during building redevelopment projects. Change of building ownership often spurs masonry rehabilitation regardless of whether a building structure is rehabilitated or if the building is redeveloped.

The pilaster cracks at the south-facing elevation of Building 1 can be rebuilt and strengthened as part of the overall rehabilitation of that front-facing façade. Other locations in Building 1, toward Building 2 could be modified to provide masonry expansion joints to mitigate future thermal expansion concerns by providing movement joints in the long walls. Returning the front-facing façade to its appearance during the time of historic significance can also provide opportunities to strengthen the end wall by installing supplemental steel bracing or reinforced shotcrete shear wall elements.

While the Structural Outcomes for Renovation/Restoration described in the BSE letter are correct, we wish to point out that the anticipated outcomes for Building 1 are often part of a building structural rehabilitation. In fact, Buildings 2 and 3 present far greater structural challenges than the relatively consistent challenges presented by Building 1. We also reiterate that the more recent construction date (1918), combined with the repetitive nature of the building elements can allow for a slightly less expensive rehabilitation than indicated in the BSE report for Building 1. All repairs and modifications anticipated for the structural rehabilitation of Building 1 will employ standard means and methods normal to steel frame construction and masonry rehabilitation, and from a technical standpoint can be accomplished in a manner that will maintain the integrity of the historic structure.

Building 16 – Brass Foundry, c.1864

We considered Building 15/16 as a joined structure, separated by the chimney and a buttress wall. We did not access Building 15 for safety reasons, nor do we argue its potential removal. However, Building 16 is in much better condition, relatively speaking, than Building 15.

Building 16 can, in fact, survive the removal of Building 15, if the buttress wall between Building 15 and Building 16 is preserved. If necessary for a future design program for the site, Building 16's roof could either be strengthened or bridged (eliminating snow loads) to accommodate construction adjacent to or above Building 16. Several contemporary multi-story structures on Munjoy Hill are being constructed to bridge them over the slope descending toward Washington Avenue.

Potential complexity of the Building 16 alley façade rehabilitation is clearly offset by the small size of the building and by the simple materials used in its construction. The entire alley-facing façade comprises a very small percentage of the overall façade area encompassed by Buildings 2 and 3, let alone the project as a whole.

Conclusion:

In conclusion, Building 1, The Erecting Shop, and Building 16, the Brass Foundry, are in poor condition (Building 1) and in very poor Condition (Building 16), but both buildings are salvageable. Appendix A of our original report, dated March 2016, 2015, further describes these conclusions and degrees to which a structure in poor or very poor condition can be rehabilitated. If you have any further questions, please feel free refer to the original report and to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Alfred H. Hodson III, P.E." The signature is fluid and cursive, with the "P.E." part written in a slightly different style.

Alfred H. Hodson III, P.E.

AHH/ah



PAUL R. LEPAGE
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

4 September 2015

Deborah Andrews
Historic Preservation Program Manager
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101

Re: Portland Company, 58 Fore Street

Dear Deb:

In a letter received on September 2, 2015, the Maine Historic Preservation Commission (Commission) was asked to comment as to whether the local historic district at the Portland Company complex, as proposed by the Portland Historic Preservation Board, would be eligible for certification by the National Park Service based on applicable criteria as expressed in Portland's Historic Preservation Ordinance. Technical Preservation Services is the branch of the National Park Service that certifies local historic districts under local historic ordinance.

In 1976 the Commission determined that the entire Portland Company complex was eligible for listing in the National Register of Historic Places. We revisited this finding in 2014 and at that time confirmed the earlier assessment. In a March 31, 2014 letter to Deborah Andrews we stated that the property meets National Register Criterion A, in the areas of Industry, Engineering and Transportation, and Criterion C as a historic district. For both Criteria the period of significance began in 1845/6 and ended in 1982, the year the foundry closed. The only non-contributing building in the complex would be Building 5, which was built after the foundry closed.

As you know, a certified district must substantially meet the National Register criteria (see 36 CFR 67.9). Although a historic district designated under a local statute must meet the National Register criteria as defined in 36 CFR 60, the criteria for local designation in Portland includes additional parameters that are not components of the National Register criteria. "Condition" is not one of the aspects of integrity evaluated under the National Register, nor is there a clause linking integrity to

worthiness of preservation or restoration. For this reason, the Commission does not feel that we have an adequate understanding of how the Technical Preservation Services branch of the National Park Service would apply and evaluate these two factors with respect to the Portland Company Complex, nor can we speculate on how that evaluation might be altered if any of the existing historic buildings were demolished.

Please do not hesitate to contact the Commission if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Christi A. Mitchell". The signature is fluid and cursive, with the first name "Christi" being more prominent.

Christi A. Mitchell

National Register Coordinator

BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
 207-774-1127 facsimile
 bernsteinshur.com

100 Middle Street
 PO Box 9729
 Portland, ME 04104-5029

Mary E. Costigan
 207 228-7147 direct
 mcostigan@bernsteinshur.com

August 26, 2015

Portland Planning Board
 City of Portland
 389 Congress Street
 Portland, Maine 04101

Re: Proposed Designation of Portland Company Historic District

Dear Planning Board Members:

This letter and the attached materials are intended to address the Board's requests for more information from the July 28th workshop. To remind the Board of CPB2's position on the Historic Preservation Board's recommended historic district on their property at 58 Fore Street: 1) Buildings 1 and 16 should be categorized as non-contributing; 2) the boundaries of the District should be limited to our proposed boundary set forth in the attached; and 3) the following language should be added to the Portland Company Historic District: "the height allowances established by zoning shall be honored in reviewing proposals for new construction within the district."

Building 1

Structural Integrity: We have attached a letter from Becker Structural Engineers that includes an executive summary of the structural condition of Building 1, providing further detail on their original findings. In the letter, Becker concludes that Building 1 is rated "very poor/salvageable with significant structural rework and investment/questionable economic viability/consider demolition." Further, Becker states, "Our justification of this rating is that all major structural systems are affected in a renovation." Becker's full review of Building 1 can be found on pages 5-10 of the March 28, 2014 Structural Report which has been submitted to the Board.

Historic Significance: As we have stated previously, the current Building 1 was built at the end of the period of significance, in 1918. As you can see in the attached timeline, the vast majority of the historically-significant activities of the Portland Company took place between 1847 and 1918. In reviewing the Sutherland Report for further information, it is notable that the Report does not discuss any activities of significance that took place on the site after 1918. Appendix H of the Sutherland Report references a Building Inventory by Tremont Preservation Services, but includes only the significant activities that occurred prior to 1918. In the full text of the Tremont Inventory, the history of the site beyond 1918 states as follows: "During the Depression years, manufacturing plummeted and the Portland

Company suffered bankruptcy." The company stock was purchased by Phineas Sprague's grandfather, who owned it with his cousin through 1956, diversifying the operations to include the manufacturing of snow plows, washing machines, etc. The property changed hands a few more times and produced things such as a machine to form Styrofoam containers, as well as components for the nuclear industry. These are the activities that occurred in the current Building 1 – not the historically significant activities such as the extensive locomotive production mentioned in the Sutherland Report. Those significant activities took place in the original building 1, which was constructed in 1880, was made of wood and had a smaller footprint. Additional photographs of the original building 1 are attached.

Building 2 façade: In addition, to the lack of structural integrity and lack of historic significance of Building 1, the removal of Building 1 will allow for the revealing and restoration of the façade of Building 2 (an original Portland Company Building built by John Poore in 1847) and the original rail yard. The attached artist renderings show CPB2's conceptual ideas of how Building 2 can be showcased and the original yard used as a public plaza.

Historic Tax Credits: Although the Historic Preservation Board, City staff and Maine Preservation are focused on historic tax credits as a reason for retaining Building 1, as we know, these credits are reviewed annually and should not be considered as planning tools and may in fact not be available at the time of development or any other rehabilitation project. Furthermore, availability of potential historic tax credits is not a element of Portland's city ordinances or its comprehensive plan.

Building 16: We have attached photographs and the summary of the structural condition of Building 16 which was rated a 1.5 by Becker Structural Engineers: Very poor/unsafe/demolition likely.

We therefore propose that Building 1 be classified as Non-Contributing based upon the date of construction, the fact that it is not the original erecting shop for the Portland Company, and because of its poor structural integrity and that Building 16 be classified as non-contributing based on its structural condition.

Proposed Historic District

Should the Planning Board recommend a historic district on the Portland Company property, we have attached a depiction of the proposed boundaries. It includes the significant historic core of the complex: buildings 2, 3, 6A, 6B, 12, 24, 14, 15, and 16, as well as a portion of Building 1, to be preserved as open space.

Building Height

We request that language be added to the Portland Company district as follows: "the height allowances established by zoning shall be honored in reviewing proposals for new construction within the district" consistent with language in the Congress Street historic district. We have attached the B-6 Building Height Overlay for your reference. As you can

August 26, 2015
Page 3 of 3

see, the majority of the proposed historic district has a maximum building height of 35 feet and about 25% of the proposed district has a maximum building height of 45 feet.

Thank you for your time and consideration.

Sincerely,



Mary E. Costigan



August 25, 2015

CPB2 Management LLC
P. O. Box 7519
Portland, Maine 04112
Attn: Kevin Costello

The Portland Company
58 Fore Street
Portland, Maine

Dear Kevin:

Per your request we have prepared an executive summary regarding the structural condition and likely remedial work associated with Building 1 of the above noted Portland Company complex. Our opinions are based on visual observations made in December 2013 thru February 2014. The intent of our visual review was to provide CPB2 with a general understanding of the structural condition of the existing buildings on the property. We evaluated the structural condition of Building 1 and identified the following:

Findings

- The steel frame high roof structure is likely not rated for snow loadings and the low bay roofs are likely not designed for snow drifting due to the high-low roof condition. Both conditions will likely cause overstresses in framing and decks and will need to be reinforced to meet current code requirements.
- Wood plank roof decking was rotted in several locations, particularly at eaves due to leaking roofs. In general, the roof appears to have leaks throughout. Wood decking is not effective as diaphragm to transfer lateral loads.
- Masonry piers along south elevation had large vertical cracks, likely a result of thermal stresses in the brick and discontinuity of steel lintels. Steel lintel framing over large windows cause disruption of brick piers and cause structural instability of piers with a hinge type condition. Cracks allow water infiltration which causes further structural damage.
- The lintel flanges are exposed over windows at the exterior side and rust jacking is causing expansion, rotation and masonry damage.
- Concrete window sills are spalled and cracked with exposed reinforcing in many locations.
- Many brick masonry joints have missing mortar, particularly at eave drip line below window sills. Moss was noted to be growing in masonry joints at and above the pavement line. Masonry also has wide spread areas of distress including loose and missing mortar, cracks and spalls.
- Upper roof appears to be an out of date tar and chip roof which will need replacement.

- No definable lateral load resisting system in either principal direction.
 - Limited frame action in high bay of transverse direction. Offset column splices at low/high roof transition and crane girder create a stiffness discontinuity.
 - No method to transfer clerestory loads to lower level in longitudinal direction.
 - End wall and side walls have large openings with unreinforced masonry bearing walls known to have poor performance in seismic events.
 - Wood roof diaphragms are likely inadequate to transfer diaphragm shears to exterior walls.

Based on our observations, the anticipated Structural Outcomes for Renovation/Restoration include:

- Replacement of roof decking with metal deck along with new roofing and insulation and re-establishment of diaphragm connections to existing walls.
- Reinforcement of roof framing to meet snow loading requirements.
- Introduce lateral load resisting system with wall shotcrete or steel frame.
- Repair exterior masonry and rebuild certain areas as required. Extensive rebuilding will be necessary to address cracked masonry pier conditions. Clean masonry.

Structural Condition Rating

Based on the level of structural work required to all major structural elements, we rate the structural condition of Building 1 as "very poor/salvageable with significant structural rework and investment/questionable economic viability/consider demolition". Our justification of this rating is that all major structural systems are affected in a renovation. Exterior masonry piers have major vertical cracks. Steel lintels create a hinge condition in exterior masonry piers and therefore their stability is questionable. The end bay has large masonry openings that are not original to construction and seismic performance of the system is very questionable.

Structural Renovation Costs

Rehabilitation of open one story space would have high unit costs considering necessary investment in structure verse net usable space.

In closing, our review indicates that most of the structural systems of Building 1 are in very poor condition. Further, based on the current conditions and the level of alteration needed to repurpose the building, the existing structure will need most elements and systems improved to meet the code requirements of 2009 IEBC and IBC codes which will entail a significant cost in comparison to the useable area of the building. We suggest you reference our original report dated March 28, 2014 for more details on existing conditions and code requirements.

We trust this information meets your needs at this time. If you have any questions, please feel free to contact me.

Sincerely,
BECKER STRUCTURAL ENGINEERS, Inc.

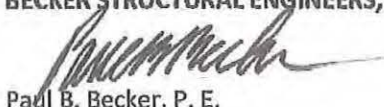

Paul B. Becker, P. E.
President





Photo 1-1: General View, Building 1



Photo 1-2: Wood deck condition at eave.



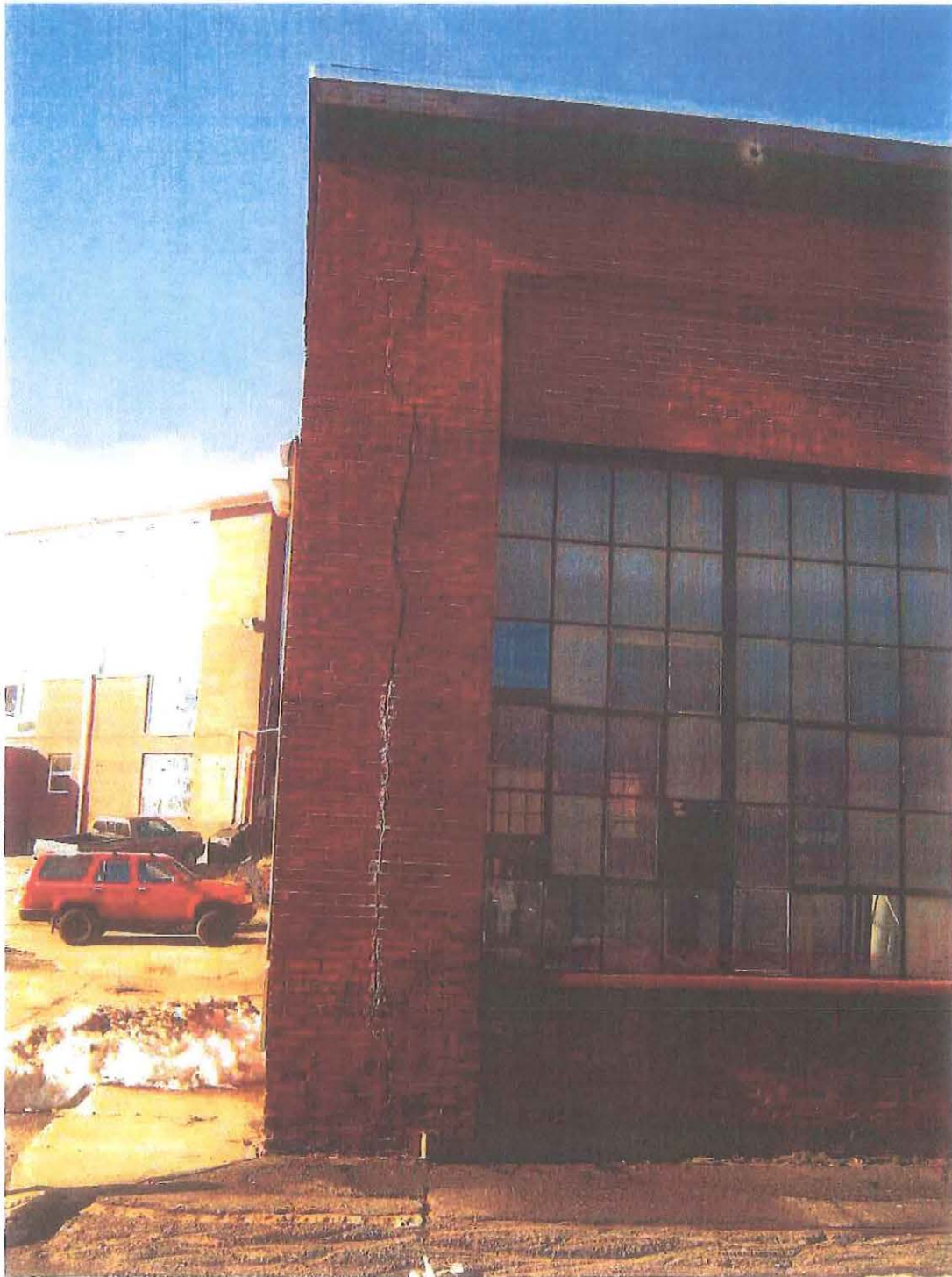


Photo 1-4: Vertical brick masonry crack at southwest pilaster.





Photo 1-5: Column discontinuity at low-high roof condition.



APPENDIX A
PORTLAND COMPANY COMPLEX – MARCH 2015
RELATIVE CONDITION AND REHABILITATION COST COMPARISON

BUILDING NUMBER – NAME DATE	RELATIVE STRUCTURAL CONDITION			RELATIVE REHABILITATION COST	
	BECKER	RESURGENCE /BECKER SCALE	RESURGENCE SCALE	BECKER	RESURGENCE
BUILDING 1 - ERECTING BUILDING 1918	2.0	2.5 (REPETITIVE DTLS)	P2	4.0	3.5 (REPETITIVE DTLS)
BUILDING 2 - MACHINE SHOP 1847	2.5	2.5	P2+	4.5	4.5
BUILDING 3 - MACHINE SHOP 1847	3.0	3.0	P2+	3.0	3.0
BUILDING 4 – FOUNDRY/ACETYLENE HS 1895, 1904-09	1.5	1.5	VP2	4.5	4.0 (REPETITIVE DETAILS, CUSTOM REHABILITATION)
BUILDING 6B - TANK SHOP 1896-1904	3.0	3.0	P2+	3.5	3.5
BUILDING 7 - CAR SHOP 1873, 1904	2.0	1.5 (BOWED WALLS)	VP1	5.0	5.0
BUILDING 10 - PAINT SHOP 1873	1.0	1.0	VP1	4.5	4.0 (REBUILD IN KIND)
BUILDING 11 - PATTERN STOREHOUSE 1885	2.5	2.0 (NORTH WALL)	VP2	4.5	4.5
BUILDING 14 – DRAFTING ROOM AND STOREHOUSE 1858, 1864	NOT INSPECTED	2.0	VP3	NOT INSPECTED	3.5
BUILDING 15/16 (NO ACCESS TO B15) BOILER HOUSE/BRASS FOUNDRY 1858, 1864	1.5	1.5	VP3	3.0	3.0
Averages of common buildings inspected (excluding Building 14)	2.11	2.06		4.06	3.89

SEE FOLLOWING PAGES FOR EXPLANATION OF BECKER STRUCTURAL ENGINEERS AND RESURGENCE ENGINEERING RATING SYSTEMS

Notes:

1. Coordinate this document with "Portland Company Complex General Building Assessment" prepared by Resurgence Engineering et al, March 2015, and "Evaluation of Existing Buildings at the Portland Company Property" prepared by Becker Structural Engineers, March 28, 2014.
2. Further discussion about relative rehabilitation costs related to these structures, by Resurgence Engineering, follows this page.

RESURGENCE ENGINEERING RELATIVE STRUCTURAL CONDITION SCALE OF EXISTING BUILDINGS IN POOR CONDITION

BSE condition #	REP NUMBER	DESCRIPTION OF CONDITION, PRE AND POST MITIGATION	LOCAL/MAINE BUILDING EXAMPLES PRE AND POST MITIGATION
(n/a)	VP1 (very poor, not salvageable)	PRE: Immediate <u>widespread public safety threat</u> and <u>site/occupant safety threat</u> if not barricaded and structurally shored; evacuate nearby buildings, streets, sidewalks, block off parking spaces. Potential for widespread debris field in event of collapse; Building cannot be re-occupied following triggering event. POST: Condemn and demolish building.	Buildings with extensive fire damage
1	VP2 (very poor but salvageable, expensive to rehabilitate, i.e. approx.. BSE cost #4 to #5)	PRE: Immediate <u>widespread public safety threat</u> and <u>site/occupant safety threat</u> if not barricaded and structurally shored; evacuate nearby buildings, streets, sidewalks, block off parking spaces. Potential for widespread debris field in event of collapse; Building cannot be re-occupied following triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots remain blocked off. Building itself cannot be occupied after stabilization. Unsafe for rescue personnel to enter if trespassers are inside. Shored and secured structure relatively expensive, but feasible, to rehabilitate.	PRE: Norway Opera House, 2007-09 POST: Norway Opera House, 2010+
1	VP3 (very poor but salvageable, moderately expensive to rehab, i.e. BSE cost #3 to 4)	PRE: <u>Immediate site/occupant safety threat</u> and <u>localized public safety threat</u> if not if not barricaded and structurally shored; Block off streets, sidewalks, and parking spaces. Potential for localized debris field in event of collapse; Building can be occupied following the triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots can remain blocked off or reopened following mitigation. Building itself can be occupied.	PRE: Buildings with widespread loose façade components. i.e. Masonic Temple Localized structural failures i.e. Portland Company Complex Building 4 POST: Stabilized structures, removing loose components or installing covered sidewalk and blocked off parking spaces.
2	P1 (very poor but salvageable, less expensive to rehab; i.e. BSE cost #2)	PRE: <u>Likely site/occupant safety threat</u> and <u>localized public safety threat</u> if not if not barricaded and structurally shored; Block off streets, sidewalks, and parking spaces. Potential for localized debris field in event of element failure; Building can be occupied following the triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots can remain blocked off or reopened following mitigation. Building itself can be resume occupancy.	PRE: Buildings with a few loose façade components that can easily be removed or snow and ice buildup that can easily and quickly be removed, POST: Stabilized structures, removing loose components or installing covered sidewalk and blocked off parking spaces.
3	P2	PRE: <u>Possible site/occupant safety threat</u> and <u>localized public safety threat</u> if not if not barricaded and structurally shored; No triggering event causing distress; possible change of use makes economics questionable. POST: Rehabilitation Feasibility Study considering economics for specific buildings and structures.	PRE: Portland Company Building Complex Building #1

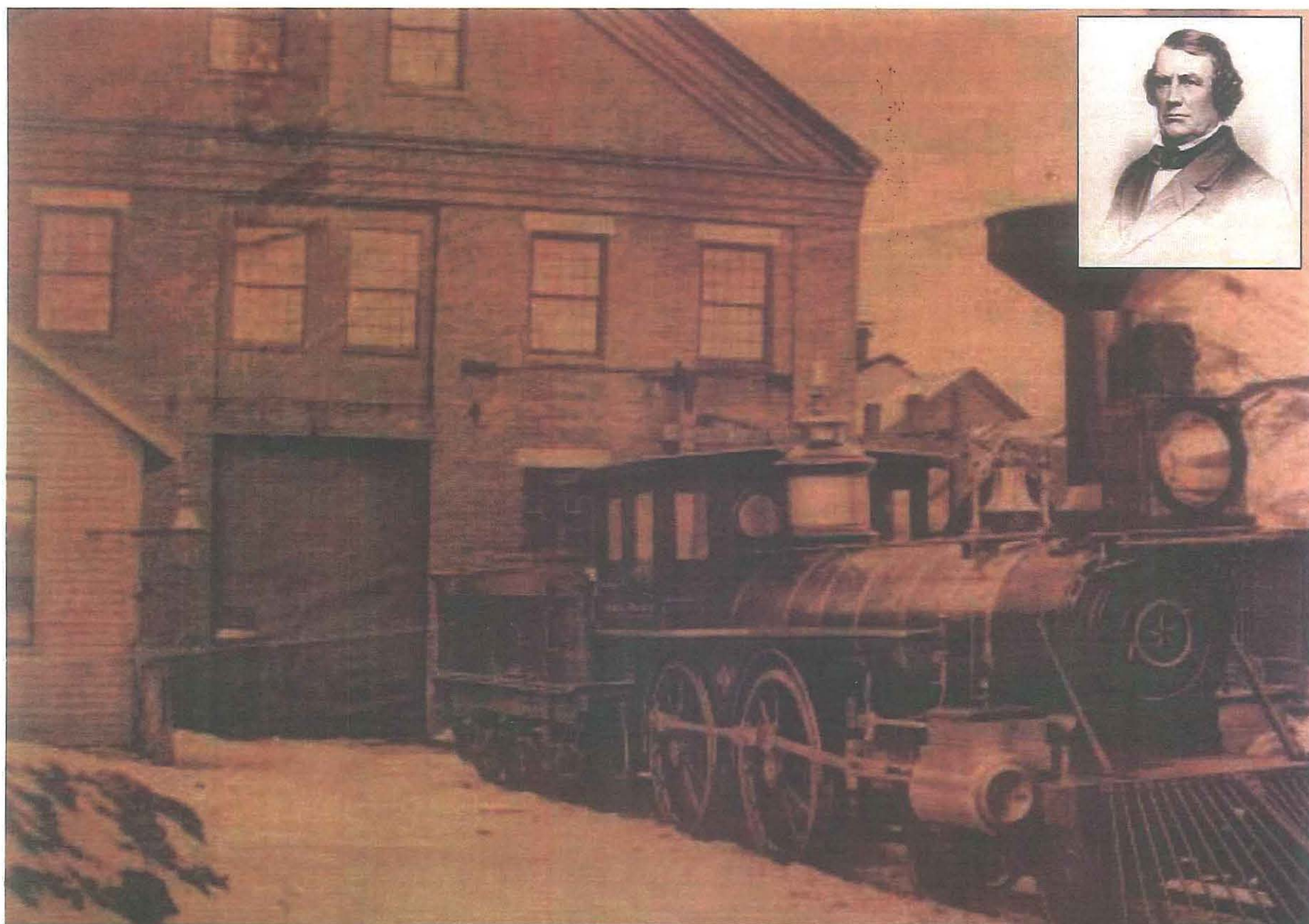


PHOTO A : Façade of Building 2 built in 1847, original to the Portland Company (photo circa 1871)

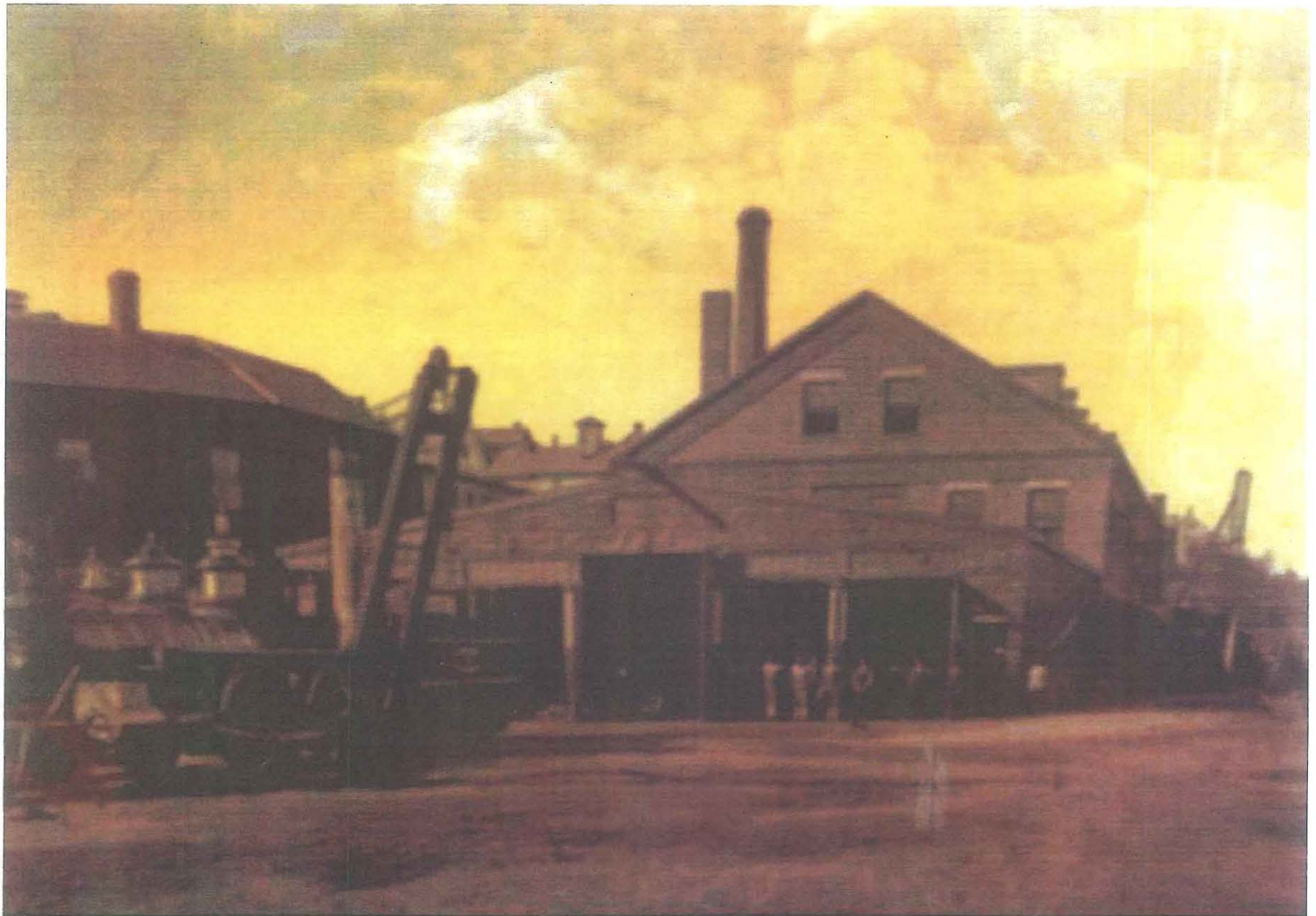


PHOTO B: Original version of Building 1 with low profile and no monitor built ~ 1880

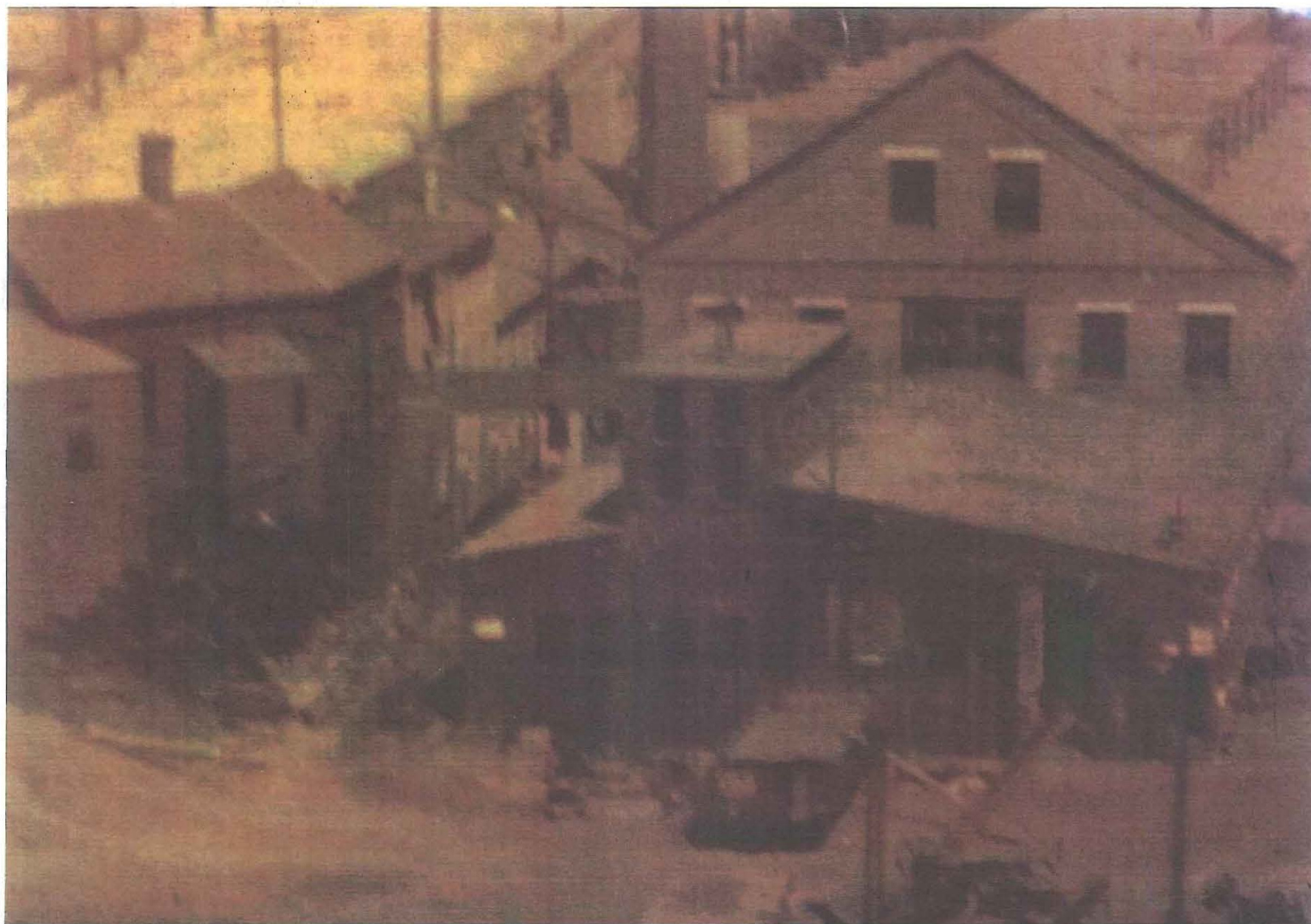


PHOTO C: Second version of Building 1 with roofline change and addition of monitor (photo circa 1896)

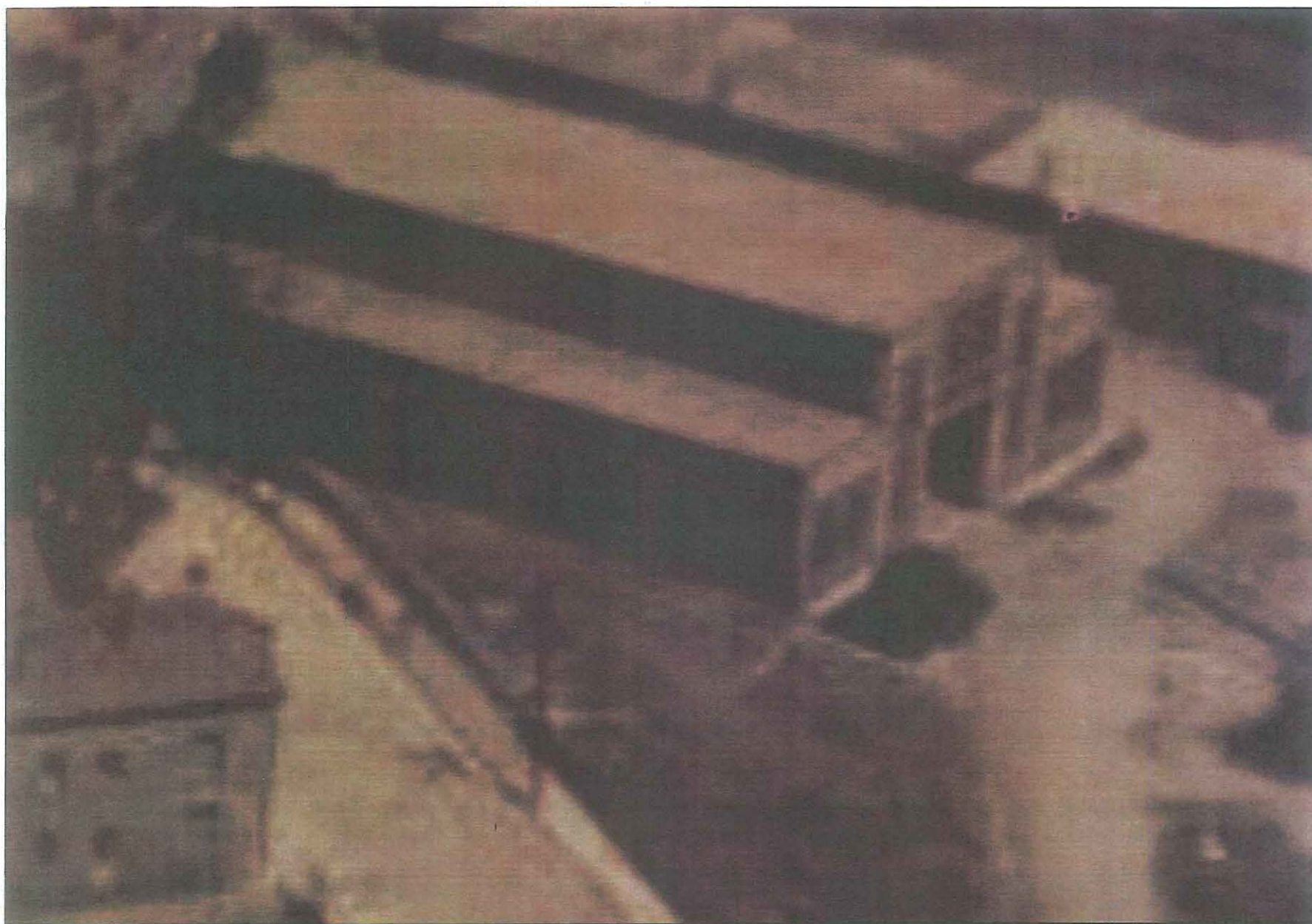


PHOTO D: New 1918 version of Building 1 with original western façade (photo circa 1938)

History of the Portland Company and Historic Significance of Products Created

Source: Summarized directly from Sutherland Preservation Consultants and Tremont Preservation Services Reports submitted to the Portland Historic Preservation Board.

The Portland Company: Mid-19th Century Manufacturing: The Portland Company was the only company in the U.S. founded for the sole purpose of manufacturing locomotives.

Locomotives: 1848 - c.1900

The Portland Company's first locomotive, the Augusta, was completed in 1848 for the Portland, Saco, & Portsmouth Railroad. Over the next 60 years, 630 more steam locomotives (and hundreds of freight and passenger cars) were constructed. The Portland Company also built locomotives for the U.S. Government during the Civil War.

Fire Engines: c.1860 - 1870s

The Portland Company manufactured the first of its horse drawn steam fire engines, the "Greyhound," in 1860. The Portland Company subsequently produced at least seven steam engines for the Portland Fire Department. Several more steam fire engines were built during the 1860's and into the 1870s.

Steamships and Other Vessels: c.1860 - c.1920

The Portland Company built over 350 steam engines and boilers for marine, as well as, industrial uses. They outfitted towboats, fishing vessels, yachts, dredges, freighters, fireboats, and ferries.

The Portland Company: Late 19th/Early 20th Century Diversification: Portland's economy—and the Portland Company's portfolio—diversified as industrialization progressed. The Portland Company began manufacturing elevators, cast iron elements, and paper industry equipment, and for WWI, they produced brass shell casings. They even distributed automobiles and trucks.

Elevators: Early 20th century

The Portland Company manufactured passenger and freight elevators, at first hydraulically powered and later electrically. The Portland Company also produced the elevators for the Portland City Hall.

Cast Iron: Late 1800s

The Portland Company cast storefronts, man-hole covers, parts for lighthouses (lanterns, lamp decks, spiral stairways, doors and sashes, walkways, railings, vents, spindles and markers, upper sections of light tower), lamp posts, ornate gates, and industrial boilers. They also operated a bronze and brass foundry.

Paper Industry: Late 1800s - 1900s

The Portland Company manufactured equipment used in the paper industry including pulp digesters, boilers, tanks, steam accumulators, chippers and debarkers, vomit stacks, turbines, penstocks, water-control gates, and gate-hoisting equipment.

The advent of electricity meant convenience and new challenges, like the heavy static charge that can be produced during the manufacturing process, causing problems in paper and textile mills. The remedy came in the form of an electric neutralizing machine, patented by electrical engineer, William Chapman, in 1908. The Chapman Corporation operated as a subsidiary of the Portland Company in Building 6 at the waterfront mill yard.

Automobile Sales: c1907 - c1914

The Portland Company served as Maine's exclusive distributor of the high-end Knox automobiles, trucks, firetrucks, and three-wheeled tractors which were manufactured in Springfield, Massachusetts. In 1910, they added the Brush, Cole, and Thomas automobile line to appeal to middle and lower income buyers.

Brass Howitzer Shell Casings for the War: 1917 - 1918

The onset of WWI prompted the need for further diversification and brought a brief respite to the regional decline in manufacturing. Tens of thousands of brass shell casings were produced by the Portland Company, packed in pairs, and shipped to another factory to be filled before being sent to the US Army between 1917 and 1918. Women replaced men, who were overseas serving in the military, in this, and other factories

NOTE: The following section appeared in the Tremont Preservation Services historical survey of the Portland Company report, but was omitted from the Sutherland Consulting Appendix H, which cited the full Tremont Preservation Services Report

Depression Era through 1950s: Snow Plows, Washing Machines, Canning Industry Equipment, Stainless Steel c1920s - 1950s

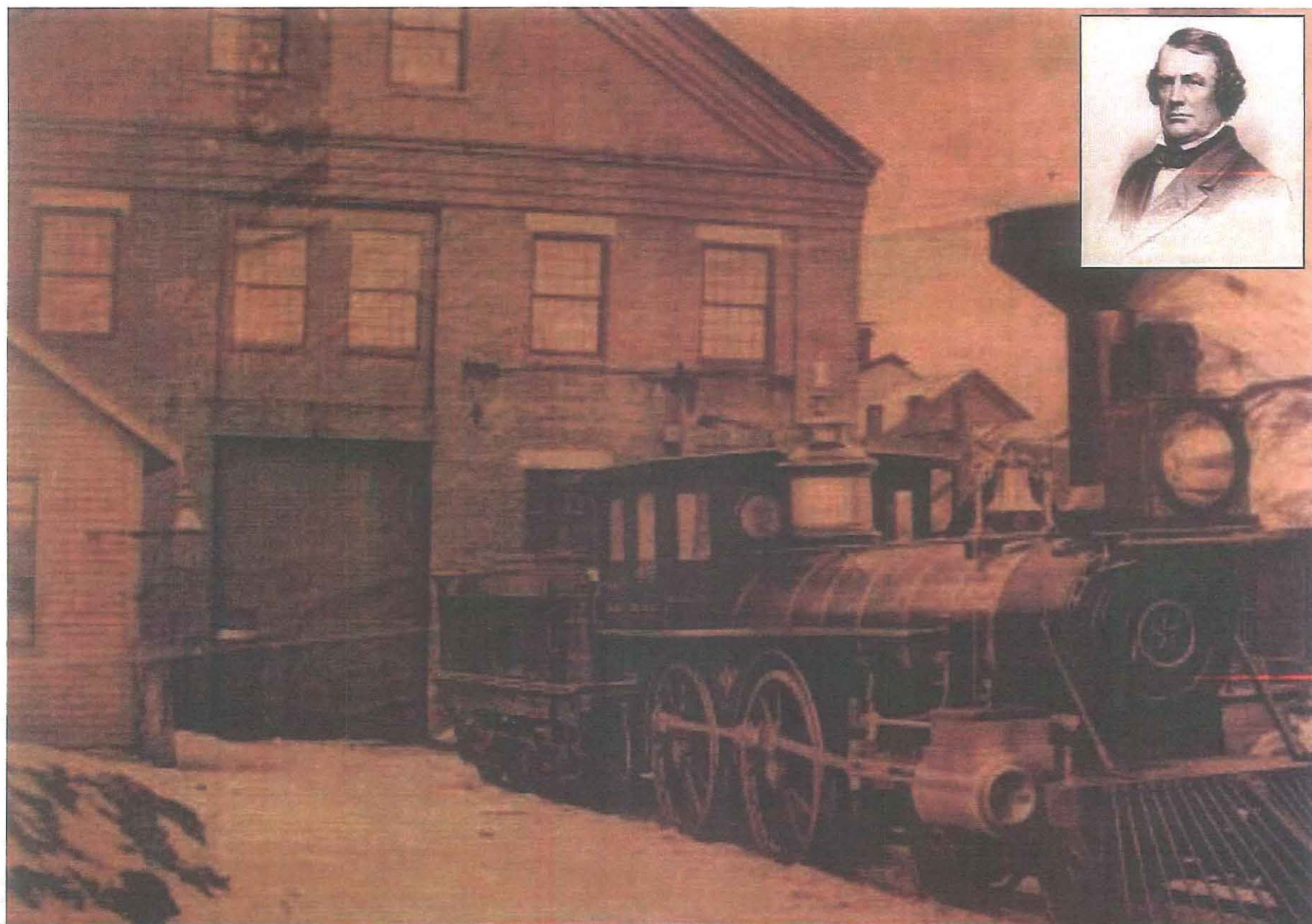
During the Depression years, manufacturing plummeted and the Portland Company suffered bankruptcy. William "Widgery" Thomas (grandfather to most recent owner, Phineas Sprague Jr.) and his cousin, Charles Payson, purchased the Portland Company's stock and maintained ownership through 1956. They continued to diversify operations, manufacturing snow plows, washing machines, rotary welders, steam retorts (pressure cookers) for the canning industry, cast bean pots for Burnham & Morrill Company (B & M Baked Beans), marker buoys, and a wood match-making machine for Diamond Match Company.

Mid-20th Century through Present: Nuclear Industry Components, Plastic Bottle Extruding Machines: 20th Century.

In 1956, Thomas and Payson sold the Portland Company to United Industrial Syndicate of New York. UIS sold the business back to descendants of William Thomas, the Sprague family, in 1978. The Spragues operated Portland Engineering on the property and manufactured, among other products, components for the nuclear industry through 1981.

The Historic Core of the former Portland Company at 58 Fore Street





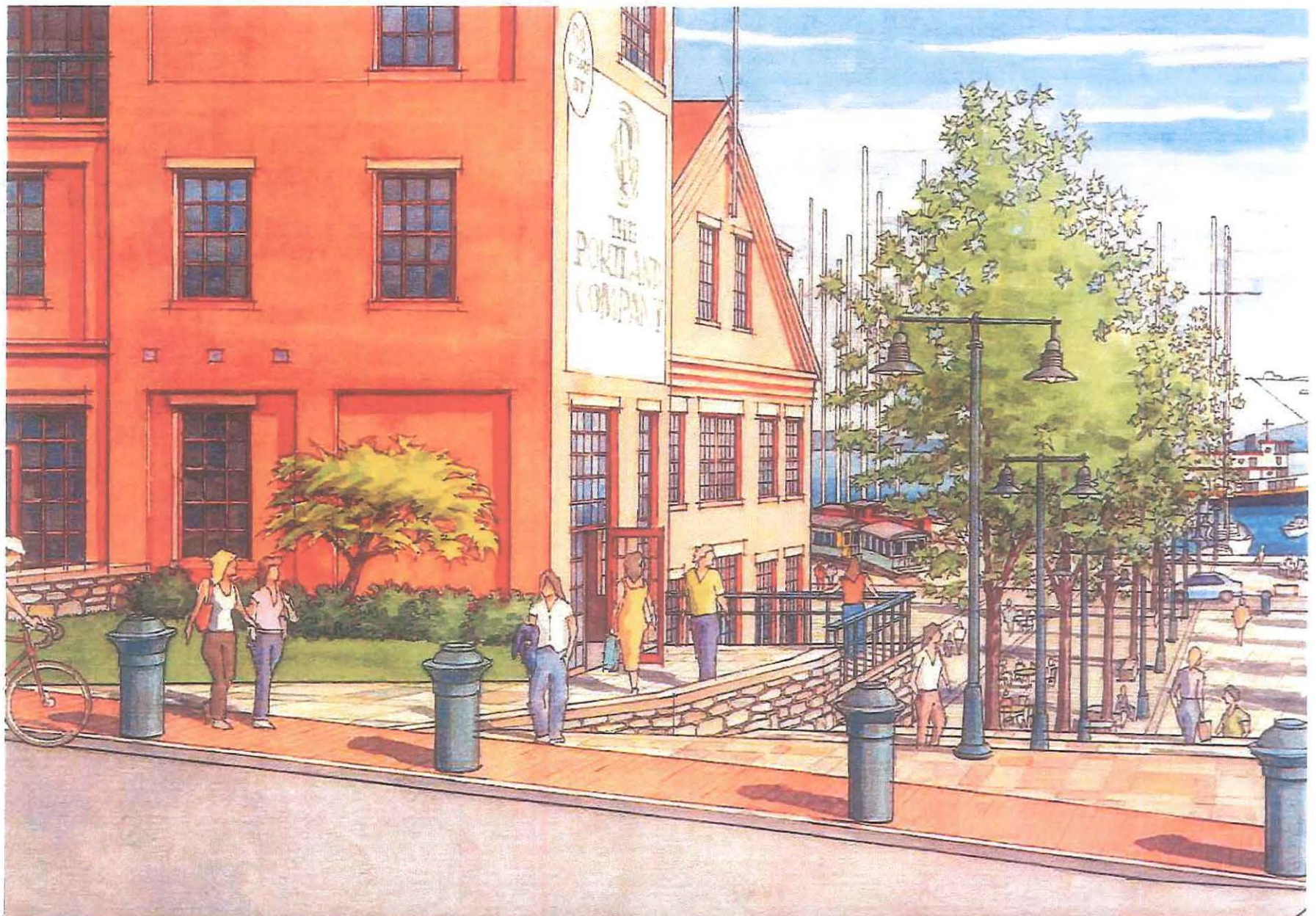
58 Fore St Historic Core Concept – Building 2, original to Portland Co, and oldest building on 58 Fore Site



Historic Core Concept – Creating Public Access from Fore Street to Portland's Waterfront



Historic Core Concept – Iconic Facades of the Portland Co Tower, Building 2 c. 1848, and Building 6



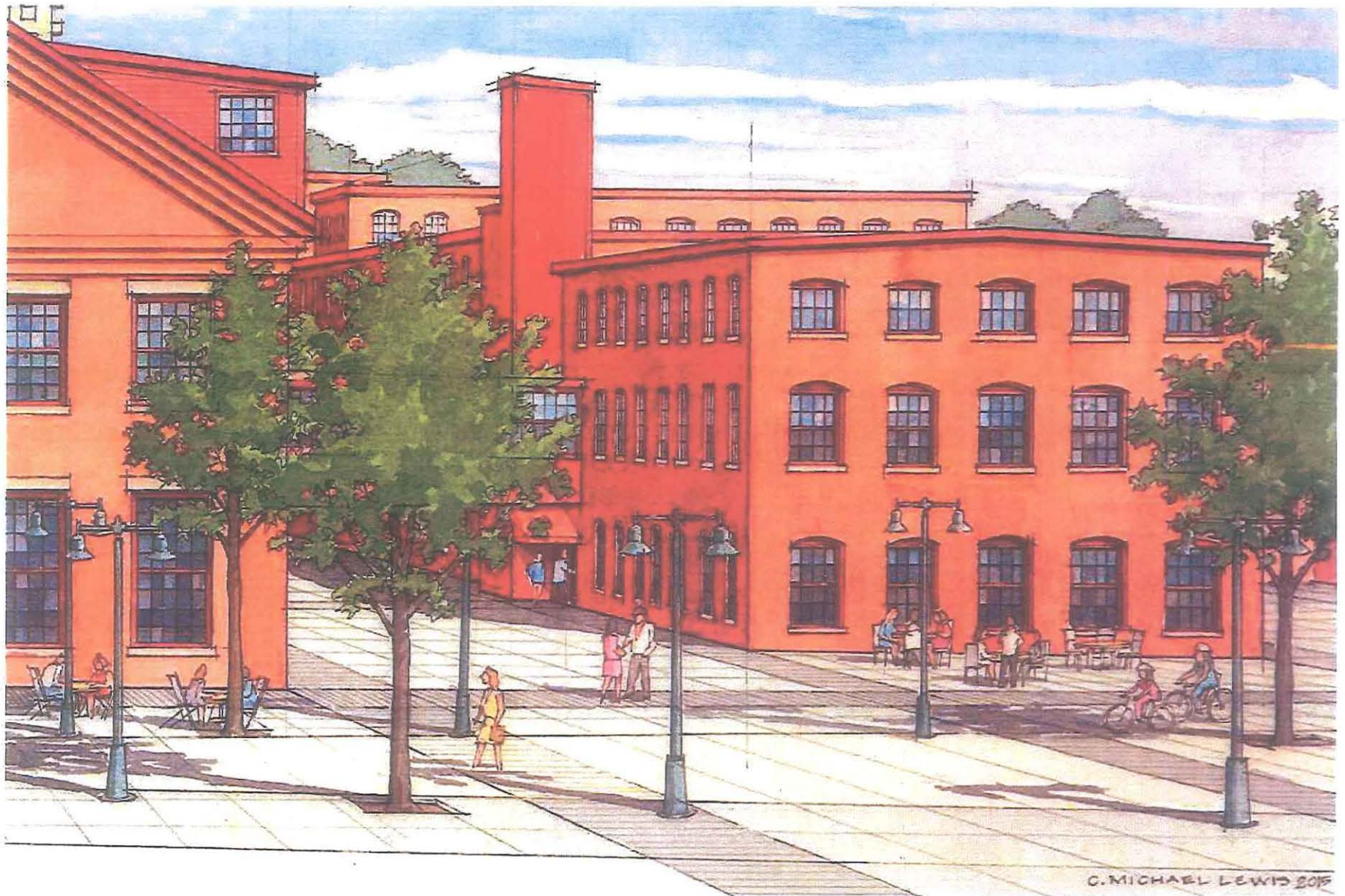
Historic Core Concept – Iconic Facades of the Portland Co Tower and Building 2 c. 1848



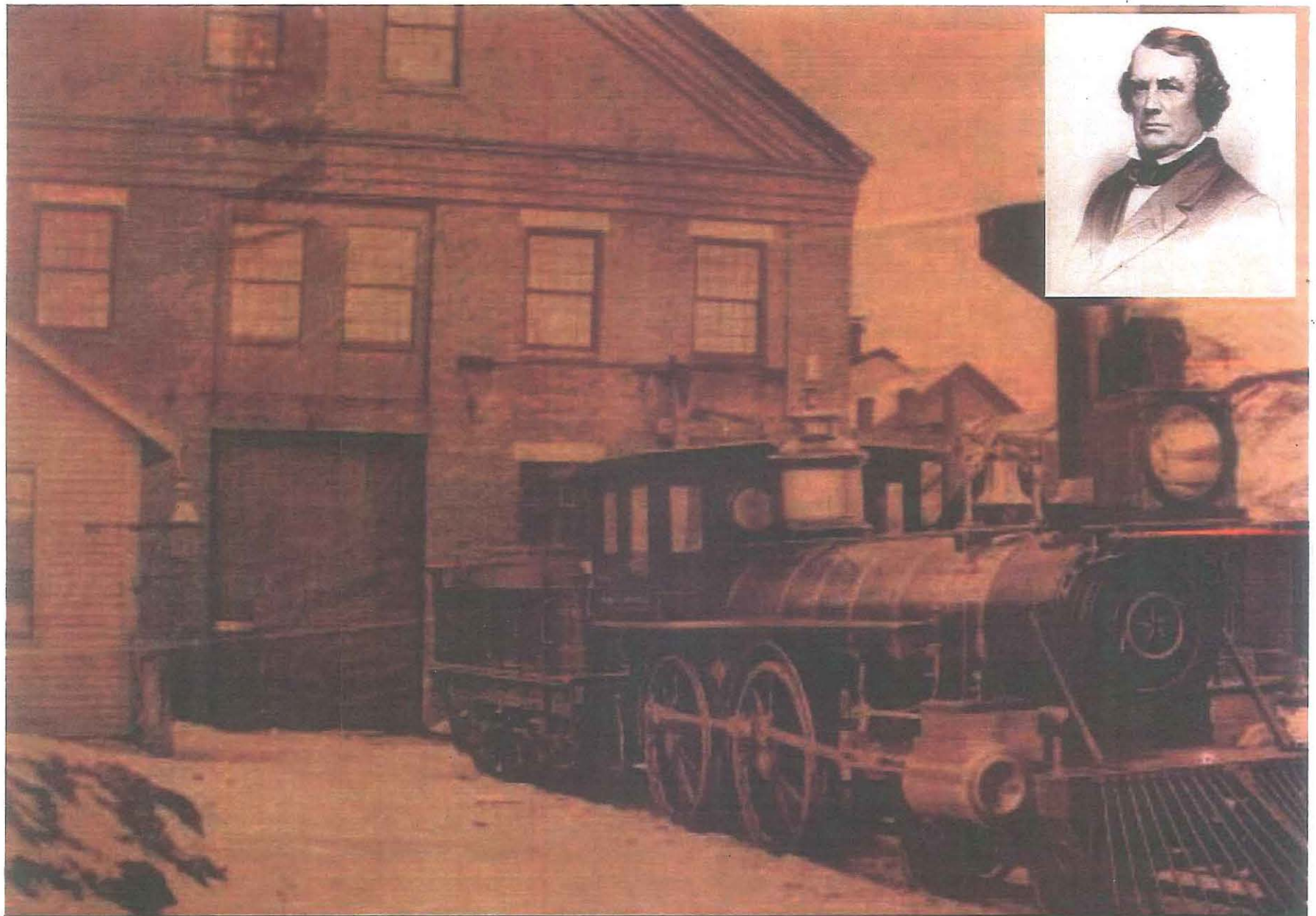
Historic Core Concept – Creating Public Access from Fore Street to Portland's Waterfront



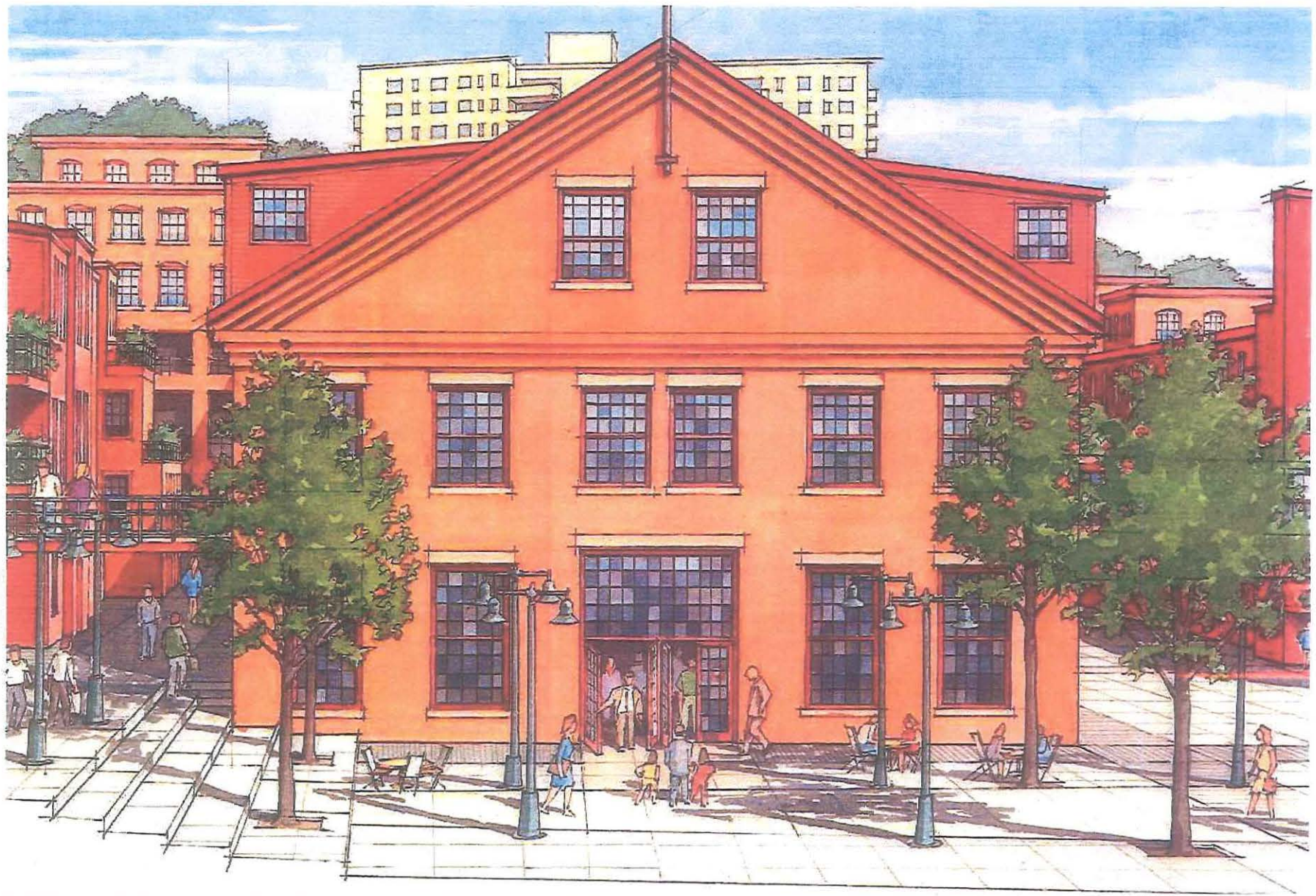
Historic Core Concept – Reinvigorating the Portland Co Alleys and Linear Alignment



Historic Core Concept – Creating public space between Building 2 and Building 6

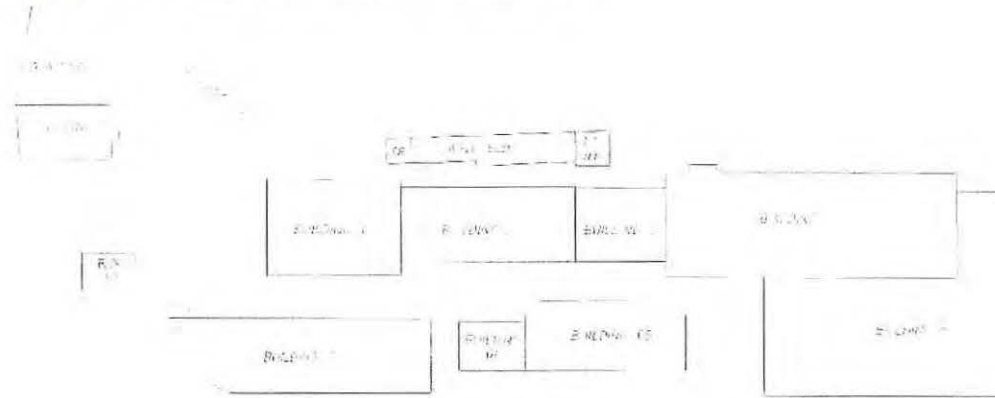


58 Fore Historic Core Concept – Celebrating the Portland Company's Most Historically Significant Building



Revealing the Iconic Façade of Building 2, the Portland Company's first Building (c. 1848)

Building Number: Blacksmith Shop (Building 16)



Location Plan

Description, Condition and Assessment:

- Wood rafter framed roof, back wall and side walls are stone retaining wall for embankment, brick masonry front wall (Photo 16-1).
- Fore Street stone retaining wall at is dry stacked. It was apparent that water travels through the wall.
- North stone walls may be buttressing Fore Street retaining wall.
- Brick masonry had numerous open joints, missing bricks, bulging and moss growth near drip line.
- East side stone wall butts brick masonry front wall to the south; condition is poorly bonded with an open joint.
- Roof rafters appeared to be in good condition, but daylight was visible through roof around chimney penetration.
- Roof eave has been redecked with OSB at eave; roof is covered with shrink wrap.
- Entry did not meet code due to door height.
- Wood windows have broken panes and missing sashes.
- No eave board, building generally not weather tight.
- It is believed that groundwater penetrates this building through the retaining wall.

Anticipated Structural Outcomes for Restoration:

- Repair exterior masonry including extensive repointing and rebuilding to creating contiguous wall conditions.
- Replace windows.
- Create accessible entrance and incorporate 2 means of egress.
- Roof reinforcing to support snow load of properly insulated roof.

Structural Condition Rating	1.5
Structural Renovation Cost Rating	3.0



The Portland Company
58 Fore Street
Portland, Maine

Page 57 of 60

Rating Justification:

Building currently is not weather tight and extensive work will be necessary address this condition. Entry conditions will need to be brought up to current code for fire and egress compliance. Roof likely not framed to address drifted snow from adjacent high roof/street and will require reinforcement.



Photo 16-1: Exterior view of blacksmith shop/Building 16.





**PHOTO
#16.1**
R 57.jpg

Building 16: View from southeast from alleyway. Note masonry wall return cracks on east elevation (arrow).



**PHOTO
#16.2**
R 56.jpg

Building 15: View from southeast from alleyway. Building did not appear to be safe to enter, and we did not enter first floor.



**PHOTO
#16.3**
a f 93.jpg

Building 16: Enlarged opening in south elevation wall. Entire south wall requires repointing, repair, and anchoring into east wall.



**PHOTO
#16.4**
P 23.jpg

Building 15/16: Remnants of boiler house chimney stack between Buildings 15 and 16.



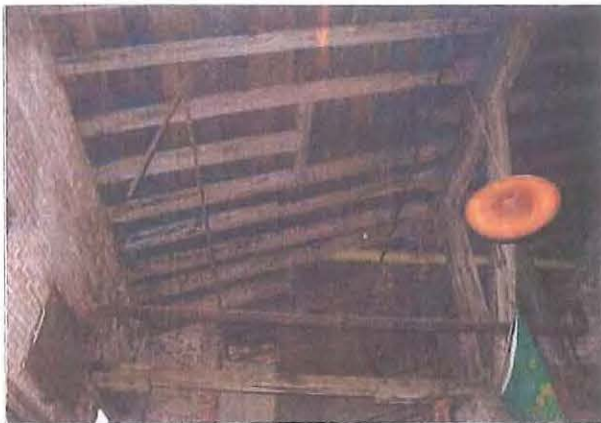
**PHOTO
#16.5**
P 25.jpg

Building 16: North wall doubles as Fore Street retaining wall. Sloped roof rafters bear onto top of wall. Need to check condition of top plate above this wall.



**PHOTO
#16.6**
A 29 35.jpg

Building 16 south wall (detail): Masonry has simple details and small cornice at the top. Window header at left has been replaced with brick soldier course and steel lintel.



**PHOTO
#16.7**
A 29 36.jpg

Building 16 roof framing, south wall: Roof previously had skylights or vents on south side of roof. Note center line of bearing at braced column. Framing likely undersized.



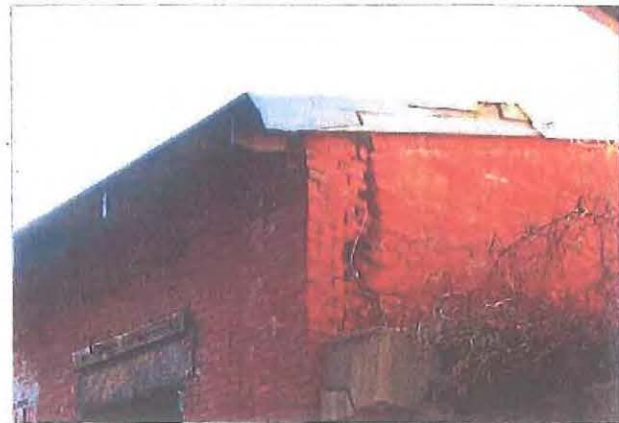
**PHOTO
#16.8**
A 29 37.jpg

North and east walls: Barrels beneath multiple active roof leaks.



**PHOTO
#16.9**
A 29 42.jpg

Catch basin grate, east of Building 16: Grate covered by leaves and debris, and basin itself appears to be clogged.



**PHOTO
#16.10**
A 30 42.jpg

Building 15 southeast wall corner: Masonry repair is required to create weatherproof and structurally sound transition from brick to stone wall.

APPENDIX A
PORTLAND COMPANY COMPLEX – MARCH 2015
RELATIVE CONDITION AND REHABILITATION COST COMPARISON

BUILDING NUMBER – NAME DATE	RELATIVE STRUCTURAL CONDITION			RELATIVE REHABILITATION COST	
	BECKER	RESURGENCE /BECKER SCALE	RESURGENCE SCALE	BECKER	RESURGENCE
BUILDING 1 - ERECTING BUILDING 1918	2.0	<u>2.5</u> (REPETITIVE DTLS)	P2	4.0	<u>3.5</u> (REPETITIVE DTLS)
BUILDING 2 - MACHINE SHOP 1847	2.5	2.5	P2+	4.5	4.5
BUILDING 3 - MACHINE SHOP 1847	3.0	3.0	P2+	3.0	3.0
BUILDING 4 – FOUNDRY/ACETYLENE HS 1895, 1904-09	1.5	1.5	VP2	4.5	<u>4.0</u> (REPETITIVE DETAILS, CUSTOM REHABILITATION)
BUILDING 6B - TANK SHOP 1896-1904	3.0	3.0	P2+	3.5	3.5
BUILDING 7 - CAR SHOP 1873, 1904	2.0	<u>1.5</u> (BOWED WALLS)	VP1	5.0	5.0
BUILDING 10 - PAINT SHOP 1873	1.0	1.0	VP1	4.5	<u>4.0</u> (REBUILD IN KIND)
BUILDING 11 - PATTERN STOREHOUSE 1885	2.5	<u>2.0 (NORTH WALL)</u>	VP2	4.5	4.5
BUILDING 14 – DRAFTING ROOM AND STOREHOUSE 1858, 1864	NOT INSPECTED	2.0	VP3	NOT INSPECTED	3.5
BUILDING 15/16 (NO ACCESS TO B15) BOILER HOUSE/BRASS FOUNDRY 1858, 1864	1.5	1.5	VP3	3.0	3.0
Averages of common buildings inspected (excluding Building 14)	2.11	2.06		4.06	3.89

SEE FOLLOWING PAGES FOR EXPLANATION OF BECKER STRUCTURAL ENGINEERS AND RESURGENCE ENGINEERING RATING SYSTEMS

Notes:

1. Coordinate this document with "Portland Company Complex General Building Assessment" prepared by Resurgence Engineering et al, March 2015, and "Evaluation of Existing Buildings at the Portland Company Property" prepared by Becker Structural Engineers, March 28, 2014.
2. Further discussion about relative rehabilitation costs related to these structures, by Resurgence Engineering, follows this page.

APPENDIX A EXPLANATION OF BECKER AND RESURGENCE RATING SYSTEMS

Becker Structural Engineers' (BSE) Rating System

The relative structural conditions rating system used in the Becker Structural Engineers Report is shown below:

- 1 = Very poor/unsafe/demolition likely
- 2 = Very poor/salvageable with significant structural rework and investment/questionable economic viability/consider demolition
- 3 = Poor/requires substantial structural work to elements and systems
- 4 = Fair/requires nominal structural work to elements
- 5 = Good condition/minor structural work required

Becker's relative rehabilitation cost rating system is based upon structural complexity and size of building, using a scale of 1 to 5 -- 1 being relatively low costs and 5 being relatively high costs. BSE gives no specific definitions of the relative costs, simply a numerical grading system. Such an approach appears to be reasonable, given the preliminary nature of assessment that both firms were instructed to provide.

Resurgence Engineering and Preservation's (REP) Rating System

For ease of comparison, REP used the same relative structural conditions rating system as BSE in the summary chart. However, REP believes there is a more accurate and further defined way to classify the buildings in terms of condition. *See chart on following page for REP's proposed rating system as regards condition.*

REP has used the same relative rehabilitation cost rating system as BSE. The BSE report provided no specific definition of cost for each rating category.

RESURGENCE ENGINEERING RELATIVE STRUCTURAL CONDITION SCALE OF EXISTING BUILDINGS IN POOR CONDITION

BSE condition #	REP NUMBER	DESCRIPTION OF CONDITION, PRE AND POST MITIGATION	LOCAL/MAINE BUILDING EXAMPLES PRE AND POST MITIGATION
(n/a)	VP1 (very poor, not salvageable)	PRE: Immediate <u>widespread public safety threat and site/occupant safety threat</u> if not barricaded and structurally shored; evacuate nearby buildings, streets, sidewalks, block off parking spaces. Potential for widespread debris field in event of collapse; Building cannot be re-occupied following triggering event. POST: Condemn and demolish building.	Buildings with extensive fire damage
1	VP2 (very poor but salvageable, expensive to rehabilitate, i.e. approx.. BSE cost #4 to #5)	PRE: Immediate <u>widespread public safety threat and site/occupant safety threat</u> if not barricaded and structurally shored; evacuate nearby buildings, streets, sidewalks, block off parking spaces. Potential for widespread debris field in event of collapse; Building cannot be re-occupied following triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots remain blocked off. Building itself cannot be occupied after stabilization. Unsafe for rescue personnel to enter if trespassers are inside. Shored and secured structure relatively expensive, but feasible, to rehabilitate.	PRE: Norway Opera House, 2007-09 POST: Norway Opera House, 2010+
1	VP3 (very poor but salvageable, moderately expensive to rehab, i.e. BSE cost #3 to 4)	PRE: <u>Immediate site/occupant safety threat and localized public safety threat</u> if not if not barricaded and structurally shored; Block off streets, sidewalks, and parking spaces. Potential for localized debris field in event of collapse; Building can be occupied following the triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots can remain blocked off or reopened following mitigation. Building itself can be occupied.	PRE: Buildings with widespread loose façade components. i.e. Masonic Temple Localized structural failures i.e. Portland Company Complex Building 4 POST: Stabilized structures, removing loose components or installing covered sidewalk and blocked off parking spaces.
2	P1 (very poor but salvageable, less expensive to rehab; i.e. BSE cost #2)	PRE: <u>Likely site/occupant safety threat and localized public safety threat</u> if not if not barricaded and structurally shored; Block off streets, sidewalks, and parking spaces. Potential for localized debris field in event of element failure; Building can be occupied following the triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots can remain blocked off or reopened following mitigation. Building itself can be resume occupancy.	PRE: Buildings with a few loose façade components that can easily be removed or snow and ice buildup that can easily and quickly be removed, POST: Stabilized structures, removing loose components or installing covered sidewalk and blocked off parking spaces.
3	P2	PRE: <u>Possible site/occupant safety threat and localized public safety threat</u> if not if not barricaded and structurally shored; No triggering event causing distress; possible change of use makes economics questionable. POST: Rehabilitation Feasibility Study considering economics for specific buildings and structures.	PRE: Portland Company Building Complex Building #1

4.10 BUILDING 15/16 – BOILER HOUSE/BRASS FOUNDRY, 1858, 1864

Structure and Building Envelope Description:

- Small (unknown area), two-story structure with conventional lumber framing (15) and unreinforced multi-wythe brick masonry bearing wall (16) along the south (alley) elevation. Building 16 also has an infill wooden partition below a steel beam that previously created a large door opening. Refer to photos #16.1 and #16.2.
- Brick vaults reportedly extend from Building #15 beneath the Fore Street sidewalk. We did not observe these vaults.
- Rubble dry-stacked retaining walls exist at north, west and east elevations. At Building 16, it appears that water penetrates the wall or has in the past.
- Back wall (north wall) is large stone masonry retaining wall supporting hillside at Fore Street.
- Mono-pitch wood-framed roof slopes down toward the south (alley-facing) wall.
- Two-wythe brick masonry front wall features a mixture of granite (likely original) brick, and steel or iron headers on the window and door openings.
- The remnants of the Boiler House chimney base remain between Building 15 and Building 16.
- A large standpipe at east end of building.

Observations and Evaluation:

- The wooden and brick masonry walls of both buildings are in poor condition.
- The chimney base bricks should be checked and stabilized in place.
- Timber and lumber roof framing at Building 16 is undersized for contemporary snow loads.

Adaptive Reuse Potential:

- The building's current use is as a blacksmith's forge, a use not dissimilar to its original purpose as a brass foundry. It may be necessary to rebuild most of the Building 15 framing. In that case, Building 15 would likely need to conform to contemporary code requirements for new structures. From a preservation standpoint, the blacksmith occupancy is likely to be considered as the best and highest use of the structure.
- Open access to framing in Building 16 permits relatively simple structural strengthening techniques. We assume that much of the Building 15 structure will need to be rebuilt.
- As discussed in the Building 14 section, this structure provides opportunities for unique occupancies if properly secured and lighted.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing.
- Strengthen or rebuild existing roof structure as required, particularly near potential drift areas.
- Strengthen existing roof structure as required to provide wind uplift resistance and to transfer lateral loads through roof.
- Repair or replace existing doors and windows with thermally efficient units that meet National Park Service Standards.
- Repair/replace existing steel lintels with properly galvanized, painted or prepared/painted steel.
- Rebuild the south elevation and Building 15 timber or lumber structures as required.
- Rehabilitate brick masonry front wall of Building 16, to match period of historic significance.
- Improve site drainage and grading around the alley and hillside.



**Memorandum
Planning and Urban Development Department
Planning Division**

To: Chair Boepple and Members of the Portland Planning Board

From: Deborah Andrews, Historic Preservation Program Manager

Date: October 22, 2015

Re: 10/21/15 Historic Preservation Board Review of Supplemental Information Re:
Condition of Building #1, Portland Company Complex

Mtg. Date: October 27, 2015

At its meeting on October 21, the Historic Preservation Board reviewed a new condition report prepared by Becker Structural Engineers for Building #1 (Erecting Building) within the Portland Company complex. The October 13 report provides a more detailed level of analysis of the building's current condition and identifies the work that would be required to put the building into service. The supplemental report was commissioned by CPB2 to support its position that the building should not be classified as a "contributing" structure within any historic district designation proposal. The Historic Preservation Board's review was at the direction of the Planning Board, who agreed to accept additional information regarding the condition of the building provided the HP Board have an opportunity to review and comment on the new findings.

During the Historic Preservation Board's discussion, members expressed the view that the findings of the report were not surprising and were largely consistent with the previous, more general condition reports prepared by Becker and Resurgence Engineering and reviewed as part of the Board's original designation deliberations. Citing the ordinance's definition of "noncontributing" which requires that the Board find that "[the structure's] location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the...structure... has been irretrievably lost", Board members found that the building's integrity had not been irretrievably lost. Mr. Oldham noted that the Becker report, in identifying measures to address and rectify the building's condition issues, demonstrates that the building can reasonably be salvaged. Board members Harmon, Turk and. Oldham, who are architects, each noted that they had seen buildings in worse condition be successfully rehabilitated and reused. Chair Benson, also an architect, added that nothing in the new Becker report indicates that suggested methods for reinforcing the building go beyond what could be considered normal measures.

Following discussion, Chair Benson took a straw poll of the members present on whether, in consideration of the new information provided by BES, the Board still supported its prior finding as regards Building #1's classification within the proposed historic district. The five Historic Preservation Board members present (Benson, Harmon, Oldham, Turk and Wood) voted unanimously to uphold their previous finding that Building #1 is a contributing structure within the proposed historic district.

Given that the question before the Historic Preservation Board was limited to the *condition* of Building 1, only that aspect of the building's contributing status was addressed at the October 21 meeting. The other requirement of contributing buildings within historic districts is that they "contribute generally to the qualities that give the historic district cultural, historic, architectural or archaeological significance as embodied in the criteria for designating a historic district." (See Sec. 14-602 for definitions of "contributing" and "noncontributing" structures.) As described in the public hearing report, the Historic Preservation Board had also found during its designation deliberations that Building 1 contributes to the qualities that give the Portland Company complex its historic and architectural significance.

Attachments

- A. Staff memo for 10/21/15 HP Board review
- B. October 13, 2015 report from Becker Structural Engineers
- C. Copy of GPL testimony at 10/21 meeting

**HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE**

**PUBLIC HEARING
PORTLAND COMPANY COMPLEX
58 FORE STREET**

TO: Chair Benson and Members of the Historic Preservation Board

FROM: Deborah Andrews, Historic Preservation Program Manager

DATE: October 15, 2015

RE: October 21, 2015 **Public Hearing – Review and Comment on Additional
Information re: Condition of Building #1, Portland
Company Complex**

Address: former Portland Company complex
 58 Fore Street

Introduction

Representatives of CPB2 will be presenting the findings of a recent report prepared by Becker Structural Engineers (BES) regarding the condition of Building #1 within the Portland Company Complex. The report provides a more detailed level of structural analysis of the building than the two reports provided to the Historic Preservation Board during their review of the building complex for potential historic district designation. Both reports, which addressed most of the buildings within the complex, were conducted at the same level of analysis, which was described as a “30,000-foot view”. This level of analysis was considered sufficient for purposes of evaluating the general feasibility of preserving/rehabilitating each of the 16 individual buildings within the complex as part of the designation review process. The latest Becker report was commissioned by CPB2 to support their position that Building #1 lacks sufficient integrity of condition to warrant classification as a “contributing” structure within the proposed Portland Company historic district, a position expressed by CPB2 in letters and testimony to both the Historic Preservation Board and the Planning Board.

Review of the latest Becker report by the Historic Preservation Board is at the direction of the Planning Board. Board members will recall that the Planning Board was scheduled to hold a public hearing and conduct final deliberations on the Portland Company Historic District designation recommendation on September 8th. The public hearing followed a July 28 informational workshop on the Historic Preservation Board’s designation recommendation. At the start of the September 8 meeting, representatives of CPB2 requested that the public hearing be postponed to provide more time for the development team to review and respond to material

provided in the staff report for the public hearing. The report included a series of responses to specific questions raised by Planning Board members at the preliminary workshop, including questions related to the significance and condition of Building # 1. (See Attachment 2, with supporting material.) Mary Costigan, on behalf of her clients, also submitted a letter in advance of the September 8 public hearing addressing the Planning Board's requests for more information. (See Attachment 3, with supporting material.)

During the course of discussion with the Planning Board on September 8, representatives of CPB2 requested an opportunity to provide a more detailed analysis of Building #1 for the Board's consideration. It was the consensus of the Planning Board members that any additional information should first be presented to the Historic Preservation Board, as the HP Board had made the initial determination as to Building #1's classification and had spent considerable time evaluating the condition of each building within the complex during its deliberations on the proposed district designation. The public hearing was tabled to October 27th, with the understanding that any additional information would be presented during the intervening period to the Historic Preservation Board and that the HP Board's input on the supplemental information would be taken into consideration by the Planning Board during its final deliberations.

Role of the Historic Preservation Board

Although the role of the Historic Preservation Board in this matter was not explicitly defined by the Planning Board, staff understands that the Historic Preservation Board is being asked to review and comment on the new information as it relates to their previous finding that Building #1 meets the ordinance criteria of a "contributing" structure. The Board is not being asked to formally amend its July 24 recommendation to the Planning Board, but to act in an advisory role. Additional input from the Historic Preservation Board will be considered by the Planning Board as it reviews the HP Board's historic district designation recommendation for purposes of forwarding its own recommendation to the City Council.

Questions for Consideration

The recent request to provide a more detailed level of analysis for one of the buildings within the Portland Company complex raises the following threshold questions:

- What level of analysis is appropriate to establish "integrity of condition" as part of the historic designation process outlined in Portland's ordinance?
- How does one fairly evaluate the additional information regarding Building #1 when the same level of information is not available for other buildings within the complex?

Moving on to the findings included in the new Becker report, the Board shall, as before, consider whether Building #1 meets the historic preservation ordinance's definition of a "noncontributing" structure, which reads as follows:

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

In order for the Board's input to the Planning Board be as clear and informative as possible, Board members are encouraged to fully describe the basis for their findings and to identify the historic preservation ordinance criteria and definitions that guide the Board's determination. (Applicable provisions of the ordinance are cited in 9/8/15 Planning Board report, Attachment 2.)

Attachments

1. October 13, 2015 report from Becker Structural Engineers
2. September 8, 2015 staff report for (postponed) Planning Board Public Hearing, including selected attachments
3. August 26, 2105 letter from Mary Costigan for (postponed) September 8 public hearing
4. Recent public comment



October 13, 2015

Mr. Kevin Costello
 Manager
 CPB2, LLC
 PO Box 7987
 Portland, ME 04112

Dear Kevin,

Per your request, we are issuing this letter report to you as a summary of our evaluation of Building 1 of The Portland Company Complex, located at 58 Fore Street in Portland, Maine. The purpose of our evaluation is to assess the condition of the building's structure in order to determine the modifications and repairs required to meet current adopted codes and standards. Our analysis of this structure has expanded from a high level conditions assessment of the 58 Fore Street Complex performed by Becker Structural Engineers (BSE) in 2014, to a more detailed evaluation that will determine the scope of repair work needed to occupy Building 1.

The basis of our analysis as well as itemized descriptions of recommended modifications to the building are included in the following sections of this report. In addition, we have attached drawings S1-S5, which document the recommendations of this report and can be used to reference each of the repair items. After performing our evaluation, we have determined that the repairs and alterations required to meet the current code are extensive.

BASIS OF EVALUATION:

Building 1 at 58 Fore Street was constructed circa 1918. It consists of an exterior masonry wall shell supporting a combination of steel and timber roof structures. Members of BSE visited the building on September 22, 2015 to perform observations and take field measurements of the existing structural elements and systems. Our evaluation is based on these findings and the City's adopted codes, which include the International Building Code (IBC) 2009 edition and the International Existing Building Code (IEBC) 2009 edition. As referenced by IBC, gravity and lateral loads have been determined using the American Society of Civil Engineers, ASCE 7 Minimum Design Loads for Buildings and Other Structures, 2005 edition. The future occupancy of the building is unknown at this time, but for the purposes of this evaluation, we have assumed that this building will serve a public assembly occupancy.

ROOF FRAMING:

Building 1 consists of a center, clerestory roof structure with lower "saddle-bag" roofs along each side. The high roof consists of timber decking spanning to steel purlins. The purlins are supported by clear-spanning steel trusses spaced approximately 20'-0" on center (o.c.), which are in turn supported by steel columns. The lower roofs also consists of timber decking spanning

to steel beams. These beams are carried by steel girders that span to the main steel columns and to the exterior brick walls.

Our recommendations for repairs and modifications to the roof structure are as follows:

- Item R1: Approximately 30% of the existing timber decking is rotted and needs to be replaced. The areas requiring repair are scattered throughout the lower and upper roofs. Our opinion is that it will be more efficient and cost effective to replace all of the decking rather than replace the individual areas of rot. We recommend using a 3" nominal tongue and groove (T&G) timber decking as replacement.
- Item R2: Some of the elements in the roof trusses are overstressed for snow loads. We recommend reinforcing the chords and some of the web members with new steel rods or angles. Further analysis is required to determine if the riveted connections at the truss members are adequate. This detailed analysis was not performed for this report.
- Item R3: The existing columns supporting the roof structure are overstressed. We recommend reinforcing them with new steel tee-shapes and plates. In addition, the column splice that occurs at the low roof is inadequate, and we recommend reinforcing it with new steel side plates.
- Item R4: Our analysis showed the existing bottom chord bridging is inadequate to brace the truss during uplift caused by wind loads. We recommend welding steel reinforcement to the existing bridging and cross-bracing, as well as adding new bridge lines near the ends of the trusses.

LATERAL FORCE RESISTING SYSTEM:

A lateral force resisting system collects wind and seismic loads from the exterior envelope of the building and transfers them to the foundations and substructure. To transfer loads effectively, there must be positive load paths from the envelope to the roof diaphragms (existing roof decking), from the diaphragms to the lateral resisting elements (existing masonry walls), and from the walls to the foundations. Our observations determined that many of these load paths are inadequate or do not exist. Examples of this include inadequate fastening of the roof deck to the exterior walls, as well as several openings and discontinuities in the walls that reduce overall stiffness and capacity. Our opinion is that Building 1 does not have a functioning lateral force resisting system, and thus a new system should be installed.

Our recommendations for the lateral force resisting system are as follows:

- Item L1: To create an effective structural diaphragm for resisting wind and seismic loads, we recommend sheathing over the all of the new timber decking with 1/2" thick plywood.
- Item L2: New steel channels and new beam nailers should be installed to allow the roof diaphragm to be positively connected to its support structure.
- Item L3: For lateral forces in the long direction of the building, we recommend installing new steel rod cross-braces within four bays of the clerestory.
- Item L4: To transfer forces from the cross braces identified in item L3, as well as the low roof diaphragms, we recommend installing new columns, beams and braces along the exterior walls and between the existing columns to create moment frames. Further



analysis may allow for the existing crane rail beam to be used as part of the new moment frames, eliminating some of the new structural steel.

- Item L5: For lateral forces in the short direction of the building, we recommend installing HSS cross-braced frames (or frames of a similar configuration). A total of six new frames are proposed to control uplift forces due to wind and seismic loads. We believe the six frames will best lessen the uplift demand on the mat foundations, reducing their size and the overall pile quantity as much as possible.

FOUNDATIONS AND SUBSTRUCTURE:

Little is known about the foundations for Building 1 since most of them are not exposed to view. Based on our past experience with sites along the Portland Waterfront, existing soils typically consist of poorly compacted fill that is often unsatisfactory for support of structures. Historical maps of the area indicate the site was originally underwater and was filled in order to construct the facility. Building 1, however, appears to be well founded with little to no signs of settlement or foundation distress. Therefore, we believe the building may be supported by shallow rock or deep foundation elements, such as pilings or piers, extending to more favorable soils or bedrock below. Prior to proceeding with the design of structural modifications for the building, further geotechnical observations and testing would be required to determine the existing soil properties and the existing foundation characteristics.

Our recommendations for the foundations are as follows and are based on a pile-supported foundation:

- Item F1: The existing concrete slab is in fair to good condition but has several surface deformations and poor levelness. We also found locations where voids beneath the slab are present. To meet the needs of an assembly occupancy, we recommend replacing the slab. Prior to placing the new slab, the existing soils will likely require re-compaction, and new compacted structural fill may also be necessary.
- Item F2: All new columns will require support from new concrete footings. We recommend supporting new footings using steel mini-piles driven to refusal. The existing exterior wall will likely be undermined during the installation of the new footings. Therefore, the scope of foundation work will need to include temporary shoring of the existing exterior walls to install the new footings.
- Item F3: To control uplifts at the braces and moment frames, new mat foundations and strip footings will be required. All new foundations will likely need support from mini-piles. Mini-piles will need to be connected to the mat foundations with uplift anchors. Lastly, the existing columns will need temporary shoring to allow for the existing footing to be removed prior to construction of the new mats.

EXTERIOR WALLS AND FACADE:

The exterior structure of Building 1 consists primarily of multi-wythe, solid brick walls. The building has several large openings for windows, both at the main level and the clerestory. Brick above the openings is typically supported by steel plates attached to steel beam lintels. The brick at the clerestory, however, is supported directly by the roof structure. There are several steel hangers from the high roof structure to the low roof beams that support the brick. The eccentric load from the hangers has caused the high roof beams to twist into the building.



Along the south elevation, several vertical cracks are present in each of the brick piers between the windows. The steel lintels above the windows are anchored into the piers at each end. As thermal expansion and contraction has occurred over time, our opinion is the lintel anchorage is restraining movement and causing the cracks. Further evidence of this is shown by the north elevation, where the larger cracks are not present. This elevation is mostly concealed from exposure to the sun, which would suggest why the cracks have not developed.

Our recommendations for the exterior of the building are as follows:

- Item E1: The cracked piers at the south wall are beyond repair and need to be rebuilt. During the rebuild, we recommend providing vertical control joints in the center of each of the brick piers to control future cracking.
- Item E2: The hanging structure that supports the clerestory facade is not performing adequately, as shown by the twisting beams. We recommend installing new HSS purlins, removing the hanger connections from the existing beams and connecting them to the new HSS beams. The HSS members have resistance to torsion and will not twist.
- Item E3: The steel plates at all of the lintels are heavily corroded and require replacement. We recommend temporarily shoring the facade, removing the plates, removing any rust or corrosion on the lintel, and welding new galvanized plates to the lintels. New flashing details will be required to protect the lintels from future corrosion.
- Item E4: The lintels in the north and south walls create a hinge in the exterior wall, significantly reducing its ability to resist out-of-plane wind loads. To eliminate the hinge, we recommend connecting each of the brick piers to the new columns with clip angle connections.
- Item E5: The exterior brick below the main windows is in poor condition due to rising damp and splash-back from the rain that falls from the upper roofs. Partial reconstruction and repair of this brick will be required..
- Item E6: The steel framed windows and windows sashes throughout the building are in poor condition and should be replaced. In addition, the cast-stone sills beneath the windows are showing signs of heavy corrosion and should also be replaced.
- Item E7: As mentioned in item R1, the roof decking requires replacement at the low roofs. Our observations determined that the brick walls at the clerestory partially bear on the existing deck. These walls are in poor shape, with the brick below the window sills bowing out in most locations. Given the condition of the walls and the wall damage that may occur during the roof deck replacement, we recommend that the clerestory walls be rebuilt.

CONCLUSION AND CLOSING:

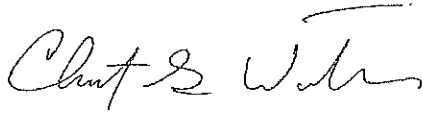
Our evaluation of Building 1 has shown that the structure does not meet current code requirements for resisting gravity and lateral forces, including snow, wind and seismic loads. As a result, a significant amount of structural modifications to the foundations and framing will be required. Repair or replacement is recommended for approximately 50% of the existing foundations, 100% of the roof deck, 70% of the roof framing and 40% of the masonry. In addition to these repairs, we believe a significant amount of new structural systems are required to upgrade the building, including braced frames, moment frames, mat foundations and mini-



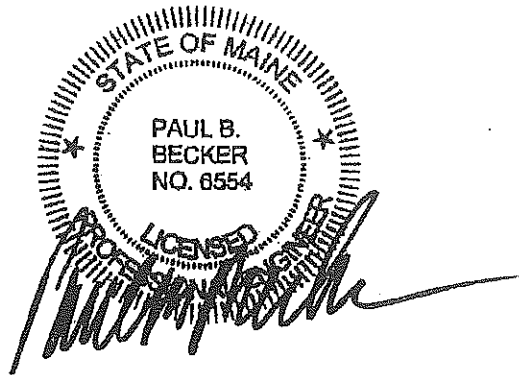
piles. Our review addresses structural concerns only, and it should be understood that there will be mechanical, electrical, plumbing and life-safety upgrades required as well.

We trust that this information addresses your concerns at this time and will be helpful in planning for the future use of Building 1 at 58 Fore Street. This letter report should be understood in the context it is provided. It is based upon our site observations and preliminary analysis of existing conditions. It has been prepared to provide an overview of the building's structural condition, and to identify the scope and nature of structural issues, which may impact future use. As there have been some assumptions made regarding the existing framing and proposed scope of future work, it is important to review, whenever possible, the building for conformance with the assumptions made. We would be happy to discuss this further, so please contact us if you have any questions.

Sincerely,
BECKER STRUCTURAL ENGINEERS, Inc.



Christopher G. Williams, P.E., S.E.
Project Engineer

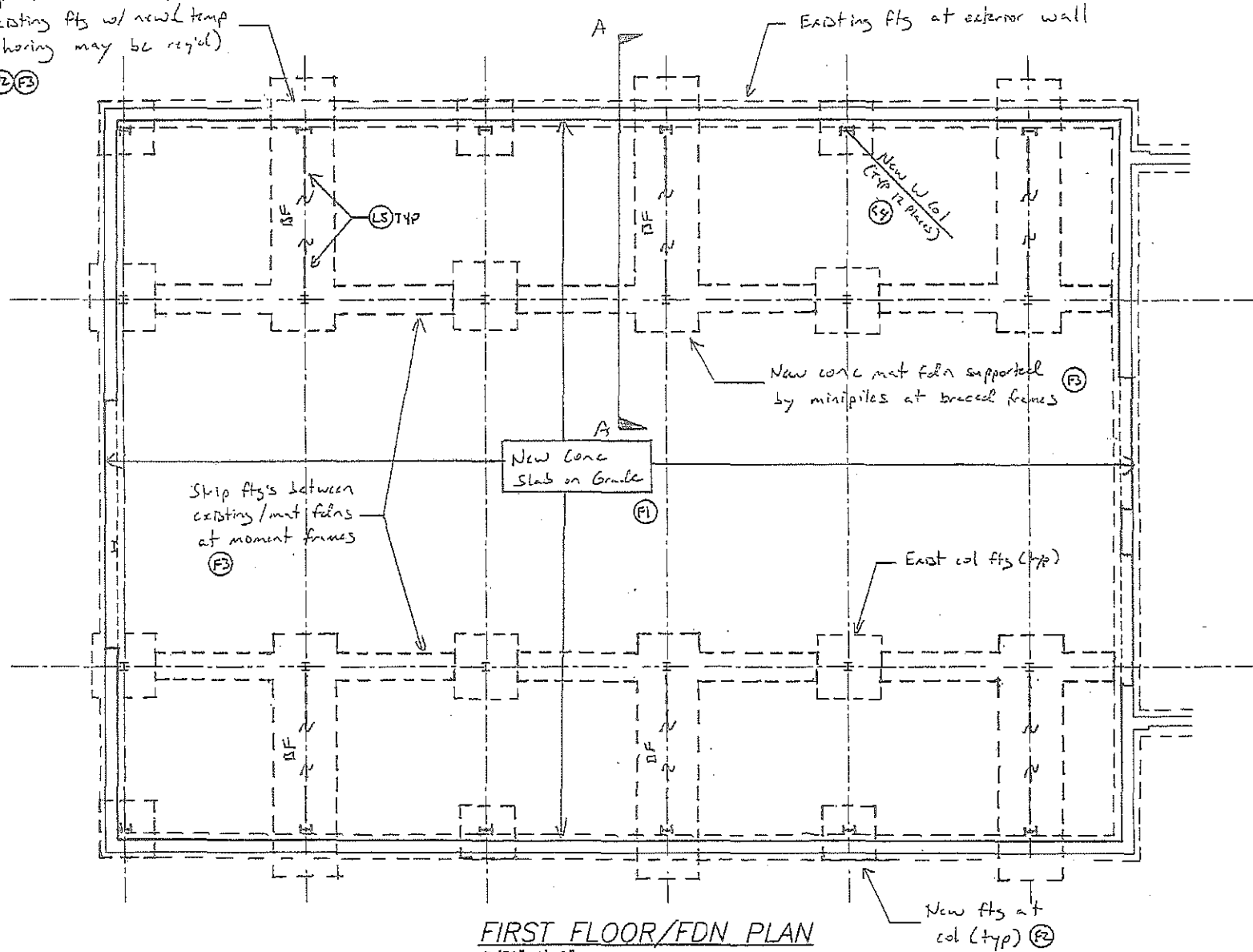


Paul B. Becker, P.E.
President



Typ of exterior wall, undermine
existing ftg w/ new temp
shoring may be req'd)

(P2) (F3)



FIRST FLOOR/FDN PLAN

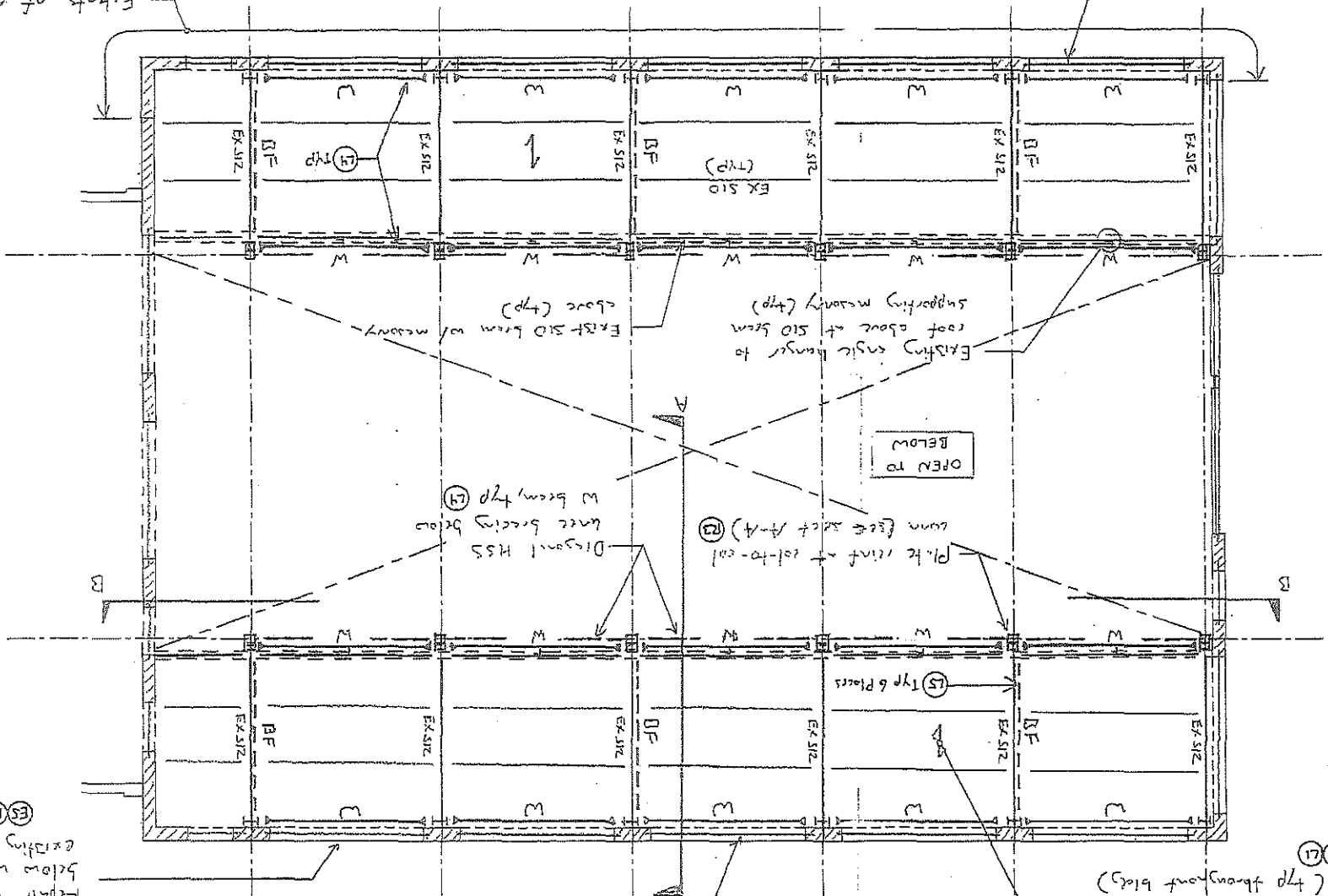
3/32"=1'-0"

1. B.F. indicates new steel braced frame

51

Remove and replace existing roof decking w/ 2" nominal timber slats (typ throughout bldg)

(R1, L1)

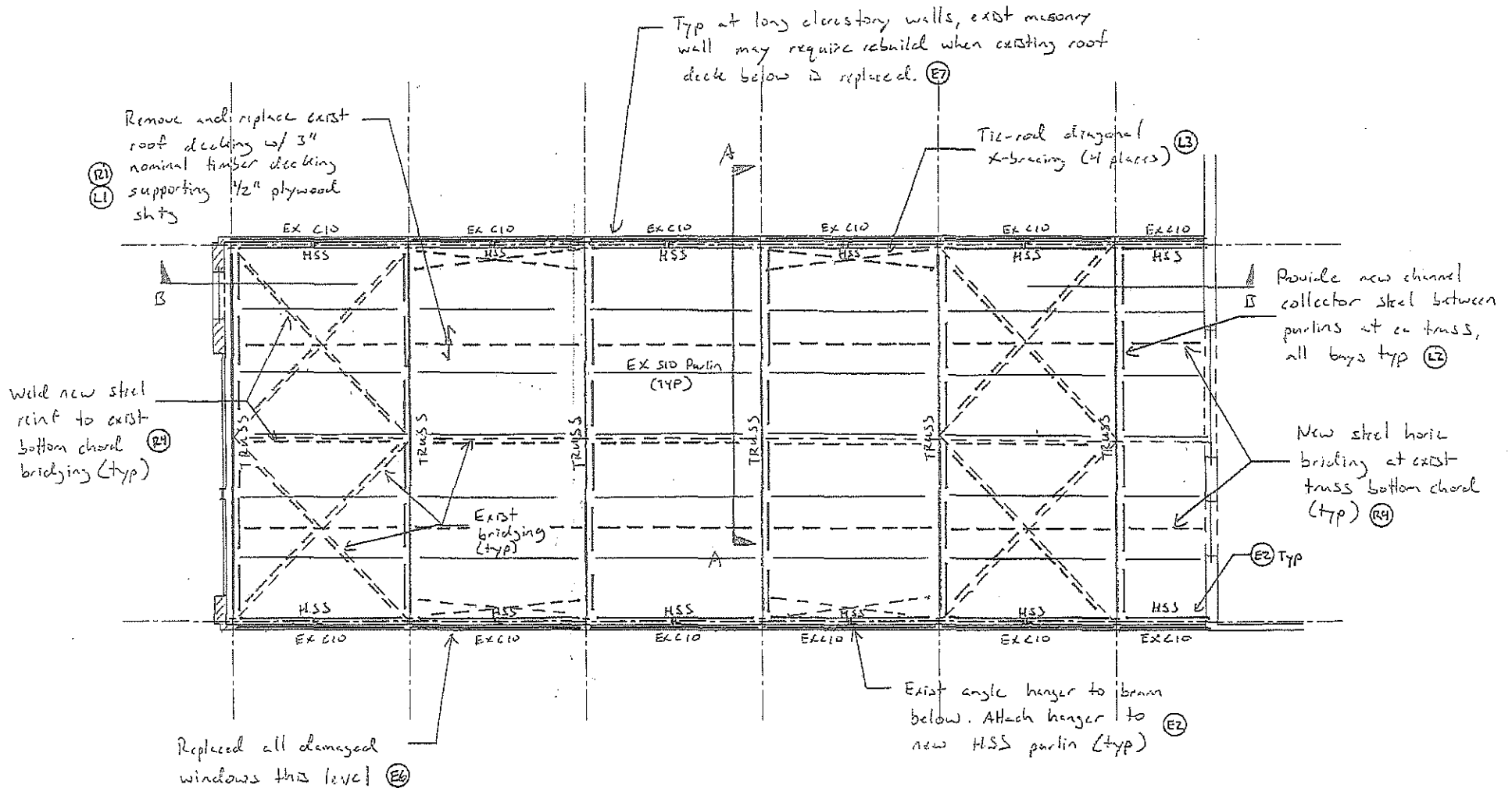


LOW ROOF PLAN

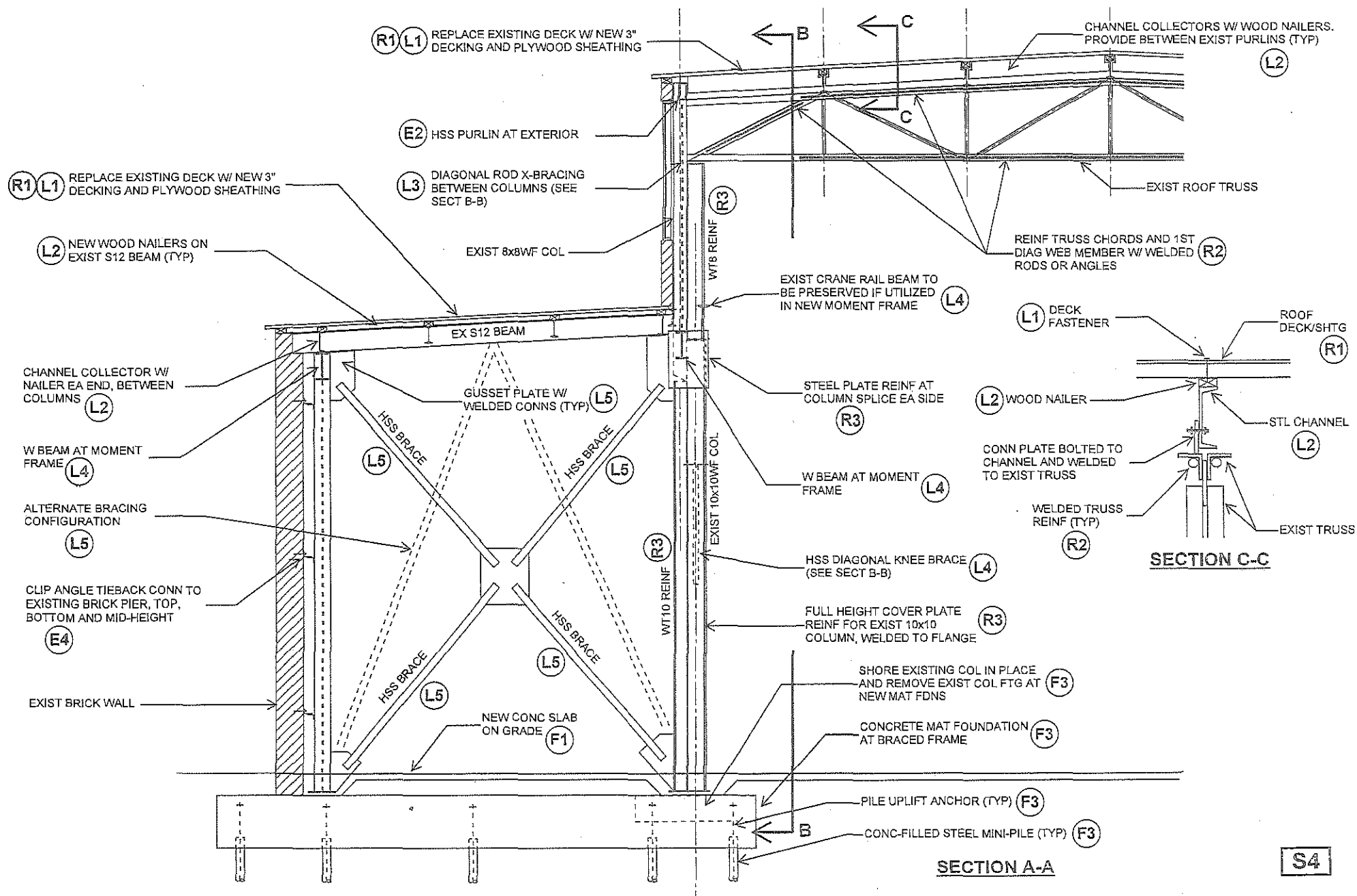
1. R.F. indicates new steel beam frame.
2. P indicates new moment frame connection.

Exhnts of existing per and/or will be added to replaced damaged masonry.

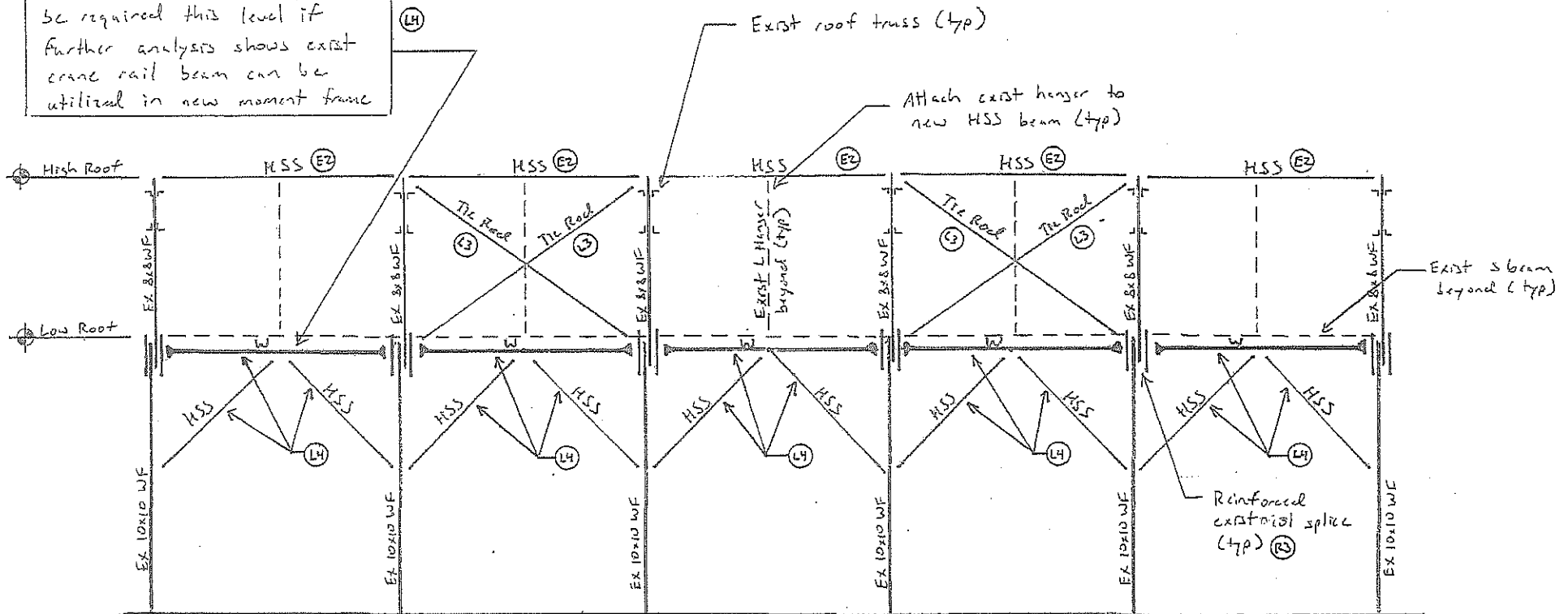
(E1)



HIGH ROOF PLAN
3/32"=1'-0"



Note: New W beams may not be required this level if further analysis shows exist crane rail beam can be utilized in new moment frame



SECTION B-B



Statement for Historic Preservation Board Public Hearing

Portland Company, 58 Fore Street

21 October 2015

Greater Portland Landmarks originally supported the Historic Preservation Board's finding that Building No. 1 be classified as a contributing building in the proposed Portland Company Local Historic District and continues to do so. Building No. 1 contributes to the general qualities that characterize the proposed district. It is an important structure in the interconnected buildings that comprise the core of the Portland Company's manufacturing process. Architecturally it expresses the qualities of industrial building design during the early 20th century in its large multi-paned window openings and clerestory roof form.

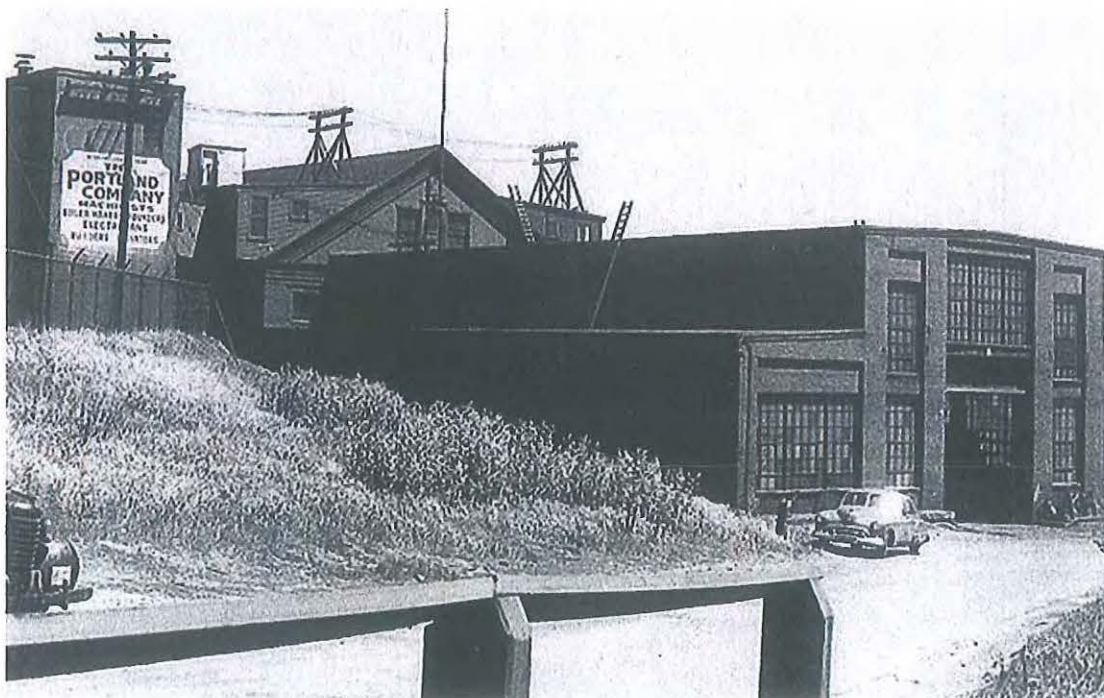
The new report prepared by Becker Structural Engineers (BSE) on the scope of the structural repair work needed for an assembly use in Building No.1 goes beyond the level of information usually considered during the classification of a building as contributing or non-contributing in an historic district. This level of information was not considered or requested during the board's deliberations on the classification of this or other buildings in the complex. In addition this level of information has not been utilized to assess integrity of condition in the proposed India Street Historic District or the newly designated House Island Historic District.

As noted in various reports, Building No. 1 exhibits some deterioration of its exterior materials and has been altered by a new overhead door on the west façade. However the materials and design of the structure have not been so altered or deteriorated to degrade the building's integrity of condition to the point of being "irretrievably lost".

Of the nine buildings inspected by BSE in March of 2014 Building One was assigned a relative structural condition score of 2.0 and a relative rehabilitation cost of 4.0. Only four (Nos. 2, 3, 6, & 11) of the nine buildings inspected were noted by BSE to be in better structural condition and only three (Nos. 3, 6, & 16) had lower anticipated rehabilitation costs. From this assessment and the report completed by Resurgence Engineering, Building No. 1 does not appear to be in substantially worse condition relative to other buildings in the complex designated as contributing and has an average estimated rehabilitation cost. Neither of the structural reports identified a structural need to immediately vacate or demolish the structure that would qualify it to be described as "irretrievably lost". The October 2015 BSE evaluation of Building No.1 does not identify any new structural or safety issues not present in March of 2014. Greater Portland Landmarks strongly supports the continued finding that Building No. 1 be classified as a contributing building in the proposed Portland Company Local Historic District.



Circa 2012 (*Greater Portland Landmarks*)



Circa 1950 (*Portland Maine History 1786 to Present, Facebook Page*)

Attachment D8

From: Herb Adams <hadams@smccme.edu>
To: Deb Andrews <dga@portlandmaine.gov>
Date: 10/23/2015 12:02 PM
Subject: RE: 58 Fore Street

TO: Members of the Portland Planning Board
c/o D.G. Andrews, City of Portland

RE: Designations in footprint of 58 Fore Street

Dear Board Members :

This message is to strongly encourage the Board to designate as broadly as possible the protections for the area and the structures now at 58 Fore Street, the former Portland Company, and to make the protected footprint on this site as large and encompassing as possible.

As you know, 58 Fore Street, the Portland Company, is one of the very last virtually intact industrial sites of its kind remaining in the United States. It is unique by any yardstick of comparison.

Here the very contours of industrial Maine and American were - literally -- forged. From steam locomotives to the nation's first nuclear reactor containment vessel, to the static eliminator in the photocopier that reproduced this document, to the foam extrusion machine that made the Big Mac Styrofoam box -- all were invented or perfected at the Portland Company.

Its legacy is vast. None of it should be lost. I believe that we, its heirs, should protect it. And whoever may own it should celebrate it -- and not demolish it.

Yes, historic designations may seem inconvenient at the moment. In the long run they always pay off. Yes, they may cost a bit more in the present -- but the prudent investor looks to the long term payoff in the future.

As an example, I strongly encourage the Board to include Building No. 4, in its entire and intact form, within the broadest drawn Historic District footprint as possible. This building was an integral part of the assembly-line process (of which the Portland Company was a national pioneer) for its steam locomotives and large industrial equipment of all kinds. The massive productions then moved down a succession of buildings and exited thru the great doors of what (I believe) is termed Building No. 1 on the digital maps.

There is nothing left in the United States like this -- largely intact, still identifiable, and redolent of the very mastery of iron and steel-shaping work that the Portland Company pioneered in America.. Henry Ford himself was well aware of the Portland Company's linear processes, and cited them in construction of his vast River Rouge auto plant (much of which has long since been lost)

I am puzzled by the developer's plans to demolish or demote so much of what is intact -- these are treasures a prudent investor

should see as gems, not rough at all, just in need of a period of polishing after long neglect.

Such careful thinking should be given to every building on the site.

There is nothing in America left like the Portland Company. Once gone, there will be nothing to ever replace it. Careful prudent, building-by-building restoration and wise re-use should be the rule here -- and the public and the developer both will profit by it.

Demolition of this heritage, and replacing it with a plaque nodding to "What Once Stood Here " is not progress. Holding on to our heritage, and enhancing it, IS progress.

Just like Joan A. Poor, who founded the Portland Company, looked to build for a future he knew he would not see, we should hold on to the best we have for a future we know we WILL see.

Please remember that 20 years ago nay-sayers denounced the very idea of an Historic Preservation Ordinance as a job-killer and a city-destroyer , and the very idea of panels (like the one you sit on) as progress-killers. Today we know they are anything but. Our beautiful city -- and our wallet in tourist dollars -- have benefitted from their existence.

In summary, I believe our best and wisest act for Portland would be to make the Historic District for the Portland Company as big as possible, to embrace as many structures as possible, and to save Building 4 entirely as one example of this broad embrace.

It is an embrace of the future, after all, not just the past.

Thank you for your consideration.

Sincerely,

Herb Adams
Former State Representative
Adjunct Professor History and Social Science, SMCC

To: City of Portland Planning Board

From: Paula Guillemette Agopian

Re: 58 Fore Street aka (The Portland Co.)

I was present for the Planning Board meeting on 9/8/15 when the item regarding The Portland Co. was tabled to October since CPB2 requested more time to revisit building #1. Let me say that building #4 (The Foundry) should be revisited by the Planning Board as well!

Compromises and concessions have been made by the HP Board and the Planning Dept's HP Office. If I had my way about it I would have placed an "Historic Shroud" over the entire complex except the metal building in the rear and the new office building at the entrance.

I have attended presentations and workshops since October, when the Sutherland Report was unveiled. I have witnessed the HP Board struggle with angst on the issues presented them. I felt a sincere sense of concern for preservation while maintaining pragmatism and sensitivity related to the costs of rehabilitation and preservation.

Building #1 was the last building built within the period of significance (1918) and represents it's era as much as building 2 (1847). It was an intragal part of the operation. While not as architecturally appealing as building #2 we need to bear in mind "this is not a beauty contest" (Ted Olden). In the Resurgence Report done by Al Hodson it reveals that the costs to rehabilitate and retrofit this building are feasible. Another level could be constructed doubling the rentable space \$\$\$.

Building #4 The Foundry, performed the most important function in the production process. It was the heart that pumped the life blood. Yes, it had a failed system from day one, yet it still stands today and the Resurgence Report states it could be remedied with reinforcement and supports.

In real estate the rule of thumb is, if it's attached it is part of the structure. #1 is attached to #2, #2 to #3 and #4. They are all one structure!

I encourage you to have the fortitude and courage to listen to the Chair of the HP Board and accept the proposal as presented with one exception, building #4 (The Foundry) be put on hold and reconsider it to be included. Remember historic preservation's purpose is to re-enforce and not to undermine!

Sincerely,



Paula Guillemette Agopian

cc. Mayor Brennan, Portland City Council, Historic Preservation Board, Deb Andrews, Landmarks

Deb Andrews, Historic Preservation Program Manager
City of Portland Planning Division
389 Congress Street
Portland, ME 04101

September 25, 2015

Dear Deb,

I will not be able to attend the Planning Board's meeting in October and so would be happy if you were to share my reflections with the members of the Historic Preservation and the Planning Boards.

When I was Executive Director of the Maine Historical Society (1985-1995), one of my favorite collections to peruse was the Portland Company. The abundance of sketches, plans and specifications all pointed to the vibrancy of this Portland enterprise. The watercolor presentation drawings transcended industrial history to art. But by the late 20th century, what was left of Portland's industrial past? Very little. How could this extraordinary story of Portland's manufacturing past best be told?

Portland has the opportunity to do this now, not just for the few researchers who could consult this archive but also for the many, many residents and visitors who will be drawn to the reborn Portland Company site. As a resident of nearby Waterville Street, I have been concerned about the safety of the site as buildings have deteriorated and the property has been underutilized. I fully support the concept of a mixed-use and look forward to the integration of contemporary design into the historical context. I also support the compromise approach that the current nomination proposes; saving all the buildings just isn't feasible. Nor is it the way Portland should step into its future.

At the same time, Portland's history doesn't stop at the end of the 19th century, in spite of what the tourist literature tells visitors. Preserving building #1 should be considered not just "contributing," but essential. The design of building #1 with its large windows and uninterrupted workspace leaves no doubt that the Company was vibrant well into the 20th century. Without it, the story that the preserved buildings tell is truncated to a 19th century history, denying the breadth of the site's architectural and historical significance.

Preserving and adapting building #1 will certainly be an expensive proposition. But there is no other building that explains the whole continuum. Without it, I fear that the Portland Company's redevelopment will resemble a theme park of 19th century picturesqueness. Building #1 challenges us to move into a gutsier, brawnier version of our community's history. It is the building that offers the most intriguing opportunity for the new vision of a Portland Company.

My thanks and appreciation to you and to the members of the Historic Preservation Board for your efforts to create an historic district at the Portland Company.

Sincerely,



Elizabeth Miller
46 Waterville Street #3
Portland, ME 04101
elizabethmiller1953@hotmail.com
207-878-8604

Deb Andrews - Portland Company District

From: Jack Bauman<baumanj@roadrunner.com>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 9/5/2015 12:03 PM
Subject: Portland Company District
CC: Deb Andrews<dga@portlandmaine.gov>
Attachments: PortCo.FIN.docx

Dear Christine, I am writing in support of the Portland Company Historic District. In my estimation the Portland Company is one of the most important sites in the city. As the attached article indicates, it was not only the birthplace of industrialism in Portland, but as John A. Poor intended, it simultaneously helped transform what had been an important regional seaport into an international port, a significant rail hub, and the major destination for Canadian winter wheat. An important employer of Irish labor, the company also contributed to the shaping of the city's Irish community and Irish culture. Physically, without the Portland Company and the Atlantic and St. Lawrence Railroad, would Commercial Street and the "Old Port" exist? I doubt it. The city's edge today might easily be Fore Street. Without doubt, the Portland Company should exist as a monument to the city's past and its romance with the sea. It is sacred. Very Sincerely, John F. Bauman, Visiting Professor, USM, and author of Gateway to Vacationland: The Making of Portland, Maine (2012)
Sent from Windows Mail

August 27, 2014

"Historic Portland Company Should be Preserved"
John F. Bauman

At the foot of Munjoy Hill, on Fore Street near India, sits a sprawling brick, industrial complex called the Portland Company and known better today as the site of the annual flower show. It is one of the most important clusters of buildings not only in Portland, but in the State of Maine. In 1846 the lawyer/entrepreneur John Alfred Poor, mesmerized by the potential of the railroad, conjured a vision of Portland as a thriving railroad Mecca. Poor beheld "the coast of Maine lined with cities rivaling the cities of the coast of the Baltic." For him, the Forest City, closer to Europe than Boston, was an obvious destination for Canada's winter wheat harvest bound by rail for Liverpool, Le Harve, or Bremen, but blocked at Montreal by an ice-locked St. Lawrence River.

Poor's vision captivated Portland's Judge William Preble who with other city businessmen funded a survey for a viable rail route from Portland north through Dixville Notch to the Canadian border. In 1845 the group successfully lobbied the Maine legislature to charter the Atlantic and St. Lawrence Railroad. Then, amidst blizzard conditions, Poor raced by sleigh along his proposed route to Montreal, convincing the Montreal Board of Trade of the superiority of his proposed route over his Boston competitor.

But the Atlantic and St. Lawrence railroad needed infrastructure; it needed locomotives, freight and passenger cars, and a mill to both build and maintain this rolling stock. In 1846 Poor and his backers incorporated the Portland Company capitalized at \$250,000. For expertise Poor turned to Philadelphia's renowned Norris Company, which helped build the brick edifice, and in

1848 produced the plant's first locomotive.

Together with the Portland Company, the Atlantic and St. Lawrence, which soon became the Grand Trunk Railroad, literally transformed Portland. It ushered Portland into the "Age of Industrialism." To more efficiently link the Grand Trunk terminal at the foot of Munjoy Hill, one block from the Portland Company, with the city's Fore-Street port facilities, Portland removed the top of Munjoy Hill, and with the resulting fill covered over the existing Fore Street piers. This engineering *tour de force* produced a new, 100 foot-wide, 5,993-foot long Commercial Street, an avenue laced with rails and accommodating the bustling pier and warehouse cityscape in the twenty-first century familiar to all.

Portland, once an Ante-bellum shipbuilding and sugar-refining center in the 1870s became a thriving rail center and until 1923 the sole destination for Canadian winter wheat. The Grand Trunk's extensive operations, its rail yards, elevators and loading apparatus, plus, of course, the Portland Company, became the city's main employer. In 1876 the Portland Company boasted over 450 employees, many of them Irish immigrants. Writer Edward Elwell, that year expostulated about the Portland Company's "vastness." "These are the only works for the building of locomotives in the state," he wrote. "Indeed, no others have so capacious workshops, or are so favorably situated on tide water and the line of a far-reaching railway." While the company produced hundreds of locomotives and rail cars, it also produced snow plows, stationary steam engines and boilers. During the Civil War it supplied the Union Army with heavy canons. In the 1920s it manufactured automobiles. During World War II the company built turbines for war ships and cast 30,000-pound propellers for South- Portland-built

Liberty Ships. After World War II the Portland Company produced giant pulp digesters for the paper industry and equipment for nuclear power plants.

Until 1982, the year the Portland Company ceased production, the complex remained the city's singular industrial enterprise. It had helped transform Portland into a transcontinental shipping port with flourishing warehouses, strong banking and commercial sectors, and with an extensive railroad network that linked the city commercially to Philadelphia, New York, Chicago, and San Francisco. The rail network which it serviced made Portland a gateway to other tourist destinations: Camden, Boothbay Harbor, Bar Harbor, the White Mountains. It helped make Portland the city that we know and love today. On a par with Victoria Mansion, the Customs House, Monument and Longfellow squares, and the Old Port, the Portland Company complex is of immeasurable historic significance to the city. A unique opportunity exists to reuse the complex in a way that both preserves its remarkable history and brings an exciting new chapter to the Portland waterfront.

The writer, John F. Bauman, is the author of *Gateway to Vacationland: the Making of Portland, Maine* (University of Massachusetts Press, 2012).

From: Denise Preisser <dpreisse@maine.rr.com>
To: <dga@portlandmaine.gov>
Date: 9/8/2015 5:01 PM
Subject: 58 Fore Street

To whom it may concern:

I can not attend tonights meeting. As a taxpayer and a resident of Portland I am in favor of granting the 58 Fore Street property as an Historic District. However, I am disappointed that building 4 was not not included in the district, due to the back door workings of the developers saying it was too expensive to repair - not by work but due to size of structure.

The developers knew this site was a proposed Historic District before purchase and they should not be able to force the city's hand in what has been working here with this fine board.

Best,
Denise Preisser

Comments of Barbara Vestal, 7 Fore St., Portland submitted to Portland's Historic Preservation Board, July 15, 2015

I would like to raise one question about the designation report. 14-617 says that your designation report will contain "proposed design guidelines for review of alteration or construction." However on page 8, it says that specific design guidelines will not be proposed for the district.

There is a lot in the report that is very much like design guidelines. Could they be recast as design guidelines? The photos illustrate some key visual characteristics. The report says that it is import that these strong visual characteristics be considered in future infill development, new construction and site improvements. Would it take much more work to affirmatively state these as design guidelines? I think it would help future Boards to have that as a reference.

Having design guidelines in the district designation report is important. The Design Guidelines for the Eastern Waterfront are not very detailed. The B-6 design guidelines are written so they apply to structures along public streets. The internal circulation pattern may be private ways rather than public streets. In that case, they will not apply.

Even if you do not propose overall design guidelines, I would encourage you in the designation report to consider the "Portland Company Alignment". That appeared as a "no build area" as part of the 2004 Eastern Waterfront Building Height Study. (Copy attached.) In this Illustration 33, the building envelope of the building to the south is pulled back so from Thames St, one would have a view into the alley between the buildings.

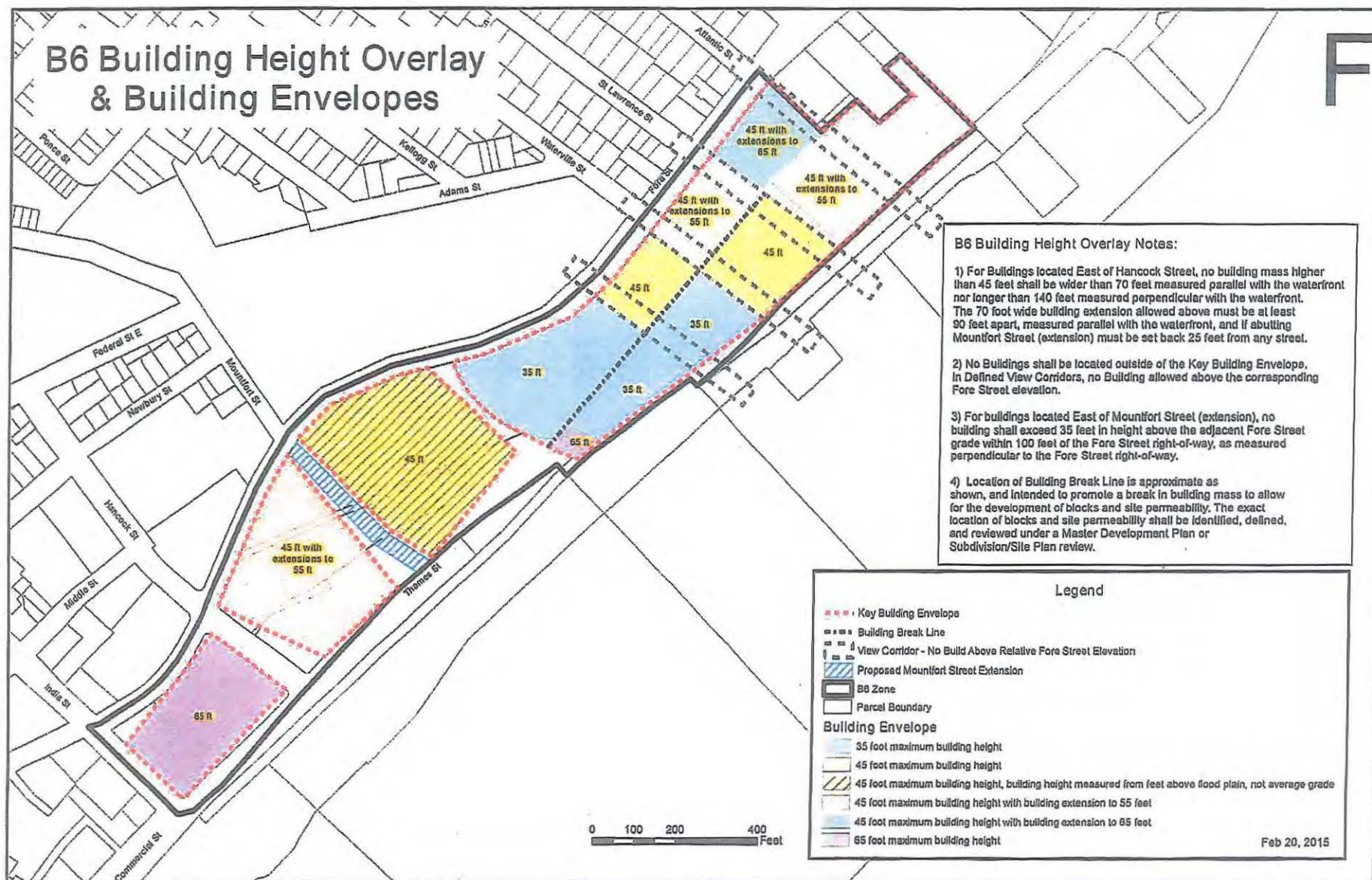
By the time the application got out of the Planning Board, the "no build zone" Portland Company alignment had turned into a "building break line." Note #4 addresses it. Instead of a 50' or so break between buildings, it has no particular width. If you think it is important to maintain the alley pattern in this location, that should be addressed in a design guideline.

I understand you have been asked to agree that the maximum building heights by zoning should trump the ability of HP to ask for any lower heights for purposes of meeting the historic preservation standards. This would be unusual, and is only done in Portland in the Congress St. District. It made some sense in the Congress St. district because it applied to existing buildings with a wide variety of heights. Here there is a basic fabric of 2-3 story buildings.

It seems like the designation report should say that you do not feel that it is appropriate to tie your hands like this. It could be particularly relevant along Fore Street, where the Planning Board approved heights being measured from average grade, and allowed buildings along Fore St. to go up to 35' above the grade of Fore St. Depending on the grade measurements, this height calculation might allow buildings to be constructed on top of buildings 16 and 24. Under some interpretations, if you have no option but to defer to the zoning heights, you might not be able to prevent that even if it violates many of your review standards.

F

B6 Building Height Overlay & Building Envelopes



- STUDY AREA (5 STORY MINIMUM)
- KEY BUILDING ENVELOPES BY HEIGHT
- NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

GENERAL NOTES:

1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.

2. THE HEIGHT OF BUILDINGS AND TOWER MASSES EAST OF MOUNTFORT STREET OR ITS EXTENSION SHALL BE MEASURED FROM 2' ABOVE THE FLOOD PLAIN ELEVATION FOR THE SITE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM. WHERE ALLOWED, BUILDING MASS ABOVE 4 FLOORS SHALL NOT BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.

3. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.

4. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.

5. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.

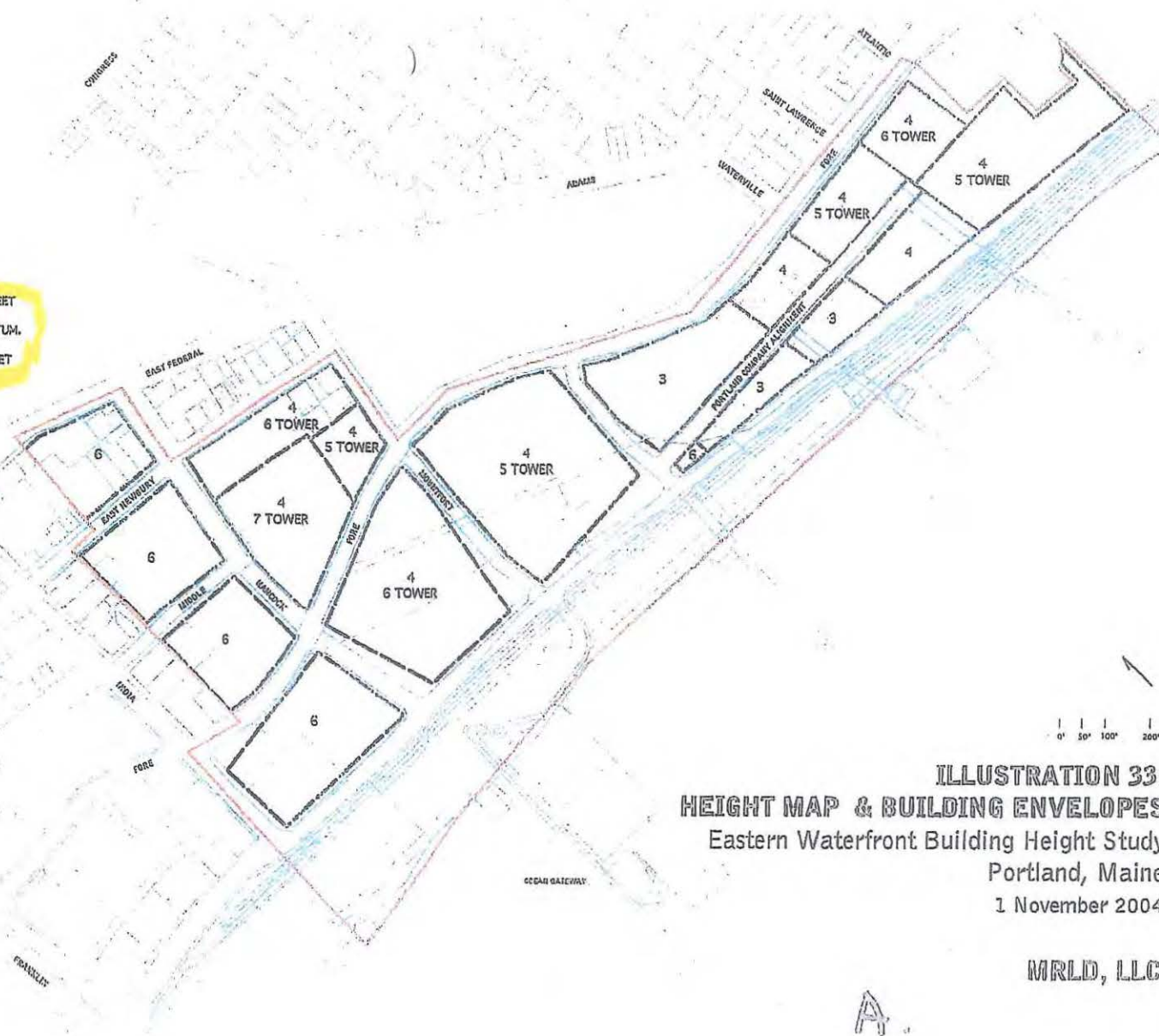


ILLUSTRATION 33:
HEIGHT MAP & BUILDING ENVELOPES
 Eastern Waterfront Building Height Study
 Portland, Maine
 1 November 2004

MRLD, LLC

A.

To: City of Portland Planning Board

From: Paula Guillemette Agopian

Re: 58 Fore Street aka (The Portland Co.)

I was present for the Planning Board meeting on 9/8/15 when the item regarding The Portland Co. was tabled to October since CPB2 requested more time to revisit building #1. Let me say that building #4 (The Foundry) should be revisited by the Planning Board as well!

Compromises and concessions have been made by the HP Board and the Planning Dept's HP Office. If I had my way about it I would have placed an "Historic Shroud" over the entire complex except the metal building in the rear and the new office building at the entrance.

I have attended presentations and workshops since October, when the Sutherland Report was unveiled. I have witnessed the HP Board struggle with angst on the issues presented them. I felt a sincere sense of concern for preservation while maintaining pragmatism and sensitivity related to the costs of rehabilitation and preservation.

Building #1 was the last building built within the period of significance (1918) and represents it's era as much as building 2 (1847). It was an intragal part of the operation. While not as architecturally appealing as building #2 we need to bear in mind "this is not a beauty contest" (Ted Olden). In the Resurgence Report done by Al Hodson it reveals that the costs to rehabilitate and retrofit this building are feasible. Another level could be constructed doubling the rentable space \$\$\$.

Building #4 The Foundry, performed the most important function in the production process. It was the heart that pumped the life blood. Yes, it had a failed system from day one, yet it still stands today and the Resurgence Report states it could be remedied with reinforcement and supports.

In real estate the rule of thumb is, if it's attached it is part of the structure. #1 is attached to #2, #2 to #3 and #4. They are all one structure!

I encourage you to have the fortitude and courage to listen to the Chair of the HP Board and accept the proposal as presented with one exception, building #4 (The Foundry) be put on hold and reconsider it to be included. Remember historic preservation's purpose is to re-enforce and not to undermine!

Sincerely,



Paula Guillemette Agopian

cc. Mayor Brennan, Portland City Council, Historic Preservation Board, Deb Andrews, Landmarks



Our Heritage, Our Legacy

233 West Main Street • Yarmouth, Maine 04096
Tel (207) 847-3577 • info@mainepreservation.org
www.mainepreservation.org

September 8, 2015

Members of the Portland Planning Board:

On behalf of Maine Preservation, the statewide nonprofit historic preservation organization, I am writing an additional letter to support the unanimous recommendation by the Portland Historic Preservation Board to designate a portion of The Portland Company Complex site on Fore Street as a Local Historic District.

The Portland Company complex has local, statewide and national historic significance, yet years of deferred maintenance have left the complex buildings in serious disrepair. Maine Preservation (MP) concurs with the HP Board assessment that several of the buildings are noncontributing because of their date of construction, including buildings 30 and 5; or because of their deteriorated condition, including buildings Nos. 4, 7, 10, 11, 14 and 15 – each of which engineers estimated would cost more to rehabilitate than building 1. MP recognizes that a great deal of thoughtful consideration of “the realities on the ground” went into determining that half the buildings could be demolished, and it signifies a dramatic shift on the part of the preservation community, which originally desired that all historic buildings be rehabilitated.

Buildings No. 1, 2, 3, and 4 form the core of the historic complex. With Building No. 4, the forge, the most significant building at the heart of the complex, structurally unable to be rehabilitated, it makes Building No. 1 even more significant. The Resurgence engineering report also shows that Building No. 1 is in the same structural condition as Building No. 2 and both engineers estimate that it will cost less to rehabilitate Building No. 1 than Building No. 2.

CPB2 has arbitrarily selected Building Nos. 2 and 3 to represent the historic core of the complex, and argues that removal of Building No. 1 would reveal and restore the façade of Building 2, an original Portland Company Building built in 1847. However, it is important to note that the exterior façade of Building No. 2 was originally exposed for only about 30 years and has been hidden behind other major buildings for more than 135 years. The complex and company were significant both before and long after Building No. 1 was built, and the ongoing and evolving manufacturing business of the Portland Co. was precisely why additional buildings were added to the complex. Rather than diminish its significance, the later construction date of Building No. 1 documents The Portland Company’s continued cutting-edge vibrancy in the manufacturing industry as shown by the attached illustrations of boats outfitted and projects built after 1918. In fact the company played a key role in World Wars I and II manufacturing and throughout the 1920s. The period of significance used by the Historic Board was the period that the significant buildings were built, including Building No. 1, not the significance of the company’s operation, which continued on.

In our judgment, Building No. 1 will be required to make a credible case in applying for historic tax credits. The state and federal historic credits of 45% or 51% for affordable housing usually spell the difference between feasibility and infeasibility in projects. With no plan in place for uses for the existing historic properties or other future development on the site, it is premature to make decisions that would rule out the use of historic tax credits based on a designer’s early conceptual view. We believe that removal of Building No. 1 will rule out any possibility of acquiring tax credits, and that these credits may well be what makes rehabilitation and preservation of the contributing buildings feasible, while also ensuring rehabilitation to preservation standards.

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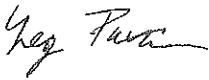
As you know, historic properties and preservation often drive the success of a project, spur revitalization of a neighborhood, and create long-term economic value. Historic commercial districts and neighborhoods across the country, such as Faneuil Hall Market Place in Boston and the Old Port and the West End in Portland have the highest property values and rents and attract residents and visitors alike.

There is no indication that the tax credit is in danger. In fact, it was created by an all-Democratic legislature and Governor in 2008, and extended indefinitely by an all-Republican legislature and Governor LePage in 2011 by nearly unanimous votes. Having spurred more than a third-of-a-billion dollars (\$339 million) in privately developed construction in Maine since 2008, the taxes collected from these projects will surpass the entire cost to the taxpayers in 2016, according to a 2015 study by Planning Decisions, Inc. Spurring economic vibrancy all over Maine, with oversight by 4 public agencies and payback only after investment is completed, the historic credit is a model tax incentive and will remain in place.

Maine Preservation testified in favor of the rezoning of this complex, which will permit this project to be developed with height restrictions that we think are reasonable. We remain in favor of this project as approved by the Portland Historic Board. With the possibility of acquiring historic tax credits, Portland has an opportunity for a revitalized complex to become once again a vital community asset. We hope the Planning Board will support the Historic Preservation Board's recommendation in full in order to preserve and enhance the architectural integrity, feel and spirit of the complex as a whole.

Thank you for your continuing service.

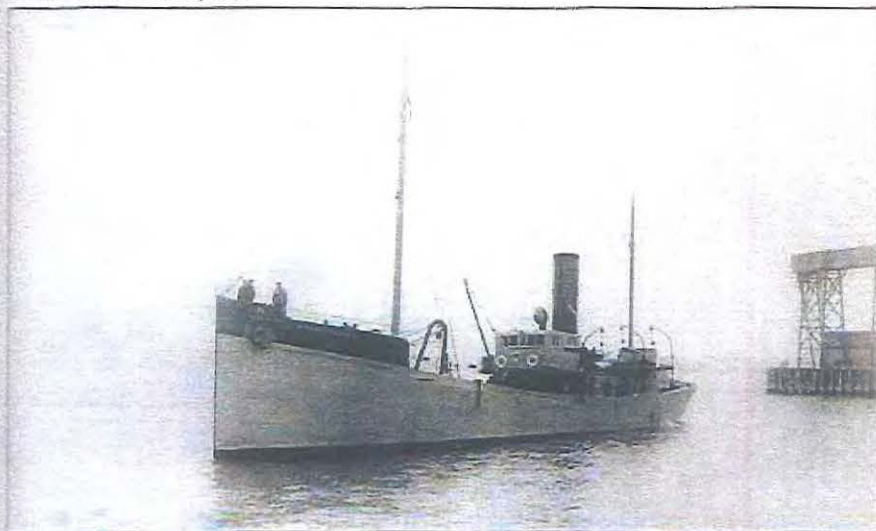
Sincerely,

A handwritten signature in dark ink, appearing to read "Greg Paxton", with a stylized flourish at the end.

Greg Paxton
Executive Director



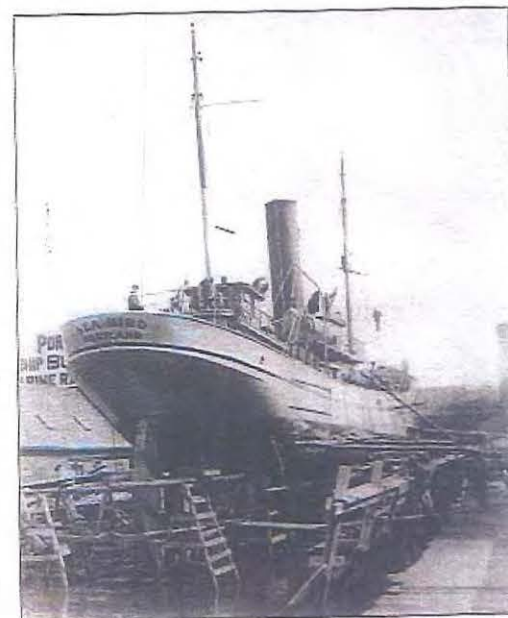
Pictured is another fishing trawler just off the Portland Company waterfront near the Grand Trunk grain conveyers, where Canadian grain was loaded aboard ships for Europe and the southern United States. The *Pelican* was built in South Portland, Maine, in 1919 for the East Coast Fisheries Company.



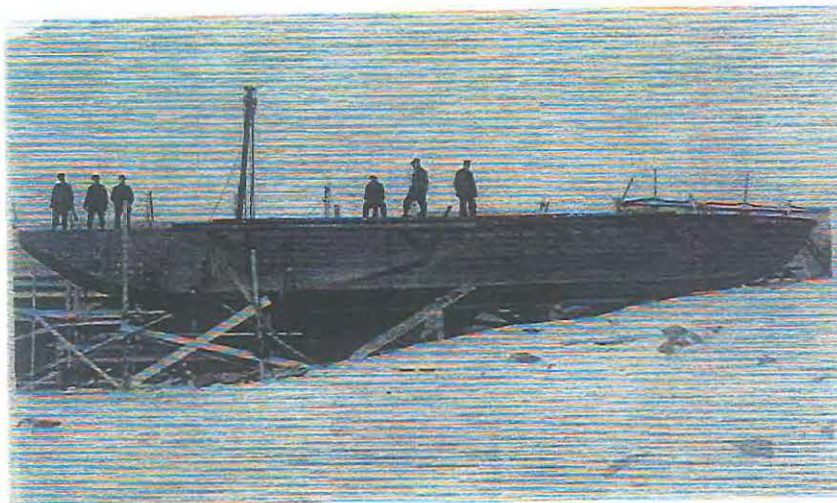
An "otter" trawler, the *Gloucester* out of Gloucester, Massachusetts, was built in Essex, Massachusetts, in 1919 for the Cape Ann Trawling Company. She was 164 feet long, 488 gross tons, and fully equipped by the Portland Company. "Otter" refers to the type of trawling gear using "doors" to keep the mouth of the net open.



The nearly completed fishing trawler *Sea Bird* is still on the ways in the South Portland yard in 1919. She will be launched shortly after a few last-minute adjustments are finished. The 163-foot trawler weighed 383 gross tons and was built for the East Coast Fisheries Company of Portland, Maine.



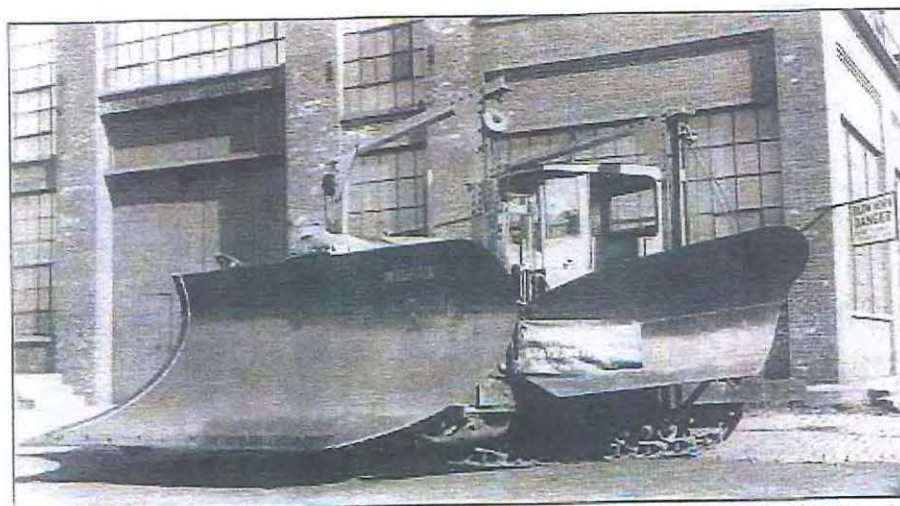
Shown here is a stern view of the trawler *Sea Bird* on the ways in South Portland, Maine.



Boat fabrication, Portland Company, 1921



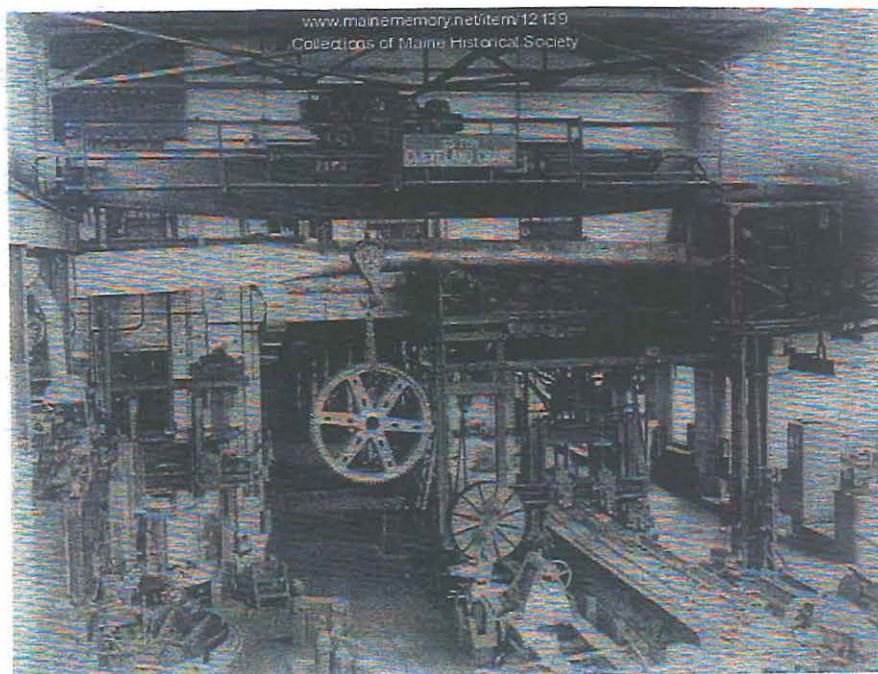
The Portland Company also manufactured Sargent snow loaders that were propelled by a tracked vehicle under them, such as a Cletrac crawler. Portland Company No. 1, shown here, is clearing the streets of snow during the winter of 1927-1928.



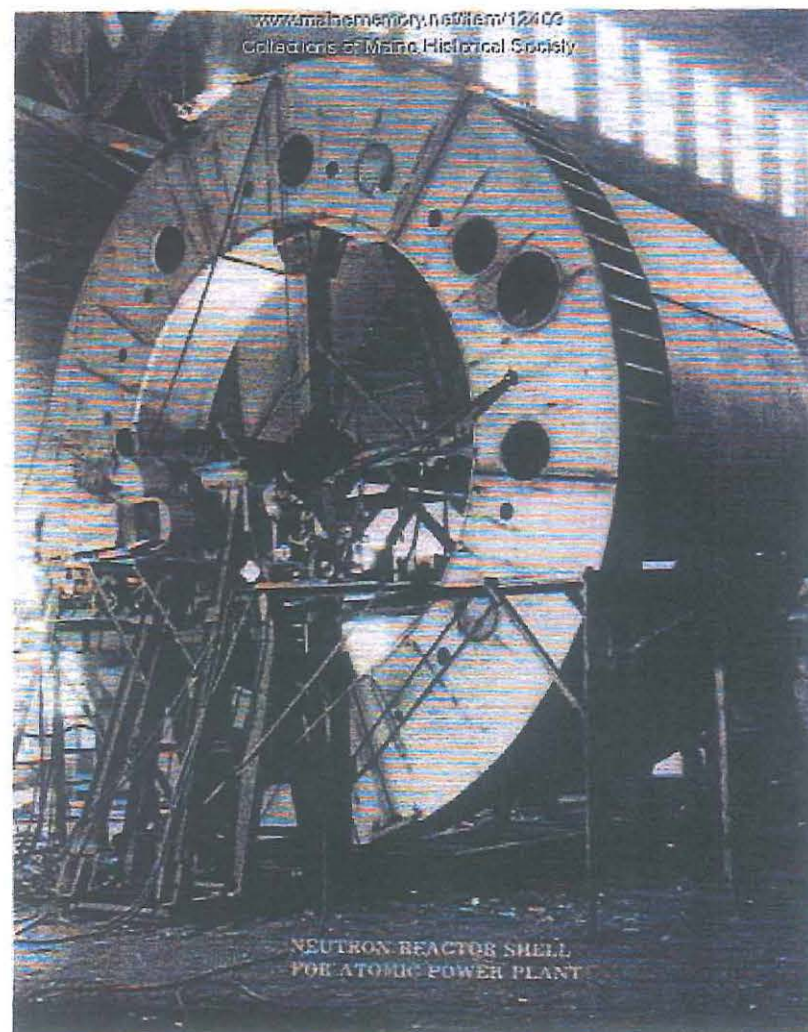
Shown is a side view of the Cletrac crawler with the 100-horsepower engine No. 62. Note the cable lift arrangement, which was used on all machines of the period. Hydraulic lifting systems were not commonly being used in 1928, when this picture was taken.



A Mack truck, bearing Maine 1927 municipal license plates, is being loaded with snow by this Sargent snow loader, Portland Company No. 1. Again we see the solid rubber tires on heavy trucks of the 1920s.



Portland Company Erecting Shed (Building 1), post-1918



Neutron Reactor Shell, Portland Company

September 3, 2015

To: Members of Portland's Planning Board

Re: Public Hearing on Proposed Designation of Portland Co. Historic District – Sept. 8

From: Sally Oldham, Portland Resident

My name is Sally Oldham. I am a resident of Portland residing on Vaughan Street. I am writing these comments to urge members of the Planning Board to support the proposal to designate the Portland Company Historic District approved unanimously by the Historic Preservation Board in July, 2015.

The proposed historic district encompasses a complex of interrelated historic buildings and site features that together tell the story of one of the most significant industrial plants in mid-19th to mid-20th century Maine. The Historic Preservation Board has carefully considered the eligibility of this complex under the criteria outlined in Portland's Historic Preservation Ordinance, basing its recommendations on the work of the City's qualified preservation staff, of technical experts contracted by the City, site visits led by these experts, and its own extensive review and deliberations.

I would like to address the requests that CPB2 made to the Planning Board at its workshop held on July 28, 2015 to reclassify Buildings 1 and 16 as non-contributing and to reduce the boundaries of the proposed district.

1. Request to reclassify Buildings 1 and 16 as non-contributing based on condition:

The Planning Board's responsibility under the Historic Preservation Ordinance (Sec. 14-610 Minimum Criteria for Designation) is to apply the criteria for designation of "subsections (a), (b) and (c)" already addressed by the Historic Preservation Board and to "consider the effect of such designation on other aspects of the comprehensive plan of the city."

The ordinance further calls upon the Historic Preservation Board to evaluate the integrity of proposed landmarks and historic districts (Sec. 14-611) calling for "sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration". It appears to me that the responsibility to assess integrity of condition is a responsibility of the Historic Preservation Board alone, not of the Planning Board. CPB2's request that the Planning Board reconsider the findings of the Historic Preservation Board regarding integrity of condition for Buildings 1 and 16 appears misguided as the ordinance places responsibility for this evaluation with the Historic Preservation Board which has considerable expertise to offer and has spent much time on this task.

2. Request to reclassify Building 1 as non-contributing based on historic significance:

CPB2 also called for Building 1 to be reclassified as non-contributing based on its historic significance, citing its construction date of 1918 as being close to the end of the period of significance cited in the Historic Preservation Board's designation report. There is no basis in nationally accepted preservation standards and guidelines to assume that buildings dating from the earliest years of a complex like this should be deemed significant while a building dating close to the end of a period of significance would not be deemed significant.

Portland's ordinance and the procedures of its historic preservation program are based on national preservation standards. The National Register of Historic Places Bulletin, "How to Complete the National Register Registration Form" provides the following guidance about determining a period of significance: "For architecturally significant properties, the period of significance is the date of construction and/or the dates of any significant alterations and additions." "For properties associated with historic trends, such as commercial (in this case industrial) development, the period of significance is the span of time when the property actively contributed to the trend." Building 1 clearly qualifies as contributing for its 1918 construction date based on architectural significance as well for exemplifying its relationship to historic industrial trends in manufacturing over a period post-1918.

3. Request to reduce historic district boundaries:

The Historic Preservation Board's task to identify what is the historic resource here that is worthy of preservation has been a challenging one. While the Sutherland report indicated that all the buildings of the complex are significant and that they retain historic integrity, the evaluation of which buildings retain integrity of condition has resulted in a recommendation that approximately half of the buildings of the complex lack the necessary integrity of condition. Assuming that these building may be demolished, one must look to the remaining buildings and to site features and organization to evaluate whether a critical mass exists sufficient to convey to a lay person the evolution of this industrial factory as well as the many industrial processes and assembly methods that produced the myriad of products of such import to Maine's and in many cases, the nation's economy.

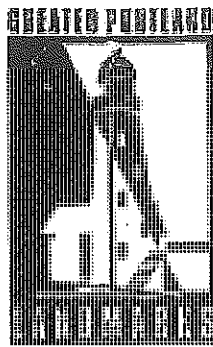
CPB2's proposal to reduce the historic district boundary would leave a remnant of this industrial complex unable to convey its full significance and would leave Building 12 as an orphan with little relation to the remaining buildings. It is through the ability to include within the historic district boundary site features including the entryway, the central yard, the alleys and overhead bridges, as well as the footprint of non-contributing buildings, that it will be possible once the site is fully developed, for the public to comprehend the essential nature of this industrial complex and to learn about the many stories it will help to tell to generations to come.

Conclusion

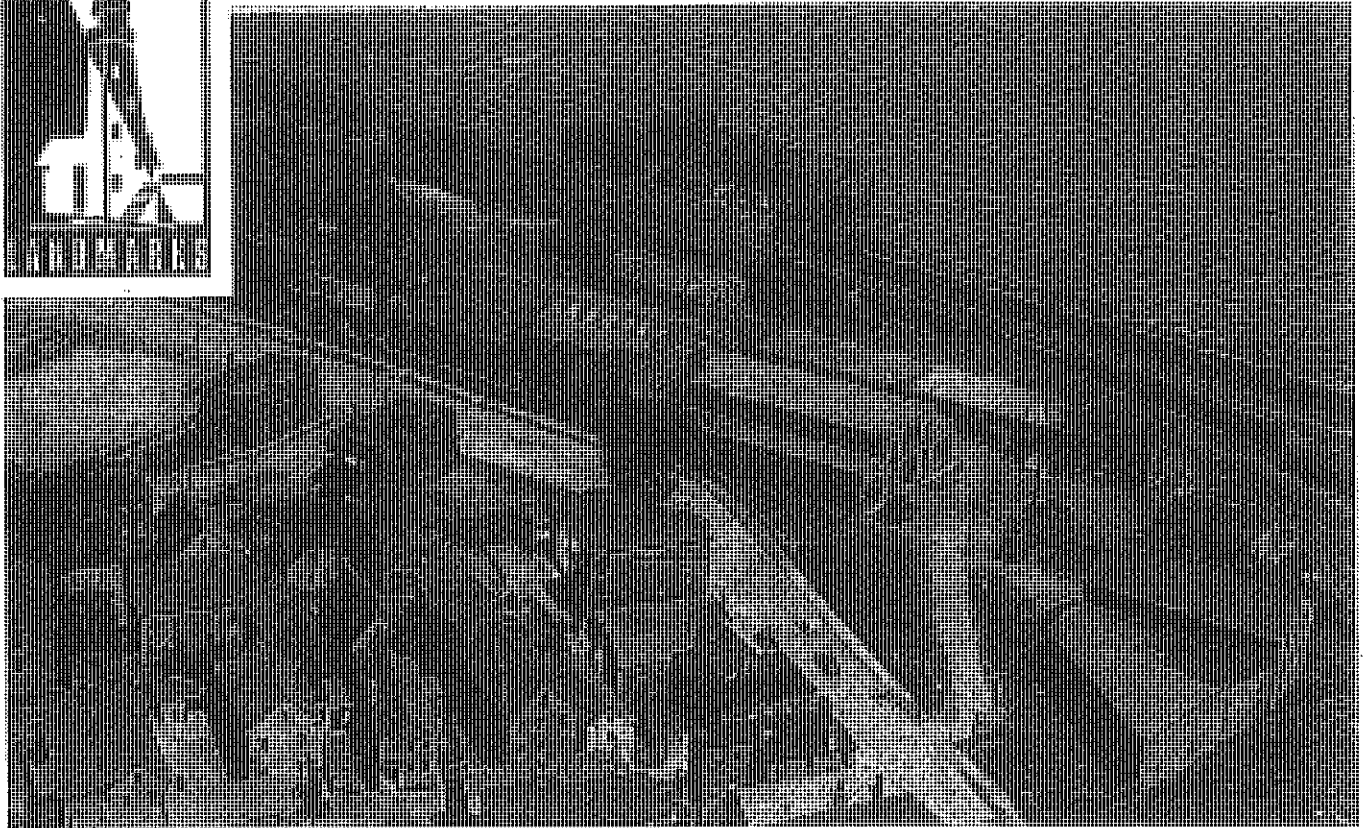
Finally, I would ask that you stay focused on the task at hand, to review the Historic Preservation Board's recommendations about what buildings, site features and organization should be included within a Portland Company Historic District. Your role in these proceedings is not to make judgments about design concepts for the site. The concept drawings that the developers released at a recent press conference reflect their thinking about reuse of historic buildings and inclusion of site features that has not changed over the past 17 months, from early meetings that they held with representatives of Greater Portland Landmarks, despite all of the newly acquired information about significance, historic integrity and condition that we have gained through the City's efforts over this same period.

The reuse of the Portland Company complex as part of larger mixed-use project will require great creativity, but this magnificent site is of sufficient size to enable preservation of the identified historic district area as well as to meet other City goals of the Eastern Waterfront Master Plan and the Comprehensive Plan. I urge you to recommend to the City Council designation of the Portland Company Historic District as recommended by the Historic Preservation Board.

delivered 6/29/15



A POTENTIAL PORTLAND COMPANY HISTORIC DISTRICT

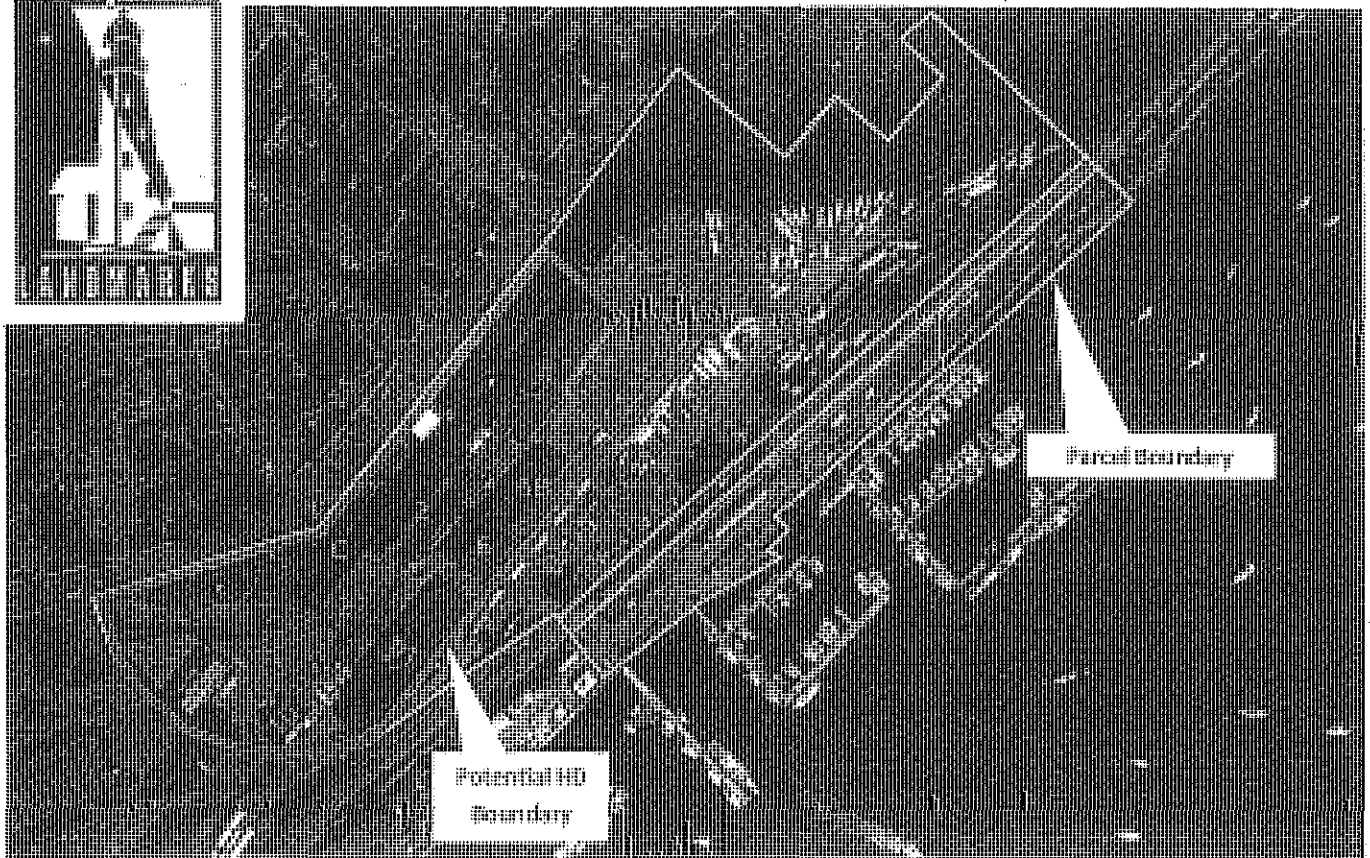


The Sutherland Consulting report identifies the Portland Company as a unique nationally significant example of a complete 19th century locomotive manufacturing facility. It appears to have been the first complex in the United States built specifically for the manufacture of railroad equipment with all of the necessary work shops and a foundry on a single site. It contains the oldest surviving railroad shop buildings in the nation still within their historic manufacturing complex context. It is also significant at the state and local level in the areas of industry, community planning and development, and architecture. Greater Portland Landmarks supports local historic district designation to preserve this rare example of an industrial manufacturing complex.

The visual character of the historic complex is defined by the relationship of the buildings to each other and its location below the original shoreline along Fore Street. Still accessed by the 1847 curving driveway off Fore Street, the complex is located on former mud flats and land filled to accommodate the construction of the St. Lawrence and Atlantic Railroad. The proximity and linear orientation of the buildings permitted related manufacturing processes to take place in an efficient progression of production. The alleys formed by the closely built manufacturing buildings are spanned by pedestrian bridges that afforded covered passage between interconnected areas of production. The entrance yard at the south end of the site separated the manufacturing buildings from the combustible materials in the paint shop and the invaluable patterns stored in the two pattern buildings and accommodated railroad tracks to carry locomotives to the nearby railroad yard.

The complex should be locally designated by the City of Portland to preserve the elements of this complex sufficient to illustrate the evolution of this industrial factory as well as the industrial processes and assembly methods that produced the locomotives, boilers, and other products for Maine and the nation.

Greater Portland Landmarks supports a Portland Company Local Historic District that would include nine contributing industrial buildings and site features that comprise the historic foundry-machine shop complex and its historic entrance yard off Fore Street. The boundary of the potential district includes those resources that are historically associated with the manufacture of locomotives, boilers, and other cast iron items for the transportation, paper making, and canning industries during its period of significance from 1847-1920* and retain adequate integrity to portray their relationship to the manufacturing process.



The boundary encompasses all of the significant resources and features that comprise the proposed district as well as six non-contributing resources. The non-contributing resources include Buildings 4 and 7, large scale masonry buildings that contribute significantly to the complex's alley-way character, but are structurally deficient, the significantly altered former boiler house, and two small scale masonry buildings that are also structurally deficient, Buildings 11 and 10. The proposed boundary was drawn based on the limits of the manufacturing complex during its period of significance and to exclude modern intrusions and parking areas as much as possible. The northern boundary is determined by Fore Street. The western boundary is defined by the historic limits of the parcel. The northern and eastern boundaries were drawn to exclude modern buildings and areas of the site that no longer contribute to the integrity of the complex.

*The period of significance begins with the construction of the oldest buildings in the complex and ends after the last significant manufacturing building was completed.

1 Erecting Shop, 1918 (C)	7 Car Shop, c1873, 1904 (N)	24 Vault Storage, c1905 (C)
2 Machine Shop, c1847 (C)	10 Paint Shop, c1873 (N)	30 Office, 1950 (N)
3 Machine Shop, c1847, c1895 (C)	11 Pattern Storehouse, c1885, 1895 (N)	A Entrance Drive (C)
4 Foundry, 1895, 1904-1909 (N)	12 Pattern Storehouse, 1895 (C)	B Entrance Yard (C)
5 Late 20th century (N)	14 Drafting/Storehouse, c1858-64 (C)	C Alley (C)
6 Chapman Elec Co., 1896-1904 (C)	15 Boiler, 1858-1864 (N)	
6B Black Smith & Tank Shop, 1883 (C)	16 Brass Foundry, 1864-1871 (C)	

C = Contributing, N = Non Contributing

Chair Boepple, members of the Planning Board,

My name is John Turk. I am a preservation architect and a member of the Historic Preservation Board as well as past chair of the Board. I am standing in tonight for our Chair, Scott Benson, who is out of town.

First, I'd like to give face to the months worth of careful consideration and deliberation by the Historic Preservation Board, which the formal recommendation before you represents. With that in mind I want to recognize a number of Board members in the audience. Perhaps members could raise their hands to show who they are. This current Board is comprised of architects, preservationists, a builder and a lawyer. It's a knowledgeable and engaged Board, versed in Federal and State preservation precedence and standards from which our local ordinance is closely modeled.

As you know, the focus of tonight's public hearing is on the merits of designating the Portland Company complex as a local historic district, based on the designation criteria spelled out in the City's historic preservation ordinance. Much like the rezoning of the property--which was considered by the Planning Board several months ago and which was evaluated on its own merits without regard for any specific redevelopment plan--the question of historic district designation should also be evaluated on its own merits. Appropriate zoning for the site and the historic district designation of this unique historic resource should be decided upon as threshold issues to inform any future redevelopment scenario for this property.

I am not going to review in detail the Historic Preservation Board's lengthy review process involving the Portland Company other than to state without hesitation that the complex clearly meets all six Criteria for Designation outlined in Section 14-610 (a) exhibiting local, state and national significance. The Complex also clearly meets all the requirements of Section 14-610 (b), which pertains specifically to proposed districts. We found that almost every the building within the proposed district -- with the exception of Building 5, which is the 1968 metal building addition to Building 4, and Building 30, which is the 1956

office building -- contains a high degree of cultural, historic and architectural significance and historic integrity. It should be noted that the Portland Company site is highly significant *as a complex* and not for any one building. Accordingly, the Board did not identify any one building for landmark status. Also, in the case of an historic resource like the Portland Company, the earliest buildings on the site are not necessarily more important to preserve than others that were added later to meet the needs of a thriving and increasingly diversified manufacturing business. It is a *collection of structures* each contributing to a singular, large scale historic manufacturing process-- from design and pattern-making to foundry, to machine shop, to erecting shop leading directly to train tracks and the country beyond.

The third and final criterion for designation, which appears in Section 14-611, presented the Board with its greatest struggle. Thoughtful analysis and consideration was required to understand and grapple with the definition of the single word "Condition" as it applies to designation of the complex as a whole and to each individual building within it. Let me read Section 14-611:

*Any area, structure or object that meets the criteria in Section 14-610 must also have sufficient integrity of location, design, **condition**, materials and workmanship to make it worthy of preservation or restoration.*

Again, our Board determined that **all** of the buildings, except for Buildings 5 and 30, clearly meet each of the factors for consideration included in this particular criterion with the exception of "Condition" as applied to several of the structures. Our board made its best effort to understand the Ordinance's threshold definition of "noncontributing", which speaks to the question of condition. I will read the applicable definition included in Section 14-602, Definitions:

Noncontributing, item 3): where the location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the site, structure or object has

been irretrievably lost. The structure may be determined to be non-contributing if it meets this test.

In applying this test of "irretrievably lost", the Board made--in my estimation--very reasonable building-by-building determinations based upon careful analysis of extant physical characteristics and attributes. This understanding was informed by review of the 2 structural reports available to the Board, as well as tours of the site where the Board viewed the property and asked questions of the two structural engineers. It was also informed by the experience and expertise of the Board members themselves, several of whom are architects with extensive experience in the adaptive reuse of historic structures. In several cases, where there were questions about a building's overall condition, we gave the property owner the benefit of the doubt, concluding--in some cases with regret-- that the subject building was noncontributing based on its condition.

At this point, reclassification of additional contributing structures to noncontributing, particularly with regard to Building 1, will so erode the significance of the complex that it would no longer retain its primary character defining feature. That being, a physical expression of a historic, manufacturing process represented by connected buildings that communicate the sequential nature of the metal fabrications industry. Preserving Buildings 2 and 3 is not enough to communicate that essential characteristic. The Historic Preservation Board feels that the current boundaries and listing of contributing buildings are the *minimum* needed to qualify as a historic district. Any further loss of buildings will *materially impact one's understanding and appreciation* of what was once Portland's premier industrial complex that played a *pivotal* role in the history of this city, the state of Maine and beyond.

The Historic Preservation Board recognizes and welcomes future development within the identified historic district boundaries and beyond. We encourage new development that will complement the historic structures and will be a positive reflection of its own era. I hope you will consider these findings regarding preservation matters to be well-founded and useful when you deliberate on matters regarding the

Comprehensive Plan and preservation's role in retaining and enhancing Portland's unique sense of place.

With that I will turn the discussion over to Deb Andrews who will present the Board's recommendation in greater detail. Following her presentation, I'm happy to answer any specific questions of the Board. Thank you.



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(207) 223-7147 direct
mcostigan@bernsteinshur.com

Barbara Barhydt
City of Portland
389 Congress Street
Portland, ME 04101

November 5, 2015

RE: CPB2 PowerPoint Presentation

Dear Barbara:

Enclosed please find CPB2's Power Point presentation from the October 27, 2015 Planning Board meeting. Please note that all drawings in the attached presentation are conceptual drawings and not drawn to scale.

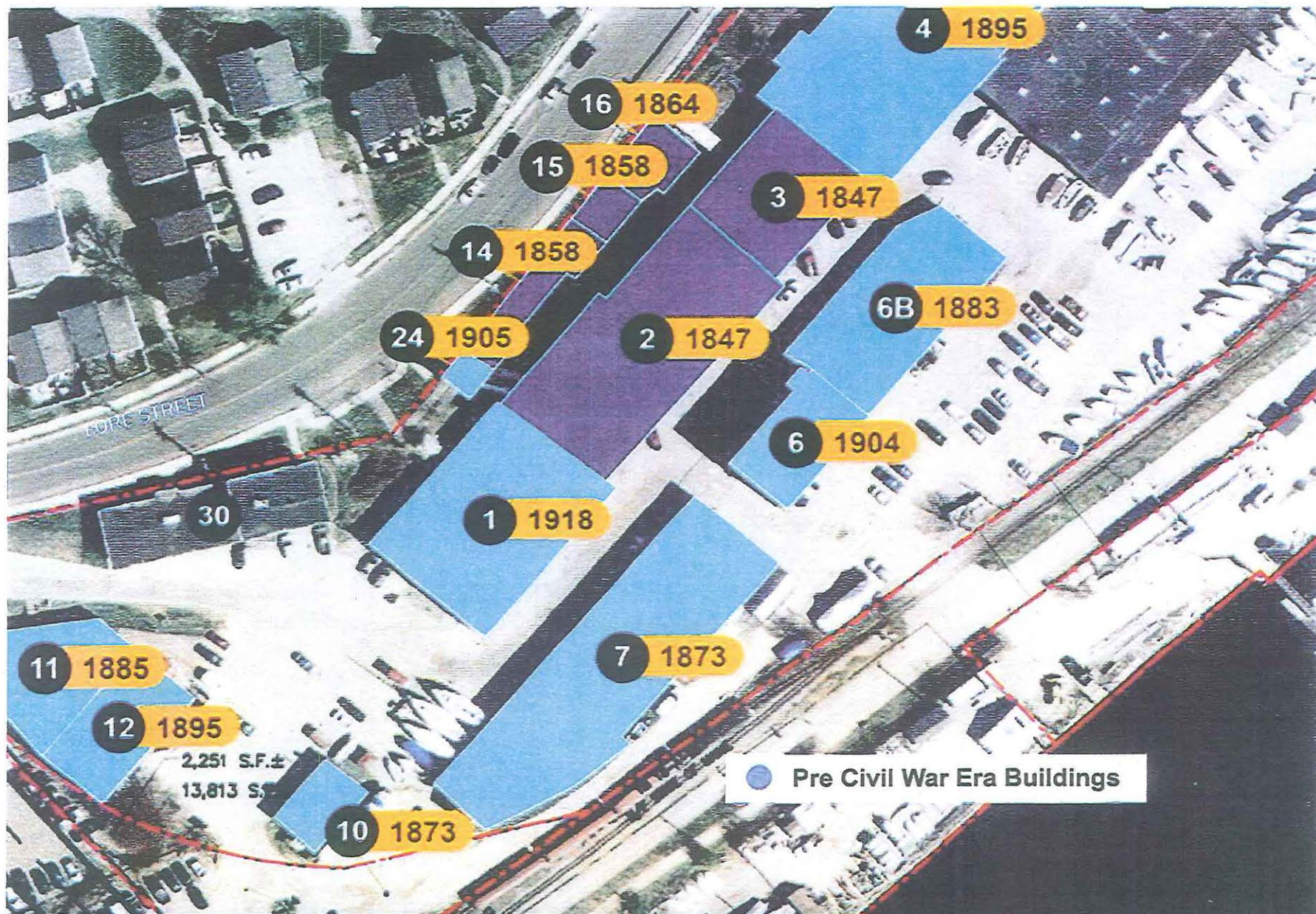
Sincerely,

A handwritten signature in black ink, appearing to read "Mary E. Costigan".

Mary E. Costigan

Historic Preservation of 58 Fore Street, the former Portland Company

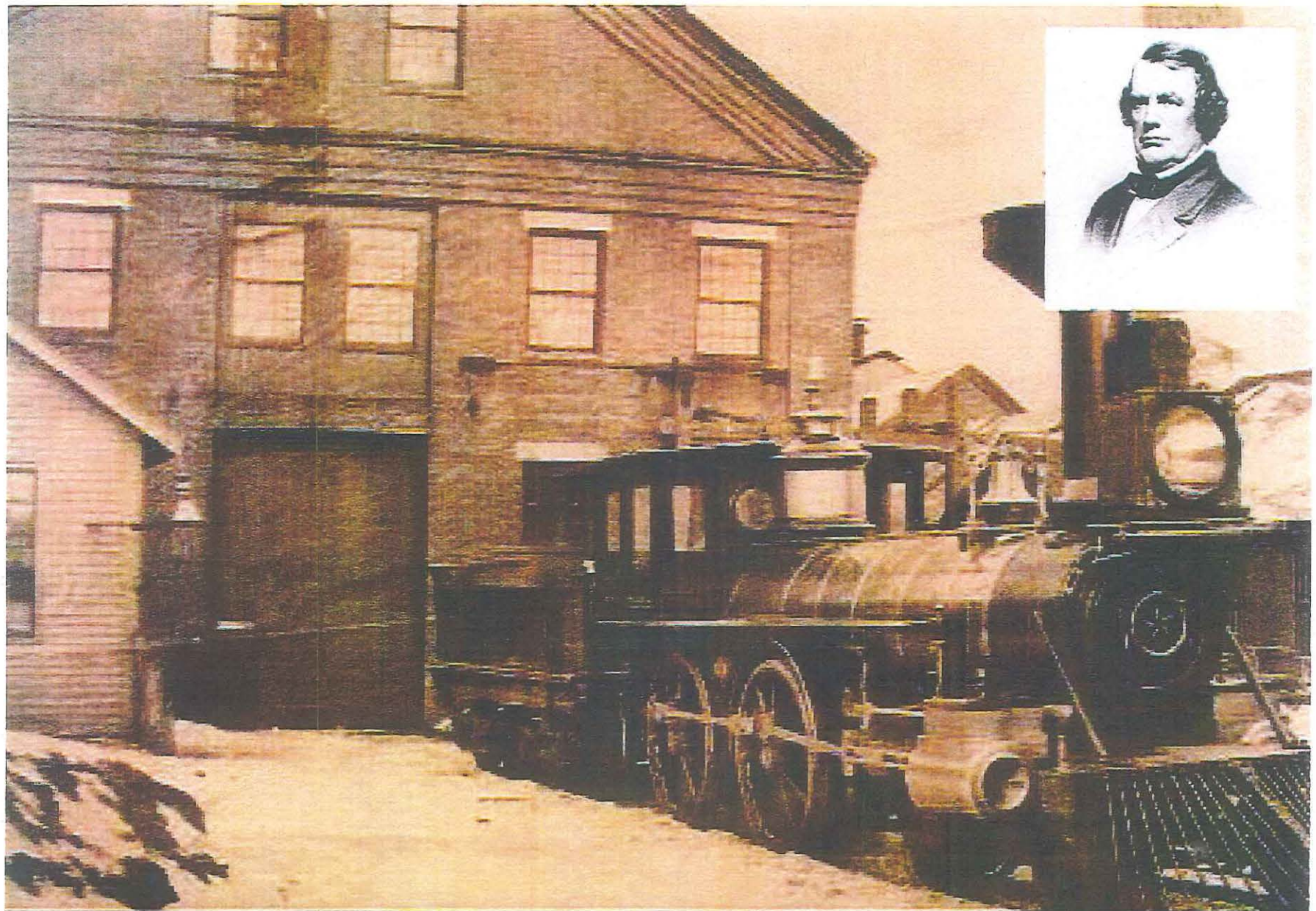




Building Ages – 1865 and Older

Ref.: Tremont Preservation Services
Inventory of Historic Buildings

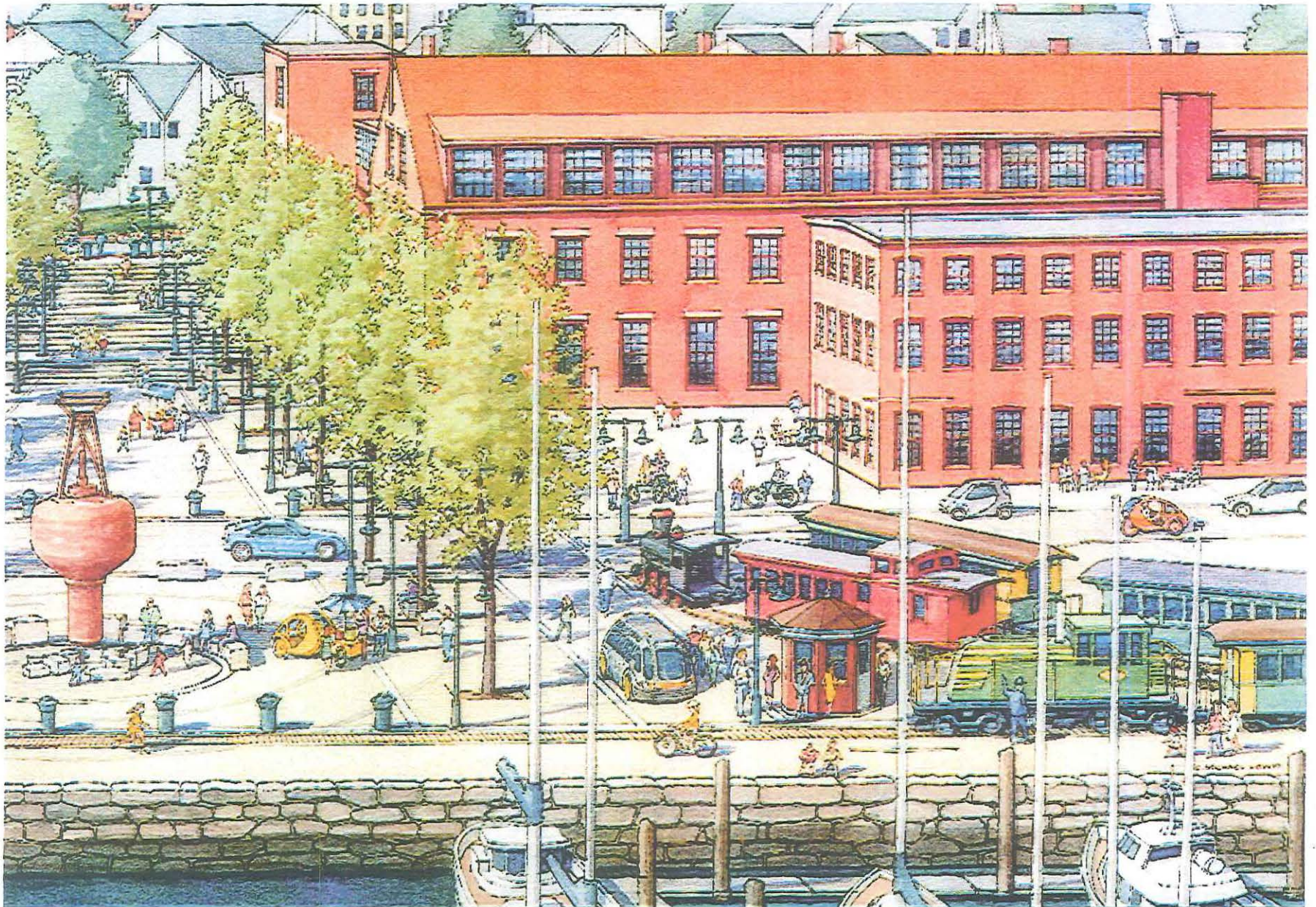




58 Fore Street Historic Core Concept – Celebrating Portland Co's Most Historically Significant Building



Historic Core Concept – Iconic Facades of the Portland Co Tower and Building #2 (c. 1848)

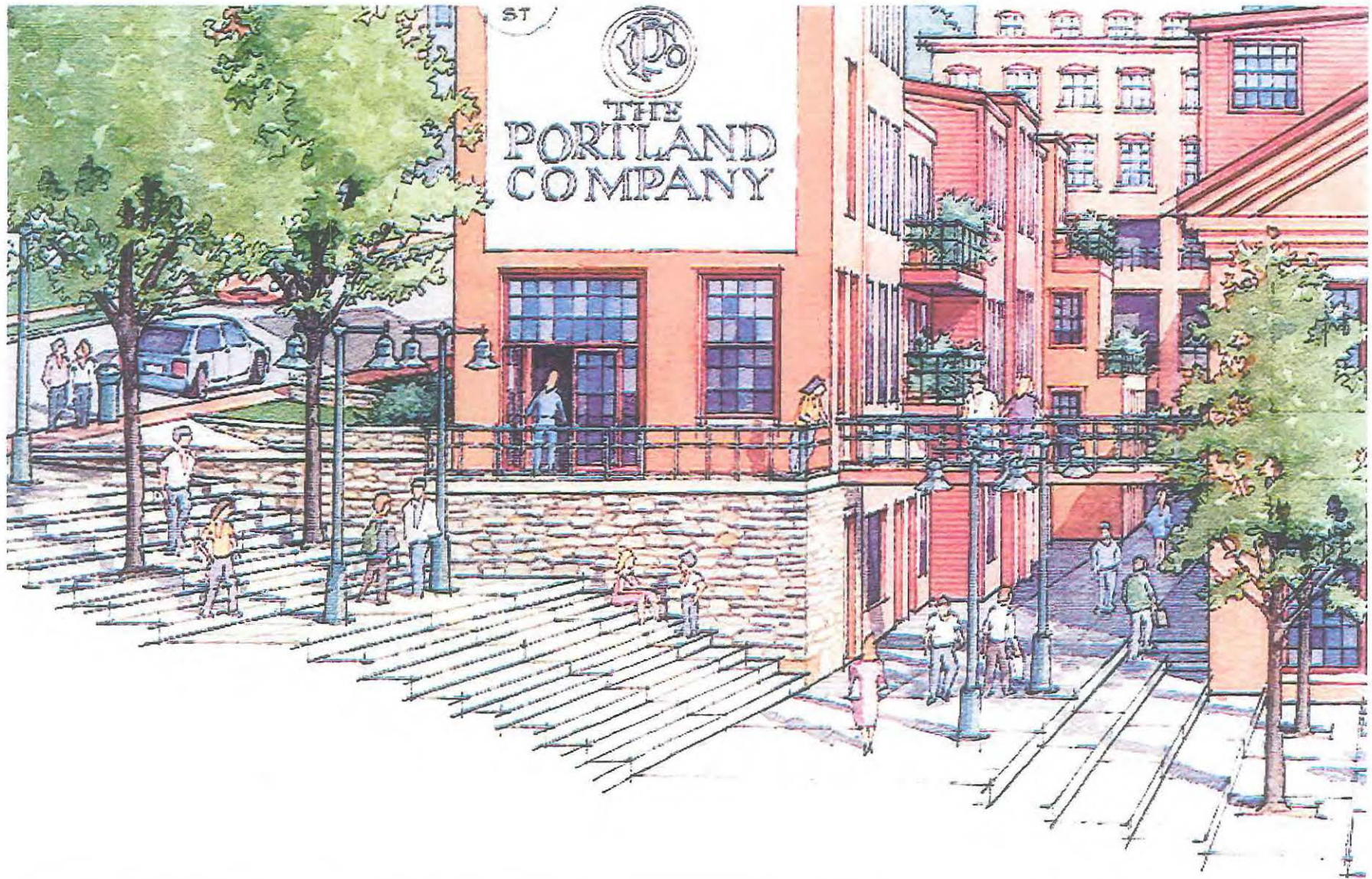


Historic Core Concept – Creating Public Access from Fore Street to Portland's Waterfront

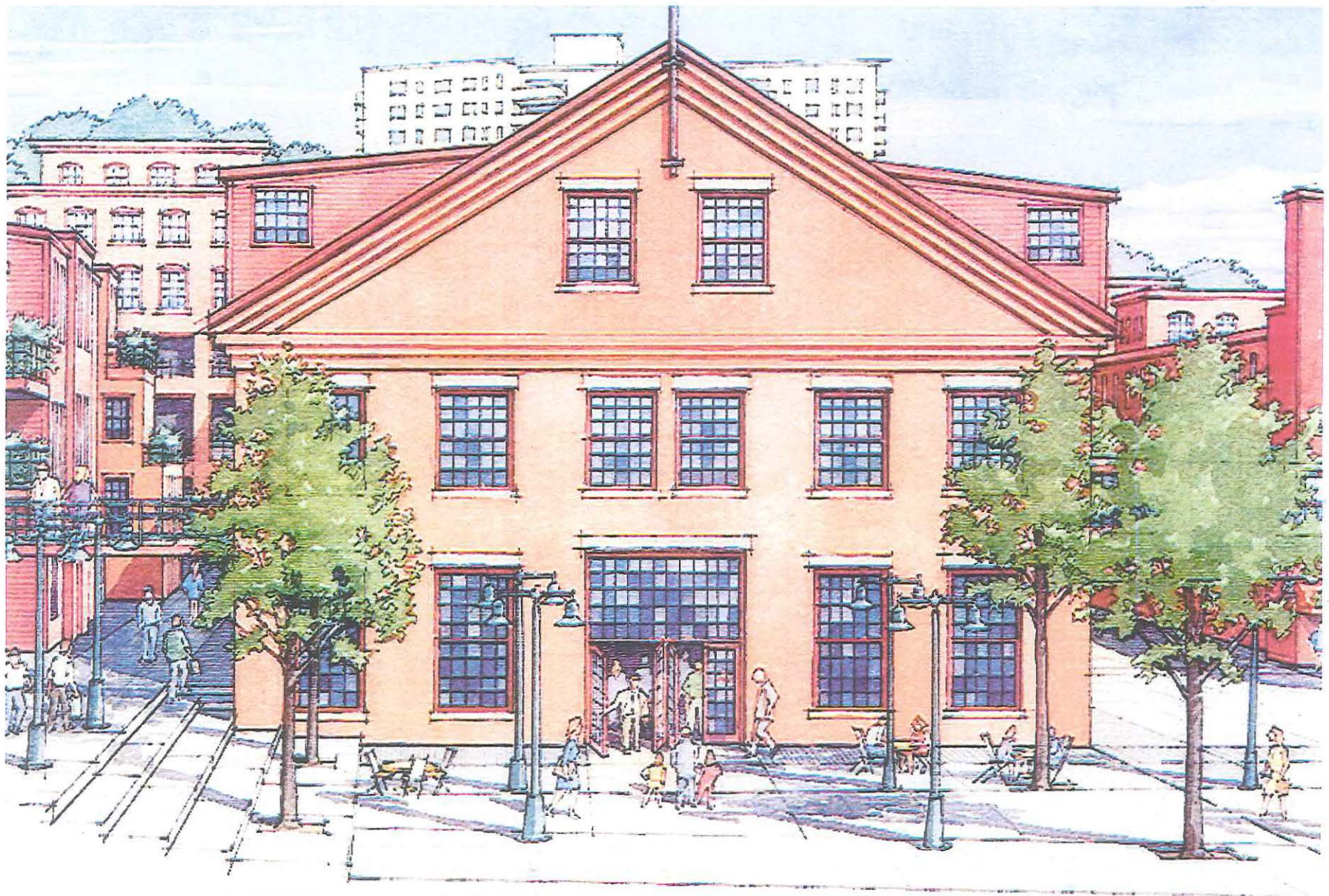
Looking East at facades of Bldg 24, narrow alley, Bldg 2, alley and then Bldg 6 of the Historic Core



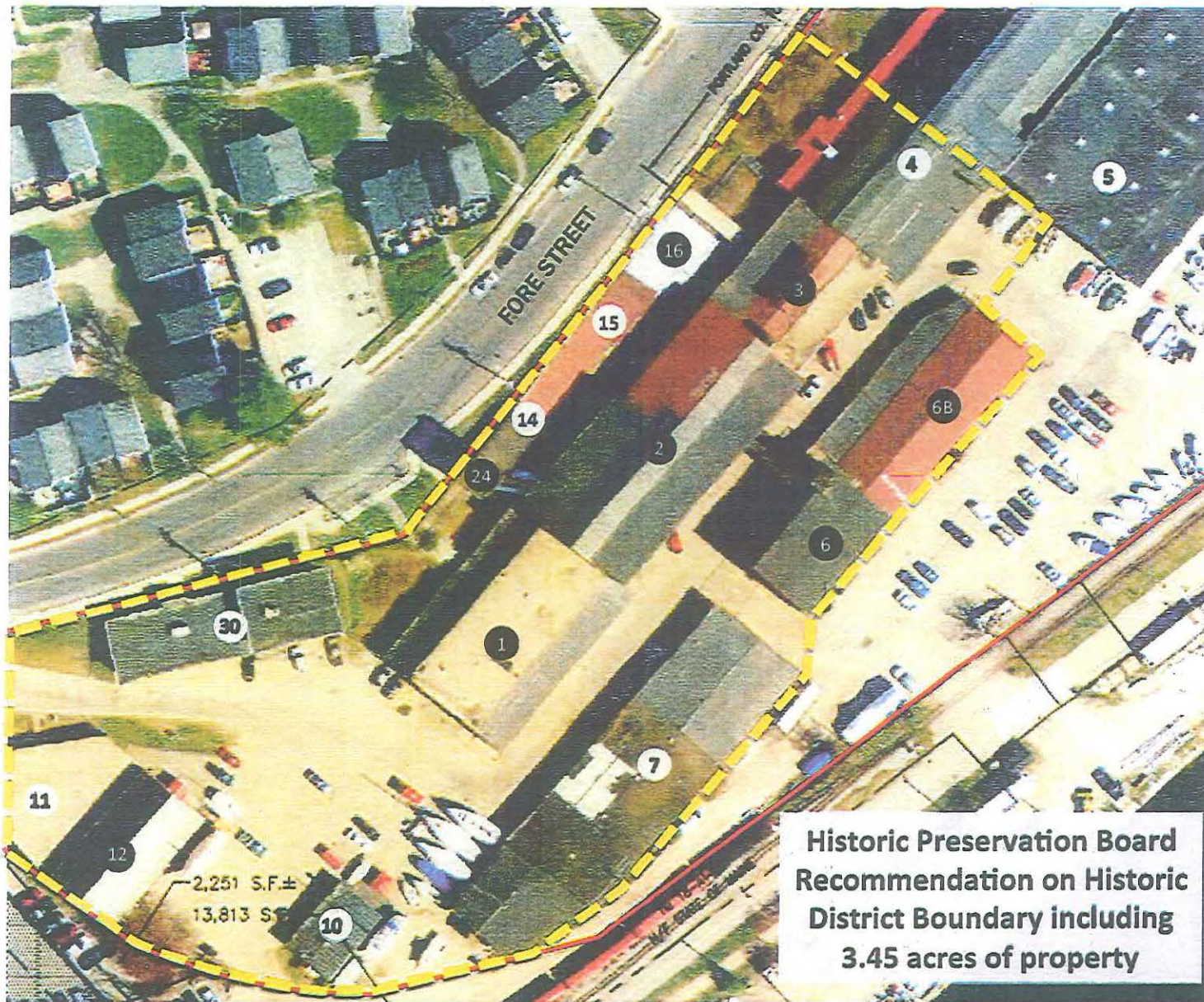
Historic Core Concept – Iconic Facades of the Portland Co Tower and Building #2 from 1848



Historic Core Concept – Reinvigorating the Portland Co Alley-ways and Linear Alignment

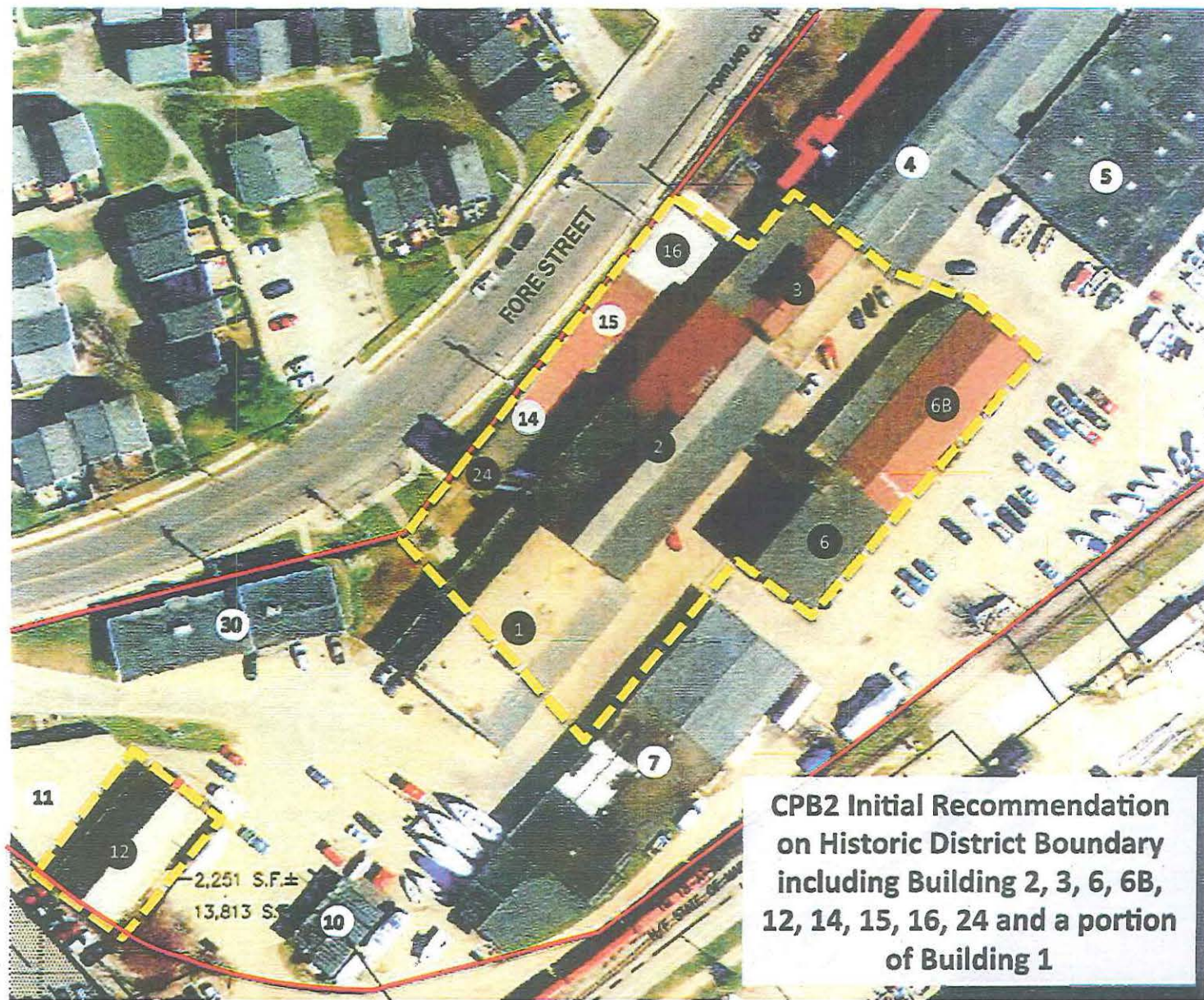


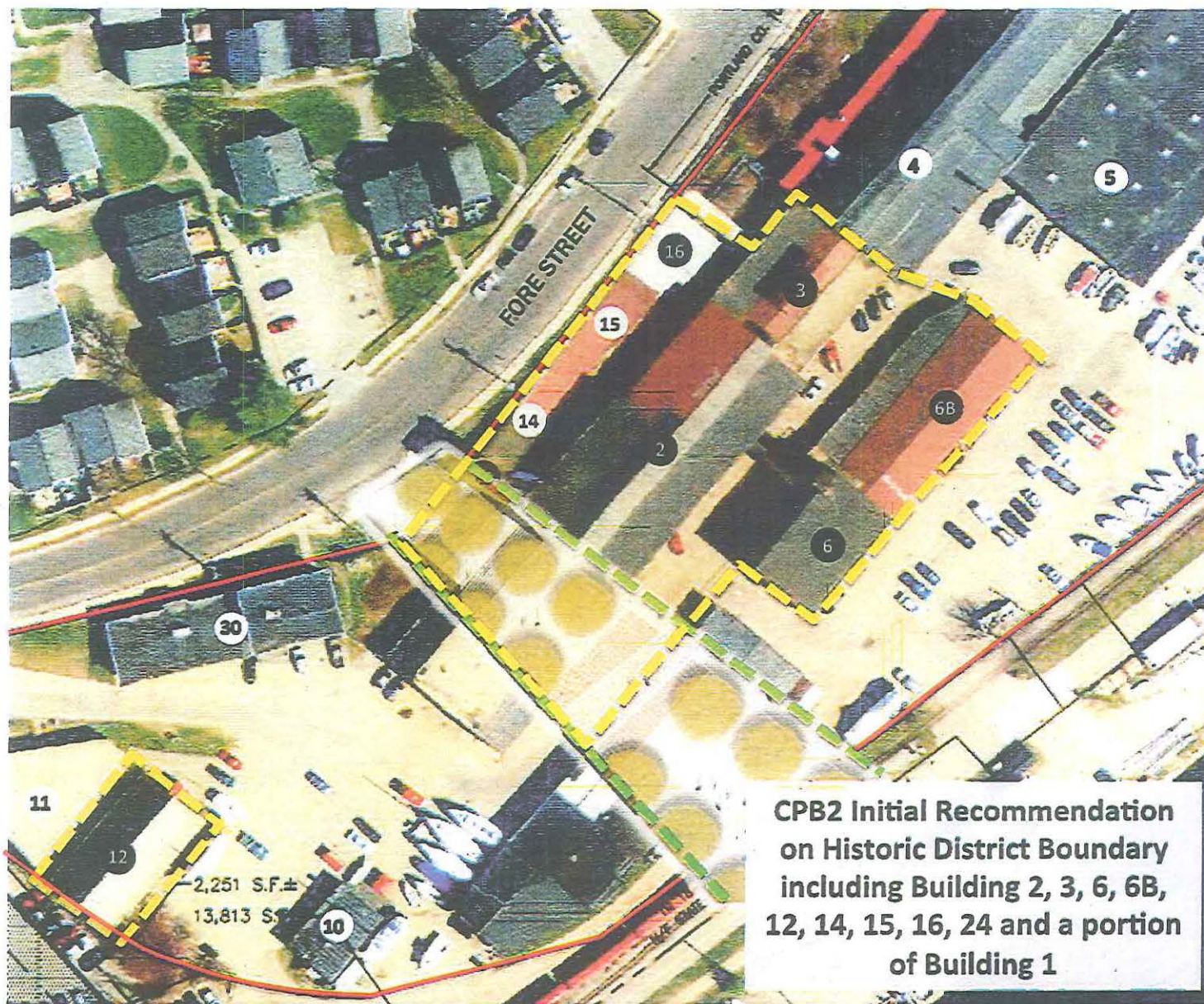
Historic Core Concept – Revealing the Iconic Façade of the Portland Company's first Building (c. 1848)



58 Fore Street: Historic Preservation Local Historic District Nomination









58 Fore Street: Historic Preservation Local Historic District Nomination





58 Fore Street: Historic Preservation Local Historic District Nomination



Historic Core Concept – Iconic Facades of the Portland Co Tower and Building #2 (c. 1848)



PLANNING BOARD REPORT PORTLAND, MAINE

Recommendation of Planning Board re: Designation of Portland Company Historic District 58 Fore Street

Submitted to: Portland City Council

Prepared by: Stuart O'Brien, Planning Division Director
Date: November 9, 2015

INTRODUCTION

On October 27, 2015 the Planning Board voted 5-0 (Hall absent) to recommend to the City Council that a portion of the Portland Company building complex at 58 Fore Street be designated a local historic district subject to the protections and provisions of Portland's historic preservation ordinance. The Planning Board's recommended boundaries for the Portland Company Historic District as well as recommended classifications for individual buildings therein are shown on **ATTACHMENT A**. The Board's findings and formal recommendation are recorded in **ATTACHMENT B**. A description of the October 27 public hearing—including summaries of introductory presentations made to the Board, information and clarification provided by staff, a breakdown of public comment, discussion of the Planning Board's deliberations and the stated basis for its final recommendation—is provided in following section of this report.

The Planning Board's consideration of a Portland Company Historic District was pursuant to a recommendation forwarded by the Historic Preservation Board. The Historic Preservation Board began its analysis of a potential Portland Company Historic District in September 2014 and made its formal recommendation on June 24, 2015. The Historic Preservation Board's role in historic district designation deliberations is to determine whether the nominated historic district meets the designation criteria included in Division 3 of the historic preservation ordinance. These criteria address both the question of the nominated resource's significance as well as the question of its integrity, including integrity of condition. The HP Board must first address the merits of the overall district—in this case, the Portland Company building complex—and then take up the question of relative significance and integrity of individual buildings within the complex. Based on this analysis and following National Park Service

guidelines, the Historic Preservation Board delineates boundaries for the recommended historic district and assigns building classifications identifying which buildings warrant preservation and which, by virtue of their condition or lack of significance, may be removed. The Historic Preservation Board's recommended historic district boundaries and building classifications are shown on **ATTACHMENT C**. A detailed description of the Historic Preservation Board's analysis, findings and formal recommendation is provided in the staff report prepared for the Planning Board's October 27 public hearing. (See **ATTACHMENT G**.)

The Planning Board's role in the historic district designation process is to determine whether the Historic Preservation Board's recommended historic district meets all applicable designation criteria in Division 3 of the historic preservation ordinance. The Planning Board is also charged with considering the effect of such designation on other aspects of the Comprehensive Plan. Based on its determination, the Planning Board forwards its own recommendation regarding designation of the Portland Company Historic District to the City Council, which has the final authority as regards local designation of nominated historic properties.

As you will note, the Planning Board's recommendation differs from that of the Historic Preservation Board. The Planning Board is recommending a smaller contiguous historic district on the east side of the current entrance yard and a second "subdistrict" on the western boundary of the property consisting of one building (Building #12). The Planning Board is also recommending that Building #1 (the Erecting Shop) be reclassified as a "noncontributing" building. The Planning Board's recommendation for amended district boundaries and for reclassification of Building #1 is contingent upon the execution of a fifty (50) foot wide public access easement in favor of the City from Fore Street across the site to the waterfront. The Planning Board is also recommending adoption of a design guideline specific to the Portland Company Historic District making explicit that building heights in the district will be controlled by the underlying zoning and not the historic preservation ordinance review standards as they pertain to regulation of building heights.

SUMMARY OF PLANNING BOARD PUBLIC HEARING AND DELIBERATIONS

On October 27, 2015 the Planning Board held a public hearing on a recommendation forwarded by the Historic Preservation Board to designate a portion of the property at 58 Fore Street as a local historic district. The public hearing followed one workshop on the district designation proposal, held on July 28th. The public hearing was originally scheduled for September 8th, but was postponed at the request of the property owner to provide more information regarding the status of Building #1 within the proposed historic district boundaries. In tabling the public hearing, the Planning Board stipulated that the property present any supplemental information to the HP Board before the Planning Board's rescheduled public hearing to provide the HP Board an opportunity to comment. The supplemental information, as well as the HP Board's response to the new information was provided to the Planning Board as part of the October 27 public hearing report.

The proposed **Portland Company Historic District** as recommended by the Historic Preservation Board encompasses 4.3 acres of the 9.93 acre parcel at 58 Fore Street. Of the sixteen (16) extant Portland Company structures on site, the recommended district includes eight (8) “contributing” historic structures, eight (8) “noncontributing” structures based on physical condition or recent date of construction, as well as site elements integral to the development and operations of the historic Portland Company complex. As noted above, the basis for the HP Board’s recommendation is discussed in detail in the October 27 public hearing report.

Following an introduction by Historic Preservation Board member John Turk (see **ATTACHMENT D** for text of Mr. Turk’s remarks) and a detailed presentation by Planning staff, the Planning Board provided an opportunity for Jim Brady, representing property owner CPB2, to make a presentation. The Board then heard public testimony from twenty-three (23) individuals or organizational representatives regarding the relative merits of the proposed historic district designation. Thirteen (13) spoke in support of the HP Board’s recommendation; five (5) spoke in support of an amended district as presented by CPB2; two (2) voiced non-specific support for a historic district; and one (1) individual raised general questions/concerns.

At the conclusion of the public hearing, the Board deliberated on the Historic Preservation Board’s recommendation, addressing the analysis and findings upon which the recommendation was made. The Planning Board also discussed the merits of an alternative district proposal made by the property owner in their presentation at the start of the meeting. CPB2 proposed that, pursuant to CPB2 granting to the City a fifty (50) foot wide public access easement from Fore Street across the site and within the footprint of Building #1 to the waterfront, the classification of Building 1 (Erecting Building) within the Portland Company historic district be reclassified as “noncontributing” and that the boundaries of the historic district be reduced. (See **ATTACHMENT E** for the historic district map proposed by the CPB2 at the meeting.)

During the Planning Board’s discussion, several questions were asked of staff, including questions related to the implications of pursuing a modified historic district proposal. (Some of these questions had also been addressed in the staff report provided in advance of the 10/27 public hearing—see Sec. IX of report(enclosed as **ATTACHMENT G**), as well as referenced attachments.) With respect to the proposal to reclassify Building #1 and reduce the historic district boundaries, staff cautioned that the potential removal of Building 1, a reduction in boundaries that removed site features integral to the Portland Company complex (e.g. the entrance yard and entrance drive), and the creation of a separate “subdistrict” may well foreclose the property owner’s eligibility for historic tax credits and that tax credits could become important to the success of any future redevelopment of the property. In order to qualify for tax credits, the local district would need to be certified by the National Park Service and it was likely that these changes would not be supported by NPS based on staff’s understanding of NPS requirements for historic district designations. Staff also reiterated the HP Board’s findings as regards the significance and condition of Building #1 and noted that the removal of the building, which played a key and integral part of the Portland Company’s manufacturing process well into the 20th century, would materially impact the complex’s primary character-defining feature—that being a series of connected

buildings that communicate the historic metal fabrications industry and sequential nature of the fabrication process. In the opinion of the HP Board, preserving Buildings #2 and #3 is not enough to communicate that essential characteristic. During public comment, several individuals noted that removing Building #1 would result in a district that did not accurately convey the true story, significance or scale of the Portland Company.

Staff also addressed the notion that the removal of Building #1 was necessary to provide visual and physical access through the site to the waterfront from Fore Street. Pointing to photographs of the site and the Historic Preservation Board's recommended historic district map, staff described how visual and physical access could be provided immediately west of the façade of Building #1 and that the removal of Building #7, which has been classified as noncontributing due to condition, further facilitated this option. Staff noted that other options were likely as well.

During deliberations, members of the Board noted that the Planning Board's role in historic district designation deliberations is distinct from that of the Historic Preservation Board in that the Planning Board must not only confirm the Historic Preservation Board's findings that the designation criteria included in the historic preservation ordinance have been met, but also consider the effect of such designation on other aspects of the Comprehensive Plan. The Planning Board did not disagree with the Historic Preservation Board's findings that the district as delineated and described in the HP Board's recommendation clearly meets the historic preservation ordinance's district designation criteria and that the proposed classifications of individual buildings within the district—including Building 1 as a contributing structure—are supported by extensive documentation and thorough analysis. (The property owner had argued that Building 1 was not significant in the history of the Portland Company complex and that its preservation was infeasible due to its condition.) While acknowledging that the historic district recommendation forwarded by the Historic Preservation Board was well-founded, the Planning Board discussed the need to balance preservation goals with other goals and objectives included in the Comprehensive Plan, specifically the Eastern Waterfront Master Plan. They noted that the EWMP includes numerous goals related to the general goal of providing the public visual and physical access to the waterfront as part of any future redevelopment within the subject area. In consideration of the opportunity to secure in perpetuity a public access easement from Fore Street to the waterfront (as pledged by CPB2) that would ensure consistency with these key goals of the Eastern Waterfront Master Plan, the Board found that it was appropriate to recommend a modified historic district proposal to the City Council.

PLANNING BOARD RECOMMENDATION

Following a series of formal findings that the historic district proposal as recommended by the Historic Preservation Board meets all applicable designation criteria (Sec. 14-610 a & b and Sec. 14-611) within the historic preservation ordinance and a separate finding that the designation of the Portland Company Historic District is consistent with the goals of the Comprehensive Plan (Sec. 14-610 (d)), the Planning Board voted 5-0 (Hall absent) as follows:

On the basis of the above findings, the Planning Board recommends that the City Council designate the former Portland Company complex as a local historic district as amended by the Planning Board, to and pursuant to amended Attachment 2 (adopted at the October 27, 2015 Planning Board hearing) and to designate Building #1 as a noncontributing building subject to the finalization and execution in favor of the City of a fifty (50) foot wide public access easement from Fore Street across the site as is consistent with the goals of the Eastern Waterfront Master Plan that support public access to the water, enhancement of the pedestrian environment, increased recreation opportunities, protection and preservation of key views of the harbor and creation of quality open spaces which are oriented to maximize exposure to the harbor and how the Plan encourages a vision that supports the idea that the eastern waterfront develop into an extension of the surrounding neighborhood while establishing an identity as a new urban neighborhood. The location of said easement is necessary to satisfy those goals. Said easement to be reviewed by Corporation Counsel prior to submission of the designation recommendation to the City Council.

In a separate motion, the Planning Board also voted 5-0 as follows:

In the adoption of design guidelines for the district that it be made explicit that the height for the district will be controlled by the underlying zoning and not the historic preservation ordinance review standards.

See ATTACHMENT B for full text of Planning Board's formal findings and recommendation to the City Council.

ATTACHMENTS

- A. Portland Company Historic District Boundaries and Building Classifications as recommended by the Planning Board at 10/27/15 public hearing
- B. Formal Findings and Recommendation of the Planning Board as voted upon at 10/27/15 public hearing
- C. Portland Company Historic District Boundaries and Building Classifications as recommended by the Historic Preservation Board
- D. Introductory remarks of Historic Preservation Board member John Turk at 10/27/15 Planning Board public hearing
- E. Proposed historic district boundaries and building classifications as presented by CPB2 on 10/27/15
- F. Compilation of Written Public Testimony from 10/27/15 public hearing
- G. Staff Report for 10/27/2015 Public Hearing - Recommendation of Historic Preservation Board to Designate Portland Company Historic District. Report includes following attachments:
 - 1. Proposed Historic District Map with Boundaries and Individual Building Classifications
 - 2. Portland Company Historic District Designation Report
 - 3. Excerpts from Portland's historic preservation ordinance (Article IX of the Land Use Code).
 - 4. *The Portland Company: Historic Significance and Integrity*, prepared for City of Portland by Sutherland Conservation & Consulting
 - 5. *Portland Company Complex General Building Condition Report*, prepared for City of Portland by Resurgence Engineering and Preservation Inc.
 - 6. Evaluation of *Existing Buildings at the Portland Company Property*, prepared for CPB2 by Becker Structural Engineers
 - 7. Appendix A: Comparative Condition/Cost Analysis (excerpted from Resurgence report)
 - 8. March 31, 2014 Letter from Maine Historic Preservation Commission regarding eligibility of Portland Company Complex for Listing in the National Register of Historic Places
 - 9. Letters from interested parties

Attachments prepared in response to questions raised at PB's 7/28 Workshop

- 10. 9/2/15 Memo from Scott Hanson, Sutherland Conservation & Consulting, regarding Building 1
- 11. 9/4/15 Letter from Al Hodson, Resurgence Engineering, re: condition of Buildings 1 and 16
- 12. 9/4/15 Letter from Maine Historic Preservation Commission
- 13. 8/26/15 letter from Mary Costigan on behalf of CPB2

Information and Public Comment received since 9/8

- 14. Staff memo summarizing HP Board's 10/21/15 review of latest condition report prepared by Becker Structural Engineers
 - A. Staff memo for 10/21/15 HP Board review
 - B. October 13, 2015 report from Becker Structural Engineers
 - C. Copy of GPL testimony at 10/21 meeting
- 15. Compilation of most recent public comment

(s) To annually report to the council with following matters:

1. Survey work in progress or completed;
2. The number of projects reviewed (by type);
3. How many certificates of each type were issued.
(Ord. No. 235-90, 2-26-90; Ord. No. 195-98/99, 3-16-99)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

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

Sec. 14-614. Procedure.

The provision of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

- (1) Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or
- (2) By written petition of any owner, in the case of a landmark; or
- (3) By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefore for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

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

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.

(Ord. No. 235-90, 2-26-90)

Sec. 14-617. Recommendation by historic preservation board.

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
- (b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
- (c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.
- (d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate

Supplement 2009-1

14-607

department evidencing a determination that specific plans for alteration of a structure or new construction on a site do not require approval under this article.

Contributing: A classification applied to a site, structure or object within a historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural or archeological significance as embodied in the criteria for designating an historic district, but without being itself a landmark.

Council: The city council.

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

Department: The department of planning and urban development.

Design guidelines: Any design standard specified for alteration or new construction which is unique to a particular landmark, historic district or historic landscape district.

Design manual: The historic resources design manual described in section 14-675.

District: An historic district or historic landscape district.

Historic district: An area designated as an "historic district" by the council.

Historic landscape district: An area designated as an "historic landscape district" by the council.

Landmark: A property, site, structure or object designated as a "landmark" by the council as having a high degree of historical, cultural and/or architectural significance.

Major development: As defined in article V of this chapter.

Minor development: As defined in article V of this chapter.

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

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

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

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

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

Owner: The person or persons holding record title to the building, site or property; provided, however, the last previous tax roll in the records of the city assessor's office may be relied upon as showing record ownership in the absence of substantial evidence to the contrary.

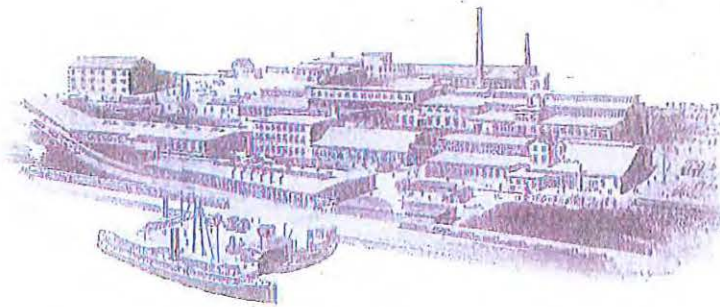
Property: Land and improvements identified as a separate lot for purposes of subdivision, site plan, or zoning regulation.

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

Restoration: Any act which returns a structure or a feature of a structure to a prior state of historic significance.

Sign: As defined in section 14-47.

Site: The location of an event, activity, structure or object.



The Portland Company
Historic Significance and Integrity

Sutherland Conservation & Consulting
2014

Scott T. Hanson
Amy Cole Ives
Matthew Corbett

The Portland Company: Historic Significance and Integrity

Introduction	1
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Introduction

Sutherland Conservation & Consulting (SCC) has been retained by the City of Portland to research, document and analyze the historic and architectural significance of the Portland Company complex. The historic assessment report is intended to address the place and significance of the Portland Company within the city of Portland, the state of Maine, and beyond; especially in the context of national trends in manufacturing and transportation during the company's years of operation (1847-1982).

This historic assessment report will:

- identify the areas of historic significance for the complex at the National, State, and Local levels
- identify the historic period(s) of significance for the complex
- use developmental modeling to analyze and assess the relative historic significance of the individual structures as well as the role each structure played in the manufacturing processes of the Portland Company and within the complex as a whole, and how each contributes to the ability to understand and appreciate the evolution of complex over time.

Additionally, SCC has been asked to assess the historic integrity of the individual buildings and the complex as a whole. Historic integrity is distinct from structural integrity. Historic integrity is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship, feeling, and/or association, to convey the significance of a property.

The work of this report does not duplicate the Inventory of Historic Buildings by Tremont Preservation Services dated January, 2014 or the Evaluation of Existing Buildings at the Portland Company Property by Becker Structural Engineers dated March 28, 2014, but it does utilize the same numbering system for the buildings in the complex to the greatest extent possible to facilitate cross-referencing the reports. The text of the Tremont report has been included as an appendix to this report with annotations that have been added to provide additional information and clarifications based on research completed by Sutherland Conservation & Consulting.

A summary history of the Portland Company has not been included in the body of this report because the Historical Context section of the Tremont report (pages 44-51) provides this information.

Methodology

Primary and secondary sources were reviewed and utilized including extensive research in the Portland Company records at the Maine Historical Society and in depth research into the early history of railroad locomotive manufacturing in the United States. Using historic maps, site plans, building plans and numerous historic photographs, the historic development and evolution of the buildings of the Portland Company complex have been documented and compiled in a series of site plans and developmental models to illustrate how the complex has changed over time. A site visit was completed on July 23, 2014 to inspect and photo-document the interiors and exteriors of all the existing buildings to assess how much of the original design and materials remain intact for the buildings individually and the complex collectively.

The historic photographs and developmental models were compared to the existing conditions photographs to evaluate the historic integrity and significance of the buildings individually and the complex as a whole. The historic and architectural significance and integrity of the Portland Company complex has been assessed utilizing the criteria of the National Register of Historic Places, which is recognized as the standard for determining historic and architectural significance in the United States and is also the basis for the City of Portland's Designation Criteria.

Executive Summary

The Portland Company was established in 1846 in conjunction with construction of the Atlantic & St. Lawrence Railroad which was built to connect Portland to Montreal. John A. Poor, the individual most responsible for Portland's successful bid over Boston to become Montreal's winter port via rail, was a Director of the Atlantic & St. Lawrence Railroad and became the first President of the Portland Company.¹ Other Atlantic & St. Lawrence Directors were also stockholders in the Portland Company, including Portland's wealthiest individual John Bundy Brown, who would become President of the company in 1864; Congressman and later Senator and U. S. Secretary of the Treasury William F. Fessenden; and Captain George Turner, who was given a seat on the railroad's Board between the regular annual Director's elections, shortly after selling property to the Portland Company for their works.

The period of significance for the Portland Company complex begins with the start of operations in 1847 and extends to the end of foundry work at the Portland Company in 1982. Within this period, specific periods of significance are identified for different areas of significance in Appendix G. During the period of significance, the plant experienced several substantial expansions and numerous small alterations. In 1873, fire destroyed several buildings at the south end of the property which were then rebuilt. No substantial changes have been made since 1920 except for the demolition of the wooden blacksmith and tin shop and the replacement of the late-19th century wooden boiler shop by a large modern steel building in the second half of the 20th century. A modern brick and wood office building was built on the site of earlier stables circa 1950. Through all of this, a number of the pre-Civil War buildings have remained largely intact and would be easily recognizable to John A. Poor and the original company directors and employees of the Portland Company.

The use of cast metals, particularly iron, was central to the rapid industrialization and expansion of the United States in the nineteenth century. Although the technology was ancient, the use of it at the scale undertaken during the period the Portland Company was founded was unprecedented. Cast iron has been called, "the plastic of the nineteenth century" for the way it transformed production and expanded the range of products available to industry and the public. Putting all of the stages of production for large machines, like steam locomotives, in one place was a radical advance over traditional practices. Combined with the use of patterned cast iron parts, as opposed to individually hand-crafted unique parts, this advance laid the foundation for Henry Ford's next step in the progression of efficient production, the assembly line. The Portland Company complex represents an important advance in this process and is possibly the only surviving example of such a complex documenting this stage of industrial production in the United States. Its survival in largely intact condition in 2014 is noteworthy and remarkable.

National, State and Local Historic Significance

The Portland Company has national historic significance because it appears to have been the first complex in this country built specifically for the manufacture of railroad equipment with all of the necessary shops and a foundry on a single site. The Portland Company complex as it stands today is a rare surviving example of a pre-Civil War foundry, machine shop, and car shop complex because it retains a number of its original and early buildings, whereas most, if not all, other pre-Civil War complexes have been substantially or wholly demolished. As such, the Portland Company complex contains the oldest surviving railroad shop buildings in the nation still within their historic manufacturing complex context. Recent research indicates the Portland Company appears to be the only surviving pre-Civil War locomotive manufacturing plant in the nation, making it the only one surviving where locomotives were built for the U.S. Government as part of that war effort.

The Portland Company has statewide historic significance because the company made a significant

¹ Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

contribution to the development of Maine's railroads (including the state's iconic two-foot gauge lines) and maritime shipping industry. The locomotives, railroad cars, marine engines and boilers, and maritime navigation aids produced entirely or in part at the Portland Company were important to the development of rail and maritime transportation in the state of Maine from the middle of the nineteenth century into the twentieth century. Industrial expansion, natural resource extraction, commerce, and tourism all benefited from improved transportation made possible by products of the Portland Company.

The Portland Company was the state's largest nineteenth century foundry-machine shop, with those two shops combined in a way that was unprecedented in Maine. The company grew to be the state's most substantial engineering and machine manufacturing business, employing 150 of the 500 machinists in the state at one point. The Portland Company also played a significant role in the development of many important industries in Maine including the paper-making, textile, and canning industries. A number of industrial processes likewise benefitted from the research and development of electrical engineer and inventor William Chapman for the Portland Company and through the Chapman Electric Neutralizer Company at the Portland Company.

The Portland Company has local historic significance because it is the only intact nineteenth and early twentieth century industrial complex remaining in the city. Thirty-three manufacturing plants can be identified in the 1876 Bird's Eye View of Portland. Only the Portland Company complex remains largely intact 138 years later. Portland had 60 sizable companies engaged in industrial production of various sorts in 1924, occupying more than 85 buildings. Of these 85 buildings, fewer than a dozen survive outside the Portland Company, none as complexes.

The Portland Company has local historic significance for its association with several significant 19th century planning and development initiatives within the city of Portland. As part of John A. Poor's vision for creating a modern international port at Portland, he conceived of a wide new street along the waterfront which would contain railroad tracks to connect the Atlantic & St. Lawrence R. R. on the east end of the city to the Portland, Saco & Portsmouth R. R. on the west end while providing both railroads access to the numerous wharves between their terminals. The narrow original waterfront street, Fore Street, followed the natural landform, snaking along the shore around Clay and Broad coves. The new street would be built by filling between the existing wharves below Fore Street, far enough out into the harbor to allow the construction of large new warehouse buildings along the land side of the street. Broad Cove would be filled for construction of the Atlantic & St. Lawrence Railroad terminal and for the Portland Company works and Clay Cove would be filled for the street and new buildings. The Portland Company site alone is seven acres, the majority of it made by filling the mud flats and cove. This project was undertaken cooperatively by the two railroads, the Portland Company, and the city of Portland, with the railroads paying the cost of filling between the wharves and the City paying wharf owners for the value of their properties seized through eminent domain. The mile-long and one hundred foot wide street would be named Commercial Street.² This project was the largest urban planning initiative undertaken in the city of Portland in the nineteenth century and was transformative in its effects.

Historic Architectural Significance

The buildings of the Portland Company complex have historic architectural significance because they remain substantially unaltered from the time of their original construction and consequently show clearly the distinguishing characteristics (design and construction materials) of several distinctive types of industrial buildings constructed between 1847 and 1920. Additionally, the Portland Company buildings from the 1840s and 1850s are the only industrial buildings of that period remaining in the city of Portland today.

2 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890.

Records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

The buildings of the Portland Company also have historic architectural significance because each of the remaining buildings served distinctive function(s) in the historic manufacturing process. Collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company.

Historic Significance and Visual Character of the Portland Company Site

The primary entrance to the site off Fore Street is a curving roadway that follows the grade between the original shoreline at Fore Street and the filled mudflat land on which the complex is built. This has been the entrance to the property since 1847 and is historically significant as an original site feature that has not been substantially altered. This curving roadway leads to the historic entrance yard of the complex.

The entrance yard has historically been, and continues to be, an open space serving the function of entranceway to the linear manufacturing paths of circulation. It is the point from which these streets and alleys of the complex are accessed. Historically, it also served as a fire break between the manufacturing facilities, the paint shop and the pattern storage buildings. At different points in time a car shop and other buildings have projected into this space, especially prior to the construction of the much larger erecting shop (building 1) in 1918. The entrance yard has been in its current configuration for nearly 100 years.

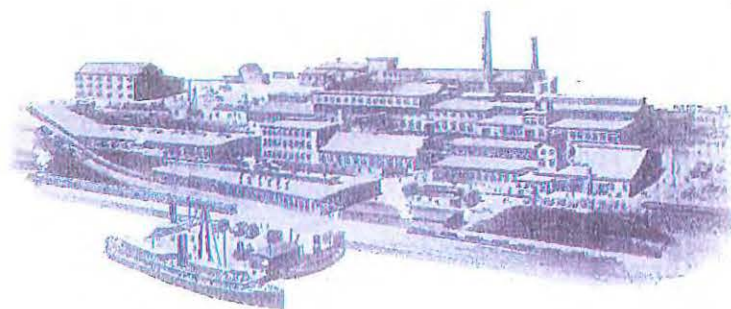
The historic functional organization and placement of the Portland Company buildings in linear proximity to each other creates a visual character for the site that is unique for Portland in the way that the industrial buildings form private streets or alleys. The overhead pedestrian bridges spanning these private streets are also unique in Portland and contribute to the visual character and historic significance of the site.

To a large degree, the architectural significance of the Portland Company exists in the relationship of the buildings to each other within the complex. The proximity and orientation of the buildings to each other permitted related manufacturing processes to take place in a way that allowed for the efficient progression of stages in the production of the company's products.

Findings:

- The Portland Company complex is historically significant within local, state and national historic contexts related to industry, transportation, community planning and architecture.
- The buildings individually and the complex as a whole retain a high degree of architectural integrity to the period of significance for the complex (Portland Company production 1847 – 1982).
- All of the buildings of the complex constructed over 50 years ago contribute to the historic significance and integrity of the Portland Company complex.
- Collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company with the exception of one shop for the construction of boilers.
- Together, the historic significance and historic integrity of the Portland Company complex make it one of the most historically important sites in the city of Portland.
- The removal of any of the historic buildings existing in the complex will diminish the ability of the complex to demonstrate the historic manufacturing process of the Portland Company.
- The Portland Company was the largest business in the city in the mid-nineteenth century and is the only remaining intact nineteenth and early twentieth century industrial complex in the city of Portland today.
- The Portland Company buildings remaining from the 1840s and 1850s are the only industrial buildings of that period surviving in the city of Portland.

- The outstanding nature of the architectural integrity of the complex and exceptional historic value of the Portland Company as the first self-contained complex in the nation built specifically for the manufacture of railroad equipment may make it a strong candidate for National Historic Landmark eligibility consideration.
- The historic Portland Company complex is a compact manufacturing facility characterized by two distinct areas, the entrance yard and the manufacturing corridors.
- The historic functional organization and placement of the Portland Company buildings in linear proximity to each other along the manufacturing corridors creates a visual character for the site that is unique for Portland in the way that the industrial buildings form private streets or alleys. This is similar to the character found in large textile mill complexes in Maine cities like Lewiston, Biddeford, and Sanford but not found elsewhere in Portland.
- The compact nature, visual continuity and circulation routes of the historic manufacturing facility of the Portland Company are significant character defining features of the site. The removal of any contributing building would adversely impact the historic significance and character of the whole complex.
- Currently the only modern intrusion into the visual continuity of the complex is building 5, located on the northeast side of the foundry building (building 4).
- In considering the redevelopment of the property for new uses while retaining the essential physical features that give it integrity, a large city-owned vacant parcel to the southwest of the site might provide an opportunity for a connection from the site to Thames Street, allowing enhanced access without altering the historic entrance to the site or the visual character of the entrance yard and “streets” between the historic buildings.
- A large area of vacant land on the east end of the site abuts the largest building on the property, the not-historically-significant modern building wrapping around the two sides of the Foundry. Removal of the modern building could allow access to new development at the east end of the site in a way that maintains the visual character of the “street” between the Erection Shop, Machine Shop, and Foundry and the Car Shop and Blacksmith Shop.
- Compatible new buildings on the sites of the demolished Boiler Shop and Tin and Smith Shop could reinforce the historic character of the site’s “streets.”

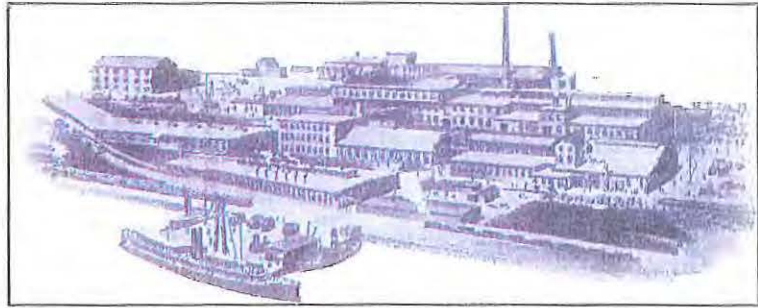


Section I:
Historic Significance of the Portland Company

National Historic Significance of the Portland Company

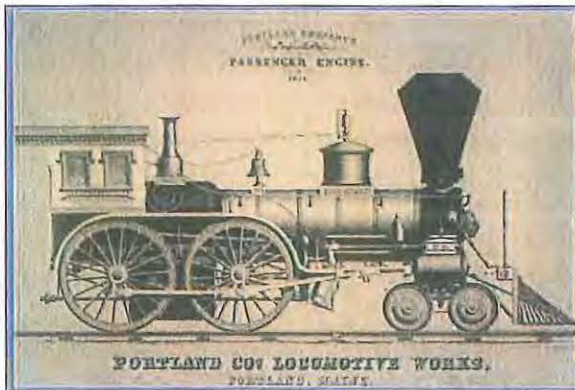
The Portland Company complex is a rare surviving example of a pre-Civil War foundry, machine shop, and car shop complex built for the manufacture of railroad equipment in 1847. It appears to have been the first such self-contained complex in the nation built specifically for that purpose, with all of the necessary shops and a foundry on a single site. It also contains the oldest surviving railroad shop buildings in the nation.

The first companies to produce railroad locomotives in the United States beginning in 1830 were existing machine shops and/or foundries which adapted existing machinery and practices to build steam locomotives. The few companies established specifically to produce locomotives in the 1830s and early 1840s used outside foundries for the necessary castings. This included the Norris Steam Carriage Company (later Norris Locomotive Works) in Philadelphia and the Baltimore & Ohio Railroad shops at Mount Clare, Maryland, which were begun in



Sketch of the Portland Company c. 1910. Courtesy of the Maine Historic Preservation Commission.

1829. The first foundry at the Mount Clare Shops, now a National Historic Landmark, was not constructed until after the Civil War. The earliest surviving shop building at Mount Clare dates from 1869-70. A number of early locomotives were manufactured by the West Point Foundry in New York, established after the War of 1812 to produce armaments and ammunition for the American forces. This plant exists now only as fragmentary ruins in a state park. Baldwin Locomotive Works, which would become America's largest producer of steam locomotives, began when former watchmaker Mathias Baldwin built a working model steam locomotive for the Peale Museum in Philadelphia in 1831. Baldwin and a partner had established a machine shop in 1825 to manufacture bookbinding tools and textile printing cylinders. In 1832, they built the first full scale Baldwin locomotive, again using an outside foundry. The original Baldwin works were demolished in 1937, after a new plant was built at another location. The neighboring Norris



Locomotive rendering, 1851. Courtesy of the Maine Historical Society.

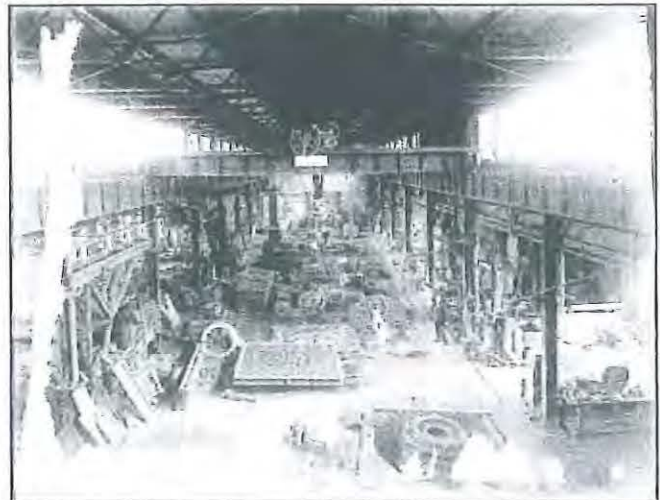
Locomotive Works buildings had been demolished in 1896. Surviving railroad locomotive foundries and shops from before the Civil War are extremely rare today. It appears from recent research that except for a possible few individual buildings that were once part of locomotive manufacturing complexes, the pre-1860 Portland Company buildings are the only ones remaining. As mentioned above, the Portland Company complex was apparently the first fully self-contained complex built specifically for locomotive construction. It is also the only surviving plant where locomotives were built for the U.S. Government for the use of the Union Army as part of the Civil War effort.¹

¹ Information contained in this paragraph was compiled from numerous sources, the most important being: Meyer, David R. *Networked Machinists: High-Technology Industries in Antebellum America*. Converse, John H. "Locomotive Building in the United States," *Cassier's Magazine*, Volume 20, 1901. 221-237. Colburn, Zerah. *The Locomotive Engine: Including a Description of Its Structure, Rules for Estimating Its Capabilities, and Practical Observations on Its Construction and Management*, 1851. Lamb, J. Parker. *Perfecting the American Steam Locomotive*, 2003. Simmons-Boardman Publishing Company. "The Norris Locomotive Works," *Railway Age and Railway Review*,

The use of cast metals, particularly iron, was central to the rapid industrialization and expansion of the United States in the nineteenth century. Although the technology was ancient, the use of it at the scale undertaken during the period the Portland Company was founded was unprecedented. Cast iron has been called, “the plastic of the nineteenth century” for the way it transformed production and expanded the range of products available to industry and the public. Putting all of the stages of production for large machines, like steam locomotives, in one place was a radical advance over traditional practices. Combined with the use of patterned cast iron parts, as opposed to individually hand-crafted unique parts, this advance laid the foundation for Henry Ford’s next step in the progression of efficient production, the assembly line. The Portland Company complex represents an important advance in this process and is possibly the only surviving example of such a complex documenting this stage of industrial production in the United States. Its survival in largely intact condition in 2014 is noteworthy and remarkable.

State Historic Significance of the Portland Company

The Portland Company made a significant contribution to the development of Maine’s railroads (including the state’s iconic two-foot gauge lines) and maritime shipping industry. The locomotives, railroad cars, marine engines and boilers, and maritime navigation aids produced entirely or in part at the Portland Company were important to the development of rail and maritime transportation in the state of Maine from the middle of the nineteenth century into the twentieth century. Industrial expansion, natural resource extraction, commerce, and tourism all benefited from improved transportation made possible by products of the Portland Company. The Portland Company was the state’s largest nineteenth century foundry-machine shop, with those two shops combined in a way that was unprecedented in Maine. The company grew to be the state’s most substantial engineering and machine manufacturing business, employing 150 of the 500 machinists in the state at one point.² The Portland Company also played a significant role in the development of many important industries in Maine including the paper-making, textile and canning industries. A number of industrial processes likewise benefitted from the research and development of electrical engineer and inventor William Chapman for the Portland Company and through the Chapman Electric Neutralizer Company located at the Portland Company.



Interior view of the Foundry Building, c. 1880. Courtesy of the Maine Historical Society.

Railroads

The Portland Company was created as an adjunct to the Atlantic & St. Lawrence Railroad shortly after

Volume 47, 1909. 231-236.

Swank, James Moore. *History of the Manufacture of Iron in All Ages: And Particularly in the United States from Colonial Time to 1891*.

White, John H. *A History of the American Locomotive: Its Development, 1830-1880*.

A. Sinclair Company. *Railway and Locomotive Engineering: A Practical Journal of Railway Motive Power and Rolling Stock*, Volume 16, 1903.

Solomon, Brian. *American Steam Locomotive*, 1998.

Kinert, Reed. *Early American Steam Locomotives*, 2012.

2 Rivard, Paul E. *Made in Maine: From Home and Workshops to Mills and Factories*, 2007, 144.

that line was chartered to run from Portland to Montreal. The principal proponent of the Atlantic & St. Lawrence Railroad, John A. Poor, was the first president of the Portland Company as well as a director of the railroad company.

Maine railroads that used Portland Company produced locomotives and cars included the Atlantic & St. Lawrence, the Grand Trunk, the Portland, Saco & Portsmouth, Portland & Kennebec, Portland & Rochester, Portland & Ogdensburg, Eastern, Maine Central, Boston & Maine, and Rumford Falls & Buckfield railroads. A number of locomotives were built for Maine's iconic two-foot gauge railroads including the Phillips & Rangely, Sandy River, Kennebec Central, Bridgton & Saco River, and the Wiscasset & Quebec. Maine's logging railroads also used Portland Company equipment, including geared locomotives to run on the rough temporary tracks of logging railroads and log bunks to transport logs on. In addition to locomotives, the Portland Company manufactured passenger and freight cars, wheels, and rail components including switch frogs.

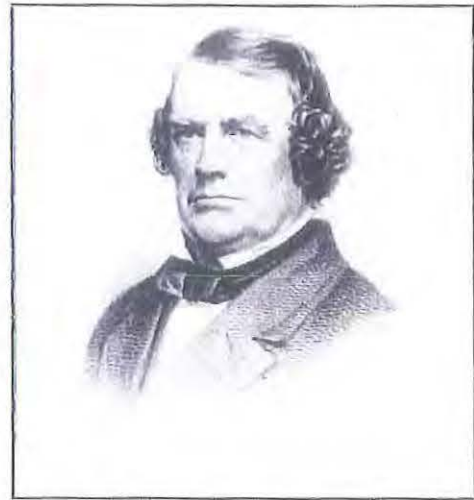
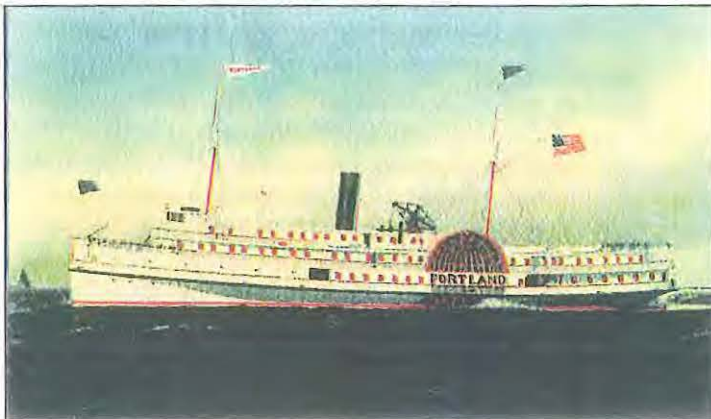


Illustration of John A. Poor. Courtesy of the Maine Historical Society.

Portland Company locomotives were also built for many out-of-state railroads. One hundred locomotives were manufactured for the Northern Pacific Railroad, with half delivered overland and half loaded on ships and sent around Cape Horn to the West Coast. Locomotives were also built for Canadian railroads including the New Brunswick & Canada and the Quebec, Montreal, and the Ottawa, & Occidental, as well as for the Panama Railroad in Central America. Appendix C contains a list of all the railroads named in the records of the Portland Company at the Maine Historical Society.³



Courtesy of the Maine Historical Society.

Maritime Transportation

The directors of the new Portland Company received the first request for the company to build a boiler for a steam ship before the first buildings were completed or operations begun. During the course of its history, the Portland Company manufactured and installed boilers, marine engines and other equipment for hundreds of vessels constructed at shipyards from Kennebunkport to Lubec, as well as its own shipyard in South Portland. Outside of Maine, Portland Company supplied boilers, engines, and other equipment to hundreds of vessels built at yards as

close as Massachusetts and as far away as Oregon. Vessels included massive passenger steamers like the *Portland* (280' long), trawlers and porgy boats for commercial fishing, freighters, passenger ferries, tow and tug boats, private yachts, and the 205' long steam gun ships *Agawam* and *Pontoosuc*, built for the U. S. Navy during the Civil War.⁴

³ Records of the Portland Company, Maine Historical Society. Fletcher, David H. *The Portland Company, 1846-1982*, 2002.

⁴ Records of the Portland Company, Maine Historical Society. Fletcher, David H. *The Portland Company, 1846-1982*, 2002.

Also significant to marine transportation was the Portland Company's production of lighthouse components and navigation buoys. Drawings at the Maine Historical Society from the late 1860s through the late 1890s include cast iron parts such as lanterns, lamp decks, spiral stairways, doors, sashes, walkways, railings, and other parts for lighthouses in Maine, New Hampshire and Massachusetts. In some cases, such as "Bug Light" at the entrance to Portland Harbor, they manufactured the entire Greek Revival style cast iron structure. They also produced elaborate fog signal whistles which included a boiler, timer, and whistle for installation at light stations and fog signal stations.

Other Maine Industries

Maine companies that used Portland Company equipment include the Burnham & Morrill and Portland Packing Company canning companies, S. D. Warren Paper Company, and Sanford Mills. Specialized equipment for the paper industry included chipper discs and massive debarking drums, washing drums, and sulphite digesters. Numerous large industrial plants and mills were heated and powered by Portland Company steam boilers. In the mid-twentieth century the Portland Company produced parts for rotary welding inside pipes used in nuclear power plants and manufactured neutron reactor shells for those plants. They also manufactured machinery for forming and extruding plastics.



View of a Portland Company digester sitting between the Blacksmith & Tank shop and Boiler Shop. Courtesy of the Maine Historical Society.

William H. Chapman

In the early twentieth century, inventor and electrical engineer William H. Chapman (1860 - 1944) was in charge of the Portland Company's research department and did important work in the basic research that led to the development of microwave technology as well as experimentation and invention related to the use of electricity in manufacturing.⁵ Portland Company voltage regulators were used in mills and factories throughout Maine and beyond. Chapman also invented the Chapman Electric Neutralizing Machine while at the Portland Company in 1906.⁶ This device removed static electricity during the manufacturing process and was critical to the paper and textile industries of Maine. *Who's Who in New England*, 1909, lists Chapman as electrical engineer for the Portland Company and also as director and electrical engineer for Chapman Electric Neutralizer Company, with an office at 58 Fore Street – indicating that Chapman had his own company within the complex of the Portland Company while working for the company. Chapman received a second patent for improvements to the original electric neutralizing design in 1916, the same year he patented an elevator brake.

Local Historic Significance of the Portland Company

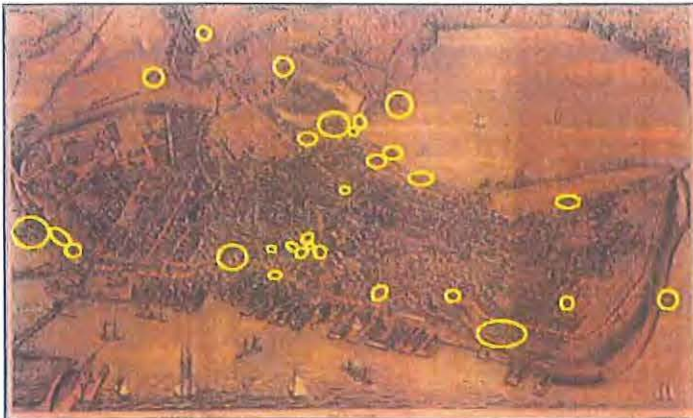
Portland Company is the only intact 19th – early 20th century industrial complex in the city of Portland

The Portland Company has local historic significance as the largest business in the city in the mid-nineteenth century and the only remaining intact nineteenth and early twentieth century industrial complex in the city of Portland. Virtually all evidence of Portland's nineteenth century industrial history has been lost with the exception of the Portland Company complex. In *Portland Maine, Its Representative Business Men and Points of Interest*, author George F. Bacon wrote of the Portland Company in 1891, "Since the

⁵ Sprague, Phineas. Society for Industrial Archaeology conference tour of the Portland Company complex, June 16, 2014.

⁶ US Patent #878273 A, filed May 25, 1906, granted February 4, 1908.

incorporation of the Portland Company about 45 years ago it has done more than any other one corporation or firm to make the name of the city well and favorably known throughout the United States, and if there is one enterprise entitled above all others to be classed as representative it is that conducted by the company in question, for this is a Portland undertaking, has always been conducted by Portland men, is located on Portland territory, and by distributing about a quarter of a million of dollars in wages annually has been and is a most powerful factor in attracting skilled workmen to and otherwise promoting the growth of the city.”⁷



Top: view showing 1876 aerial drawing with industrial complexes circled in white.
Below: similar view with remaining industrial sites highlighted.

Thirty-three manufacturing plants can be identified in the 1876 Bird’s Eye View of Portland. Of the thirty-three, which include Portland Stove Foundry, J. B. Brown & Son’s Sugar Refinery, Forest City Sugar Refining Company, Eagle Sugar Refining Company, Portland Packing Company, and Portland Stoneware Company, only three complexes survive to any extent in 2014. Two of these have only a single surviving building, one from the Star Match Factory on West Commercial Street and one from the original Burnham & Morrill Cannery complex on Franklin Street (yellow stars at left). Only the Portland Company complex remains largely intact 138 years later. In 1924 Portland had 60 sizable companies engaged in industrial production of various sorts, occupying more than 85 buildings. Of these individual buildings, fewer than a dozen survive outside the Portland Company. Six companies had large complexes of buildings, including the E. T. Burrowes Company, Thomas Laughlin Company, and Southworth Machine Company.⁸ Fragmentary remains of some of these complexes, such as the early twentieth century Thomas Laughlin Company

foundry building on Hampshire Street now used by Shipyard Brewery, only hint at the history of these sites where hundreds of Portland residents made their livings over many decades.

Portland Company development associated with the creation of Commercial Street

The Portland Company has local historic significance for its association with several significant 19th century planning and development initiatives within the city of Portland. As part of John A. Poor’s vision for creating a modern international port at Portland, he conceived of a wide new street along the waterfront which would contain railroad tracks to connect the Atlantic & St. Lawrence R. R. on the east end of the city to the Portland, Saco & Portsmouth R. R. on the west end while providing both railroads access to the numerous wharves between their terminals. The narrow original waterfront street, Fore Street, followed the natural landform, snaking along the shore around Clay and Broad coves. The new street would be built by filling between the existing wharves below Fore Street, far enough out into the harbor to allow the construction of large new warehouse buildings along the land side of the street. Broad Cove would be filled

⁷ Bacon, George F. *Portland Maine, Its Representative Business Men and Points of Interest*, 1891, 156.

⁸ Compiled from the City of Portland 1924 Tax Records.

for construction of the Atlantic & St. Lawrence Railroad terminal and for the Portland Company works and Clay Cove would be filled for the street and new buildings. The Portland Company site alone is seven acres, the majority of it made by filling the mud flats and cove. This project was undertaken cooperatively by the two railroads, the Portland Company, and the city of Portland, with the railroads paying the cost of filling between the wharves and the City paying wharf owners for the value of their properties seized through eminent domain. The mile-long and one hundred foot wide street would be named Commercial Street.⁹

This project was the largest urban planning initiative undertaken in the city of Portland in the nineteenth century and was transformative in its effects. Before arrival of the Atlantic & St. Lawrence Railroad and Portland Company with the related construction of Commercial Street, Portland had a waterfront infrastructure left over from the eighteenth century that was inefficient and ill suited to the age of steam. Shipyards building wooden sailing vessels still launched into Broad Cove. The last vessel launched from these, on November, 9, 1847, was the *Lemuel Dyer*, which struck the railroad trestle then under construction across Broad Cove during its launching.¹⁰ Following the construction of Commercial Street, wharves were extended and directly accessible by rail. Goods could be efficiently transferred between ships and trains, connecting industry and agriculture in interior Maine, New Hampshire, and Vermont to ports in America and Europe via sail and steam ships. With the completion of the Atlantic & St. Lawrence Railroad to Montreal, and subsequent leasing of the line to the Canadian and British owned Grand Trunk Railroad, all of the wharves on the Portland waterfront were connected to interior Canada. As the Grand Trunk extended westward in Canada, eventually reaching the Mid-West of both countries, the Portland waterfront had a direct connection to the agricultural products of the Mid-West and to cities such as Detroit and Chicago with Portland Company-built locomotives pulling Portland Company freight and passenger cars. Direct service between Portland and Chicago began in 1889. The massive grain elevators that would rise over the Grand Trunk yard where Broad Cove had been were the result of this connection. Trans-Atlantic passenger steamship service was instituted the year the railroad to Canada was completed, turning Portland into an international port of entry. This direct connection between Portland and Europe resulted in the immigration of people of numerous nationalities and ethnicities to Portland, diversifying and expanding the population of the city.

The cooperation between the City of Portland in the planning and implementation of the various components of Poor's modernization plan can clearly be seen in the City's investment of \$2 million dollars in the construction of the railroad to Canada, approved by the legislature and funded through municipal bonds approved by the City Council and voters.¹¹ Existing plans for the first stone retaining wall for the Portland Company along Fore Street, in the collections of the Maine Historical Society, were drawn for the company by City Engineer William Goodwin. This wall was constructed in the 1870s to allow room for the company to expand on its increasingly tight site between Munjoy Hill and the Grand Trunk Railroad tracks. It stood on Portland Company property but was rebuilt by the City of Portland in the 1890s, when the original wall developed structural issues¹².

Residential development of the portion of Munjoy Hill across Fore Street from the Portland Company was clearly triggered by the opening of the plant in 1847. Atlantic, St. Lawrence, Sherbrooke, and Waterville streets were laid out opposite the site while the original Portland Company buildings were under construction. The city directory from 1850 shows a heavy concentration of Portland Company employees residing on these streets, including 12 machinists, 6 blacksmiths, a boiler maker, a "car builder." Sixty-five additional Portland Company workers lived on other nearby streets including Fore, Adams, India,

9 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890.

Records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

10 Thurston & Company. *The Portland Reference Book and City Directory, 1850-1851*, 221.

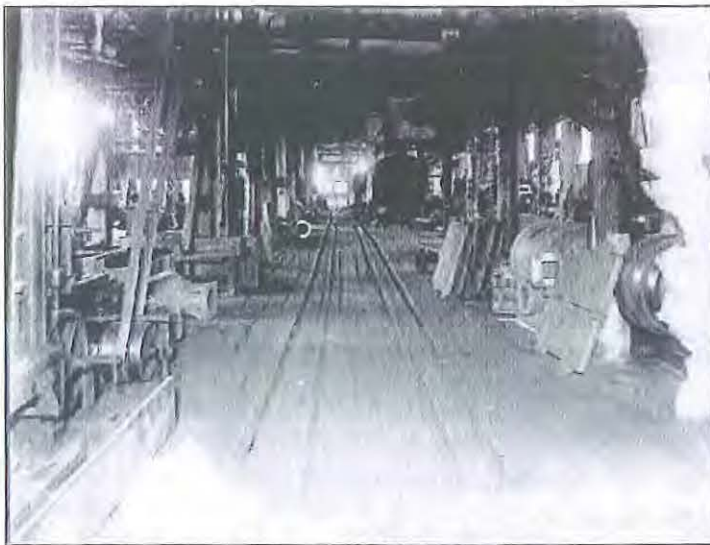
11 Records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

12 Drawings in City of Portland Public Service vault. 55 Portland Street, Portland, ME.

Sumner, Mountfort, Hancock, Hampshire, and Federal. Nine “steam engineers” were also residing in the neighborhood but it is unclear whether they were involved with the Portland Company or Atlantic & St. Lawrence Railroad locomotive engineers, possibly some of each.¹³ By 1858, another street, called Warren Street (now Kellogg), had been extended from Adams, parallel with Waterville, Atlantic, and St. Lawrence. The 1876 Bird’s Eye View illustration of Portland shows two rows of five identical two-story buildings. Such a development pattern suggests housing built for employees of an industrial concern. The Portland Company was the only major industry near the site and one of its original directors was George Warren, suggesting a possible connection between the housing and the company. Minutes of the Director’s meeting held August 3, 1866, record a vote of the Board authorizing the Treasurer to lease unoccupied lands of the company across Fore Street for the erection of temporary housing for employees of the company made homeless by the Great Fire. The buildings in the Bird’s Eye View are likely the result of this action. At a meeting of the Board in 1871 the Directors authorized the sale of the company’s lands north of Fore Street, which may have included the temporary housing built after the fire. The Portland 1924 tax record photos indicate that all of those buildings were gone by that date, replaced by three story “triple-decker” tenement housing facing onto Kellogg and Sheridan streets. Most of the triple-deckers were replaced by contemporary multiunit housing in the 1960s, but several houses of the 1860s period remain on the opposite side of the street that was home to the displaced Portland Company workers in 1866.

Historic Architectural Significance of the Portland Company Buildings and Site

The buildings of the Portland Company complex have historic architectural significance because they remain substantially unaltered from the time of their original construction and consequently clearly show the distinguishing characteristics (design and construction materials) of several distinctive types of industrial buildings built between 1847 and 1920.



Interior view of the Machine Shop. Courtesy of the Maine Historical Society.

The Portland Company buildings remaining from the 1840s and 1850s are the only industrial buildings of that period surviving in the city of Portland.

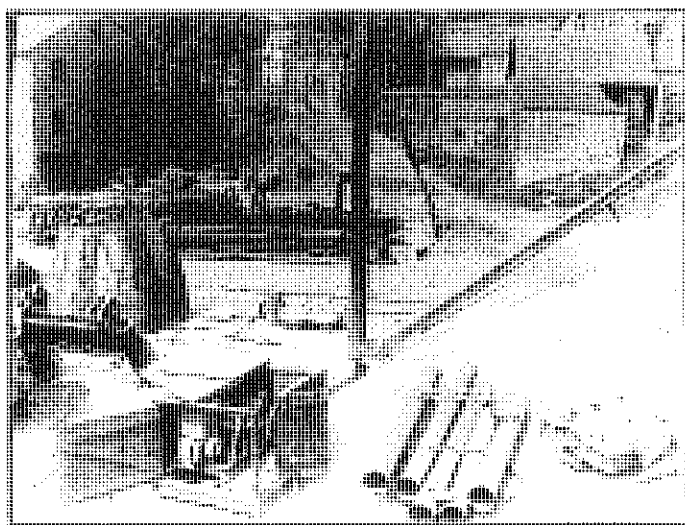
The buildings of the Portland Company also have historic architectural significance because each of the remaining buildings served distinctive function(s) in the historic manufacturing process. Collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company.

The earliest buildings constructed by the Portland Company were typical of industrial buildings of the period, with brick walls, granite lintels, and slate roofs. Projecting pilasters on the exterior

walls provided a suggestion of the Greek Revival style then dominant while adding strength to the walls. The large multi-light wood double-hung windows were also typical of the period, when it was essential to maximize the amount of daylight reaching the interior of the building. The additional buildings constructed for the complex between the 1850s and the 1880s are in the same architectural vocabulary and use the same materials as the 1840s buildings.

13 Thurston & Company. *The Portland Reference Book and City Directory, 1850-1851.*

As the company grew rapidly in the early years, some buildings or building additions were constructed of wood for the sake of speed and cost. Many of these were replaced with brick buildings, sometimes after being destroyed by fire.¹⁴ Alterations were made to the buildings over time to accommodate the changing needs of the manufacturing processes that took place in the plant, as is typical of industrial buildings. One of the more interesting alterations was the early twentieth century addition of projecting shed dormers to the 1847 Machine Shop building designed by Portland architect Frederick A. Thompson to create space for the company's offices and drafting department as well as the research and development laboratory of inventor/engineer William H. Chapman. The vault in the "tower" along Fore Street was part of this same project by Thompson for which the blueprints survive.¹⁵ The Foundry building of 1895 and Erecting Shop of 1918 are typical of industrial buildings built after the introduction of structural steel for this type of building. This change in technology allowed for the creation of much larger open floor spaces with over-head traveling cranes to facilitate more efficient production.



View of the Portland Company yard. Courtesy of the Maine Historical Society.

The buildings of the complex retain a high degree of architectural integrity to the period of significance for the complex (Portland Company production 1847 – 1982). While much of the manufacturing machinery has been removed, evidence of industrial uses can be found throughout the buildings, such as overhead shafting for operating machinery, and wood and iron cranes attached to support columns. Overhead traveling cranes remain in the Foundry and Erecting Shop. The most significant loss to the architectural integrity of the complex was the demolition of the boiler shop building (1858, 1890) in the late-20th century and its replacement by a larger modern metal building that abuts two sides of the foundry building. The one story Tim and Smith Shop (1882), which stood to

the southeast of the Blacksmith Shop, was removed before 1949. The attached timeline (Appendix D) details the construction and alteration dates for the buildings of the complex.

The various buildings of the complex contain examples of a wide variety of building construction engineering techniques employed to increase the strength or functionality of the buildings. These include a number of wood and metal roof truss systems; large floor areas hung from wooden roof truss systems; brick barrel vaulting; cast concrete and steel beam vaulting; cantilevered shed dormers; and single and double trussed girders used to increase the load carrying capacity of upper floors without obstructing the lower floors with posts. The earliest buildings are of load-bearing masonry wall construction with internal timber framing and later buildings utilize steel framing systems. The 1895 Foundry uses an unusual integrated steel column and brick exterior wall system. This was a comparatively early use of structural steel in Maine and represents a transitional phase in the construction technology as large buildings moved from load-bearing masonry walls to steel skeleton framing.

Historic Significance and Visual Character of the Portland Company Site

The primary entrance to the site off Fore Street is a curving roadway that follows the grade between the original shoreline at Fore Street and the filled mudflat land on which the complex is built. This has been the

14 See attached Developmental Timeline and Development Modeling.

15 Portland Company Records, Maine Historical Society.



Historic view of the lab/office space, third floor of the machine shop. Courtesy of the Maine Historical Society.



Current view of the lab/office space.

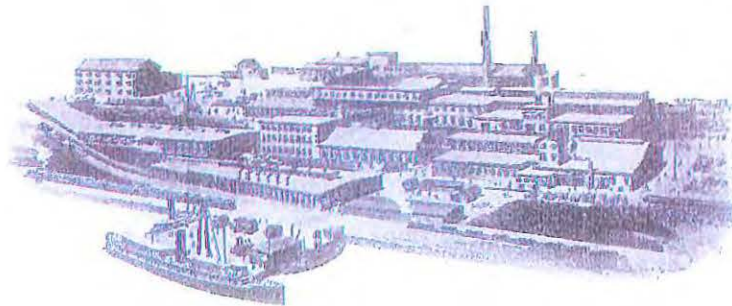
entrance to the property since 1847 and is historically significant as an original site feature that has not been substantially altered. This curving roadway leads to the historic entrance yard of the complex.

The entrance yard has historically been, and continues to be, an open space serving the function of entranceway to the linear manufacturing paths of circulation. It is the point from which these streets and alleys of the complex are accessed. Historically, it also served as a fire break between the manufacturing facilities, the paint shop and the pattern storage buildings. At different points in time a car shop and other buildings have projected into this space, especially prior to the construction of the much larger erecting shop (building 1) in 1918. The entrance yard has been in its current configuration for nearly 100 years.

The historic functional organization and placement of the Portland Company buildings in linear proximity to each other creates a visual character for the majority of the site that is unique for Portland in the way that the industrial buildings form private streets or alleys. This is similar to the character found in large textile mill complexes in Maine cities like Lewiston, Biddeford, and Sanford but not found elsewhere in Portland. The overhead pedestrian bridges spanning these private streets are also unique in Portland and contribute to the visual character of the site. Although the railroad tracks that once served many of these buildings have been removed or buried under pavement, the arrangement of the buildings retains a lineal character that resulted from that historic infrastructure serving the buildings. The placement of several buildings outside these rows of buildings also documents considerations for their historic uses. Both the Pattern Storage buildings and the Paint Shop were placed away from other buildings to reduce the risk of fire spreading to them or from them. This was important for the Pattern buildings because they contained very valuable wood patterns for all of the products made by the Portland Company and for the Paint Shop because of the flammable nature of oil paints. The only significant fire at the complex started in the previous Paint Shop and spread to other nearby wooden buildings, destroying several.

Also unique in Portland is the manner in which the Fore Street retaining wall forms the rear wall of the buildings along the northwest side of the alley, with the side walls of the buildings forming buttresses to help support the retaining wall. The brick barrel vaults of the Boiler House support the retaining wall above and allow the space to project under the Fore Street sidewalk.

To a large degree, the architectural significance of the Portland Company exists in the relationship of the buildings to each other within the complex. The proximity and orientation of the buildings to each other permitted related manufacturing processes to take place in a way that allowed for the efficient progression of stages in the production of the company's products. Certain buildings focused on the later stages of manufacturing for particular categories of product, such as the Erecting Shop, Car Shop or Boiler Shop, with the earlier stages of production for all categories of product undertaken in the Foundry and Machine Shop. Research and development, design/drafting, drawing storage, pattern making, pattern storage, and paint storage buildings also served all of the product categories collectively.

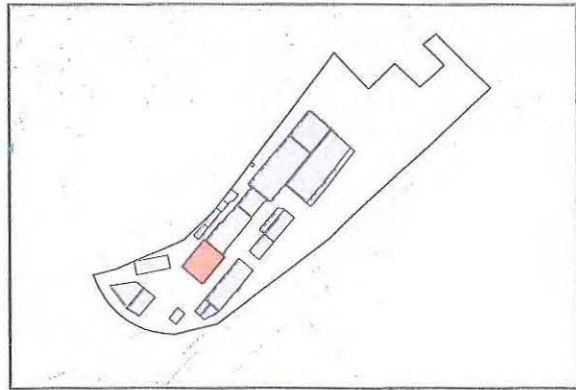


Section II:
Integrity of the Existing Portland Company Resources



Building 1: Erecting Shop
Construction Date: 1918

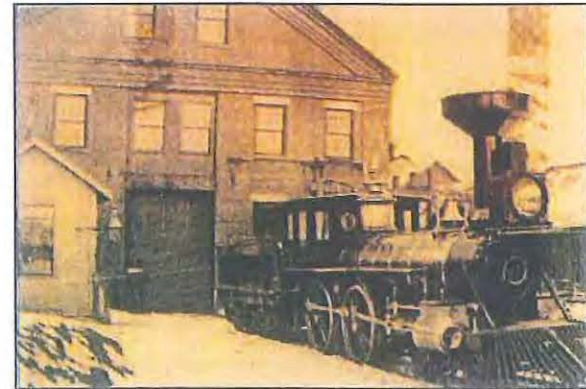
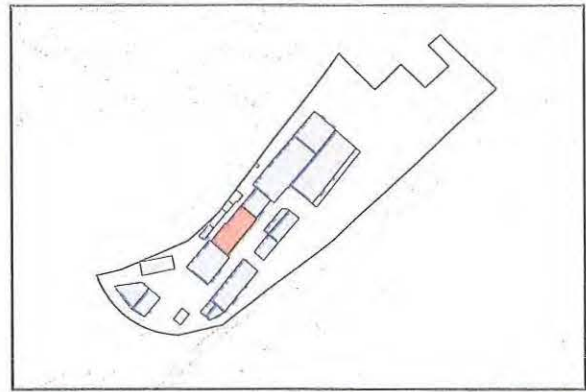
The Erecting Shop was built to replace an earlier wooden erecting shop, built between 1871 and 1880 on the same site. The Foundry, Machine Shop, and Erecting Shop were closely related in the production process, and were aligned so the steps of the work could flow from the Foundry, through the Machine Shop, and into the Erecting Shop, where a locomotive or other large piece of machinery could be assembled above railroad tracks that led from the building to the Grand Trunk rail yard. The brick wall construction relates it to earlier buildings on the site, but its steel truss roofing system, electric overhead traveling crane, clerestory, and large steel framed windows provided maximum utility with a large open floor space and considerable natural light for the assembly process. The building retains a very high degree of integrity to the time of its construction with some alterations to the south and east elevations. These involve increasing the size of the bay doors on the south elevation, likely during the period of significance; and infilling two windows on the east elevation with modern siding material. The remainder of original windows are intact, with some limited areas of deterioration to the frames.





Building 2: Machine Shop
Construction Date: c. 1847

The Machine Shop is one of the first buildings constructed on the site and was one of the key buildings in the production process of locomotives. It is where castings made in the Foundry were finished and prepared for installation. Prior to the construction of the first Erecting Shop (c. 1880) locomotive assembly took place in the Machine Shop. The boilers for the earliest locomotives were also assembled here, before the Boiler Shop was built. Post-mounted cranes and carts were used to move heavy items within the shop, with smaller items moved to the second floor for machining. A truss system allowed the second floor to hang from the roof, leaving the first floor largely open. Some wooden posts have been added in the first floor, to meet modern code requirements for the second story to function as a public assembly space. The building retains a high degree of integrity to the time of its construction with early 20th century alterations to the roof and attic. The c. 1905 Frederick A. Thompson designed offices, drafting room, and electrical laboratory at the attic level are intact, including beadboard office partitions, drafting tables, desks drawing storage drawer units, and electrical equipment in the laboratory. The apparatus used to reflect sunlight from a skylight to develop blueprints remains in place below the roof. Historic plans show tables for 17 draftsmen; desks for 21 clerks and assistant clerks; bookkeeper; purchasing agent; and office boy; with cubicles for the assistant electrical engineer, assistant elevator engineer, assistant mechanical engineer, assistant manager, sales manager, superintendant, and manager; with a private office for the general

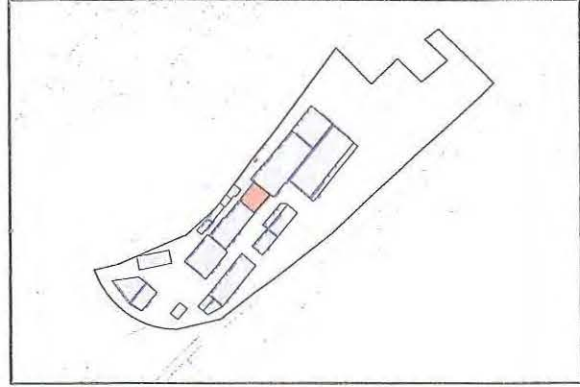


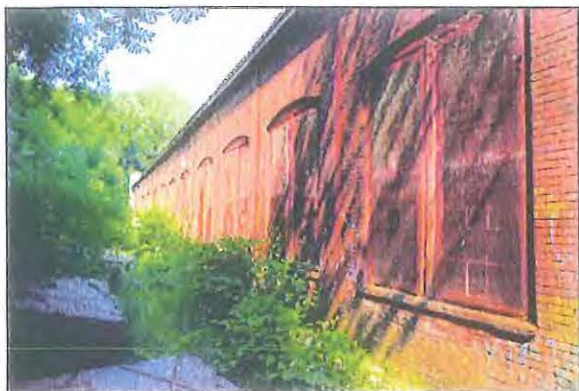
manager and three additional private offices. An upper attic level above the laboratory contains a walkway lined with storage bins for wooden casting patterns, still full of patterns. The original wood and wrought iron Queen Post Truss roof system remains in place with the second floor suspended from it. The use of iron rods for the Queen Posts in the trusses represents an advance in technology from the all-wood trusses common in New England in the 18th and early 19th centuries, as America's increased industrialization made the use of structural metals possible.



Building 3: Machine Shop
Construction Date: c. 1847

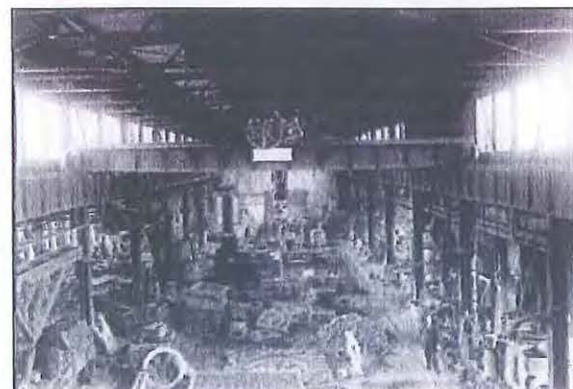
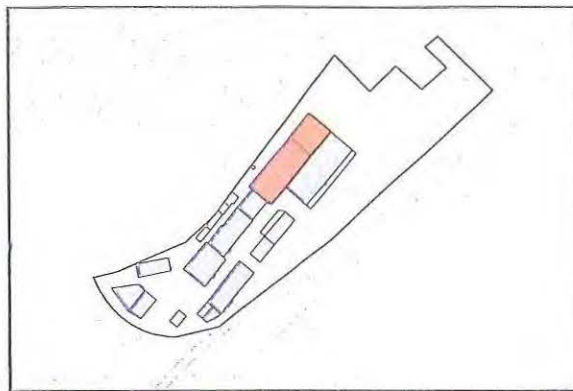
This section of the Machine Shop was built in 1847 as a one story blacksmith shop. When the second story was added, c. 1895, the original wood and wrought iron Queen Post Truss roof system was left in place and the floor hung from it with iron rods and double-strut trussed girders. The added wall height essentially creates full-length shed dormers on each side of the original roof and a double-pitched roof with the original gable peak remaining above the much shallower pitch of the shed dormers on either side. Because both ends of the building abut other buildings, this unusual roof form is not visible from the ground. A monitor, probably dating from the original construction, extends along the center portion of the ridge. The ingenious approach taken to expanding this building allowed a second story to be added while retaining the original roof truss structure and the open first floor it made possible. This section of the Machine Shop retains a very high degree of integrity to the period of its expansion into a two story building, c. 1895, while retaining nearly all of the materials from its original 1847 construction. Some wooden posts have been added in the first floor, to meet modern code requirements for the second story to function as a public assembly space. The second floor was the pattern shop, where wooden patterns were made for the iron castings made in the Foundry.





Building 4: Foundry and Acetylene House
Construction Date: 1895; 1904-09

The Foundry was the most important building in the production process, being the space where molten iron and steel were cast in sand molds to produce the parts for the various machines and engines made by the company. Using then cutting-edge technology, it was built in the late 19th century to replace the original 1847 foundry and additions on the same site. The 1896 foundry features a steel truss roof system and could be wider and taller than the earlier building, with a tall clerestory for lighting the center of the building and a modern electric overhead traveling crane to move cauldrons of molten metal and heavy castings. The building utilizes an unusual transitional construction system in its exterior walls. The riveted steel roof trusses were erected on posts formed of back-to-back U channel steel with spacers between them to allow the roof truss gusset plate to be riveted in place between the two U channels at the top. Once the roof system was erected, the spaces between the posts were filled with brick laid up in common bond and engaging with the posts by extending into the recess of the U channel. Above the tops of the posts, the brick wall encased and engaged the steel trusses to the eaves. It appears that once the brick was in place, the roof trusses were supported primarily by the brick walls, not by the steel posts. The Foundry building retains a high degree of integrity to the period of significance and stands largely as built in 1895 except for the northeast end, which was removed entirely when the building was extended in the mid-20th century. Much of the southeast elevation is now contained within the abutting modern metal building and its windows



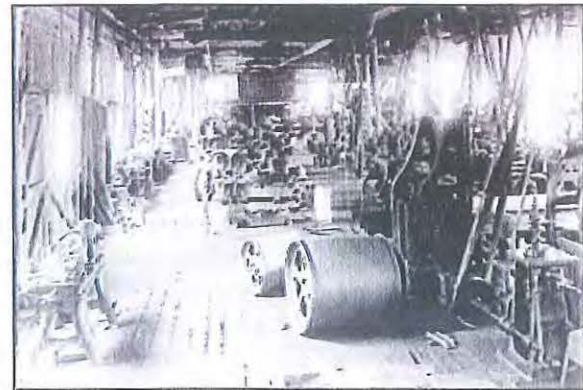
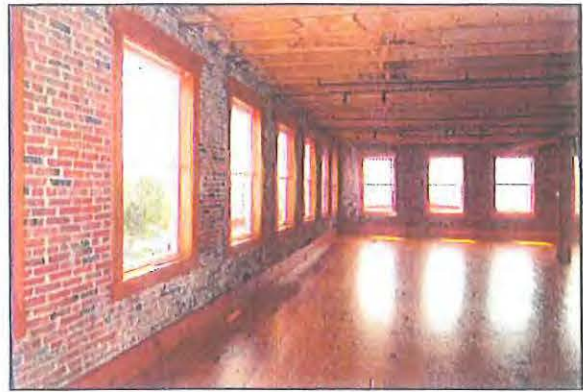
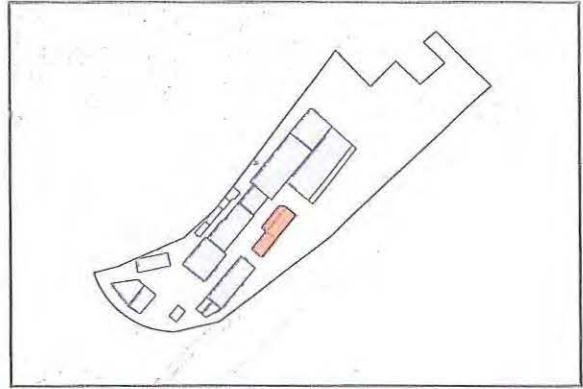
have been infilled. There is some infill construction along this side for offices and storage areas. The original exterior wall and roof system appear to be intact within the later building addition.

The Acetylene House, located on the terrace below the upper retaining wall to the west of the foundry, was a simple brick box, approximately eight feet square. Its roof has failed, and the masonry arch over the door has collapsed. Original drawings for the acetylene house show a shed roof.



Building 6: Blacksmith & Tank Shop
Construction Date: 1883; 1896-1904

As the plant expanded during the 19th century, additional blacksmith shops were constructed to serve different areas of production. Originally freestanding and serving both the machine shop and car shop, this blacksmith shop later served the attached tank shop, where the company produced tanks for various uses from industrial water tanks to municipal standpipes. This building replaced an earlier and wider blacksmith shop on the same site and was likely built reusing the brick and granite of the earlier shop. Its design and use of materials are more like the 1840s and '50s buildings on the site than the 1860s and '70s buildings that followed. It is unclear why the building was rebuilt, but its change in width increased the clearances between the blacksmith shop and the machine shop and foundry, which had additions made to their width during this period. This may have been the reason for rebuilding. The Blacksmith & Tank Shop retains a high degree of integrity to the period of significance. The former Tank Shop now contains the Maine Narrow Gauge Railroad Museum with exposed structural framing and brick walls. Original drawings for the building show it to be longer than it currently exists. A portion of it was likely demolished for the construction of the three story block between 1896 and 1904. This portion of the building contained the Chapman Electric Company, a subsidiary of the Portland Company run by the company's electrical engineer, William Chapman. The Portland Company's electric elevator production also occurred in this building, starting in the early 20th century. The three-story block retains integrity to the period of significance



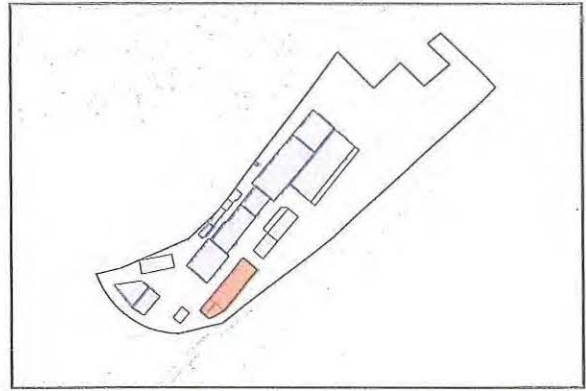
with some alterations to the interior spaces to create offices on the third floor and a meeting room on the second floor. The elevator tower, with historic machinery remains attached to the north side of the building. Many original windows in the three-story block have been replaced.



Building 7: Car Shop

Construction Date: c. 1873; 1904

The Portland Company was founded to manufacture railroad passenger and freight cars as well as locomotives and other equipment. The first wooden car shop was built south of the blacksmith shop around 1847-48. A second car shop was constructed between 1858 and 1864 just slightly to the southwest of the first car shop. Both buildings were destroyed by fire in 1873, and replaced by this brick building. Like the Pattern Storage Building and its additions from the same period, this building uses segmental brick arches over the windows in place of the granite lintels on the earlier buildings. The placement of this building was dictated by the need to have railroad tracks enter the building from the south end. Railroad cars of the period were largely of wood construction with cast and wrought iron fittings, hence the 1904 lumber storage addition to the building. Prior to the construction of the lumber sheds, the car shop had an open car shed adjacent to the original 50' x 21' painting and erecting area of the car shop (projecting from the south end). Like the Foundry/Machine Shop/Erecting Shop, the Car Shop was aligned with the Blacksmith Shop, allowing ironwork for the cars to be efficiently transported into the car shop. It is possible that the car frames and wheel sets were assembled in the blacksmith shop and then rolled over to the Car Shop for construction of the superstructure and finishing. After the Portland Company ceased production of railroad cars, around 1900, the Car Shop was used as a showroom and repair shop for automobiles produced by the Knox Automobile Co. and others and sold by the Portland Company. Subsequently, the Car Shop was used for steel

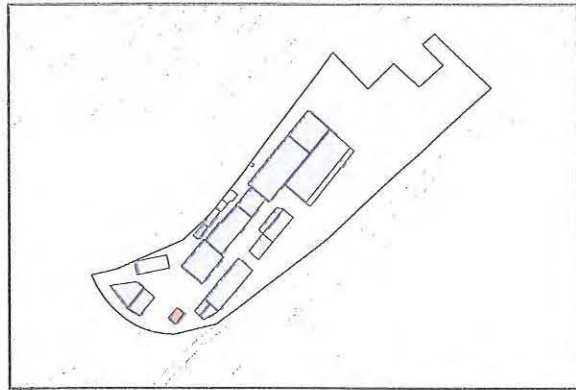


fabrication and had a related sandblasting room built into it. The Car Shop retains a high level of integrity with some alterations to openings to create additional garage bay entry doors. Some easily reversible modern finishes have been installed on the interior. The Lumber Shed addition at the southeast corner is largely intact from construction, with exposed wood framing.



Building 10: Paint Shop
Construction Date: c. 1873

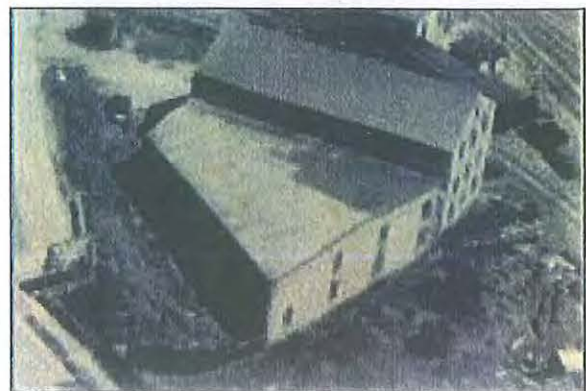
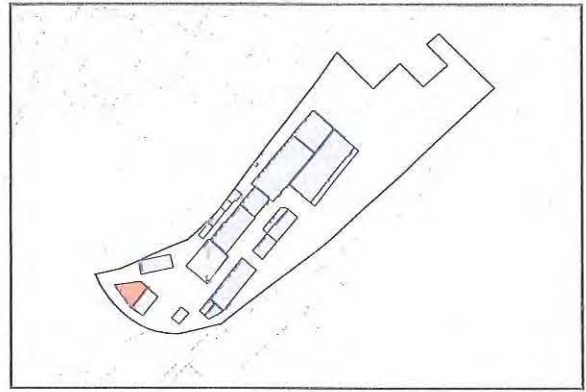
An earlier wood paint shop (likely one of the earlier car shops, converted for use) was destroyed by fire in 1873, taking the car shop and several other buildings with it. It was rebuilt in brick, probably to be less flammable, and was originally located at some distance from other buildings, likely to limit the possibility of fire spreading. Fires in paint shops were quite common, given the highly flammable nature of the paints and solvents used. At the other end of Portland, the railroad shops at Thompson's Point were destroyed in 1903 by a fire that started in the paint shop there. The Paint Shop retains integrity as a simple brick structure with a wood-framed roof. In 1904, the large lumber shed connected to the east elevation of the Paint Shop and extended down to connect to the Car Shop. The portion of the lumber shed connecting to the Paint Shop has since been demolished. The south wall has been partially reconstructed and the interior features many modern surfaces to create various ventilated painting areas. Original wood structural members are visible throughout the building, though most of the original window openings have been infilled with brick.





Building 11: Pattern Storehouse
Construction Date: 1885; 1895

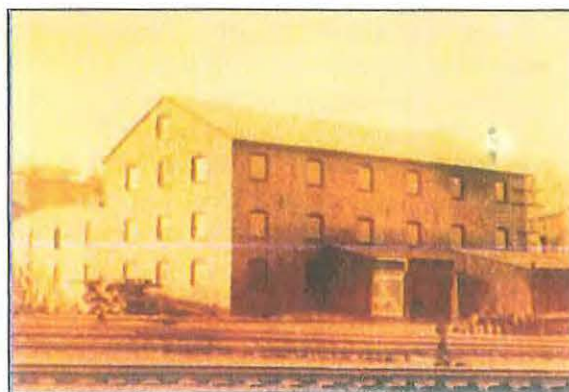
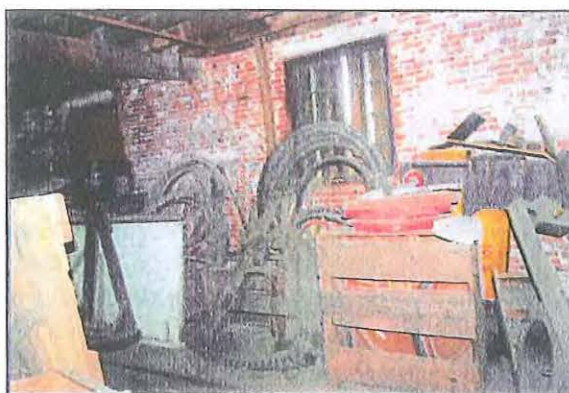
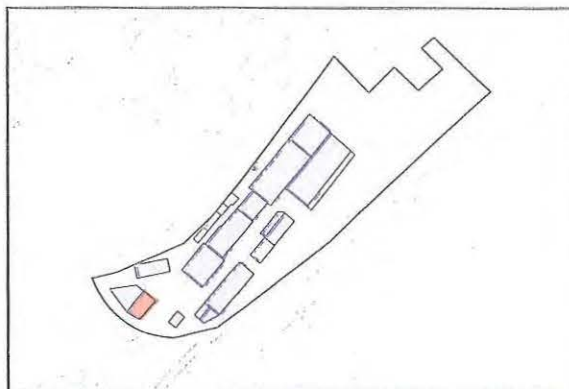
The design and production of the hand-made wood patterns that were used for casting iron and steel in sand molds was central to the functioning of the Portland Company, and represented a large capital investment for the company. Patterns were reused over long periods of time and their preservation was of critical importance. Documentation indicates that patterns were stored in several locations, including the attic of the Machine Shop, for the first several decades of operation. In 1885, a separate Pattern Storehouse was constructed for their storage. It is not coincidental that it was located at some distance from the other buildings and was built of brick with a slate roof. It was also placed up-wind from the prevailing breezes. This provided additional protection for the company's large investment in flammable wooden patterns if other buildings in the complex caught fire. The Pattern Storehouse retains a high level of integrity to the period of significance. The interior still has an exposed wood structural system and brick walls. The first floor has been fitted for a retail space, though original materials are still exposed. The second floor has a modern drop ceiling and carpet installed over the originally exposed elements.





Building 12: Pattern Storehouse Addition
Construction Date: 1895

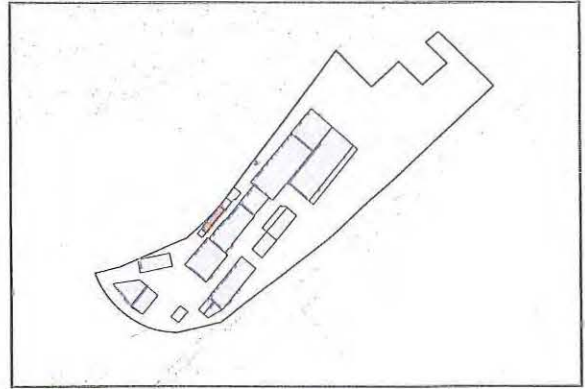
The Pattern Storehouse Addition was built immediately adjacent to the original storehouse, built a decade earlier, using the same materials and technology. From an early date, this building has had "PORTLAND CO." painted across its south elevation, making the complex immediately recognizable from Fore Street and the waterfront. The Pattern Storehouse Addition has a high level of integrity to the period of significance. The building has had no alterations to the interior and still contains many patterns used by the Portland Company.





Building 14: Drafting Room and Storehouse
Construction Date: 1858-64

The Portland Company constructed a variety of smaller service structures along the Fore Street retaining wall during the 19th century, and made alterations to many of them to adapt them to differing uses into the 20th century. The masonry side walls of all the spaces along the north side of the alley, including the Boiler House and Brass Foundry, serve as buttresses for the stone retaining wall along Fore Street. The spaces were created by roofing over the recesses between the buttresses and building a wall along the alley. The placement of the Drafting Room and Storehouse, separate from the manufacturing buildings and adjacent to the original office building, is both functionally and symbolically relevant. As the company grew, the drafting department outgrew the space, and was moved to the new offices on the expanded third floor of the Machine Shop around 1905. The old drafting room was then used for drawing storage, with a new vault for drawings constructed above it (See Building 24 – Vault Storage). The Drafting Room and Storehouse retain integrity and has had little alterations over their history. The south portion of the original Drafting Room became part of the Vault upon its construction in the beginning of the 20th century. Numerous labeled wooden bins that were used for storage of parts during the Portland Company's operation remain in several of the spaces.

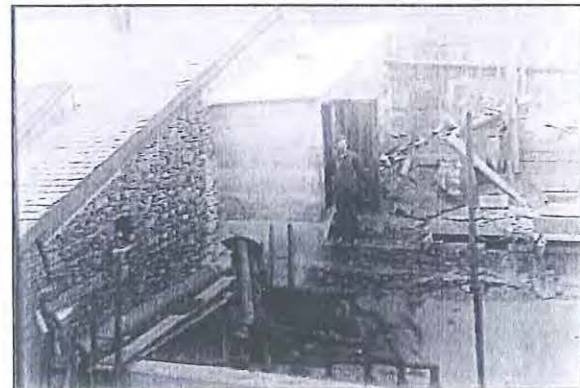
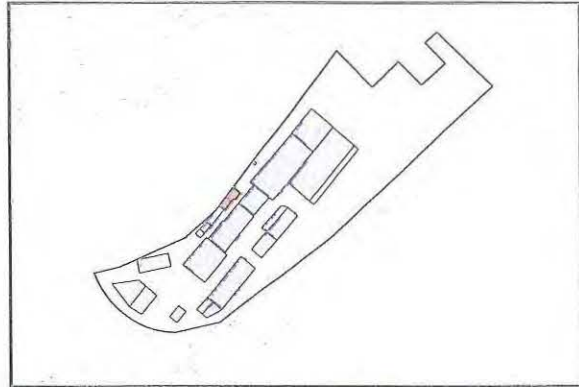




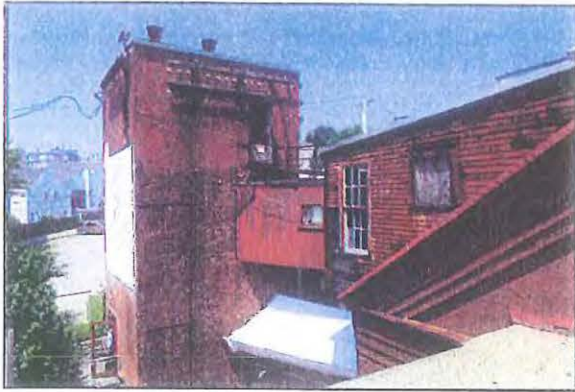
Buildings 15 & 16: Boiler House and Brass Foundry

Construction Date: 1858-64; 1864-71

Based on maps and plans of the complex, it appears the existing Boiler House was constructed between 1858 and 1864; the Brass Foundry was constructed between 1864 and 1871. The 1858 plan of the complex (in the collection of the Maine Historical Society) shows a brick building in this general location, though it is not likely either of the extant buildings. The 1886 Sanborn Map of the Portland Company does not show another Boiler House as suggesting in the Tremont Report. There is a Boiler Shop, where boilers were fabricated, in the northeast quadrant of the complex which may have led to the confusion. The side walls of these buildings, and of the small storage spaces to their west, serve as buttresses for the granite retaining wall the supports Fore Street as it climbs Munjoy Hill adjacent to the complex. The conversion of these voids between the structural buttresses into functional spaces for the complex is an example of ingenuity and determination to utilize every available space on the increasingly crowded site with Fore Street and Munjoy Hill containing one side of the property and the Grand Trunk Railroad properties containing the others. The Boiler House has suffered the loss of a majority of its façade, though remnants illustrate key architectural features that were included in the original construction. The interior, however, retains a remarkable pair of tall brick barrel vaults on stone walls that extend the space under the Fore Street esplanade and sidewalk. The Brass Foundry retains a high degree of integrity on the exterior. The interiors of both buildings appear to retain integrity. The Boiler House still contains the boilers



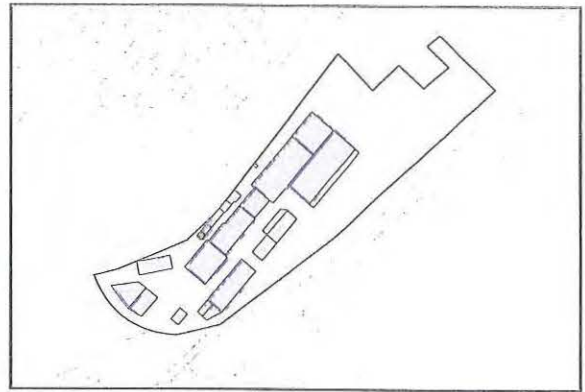
and machinery used by the Portland Company. At the north side of the Brass Foundry, exposed piping and valves remain from a small shed once attached to the Brass Foundry.



Building 24: Vault

Construction Date: c. 1905

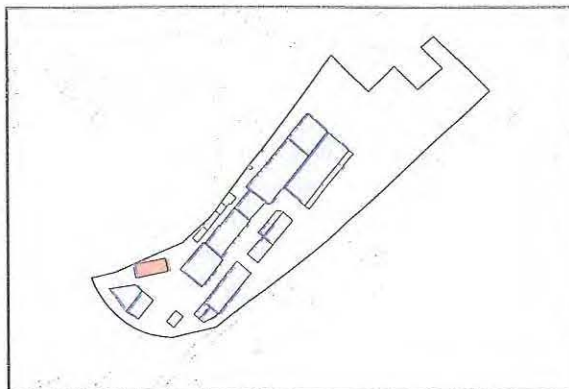
As noted with Building 14 – Drafting Room/Storehouse, the Vault was added on top of one end of the original drafting room when the new drafting room was constructed c. 1905. It was connected to that space on the top floor of the Machine Shop by an overhead pedestrian bridge. With brick walls and vaulted iron beam and concrete floors, the space was intended to protect paper drawings in case of fire. An additional story was added at some point by 1924 to contain the electrical transformers for the plant. The Vault retains a high degree of integrity as it has undergone very few changes over time. The top floor continues to be used for electrical transformers. The c. 1905 vault containing Portland Company drawings (assumed) is not accessible due to safety concerns with the bridge that supplies access from the office and drafting room in the attic of the Machine Shop.





Building 30: Office
Construction Date: 1950

Like most of the earlier buildings at the Portland Company, the 1950 Office Building was representative of architecture and technology of the time of its construction. It was located just to the southwest of the site of the original wood office building, retaining access to the offices from Fore Street without entering the manufacturing complex itself. This building was built after the company had ceased its transportation related work and it is not associated with that area of significance. At an earlier date, sheds and stables for the company were located on the site. It is a modern building, clad in a combination of wood siding and brick. The interiors contain typical features of the period such as pressed-paper acoustical tile ceilings, fluorescent lighting, and aluminum Venetian blinds on the windows. A (non-functional) period office kitchen with built-in dishwasher, range, and refrigerator remains in its original location. The Office Building retains a relatively high degree of integrity. Relatively minor alterations to the interior of the space do not detract from the minimal detail of the mid-century architectural style, much of which still exists. Although built more recently than the other contributing buildings, the Office Building helps to maintain a sense of enclosure for the entrance yard that had previously been provided by the sheds, stables, and fencing that occupied this site. This sense of enclosure is important to the integrity of the entrance yard, a primary feature of the site.

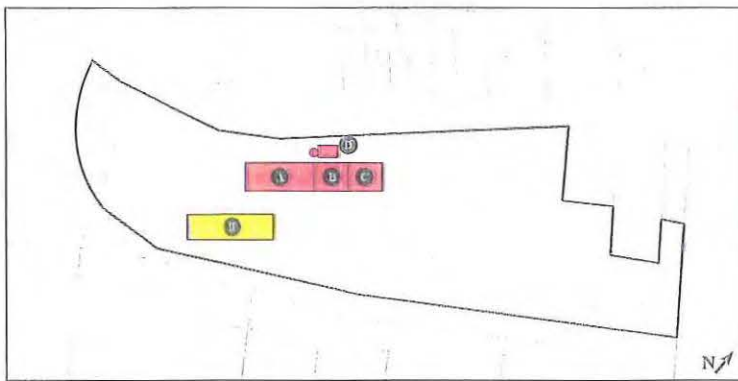


The Portland Company site retains a high level of historic integrity. The property has been the site of the company since its founding in 1846. Located north of the former Grand Trunk Railroad site, the Portland Company retains its feeling as a complex significant for its association with industrial manufacturing. The site features parallel rows of buildings aligned with the former Grand Trunk Railroad tracks with interiors of large, open spaces for heavy manufacturing. The Portland Company was largely built on filled land on the former site of Broad Cove with a large two-tiered retaining wall along Fore Street. Across the street is a residential neighborhood where many of the Portland Company workers lived historically. To the south of the site, modern commercial buildings are located on the former Grand Trunk Railroad yard site on the east side of Fore Street. Within the Portland Company complex, the proximity of the buildings to each other documents how each building played an important role in the production process. Catwalks connect buildings over the private streets of the complex and the historic function of individual buildings relates to that of adjacent buildings.

The individual buildings of the Portland Company generally retain a high level of integrity as they illustrate typical design and construction technologies of industrial buildings between the mid-19th century and early-20th century. The Portland Company complex as a whole also has a high degree of integrity through the retention of essential physical features related to its significance in the areas of industry, transportation, and architecture. Over the history of the Portland Company site, some important buildings were lost to fire (particularly a large conflagration in 1873 that destroyed several buildings at the southeast corner of the property). Other buildings were replaced with new over time, as is common in industrial complexes. The majority of these changes occurred within the period of significance. Of the three original brick buildings built in 1847, two remain. All of the other buildings except two predate 1920. The most recent construction appears to be the addition at the north end of the foundry and the replacement of the boiler shop, both of which occurred between 1951 and 1980. These two buildings were later connected with infill construction. Small secondary buildings were located around the property and had different uses during the history of the complex. Most of these wooden buildings are no longer present, leaving the primary industrial structures to illustrate the manufacturing industry of locomotives, railroad cars, marine, boilers, etc.

The following maps and models illustrate the evolution of the site from 1847 until 2014.

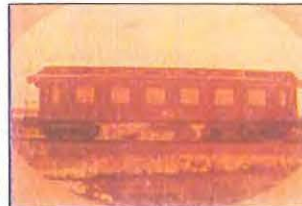
See Appendix E for listing of Portland Company's contemporaries and their current significance, configuration and integrity.



**The Portland Company
1847**

	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

A: Machine Shop
B: Smith Shop
C: Foundry
D: Boiler House
E: Car Shop



Boston & Maine parlor car. Courtesy of the Maine Historical Society.



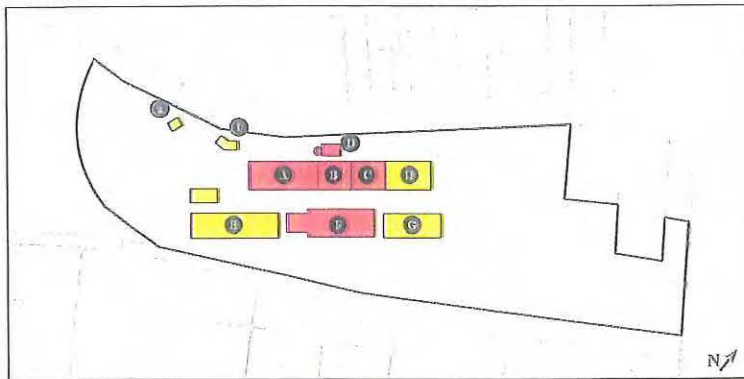
Locomotive from the Portland Company. Courtesy of the Maine Historical Society.



1851 drawing of a locomotive. Courtesy of the Maine Historical Society.



Locomotive crane. Courtesy of the Maine Historical Society.



**The Portland Company
1858**

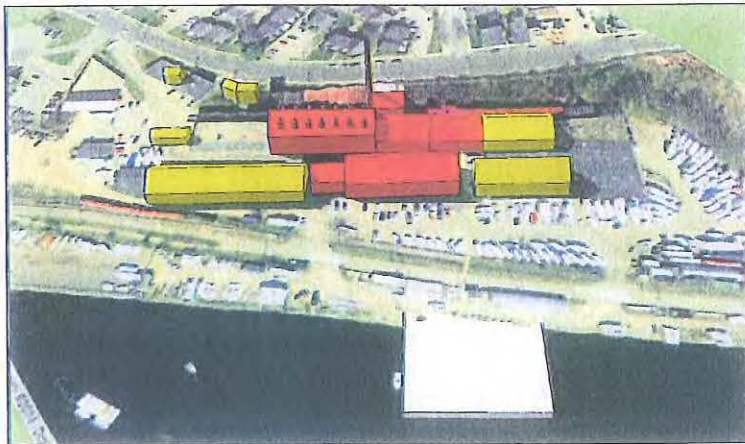
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:

A: Machine Shop
B: Smith Shop
C: Foundry
D: Boiler House
E: Car Shop
F: Blacksmith Shop
G: Boiler Shop
H: Foundry Expansion
I: Office Building

SECONDARY:

a: Stable

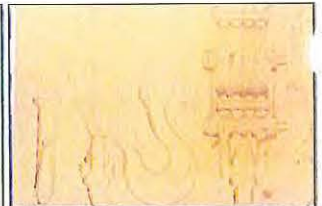


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*The Portland Company
Historic Significance and Integrity*



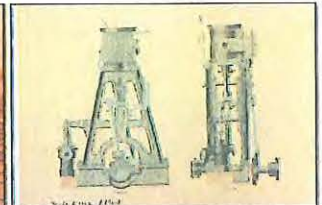
Colon railroad engine. Courtesy of the Maine Historical Society.



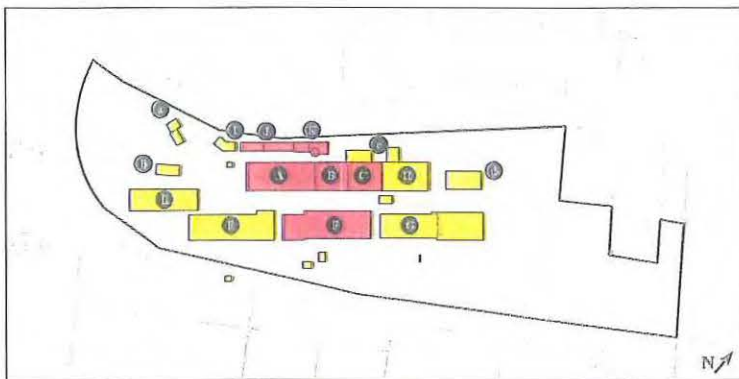
"Blocks" drawing from the Portland Company. Courtesy of the Maine Historical Society.



Portland & Ogdensburg locomotive. Courtesy of the Maine Historical Society.



Propeller Engines. Courtesy of the Maine Historical Society.



The Portland Company
1871

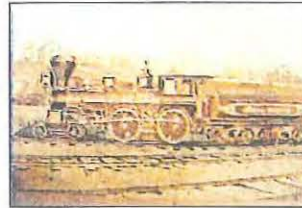
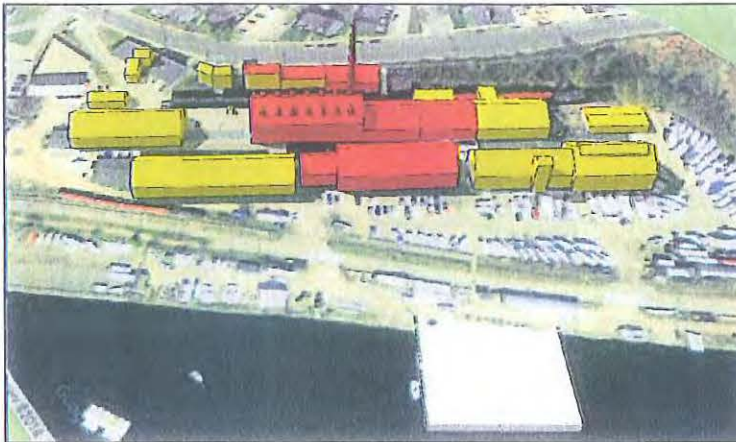
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:

- A: Machine Shop
- B: Smith Shop
- C: Foundry
- E: Car Shop
- F: Blacksmith Shop
- G: Boiler Shop
- H: Foundry Expansion
- I: Office Building
- J: Drafting Room & Storehouse
- K: Boiler House & Brass Foundry
- L: Car Shop

SECONDARY:

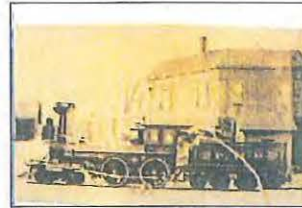
- a: Stable
- b: Babbitt Shop
- c: Air Furnace & Core Shop
- d: Scratch House



Portland Company locomotive. Courtesy of the
Maine Historical Society.



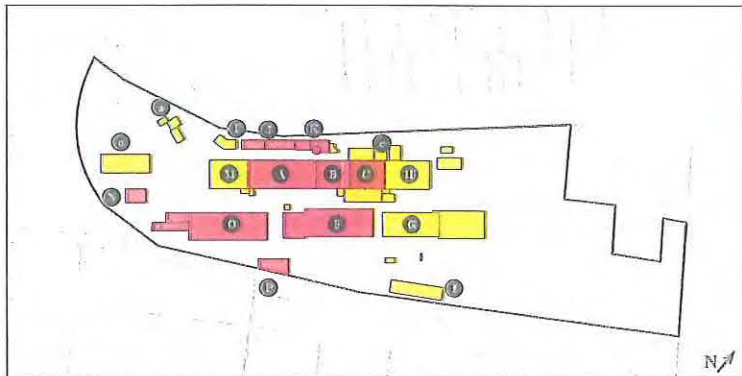
Locomotive south of the Machine Shop. Cour-
tesy of the Maine Historical Society.



Locomotive with office building at rear. Courtesy
of the Maine Historical Society.



View of the Portland Company yard from the
north. Courtesy of the Maine Historical Society.



The Portland Company 1880	
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:

A: Machine Shop
B: Smith Shop
C: Foundry
F: Blacksmith Shop
G: Boiler Shop
H: Foundry Expansion
I: Office Building
J: Drafting Room & Storehouse
K: Boiler House & Brass Foundry
M: Erecting Shop
N: Paint Shop
O: Car Shop
P: Tin & Babbitt Shop

SECONDARY:

a: Stable
c: Air Furnace, Foundry
Expansion & Core Shop
d: Scratch House
e: Storehouse
f: Sand Shed



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The Portland Company
Historic Significance and Integrity



View of the Portland Company yard. Courtesy of
the Maine Historical Society.



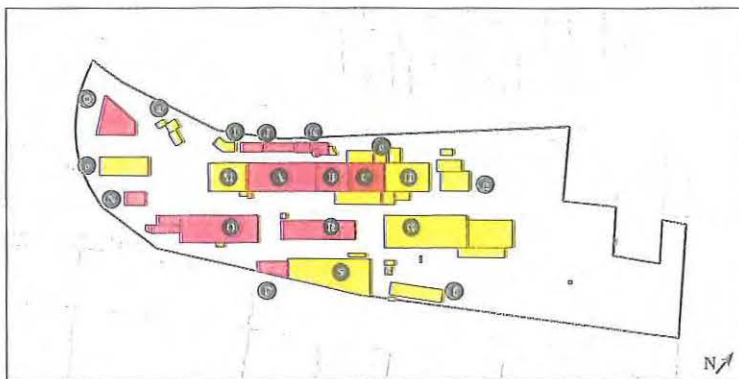
Portland Company works. Courtesy of the Maine
Historical Society.



Interior of the machine shop. Courtesy of the
Maine Historical Society.



Interior of the boiler shop. Courtesy of the Maine
Historical Society.



**The Portland Company
1890**

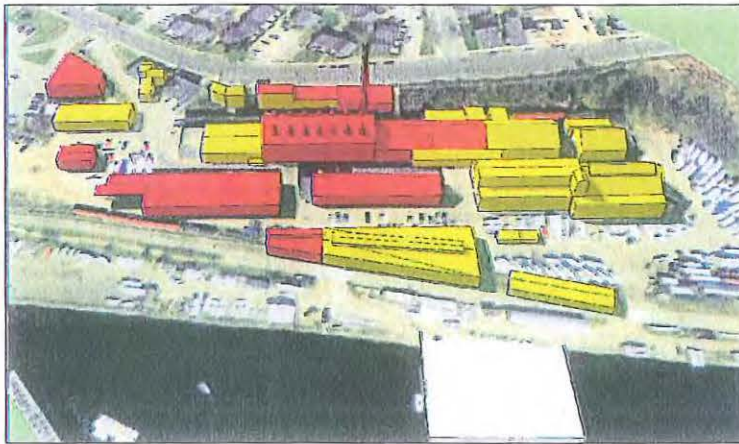
 Masonry
 Wood
 Metal
 Extant Masonry
 Extant Wood
 Extant Metal

PRIMARY:

A: Machine Shop
B: Smith Shop
C: Foundry
F: Blacksmith Shop
G: Boiler Shop
H: Foundry Expansion
I: Office Building
J: Drafting Room & Storehouse
K: Boiler House & Brass Foundry
M: Erecting Shop
N: Paint Shop
O: Car Shop
P: Tin & Babbitt Shop
Q: Pattern Storehouse
R: Blacksmith & Tank Shop
S: Blacksmith & Tank Shop

SECONDARY:

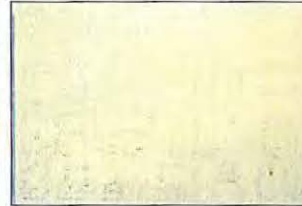
a: Stable
c: Air Furnace, Foundry
Expansion & Core Shop
d: Scratch House
e: Storehouse
f: Sand Shed
g: Wheel Foundry



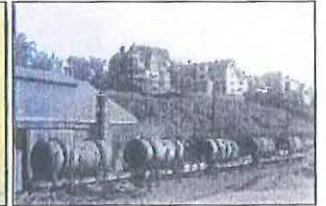
Drawing for new blacksmith and tin shop. Courtesy of the Maine Historical Society.



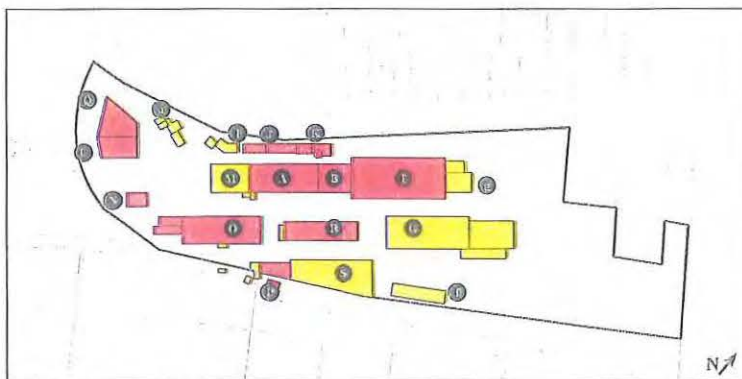
View from the Portland Company erecting shop. Courtesy of the Maine Historical Society.



Various Portland Company buildings in section. Courtesy of the Maine Historical Society.



North end of the Portland Company yard. Courtesy of the Maine Historical Society.



The Portland Company 1896	
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:	SECONDARY:
A: Machine Shop	a: Stable
B: Smith Shop	d: Scratch House
F: Blacksmith Shop	f: Sand Shed
G: Boiler Shop	g: Wheel Foundry
I: Office Building	
J: Drafting Room & Storehouse	
K: Boiler House & Brass Foundry	
M: Erecting Shop	
N: Paint Shop	
O: Car Shop	
P: Tin & Babbitt Shop	
Q: Pattern Storehouse	
R: Blacksmith & Tank Shop	
S: Blacksmith & Tank Shop	
T: Foundry	
U: Pattern Storehouse Addition	



Courtesy of the Maine Historical Society.



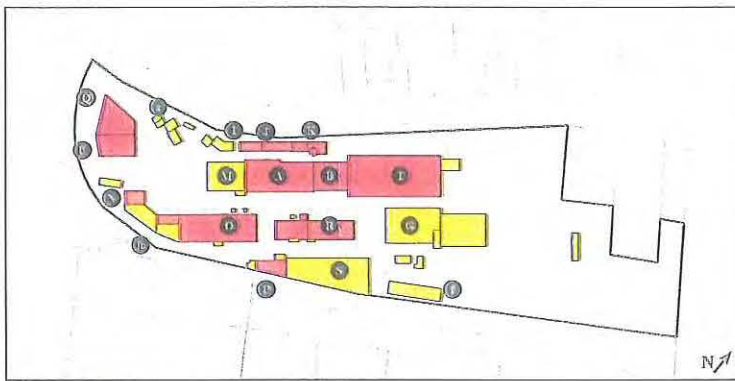
Drawings for the Pattern Storehouse addition.
Courtesy of the Maine Historical Society.



View of the Portland Company entry yard. Cour-
tesy of the Maine Historical Society.



View of the Portland Company works. Courtesy
of the Maine Historical Society.



The Portland Company
1909

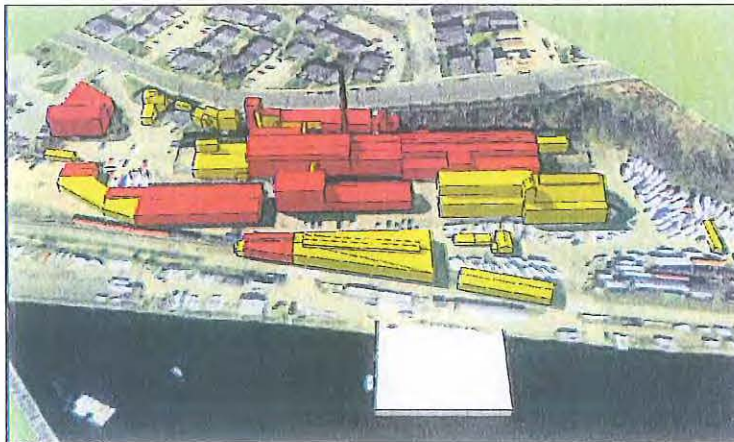
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:

A: Machine Shop
B: Smith Shop
F: Blacksmith Shop
G: Boiler Shop
I: Office Building
J: Drafting Room & Storehouse
K: Boiler House & Brass Foundry
M: Erecting Shop
N: Paint Shop
O: Car Shop
P: Tin & Babbitt Shop
Q: Pattern Storehouse
R: Blacksmith & Tank Shop
S: Blacksmith & Tank Shop
T: Foundry
U: Pattern Storehouse Addition

SECONDARY:

a: Stable
d: Scratch House
f: Sand Shed
h: Lumber Sheds



Interior view on the third floor of the machine shop. Courtesy of the Maine Historical Society.



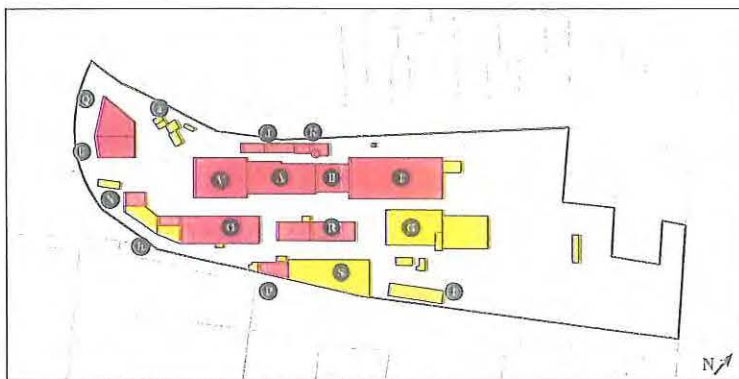
Knox automobile at the Portland Company. Courtesy of the Maine Historical Society.



Large boiler outside the tank shop. Courtesy of the Maine Historical Society.



Knox automobile at the Portland Company. Courtesy of the Maine Historical Society.



The Portland Company 1918

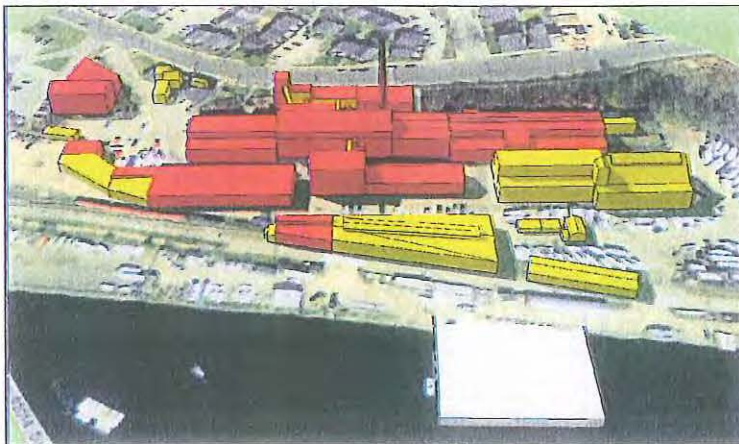
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:

- A: Machine Shop
- B: Smith Shop
- F: Blacksmith Shop
- G: Boiler Shop
- J: Drafting Room & Storehouse
- K: Boiler House & Brass Foundry
- N: Paint Shop
- O: Car Shop
- P: Tin & Babbitt Shop
- Q: Pattern Storehouse
- R: Blacksmith & Tank Shop
- S: Blacksmith & Tank Shop
- T: Foundry
- U: Pattern Storehouse Addition
- V: Erecting Shop

SECONDARY:

- a: Stable
- f: Sand Shed
- h: Lumber Sheds



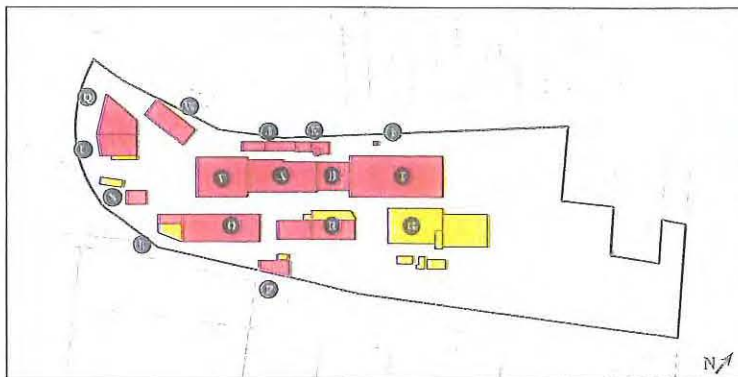
Aerial of the Portland Company. Courtesy of the Maine Historical Society.

Aerial of the Portland Company. Courtesy of the Maine Historical Society.



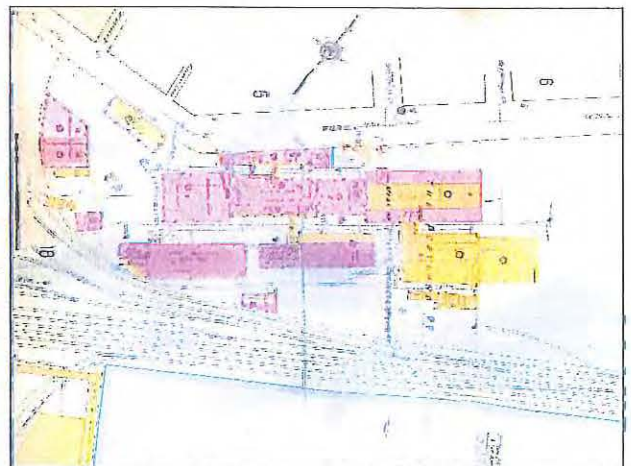
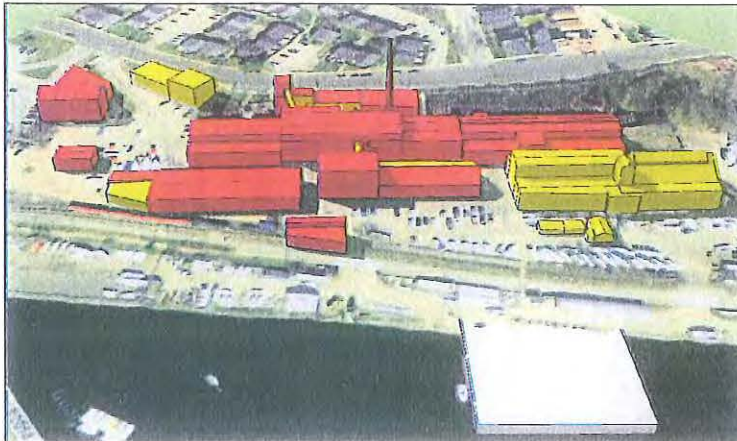
Large debarking drums. Courtesy of the Maine Historical Society.

Courtesy of the Maine Historical Society.

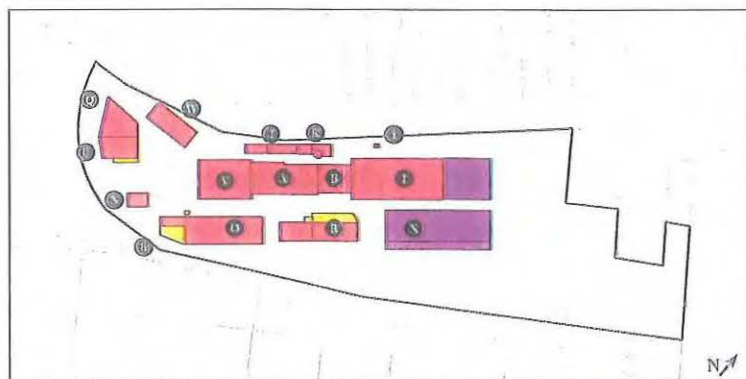


The Portland Company 1951	
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:	SECONDARY:
A: Machine Shop	h: Lumber Sheds
B: Smith Shop	i: Acetylene House
F: Blacksmith Shop	
G: Boiler Shop	
J: Drafting Room & Storehouse	
K: Boiler House & Brass Foundry	
N: Paint Shop	
O: Car Shop	
P: Tin & Babbitt Shop	
Q: Pattern Storehouse	
R: Blacksmith & Tank Shop	
T: Foundry	
U: Pattern Storehouse Addition	
V: Erecting Shop	
W: Office Building	



1951 Sanborn Map for the Portland Company.



The Portland Company
1986

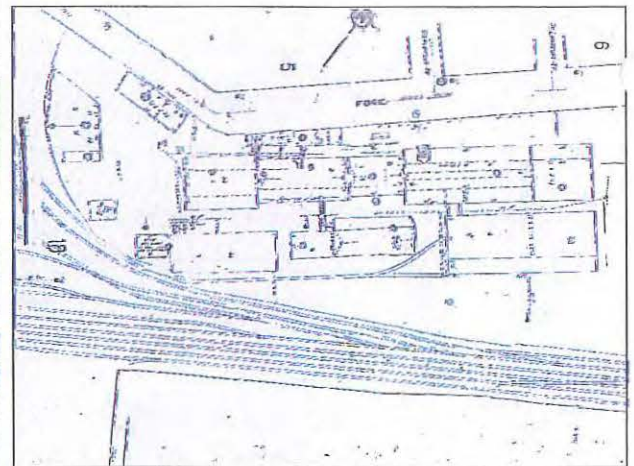
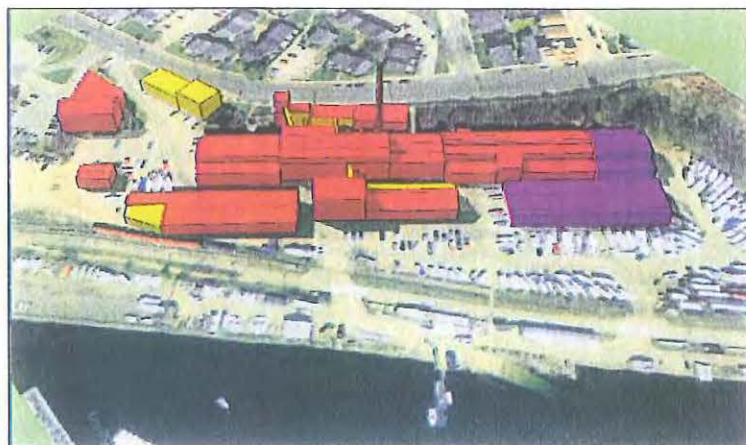
	Masonry
	Wood
	Metal
	Extant Masonry
	Extant Wood
	Extant Metal

PRIMARY:

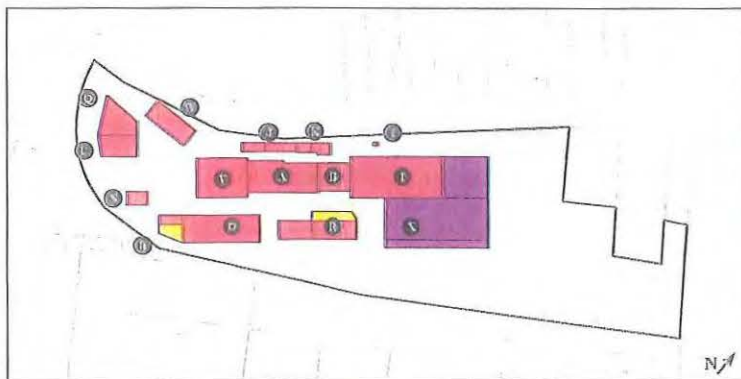
A: Machine Shop
B: Smith Shop
J: Drafting Room & Storehouse
K: Boiler House & Brass Foundry
N: Paint Shop
O: Car Shop
Q: Pattern Storehouse
R: Blacksmith & Tank Shop
T: Foundry
U: Pattern Storehouse Addition
V: Erecting Shop
W: Office Building
X: Modern Construction

SECONDARY:

h: Lumber Sheds
i: Acetylene House



1986 Sanborn Map for the Portland Company.



**The Portland Company
2014**

 Masonry
 Wood
 Metal
 Extant Masonry
 Extant Wood
 Extant Metal

PRIMARY:

A: Machine Shop
B: Smith Shop
J: Drafting Room & Storehouse
K: Boiler House & Brass Foundry
N: Paint Shop
O: Car Shop
Q: Pattern Storehouse
R: Blacksmith & Tank Shop
T: Foundry
U: Pattern Storehouse Addition
V: Erecting Shop
W: Office Building
X: Modern Construction

SECONDARY:

h: Lumber Sheds
i: Acetylene House



Current view north of the Portland Company.



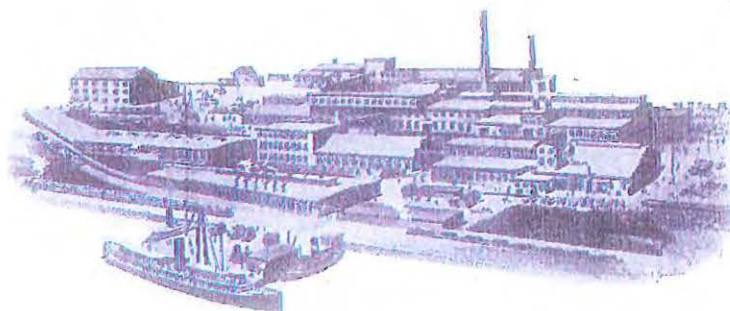
View north in the alley at the west end of the complex.



View east between the car shop and electric company building.



View north between the machine shop and blacksmith and tank shops.



Section III:
Appendices

APPENDIX A: HISTORY OF THE ESTABLISHMENT OF THE PORTLAND COMPANY

The Portland Company was established in conjunction with construction of the Atlantic & St. Lawrence Railroad which was built to connect Portland to Montreal. John A. Poor, the individual most responsible for Portland's successful bid over Boston to become Montreal's winter port via rail, was a Director of the Atlantic & St. Lawrence Railroad and became the first President of the Portland Company.¹ Other Atlantic & St. Lawrence Directors were also stockholders in the Portland Company, including Portland's wealthiest individual John Bundy Brown, who would become President of the company in 1864; Congressman and later Senator and U. S. Secretary of the Treasury William P. Fessenden; and Captain George Turner, who was given a seat on the railroad's Board between the regular annual Director's elections shortly after selling property to the Portland Company for their works. In October 1846, the Directors of the Atlantic & St. Lawrence Railroad contracted with established Philadelphia locomotive builder Septimus Norris to produce locomotives, cars, wheels, rail, and other necessary castings for the construction and operation of the line with the stipulation that these be manufactured in Portland. Septimus Norris was one of eight brothers who were pioneers in the development and fabrication of steam locomotives in the U. S. No facilities existed in Portland to undertake this contract and Norris partnered with several prominent Portland residents, including John A. Poor, as the "Portland Company" in 1846, to undertake this work. The partners appear to have purchased a charter that had been granted by the Maine legislature for the Portland Iron Manufacturing Company in 1845, five days after the charter for the Atlantic & St. Lawrence Railroad was granted. In August 1846, the legislature approved an act changing the name of the corporation to the Portland Company and increasing the allowed capital of the company from fifty-thousand dollars to two-hundred-and-fifty thousand dollars. The act specified that the Portland Company would manufacture locomotive engines, railroad cars, machinery and implements of all kinds, which had not been mentioned in the original charter.²

The first meeting of the Directors of the Portland Company was held on November 11, 1846, at the Exchange Street office of Attorney John A. Poor. John Fox was chosen chairman, and A. W. H. Clapp, Secretary. Other Directors present included Septimus Norris, James C. Churchill, and George Warren. John A. Poor was elected President, Woodbury Storer elected Treasurer, Septimus Norris was elected Chief Engineer, and Horace Felton Superintendent. Horace Felton was an experienced superintendent from the Norris locomotive works in Philadelphia. All of the directors except Norris and Felton were Portland residents. At this first meeting, the Chief Engineer and Superintendent were requested to report as soon "as may be" what buildings would be required and also engines and tools for the company. Norris submitted a list of tools "to be purchased of Norris & Brothers Locomotive Builders, Philadelphia", totaling \$13,500 which were "required to commence our business." These were part of a longer list included all tools, machines, and equipment needed to set up fully operational shops, with a total cost of \$46,955. Additionally, Norris submitted a list of ten men to fill the positions of Foreman, Draftsman, Foreman Finisher, Foreman Foundry, Foreman Pattern Shop, Clerk, Time Keeper, Foreman Boiler Shop, Foreman Putting Shop, and Foreman Smith. All these men, "who understand fully the whole detail of this particular branch of mechanics," apparently having worked at the Norris shops in PA. Also at this meeting, Directors Fox, Warren, Churchill, and Clapp were appointed to a committee to "negotiate with Capt. George Turner and other individuals in relation to a site for the necessary works of the Company." Turner owned land, mud flats, and a wharf along Fore Street at the base of Munjoy Hill. Later the same day, the committee reported that Capt. Turner wanted \$8,500 for his property.³

Five days later the committee had a verbal agreement with Turner to sell a portion of his land below Fore Street for \$4,750 with his consent to move the line of Fore Street and place water reservoirs for the works

1 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

2 Records of the Portland Company and records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

3 Records of the Portland Company, Maine Historical Society.

on land owned by Turner across the street. The Board approved the agreement and Turner signed it within several days. On the same day, the company President was requested to "make application to the City Government for leave to erect stationary engines and whatever else may be necessarily connected with the Company Works and requiring such licenses," and Directors Fox, Churchill, and Clapp to, "be a Committee on that part of this Board to confer with the President and Directors of the Atlantic & St. Lawrence Railroad Company on the subject of the location of the works of the Portland Company, with power to negotiate with said Railroad Company, or any committee thereof, touching their right of way, in front of or upon the land of the Portland Company: and all questions that may arise requiring the mutual and concurring action of this Board and said Rail Road Company, prior to the erection of the works of this Company, with a view to such mutual and reciprocal arrangements as may be found advantageous to both parties." In 1846, the legislature had granted the railroad the right to claim by eminent domain, "so much of the lands, flats, and other real estate ... lying within the City of Portland, and adjoining the navigable waters of Portland harbor," (essentially within the area bounded by India Street, Fore Street to the point where the street is closest to the harbor, then southeast to the navigation channel of the Fore River and back to India Street) as required for a railroad terminus at Portland including a depot, wharves, docks, etc. The Turner property purchased by the Portland Company was a short distance east of the railroad's boundary with a lot retained by Turner between them. The fact that the railroad's eminent domain boundaries did not include the Portland Company property when established by the legislature suggests that space for an adjoining locomotive manufacturer may have been part of the railroad's plan from the outset. Much of the "property" of both companies was comprised of the mud flats and waters of Broad Cove. The Portland Company directors immediately undertook to plan and contract for a stone sea wall, filling, and grading their site to create sufficient level land for their works.⁴

By late December 1846, less than six weeks after the first meeting of the Board of Directors, tensions had appeared between the Portland Directors and Septimus Norris, brought to a head on December 21, when the Board voted not to pay an invoice for \$138 drawn in the name of President Poor by Norris for drawings for buildings, locomotives, and cars because Norris had no authorization to do so and because Norris had failed to pay an assessment of \$5.00 per share on the 1000 shares of company stock he controlled. Within a short time, the shares had been transferred back to the corporation and Norris was fired as Chief Engineer. There is no documentation that the company purchased the recommended tools and machinery from Norris Locomotive Works of Philadelphia before the ouster of Septimus Norris. Eventually, Norris would settle with the company, receiving \$400 to renounce any claims on the company while allowing them the non-exclusive use of all the patents he controlled for the manufacture of railroad equipment, which he had previously assigned to the company. Horace Felton was also fired briefly but apparently determined he had a better future with the Portland Company than Norris Locomotive Works. Shortly after letting him go, the Board appointed him General Superintendent and he was primarily responsible for making the works operational during the following year and a half.⁵

A seriously complicating factor in the removal of Septimus Norris was his contract with the Atlantic & St. Lawrence Railroad to produce locomotives and other equipment for that company. Norris attempted to retain the contract, offering to lease or buy property from the Portland Company on which to erect shops, but ultimately the contract was canceled by the railroad and the work assigned to the Portland Company. Negotiating the complex legal and practical issues involved with the Norris contract appears to have been helped by John A. Poor's presence on both Boards. It is clear that the Directors of the railroad were determined to have a manufacturing plant for locomotives and other railroad equipment in Portland and it isn't surprising that they worked to insure it would happen under local control once Norris proved unable to fulfil his obligations as a stockholder in the Portland Company. Further close cooperation between the companies was required in the building of the shops and establishment of a rail connection to them, as well as construction of a wharf for the Portland Company on the harbor side of the railroad's trestle from Fish

4 Records of the Portland Company and records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

5 Records of the Portland Company, Maine Historical Society.

Point to the depot at India Street. Eventually the Portland Company would expand, filling all the water between their first sea wall and the railroad, which would fill around its trestle and build a stone sea wall along the harbor edge.⁶

Beginning in April 1847, the foundry, smith shop, and machine shop, were constructed of brick using plans by Felton. The company contracted with Thomas Cummings as Master Carpenter at \$2.50 per day and Lorenzo D. Mason as Master Mason or Bricklayer at \$2.00 per day. Both were "encouraged to employ carpenters and masons who are stockholders in the company at the same rates as other mechanics." A cargo of stone then in the harbor was purchased for the buildings from Mr. Littlefield. The stone was used for stone for foundations, underpinning, and window caps. John Soule of Freeport supplied 175,000 bricks at \$5.25 per thousand delivered and Dennison & Kelsey of Freeport supplied two kiln of bricks (approx. 250,000) at \$5.00 per thousand delivered, "to be hard burnt and merchantable." The foundry was 75' x 62', smith shop 75' x 62', and machine shop 150' x 62' with slate roofs. Fenton was authorized to contract for tools and machinery up to \$8,000 and President Poor contracted with Hinckley & Egery of Bangor for a stationary engine with two boilers 20' long by 40" diameter to power the machinery of the plant. It was to be installed and operational by August 1. The President and General Supervisor also began to look for a pattern maker and foreman to hire while the shops were under construction. Two additional lots were purchased from Capt. George Turner in November 1847, one to the east of the first lot purchased for \$1,550 and one to the west for \$1,350. The sea wall was extended and a wooden car shop was built on the west lot. The boundaries were apparently not clear as the car shop was built partially on Atlantic & St. Lawrence Railroad land west of the new lot. The railroad sold a piece of property to the company so the car shop was entirely on their own land. The railroad would sell additional land for further expansion of the complex in the early twentieth century. The company's shops began operation in October 1847, with the first locomotive, the "Augusta," completed in July 1848. The Augusta was built for the Portland, Saco & Portsmouth Railroad, not the Atlantic & St. Lawrence Railroad. The first locomotive for that line, the "Montreal," was completed in September 1848. The Portland Company would manufacture a total of 628 locomotives between 1848 and 1909 in addition to hundreds of marine and industrial boilers and numerous other products.⁷

⁶ Records of the Portland Company and records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

⁷ Records of the Portland Company, Maine Historical Society.

APPENDIX B: ADDITIONAL INFORMATION ON JOHN A. POOR

John Alfred Poor was born in Andover, Maine, to Dr. Silvanus and Mary Merrill Poor in January 1808. He spent part of his boyhood with an uncle in Bangor where he attended school at an academy. In 1827, he began the study of law in Bangor. He was admitted to the bar on his 24th birthday and opened a practice in Old Town. In 1833, he returned to Bangor and married Elizabeth Adams Hill, going into partnership with his uncle, also a lawyer. Upon the retirement of his uncle, Poor and his brother, Henry Varnum Poor, also a lawyer, established a partnership. John A. Poor practiced law in Bangor for fourteen years before moving to Portland to pursue other interests, principally railroads.¹

Poor had been present in Boston in April 1834 when the first steam locomotive ran in New England. He later wrote of that experience: "It gave me such a shock that my hair seemed to start from the roots rather than to stand on end; and as I reflected in after years, the locomotive engine grew into a greatness in mind that left all other created things far behind it as marvels and wonders." In a speech given in Bangor in 1869, Poor described how he came to become the leading proponent of railroad building in Maine:

From 1830, onward, I watched with eager curiosity the development of the railway, its mysterious workings and marvelous power; and I sighed and longed for the introduction of railroads into Maine. I saw how the railroad, wherever introduced, attracted capital and industry. As early as 1835, I perceived that the tide of immigration into Maine, from other parts of New England gradually diminished, and finally was checked completely by the growth of manufactures. I could not help seeing that a time of emigration from Maine was rolling on; for in 1843, on a visit to my native town with less than seven hundred people, eighty young persons had been drawn from it to the workshops and factories of Massachusetts. I felt irresistibly impelled to an effort to resist if possible this state of things. I tried in 1843, as a citizen of Bangor, to move in a plan for a railway east, toward St. John and Halifax, but the time had not come, and I threw my energies into the project of a line from Portland to Montreal, as the great section to begin upon.²

In 1844, Poor wrote a letter to the *Portland Advertiser* outlining his plan for a rail line from Portland to Montreal. His biographer states, "His letter created a profound sensation in Portland ... compared to 'an alarm bell in the night struck by the hand of a stranger.'" A short time later, Poor relocated to Portland and began organizing the effort to secure a charter from the legislature for the railroad. John A. Poor's role in the creation of the line from Portland to Montreal is well documented – from his speaking tours through Maine and Quebec, promoting the plan, to his frantic journey from Portland to Montreal by sleigh in a blizzard to head off efforts by Boston to secure the proposed line for their city, and subsequent his efforts to get the railroad financed, built, and equipped.³ Shortly after the line was completed to Montreal, it was leased to the Grand Trunk Railroad, which operated it until the 1980s.⁴

In 1846, a committee of Directors of the Atlantic & St. Lawrence Railroad, which included Poor, negotiated an agreement with the railroads connecting Portland to Portsmouth and Boston which would allow the transfer of passengers and freight between the lines without unnecessary delay or cost. According to Poor's biography, "The idea itself originated with Mr. Poor, who thus early recognized the impolicy of placing any restriction upon railway transit. To carry it out, he suggested the building of a new street, extending across a part of the city from the station of the Atlantic and St. Lawrence Railway to that of the Boston roads, on

1 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

2 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

3 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

4 Records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

which a railway track should be laid.”⁵ This would be built several years later and be named Commercial Street. The effect of Poor’s railroad related developments on Portland and Maine cannot be over stated. On a state-wide level, Poor’s efforts greatly increased international trade with both Canada and Europe, provided the state with direct trans-Atlantic passenger ship service, and facilitated the immigration of thousands of French-Canadian families to work in the mills made possible by the improved transportation network.

Poor was also President of the Portland Gas Light Company, incorporated in 1849, which began to supply gas for domestic and street lighting in 1850. In 1849, he purchased the *American Railway Journal* and made his brother, Henry Varnum Poor manager and editor. H. V. Poor later owned the publication and expanded into compiling statistical information on the financing and operation of railroads in the U. S., establishing the foundation of the Standard and Poor’s financial services company. In 1851, he was elected President of the York and Cumberland (later Portland and Rochester) Railroad and conceived of the route of that line over the mud flats of Back Cove in Portland, to connect with the Atlantic & St. Lawrence near that line’s Back Cove Bridge. Kennebec Street and a portion of the Bayside Trail follow this right of way today. Poor established *The State of Maine* newspaper in Portland in 1853 and was its owner and editor until it merged with the *Daily Advertiser* in 1859. The newspaper was devoted to the advocacy of the development of the state and particularly, his own scheme for building the European and North American Railway. In the late 1860s and early 1870s, he was President of the Portland, Rutland, Oswego, and Chicago Railway, a never-built line that was to have replaced the Grand Trunk Railroad in his transcontinental plan, after that railroad declined to become involved in the plan.⁶

The European and North American Railway was John A. Poor’s great dream, of which the Atlantic & St. Lawrence Railroad was to be merely a part. He wanted to create a railroad line that would run from Halifax, Nova Scotia, through New Brunswick and into Maine at Calais, then run to Bangor and on to Auburn, where it would connect with the Atlantic and St. Lawrence line to Montreal. From Montreal, Poor envisioned a line that would run to the Great Lakes and ultimately to the West Coast, serving both the United States and Canada. His vision was for this grand trunk line to connect with trans-Atlantic steam ships at Halifax, providing the shortest possible route from “British America” (the U.S. and Canada) to England and Europe and from the West Coast to Asia. In 1869, he wrote, “For more than thirty years I have contemplated as a certainty the completion of a line of railway across the continent of North America, at its widest part, as the means of securing the shortest possible transit of passengers, mails, and valuable merchandise between the centers of Europe and Asia.” His great concept ran into competition from another plan for a railroad from the Canadian Maritime Provinces to Montreal that stayed entirely within Canada, and resistance from his Atlantic & St. Lawrence partners in Portland, who saw no advantage to the plan, fearing a line from Halifax would make Portland redundant. Poor believed there would be enough business for both. His advocacy for the European & North American Railroad scheme would lead to his failing to be reelected to the Atlantic and St. Lawrence Board of Directors in 1849 and to his disassociation with the Portland Company Board in 1851. Portions of the E. & N. A. Railway in New Brunswick were built between 1851 and 1869, ending at the U. S. Border at St. Croix, N. B. The American European & North American, chartered in 1850, was built from Bangor to Vanceboro, opposite St. Croix, between 1868 and 1871. U.S. President Ulysses S. Grant and Canadian Governor General Lord Lisgar attended the ceremony to open the boundary bridge crossing the St. Croix River and connecting the two parts of the E. & N. A. R. in 1871. From Bangor southward, The Penobscot & Kennebec and Androscoggin & Kennebec railroads (later merged at the Maine Central) provided a link to Portland. Poor was still working on his westward dream, via the proposed Portland, Rutland, Oswego, and Chicago Railway when he died, six weeks before the opening of the European & North American bridge over the St. Croix.⁷

5 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890. 49, 50.

6 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

7 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New Eng-*

Poor spent much of the 1860s in Washington, D. C., advocating and lobbying for his international railroad scheme as well as other projects related to Maine. Among other things, he was the principal proponent for the construction of Fort Popham at the mouth of the Kennebec River during the Civil War. When much of Portland was destroyed in the Great Fire of 1866, Poor undertook to raise funds for the relief of the residents of the city in Washington, where he was residing at the time.⁸

For many years, Poor was an active supporter of the Maine Historical Society, which had accepted him as a member in 1846 (membership of the organization was then limited to 100 persons). Poor devoted much of his leisure time to researching and writing about the early history of New England. In 1859, he read his first paper, "English Colonization in America" to both the Maine Historical Society and the New York Historical Society. Upon his death, the Society held a special meeting and passed a series of resolutions, "expressing a sense of deep obligation to Mr. Poor for his great services in the department of history, as well as in behalf of the material interests of the state, and declaring that he is entitled to be considered a public benefactor, and to be held in grateful remembrance by his fellow-citizens."⁹

land, Life and Writings of John Alfred Poor, 1890.

⁸ Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor, 1890.*

⁹ Baxter, James P. "Reminiscences of a Great Enterprise," 1890. Maine Historical Society.

Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor, 1890.*

APPENDIX C: RAILROADS FOR WHICH THE PORTLAND COMPANY PRODUCED LOCOMOTIVES

Alabama & Chattanooga RR	Northern Pacific RR
Androscoggin & Kennebec RR	Nova Scotia RR
Annapolis & Elk Ridge RR	Ogdensburg & Lake Champlain RR
Aroostook Valley RR	Ontario, Simcoe & Lake Huron RR
Atlantic & St. Lawrence RR	Panama RR
Bangor & Piscataquis RR	Penobscot & Kennebec RR
Bangor, Oldtown, & Milford RR	Peoria & Pekin Union RR
Bartlett & Albany RR	Peoria, Pekin and Jacksonville RR
Black Rock and Salisbury Beach RR	Phillips & Rangeley RR
Boston & Maine RR	Port Hope, Lindsay, & Beaverton RR
Bridgton & Saco River RR	Portland & Kennebec RR
Brockville & Ottawa RR	Portland & Ogdensburg RR
Calais & Baring RR	Portland & Rochester RR
Canadian Pacific RR	Portland Saco & Portsmouth RR
Central Mexicano RR	Quebec Central RR
Chicago, Alton, & St. Louis RR	Quebec, Montreal, Ottawa & Occidental RR
Complete Combustion Boiler Co.	Richmond & Danville RR
Dominion of Canada RR	Rumford Falls & Buckfield RR
E. M. Boynton Bicycle Railway	Rutland & Washington RR
Eastern RR	Sandy River RR
European & North American RR	Sawyer River RR
Fredericton Branch RR	Scioto Valley RR
Galveston, Houston & Henderson RR	Spartenburg & Union RR
Grand Trunk RR	St Lawrence & Atlantic RR
Hanover Branch RR	St. Francis & Megantic International RR
Inter-Colonial RR	St. Johnsbury & Lake Champlain RR
John Wood Co.	St. Lawrence & Ottawa RR
Kennebec & Portland RR	St. Stephens Branch RR
Kennebec Central RR	Steel Co. of Canada RR
Kilkenny Lumber Co.	Toledo, Peoria & Burlington RR
Lake Shore & Michigan RR	Toledo, Peoria & Warsaw RR
Lexington & Danville RR	U. S. Government
Logansport, Peoria & Burlington RR	Utica, Ithaca & Elmira RR
Mad River & Lake Erie RR	Vale Coal Co. RR
Maine Central RR	Western Counties RR
McKean & Buffalo RR	Whitby & Port Perry RR
Midland RR	Whiteby, Port Perry & Lindsay RR
Milwaukee & Mississippi RR	Windsor & Annapolis RR
Milwaukee & St. Paul RR	Wiscasset & Quebec RR
Milwaukee, Lake Shore & Western RR	Wood & Black Co.
New Brunswick & Canada RR	Worcester & Nashua RR
New York & Boston RR	York & Cumberland RR
New York City & Northern RR	

APPENDIX D: TIMELINE OF DEVELOPMENT

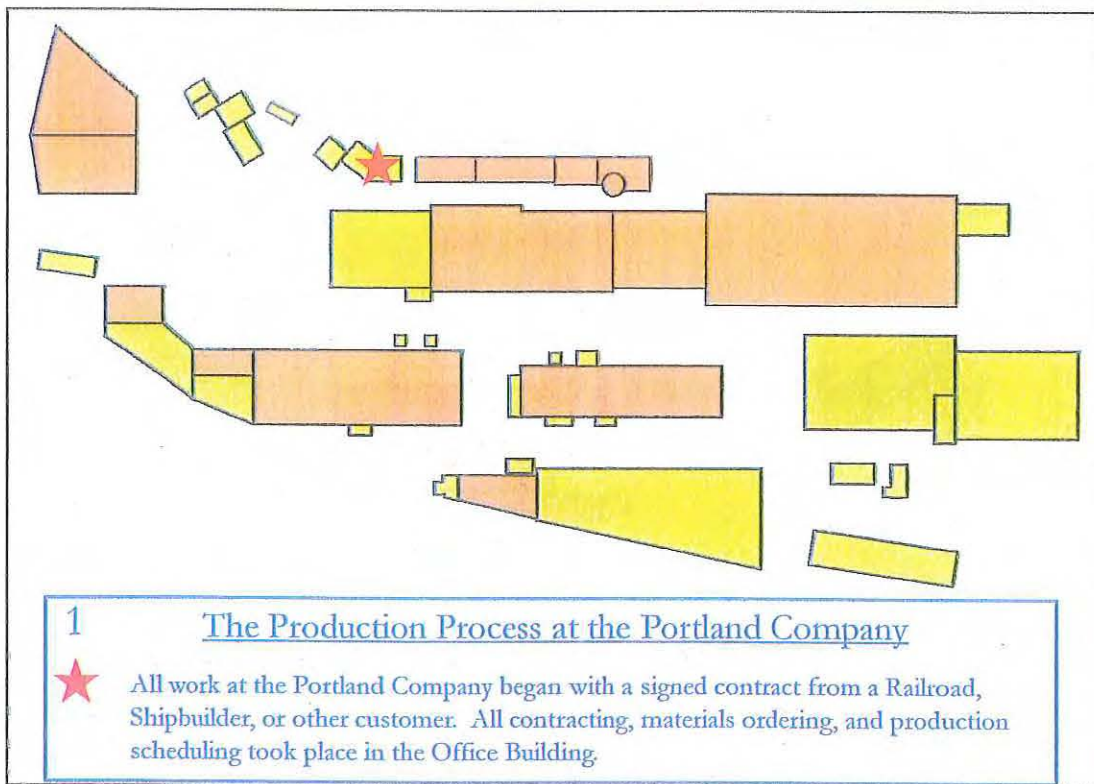
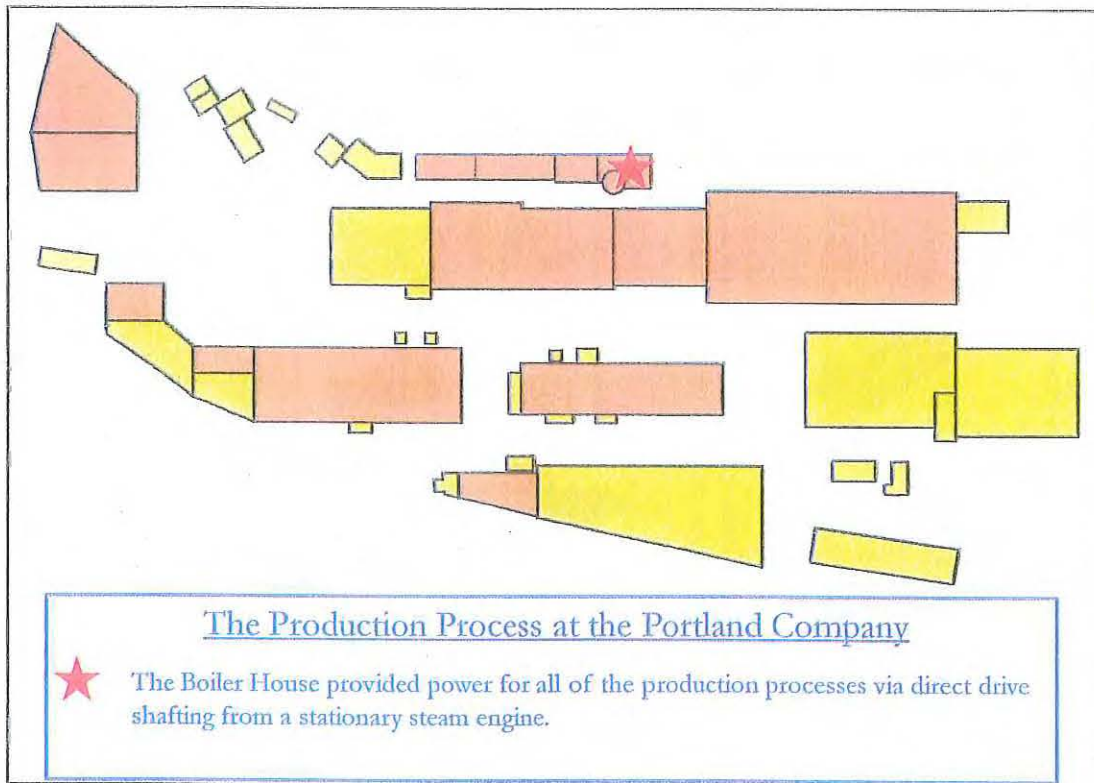
DATE	ITEM
1847	Construction of Machine Shop
1847	Construction of Smith Shop
1847	Construction of Foundry
1847 c.	Construction of Blacksmith Shop
1847 c.	Construction of Car Shop
1847-1858	Construction of Boiler House and 110' Chimney
1847-1858	Construction of Boiler Shop
1847-1858	Construction of Stable
1847-1858	Construction of Office Building
1848	Construction of Foundry Expansion
1858-1864	Large Addition to north end of Boiler Shop
1858-1864	Addition to east end of Stable
1858-1864	Construction of Drafting Room
1858-1864	Construction of Storehouse
1858-1864	Construction of new Boiler House
1858-1864	Addition of Core House to Foundry
1858-1864	Construction of Babbitt Shop at south end of lot
1858-1864	Construction of New Car Shop
1858-1864	Construction of Timekeeper Office
1858-1864	Construction of Scratch House north of Foundry
1862	Construction of Air Furnace east of Foundry
1864-1871	Small addition to southeast end of Blacksmith Shop
1864-1871	Replacement of Boiler House
1864-1871	Construction of Brass Foundry
1871-1880	Addition to west end of Stable
1871-1880	Removal of Timekeeper Office
1871-1880	Construction of Setting-Up Shop
1871-1880	Construction of Sand Shed
1871-1880	Construction of Flask House over Reservoir
1871-1880	Construction of Foundry Expansion
1871-1880	Construction of various additions to Foundry
1873	Destruction of Babbitt Shop by fire
1873	Destruction of New Car Shop by fire
1873	Construction of Car Shop with car shed at south end
1873	Construction of Tin and Babbitt Shop
1873	Construction of Wood Storehouse
1873 c.	Construction of Paint Shop
1880-1886	Three story tower addition to Boiler Shop
1880-1886	Air Furnace addition used for patterns

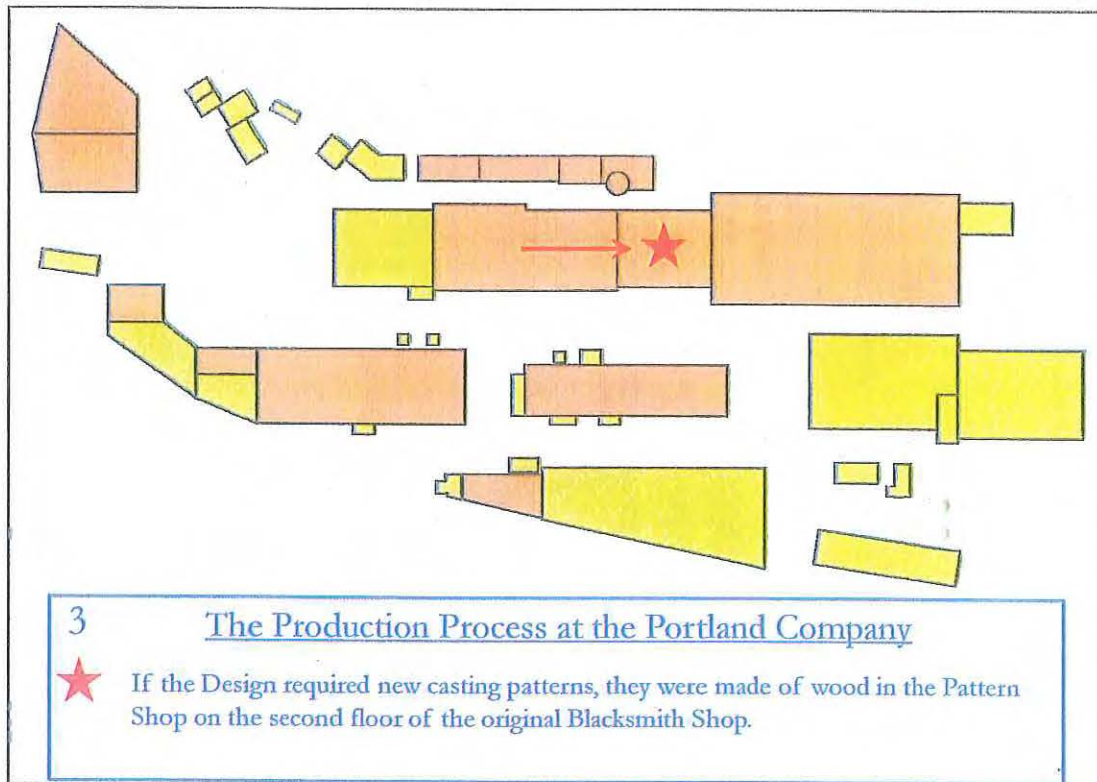
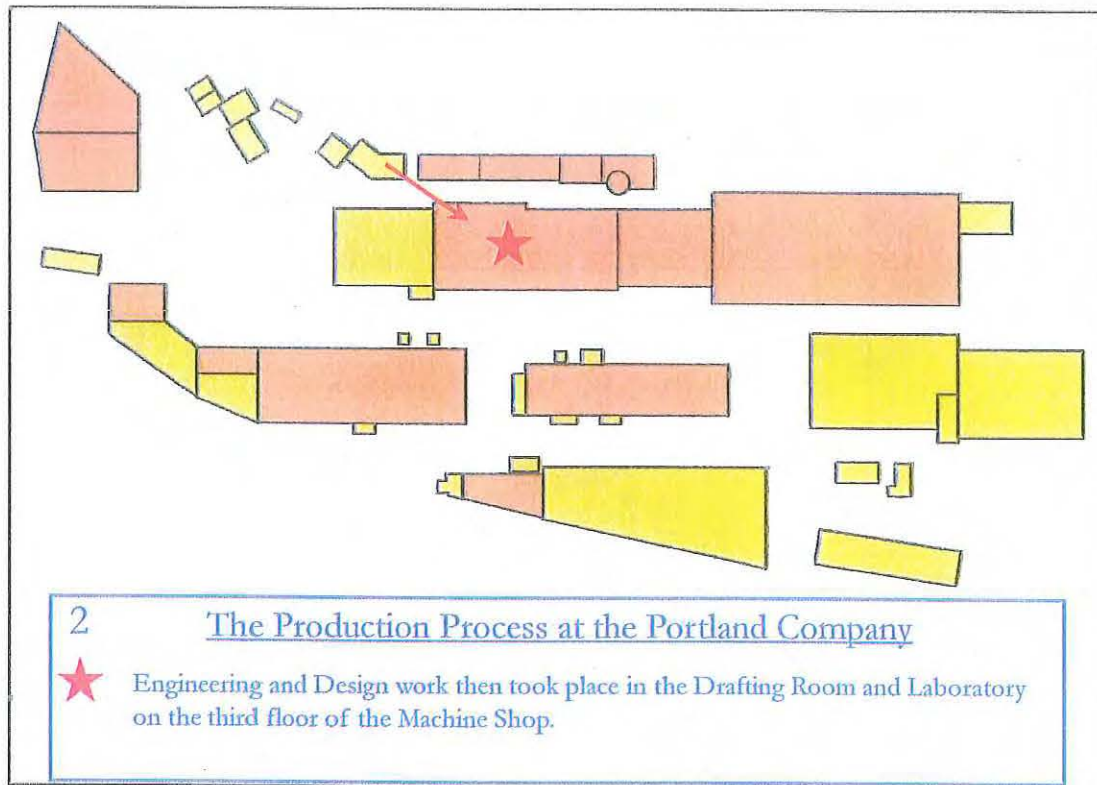
1881	Construction of Wheel Foundry
1882	Construction of Blacksmith and Tank Shop
1883-1884	Reconstruction of Blacksmith Shop
1885	Construction of Pattern Storehouse
1890	Reconstruction of south end of Boiler Shop
1891	Addition to Office Building
1894-1895 *	Removal of Core House
1894-1895	Removal of Air Furnace addition
1894-1895	Removal of Foundry Expansion
1894-1895	Removal of Wood Storehouse
1895	Construction of New Foundry
1895	Construction of Pattern Storehouse Addition
1896 c.	Second Floor added to Smith Shop
1896-1904	Small additions to east side of Office Building
1896-1904	Construction of three-story section of Blacksmith shop
1896-1904	Removal of Wheel Foundry
1896-1904	Construction of Coke Shed
1904	Construction of Lumber Shed
1904-1909	Brass Foundry used for Storage
1904-1909	Drafting Room used as Storage
1904-1909	Construction of Vault
1909 c.	Expansion of Machine Shop third floor
1909-1914	Removal of Office Building
1914-1924	Removal of Coke Shed
1914-1949	Removal of Stable
1918	Construction of Erecting Shop
1918 c.	Removal of Setting-Up Shop
1918 c.	Construction of Erecting Shop
1924-1949	Removal of Sand Shed
1924-1949	Removal of Blacksmith and Tank Shop
1932	Removal of south portion of Lumber Shed
1949-1951	Removal of Flask House
1949-1951	Construction of Office Building
1951-1980	Removal of 110' Chimney
1951-1980	Removal of Boiler Shop
1951-1980	Construction of large addition at north end of Foundry
1980-1986	Removal of Tin and Babbitt Shop

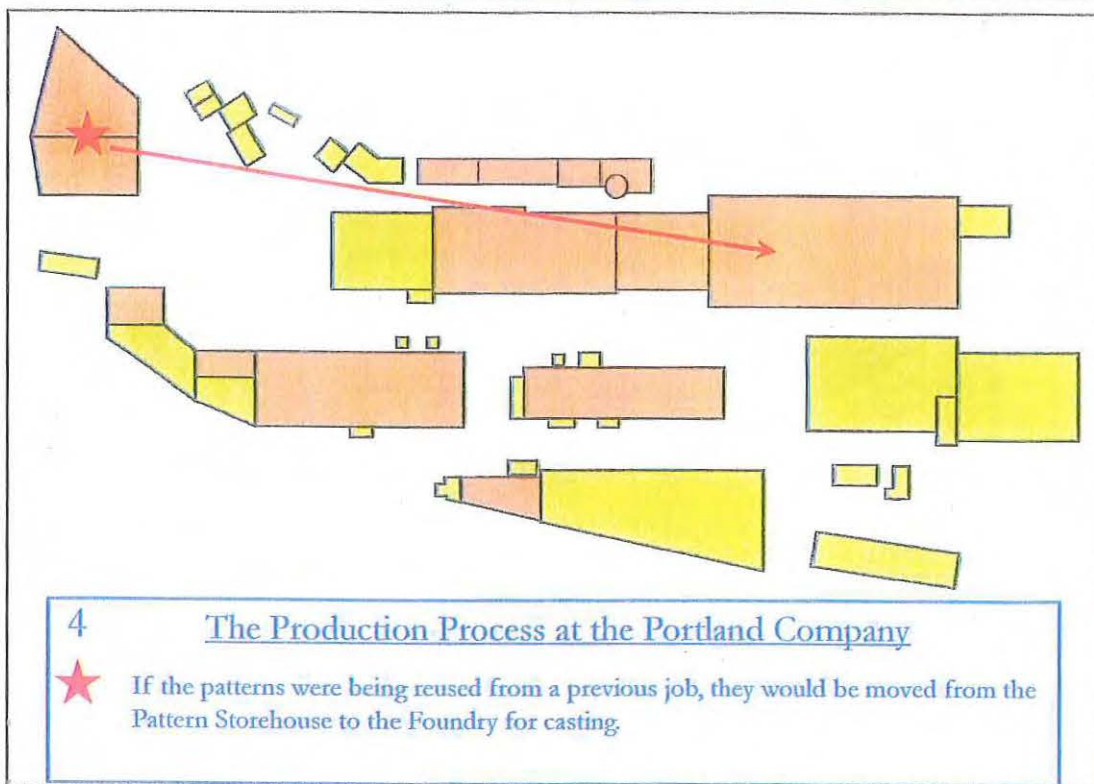
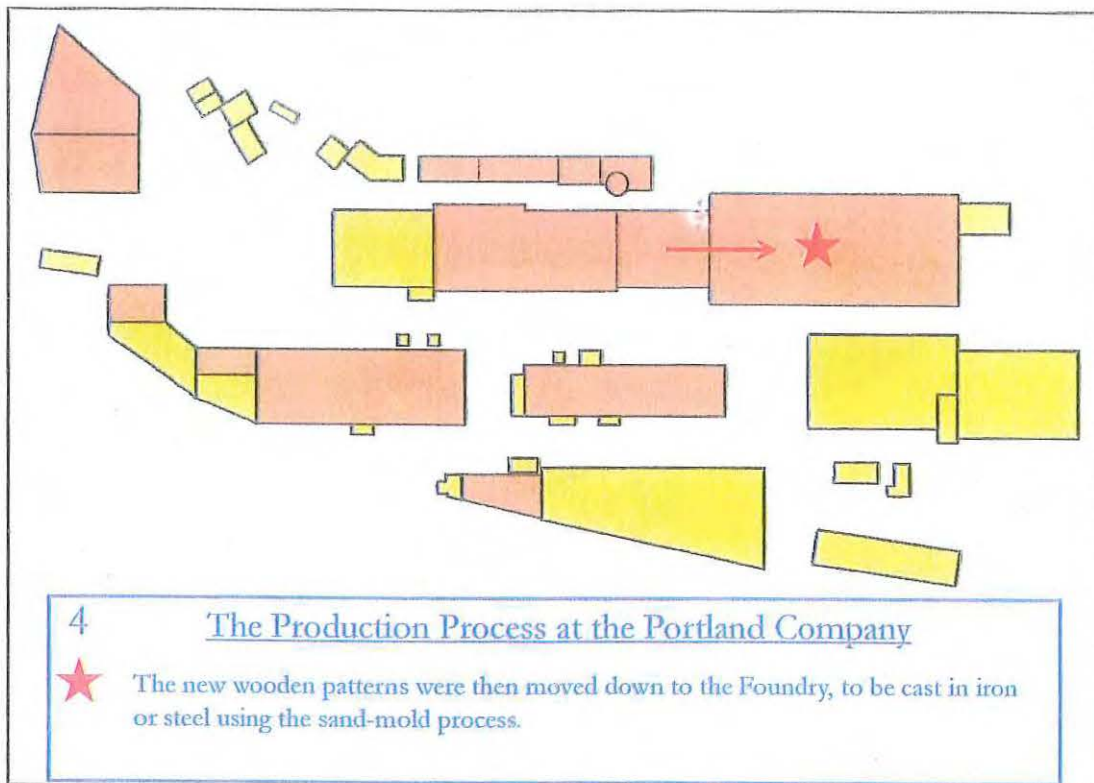
APPENDIX E: OTHER MANUFACTURERS OF LOCOMOTIVES

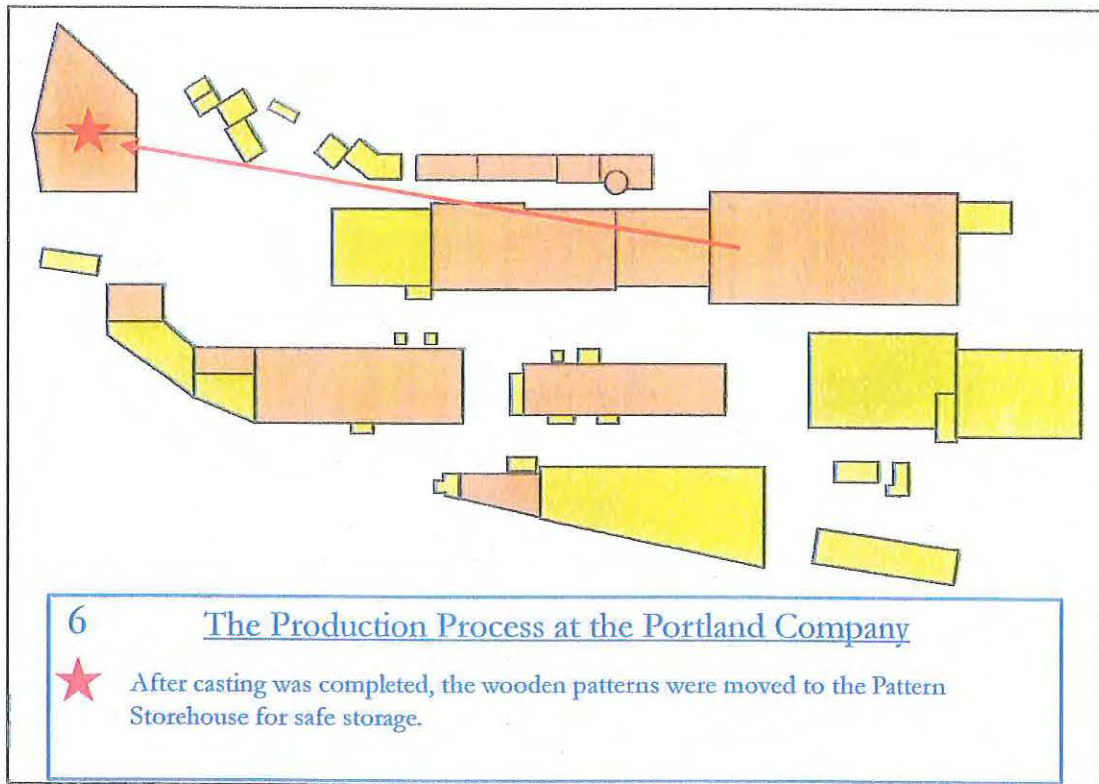
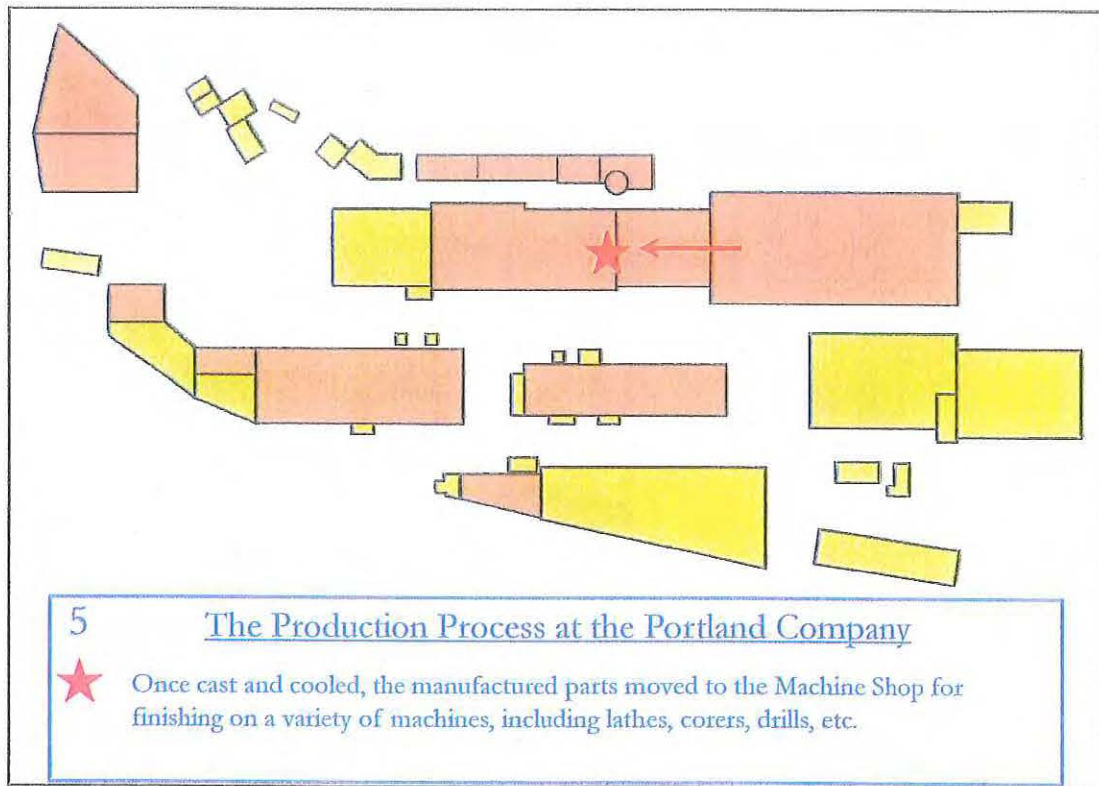
Year Locomotive Production Started	Company Name	Location	Pre-existing Company?	Extent of Facilities – Dates	Surviving Buildings? Dates?
1829	B&O Mt. Clare Shops	Baltimore, MD	No	Car Shops - 1829-30 Ironworks - 1830 Engine service shop and more car shops -1850s Foundry, blacksmith – post- Civil War Circ. Car shop – 1881 Loco., machine, & tender shops and saw mill – 1900-1920	Erecting shop destroyed by fire – 1961 Most remaining buildings demolished – 1976 Surviving: Passenger Car works – 1869-70 Circular Car Shop and Annex – 1884 Freight Car Repair Shop (ruin) – 1919 B&O Passenger Depot (not shop related) - 1851
1830	Canton Locomotive Works – Peter Cooper	Baltimore, MD	Est. 1828 to manuf. Rail for the B&O RR.	1 st loco. Built of scavenged parts, including rifle barrels for boiler tubes. No loco shops built.	No surviving buildings
1831	West Point Foundry	West Point, NY	Est. 1817 to manuf. armaments	Best Fried of Charleston built for the S. Carolina RR	Closed 1911, site now a state park with limited ruins of the manufacturing buildings.
1832	Wm. Norris – Norris Locomotive Works	Philadelphia, PA	Est. 1832 as American Steam Carriage Co.	First loco built in small shop with power from adjacent wheelwright shop. Used Phoenix Foundry for castings	Full set of shops by 1857. Closed 1866. Buildings demolished 1896.
1832	Mattias Baldwin -Baldwin Locomotive Works	Philadelphia, PA	1825 machine shop to manufacture bookbinding machinery and textile printing cylinders	Model loco. For Peale Museum in 1831. First real loco, 1832, using outside foundry	Original site abandoned in 1928 for a new plant in Eddystone, PA. All buildings at first plant demolished 1937.
1834-35	Lowell Machine Shops	Lowell, MA	Est. 1814 (Boston Manuf. Co.) for manuf. Of textile machinery. Moved to Lowell 1824.	Extensive shops for textile machinery production. Locos made in Locks and Canal Shop, 1834-1861	Closed 1928. Site now a parking lot.
1834	Mill Dam Foundry	Boston	Est. 1832	Built first loco. in New England, no others	Buildings in use by other companies by 1838. Current state unknown.
c. 1835	Matteawan Company	New York	Est. 1814. To produce machinery for cotton and sugar mills, etc. Foundry by 1834.	Built two locos c. 1835 for Hudson River RR.	No information found.
1836	Eastwick & Harrison	Philadelphia, PA	Est. 1835 as as Garrett & Eastwick. Former watchmaker, making stat. steam engines	First loco, 1838, apparently in a small shop using an outside foundry. Built a total of 17 locos.	Firm moved to Russia in 1843. No buildings appear to survive.
1837	Rogers Locomotive Works	Patterson, NJ	Est. 1831 to produce textile machinery	First loco 1837, also cast tires for Norris and Baldwin	Became one of the "big three" with Norris and Baldwin. Patterson Museum occupies the 1873 Erecting shop, all other buildings demolished.
1840	Hinckley	Boston, MA	Est. 1831 as small machine shop, later Boston Machine Works. Built 1 st stationary steam engine in MA.	1 st loco 1840, numerous name changes.	Closed 1889. Property and buildings bought by Boston Elevated RR Co., used one building for temp power plant and demolished remainder to clear site for new power plant. The Hinckley building appears not to survive in 2014.
1845	Boston & Providence RR Shops	MA/RI	B&P chartered 1831, const. started 1832, opened 1834.	1 st loco 1845. Used Geo. Griggs Foundry	Railroad absorbed into Old Colony RR and then into New York, New Haven, and Hartford. Location of B&P shops undetermined.
1848	Portland Company	Portland, ME	Est. 1845 to build locomotives and other railroad equipment	Foundry, Machine Shop, and Blacksmith shop built 1847, car shop in 1848, later additions 1850s, 1880s, 1890s, 1918.	2 of 3 pre-Civil War brick buildings are extant along with many other buildings from period of locomotive construction.

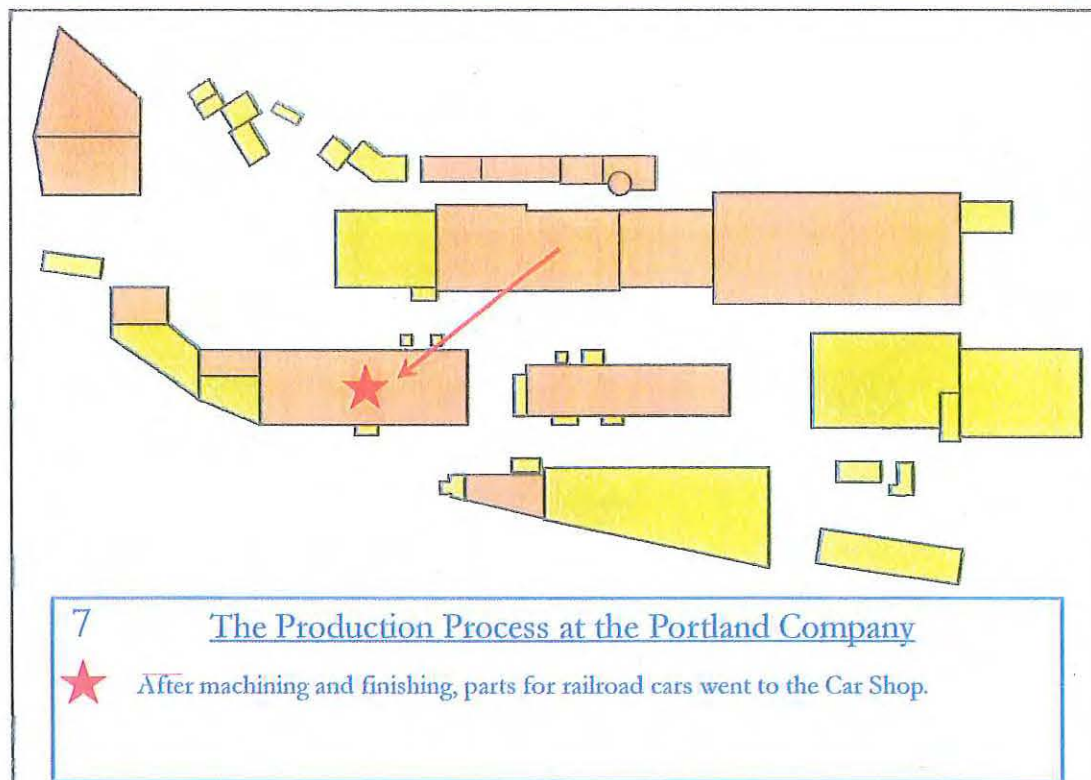
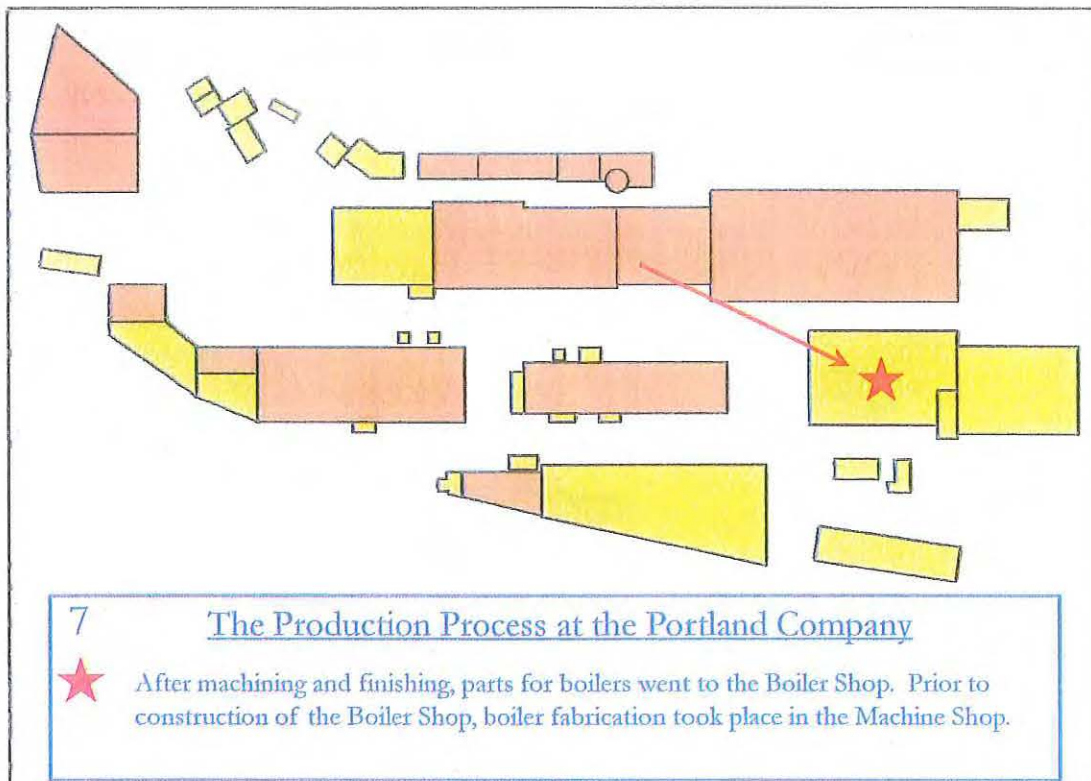
APPENDIX F: PRODUCTION

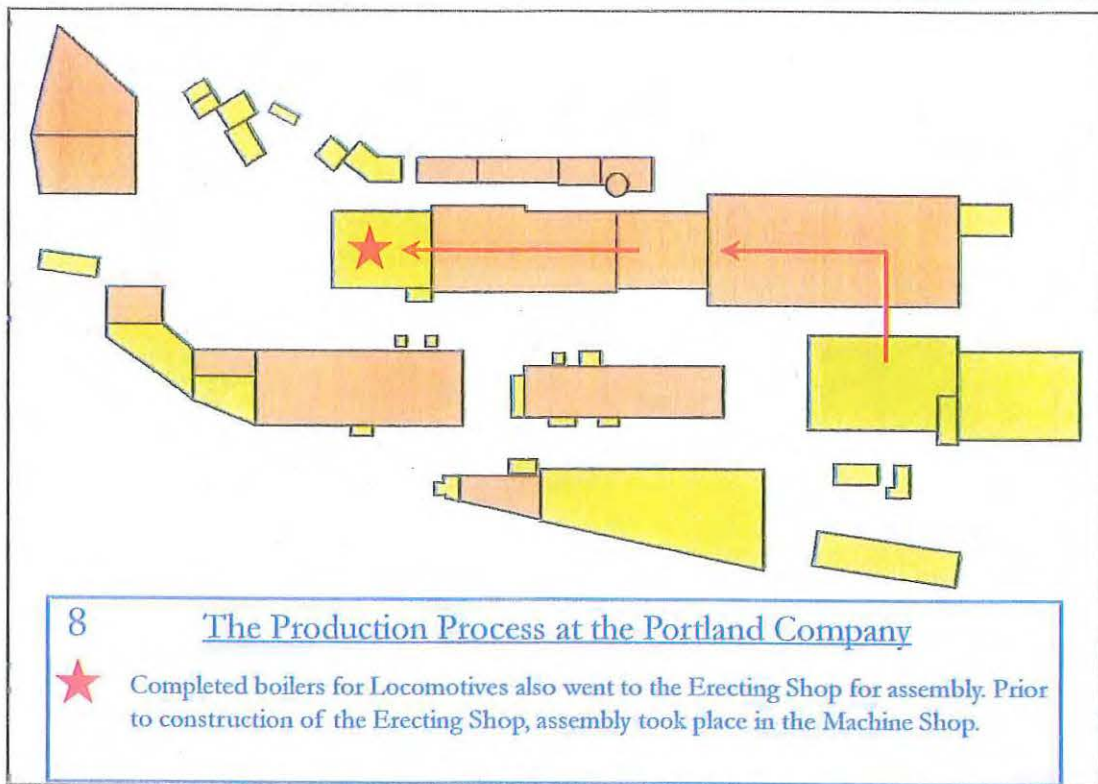
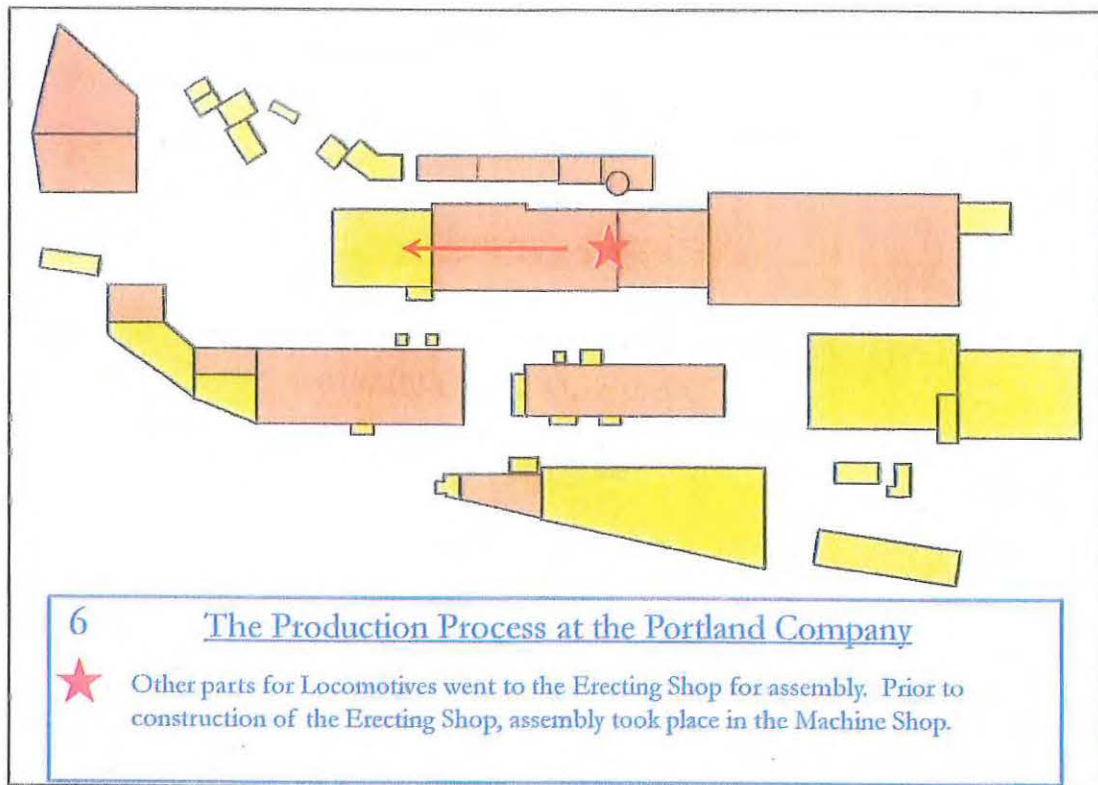


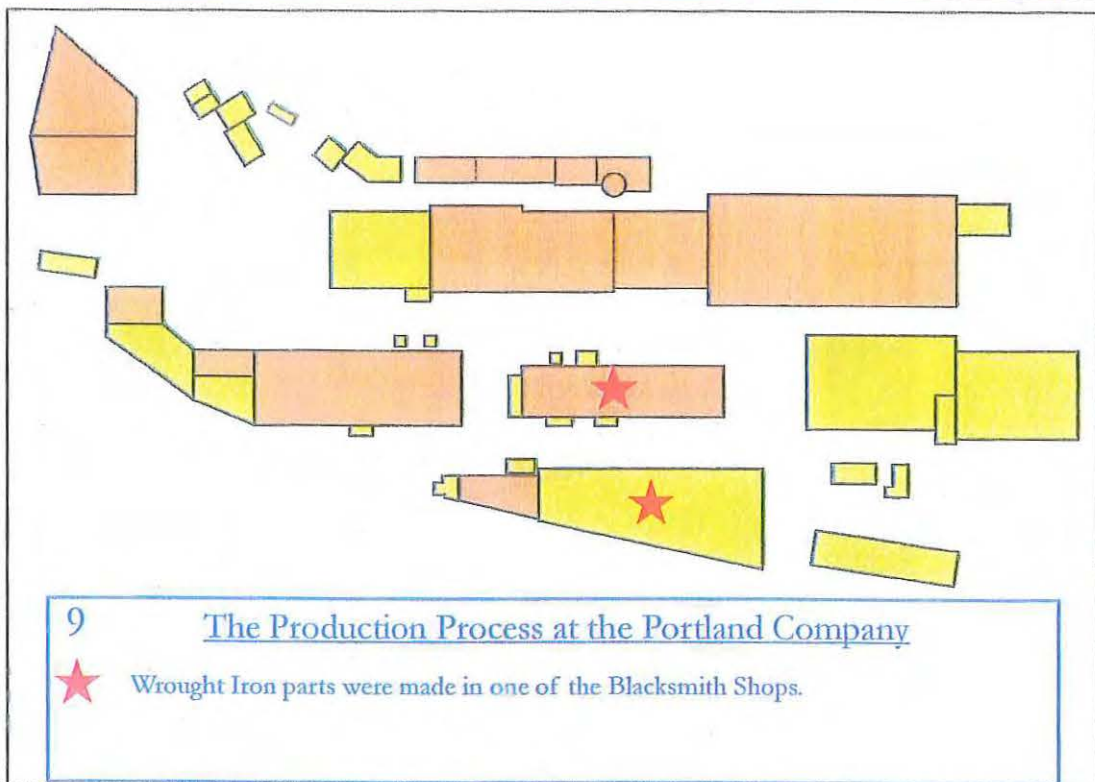
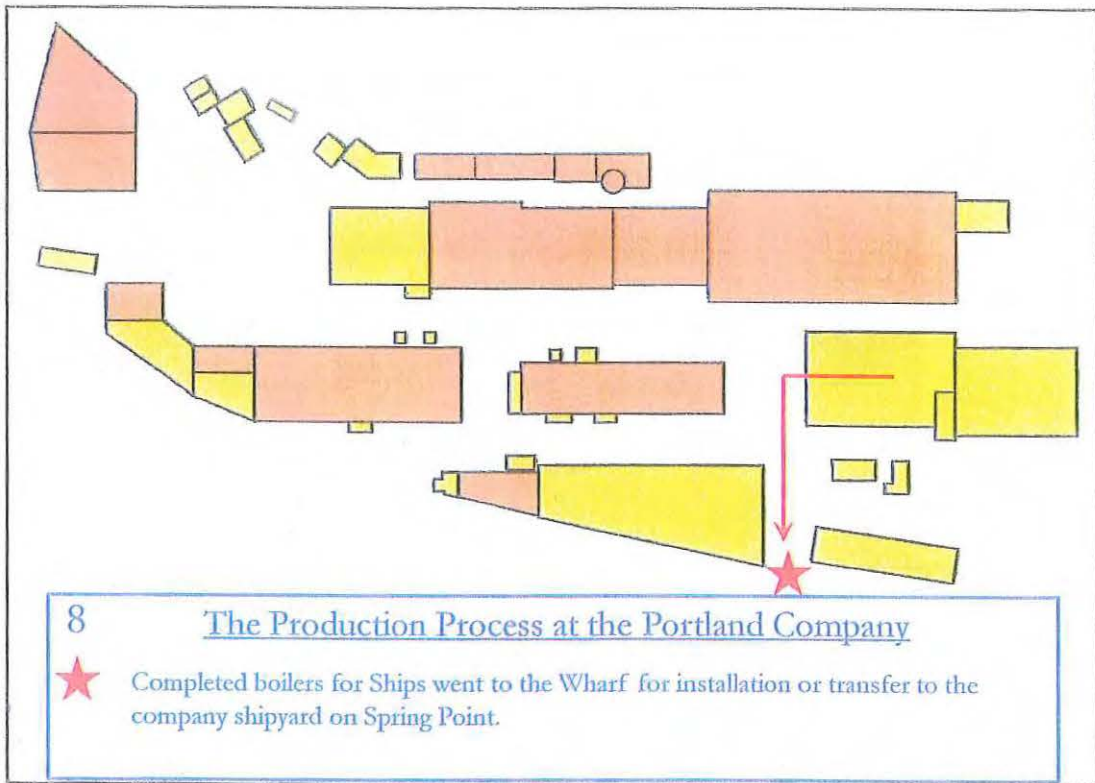


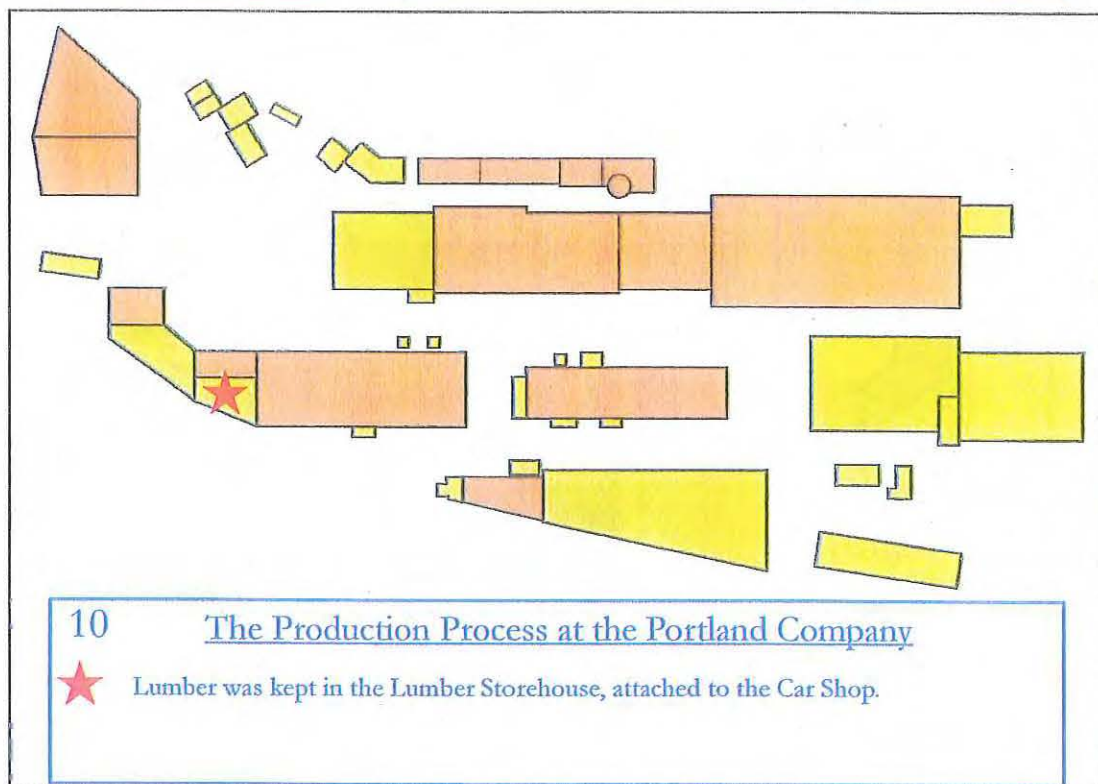
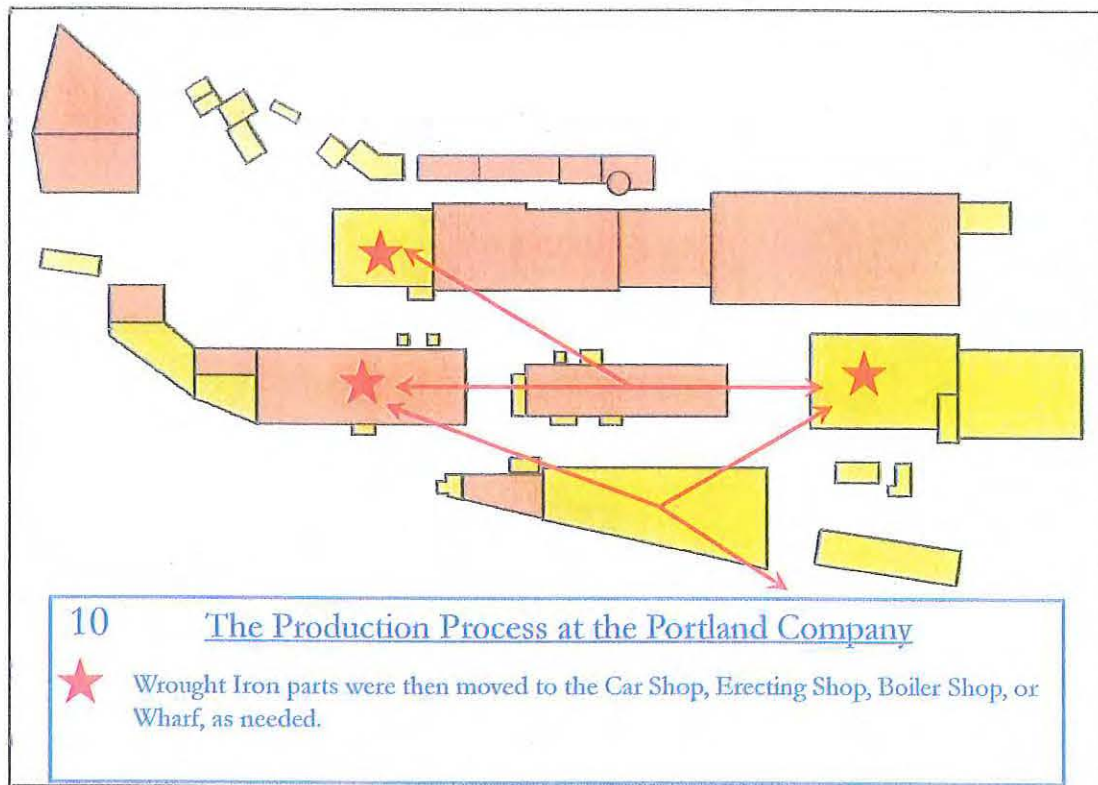


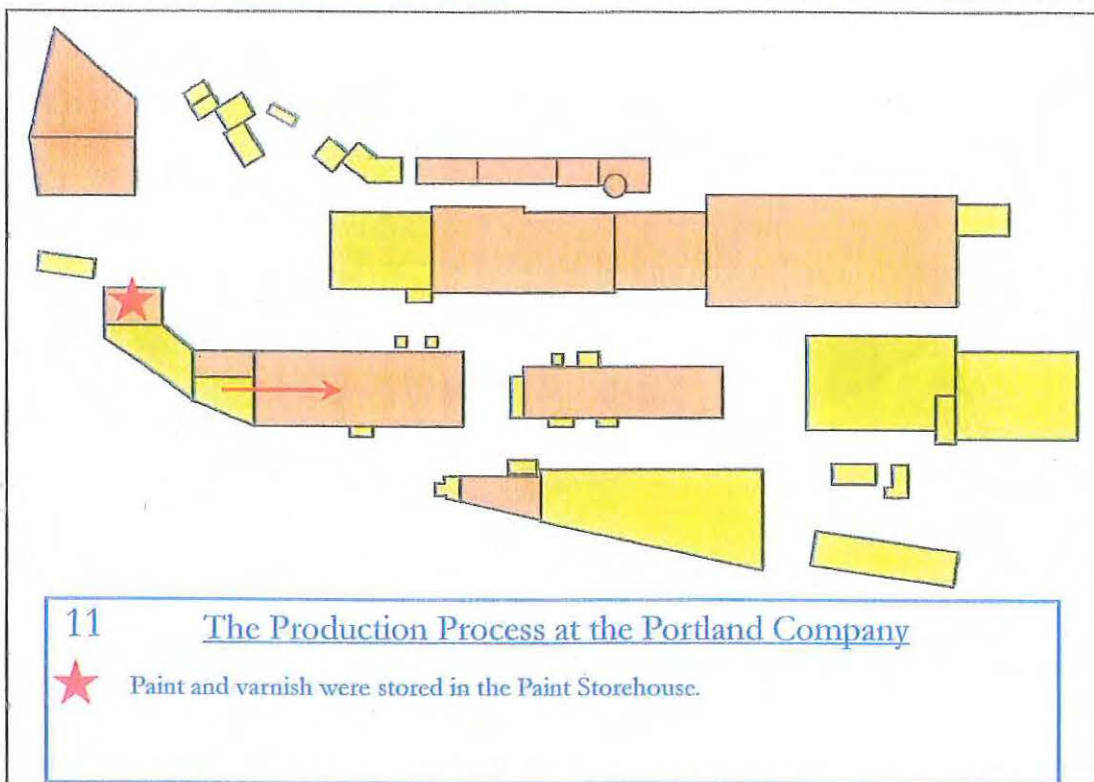
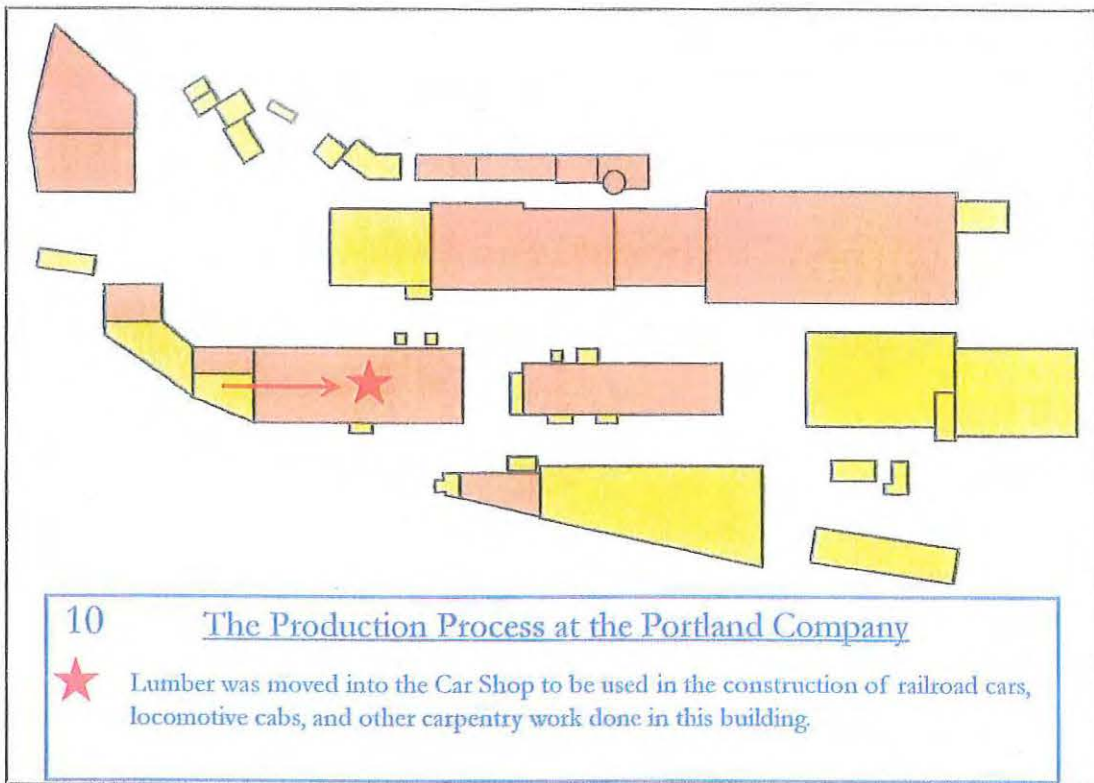


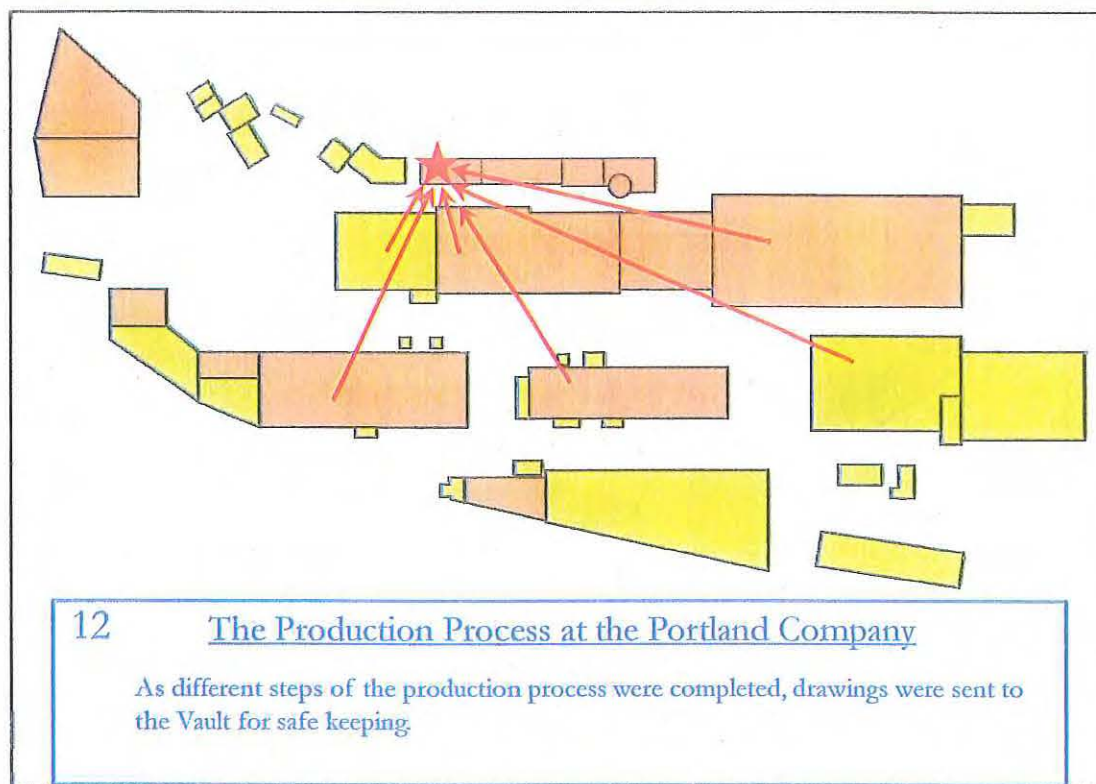
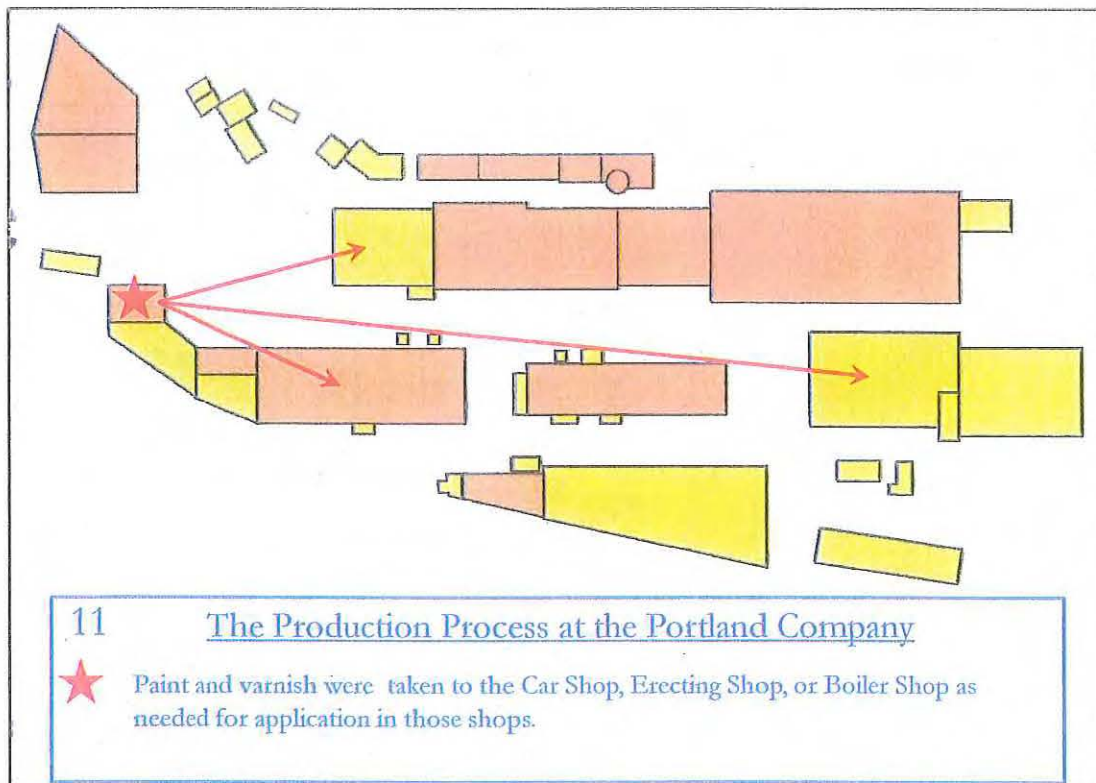












APPENDIX G: NATIONAL REGISTER OF HISTORIC PLACES CRITERIA FOR EVALUATION OF SIGNIFICANCE AND INTEGRITY AS APPLIED TO THE PORTLAND COMPANY (National Register Bulletin Number 15)

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

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

The significance of a historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are historical patterns that can be identified through consideration of the history of the property and the history of the surrounding area. Historic contexts are found at a variety of geographical levels or scales.

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

- That are associated with events that have made a significant contribution to the broad patterns of our history (Criterion A); or
- That are associated with the lives of persons significant in our past (Criterion B); or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or
- That have yielded, or may be likely to yield, information important in prehistory or history (Criterion D).

The Portland Company complex is associated with important historic contexts at the National, State and Local levels as delineated in the historic context summary paragraphs below, and retains historic integrity of those features necessary to convey its significance at the National, State and Local levels.

National Level of Significance

National Register Criterion A: Industry (1847 - 1865)

The Portland Company complex is associated with events that have made a significant contribution to the broad patterns of our history at the national level as a rare surviving example of a pre-Civil War foundry, machine shop, and car shop complex built for the manufacture of railroad equipment in 1847. It appears to have been the first such self-contained complex in the nation built specifically for that purpose, with all of the necessary shops and a foundry on a single site. It also contains the oldest surviving railroad shop buildings in the nation. Locomotives, gunships, and cannon were manufactured here for the Union forces during the Civil War.

State Level of Significance

National Register Criterion A: Industry (1847 – 1982)

The Portland Company complex is associated with events that have made a significant contribution to the broad patterns of our history in the area of industry within the city of Portland, Maine. In addition

to the national industrial significance of the Portland Company as the first complete locomotive works built in the United States and a rare surviving pre-Civil War railroad equipment manufacturing plant, the Portland Company played a significant role in the development of many important industries in Maine. These include the paper-making industry, textile industry, canning industry, commercial fishing, and many smaller industries.

National Register Criterion A: Transportation (1847 – 1945)

The Portland Company is associated with events that have made a significant contribution to the broad patterns of our history for its critical role in the development of Maine railroads, including the state's iconic two-foot gauge lines, and also built boilers, marine engines, and other equipment for steam ships, including the famed "Portland." The company was created as an adjunct to the Atlantic & St. Lawrence Railroad shortly after that line was chartered to run from Portland to Montreal. The principal proponent of the Atlantic & St. Lawrence Railroad, John A. Poor, was the first president of the Portland Company as well as a director of the railroad company.

National Register Criterion B: Association with John A. Poor (1847 – 1851)

The Portland Company complex includes the most important surviving buildings associated with John A. Poor (1808-1871), a person significant to the past of the state of Maine. John A. Poor was significant to the past of Maine in numerous areas, but particularly in the areas of transportation and industry. Like the Atlantic & St. Lawrence Railroad, the Portland Company was part of a plan devised by Bangor Attorney John A. Poor to make Portland the winter port for eastern Canada during the months in which the St. Lawrence River was frozen. Starting in 1844, Poor actively promoted his vision for the continent's first international railroad and attracted others to help make it a reality in the 1840s and '50s. Construction of the 250 mile long railroad, estimated to cost ten million dollars, began on July 4, 1846 and the line to Montreal was completed in July 1853. As a director of the Atlantic & St. Lawrence Railroad and President of the Portland Company, Poor was instrumental in ensuring that a locomotive manufacturing plant would be built in Portland.¹

While Poor's success in creating the Atlantic & St. Lawrence Railroad was perhaps his most significant achievement, none of the associated buildings or structures built in Portland during the period of his activity with the railroad survive. Only one Atlantic & St. Lawrence Railroad building from the same period has been identified elsewhere in Maine, a small wooden freight house built in Gilead in 1851 and moved to Auburn after 1968. The few other surviving buildings on the line date from after 1853, when the Grand Trunk Railroad leased the entire Atlantic & St. Lawrence line.² The original buildings of the Portland Company are the most significant surviving buildings associated with John A. Poor, who was President of the company during the period of their construction. The Portland Company Board of Director's meeting minutes from 1847 document that he had a direct role in acquiring materials for their construction and served with General Superintendent Horace Felton as the Building Committee.

Local Level of Significance

National Register Criterion A: Industry (1847 – 1982)

The Portland Company is also significant for industry at the local level, as the largest business in the city in the mid-nineteenth century and only intact nineteenth and early twentieth century industrial complex in the city of Portland. Virtually all evidence of Portland's nineteenth century industrial history has been lost with

1 Records of the Portland Company and records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890

2 Mohny, Kirk F. *Along the Rails, a Survey of Maine's Historic Railroad Buildings*. 2000.

the exception of the Portland Company complex. Thirty-three manufacturing plants can be identified in the 1876 Bird's Eye View of Portland. Of the thirty-three, which include Portland Stove Foundry, J. B. Brown & Son's Sugar Refinery, Forest City Sugar Refining Company, Eagle Sugar Refining Company, Portland Packing Company, and Portland Stoneware Company, only three complexes survive to any extent in 2014. Two of these have only a single surviving building, one from the Star Match Factory on West Commercial Street and one from the original Burnham & Morrill Cannery complex on Franklin Street. Only the Portland Company complex remains largely intact 138 years later. In 1924 Portland had 60 sizable companies engaged in industrial production of various sorts, occupying more than 85 buildings. Of these individual buildings, fewer than a dozen survive outside the Portland Company. Six companies had large complexes of buildings, including the E. T. Burrowes Company, Thomas Laughlin Company, and Southworth Machine Company.³ Fragmentary remains of some of these complexes, such as the early twentieth century Thomas Laughlin Company foundry building on Hampshire Street now used by Shipyard Brewery, only hint at the history of these sites where hundreds of Portland residents made their livings over many decades.

Criterion A: Community Planning and Development (1847 – 1853)

The Portland Company is associated with events that have made a significant contribution to the broad patterns of our history in the area of community planning and development. It is associated with and/or responsible for several significant planning and development initiatives within the city of Portland. As part of John A. Poor's vision for creating a modern international port at Portland, he conceived of a wide new street along the waterfront which would contain railroad tracks to connect the Atlantic & St. Lawrence R. R. on the east end of the city to the Portland, Saco & Portsmouth R. R. on the west end while providing both railroads access to the numerous wharves between their terminals. The narrow original waterfront street, Fore Street, followed the natural landform, snaking along the shore around Clay and Broad coves. The new street would be built by filling between the existing wharves below Fore Street, far enough out into the harbor to allow the construction of large new warehouse buildings along the land side of the street. Broad Cove would be filled for construction of the Atlantic & St. Lawrence Railroad terminal and for the Portland Company works and Clay Cove would be filled for the street and new buildings. The Portland Company site alone is seven acres, the majority of it made by filling the mud flats and cove. This project was undertaken cooperatively by the two railroads and the city of Portland, with the railroads paying the cost of filling between the wharves and the City paying wharf owners for the value of their properties seized through eminent domain. The mile-long and one hundred foot wide street would be named Commercial Street.⁴

This project was the largest urban planning initiative undertaken in the city of Portland in the nineteenth century and was transformative in its effects. Before arrival of the Atlantic & St. Lawrence Railroad and Portland Company with the related construction of Commercial Street, Portland had a waterfront infrastructure left over from the eighteenth century that was inefficient and ill suited to the age of steam.

National Register Criterion C: Architecture (1847 – 1951)

The buildings of the Portland Company complex embody the distinctive characteristics of a type, period, or method of construction, specifically several types of industrial buildings built between 1847 and 1920. The Portland Company buildings from the 1840s and 1850s are the only industrial buildings of that period remaining in the city of Portland. The buildings of the complex retain a high degree of architectural integrity to the period of Portland Company production (1847 – 1982). While much of the machinery of the complex has been removed, evidence of industrial uses can be found throughout the buildings, such as overhead shafting for operating machinery, and wood and iron cranes attached to support columns.

3 Compiled from the City of Portland 1924 Tax Records.

4 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890.

Records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

Overhead traveling cranes remain in the Foundry and Erecting Shop.

The various buildings of the complex contain examples of a wide variety of building construction engineering techniques employed to increase the strength or functionality of the buildings. These include a number of wood and metal roof truss systems; large floor areas hung from wooden roof truss systems; brick barrel vaulting; cast concrete and steel beam vaulting; cantilevered shed dormers; and single and double trussed girders used to increase the load carrying capacity of upper floors without obstructing the lower floors with posts. The earliest buildings are of load-bearing masonry wall construction with internal timber framing and later buildings utilize steel framing systems. The 1895 Foundry uses an unusual integrated steel column and brick exterior wall system. This was a comparatively early use of structural steel in Maine and represents a transitional phase in the construction technology as large buildings moved from load-bearing masonry walls to steel skeleton framing.

APPENDIX H: TREMONT PRESERVATION SERVICES BUILDING DESCRIPTIONS WITH ADDITIONAL INFORMATION

SITE OVERVIEW

The former Portland Company site encompasses a 9-acre parcel at 58 Fore Street, situated on filled land along the eastern waterfront of Portland, Maine, bordering the Fore River to the east. The Portland Company site is located at the northern end of a long stretch of industrial and commercial buildings that line the Portland waterfront. The property directly to the south was formerly the Grand Trunk Railway Company site but the historic buildings of the rail company were replaced by modern industrial structures by subsequent owners. To the northeast of the Portland Company site are six residential buildings (from the late 19th and early 20th centuries), a modern apartment building, and the 68-acre Fort Allen Park and Eastern Promenade beyond. The Munjoy Hill neighborhood, largely developed in the 19th century, lies to the northwest of the Portland Company site, where the land slopes sharply upward from the waterfront and to the south by the Casco River. A section of the 2.1 mile Eastern Promenade Walking Trail and a set of railroad tracks run through the property near the water's edge.

The property comprises a complex that includes 13 historic buildings and one large modern building on a paved lot with minimal vegetation (except for a cluster of trees at the northeast corner). There are also about a dozen scattered smaller sheds and outbuildings that all appear to post-date the 1980s. The historic buildings on the site range in age from about 1845 to 1950, as described below.

Additional information:

Dates for the extant buildings range from 1847 to the late-20th century.

BUILDING DESCRIPTIONS

Building 1 - Erecting Building

Construction Date: 1914 (according to Portland 1924 tax assessment)

Description: Rectangular in plan, Building 1 measures roughly 80 feet by 113 feet and joins the south elevation of Building 2, leaving exposed elevations facing west, south and east. It is a single-story building with a taller central bay lit by a roof monitor. The building is constructed of red brick and has little in the way of architectural ornamentation aside from corbeling around the window bays. Brick piers separate the elevations into large window bays that hold the original tripartite multi-pane steel windows. Window openings include concrete sills. The brick roof monitor retains the original multi-pane steel sash running along the entire west and east sides (Photos 7 & 8). The principal elevation (south) features a tall central entry bay that is divided into two asymmetrical openings by a vertical steel beam; each bay holds a modern overhead metal door (Photo 2). Historic photos show that this opening was originally only about half the height it is currently and it was topped by a large panel of windows. A pedestrian entry just west of center holds a modern door as well. In addition to the installation of replacement doors, alterations include infilling of two window bays at the east elevation (Photo 3). The interior is a single open space with utilitarian finishes, including exposed brick walls and exposed steel framing.

Uses: Building 1 was constructed as the Erecting Shop to replace an earlier one-story wood building from the 1870s that was used for the same purpose. By 1949 Building 1 was used as a machine shop.

Additional Information:

Drawings in the collection of the Maine Historical Society date the Erecting Shop to 1918.

Building 2 - Machine Shop

Construction Date: c. 1845

Description: Building 2 is rectangular in plan and measures roughly 150 feet by 62 feet. It joins Building 2 to the south and Building 3 to the north, leaving fully exposed elevations on the east and west sides. The south elevation was fully exposed until about 1875 when a single-story wood frame building was constructed, to be replaced by the existing Building 1 around 1914. Only the brick gables are visible at the north and south elevations today. The 2 1/2 story brick Building 2 was designed in the Greek Revival style, with pedimented gables, tall compound cornices, and symmetrical fenestration, all hallmarks of the style. The building is enclosed by a gabled roof to which were added two wide overhanging shed dormers, one along the entire east side and another along the southern half of the west side (added between 1896 and 1909 - Photo 1). The roofline is defined by a tall compound brick cornice. The exposed side elevations (east and west) feature regularly spaced window openings with rough-cut granite sills and lintels and double-hung wood windows in a 25/25 configuration at the first floor and 15/15 at the second floor. The existing sashes appear to be a mix of original and replacements. Enclosed bridges from the late 19th and early 20th centuries connect the second floor of Building 2 to neighboring structures (Photos 1 & 4). The interior is divided into three levels and is typical of mill construction of the mid-19th century, with exposed brick walls and exposed wood framing. There have been a number of partitions added to the interior over the years.

Uses: Building 2 is the earliest surviving structure of the Portland Company complex. Built as the original machine shop. When originally constructed the south elevation was exposed and a rail spur ran from the mill yard directly into the building through a tall opening at the center of the south elevation. Prior to the 1890s there was also an office at the attic level. The attic level was later used for pattern storage.

Additional Information:

The Machine Shop was built in 1847 with projecting shed dormers added to the attic story by architect Frederick A. Tompson in 1904. This alteration created a new company drafting room and the laboratory of William H. Chapman, the Portland Company's electrical engineer.

Building 3 - Machine Shop

Construction Date: Constructed in two phases. The first floor appears to have been part of the earliest construction in the mill yard, in the late 1840s or early 1850s. The second floor was added in 1895 (according to map research).

Description: Building 3 is rectangular in plan and measures roughly 80 feet by 62 feet. It joins Building 2 to the south and Building 4 to the north, so that only the east and west elevations are fully exposed. Both the first and second floors are constructed of red brick that is consistent in color, although the two floors were built at different times (Photo 1). The first floor is the earliest construction and features detailing similar to that of Building 2, including a tall compound brick cornice, rough-cut granite window sills and lintels (flat heads), and double-hung wood windows. Most windows at the first floor appear to be original and have a 25/25 pane configuration, except three windows at the east elevation, which have an unusual 35/15 configuration. Several window openings at the first floor of the west elevation have been infilled with brick. The east elevation features a wide double doorway at its south end (holding replacement doors: Photos 1 & 2).

The second story was built in the 1890s and is typical of late 19th century construction, with its segmental arched windows with brick heads. Window openings hold what appear to be the original wood double-

hung sashes, in an 8/8 pane configuration. The second floor is enclosed by a pitched roof on which has been placed a temporary storage enclosure. The roofline is defined by simple wood fascia boards. A loading bay with glazed infill, that does not appear to be original but has been in place since at least the early 20th century, is located at the south end of the east elevation (Photo 2). A relatively recent bridge joins the second floor of Building 3 at the west elevation to the neighboring Building 16 (Photo 4).

The utilitarian interior of the building is divided into two levels and is typical of 19th century mill construction, with exposed brick walls and exposed wood framing.

Uses: Building 3 was used as a machine shop into the early 20th century. By 1924 it was set up as a carpentry shop and by mid-20th century was storage space.

Additional Information:

This section of the Machine Shop was built in 1847 as a one story blacksmith shop. When the second story was added, c. 1895, the original wood and wrought iron Queen Post Truss roof system was left in place and the floor hung from it with iron rods and double-strut trussed girders. The added wall height essentially creates full-length shed dormers on each side of the original roof and a double-pitched roof with the original gable peak remaining above the much shallower pitch of the shed dormers on either side. Because both ends of the building abut other buildings, this unusual roof form is not visible from the ground. A monitor, probably dating from the original construction, extends along the center portion of the ridge.

Building 4 – Foundry

Construction Date: 1895 (according to map research)

Description: Building 4 is the largest of the historic buildings in the complex, with a long rectangular plan measuring roughly 203 feet by 87 feet. The building was originally fully exposed at three elevations (north, west, and east). Today it joins Building 3 to the south and is surrounded on its north and east sides by modern structures. Constructed of brick, Building 4 is a single-story structure with three central raised bays, creating a two-tiered monitor along the center of the roof and a tall open span on the interior. Two large vents protruded from the roof at the east side of the building; they are no longer extant but the two-story brick section of the building along the east wall toward the south end marks their location; window openings in this two-story block were infilled with brick (visible in Photo 1). A brick ell off the south end of the west elevation was originally the location of the core oven for the foundry (Photo 7). Although this building has been altered considerably on the exterior, the west elevation remains largely intact, with paired segmental arched windows with brick heads and a simple box cornice defining the roofline (Photo 5). Windows hold original 16/16 wood double-hung sashes. The lower level walls are reinforced with what appears to be vertical steel strapping. Walls of the raised monitor have been inconsistently covered with modern materials and siding so that few windows are visible, especially along the east side (Photo 8). The long band of multi-pane windows can still be seen along the west side of the monitor (historic sashes remain but are in poor condition). A large loading bay at the south end of the east elevation holds a modern garage door. The adjacent window was modified to hold a pedestrian door (visible in Photo 1). The interior is a large open utilitarian space with exposed brick walls and exposed framing.

Uses: Building 4 was historically used as the main foundry for the Portland Company. This use did not change throughout the company's occupancy.

Additional Information:

The Foundry utilizes an unusual transitional construction system in its exterior walls. The riveted steel

roof trusses were erected on posts formed of back-to-back U channel steel with spacers between them to allow the roof truss gusset plate to be riveted in place between the two U channels at the top. Once the roof system was erected, the spaces between the posts were filled with brick laid up in common bond and engaging with the posts by extending into the recess of the U channel. Above the tops of the posts, the brick wall encased and engaged the steel trusses to the eaves. It appears that once the brick was in place, the roof trusses were supported primarily by the brick walls, not by the steel posts.

Building 6 - Blacksmith/Tank Shop; Machine Shop

Construction Dates: northern half - c. 1850; southern half - c. 1900

Description: The freestanding Building 6 was constructed in two distinct rectangular sections. The northern portion was the earliest and measures roughly 120 feet by 41 feet, while the southern section measures approximately 70 feet by 41 feet. The north block is a one-story brick structure enclosed by a gable roof (Photo 2). The construction is consistent with the earliest buildings on the site and it was likely built in the late 1840s. Regularly spaced window openings line the east elevation, while the west elevation is covered by a one-story addition that was built between 1914 and 1949 (today covered by recent siding - Photo 9). Original window openings have rough-cut granite sills and lintels and hold original wood double-hung sashes in a 20/20 pane configuration. Window bays are separated by shallow brick piers. A simple brick fascia defines the roofline. The gabled north elevation features a large central entryway holding a modern overhead door (Photo 4). A diamond-shaped window (now blocked) is located above the central doorway. Brick piers with simple corbeled capitals flank the lower level at the north elevation. The interior of the northern block is divided into large utilitarian spaces with exposed brick walls and exposed framing.

The southern portion of the building was constructed around 1900 and is a three-story brick block with evenly spaced segmental arched window openings (Photo 5). Otherwise, architectural ornamentation is limited to a corbelled brick cornice. There are a number of the original wood double-hung windows remaining (12/12 at the first floor, 8/12 at the second floor, and 8/8 at the third floor. Many of the windows at the second floor were replaced with 1/1 windows. Most of the first floor windows have the lower half of the sash blocked. The west elevation includes a tall tower (original to the south block) with modern siding and added exterior stairs that lead up to the third floor of the south block (Photo 8). An enclosed bridge (that appears to be an original feature - was there by 1906) extends from the second floor of the west elevation to Building 2 (Photo 7). The interior is divided into floor levels and spaces are utilitarian, with exposed brick walls and exposed framing.

Uses: The earlier northern portion was built at a "black smith and tank" shop according to historic maps. When the southern section was erected around 1900, the building shifted to use as a machine shop. By 1949 the southern portion was occupied by Chapman Electric Neutralizer Company, who had an office on the first floor and machine shops above (here until at least 1980). It appears that the northern portion of the building continued in use as a machine shop for the Portland Company.

Additional Information:

Drawings in the collection of the Maine Historical Society show the plans for the one-story tank shop, drawn in 1883. The three-story section of the building was constructed between 1896 and 1904 according to map research.

Building 7 - Carpentry-& Woodworking Shop

Construction Date: c. 1870, with c. 1900 addition

Description: Building 7 is a freestanding one-story brick building. It appears that it was originally constructed with a rectangular main block (170 feet by 60 feet) and a small brick ell off the southwest corner (roughly 50-feet by 21 feet). A small one-story wood-frame addition was constructed off the south end of the main block around 1900 (Photo 5). The building was constructed with evenly-spaced windows with segmental arched brick heads and rough-cut granite sills. Although many windows have been blocked with plywood, original sashes with a 20/20 pane configuration remain in a number of openings. There are several original segmental arched doorways as well, including a large loading door on the east elevation (Photo 4). Only one of the doorways (north elevation-west end) appears to hold the original double doors. Fenestration on Building 7 has been substantially altered over the years. A number of windows have been infilled with brick or partially blocked, while another on the west elevation was infilled and a pedestrian door was created (Photo 7). Several wide loading doors with steel lintels were added, at both the west and east elevations (Photos 3 & 7). A modern temporary storage shed was erected near the northeast corner of the building but it is freestanding (Photo 3).

Uses: The building was constructed for use as the carpentry and woodworking shop. By 1896 the main block was a "car shop" and also held the woodworking department. The woodworking shop remained as late as 1909, at which time the building also functioned as a garage and auto repair shop. By 1949 the space had been given over to steel fabrication (continued into the 1980s). Historic maps indicate that the rear ell was originally used for "printing and erecting," and later for "printing." By 1909 it was used for pattern storage. The wood-frame addition just east of the ell was added around 1900 along with a second wood addition further to the south that connected Building 7 to Building 10. The two wood additions were used for storage. The southern addition was removed by 1949, by which time the ell and the northernmost addition were occupied by an electric welding shop (remained into the 1980s).

Additional Information:

The car shop was constructed c. 1873 following a large fire that destroyed many buildings at the southeast corner of the complex. Drawings in the collection of Maine Historical Society include plans for the addition (former lumber shed) dating to 1904.

Building 10 - Paint Shop

Construction Date: c. 1885

Description: Building 10 is a small single-story brick building measuring roughly 46 feet by 30 feet. This freestanding rectangular structure has a shallow pitched roof and little in the way of architectural ornamentation, aside from segmental arched window opening with brick heads and rough-cut granite sills. Window openings along the east elevation have been infilled with brick (Photo 2), while those at the west and north elevations are blocked with plywood. It appears that the original wood double-hung windows (in 12/12 pane configuration) remain beneath the plywood (Photo 4). The principal elevation (north) is dominated by a large loading bay that may have been an added feature (Photo 1), although it was in place as early as 1924 (now infilled with modern materials). Secondary access to the building is currently provided by means of an added doorway on the west elevation - holding a modern flush door (Photo 4). The interior has been finished with modern materials.

Uses: When first constructed around 1885 the building was used as a paint shop. By 1909 auto painting was undertaken here. In the mid-20th century it served as a storage shed (into the 1980s).

Additional Information:

Additional research shows the Paint Shop to have been constructed c. 1873, following the fire at the

southeast corner of the complex.

Building 11 - Pattern Storehouse

Construction Date: c. 1885

Description: Building 11 is a two-story brick building with an irregular footprint, a quadrilateral measuring 30 feet along the north wall, 85 feet along the east wall, 90 feet along the south wall and 89 feet along the northwest wall. It joins Building 12 to the east and is constructed into the side of a hill so that an areaway runs along the northwest wall to expose the lower level windows. Typical of many of the buildings in the complex from the late 19th century, Building 11 is enclosed by a shallow pitched roof and has little architectural ornamentation, aside from segmental arched window openings with brick heads. Unlike most of the other buildings, window here have wood sills and 16-pane wood sashes that appear to be casements (Photo 3). The principal elevation (north) features a large loading bay that is now infilled with two recent doorways (Photo 1). A third doorway is located just to the west (a doorway in this location appears in historic images). A secondary entry was added to the northwest elevation in a former window location, together with a wood pedestrian bridge (Photo 3). The interior is divided into two floors and has been updated somewhat with the addition of carpeting, suspended panel ceilings, and a small number of recent partitions. The brick walls and wood framing remain exposed on the interior.

Uses: Building 11 was used as a pattern warehouse throughout the occupation by the Portland Company.

Building 12 - Pattern Storehouse

Construction Date: Map research indicates that Building 12 was constructed in 1895.

Description: Rectangular in plan, Building 12 measures roughly 40 feet by 80 feet and joins Building 11 to the west. Building 12 is constructed of red brick and, like the other late 19th century buildings in the complex, has little in the way of architectural ornamentation, aside from segmental arched window openings with brick heads. One notable difference from other buildings of the period is that Building 12 has a gable roof (rather than a low-pitched roof), a treatment more typical of the early to mid-19th century buildings of the Portland Company. The rooflines are trimmed with simple unadorned rake boards. While many of the evenly-spaced window opening (with wood sills) are now blocked with plywood, a number retain the original 16-pane wood sashes that appear to function as casements (Photo 3). The principal elevation (north) has two large loading bays with steel lintels (likely original, as they appear in historic photos) flanking an added (post 1988) central brick entry enclosure (Photo 1). The south elevation features a sign painted directly onto the brick wall reading "PORTLAND CO." (appears in early images of the building - Photo 3). The interior is divided into three principal floors, which remain utilitarian spaces with exposed brick walls, wood plank flooring, and exposed wood framing.

Uses: Building 12 was used as a pattern storage warehouse throughout occupancy by the Portland Company.

Additional Information:

The Pattern Storehouse Addition was constructed in 1895, according to drawings in the collection of the Maine Historical Society. At one time, a one-story shed addition was constructed along the east elevation, but it has since been removed.

Building 14 - Drafting Room/Storage

Construction Date: c.1875

Description: Building 14 is rectangular in plan and has two distinct sections, both of which appear to have been built about the same time. The northern section is two stories tall and measures roughly 85 feet by 20 feet (Photo 2), while the southern portion is three stories and measures approximately 30 feet by 20 feet (Photo 1). The building includes a combination of brick and wood-frame construction. The south elevation was originally exposed but now joins Building 24. The north wall abuts Building 15. Building 14 is built up against a retaining wall so that only the upper level, a simple paneled brick wall, is visible from Fore Street (west elevation - Photo 5). The east elevation is sided with clapboards and trimmed with flat wood stock. This facade has been substantially altered, with multiple changes in fenestration, inconsistent window and door replacement, and a small shed addition at the north end. Building 14 is joined to Building 2 by an enclosed walkway at the second floor (extant as early as 1886 - Photo 3). The interior has been altered extensively and finishes are largely modern.

Uses: The southern portion of Building 14 served as a drafting room until about 1895, while the northern portion was always used as a storage facility. By 1896 the southern end of the building was also used for storage and also held an office on the third floor. During the 20th century the building remained in use by the Portland Company as a storehouse.

Additional Information:

The Drafting Room and Storehouse were constructed sometime between 1858 and 1864 according to map research.

Building 15 & 16 - Boiler House/Brass Foundry

Construction Date: c.1850s (based on 1858 plan)

Description: Buildings 15 and 16 appear to have been constructed together and may have been part of the earliest construction on the site (likely late 1840s or early 1850s). Building 15 has been so heavily altered that it is impossible to know for certain what its original appearance may have been. It has a rectangular plan measuring roughly 35 feet by 20 feet and is built up against a stone retaining wall that runs along the Fore Street (west) side of the building. This one story brick building abuts Building 14 to the south and Building 16 to the north. All that remains evident of the historic east elevation (the only exposed elevation) are several wide brick piers between which has been added infill of various types (all in poor condition - Photo 2). The piers are decorated by string courses with corbels and dentils (Photo 3). The same detailing also appears along the cornice line and carries over across the face of Building 16. The rafters of both buildings are currently exposed but appear to have originally been covered by simple fascia boards.

Building 16 is a bit more intact than Building 15 but has also been altered. It is a one-story rectangular brick structure measuring roughly 41 feet by 27 feet. The north elevation abuts a concrete retaining wall, leaving only the east elevation exposed. There were originally four large window openings along the east elevation, trimmed with rough-cut granite sills and lintels; two still retain the original 16/16 wood double-hung sashes (Photo 4). The two southernmost windows were modified when a large loading bay with a steel lintel was installed (now infilled with added materials). Where Building 15 joins Building 16 are the remnants of a brick smoke stack (the base of it is still visible - Photo 5). (No access to interior due to dangerous conditions.)

Uses: Research indicates that Buildings 15 and 16 were constructed as the boiler house for the complex. A brick building appears in this location as early as 1858 and the design details, window in particular with their flat granite heads, are consistent with the earliest construction in the complex. The boilers were held

in what is today Building 15. It is likely that the mill quickly outgrew this relatively small boiler house; by 1886 a much larger boiler building had been constructed elsewhere on the site (no longer extant) and Building 16 was being used as a brass foundry; there were boilers still located in Building 15. This use continued until at least 1924 but had ceased by 1949. The buildings were later used by the Portland Company for storage.

Additional Information:

Based on maps and plans of the complex, it appears the Boiler house was constructed between 1858 and 1864; the Brass Foundry was constructed between 1864 and 1871. The 1858 plan of the complex (in the collection of the Maine Historical Society) shows a brick building in this general location, though doesn't appear to be the existing buildings. Research into the 1886 Sanborn Map of the Portland Company do not show an alternative Boiler House as previously determined. A Boiler Shop is present in the northeast quadrant of the complex.

Building 24 - Vault Storage

Construction Date: between 1896 and 1909

Description: Building 24 is a four-story utilitarian brick structure with minimal fenestration. It is built into a hill and thus has three exposed floors at the west and south elevations and four at the east (Photo 1). It is joined to Building 14 to the north and linked to Building 2 by an older enclosed bridge at the third floor (from c. 1900) and a more recent open bridge sheltered by an awning at the second floor (visible in Photo 1); the latter leads to an entry on the east elevation in the former location of a window. Many of the original windows have been infilled with brick, particularly at the second floor. The few historic window openings that remain (one at the south elevation and three at the east elevation) have segmental arched brick heads and rough-cut granite sills. One at the west elevation was converted to a doorway (second floor) and now holds a flush metal door. Also at the west elevation, an original loading door with historic glazed wood double doors survives at the fourth floor (Photo 4). An entry was added at the second floor of the south elevation (prior to 1924) and today holds recent double doors (Photo 2). The south elevation also features a sign painted directly onto the brick - the existing sign replaced an earlier painted sign of the Portland Company. The north elevation is void of fenestration (Photo 3). The interior is utilitarian (exposed brick walls) with no notable architectural features.

Uses: Building 24 was constructed for vault storage and remained in that use during occupancy by the Portland Company.

Additional Information:

The construction of the Vault dates from between 1904 and 1909 as evidenced by historic maps. It appears that a floor was added before 1924, though it is unclear when or why the Vault was expanded.

Building 30 – Office

Construction Date: 1950

Description: Building 30 is a freestanding Modern office building with a rectangular plan measuring roughly 32 feet by 120 feet. Typical of the style, there is little in the way of ornamentation. The northern third of the building stands three stories, while the southern portion is only two stories (Photo 1). It is built into a hillside so that only the second and third floors are visible from Fore Street (west elevation - Photo 2). The building is enclosed by a shallow shed roof with deep overhanging eaves. It rises from a red brick base that steps up at irregular intervals into the second and third floors. The upper portion of the building

is sheathed with wide clapboard siding. Bands of asymmetrical windows light the second and third floors, while openings at the first level are more evenly-spaced single windows. All sashes were replaced in the 1970s when a major renovation was undertaken. A brick entry shelter was also added to the east elevation as part of the 1970s work. There are two simple entrances off the Fore Street (west) elevation, both holding what appear to be replacement doors. The more prominent of the two is recessed within an entry shelter (Photo 4). The interior was heavily renovated in the 1970s.

Uses: The building was constructed as offices for the Portland Company and has remained in use as office space.

Acetylene House

Construction Date: c. 1909

Description: A small brick Acetylene House measuring approximately 8 feet square is located atop the first tier of the retaining wall to the east of the Foundry's Coke Oven. With no roof, the acetylene house is nearly in ruins, including a severely rotted door frame on the east elevation. Access to the structure is limited by overgrowth of vegetation.

Uses: The Acetylene House was used as the source of acetylene for welding and metal work.

HISTORICAL CONTEXT

Overview

The Portland Company was founded in 1845 as the Portland Iron Manufacturing Company. The name was shortened almost immediately in 1846; its new name has endured since, although operations ceased in 1981. During its nearly 140 year history, the Portland Company manufactured (or outfitted) steam locomotives, passenger cars, vessels, fire engines, elevators, lamp posts, lighthouse segments, ornate architectural elements, manhole covers, and more.

The history of the Portland Company and its associated buildings represent 19th and 20th century national trends in manufacturing and transportation, Portland's position as a seaport and transportation center, and the impact of industrialization on Portland.

Additional Information:

The charter for the Portland Iron Manufacturing Company was granted to individuals not associated with the Portland Company, suggesting that the charter was purchased from the original grantees by John A. Poor and associates, who then requested that the legislature change the name to the Portland Company in 1846.

Portland - 17th Century Settlement and Growth as a Seaport

Portland is located on a peninsula in Casco Bay and is well-known for its advantageous deep water port, its hilly topography, and varied street pattern. Portland has a predominance of 19th century buildings, representing its prosperity as an industrial era seaport and transportation center.

The earliest settlers came to the peninsula by 1628 to fish, trap, and trade. By the mid-1700s, Portland (then known as the Neck and part of Falmouth) was experiencing the wealth and population growth that came with having the "best natural harbor on the eastern seaboard." Lumber was prolific and Portland's main commodity; it was processed and shipped to Boston, England, and the West Indies. Settlers clustered along Fore Street (then at the water's edge) and the base of King Street (renamed India Street).

A period of recovery and rapid growth followed the Civil War and the Neck separated from Falmouth to become Portland. Capitalizing on her natural resources -deep water port, lumber, and fish - Portland thrived during the late 1700s and into the early 1800s.

Additional Information:

The period of recovery and rapid growth followed the Revolutionary War, not the Civil War.

Early 19th Century: Development as a Transportation Center

Portland's population more than doubled between 1800 and 1820 to over 8,500, and by 1832, the population reached over 13,000. Commercial activity was centered along streets familiar today - Fore, Middle, Market, State - and along wharves in the general location they exist today. Homes were built along the base of Munjoy Hill and a new, fashionable neighborhood in the western part of the city.

Portland continued to exploit its abundance of lumber and fish and participated in the booming shipbuilding

and maritime trade industries. By the 1830s, Portland's harbor had the largest commercial fleet on the eastern seaboard. While shipbuilding was at its peak during this time, the U.S. canal system was exploding. A group of Portland businessmen took notice and in 1825 financed the Cumberland and Oxford Canal. Completed in 1830, the canal connected Portland to the Sebago Lake region and provided a new means to transport Maine timber. Moreover, Montreal used the canal system and the St. Lawrence River to transport agricultural products to Portland for export, except during the winter months when the river iced over.

Additional Information:

The Cumberland & Oxford Canal only reached Long Lake in Harrison, Maine, approximately 50 miles from Portland. Its termination was nearly 200 miles from Montreal and it was not used for transportation between Montreal and Portland.

Mid 19th Century: Industrialization, the Railroad, & the Founding of the Portland Company

Nineteenth century advances in transportation and industry, particularly the railroad, brought Portland her greatest growth and prosperity yet and by mid-century, precipitated businesses like the Portland Company. Portland's first railroad, the Portsmouth, Saco, & Portland Railroad, arrived in the city by 1842 and connected southern Maine with Boston. Soon after, in 1845, attorney and savvy businessman, John A. Poor, with engineer, Septimus Norris, founded the Portland Iron Manufacturing Company to produce locomotives for the growing railroads. Furthermore, through Poor's vision and determination, Portland won the bid, over Boston, for the much coveted Atlantic & St. Lawrence Railway terminal in 1847 (later taken over by the Grand Trunk). The Atlantic & St. Lawrence Railway connected Portland with Canada and the west, making Portland Canada's primary port in the northeast, even during the winter.

All three were located on the waterfront: the Portsmouth, Saco, & Portland Railroad terminus was located just southwest of the commercial center, at the base of State Street; the Atlantic & St. Lawrence Railway was located further east, at the base of India and Hancock Streets; and the Portland Iron Manufacturing Co. (by 1846 known simply as the Portland Company) was located on filled land at the base of Waterville Street and just across a small cove from the Atlantic & St. Lawrence Railway. Initially, there was no direct link by railroad between them. To connect the three properties, another stretch of the waterfront was filled, upon which railroad tracks and Commercial Street were constructed; the project was completed by 1853. Now, well situated with a direct link to the railroad (which eventually included a network of six railroads and several steamship routes), a wharf on Casco Bay, and an indirect link to the canal system, the Portland Company was part of a thriving commercial and transportation network.

Additional Information:

As noted above, the Portland Iron Manufacturing Company was founded by individuals not connected with the Portland Company. John A. Poor and others appears to have purchased the charter for that company from the grantees and had the legislature change the name to the Portland Company in 1846.

The involvement of Septimus Norris in the Portland Company was very brief. The Portland Company Director's meeting minutes for 1846, located at the Maine Historical Society, show that Norris was only associated with the company for approximately 6 weeks in November and December of that year. There is no indication that the Portland Company purchased tools and machinery from the Norris Brothers Locomotive Builders in Philadelphia, as recommended by Norris, nor hired any of the ten men he recommended. Horace Fenton, who had come with Norris from Philadelphia, was retained as General Superintendent by the Portland Company directors after Norris was removed from the board. Following legal action, the

Portland Company paid Septimus Norris \$400 for the non-exclusive use of patents he had transferred to the Portland Company during the six weeks he was a director.

Before Broad Cove was filled for the railroad yard between the Portland Company and the Atlantic and St. Lawrence RR depot at India Street, the railroad crossed the cove on a timber trestle, with a siding on another trestle to the Portland Company Works, providing a rail connection to the plant from the outset of operations in 1847.

The Portland Company: Mid-19th Century Manufacturing

The Portland Company was the only company in the U.S. founded for the sole purpose of manufacturing locomotives; others were originally machine shops, adapted for their new purpose. Its complex was a nearly self sufficient operation, able to produce almost every part needed in the manufacturing process. Their buildings evolved with their operations – as industrial and transportation innovation dictated, they redesigned their old shops and added new shops. The Portland Company complex included three buildings as early as 1851—a foundry, a counting room, and a “car house” (Building 2 -machine shop). By the century’s end there were roughly two dozen buildings and sheds supporting their operations and the company was manufacturing a range of products, as follows.

Additional Information:

In 1847, a foundry, machine shop, and blacksmith shop were constructed of brick and a car shop built of wood. The original office, or “counting room” may have been an existing building on the site, as the director’s records do not show any reference to its construction.

Locomotives. Fire Engines. Steamships

Locomotives 1848 - c.1900

The railroad brought economic vitality to Portland and served as the impetus for the founding of the Portland Company. The Portland Company’s first locomotive, the Augusta, was completed in 1848 for the Portland, Saco, & Portsmouth Railroad. Over the next 60 years, 630 more steam locomotives (and hundreds of freight and passenger cars) were constructed for, among others, the Boston & Maine, Maine Central, Northern Pacific, Panama, Mexican Central, Sandy River, Wiscasset, and Quebec Railroads. The Portland Company also built locomotives for the U.S. Government during the Civil War.

Following the war, the railroad (and steamboats) served Maine’s burgeoning tourism industry. As the wealthier looked to escape the heat of the cities, railroads and steamships connected cities with rustic coastal communities and inland areas like Rangeley Lakes. By 1872, 65 trains a day stopped in Portland. Six railroads eventually served the city; the Grand Trunk alone had direct lines to New Hampshire, Vermont, Montreal, and the West.

While railroad track gauge is of standard dimension nationwide today, up to six different dimensions were used until the 1870s. This meant that the Portland Company built locomotives and cars to fit varied width tracks.

Fire Engines c.1860 - 1870s

The Portland Company manufactured the first of its horse drawn steam fire engines, the "Greyhound," in 1860. It was used by the Portland Company and the adjacent Grand Trunk Railway as well as being loaned to the City of Portland. The Portland Company subsequently produced at least seven steam engines for the Portland Fire Department. Several more steam fire engines were built during the 1860's and into the 1870s.

No event made the need for fire engines more evident than the fire that swept through Portland on July 4, 1866. The fire burned the commercial center to the base of Munjoy Hill, stopping just short of the Portland Company but destroying 1500 buildings and leaving ten thousand homeless.

Steamships and Other Vessels c.1860 - c.1920

The advent of steamboat transportation translated to additional business for the Portland Company. The Portland Company built over 350 steam engines and boilers for marine, as well as, industrial uses. They outfitted towboats, fishing vessels, yachts, dredges, freighters, fireboats, and ferries. Some of these vessels were built elsewhere and others were fully constructed at the Portland Company's boatyard across the harbor in South Portland. Once launched, the vessel would be towed to the Portland Company wharf to be outfitted. For example, the side-wheel passenger steamer, the "Bay State," was built in Bath, Maine, and then towed to Portland to be outfitted by the Portland Company in 1890.

The Portland Company: Late 19th/Early 20th Century Diversification

Portland's economy-and the Portland Company's portfolio-diversified as industrialization progressed. The Portland Company began manufacturing elevators, cast iron elements, and paper industry equipment, and for WWI, they produced brass shell casings. They even distributed automobiles and trucks, making good use of their existing large buildings, expansive property, and proximity to rail transportation.

Elevators early 20th century

The Portland Company manufactured passenger and freight elevators, at first hydraulically powered and later electrically. Most elevator cars were built of solid oak with an iron and steel framework. The Portland Company manufactured three elevators for the Fidelity Trust building. One of them survives in the building today, now known as the Maine Bank and Trust Co. building on Congress St. The Portland Company also produced the elevators for the Portland City Hall.

Cast Iron Late 1800s

During the 19th century, cast iron could be produced cheaply and in vast quantities. It could be cast in a variety of forms and painted different colors making it a desirable alternative to carved stone and wooden architectural elements. Cast iron production was prolific late in the century; whole streetscapes can be found dating from this period, lined with cast iron facades.

The Portland Company cast storefronts, man hole covers, parts for lighthouses (lanterns, lamp decks, spiral stairways, doors and sashes, walkways, railings, vents, spindles and markers, upper sections of light tower), lamp posts, ornate gates, and industrial boilers. They also operated a bronze and brass foundry.

Paper Industry Late 1800s - 1900s

By the 1870s, Maine's lumber supply, namely desirable pine, was becoming depleted. Spruce and fir were plentiful, however, and ideal for the paper industry. Between 1880 and 1900 about 40 mills were built in Maine. Processing moved right to the source, creating small industrial centers in towns like Rumford, Millinocket, Berlin Mills, Sprague's Falls, and Westbrook.

The Portland Company manufactured equipment used in the paper industry including pulp digesters, boilers, tanks, steam accumulators, chippers and debarkers, vomit stacks, turbines, penstocks, water-control gates, and gate-hoisting equipment. Equipment, some of which measured as large as 15' in diameter, was transported by rail directly from the Portland Company to many of the mills.

The advent of electricity meant convenience and new challenges, like the heavy static charge that can be produced during the manufacturing process, causing problems in paper and textile mills. The remedy came in the form of an electric neutralizing machine, patented by electrical engineer, William Chapman, in 1908. The Chapman Corporation operated as a subsidiary of the Portland Company in Building 6 at the waterfront mill yard.

Automobile Sales c1907 - c1914

The Portland Company served as Maine's exclusive distributor of the high-end Knox automobiles, trucks, firetrucks, and three-wheeled tractors which were manufactured in Springfield, Massachusetts. In 1910, they added the Brush, Cole, and Thomas automobile line to appeal to middle and lower income buyers. The Portland Company used their garage for auto and truck repairs, and snowplow fittings.

Brass Howitzer Shell Casings for the War 1917 - 1918

The onset of WWI prompted the need for further diversification and brought a brief respite to the regional decline in manufacturing. Tens of thousands of brass shell casings were produced by the Portland Company, packed in pairs, and shipped to another factory to be filled before being sent to the US Army between 1917 and 1918. Women replaced men, who were overseas serving in the military, in this, and other factories.

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PORTLAND COMPANY COMPLEX
GENERAL BUILDING CONDITION REPORT

PERFORMED FOR
CITY OF PORTLAND, MAINE PLANNING DEPARTMENT
389 CONGRESS STREET
PORTLAND, ME 04101

MARCH 26, 2015
SUPERSEDES REPORT DATED MARCH 11, 2015



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- March 26 revisions include edits to Executive Summary, Introduction, Recommendations and Conclusion to reflect comments from March 18, 2015 meeting with City of Portland, Greater Portland Landmarks, and CPB2.
- March 26 revisions also include renumbering of Appendix A, Appendix B, and Appendix C. Appendix A edits further compare Becker Structural Engineers and Resurgence Engineering and Preservation rating systems.

1.0 EXECUTIVE SUMMARY

The individual structures within the Portland Company complex that were included in the project scope are in generally poor condition due to deferred maintenance and, in some cases, inherent but correctable lack of stability against lateral forces and snow loads. The severity of deterioration varies from building to building; it also varies within any given building. In some cases, significant deterioration is quite localized; in other cases, the overall structure is in a state of significant disrepair.

Buildings in poor condition do not necessarily warrant demolition. The fact that a number of the buildings within the Portland Company Complex continue to be occupied – some by large assemblies for special events and some by business tenants – attests to the fact that most of the buildings are still serviceable and are in salvageable condition.

In our opinion, it is possible to address the identified structural and building envelope conditions in ways that retain each building's historic character and that are feasible from a cost perspective. To do so, however, will require case-by-case assessment, creative design solutions, and the involvement of consultants and contractors experienced in historic building rehabilitation.

At this site, business and assembly occupancies can continue as long as structural conditions are monitored while the owners develop their plans for the site. Structure and building envelope rehabilitation will be expensive, but may still be cost-competitive with new construction of the same volume and footprint within the existing framework. Historic rehabilitation tax credits could likely make rehabilitation costs more competitive with new construction. Whether one is building anew or rehabilitating the existing buildings, quality materials, detailing, and craftsmanship must be employed to withstand the formidable climatic conditions that occur on the waterfront.

Structural work needs to be performed on the roof and floor structures to increase snow and live load capacity, and to increase lateral stability. Building envelope improvements are necessary to create viable rehabilitated shells that can ward off the elements for decades to come. Other masonry rehabilitation strategies will be required to provide the structural continuity between roof, wall and foundation of the buildings.

After the buildings were assessed by Resurgence Engineering and Preservation in late December 2014, snow loads took a toll on two buildings, causing localized roof truss failure and roof rafter failure in Buildings 4 and 7, respectively. Prior to scheduled public events, the current owners stabilized these deficiencies, and in the case of Building 4, corrected or mitigated them.

We concur with many of the primary findings of Becker Structural Engineers' report as to the current condition of the individual buildings. However, the simplified construction techniques that characterize Buildings 1 and 4, together with the repetitive nature of many of the required repairs, make possible a relatively straightforward rehabilitation project for those two structures. Buildings 2 and 3 are more complicated and careful assessment will be necessary to deal with their structural complexities.

The linear, connected nature of Buildings 1 through 4 also presents an opportunity to improve lateral stability of the buildings within contemporary code requirements while making other repairs. The simple,

modular nature of these long buildings allows for replication of the individual structural repair details. The exposed floor and roof structures provide easy access to make repairs. After additional structural inspection is completed, the limited hidden conditions lower the need to include large cost contingency factors for structural upgrades.

In summary, most of these exposed-frame industrial structures, with the exception of Buildings 2 and 3, are not that complicated when compared to many other historic commercial building rehabilitation projects undertaken in Portland and in Maine during the last quarter century.

In our opinion, three structures stand out as buildings presenting the greatest structural and building envelope challenges. The buildings in the most compromised condition include:

Building 7 (Car Shop)
Building 10 (Paint Shop) and
Building 11 (Pattern Storehouse).

We recommend that Building 11 remain unoccupied until the north (Fore Street) wall can be stabilized. The immediate safety concerns identified by Becker Structural Engineers at the wall between buildings 6A/6B, and of the overall condition of Building 10, are valid concerns and should be addressed as soon as possible, if they have not been already. Stabilizing the wall and roof framing between 6A and 6B can be performed as a stand-alone project prior to other rehabilitation of these buildings.

In any rehabilitation project, it is important to match existing buildings with compatible uses. Existing volumes, architectural complexity, and inherent structural limitations should all be considered to place proper occupancy types within any given building. Higher-risk occupancies (such as schools or other uses anticipating large assemblies) should be matched with buildings that can be strengthened to withstand increased structural loading factors with the least amount of structural intervention.

For purposes of this report we assume that the existing structures would be rehabilitated according to the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. These Rehabilitation standards allow considerable leeway to perform less expensive repair or replacement, rather than strict – and more costly – restoration or conservation, of deteriorated structural framing elements, thereby making projects more economically feasible. The property's eligibility for the *National Register of Historic Places* also allows access to State and Federal Historic Preservation Tax credits, which can total up to 45% of qualified rehabilitation expenditures.

Building code advances in recent years have come to recognize that deficiencies in historic structures can be individually and specifically repaired, as opposed to replacing entire structural components. These advances can make structural rehabilitation easier and less expensive than comprehensive replacement.

2.0 INTRODUCTION

In November 2014, the City of Portland Planning Department solicited qualification submittals to provide a general building condition report for eight extant structures within the former Portland Company industrial complex at 58 Fore Street. Subsequently, the City increased the number of buildings to be studied to ten, adding Building 3 and Building 14. For each of the structures, the qualified team was asked to assess and provide a written report on the current conditions of the buildings' exterior envelope, structural systems(s) and potential for adaptive reuse, with a preliminary assessment of the relative expense to address current deficiencies in the building envelope and structural systems.

Alfred H. Hodson III, P.E. of Resurgence Engineering and Preservation, Inc. (RE&P) performed a structural evaluation of the Portland Company Complex. Richard Curtis, AIA performed additional building envelope assessment, and Ivan Myjer of Building and Monument Conservation performed masonry assessment. These three individuals completed the work required to inspect the identified buildings. The work scope did not include evaluation of any mechanical or electrical systems, accessibility issues, or life safety code requirements. Specific Buildings in the inspection scope include:

Building 1	Erecting Building	c.1918
Building 2	Machine Shop	c.1847
Building 3	Machine Shop	c.1847
Building 4	Foundry	c. 1895
Building 6B	Tank Shop	c. 1896-1904
Building 7	Car Shop	c. 1873,1904
Building 10	Paint Shop	c. 1873
Building 11	Pattern Storehouse	c. 1885
Building 14	Drafting Room and Storehouse	c. 1858-64
Building 15/16	Boiler House and Brass Foundry	c. 1858, 1864

Assessment of the majority of the buildings occurred on December 29 and 30, 2014. On subsequent return visits, Mr. Hodson and Mr. Curtis visited the site to confirm and discuss items following completion of a draft report, and Mr. Hodson assessed the remaining two buildings.

The intent of the evaluation and this report, for each building within the scope, is to:

- a. Assess and provide a written report on the current condition of the building's individual exterior envelope, the current condition of the building's structural systems, and the building's potential for adaptive re-use.
- b. Provide a preliminary budget of the relative expense to address current building envelope and structural system, including structural alterations and upgrades per IEBC 2009 requirements for a change of use, including the provisions included in Chapter 11 (Historic Structures), as well as upgrades to lateral force resisting systems and diaphragms for wind and seismic loads.
- c. Review previous reports to understand past determinations of conditions, to compare them to current structural conditions. In particular, we reviewed a report prepared by Becker Structural Engineers (BSE) for the current property owners in March 2014, and worked both parallel and independent of their assessment to compare our findings with theirs;

Reporting Requirements in the Project Scope included:

- d. Meet with the Planning Department and the city Historic Preservation Board to describe our findings *(not performed yet)*, and;
- e. Submit a final report to City of Portland, Maine Planning Department.

Appendix A of this report provides tables and narrative explaining the rating systems used by Becker Structural Engineers and Resurgence Engineering and Preservation. Appendix B of this report provides photographs documenting the individual buildings and site. The report and appendices should be read in their entirety. Some photos shown in the appendices may indicate damage not specifically mentioned in the report. Appendix C includes a bibliography of sources used as part of this project.

Working within the same parameters as BSE did during their study, we did not consider building code requirements, egress, accessibility, flooding, ventilation, hazardous materials, fire safety and energy code. We did not perform invasive testing or formal structural analysis. We understand that more comprehensive structural and building envelope assessment, including invasive and nondestructive testing, is necessary to perform schematic design, understand building code requirements, and provide more refined cost opinions. Other conditions may exist beneath concealed surfaces that appeared sound or in areas that were not visible during the inspection. This is typical of any older building or complex of buildings facing potential rehabilitation.

For purposes of this report, the long axis of the Portland Company Complex faces north toward Fore Street, and south toward the waterfront. The west side faces the Hamilton Marine complex, and the east side faces the adjacent wooded hillside. This orientation is in keeping with the BSE and SCC reports.

Also for purposes of this report it is assumed that the existing structures would be rehabilitated according to the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. These Rehabilitation standards allow considerable leeway to perform replacement, rather than strict restoration or conservation, of deteriorated structural framing elements, thereby making projects more economically feasible. (The property's eligibility for the National Register also allows for use of historic preservation tax credits. Preservation tax credits, which can total up to 45% of qualified expenditures, are intended to encourage investment in the rehabilitation of historic structures.)

We have not attended any presentations by Sutherland Conservation and Consulting or CPB2 Management, LLC, in order to retain objectivity in this study.

3.0 DOCUMENT REVIEW

3.1 ORIGINAL CONSTRUCTION DOCUMENTS

We were unable to review original construction documents of the Portland Company Complex. However, we understand some documents are available at Maine Historical Society. Any further assessment of the buildings should include review of these documents in order to compare specified materials with field conditions. This is important for any building rehabilitation project, in order to compare a designer's intent with what was constructed. Occasionally, archived drawings include notes made during construction to document specific construction changes and to provide insight into why those changes occurred.

3.2 PREVIOUS STUDIES AND HISTORIC RESEARCH

In accordance with the Request for Qualifications, we were provided access to two previous reports about the structural condition and history of the buildings in question, including the following:

- Evaluation of Existing Buildings at the Portland Company Property, March 28, 2014, by Becker Structural Engineers(BSE) Paul Becker, P.E., and Ethan Rhile, P.E.
- The Portland Company Historic Significance and Integrity, 2014, by Sutherland Conservation and Consulting (SCC), Scott T. Hanson, Amy Cole Ives, Matthew Corbett. We have not attended any of the presentations about the site that have been occurred since the report's publication.

We reviewed the BSE report to help understand their specific report format, narrative, and scope for purposes of defining our work scope. We worked both independently and in parallel with the BSE report. We reviewed the SCC report primarily to develop an understanding of the site's evolution and to gain an understanding of the relative age of the individual structures within the work scope.

We also performed a brief literature search to better understand some of the construction techniques used in several of the longer mill buildings. References reviewed included texts about late 19th and early 20th century construction design, materials, methods, and techniques. Appendix B lists a full bibliography of materials researched or reviewed for this report, including site surveys and maps available on the Maine Memory Network.

We viewed several historic maps online to view general conditions and layouts of the site, understanding that such maps included some artistic license and potential inaccuracies not found in formal survey maps or photographic images.

OBSERVATION, EVALUATION, RECOMMENDATIONS

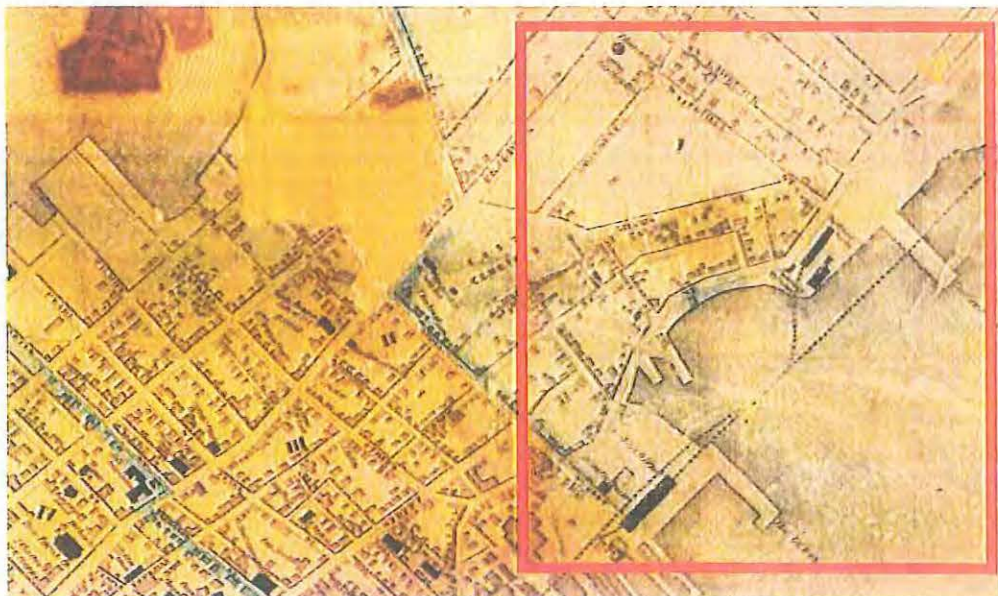
4.0 GENERAL OBSERVATIONS AND EVALUATIONS

Site Considerations and Conditions:

The site surrounding the buildings in the work scope is an essentially flat, mostly paved site, with the exception of the north section of the site facing Fore Street. A steep drop from Fore Street to the ground level of the buildings rises from the west end of the site toward the east end, as Fore Street ascends Munjoy Hill toward the Eastern Promenade. This steeply-sloped topography has a direct impact upon Buildings 1 through 4 and Buildings 11 through 16 as stormwater runoff flows off the hillside toward these structures. The first floor of Building 11 sits below the exterior grade of the north wall of that structure. Buildings 14, 15 and 16 share a rubble stone masonry north wall that primarily serves as the Fore Street retaining wall.

The majority of the site surrounding the studied buildings is paved right up to the building perimeter walls. Perimeter site drainage around the buildings is likely not present or operational. We observed only a few catch basins near the buildings, but snowfall hampered a more comprehensive assessment.

At a site with buildings that predate sophisticated topographical surveys and largely available commercial photography, historic maps are often a key resource to determining site conditions. However, one must take into consideration any "artistic license" taken by the cartographer. An 1837 map by James Hall shows the site without any of the Portland Company structures. An 1851 map by H.F. Walling shows the ocean extending up to near the location of Buildings 6 and 7. The present-day Hamilton Marine site was a small cove. By 1857, the site is largely filled in, and several parallel rail tracks are shown extending eastward across the site along the present Eastern Promenade Trail and East Coast Greenway.



Beginnings of the Portland Company Complex indicated in an 1851 map by H.F. Walling. Note the cove area to the southwest of the complex, now filled in and occupied by Hamilton Marine and other structures.

Siting of the buildings with a generally east-west orientation creates shade on north-facing roof surfaces during the winter months. While south-facing roofs absorb sun and melt snow, north-facing roofs tend to keep snow longer, creating potential uneven snow loading conditions. Uneven snow loading is a cause of many winter roof failures, when the building is not able to sustain thrust loads created on the structure.

While the orientation would have minimal effect upon structures that generate their own heat, such as the Building 4 foundry, orientation would create more likely drift conditions on other buildings, as well as Building 4 since its closing as a foundry.

Structural Framing:

The structural framing of the different buildings provides insight into several generations of industrial construction. Heavy timber framing, cast iron hardware and loadbearing masonry walls support the oldest structures that date between 1847 and 1900. The heavy industrial truss construction in the timber-framed structures utilizes Queen Rod trusses (Queen Post trusses using two vertical iron rods to support the tie beam, instead of timber material) to create long, open spans in the work areas of Buildings 2, 3, and 6B. The shallow-pitched roofs of timber-framed Buildings 7, 10, and 11 used more standard post-and-beam techniques. Nineteenth-century builders already knew to use simpler, less efficient King Post trusses in smaller spans, such as in the roof of Building 14.



Queen Rod Truss in Building 6B (left); King Post Truss in Building 14 (right)

Building 2 and Building 3 utilize a 19th-century technique of suspending the second floor from the roof trusses to create more open space at that level. This technique has been observed in several buildings in Maine, and is a visual structural indicator of how the buildings have evolved over time as the Portland Company grew. Other structural features, such as the use of trussed girders (seen in Buildings 2 and 3) were commonly used to strengthen longer framing spans in accordance with formulas from handbooks.

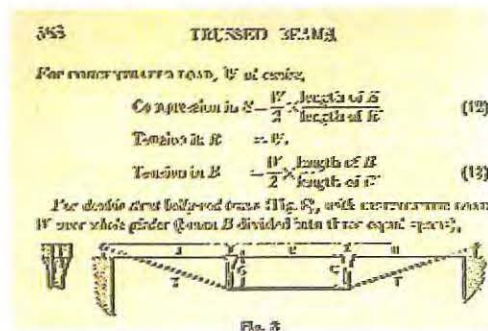


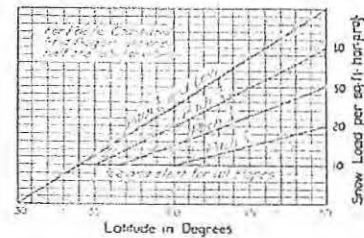
Illustration of "Double Strut Belly Rod Truss" from Architects and Builders Pocket Book, 14th ed. 1905.

Construction techniques changed with the advent of more readily available wrought iron and later, steel, toward the end of the 19th century. The buildings examined in this project scope illustrate the overlapping technological use of iron or steel structural framing beginning with the 1895 replacement Foundry (Building 4) and the 1918 replacement Erecting Building (Building 1). Each of these buildings is an example of steel (or iron) mill building construction, featuring a wide center bay supporting a rail crane, and side bays for other work processes.



SNOW LOAD ON ROOFS

11



1895 Steel Mill Building Construction in Building 4 (left) and c.1904 snow loading diagram from Ketchum text. Snow loading diagram in this text is based upon latitude in degrees, and upon roof pitch.

Windows and Doors:

Overview:

Buildings 1-4 have a very large proportion of glazed openings to the wall surfaces, likely due to the desire for abundant natural light and ventilation opportunities in these industrial/manufacturing buildings. The windows in the walls and clerestories are important architectural components of the complex, and should be maintained or replicated. Almost all of the windows have single pane glass, and due to the high proportion of glazed openings, they afford very little in terms of energy conservation. While there are fewer original, existing windows in the remaining buildings, they too are important architectural components of the complex and of the individual structures. The conditions of the windows vary from fair to very poor, and will demand attention to make the buildings usable for new purposes.

The many sizes and functions of doors in the complex reflect the varied requirements for the different manufacturing processes. Unfortunately, many of the larger original doors have been replaced with more recent doors after the site's period of significance. Like the windows, remaining doors from the period of significance for the site are important architectural components, and should be maintained, if possible, or recreated in kind to meet Park Service standards.

Energy Conservation:

Overview:

Section 101.4.2 (Historic buildings) of the 2009 International Energy Conservation Code (IECC) specifically states that: *"Any building that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code."*

This could seem to imply that the buildings at the Portland Company complex are totally exempt from any requirements for insulation, heating system performance and electricity use. However, the Commentary on the IECC makes it clear that if any additions, alterations or renovations are undertaken that are not

classified as "historic" they should comply with Section 101.4.3 (Additions, alterations, renovations or repairs). This section requires that additions, alterations, renovations or repairs conform to the new construction requirements of the IECC. It further requires that additions, alterations, renovations or repairs not overload existing building systems.

What this all means for the Portland Company complex is that there are portions of the building envelope that may be affected by these provisions. For example, in the discussion on exemptions to the requirements, Section 101.4.3 requires that during reroofing activities, roofs without insulation where the sheathing is exposed during reroofing shall be insulated either above or below the sheathing.

Most of the buildings in the complex have no insulation at the walls or roofs. If reroofing is undertaken, it would be rational and more code compliant to add insulation to the roofs. By installing insulation on top of the roof decks, the existing framing could remain exposed on the interior. The requirement for roof insulation in Table 502.2(1) for insulation above the deck is R20, which could be achieved with about 3" of rigid insulation, which should not seriously alter the historic appearance of the exterior.

All of the buildings have solid brick exterior walls, with the brick exposed both inside and out. Insulation of these walls could only be accomplished by covering up the brick on the interior, which may or may not be desired, depending on the final uses. Section 101.4.3 does not require that mass exterior walls such as those in this property be insulated.

Brick Masonry Construction:

The brick masonry at the Portland Company is typical of 19th and early 20th-century construction. The masonry is unreinforced multi-wythe brick construction primarily bonded by lime-rich mortar. As masonry construction changed in the early 20th century, stronger mortar mixes using Portland cement became a preferred construction material. Cement-rich mortar bonds the bricks in Building 1, the most recent structure. Cement-rich mortar is less flexible than lime-rich mortar. This property may have contributed to the cracking visible at the masonry piers in Building 1.

Loadbearing masonry supports most of the structures within the complex. However, the brick masonry in Building 4 serves only to enclose the structural steel frame that supports the roof.

All of the buildings suffer the effects of long-deferred maintenance. Roofs, gutters, flashings, downspouts and brick mortar joints generally require rehabilitation.

All of the buildings suffer from deterioration of the brick masonry caused by rising damp related to poor site drainage and hardscape. The hardscape, in particular, often directs water towards the masonry rather than away from it, and traps water running down the building walls in the joint between the pavement and the foundation. Opening the pavement joints along the buildings may help the soil ventilate, if used in conjunction with gutters, downspouts, and catch basins in strategic locations.

4.1 BUILDING 1 – ERECTING BUILDING, 1918



Building 1 – Erecting Shop, west Elevation

Structure and Building Envelope Description:

- 9,400 square foot footprint, single story with high center bay and clerestory (Photo #1.1)
- Five interior bays with an additional smaller bay near Building 2 west wall (Photo #1.2)
- Unreinforced multi-wythe brick masonry perimeter bearing walls on three sides
- A shared end wall with the older Building 2 brick masonry end wall
- Flat Warren steel roof trusses and steel I-beam purlins with wood board sheathing at high roof
- Flush-framed steel I-beam roof beams and purlins with wood board roof sheathing at low roofs
- Interior steel columns that support both the high bay and the low bay framing, typical of steel mill building construction
- Extensive steel-framed window glazing on west, north, and south walls
- Ballasted rolled asphalt (high roof) membrane roofing (low roofs)

Observations and Evaluation:

- Upper roof surfacing consists of ballasted rolled asphalt, in good to fair condition (Photo #1.3). On lower roofs, a membrane surface covers the roof. We could not determine if it was insulated, or to what extent. Insulation would likely be required on the roofs, especially if there is a goal to retain the visible structure inside the building.
- Roof framing consists of steel trusses and intermediate beams at the clerestory (Photo #1.4). The beams and trusses will need to be analyzed for snow load capacity, and the decking above the beams will need to be replaced at deteriorated areas. The existing board sheathing is a combination of edge bead and edge-and-center bead. We were not able to measure the sheathing thickness. The sheathing does not provide an adequate diaphragm to transfer lateral loads, and it likely does not have sufficient nailing to resist code-required wind uplift forces.
- At the high/low roof intersection, the steel columns are offset, effectively placing an eccentric load on the lower column. This construction technique was typical of mill building construction when travelling cranes occupied the center bay of the structure. The columns, and their connection details, will need to be analyzed to confirm stability in conformance with current codes.
- Large-scale steel frame windows allow significant natural light into the building. The single-pane glazing lacks significant thermal resistance, and would likely need to be replaced with more energy-efficient glazing to keep heat in during the colder months and to keep heat out during the warmer months. Most of the windows are in poor condition and would require extensive rehabilitation or replacement regardless of energy efficiency concerns. As the windows are an important architectural feature of the building, they will need to be rehabilitated to National Parks Service Standards.

- Many of the steel window lintels and precast concrete window sills (Photo #1.6) are damaged and will require replacement. Steel lintels may need to be enlarged to carry loads imposed by current building codes. If replaced, the lintels should be galvanized prior to installation and painted as historically appropriate.
- The building has three load-bearing masonry walls. At the east end of the building the structure ties into the older (c. 1847) end wall of Building 2, transferring both gravity and lateral loads into that wall and building. An additional partial shear wall could help transfer lateral loads at the end of Building 1, and keep the more ornate Building 2 wall gable end wall visible.
- Unreinforced brick masonry walls are in good to fair condition. The bricks are hard, well-fired, and set in a cement rich mortar. Much of the masonry requires repointing, particularly near the south elevation ground level.
- Large cracks exist in the north and south wall masonry near the west end of the building, most likely due to thermal expansion on the long structure (Photo #1.7). The walls at the northwest and southwest corners will need to be rebuilt to tie the three walls back together. Smaller cracks occur in the intermediate piers between the windows, where the side bay framing bears on steel lintels. The cement rich mortar may have induced some of this cracking if it was stronger than the surrounding brick masonry, and the building was restrained from thermal expansion.
- The bottom masonry on the north side of the building is in poor condition due to raised grade and likely saturation from snow accumulation, rising damp, and poor site drainage.

Adaptive Reuse Potential:

- The tall center structure provides opportunity to insert an independent structure inside to provide additional floor space while maintaining some of the open qualities of the building. Another option could be to insert a floor structure inside the building that helps to transfer gravity and lateral loads from the original building into engineered frames and foundations.
- Ground-level access provides potential to sustain a wide range of occupancies, including large-scale assembly, with minimal egress and accessibility issues.
- Space is relatively straightforward to subdivide. Subdividing the space could also improve the lateral rigidity of the structure.
- Reconstruction of the west elevation to its original appearance (Photo #1.8) would address identified deficiencies in the masonry and improve the overall lateral stability of the building.
- Open access to the structural components permits relatively simple structural strengthening techniques that will be repetitive in nature. Much of the structure is well exposed, which should allow for straightforward assessment for corrosion, rot or other potential structural damage.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing.
- Strengthen existing roof structure as required, particularly near potential drift areas.
- Strengthen existing roof structure as required to provide wind uplift resistance and to transfer lateral loads through roof.
- Repair or replace existing steel windows with thermally efficient units that meet National Park Service Standards.
- Repair or replace existing steel lintels with properly galvanized and painted or prepared and painted steel.
- Repair or replace precast concrete window sills.

- Rebuild the west elevation, wrapping around to the north and south elevations, to match period of historic significance and to strengthen lateral capacity of west end wall.
- Provide shear wall at east end of building as necessary.
- Provide lateral bracing as required to resist code-required lateral loads.

4.2 BUILDING 2 – MACHINE SHOP, 1847, 1905 (3D FLOOR)



Structure and Building Envelope Description:

- 11,300 square foot footprint, three stories with overhanging third floor added in 1905 (above).
- Third floor overhangs for nearly the entire building length on the south side, and approximately half the building length on the north side. Cantilevered floor has little backspan.
- Building may have originally had gutters and downspouts (Photo #2.3), which were rendered obsolete when the third floor was added.
- Building has fifteen window bays and structural bays. Other supplemental columns, girders, and trusses have been added, likely to provide additional upper-floor and roof support as the third floor was added and the building responded to additional loads.
- Unreinforced multi-wythe brick masonry perimeter bearing walls on four sides
- A shared end wall with Building 1 and with Building 3. The west gable wall (Photo #2.6 through Photo #2.8) is a significant architectural feature of the building.
- Two rows of large iron columns and timber posts create 15 structural bays on the first-floor.
- Second floor framing is suspended from original roof framing, which later became the third floor (Photo #2-13).
- Fourteen rows of iron hanger rods pass through the third floor framing to the second floor framing. A few of the hanger rods have been relocated or are missing.
- Timber and iron or steel queen rod roof trusses support raised roof above the 1905 drafting offices. (Photo #2-20, #2-11, and #2-12). The third-floor office spaces extended beyond the masonry wall of the original structure, cantilevered from the first interior (former) attic joist and spanning over the masonry walls.
- Third-floor shed dormer cladding at north elevation consists of stamped metal sheeting in a clapboard pattern (Photo #2.6), while red rolled asphalt clads the South dormer. Areas of missing cladding exist all along the dormers.
- Extensive wood window glazing exists on north and south walls at bottom two stories; with wood windows boarded up on third floor. First floor windows are 25/25 divided light, second floor windows are 15/15 divided light, and third floor windows may have been 2/2 divided light, more common to the early 1900s.
- Roof surfacing partially observed, appears to be rubber membrane as visible from satellite photos and site observations.

Observations and Evaluation:

- Upper roof surfacing appears to consist of membrane. We could not access the upper roof.
- Roof framing consists of queen rod wooden trusses, with a single purlin that carries the junction of the sloped and shed roofs. The beams and trusses will need to be analyzed for snow load capacity, and the vertically-sawn, wide-board decking above the beams will need to be replaced at deteriorated areas. We were not able to measure the sheathing thickness. The sheathing does not provide an adequate diaphragm to transfer lateral loads, and it likely does not have sufficient nailing to resist code-required wind uplift forces.
- The roof structure originally supported the second floor with iron suspension rods to create wide-open first floor and second-floor space. At some point, possibly when the third floor was added, additional timber and iron posts were installed to provide additional second floor support.
- While the structure itself is somewhat regular, many variations in the framing details will require detailed assessment to adequately confirm the integrity of existing load paths. The building has undergone many subtle framing modifications as the building evolved.
- Large wood frame windows allow significant natural light into the building. The single-pane glazing lacks significant thermal resistance, and would likely need to be replaced with more energy-efficient glazing to keep heat in during the colder months and to keep heat out during the warmer months. Most of the windows are in poor condition and would require extensive rehabilitation or replacement regardless of energy efficiency concerns. As the windows are an important architectural feature of the building, they will need to be rehabilitated to National Parks Service Standards.
- Granite headers over the first and second floor windows are mostly in good condition. Several are cracked, and will require either epoxy-dowel repair or in-kind replacement.
- The building has four load-bearing masonry walls. At the east end of the building the structure ties into the end wall of Building 3, transferring both gravity and lateral loads into that wall and building. A roof truss near the west gable end carries much of the gravity load of the roof, but part of the Building 1 roof ties into the wall in other locations.
- The brick masonry exterior of the machine shop is constructed from well-fired bricks set in a mid-19th century lime mortar. The multi-wythe brick walls double in thickness on the interior to form piers that support the second floor beams. The masonry of Building 2 is in very good condition suffering only from the effects of deferred maintenance and poor site drainage. There are some areas of brick replacement that were completed with bricks and mortar that do not match the originals very well.
- It does not appear that the masonry exterior was ever completely repointed in the 20th century. The extremely weathered original lime mortar is visible in almost all of the joints. At the top of the building, there is very little mortar left between the bricks that form the outer wythe of the cornice. There is a real danger that bricks may start to fall out of the upper wall if remedial steps such as repointing and rebuilding of these areas are not undertaken in the near future.
- As with the other buildings at the complex there is a problem with site drainage that is affecting the first ten to twelve courses of brick above the foundation.
- On the east and west elevations, the brickwork starts to corbel outward in increments starting at one brick above the second floor lintels to form a cornice that is 20 courses high. On the north and south gable ends the brickwork corbels out to form a cornice that is 13 courses high.
- Additional openings at the first floor may have been punched into the south elevation of Building 2 when Building 1 was constructed. The original second floor windows of Building 2 are visible from inside Building 1, indicating that the wall between Buildings 1 and 2 is the original exterior wall of Building 2.
- Diamond shaped iron brick ties are visible at the location of the second floor beams on the east and west elevations.
- The top portion of the granite foundation is visible on the exterior, but not interior, of the building.

Adaptive reuse potential:

- This building is the most complex structure of all the buildings we assessed. Its size and height provide the most interesting options and potential views of the water in the complex.
- Second-floor open floor plan provides excellent assembly space, assembly occupancy (or educational occupancy), but assembly occupancy increases load factors on the existing structure. Supplemental posts on the first floor and improved lateral bracing can mitigate the increased load factors resulting from more intense occupancies.
- Ground-level access provides potential to sustain a wide range of occupancies, including large-scale assembly, with minimal egress and accessibility issues.
- Space is relatively straightforward to subdivide.
- Open access to the structural components permits relatively simple structural strengthening techniques that will be repetitive in nature. Structural strengthening will require the analysis of many different isolated framing conditions created as the building was modified over time.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing.
- Strengthen existing roof structure as required, particularly near potential drift areas. Provide wind uplift resistance and transfer lateral loads through the roof to the walls.
- Repair or replace existing steel windows with thermally efficient units that meet NPS Standards.
- Strengthen cantilevered third floor framing to adequately support contemporary code required loads and wind uplift resistance.
- Repair/replace existing steel lintels with properly galvanized and painted/prepared and painted steel.
- Repair or replace cracked granite window sills.
- Repair the bearing wall between Building 1 and Building 2, and Building 2 and Building 3.
- Test a sample of the original brick setting mortar to determine what kind of lime was used in the original mortar and if additives, such as natural cement, were used to make the mortar hydraulic.
- Repoint 100% of the exterior brickwork using a mortar that replicates the binder and aggregate in the original mortar as closely as possible.
- Remove and reset bricks that are loose at the cornice.
- Modify site drainage to drain water away from the base of the building.

4.3 BUILDING 3 — MACHINE SHOP, 1847

Structure and Building Envelope Description:

- 4,900+/- square foot footprint, two stories with second floor added sometime around 1895, according to the SCC report.
- Second floor walls constructed of multi-wythe brick masonry, and roof trusses supplemented with additional framing to create shallow pitched continuous shed dormers while maintaining the original monitor roof (Photo #3.7).
- Building has seven window bays and six interior structural bays. Supplemental columns, girders, and trusses have been added, likely to provide additional upper-floor and roof support as the second floor was added and the building responded to additional loads (Photo #3.5, Photo #3.6).
- Unreinforced multi-wythe brick masonry perimeter bearing walls on four sides, including the shared end walls with Building 4 and with Building 2.
- Timber and iron or steel roof trusses support additional lumber and rafter framing to support the raised roof above the second floor.
- Wood windows on north and south walls. First floor windows are 25/25 divided light, second floor windows are 10/10 divided light. These windows comprise a comparable surface area to wall ratio as those in the bottom two floors of Building 2, but less area than those in Building 1 and Building 4. Windows on first floor have granite lintels, while those at second floor have shallow arch brick masonry lintels.
- Roof surfacing partially observed, appears to be rubber membrane as visible from satellite photos and site observations.

Observations and Evaluation:

- Upper roof surfacing appears to consist of membrane. We could not access the upper roof.
- Similar to Building 2, roof framing consists of queen rod wooden trusses. The building was added onto by raising the second floor roof and landing on the existing bearing wall, unlike Building 2, which relied on cantilevered floor framing over the top of the bearing wall.
- The beams and trusses will need to be analyzed for snow load capacity, and the vertically-sawn, wide-board decking above the beams will need to be replaced at deteriorated areas. We were not able to measure the sheathing thickness. The sheathing does not provide an adequate diaphragm to transfer lateral loads, and it likely does not have sufficient nailing to resist code-required wind uplift forces.
- While the structure itself is somewhat regular, some variations in the framing details will require detailed assessment to adequately confirm the integrity of existing load paths. There are fewer structural bays and trusses, which means fewer potential differences in truss conditions. Techniques used in modifying the structure included the use of double strut belly-rod trusses, which stiffened the second floor girders.
- Wood frame windows allow significant natural light into the building. The single-pane glazing lacks significant thermal resistance, and would likely need to be replaced with more energy-efficient glazing to keep heat in during the colder months and to keep heat out during the warmer months. Most of the windows are in poor condition and would require extensive rehabilitation or replacement regardless of energy efficiency concerns. As the windows are an important architectural feature of the building, they will need to be rehabilitated to NPS Standards.
- Granite headers over the first floor windows are mostly in good condition. Several are cracked, and will require either epoxy-dowel repair or in-kind replacement. Arched masonry openings over second floor windows also require spot repairs and repointing.
- The building has four load-bearing masonry walls. At the east end of the building the structure ties into the end wall of Building 4, transferring both gravity and lateral loads into that wall and building.

A roof truss near the west gable end carries much of the gravity load of the roof, but part of the Building 2 roof ties into the wall in other locations.

- The brick masonry exterior is in fair condition, in need of widespread repointing and repair of loose and missing brick. Rising damp is a problem at Building 3, as it is at all structures.
- As with the other buildings at the complex there is a problem with site drainage that is affecting the first ten to twelve courses of brick above the foundation.

Adaptive reuse potential:

- This building is the second-most complex structure of all the buildings assessed in this project scope. The later addition of another floor to the building creates more discontinuities that need to be repaired. It's much smaller size and more "in-line" load path at the north and south walls makes it less complicated to rehabilitate than Building 2.
- Second-floor floor plan provides less than optimal assembly space because existing roof trusses interrupt each bay near the sides of the building. Office space could be a possible occupancy, with individual offices or rooms placed within each truss bay and a wider, open central space.
- Ground-level access provides potential to sustain a wide range of occupancies, including components large-scale assembly combined with the other adjacent buildings, with minimal egress and accessibility issues. This structure could perhaps serve as auxiliary space to neighboring Buildings 2 and 4, potentially including service and egress functions.
- Space is relatively straightforward to subdivide, if necessary on the upper floor.
- Open access to the structural components permits relatively simple structural strengthening techniques that will be repetitive in nature. Structural strengthening will require the analysis of many different isolated framing conditions created as the building was modified over time.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing.
- Strengthen existing roof structure as required, particularly near potential drift areas, and to resist wind uplift.
- Repair or replace existing wood windows with thermally efficient units that meet National Park Service Standards.
- Strengthen second floor framing to adequately support contemporary code required loads for the intended occupancy, if required.
- Repair or replace existing granite lintels at first floor level as required, and Repair or replace granite window sills (first floor) and wood sills (second floor).
- Repair the bearing wall between Building 2 and Building 3, and Building 3 and Building 4.
- Provide lateral bracing or reinforcement as required.
- Rehabilitate the masonry, paying specific attention to details between the first and second floors, and at the top plate of the second floor.

4.4 BUILDING 4 – FOUNDRY, 1895

Structure and Building Envelope Description:

- 16,500+/- square foot footprint, single story structure with center clerestory and continuous rooftop monitor. A part of the south part of the building is two stories, and ties into the more recent Building 5 along the east and south elevations.
- Building is a relatively early example of “steel mill building construction”, and served the purpose as a foundry. Second floor walls along the south side of the building are constructed of multi-wythe brick masonry.
- Two rows of steel or iron columns support the side bay roofs and a continuous crane rail. A spliced upper column, outboard of the crane rail, is tied into longitudinal metal trusses.
- Building has unreinforced multi-wythe brick masonry perimeter screen (not bearing) walls on the north and south sides.
- A concrete masonry block wall replaced the brick masonry wall at building’s east end. The east end was removed and replaced with a more recent extension incorporated into Building 5.
- North and south wall columns are partially exposed on the interior and exterior. The columns consist of four angles joined together with steel lacing bars.
- Extensive wood window glazing on north and south walls, clerestory, and monitor allow significant natural light into the building. First floor windows are double-width, with shallow arch tops and 16/16 light sash. Clerestory window sash are 30-light, single-sash windows that were likely operable
- Roof surfacing partially observed, appears to be metal roofing along the north side bay and rubber membrane on the upper bays and south side, as visible from satellite photos and site observations.

Observations and Evaluation:

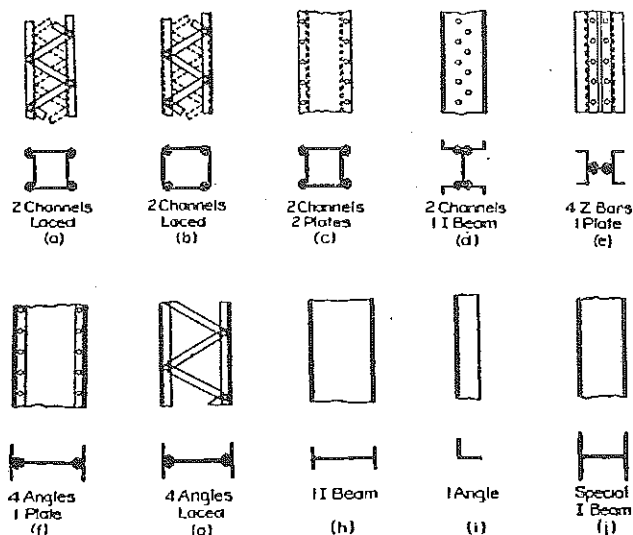
- The building is a relatively early example of “steel mill building” construction, in which steel or iron becomes the primary roof support material. Texts written in that time period detail that the four-angle, laced lower columns are intended for “light loading” which would certainly be the case in a hot foundry structure.

COLUMNS.—The common forms of columns used in mill buildings are shown in Fig. 98. For side columns where the loads are not excessive, column (g) composed of four angles laced is probably the best. In this column a large radius of gyration about an axis at right angles to the direction of the wind is obtained with a small amount

TYPES OF MILL BUILDING COLUMNS

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of metal. The lacing should be designed to take the shear, and should be replaced by a plate, (f) Fig. 98, where the shear is excessive, or where the bending moment developed at the base of the column requires the use of excessive flanges. The I beam column (h) makes a good side column where proper connections are made, and is commonly used for end columns (see Fig. 81). The best corner column is made of an equal legged angle with 4, 5 or 6-in. legs, (i) Fig. 98. Details for the bases of the three columns above described are shown in Fig. 99.



Types of Mill Building Columns from Milo Ketchum Text "The Design of Steel Mill Buildings". Column "g" (bottom row, second from left) is the type of column used in Building 4.

- The building design is similar in design to Building 1, if not completely similar in framing. Both buildings feature large banks of window glass to allow in natural light and provide ventilation. Building 1 relies upon interior bearing on masonry walls at the side bays, rather than on an iron or steel column exposed to external elements and rising damp. Later steel mill buildings, like Building 1, likely evolved from structural designs of earlier steel mill buildings, like Building 4, using more durable structural details.
- The laced angle side bay columns are in poor condition and have failed from a structural standpoint. They will need to be substantially repaired, or likely replaced. The columns are likely realizing some remaining axial capacity due to friction and incidental bond between the corroded steel and the masonry bed joints.
- The condition of the structure, particularly of the partially-exposed, corroded columns presents a complex preservation problem. Should one re-create a building detail that is faulty by design and

ill-suited for a marine-industrial environment, in the interest of authenticity and preservation? Or should a stronger structural column be placed within a new economical curtain wall built of concrete masonry, insulated appropriately, and clad on the interior and exterior with bricks? Could a less thermally-conductive substitute material fill the vertical control joints between the bricks on both faces of the wall to match the appearance of the original column? National Parks Service Preservation Brief 16, *The Use of Substitute Materials on Historic Building Exteriors* addresses some of these concerns. While the repair and conservation of original fabric is of utmost importance in preservation practice, certain building conditions and costs can justify the use of substitute materials.

- Responsible preservation practice also requires design professionals to consider the longevity of any repair or rehabilitation techniques that they specify. Future environmental exposure (marine environment atmosphere, splashback from de-icing salts) maintenance considerations (snow plowing, leaf or sand-blowing) could all undermine a designer's decision to use, for example, galvanized steel columns that replicate the original. One only needs to think about the considerable painting maintenance that all steel-framed parking structures need to undergo to understand the effects of the environment. Re-creating a failed structural detail that provides no true access to maintenance could be considered a failure of preservation to address practicality.
- The double-wide, shallow arch windows illustrate that the north and south walls were not intended to be significant load bearing elements. The side bay trusses bear directly onto plates supported by the tops of the laced angle columns, and the masonry between them was infilled. This construction technique was a major selling point of the steel mill building companies, many of which were major bridge companies. Bridge companies that branched out into steel mill building construction included American Bridge Company and the Pittsburg Bridge Company. The American Bridge company had a sales office in Portland in 1904 (as advertised in Kidder's Handbook), but we have yet to determine if they were present in 1895. In fact, at the time of publication of his *Steel Mill Buildings* text, Milo Ketchum served as the Contracting Manager for American Bridge Company's Kansas City office.
- The beams and trusses must be analyzed for snow load capacity, and the vertically-sawn, wide-board decking above the beams will need to be replaced at deteriorated areas, especially along the eaves. We were not able to measure the sheathing thickness, but its deteriorated appearance and frequent visible instances of failure causes us to believe that it does not provide an adequate diaphragm to transfer lateral loads, and it likely does not have sufficient nailing to resist code-required wind uplift forces. It is possible that all of the roof sheathing in this building may need to be replaced. Salvageable sheathing could be milled into finish trim lumber or reinstalled on shorter spans below the structural diaphragm sheathing above.
- The structure is one of the more consistently framed buildings in the complex, aside from the large concrete block wall that supports Building 5. There are fewer variations in the framing as the uniform steel components were economically mass fabricated.
- Wood frame windows allow significant natural light into the building. The single-pane glazing lacks significant thermal resistance, and would likely need to be replaced with more energy-efficient glazing to keep heat in during the colder months and to keep heat out during the warmer months. Most of the windows are in poor condition and would require extensive rehabilitation or replacement regardless of energy efficiency concerns. As the windows are an important architectural feature of the building, they will need to be rehabilitated to NPS Standards.
- Shallow arch headers over the first floor windows should be spot repaired.
- The brick masonry exterior is in fair to poor condition, in need of widespread repointing and removal at the deteriorated columns. Rising damp is a problem at Building 4, as it is at all structures, especially along the north wall.

- As with the other buildings at the complex there is a problem with site drainage that is affecting the first ten to twelve courses of brick above the foundation.

Adaptive reuse potential:

- It appears that much of the concrete masonry wall and Building 5 extension could be removed if the goal were to preserve Building 4. This would require temporary shoring of Building 4 and rebuilding the south wall to resemble the original south wall (or modified new south wall)
- Ground-level access provides potential to sustain a wide range of occupancies, including large-scale assembly, with minimal egress and accessibility issues.
- Space is relatively straightforward to subdivide, if necessary.
- Like Building 1, an infill floor could be installed independent of or in support of the existing structure to add space or lateral support.
- Open access to the structural components permits relatively simple structural strengthening techniques that will be repetitive in nature. Structural strengthening will require the analysis of many different isolated framing conditions created as the building was modified over time.

Recommended Building Envelope and Structural Rehabilitation Scope:

- As a first step, explore the feasibility of making structural modifications that meet Historic Tax Credit criteria by consulting with the National Park Service.
- Shore and stabilize the structure as required to address south and north wall column deficiencies. Shore and stabilize building as required to replace concrete masonry walls at the east end of the building, and to rebuild the east gable wall to resemble conditions from the period of historic significance.
- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing.
- Strengthen existing roof structure as required, particularly near potential drift areas, and to resist wind uplift.
- Repair or replace existing wood windows with thermally efficient units that meet National Park Service Standards.
- Repair the bearing wall between Building 3 and Building 4, and the curtain walls on the north and south sides of the building.

4.5 BUILDING 6B — BLACKSMITH SHOP, C. 1896-1904

Structure and Building Envelope Description:

- 6,500+/- square foot footprint, single story structure with relatively steep timber-framed roof and trapezoidal wood-framed shed addition at north side. We did not access the north side addition.
- Timber frame structure has nine interior roof bays along the length of the building (Photo #6B7). Building has ten interior bays spaced at regular intervals.
- Main part of structure lacks interior timber columns. All queen-rod trusses bear on masonry piers or upon timber plates on masonry.
- Exterior masonry features brick piers that extend one wythe beyond the primary masonry field, creating a rhythmic façade that illustrates the pattern of the structural roof framing.
- Large, tall windows, fairly low to the ground, provide excellent natural light. Most windows on the south elevation have been boarded over.
- Three-tab brick-colored asphalt shingles clad the roof, and appear to be in good condition.
- Fiberboard eave trim has completely failed.

Observations and Evaluation:

- We concur with the BSE assertion that repairs need to be performed to temporarily support the wall framing at the Building 6 and Building 6B intersection.
- Extensive water infiltration at the top of the wall is resulting in the degradation of the setting mortar and loose bricks. The brick has widespread open and failed mortar joints.
- The treatment of the masonry is tied to correcting defects in the roofing. The mortar in the courses directly below the roof is deteriorated from water infiltration and as a result the upper courses of brick are loose. Resetting the upper courses of brick may be required.
- Trusses appear to be generally in good to fair condition. However, the bearing conditions at the ends are questionable, due to the eave conditions that have caused significant water infiltration onto the upper masonry. Truss ends and bearing points should be assessed individually to confirm that no rot is present.
- Roof rafters and purlins are undersized. Supplemental rafters are required, and purlins should be intermediately supported to shorten their span. If excessive deflection has already occurred in the rafters, it will be more complex, but not insurmountable, to sister the rafters. A longitudinal bracing system, made clearly distinctive from the original structure, could transfer loads from the center of the purlins to the bottom chord of the queen rod trusses, leaving the purlins in place.

Adaptive reuse potential:

- The building is a short, easily accessed structure with a sloped roof that could easily be repaired. The ample windows allow significant natural light, and the long, regular structure could easily be converted into multiple units.
- Ground-level access provides potential to sustain a wide range of occupancies, including large-scale assembly, with minimal egress and accessibility issues.
- Space is relatively straightforward to subdivide, if necessary.
- Open access to the structural components permits relatively simple structural strengthening techniques that will be repetitive in nature. Structural strengthening will require the analysis of many different isolated framing conditions, particularly at the truss eaves.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Make necessary temporary and permanent stabilizations and repairs at the wall between Building 6 and Building 6B.

- Investigate the top of the brick walls to determine extent of mortar deterioration.
- Investigate the end bearing of the trusses and the top plate of the wall to determine if replacement is needed.
- Strengthen roof rafters, as is likely necessary.
- Analyze the original mortar to determine the type of binder and ratio of aggregate used.
- Remove and reset loos sections of brick.
- Repoint 100% of the exterior walls with a mortar that matches the properties and appearance of the original mortar.
- Replace non-matching modern granite sills with sills that match the existing.
- Perform necessary structural upgrades.

4.6 BUILDING 7 – CAR SHOP, C. 1873, 1904

Structure and Building Envelope Description:

- The building appears to have been originally a long rectangular structure (Photo #7.1 and Photo #7.2), supplemented later on by a shed addition on the south side (Photo #7.5). We did not access the south side addition, which apparently served as a lumber shed.
- The single-story building has perimeter loadbearing masonry walls, and some interior loadbearing masonry partition walls.
- Shallow brick arch lintels top the windows, and granite sills are located at the base of the openings.
- The interior timber frame supports a low-pitched roof. The roof rafters at the center of the structure are rectangular rafters topped with a sloped shim piece (Photo #7.5). The rafters have long spans placing substantial weight on the masonry side walls.
- A combination of membrane and asphalt roofing covers the structure (Photo #7.9).
- Many large openings have been cut into the side bearing walls (Photo #7.1, #7.2, and #7.3).

Observations and Evaluation:

- There appears to have been significant water infiltration from defects in the roof into the brickwork at the top of the wall. The mortar in the upper courses, just below the shallow eaves, is deteriorated as a result of the water infiltration. A similar condition exists at the bottom of the wall where rising damp has deteriorated the mortar in the brick courses just above grade.
- The outer wythes are bowing and detached from the inner wythes at the brick panels between the windows on the south elevation (Photo #7.8, Photo #7.10).
- There are a significant number of cracked and damaged bricks as well as bricks that have been repaired in the past with the same cement rich pointing mortar used to point the bricks.
- There is some corrosion and brick jacking at the steel lintels installed at the newer openings into the building.
- The roof framing is in poor condition and is undersized. In many locations, water infiltration appears to have caused framing rot, and there is likely significant top wall plate rot at the eaves (Photo #7.7). In a few places, we could see daylight through the rotted roof sheathing and failed surfacing.
- The finish grade around the shed addition (Photo #7.4) appears to direct roof runoff back to the base of the south wall.

Adaptive Reuse Potential:

- The building is in poor condition. While its spaces could be rehabilitated and converted to a wide variety of uses, it would likely need to be almost completely rebuilt. The overall condition of the structure would likely dictate that it be placed on new foundations.

Recommended Rehabilitation Scope:

- Comprehensive rebuilding of the existing perimeter loadbearing walls, roof surface and sheathing removal and replacement, significant roof framing strengthening and/or replacement; essentially demolition and reconstruction on the same footprint.

4.7 BUILDING 10 – PAINT SHOP, 1873



Structure and Building Envelope Description:

- 1,350 square foot footprint, single story (Photo #10.1);
- Unreinforced multi-wythe brick masonry perimeter bearing walls;
- Numerous infilled brick windows and enlarged door openings (Photo #10.3, #10.6, #10.8);
- west masonry wall has been partially rebuilt and is currently structurally unstable (Photo #10.3, #10.9);
- Some wood-framed window glazing on north and west walls;
- Battened membrane roof with numerous patches and ponding (Photo #10.2), indicating that the rafters have sagged significantly or rotted near the eaves.

Observations and Evaluation:

- We were unable to access the building interior.
- Upper roof surfacing consists of battened roof membrane, in fair to poor condition. The roof appears to be insulated, judging from conditions viewed through one of the windows.
- The masonry walls are in poor condition, with the west wall in unstable condition. This wall is in sufficiently unstable condition to warrant vacating the building, as stated in the Becker report.
- Roof framing was not visible but reportedly consists of wood rafters. It is possible that the rafters have tapered wedges placed atop each joist to create the very shallow roof pitch, as was done in Building 7 (see Photo #7.5), built around the same time.

Adaptive Reuse Potential:

- The building has a little adaptive reuse potential, due to its overall poor condition. Rehabilitating the structure would require significant time and effort, which may not be economically feasible when compared to a rebuilt structure on the same footprint.
- If the building were rebuilt, it would have to thoroughly comply with all contemporary code requirements for new construction, including foundation design.
- Reconstructing a new building to match the building during its period of historical significance is possible, depending upon future site use.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Demolish and rebuild existing walls, roof, and foundation.
- Rebuild structure to match period of historic significance, using windows that meet National Park Service Standards and building systems complying with building codes for new construction.

4.8 BUILDING 11 – PATTERN STOREHOUSE, 1885

Structure and Building Envelope Description:

- Irregularly shaped, approximately 4,600 square foot footprint, two stories (Photo #11.1)
- Timber-framed interior with reported four-foot deep crawl space below first floor.
- Unreinforced multi-wythe brick masonry perimeter bearing walls on four sides. Building 12 upper wall appears to have been built on top of Building 11 South wall.
- Nearly-flat roof framing, pitched to the south and the north by stacking timber crib pieces beneath roof rafters (Photo #11.7 through #11.10)
- Roof appears to pitch two ways, to the east and to the west, at the intersection with the upper wall of Building 12.
- Relatively little number of wood window openings per square foot of wall.
- Climbing hillside at Fore Street drains runoff to the base of the north wall, several feet above the first floor (Photo #11.3).

Observations and Evaluation:

- We did not access the reported crawl space below the first floor. Given our experience working on structures with significant quantities of runoff pitched toward them, combined with the significant bow in the north wall, we believe that the first floor framing is probably rotting near the north wall, and no longer bracing it.
- The north masonry wall has failed (Photo #11.3, #11.5). Lateral earth pressures and possible first floor framing rot have caused the wall to bulge inward several inches. We believe that this condition creates as significant concern as the wall conditions at Building 10, and that the building should be vacated until this condition is evaluated and repaired.
- We observed evidence of a perimeter drain along the north elevation, but we were unable to confirm if it is operable.
- Roof framing consists of timber framing. The roof framing members are cribbed off of the columns at various heights to create a central ridge and adjacent slopes. This roofing system cannot transfer diaphragm loads from the roof into the timber frames below.
- The west and north unreinforced brick masonry walls are in good to fair condition. Much of the masonry requires repointing, particularly near the west elevation ground level.
- We observed active roof leaking into barrels placed on the second floor (Photo #11.8).
- The bottom masonry on the north side of the building is in poor condition due to raised grade and likely saturation from snow accumulation, rising damp, and poor site drainage.
- There appears to have been some relatively structural reinforcement to a girder tying into the common wall between Building 11 and Building 12 (Photo #11.10).
- The high roof of building 12 presents a significant potential for snow drifting (Photo #11.1, #11.2) Runoff from both roofs drains from the wall at the building junction (Photo #11.2). Previous masonry repointing repairs attempted to solve the problem, but only temporarily eliminated the symptoms.

Adaptive Reuse Potential:

- The building has a relatively short floor-to floor height between the first and second floors. Combined with the lack of windows, the ground floor space feels confining and may not be suitable for occupancies that require substantial daylight. It could become a future tenant storage area if structural concerns are addressed.
- The lack of windows results from the use as a pattern storehouse, to minimize potential draft situations in the event of a fire.
- The second floor space, despite the relative lack of windows, appears to be brighter and amenable to different commercial occupancies, if the egress were improved.

- The structural failure of the north wall presents a significant economic concern that could be an obstacle to building rehabilitation.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Shore building and rebuild north masonry wall. This will likely require excavation along the base of the north wall, and slope stabilization further back toward Fore Street. Additional work will likely be required to confirm condition of first floor framing.
- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking. Provide legitimate connections to transfer forces from upper roof through cribbing to the tops of posts, and to the tops of walls.
- Insulate roof, and resurface with proper edge flashing and counterflashing. Reconsider relationship of roof against Building 12, because splashing and snow drift will likely continue to cause structural problems along this wall.
- Strengthen existing roof structure as required, particularly near potential drift areas.
- Strengthen existing roof structure as required to provide wind uplift resistance and to transfer lateral loads through roof.
- Repair or replace existing wood windows with thermally efficient units that meet National Park Service Standards.

4.9 BUILDING 14—DRAFTING ROOM & STOREHOUSE, 1858-64

Structure and Building Envelope Description:

- Undetermined square foot footprint, two story (Photo #14.1)
- A shared end wall with Building 15/16.
- Wood construction at south-facing wall; use of site retaining wall buttresses for lower side walls at east and west ends (Photo #14.3, Photo #14.4).
- The wood-framed façade has more recently been re-sided, and the some windows replaced.
- A bridge leads from Building 14 to the second floor of Building 3 is in poor condition, but not assessed as part of this survey. (Photo #14.1). A bridge between Building 2 or Building 58 connects the second floor "Map Room" to the Building third floor drafting shop (Photo #14.2).

Observations and Evaluation:

- Upper roof surfacing consists of ballasted rolled asphalt, in good to fair condition. The roof is possibly insulated in some areas, but we could not determine the extent.
- Roof framing consists of timber king post trusses, purlins, and rafters. The rafters, purlins, and trusses must be analyzed for snow load capacity, and the decking above the beams will need to be replaced at deteriorated areas.
- We were not able to measure the sheathing thickness, but it likely does not provide an adequate diaphragm to transfer lateral loads, and it likely does not have sufficient nailing to resist code-required wind uplift forces.
- The current tenant reports that warm-weather condensation is prevalent, as the heat in the building rises to the peak at the Fore Street masonry wall. The condition at the top of the Fore Street wall should be assessed to provide appropriate insulation and weather protection.

Adaptive Reuse Potential:

- Ground-level access to second floor (from 58 Fore St.) and from alleyway provides potential to sustain a wide range of business occupancies, including mercantile, office, and artists' studios, with some thought to egress and accessibility issues. This structure, along with that of Building 15/16 presents a configuration almost unique within the City of Portland. While the structures do not engage Fore Street, they create a unique alleyway on the north side of the site. Properly secured and lighted, it could present unique occupancy opportunities.
- Lateral stone walls provide fire separation between individual units if second-floor walls above are outfitted with appropriate fire-rated doors.
- Reconstruction of the south elevation to its original appearance would address identified deficiencies in the wood façade and improve the overall lateral stability of the building.
- Exposed rubble stone walls, if properly repaired, could become a unique architectural feature of the interior spaces.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing. Develop a method to insulate the uppermost wall near Fore Street to protect against water and air infiltration.
- Strengthen existing roof structure as required.
- Strengthen existing roof structure as required to provide wind uplift resistance and to transfer lateral loads through roof.

- Repair/ replace existing wood windows with thermally efficient units that meet National Park Service Standards.
- Rebuild the south first-floor elevation to match period of historic significance and to strengthen lateral capacity of south wall.

4.10 BUILDING 15/16 – BOILER HOUSE/BRASS FOUNDRY, 1858, 1864

Structure and Building Envelope Description:

- Small (unknown area), two-story structure with conventional lumber framing (15) and unreinforced multi-wythe brick masonry bearing wall (16) along the south (alley) elevation. Building 16 also has an infill wooden partition below a steel beam that previously created a large door opening. Refer to photos #16.1 and #16.2.
- Brick vaults reportedly extend from Building #15 beneath the Fore Street sidewalk. We did not observe these vaults.
- Rubble dry-stacked retaining walls exist at north, west and east elevations. At Building 16, it appears that water penetrates the wall or has in the past.
- Back wall (north wall) is large stone masonry retaining wall supporting hillside at Fore Street.
- Mono-pitch wood-framed roof slopes down toward the south (alley-facing) wall.
- Two-wythe brick masonry front wall features a mixture of granite (likely original) brick, and steel or iron headers on the window and door openings.
- The remnants of the Boiler House chimney base remain between Building 15 and Building 16.
- A large standpipe at east end of building.

Observations and Evaluation:

- The wooden and brick masonry walls of both buildings are in poor condition.
- The chimney base bricks should be checked and stabilized in place.
- Timber and lumber roof framing at Building 16 is undersized for contemporary snow loads.

Adaptive Reuse Potential:

- The building's current use is as a blacksmith's forge, a use not dissimilar to its original purpose as a brass foundry. It may be necessary to rebuild most of the Building 15 framing. In that case, Building 15 would likely need to conform to contemporary code requirements for new structures. From a preservation standpoint, the blacksmith occupancy is likely to be considered as the best and highest use of the structure.
- Open access to framing in Building 16 permits relatively simple structural strengthening techniques. We assume that much of the Building 15 structure will need to be rebuilt.
- As discussed in the Building 14 section, this structure provides opportunities for unique occupancies if properly secured and lighted.

Recommended Building Envelope and Structural Rehabilitation Scope:

- Strip existing roofing, repair damaged sheathing, and add a structural diaphragm, consisting either of plywood sheathing or metal decking above the interior exposed roof decking.
- Insulate roof, and resurface with proper edge flashing and counterflashing.
- Strengthen or rebuild existing roof structure as required, particularly near potential drift areas.
- Strengthen existing roof structure as required to provide wind uplift resistance and to transfer lateral loads through roof.
- Repair or replace existing doors and windows with thermally efficient units that meet National Park Service Standards.
- Repair/replace existing steel lintels with properly galvanized, painted or prepared/painted steel.
- Rebuild the south elevation and Building 15 timber or lumber structures as required.
- Rehabilitate brick masonry front wall of Building 16, to match period of historic significance.
- Improve site drainage and grading around the alley and hillside.

5.0 RECOMMENDATIONS AND CONCLUSION

The individual structures within the Portland Company complex that were included in the project scope are in generally poor condition due to deferred maintenance and, in some cases, inherent but correctable lack of stability against lateral forces and snow loads. The severity of deterioration varies from building to building; it also varies within any given building. In some cases, significant deterioration is quite localized; in other cases, the overall structure is in a state of significant disrepair.

Buildings in poor condition do not necessarily warrant demolition. The fact that a number of the buildings within the Portland Company complex continue to be occupied—some by large assemblies for special events and some by business tenants--attests to the fact that most of the buildings are still serviceable and are in salvageable condition.

In our opinion, it is possible to address the identified structural and building envelope conditions in ways that retain each building's historic character and that are feasible from a cost perspective. To do so, however, will require case-by-case assessment, creative design solutions, and the involvement of consultants and contractors experienced in historic building rehabilitation.

We concur with many of the primary findings of the Becker Structural Engineers report as to the current condition of the individual buildings. We believe, however, that the simplified construction techniques that characterize these buildings together with the repetitive nature of many of the required repairs make possible a relatively straightforward rehabilitation project. These attributes also present an opportunity to improve lateral stability of the building within contemporary code requirements while making other repairs. The simple, modular nature of the long buildings allows for replication of the individual structural repair details. The exposed floor and roof structures provide easy access to make repairs. The limited hidden conditions lower the need to include large cost contingency factors for structural upgrades. In summary, most of the building structures are not that complicated when compared to many other historic commercial building rehabilitation projects undertaken in Portland and in Maine during the last quarter century. With proper planning, specification, and construction administration, most of the existing structures can be rehabilitated by contractors trained in preservation work, primarily in masonry rehabilitation and timber framing. Appropriate planning, engineering, and site inspection will need to occur to ensure the proper execution of the repairs.

In our opinion, three structures stand out as buildings presenting the greatest structural and building envelope challenges. The buildings in the worst condition include Building 7 (Car Shop) #10 (Paint Shop), and 11 (Pattern Storehouse). The immediate safety concerns identified by Becker Structural Engineers at the wall between buildings 6A/6B, and of the overall condition of Building 10, are valid concerns and should be addressed as soon as possible. Stabilizing the wall and roof framing between 6A and 6B can be performed as a stand-alone project prior to other rehabilitation of these buildings. Additionally, Building 11 should not be occupied due to lateral pressures exerted by soil and snow against the north wall.

It has been a pleasure to assist you with this project. If you have any further questions about the content of this report, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Alfred H. Hodson III, P.E." The signature is written in a cursive style with a large, stylized 'A' and 'H'.

Alfred H. Hodson III, P.E.
Resurgence Engineering and Preservation, Inc.

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APPENDIX A

RELATIVE STRUCTURAL CONDITION AND
RELATIVE REHABILITATION COSTS
RESURGENCE ENGINEERING AND
BECKER STRUCTURAL ENGINEERS

APPENDIX A
PORTLAND COMPANY COMPLEX – MARCH 2015
RELATIVE CONDITION AND REHABILITATION COST COMPARISON

BUILDING NUMBER – NAME DATE	RELATIVE STRUCTURAL CONDON			RELATIVE REHABILITATION COST	
	BECKER	RESURGENCE /BECKER SCALE	RESURGENCE SCALE	BECKER	RESURGENCE
BUILDING 1 - ERECTING BUILDING 1918	2.0	<u>2.5</u> (REPETITIVE DTLS)	P2	4.0	<u>3.5</u> (REPETITIVE DTLS)
BUILDING 2 - MACHINE SHOP 1847	2.5	2.5	P2+	4.5	4.5
BUILDING 3 - MACHINE SHOP 1847	3.0	3.0	P2+	3.0	3.0
BUILDING 4 - FOUNDRY/ACETYLENE HS 1895, 1904-09	1.5	1.5	VP2	4.5	<u>4.0</u> (REPETITIVE DETAILS, CUSTOM REHABILITATION)
BUILDING 6B - TANK SHOP 1896-1904	3.0	3.0	P2+	3.5	3.5
BUILDING 7 - CAR SHOP 1873, 1904	2.0	<u>1.5</u> (BOWED WALLS)	VP1	5.0	5.0
BUILDING 10 - PAINT SHOP 1873	1.0	1.0	VP1	4.5	<u>4.0</u> (REBUILD IN KIND)
BUILDING 11 - PATTERN STOREHOUSE 1885	2.5	<u>2.0 (NORTH WALL)</u>	VP2	4.5	4.5
BUILDING 14 - DRAFTING ROOM AND STOREHOUSE 1858, 1864	NOT INSPECTED	2.0	VP3	NOT INSPECTED	3.5
BUILDING 15/16 (NO ACCESS TO B15) BOILER HOUSE/BRASS FOUNDRY 1858, 1864	1.5	1.5	VP3	3.0	3.0
Averages of common buildings inspected (excluding Building 14)	2.11	2.06	.	4.06	3.89

SEE FOLLOWING PAGES FOR EXPLANATION OF BECKER STRUCTURAL ENGINEERS AND RESURGENCE ENGINEERING RATING SYSTEMS

Notes:

1. Coordinate this document with "Portland Company Complex General Building Assessment" prepared by Resurgence Engineering et al, March 2015, and "Evaluation of Existing Buildings at the Portland Company Property" prepared by Becker Structural Engineers, March 28, 2014.
2. Further discussion about relative rehabilitation costs related to these structures, by Resurgence Engineering, follows this page.

APPENDIX A EXPLANATION OF BECKER AND RESURGENCE RATING SYSTEMS

Becker Structural Engineers' (BSE) Rating System

The relative structural conditions rating system used in the Becker Structural Engineers Report is shown below:

- 1 = Very poor/unsafe/demolition likely
- 2 = Very poor/salvageable with significant structural rework and investment/questionable economic viability/consider demolition
- 3 = Poor/requires substantial structural work to elements and systems
- 4 = Fair/requires nominal structural work to elements
- 5 = Good condition/minor structural work required

Becker's relative rehabilitation cost rating system is based upon structural complexity and size of building, using a scale of 1 to 5 -- 1 being relatively low costs and 5 being relatively high costs. BSE gives no specific definitions of the relative costs, simply a numerical grading system. Such an approach appears to be reasonable, given the preliminary nature of assessment that both firms were instructed to provide.

Resurgence Engineering and Preservation's (REP) Rating System

For ease of comparison, REP used the same relative structural conditions rating system as BSE in the summary chart. However, REP believes there is a more accurate and further defined way to classify the buildings in terms of condition. *See chart on following page for REP's proposed rating system as regards condition.*

REP has used the same relative rehabilitation cost rating system as BSE. The BSE report provided no specific definition of cost for each rating category.

RESURGENCE ENGINEERING RELATIVE STRUCTURAL CONDITION SCALE OF EXISTING BUILDINGS IN POOR CONDITION

BSE condition #	REP NUMBER	DESCRIPTION OF CONDITION, PRE AND POST MITIGATION	LOCAL/MAINE BUILDING EXAMPLES PRE AND POST MITIGATION
(n/a)	VP1 (very poor, not salvageable)	PRE: Immediate <u>widespread public safety threat and site/occupant safety threat</u> if not barricaded and structurally shored; evacuate nearby buildings, streets, sidewalks, block off parking spaces. Potential for widespread debris field in event of collapse; Building cannot be re-occupied following triggering event. POST: Condemn and demolish building.	Buildings with extensive fire damage
1	VP2 (very poor but salvageable, expensive to rehabilitate, i.e. approx.. BSE cost #4 to #5)	PRE: Immediate <u>widespread public safety threat and site/occupant safety threat</u> if not barricaded and structurally shored; evacuate nearby buildings, streets, sidewalks, block off parking spaces. Potential for widespread debris field in event of collapse; Building cannot be re-occupied following triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots remain blocked off. Building itself cannot be occupied after stabilization. Unsafe for rescue personnel to enter if trespassers are inside. Shored and secured structure relatively expensive, but feasible, to rehabilitate.	PRE: Norway Opera House, 2007-09 POST: Norway Opera House, 2010+
1	VP3 (very poor but salvageable, moderately expensive to rehab, i.e. BSE cost #3 to 4)	PRE: <u>Immediate site/occupant safety threat and localized public safety threat</u> if not if not barricaded and structurally shored; Block off streets, sidewalks, and parking spaces. Potential for localized debris field in event of collapse; Building can be occupied following the triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots can remain blocked off or reopened following mitigation. Building itself can be occupied.	PRE: Buildings with widespread loose façade components. i.e. Masonic Temple Localized structural failures i.e. Portland Company Complex Building 4 POST: Stabilized structures, removing loose components or installing covered sidewalk and blocked off parking spaces.
2	P1 (very poor but salvageable, less expensive to rehab; i.e. BSE cost #2)	PRE: <u>Likely site/occupant safety threat and localized public safety threat</u> if not if not barricaded and structurally shored; Block off streets, sidewalks, and parking spaces. Potential for localized debris field in event of element failure; Building can be occupied following the triggering event. POST: Building assessed, barricaded, structurally shored; nearby buildings deemed safe for return; streets, and/or sidewalks and parking spots can remain blocked off or reopened following mitigation. Building itself can be resume occupancy.	PRE: Buildings with a few loose façade components that can easily be removed or snow and ice buildup that can easily and quickly be removed, POST: Stabilized structures, removing loose components or installing covered sidewalk and blocked off parking spaces.
3	P2	PRE: <u>Possible site/occupant safety threat and localized public safety threat</u> if not if not barricaded and structurally shored; No triggering event causing distress; possible change of use makes economics questionable. POST: Rehabilitation Feasibility Study considering economics for specific buildings and structures.	PRE: Portland Company Building Complex Building #1

Most of REP's condition and cost ratings align with those of BSE. Using our own rating system, however, REP's conclusions are slightly different, especially in regards to the potential for rehabilitating buildings in distress (i.e. Buildings with a "1" to "2" condition ranking). We would not have necessarily characterized these buildings as unsalvageable, as Becker suggests. Our justification for this would be to consider the cost benefits that could be realized using historic preservation tax credit incentives, along with the added flexibility afforded historic structures under the IEBC. Tax credit incentives could offset the costs of more custom-designed engineering and building envelope rehabilitation solutions. They would also offset the cost of higher-quality, longer lasting building materials necessary for the marine climate.

Our primary departures from BSE exist in Building 1, Building 4, Building 7, Building 10, and Building 11. We downgraded the relative structural condition of Building 7 and Building 11, while we upgraded the relative structural condition of Building 1. We lowered the relative rehabilitation costs of Building 1, Building 4, and Building 10. The paragraphs that follow explain the reason for our departure at each building.

For Building 1 we believe that the more recent construction date (1918), combined with the repetitive nature of the building elements, can allow for a slightly less expensive rehabilitation than indicated in the BSE report.

Building 4 could yield a relatively less expensive rehabilitation if a customized approach to reframing the edge columns and rebuilding the masonry could be achieved economically. Such an approach would have to be understood and approved in advance by the National Park Service if tax credits were desired on this building project. If historic preservation tax credits can be used on this project using a different approach to reframing the edge columns and rebuilding the masonry, while strengthening the existing structure, we disagree that this building is a likely candidate for demolition.

In our opinion, the condition of Building 7 is slightly worse than considered in the BSE report, because of the poor condition of the loadbearing masonry at the north elevation. We concur with the relative rehabilitation costs for the building.

We depart from the BSE cost condition assessment of Building 10, only in the sense that it may make the most economic sense to demolish the existing structure.

The compromised north wall at Building 11 necessitates downgrading its condition from 2.5 to 2.0 in comparison to the BSE report. We recommend that the building remain unoccupied until the north wall is stabilized. Demolition of this structure may be warranted pending further understanding of the roof framing and first floor framing conditions.

As stated in the BSE report, immediate safety concerns need to be addressed, whether as isolated repairs (Building 6A/6B common wall and truss) or comprehensive measures (vacancy of Building 11).

Basis for Cost Opinion Conclusions for Each Building

Building 1 - Erecting Building, c.1918

Relative rehabilitation costs for this structure and building envelope are based primarily upon the fact that the structure is repetitive in construction technique, offset by the likely reconstruction of the front masonry (west) wall. The staging and access cost required to perform clerestory rehabilitation from interior and exterior will be an increasing cost factor in building rehabilitation. A significant amount of steel-framed window glazing would require repair or replacement. Since this is the most recent building in the study, existing steel materials may be of higher quality and some understanding of snow loading requirements was incorporated into the design.

Building 2 – Machine Shop, c.1847

This building, the most structurally complicated and tallest within the buildings studied, would likely cost the most to rehabilitate, but could present the greatest risk/reward. The structure itself will likely take the most time to thoroughly assess from a structural and building envelope standpoint, given the number of changes that occurred over the years and the addition of the third floor. The large wooden windows on the first and second floors would be very labor intensive to rehabilitate, given the large number of individual panes. Third floor windows might not be as expensive to rehabilitate or replace, because they may have been 2:2 light sash, which were common in the early 20th century. A well thought-out temporary shoring plan is necessary to tie the cantilevered third-floor framing further back into the existing building. Third floor cladding, though high up, could be replaced relatively simply. At approximately 45 feet high and three stories, this building will be subjected to the greatest wind and seismic forces of all the buildings studied.

Building 3 – Machine Shop, c.1847

Building 3 is the second most structurally complicated building within the complex, but is not as relatively expensive to rehabilitate as Building 2. The additional floor support structure is less complicated than Building 2, lacking the cantilever framing existing at that neighboring building. The second floor also provides interior access to the much smaller clerestory, facilitating any structural work required there. The smaller overall footprint and lower percentage of glazing helps contain rehabilitation costs.

Building 4 – Foundry, c.1895

The Foundry rehabilitation work likely involves wholesale rethinking of the structure and building envelope along the exterior walls. Structural upgrades and replacement of an existing structural system that was improper for its marine, cold-weather climate may actually simplify the rehabilitation by permitting a complete column removal and replacement with contemporary steel columns, not exposed to the exterior elements. However, this more significant structural change may require the longest lead time to confirm whether the structure and building envelope modifications would be eligible to receive historic tax credits.

Building 6B – Tank Shop, c.1896-1904

Tank Shop rehabilitation is simplified because of its relatively short height, simple gable roof, and relatively small windows. Added longitudinal roof bracing can support the intermediate roof purlins between trusses and stiffen the roof against wind and seismic forces. The low roof height will likely keep the building from experiencing significant wind load increases due to height. Each one of the trusses will require further inspection, nondestructive testing and/or invasive inspection to confirm that end bearing conditions are structurally sound.

Building 7 – Car Shop, c. 1873, 1904

Although the Car Shop is a single-story structure, rehabilitation becomes complicated and more costly due to the overall poor condition and insufficient depth of the roof framing and because of the poor condition of the existing exterior masonry. The existing roof framing has such a low slope that it likely has permanent deflection “set”, which will complicate efforts to strengthen the framing by sistering. Significant roof leaks in the structure have likely rotted sheathing and possibly framing, in more areas than are visible due to penetrating sunlight. The windows are not large or great in area relative to the total façade area, which would diminish the rehabilitation costs somewhat. However, the existing loadbearing masonry would likely require complete rebuilding because it is in such poor condition.

Building 10 – Paint Shop, c. 1873

Originally isolated by the remaining structures for safety purposes, the paint shop stands alone as the most significantly altered structure in the worst overall condition. Building rehabilitation is hard to justify, given the small size and poor condition. Rebuilding the structure to resemble the original during the site's period of significance, in conformance with contemporary codes, would be a more straightforward option, despite the likely required foundation upgrades.

Building 11 – Pattern Storehouse, c. 1885

The Pattern Storehouse carries with it the greatest uncertainty about rehabilitation costs. It is the only building studied that has a wood-framed first floor situated over an earthen crawl space, and it is the only structure that had the majority of its roof framing concealed by ceilings. The low-slope roof, pitching partially toward Building 12, creates drift conditions and roof runoff that are detrimental to both buildings.

Building 14 – Drafting Room and Storehouse, c. 1858-64

Tucked in between buttresses of the Fore Street retaining wall, Building 14, like the Boiler House and Brass Foundry to the immediate north, contains relatively limited floor space in a structure that is practically unique. The existing timber frame purlin and rafter system needs to be carefully assessed near the peak, as that area is vulnerable to condensation and leakage due to snow buildup and insufficient insulation.

Building 15/16 – Boiler House and Brass Foundry c.1858, 1864

We did not enter Building 15, but the visible condition of the second floor framing means the structure would likely need to be rebuilt. Building 16, the Brass Foundry, requires several of the same structural assessments and likely upgrades that Building 14 requires, as well as the rehabilitation of the small south façade.

APPENDIX B
PHOTOGRAPHS



PHOTO
#1.1
A 2 95.jpg

Building 1: View from west. Large, tall bay door has replaced original smaller overhead door and symmetrical high windows. Increased roof pitch at right side of photo appears to have been in place since late 1930s.



PHOTO
#1.2
R 07.jpg

Building 1: View along south elevation looking toward Building 2, showing five bays of steel-framed windows and a small bay near Building 2. Note large crack at left, near joint with west wall.

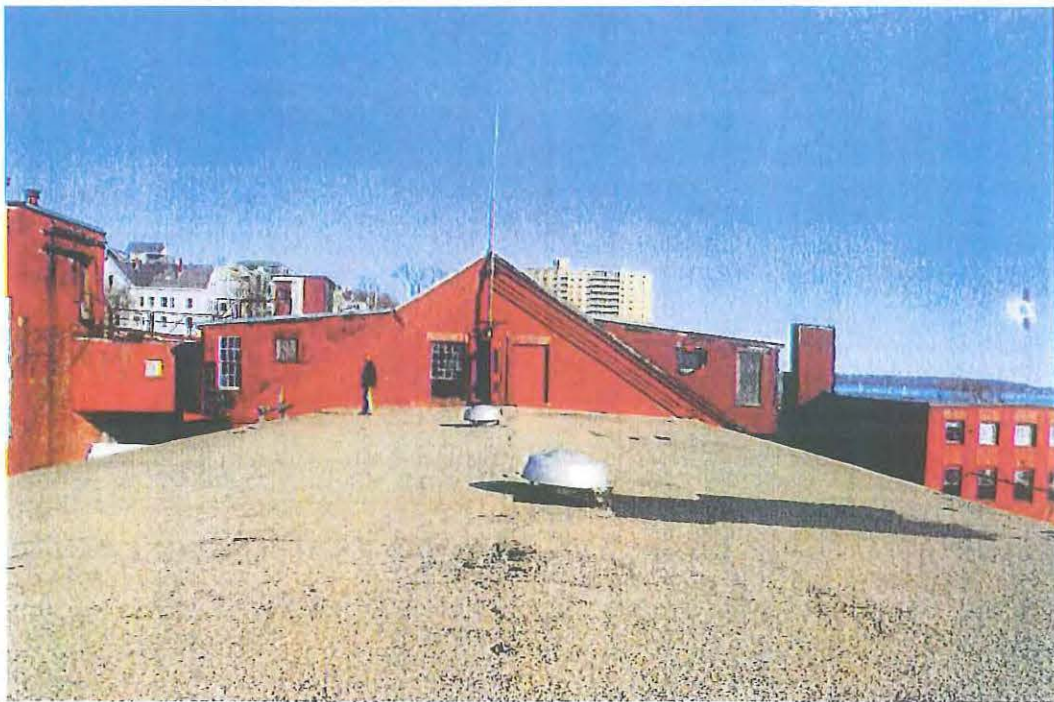


PHOTO
#1.3
A 30 86.jpg

Building 1: View from west end of upper roof, showing felt and gravel surface. Lower side roof levels, not visible, consist of rubber membrane on south side and possibly felt on the north side. Building 2 gable roof visible in background.



PHOTO
#1.4
R 17.jpg

Building 1: Interior view of upper roof framing, showing flat Warren trusses, I-beam purlins, and edge and center-bead roof decking. Note rotted decking areas (arrow) and steel-framed clerestory windows.



PHOTO
#1.5
R 37.jpg

Building 1: Existing rail crane is supported by girders spanning the length of the building. Rail cranes in mill buildings require offset framing at columns in order to support low roofs and upper roof framing. Note horizontal angle bracing at high roof.



PHOTO
#1.6
R 32.jpg

Building 1: Rising damp at perimeter wall base, failed concrete sills, and significantly damaged steel-framed windows.



PHOTO
#1.7
R 06.jpg

Building 1: Brick masonry crack, northwest corner of building. Rebuilding the west wall of the building and performing other masonry repairs can improve lateral stability of the building. .

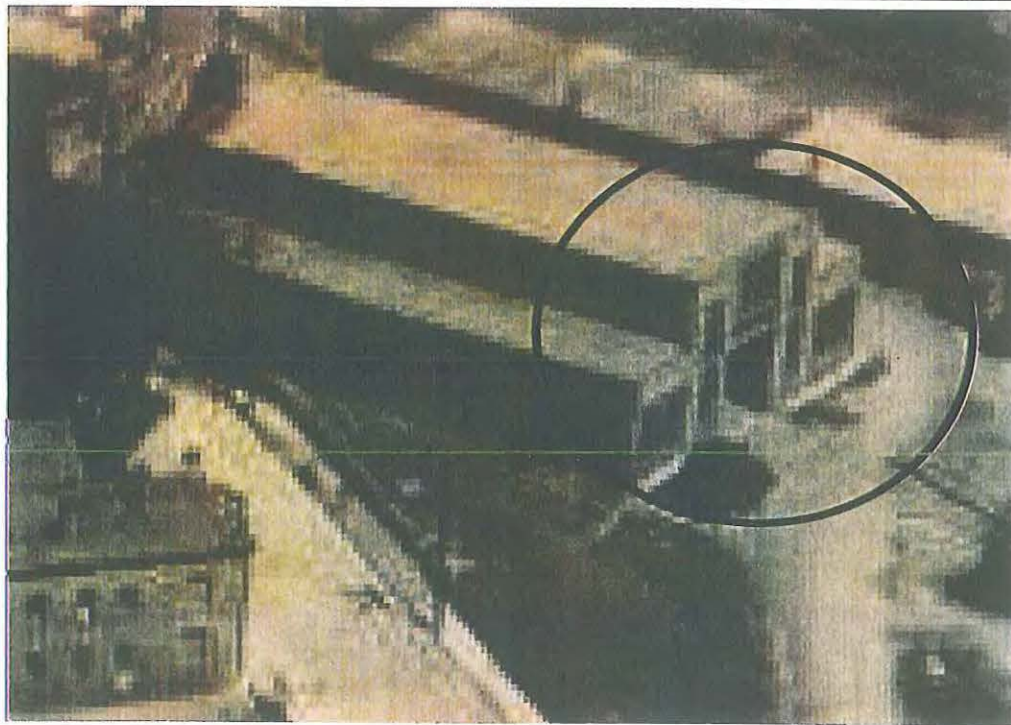


PHOTO
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maine memory
nhulk

Building 1: 1938 aerial photo shows smaller-scale door opening and symmetrical windows. Rebuilding west wall to a similar configuration could strengthen wall and return elevation to its period of significance.

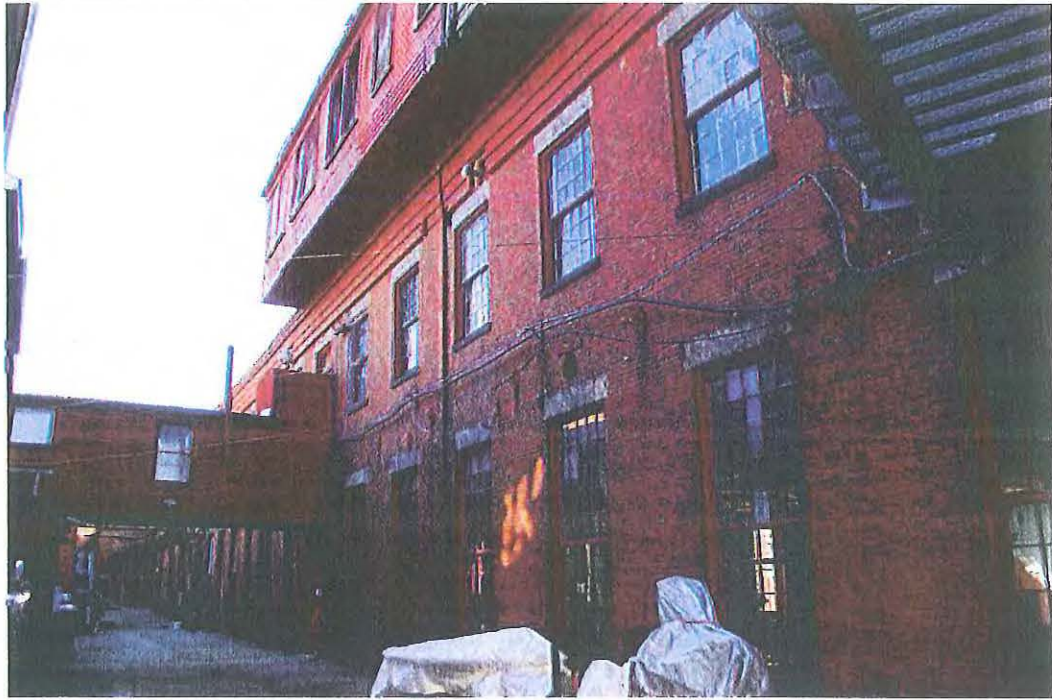


PHOTO
#2.1
R 26.jpg

Building 2: View from southeast. Note third floor (added in 1905) cantilevered over original building cornice. Walkway to Building 6 was not assessed as part of this study.

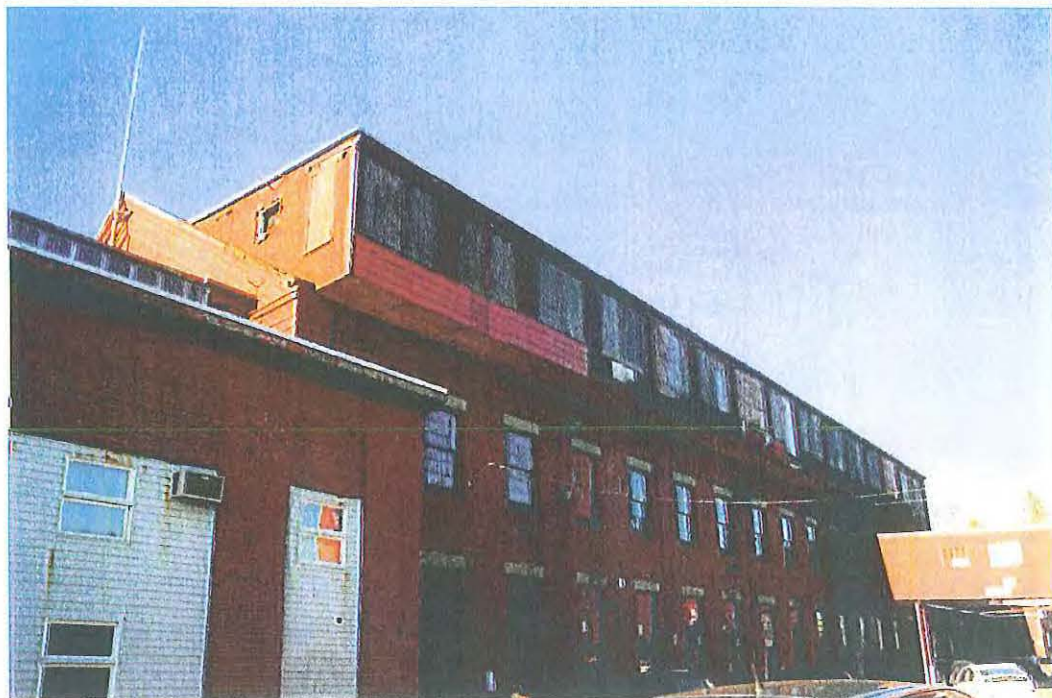


PHOTO
#2.2
A P 5.jpg

Building 2: View from southwest showing continuous third-floor shed dormer cantilevered over original roof cornice.

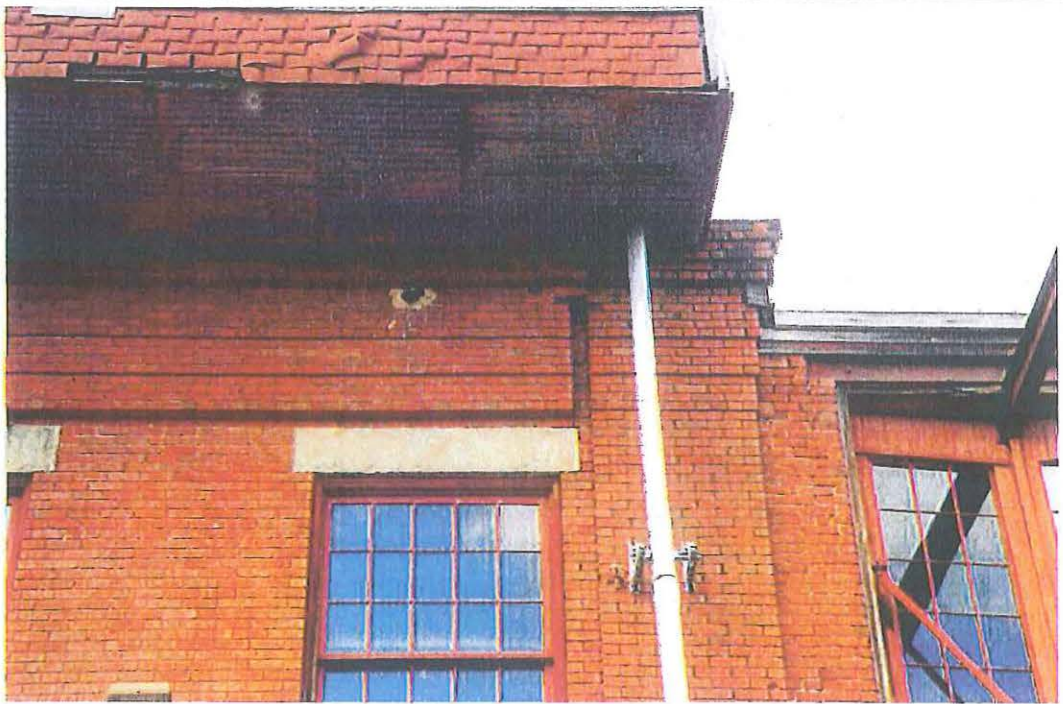


PHOTO
#2.3
A 29 14.jpg

Building 2: View of southeast corner of building, looking up at cantilevered dormer. Note relief in brick cornice above window. A downspout likely descended from that location before the addition was built.

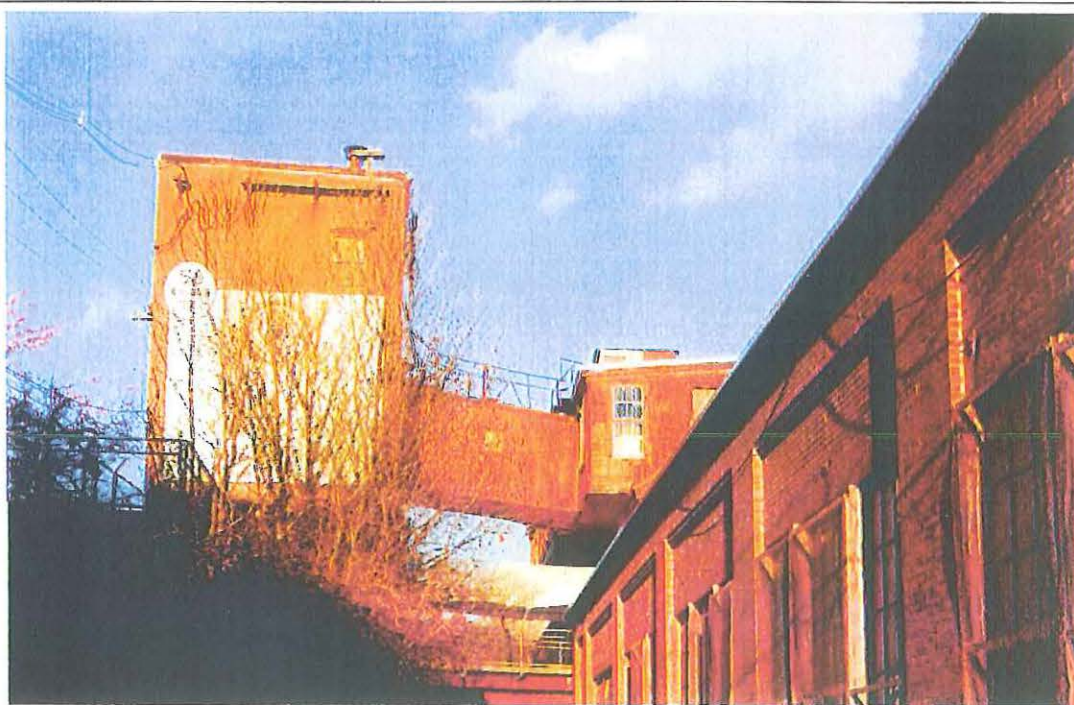


PHOTO
#2.4
A 29 107.jpg

Building 2: Walkway from third-floor drafting room to plan vault. Walkway was not assessed as part of this project.

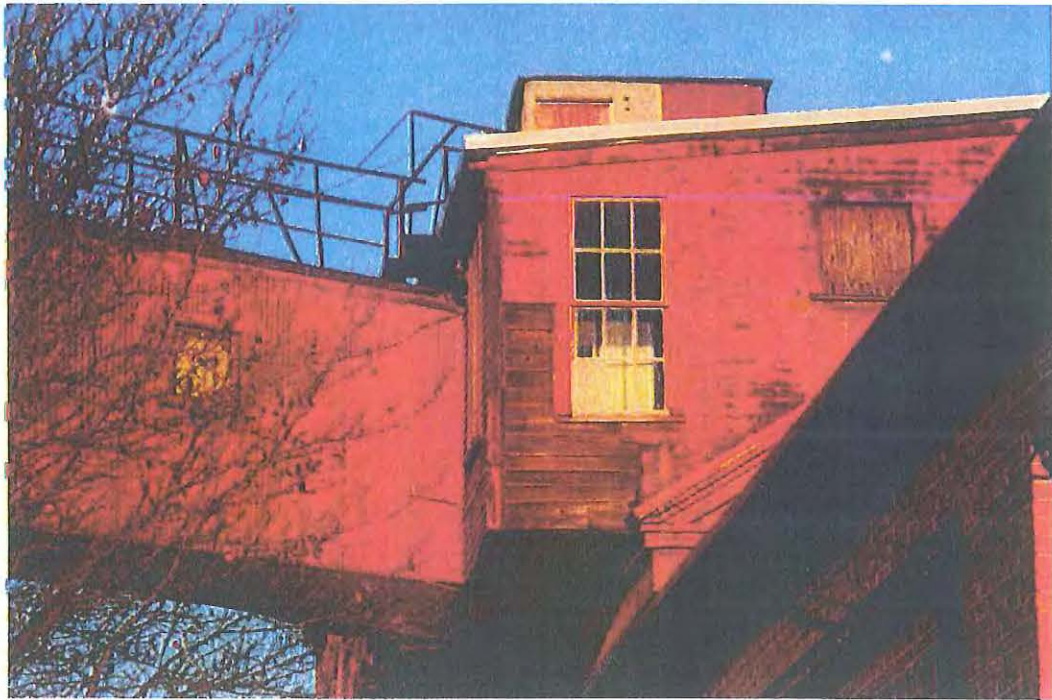


PHOTO
#2.5
 ah 1 x 0.jpg

Building 2: Metal-clad walkway extending from Building 24 (vault storage) to drafting office allowed quick access to drawings in progress and drawings from archives, without exposing drawings or draftsmen to weather conditions.

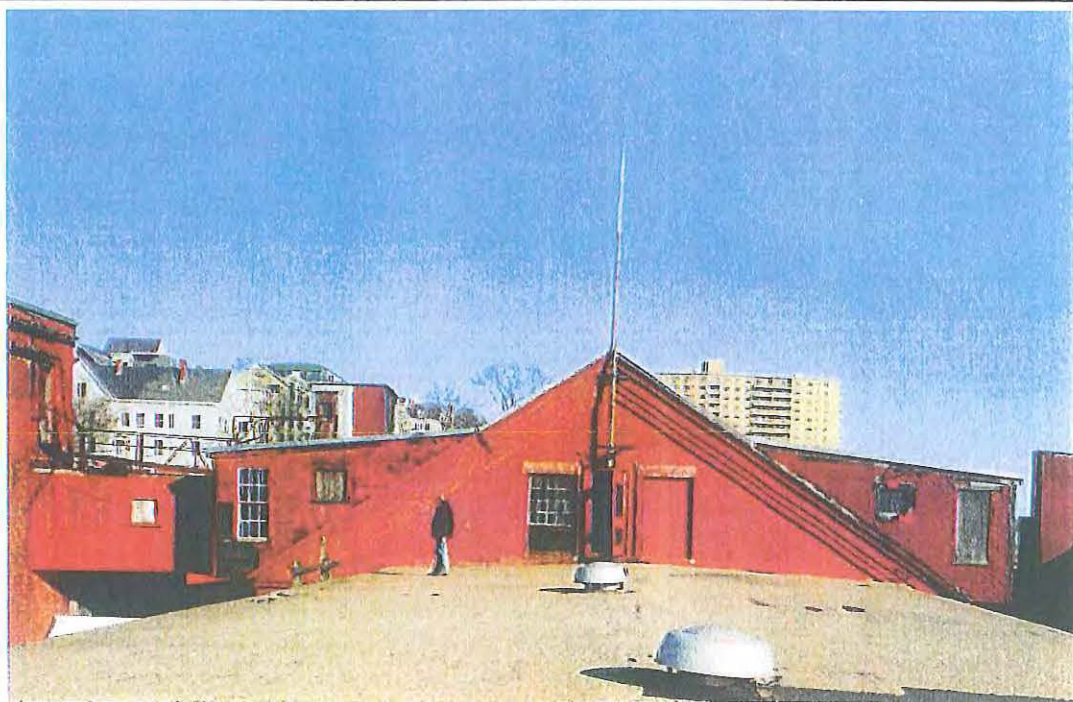


PHOTO
#2.6
 A 30 86.jpg

Building 2: West gable viewed from West end of Building 1. Third floor dormers extending from each side of gable require strengthening to ensure integrity of cantilevered structure. Note different dormer cladding materials.

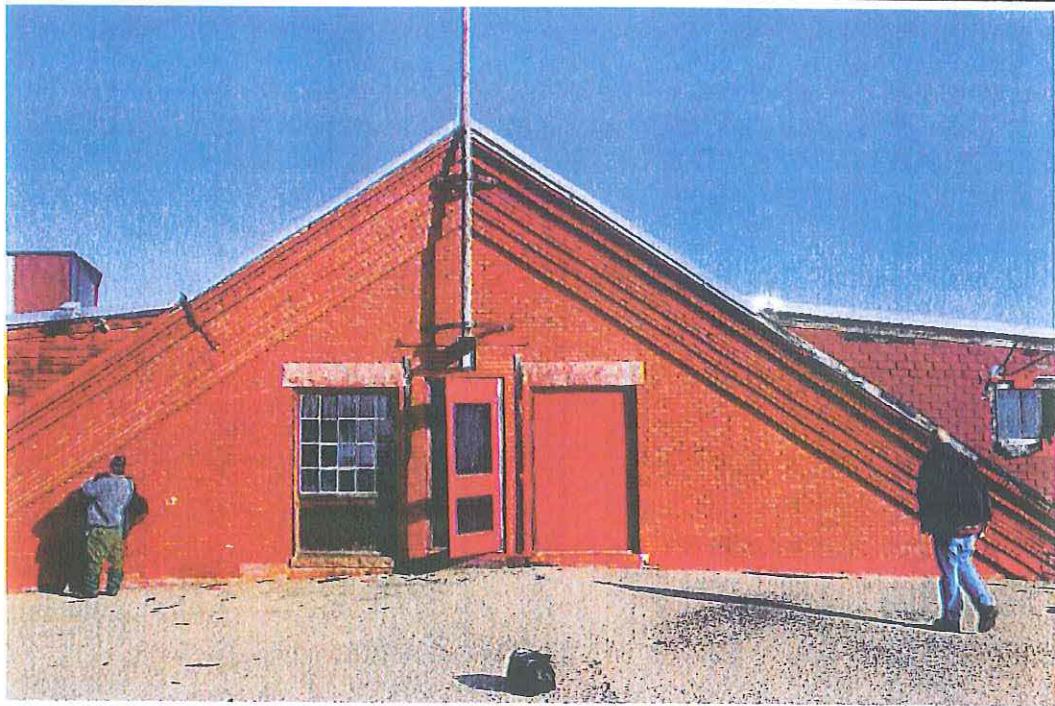


PHOTO
#2.7
R 179.jpg

Building 2: Gable end rake viewed from Building 1 roof. With proper safety precautions, much of the rake and gable peak can be repointed without extensive scaffolding.

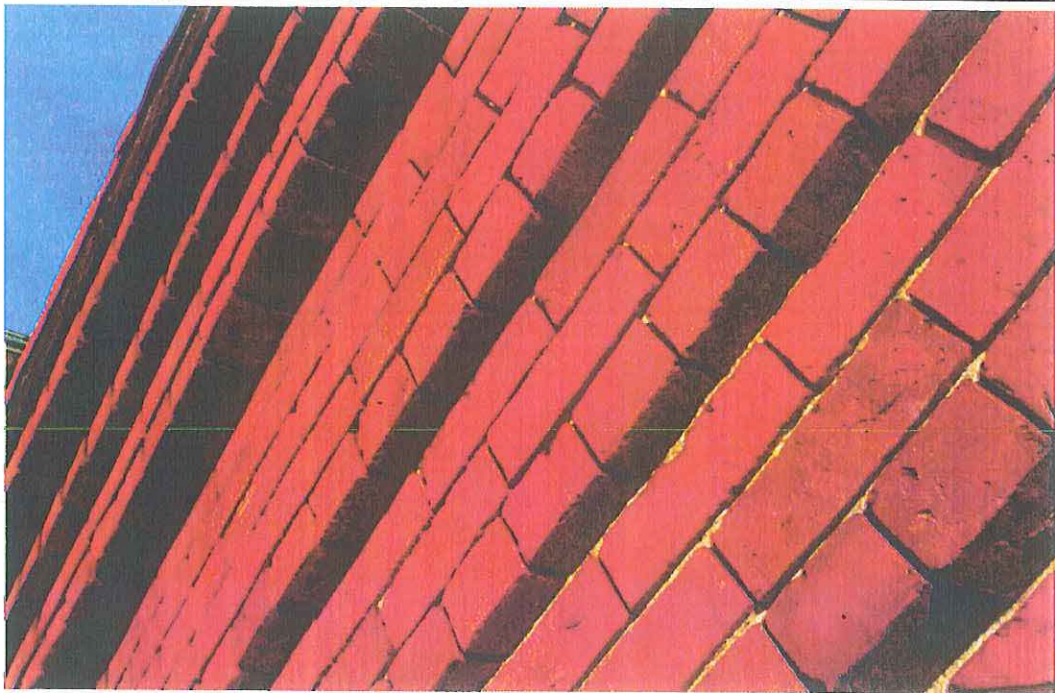


PHOTO
#2.8
A 30 68.jpg

Building 2: West Gable end rake (detail) comprised of 15 courses of brick masonry corbelling out over one foot beyond outside face of primary gable end wall. Repointing required, but otherwise in good condition.

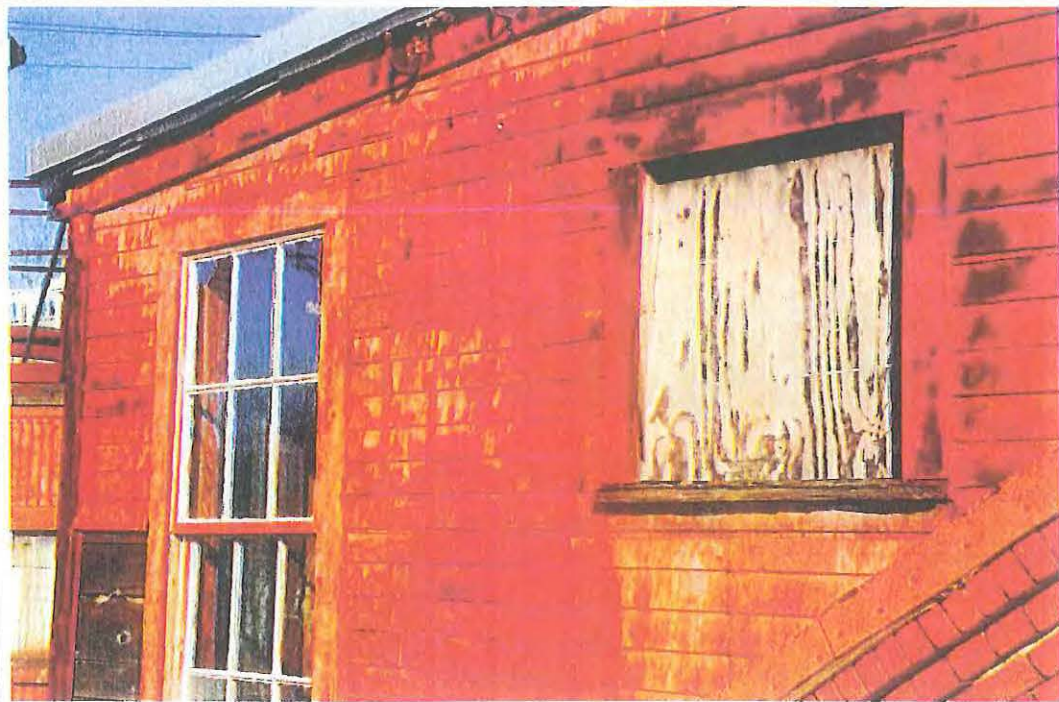


PHOTO
#2.9
A 30 95.jpg

Building 2: West end of north-facing third-floor dormer. Note corroded metal siding and missing siding. 6/6 window sash is likely original.



PHOTO
#2.10
R 169.jpg

Building 2: View from east end of third floor. Plastic sheeting has been used throughout to prevent roof leaks from reaching the assembly space below.

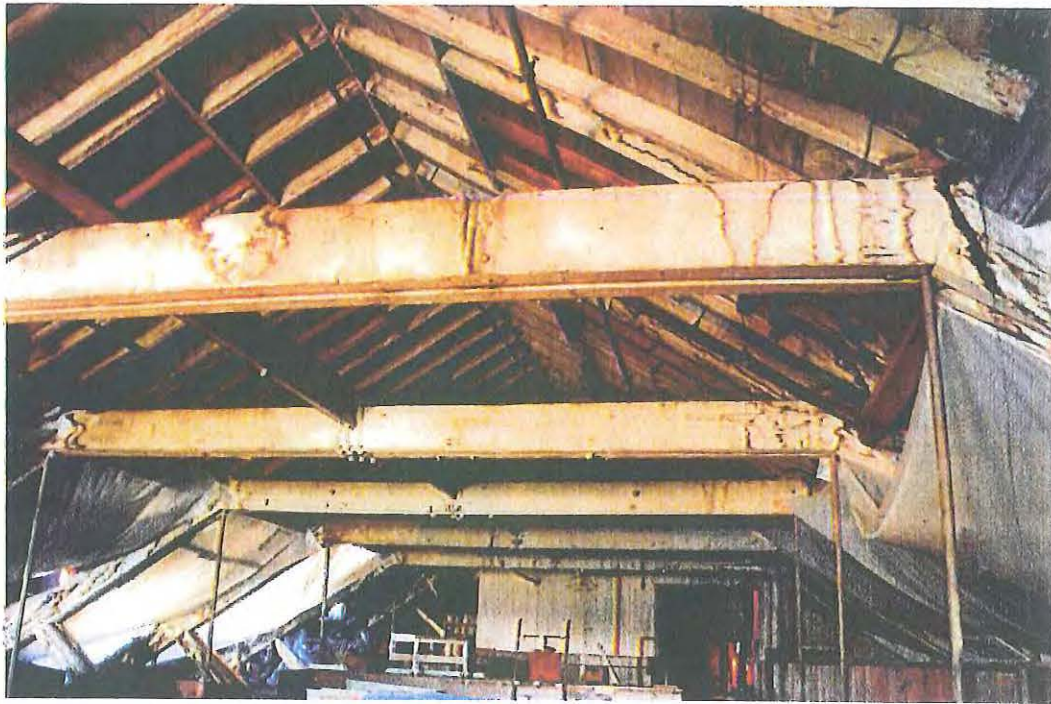


PHOTO
#2.11
A 30 100.jpg

Building 2: 3rd floor drafting office viewed from west wall. Queen rod trusses support roof structure, and lower half of roof extends out as low-slope shed dormers, not visible in this photo.



PHOTO
#2.12
A 30 55.jpg

Building 2 upper roof: Note skylights previously located along roof.

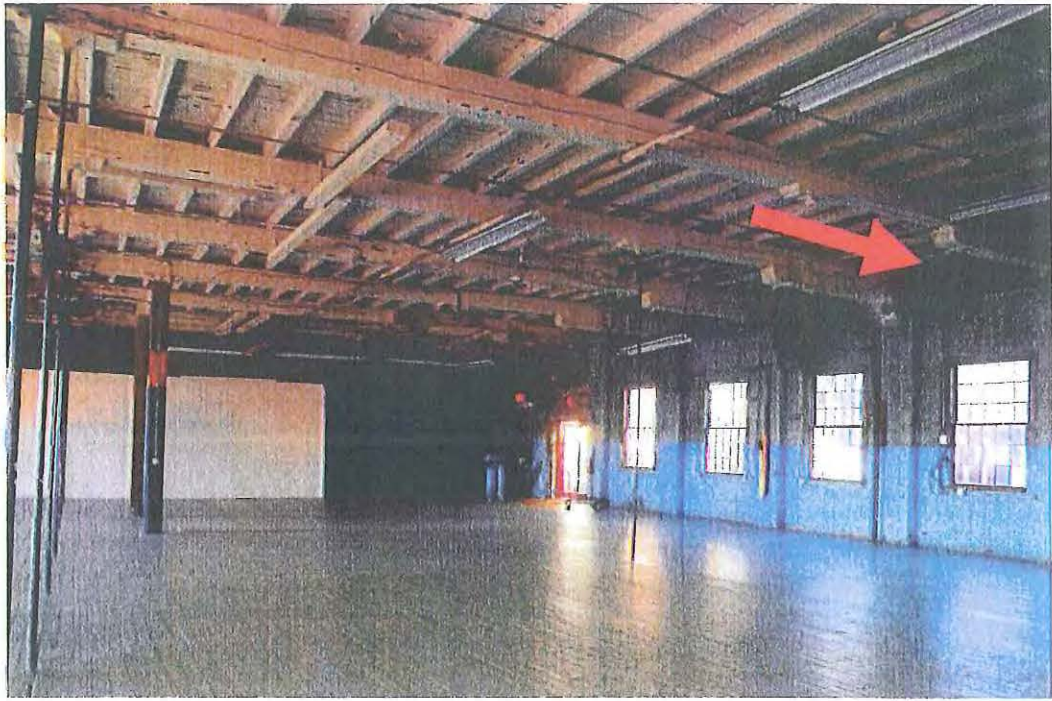


PHOTO
#2.13
A 29 58.jpg

Second floor assembly area, supported below by additional cast iron and timber posts. Iron rods were used to suspend the floor from the roof trusses. Dormer cantilever floor framing has very little backspan (arrow).



PHOTO
#2.14
A P 1.jpg

Second floor assembly area: In use as assembly facility, December 2014.

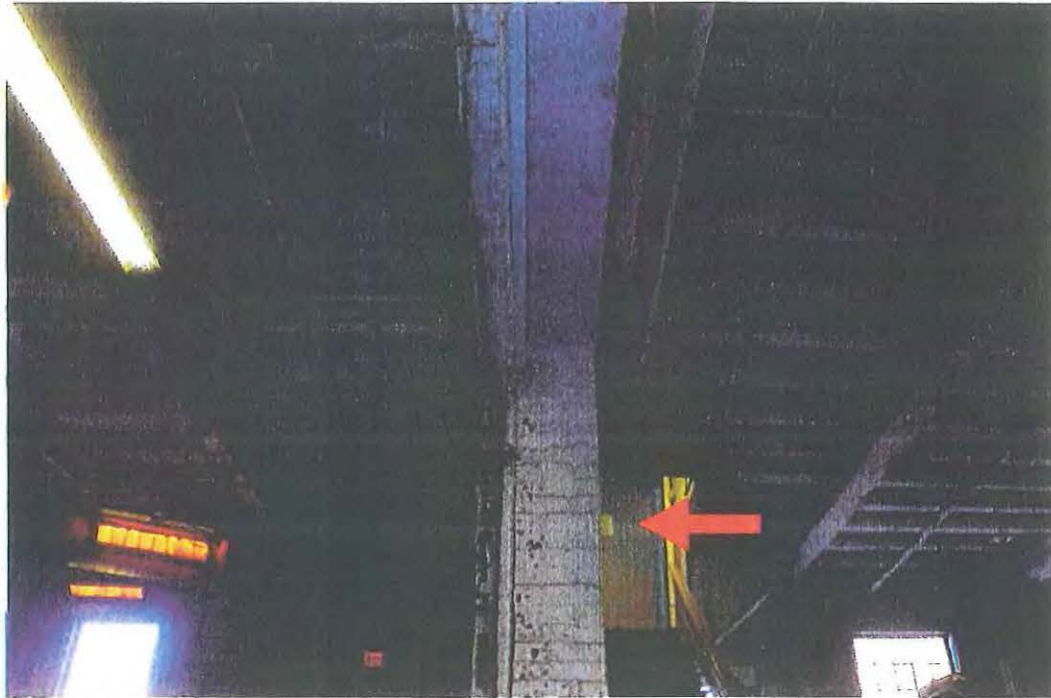


PHOTO
#2.15
A 3 23.jpg

Building 2 (right side of wall) and Building 3 (left side of wall) share a common partition that consists primarily of 12-inch (3 wythe) brick masonry. Arrow indicates point of view from stair landing shown in Photo 2.24 below.



PHOTO
#2.16
A 3 37.jpg

Building 2: Common wall with Building 3: Extensive masonry crack near second floor south door.

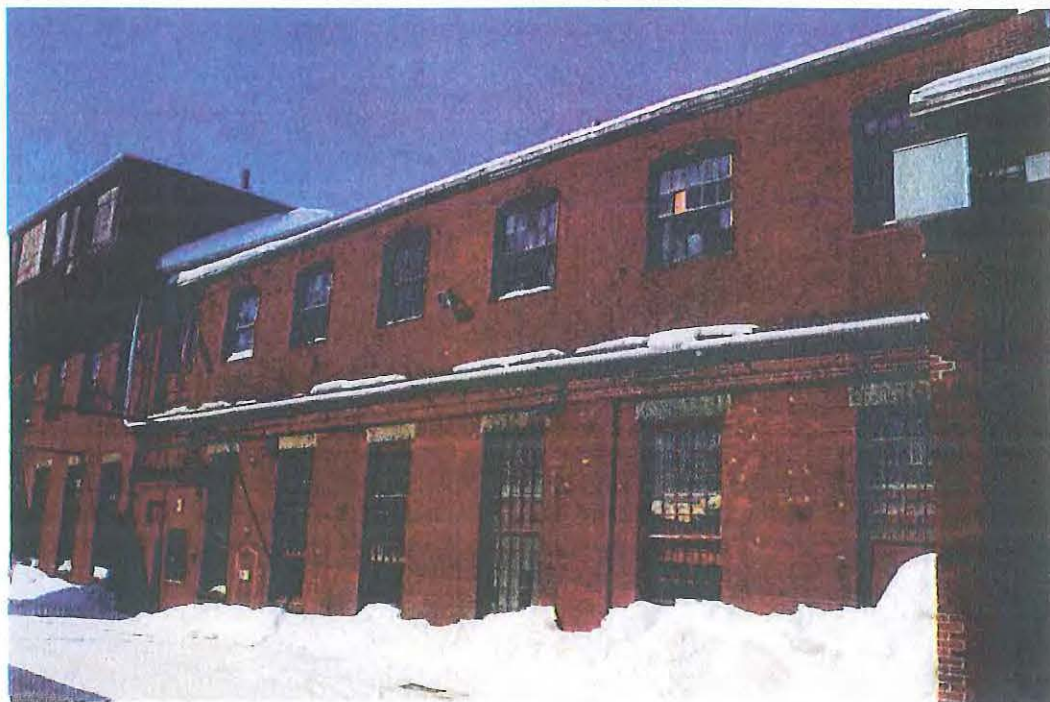


PHOTO
#3.1
A 2 78.jpg

Building 3: View from southeast. Second floor added sometime around 1895. Unlike level added at Building 2 (at left) second floor wall consists of loadbearing brick masonry in alignment with the first-floor masonry wall.

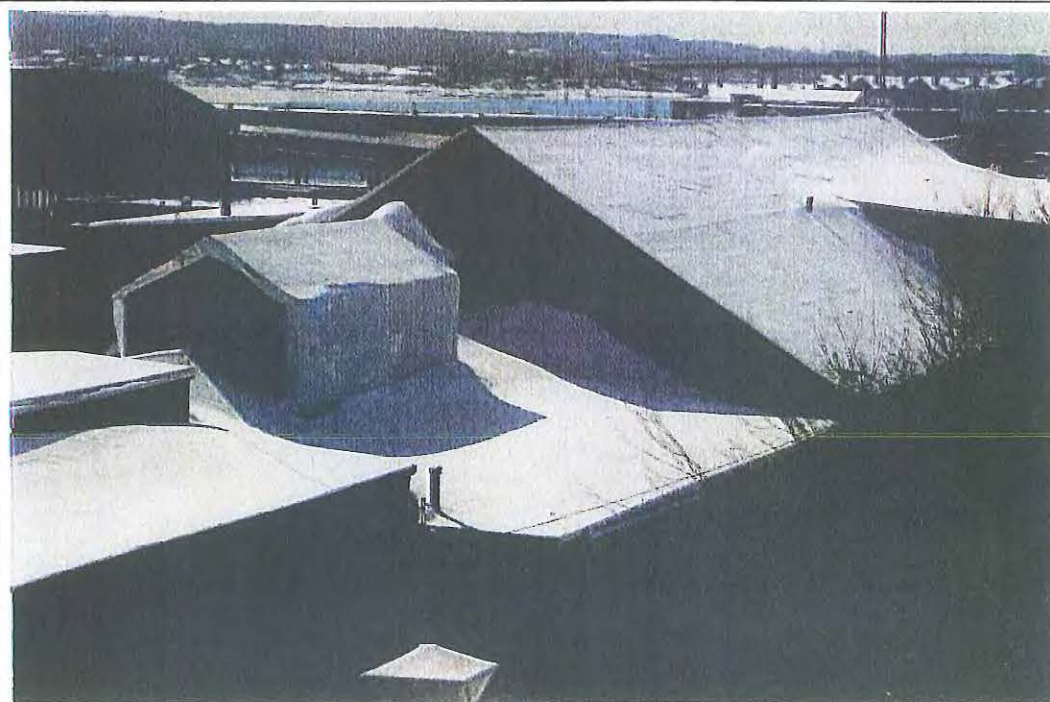


PHOTO
#3.2
A 2 73.jpg

Building 3: View from northeast showing original monitor roof extending above clerestory roof now covered in snow. Note drifting patterns developing around various roof intersections.

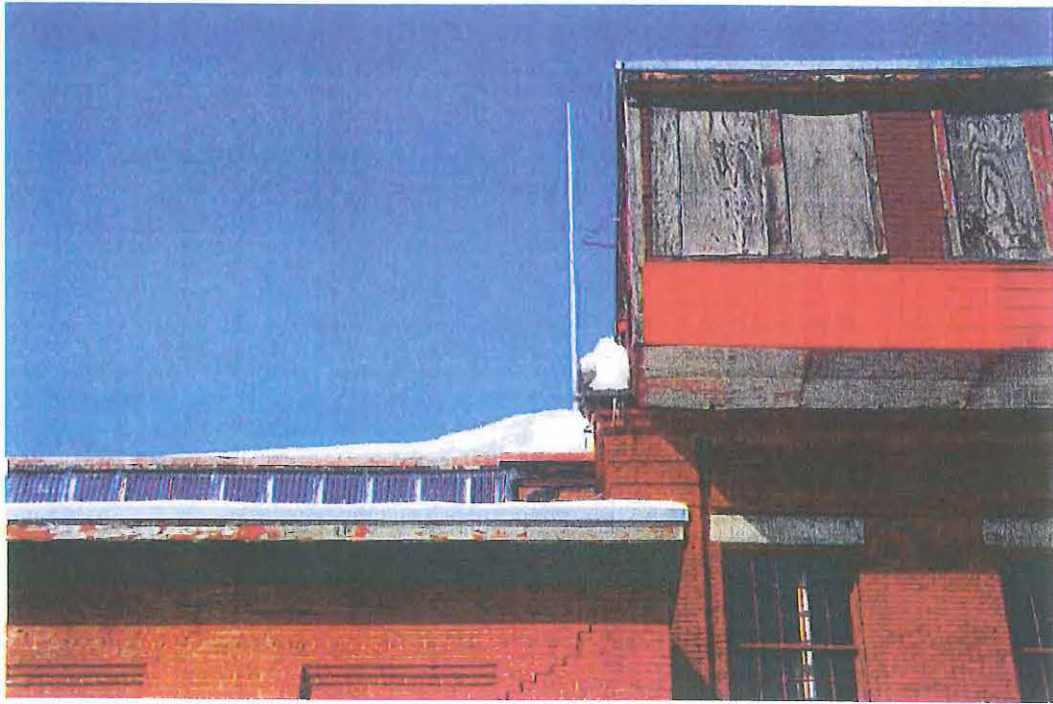


PHOTO
#3.3
A 2 107.jpg

Building 3: View of northwest corner of building, looking up at cantilevered dormer of Building 2 (right) and clerestory of Building 3 (left).

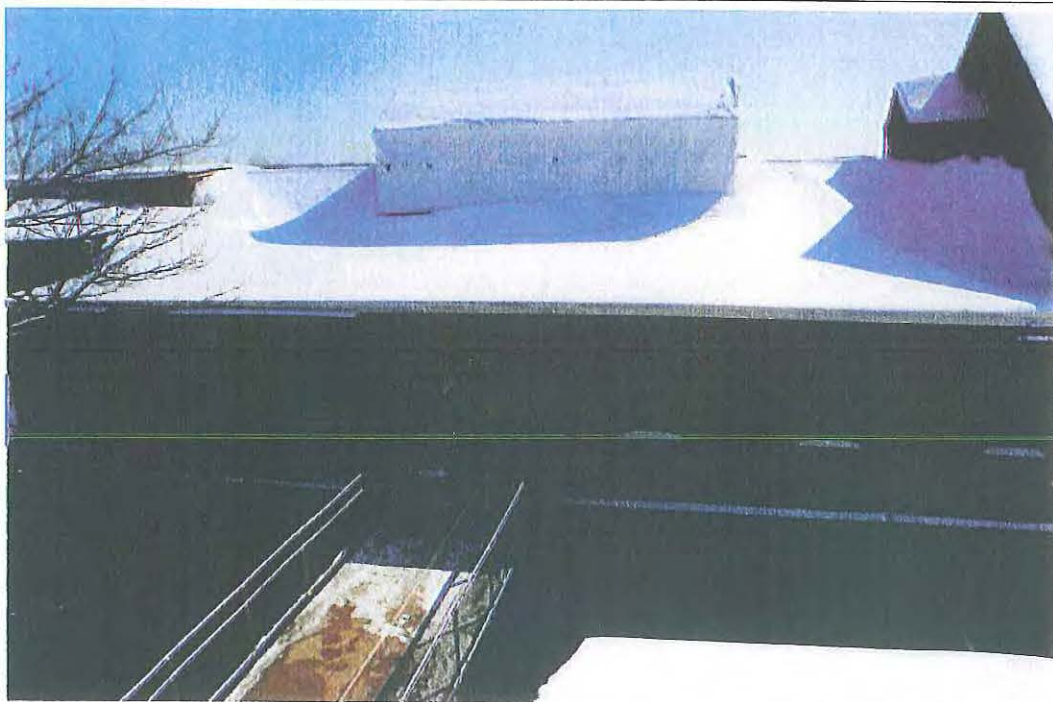


PHOTO
#3.4
A 2 63.jpg

Building 3: Walkway from second--floor space to stair landing leading to Fore Street. Walkway was not assessed as part of this project.



PHOTO
#3.5
A 3 20.jpg

Building 3: Second floor framing viewed from east. Added rods and turnbuckles create double-strut trussed beams that also serve as the bottom chord of the roof trusses.

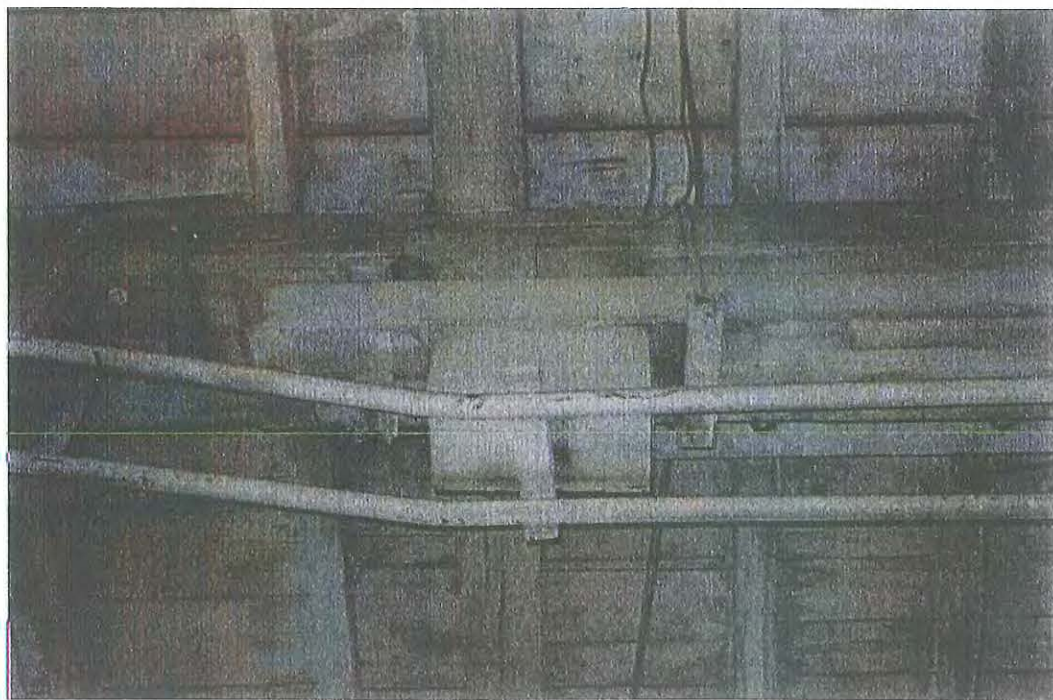


PHOTO
#3.6
A 3 21.jpg

Building 3: Detail looking up at reinforced bottom chord of underhung queen rod truss/trussed girder. Further inspection is necessary to better understand the load path of this framing system.

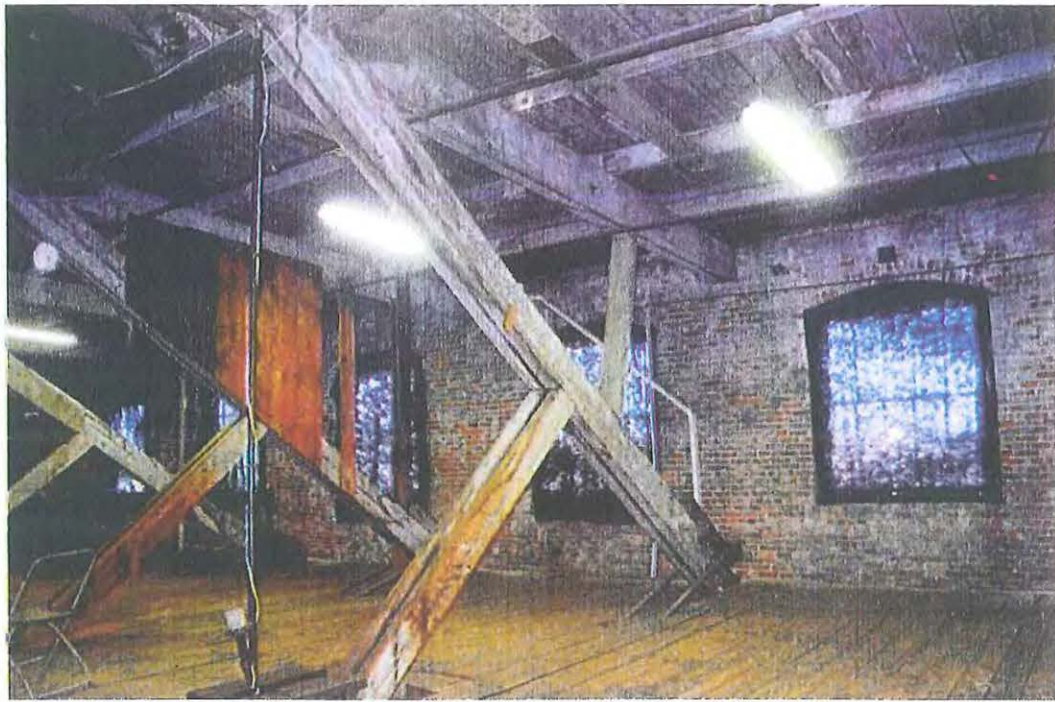


PHOTO
#3.7
A 3 29.jpg

Building 3: Original roof truss modified to create third-floor dormer. View taken looking toward south facing wall.



PHOTO
#3.8
A 3 31.jpg

Building 3: Potentially rotted sheathing at south eave. Closely examine ends of sheathing and eave plates for rot. Additional sheathing may be needed to create sufficient diaphragm action between roof edges and wall.

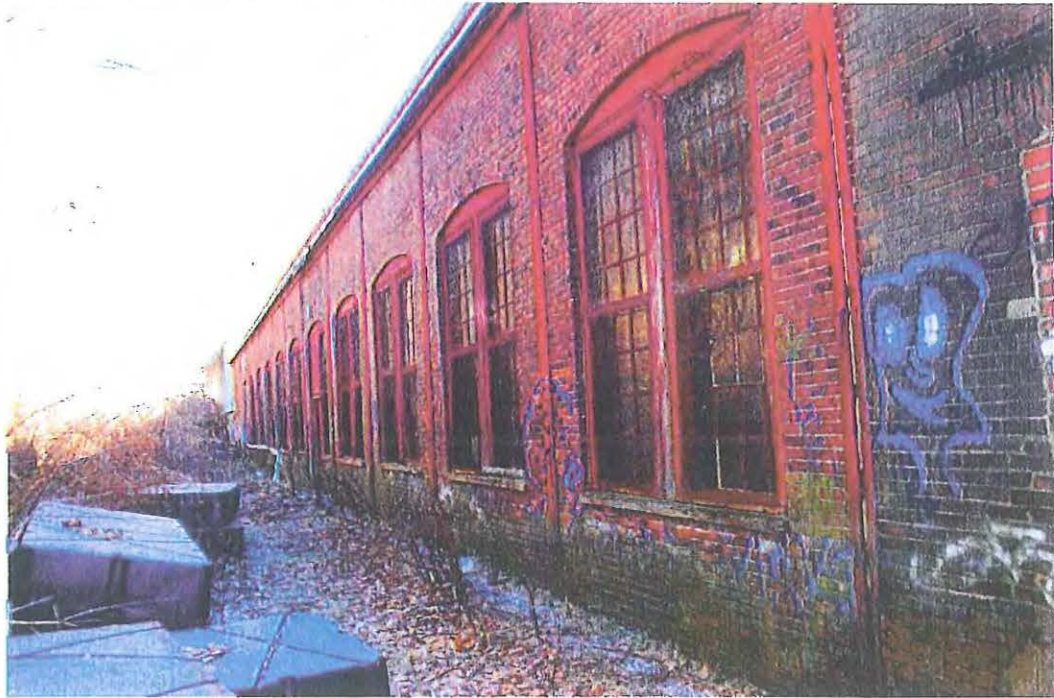


PHOTO
#4.1
R 61.jpg

Building 4: View from northwest, looking along north elevation. Hill descending from left drains substantial water toward the Building 4 foundation, and plant growth limits available sunlight in summer months.

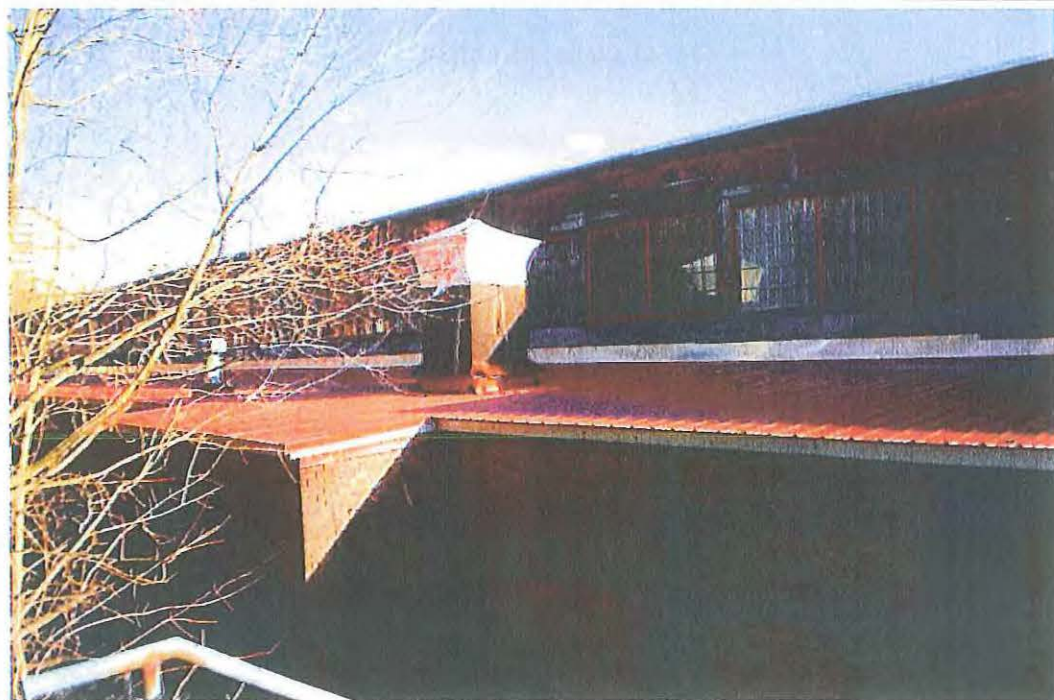


PHOTO
#4.2
R 65.jpg

Building 4: View looking east shows 30-light clerestory windows. As a foundry building, snow loads likely never accumulated on the roof while the foundry was operational. Since closing, snow loads can accumulate on roof.



PHOTO
#4.3
R 79.jpg

Building 4: View looking north. Construction date of taller two-story structure at right is unknown but reportedly dates to original construction.



PHOTO
#4.4
R 89.jpg

Building 4: View toward east, where new roof structure of Building 5 spans across the building width with contemporary steel roof joists.



PHOTO
#4.5
A 29 63.jpg

Building 4: Expansive open space and high ceiling provides natural light, unless monitor windows are covered. East end of Building 4 ties into surrounding Building 5, eliminating the pattern of structure and light.

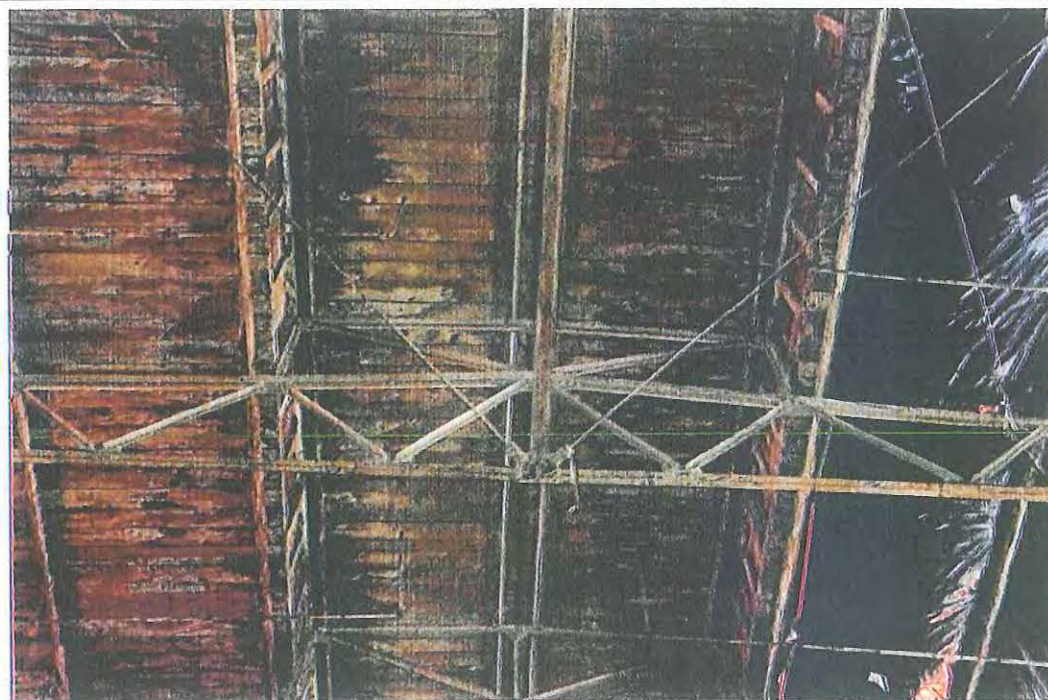


PHOTO
#4.6
A 29 64.jpg

Building 4: Monitor roof at center of photo supported by small steel truss framed onto clerestory truss.

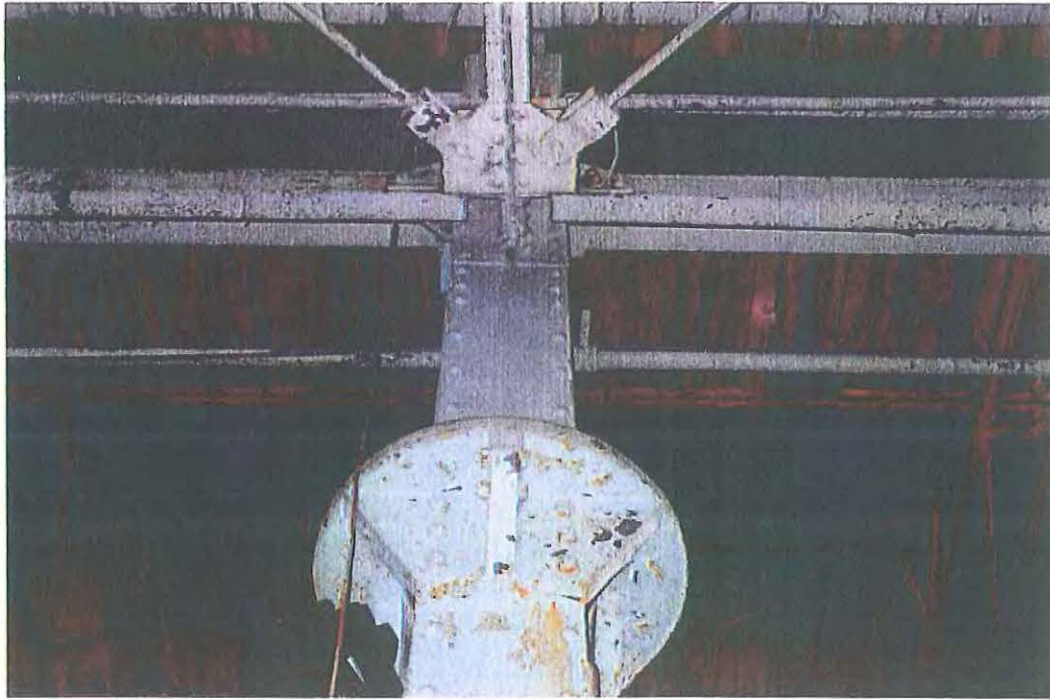


PHOTO
#4.7
A 29 68.jpg

Building 4: Ornate column cap and diagonal bracing visible at the bottom of the crane rail.

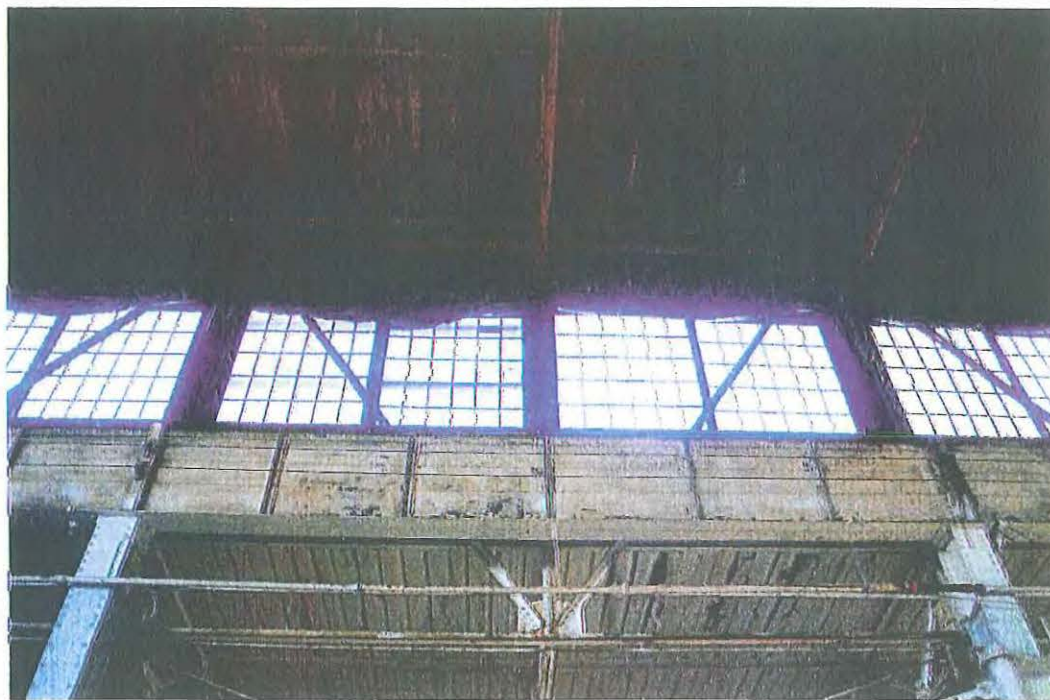


PHOTO
#4.8
A 30 109.jpg

Building 4: South-facing upper wall and clerestory roof, with significant wood staining and possible rot. Continuous crane rail is visible in the foreground.

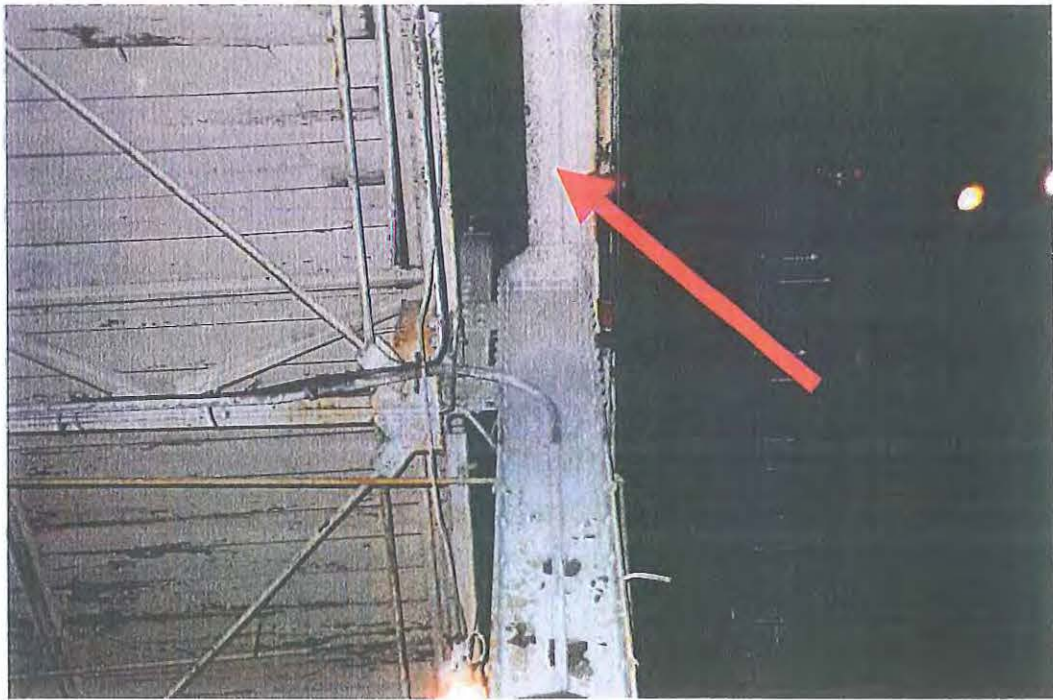


PHOTO
#4.9
A 3 38.jpg

Building 4: Detail view of upper and lower columns joining and overlapping to provide clearance for continuous crane rail (arrow)

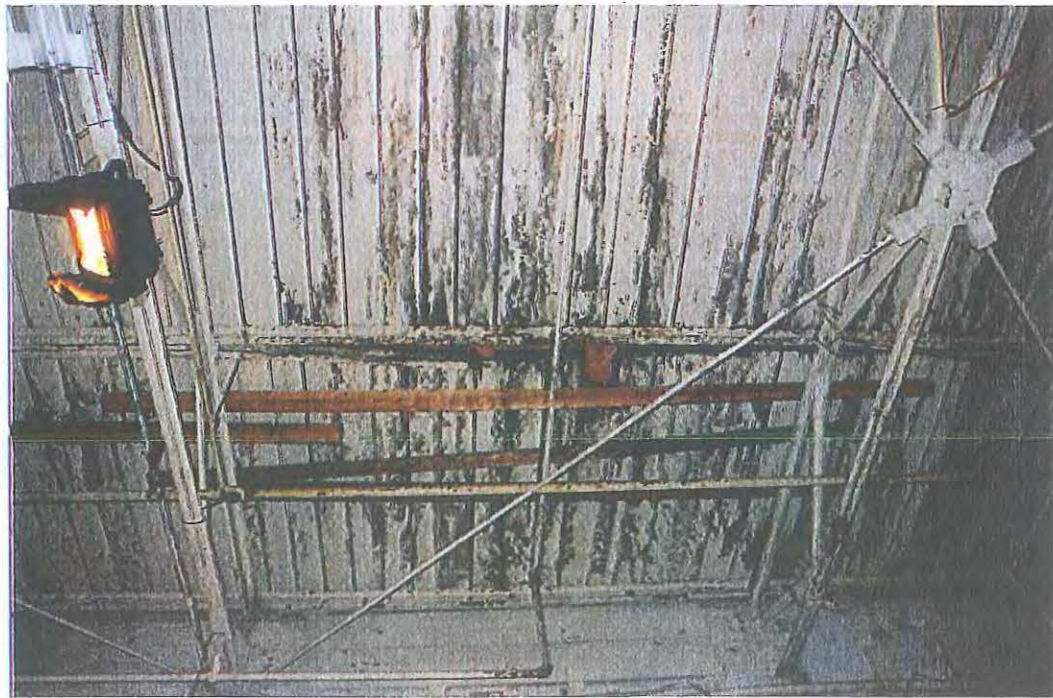


PHOTO
#4.10
A 3 40.jpg

Building 4: North bay roof decking: Local roof sheathing rot supported by multiple 2x framing members spanning between trusses.



PHOTO
#4.11
A 29 49.jpg

Building 4: Significantly deteriorated built-up angle column. Constant exposure to a shoreline environment, along with inherent construction flaw, caused failure of these columns for several feet above the base.



PHOTO
#4.12
A 29 79.jpg

Building 4: Built-up column consists of four steel angles attached with riveted lacing bars. Columns are intended to support the side bay trusses.



PHOTO
#4.15
A 2 69.jpg

East end of Building 4, surrounded by slightly lower roof at Building 5, at left and toward water. View taken from Fore Street shows high drift at east end of lower roof.

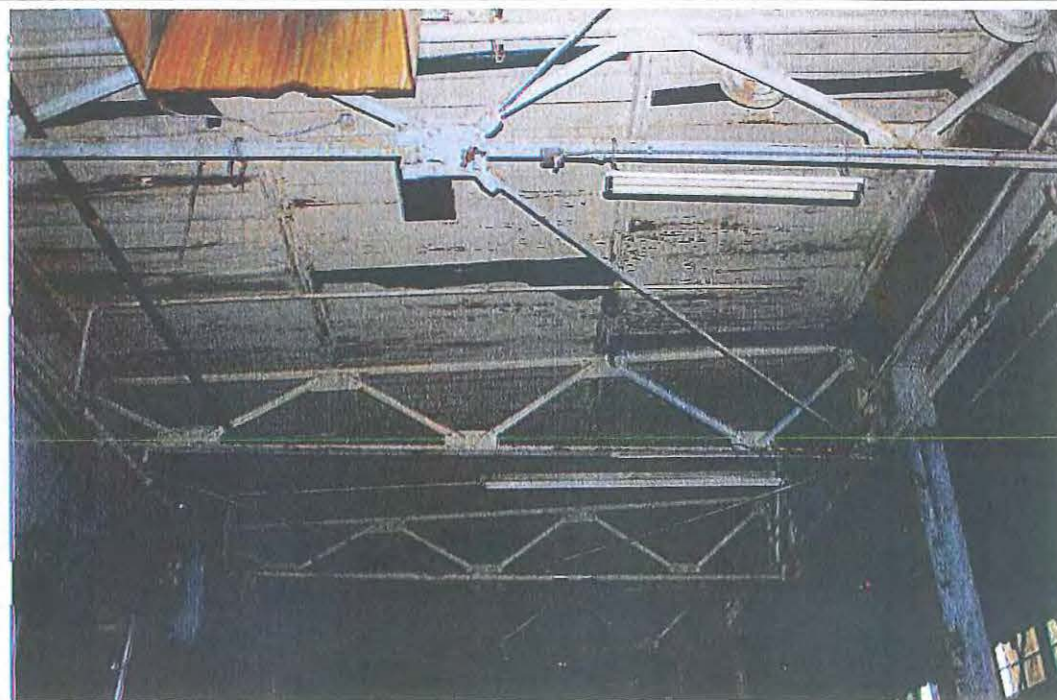


PHOTO
#4.16
R 82.jpg

Building 4: North side low bay truss framing. Small Warren-type trusses bear on plate and angle column at exterior wall, and tie into upper wall column at interior post.



PHOTO
#4.13
A 2 81.jpg

Building 4: South elevation, with more recent steel structure attached. A concrete masonry bearing wall picks up the primary load from the new roof, and new steel columns support the upper south wall and roof.

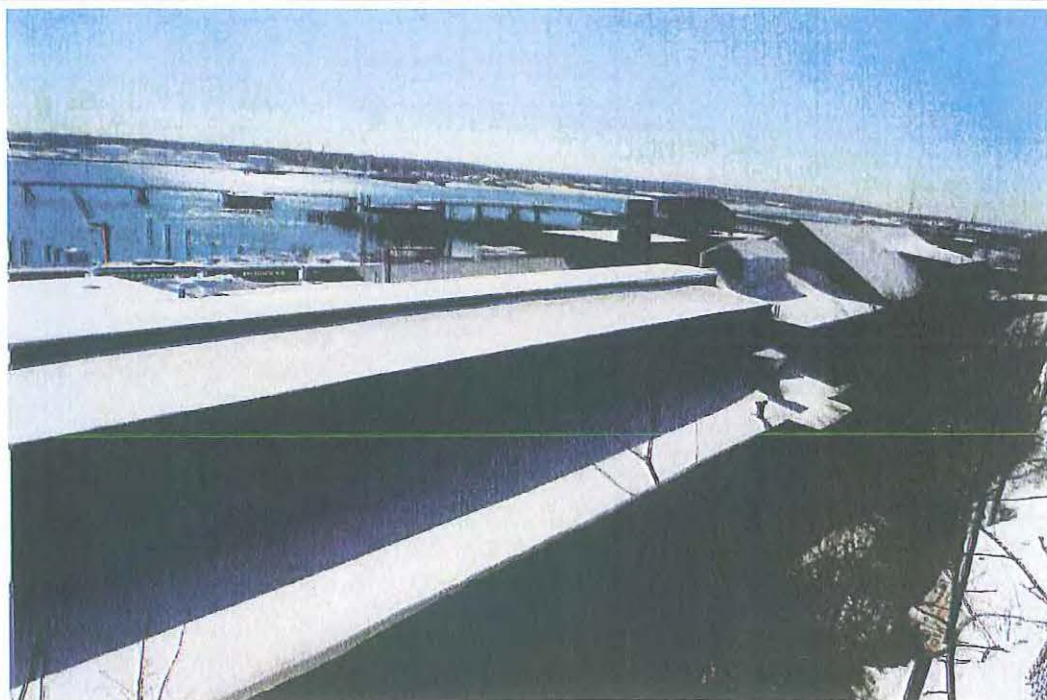


PHOTO
#4.14
A 2 70.jpg

Building 4, looking Southwest along upper roofs. Note tall clerestory roof and smaller upper monitor roof at clerestory roof ridge.



**PHOTO
#6B.1**
A 2 35.jpg

Building 6B: View from southwest. Building 6A is at far left of photo. Building has relatively steep pitched roof in comparison with most buildings on site.



**PHOTO
#6B.2**
A 2 75.jpg

Building 6B: South elevation and east (gable) elevations viewed from southeast. Building contains ten window bays and nine interior truss bays.



**PHOTO
#6B.3**
A 30 06.jpg

Building #6B: East wall interior elevation. Attic space above ceiling served as storage.



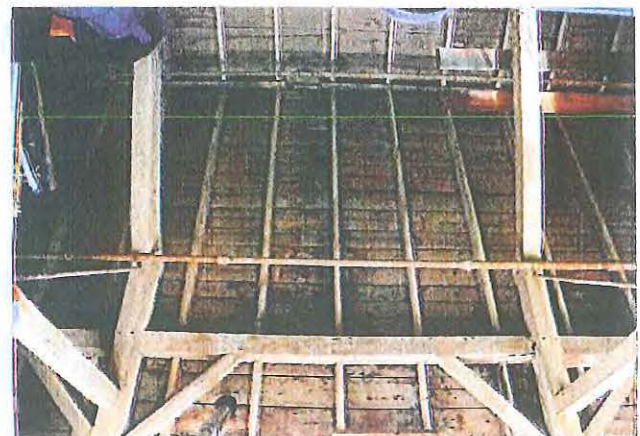
**PHOTO
#6B.4**
A 30 03.jpg

Building #6B: Roof truss framing showing flush-framed rafters, purlins, and diagonal knee bracing.



**PHOTO
#6B.5**
A 30 02.jpg

Building #6B west end roof truss: Deteriorated south end of roof truss. Building #6A second floor visible at right. Provide temporary shoring beneath truss.



**PHOTO
#6B.6**
A 30 13.jpg

Typical framing bay: Rafters extend from center purlin up to ridge. Knee braces serve to provide lateral stability in the longitudinal direction of roof.



PHOTO
#6B.7
AP 11.jpg

Building #6B, looking toward east gable wall: Interior view showing expanse of roof framing and storage area shown in Photo #6B.3.



**PHOTO
#7.1**
R 101.jpg

Building 7: View from northwest showing large overhead door openings cut into masonry bearing wall.



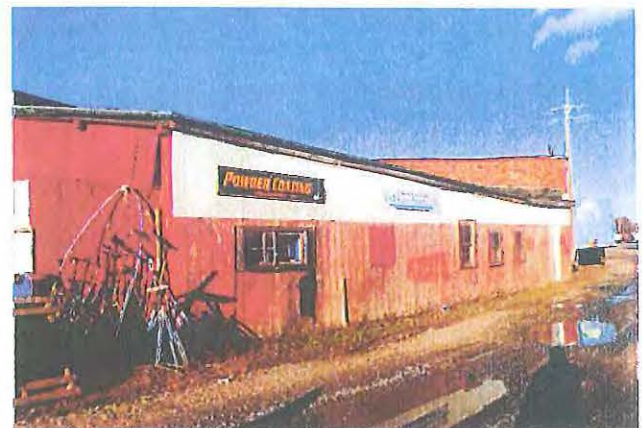
**PHOTO
#7.2**
R 102.jpg

Building 7: North elevation, looking west. Many changes have been made to the building facades, weakening existing walls and diminishing original fabric.



**PHOTO
#7.3**
R 100.jpg

Building 7: East elevation wall showing large overhead door cut into south end of wall. Also note bow of adjacent north wall at right of photo.



**PHOTO
#7.4**
R 108.jpg

Building 7: Back shed addition, in very poor condition. Site pitches back toward the building immediately beneath eaves.



**PHOTO
#7.5**
A 30 15 .jpg

East end unit: Conventional flat rafters with tapered shim on top provide roof pitch in this area. Rafters appear to be significantly undersized for span length.



**PHOTO
#7.6**
A 30 20 .jpg

North wall overhead door opening: Roof leaking near eaves is possibly causing wall top plate rot and infiltration into masonry above steel header.



**PHOTO
#7.7**
A 30 21.jpg

Roof framing: Deteriorated rafters and sheathing at location of previous fire. North bearing wall is visible at right of photo.



**PHOTO
#7.8**
A 30 23.jpg

North wall: Masonry suffers from significant bowing throughout and will likely need to be rebuilt, as opposed to stabilized.



**PHOTO
#7.9**
A 30 89.jpg

Roof surfacing: Built-up asphalt roof exhibits many repairs. Open areas of the roof were visible toward the west end of the building.



**PHOTO
#7.10**
A 30 42.jpg

North wall: Visible wall bowing along the length of the structure. Necessary stabilization efforts will be significant. Walls will likely need to be rebuilt.



**PHOTO
#10.1**
A30 87.jpg

Building 10: View from Building 1 Roof showing Building 10 roof and East elevation. Note very low slope roof with surface partially covered by battens.



**PHOTO
#10.2**
a 30 88.jpg

Building 10: Close up of low slope roof. Note numerous patches in roofing system and ponding at right. Roofing system has far exceeded anticipated life.



**PHOTO
#10.3**
A 2 93.jpg

Building 10: West elevation wall showing unstable rebuilt south half (right) and deteriorated north section (left). Original window remains at south half.



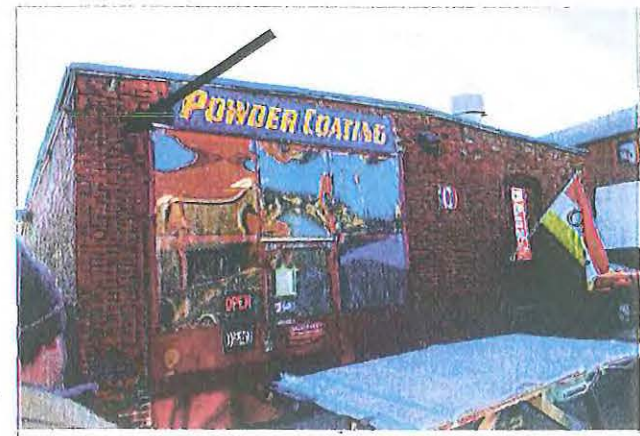
**PHOTO
#10.4**
A 2 92.jpg

Building 10: Loose mortar and deteriorated masonry on South elevation near infilled window. Building likely retains few of its original windows.



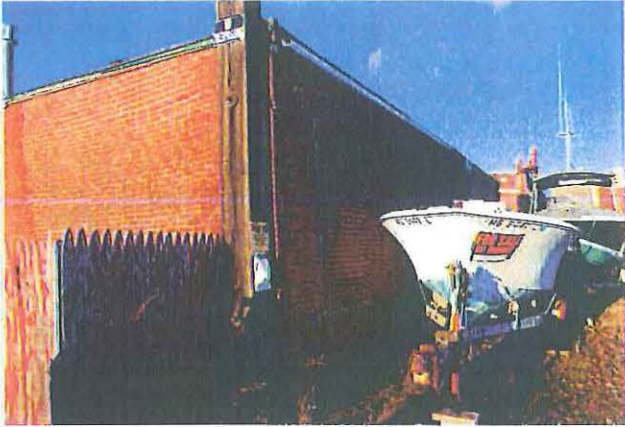
**PHOTO
#10.5**
A 29 114.jpg

West elevation window: Significant bow in masonry wall and failed brick. Potential exists for significant water infiltration from driven rain.



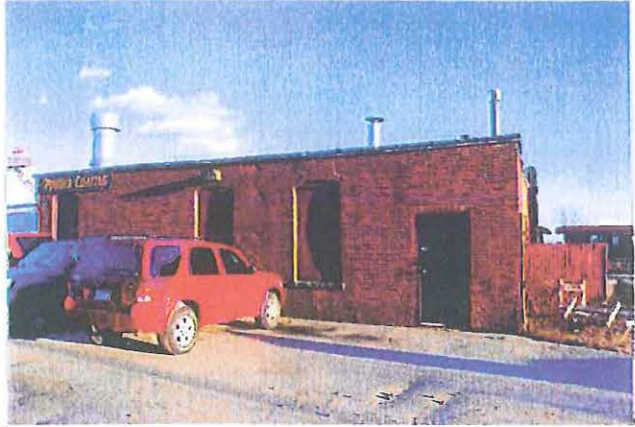
**PHOTO
#10.6**
R 129.jpg

East elevation (detail): Contemporary door infill. Note badly deteriorated mortar visible at left side of door and along upper roof (arrow).



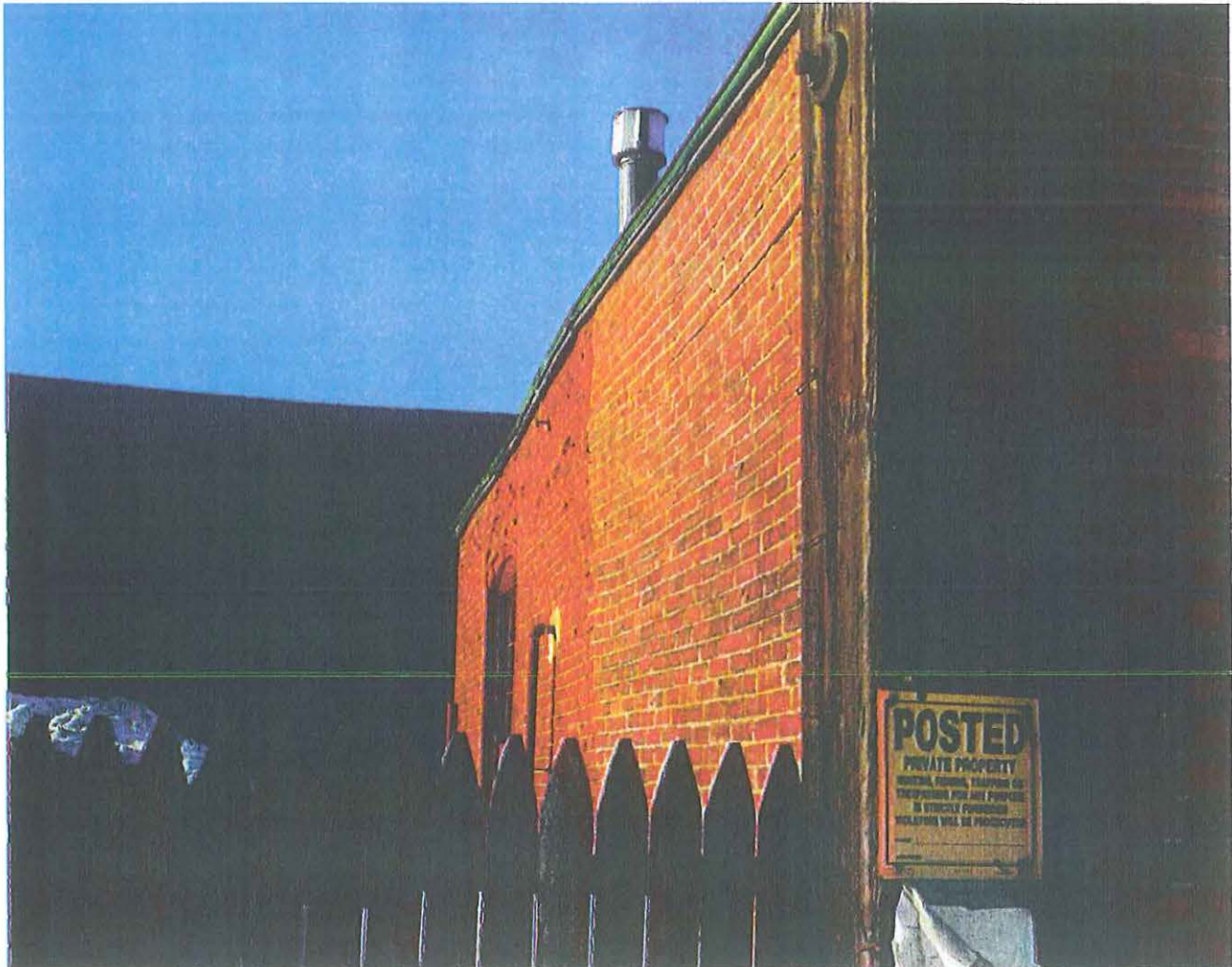
**PHOTO
#10.7**
R 128.jpg

Building 10 south wall: Note infilled windows with granite sills and arched headers.



**PHOTO
#10.8**
R 124.jpg

Building 10 north wall: Infilled wood windows (one opening remaining) and recently-added door.



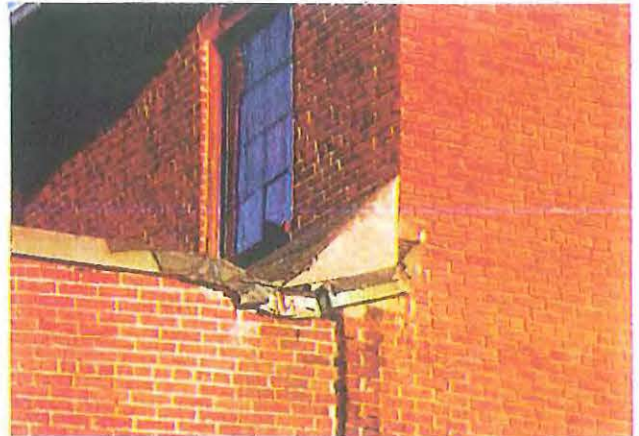
**PHOTO
#10.9**
A 35.jpg

West elevation, viewed from south: Significantly bowed masonry at south half of wall is unstable. Upper masonry at north half of wall is in poor condition (see Photo #10.5) We concur with the BSE report that the building should not be occupied.



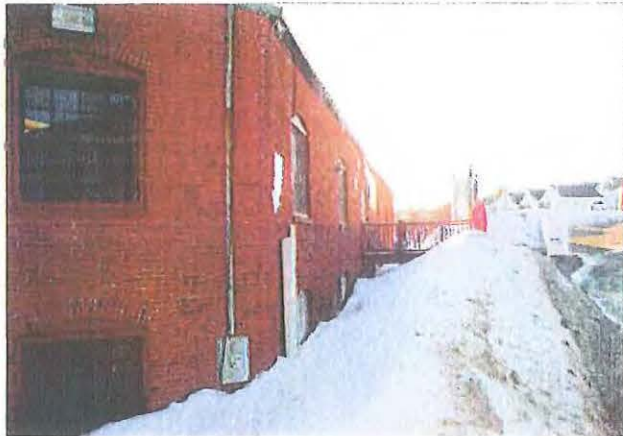
**PHOTO
#11.1**
A 29 103.jpg

Building 11: West and north elevations viewed from northwest on Fore Street. Note roof taper back toward Building 12, and relative lack of windows.



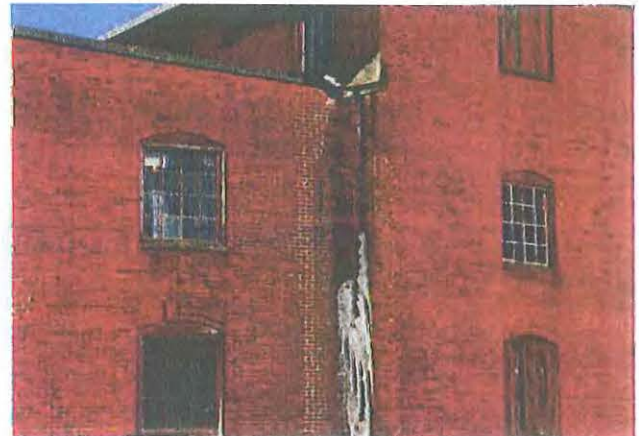
**PHOTO
#11.2**
A 29 99.jpg

Building 11: Southeast corner at junction with Building 12. Temporary cricket has been set up to help divert water away from second floor windows and wall @ Bldg 12.



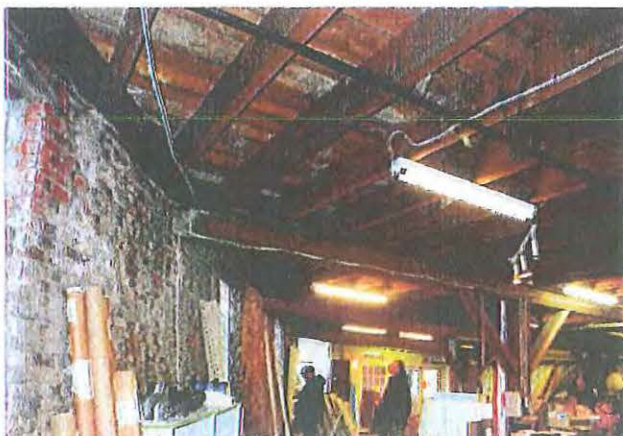
**PHOTO
#11.3**
A 3 81.jpg

Building 11: North elevation along driveway. Snow and water accumulations lead to infiltration, mortar erosion, lateral pressures and wall failure.



**PHOTO
#11.4**
A 3 2.jpg

Building 11: Ice and water runoff at west wall junction between Building 11 and Building 12. Masonry repointing cured symptoms of damage, but not cause.



**PHOTO
#11.5**
A 30 30.jpg

Ground floor north wall: Significant bow in masonry wall caused by lateral earth pressure and potential local rot beneath floor.



**PHOTO
#11.6**
A 30 32.jpg

Ground floor north wall (detail): Significant bow in unstable masonry wall, caused by lateral earth pressure. Wall is bowed several inches out of plumb over four feet.



PHOTO
#11.7
A 30 34.jpg

Second floor assembly space: Open area features visible timber framing and exposed masonry walls. Space has low ceilings and relatively few windows.



PHOTO
#11.8
A 30 45.jpg

Second floor assembly space, east end: Barrels beneath multiple active roof leaks.



PHOTO
#11.9
A 30 40.jpg

Roof framing: Built-up stub support for sloped roof girder. Roof appears to have two-way slope on its irregular floor plan.

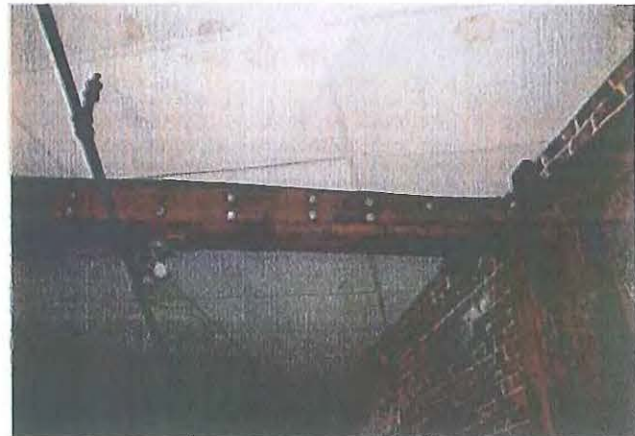


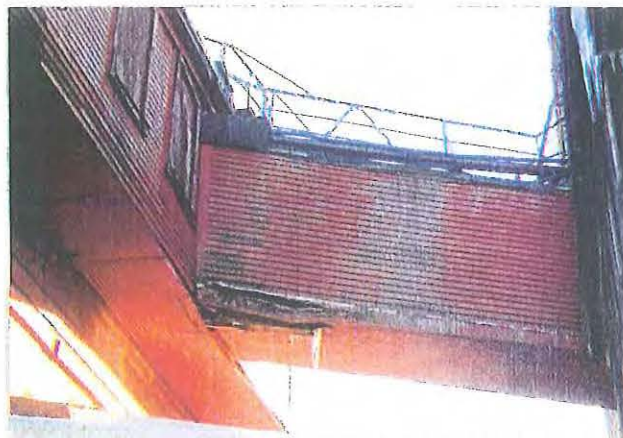
PHOTO
#11.10
A 30 42.jpg

Roof framing: Apparent attempt to strengthen roof girder below drift area at Building 12 intersection. Ceiling conceals most framing, leaving condition unknown.



**PHOTO
#14.1**
A 2 35.jpg

Building 14: View from walkway into Building 2 second floor. Fore Street runs roughly parallel to the Building 14 roofline.



**PHOTO
#14.2**
A 3 62.jpg

Building 14: East side of walkway to Building 2 third floor. Bridge connected drafting room to map room. Note rotted framing and water damage at base.



**PHOTO
#14.3**
A 3 57.jpg

Building 14: First floor wall at west side of Building 14 serves as a buttress for the larger retaining wall at right.



**PHOTO
#14.4**
A 3 59.jpg

Building #14: East side of Building 14 wall buttress.



**PHOTO
#14.5**
A 3 52.jpg

Building #14, second floor: Kingpost timber truss supporting pitched roof central purlin. Ceiling prohibited view of roof rafters and purlins in this room.



**PHOTO
#14.6**
A 3 51.jpg

North wall at second floor bindery space: Ceiling at top of wall is higher than adjacent Fore Street sidewalk, creating condensation in warm months.



PHOTO
#14.7
A 3 54.jpg

Roof framing center section of Building 14:
North wall visible at left. Note rafters running on top of purlins that span between trusses.



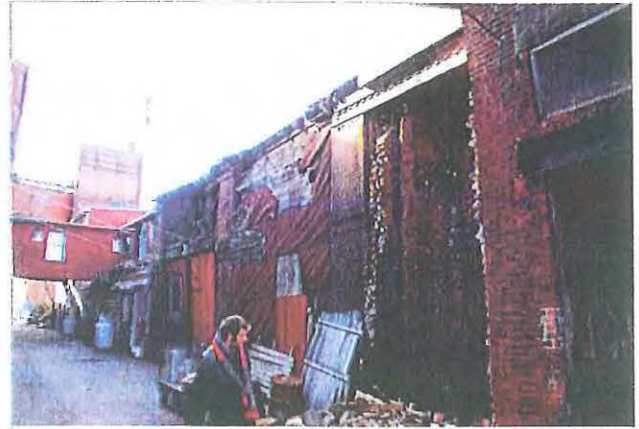
PHOTO
#14.8
A 3 53.jpg

Map room, looking east: Mold growth on wall resulting from water infiltration required tenant to leave in late 2014.



**PHOTO
#16.1**
R 57.jpg

Building 16: View from southeast from alleyway. Note masonry wall return cracks on east elevation (arrow).



**PHOTO
#16.2**
R 56.jpg

Building 15: View from southeast from alleyway. Building did not appear to be safe to enter, and we did not enter first floor.



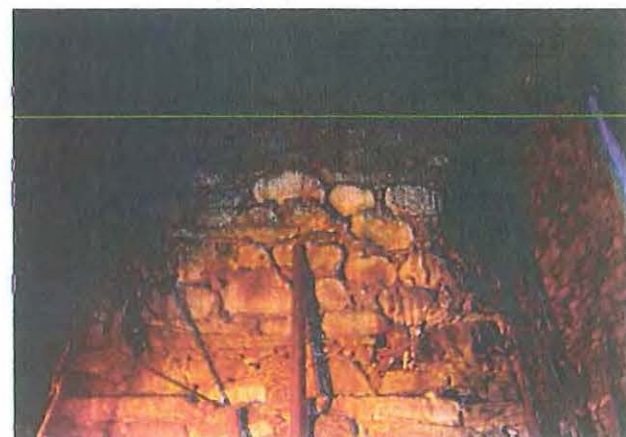
**PHOTO
#16.3**
a f 93.jpg

Building 16: Enlarged opening in south elevation wall. Entire south wall requires repointing, repair, and anchoring into east wall.



**PHOTO
#16.4**
P 23.jpg

Building 15/16: Remnants of boiler house chimney stack between Buildings 15 and 16.



**PHOTO
#16.5**
P 25.jpg

Building 16: North wall doubles as Fore Street retaining wall. Sloped roof rafters bear onto top of wall. Need to check condition of top plate above this wall.



**PHOTO
#16.6**
A 29 35.jpg

Building 16 south wall (detail): Masonry has simple details and small cornice at the top. Window header at left has been replaced with brick soldier course and steel lintel.



**PHOTO
#16.7**

A 29 36.jpg

Building 16 roof framing, south wall: Roof previously had skylights or vents on south side of roof. Note center line of bearing at braced column. Framing likely undersized.



**PHOTO
#16.8**

A 29 37.jpg

North and east walls: Barrels beneath multiple active roof leaks.



**PHOTO
#16.9**

A 29 42.jpg

Catch basin grate, east of Building 16: Grate covered by leaves and debris, and basin itself appears to be clogged.



**PHOTO
#16.10**

A 30 42.jpg

Building 15 southeast wall corner: Masonry repair is required to create weatherproof and structurally sound transition from brick to stone wall.

APPENDIX C

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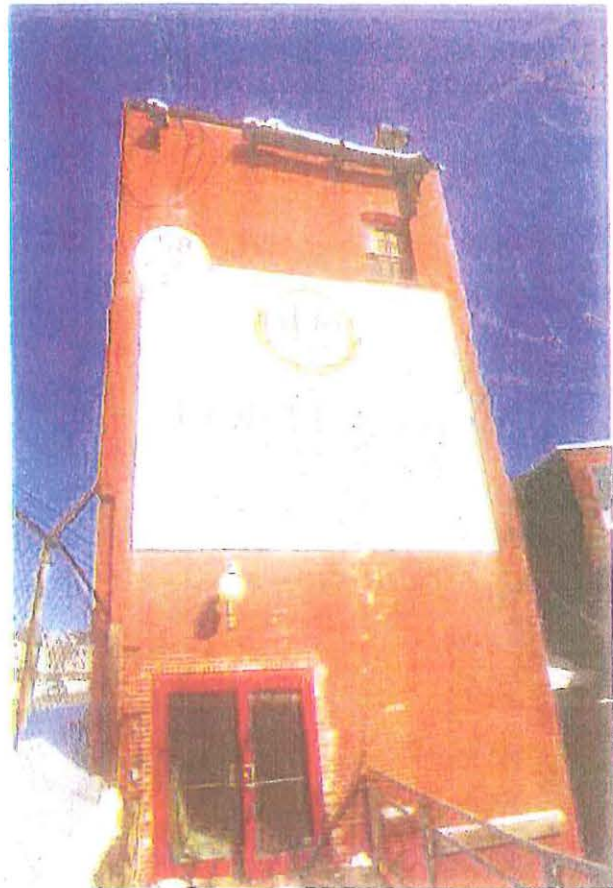
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Evaluation of Existing Buildings
at the
Portland Company Property
58 Fore Street
Portland, Maine

March 28, 2014

Prepared for:
CP&B Management LLC
Portland Maine



Prepared by:
BECKER
Environmental Engineers

Evaluation of Existing Buildings at the Portland Company Property
58 Fore Street, Portland, Maine
March 28, 2014

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Book 2

Appendix A – Building Drawings



BECKER

STRUCTURAL CONSULTANTS



March 28, 2014

CPB2 Management LLC
P. O. Box 7519
Portland, Maine 04112
Attn: Kevin Costello

The Portland Company
58 Fore Street
Portland, Maine

Dear Kevin:

Per our agreement, Becker Structural Engineers, Inc. performed a review of the buildings associated with the property at the Portland Company complex located at 58 Fore Street in Portland, Maine. We visually reviewed the building exteriors and interior spaces that were reasonably accessible to provide CPB2 with a general understanding of the condition of the existing buildings on the property.

Structural Code Overview

The City of Portland, Maine enforces the Maine Uniform Building and Energy Code (MUBEC) which is an amended version of the 2009 Edition International Code Series prepared and published by the International Code Council (ICC). The International Existing Building Code (IEBC) specifically governs existing construction.

In considering the structural impacts of the redevelopment of the Portland Company property, the chapters of the IEBC discussing Repairs (Chapter 5), Alterations (Chapters 6 to 8), Change of Occupancy (Chapter 9), Additions (Chapter 10), and Historic Buildings (Chapter 11) will need to be addressed if the buildings are to be maintained in the redevelopment plan. Likely impacts of these code sections are discussed below.

Repairs (IEBC Chapter 5)

Due to the observed condition of the buildings at the Portland Company, we anticipate that of repairs will be necessary in all of the buildings. Certain conditions that can be considered dangerous were observed as part of our field investigation, and are detailed later in this report. IEBC requires that dangerous conditions shall be remedied. Repairs are permitted to be made with any material permitted by current code. In most cases repairs are permitted to be made so as to restore the elements to pre-damaged conditions. In the case of substantial structural damage, defined by a 20 percent reduction or greater in critical elements, the repair must meet the requirements of the International Building Code which governs new construction.

Alterations (IEBC Chapters 6 to 8)

We anticipate that building alterations may be desired as part of the redevelopment of the Portland Company property. The IBC defines three levels of alteration. Since each redeveloped building will likely encompass a total building work area of more than 50 percent of the building aggregate area, the alterations will be defined as a Level 3 Alteration. Note that the IEBC requirements for alterations are cumulative, and a Level 3 Alteration will be required to meet the requirements of Level 1 & 2 Alterations. Critical components are as follows:

- **New Elements:** New structural elements are required to meet the requirements of the International Building Code governing new construction (reference IBC Section 707.2).
- **Gravity Modifications:** With some code exceptions, alteration shall not reduce the capacity of the existing load capacity of gravity load carrying elements more than 5 percent of their current capacity and loads shall not be increased by more than 5 percent on existing structure members (reference IBC 707.4). We anticipate that re-roofing will be necessary and that the addition of insulation will likely be required as part of the State Energy Code. The addition of insulation will increase snow loading on roofs and will require that roofs be analyzed for current snow loads which will likely lead to structural strengthening. In addition, several of the structures have high-low roof conditions which introduce snow drifting from aerodynamic shade. In our experience, building design of this era did not consider these drifting loads and thus we anticipate that roof reinforcing will likely be required in these conditions.
- **Lateral Load Force Resisting System:** The evaluation of the structure for the resistance of wind and seismic loads per the IBC requires an evaluation of the lateral load resisting system. The level to which the building will require upgrading is determined by the level to which the structure is involved with the alteration. Where more than 30 percent of the total floor and roof area of the building is involved in structural alterations, the altered building must comply with IBC 2009 for wind loads and 75 percent of IBC 2009 for seismic forces. Below the 30 percent structural alteration threshold, the overall system only needs to meet the requirements from the time of original construction, but if alterations increase the stresses by more than 10 percent in a component or element, then the component or element must be upgraded to IBC 2009 wind forces or reduced seismic forces. In general, if wall sections are to be removed or if dead weight is added to the building as part of the redevelopment, the stresses in the existing lateral load resisting system will need to be evaluated. If the resulting stresses as a result of the redevelopment increase by greater than 10 percent then upgrades will be required.

Change of Occupancy (IBC Chapter 9)

If maintained as part of the redevelopment, the existing buildings at the Portland Company property will be utilized in a different manner than their current use as industrial buildings. The structural portion of the building code defines four occupancy categories, the least stringent being assigned to agricultural and minor storage buildings, and the most stringent being assigned to facilities considered to be essential such as emergency response facilities and hospitals. Based on our code review the current use of these buildings would be assigned to Occupancy Category II which is the default category. We anticipate that the future use of these buildings will be of the same category, and thus the anticipated work will likely not trigger modifications or upgrades per this chapter. The exception would be in the case where a building may be used as an assembly space, education facility or medical facility. In these cases upgrades to the building's lateral load resisting system and roof structure to support snow loadings would be required.

Additions (IBC Chapter 10)

If additions are part of the redevelopment at the Portland Company, they will be governed by Chapter 10 of the IBC. Additions must comply with the International Building Code for new construction. If an addition is tied to or built on top of an existing building, then all or a portion of the existing building must meet the requirements of the International Building Code for new



construction. Due to the age and construction of the existing buildings it is unlikely that additions tied to the existing building can be considered without significant structural system upgrades. Thus in our experience it is generally more cost effective to keep additions structurally independent of existing building structures. This would include floor mezzanines within an existing building.

Historic Structures (IEBC Chapter 11)

Understanding the age and history of the buildings at the Portland Company, the provisions of Chapter 11 of the IEBC may apply. Historic buildings must comply with the other sections of the IEBC, except that at the discretion of the local building code official certain exceptions may be permitted. Specifically, a floor not meeting live loading requirements may be accepted provided operational controls are put in place to limit occupancy or access. Additionally, repairs to dangerous conditions may be repaired only such that the specific component or portion need be repaired rather than the entire assembly.

Additional Considerations and Limitations

Our review of the buildings within the Portland Company Complex is limited to the structural systems. Other requirements building code requirements, including but not by limitation, egress, accessibility, flooding, ventilation, fire safety and energy code requirements will need to be addressed as part of redevelopment plans. Also note our review was limited to conditions that were readily visible and accessible. There were spaces that were not safe to access as part of our review. No formal structural analysis was performed as part of this work, and material testing was not performed.

Immediate Safety Concerns

In reviewing the buildings at on the Portland Company property, we identified the following safety concerns:

Building 6A/6B: The east wall of Building 6A is supported by a timber truss at the first floor level. The truss end at the south bearing condition was found to be severely deteriorated and is considered unsafe. Temporary shoring is recommended until such time that permanent repairs can be made.

Building 10: Building 10 exterior masonry walls are severely distress and it unclear if brick wythes are still bonded together. Interior or exterior wall facing could peel off without warning. There is evidence of creep deflection at roof and concerns over ponding roof loads. It is recommended that this building not be occupied.



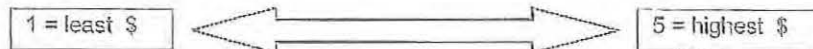
Building Review Notes

The following pages summarize the observed structural condition of the building in the Portland Company complex. To aid the reader we have assigned a number rating between 1 and 5 to each building. The intent is to provide within that number a summary of its structural condition with 1 representing a very poor/unsafe condition and 5 representing a good structural condition. This rating is based on our visual observation and professional opinion of costs to repair, stabilize and remediate the structural issues noted.

A more specific description of the structural rating system is as follows:

1. Very poor/unsafe/demolition likely
2. Very poor/salvageable with significant structural rework and investment/questionable economic viability/consider demolition
3. Poor/requires substantial structural work to elements & systems
4. Fair/requires nominal structural work to elements
5. Good Condition/minor structural work required.

We have also assigned a relative structural renovation cost index to each building in an effort to quantify what a renovation may cost. The cost rating on a similar scale, with 1 representing the least cost to renovate and 5 representing a major reconstruction. Note the cost rating is scaled to the size of the building in addition to the complexity of the repair.



Included on the following pages are high level review notes for the buildings on the Portland Company property. A more detailed review including structural analysis can be completed if requested.

We trust this information meets your needs at this time. If you have any questions, please feel free to contact us at any time.

Sincerely,
BECKER STRUCTURAL ENGINEERS, Inc.

A handwritten signature in black ink, appearing to read "Paul B. Becker".

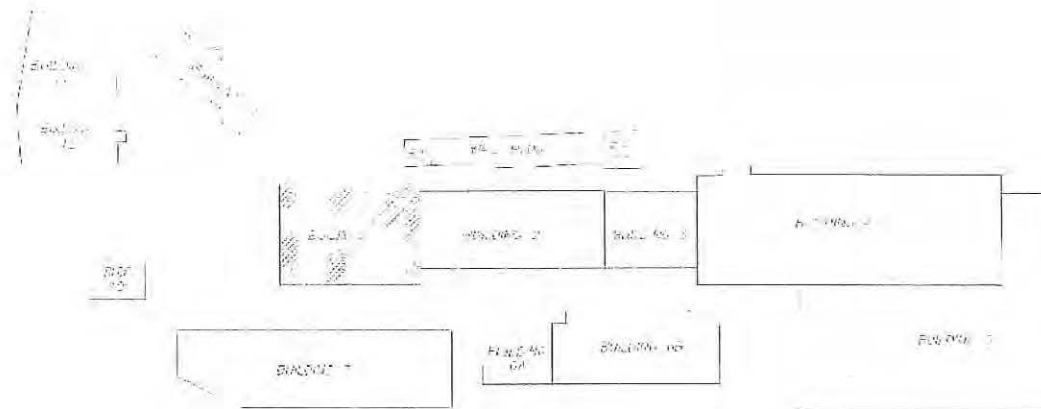
Paul B. Becker, P. E.
President

A handwritten signature in blue ink, appearing to read "Ethan A. Rhile".

Ethan A. Rhile, P. E.
Associate



Building Number: 01



Location Plan

Description, Condition and Assessment:

- Building 1 features a central, longitudinal clerestory high bay space with low “saddle bag” roofs to each side (Photo 1-1).
- The high bay space has bridge crane rails with dual bridge & trolley systems.
- High bay is a steel frame with bridge crane girders at elevation of low “saddle bag” roofs. High bay is framed with clear span steel trusses and decked with wood board sheathing.
- Low roofs are framed with steel beams and girders, and decked with wood board sheathing.
- Low bay exterior walls are multi-wythe unreinforced brick masonry bearing walls.
- The steel frame high roof structure is likely not rated for snow loadings and the low bay roofs are likely not designed for snow drifting due to the high-low roof condition. Both conditions will likely cause overstresses in framing and decks.
- Wood plank roof decking was rotting in several locations, particularly at eaves due to leaking roofs (Photo 1-2). In general, roof appears to have leaks throughout. Wood deck not effective as diaphragm to transfer lateral loads.
- Wooden roof eaves with missing pieces and rot.
- Masonry piers along south elevation had large vertical cracks, likely a result of thermal stresses in the brick and discontinuity of steel lintels. Steel lintel framing over large windows cause disruption of brick piers and cause structural instability of piers with a hinge type condition. Crack allows water infiltration which causes further structural damage (Photo 1-4).
- The lintel flanges exposed over windows at the exterior are rusted with expansion causing rotation and masonry damage.
- Windows are archaic with steel frames, single pane glazing, no thermal break, poor glazing seals, broken panes and corrosion.
- Concrete window sills are spalled and cracked with exposed reinforcing in many locations.
- Many brick masonry joints have missing mortar, particularly at eave drip line below window sills. Moss was noted to be growing in masonry joints at and above the pavement



line. Masonry also has wide spread areas of distress including loose and missing mortar, cracks and spalls. (Photo 1-3)

- South high bay windows have been covered with opaque corrugate panels indicating poor condition.
- South low roof appears to have been overframed to enhance slope.
- Upper roof appears to be an out of date tar and chip roof.
- No definable lateral load resisting system in either principal direction.
 - Limited frame action in high bay of transverse direction. Offset column splices at low/high roof transition and crane girder create a stiffness discontinuity (Photo 1-5).
 - No method to transfer clerestory loads to lower level in longitudinal direction.
 - End wall and side walls have large openings; unreinforced masonry bearing walls known to have poor performance in seismic events.
 - Wood diaphragms likely inadequate to transfer diaphragm shears to exterior walls.

Anticipated Structural Outcomes for Renovation/Restoration:

- Replace roof decking with metal deck along with new roofing and insulation. Establish diaphragm connections to existing walls.
- Reinforce roof to meet snow loading requirements.
- Introduce lateral load resisting system with wall shotcrete or steel frame.
- Repair exterior masonry and rebuild certain areas as required. Extensive rebuilding will be necessary to address cracked masonry pier conditions. Clean masonry.

Structural Condition Rating	2.0
Structural Renovation Cost Rating	4.0

Rating Justification:

All major structural systems are affected in a renovation. Exterior masonry piers have major vertical cracks. Steel lintels create a hinge condition in exterior masonry piers and therefore their stability is questionable. End bay has large masonry openings that are not original to construction and seismic performance of system is very questionable. Rehabilitation of open one story space would have high unit costs considering necessary investment in structure verse net usable space.





Photo 1-1: General View, Building 1



Photo 1-2: Wood deck condition at eave.



Photo 1-3: Building 1 at eave drip line. Note sill condition, window condition, moss and missing mortar.



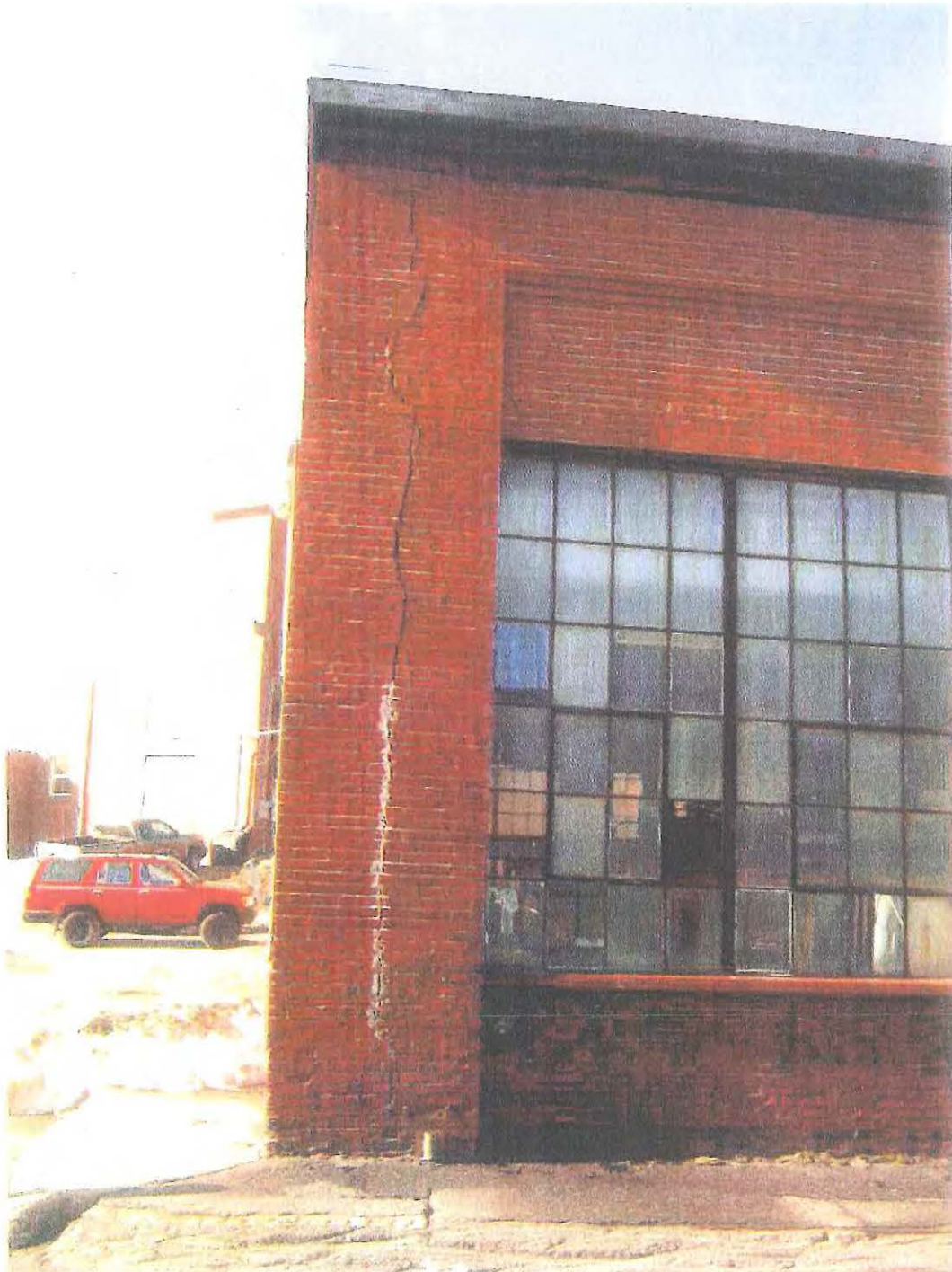


Photo 1-4: Vertical brick masonry crack at southwest pilaster.



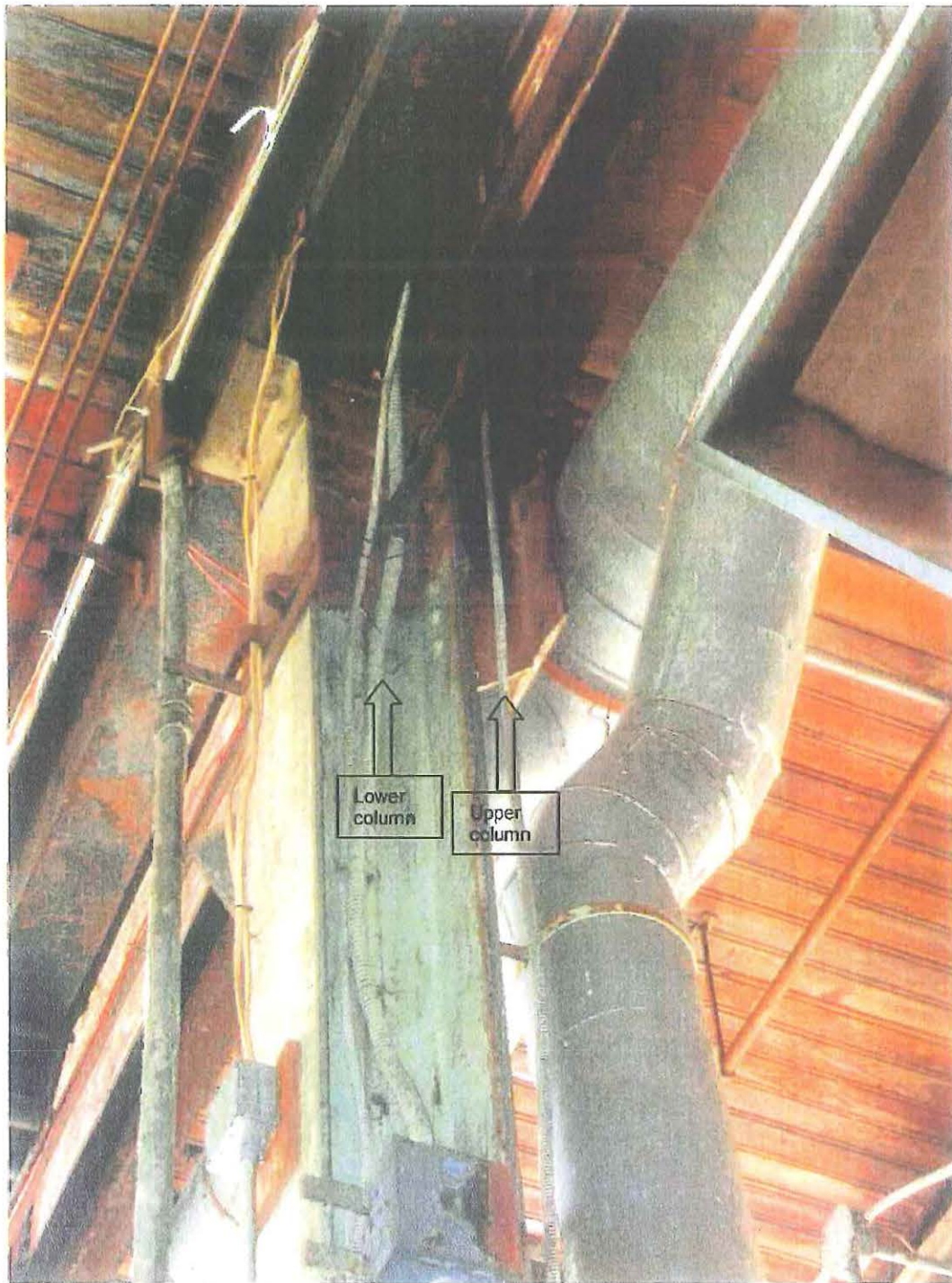
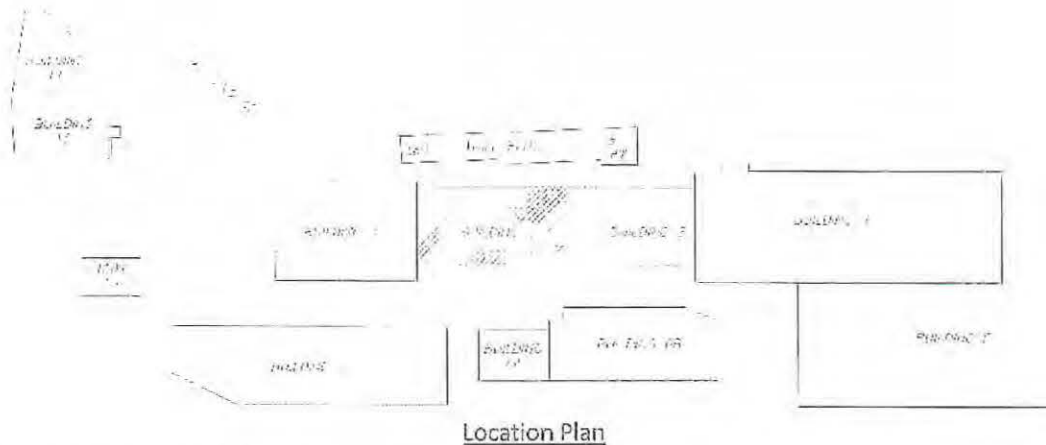


Photo 1-5: Column discontinuity at low-high roof condition.



Building Number: 02



Description, Condition and Assessment:

- Building 2 features open bay ground floor, second floor hung from timber trusses/loft area above (Photo 2-1). Loft area has overhanging shed roof structure that appears to be added after the original construction. Exterior brick masonry walls are load bearing.
- Several timber posts have been added between the ground floor and second floor for supplemental support. Hanger rods from above were removed in several locations and it is likely these posts were provided to supplement the structure (Photo 2-2).
- Second floor and loft show evidence of significant permanent creep deflection.
- Queen and king post trusses rods, steel beams and other methodology have been utilized to supplement the second floor framing in an inconsistent manner (Photo 2-2).
- Modified hangers were noted extending from the loft trusses to the second floor framing.
- At the roof and loft level, charring and fire damage of truss members and wood decking was noted. Several members had substantial charring damage (Photo 2-3).
- Evidence of roof leaking was prevalent.
- At the trusses, broken truss cast iron hanger saddles were noted in several locations (Photo 2-4).
- At the trusses, separation at member compression joints was noted suggesting overstresses and/or broken connection (Photo 2-5).
- A double truss diagonal was replaced with a single, undersized diagonal in one location.
- The roof rafters appeared undersized by current standards.
- The loft overhangs appear to have an insufficient back span on cantilever members.
- Exterior asphalt siding of loft overhangs is in poor condition with large area missing. Windows are covered with plywood panels. Underside of overhang appears to be covered with metal corrugated panels. Some panels appear loose.
- Exterior masonry has open joints and wide spread areas of distress including missing mortar and missing bricks.
- Windows are archaic with wood frame double hung sashes, single pane glazing, no thermal break, and poor glazing seals. Some windows have been replaced.
- Windows in loft area covered with plywood.
- Granite windows sills cracked in several locations.



- Loft level is sided with asphalt shingle siding. Siding in poor condition with pieces falling off.
- No definable lateral load resisting system in either principal direction.
 - Open space with no cross walls in transverse direction.
 - Wood diaphragms likely inadequate to transfer diaphragm shears to exterior walls.

Anticipated Structural Outcomes for Renovation/Restoration:

- Reinforce roof rafters to meet snow loading requirements.
- Reinforce and repair timber roof trusses to address charring, broken and ineffective connections.
- Introduce lateral load resisting system with wall shotcrete or steel frame.
- Reinforce floor sheathing and establish diaphragm connections at second floor and loft level.
- Level and strengthen floors with new vertical load carrying elements and isolated horizontal framing.
- Repair exterior masonry and rebuild certain areas as required. Clean masonry.
- Remove loft cantilevers and restore historic dormer framing and detailing.
- Introduce permanent columns at lower level to relieve truss loads.

Structural Condition Rating	2.5
Structural Renovation Cost Rating	4.5

Rating Justification:

Existing roof trusses have broken hanger connections, separated joints and some fire damage. Hanger rods extending to from the roof to the second floor structure have been removed. Re-establishment of load paths is necessary to correct these conditions and will require extensive rework including the establishment of alternate load paths. Loft overhangs will likely be replaced with dormer to match historic conditions which will require extensive reframing. Exterior masonry is in need of wide repointing. Structural repair/alteration cost is high, but costs are distributed over a large area reducing unit costs. Basic "bones" of building are good. It has a permanent "set" to many floors and framing members, and appears to have been heavily loaded in its lifetime and yet remains structural "significant". There is much to work with.



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Photo 2-1: Building 2 exterior south elevation.





Photo 2-2: Interior photo, building 2 taken from the ground floor. Note added posts, king post truss.





Photo 2-3: Charring of truss top chord.

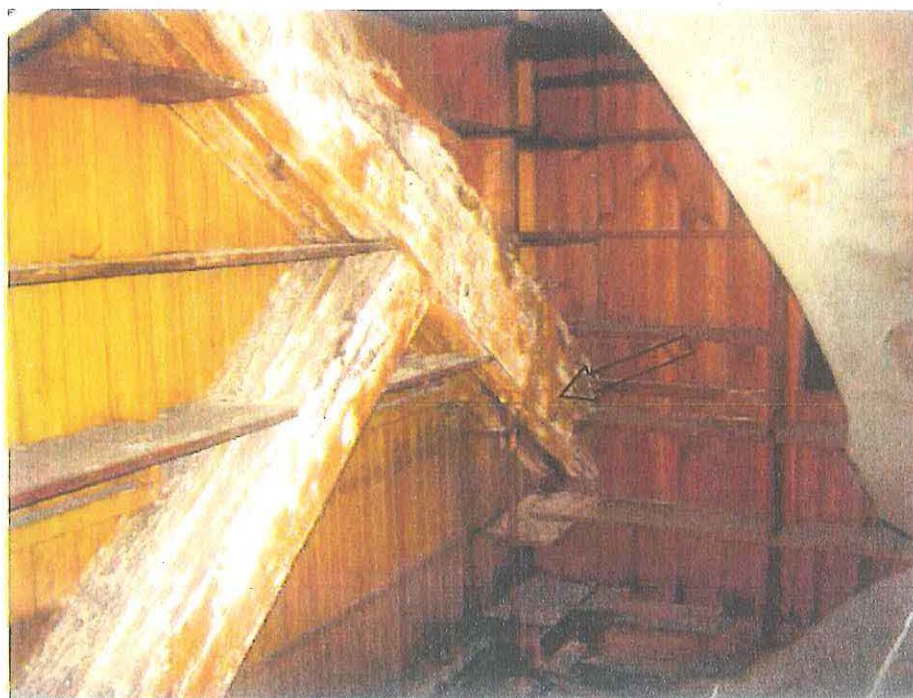


Photo 2-4: Broken truss hanger saddle hanger.

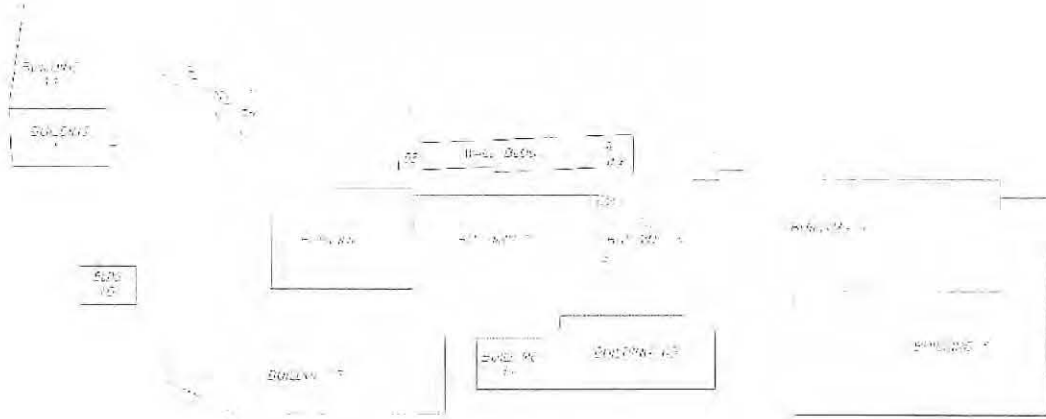




Photo 2-5: Timber truss joint separation.



Building Number: 03



Location Plan

Description, Condition and Assessment:

- Building 3 is two stories with a flat roof with a center bay popup. Second floor is constructed with timber queen post trusses with intermediate timber support posts. Exterior brick masonry walls are load bearing.
- Several timber posts have been added between the ground floor and second floor for supplemental support. Hanger rods from above were removed in some locations and it is likely these posts were provided to supplement the structure (Photo 3-2).
- Second floor show evidence of permanent creep deflection.
- A steel "T" column was added in one location presumably to eliminate an interference. Unbalanced loading on the cantilevered ends of the "T" beam may not be rationally stable (Photo 3-2).
- Evidence of roof leaking was prevalent.
- Shrink wrap covered "shed" area is located on high roof.
- The roof rafters appeared undersized by current standards.
- Wooden arch trim and window trim loose and rotting in several locations.
- Wooden eave trim missing in some locations.
- Exterior masonry has open joints and wide spread areas of distress. We noted vegetation on corbelled bricks, loose bricks, loose and missing mortar.
- Windows are archaic with wood frame double hung, single pane glazing, no thermal break, and poor glazing seals. Some windows have been replaced.
- Exterior unreinforced masonry walls are the lateral system of the building.
 - Open space with no cross walls in transverse direction.
 - unreinforced masonry bearing walls known to have poor performance in seismic events.
 - Wood diaphragms likely inadequate to transfer diaphragm shears to exterior walls.

Anticipated Structural Outcomes for Restoration:

- Reinforce roof rafters to meet snow loading requirements.
- Introduce lateral load resisting system with wall shotcrete or steel frame.



- Reinforce floor sheathing and establish diaphragm connections at second floor and loft level.
- Level and strengthen floors with new vertical load carrying elements and isolated horizontal framing.
- Repair exterior masonry and rebuild certain areas as required. Clean masonry.

<i>Structural Condition Rating</i>	<i>3.0</i>
<i>Structural Renovation Cost Rating</i>	<i>3.0</i>

Rating Justification:

Leveling and strengthening of floors will require extensive re-work of floor framing. Roof framing will require reinforcing throughout the roof for strengthening to meet IBC snow loading requirements. Exterior masonry is in need of wide spread repointing/repair. Building has no "deal breakers".



Photo 3-1: Exterior view of Building 3

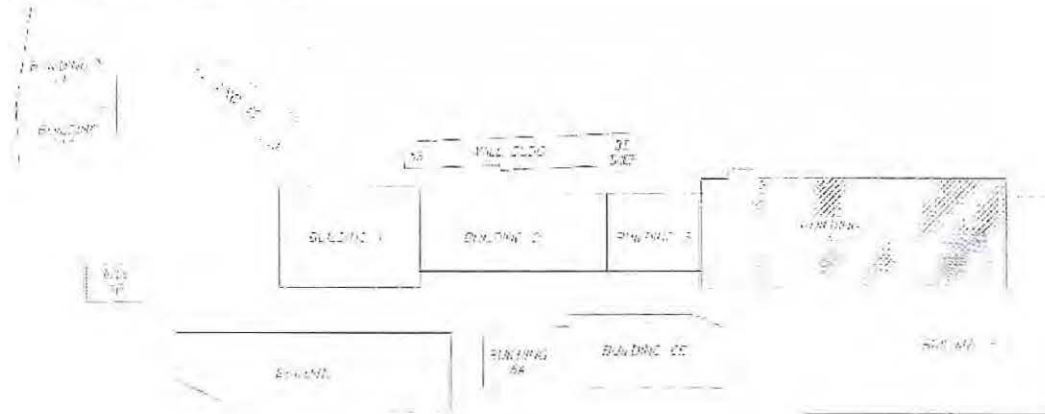




Photo 3-2: Interior view of Building 3. Note supplemental post, "T" column, queen post trusses.



Building Number: 04



Location Plan

Description, Condition and Assessment:

- Building 4 features a central, longitudinal double clerestory high bay space with low "saddle bag" roofs to each side [configuration similar to building 1] (Photo 4-1 & 4-2).
- The high bay space has bridge crane.
- High bay is a steel frame with bridge crane girders at elevation of low roofs. High bay is framed with clear span steel trusses and decked with wood board sheathing (Photo 4-3).
- Low roofs are framed with steel trusses, and decked with wood board sheathing.
- Exterior lattice steel columns were intended to support low roofs at exterior brick walls. In most instances, the steel lattice columns are corroded at ground level to the point that the columns are no longer effective and the only remaining support is the exterior masonry wall (Photos 4-4 & 4-5). Relying on a secondary load such as these unreinforced brick infill walls is not structural sound. Shoring of building exterior steel frame where columns are deteriorated is advised.
- Low bay exterior walls are multi-wythe unreinforced brick masonry, originally intended as non-loadbearing infill between steel columns.
- The steel frame high roof structure is likely not rated for snow loadings and the low bay roofs are likely not designed for snow drifting due to the high-low roof condition. Both conditions will likely cause overstresses in framing and decks.
- Wood plank roof decking was rotting in several locations, particularly at eaves due to leaking roofs (Photo 4-2). In general, roof appears to have leaks throughout. Wood deck not effective diaphragm to transfer lateral loads.
- Wood window trim with missing and rotten pieces.
- Siding at high bay area covered with an asphalt roofing material appears in poor condition.
- Windows are archaic with wood frames, single pane glazing, no thermal break, and poor glazing seals.
- Wood window sills rotting and in poor condition.
- Concrete window sills are spalled and cracked in many locations.
- Masonry also has wide spread areas of distress. Many open joints, spalls and cracked bricks and diagonal cracking are noted, particularly at base of building (Photo 4-5).
- No definable lateral load resisting system in either principal direction.



- o Limited frame action in high bay of transverse direction. Compromised exterior columns render frame action ineffective.
- o Trussing of clerestory in longitudinal direction provides method of transferring high roof shears to low roof. Resolution of this shear to the exterior masonry walls would require transfer across wood, board sheathed diaphragm and this diaphragm is likely ineffective.

Anticipated Structural Outcomes for Restoration:

- Lattice columns are compromised and will require complete replacement if structure is to be maintained. Replacement would require substantial reconfiguration of exterior wall system in order to remove and replace existing columns.
- Replace roof decking with metal deck along with new roofing and insulation. Establish diaphragm connections to existing walls.
- Reinforce roof to meet snow loading requirements.
- Introduce lateral load resisting system with wall shotcrete or steel frame.
- Repair exterior masonry and rebuild certain areas as required. Extensive rebuilding will be necessary to address deteriorated steel columns. Clean masonry.

<i>Structural Condition Rating</i>	<i>1.5</i>
<i>Structural Renovation Cost Rating</i>	<i>4.5</i>

Rating Justification:

In order to repair exterior severely corroded columns embedded in exterior masonry walls, the entire exterior masonry façade will need to be deconstructed, the columns repaired and the exterior masonry reconstructed. Many of the original relic bricks will likely be destroyed in this process. If original foundation is to be reutilized, façade will need to be reconfigured to protect columns from corrosion. Given the large open volume of this building, the required structural repairs identified in the above sections have a high unit cost.





Photo 4-1: Exterior of Building 4. Note a majority of the south and east faces of the building are wrapped by Building 5.



Photo 4-2: Exterior of Building 4, North Side.





Photo 4-3: View of Building 4 Interior looking east. Note plastic leak catch.



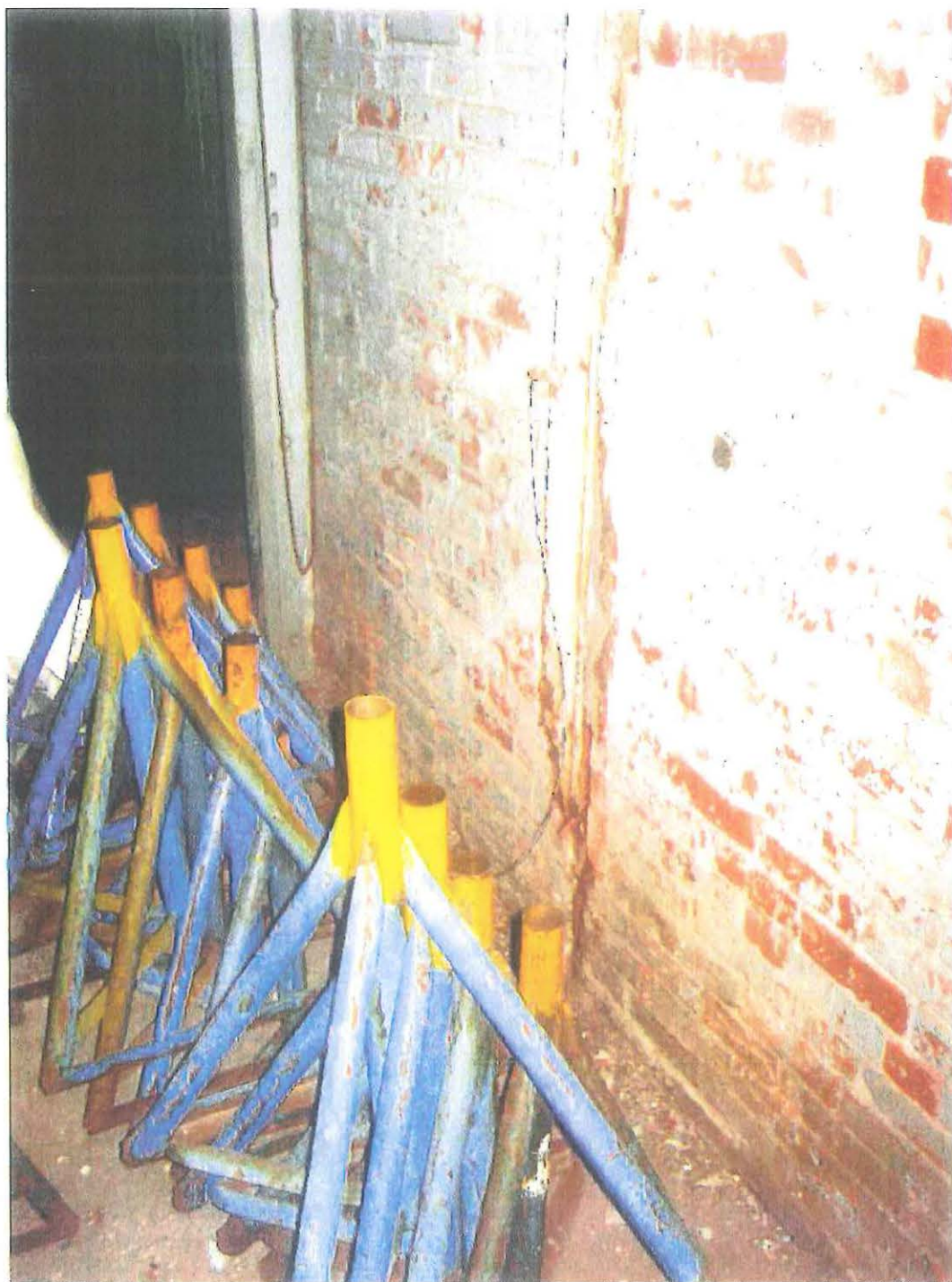


Photo 4-4: Column at exterior wall embedded in masonry. Note column section completely deteriorated.

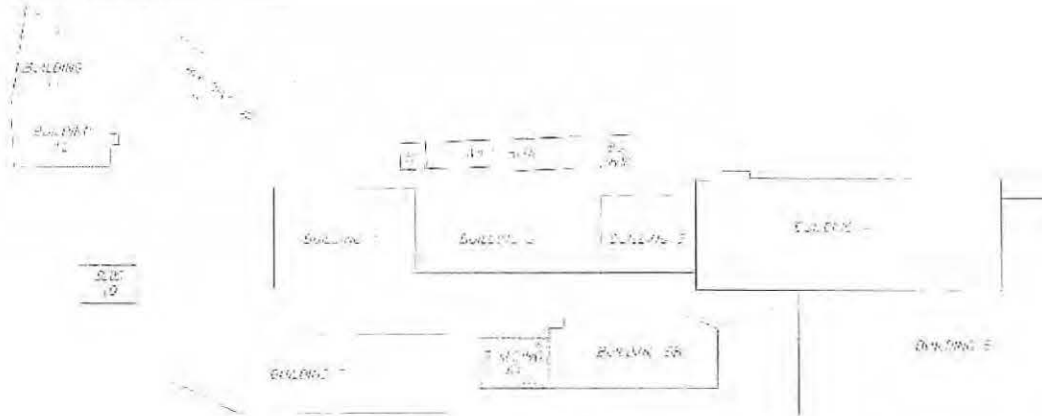




Photo 4-5: Column at exterior wall embedded in masonry. Note column section completely deteriorated. Also note open masonry joints, cracked bricks.



Building Number: 6A



Location Plan

Description, Condition and Assessment:

- Building 6A is a 3-story building with centerline timber beam and column line supporting rough sawn floor and roof joists. Exterior walls are load bearing multiwythe brick masonry. Note first floor open space that is part of Building 6B extends below building 6A (Photo 6A-1).
- Floors have slope to center beam bearing line. It is suspected that the center bearing line has either settled or timber column bases have deteriorated (Photo 6A-2). Timber column bases were surrounded by a concrete slab-on-grade and could not be observed.
- The east wall of Building 6A is supported by a timber truss at the first floor level. The truss end at the south bearing condition was found to be severely deteriorated and is considered unsafe. Temporary shoring is recommended until such time that permanent repairs can be made.
- Several floor joists have longitudinal splitting and may have been overstressed (Photo 6A-3 & 4).
- Visual evidence of prior leaking was visible at the roof level, but leaks did not appear to be active (Photo 6A-5).
- Some roof rafters appeared to be out of plumb. Stabilization means to prevent rotation such as wood blocking was not present (Photo 6A-5).
- Masonry also has wide spread areas of distress. Areas of missing mortar, areas of bulging noted. Southeast corner appears to have been repaired from either a drainage issue or a vehicle impact. Open joints noted in various locations particularly at window heads. Spalled bricks were noted. Moss was noted to be growing in masonry joints at and above the pavement line (Photo 6A-6).
- Rotting wood noted at window sills and at roof eaves (6A-6).
- First and third floor windows constructed of wood and are in poor conditions. Replacement windows noted at second floor.
- Elevator shaft present, but elevator removed.
- Lateral Load Resisting System relies on un-reinforced exterior masonry walls.
 - o Unreinforced masonry bearing walls known to have poor performance in seismic events.



- o The east wall of building 6A appears to be wood framed and bears on a truss above the first floor level and does not extend to the ground floor. This results in a stiffness discontinuity for the lateral force resisting system which may amplify seismic loads in other portions of the system.

Anticipated Structural Outcomes for Restoration:

- » Center bearing foundations may require rework; additional investigation will be required to understand cause of column settlement.
- » Lateral load resisting system will require retrofit to address stiffness discontinuity. Introduce lateral load resisting system with wall shotcrete or steel frame.
- » Repair exterior masonry including repointing, rebuilding bulged areas, cleaning.
- » Replace first and third floor windows.
- » Replace wood elements and repaint.

<i>Structural Condition Rating</i>	<i>3.5</i>
<i>Structural Renovation Cost Rating</i>	<i>3.0</i>

Rating Justification:

Basic building structure was well built and is in fair condition. Building masonry will require repairs and rebuilding in several locations, but extent is limited. Upgrades in roof insulation will likely require an upgrade of the roof structure to support additional snow load, but this is very accessible and of limited area. Unsafe condition of building east wall/truss will require shoring and repair. Foundation work inside an existing building, if required, will add to cost. An elevator may need to be added and shaft may need to be expanded to support elevator of sufficient size per current IBC and Maine State requirements. Nature of upgrades is not daunting.





Photo 6A-1: Building 6A exterior view.



Photo 6A-2: General view of center bearing line of Building 6A at second floor level.





Photo 6A-3: Floor joist splitting.



Photo 6A-4: Floor joist splitting.



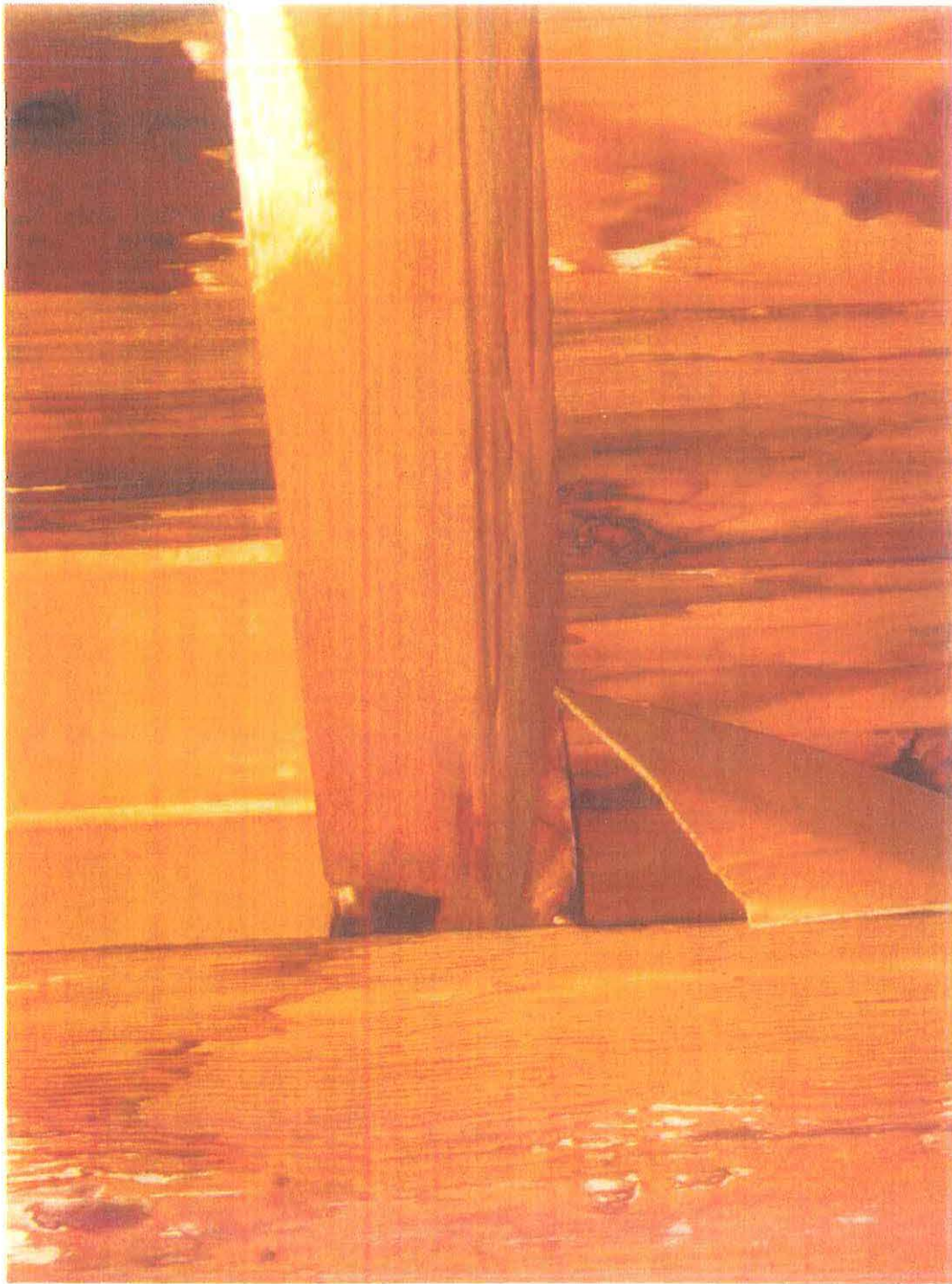


Photo 6A-5: Rotated roof rafter and evidence of prior leaking.



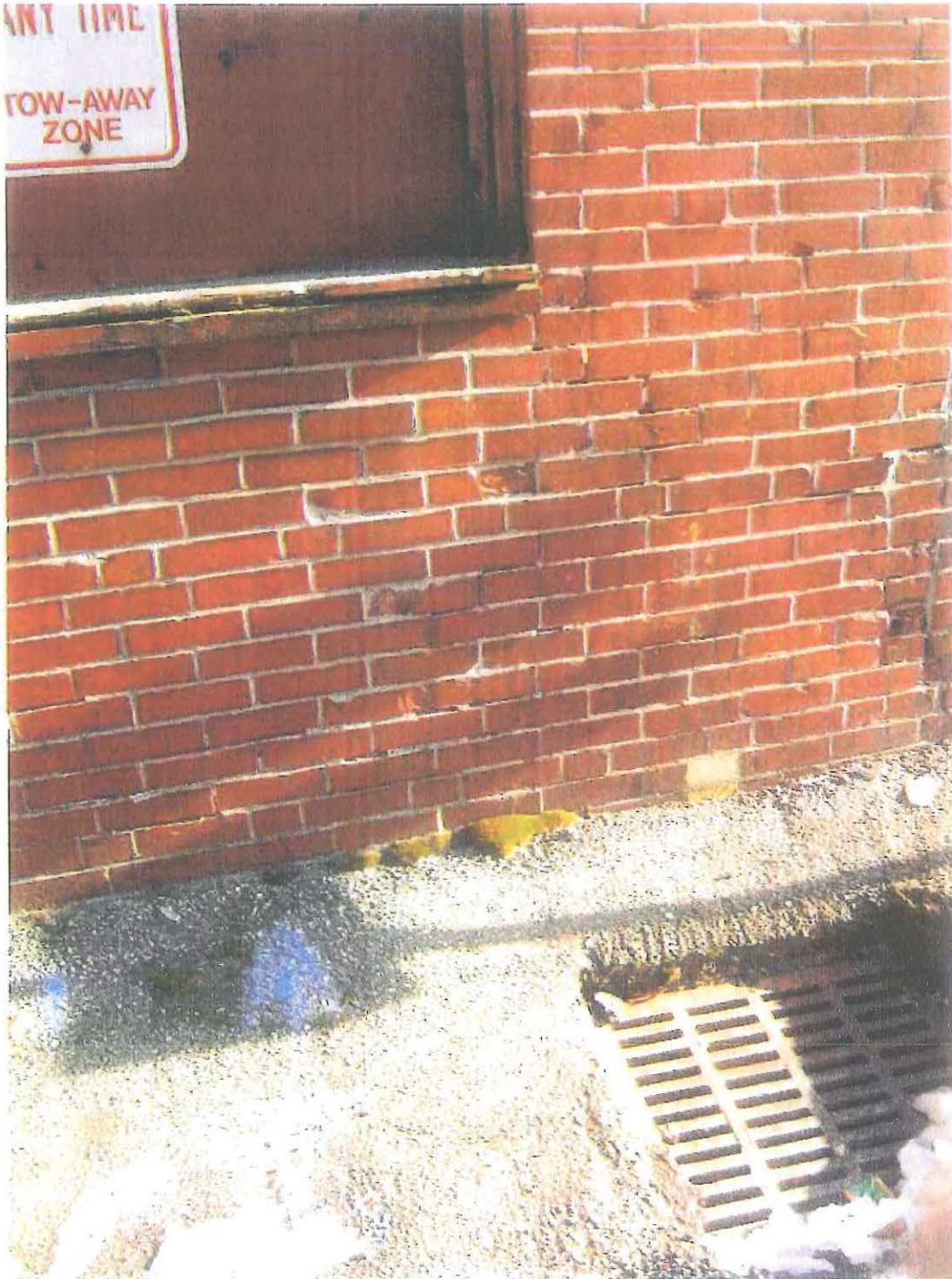
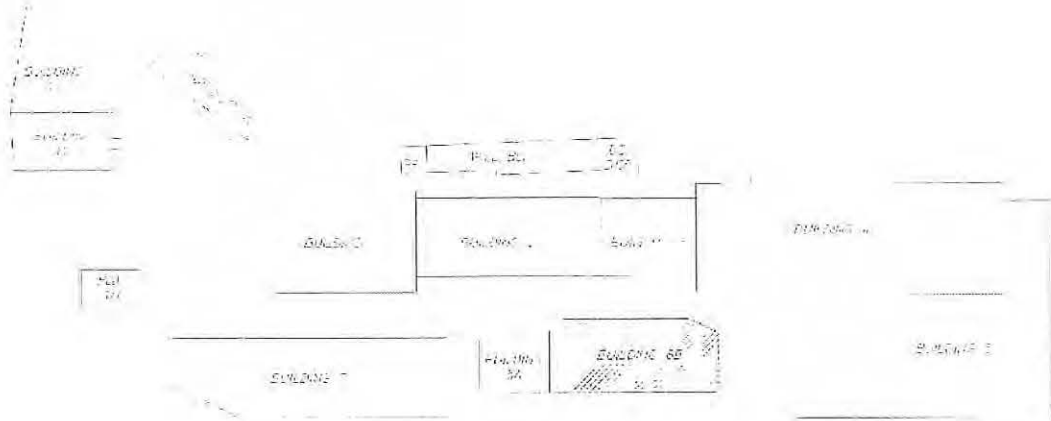


Photo 6A-6: Moss, spalled bricks, open masonry joints and rotting wood sill at Building 6A.



Building Number: 6B



Location Plan

Description, Condition and Assessment:

- Building 6B is a 1-story building with timber gable roof trusses spanning the space. The open floor space extends under building 6A.
- The east wall of Building 6A (visible in 6B space) is supported by a timber truss at the first floor level. The truss end at the south bearing condition was found to be severely deteriorated and is considered unsafe. Temporary shoring is recommended until such time that permanent repairs can be made.
- Roof rafters supported by truss/purlin system appear undersized for snow load.
- Roof trusses appear well built but are likely not designed for current snow loads.
- Visual evidence of prior leaking was visible at the roof level, but leaks did not appear to be active (Photo 6A-5).
- Masonry also has wide spread areas of distress. Areas of missing mortar noted.
- Wood eave trim in poor condition and peeling off the building.
- Several windows are covered with asphalt roofing material. Remaining wood windows are in good to fair condition.
- Lateral Load Resisting System relies on un-reinforced exterior masonry walls.
 - Unreinforced masonry bearing walls known to have poor performance in seismic events.
 - The east wall of building 6A appears to be wood framed and bears on a truss above the first floor level and does not extend to the ground floor. This results in a stiffness discontinuity for the lateral force resisting system which may amplify seismic loads in other portions of the system.
 - Wood diaphragms likely inadequate to transfer diaphragm shears to exterior walls.



Anticipated Structural Outcomes for Renovation/Restoration:

- Repair timber roof truss supporting the exterior wall of Building 6A.
- Lateral load resisting system will require retrofit to address stiffness discontinuity. Introduce lateral load resisting system with wall shotcrete or steel frame.
- Repair exterior masonry including repointing, cleaning.
- Reinforce existing roof rafters and existing wood trusses.
- Replace wood elements and repaint.

<i>Structural Condition Rating</i>	<i>3.0</i>
<i>Structural Renovation Cost Rating</i>	<i>3.5</i>

Rating Justification:

Building masonry will require repairs and rebuilding in many locations. Upgrades in roof insulation will likely require an upgrade of the roof structure, including roof rafters and timber trusses to support additional snow load. Truss upgrades may be costly. Unsafe condition of truss supporting Building 6A will require shoring and repair.





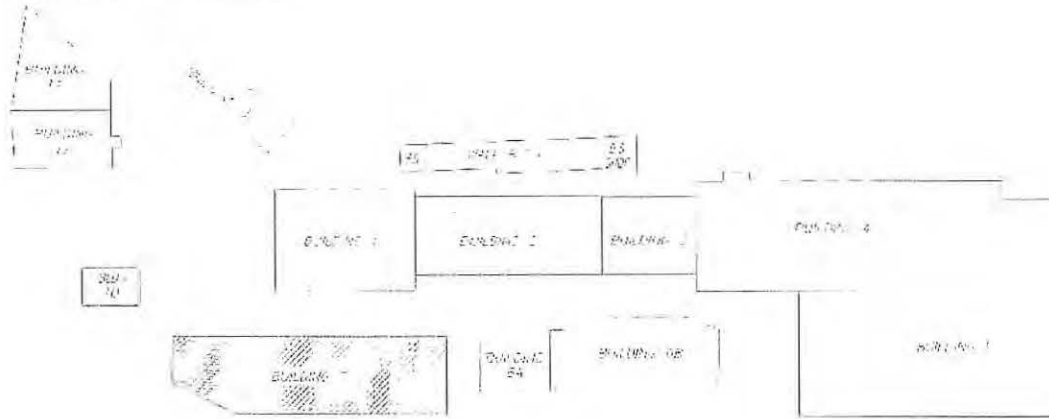
Photo 6B-1: Buildings 6A (left) and 6B (right).



Photo 6B-2: Failed (deteriorated) end of timber truss supporting exterior wall of Building 6A.



Building Number: 7



Location Plan

Description, Condition and Assessment:

- Building 7 is a 1-story building flat roof building with an addition at the west end, south side.
- Roof is wood framed. Roof framing is undersized. Portions of roof have been covered with bituthane and appear to be in poor condition. Roof has many leaks causing deterioration of wood. Daylight visible through roof in at least one condition.
- A small portion of the roof was repaired from a previous failure.
- Eaves appear to be in poor condition with rotting and loose wood, and loose flashing.
- Exterior brick masonry south wall has significant sweep to the north.
- Windows appear to be original wood windows, appear to be in poor condition with missing panes, covered in rigid insulation in many areas.
- Brick masonry has bulging, numerous open joints, spalled bricks and cracking at steel lintels.
- Wood frame shed in the southeast portion of the building is in poor condition with roof sagging and uneven/bowed walls.

Anticipated Structural Outcomes for Renovation/Restoration:

- Reinforce or replace all roof framing
- Repair all column rot.
- Replace/repair/patch/overlay existing wood decking.
- Reconstruct, repair and strengthen masonry bearing walls.
- Remove existing wood framed shed.

Structural Condition Rating	2.0
Structural Renovation Cost Rating	5.0

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Rating Justification:

Building masonry walls are in poor condition and in most cases will require rebuilding with new bearing structure meeting current IBC code requirements. Foundation condition is unknown and may require upgrade to current IBC code requirements as a result of reconstruction. Roof framing is in poor condition and extensive replacement would be necessary. Exterior masonry walls require strengthening with any renovation. Essentially rebuilding entire framings system and lateral system.





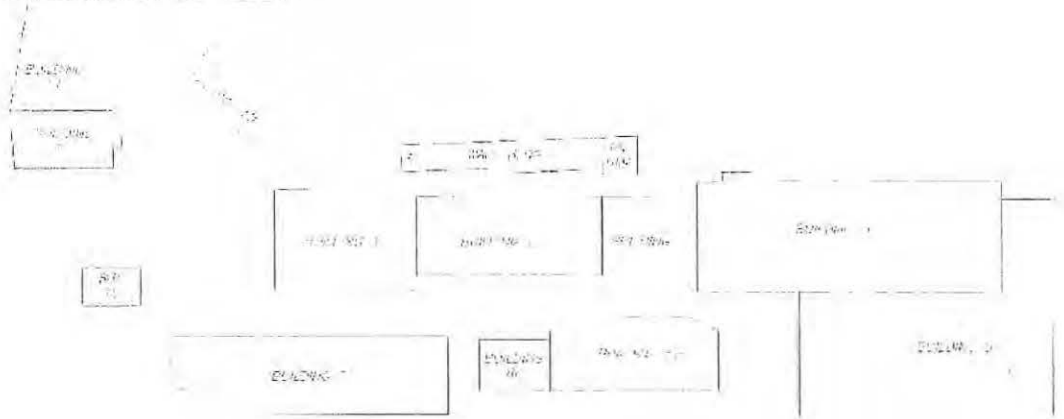
Photo 7-1: South elevation of Building 7.



Photo 7-2: North elevation of Building 7.



Building Number: 10



Location Plan

Description, Condition and Assessment:

- Building 10 is a 1-story building flat roof building.
- Based on operations we did not enter this building.
- Roof is presumed to be wood framed. From exterior the roof appears to be sagging.
- Eaves appear to be in poor condition with rotting and loose wood, and loose flashing.
- Exterior brick masonry walls have sweep, large bows and evidence of settlement, numerous open joints, repairs without toothing, loose and spalled bricks.
- A majority of the original brick masonry window openings have been filled with brick or wood infill panels.
- Windows appear to be original wood windows, appear to be in poor condition.
- Building 10 exterior masonry walls are severely distress and it unclear if brick wythes are still bonded together. Interior or exterior wall facing could peel off without warning. Evidence of creep deflection at roof and concerns over ponding roof loads. It is recommended that this building not be occupied

Anticipated Structural Outcomes for Renovation/Restoration:

- Reconstruct and repair masonry bearing walls
- Reinforce or reconstruct all roof framing
- Replace/repair/patch/overlay existing wood decking.

Structural Condition Rating	1.0
Structural Renovation Cost Rating	4.5

Rating Justification:

Building masonry walls are in poor condition and in most cases will require rebuilding with new bearing structure meeting current IBC code requirements. Foundation condition is unknown and may require upgrade to current IBC code requirements as a result of reconstruction. Roof framing is in poor condition and extensive or complete replacement would be necessary.





Photo 10-1: Exterior view of Building 10.

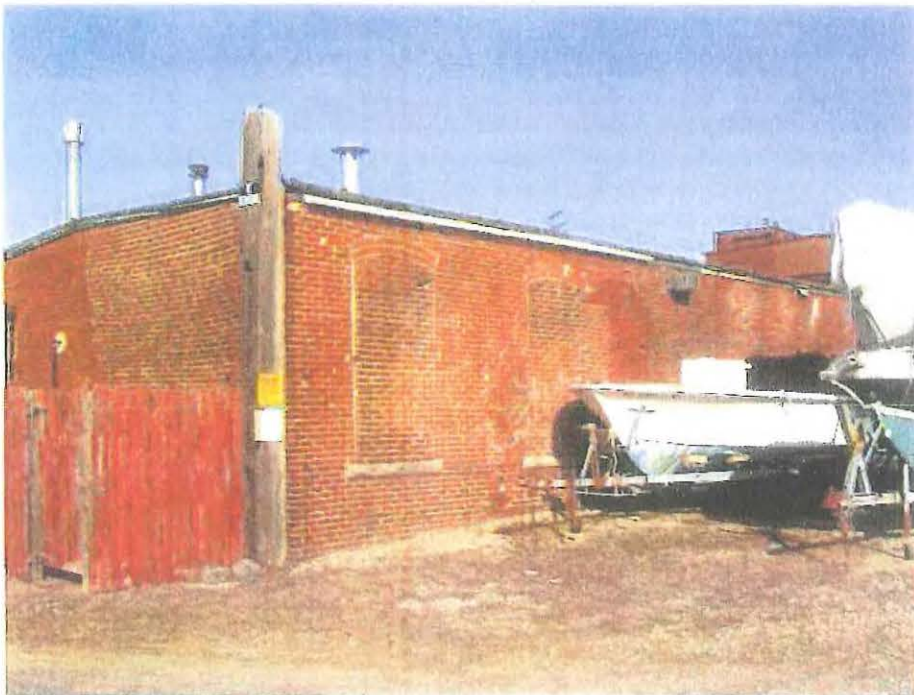
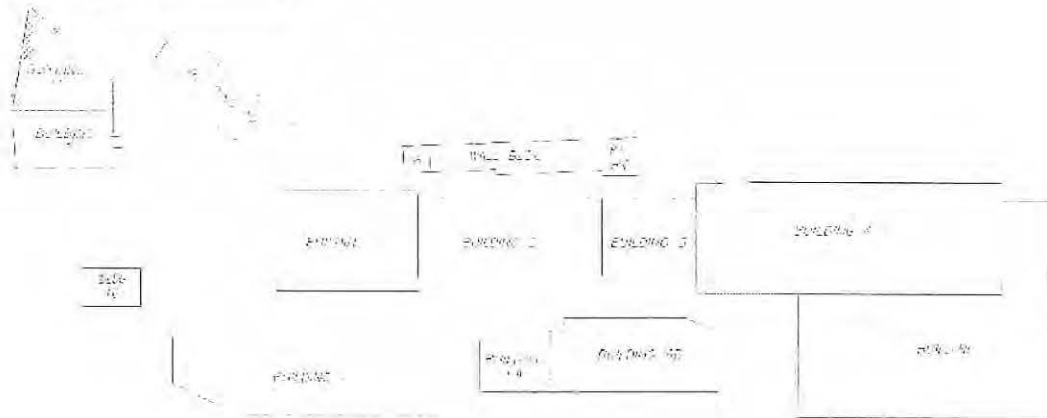


Photo 10-2: Exterior view of Building 10.



Building Number: 11



Location Plan

Description, Condition and Assessment:

- Building 11 story is a two story building with a shallow pitch roof (Photos 11-1 & 2).
- South half of roof pitches into wall of building 12 and is a poor drainage condition. Building 12 roof also drains into the same area. The resulting drain water runs down the back wall of the building. It is evident that the masonry in this area has been repaired previously. The wall is stained and continues to suffer damage from water (Photo 11-2).
- Roof is likely not designed for sliding and drifting snow coming from adjacent Building 12 pitched roof.
- The exterior ground floor wall to north is retaining an embankment and is severely bowed inward from the window sill line up (Photo 11-3). Window wells in this area provide avenue for water entry (Photo 11-4).
- The ground floor dips suggesting there may be deterioration of wood joists and sills below the floor, similar to Building 12. The floor has been decked over with plywood and painted so examination of columns and framing was not possible.
- Second floor framing is rough saw wood joist framing with timber beams and posts. Beam checking was noted, perhaps due to drying from unit heaters.
- Roof framed utilizing timber girders supporting rough sawn wood joists and decking. Acoustic ceiling conceals roof framing; catch buckets were spread throughout and staining indicates roof actively leaks (Photo 11-5).
- Roof framing utilizes stacked system to create pitch. There is no bracing present to stabilize stacked wood and prevent roll-over (Photo 11-5).
- Tar and chip roof system is beyond design life and leaks.
- Lap jointed framing showed cracking extending from tension corner.
- Exterior brick masonry bearing walls show distress over windows, wide spread open joints. Open joints at eave noted and some small areas of bulging. Open joints noted at drip lines.
- Corroded steel lintels.
- West elevation wall is swept inward to the east. East wall also noted as swept.
- Bow noted over main entry.



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<i>Structural Condition Rating</i>	2.5
<i>Structural Renovation Cost Rating</i>	4.5

Rating Justification: Exterior grade retained by north wall has created severe bow in exterior wall. Fore Street right-of-way is well established and unlikely to be modified, and therefore retaining condition will remain. Roof pitching toward Building 12 with drainage water running down the west wall constantly jeopardizes the envelope of Building 12. Roof framing is undersized. Repitching roof would require complete upgrade to address drifting and sliding snow from adjacent Building 12 Roof.





Photo 11-1: Buildings 11 (right) and 12 (left) looking at southeast corner.



Photo 11-2: West elevation of Building 11. Note drainage condition where building 11 meets building 12.





Photo 11-3: Bowed north wall retaining embankment (lines added for emphasis).





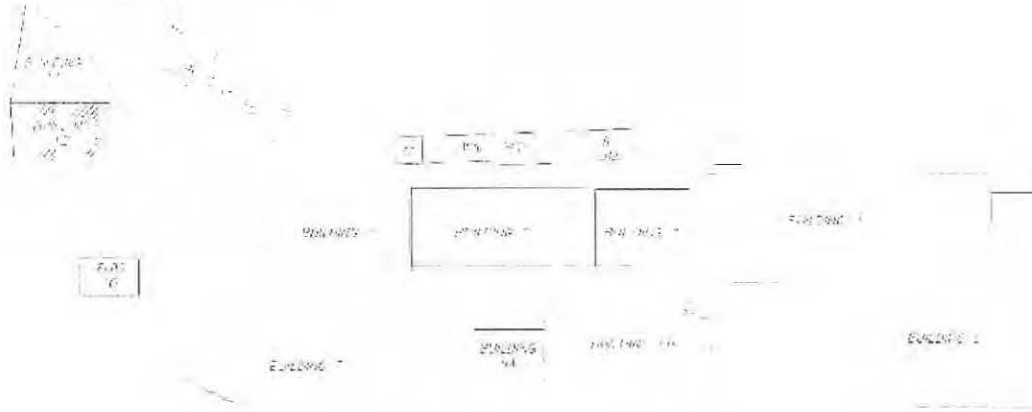
Photo 11-4: Window wells and embankment at north wall.



Photo 11-5: Stacked framing system for Building 11 roof. Note leak catch bucket behind column.



Building Number: 12



Location Plan

Description, Condition and Assessment:

- Building 12 story is a three story building with gable roof and mezzanine space in gable.
- Slate roof materials are loose and missing in many locations, particularly at corners. North half of gable drains onto the roof of Building 11. Wood roof eave trim rotten loose or missing in several locations (Photo 12-2). Some rafter tails appear rotten in some locations. Daylight visible through roof on the east side and rotten sheathing noted in many locations. Roof rafter framing appeared undersized.
- Roof has sag along the longitudinal axis.
- Third floor deck and joists rotten in areas below leaking roofs.
- The ground floor dips to the center. Wood sills bearing on grade and columns bearing on grade were observed to be rotten. In one location the post supporting from the structure above was actually hanging from the floor beam due to the deterioration of the column base (Photo 12-4).
- Note that foundation drains are visible along the west side of the building and that wall appears to be in a low spot. It is likely that the ground floor wood sills and wooden column bases are frequently exposed to wetting.
- Second floor framing is rough saw wood joist framing with timber beams and posts. In general, framing appeared to be in good condition with framing practices consistent of the period. A joist at the northwest corner of the building had the end completely rotted off, possibly from a roof leak running down the face of the wall.
- Separation was noted at the diagonal beam supports at the columns extending from the first to second floor.
- Exterior brick masonry bearing walls show distress and are in fair condition- Distress noted included:
 - Arching & diagonal cracks over windows that extend through the entire width of the masonry (Photo 12-5).
 - Open joints in many locations.
 - Bulging in some locations.
 - Rust jacking at steel lintel on the east side.
 - Walls bowed inward on south and west elevations.



- Evidence of previous shed roof removal- Bulging and slip plane from flashing left in place.
- Entry shed masonry in poor condition.
- Open joints noted in west gable (east gable appears to have been repointed).
- Wooden lintels noted at interior rotting and sagging.
- Wooden window and sills in poor condition with broken and missing panes, rotting wood (Photo 12-1, 2 & 5).

Structural Condition Rating	3.0
Structural Renovation Cost Rating	4.0

Rating Justification: The roof of building 12 is in poor condition and has been letting water into the building for an extended duration. Roof, upper floor and columns of building will require repairs or reconstruction. Masonry damage is significant and portions of masonry walls will need to be rebuilt. Building is located at a low point on the site and drainage condition at crawlspace will need to be resolved. Despite issues, structural "bones" of building are substantial and it was well constructed in its day.

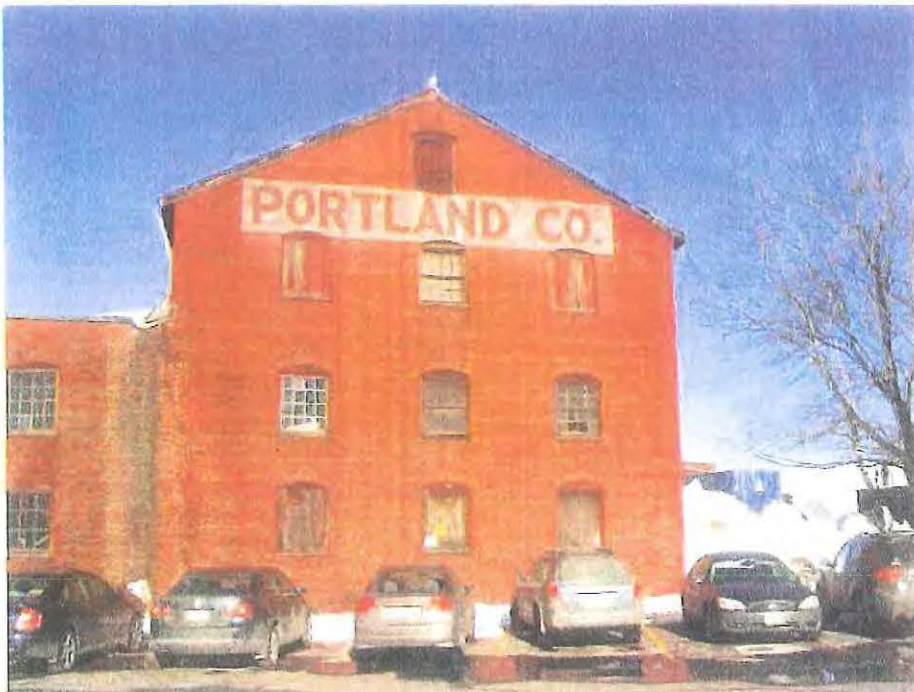


Photo 12-1: West elevation of building 12. Note windows with missing and broken panes, loose slates at eaves.





Photo 12-2: Eave with loose slates, missing eave trim, masonry cracking and broken windows.



Photo 12-3: Daylight visible at through roof sheathing. Condition is at both ends of roof.





Photo 12-4: Rotting column bottom, floor joists and sills at ground floor.



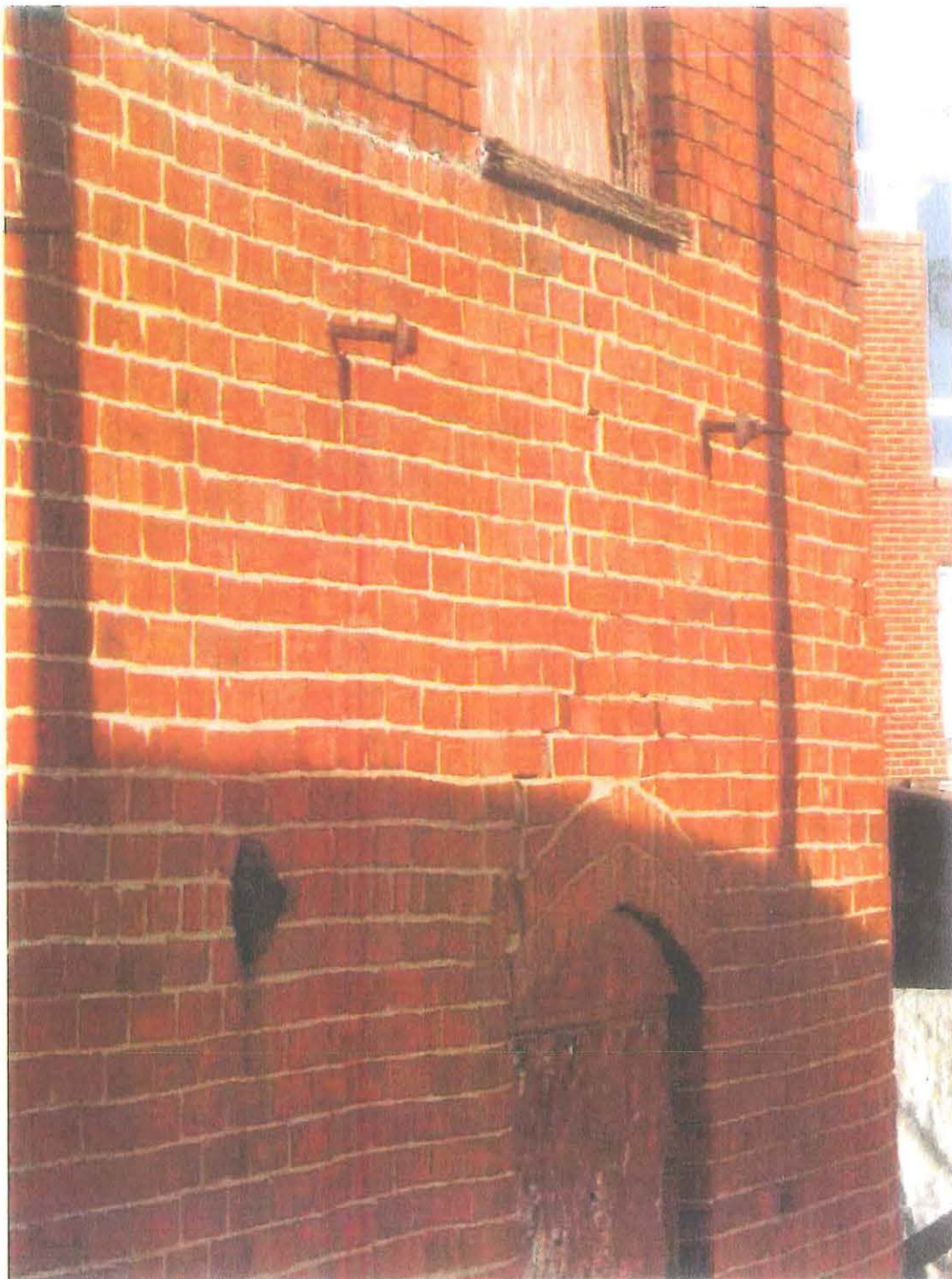
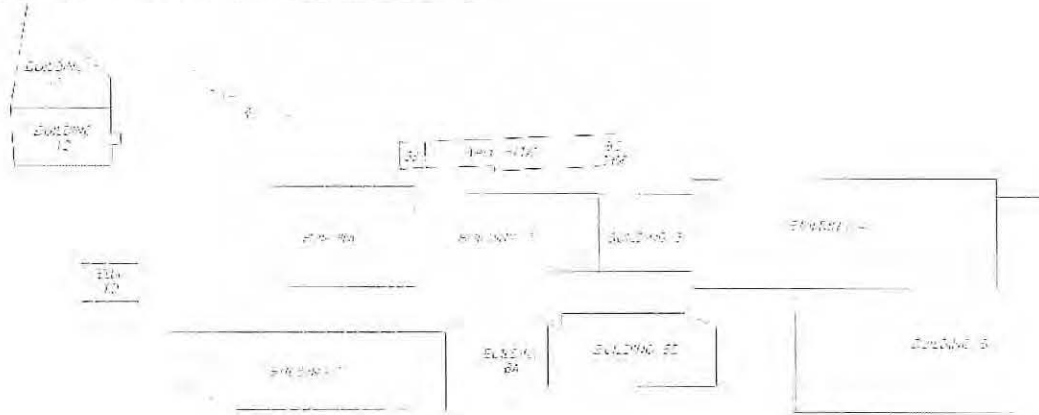


Photo 12-5: Diagonal masonry cracking over window opening, open joints, rotting window sill.



Building Number: 58 Fore Vault/Tower



Location Plan

Description, Condition and Assessment:

- Brick masonry vault tower structure with concrete and steel beam floors. Upper floor was inaccessible due to poor condition of connecting bridge.
- Interior walls were wet and growing moss indicating substantial water penetration or condensation within space.
- Rust flaking where steel beams entered wall may indicate damage to beam end at penetration.
- Exterior brick masonry had joints missing mortar, missing bricks, staining.
- Roof not reviewed.
- Windows broken with missing panes.

Anticipated Structural Outcomes for Restoration:

- Exterior masonry repointing, replacement of bricks and small areas of rebuild. Clean all brick surfaces and apply breathable masonry sealer.
- Remove brick around beams ends, repair beams end and rebuild brick.
- Seismic upgrade may be necessary depending on final use.
- Roof condition unknown, but based on condition of roofs on other buildings in complex, assume roof may be leaking.

Structural Condition Rating	3.5
Structural Renovation Cost Rating	2.5

Rating Justification: Moisture transmission through masonry must be stopped to prevent further degradation of this structure. In order to do so, exterior masonry walls will need to be repaired and repointed, and a breathable sealant applied to the building. Air exchanges and ventilation must be provided on the interior to help dry the structure. Steel beam ends may be compromised requiring repairs. Extensive shoring will be required to repair beam ends.





Photo 58-1: 58 Fore Street Vault/Tower structure viewed from Fore Street.





Photo 58-1: Moss growing on interior walls.



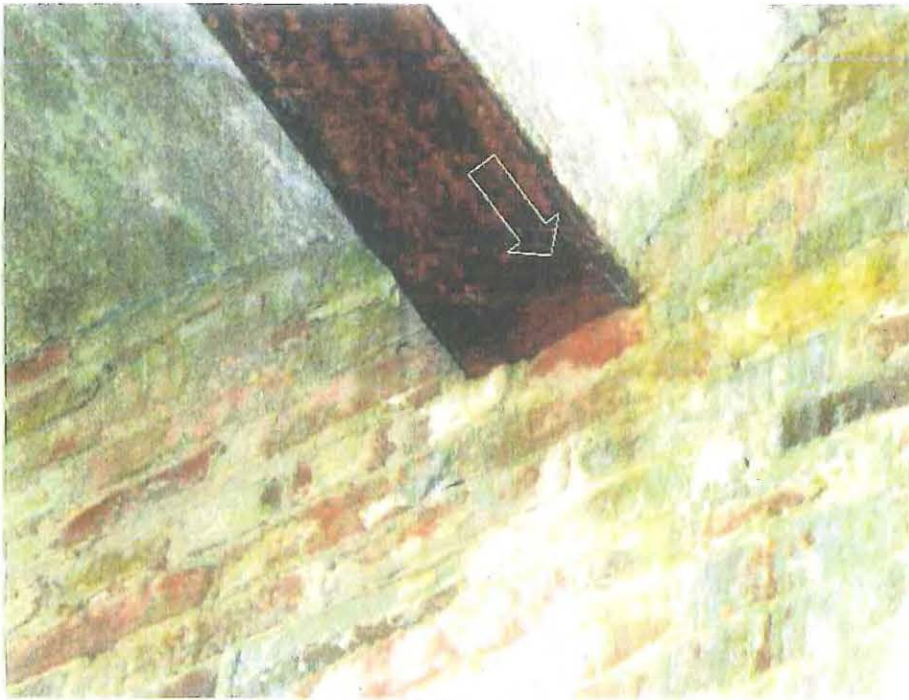


Photo 58-3: Beam end condition with flaking rust.

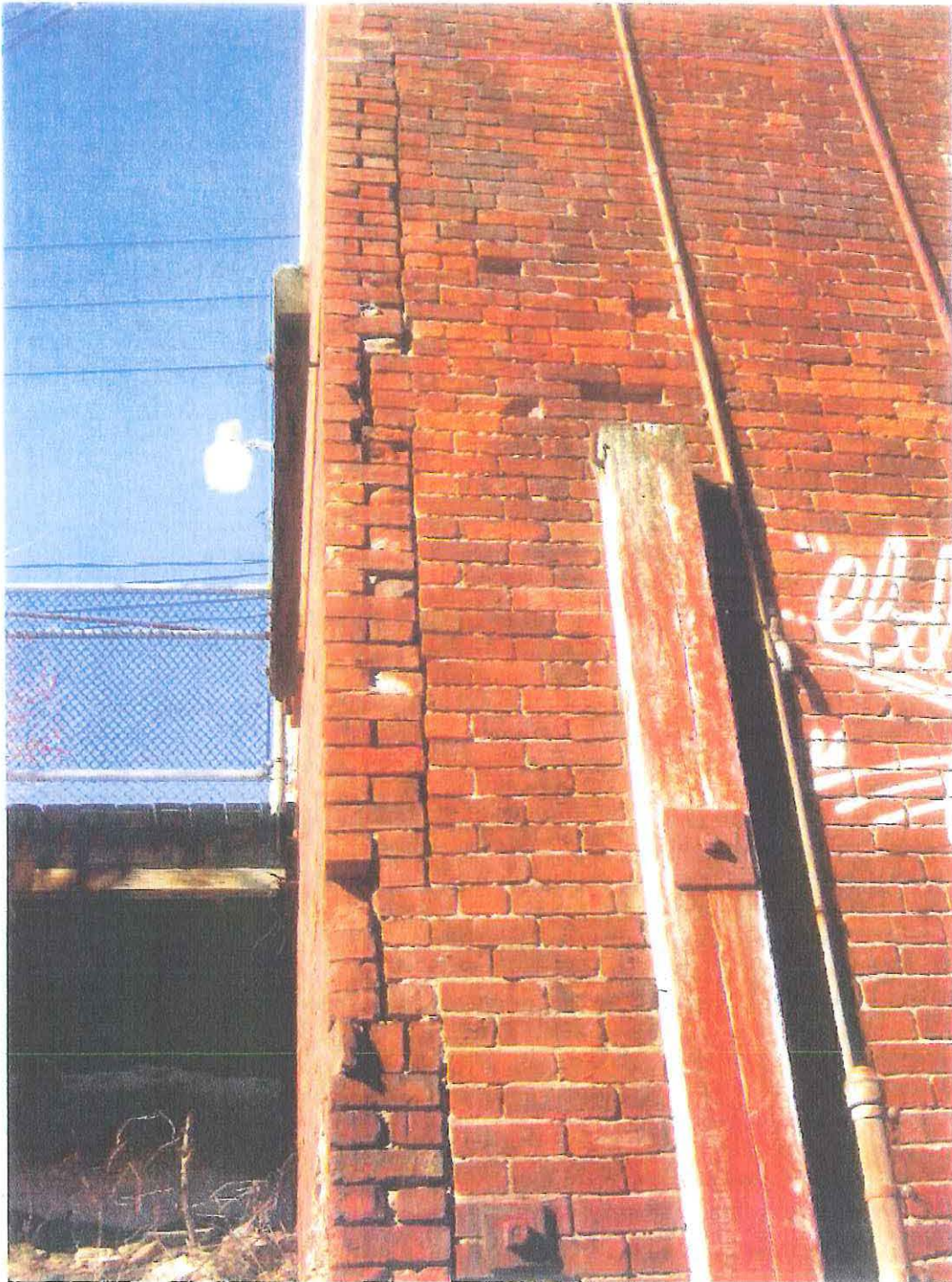
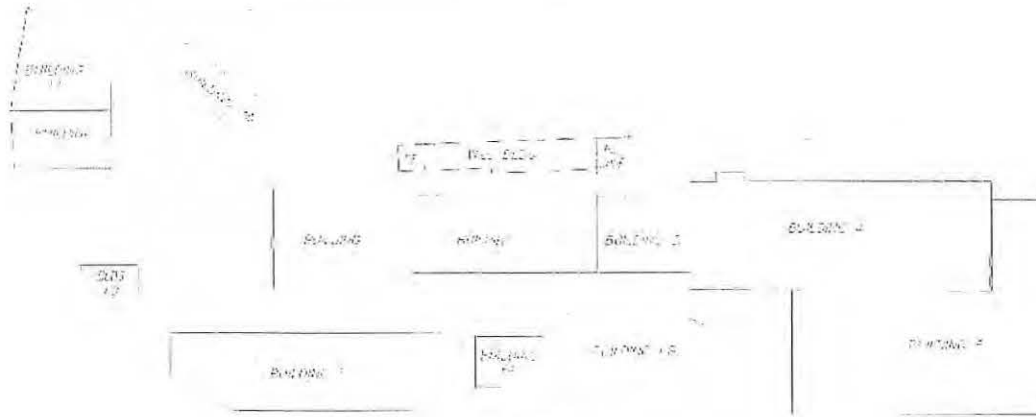


Photo 58-4: Open joints and missing bricks at the corner of the vault/tower.



Building Number: Blacksmith Shop (Building 16)



Location Plan

Description, Condition and Assessment:

- Wood rafter framed roof, back wall and side walls are stone retaining wall for embankment, brick masonry front wall (Photo 16-1).
- Fore Street stone retaining wall at is dry stacked. It was apparent that water travels through the wall.
- North stone walls may be buttressing Fore Street retaining wall.
- Brick masonry had numerous open joints, missing bricks, bulging and moss growth near drip line.
- East side stone wall butts brick masonry front wall to the south; condition is poorly bonded with an open joint.
- Roof rafters appeared to be in good condition, but daylight was visible through roof around chimney penetration.
- Roof eave has been redecked with OSB at eave; roof is covered with shrink wrap.
- Entry did not meet code due to door height.
- Wood windows have broken panes and missing sashes.
- No eave board, building generally not weather tight.
- It is believed that groundwater penetrates this building through the retaining wall.

Anticipated Structural Outcomes for Restoration:

- Repair exterior masonry including extensive repointing and rebuilding to creating contiguous wall conditions.
- Replace windows.
- Create accessible entrance and incorporate 2 means of egress.
- Roof reinforcing to support snow load of properly insulated roof.

<i>Structural Condition Rating</i>	1.5
<i>Structural Renovation Cost Rating</i>	3.0



The Portland Company
58 Fore Street
Portland, Maine

Page 57 of 60

Rating Justification:

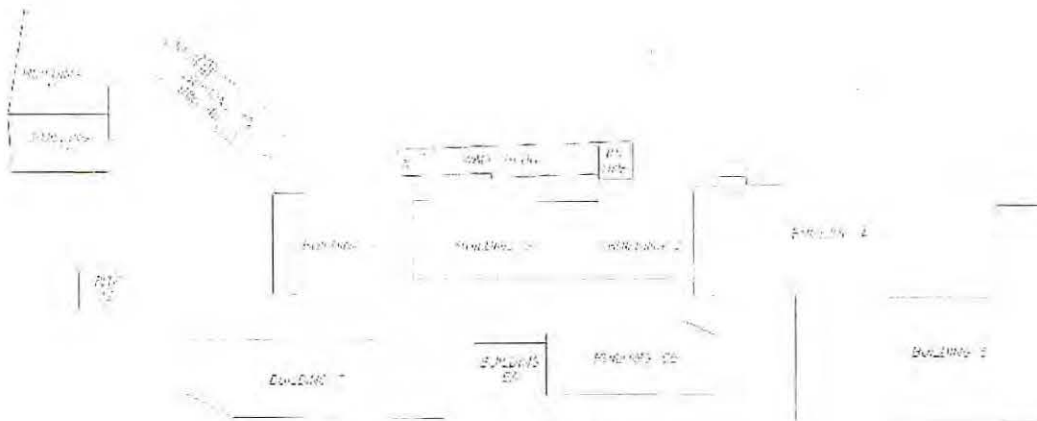
Building currently is not weather tight and extensive work will be necessary address this condition. Entry conditions will need to be brought up to current code for fire and egress compliance. Roof likely not framed to address drifted snow from adjacent high roof/street and will require reinforcement.



Photo 16-1: Exterior view of blacksmith shop/Building 16.



Building Number: 30



Location Plan

Description, Condition and Assessment:

- Building 30 is a two story building with a third story roof pop up area to the east.
- Review as limited- Hard ceilings were in place at time of review and spaces were occupied.
- Peeling paint was noted particularly at the high roof eave (Photo 30-2).
- Siding was uneven and may suggest underlying issues (Photo 30-2).
- Evidence of leaking was noted in several locations on the fixed ceiling adjacent to the southwest wall (Photo 30-3).
- On the south face open joints were noted with horizontal steel protruding. The steel was corroded. Other open joints and missing bricks were noted.
- Window lintels were rusted with mortar separation from the horizontal leg.
- Building exterior sealants are past design life.
- Downspout were leaking and frozen.
- Entry step heights do not meet code requirements.

Anticipated Structural Outcomes for Restoration:

- Repaint existing building.
- Repair exposed lintel conditions with replacement, hot dipped galvanized steel lintels.
- Consider residing and updating air vapor barrier systems.
- Isolate leaking and repair condition with flashing, replacement siding and/or masonry sealing.
- Replace building sealants

Structural Condition Rating	5.0
Structural Renovation Cost Rating	1.0

Rating Justification:

Building is considerably more modern than other structures reviewed on property; majority of repairs will be cosmetic or performed to improve energy efficiency/weather tightening.





Photo 30-1: Southwest elevation of building 30.



Photo 30-2: Peeling paint at roof eave, uneven siding.





Photo 30-3: Leaking noted at ceiling adjacent to southwest wall.



Photo 30-4: Mortar falling from joint with steel protruding; corroded steel lintel and broken mortar adhesion.



APPENDIX A
PORTLAND COMPANY COMPLEX – MARCH 2015
RELATIVE CONDITION AND REHABILITATION COST COMPARISON

BUILDING NUMBER - NAME DATE	RELATIVE STRUCTURAL CONDON			RELATIVE REHABILITATION COST	
	BECKER	RESURGENCE /BECKER SCALE	RESURGENCE SCALE	BECKER	RESURGENCE
BUILDING 1 - ERECTING BUILDING 1918	2.0	2.5 (REPETITIVE DTLS)	P2	4.0	3.5 (REPETITIVE DTLS)
BUILDING 2 - MACHINE SHOP 1847	2.5	2.5	P2+	4.5	4.5
BUILDING 3 - MACHINE SHOP 1847	3.0	3.0	P2+	3.0	3.0
BUILDING 4 - FOUNDRY/ACETYLENE HS 1895, 1904-09	1.5	1.5	VP2	4.5	4.0 (REPETITIVE DETAILS, CUSTOM REHABILITATION)
BUILDING 6B - TANK SHOP 1896-1904	3.0	3.0	P2+	3.5	3.5
BUILDING 7 - CAR SHOP 1873, 1904	2.0	1.5 (BOWED WALLS)	VP1	5.0	5.0
BUILDING 10 - PAINT SHOP 1873	1.0	1.0	VP1	4.5	4.0 (REBUILD IN KIND)
BUILDING 11 - PATTERN STOREHOUSE 1885	2.5	2.0 (NORTH WALL)	VP2	4.5	4.5
BUILDING 14 - DRAFTING ROOM AND STOREHOUSE 1858, 1864	NOT INSPECTED	2.0	VP3	NOT INSPECTED	3.5
BUILDING 15/16 (NO ACCESS TO B15) BOILER HOUSE/BRASS FOUNDRY 1858, 1864	1.5	1.5	VP3	3.0	3.0
Averages of common buildings inspected (excluding Building 14)	2.11	2.06		4.06	3.89

SEE FOLLOWING PAGES FOR EXPLANATION OF BECKER STRUCTURAL ENGINEERS AND RESURGENCE ENGINEERING RATING SYSTEMS

Notes:

1. Coordinate this document with "Portland Company Complex General Building Assessment" prepared by Resurgence Engineering et al, March 2015, and "Evaluation of Existing Buildings at the Portland Company Property" prepared by Becker Structural Engineers, March 28, 2014.
2. Further discussion about relative rehabilitation costs related to these structures, by Resurgence Engineering, follows this page.



PAUL R. LEPADE
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
61 STATE HOUSE STATION
AUGUSTA, MAINE
04333

CHARLES SETTLEWORTH, JR.
DIRECTOR

31 March 2014

Deborah Andrews
Historic Preservation Program Manager
Planning & Urban Development Department
339 Congress Street
Portland, Maine 04101

Re: Portland Company, 58 Fore Street

Dear Deb:

As per our phone conversation of March 28, 2014, I am writing to confirm the findings of the Maine Historic Preservation Commission with regard to the National Register of Historic Places eligibility for the former Portland Company complex at 58 Fore Street. Staff of the Commission reviewed the historic photographs and maps you sent, as well as three reports on the complex (Robert Parker, 1990; Max Yeston, 2012; Tremont Preservation Services, 2014), and it is our opinion that this property is eligible for listing in the National Register as a relatively intact foundry with over a 130 year history.

This property meets National Register Criterion A, in the areas of *Industry, Engineering and Transportation*, with a period of significance that commences with the erection of the first building in 1845/6 and ends with the closing of the foundry in 1982. It is also eligible under Criterion C, as a historic district. All the extant buildings in the complex (1-7, 10-12, 14-16, and 24) are contributing resources. We were not provided information on Building 5 to review, presumably because it constructed recently.

Please do not hesitate to contact me if you need any additional information at this time.

Sincerely,

Christi A. Mitchell
Architectural Historian



CITY OF PORTLAND, MAINE

JAN 11 2015

City Managers Office

Bernstein, Shur,
Sawyer & Nelson, P.A.
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T (207) 774-1200

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Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

January 8, 2016

Portland City Council
389 Congress Street
Portland, Maine 04101

Re: Proposed Designation of Portland Company Historic District

Dear Mayor and Councilors:

I am writing on behalf of CPB2 LLC, the owners of 58 Fore Street, in regard to the recommendation by the Planning Board to designate a portion of the 58 Fore Street property as a local historic district. We fully support the Planning Board's unanimous recommendation and respectfully request that the Council adopt their recommendation.

On October 27, 2015 the Planning Board held a public hearing on the proposed historic district and voted unanimously to designate the former Portland Company complex as a local historic district, to establish the district boundaries, and categorize certain buildings within the historic district as contributing and non-contributing. The Planning Board's recommendation differed from the recommendation by the Historic Preservation Board in only 2 ways: 1) the Planning Board unanimously voted to recommend that Building 1 be classified as non-contributing subject to the execution, in favor of the City, of a fifty-foot wide public access easement from Fore Street across the site, as consistent with the goals of the Eastern Waterfront Master Plan; and 2) the Planning Board modified the boundary of the proposed historic district to more closely align it with the location of the contributing buildings in the proposed district. Any new development on the vacant land on the western end of the site will be subject to

In all other respects, the Planning Board recommendation aligns with the recommendation of the Historic Preservation Board. Of the 16 buildings on the site today, 7 have been recommended to be classified as contributing buildings. The remaining buildings are recommended to be classified as non-contributing due to either the structural condition or lack of historic significance. The attached aerial photograph of the site shows the proposed district boundaries and building classifications.

Finally, the Planning Board also voted unanimously to recommend that the design guidelines for the historic district state that the height for the buildings in the district be controlled by the underlying zoning and not the historic preservation review standards, a precedent set in the Congress Street Historic District. The Historic Preservation Board did not make any recommendations regarding building height, noting that the Planning

Board and Council were much more informed regarding the B-6 height overlay to make that decision.

Section 14-610 of the City's Land Use Code sets forth the criteria to consider when making a determination on a proposed historic district nomination. The Historic Preservation Board is limited to a list of criteria regarding historic significance and integrity. Both the Planning Board and the City Council, however, are required to also consider the effect of the historic designation on other aspects of the comprehensive plan of the city. It is this provision of the ordinance that the Planning Board was focused on and acting under in recommending a more limited-sized district and in recommending to classify Building 1 as non-contributing.

At the October 27th meeting, CPB2 offered to grant the City a public access easement through and across the property from Fore Street to the waterfront in the location where Building 1 currently stands. This would require that Building 1 be classified as non-contributing in order for Building 1 to be removed from the site in the future. In its deliberations and decision, the Planning Board found that the Eastern Waterfront Master Plan requires an equal balancing of several goals. These goals include historic preservation, as well as public access to the water, enhancement of the pedestrian environment, increased recreation opportunities, protection and preservation of key views of the harbor, and creation of quality open spaces which are oriented to maximize exposure to the harbor. The Planning Board also referred to the overarching goal for the eastern waterfront to develop into an extension of the surrounding neighborhood while also establishing an identity as a new urban neighborhood. The Planning Board found that the acceptance and location of the public access easement is necessary to satisfy the goals of the Eastern Waterfront Master Plan and therefore recommended that Building 1 be classified as non-contributing.

In addition to the public access easement, Building 1 should be classified as non-contributing due to its structural integrity and lack of historic significance. The Planning Board record contains a report and additional letter from Becker Structural Engineers regarding the structural condition of Building 1. In the materials, Becker concludes that Building 1 is rated *"very poor/salvageable with significant structural rework and investment/questionable economic viability/consider demolition."* Further, Becker states, *"Our justification of this rating is that all major structural systems are affected in a renovation."* The Building 1 excerpt from the Becker Report is attached.

Building 1 also lacks the historic significance necessary to earn a classification of a contributing building. The current Building 1 was built in 1918, which is over 70 years after the founding of the Portland Company in 1847 and at the end of the period of significance for the property as determined by the Historic Preservation Board. In addition, the main facade of the building has been significantly altered with the increase in the size of the bay doors.

The current Building 1 replaced the original, smaller erecting building, estimated to have been originally built between 1871 and 1880. The vast majority of the historically-

significant activities of the Portland Company took place in the prior building between 1847 and 1918. Notably, the Sutherland Report prepared for the City regarding the history of the Portland Company does not discuss any activities of significance that took place on the site after 1918.

The Sutherland Report references a Building Inventory by Tremont Preservation Services, but includes only the significant activities that occurred prior to 1918. In the full text of the Tremont Inventory, the history of the site beyond 1918 states as follows: *"During the Depression years, manufacturing plummeted and the Portland Company suffered bankruptcy."* The company stock was purchased by Phineas Sprague's grandfather, who owned it with his cousin through 1956, diversifying the operations to include the manufacturing of snow plows, washing machines, etc. The property changed hands a few more times and produced things such as a machine to form Styrofoam containers, as well as components for the nuclear industry. These are the activities that occurred in the current Building 1 – not the historically significant activities such as the extensive locomotive production mentioned in the Sutherland Report. Those significant activities took place in the original erecting building, which was constructed around 1880, was made of wood and had a smaller footprint.

Further, the construction of Building 1 masked the architecturally significant Greek Revival façade of Building 2, which was the original machine shop built by John Poore in 1847. The removal of Building 1 would reveal the original façade of the 1847 building, as well as the original rail yard and allow for a truer restoration to the original Portland Company.

The attached artist renderings show CPB2s conceptual plans of how Building 2 can be showcased and the original rail yard used as a public plaza, which would be the location of the public access easement. As you can see, rather than the altered façade of Building 1 being the face of the property, the location of a public plaza in front of Building 2 allows the public to view the architecturally significant 1847 façade of Building 2 and to fully appreciate and experience the alignment of the buildings and alleys as they existed in the 19th century.

We therefore request that the Council adopt the recommendations of the Planning Board both in regard to the district boundaries and the classification of the buildings within the district.

Thank you for your time and consideration.

Sincerely,



Mary E. Costigan

cc: CPB2





Historic Core Concept – Iconic Facades of the Portland Co Tower and Building #2 (c. 1848)



Historic Core Concept – Creating Public Access from Fore Street to Portland's Waterfront

Looking East at facades of Bldg 24, narrow alley, Bldg 2, alley and then Bldg 6 of the Historic Core

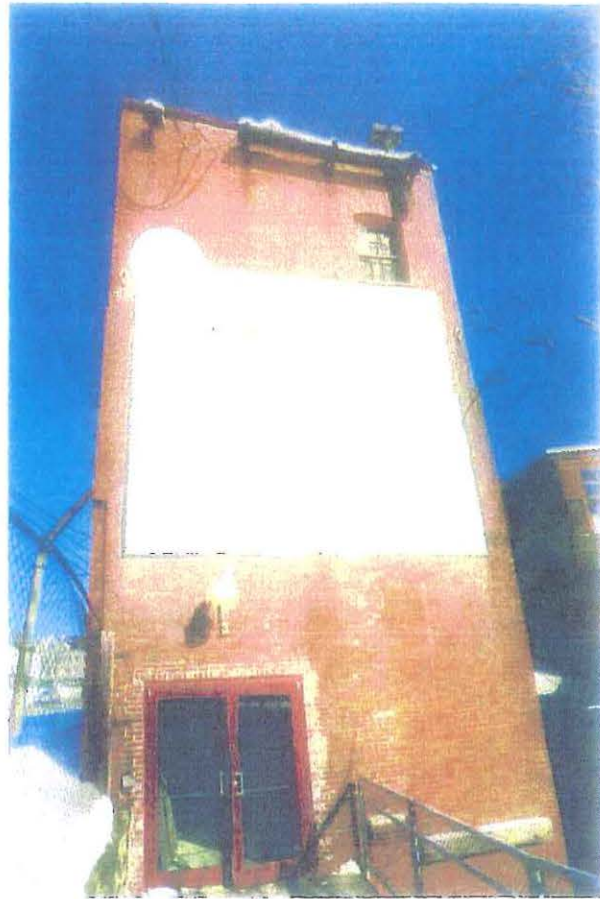


Historic Core Concept – Iconic Facades of the Portland Co Tower and Building #2 from 1848

Evaluation of Existing Buildings
at the
Portland Company Property
58 Fore Street
Portland, Maine

March 28, 2014

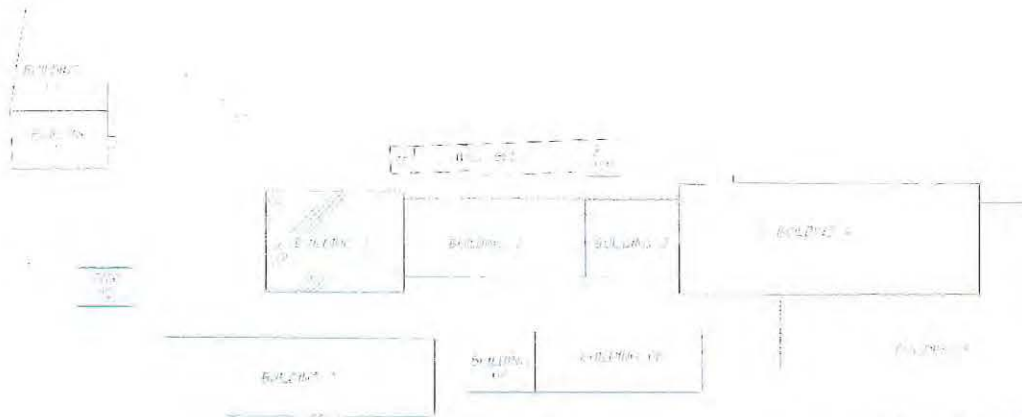
Prepared for:
CPB2 Management LLC
Portland Maine



Prepared by:



Building Number: 01



Location Plan

Description, Condition and Assessment:

- Building 1 features a central, longitudinal clerestory high bay space with low "saddle bag" roofs to each side (Photo 1-1).
- The high bay space has bridge crane rails with dual bridge & trolley systems.
- High bay is a steel frame with bridge crane girders at elevation of low "saddle bag" roofs. High bay is framed with clear span steel trusses and decked with wood board sheathing.
- Low roofs are framed with steel beams and girders, and decked with wood board sheathing.
- Low bay exterior walls are multi-wythe unreinforced brick masonry bearing walls.
- The steel frame high roof structure is likely not rated for snow loadings and the low bay roofs are likely not designed for snow drifting due to the high-low roof condition. Both conditions will likely cause overstresses in framing and decks.
- Wood plank roof decking was rotting in several locations, particularly at eaves due to leaking roofs (Photo 1-2). In general, roof appears to have leaks throughout. Wood deck not effective as diaphragm to transfer lateral loads.
- Wooden roof eaves with missing pieces and rot.
- Masonry piers along south elevation had large vertical cracks, likely a result of thermal stresses in the brick and discontinuity of steel lintels. Steel lintel framing over large windows cause disruption of brick piers and cause structural instability of piers with a hinge type condition. Crack allows water infiltration which causes further structural damage (Photo 1-4).
- The lintel flanges exposed over windows at the exterior are rusted with expansion causing rotation and masonry damage.
- Windows are archaic with steel frames, single pane glazing, no thermal break, poor glazing seals, broken panes and corrosion.
- Concrete window sills are spalled and cracked with exposed reinforcing in many locations.
- Many brick masonry joints have missing mortar, particularly at eave drip line below window sills. Moss was noted to be growing in masonry joints at and above the pavement



line. Masonry also has wide spread areas of distress including loose and missing mortar, cracks and spalls. (Photo 1-3)

- South high bay windows have been covered with opaque corrugate panels indicating poor condition.
- South low roof appears to have been overframed to enhance slope.
- Upper roof appears to be an out of date tar and chip roof.
- No definable lateral load resisting system in either principal direction.
 - Limited frame action in high bay of transverse direction. Offset column splices at low/high roof transition and crane girder create a stiffness discontinuity (Photo 1-5).
 - No method to transfer clerestory loads to lower level in longitudinal direction.
 - End wall and side walls have large openings; unreinforced masonry bearing walls known to have poor performance in seismic events.
 - Wood diaphragms likely inadequate to transfer diaphragm shears to exterior walls.

Anticipated Structural Outcomes for Renovation/Restoration:

- Replace roof decking with metal deck along with new roofing and insulation. Establish diaphragm connections to existing walls.
- Reinforce roof to meet snow loading requirements.
- Introduce lateral load resisting system with wall shotcrete or steel frame.
- Repair exterior masonry and rebuild certain areas as required. Extensive rebuilding will be necessary to address cracked masonry pier conditions. Clean masonry.

Structural Condition Rating	2.0
Structural Renovation Cost Rating	4.0

Rating Justification:

All major structural systems are affected in a renovation. Exterior masonry piers have major vertical cracks. Steel lintels create a hinge condition in exterior masonry piers and therefore their stability is questionable. End bay has large masonry openings that are not original to construction and seismic performance of system is very questionable. Rehabilitation of open one story space would have high unit costs considering necessary investment in structure verse net usable space.





Photo 1-1: General View, Building 1



Photo 1-2: Wood deck condition at eave.





Photo 1-3: Building 1 at eave drip line. Note sill condition, window condition, moss and missing mortar.





Photo 1-4: Vertical brick masonry crack at southwest pilaster.





Photo 1-5: Column discontinuity at low-high roof condition.



October 13, 2015

Mr. Kevin Costello
Manager
CPB2, LLC
PO Box 7987
Portland, ME 04112

Dear Kevin,

Per your request, we are issuing this letter report to you as a summary of our evaluation of Building 1 of The Portland Company Complex, located at 58 Fore Street in Portland, Maine. The purpose of our evaluation is to assess the condition of the building's structure in order to determine the modifications and repairs required to meet current adopted codes and standards. Our analysis of this structure has expanded from a high level conditions assessment of the 58 Fore Street Complex performed by Becker Structural Engineers (BSE) in 2014, to a more detailed evaluation that will determine the scope of repair work needed to occupy Building 1.

The basis of our analysis as well as itemized descriptions of recommended modifications to the building are included in the following sections of this report. In addition, we have attached drawings S1-S5, which document the recommendations of this report and can be used to reference each of the repair items. After performing our evaluation, we have determined that the repairs and alterations required to meet the current code are extensive.

BASIS OF EVALUATION:

Building 1 at 58 Fore Street was constructed circa 1918. It consists of an exterior masonry wall shell supporting a combination of steel and timber roof structures. Members of BSE visited the building on September 22, 2015 to perform observations and take field measurements of the existing structural elements and systems. Our evaluation is based on these findings and the City's adopted codes, which include the International Building Code (IBC) 2009 edition and the International Existing Building Code (IEBC) 2009 edition. As referenced by IBC, gravity and lateral loads have been determined using the American Society of Civil Engineers, ASCE 7 Minimum Design Loads for Buildings and Other Structures, 2005 edition. The future occupancy of the building is unknown at this time, but for the purposes of this evaluation, we have assumed that this building will serve a public assembly occupancy.

ROOF FRAMING:

Building 1 consists of a center, clerestory roof structure with lower "saddle-bag" roofs along each side. The high roof consists of timber decking spanning to steel purlins. The purlins are supported by clear-spanning steel trusses spaced approximately 20'-0" on center (o.c.), which are in turn supported by steel columns. The lower roofs also consists of timber decking spanning

to steel beams. These beams are carried by steel girders that span to the main steel columns and to the exterior brick walls.

Our recommendations for repairs and modifications to the roof structure are as follows:

- Item R1: Approximately 30% of the existing timber decking is rotted and needs to be replaced. The areas requiring repair are scattered throughout the lower and upper roofs. Our opinion is that it will be more efficient and cost effective to replace all of the decking rather than replace the individual areas of rot. We recommend using a 3" nominal tongue and groove (T&G) timber decking as replacement.
- Item R2: Some of the elements in the roof trusses are overstressed for snow loads. We recommend reinforcing the chords and some of the web members with new steel rods or angles. Further analysis is required to determine if the riveted connections at the truss members are adequate. This detailed analysis was not performed for this report.
- Item R3: The existing columns supporting the roof structure are overstressed. We recommend reinforcing them with new steel tee-shapes and plates. In addition, the column splice that occurs at the low roof is inadequate, and we recommend reinforcing it with new steel side plates.
- Item R4: Our analysis showed the existing bottom chord bridging is inadequate to brace the truss during uplift caused by wind loads. We recommend welding steel reinforcement to the existing bridging and cross-bracing, as well as adding new bridge lines near the ends of the trusses.

LATERAL FORCE RESISTING SYSTEM:

A lateral force resisting system collects wind and seismic loads from the exterior envelope of the building and transfers them to the foundations and substructure. To transfer loads effectively, there must be positive load paths from the envelope to the roof diaphragms (existing roof decking), from the diaphragms to the lateral resisting elements (existing masonry walls), and from the walls to the foundations. Our observations determined that many of these load paths are inadequate or do not exist. Examples of this include inadequate fastening of the roof deck to the exterior walls, as well as several openings and discontinuities in the walls that reduce overall stiffness and capacity. Our opinion is that Building 1 does not have a functioning lateral force resisting system, and thus a new system should be installed.

Our recommendations for the lateral force resisting system are as follows:

- Item L1: To create an effective structural diaphragm for resisting wind and seismic loads, we recommend sheathing over the all of the new timber decking with 1/2" thick plywood.
- Item L2: New steel channels and new beam nailers should be installed to allow the roof diaphragm to be positively connected to its support structure.
- Item L3: For lateral forces in the long direction of the building, we recommend installing new steel rod cross-braces within four bays of the clerestory.
- Item L4: To transfer forces from the cross braces identified in item L3, as well as the low roof diaphragms, we recommend installing new columns, beams and braces along the exterior walls and between the existing columns to create moment frames. Further



analysis may allow for the existing crane rail beam to be used as part of the new moment frames, eliminating some of the new structural steel.

- Item L5: For lateral forces in the short direction of the building, we recommend installing HSS cross-braced frames (or frames of a similar configuration). A total of six new frames are proposed to control uplift forces due to wind and seismic loads. We believe the six frames will best lessen the uplift demand on the mat foundations, reducing their size and the overall pile quantity as much as possible.

FOUNDATIONS AND SUBSTRUCTURE:

Little is known about the foundations for Building 1 since most of them are not exposed to view. Based on our past experience with sites along the Portland Waterfront, existing soils typically consist of poorly compacted fill that is often unsatisfactory for support of structures. Historical maps of the area indicate the site was originally underwater and was filled in order to construct the facility. Building 1, however, appears to be well founded with little to no signs of settlement or foundation distress. Therefore, we believe the building may be supported by shallow rock or deep foundation elements, such as pilings or piers, extending to more favorable soils or bedrock below. Prior to proceeding with the design of structural modifications for the building, further geotechnical observations and testing would be required to determine the existing soil properties and the existing foundation characteristics.

Our recommendations for the foundations are as follows and are based on a pile-supported foundation:

- Item F1: The existing concrete slab is in fair to good condition but has several surface deformations and poor levelness. We also found locations where voids beneath the slab are present. To meet the needs of an assembly occupancy, we recommend replacing the slab. Prior to placing the new slab, the existing soils will likely require re-compaction, and new compacted structural fill may also be necessary.
- Item F2: All new columns will require support from new concrete footings. We recommend supporting new footings using steel mini-piles driven to refusal. The existing exterior wall will likely be undermined during the installation of the new footings. Therefore, the scope of foundation work will need to include temporary shoring of the existing exterior walls to install the new footings.
- Item F3: To control uplifts at the braces and moment frames, new mat foundations and strip footings will be required. All new foundations will likely need support from mini-piles. Mini-piles will need to be connected to the mat foundations with uplift anchors. Lastly, the existing columns will need temporary shoring to allow for the existing footing to be removed prior to construction of the new mats.

EXTERIOR WALLS AND FACADE:

The exterior structure of Building 1 consists primarily of multi-wythe, solid brick walls. The building has several large openings for windows, both at the main level and the clerestory. Brick above the openings is typically supported by steel plates attached to steel beam lintels. The brick at the clerestory, however, is supported directly by the roof structure. There are several steel hangers from the high roof structure to the low roof beams that support the brick. The eccentric load from the hangers has caused the high roof beams to twist into the building.



Along the south elevation, several vertical cracks are present in each of the brick piers between the windows. The steel lintels above the windows are anchored into the piers at each end. As thermal expansion and contraction has occurred over time, our opinion is the lintel anchorage is restraining movement and causing the cracks. Further evidence of this is shown by the north elevation, where the larger cracks are not present. This elevation is mostly concealed from exposure to the sun, which would suggest why the cracks have not developed.

Our recommendations for the exterior of the building are as follows:

- Item E1: The cracked piers at the south wall are beyond repair and need to be rebuilt. During the rebuild, we recommend providing vertical control joints in the center of each of the brick piers to control future cracking.
- Item E2: The hanging structure that supports the clerestory facade is not performing adequately, as shown by the twisting beams. We recommend installing new HSS purlins, removing the hanger connections from the existing beams and connecting them to the new HSS beams. The HSS members have resistance to torsion and will not twist.
- Item E3: The steel plates at all of the lintels are heavily corroded and require replacement. We recommend temporarily shoring the facade, removing the plates, removing any rust or corrosion on the lintel, and welding new galvanized plates to the lintels. New flashing details will be required to protect the lintels from future corrosion.
- Item E4: The lintels in the north and south walls create a hinge in the exterior wall, significantly reducing its ability to resist out-of-plane wind loads. To eliminate the hinge, we recommend connecting each of the brick piers to the new columns with clip angle connections.
- Item E5: The exterior brick below the main windows is in poor condition due to rising damp and splash-back from the rain that falls from the upper roofs. Partial reconstruction and repair of this brick will be required..
- Item E6: The steel framed windows and windows sashes throughout the building are in poor condition and should be replaced. In addition, the cast-stone sills beneath the windows are showing signs of heavy corrosion and should also be replaced.
- Item E7: As mentioned in item R1, the roof decking requires replacement at the low roofs. Our observations determined that the brick walls at the clerestory partially bear on the existing deck. These walls are in poor shape, with the brick below the window sills bowing out in most locations. Given the condition of the walls and the wall damage that may occur during the roof deck replacement, we recommend that the clerestory walls be rebuilt.

CONCLUSION AND CLOSING:

Our evaluation of Building 1 has shown that the structure does not meet current code requirements for resisting gravity and lateral forces, including snow, wind and seismic loads. As a result, a significant amount of structural modifications to the foundations and framing will be required. Repair or replacement is recommended for approximately 50% of the existing foundations, 100% of the roof deck, 70% of the roof framing and 40% of the masonry. In addition to these repairs, we believe a significant amount of new structural systems are required to upgrade the building, including braced frames, moment frames, mat foundations and mini-



piles. Our review addresses structural concerns only, and it should be understood that there will be mechanical, electrical, plumbing and life-safety upgrades required as well.

We trust that this information addresses your concerns at this time and will be helpful in planning for the future use of Building 1 at 58 Fore Street. This letter report should be understood in the context it is provided. It is based upon our site observations and preliminary analysis of existing conditions. It has been prepared to provide an overview of the building's structural condition, and to identify the scope and nature of structural issues, which may impact future use. As there have been some assumptions made regarding the existing framing and proposed scope of future work, it is important to review, whenever possible, the building for conformance with the assumptions made. We would be happy to discuss this further, so please contact us if you have any questions.

Sincerely,

BECKER STRUCTURAL ENGINEERS, Inc.



Christopher G. Williams, P.E., S.E.
Project Engineer



Paul B. Becker, P.E.
President



ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 148-15/16
Tab 16 - 1-20-16
Tab 11 - 2-1-16

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

Tab 11 2-17-16

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 LAND USE, ARTICLE IX
HISTORIC PRESERVATION, SECTION 14-651
Re: Building Height in Portland Company Historic District**

**I. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 14, Article IX, Section 14-651 of the Portland
City Code is hereby amended to read as follows:*

Sec. 14-651. Standards for review of new construction.

In considering an application for a certificate of appropriateness involving new construction, the historic preservation board and the planning board shall apply the following general standards as may be applicable to the context of the proposed construction. The intent and application of the following standards are further described in the historic resources design manual and shall guide the board in its review.

(a) Scale and form:

1. *Height.* In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.

...

8. Applicability to the Portland Company historic district. For new construction within the Portland Company historic district, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.

MEMORANDUM

TO: City Council

FROM: Jennifer L. Thompson
Associate Corporation Counsel

DATE: February 10, 2015

RE: Historic Preservation Ordinance

Councilors:

I understand that questions have arisen regarding the historic preservation nomination process. Specifically, I understand that there is uncertainty as to which recommendation, the Planning Board's or the Historic Preservation Board, is to be reviewed by the Council when considering a nominated historic district.

As you know, the historic preservation ordinance appears in Chapter 14 of the Code at Sections 14-601 through 14-750. At Section 14-609, the ordinance outlines the Historic Preservation Board's responsibilities, generally. The duties contained in that section are broad and varied and include, among other things, "advis[ing] and assist[ing] owners of landmarks and property, sites, structures or objects within [historic] districts on . . . preservation;" reviewing "applications for certificates of appropriateness affecting proposed or designated landmarks . . . ;" and keeping "a register of all areas, sites, structures and objects that have been designated as landmarks or districts" within the City.

When it comes to the nomination of landmarks and historic districts and the recommendations of the Historic Preservation Board specifically, the ordinance explains that:

[T]he historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation

Chapter 14, Section 14-617.

Accordingly, under this section, when a *landmark*¹ has been nominated for historic designation, the Historic Preservation Board's nomination goes directly to the Council and so it is that recommendation alone that the Council must consider. When, however, a full district² has been nominated for historic designation, the Historic Preservation Board's recommendation is made to the

¹"Landmark" is defined to mean: "A property, site, structure or object designated as a "landmark" by the council as having a high degree of historical, cultural and/or architectural significance." Section 14-602.

²"District" is defined to mean an "historic district" comprised of "a substantial number of . . . properties, sites, structures or objects . . . with a high degree of cultural, historic, architectural or archeological significance and integrity, many of which qualify as landmarks" Section 14-602 and 14-610(b).

Planning Board. The Planning Board, in turn, files both its recommendation and that of the Historic Preservation Board with the City Clerk before the nomination is considered by the Council. The ultimate decision as to whether to designate a landmark or a district lies, of course, with the Council. Importantly, the scope of both the Planning Board's review (in the case of a district) and of the Council (in the case of either a landmark or a full district) is broader than that of the Historic Preservation Board in that both the Planning Board and the Council must consider not just the criteria outlined in Section 14-610(a)-(c) (relating to historical significance) but also "the effect of such designation on other aspects of the comprehensive plan of the City." This additional criterion is consistent with the requirements that generally apply to zoning enactments. Historic designations constitute a form of zoning enactments.

Given the above, it seems fair to say that when the Council has been asked to consider the nomination of a full district, it is formally considering the recommendation of the Planning Board but is also privy to and entitled to consider the recommendation of the Historic Preservation Board as well. Ultimately, however, because the Council and the Council alone has authority to make a final designation, neither of those recommendations is binding on it. Rather, they are intended to be advisory and to provide the Council with the benefit of the distinct, though complementary, expertise of two independent citizen-boards.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

*Order 155-15/16
Tab 15 2-1-16
Tab 12 2-17-16*

**ORDER AUTHORIZING REFUNDING BONDS
IN AN AMOUNT NOT TO EXCEED \$11,440,000**

WHEREAS, the City has previously issued its 2006 General Obligation Bonds dated April 1, 2006 and its 2007 General Obligation Bonds dated June 1, 2007 (collectively, the "Prior Bonds"); and

WHEREAS, due to a drop in interest rates, the City desires to refinance the Prior Bonds through a combination of a current and advance refunding in order to obtain debt service savings on the Prior Bonds;

NOW, THEREFORE, FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 11 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There be and hereby is authorized and approved the issue and sale of the City's general obligation bonds in the aggregate principal amount not to exceed Eleven Million Four Hundred Forty Thousand Dollars (\$11,440,000) to refinance the Prior Bonds.

BE IT FURTHER ORDERED

1. That the Director of Finance be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of \$11,440,000 (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve (including a competitive or negotiated sale), such approval to be conclusively evidenced by the execution thereof;

2. That the Director of Finance be and hereby is authorized to provide that any of the Bonds hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;

3. That each Bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval and the approval of the City to be conclusively evidenced by their execution thereof;

4. That the Director of Finance is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including refunding escrow

agreements, instruments and certificates, as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the refinancing of the Prior Bonds, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance such approval to be conclusively evidenced by his execution thereof;

5. That the Director of Finance be and hereby is authorized to select the underwriter for the Bonds heretofore authorized and the Director of Finance be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

6. That the Director of Finance be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Director of Finance, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds for sale be and hereby is approved;

7. That the Director of Finance be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

8. That the Bonds heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

9. That the Director of Finance be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds, and the Director of Finance be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds for and participate in the Depository Trust Company Book-Entry Only System;

10. That the Director of Finance and Mayor from time to time shall execute such Bonds as may be required to provide for exchanges or transfers of Bonds as heretofore authorized, all such Bonds to bear the original signature of the Director of Finance and Mayor, and in case any officer of the City whose signature appears on any Bond shall cease to be such officer before the delivery of said Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

11. That if the Bonds, or any part of them, are issued on a tax exempt basis, the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended;

12. That if the Bonds, or any part of them, are issued on a tax exempt basis, the officers or officials executing the Bonds be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds to be subject to federal income taxation;

13. That the officers executing the Bonds be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

14. That any or all of the Bonds issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland, which consolidated issue shall be issued and sold under such terms and provisions as the Director of Finance may approve, as further provided in paragraph 1 above;

15. That the Director of Finance, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds hereinabove authorized;

16. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official;

17. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

18. That the Bonds authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

19. That the investment earnings on the proceeds of the Bonds, if any, and the excess proceeds of the Bonds (including premium), if any, be and hereby are authorized to be used to fund the refunding escrow for the Prior Bonds, to pay redemption premium on the Prior Bonds, if any, to pay interest on the Prior Bonds or the Bonds and to pay issuance costs for the Bonds.

20. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds is extinguished.

21. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval and the approval of the City to be conclusively evidenced by their execution thereof.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Brendan T O'Connell

DATE: January 26, 2016

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Authorization of Series 2006 and Series 2007 Bond Refunding

SPONSOR: Nicholas Mavodones, Finance Committee Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 2/1 Final Action 2/20 (Public Hearing)

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

Bond pricing date is scheduled for 2/29 so public hearing should occur prior to then.

PRESENTATION: Brendan O'Connell – <5 minutes

I. SUMMARY OF ISSUE This agenda item is to authorize a refund amount of not to exceed \$11,400,000 in bonds. This amount is comprised of \$5,920,000 of Series 2006 bonds and \$5,520,000 of Series 2007 bonds.

II. REASON FOR SUBMISSION By refunding these bonds and reissuing them at a lower interest rate the City can achieve an annual average cash flow savings of approximately \$100,000 per year from now until maturity of these bonds in 2026 and 2027.

III. INTENDED RESULT Lower annual debt service expense to the City

IV. COUNCIL GOAL ADDRESSED Annual reduction in overall City expenditures as a result of the refunding.

V. FINANCIAL IMPACT See reason for submission above.

VI. STAFF ANALYSIS Staff worked with our external Bond Advisor to consider potential refunding opportunities and have identified the Series 2006 and Series 2007 bond issues as the two which should be refunded at this time. These issuances carried interest rates of between 4.00% and 5.00% and will be refunded and reissued at a rate of between 2.00% and 2.5%

VII. RECOMMENDATION A vote in support of this item helps free up over \$100,000 annually for the next 10 fiscal years.

VIII. LIST ATTACHMENTS None

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

*Order 156 - 15/16
Tab 16 - 8-16
Tab 13 8-17-16*

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

ORDER APPROPRIATING \$11,440,000 OF BOND PROCEEDS

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 below, the sum of \$11,440,000 be and hereby is appropriated to refinance the City's previously issued 2006 General Obligation Bonds dated April 1, 2006 and its 2007 General Obligation Bonds dated June 1, 2007 (collectively, the "Prior Bonds"), and to pay redemption premium, if any, interest on the Prior Bonds or the Bonds, and issuance costs with respect thereto and all other costs related and ancillary thereto.
2. The appropriation set forth in paragraph 1 above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purpose (the "Bonds") (the amount appropriated to be adjusted to reflect the principal amount of Bonds so authorized) and the issuance and delivery of such Bonds for such purposes. The foregoing appropriations shall also be applied to issuance costs for such Bonds.

*Order 143-15/16
Tab 14 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER ACCEPTING SIDEWALK EASEMENT
FROM SCHLOTTERBECK BLOCK LLC**

ORDERED, that the sidewalk easement from Schlotterbeck Block LLC on portions of its land on Elm, Kennebec and Preble Streets is hereby accepted in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: January 28, 2016

DISTRIBUTION: City Manager Jon Jennings, Mayor Ethan Strimling, Assistant City Manager Anita LaChance, Sonia Bean, Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, Nancy English, and Julie Sullivan

SUBJECT: Sidewalk Easement Request for 117 Preble Street (Schlotterbeck Building)

SPONSOR: Department of Planning and Urban Development

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action:** February 17, 2016

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

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

I. SUMMARY OF ISSUE (Agenda Description)

The Department of Planning and Urban Development is forwarding a request from Schlotterbeck Building, LLC seeking the City Council's acceptance of a sidewalk easement on private property which will provide for public access. The applicant is offering the easement to the City to allow public access on a sidewalk located on their property at the intersections of Preble and Kennebec Streets and Kennebec and Elm Streets.

On December 15, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for the fifty-five (55) unit market-rate apartment building located at 117 Preble Street. The Planning Board voted unanimously 6-0 to approve the application with waivers and conditions.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The easement requires City Council approval and, per Corporation Counsel, qualifies as a one-reading item.

III. INTENDED RESULT

The request is for the approval of the sidewalk easement to allow public access on private property and the authorization of the City Manager to grant the easement on the City's behalf.

IV. COUNCIL GOAL ADDRESSED

Granting the proposed easement and thus allowing this building project with fifty-five units of rental housing to proceed, will promote housing availability and connectivity on the streets of Portland.

V. FINANCIAL IMPACT

The project will ultimately result in tax revenue to the city.

VI. STAFF ANALYSIS AND RECOMMENDATION

The Corporation Counsel's office has reviewed the easement agreement and has approved the draft as presented here. As noted above, the Planning Board approved the proposed development on December 15, 2015 with the conditions that the applicant obtains the required easement.

VII. LIST ATTACHMENTS

1. Draft Sidewalk Easement between City of Portland and Schlotterbeck Building, LLC.

Prepared by: Shukria Wiar, Planner

Date: January 28, 2016

EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that SCHLOTTERBECK BLOCK LLC, a Maine limited liability company with a place of business in Portland, Maine and mailing address of 104 Grant Street, Portland, ME, 04101 (the "Grantor"), FOR CONSIDERATION PAID, hereby GRANTS to the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "Grantee" or the "City"), an easement for the purpose described below, over portions of Grantor's Land on Elm, Kennebec and Preble Streets in Portland, Maine, more particularly described in Exhibit A attached hereto and as depicted in the drawing attached hereto as Exhibit B and made a part hereof (collectively the "Easement Area"). The Easement Area constitutes portions of the land described in a deed to Grantor of even or near date to be recorded herewith.

The purpose of the easement granted herein is to grant public pedestrian access in, on, under, and over the Easement Area which shall function as an ADA compliant sidewalk for pedestrian, bicycle and similar non-motorized pedestrian uses subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety. Notwithstanding the foregoing, wheelchair and emergency vehicles as well as snow removal equipment shall be permitted in accordance with applicable federal and/or state laws regulating accessibility for such devices, vehicles or equipment. The City shall have the right, but not the obligation, to install, maintain, replace and repair the sidewalk for public use and enjoyment on and over the Easement Maintenance and repair responsibilities within the Easement Area shall belong solely to the Grantor, its heirs and assigns. It shall be the responsibility of the Grantor to remove snow and ice from said sidewalk and to otherwise comply with all laws, rules, regulations, and ordinances governing the removal of snow and ice. Grantee shall have the right but not the obligation to repair or maintain the Easement Area when Grantee, in its sole discretion, deems such repairs or maintenance necessary to ensure public safety.

The Easement Area shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and Grantor shall not use or permit any use, condition or state of disrepair that would be contrary to or otherwise inhibit such uses.

TO HAVE AND TO HOLD the aforegranted and bargained easement, with all privileges and appurtenances thereof, to the Grantee, its successors and assigns, to its and their use and behoof, forever.

IN WITNESS WHEREOF, Schlotterbeck Block LLC, the Grantor, has caused this instrument to be executed by Schlotterbeck Manager LLC, its Managing Member thereunto duly authorized, this ____ day of January, 2016.

[remainder of page left blank intentionally—signatures begin on next page]

WITNESS:

SCHLOTTERBECK BLOCK LLC, Grantor

BY: Schlotterbeck Manager LLC, its
Managing Member

By: _____
Thomas E. Watson, its Manager

STATE OF MAINE
CUMBERLAND, ss.

January __, 2016

Personally appeared the above named Thomas E. Watson, Manager of Schlotterbeck Manager LLC, Managing Member of Schlotterbeck Block LLC as aforesaid and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability companies.

Before me,

Attorney-at-Law/Notary Public

Printed Name: _____

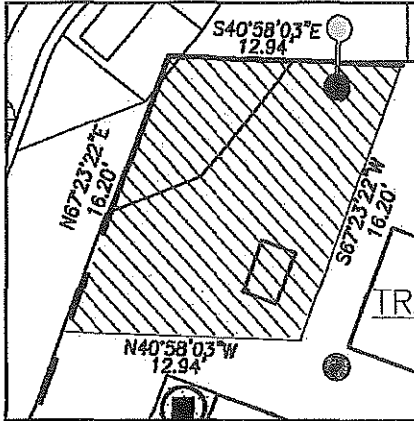
Commission expires: _____

SEEN AND AGREED TO:

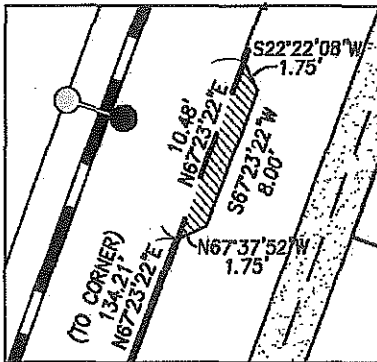
CITY OF PORTLAND

By: _____
Jon P. Jennings, its City
Manager

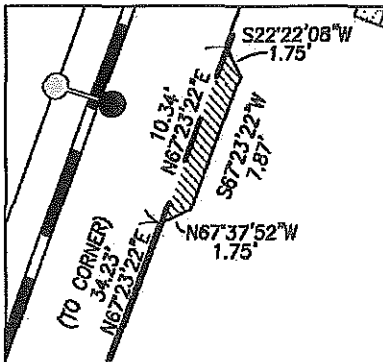
EXHIBIT A



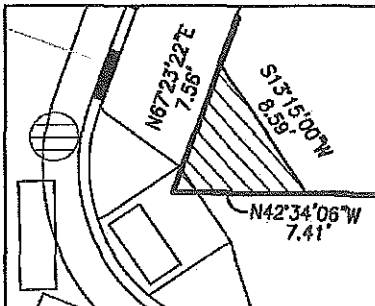
DETAIL PLAN A: EASEMENT AREA
SCALE: 1" = 10'



DETAIL PLAN B: EASEMENT AREA
SCALE: 1" = 10'



DETAIL PLAN C: EASEMENT AREA
SCALE: 1" = 10'



DETAIL PLAN D: EASEMENT AREA
SCALE: 1" = 10'

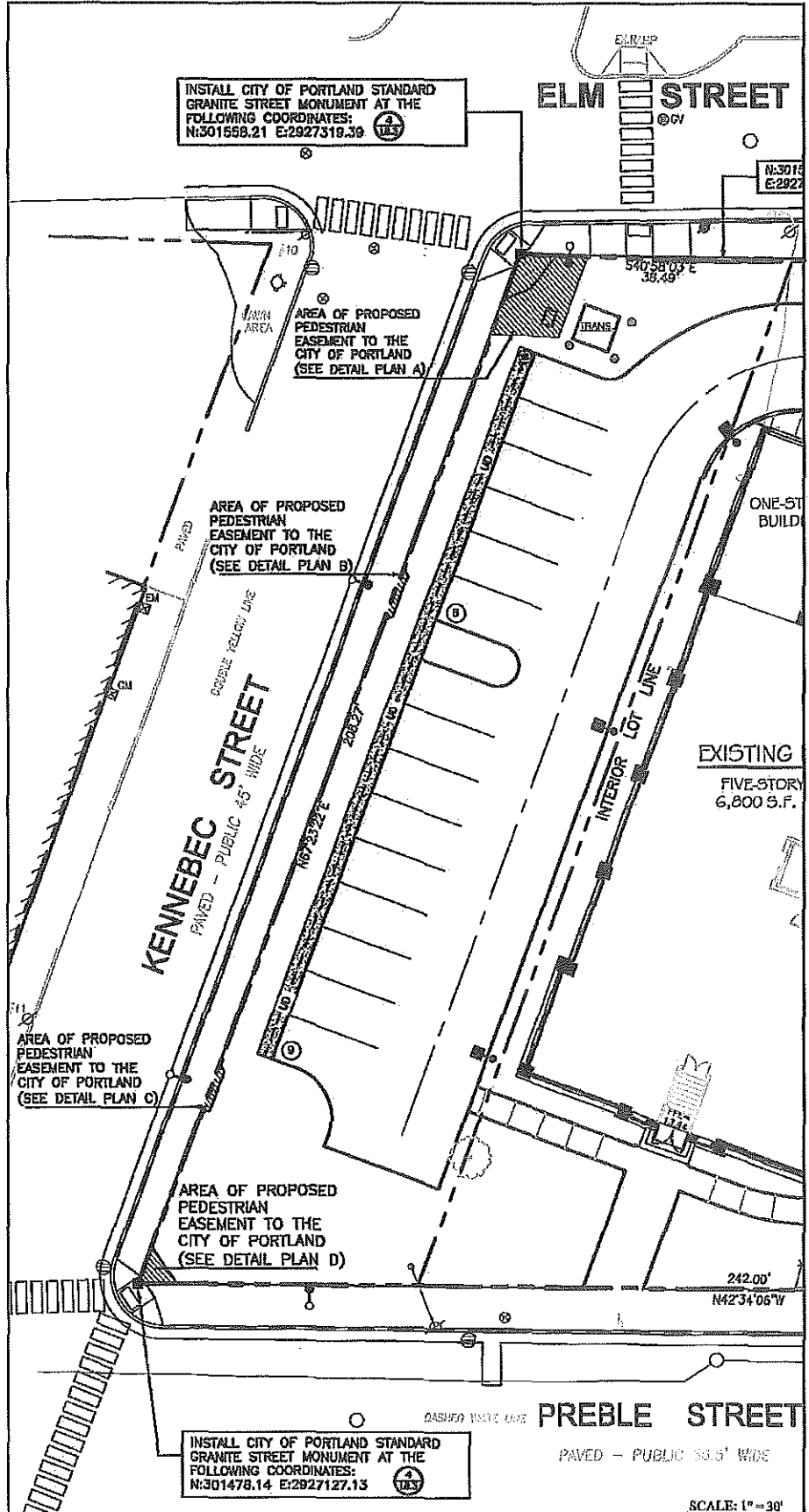


EXHIBIT A

Pedestrian Easement over land of Schlotterbeck Block LLC

A certain lot(s) or parcel(s) of land crossing land of Schlotterbeck Block LLC on the northerly side of Preble Street in the City of Portland, County of Cumberland and State of Maine described as follows:

Easement "Area A"

Commencing at a point of beginning at a granite monument at southwesterly corner of land now or formerly of Schlotterbeck Block LLC,

Thence, N 67°23'22" E across land of said Schlotterbeck Block LLC, 7.56 feet;

Thence, S 13°15'00" E across land of said Schlotterbeck Block LLC, 8.59 feet;

Thence, N 42°34'06" W along land of said Schlotterbeck Block LLC, 7.41 feet to the point of beginning containing 26.4 square feet.

Easement "Area B"

Commencing at a granite monument at southwesterly corner of land now or formerly of Schlotterbeck Block LLC, thence, N 67°23'22" E along land of said Schlotterbeck Block LLC. 34.23 feet to the point of beginning;

Thence, N 67°23'22" E across land of said Schlotterbeck Block LLC, 10.34 feet;

Thence, S 22°22'08" W across land of said Schlotterbeck Block LLC, 1.75 feet;

Thence, S 67°23'22" W across land of said Schlotterbeck Block LLC, 7.87 feet;

Thence, N 76°37'06.52" W along land of said Schlotterbeck Block LLC, 1.75 feet to the point of beginning containing 11.3 square feet.

Easement "Area C"

Commencing at a granite monument at southwesterly corner of land now or formerly of Schlotterbeck Block LLC, thence, N 67°23'22" E along land of said Schlotterbeck Block LLC, 134.21 feet to the point of beginning;

Thence, N 67°23'22" E across land of said Schlotterbeck Block LLC, 10.48 feet;

Thence, S 22°22'08" W across land of said Schlotterbeck Block LLC, 1.75 feet;

Thence, S 67°23'22" W across land of said Schlotterbeck Block LLC, 8.00 feet;

Thence, N 76°37'06.52" W along land of said Schlotterbeck Block LLC, 1.75 feet to the point of beginning containing 11.4 square feet.

Easement "Area D"

Commencing at a point of beginning at a granite monument at northwesterly corner of land now or formerly of Schlotterbeck Block LLC,

Thence, S 40°58'03" E across land of said Schlotterbeck Block LLC, 12.94 feet;

Thence, S 67°23'22" W across land of said Schlotterbeck Block LLC, 16.20 feet;

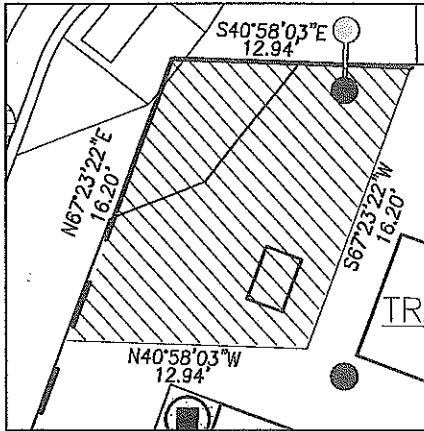
Thence, N 40°58'03" W along land of said Schlotterbeck Block LLC, 12.94 feet;

Thence, N 67°23'22" E along land of said Schlotterbeck Block LLC, 16.20 feet to the point of beginning containing 199.0 square feet.

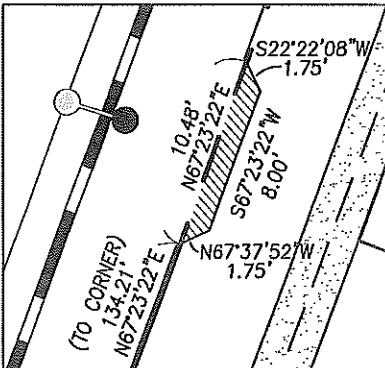
The above described parcel of land is a portion of the land described in deed Book 26354, Page 314.

Basis of bearings: Maine State Plane Coordinate System West Zone NAD 83.

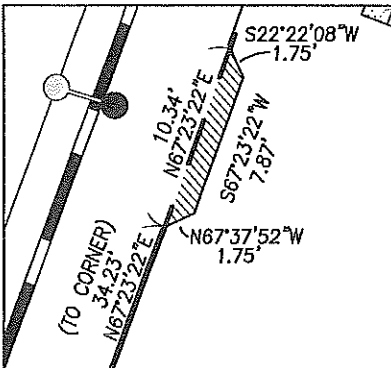
EXHIBIT B



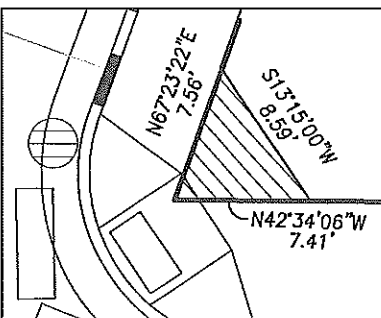
DETAIL PLAN: EASEMENT 'AREA A'
SCALE: 1" = 10'



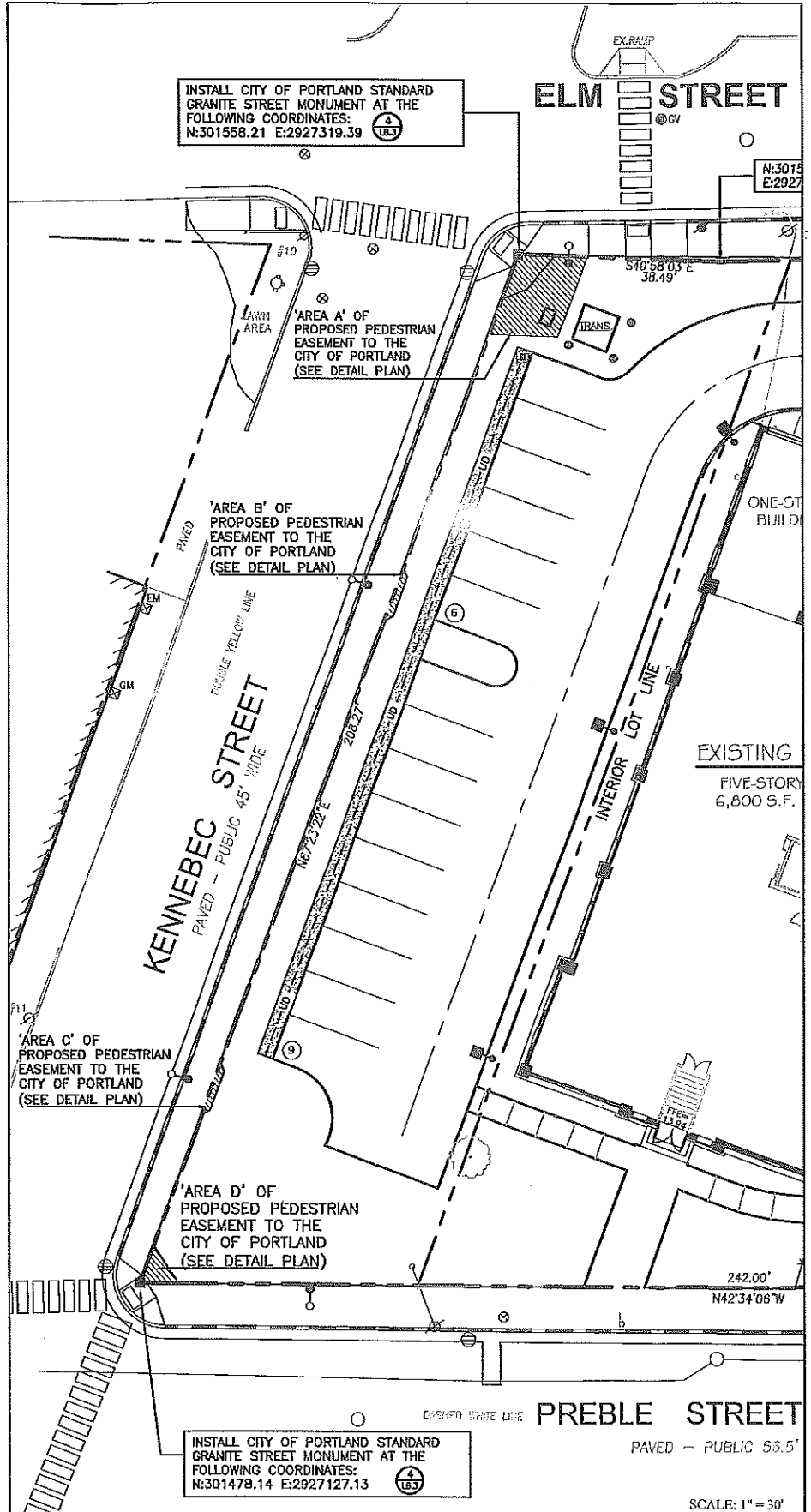
DETAIL PLAN: EASEMENT 'AREA B'
SCALE: 1" = 10'

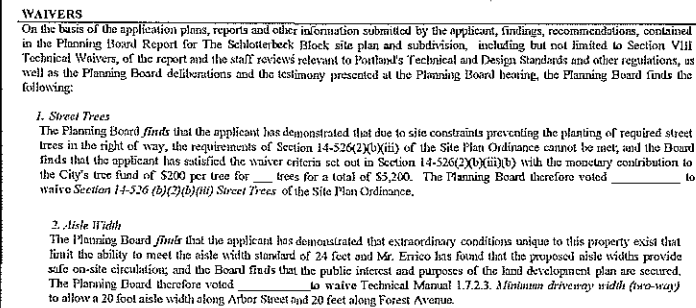


DETAIL PLAN: EASEMENT 'AREA C'
SCALE: 1" = 10'



DETAIL PLAN: EASEMENT 'AREA D'
SCALE: 1" = 10'





The Planning Board voted _____ that the plan is in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions:

1. The proposed specifications for the mechanical equipment shall be reviewed and approved by the Planning Authority and Acting Zoning Administrator prior to the issuance of a building permit.

The Planning Board voted _____ that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. The final sidewalk easements to provide public access shall be reviewed and approved by Corporation Counsel prior to the issuance of certificate of occupancy.
2. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

CERTIFICATION:
Owen Haskell, Inc. hereby certifies that this Plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information and belief, it conforms to the Board of Licensure for Professional Land Surveyors current standards of practice.

Date:

Chair,

Board Members,

1. SITE AREA: 40,720 S.F. OR 0.93 ACRES
2. APPLICANT: SCHLOTTBRECK BLOCK, LLC
77 SPRUCE STREET
PORTLAND, MAINE 04101
3. RECORD OWNER: J.B. BROWN & SONS
482 CONGRESS STREET
P.O. BOX 207
PORTLAND, MAINE 04112
4. LOT DATA: TAX MAP 33, BLOCK E, LOT 1
C.C.R.D BOOK 26354, PAGE 312
AREA: 30,492 S.F.

TAX MAP 33, BLOCK E, LOT 5
C.C.R.D BOOK 26354, PAGE 314
AREA: 10,314 S.F.
5. THE SURVEYED PARCELS ARE SHOWN AS LOTS 1 AND 5, BLOCK E, ON THE CITY OF PORTLAND'S ASSESSOR'S MAP 33.
6. A PORTION OF THE PARCEL IS LOCATED, BY SCALING METHODS, WITHIN ZONE C (AREAS OF MINIMAL FLOODING) AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR THE CITY OF PORTLAND, MAINE COMMUNITY PLAN NO. 230051-0013-B WITH AN EFFECTIVE DATE OF JULY 17, 1985. THE FLOOD ELEVATION FOR THE A2 ZONE WHICH ENCOMPASSES BACK COVE HAS AN ELEVATION OF 10 N.G.V.D. 1929. HOWEVER, THE TOPOGRAPHICAL SURVEY OF THE PARCEL SHOWS THE LOT ABOVE THE ELEVATION OF 10 N.G.V.D. (1929).
7. UTILITIES SHOWN ARE BASED ON A PLAN ENTITLED "BOUNDARY AND TOPOGRAPHICAL SURVEY OF 117 PREBLE STREET", PERFORMED BY OWEN HASKELL, INC., DATED JULY 7, 2015.
9. ZONING DISTRICT: B-7 MIXED DEVELOPMENT DISTRICT ZONE
10. SPACE AND BULK STANDARDS:

	<u>REQUIRED</u>	<u>PROPOSED</u>
MINIMUM LOT SIZE:	NONE	40,720 S.F.
MINIMUM FRONTAGE:	NONE	242 FEET
FRONT SETBACK:	NONE REQUIRED	18 FEET
SIDE SETBACK:	NONE REQUIRED	5 FEET
REAR SETBACK:	NONE REQUIRED	31 FEET
MAX. STREET SETBACK	19 FEET	18 FEET (EXISTING)
MAX. BUILDING LOT COVERAGE:	100 PERCENT	68 PERCENT
MAX. BUILDING HEIGHT:	105 FEET	N/A
MIN. BUILDING HEIGHT:	45 FEET	N/A
11. BICYCLE PARKING:

REQUIRED:	24 SPACES
PROPOSED:	24 SPACES
12. ALL WORK WITHIN THE ROAD RIGHT-OF-WAY AND ALL UTILITIES CONNECTING TO INFRASTRUCTURE WITHIN THE ROAD SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.

1. ELM STREET, STREET LINE RETACEMENT PLAN, SOMERSET STREET TO LANCASTER STREET, CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING DIVISION DATED OCT. 16, 2012.

2. BAYSIDE TRAIL SOMERSET STREET EXTENSION, ELM STREET TO KENNEDB STREET, CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING DIVISION DATED JULY 3, 2012.

3. ALFACRELAND TITLE SURVEY ON PHIBLE STREET, LANCASTER STREET EAST, ELM STREET & OXFORD STREET, PORTLAND, MAINE MADE FOR BAYSIDE I, LLC JAN. 26, 2006 BY OWEN HASKELL, INC. RECORDED IN PLAIN BOOK 200 PAGE 40.

LEGEND	EXISTING	PROPOSED
PROPERTY LINE		
IRON PIPE OR ROD FOUND		
MONUMENT FOUND		
UTILITY POLE		
MANHOLE		
ELECTRIC/GAS METER		
SIGN		
CATCH BASIN		
HYDRANT		
WATER VALVE		
LIGHT POLE		
PENCE		
GRANITE CURB		
SUPPORT CONCRETE CURB		
OVERHEAD WIRES		
WATER LINE		
GAS LINE		
TELEPHONE		
STORM DRAIN		
SANITARY SEWER		
EASEMENT AREA		

Prepared For:
Owner and Applicant:
SCILLOTTERBERCK BLOCK L.L.C.
77 Spruce Street
Portland, Maine 04101
Tel.: 207-650-8979

Prepared By:
MITCHELL & ASSOCIATES
Landscape Architects
70 Center Street
Portland, Maine 04101
Tel.: 207-774-4427

RANSOM CONSULTING ENGINEERS
400 Commercial Street # 4
Portland, Maine 04101
Phone: 207-772-2691

GOODU-THOMAS ARCHITECTS
44 Oak Street # 2
Portland, Maine 04101
Phone: 207-775-3184

The Schlotterbeck Block
117 Preble Street
Portland, Maine

Date: OCTOBER 5, 2015
Issued For:
Revisions: DEC. 1, 2015: REVISED PER STAFF REVIEW COMMENTS
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Title: SUBDIVISION PLAN

Scale: 1" = 20'

*Order 164-15/16
Tab 15 2-17-16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING
THE LANDLORD CONSENT AND AGREEMENT WITH
LORING HOUSE ASSOCIATES LIMITED PARTNERSHIP**

ORDERED, that the attached Landlord Consent and Agreement with Loring House Associates Limited Partnership for the Loring House, formerly the Portland City Hospital, at 1125 Brighton Avenue is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said document in substantially the form attached hereto, and any other related documents necessary or convenient to carry out the intent of said document; and

BE IT FURTHER ORDERED, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and thereby prevent a delay in the closing of the financing for the Loring House Associates Limited Partnership.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Planning and Urban Development Department

DATE: February 1, 2016

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Order Approving Landlord Consent and Agreement Regarding Lease of City Owned property at the Loring Housing, 1125 Brighton Avenue

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading February 17 **Final Action** February 17

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

This document is required in order for the financing for the project to close, and it is requested that the Council grant its order on an emergency basis in order to expedite the closing.

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

I. SUMMARY OF ISSUE (Agenda Description)

Loring House is a 104 unit rental housing project which serves elderly and disabled residents and is located on the Barron Center Campus. Pursuant to a 1985 agreement, the City sold the buildings on the property to a developer, City Housing Hospital Associates, and entered into a 99-year ground lease with the developer. The developer renovated the property to serve low and moderate income elderly residents. The historic nature of the building was preserved and the structure is listed on the National Register of Historic Places as Portland City Hospital. At the end of the lease term, which has 68 years remaining, title to the buildings reverts to the City. City Housing Hospital Associates is now assigning its interest in the property to a new developer, Loring House Associates Limited Partnership, which plans to perform substantial rehab of the property with financing from MaineHousing and Portland Housing Development Corporation in the amount of \$5.4 million.

Although the tenant has the right to assign its interest under the lease without Council approval, the City of Portland is also being asked to consent to the new developer's leasehold mortgages to MaineHousing and Portland Housing Development Corporation and to subordinate its interest in the property to MaineHousing's affordable housing covenants and restrictions. The City's subordination is required as a condition for MaineHousing's loan to the developer.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

City Council approval is required before the City Manager can execute the attached Landlord Consent and Agreement.

III. INTENDED RESULT

The transaction will ensure that 104 units of affordable rental housing remain available to area elderly and disabled residents for 45 years. The significant investment in the rehabilitation of the property will help to preserve this important Portland historic landmark.

IV. COUNCIL GOAL ADDRESSED

Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.

V. FINANCIAL IMPACT

Under the existing lease rent is \$1.00 per year.

VI. STAFF ANALYSIS

The building has significant capital needs that will be addressed by an investment from the developer of over \$5 million for improvements to the property. The transaction will preserve 104 units of affordable housing available to elderly and disabled residents for 45 years. Federal, State and Historic tax credits will require that the units be affordable at 60% of the area median income.

The current lease can only be terminated in the event of default; there is no "termination for convenience" clause. The current lease does not expire until 2084. Any future use of the property prior to the expiration of the lease would be subject to the terms of the affordability restrictions.

VII. RECOMMENDATION

Staff is recommending that the City Council authorize the City Manager or his designee to execute the Landlord Consent and Agreement in substantially the same form as attached and any other documents necessary to effectuate the purpose of the agreement. This will enable the preservation of 104 units of affordable elderly housing along with the preservation of a historic landmark. In order to prevent a delay in the closing of the developer's financing, it is requested that the Council's order be granted on an emergency basis.

VIII. LIST ATTACHMENTS

Landlord Consent and Agreement
Ground Lease and amendments

Prepared by: Mary Davis, Division Director
Housing and Community Development Division

Date: February 1, 2016

LANDLORD CONSENT AND AGREEMENT

Loring Housing Apartments, 1125 Brighton Avenue, Portland, Maine

This Landlord Consent and Agreement (the "Agreement") is entered into as of the ____ day of February, 2016 by and among the **City of Portland**, a political subdivision of the State of Maine with a principal place of business in Portland, Maine ("Landlord" or the "City"), **Maine State Housing Authority**, a public body corporate and politic and instrumentality of the State of Maine with a principal place of business in Augusta, Maine ("MaineHousing"), **Portland Housing Development Corporation**, a Maine nonprofit corporation ("PHDC") and **Loring House Associates Limited Partnership**, a Maine limited partnership with a principal place of business in Portland, Maine (the "Partnership").

W I T N E S S E T H

WHEREAS, the City leased certain property located at or near 1125 Brighton Avenue, Portland, Cumberland County, Maine (the "Leased Premises") and granted certain appurtenant rights and easements to City Hospital Housing Associates LP, formerly City Hospital Housing Associates, (the "Seller") pursuant to a Ground Lease dated July 2, 1985, as evidenced by a Memorandum of Lease and Easements dated July 2, 1985 and recorded at the Cumberland County Registry of Deeds in Book 6822, Page 176, which has been modified by a First Amendment to Ground Lease dated January 8, 1992 and an Amendment to Lease Agreement dated May 12, 2008 and assigned by the Seller to the Partnership with the acknowledgement of the City, as landlord, pursuant to and as evidenced by an Assignment of Ground Lease and Leasehold Interest and Amendment to Memorandum of Lease and Easements dated February ____, 2016 to be recorded herewith at the Cumberland County Registry of Deeds (together with any further modifications, the "Lease");

WHEREAS, all buildings and improvements situated on the Leased Premises (together with all future improvements, the "Improvements"), originally transferred by the City to the Seller, have been transferred by the Seller to the Partnership by Quitclaim Deed with Covenant dated February ____, 2016 to be recorded herewith at the Cumberland County Registry of Deeds which the Partnership will continue to operate as a 104-unit residential rental project (the "Project");

WHEREAS, MaineHousing is providing financing in the aggregate principal amount up to \$15,137,609 and low-income housing tax credits to the Partnership for the acquisition and rehabilitation of the Project, and, as security for the financing, the Partnership has granted a mortgage and security interest in the leasehold estate created by the Lease and the Improvements and an assignment of the tenant's rights and interests in the Lease to MaineHousing pursuant to a Leasehold Mortgage, Security Agreement, Assignment of Leases and Rents and Financing Statement by the Partnership to MaineHousing dated February ____, 2016 to be recorded at the Cumberland County Registry of Deeds (as same may be modified, the "MaineHousing Leasehold Mortgage"), and in connection with the financing and low-income housing tax credits, the Partnership has

entered into certain restrictive covenants, including an Extended Low Income Housing Commitment Agreement between the Partnership and MaineHousing dated February ____, 2016 to be recorded at the Cumberland County Registry of Deeds (as same may be modified, the "Extended Use Agreement") and a Financial Assistance Agreement between the Partnership and MaineHousing dated February ____, 2016 to be recorded at the Cumberland County Registry of Deeds (as same may be modified, the Financial Assistance Agreement"); and

WHEREAS, PHDC has loaned the Partnership the sum of \$100,000 and as security therefor the Partnership has granted to PHDC a junior mortgage and security interest in the leasehold estate created by the Lease and the Improvements and an assignment of the tenant's rights and interests in the Lease pursuant to a Junior Leasehold Mortgage, Security Agreement, Assignment of Leases and Rents and Financing Statement dated February ____, 2016 to be recorded at the Cumberland County Registry of Deeds (as same may be modified, the "PHDC Leasehold Mortgage; the PHDC Leasehold Mortgage and the MaineHousing Leasehold Mortgage are referred to collectively as the "Leasehold Mortgages"),

WHEREAS, this Agreement is a condition of MaineHousing's financing and the low-income housing tax credits.

NOW THEREFORE, in consideration of the financing and low-income housing tax credits for the Project and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties to this Agreement, said parties agree as follows.

1. **Landlord Representations.** City hereby represents the following to its actual knowledge:
 - a. The Lease, as assigned to the Partnership, is in full force and effect, and there have been no amendments or modifications to the Lease other than those described in the recitals of this Agreement.
 - b. All rent and other amounts due under the Lease have been paid in full and no further rent is due during the term of the Lease, unless the Project becomes exempt from municipal real estate taxes.
 - c. There is no outstanding default under the Lease, and the Landlord knows of no reason or state of facts now existing or which with the passage of time would give rise to a default of the Lease or to any charge, lien or claim by the City under the Lease or against the Partnership.
 - d. The street address of the Leased Premises has changed from 1145 Brighton Avenue to 1125 Brighton Avenue, Portland, Maine.
 - e. All of the provisions in Article 5 of the Lease, which are also set forth in the Quitclaim Deed with Covenant by the City to the Seller dated July 2, 1985 and recorded at the Cumberland County Registry of Deeds at Book 6822, Page 186 (the "Original Deed"), and the provisions in Article 14(A) of the Lease have been satisfied and are no longer in effect. Notwithstanding and in no way limiting the foregoing, the City acknowledges and

agrees that the Project contains 8 efficiency units and 96 one-bedroom units.

f. Pursuant to the terms of the Lease, the assignment of the Lease to the Partnership does not require prior approval of the City.

g. Based solely on a review of the City's tax assessor's database and the Treasurer's lien records, the City is the owner of record of the Leased Premises free from all municipal liens, and the City has not transferred any interest in the Leased Premises or the Improvements other than as set forth in the Lease, the Original Deed and herein.

h. The Lease constitutes the entire agreement between the City, as landlord, and the Partnership, as tenant, with respect to the Leased Premises and, as of the date of this Agreement, there are no other obligations, rights or interests of the Partnership, as tenant, with respect to the Leased Premises except those under the Lease and applicable City, state and federal laws.

2. **Consent to Leasehold Mortgages.** The City hereby consents to the Leasehold Mortgages. The City acknowledges and agrees that neither MaineHousing nor PHDC assumes any responsibility or liability for the performance of the tenant's obligations under the Lease, unless and until either MaineHousing or PHDC takes possession of the Leased Premises upon a default of the Lease or otherwise expressly assumes such obligations in writing.

The City acknowledges receipt of a copy of the Leasehold Mortgages and that the MaineHousing Leasehold Mortgage is a first-lien leasehold mortgage, the PHDC Leasehold Mortgage is a second-lien leasehold mortgage, and both Leasehold Mortgages are permitted under the Lease. Each of MaineHousing and PHDC severally represents and the City acknowledges that the Leasehold Mortgages include the clause required in Article 14(B) of the Lease, and by virtue thereof and this Agreement, each of MaineHousing and PHDC agrees that upon giving notice to the Partnership of any default under their respective Leasehold Mortgages, MaineHousing and/or PHDC, as the case may be, will simultaneously give a copy of such notice to City, that the City shall have the right, but not the obligation, to cure the default within the same time period given to the Partnership to cure such default as specified in said notice, and that MaineHousing and PHDC will accept all curative acts of the City.

3. **Leasehold Mortgagee Rights.** The City acknowledges this Agreement as written notice from MaineHousing and PHDC of their respective Leasehold Mortgages in accordance with Article 18 of the Lease. The City agrees that MaineHousing and PHDC shall have all rights of a leasehold mortgage holder under the Lease, including but not limited to the rights of leasehold mortgage holders under Articles 18 and 19 of the Lease and all other rights of first lien mortgage holders and specifically granted to MaineHousing in connection with prior financing on the Project, and that MaineHousing or PHDC may enforce such rights by all means available in law or equity. The City and the Partnership agree that the reference in Article 19A of the Lease to "the provisions of Article 20 hereof on leasehold mortgages" is incorrect and that the correct and intended reference is to "the provisions of Article 18 hereof on leasehold mortgages."

In addition to the rights under the Lease, and notwithstanding anything to the contrary contained in the Lease, the parties agree as follows.

- a. MaineHousing acknowledges and affirms its consent to the Amendment to Lease Agreement dated May 12, 2008. No further modifications will be made to the Lease without the prior written consent of MaineHousing and PHDC, which shall not be unreasonably withheld, and any further modification or agreement by the City and the Partnership resulting in the surrender or cancellation of the Lease will be void and of no effect without MaineHousing's and PHDC's prior written consent.
- b. The City agrees to simultaneously send a copy of all notices given to the Partnership (including but not limited to a notice of default under the Lease) to MaineHousing and PHDC in accordance with the notice provisions in this Agreement.
- c. The City agrees that in the event of a default of the Lease, MaineHousing and PHDC shall have the right, but not the obligation, within the time period given to the Partnership to cure the default as specified in the notice to the Partnership plus an additional 30 days (to allow the Partnership time to cure the default before MaineHousing or PHDC acts) to cure the default or to notify the City of its election to extend the termination of the Lease to allow MaineHousing or PHDC to foreclose their respective Leasehold Mortgages and sell the Partnership's interests in the Leased Premises and the Improvements pursuant to Article 18 of the Lease. The City agrees to accept all curative acts of MaineHousing or PHDC.
- d. If the City cures any payment default of the Partnership under any mortgage on the Leased Premises and the Partnership fails to reimburse the City in accordance with Article 14(B) of the Lease, the City will give MaineHousing and PHDC written notice of such failure and a reasonable period of time, but not less than 60 days, to reimburse the City before any termination of the Lease or re-vesting of title to the Improvements in the City.
- e. In the event of a termination of the Lease and/or re-vesting of title in the Improvements to the City for any reason, other than the expiration of the term of the Lease, the City will enter into a new lease with MaineHousing, or its designee, in accordance with Section 18(F) of the Lease and will also transfer title to the Improvements to MaineHousing, or its designee, by municipal quitclaim deed subject to all terms, conditions and restrictions in the Lease, and effective as of the termination of the Lease and/or re-vesting of title in the Improvements to the City, provided that MaineHousing pays all unpaid rent and other amounts due to the City under the Lease and otherwise performs any unfulfilled obligations of the Partnership under the Lease that are reasonably capable of being performed by MaineHousing. The provisions of this subparagraph will also apply to PHDC but only at such time that the MaineHousing Leasehold Mortgage is no longer of record.
- f. In the event MaineHousing becomes the tenant under the Lease or a new lease, the City agrees that MaineHousing may assign the Lease or new lease and transfer the Improvements without the City's consent, and upon such assignment and transfer, MaineHousing shall thereupon be released from all responsibility and liability for the

performance or observance of the covenants and conditions therein contained on the tenant's part to be performed or observed from and after the date of such assignment, provided that the assignee of the Lease or such new lease and transferee of the Improvements shall have assumed the same. MaineHousing will give the City prior written notice of any assignment of the Lease or new lease and transfer of the Improvements. The provisions of this subparagraph will also apply to PHDC but only at such time that the MaineHousing Leasehold Mortgage is no longer of record.

g. Under no circumstances shall MaineHousing or PHDC, or their respective successors and assigns by virtue of foreclosure or otherwise, be obligated to perform any obligations of the Partnership that are no longer in effect or are not reasonably susceptible of being performed in order to exercise and receive the benefit of the rights under the Lease or this Agreement.

h. During the term of the Lease and for a period of 90 days following receipt of written notice from the City of termination of the Lease or any new lease, the City agrees that MaineHousing and PHDC and their respective its employees, servants, independent contractors, successors or permitted assignees, shall have access to the Leased Premises with respect to the removal of any of its collateral from the Leased Premises or the sale of any collateral on the Leased Premises, at no expense or cost to the City, upon the surrender of the collateral by the Partnership to MaineHousing or PHDC or default by the Partnership to MaineHousing or PHDC not cured within any applicable cure period.

i. The City will not mortgage or encumber its fee interest in the Leased Premises or otherwise transfer any interest therein without the prior written consent of MaineHousing and PHDC, which shall not be unreasonably withheld.

j. MaineHousing may exercise any one or more of its rights and remedies under the Lease and this Agreement, all such rights and remedies being separate and cumulative. Subject to the terms of a Subordination and Standby Agreement of even date, PHDC may also exercise any one or more of its rights and remedies under the Lease and this Agreement, all such rights and remedies being separate and cumulative.

4. **No Merger.** Unless MaineHousing and PHDC shall otherwise consent in writing, the City's fee interest in the Leased Premises and the leasehold estate created and all other rights and interests under the Lease shall not merge and shall remain separate and distinct, notwithstanding the union of such estates in the City, the Partnership or other party by purchase or otherwise.

5. **Consent and Subordination to Restrictive Covenants.** The City, as the owner of the fee interest in the Leased Premises and landlord under the Lease, hereby consents to the Extended Use Agreement and the Financial Assistance Agreement and subordinates its fee interest in the Leased Premises and all of its rights, title and interests in the Lease to the covenants and restrictions contained in the Extended Use Agreement and Financial Assistance Agreement. Notwithstanding the foregoing, the City is not required to undertake any of the obligations of the Partnership under the Extended Use Agreement and the Financial Assistance Agreement, those obligations being the sole responsibility of the Partnership, unless the City becomes the owner or operator of the Project

during the terms of the Extended Use Agreement and the Financial Assistance Agreement.

The City acknowledges and agrees that the covenants set forth in the Extended Use Agreement and the Financial Assistance Agreement regulating and restricting the use, occupancy and transfer of the Project shall be and are covenants running with the Leased Premises, encumbering the Leased Premises and binding on its successors and assigns and all subsequent owners and operators of the Leased Premises (the benefits hereunder to inure to MaineHousing and any past, present or prospective tenant of the Project) during the term of this Agreement.

6. **Investor Rights.** The City agrees, upon giving notice to the Partnership of a default under the Lease, to simultaneously give a copy of such notice to the limited partners of the Partnership (the "Investor") in accordance with the notice provisions in this Agreement. The Investor shall have the right, but not the obligation, to cure the default within the same time period given to the Partnership to cure such default as specified in said notice, and the City agrees to accept all curative acts of the Investor on behalf of the Partnership.

7. **Notice.** Any notice required or provided for in this Agreement shall be in writing and will be deemed to have been sufficiently given for all purposes when given by (i) hand delivery, (ii) overnight United States mail or overnight commercial courier or delivery service, (iii) certified mail, return receipt requested, or (iv) registered mail to the parties at their respective addresses set forth below, or at such other address as any of them may from time to time hereafter designate by notice given to the others as herein provided. Any such notice or communication will be deemed received two (2) business days after said notice is deposited in the United States mail or with a commercial courier or delivery service as aforesaid, and in the case of hand delivery, upon acceptance thereof at the address below.

To MaineHousing:

Attn: Legal Department – IMMEDIATE ATTENTION REQUIRED
Maine State Housing Authority
353 Water Street
Augusta, Maine 04330-4633

To City:

Attn: City Manager
City of Portland
389 Congress Street
Portland, Maine, 04101

To Partnership:

Loring House Associates Limited Partnership
Three Canal Plaza, Suite 501
Portland, Maine, 04101

To Investor:

c/o Northern New England Housing Investment Fund
75 Market Street, Suite 201
Portland, Maine, 04101

To PHDC:

14 Baxter Boulevard
Portland ME 04101

8. **Replaces Prior Landlord Consent.** This Agreement replaces in its entirety the Landlord's Consent to Leaschold Mortgage and Assignment of Leases as Collateral among the City, MaineHousing and the Seller dated March 24, 2004 and recorded at the Cumberland County Registry of Deeds in Book 21011, Page 163.

9. **Further Assurances.** The parties hereby represent that they have the full legal right and power and are duly authorized to execute and deliver this Agreement and to perform all of their respective obligations hereunder. The parties agree that this Agreement may be recorded at the Cumberland County Registry of Deeds. In order to carry out the terms and the intent of this Agreement more effectively, the parties agree to execute all further instruments necessary to ensure or preserve the rights contemplated by this Agreement.

10. **Successors and Assigns.** This Agreement shall be binding on and inure to the benefit of the successors and assigns of the parties hereto.

11. **Amendment.** This Agreement may not be amended or modified except by written agreement of the City, PHDC and MaineHousing clearly expressing intent to amend this Agreement.

12. **Recitals.** The above recitals to this Agreement are hereby incorporated herein and made a part of this Agreement.

13. **Severability.** In the event that any term or provision of this Agreement or the application thereof to any person or circumstance is, to any extent, held invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to other persons or circumstances will be valid and enforceable to the fullest extent permitted by law.

14. **Governing Law.** This Agreement is governed by and shall be construed and enforced in accordance with and governed by the laws of the State of Maine.

15. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which together shall constitute one agreement binding on all of the parties hereto, notwithstanding that all of the parties shall not have signed the same counterpart.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and delivered by their respective duly authorized representatives as of the day and year first written above.

CITY OF PORTLAND

Witness

By: _____
Jon P. Jennings
Its City Manager

**LORING HOUSE ASSOCIATES LIMITED
PARTNERSHIP**

By: Triage Realty LLC
Its General Partner

By: Wishrock Investment Group II LLC
Its Sole Member

Witness

By: _____
Bryan J. Shumway
Its Vice President

MAINE STATE HOUSING AUTHORITY

Witness

By: _____
William G. Glover, Jr.
Its Manager of Multifamily Lending

**PORTLAND HOUSING DEVELOPMENT
CORPORATION**

Witness

By: _____
Mark B. Adelson
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND

February __, 2016

Personally appeared before me the above-named Jon P. Jennings, as City Manager of the City of Portland, and acknowledged before me the foregoing to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Name:
Notary Public/Attorney-at-Law
My Commission Expires: _____

STATE OF MAINE
COUNTY OF CUMBERLAND

February __, 2016

Personally appeared before me the above-named Bryan J. Shumway, Vice President of Wishrock Investment Group II LLC, Sole Member of Triage Realty LLC, General Partner of Loring Housing Associates Limited Partnership, and acknowledged before me the foregoing to be his free act and deed in his said capacity, the free act and deed of all of the foregoing limited liability companies in their said capacities and the free act and deed of Loring Housing Associates Limited Partnership.

Name:
Notary Public/Attorney-at-Law
My Commission Expires: _____

STATE OF MAINE
COUNTY OF CUMBERLAND

February __, 2016

Personally appeared before me the above-named William G. Glover, Jr., as Manager of Lending of Maine State Housing Authority, and acknowledged before me the foregoing to be his free act and deed in his said capacity and the free act and deed of Maine State Housing Authority.

Name:
Notary Public/Attorney-at-Law
My Commission Expires: _____

STATE OF MAINE
COUNTY OF CUMBERLAND

February __, 2016

Personally appeared before me the above-named Mark B. Adelson, President of Portland Housing Development Corporation as aforesaid, and acknowledged before me the foregoing to be his free act and deed in his said capacity and the free act and deed of Portland Housing Development Corporation.

Name:
Notary Public/Attorney-at-Law
My Commission Expires: _____

GROUND LEASE

THIS LEASE AGREEMENT (this "Lease") dated this 2^d day of July, 1985, by and between the City of Portland, Maine, a municipality organized and existing under the laws of the State of Maine with an address at City Hall, Congress Street, Portland, Maine (hereinafter referred to as "Landlord" and "City"), and City Hospital Housing Associates, a limited partnership organized and existing under the laws of the State of Maine, having an office for the transaction of business at One Canal Plaza, Portland, Maine (hereinafter referred to as "Tenant").

WHEREAS, Landlord is the owner of the fee simple interest in and to a certain parcel of land located on Brighton Avenue in the City of Portland, Cumberland County, State of Maine, on which site are located the structures known as Portland City Hospital said parcel being more particularly described in Exhibit A attached hereto (hereinafter referred to as the "Leased Premises" or "Premises"); and

WHEREAS, Tenant desires to purchase and rehabilitate the structures thereon to permit their use as housing for the elderly, (hereinafter referred to as the "Buildings")

WHEREAS, Tenant desires to lease from the Landlord the Premises; which together with the Buildings and improvements thereupon shall be designated "The Project".

WHEREAS, Landlord has agreed to lease the Leased Premises to Tenant upon the terms and subject to the conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the promises and of the mutual covenants and conditions contained herein, Landlord and Tenant hereby agree as follows:

1. Leased Premises: Landlord hereby leases, demises and lets to Tenant, and Tenant hereby takes and hires from Landlord, upon and subject to the terms, conditions, covenants, and provisions hereof, the parcel of land situated in the City of Portland, Cumberland County, State of Maine, described in Exhibit A annexed hereto and made part hereof, together with all appurtenances, rights, privileges and easements benefitting, belonging or pertaining thereto, (all the foregoing hereinafter sometimes referred to as the "Leased Premises" and sometimes referred to as the "Premises").

2. Term: The term of this Lease shall commence at 12:01 a.m. July 2, 1985 and shall continue for a period of ninety nine (99) years thereafter, terminating at midnight July 1, 2084, unless sooner terminated as provided herein.

3. Rent:

(a) Tenant covenants and agrees to pay Landlord as base rent for the premises for each year one dollar (\$1.00). Landlord hereby acknowledges receipt of \$99 in full payment of the base rent for the full term of this Lease.

(b) In the event that said leasehold interest or the Buildings thereon or both, are not taxed or are partially exempt, in any given year, Tenant shall pay the City as additional rent, an amount equal to the amount which would have been paid in property taxes had said leasehold interest or said Buildings, or both,

as the case may be, not been exempt of an amount equal to the difference between the amount paid in tax and the amount which would have been paid if not partially exempt. Provided, however, nothing in this paragraph shall be construed as a waiver of any rights the Tenant may have to appeal assessments that give rise to an additional rent payment hereunder. Provided further that nothing herein shall be construed as the grant of tax exemption. Any additional rent under this subparagraph shall be due in accordance with the due dates for the payment of property taxes to the City of Portland as same may, from time to time be established or amended.

4. Right of First Refusal to Extend the Lease On or before the date of termination of this Lease, Tenant shall have the right of first refusal to enter into an extension of this Lease on terms which are mutually acceptable to both the Landlord and Tenant, provided that Tenant has conformed to all of the terms and conditions of this Lease. In the event that Landlord and Tenant do not enter into an extension of the lease, title to said Buildings shall revert in City immediately upon expiration of this Lease and Tenant shall convey said title to City by quitclaim deed with covenants upon said expiration or shall otherwise file a legal instrument acceptable to City in the Registry of Deeds indicating reversion of title in the City.

5. Use of Premises The Leased Premises may be used for any lawful purpose in connection with the construction, development and operation of the Project as provided herein and in Deed to the Buildings.

A. Tenant as owner in fee of the Buildings shall commence the renovation or rehabilitation of the Property into 104 units of housing for the elderly said rehabilitation to consist of approximately 95 one bedroom units and 9 efficiency units within ninety (90) days from the date of this Lease. Tenant shall require performance and payment bonds from the prime contract or for the full amount of the construction contracts. Tenant shall substantially complete such renovation or rehabilitation and the landscaping approved by the Planning Board, on or before the expiration of twenty-eight (28) months from the date of the deed, unless prevented from so doing by reasons beyond the control of Tenant, including but not limited to adverse winter conditions, fire, other natural disaster, or an inability to procure building materials or permits, strikes, riots, war, or insurrection, in which event the performance of such act shall be excused for the period of the delay, and the period for performance of the act shall be extended for a period equivalent to the period of the delay. In the event of an unexcused failure of performance by Tenant of the said conditions, City shall give written notice of such default to Tenant, and to leasehold mortgagee of record, and Tenant or any such leasehold mortgagee shall have a right, within three (3) months of said notice (or six (6) months, if with respect to the date of completion of the improvements) to cure such failure. If Tenant fails to comply with the conditions set forth hereinabove, and such failure is neither excused nor cured as provided hereinabove, Tenant agrees that title to the Buildings shall, upon expiration of the time permitted for cure of such failure, revert in the City, and that the City shall have the right to re-enter the premises and retake possession thereof. Upon such reversion and re-entry this Lease will terminate. In addition, the City shall have a right to pursue all remedies therefor, both in law and in equity. The reversion of title upon re-entry of the premises by the City of Portland and the termination of this Lease shall be subject to any prior conveyance, lease, or security interest upon the premises including a mortgage of this leasehold to which the City Manager of the City of Portland has given written consent, which consent shall not be withheld unless the said City Manager determines that (1) the said

encumbrance is inconsistent with the said development, or, (2) the proceeds to Tenant from the said conveyance will not be expended on improvements to the Property. Within sixty (60) days of notice of completion of the improvements set forth herein, the City Manager of the City of Portland shall issue a Certificate of Completion and all conditions and rights of the City under this paragraph shall be extinguished.

B. For a period of thirty (30) years from the date of this Lease and the Deed to the Buildings, Tenant and its successors in interest other than in the case of default under a mortgage granting a first lien on this leasehold, Maine Savings Bank as construction lender, Maine State Housing Authority as permanent lender, or any subsequent permanent lender who is granted a first lien on this leasehold, shall use the Property only for elderly residential housing and the uses accessory or incidental thereto. Notwithstanding the foregoing, Tenant may request the City to agree to conversion of all or part of the Property to a use other than residential elderly housing so long as said proposed conversion is compatible with the City's use of the Barron Center and Ward 7 and with any remaining elderly residential housing. Tenant shall provide the City with a detailed explanation of any proposed conversion and City shall have forty-five (45) days in which to approve or disapprove said proposed conversion. In the event of disapproval, City shall state its reasons for determining that the proposed conversion is incompatible as outlined herein, and Tenant and City agree to submit the sole issue of compatibility to a three-person arbitration panel with one City representative, one Tenant representative, and a neutral chairperson selected through the American Arbitration Association. A hearing shall be held solely on the issue of compatibility under the rules of the American Arbitration Association and the Tenant and City agree that the panel's decision shall be final and binding upon them, subject only to appeal rights available under Maine State law. All costs and expenses of the arbitration panel and/or the American Arbitration Association shall be shared equally by the Tenant and the City.

C. Tenant agrees that no less than Twenty Percent (20%) of the units in the Buildings will be filled by low and moderate income elderly residents as defined under the "Section 8" federal subsidized housing assistance program or any successor program thereto. Rentals shall be charged to such low and moderate income residents as established under such program. Said restriction shall be in effect for fifteen (15) years from the date of the deed, and Tenant agrees to use its best efforts to seek state or federal subsidies then available at the end of the Fifteen (15) year period, provided that such subsidies are available and that continuation of said subsidies in the Tenant's reasonable judgment will not impair the financial viability of the Project.

D. For a period of thirty (30) years from the date of this Lease Tenant and its successors in interest shall:

(i) Maintain the Buildings in good condition and repair and inspect them frequently and carefully to detect deterioration or damage in order that maintenance and repair shall be done in a manner which preserves the integrity of the premises. The grounds and landscaping of the Property shall be in conformity with the final plans approved by the Planning Board of the City of Portland or its designated successor.

(ii) With respect to the exterior of the Buildings, no alterations, physical or structural changes, changes in color, signs or resurfacing, or erection or installation of exterior signs or interior signs designed to be viewed from the exterior shall be undertaken, commenced, or formed,

except in accordance with the final plans approved by the Planning Board, unless such change is approved by the Planning Board of the City of Portland or its designated successor.

E. Tenant and City recognized that there is no plain, complete or adequate remedy at law for breach of the above-described conditions, and that City shall have a right to specific performance of the obligations of Tenant, its successors and assigns, with respect to said conditions.

6. Maintenance, Repairs, Improvements, Additions

A. Tenant shall be fully responsible, at its own cost and expense, for all repairs, replacement, landscaping, upkeep, plowing and sanding, mowing, and maintenance, both major and minor, of the land leased to Purchaser, except as provided in section 7(C) below pertaining to rights of way.

B. Tenant shall have the right, at its own cost and expense, to construct on any part or all of the Leased Premises such buildings, parking areas, driveways, walks, and other similar and dissimilar improvements as Tenant shall require for the construction, development and operation of the project, provided that the same shall be in compliance with all then applicable building codes and ordinances, except as provided in paragraph 5(D) i and ii.

C. Tenant shall, at all times during the term of this Lease, and at its own cost and expense, keep and maintain or cause to be kept and maintained in good repair and good condition (ordinary wear and tear and damage excepted), improvements at any time erected on the Leased Premises, and shall use all reasonable precaution to prevent waste, damage, or injury. Landlord shall not be required to furnish any services or facilities or to make any improvements, repairs, or alterations in or to the Leased Premises during the term of the Lease, except for the provision of steam as provided in an agreement between the parties of even date herewith and attached hereto as Exhibit B, and made a part hereof.

D. Tenant may, at its option and at its own cost and expense, at any time and from time to time, make such alterations, changes, replacements, improvements, and additions in and to the Leased Premises, and the buildings and improvements thereon, as it may deem desirable, except as provided in 5(D) i and ii.

E. Title to any building or buildings or improvements situated or erected on the Leased Premises and the building, equipment and other items installed thereon and any alteration, change or addition thereto shall remain solely in Tenant; and Tenant shall alone be entitled to deduct all depreciation on Tenant's income tax returns for any such building or buildings, building equipment and/or other items, improvements, additions, changes, or alterations.

F. Tenant shall have the obligation at Tenant's sole cost and expense to demolish the wood connector between the Solarium and Ward 7 and to backfill with appropriate materials the entire area affected by said demolition and to finish, seed and landscape the grounds within its leasehold area pursuant to its site plan approved by City's Planning Board. Landlord shall be responsible for all cost of relocating utilities to Ward 7 and for restoring any portion of Ward 7 affected by the disconnection of Ward 7 from the connector, provided, however, that nothing herein shall release Tenant from any loss, cost, damage or claim by City based upon or arising out of the negligent act or omission of Tenant, its agents or contractors.

7. Easements and Rights of Way

A. Common Use Grounds. Landlord grants to Tenant the right to the reasonable use of the park grounds immediately between the front of Boothbay House and Brighton Avenue, as indicated on Exhibit C. Said park grounds shall be available for use by residents of the Buildings as a park area so long as Landlord maintains said area as such. Tenant may, at its option, make improvements to said common park grounds with the prior approval of the Barron Center Administrator, the City Manager, and the City Council, and of the City's Planning Board, if such board approval is legally required. Unless otherwise agreed, Tenant shall be responsible for all repair and maintenance of all improvements which it undertakes.

Said common park area and Tenant's improvements thereon, if any, shall not be considered part of Tenant's leasehold area and it is the intention of the parties that Tenant shall not be taxed for its right to use the common park area or for any improvements it makes thereon, as such improvement will be and remain City Property.

If there is any change in ownership of the common park area, the Landlord agrees that any instrument selling, leasing or otherwise conveying said area shall contain a restriction that the area be maintained as a park area and be subject to Tenant's right to use said park area.

B. Utility Easements. Landlord and Tenant give one to the other utility easements as needed over one another's respective properties and as more particularly described in Exhibit D hereto and made a part hereof. Tenant shall have the right to enter into reasonable agreements with utility companies and/or public authorities as are required to service the occupants of the Buildings on the Leased Premises, and Landlord covenants and agrees to consent thereto and to execute if necessary, any and all documents, agreements, and instruments, and to take all other actions, in order to effectuate the same, all at Tenant's cost and expense.

C. Rights of Way. Landlord and Tenant give one to the other necessary rights of way over such portions of the site at 1145 Brighton Avenue, including but not limited to the roads marked by cross hatching on Appendix B, and designated as "Service Roads," and including a right of way for Landlord to use any new entrance and exit at Holm Avenue which Tenant will develop at its own cost and expense. Such right of way are more particularly described in Exhibit E hereto and made a part hereof. Tenant shall be responsible for all construction and development costs of any such new entrance and exit and Landlord agrees to repair and do routine maintenance and do snow removal for the cross-hatched roads, including the proposed road from Holm Avenue. All such repairs and maintenance shall be to the City's satisfaction. In the event that major maintenance of any of the cross-hatched roads is required, Landlord and Tenant agree that the cost of said major maintenance shall be equitably allocated between them.

All said rights of way shall terminate with the expiration or termination of the lease unless otherwise agreed by the parties.

8. Requirements of Public Authority.

A. During the term of this Lease, Tenant shall, at its own cost and expense, promptly observe and comply with or cause to be observed and complied with all present and future applicable laws, ordinances, requirements, orders, directives, rules and regulations of the federal, state, county, and city governments and of all other governmental authorities affecting the Leased Premises or appurtenances thereto or any part thereof whether the same are

in force at the commencement of the term of this Lease or may in the future be passed, enacted, or directed.

8. Tenant shall have the right to contest or cause to be contested by appropriate legal proceedings diligently conducted in good faith, in the name of the Tenant, or Landlord (if legally required), or both (if legally required), without cost or expense to Landlord, the validity or application of any law, ordinance, rule, regulation, or requirement of the nature referred to in Paragraph (A) of this Article including property tax assessments, and, if by the terms of any such law, ordinance, rule, regulation, or requirements, compliance therewith may legally be delayed pending the prosecution of any such proceeding, Tenant may delay such compliance therewith until the final determination of such proceeding.

9. Covenant Against Liens If, because of any act or omission of Tenant, any mechanic's lien or other lien, charge, or order for payment of money shall be filed against Landlord or any portion of Leased Premises, Tenant shall, at its own cost and expense, cause the same to be discharged of record or bonded or shall cause the same to be contested by appropriate proceedings within one hundred twenty (120) days after written notice from Landlord to Tenant of the filing thereof; and Tenant shall defend, indemnify and hold harmless or cause to be defended, indemnified and held harmless Landlord, its officers, agents, and employees against and from all costs, liabilities, suits, penalties, claims, and demands, including reasonable counsel fees, resulting therefrom. Landlord agrees that Tenant may file such proceedings in the name of Landlord, if necessary, and Landlord shall execute all documents necessary to accomplish the foregoing.

10. Indemnification

A. Except to the extent caused by the negligence or willful actions of Landlord or that of its officers, agents, servants, employees, or contractors, Tenant shall defend, indemnify and hold harmless or cause to be defended, indemnified and held harmless Landlord, its officers, agents, and employees from and against any and all liability, damage, penalties or judgments arising from injury to person or property sustained by anyone in and about the Leased Premises to the extent arising from any act or acts or omission or omissions of Tenant, or Tenant's officers, agents, servants, employees or contractors. Tenant shall, at its own cost and expense, defend or cause to be defended any and all suits or actions (just or unjust) which may be brought against Landlord or in which Landlord may be impleaded with others upon any such abovementioned matter, claim or claims. Provided nothing herein shall be construed so as to make Tenant Landlord's insurer nor to waive any sovereign immunity defense available to the Landlord, or the indemnitors, acting on the City's behalf.

B. Except to the extent caused by the negligence or willful actions of Landlord or that of its officers, agents, servants, employees, or contractors, Landlord shall not be responsible or liable to Tenant for any damage or injury to any property, fixtures, buildings, or other improvements, or to any person or persons, at any time on the Leased Premises, including any damage or injury to Tenant or to any of Tenant's officers, agents, servants, employees, contractors, customers, or sublessees.

11. Insurance

A. Tenant shall provide or cause to be provided at its expense, and keep or cause to be kept in force during the term of this lease, general liability insurance in a good and solvent insurance company or companies licensed to do business in the

State of Maine, selected by Tenant or its designees, and reasonably satisfactory to the Landlord and to the holder of any mortgage permitted pursuant to the provisions of this Lease (all of such mortgages being hereinafter collectively referred to as "Mortgage" or "Mortgages" and the holder(s) thereof as "Mortgagee(s)"), in the amount of at least Five Hundred Thousand (\$500,000.00) Dollars with respect to injury or death to any one person and Five Hundred Thousand (\$500,000.00) Dollars with respect to injury or death to more than one person in any one accident or other occurrence and Three Hundred Thousand (\$300,000.00) Dollars with respect to damage to property. Such amounts shall be increased to such liability limits as the Maine Tort Claims Act may impose on Landlord. Such policy or policies shall include Landlord and each such Mortgagee as assureds. Tenant agrees to deliver or cause to be delivered certificates evidencing such insurance to Landlord at the beginning of the term of this lease and thereafter not less than ten (10) days prior to the expiration of any such policy. Such insurance shall be noncancellable without ten (10) days' written notice to Landlord.

B. During the term of this Lease, Tenant shall keep or cause to be kept all buildings and improvements erected by Tenant on the Leased Premises at any time insured for the benefit of Landlord and Tenant and the holder of any such Mortgage as their respective interests may appear, against loss or damage by fire and customary extended coverage in a minimum amount necessary to avoid the effect of co-insurance provisions of the applicable policies. All such policies or certificates thereof shall be held by the holder of any such Mortgages. All proceeds payable at any time and from time to time by any insurance company under such policies shall be payable to such mortgagee, if any, or, if none, to Tenant. If any such proceeds are paid to such Mortgagee, Tenant shall be entitled to receive the full amount thereof in accordance with the terms of such Mortgage, and Landlord shall not be entitled to, and shall have no interest in, such proceeds or any part thereof. Any proceeds paid directly to Tenant shall be retained by Tenant and Landlord shall not be entitled to, and shall have no interest in, such proceeds or any part thereof. Landlord shall, at Tenant's cost and expense, cooperate fully with Tenant in order to obtain the largest possible recovery and execute any and all consents and other instruments and take all other actions necessary or desirable in order to effectuate the same and to cause such proceeds to be paid as hereinbefore provided and Landlord shall not carry any insurance concurrent in coverage and contributing in the event of loss with any insurance required to be furnished by Tenant hereunder if the effect of such separate insurance would be to reduce the protection of the payment to be made under Tenant's insurance. The minimum amount of said insurance shall be as required by any applicable first mortgagee.

C. Any insurance required to be provided by Tenant pursuant to this Lease may be provided by blanket insurance covering the Leased Premises and other locations of Tenant provided such blanket insurance complies with all of the other requirements of this Lease with respect to the insurance involved and such blanket insurance is acceptable to Landlord and all Mortgagees.

12. Waiver of Subrogation: All insurance policies carried by either party covering the Leased Premises including but not limited to contents, fire, casualty, and title insurance, shall expressly waive any right on the part of the insurer against the other party. Tenant agrees that their policies will include such waiver clause or endorsement so long as the same shall be obtainable without extra cost, or if extra cost shall be charged therefor, so long as the Landlord pays such extra cost. If extra cost shall be chargeable therefor, each party shall advise the other thereof and of the amount of the extra cost, and the other party,

at its election, may pay the same, but shall not be obligated to do so.

13. Destruction:

A. In the event that, at any time during the term of this Lease, the Buildings and Improvements on the Leased Premises shall be destroyed or damaged in whole or in part by fire or other cause within the extended coverage of the fire insurance policies carried by Tenant in accordance with this Lease, then, Tenant, at its own cost and expense, shall, subject to the provision of Paragraph (B) of this Article, cause the same to be repaired, replaced, or rebuilt within a period of time which, under all prevailing circumstances, shall be reasonable, but Tenant shall not be required hereby to expend any sums in excess of the insurance proceeds recovered by Tenant by reason of such destruction or damage and if any such insurance proceeds are insufficient to pay the costs of repair, replacement or rebuilding, then Tenant shall have no such obligation to repair, replace or rebuild the Project. Provided, Tenant shall fully comply with all health and safety codes so that a hazardous condition resulting from such destruction shall not be permitted to remain.

B. In the event that after thirty (30) years from the date of this Lease, any one or more of the Buildings on the Leased Premises shall have been damaged or destroyed by fire or any other cause whatsoever, and such damage or destruction shall amount to fifteen (15%) percent or more of the sound insurable value of said Building or Buildings, then, notwithstanding the provisions of Paragraph (A) of this Article or any other provision of the Lease, Tenant shall have the right, but not the obligation, to elect not to repair, replace or rebuild such Building or improvements, as the case may be, and to terminate this Lease by giving written notice of termination to Landlord on or prior to the date eighteen (18) months after the occurrence of such damage or destruction, and, upon the giving of such notice of termination, the term of this Lease shall expire and come to an end on the last day of the calendar month in which such notice shall be given, with the same force and effect as if said day had been originally fixed herein as the expiration date of the term of this Lease, and neither party shall have any further rights or liabilities hereunder. Provided, however Tenant shall fully comply with all health and safety codes so that a hazardous condition resulting from such destruction shall not be permitted to remain during the interim between such destruction and the termination of this Lease.

14. Assignment of Lease, Mortgage of Premises

A. Tenant shall not assign this Lease, or otherwise transfer its interest, in whole or in part, in the Premise for a period of ten (10) years from the date of this Lease without the prior approval of the Portland City Council, other than the admission of limited partners or additional general partners and except to the extent necessary to obtain funds necessary for the making of improvements, and Tenant agrees that all such funds for improvements will, in fact, be expended upon the Project or remain available for application toward removal of any such encumbrance upon said Project. Tenant shall notify the City in advance of any mortgage financing or of any encumbrance or lien of which it becomes aware at any time during said ten (10) years.

B. Tenant agrees that any mortgage, lien, or other encumbrance entered into by Tenant shall contain a clause that said mortgagee or lien holder shall notify City of any default by Tenant in making any payment owed under said mortgage, lien or encumbrance and that City shall have the right, but not the obligation, to cure said default and to assume all rights and obligations of Tenant under said mortgage, lien or encumbrance. In such event, if Tenant fails to reimburse City within six (6) months of any payment by City made to cure Tenant's default, title to the Buildings shall revert in the City on the same terms and conditions as provided in Article 5 Section A of this document and the lease to the Premises shall terminate.

C. After ten years from the date of conveyance of the Buildings, Tenant may assign, sublease, in whole or in part, mortgage or otherwise encumber this Lease, in whole or in part. Upon any such assignment Tenant shall be relieved of all further obligations under this Lease and shall have no further liabilities hereunder or with respect to the Leased Premises provided that Tenant shall deliver to Landlord a written agreement whereby the assignee agrees to assume such obligations and liabilities as a direct obligation to Landlord.

Notwithstanding any such assignment, sublease, mortgage or other encumbrances, (a) the terms and conditions of this Lease relating to default by Tenant in making payment owed under any mortgage, lien, or encumbrance shall remain in full force and effect and Landlord shall have all rights and remedies provided for hereunder in the event of default.

15. Successors and Assigns All provisions herein which apply to Tenant shall apply equally to its transferees, donees, assigns or any other successor in interest, however created. Except that, in the case of a default under a mortgage granting a first lien on this leasehold, if any, no such provision shall apply to Maine Savings Bank, as construction lender, Maine State Housing Authority, as permanent lender, or any subsequent permanent lender who is granted a first lien on this leasehold other than the payment of rent and additional rent.

16. Agency: In addition to any other rights that Tenant may have pursuant to this Lease, if Landlord fails to execute, acknowledge, and deliver any instrument or instruments required of Landlord to effectuate the provisions of this Lease, Landlord does hereby constitute and appoint Tenant as its attorney-in-fact, having the power, coupled with an interest, to execute, acknowledge, and deliver any such instrument or instruments of and on behalf of Landlord. Notwithstanding the foregoing, Tenant agrees that it shall not exercise its foregoing rights unless it shall have notified Landlord of its intention to do so and shall have given Landlord an additional period of ten (10) days from the date of such notice to execute, acknowledge and deliver such instrument or instruments, unless a shorter period is expressly provided under this Lease. In the event any person who may request to be or be a party to any such instrument or instruments, refuses to recognize Tenant as the true and lawful attorney-in-fact of Landlord, Landlord shall cause a bank or trust company situated in the political subdivision in which the Leased Premises are located to act as substitute for Tenant, upon Tenant's request therefor, and execute such instrument or instruments or take any action requested by Tenant which Tenant might otherwise execute or take in accordance with the provisions hereof. Said substitute shall execute such instrument or instruments in the name of, and on behalf of Landlord in accordance with the terms of this Lease as a ministerial function, and shall not be empowered or required to determine the reasonableness, necessity, or desirability thereof.

17. Quiet Enjoyment:

A. Tenant shall quietly have and enjoy the Leased Premises during the term of this Lease, without hindrance or molestation by anyone.

B. Landlord represents and warrants to Tenant that it has fee simple title to the Leased Premises to the extent of all matters by, through or under it and the power and authority to execute and deliver this Lease and to carry out and perform all covenants to be performed by it hereunder. Landlord further represents and warrants to Tenant: (1) Landlord has marketable title to the Leased Premises, free and clear of all encumbrances, liens, defects in title, violations of law, leases, tenancies,

easements, restrictions except as provided herein, and agreements; (2) at the time of the commencement of the term, sole and undisturbed physical possession of the entire Leased Premises will be delivered to Tenant free and clear of all liens, defects in title, encumbrances, restrictions, agreements, easements, tenancies, and violations of law; (3) at all times, Tenant shall have unobstructed and adequate means of ingress and egress to the Leased Premises from all abutting streets, roads, and highways; and (4) Landlord has all requisite power and authority to execute and deliver this Lease and to perform its obligations hereunder.

C. If Landlord shall be in default under this Article, Tenant, in addition to any and all remedies it may have in law and/or equity, may terminate this Lease upon written notice to the Landlord after giving written notice of such default to the Landlord and allowing a reasonable opportunity to Landlord to cure such defect, provided that Landlord agrees to take all necessary or possible action to remedy any such defect.

18. Leasehold Mortgages: Tenant and every successor and assign of Tenant is hereby given the right by Landlord in addition to other rights herein granted, without Landlord's prior written consent, except as provided in paragraph 5(A) hereof, to mortgage its interest in this Lease or any part or parts hereof and any sublease under one or more leasehold Mortgage(s) and to assign this Lease, or any part or parts hereof and any sublease(s) as collateral security for such Mortgage(s), upon the condition that all rights acquired under such Mortgage(s) shall be subject to each and all of the covenants, conditions, and restrictions set forth in this Lease and to all rights and interest of Landlord herein, none of which covenants, conditions, or restrictions is or shall be waived by Landlord by reason of the right given so to mortgage such interest in this Lease except as expressly provided herein. No leasehold Mortgage given by Tenant hereunder shall be deemed an assignment of this lease so as to require the assumption of the obligations and liabilities of Tenant hereunder by the holder(s) of such leasehold mortgage when not in possession of the premises. If Tenant shall mortgage this leasehold, or any part or parts thereof, and if the holder(s) of such Mortgage(s) shall deliver or send to Landlord written notice specifying the name and address of such leasehold Mortgagee, Landlord agrees that so long as any such leasehold Mortgage(s) shall remain unsatisfied of record or until written notice of satisfaction is given by the holder(s) to Landlord, the following provisions shall apply:

(A) There shall be no cancellation, surrender or modification of this Lease by joint action of Landlord and Tenant without the prior consent in writing of the leasehold Mortgagee(s).

(B) Landlord shall, upon serving Tenant with any notice of default, simultaneously serve a copy of such notice upon the holder(s) of such leasehold Mortgage(s) who shall thereupon have the same period of time as Tenant has to remedy such default which period of time shall commence upon service of such notice upon it, to remedy or cause to be remedied the defaults complained of, and Landlord shall accept such performance by or at the instigation of such leasehold Mortgagee(s) as if the same had been done by Tenant.

(C) Notwithstanding any other provision of this Lease, while any such leasehold Mortgage(s) remains unsatisfied of record or until written notice of satisfaction is given by the holder(s) to Landlord, if any default shall occur which, pursuant to any provision of this Lease, entitles Landlord to terminate this Lease, and if, before the expiration of thirty (30) days from the date of service of notice of termination upon such leasehold Mortgagee(s), such leasehold Mortgagee(s) shall have notified Landlord

of its desire to nullify such notice and shall have paid to Landlord all rent and additional rent and other payments herein provided for and then in default, and shall have complied or shall commence the work of complying with all of the other requirements of this Lease, if any are then in default, and shall prosecute the same to completion with reasonable diligence, then in such event Landlord shall not be entitled to terminate this Lease and any notice of termination theretofore given shall be void and of no effect.

(D) If the Landlord shall elect to terminate this Lease by reason of any default of Tenant, the leasehold Mortgagee(s) shall not only have the right to nullify any notice of termination by curing such default, as aforesaid, but shall also have the right to postpone and extend the specified date for the termination of this Lease as fixed by Landlord in its notice of termination, for a period of not more than six (6) months, provided that such leasehold Mortgagee(s) shall cure or cause to be cured any then existing monetary defaults and meanwhile pay the rent and comply with and perform all of the other terms, conditions, and provision of this Lease on Tenant's part to be complied with and performed, other than past nonmonetary defaults, and provided further that the leasehold Mortgagee(s) shall forthwith take steps to acquire or sell Tenant's interest in this Lease by foreclosure of the Mortgage(s) or otherwise and shall prosecute the same to completion with all due diligence. If, at the end of said six (6) month period, the leasehold Mortgagee(s) shall be actively engaged in steps to acquire or sell Tenant's interest herein, the time of said Mortgagee to comply with the provisions of this Article shall be extended for such period as shall be reasonably necessary to complete such steps with reasonable diligence and continuity.

(E) Landlord agrees that the name of the leasehold Mortgagee(s) may be added to the "Loss Payable Endorsement" of any and all insurance policies required to be carried by Tenant hereunder on condition that the insurance proceeds are to be applied in the manner specified in this Lease and that the leasehold Mortgage(s) or collateral document shall so provide.

(F) Landlord agrees that in the event of termination of this Lease by reason of any default by Tenant other than for non-payment of rent or additional rent and other payments herein provided for, that Landlord will enter into a new lease of the Leased Premises with the leasehold Mortgagee(s) or its nominee(s), for the remainder of the term, effective as of the date of such termination, at the rent and upon the terms, provisions, covenants, and agreements as herein contained, and to the rights, if any, of any parties then in possession of any part of the Leased Premises, provided: (1) said leasehold Mortgagee(s) or its nominee(s) shall make written request upon Landlord for such new lease within thirty (30) days after the date of written notice to said leasehold Mortgagee of such termination or rejection and such written request is accompanied by payment to Landlord of sums then due to Landlord under this Lease; (2) said leasehold Mortgagee(s) or its nominee(s) shall pay to Landlord at the time of the execution and delivery of said new lease, any and all sums which would at the time of execution and delivery thereof, be due pursuant to this Lease but for such termination; (3) said leasehold Mortgagee(s) or its nominee(s) shall perform and observe all covenants herein contained on Tenant's part to be performed and shall further remedy any other conditions which Tenant under the terminated lease was obligated to perform under the terms of this Lease; (4) such new lease shall be expressly made subject to the rights, if any, of Tenant under the terminated lease; and (5) the Tenant under such new lease shall have the same right, title, and interest in and to the buildings and improvements on the Leased Premises as Tenant had under the terminated lease.

(G) Landlord agrees promptly after submission to execute, acknowledge, and deliver any agreements modifying this Lease requested by any leasehold Mortgagee(s), provided that such modification does not materially decrease Tenant's obligations or materially decrease Landlord's rights pursuant to this Lease.

(H) The proceeds from any insurance policies or arising from a condemnation are to be held by any leasehold Mortgagee(s) and distributed pursuant to the provisions of this Lease, but the leasehold Mortgagee(s) may reserve its rights to apply to the mortgage debt all, or any part, of Tenant's share of such proceeds pursuant to such Mortgage(s).

(I) The leasehold Mortgagee(s) shall be given notice of any arbitration proceedings by the parties hereto, and shall have the right to intervene therein and be made a party to such proceedings, and the parties hereto do hereby consent to such intervention. In the event that the leasehold Mortgagee(s) shall not elect to intervene or become a party to such proceedings, the leasehold Mortgagee(s) shall receive notice of, and a copy of any award or decision made in arbitration proceedings.

(J) Although no further agreement by Landlord is necessary to effectuate the provisions of this Article, Landlord shall, upon request, execute, acknowledge, and deliver to each leasehold Mortgagee(s) holding a first lien on this leasehold, an agreement prepared at the sole cost and expense of Tenant, in form satisfactory to such leasehold Mortgagee(s), between Landlord, Tenant and leasehold Mortgagee(s), agreeing to all of the provisions of this Article. The term "Mortgage," whenever used in this Lease, shall include all mortgage and security instruments which may be used with respect to the Leased Premises or any part thereof or improvement thereof, such as, without limitation, deeds of trust, security agreements, leasehold mortgages, assignments or conditional deeds, as well as financing statements, security agreements, and other documentation required pursuant to the Uniform Commercial Code and shall also include any instruments in connection with any sale-leaseback transaction.

19. Defaults:

A. In the event any one or more of the following events shall have occurred and shall not have been remedied as herein-after provided: (1) Tenant's failure to pay or cause to be paid any installment of basic rent or additional rent when the same shall be due and payable and the continuance of such failure for a period of forty-five (45) days after receipt by Tenant of notice in writing from Landlord specifying in detail the nature of such failure; or (2) Tenant's failure to perform or cause to be performed any of the other covenants, conditions, and agreements herein contained on Tenant's part to be kept or performed and the continuance of such failure without the curing of same for a period of sixty (60) days after receipt by Tenant of notice in writing from Landlord specifying in detail the nature of such failure, and provided Tenant shall not cure or cause to be cured or diligently commence to cure said failure as provided in Paragraph (b) of this Article; then Landlord may, at its option, give to Tenant a notice of election to end the term of this Lease upon a date specified in such notice, which date shall be not less than sixty (60) business days (Saturdays, Sundays, and legal holidays excluded) after the date of receipt by Tenant of such notice from Landlord, and upon the date specified in said notice, and subject to the provisions of Article 20 hereof on leasehold mortgages, the term and estate hereby vested in Tenant shall cease and any and all other right, title, and interest of Tenant hereunder shall likewise cease without further notice or lapse of time, as fully and with like effect as if the entire term of this Lease had

elapsed. Simultaneously with the sending of the notice to Tenant, hereinabove provided for, Landlord shall send a copy of such notice to any mortgagee(s) of the Leased Premises or portions thereof that Tenant may select, in writing, from time to time, and any additional persons or parties having an interest in the Leased Premises that Tenant may select, in writing, from time to time. The curing of any default(s) within the above time limits by any of the aforesaid parties, or combination thereof, shall constitute a curing of any default(s) hereunder with like effect as if Tenant had cured same hereunder.

B. In the event that Landlord gives notice of a default of such a nature that it cannot be cured within such sixty (60) day period, such default shall not be deemed to continue so long as Tenant, after receiving such notice, proceeds to cure or cause to be cured the default as soon as reasonably possible and continues to take all steps reasonably necessary to complete the same within a period of time which, under all prevailing circumstances, shall be reasonable. No default shall be deemed to continue if and so long as Tenant shall be so proceeding to cure the same in good faith or be delayed in or prevented from curing the same by any reason specified in the Article hereof entitled Force Majeure.

C. Notwithstanding anything to the contrary contained in this Article, in the event that any default(s) of Tenant shall be cured or cause to be cured in any manner hereinabove provided, such default(s) shall be deemed never to have occurred and Tenant's rights hereunder shall continue unaffected by such default(s).

D. Upon any termination of the term of this Lease pursuant to Paragraph (A) of this Article, or at any time thereafter, Landlord's sole right and remedy shall be to re-enter the Leased Premises or otherwise recover possession thereof and dispossess any or all occupants of the Leased Premises in the manner prescribed by the statute relating to summary proceedings, or similar statutes.

20. Eminent Domain: (A) If the whole of the Leased Premises shall be taken for any public or quasi-public use under any statute or by right of eminent domain or by private purchase in lieu thereof, then this Lease shall automatically terminate as of the date that possession has been taken. Landlord agrees not to exercise any right of eminent domain with respect to the leased premises and if, following the exercise of the power of eminent domain by any other governmental authority, Landlord shall acquire Tenant's interest in the Leased Premises, then this Lease shall be and remain applicable and in effect. In the event of a partial taking (or purchase) of the Leased Premises pursuant to which more than fifteen (15%) percent of the Leased Premises are so taken (or so purchased) then Tenant shall have the right, but not the obligation, to terminate this Lease by giving written notice of such termination to Landlord on or prior to the date one hundred and eighty (180) days after the date of such taking (or purchase), and, upon the giving of such notice of termination, the term of this Lease shall expire and come to an end on the last day of the calendar month in which such notice shall be given, with the same force and effect as if said day had been originally fixed herein as the expiration date of the term of this Lease. In the event the Lease shall terminate or shall be terminated, the rental shall, if and when necessary, be adjusted to the day of the taking (or purchase) and neither party shall have any further rights or liabilities hereunder.

(B) In the event of a taking (or purchase) resulting in the termination of this lease pursuant to the provisions of Paragraph (A) of this Article, the parties hereto agree to cooperate in applying for and in prosecuting any claim for such taking and

further agree that the aggregate net award, after deducting all expenses and costs, including attorneys' fees, incurred in connection therewith, payable to both Landlord and Tenant, shall be paid to Tenant (or if required, to any Mortgagee) and distributed as follows:

(1) So much of such net award as is available for distribution shall first be paid to the holder or holders of any Mortgage or Mortgages to the extent of the then unpaid principal amount of such Mortgage or Mortgages.

(2) Then, the balance of the net award, if any, remaining after such payment to the holders of any Mortgages pursuant to Subparagraph (1) of this Paragraph (b), shall be paid to Tenant.

(C) In the event of a partial taking (or purchase) not resulting in the termination of this Lease, pursuant to the provision of Paragraph (a) of this Article, Tenant shall, at its own cost and expense, make all repairs to the buildings and improvements on the Leased Premises affected by such taking (or purchase) to the extent necessary to restore the same to a complete architectural unit (to the extent permitted, however, taking into consideration the amount of land remaining after any such taking or purchase); provided, however, that Tenant shall not be obligated to expend an amount in excess of proceeds of the net award available to Tenant for such purposes.

21. Waivers: Failure of Landlord or Tenant to complain of any act or omission on the part of the other party no matter how long the same may continue, shall not be deemed to be a waiver by said party of any of its rights hereunder. No waiver by Landlord or Tenant at any time, express or implied, of any breach of any provision of this lease shall be deemed a waiver or a breach of any other provision of this lease or a consent to any subsequent breach of the same or any other provision. No acceptance by Landlord of any partial payment shall constitute an accord or satisfaction, but shall only be deemed a part payment on account.

22. Limitation of Liability: Notwithstanding anything to the contrary herein provided in this Lease (each and every term, covenant, condition, and provision of this Lease being hereby made specifically subject to the provisions of this Article), if Tenant or any successor in interest of Tenant shall be a mortgagee, or an individual, joint venture, tenancy in common, firm, or partnership, general or limited, it is specifically understood and agreed that there shall be absolutely no personal liability on the part of such mortgagee or such individual or on the part of the partners or members of such firm, partnership, or joint venture with respect to any of the terms, covenants, and conditions of this Lease, and Landlord shall look solely to the equity of Tenant or such successor in interest of the leasehold estate of Tenant in the Leased Premises for the satisfaction of each and every remedy of Landlord in the event of any breach by Tenant or by such successor in interest of any of the terms, covenants, and conditions of this Lease to be performed by Tenant, such exculpation of personal liability to be absolute and without any exception whatsoever.

23. Signs: As provided in paragraph 5(D) i and ii, Tenant shall have the right to install, maintain, and replace in, on, over or in front of the Leased Premises or in any part thereof such signs and advertising matter as Tenant may desire, and Tenant shall comply with or cause to be complied with any applicable requirements of governmental authorities having jurisdiction and shall obtain any necessary permits for such purposes. As used in

this paragraph, the word "sign" shall be construed to include any placard, light, or other advertising symbol or object, irrespective of whether same be temporary or permanent.

24. Zoning: The obligations of Tenant hereunder are conditioned upon the zoning and building regulations, ordinances, codes, laws, and directives of all governmental authorities having jurisdiction, and the actions and decisions of all planning boards and other agencies having jurisdiction. Landlord shall cooperate fully with Tenant in any and all applications and proceedings and appeals made or prosecuted by Tenant in connection with the project, and shall execute any and all documents, instruments, consents, and authorizations requested by Tenant which shall be necessary or desirable with respect thereto. Tenant may file and prosecute any necessary or appropriate applications, proceedings, and appeals in its own or in the Landlord's name and through counsel of its choice, but shall do so at its own cost and expense.

25. Force Majeure: In the event that Landlord or Tenant shall be delayed, hindered in, or prevented from the performance of any act required hereunder by reason of strikes, lock-outs, labor troubles, inability to procure materials, failure of power, restrictive governmental laws or regulations, riots, insurrection, war, or the act, failure to act, or default of the other party, or any other reason beyond their control, then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay.

26. Notices: Every notice, approval, consent, or other communication authorized or required by this Lease shall not be effective unless same shall be in writing and sent postage prepaid by United States registered or certified mail, return receipt requested, directed to the other party at its address hereinabove first mentioned, or such other address as either party may designate by notice given from time to time in accordance with this Article. The rent payable by Tenant hereunder shall be paid to Landlord at the same place where a notice to Landlord is herein to be directed.

27. Certificates: Either party shall, without charge, at any time from time to time hereafter, within ten (10) days after written request of the other, certify by written instrument duly executed and acknowledged to any mortgagee or purchaser, or proposed mortgagee or proposed purchaser, or any other person, firm or corporation specified in such request: (a) as to whether this Lease has been supplemented or amended, and if so, the substance and manner of such supplement or amendment; (b) as to the validity and force and effect of this Lease, in accordance with its tenor as then constituted together with a schedule of all rent paid to the date thereof; (c) as to the existence of any default thereunder; (d) as to the existence of any offsets, counterclaims or defenses thereto on the part of such other party; (e) as to the commencement and expiration dates of the term of this Lease; and (f) as to any other matters as may reasonably be so requested. Any such certificate may be relied upon by the party requesting it and any other person, firm, or corporation to whom the same may be exhibited or delivered, and the content of such certificate shall be binding on the party executing same.

28. Governing Law: This lease and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of Maine.

29. Landlord Not to Mortgage Fee: Landlord hereby covenants and agrees that during the term of this Lease, Landlord shall

not have the right or power to mortgage or otherwise create any security or other liens or encumbrances upon or affecting the fee interest in the Leased Premises, improvements, fixtures, equipment or other property from time to time thereon, or any part thereof. Provided, however, Landlord shall retain the right to convey its entire remainder interest in the fee subject to this Lease.

30. Partial Invalidity: If any term, covenant, condition or provision of this Lease or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition and provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

31. Memorandum of Lease: The parties will at any time, at the request of either one, promptly execute duplicate originals of an instrument, in recordable form, which will constitute a memorandum or short form of lease, setting forth a description of the leased premises, the term of this Lease and any other portions thereof, excepting the rental provisions, as either party may request.

32. Interpretation: Wherever herein the singular number is used, the same shall include the plural, and the masculine gender shall include the feminine and neuter genders, and vice versa, as the context shall require. The section headings used herein are for reference and convenience only, and shall not enter into the interpretation hereof. This Lease may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. The terms "Landlord" and "Tenant" whenever used herein shall mean only the owner for the time being of Landlord's or Tenant's interest herein, and upon any sale or assignment of the interest of either Landlord or Tenant herein, their respective successors in interest and/or assigns shall, during the term of their ownership or their respective estates herein, be deemed to be Landlord or Tenant, as the case may be.

33. Entire Agreement: No oral statements or prior written matter shall have any force or effect. Landlord and Tenant agree that neither is relying on any representations or agreement other than those contained in this Lease. This Agreement shall not be modified or cancelled except by writing subscribed by all parties.

34. Parties: Except as herein otherwise expressly provided, the covenants, conditions and agreements contained in this Lease shall bind and inure to the benefit of Landlord and Tenant and their respective heirs, successors, personal representatives, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Lease under seal as of the day and year first above written.

WITNESS:

Landlord: City of Portland,
Maine

Virginia S. Kane

By: [Signature]
Its City Manager

Tenant: City Hospital Housing
Associates

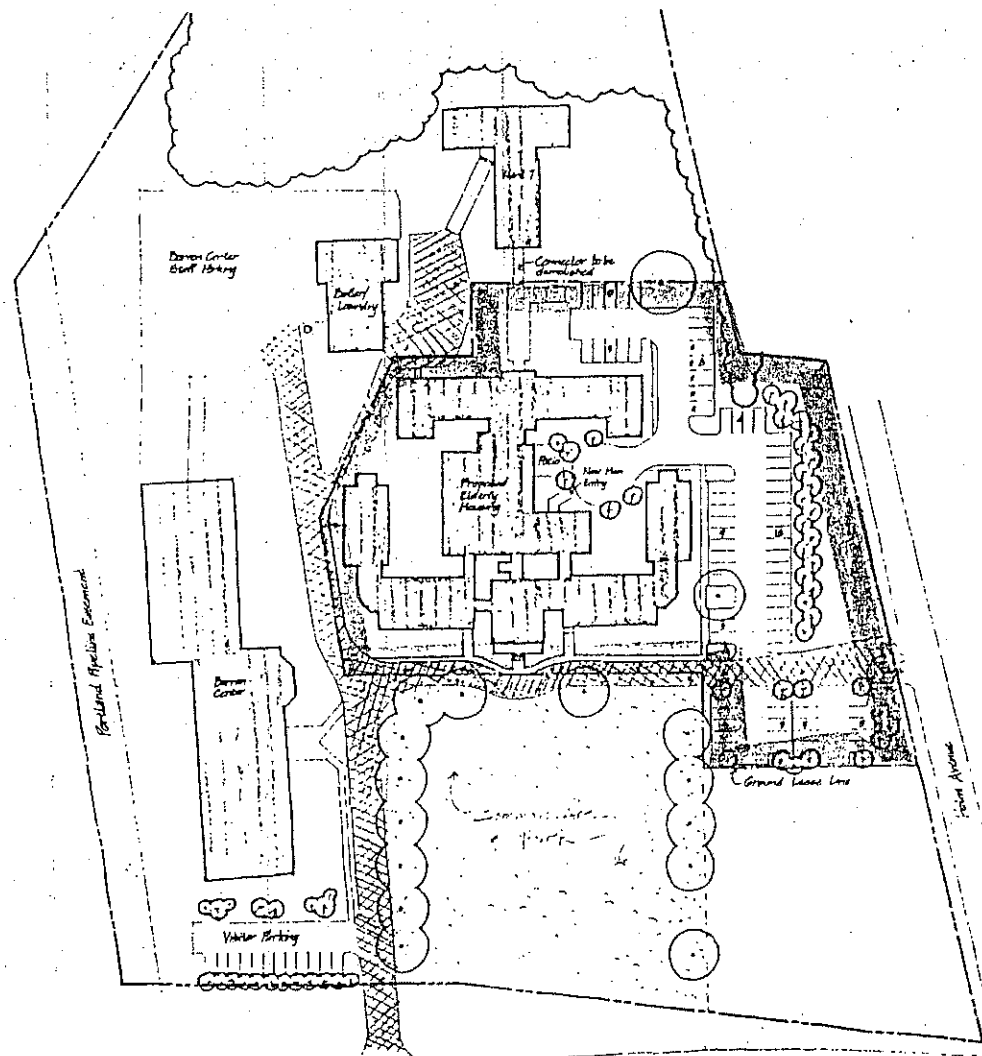
By: [Signature]
Its General Partner

[Signature] President
General Partner City Hospital
Development Corp
General Partner

General Partner

85-163-002

Appendix A



Proposed Site Plan

Brighton Avenue

Port of City Hospital

- Construction Area
- General District

EXHIBIT A

A certain lot or parcel of land together with the buildings thereon, situated on the westerly side of Holm Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron pipe on the westerly sideline of Holm Avenue which marks the easterly corner of premises conveyed to the City of Portland by deed of Amedeo M. Martelle dated July 15, 1949 and recorded in Cumberland County Registry of Deeds in Book 1961, Page 395; thence S 14° 10' 50" W along the westerly sideline of Holm Avenue three hundred and sixty-five and five tenths (365.5) feet to a point; thence N 56° 30' 10" W one hundred and eighty-three (183) feet to a point; thence N 26° 21' 50" E ninety-two (92) feet to a point; thence N 62° 23' 10" W two hundred and forty-seven (247) feet to a point; thence N 03° 19' 10" W seventy-six and seventy-one hundredths (76.71) feet to a point; thence N 24° 39' 50" E sixty-four (64) feet to a point; thence N 51° 08' 50" E one hundred and thirty-seven (137) feet to a point; thence S 63° 04' 10" E fifty-eight (58) feet to a point; thence N 26° 55' 50" E forty-six and five tenths (46.5) feet to a point; thence S 63° 04' 10" E one hundred and ninety-five and five tenths (195.5) feet to the westerly side of property now or formerly known as Portland Gardens as shown on a Plan of land recorded in the Cumberland County Registry of Deeds, Plan Book 12, Page 23; thence S 14° 10' 50" W along the westerly side of said Portland Gardens fifty-four and five tenths (54.5) feet to an iron pipe; thence S 56° 30' 10" E along the southerly side of said Portland Gardens sixty-eight and ninety-three hundredths (68.93) feet to an iron pipe in the westerly side of said Holm Avenue and the point of beginning.

Being Lot 1 on a plan dated November 8, 1984 as revised, entitled Recording Plan of City Hospital Housing for the Elderly made for the City Hospital Housing Assoc. by Owen Haskell, Inc. and to be recorded in said Registry of Deeds.

Meaning and intending to lease and hereby leasing a portion of the premises conveyed to said City of Portland by (1) Deed of Charles E. Gould dated March 11, 1902 and recorded in said Registry of Deeds in Book 716, Page 17, and (2) Deed of Amedeo M. Martelle dated July 15, 1949 and recorded in said Registry of Deeds in Book 1961, Page 395.

Together with easements for access by pedestrians and vehicles between the above described premises and Brighton Avenue and Holm Avenue.

QUITCLAIM DEED WITH COVENANT

KNOW ALL MEN BY THESE PRESENTS, THAT, the CITY OF PORTLAND, a body politic and corporate, organized and existing under the laws of the State of Maine, (hereinafter, Grantor), for consideration paid, grants to CITY HOSPITAL HOUSING ASSOCIATES, a Maine limited partnership, whose general partners are City Hospital Development Corporation, a Maine corporation located at One Canal Plaza, Portland, Maine, Lyndel J. Wishcamper and Walter E. Corey, III, (hereinafter, Grantee) with quitclaim covenant, certain buildings (hereinafter, Buildings) presently called Boothby House and Farrington Hospital which are part of the buildings known as Portland City Hospital located upon land retained by Grantor, situated in said Portland and being more particularly described in Schedule A attached hereto and made a part hereof.

The within conveyance is made subject to the following conditions:

A. Grantee shall commence the renovation or rehabilitation of the Property into 104 units of housing for the elderly said rehabilitation to consist of approximately 95 one bedroom units and 9 efficiency units within Ninety (90) days from the date of this deed and shall substantially complete such renovation or rehabilitation and the landscaping approved by the Planning Board, on or before the expiration of twenty-eight (28) months from the date of the deed, unless prevented from so doing by reasons beyond the control of Grantee, including but not limited to adverse winter conditions, fire, other natural disaster, or an inability to procure building materials or permits, strikes, riots, war, or insurrection, in which event the performance of such act shall be excused for the period of the delay, and the period for performance of the act shall be extended for a period equivalent to the period of the delay. In the event of an unexcused failure of performance by Grantee of the said conditions, Grantor shall give written notice of such default to Grantee, and to any mortgagee of record, and Grantee or any such mortgagee shall have a right, within three (3) months of said notice (or six (6) months, if with respect to the date of completion of the improvements) to cure such failure. If Grantee fails to comply with the conditions set forth hereinabove, and such failure is neither excused nor cured as provided hereinabove, Grantee agrees that title to the premises shall, upon expiration of the time permitted for cure of such failure, revert in the Grantor, and that the Grantor shall have the right to re-enter the premises and retake possession thereof. In addition, the Grantor shall have a right to pursue all remedies therefor, both in law and in equity. The reversion of title upon re-entry of the premises by the Grantor shall be subject to any prior conveyance, lease, or security interest upon the premises to which the City Manager of the City of Portland has given written consent, which consent shall not be withheld unless the said City Manager determines that (1) the said encumbrance is inconsistent with the said development, or, (2) the proceeds to Grantee from the said conveyance will not be expended on improvements to the Property. Within sixty (60) days of notice of completion of the improvements set forth herein, the City Manager of the City of Portland shall issue a Certificate of Completion and all conditions and rights of the Grantor under this paragraph shall be extinguished.

B. Grantee shall not sell, assign, lease, or otherwise transfer its interest, in whole or in part, in the Property for a period of ten (10) years from the date of this deed without the prior approval of the Portland City Council, other than the admission of limited partners or additional general partners and other than the granting of mortgages for the purpose of obtaining financing or refinancing of the Buildings and Improvements, and other than the leasing of dwelling units or other portions of the Buildings for programs and/or services benefitting tenants, and

other than to the extent necessary to obtain funds necessary for the making of improvements, and Grantee agrees that all such funds obtained will, in fact, be expended upon the Project or remain available for application toward removal of any such encumbrance upon said Project. Grantee shall notify the Grantor in advance of any mortgage financing or of any encumbrance or lien of which it becomes aware at any time during said ten (10) years.

C. For a period of thirty (30) years from the date of the deed, Grantee and its successors in interest other than in the case of a default under a mortgage granting a first lien on the Buildings, Maine Savings Bank as construction lender, Maine State Housing Authority as permanent lender, or any subsequent permanent lender who is granted a first lien on the Buildings, their successors and assigns, shall:

(i) Maintain the Buildings in good condition and repair and inspect them frequently and carefully to detect deterioration or damage in order that maintenance or repairs may be made. The Buildings shall be kept clean and a dignified appearance shall be maintained. All maintenance and repair shall be done in a manner which preserves the integrity of the premises. The grounds and landscaping of the Property shall be in conformity with the final plans approved by the Planning Board of the City of Portland or its designated successor.

(ii) With respect to the exterior of the Buildings, no alterations, physical or structural changes, changes in color, signs or resurfacing, or erection or installation of exterior signs or interior signs designed to be viewed from the exterior shall be undertaken, commenced, or formed, except in accordance with the final plans approved by the Planning Board, unless such change is approved by the Planning Board of the City of Portland or its designated successor.

(iii) Use the Property only for elderly residential housing and the uses accessory or incidental thereto. Notwithstanding the foregoing, Grantee may request the Grantor to agree to conversion of all or part of the Property to a use other than residential elderly housing so long as said proposed conversion is compatible with the Grantor's use of the Barron Center and Ward 7 and with any remaining elderly residential housing. Grantee shall provide the Grantor with a detailed explanation of any proposed conversion and Grantor shall have forty-five (45) days in which to approve or disapprove said proposed conversion. In the event of disapproval, Grantor shall state its reasons for determining that the proposed conversion is incompatible as outlined herein, and Grantee and Grantor agree to submit the sole issue of compatibility to a three-person arbitration panel with one Grantor representative, one Grantee representative, and a neutral chairperson selected through the American Arbitration Association and the Grantee and Grantor agree that the panel's decision shall be final and binding upon them, subject only to appeal rights available under Maine State law. All costs and expenses of the arbitration panel and/or the American Arbitration Association shall be shared equally by the Grantee and the Grantor.

D. For a period of Fifteen (15) years from the date of the deed, Grantee and its successors and assigns, agree that no less than Twenty Percent (20%) of the units in the Buildings will be filled by low and moderate income elderly residents as defined under the "Section 8" federal subsidized housing assistance program or any successor program thereto. Rentals shall be charged

to such low and moderate income residents as established under such program. Grantee agrees to use its best efforts to seek state or federal subsidies then available at the end of the Fifteen (15) year period, provided that such subsidies are available and that continuation of said subsidies will not in Tenant's reasonable judgment impair the financial viability of the Project.

E. Grantee its successors and assigns agree that any mortgage, lien, or other encumbrance entered into by Grantee shall contain a clause that said mortgagee or lien holder shall notify Grantor of any default by Grantee in making any payment owed under said mortgage, lien or encumbrance and that Grantor shall have the right, but not the obligations of Grantee under said mortgage, lien or encumbrance. In such event, if Grantee fails to reimburse Grantor within Six (6) months of any payment by Grantor made to cure Grantee's default, title to the Buildings shall revert in the Grantor on the same terms and conditions as provided in Paragraph A above.

F. All of the above conditions and restrictions shall apply to Grantee, and its transferees, assigns or any other successor in interest with the exceptions noted in the above conditions and restrictions, and specifically with the exception of, in the case of a default under a mortgage granting a first lien on all Buildings, Maine Savings Bank as construction lender, Maine State Housing Authority as permanent lender, and any subsequent permanent lender who is granted a first lien on the Buildings.

G. (i) The parties have entered into a ground lease, a memorandum of which is recorded among the land records of Cumberland Courts, Maine at Book , Page , concerning the land upon which the herein described buildings are presently located, for an initial term of ninety-nine (99) years. Prior to the expiration of the lease, Grantee shall have the right of first refusal to enter into an extension of the lease on terms which are mutually acceptable to both Grantor and grantee. In the event that Grantor and Grantee do not enter into an extension of the lease, title to said Buildings conveyed by this deed shall revert in Grantor immediately upon expiration of the lease and Grantee shall convey said title to Grantor by quitclaim deed with covenants upon said expiration or shall otherwise file a legal instrument acceptable to Grantor in the Registry of Deeds indicating reversion of title in Grantor. Grantor also conveys to Grantee necessary rights of way over all the land retained as described in Appendix A, including but not limited to roads marked by cross-hatching on Appendix B.

(ii) Grantor conveys to Grantee the right to the reasonable use of the park grounds immediately between the front of Boothby House and Brighton Avenue, as indicated on Appendix B. Said park grounds shall be available for use by residents of the Buildings as a park area so long as Grantor maintains said area as such. Grantee may, at its option, make improvements to said common park grounds with the prior approval of the Hospital Administrator, the City Manager, and the City Council, and of the City's Planning Board, if such Board approval is legally required. Unless otherwise agreed, Grantee shall be responsible for all repair and maintenance of all improvements which it undertakes.

(iii) If there is any change in ownership of the common park area, the Grantor agrees that any instrument selling, leasing or otherwise conveying said area shall contain a restriction that the area be maintained as a park area and be subject to Grantee's right to use said

park area.

H. In addition to any other rights specifically reserved herein, the Grantor shall have the right to pursue any and all remedies for any default hereunder, both in law and in equity. The Grantor and the Grantee acknowledge and agree that there is no plain, complete, or adequate remedy at law for breach of any of the conditions set forth above, and that the Grantor shall have the right to specific performance of any and all of the obligations of the Grantee, its successors and assigns, with respect to said conditions.

IN WITNESS WHEREOF, the said CITY OF PORTLAND has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Richard J. Ranaghan, Jr., its Director of Finance, thereunto duly authorized, all as of the July day of July, 1985.

Signed, Sealed and Delivered
In Presence of:

Elizabeth L. Bayston

CITY OF PORTLAND

Richard J. Ranaghan, Jr.
Its Director of Finance

STATE OF MAINE
CUMBERLAND, SS.

Then personally appeared the above-named Richard J. Ranaghan, Jr., Director of Finance of said City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said City of Portland.

Before me,

Virginia S. Kane
Notary Public/Attorney at
Law
VIRGINIA S. KANE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES MAY 2, 1987

85-164-003

SCHEDULE A

A certain lot or parcel of land together with the buildings thereon, situated on the westerly side of Holm Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron pipe on the westerly sideline of Holm Avenue which marks the easterly corner of premises conveyed to the City of Portland by deed of Aurelio M. Martelle dated July 15, 1949 and recorded in Cumberland County Registry of Deeds in Book 1961, Page 395; thence S 14° 10' 50" W along the westerly sideline of Holm Avenue three hundred and sixty-five and five tenths (365.5) feet to a point; thence N 56° 30' 10" W one hundred and eighty-three (183) feet to a point; thence N 26° 21' 50" E ninety-two (92) feet to a point; thence N 62° 23' 10" W two hundred and forty-seven (247) feet to a point; thence N 03° 19' 10" W seventy-six and seventy-one hundredths (76.71) feet to a point; thence N 24° 39' 50" E sixty-four (64) feet to a point; thence N 51° 08' 50" E one hundred and thirty-seven (137) feet to a point; thence S 63° 04' 10" E fifty-eight (58) feet to a point; thence N 26° 55' 50" E forty-six and five tenths (46.5) feet to a point; thence S 63° 04' 10" E one hundred and ninety-five and five tenths (195.5) feet to the westerly side of property now or formerly known as Portland Gardens as shown on a Plan of land recorded in the Cumberland County Registry of Deeds, Plan Book 12, Page 23; thence S 14° 10' 50" W along the westerly side of said Portland Gardens fifty-four and five tenths (54.5) feet to an iron pipe; thence S 56° 30' 10" E along the southerly side of said Portland Gardens sixty-eight and ninety-three hundredths (68.93) feet to an iron pipe in the westerly side of said Holm Avenue and the point of beginning.

Being Lot 1 on a plan dated November 8, 1984 as revised, entitled Recording Plan of City Hospital Housing for the Elderly made for the City Hospital Housing Assoc. by Owen Haskell, Inc. and to be recorded in said Registry of Deeds.

Meaning and intending to lease and hereby leasing a portion of the premises conveyed to said City of Portland by (1) Deed of Charles E. Gould dated March 11, 1902 and recorded in said Registry of Deeds in Book 716, Page 17, and (2) Deed of Aurelio M. Martelle dated July 15, 1949 and recorded in said Registry of Deeds in Book 1961, Page 395.

Together with easements for access by pedestrians and vehicles between the above described premises and Brighton Avenue and Holm Avenue.

LORING.AMD.ELB.5
12.11.91

LORING HOUSE

FIRST AMENDMENT TO GROUND LEASE

CITY OF PORTLAND AND CITY HOSPITAL HOUSING ASSOCIATES

AMENDMENT made this 8th day of January, 1992, by and between the CITY OF PORTLAND, Maine, a municipal corporation organized and existing under the laws of the State of Maine (hereinafter the "CITY"), and CITY HOSPITAL HOUSING ASSOCIATES, a limited partnership organized and existing under the laws of the State of Maine (hereinafter the "TENANT").

WHEREAS, CITY and TENANT entered into a Ground Lease dated July 2, 1985 (hereinafter the "Lease"); and

WHEREAS, TENANT leased land from CITY at the site of the former Portland City Hospital (now the Loring House) for a term of 99 years; and

WHEREAS, CITY is constructing a new Alzheimer's care facility (hereinafter "BARRON CENTER II") adjacent to TENANT's Leased Premises; and

WHEREAS, said construction requires a modification to the easements over the Leased Premises;

NOW, THEREFORE, the CITY and TENANT do hereby agree to amend the Lease as follows:

1. Section 7.C. Easements and Rights of Way of the Lease is hereby modified by adding at the end thereof the following:

TENANT and CITY hereby agree that their mutual original access easements and rights of way over the Leased Premises are modified as described in the easement

description attached hereto and incorporated herein as Exhibit E1 and as depicted on the Revision to the original Recording Plat of City Hospital Housing for the Elderly dated November 4, 1984, which Revision was recorded in the Cumberland County Registry of Deeds on July 12, 1991, Book 191, Page 39 (Plan #91-175).

2. CITY agrees to construct its expanded parking area as located in the Revised Recording Plat referenced above, and to make the following improvements, as provided in the Site Plan for **BARRON CENTER II** and in a letter dated March 13, 1991 from Anthony L. Forgione to Lyndel J. Wishcamper, paragraphs 1-7, attached hereto and incorporated herein:
 - Drainage
 - Turnouts
 - Traffic Island Curbing
 - Bollards
 - Lighting
 - Signage
3. CITY agrees to maintain the area of its easement described in Exhibit E1, including but not limited to snow removal and maintenance of any grass or shrubs located within said easement.
4. It is the intent of the parties that the easement in Exhibit E1 will be used for public pedestrian and vehicle parking and access to the CITY's **BARRON CENTER II**, but will not be used by service vehicles, for which a separate service entrance will be maintained by CITY. CITY's obligation hereunder is to maintain such a separate service entrance, and to provide appropriate separate signage therefor. CITY shall not be responsible for, and it shall not be a violation of this Lease and Amendment if a service vehicle either negligently or willfully fails to use the service access and uses the public access and parking in Exhibit E1.
5. CITY agrees to restore any areas of the Leased Premises which are disturbed by the construction of CITY's **BARRON CENTER II** within a reasonable time after completion of said construction.
6. This Amendment shall be subject to, and conditional upon, the consent thereto of the Maine State Housing Authority as **TENANT's** Mortgagee and approval by the Director of Planning and Urban Development of the May 1991 Revisions of the Recording Plat of City Hospital Housing for the Elderly,

LORING.AMD.ELB.5
12.11.91

and to the City Hospital Housing Site Plan, and the **BARRON CENTER II** Site Plan dated April 23, 1990, as revised on March 1, 1991. Approval of the Planning Director to both the subdivision and site plan amendments has been given by letters dated May 29, 1991, and June 13, 1991, copies of which are attached hereto.

7. Except as otherwise specifically modified herein, all terms and conditions of the Lease dated July 2, 1985, remain in full force and effect.

IN WITNESS WHEREOF, the CITY OF PORTLAND has caused this Amendment to be signed by Robert B. Ganley, Its City Manager, duly authorized, and CITY HOSPITAL HOUSING ASSOCIATES has caused this Amendment to be signed by City Hospital Development Corporation, its General Partner by Lyndel J Wishcamper, its President, duly authorized, as of the day and year first above written.

Virginia S. Kane
Witness

CITY OF PORTLAND

By:

Robert B. Ganley
Robert B. Ganley
Its City Manager

William A. Houlihan
Witness

CITY HOSPITAL HOUSING ASSOCIATES

By:

Lyndel J Wishcamper, President
City Hospital Development Corporation
(type or print name)

Its General Partner

Seen and agreed to.

Nancy E. Peterson
Witness

MAINE STATE HOUSING AUTHORITY

By:

Dwight A. Sewell
Dwight A. Sewell
Director

AMENDMENT
TO
LEASE AGREEMENT

22-1-0

THIS AMENDMENT TO LEASE AGREEMENT (this "Amendment") is made this 12th day of May, 2008, by and between the CITY OF PORTLAND, a municipality organized and existing under the laws of the State of Maine with an address at City Hall, 389 Congress Street, Portland, Maine 04101 (hereinafter called the "Landlord"), and CITY HOSPITAL HOUSING ASSOCIATES, a Maine limited partnership having a principal place of business in Portland, Maine, with an address of 177 High Street, Portland, Maine 04101 (hereinafter called the "Tenant"), who agree as follows:

1. Recitals. This Amendment is made with reference to the following facts and objectives:

(a) The Landlord and the Tenant entered into a written Lease Agreement dated July 2, 1985 (the "Lease") in which the Landlord leased to the Tenant, and the Tenant leased from the Landlord, premises situated on the westerly side of Holm Avenue in Portland, Maine, being more particularly described in Exhibit A attached to the Lease (the "Leased Premises").

(b) The parties desire to amend the Lease in order to terminate the Tenant's obligation to purchase steam heat for the Leased Premises from the City's Barron Center central heating plant (hereinafter referred to as the "Heating Plant").

2. Definitions. Capitalized words and expressions that are not defined herein shall have the same definitions as are ascribed thereto under the Lease.

3. Amendment of Lease. Notwithstanding anything to the contrary set forth in the Lease, or any Exhibits attached thereto, including, without limitation, Paragraph 6(C) and Exhibit B (Agreement for Provision of Steam to Heat City Hospital dated July 2, 1985; hereinafter called the "Steam Heat Agreement") of the Lease, the Landlord and the Tenant hereby agree as follows:

(a) As of 11:59:59 p.m. eastern daylight savings time on May 15, 2008 (the "effective date"), Landlord's obligation to provide, and Tenant's obligation to purchase steam heat produced at the Heating Plant, under the terms of the Lease and the Steam Heat Agreement, shall be fully and finally terminated and each of the parties shall be fully and unconditionally released and discharged from its respective obligations arising from or connected with any steam heat provisions of the Lease, including Paragraph 6(C), and the Steam Heat Agreement.

(b) Landlord and Tenant agree that as to the steam heat provisions of the Lease, including the Steam Heat Agreement, all payments, charges, claims, accounts or causes of action arising out of or in connection with the steam heat, the Heating Plant and/or the Steam Heat

Agreement through April 30, 2008, have been paid in full; and the Tenant agrees to pay, upon receiving an invoice from the Landlord, for steam heat from the Heating Plant provided to the Leased Premises for the period from May 1, 2008 through the effective date.

(c) As and from the effective date, Landlord and Tenant agree that the Steam Heat Agreement is terminated.

(d) As and from the effective date, Tenant shall be solely responsible for providing heat to the Leased Premises.

4. Emergency Access. Notwithstanding anything to the contrary contained in the Lease or the Steam Heat Agreement, in the event of a Heating Plant emergency, subject to Tenant's security requirements, Landlord shall have access to the Loring House for emergency repair and maintenance relating to the said Heating Plant emergency.

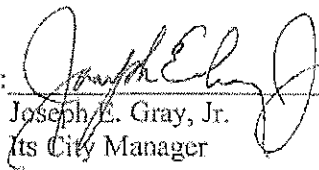
5. Steam Pipe Closure. Tenant shall be solely responsible, at its sole cost and expense, to close and cap the steam pipe providing the steam heat from the Heating Plant to the Leased Premises. The steam pipe shall be capped both at the Loring House and at the point of origin in the Heating Plant by a qualified HVAC contractor approved in advance by the City, which approval shall not be unreasonably withheld. The approved contractor shall work with the City to ensure minimal disruption to the Heating Plant. The contractor shall name the City of Portland as an additional insured on its commercial general liability in an amount not less than \$400,000.

6. Effectiveness of Lease. Except as modified by this Amendment, all of the provisions of the Lease shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives as of the day and year first above written.

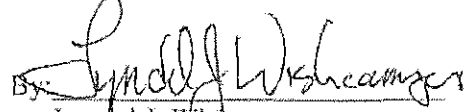
WITNESS:

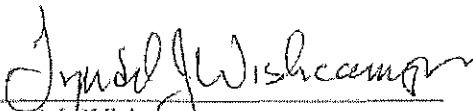
CITY OF PORTLAND

By: 
Joseph E. Gray, Jr.
Its City Manager
"Landlord"

CITY HOSPITAL HOUSING
ASSOCIATES

By: City Hospital Development
Corporation
Its General Partner

By: 
Lyndel J. Wishcamper
Its President

By: 
Lyndel J. Wishcamper
Its General Partner

"Tenant"

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Order 165 - 15/16
Feb 16 2-17-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

AMENDMENT TO PORTLAND CITY CODE

**Re: REORGANIZING PLANNING AND OTHER DEPARTMENT DIVISIONS INTO A
NEW DEPARTMENT OF PERMITTING AND INSPECTIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Section 2-17 is hereby amended to read as follows:

Sec. 2-17. Additional duties assigned.

In addition to the duties imposed on them by the Charter, state law and ordinance of the city, the City Council or the City Manager, the following officers shall perform the additional duties list below:

(a) City Clerk:

(h) Director of Planning and Urban Development/Director of Permitting and Inspections:

1. Unless otherwise designated, The Director of Planning and Urban Development and the Director of Permitting and Inspections the Department of Planning and Urban Development shall be considered as the Building Authority. and

2. The Director of Planning and Urban Development shall be the Planning Authority of the City.

2- ~~The Director of Planning and Urban Development shall supervise, manage and control the Department of Planning and Urban Development. Such department shall consist of the following divisions: Planning, Building Inspection, Housing Inspection, Relocation and Housing Rehabilitation.~~

3. The Director of Planning and Urban Development

shall be secretary to the Planning Board—and shall perform and be responsible for all other duties previously performed or required to be performed by the Planning Director or the Planning Department.

4. Through the Division of Housing Inspection, the Director of Permitting and Inspections or his or her designees shall exercise such authority and enforce such laws, ordinances and regulations pertaining to residential dwellings as the agent of the Director of Health and Social Services.
5. Through the Division of Neighborhood Rehabilitation, ~~the~~ The Director of Planning and Urban Development or his/her designee shall approve and negotiate housing rehabilitation loans and grants and manage all loan and grant activities concerning residential units, including the repayment thereof to the City through the Finance Department, and he or she shall be responsible for contract administration and disbursement of all funds to housing rehabilitation agencies from whatever source such funds are derived.
6. Through the Division of Neighborhood Rehabilitation, ~~the~~ The Director of Planning and Urban Development or his/her designee shall be responsible for administrative oversight of public improvement programs implemented by other City departments in neighborhood conservation areas and shall advise and assist such departments in the development of such programs, and he or she shall also advise and assist the Planning Director in the delineation of new neighborhood conservation areas.
7. Through the Division of Building Inspection, the Director shall exercise such authority and perform such duties as were formerly exercised or performed by the Building Inspector or the former Department of Building Inspection Services. Wherever in this Code there appear the terms "Building Inspector," "Department of Building Inspection Services," etc., they shall be construed to mean the Director of Planning and

Urban Development.

8. ~~Through the Division of Relocation, the Director shall furnish relocation assistance to occupants of real property acquired by the City to the extent such assistance is required by law.~~

79. In addition to the aforesaid, the Director of Planning and Urban Development shall undertake such duties or responsibilities with respect to the Community Development Program as the City Manager may from time to time direct, and with the approval of the City Manager, he or she may employ additional assistants to administer grants obtained as part of the community development program whose salaries shall be paid for out of the grant budget.

~~810.~~ The Director of Permitting and Inspections ~~of Planning and Urban Development~~ is hereby designated an agent of the health officer to exercise such authority and enforce such laws, ordinances and regulations pertaining to potential health hazards in residential, industrial, and commercial buildings and including but not limited to the following: investigation and oversight of local food service establishments, control of rabies, control of insects and rodents, control of refuse and its disposal, and investigation of lead paint.

2. That Section 3-27 is hereby amended to read as follows:

Sec. 3-27. Application.

Application for a bottle club license shall be filed in accordance with chapter 15. In addition to the requirements of that chapter, an applicant for a bottle club shall furnish the Department of Permitting and Inspections ~~clerk~~ with the following:

- (a) An affidavit which identifies all principal officers, their places of residence at the present time, and for the immediately preceding three (3) years;

- (b) A description of the premises for which a license is desired which shall set forth such other material information, description, or plan of that part of the premises where it is proposed to consume or keep liquor as the clerk or the city council may require.

3. That Sections 4-27, 4-51, and 4-81 are hereby amended to read as follows:

Sec. 4-27. Notice and hearing.

The Department of Permitting and Inspection~~city clerk~~ shall conduct a public hearing with respect to the grant of any original license issued under this division.

...

Sec. 4-51. Required.

(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.

(b) After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:

- (1) Operations under such separate license shall end at 3:00 a.m.

...

- (5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Department of Permitting and Inspection~~clerk's office~~ during normal business hours specifying the date upon which the event will be held. The Department of Permitting and Inspection~~city clerk~~ will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.

...

Sec. 4-81. Applications and fees.

Applications for a state license to conduct beano or a game of chance shall be deemed sufficient applications for the purpose of chapter 15 if accompanied by the fees prescribed therein. Upon compliance with this article and chapter 15, Department of Permitting and Inspection~~the clerk~~ shall signify the consent of the city council to such application.

4. That Sections 6-1, 6-17, 6-51, 6-68, 6-115 and 6-132 are hereby amended to read as follows:

Sec. 6-1. Penalties.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in Chapter 6 is liable for the penalties set forth in this section. For purposes of this Chapter, the Director of Permitting and Inspections is the building authority.

- (a) *Penalties.* Except for paragraph g., monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

...

Sec. 6-17. Fee Schedule.

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below:

- (a) Construction work:

- (1) Cost of work fees:

Up to \$1,000.00 \$25.00
\$1,000.00 or more \$25.00 + \$-16±.00 per
\$1,000.00 above \$1,000.00

- (2) Belated fees:

Below \$25.00 permit fee . . \$50.00 additional
Above \$25.00 permit fee . . \$100.00 additional

(3) Amendments to application:

Up to \$1,000.00 \$25.00
\$1,000.00 or more \$25.00 + \$16~~1~~.00 per
\$1,000.00 above \$1,000.00

...

Sec. 6-51. Required.

(a) A permit must be procured from the ~~electrical division of the~~ building authority before commencing work upon the installation of wires for the purpose of conducting electric current for power, heating, illuminating or signaling purposes, or for electrical appliances and apparatus in or upon public or private buildings, structures or premises, either new or existing.

(b) A permit must be ~~procured also be procured from the division before~~ commencing work upon the alteration or the addition to, or both, of wires already installed and approved by the electrical inspector.

...

Sec. 6-68. Right of access and inspection.

The electrical inspector shall have access at all reasonable times to all wiring devices, appliances and apparatus in or upon any public or private premises, which carry or are intended to carry an electrical light or power current, and no person shall arrange, fix or change any such wiring, devices, appliances, or apparatus without giving the building authority ~~electrical division~~ reasonable notice and opportunity to inspect and approve such alterations or changes.

...

Sec. 6-115. Lead-based paint hazard.

(a) This provision is intended to supplement the Lead Poisoning Control Act (22 M.R.S.A. Sections 1314 et seq.) and the regulations adopted pursuant thereto including, but not limited to, the Rules for Environmental Lead Inspections and the Rules for Abatement of Environmental Lead Hazards.

(b) When either the city's health authority, as defined in section 2-17(h), or the city's director of permitting and inspections ~~planning and urban development~~, as defined in section

2-17(h)(10) of this Code as amended, determines that an environmental lead hazard exists in any dwelling or premises (as those terms are defined in Section 216.03-7 and Section 216.03-31 of the Rules for Abatement of Environmental Lead Hazards), he or she shall issue an order in writing to the owner (as defined in Section 216.03-28 of the Rules for Abatement of Environmental Lead Hazards), describing the environmental lead hazards and establishing a time within which such hazards shall be abated.

...

Sec. 6-132. Licensed lodging.

(a) *Statement of policy.* The intent of this section is to provide tenant-at-will status to residents of licensed lodging, as defined in section 6-106, after they have resided in a unit for thirty (30) days or more. Such licensed lodging offers sleeping accommodations but few other amenities, and residents of such housing in the past have been subjected to summary eviction procedures by landlords who purposefully characterize their rentals as "lodging houses" and thereby purport to act under state law in ejecting occupants without any recourse, regardless of the length of residency.

...

(g) *Termination of owner's interest.*

(1) Upon termination of an owner's interest in any building or structure providing licensed lodging, whether by sale, assignment, death, appointment of a receiver or otherwise, the owner shall advise the successor in title, the City of Portland and all occupants of licensed lodging who have qualified under subsection (f) above of the status of such occupants, which shall be binding upon the successor in title as though it were the owner when the status was achieved.

(2) Notice to the City of Portland shall be addressed to:

Housing Safety Office ~~Chief of Inspection Services~~
Portland City Hall
389 Congress Street
Portland, ME 04101

...

5. That Section 10-3 is hereby amended to read as follows:

Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is amended, modified and deleted in the following respects:

- (a) Section 3.3.32.8 shall be amended to read as follows:

Historic Building: A building designated a Landmark or Contributing Building within a local or National Register historic district, pursuant to Article IX of the Portland City Code.

- (b) Section 3.3.97 shall be amended to include the following:

"In the case of structures posing significant life safety risks that may result in the displacement of person(s), a fire watch not to exceed seven days, with specifications and criteria to be set by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections~~Planning & Urban Development.~~"

...

- (d) Section 3.3.114 shall be amended to include the following:

"In the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, not to exceed seven (7) days, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections~~Planning & Urban Development.~~"

...

6. That Sections 11-2, 11-10, 11-11, 11-12, 11-13 and 11-25 are hereby amended to read as follows:

Sec. 11-2. Copies on file with the ~~Department of Permitting and Inspections~~Clerk.

Pursuant to Title 30-A M.R.S.A. §3003, at least three (3) copies of the Maine State Food Code as adopted by reference by Section 11-1 above, have been and shall be on file in the office of the Department of Permitting and Inspections~~City Clerk~~ for public inspection and use.

...

Sec. 11-10. Certified Food Protection Managers.

- (a) A food service establishment must have at least one employee granted supervisory and management responsibility designated a Certified Food Protection Manager (CFPM) as defined in Section 1.201.10.B of Maine State Food Code 2013: Food Code adopted in Section 11-1, above. Proof of CFPM certification is required as follows:

...

- (b) Proof of compliance with the requirements of this section shall be provided to the City Food Inspector. Prior to the issuance of any license required by Chapter 15, the City Food Inspector must certify to the Department of Permitting and Inspections~~City Clerk's Office~~ that the requirements of this Section have been met. Failure to provide proof of compliance with the requirements of this Section will be subject to a denial, suspension or revocation of a license in accordance with the provisions of Chapter 15. In addition to license suspension or revocation, violations of subsection 11-10(a)(3) & (4), above, shall result in a penalty to the violator of \$150.00.

...

Sec. 11-11. Ice cream trucks.

All ice cream trucks shall comply with the following:

- (a) *General regulations.* All ice cream trucks shall comply with all requirements of section 11-35, including the requirements for a base station, and all other requirements of this article except those relating to toilet facilities, in addition to the requirements set forth in this section.

...

- (g) *License, insurance required.* Each ice cream truck shall be required to be separately licensed under this

article and to provide to the Department of Permitting and Inspections~~City Clerk~~ evidence of public liability insurance in an amount of not less than four hundred thousand dollars (\$400,000.00) as amended, with the city named as an additional insured on the policy.

...

Sec. 11-12. Stationary food vending unit.

A stationary food vending unit shall be subject to the following regulations:

(a) Only nonalcoholic beverages and prepackaged foods shall be sold from a stationary food vending unit, and there shall be no cooking in or near the unit.

(b) An applicant for a stationary food vending unit license shall provide the Department of Permitting and Inspections~~City Clerk~~, in addition to any other information required by chapter 15, with acceptable proof of ownership or control of the property upon which the unit will be located. Such proof shall consist of a deed, lease or other written agreement.

...

Sec. 11-13. Community kitchens.

(a) A community kitchen shall mean a kitchen, licensed pursuant to this chapter, that is utilized by two or more entities at differing times for preparation of food to serve to the public off-site.

...

(d) License required: Each entity utilizing a community kitchen shall procure a community kitchen license from the Department of Permitting and Inspections~~City Clerk's office~~.

...

Sec. 11-25. Suspensions and revocations.

Licenses shall be suspended or revoked pursuant to chapter 15, except that a license which has been suspended may be reinstated by the Department of Permitting and Inspections~~clerk~~ upon application, in writing, from the holder if the health inspector certifies to the Department of Permitting and Inspections~~clerk~~ that he or she has reinspected the premises and the condition for which the suspension was imposed has been

corrected.

7. That Sections 12-109 and 12-202 are hereby amended to read as follows:

Sec. 12-109. Licensing of commercial refuse collectors and refuse transporters.

No person shall collect or transport Portland waste within the corporate limits of the City of Portland without obtaining a license from the public works authority upon payment of such fees as the council may prescribe by order or without being a party to a waste hauling agreement with RWS, or the City, or paying the tonnage fee imposed by section 12-109.1, for disposal of Portland waste collected or transported by the person. Such license shall be issued for the fiscal year and shall be subject to the provisions of chapter 15 of this Code, except that the public works authority shall be substituted for the Department of Permitting and Inspection~~selek~~ in all instances.

...

Sec. 12-202. Conditions precedent to issuance.

Prior to the issuance of any license to construct or operate a rendering facility, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the Department of Permitting and Inspection~~city clerk~~ a performance bond, a clear letter of credit, or deposit the cash equivalent thereof, in an amount not less than twenty-five thousand dollars (\$25,000.00) or such amount as the council at the time of licensing may determine, payable to the City of Portland, to cover the reasonable costs and expenses incurred by the city in cleaning any rendering facility upon the facility's temporary or permanent closure, said bond or cash equivalent to remain in effect throughout the period for which the license is issued.

8. That Sections 14-145.5, 14-145.11, 14-145-17, 14-226, 14-299, 14-449, 14-450.5, 14-486 and 14-522 are hereby amended to read as follows:

Sec. 14-145.5. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-1 zone shall meet the following minimum requirements:

(a) *Minimum lot size*

1. Residential: Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.

...

7. Excluding Peaks Island from this subsection h., any property owner whose lot does not meet the minimum lot size requirements outlined in subsection g. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authorityPlanning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authorityPlanning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-145.11. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in an IR-2 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Twenty thousand (20,000) square feet, except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.9(a)1 of this article.

...

6. [Excluding Peaks Island from this subsection 7.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection f. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The ~~building authority~~ Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the ~~building authority~~ Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-145.17. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the IR-3 zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Forty-two thousand five hundred (42,500) square feet per dwelling unit, except that the minimum lot size per dwelling unit shall

be reduced by the amounts specified below, to a minimum lot size of thirty-five thousand (35,000) square feet per dwelling unit, provided that the Planning Board finds that the development meets the following criteria:

- ...
9. [Excluding Peaks Island from this subsection i.,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection h. of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The building authorityPlanning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the building authorityPlanning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-226. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulation and exceptions) of this article, lots in the I-B zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. Residential: Lot size shall be determined by the most restrictive abutting residential zone, except for those lots which are served by public

water and sewer, where lot size shall be determined by the least restrictive abutting residential zone. If no residential zone is abutting, density shall be determined by the nearest residential zone. Residential uses shall meet the requirements of such abutting or nearest residential zone.

- ...
12. [Excluding Peaks Island from this subsection 12,] any property owner whose lot does not meet the minimum lot size requirements outlined in subsection 11 of this section may, for purposes of this section only, merge two (2) or more separate lots on the same island in order to meet these requirements. Where the lots so merged are not contiguous, the property owner shall grant to the city as holder a conservation easement upon the lot or lots which will not contain the principal structure. The conservation easement shall contain both an existing legal description and a city assessor's chart, block and lot description. The ~~building authority~~ Planning Authority shall be authorized to accept such conservation easements on behalf of the city. Said easement shall be recorded by the applicant in the registry of deeds. A copy of the recorded easement and copies of the deeds for both lots shall be submitted to the ~~building authority~~ Planning Authority prior to issuance of a building permit. The property over which the conservation easement has been granted shall be used for passive recreational and conservation purposes only, and shall be subject to the following restrictions:

...

Sec. 14-299. Performance standards.

All uses in the B-7 mixed development district zone shall comply with the following standards. Standards 14-299(a), (f), (j), (m), (n) and (o) below shall be reviewed by the Planning Authority.

- (a) *Storage:* Any storage of new materials, finished

products, or related equipment must be suitably screened from the public way and from abutting properties by a solid fence at least six feet in height. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All food processing waste shall be stored within a completely enclosed structure and if not refrigerated shall be removed from the site in an enclosed container within forty-eight (48) hours of its generation. All enclosed and exterior areas shall be cleaned and sanitized on a regular basis. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area. All dumpsters shall be screened on all four (4) sides by a minimum six (6) foot high solid fence or shall otherwise be fully enclosed as approved by the planning board or the planning and urban development department.

...

Sec. 14-449. Land use standards.

All land uses and land use activities subject to this division shall conform to the following standards and regulations, as applicable:

(a) *Principal and accessory structures:*

...

(g) *Archaeological sites:* Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the department of planning and urban development, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the building authority Planning Authority. The building authority Planning Authority shall consider comments received from the commission prior to rendering a decision on the application. Such sites shall also comply with all applicable provisions of article IX of this chapter.

...

(n) *Agriculture:*

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).

...

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a conservation plan to be filed with the ~~building authority~~Planning Authority.

...

5. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided such grazing is conducted in accordance with a soil and water conservation plan filed with the ~~building authority~~Planning Authority.

...

Sec. 14-450.5. Definitions.

For the purpose of this division, the following terms and words shall have the meanings given herein:

Area of special flood hazard: The land in the flood plain having a one (1) percent or greater chance of flooding in any given year as specifically identified in the Flood Insurance Study cited in section 14-450.3.

Base flood: The flood having a one (1) percent chance of being 17hereof or exceeded in any given year (i.e., a one-hundred-year storm).

~~*Building authority*~~*Building Authority:* The Department of Inspections and Permitting~~*division of inspection services within the department of planning and urban development.*~~

...

The ~~planning division~~ and urban development department shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The ~~planning and urban development department~~~~division~~ may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

...

Sec. 14-486. Reduction of fees.

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the following table:

...

The ~~planning division~~ and urban development department shall perform its review of an eligible project in as expedited a manner as is practical, without impairing the scope or thoroughness of the review. The ~~planning and urban development department~~~~division~~ may adopt administrative procedures to prioritize review of eligible projects and facilitate this expedited review.

...

Sec. 14-522. Definitions.

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

Approval by any board or department under this article shall include any approval with conditions.

Building addition: Any attached structure which increases the total floor area of the structure.

~~Building Authority~~Building Authority: The Director of the Department of Permitting and Inspections or his or her designee.~~Planning and Urban Development or his/her designee.~~

...

9. That Sections 15-1 to 15-11, 15-12.1, 15-13 and 15-14 are hereby amended to read as follows:

Sec. 15-1. Definitions.

Words used in this chapter shall have their common meanings except that, as used in this chapter or in chapters related to this chapter, the following terms shall have the meanings set forth in this section, unless the particular licensing provision, or the context in which the term appears, clearly establishes that a different meaning was intended:

...

Person aggrieved shall mean and include any person whose license is suspended or revoked or whose license application is denied by the clerk or any other administrative official charged with responsibility for the granting or supervision of any license.

...

Sec. 15-2. Applicability.

(a) It is the sense of the city council that, to the extent practical, licensing procedures within the city should be uniform, and should be conducted at all times so as to give the maximum degree of protection to the licensee consistent with protection of the public health, safety and welfare. To that end, this chapter shall apply to all licenses and permits issuable by the city through the Department of Permitting and Inspection ~~city clerk~~, and all licenses and permits issued by the state to which the city council have a right or duty to offer recommendations, comments, or to consent, set forth in this Code. Notwithstanding the aforesaid, any more stringent licensing or other requirement of this Code which is not inconsistent with this chapter, shall be deemed to be an additional requirement of this chapter.

(b) Notwithstanding the foregoing, the director of waterfront and transportation facilities, or his or her authorized designee, shall be responsible for licensing of taxicabs and liveries under article II of chapter 30, and all references herein to the Department of Permitting and Inspection ~~city clerk~~ shall be to the said director in regard to

such licensing under article II of chapter 30.

...

Sec. 15-3. License required.

(a) No person shall engage in, operate any business, or use or permit the use of any device for which one (1) or more licenses are required by this Code or permit others operating under such licenses to act, without having obtained each and every such license required therein and shall not operate or use such license or device during any time that the applicable license has been suspended or after revocation as provided herein.

(b) A license may be issued pending receipt of the criminal history report from the State Bureau of Identification for pawnbrokers, junk dealers, secondhand dealers and flea markets as defined in Section 23-16, provided that the Department of Permitting and Inspections~~City Clerk~~ has received all other documentation required for the issuance of such license and a copy of the applicant's criminal history record from the Portland Police Department, which criminal history record does not contain a disqualifying criminal conviction. If, after issuance of the license, the Department of Permitting and Inspections~~City Clerk~~ receives a criminal history report from the State Bureau of Identification that contains disqualifying information, the Department of Permitting and Inspections~~City Clerk~~ shall immediately move to suspend or revoke the license pursuant to Chapter 15 Section 15-8(a)(6) of the City Code.

...

Sec. 15-4. Licensing authority.

(a) All licenses shall be issued, denied, suspended or revoked and all hearings shall be held by the Department of Permitting and Inspection~~city clerk~~ except as expressly provided in this Code. The Department of Permitting and Inspection~~clerk~~ is authorized to notify the state licensing division of bureau of alcoholic beverages that the city council consent to the extension of existing state liquor licenses to city licensees pending the next meeting of the city council.

Sec. 15-5. Applications.

(a) All applications shall be made in writing on a form

provided by the Department of Permitting and Inspection~~se~~lerk. Each application submitted to the Department of Permitting and Inspection~~se~~lerk shall state the name and business address of each applicant, the license desired, location to be used, if any, the date of the application, and such additional information as may be deemed necessary or useful by the Department of Permitting and Inspection~~se~~lerk in determining whether such permit or license applied for should be issued.

(b) Other papers:

- (1) Any application for a license for which a criminal conviction is a disqualification under this Code shall be accompanied by a written waiver of the applicant's right to privacy or confidentiality under the State Criminal History Records Act [16 M.R.S.A. § 611 et seq.] and otherwise to the extent necessary for the Department of Permitting and Inspection~~se~~city clerk, acting through the chief of police, to determine whether or not such disqualification exists.
- (2) If the applicant is other than a natural person, the names of all principal officers shall accompany the original application.
- (3) A statement to the fact that no employee or officer of the city is beneficially interested in the license or licenses, or in lieu thereof, a statement of the names of such employees or officers as are beneficially interested.
- (4) In the case of a renewal, the licensee shall submit to the Department of Permitting and Inspection~~se~~lerk on a form provided by the Department of Permitting and Inspection~~se~~lerk, a certified ownership report for the previous twelve (12) month period. Such report, among other things, shall list the names of all persons, or groups of persons acting in concert who at any time during the period had an actual ownership interest.

...

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee

of thirty-five dollars (\$35.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of twenty-five dollars (\$25.00), except for a flea market seller to defray the cost of processing the application. The latter shall be refundable if the application is denied. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance.

(b) *Appeals fee.* Appeals from determinations of the Department of Permitting and Inspection~~sele~~rk shall be accompanied by a filing fee of twenty-five dollars (\$25.00) and the appellant shall also pay the full cost of publication and postage in advance, if such notice is required. For the purposes of this subsection, notice by publication shall be deemed to apply to the hearing on appeal whenever the requirement of publication would exist in the first instance.

(c) *Filing fees.* Whenever any document, other than an application for any license, is required or permitted to be filed with the Department of Permitting and Inspection~~sele~~rk in connection with any license, and no fee for such filing is otherwise prescribed, the fee for filing such document shall be two dollars (\$2.00) for the first page, and one dollar (\$1.00) for each page thereafter.

...

(g) *Fees to be cumulative.* Fees provided for in this section shall be deemed cumulative and shall be in addition to any other fee or fees required for the issuance of any permit under section 15-12. Except as specifically provided, such fees shall not be waived, refunded or prorated, except that upon a successful appeal, the Department of Permitting and Inspection~~sele~~rk shall credit the appeal fee toward the fee for issuance and shall refund any excess; and further, except that if, during the unexpired term of the license, a licensed activity is subsequently prohibited by amendment to this Code, the Department of Permitting and Inspection~~sele~~rk shall refund to the licensee a portion of the license fee in accordance with the formula for proration of fees set forth in section 15-6(f). Where a maximum license fee is established by the state, the fees set by this chapter shall be deemed cumulative to the extent of such maximum fee.

Sec. 15-7. Investigation of applicant.

(a) Upon receipt of an application for any license or permit, other than a renewal application substantially identical to the original application, the Department of Permitting and Inspection~~clerk~~ shall inquire of other city departments, as appropriate, for comments as to whether a license may be granted consistently with the provisions of the laws and ordinances enforced by such departments. In all appropriate cases, the building authority shall verify that the premises to be used for the proposed activity comply with the building code, electrical code, plumbing code and zoning ordinance, and if applicable, state junkyard screening law; the health authority shall cause inspections to be made of the proposed location of any premises dispensing food or liquor; the fire chief shall cause inspection to be made for the purpose of determining if city ordinances, a state law, or state regulations concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed. All such persons shall report to the Department of Permitting and Inspection~~clerk~~ in writing, and copies of any such report shall be deemed a public record.

...

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

...

(b) *Hearings.*

(1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.

...

(3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the Department of Permitting and Inspection~~city clerk~~ may

suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Department of Permitting and Inspection~~selek~~ shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

...

(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the Department of Permitting and Inspection~~selek~~ within thirty (30) days after it has been approved by the Department of Permitting and Inspection~~selek~~. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the Department of Permitting and Inspection~~selek~~ may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the Department of Permitting and Inspection~~selek~~.

...

Sec. 15-9. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Department of Permitting and Inspection~~selek~~ by filing a notice of appeal and the prescribed fee with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee to act as hearing designee in the appeal. The hearing designee shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the Department of Permitting and Inspection~~selek~~ may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm during the pendency of the appeal. In such case, the Department of Permitting and Inspection~~selek~~ shall make a

written finding of his or her decision in this regard and shall notify the appellant.

(b) *Scope of review.* On appeal, the hearing officer shall review the decision of the Department of Permitting and Inspection~~sele~~* and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation. The hearing officer may take additional evidence with respect to such decision or action and if additional testimony or evidence is taken shall determine the appeal upon all of the evidence, except as provided in this section.

...

Sec. 15-10. Notices of hearing.

(a) *Content.* Whenever a public hearing is required, the Department of Permitting and Inspection~~sele~~* shall give notice of the time and place of the hearing, the type of license involved, and the nature of the hearing, and the address or location of the property involved.

(b) *Service.* Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least ten (10) days in advance of the hearing date. When notice by publication is required, such notice shall be published in a newspaper of general circulation in the city at least once, not more than thirty (30), nor less than seven (7) days before the date of the hearing. Where notice to abutters is required, all owners or occupants of property within five hundred (500) feet of such parcel or tract shall be deemed to be abutters, and service shall be made by ordinary mail at least seven (7) days before the date of the hearing. In the case of abutters, the owners and occupants of property listed in the assessor's records on the last tax date prior thereto, shall be deemed to be the persons to whom notice is to be given. The Department of Permitting and Inspection~~sele~~* shall take reasonable measures to notify renters in close proximity.

...

Sec. 15-11. License not to be transferable.

(a) No license shall be transferred to any person, to any

location, or to any other vehicle or device, and no license fee shall be refunded if the licensed activity is ceased prior to the expiration of the license. All purported transfers not in accordance with this section are void. A license shall be deemed the subject of an attempted transfer whenever there is a sale of the business, vehicle or device, or where there is a change in actual ownership interest. Upon any such event, the licensee shall immediately surrender the license to the Department of Permitting and Inspection~~er~~; except that, in the case of death, bankruptcy or receivership of any licensee, the duly appointed executor or administrator of the deceased licensee or the duly appointed trustee or receiver of the bankrupted licensee or licensee receivership may retain the license and operate under the same for the benefit of the estate with the written permission and approval of the Department of Permitting and Inspection~~er~~ until such time as such operation is no longer needed to benefit the estate. Thereafter, such personal representatives, receivers, or trustees shall either return the license to the Department of Permitting and Inspection~~er~~ or transfer same to any other person, under order of the court having jurisdiction and upon written notice to the Department of Permitting and Inspection~~er~~. In the interim, between the death of the licensee and the appointment of an executor or administrator, or in cases where no administration of the estate of a deceased licensee is contemplated, the widow or widower or person designated by all of the heirs of the deceased licensee may take over the license upon written notice to the Department of Permitting and Inspection~~er~~. Duly appointed and qualified guardians and conservators of the estate of a licensee may retain the license of their ward during the term of office upon written notice to the Department of Permitting and Inspection~~er~~.

(b) In all cases arising out of this section in which the Department of Permitting and Inspection~~er~~ is required to determine the identity or composition of or ownership interests in an applicant or licensee, or to determine whether a transfer of an ownership interest in an applicant or licensee has taken place, he shall look to the substance rather than the form of transactions and any person aggrieved may appeal the Department of Permitting and Inspection~~er~~'s determination to the city manager.

...

Sec. 15-12.1. Waiver of fees.

The city council may, in its discretion, waive or reduce any fee required of any nonprofit organization where the council determines that the purpose of the licensed activity or the funds to be raised by the activity are of direct benefit to the citizens of the city. Additionally, the Department of Permitting and Inspection~~se~~l~~e~~r~~k~~ may waive or reduce the fee required of the nonprofit organization for a temporary food service establishment license when the organization demonstrates that it will retain 100 percent of the proceeds of the temporary sale of food.

Sec. 15-13. Supplementation of applications.

Whenever a license is in effect, the licensee shall be responsible for notifying the Department of Permitting and Inspection~~se~~l~~e~~r~~k~~ in writing of any material change in facts set forth in the application for any license held from the city within seven (7) days thereafter. Failure to comply with this requirement shall be a violation of this chapter.

Sec. 15-14. Violations.

In addition to any action which may be taken by the Department of Permitting and Inspection~~se~~l~~e~~r~~k~~ or the city council with respect to the suspension or revocation of a license, violation of this chapter, or of any licensing provisions of the city governed by this chapter, or of any rule made pursuant thereto shall be a civil violation subject to the penalties of section 1-15.

10. That Sections 16-10 and 16-13 to 16-15 are hereby amended to read as follows:

Sec. 16-10. List of employees.

The therapeutic massage establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the chief of police, his or her authorized deputy, the Department of Permitting and Inspection~~se~~l~~e~~r~~k~~ ~~or her representative upon request.~~

...

Sec. 16-13. Standards for denial.

In addition to the provisions of chapter 15, a license

under this article shall be denied to the following persons:

...
The Department of Permitting and Inspection~~clerk~~ shall make and keep a written record of every decision to deny an application for any license hereunder.

...

Sec. 16-14. Grounds for suspension or revocation.

(a) All licenses. In addition to the grounds for revocation or suspension set forth in chapter 15 and section 16-13, any license may be suspended or revoked upon a determination that the licensee:

- (1) Failed to notify the Department of Permitting and Inspections~~clerk~~ of any change in material fact set forth in the application for such license; or

...

Sec. 16-15. Application for therapeutic massage establishment, combined massage establishment/massage therapist and massage therapist licenses.

Any person desiring a license pursuant to this chapter shall file a written, signed application with the Department of Permitting and Inspection~~city clerk~~ on a form to be furnished by the Department of Permitting and Inspection~~clerk~~. An application for a combined massage establishment/massage therapist license, a massage therapist license or a conditional massage therapist license shall be accompanied by two (2) front face photographs of the applicant taken within thirty (30) days of application, of such size as the Department of Permitting and Inspections ~~clerk~~ may specify.

...

11. That Sections 19-17 to 19-19 are hereby amended to read as follows:

Sec. 19-17. License required.

(a) All street vendors conducting business on any street, way or public place must have a license issued by the Department of Permitting and Inspections~~City Clerk~~ as provided in this Article.

...

(c) A street goods vendor or a street artist shall only be permitted on a street, way or public place during festivals or special events declared by the City Council pursuant to Section 19-22, with the approval of the sponsoring business or organization or the Parks and Recreation Department. All street goods vendors shall be required to obtain a license issued by the Department of Permitting and Inspections~~City Clerk~~ and pay the fee prescribed by Section 25-27(e) of this Code.

...

Sec. 19-18. Application.

(a) In addition to the information required by section 15-5, each application for a street vendor's or street goods vendor's license shall include a specific description of the business, the goods or services to be sold, and the equipment, if any, to be used, including a reasonable estimate of the value thereof.

(b) No street vendor's license shall be issued without the applicant first filing with the Department of Permitting and Inspections~~clerk~~ a certificate, in a form satisfactory to the corporation counsel, evidencing public liability insurance coverage in an amount not less than the maximum liability under applicable law and naming the city as an additional insured. The certificate shall also provide for notice to the Department of Permitting and Inspections~~clerk~~ not less than thirty (30) days prior to any cancellation of insurance, which insurance the licensee shall maintain at all times while engaged in street vending.

Sec. 19-19. Special conditions of operation.

(a) Area of operation: A licensed street vendor may operate:

(1) In any zone of the city where such use is* a permitted or conditional use as defined in chapter 14 of the City Code;

(2) At Hadlock Field subject to the following conditions:

On the north side of Park Avenue between High Street and I-295, except when there is a game or event at Hadlock Field in which case food trucks are limited

to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event.

Within the vicinity of Hadlock Field, as defined by separate council order, four (4) pushcart licensed street vendors may operate upon the following terms:

a. One (1) at each of the four (4) sites to be designated by the Department of Permitting and Inspection~~city clerk~~, said sites to be located approximately as follows:

i. Deering Avenue sidewalk at the entrance to Fitzpatrick Stadium parking lot, or at the vendor's choice, at a site in said parking lot which is approved by the Department of Permitting and Inspection~~city clerk~~;

d. Any approved street vendor shall comply with all of the applicable provisions of this Code, including without limitation the provision of this subsection, and of city rules promulgated for such street vendors by the Department of Permitting and Inspection~~city clerk~~; and

e. The Department of Permitting and Inspection~~city clerk~~ is hereby authorized to promulgate rules consistent with this Code for the form of the Hadlock Field street vendor license and application; advertisement and conduct of the lottery and approved street vending operations, including without limitation, selection of replacement vendors if needed; vendor sales practices; vendor litter control; and cleanup both during and after close of sales. Said rules shall be subject to the approval of the city manager and shall be posted in the Department of Permitting and Inspection~~city clerk's office~~.

(b) *Conduct of operations:*

(1) Every licensed street vendor shall wear a numbered badge issued by the Department of

Permitting and Inspection~~se~~~~rk~~.

...

12. That Sections 23-27 and 23-29 are hereby amended to read as follows:

Sec. 23-27. Application.

Application for a license required by this chapter shall be made to the Department of Permitting and Inspection~~se~~~~rk~~, with payment of the fees and in accordance with the procedures set forth in chapter 15.

...

Sec. 23-29. Flea markets.

Any person who provides tables, space, or otherwise operates a flea market shall obtain a license from the Department of Permitting and Inspection~~se~~~~rk~~.

...

An operator or seller who is determined by the Department of Permitting and Inspection~~se~~~~rk~~ to have violated any provision of this section may have their license revoked and not renewed for a period not to exceed one (1) year. Any person so charged shall be afforded notice and an opportunity to be heard prior to the revocation of the license.

13. That Sections 28-112, 28-136, 28-137, 28-138, 28-141, 28-270 to 28-273, 28-275, 28-276, 28-280 to 28-283 are hereby amended to read as follows:

Sec. 28-112. Permit to use.

Any person seeking the privilege of using any taxicab stand shall make application in writing to the Chapter 30 Licensing Authority~~se~~~~rk~~, and the Chapter 30 Licensing Authority~~se~~~~rk~~ shall grant such permits as it approves.

...

Sec. 28-136. Required.

(a) No towing or wrecking service shall tow any vehicle within the city without the express knowledge or consent of the vehicle owner or his or her authorized representative, unless

such towing or wrecking service is currently licensed.

(b) All licenses issued pursuant to this division shall be granted, denied, suspended or revoked by the Department of Permitting and Inspection~~city clerk~~.

(c) Licensees may request that they be placed on the towing list, which shall subject them to additional regulations promulgated by the chief of police pursuant to section 28-124.

...

Sec. 28-137. Investigation; issuance or denial.

(a) Within thirty (30) days after receipt of an application under this division, the Department of Permitting and Inspection~~city clerk~~, in conjunction with the chief of police, shall conduct an investigation to determine: The truth, accuracy and adequacy of the information contained in the application; the ability of the applicant to furnish the required service and to abide by the regulations and provisions set forth herein or established pursuant to section 28-124; the applicant's past record of performance in wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of the investigation, the Department of Permitting and Inspection~~city clerk~~ shall either grant or deny the license and notify the applicant in writing of such decision and the findings and reasons, if any, for denial of the license. Upon issuance of the license, the Department of Permitting and Inspection~~city clerk~~ shall forward to the licensee a copy of this article and any regulations adopted pursuant thereto.

(b) The following must be submitted prior to commencement of the investigation:

...

(6) Such other information as the Department of Permitting and Inspection~~city clerk~~ may require on the license application.

...

Sec. 28-138. Insurance required.

(a) No wrecker shall be issued a license until the applicant has deposited with the Department of Permitting and Inspection~~city clerk~~ a certified copy of the following policies:

...

Sec. 28-141. Grounds for revocation, suspension or denial.

In addition to the grounds for revocation, suspension or denial found in chapter 15, a license issued under this division may be suspended or revoked or denied by the Department of Permitting and Inspection~~city clerk~~ upon a determination that the licensee, or applicant, or wrecker operator:

...

Sec. 28-270. Purpose; permit and license required.

(a) The purpose of this article is to:

...

(b) No person, establishment or entity shall conduct valet parking service within the City of Portland without first obtaining a permit from the Department of Permitting and Inspections~~city clerk's~~ office and paying the fee therefor.

...

Sec. 28-271. Definitions.

Terms used in this article shall have their common meanings except that, the definitions used in this Article or in chapters or articles related to this Article shall have the following meanings:

...

Valet parking permit means the permit issued by the Department of Permitting and Inspection~~city clerk's~~ office to the valet permit operator allowing it to conduct a valet parking operation in an approved valet parking zone.

...

Sec. 28-272. Applications.

Applications under this division except for a one-day special event permit, shall be filed thirty (30) days in advance of issuance of a permit in the Department of Permitting and Inspections~~city clerk's~~ office. Such application shall include the following information:

- (1) Name and address of the proposed permittee/operator.

If incorporated, permittee/operator must provide copies of their articles of incorporation and bylaws.

...

- (5) An appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the Department of Permitting and Inspection~~se~~lerk's office.

...

- (9) Applications shall be forwarded by the Department of Permitting and Inspection~~se~~lerk's office to all city departments which may be affected by the granting of the permit, including but not limited to, public works, planning, police and parking.

...

Sec. 28-273. Fees; exceptions.

(a) *Issuance fees.* Applications for yearly valet permits shall be accompanied by an annual nonrefundable fee of two hundred and sixty dollars (\$260.00) per location. Each location shall only include two (2) parking spaces approved by the Transportation Systems Engineer, whose decision shall be final.

(b) *Special event fee.* Application for a special event permit shall be accompanied by a nonrefundable fee of sixty dollars (\$60.00) provided that the Department of Permitting and Inspection~~se~~lerk's office has received ten (10) days' notice prior to such event.

...

Sec. 28-275. Required.

(a) *Driver's license.* No person shall valet park a vehicle within the city unless such valet driver is currently licensed to operate a vehicle.

...

(c) *Insurance.* The applicant must file with the Department of Permitting and Inspection~~se~~lerk's office a copy of the applicant's insurance certificate evidencing public liability insurance coverage and automobile insurance coverage in amounts not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, or the amount stated in the Maine Tort Claims Act

as the same may be amended from time to time, covering claims for bodily injury, death and property damage, and naming the City as an additional insured, and also provide worker's compensation insurance coverage as required by law.

Sec. 28-276. Standards and criteria for application review..

The standards and criteria used in reviewing the application required in section 28-273 shall be in accordance with the Valet Parking Rules and Regulations on file with the Department of Permitting and Inspections~~clerk's office~~.

...

Sec. 28-280. Denial, revocation, or suspension of permit; removal of equipment or personal property of the permittee/operator and storage fees.

(a) The Department of Permitting and Inspections~~Clerk's Office~~ may deny, revoke, or suspend a permit for any valet parking service authorized in the City if it is found that:

...

Sec. 28-281. Appeals of permit denial or revocation.

(a) *Procedure.* An appeal to the City Manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Department of Permitting and Inspections~~clerk's office~~ by filing a notice of appeal within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. The City Manager or his or her designee shall hear the appeal and may affirm, reverse or modify the decision appealed from.

...

Sec. 28-283 Special Events.

Valet services operating for a special event may apply for a permit at the Department of Permitting and Inspections~~clerk's office~~ as long as it does not reduce the number of parking spaces needed to serve the general public in the area of the request.

Special events shall be restricted to any event occurring no more than twice per year. The hours for parking of vehicles shall be approved by the City. A special event application shall be filed with the Department of Permitting and Inspections~~Clerk's Office~~ at least ten (10) days prior to the scheduled event.

DRAFT

**M E M O R A N D U M**

TO: Jon Jennings, City Manager
FROM: Julie Sullivan, Chief of Staff
DATE: October 26, 2015
RE: Proposed Permitting and Inspections Department

With the goal of radically improving the City's many permitting and inspections functions, I reviewed current positions, processes and structures, and am proposing a new one-stop department. To that end, I conducted approximately 40 interviews including several external partners; reviewed the two 2013 studies, one from the University of Southern Maine and the other from the Government Consulting Group; and looked at best practices from Boston, Burlington, VT and Lowell, MA.

The Planning and Urban Development Department has made concerted efforts over the past few years to strengthen these functions and many improvements can be attributed to their hard work. We are now poised to build on these initial improvements and restructure to fully realize the goal of an effective, efficient permitting and inspections department that provides excellent customer service.

Key areas of emphasis from internal and external interviewees are:

- Need to greatly improve customer service focus
- Information and application materials are far too complex
- Need more detailed web-based interface regarding application status
- Need online application capability which feeds directly into the City software system(s) to avoid staff data entry and simplify the process for applicants
- Applications must be triaged so are not all in one queue, but separated by complexity
- Clear, consistent evaluative measures and processes need to be put in place
- Ordinances need to be rewritten for clarity, consistency and brevity

Summary

The interviews and research indicate that there are clear efficiencies and improvements to be gained by co-locating Inspections, Housing Safety, Zoning, and Business Licensing. Adding Food Service Inspections in the future also makes sense, given the overlapping involvement with overall inspections and business licensing processes.

Currently, all building permit applications go into the same queue. There is some fast-tracking based on application completeness. Staff stated that at least 60% of application volume is small,

residential rehab projects. I suggest re-tooling the front-end processes to triage applications so that simple projects can move quickly and perhaps have permits issued on the spot, with front-end staff able to work with customers needing assistance instead of entering data and uploading documents. It will also be critical to change the threshold for which projects require a zoning review and which do not. Currently, all projects are subject to a zoning review.

For Events, there are efficiencies and improvements to be made by co-locating all event-related staff within one office in Recreation and Facilities Management, adding contract staff to allow the City to more effectively manage the increasing volume and scope of events, and including all event-related permits and fees into one overarching contract.

Although Planning Department staff are extremely wary of any software changes, it is evident that the current programs and processes maintain a patchwork, band-aid approach and do not allow for cost-savings, efficiencies and good customer service. The IT Department is considering a City-wide software solution that could better link the many departments while providing a seamless experience for our customers.

Recommendations are organized into five areas:

1. Structure and Staffing
2. Processes
3. Ordinances
4. IT
5. Budgetary Impact

Recommendations

1. Structure and Staffing

The departments involved in permitting and inspections are: City Clerk, Fire, Health & Human Services/Public Health, IT, Planning and Urban Development, Parking, Police, Public Services, and Recreation and Facilities. In general, permitting and inspections functions are as follows:

Department	Function	Name	Title
Planning	Plan Review	Tammy Munson	Inspections Division Director
		Jon Rioux	Inspections Division Deputy Director
		Jeannie Bourke	Plan Reviewer
		Laurie Leader	Plan Reviewer
	Front desk – Inspections	Doreen Christ	Office Assistant
		Brad Saucier	Admin Assistant
		Vacant	Office Assistant (half time with Inspections, half time with Planning)
	New construction/rehab inspections	Tammy Munson Jon Rioux Doug Morin	Inspections Division Director Inspections Division Deputy Director Code Enforcement Officer

Department	Function	Name	Title
		Brian Laflamme Duane Hanson	Code Enf Off (electrical) Code Enforcement Officer
	Housing complaint inspections/sidewalk issues including outdoor dining, street artists, accessibility issues, etc.	Chuck Fagone	Code Enforcement Officer
	Zoning Review	Ann Machado Christine Stacy	Zoning Administrator Zoning Specialist
	Historic preservation	Deb Andrews Rob Wiener	Historic Preservation Manager Preservation Compliance Officer
	Planning/development	Tuck O'Brien Barbara Barhydt Rick Knowland Christine Grimando Caitlin Cameron Shukria Wiar Jean Fraser Nell Donaldson Phil DiPierro Jennifer Munson Vacant	Planning Division Director Development Review Manager Senior Planner Senior Planner Urban Designer Planner Planner Planner (PT) Development Review Coordinator Office Manager Office Assistant (half time with Inspections, half time with Planning)
City Clerk	Business licensing	Janice Gardner	Business License Administrator
	Event permits	Janice Gardner	Business License Administrator
HHS	Food service inspections	Mike Russell Eric Cobb Tom Williams	Program Manager Inspector Inspector
Fire	Plan review	Keith Gautreau Craig Messinger David Petrucelli	Asst Fire Chief, Fire Prevention Lieutenant Captain
Public Services	Events	Ted Musgrave Rusty Groh	Event Coordinator Event Assistant
	Street opening permits	Carol Merritt	Account Clerk
	On-street parking permits	Gretchen Gagnon	Office Assistant
	FOG/Water Resources	Ben Pearson	Assistant Engineer
	Plan review	Kathy Earley	Director of Engineer Services
		David Margolis-Pineo	Deputy Engineer
		Jeff Tarling	City Arborist
		Jeremiah Bartlett	Transportation Engineer
		Rhonda Zazzara	Inspection Coordinator
IT	Urban Insight, Civic Plus, ePlan	Dan Boutilier Vicki Bourret	IT Dept Director Deputy IT Director
Rec & Facilities	Events	Sally DeLuca Andy Downs	Rec & Facilities Dept Director Director of Public Assembly Facilities
Parking	Events	John Peverada	Parking Manager

Department	Function	Name	Title
Police	Events	Sgt. Mike Rand	Traffic
Housing Safety Office	Rental housing inspections	Art Howe	Administrator
		Ian Houseal	Program Coordinator
		TBH – 3 positions	Code Enforcement and Life Safety Inspector(s)

Initially, the following components were considered for inclusion in the new one-stop department:

- Inspections
- Business Licensing
- Events
- Parking Permits
- Zoning
- Food Service Inspections
- Housing Safety

These components were presumed to stay under Planning:

- Housing and Community Development
- Transportation
- Planning and Historic Preservation

Because the Housing Safety Office (HSO) is just starting up, I believe it is best to allow the HSO to achieve its own short-term deliverables without having to be caught up in the trials and tribulations of a new, combined department. I suggest bringing the HSO into the new one-stop 3 to 6 months after implementation. The Food Service Inspections program in the Public Health Division is functioning well and also can be brought into the new one-stop at a later date.

On the other hand, I do not recommend bringing Events into this one-stop. There is enough complexity in combining all building-related permitting and inspections as well as business licensing functions; the best practices review did not yield any other municipalities who combine these functions with events; and interviews with Events staff indicate several improvements that can be made to streamline event-related permitting within an improved events one-stop:

- Bring Event Coordinator and Event Assistant from Public Services into the Events office under the Director of Public Assembly Facilities.
- Fill the Deputy Director of PAF position, as the Director has too many direct reports.
- Contract with event coordinators to allow the City to respond more efficiently and effectively to the increased volume and scope of events.
- Combine all relevant permits under one event contract, so that customers are paying one fee at one time.

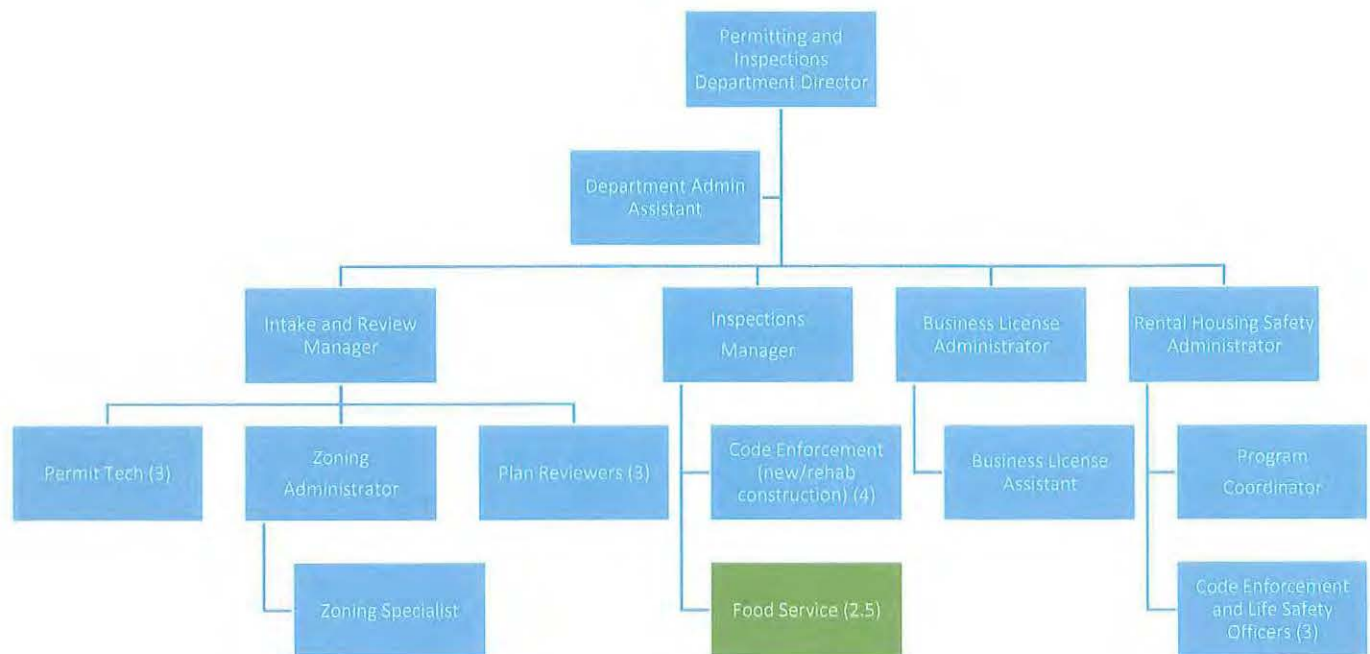
- Set a threshold above which an event needs to have its own organizer or we will charge them for the cost of an organizer.
- Consider enforcing deadlines such that fees increase for late requests.
- Tent permits should go through admin review and not zoning.
- Set a threshold above which an event needs Fire Department involvement.
- Consider a threshold for types of events that should have City Manager approval at the outset.
- Fully utilize City software systems, either Urban Insight or a new software solution.

I also do not recommend bringing Parking into this one-stop. While Parking is involved with events permitting as well as some construction-related permitting, it is a relatively isolated process that works well as it is.

However, there are advantages to moving the street opening and on-street parking permits related to construction from Public Services to the one-stop, and either the Department Admin Assistant or the Permit Techs could issue those permits. In addition, it make sense to incorporate the Fats, Oils and Grease permits into the one-stop, as they are a significant challenge for the food service industry and part of the building review process.

The new Permitting and Inspections Department would incorporate the following changes:

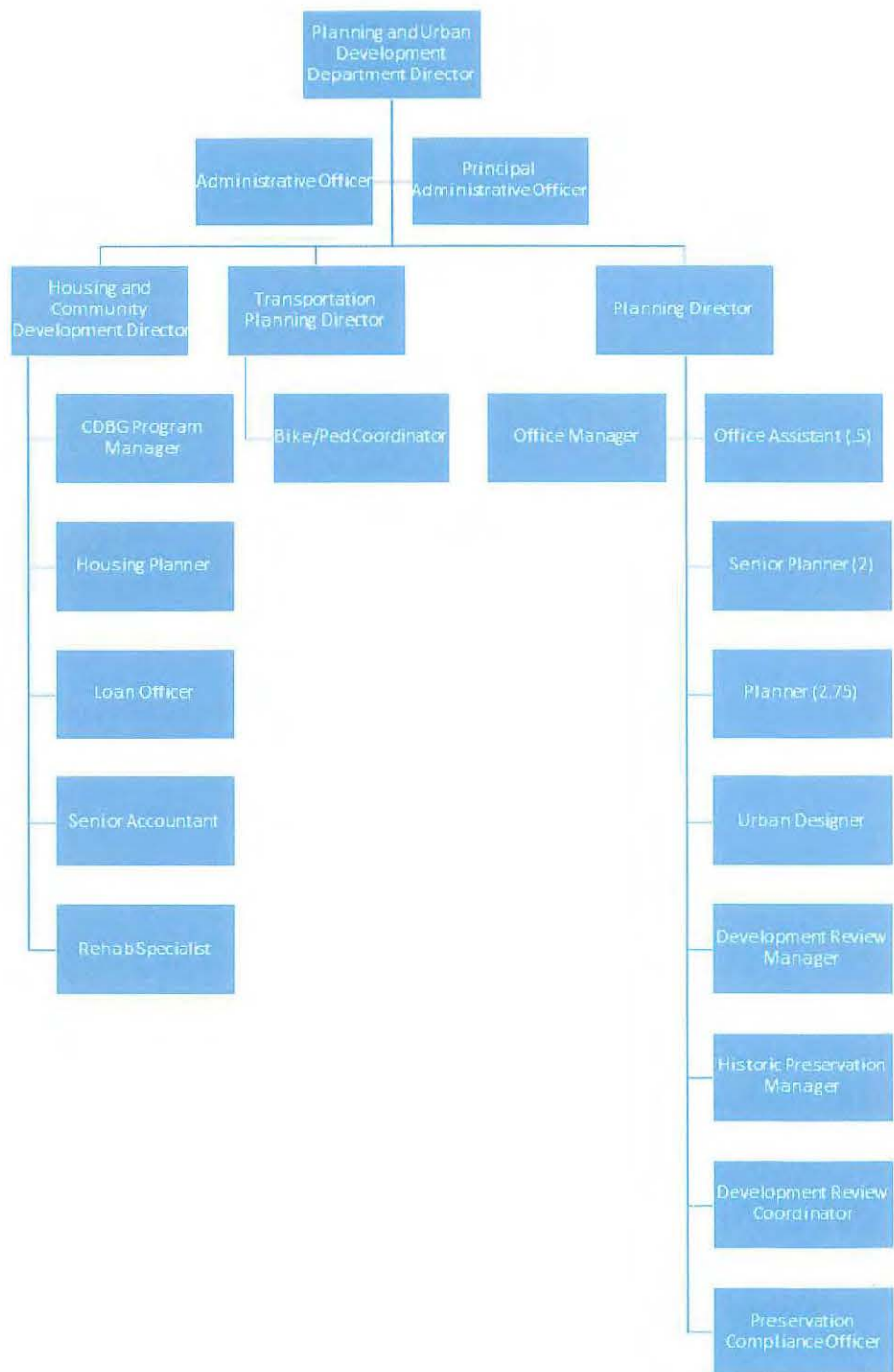
- New department head
- New front-end position: Permit Tech - Quickly reviews all incoming applications, works directly with applicants on completeness and accuracy, issues same-day permits, queues more complicated projects, serves as point person for applicant questions throughout the process, and ensures an excellent customer service experience.
 - Currently, there are 2.5 front-end positions: 1.5 Office Assistants and one Administrative Assistant
 - I suggest eliminating these positions.
 - Given the volume, I recommend three Permit Tech positions to comprise the front end.
 - I also recommend a senior-level administrative position to report to the Department Director, support the entire department, and answer phones.
- Additional life safety plan reviewer funded by HSO revenues and reporting to the Intake and Review Manager. This position should also conduct ADA reviews; currently, the State Fire Marshal does so, which has not been an effective process.
- New Intake and Review Manager and Inspections Manager positions
- Elimination of Inspections Division Director and Deputy Director positions



This approach allows for management by function for intake, review and inspections. The green shading shows that Food Service Inspections would join the department in the future.

To underscore, the success of this structure relies in large part on the Permit Techs, an effective triage process based on project complexity, and a robust customer service orientation.

The Planning and Urban Development Department would then look like this, assuming no additional changes to current staffing:



To summarize, proposed staffing changes entail:

- Planning and Urban Development
 - Inspections Division moves to proposed Permitting and Inspections Department (PID)
 - Zoning moves to PID
 - Housing and Community Development, Transportation Planning, and Planning
- City Clerk
 - Business License Administrator (and possibly part-time assistant) move to PID
- Housing Safety Office
 - Moves to PID
- Health & Human Services, Public Health Division
 - Food Service Inspections moves to PID in the future
- Public Services
 - Event Coordinator and Event Assistant move to Rec and Facilities
 - Determine how best to handle FOG permits in the new department
- Recreation and Facilities Management
 - Consider adding Deputy Director of Public Assembly Facilities to ensure Director is positioned to handle the ever-increasing scope and volume of events
 - Add Event Coordinator and Event Assistant from Public Services
 - Consider adding contract Event Coordinators to help meet demand

2. Processes

Perhaps the clearest priority heard from nearly all interviewees was the need to revamp the front-end processes for all application types. Currently, the process is supposed to entail:

1. Applicant completes PDF form and sends it via email as an attachment, along with drawings
2. Staff review materials for completion, legibility and accuracy
3. Staff enter all the data into Urban Insight and upload plans to Archive and ePlan plan review software
4. Invoice is created and sent to applicant to pay online
5. When payment is posted, plan review begins
6. Permit issued and final approved plans are stamped

I recommend the following front-end process changes:

- Ideally, an effective software solution eliminates the need for staff to enter data, upload documents, scan documents, save them to multiple places, etc. I address this issue more fully in the IT section.

- Without having to enter data and upload documents to different places, and direct phone calls, we can eliminate the 1.5 Office Assistant positions (.5 is currently vacant) and replace with three Permit Techs.
 - Move the Admin Assistant to report to the new Department Director, support the entire department, and answer phones. This allows the Permit Techs to focus on customers and applications.
 - The Permit Techs would work with walk-in applicants and review electronic submissions.
 - They would follow up with applicants to ensure that all needed materials are submitted, serve as a single point of contact for applicants, and eliminate the need for Zoning or Plan Review to have to chase down applicants for missing information.
 - They would triage applications based on complexity and strive to issue same-day permits for simple projects with all information submitted.
 - The Permit Techs would have enough knowledge to work effectively with applicants and would be required to use solid customer service skills to ensure positive, productive interactions with all applicants at all times.
- The invoicing process should be reconsidered so that all fees are clear and simple, known to applicants up front, combined from the many different possible departments that could be involved, and due at an appropriate point in the process.
 - I suggest a full review of our fee structure, especially given prior recommendations to use Burlington, VT and Lowell, MA as key comparables. Fee amounts have already been reviewed; I believe the number of separate fees currently assessed should be considered now, with the goal of simplifying.
 - Some interviewees suggested we consider providing credits for any required third-party reviews against building/permit fees. It is my understanding that such reviews were primarily if not entirely life safety reviews. Thus, with the addition of a dedicated life safety plan reviewer, there should no longer be a need for such reviews on a regular basis.
- A new software package should allow us to more easily create simple, clear, streamlined information and application materials. Currently there are far too many kinds of forms and they are extremely difficult to understand. Prior studies have recommended looking at Burlington as an example here as well. Regardless of software implementation, this information and materials needs to be revamped entirely.

Other process changes should include:

- Develop training and evaluative measures to ensure consistency across reviewers and inspectors. Numerous interviewees cited issues with inconsistent approaches.
- Continue the pre-application and pre-development meetings, and consider how to streamline them so they are less of a time commitment for staff.
 - Implement a brief evaluative process for applicants to garner ideas for improvements

- Perhaps with the role of the Permit Techs these meetings may be less critical than they are now
- Consider increasing the threshold for projects required to have a Planning Board review. There are too many items going before them, such that simpler projects are delayed and the Board has perhaps an untenable workload.
- Consider increasing the threshold and clarifying the requirements for projects to have a Zoning review. It appears that all projects get a zoning review now, and it is likely that is unnecessary for a large portion.
- Building (and housing safety) inspections staff need to follow same summons practice as Fire has begun using, as a result of the Fire/Code Task Force recommendations.

3. Ordinances

The many sections of the City Code of Ordinances pertaining to permitting, licensing and inspections fall under numerous chapters, are in PDF form, and often are confusing or contradictory. The Planning and Urban Development Department Director is well aware of these challenges and the need for a full rewrite. He has already set priorities for the Zoning code in case a full rewrite is not able to happen in the short term.

I would also suggest that the code be presented in a user-friendly, online format which would allow users to search quickly and easily for relevant topics, and find cross-references and definitions. Many municipalities use Municode for this.

4. IT

The Planning and Urban Development (PUD) Department has worked hard to implement recommendations from prior studies, especially in this area. PUD leadership have collaborated closely with IT leadership to improve Urban Insight and ePlan, as well as to move toward a more paperless system. PUD staff and leadership were, understandably, very frustrated by the time wasted and data lost during the City's efforts to implement One Solution a few years ago.

While software packages are not a magic bullet, all interviewees and best practices research indicate that there are significant improvements and efficiencies to be gained by moving away from the current system. It is critical that internal stakeholders are involved in a collaborative decision-making process around a possible new software solution.

- We lack IT capacity to continue to improve the homegrown software in a timely fashion. Even contracting for programming support continues a piecemeal, band-aid approach.
- While submitting electronic versions of application materials reduces paper, it has not led to a significant process improvement or elimination of backlog, and interviewees commented that they were still required to provide multiple sets of paper plans.

- We need a robust web-based interface for applicants, including information, forms, and detailed information on status tracking and reviewer conditions/requests for additional information.
- We must strive for simplicity and clarity in all information and materials. There are too many forms which are too difficult to understand. A new software solution may take care of this for us; if not, and perhaps regardless, it would be productive to have a cross-section of applicant types review new forms and materials and provide feedback before implementation.
- Inspectors' time must be used as effectively as possible. While tablets were purchased for all of them, they are not using tablets in the field because they find the process far too slow and has too many steps. They choose to return to office for all data entry. There are significant concerns regarding this process; their notes must be timely, detailed, and accurate and contain only professional language.
- I suggest moving away from using a general email inbox, or at least requiring staff responding from that inbox to insert their name and contact information. Customers need to know who they're hearing from.
- Finally, I am optimistic regarding the possibility of a new City-wide software package which would integrate efficiently across departments, require far less IT staff programming time, and allow for a simple, effective, transparent process for applicants. It is critical that decisions regarding new software be reached by a collaborative process involving internal stakeholders.

5. Budgetary Impact

- Estimated personnel costs are:

Current Position	Union	FTE	Salary	Proposed	Union	FTE	Salary	Difference
Inspections Office Asst	CEBA 9	1.5	\$ 51,509	Permit Technician	TBD	3	\$ 150,000	\$ 98,492
Admin Assistant	CEBA 8	1	\$ 34,105	Executive Assistant	NU 4	1	\$ 40,833	\$ 6,728
				Department Director	NU	1	\$ 104,000	\$ 104,000
								\$ 209,220

Conclusion

The Planning and Urban Development Department staff and those performing permitting, licensing and inspections functions throughout the City are to be praised for their commitment to process improvement, and for working under stressful conditions for a long time. Creating a new department encompassing these many functions will allow for an invigorated approach focusing on streamlining processes, managing by functional area, and ensuring excellent customer service.

Interviewees**Internal**

Who	Dept	Role
Andrews, Deb	Plng	Historic Preservation
Barhydt, Barbara	Plng	Development Review Services Manager
Bourque, Jeanie	Plng/Inspex	Plan Reviewer
Bourret, Vicki	IT	Deputy Director
Boutilier, Dan	IT	Department Director
Cameron, Caitlin	Plng	Urban Designer
Christ, Doreen	Plng/Inspex	Office Assistant
DeLuca, Sally	Rec & Facil	Department Director
Dobson, Lannie	Plng/Inspex	Office Assistant (former)
Downs, Andy	Rec & Facil	Director of Public Assembly Facilities
Fagone, Chuck	Plng/Inspex	Code Enforcement Officer
Gardner, Janice	City Clerk	Business License Administrator
Gautreau, Keith	Fire	Asst Chief, Fire Prevention
Grimando, Christine	Plng	Senior Planner
Hanig, Nelle	Eco Dev	Business Programs Manager
Kelly, Desiree	Plng	Principal Admin Officer
Knowland, Rick	Plng	Senior Planner
LaFlamme, Brian	Plng/Inspex	Electrical Inspector
Leader, Laurie	Plng/Inspex	Plan Reviewer
Levine, Jeff	Plng	Department Director
Machado, Ann	Plng/Inspex	Zoning Administrator
Merritt, Carol	Pub Serv	Account clerk (Street openings)
Meserve, Tori	Fire	Fire Prevention admin
Messinger, Craig	Fire	Lieutenant, Fire Prevention
Mitchell, Greg	Eco Dev	Department Director
Moon, Troy	Pub Serv	Environmental Programs and Open Space Manager
Munson, Tammy	Plng/Inspex	Inspections Division Director
Munson, Jennifer	Planning	Office Manager
Musgrave, Ted	Pub Serv	Event Coordinator
Needelman, Bill	Eco Dev	Waterfront Coordinator
Pearson, Ben	Pub Serv	Wastewater Engineer (FOG)
Petrucelli, David	Fire	Captain, Fire Prevention
Peeverada, John	Parking	Parking Manager
Rand, Sgt Mike	PD	Traffic
Rioux, Jon	Plng/Inspex	Inspections Deputy Director

External

South Portland Planning staff
Veroneau, Vin JB Brown
Munroe, Tom CAP Services
Sanborn, Heather Rising Tide
Ghanekar, Gillian JB Brown

Russell, Mike	HHS/PH	Program Manager, Food Service Inspections
Saucier, Brad	Plng/Inspex	Admin Assistant
Soma, Toho	HHS/PH	Public Health Division Director
Stacy, Christine	Plng/Inspex	Zoning Specialist

Proposed Building Permit Fee Change

Current Fee

\$25 per first \$1,000 of construction costs then 1.1% above that

Proposed Fee

\$25 per first \$1,000 of construction costs then 1.6% above that

Expected Revenue Increase		Current Fee	Current Exp Revenue	Proposed Fee	Est CY 16 Revenue	Est Increase
Est CY 15 Total Construction Costs	\$116,163,549	1.1%	\$1,277,813	1.6%	\$1,858,626	\$580,813

Additional Costs for New Department

Staffing Changes (salary difference plus fringe)	\$ 276,756
Technology Improvements	\$ 295,557
Training Budget (3 Permit Techs, continuing ed for others)	\$ 8,500

Building Permit Fees - Comparisons

Portland - current	\$25 for first \$1,000; 1.1% above
Portland - proposed	\$25 for first \$1,000; 1.6% above
Bangor, ME	\$38-55 minimum plus \$7 per \$1,000 of construction costs (.7%)
Burlington, VT	\$30 min plus \$8.50 per \$1,000 of cost of work (.85%)
Lewiston, ME	\$25 min plus \$6 per \$1,000 of cost of work (.6%)
Manchester, NH	\$30 min plus 1% of cost of work plus \$.02 per square foot plan review fee
Portsmouth, NH	\$50 min plus \$.25 per gross square foot of floor area for new construction; \$7 per 1,000 of residential renovation cost (.7%); \$10 per \$1,000 of commercial renovation cost (1%)
South Portland, ME	1.5% per \$1,000 of construction costs

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 143-15/16
Tab 14 1-20-16
Tab 7 2-1-16
Tab 17 2-17-16
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING ELEMENTARY SCHOOL CONSTRUCTION PROJECT WITH
TOTAL PROJECT COSTS NOT TO EXCEED \$29,720,456 AND AUTHORIZING GENERAL
OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$29,720,456 THEREFORE**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, IT IS HEREBY

ORDERED THAT:

There be and hereby is authorized and approved the design, construction, furnishing and equipping of a new elementary school to replace Hall Elementary School with total project costs not to exceed \$29,720,456 (the "Project"), and that there be and hereby is authorized the issue and sale of the City's general obligation bonds in the aggregate principal amount not to exceed \$29,720,456 to finance the costs of such Project.

BE IT FURTHER ORDERED

1. That the Director of Finance be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of \$29,720,456 (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, not inconsistent herewith, including the form and manner of their sale and award as he may approve, such approval to be conclusively evidenced by the execution thereof;

2. That the Director of Finance be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;

3. That the Director of Finance be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;

4. That any Bond or BAN issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Director of Finance is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including leases, instruments and certificates as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the financing of the Project, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance such approval to be conclusively evidenced by his execution thereof;

6. That the Director of Finance be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Director of Finance be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Director of Finance be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Director of Finance, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Director of Finance be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Director of Finance be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Director of Finance be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Director of Finance and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized, all such Bonds or BANs to bear the original signature of the Director of Finance and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax exempt basis, the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Projects; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, furnishing and equipping of the Projects; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Projects; (4) the cost of demolition, site preparation, landscaping and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery, furnishings and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Projects; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Projects; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest for a period not to exceed three years from the issue date of the Bonds or BANs, and for any additional period permitted under Section 148 of the Internal Revenue Code of 1986, as amended, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing;

17. That the Director of Finance, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

18. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been

actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

19. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

20. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

21. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished.

22. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

BE IT FURTHER ORDERED that the question of whether the voters approve and ratify this Order, and the Project and the Bonds authorized hereby shall be placed upon the ballot at a municipal referendum election to be held on April 5, 2016.

TO: Jon Jennings, City Manager

FROM: Anita LaChance, Deputy City Manager

SUBJECT: City Council Orders re: New Hall Elementary School

DATE: January 5, 2016

These items would authorize the construction of a new Hall Elementary School on the existing site, at a total cost of \$29,720,456. All but \$1,390,485 of the bonded amount would be reimbursed by the State. Both the Hall School Building Committee and the Portland Board of Education voted to recommend the locally funded options. The local share of the project would be for the following purposes:

Classroom Security Upgrades	\$ 53,235
Operable Partitions	\$ 38,455
Additional Play Equipment/Outdoor Learning	\$ 49,690
Sod on Athletic Fields	\$ 37,865
Rehabilitation of Orono Rd.	\$ 31,950
LEED Certification	\$ 35,000
Middle School Sized Gym	\$ 538,090
Larger Cafeteria	\$ 346,675
Stormwater Treatment	\$ 194,525
Bond Anticipation Notes	\$ 65,000
Total	\$ 1,390,485

The existing enrollment at Hall School is approximately 440 students, and the targeted enrollment at the new school is 558 students, grades pre-k through 5. The existing school has an area of approximately 54,000 square feet, but is only a single-story building. The new school will have an area of approximately 84,890 gross square feet, and includes two classroom wings. One wing is two-story, and the other is single-story but will be designed with the structural capability to allow for a second story expansion in the future if additional student capacity is needed.

On October 9, 2015 the State Board of Education voted to approve the site design for this project. The concept design was reviewed by the State Board's construction sub-committee on January 4, 2016 and is scheduled to be approved by the entire Board on January 13, 2016.

The proposed project schedule, assuming a positive referendum outcome is for construction to begin in the late spring of 2017 with substantial completion the summer of 2018 and occupancy in the fall of 2018.



MEMORANDUM

To: Portland City Council
Subject: New Construction Project
Project Name: Hall Elementary School
Date: February 8, 2016

The following provides a summary of differences between the preliminary budget developed for the Hall Elementary School project through Buildings for Our Future (BFOF) initiative and the Concept Design budget developed through the Site and Concept Approval application process with the Department of Education (DOE).

Additional Square Footage: The BFOF replacement plan included a building of roughly 80,000 square feet. This allowed for a building capacity of 525 students. Through the Concept Approval process, a larger student population was planned for the new building. This increase in student capacity came from a number of areas including the addition of a second Pre-Kindergarten room and the inclusion of two Functional Life Skills rooms. In addition, a middle school-sized gymnasium and a larger cafeteria (sized for two seatings) have been included in the project. This has led to a planned building size of 84,890 square feet.

At \$200/SF, the additional 4,890 sf results in an increase of \$978,000 in construction cost and also a slight increase in the site work portion of the project and increases in project contingencies and associated fees.

Increase in construction costs: Construction costs have increased approximately 4.25% in 2014 and 4.35% in 2015 and are projected to rise at those levels for the foreseeable future. With an anticipated completion date of September 2018, this represents a nearly 17% increase in materials and labor. This in turn impacts a number of associated contingencies and fees discussed below.

Increase in contingencies and fees associated with higher construction costs: Three line items in the total project budget are derived as a percentage of the total construction costs: Bid Contingency (5%), Construction Contingency (5%), and Architectural and Engineering Fees (6.8% calculated by the BGS Fee guideline.) With an estimated increase in State/Local construction budget (excluding locally funded options) of \$5,046,505, these line items increased by a total of \$847,813.

Unsuitable soils and mat foundations: Geotechnical investigations conducted as part of the DOE Site Approval process revealed soils with a low bearing capacity. This will require non-conventional foundation construction, adding an additional \$815,000 to the project.

Site Access: The concept site plans developed through BFOF proposed utilizing the two existing, one-way, site driveways (Warwick Street and Orono Road). The DOE's guidelines for site design require two site access points, so an additional entrance was developed. The increased enrollment also required parking and queuing space in excess of what was planned for in the BFOF plan. This increased the site portion of the Concept Design budget.

Moveable Equipment and Technology: The BFOF initiative (per PPS direction) did not include additional funds for Moveable Equipment (furniture) or non-infrastructure technology (servers, projectors, smartboards etc.). The Concept Approval Budget includes \$1,461,960 for these expenses.

Locally Funded Items: In addition to the additional square footage discussed above, the building committee and Portland Board of Public Education have recommended a number of locally funded options including classroom security upgrades, operable partitions, additional outdoor play and learning equipment, sod on athletic fields, the rehabilitation of Orono Road, LEED Certification (required for City owned projects) and additional stormwater treatment (to eliminate the impact fee).



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ASSOCIATES

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MEMORANDUM

To: Portland City Council
Subject: New Construction Project
Project Name: Hall Elementary School
Date: January 6, 2016

In April 2014, the Fred P. Hall Elementary School was placed on the State Department of Education's priority list for Major Capital School Construction. Oak Point Associates was selected to be the architect for the project in the fall of 2014, and the first meeting of the Hall School Building Committee was held on January 7, 2015. Over the past twelve months Oak Point Associates, the Hall School Building Committee, the Portland Board of Public Education, and the City of Portland have been working together to develop a predominantly state-funded new school construction project. The following is a brief project description, and a summary of the activities undertaken within the past year.

Project Description

The project objective is to construct a new elementary school to replace the existing school, with a slightly larger population than the existing school. The existing enrollment at Hall School is approximately 440 students, and the targeted enrollment at the new school is 558 students. The new school will accommodate the increasing enrollment that is projected to happen as a result of the Portland Public Schools' plan to better manage population growth at the Ocean Avenue Elementary School by shifting portions of the OAES district to the Hall School district, as well as adding two pre-Kindergarten classrooms. The existing school has an area of approximately 54,000 square feet, but is only a single-story building. The new school will have an area of approximately 84,890 gross square feet (gsf), and includes two classroom wings. One wing is two-story, and the other is single-story but will be designed with the structural capability to allow for a second story expansion in the future if additional student capacity is needed. (See attached floor plans) Of the 84,890gsf, 81,220gsf is supported by state funding, and 3,670gsf is proposed as locally funded increases to gym and cafeteria size (see "Locally Funded Options" below).

The new school will be constructed on the existing Hall School site. (A preliminary look at alternate school sites within the Hall School district was conducted but no property of the size needed was found that would be located in proximity to the district population center, and with the desired characteristics of a school site.) After conducting a regional analysis that considered consolidating the Longfellow and Hall Schools, the School Board voted on June 16, 2015 to move ahead with planning for a new Hall School on the existing Hall School site.

The concept developed for the new school proposes to construct the new school adjacent to the existing school, but further back on the site to allow for better vehicular circulation (and also to allow portions of the new school to be constructed while the majority of the existing school remains open). It aims to be sensitive to the Capisic Brook Watershed, and to retain as many of the character-defining aspects of the site that have a benefit to the school and to the public (Portland Trails, for example). It includes a playground and playing fields. The concept also proposes a new school entrance for parents and staff at Riggs Street, which would alleviate traffic congestion on Orono Road, provide flexibility and

additional vehicle capacity for drop-off and pick-up. (Bus traffic would utilize Orono Road.) The project includes separate bus and parent loops, as well as a parking lot for 100 cars. (See attached site plan)

Activity Summary

Architect hired	Fall 2014
Building Committee convened	January 7, 2015
Regional Analysis completed	June 16, 2015
Site Approval by State Board of Education	December 9, 2015
Concept Approval State Board of Education	January 13, 2016 (anticipated)

An April 2016 referendum is desired, and upon successful voter approval of the project Oak Point Associates would begin development of construction documents, with the intent to put the project out to competitive bid in the Spring of 2017. (See attached Project Schedule)

Locally Funded Options

The State of Maine has specific parameters within which state funding is allocated to major capital construction projects. The Department of Education (DOE) has published guidelines and standards that set a consistent baseline standard for new schools, which communities are allowed to supplement with local funding.

Over the past several months, the building committee has been developing a list of locally funded options to improve the educational delivery within the building, improve energy efficiency, enhance the security for students and staff as well as reducing the costs associated with stormwater management. At its November 4, 2015 meeting the building committee voted to recommend that specific items be considered by the Portland Board of Public Education and Portland City Council as locally funded improvements. On December 8, 2015 the Portland Board of Public Education voted to approve the list of locally funded improvements for City Council action.

Descriptions and estimated costs for locally funded options are attached (see School Board Recommended Local Improvements summary and Construction Budget sheet).



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Hall Elementary School

Summary-School Board Recommended Local Improvements and Final local financing requirements

January 6, 2016

The following improvements were recommended by the Portland Board of Public Education at their December 8, 2015 Meeting

Improvements Recommended by the Portland Board of Public Education

1 Classroom security upgrades	\$	53,235
2 Operable Partitions	\$	38,455
3 Additional Play Equipment/Outdoor Learning	\$	49,690
4 Sod on athletic fields	\$	37,865
5 Rehabilitation of Orono Road	\$	31,950
6 LEED Certification	\$	35,000
7 Middle School Sized Gymnasium	\$	538,090
8 Larger Cafeteria	\$	346,675
9 Stormwater Treatment	\$	194,525

Additional required Local Funding

10 BAN Interest Reserve	\$	65,000
Total	\$	1,390,485



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Hall Elementary School

Summary-Building Committee Recommended Local Improvements

January 6, 2016

Recommended improvements		
1 Classroom security upgrades	\$	53,235
Providing a safe and secure learning and work environment for all students and staff is a critical component of modern school design. Planned improvements would provide an electronic locking system that would allow designated staff members to initiate emergency lockdown procedures remotely as well as hardening of the interior vestibule doors/glass. These enhancements will be coordinated with district emergency management policies as well as first responders to ensure a comprehensive solution is obtained.		
2 Operable Partitions	\$	38,455
Staff has requested the ability to have two rooms per grade (K-5) serve as team teaching spaces. The current school has two team teaching rooms. Operable partitions would be used to allow the two classroom spaces to be combined. The existing Hall Elementary School has two teams successfully using a team teaching model for their instructional practices. DOE has listed these partitions as premium in their guidelines but have agreed to provide two as replacements for existing spaces. These locally funded partitions are in addition to those supported by DOE.		
3 Additional Play Equipment/Outdoor Learning	\$	49,690
The DOE provides \$160 per student for play equipment and very limited landscaping for the total project which typically will not be sufficient to construct outdoor learning spaces. The Playground/Outdoor Learning Spaces subcommittee has been working with the City and Hall Elementary Staff to develop a comprehensive outdoor learning plan to further the educational goals of the school and provide the much needed community play spaces. Purchase of additional equipment through the contract would provide cost savings and align equipment warranties.		
4 Sod on athletic fields	\$	37,865
The construction of the athletic fields will occur after the demolition of the existing school, in the final summer of construction. The fields are being used not only for the physical education curriculum and community athletics, but as part of the recreational space for recess and the after school recreation program. Because almost everything else has to be constructed before lawn can be seeded, seeding will likely occur in the late summer/early fall, making the field unusable for at least one year while a sustainable stand of turfgrass is established. Sod would allow the field to be used for athletics the following spring, and would be less vulnerable to accidental foot damage during the fall months, even though use of the fields for recreation and recess will be prohibited or significantly limited until roots have knit with the underlying soil.		

Hall Elementary School

Summary-Building Committee Recommended Local Improvements

January 6, 2016

5 Rehabilitation of Orono Road	\$	31,950
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Installation of a new water main on Orono Road serving the new school will require excavation and trenching of the street. The trench is estimated to be 8' wide and the road is 24' wide in total. The State will cover the cost of the trench patch but not resurfacing of the entire street. There would be savings to the city to perform this work as part of the project as the contractor will be mobilized for this work.

6 LEED Certification	\$	35,000
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The City of Portland's Code of Ordinances, Section 6-165-Green Building code establishes the energy performance requirements for construction and renovation projects in the city and aims to minimize the impact of projects on the environment, promotes healthy workplaces and conserving natural resources. Section 6-167 requires that all new construction and renovation projects over 2,000 sf that are owned or occupied by the City of Portland be certified to the LEED Silver level. DOE will not support the additional application fees and expenses relating to LEED Certification.

7 Middle School Sized Gymnasium	\$	538,090
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Review of available athletic facilities by Parks and Recreation noted a deficiency of gymnasium space for community uses. The larger gym would also provide the school and community a larger performance space. It would not be possible to enlarge the gymnasium after the completion of construction. A middle school-sized gymnasium is 2,275 square feet larger than the DOE-funded elementary school gymnasium.

8 Larger Cafeteria	\$	346,675
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Hall Elementary staff has requested that the cafeteria be sized to accommodate two lunch seatings (DOE supports a cafeteria sized for three lunch seatings). Staffing the three lunches takes away from the instructional opportunities for students because ed techs are covering 90 minutes of lunch supervision. The cafeteria is one of the most important social learning centers of an elementary school. By providing more space we could spread students out and be more responsive to unmet needs. It would be expensive to enlarge the cafeteria after the completion of construction. The cafeteria would increase in size by 1,395 square feet.

Hall Elementary School
Summary-Building Committee Recommended Local Improvements

January 6, 2016

9 Stormwater Treatment	\$	194,525
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The DOE will fund stormwater treatment necessary to obtain DEP permitting. With impending City of Portland stormwater impact fees, options to reduce the fee were evaluated to either reduce or eliminate the fee. The additional improvements utilize the infrastructure that is constructed through the State project and increases the overall system capacity. This improvement will fund treatment sufficient enough to eliminate the impact fee.

10 BAN Interest Reserve	\$	65,000
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The Maine Department of Education rules governing Major Capital Improvement Projects require that the interest between BAN and Bond are balanced. Analysis by bond counsel indicates that the current design and construction schedule will result in a deficit which is required to be a local expense.

Total	\$	1,390,485
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Portland Public Schools
Hall Elementary School
 Grades Pre-K through 5, Capacity: 558 Students

Oak Point Associates
Concept Approval
 January 13, 2015

	State/Local	Local Only & Other Funding	Total
A CONSTRUCTION			
1 Construction Estimate	\$22,091,000	\$1,077,000	\$23,168,000
	\$0	\$0	\$0
Subtotal	\$22,091,000	\$1,077,000	\$23,168,000
B ADMINISTRATIVE COSTS & RESERVES			
2 Land Purchase and Related Costs	\$1,150	\$0	\$1,150
3 Moveable Equipment	\$1,461,960	\$16,740	\$1,478,700
4 Advertising and Legal	\$167,257	\$65,000	\$232,257
5 Percent for Art	\$50,000	\$0	\$50,000
6 Project Reserves	\$75,000	\$35,000	\$110,000
7 Project Contingency	<u>\$2,209,100</u>	<u>\$107,700</u>	<u>\$2,316,800</u>
Subtotal	\$3,964,467	\$224,440	\$4,188,907
C FEES AND SERVICES			
8 Architect / Engineer Basic Services	\$1,502,188	\$73,236	\$1,575,424
9 Architect / Engineer Additional Services	\$54,000	\$0	\$54,000
10 Architect / Engineer Reimbursables	\$63,845	\$0	\$63,845
11 Site Selection	\$15,225	\$0	\$15,225
12 Permitting & Approvals	\$213,105	\$0	\$213,105
13 Survey and Soils	\$71,760	\$0	\$71,760
14 Construction Testing	\$25,000	\$0	\$25,000
15 Project Coordination	\$76,281	\$3,719	\$80,000
16 Clerk of the Works	\$167,056	\$8,144	\$175,200
17 Commissioning	\$80,944	\$3,946	\$84,890
18 Other Professional Services	<u>\$5,100</u>	<u>\$0</u>	<u>\$5,100</u>
Subtotal	\$2,274,504	\$89,045	\$2,363,549
D TOTAL PROJECT COST	\$28,329,971	\$1,390,485	\$29,720,456
E Other Funding Sources	\$0	\$0	\$0
F Maximum Bond Amounts	\$28,329,971	\$1,390,485	\$29,720,456

Portland Public Schools
Hall Elementary School

Concept Approval
December 21, 2015

PROPOSED PROJECT SCHEDULE

<u>Activity</u>	<u>Date</u>
Site Approval by State Board of Education	December 09, 2015
Concept Approval by State Board of Education	January 13, 2016
Referendum Date	April 5, 2016
Design Development Complete	October 2017
100% Construction Documents Complete	February 2017
Design & Funding Approval by State Board of Education	March 2017
Project out to Bid	March 2017
Bid Opening	May 2017
Final Funding Approval by the Commissioner of Education	Spring 2017
*Dept. of Education Established Bond Date	Spring 2018
Substantial Completion	Summer 2018
Occupancy	Fall 2018

**Bond date contingent upon Legislative appropriation.*

SQUARE FOOT SUMMARY

<u>Space Definition</u>	<u>State/Local</u>	<u>Local Only</u>	<u>Total</u>
New Construction (sf)	81,220	3,670	84,890 sf
Renovation (sf)	0	0	0 sf
Total	81,220	3,670	84,890 sf

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 144-15/16
Tab 12 - 1-20-16
Tab 8 - 2-1-16
Tab 18 - 2-17-16
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPROPRIATING \$29,720,456 OF BOND PROCEEDS

IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 below, the sum of \$29,720,456 be and hereby is appropriated to finance the design, construction and equipping of a new elementary school to replace Hall Elementary School.
2. The appropriation set forth in paragraph 1 above is and shall be contingent upon the approval by the City Council (and, as necessary, the voters of the City of Portland) of general obligation bonds for such purpose (the amount appropriated to be adjusted to reflect the principal amount of bonds so authorized) and the issuance and delivery of such bonds or notes in anticipation thereof for such purposes. The foregoing appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).

Question __: Shall the Order entitled "ORDER APPROVING ELEMENTARY SCHOOL CONSTRUCTION PROJECT WITH TOTAL PROJECT COSTS NOT TO EXCEED \$29,720,456 AND AUTHORIZING GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$29,720,456 THEREFORE", with provisions for early redemption as set forth in said Order be Approved?

- (a) Project Location. The new elementary school and related improvements will be located at and near 23 Orono Road, Portland, Maine.
- (b) State/Local and Non-State-Funded (Local Only) Portion of the New Elementary School. The project budget for the new elementary school and related improvement includes \$28,329,971 of state/local costs and \$1,390,485 of non-state-funded (local only) costs.
- (c) Responsibility for Bond Payments. The City is responsible for the local share of the annual principal and interest payments for the new elementary school and related improvements included in the total cost of education appropriated pursuant to 20-A M.R.S.A. §15690(1), if any, and for the annual principal and interest payments for the non-state-funded (local only) portion of the new elementary school construction project.
- (d) Additional Operating Costs. The estimated amount of the additional operating costs of the new elementary school and related improvements following completion of construction is \$ _____ for the first year and \$ _____ for the second year. The entire additional operating costs of the new elementary school during its first two years shall be borne by the City.

FINANCIAL STATEMENT PURSUANT TO 30-A M.R.S. § 5772(2-A)

The undersigned Director of Finance of the City of Portland hereby provides the following statement as required by 30-A MRSA §5772(2-A).

A. City Debt:

- 1. Bonds outstanding and unpaid: \$ _____
- 2. Bonds authorized but unissued: _____
- 3. Bonds to be issued if the Order is approved: \$29,720,456

B. Costs:

The anticipated average interest rate on the proposed bonds is 4.00%. The actual interest rate will be determined at the time the bonds are sold. Assuming level principal payments over a twenty (20) year term, the estimated cost of the new bonds is:

Bond Principal:	\$29,720,456
Estimated Interest Cost:	\$13,268,564
Total Estimated Debt Service:	\$42,989,020

C. Validity:

The foregoing represents an estimate of costs associated with the financing and the actual costs may differ due to changes in term and maturities of the bonds and market conditions. Under Maine law, the validity of the bonds and the voters' ratification of the bonds will not be affected by any errors in the foregoing estimates and the ratification of the voters is conclusive and the validity of the bonds is not affected by reason of any variance of actual costs or total debt service from the estimates provided above.

By: _____
 Brendan T. O'Connell
 Director of Finance

ETHAN K. STRIMLING (MAYOR)
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**CITY OF PORTLAND
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Tab 19 2-17-16

**ORDER SUBMITTING ELEMENTARY SCHOOL CONSTRUCTION PROJECT BOND
ORDER TO REFERENDUM**

WHEREAS, contemporaneously herewith the City Council adopted an order authorizing the design, construction, furnishing and equipping of a new elementary school to replace Hall Elementary School with total project costs in the aggregate not to exceed \$29,720,456 (the "Project"), and further authorizing issuance of the City's bonds in an amount not to exceed \$29,720,456 to finance the costs of the Project (the "School Order") and

WHEREAS, Article VII, Section 16 of the City Charter and 20 M.R.S.A. §15904 require that the School Order be submitted to the voters of the City following a public hearing;

WHEREAS, the City Council held a public hearing on the School Order at its regular meeting held February 1, 2016;

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF PORTLAND BE IT HEREBY ORDERED:

THAT the City Council hereby submits to the legal voters of the City of Portland in accordance with Article VII, Section 16 of the City Charter and 20-A M.R.S.A. §15904, a proposition for the enactment of the School Order substantially in the form attached hereto as Exhibit A.

THAT the referendum questions be submitted to the voters at a special municipal election to be held on April 5, 2016, for the purpose of voting for or against the enactment of such School Order and the authorization of the project and the financing provided for therein.

THAT the City Manager, Director of Finance and Clerk be and hereby are authorized and directed to undertake all action necessary or appropriate to place said School Order before the voters at such election.