

1. Legal Ad

Documents: [5-21-14 LEGAL AD.PDF](#)

2. Agenda

Documents: [05-21-14 AGENDA.PDF](#)

3. 1 Carroll Street

Documents: [HP MEMO - 1 CARROLL ST..PDF](#)

4. 133 Spring Street

Documents: [HP MEMO - 133 SPRING ST..PDF](#)

5. Evergreen Cemetery

Documents: [HP MEMO - EVERGREEN CEMETERY.PDF](#)

6. Deering Oaks Pond

Documents: [HP MEMO - DEERING OAKS POND.PDF](#)

7. 251-261 Commercial Street

Documents: [HP MEMO - 251-261 COMMERCIAL ST..PDF](#)

**LEGAL ADVERTISEMENT  
HISTORIC PRESERVATION BOARD  
CITY OF PORTLAND  
Public comments will be taken at all meetings**

On Wednesday, May 21, 2014 at 5:00 p.m., the Portland Historic Preservation Board will meet in Room 209 of City Hall to review the following items:

**1. PUBLIC HEARING**

- i. Certificate of Appropriateness for Porch Infill; ONE CARROLL STREET; Ian and Kate Malin, Applicant.
- ii. Certificate of Appropriateness for Installation of Rooftop Mechanicals; 133 SPRING STREET; John Stadler, Applicant.

**Break for Dinner; Meeting Resumes in Room 209 at 6:45**

**PUBLIC HEARING (continued)**

- iii. Certificate of Appropriateness for Site Alterations associated with Burial Lot Expansion; EVERGREEN CEMETERY; City of Portland, Applicant.
- iv. Certificate of Appropriateness for Alterations to Deering Oaks Pond; DEERING OAKS; City of Portland, Applicant.

**2. WORKSHOP**

- i. Preliminary Review of Proposed Elevated Building Connector; 245 and 261 COMMERCIAL STREET; Casco View Holdings II, LLC

**4. CONSENT AGENDA**

**Contact the Department of Planning and Urban Development, Planning Division, 874-8726 for further information. To access agenda materials on-line, please visit the following web address on or after the Friday preceding the meeting date:  
<http://www.portlandmaine.gov/historic.htm>**

# **CITY OF PORTLAND, MAINE**

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## **HISTORIC PRESERVATION BOARD**

Rick Romano, Chair  
Scott Benson, Vice Chair  
Ted Oldham  
Penny Pollard  
John Turk  
Bruce Wood

### **HISTORIC PRESERVATION BOARD AGENDA** **May 21, 2014 – 5:00**

#### **Public comments will be taken at all meetings**

- 1. ROLL CALL AND DECLARATION OF QUORUM**
- 2. COMMUNICATIONS AND REPORTS**
- 3. REPORT OF DECISIONS OF MAY 7, 2014:**

- i. Certificate of Appropriateness for Lighting and Canopy Installation; 638 Congress Street; 638 Congress Street Partners LLC., Applicant. The Board voted 4-0 (Benson and Oldham absent) to approve the application, subject to conditions.

- 4. PUBLIC HEARING**

- i. Certificate of Appropriateness for Porch Infill; 1 Carroll Street; Ian and Kate Malin, Applicant.
- ii. Certificate of Appropriateness for Installation of Rooftop Mechanicals; 133 Spring Street; John Stadler, Applicant.

**Break for Dinner; Meeting Resumes in Room 209 at 6:45 p.m.**

- 5. PUBLIC HEARING - (continued)**

- iii. Certificate of Appropriateness for Site Alterations associated with Burial Lot Expansion; Evergreen Cemetery; City of Portland, Applicant.
- iv. Certificate of Appropriateness for Alterations to Deering Oaks Pond; Deering Oaks; City of Portland, Applicant.

- 6. WORKSHOP**

- i. Preliminary Review of Proposed Elevated Building Connector; 245 and 261 Commercial Street; Casco View Holdings II, LLC

- 7. CONSENT AGENDA**

**Contact the Department of Planning and Urban Development, Planning Division, 874-8726 for further information. To access agenda materials on-line, please visit the following web address on or after the Friday preceding the meeting date: <http://www.portlandmaine.gov/AgendaCenter>**

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

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**PUBLIC HEARING  
1 CARROLL STREET**

**TO:** Chair Romano and Members of the Historic Preservation Board

**FROM:** Rob Wiener, Preservation Compliance Coordinator

**DATE:** May 15, 2014

**RE:** May 21, 2014 Public Hearing

Application For: Certificate of Appropriateness to rebuild and partially enclose a side porch

Address: 1 Carroll Street

Applicants: Ian and Kate Malin

Architect: John Whipple, Whipple – Callender Architects

Contractor: Papi and Romano Builders

**Introduction**

John Whipple of Whipple-Callender Architects is returning to the Board on behalf of owners Kate and Ian Malin, to present revised plans to enclose the Thomas Street side porch for a kitchen expansion at 1 Carroll Street. On January 8, 2014 Mr. Whipple first presented the plans and application for a Certificate of Appropriateness, working with a design that he originated in 2008. On March 19, 2014 Mr. Whipple presented revisions to the plans, with the most visible changes being to the exterior of the wall facing Thomas Street. The staff memo prepared for the March 19 meeting is included in this packet, for its summary of Board comments and the architect's revisions. For the May 21 meeting Mr. Whipple again provides a written description of the plans he is presenting in response to the feedback offered by the Board. He continues to emphasize that the proposed evolution – a house with a larger, family-friendly kitchen, would be key to satisfying Review Standard One: the effort to provide a compatible use (in this case, the originally intended residential purpose,) with minimal alteration to character-defining features of the property. Also new for this meeting are revised elevations and a section through the kitchen addition.

**Board Feedback at the 3/19/14 Meeting**

As in the January meeting, discussion at the March meeting focused on three main concerns.

- What vestiges or signs to leave of the original brick exterior wall

Two Board members continued to prefer that a stronger remnant of the brick wall, “the original skin of the building,” remain as a reminder of what they regarded as a character-defining feature. Several other members felt that once the new outside wall was completed, the original wall would be little missed because of minimal visibility from the sidewalk and street.

- The treatment of the porch infill detailing, and its relationship to the main house and garage

There was clear, apparently unanimous desire to see bolder, more defined trim details on the porch infill, to relate better to the original house.

- The treatment of the north wall, which is partly engaged by the front corner of the garage

The Board favored a quiet approach to the wall, compatible with the house and porch, and differentiated from the garage. Members were favorably disposed toward wrapping some fenestration around the corner, similar to the Thomas Street face.

### **Proposed Revisions to Plans**

The new elevations, wall section, and narrative present more changes in response to the concerns where the Board came closest to consensus. Inside, the half columns at the north and south ends of the removed wall, along with the supporting beam, are all proposed to be wrapped with painted wood; in the last proposal the tile backsplash surrounded the north post as well; now the tile wrapping the painted north post has been eliminated. On the exterior columns, bases, and capitals on the prominent Thomas Street face appear to match the existing except that the columns and window sills are proposed to have greater depth than in the last iteration of the plans. In conjunction with proposing flush painted board siding on the north wall, the east wall is shown with the same treatment in the latest elevation.

Except for a narrow window at the corner which is the same height as the east porch windows, the north wall is now proposed with simple, painted, flush board siding. Both the Board and the owners favored this continuation of the Thomas Street windows around the corner, but the panels on the north wall were problematic and the architect’s latest north elevation shows no panels.

### **Staff Comments**

For this third meeting to consider the alterations to the porch and kitchen at One Carroll Street, the applicants have again made changes to the proposed exterior, based on the Board’s suggestions for the most compatible solutions. Though the Board might choose to ask for additional design changes, staff believes the exterior changes have brought an appropriate design within reach; one that relates to the original house and is distinct from the attached garage.

The most difficult issue for the Board to find consensus on continues to be the removal of the existing brick wall, and what should be left as a reminder. Mr. Whipple’s most recent revision does not significantly alter the details of the wrapped and painted posts and beam, except for the above mentioned tile backsplash. The Board will have to decide whether the architect’s

proposal satisfies the wish (much stronger for some than for others) to see some physical memory of the wall expressed in the renovation.

On the exterior of the Thomas Street (east) wall, Board members are presented with somewhat more robust columns and window sills, and must decide whether the current proposal is strong enough to relate to the house appropriately. It is perhaps worth noting that the width of the columns, their capitals, and the bases all match the existing columns of the porch, but the columns have been deepened to stand out more, and they are more pronounced in that façade with the addition of the middle column added for the version of the plans reviewed on March 19. The Board may want to discuss whether they seek details that are bolder than those on the existing porch, or should the existing models be emulated as past changes that have acquired significance in their own right. Staff also wonders whether the thickness of the window sill should be increased to have a stronger presence.

Note that Mr. Whipple is presenting a new east elevation with flush painted boards below the windows, consistent with the north wall. Staff wonders if the Board, which seemed favorably disposed toward the formality of the framed panels on the east face in the last proposal, prefer the paneled approach on the east wall, and possibly a contrasting flush board finish on the north wall. (The east elevation from the March 19 meeting is included for comparison.)

On the north wall, the combination of a narrow window akin the main face of the porch enclosure and simple, smooth siding may come closer than any of the previous plans to a compatible solution for this face. Staff believes the Board will be comfortable with the proposal of Marvin wood windows, rather than a clad version.

### **Applicable Review Standards**

- (1) *Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.*
- (2) *The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*
- (4) *Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right, shall not be destroyed.*
- (5) *Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.*
- (9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that*

*characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.*

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

### **Motion for Consideration**

On the basis of plans and specifications submitted by the applicant for the May 21, 2014 Public Hearing and information included in the accompanying staff report, the Board finds that the proposed rehabilitation porch infill project at 1 Carroll Street **meets (fails to meet)** the Standards for Review of Alterations within the historic preservation ordinance, specifically Standards #..... **(Board approval is subject to the following conditions...)**

### **Attachments**

1. Letter from project architect
2. Revised elevations and section
3. Board packet for March 19, 2014 meeting

### **Motion for Consideration**

On the basis of plans and specifications submitted for the 2/19/14 Public Hearing and information included in the accompanying staff report, the Board finds that the proposed porch and kitchen alterations at 1 Carroll Street **meet (fail to meet)** the Standards for Review of Alterations within the historic preservation ordinance, specifically Standards #..... . **(Board approval is subject to the following conditions...)**

### **Attachments**

1. Revised submission, including summary by architect, revised project plans, and photographs of enclosed porches
2. Original submission package for January 12, 2014 Public Hearing



May 8, 2014

**Historic Preservation Board**  
Portland

Re:  
**1 Carroll St.**  
Portland

**Revised application**

Board Members:

In our next appearance before the Historic Preservation Board, we will propose a number of changes to the plans for renovation of 1 Carroll Street.

Discussion at the second meeting of the board centered on two issues: the treatment of the new exterior walls, and the removal of the brick wall between the kitchen and the porch that will allow expansion of the kitchen.

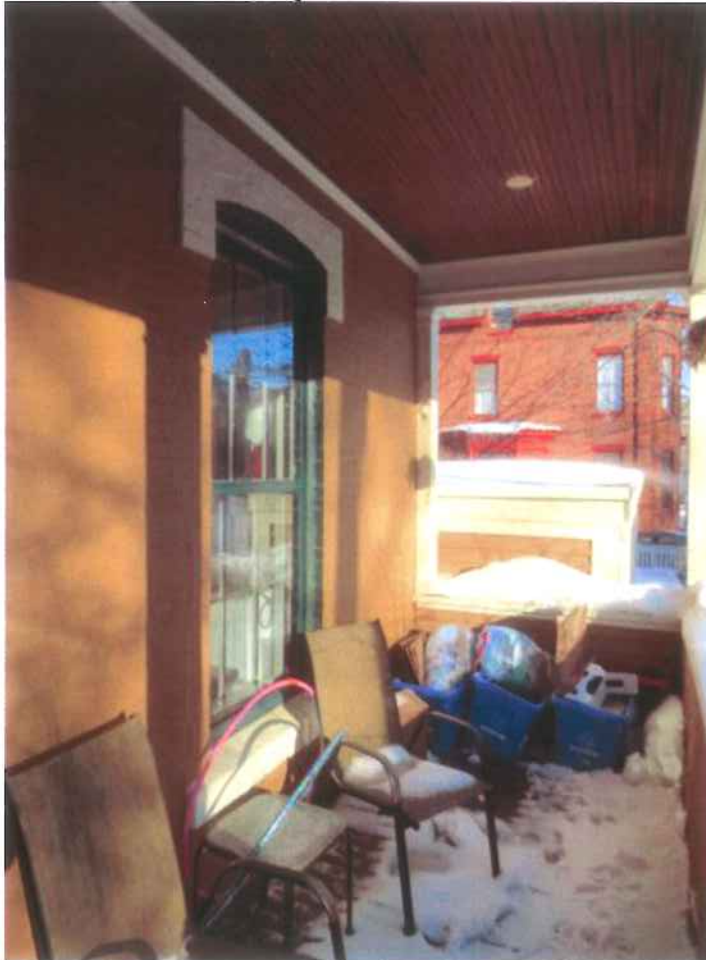
The issue with the façade treatment seemed to be that what looked good on one side did not look good on the other, and vice versa. Clapboards were previously shown on the north side. They worked there but less well on the east side, and some objected they tied the new walls visually to the garage. Panels worked well on the east side but could not be ordered on the north due to its irregular shape. The drawings attached show a third material, smooth shiplap boards, as suggested by the staff, infilling the panels on the east and south elevations and wrapping around the garage on the north. 1 x 6 boarders around the panels have been removed. The sill under the windows has been enlarged and the columns pushed out further (1 1/2") from the panels, with the intended effect of emphasizing the columns. The owner would like to retain the narrow window on the north side that we showed in our last presentation to the board.

Concerns raised about removing some of the brick wall were twofold: that it is a "distinguishing original quality or character of a structure", (Standard #2), and that there is no precedent in the neighborhood for removing a portion of a wall and adding a space that is less than a full sized room. (The board did not seem to think that the painted brick wall and window trim fall into the category of standard #5: "distinctive features, finishes, and construction techniques or examples of skilled craftsmanship.") The original appearance of this part of the building was changed years ago when the porch and the garage were added to it, (dates unknown.) Loosing one of the many brick trimmed windows and the wall around it will not be changing the architect's original elevation, since that has been changed already. As prescribed in standard #1, the owners will at the very least be taking "every reasonable effort..to provide a compatible use...requiring minimal alteration to character-defining features." Their intent in expanding onto the porch is to avoid having to expand into the dining room, which is the only other option for gaining a useful kitchen and would involve destroying the

more significant, (per standard #5), historical features on the interior of the building.

To recognize this change on the interior, we have modified the treatment of the post on the north side of the kitchen interior, where the wall will be removed, from being wrapped with tile like the rest of the wall to being wrapped in painted wood trim, like the beam above it. The intent is to make it clear that this is a change from the original building.

The window and wall in question:



Interior kitchen view:



View of the dining room showing elements that would need to be cut up if kitchen were expanded in this direction:



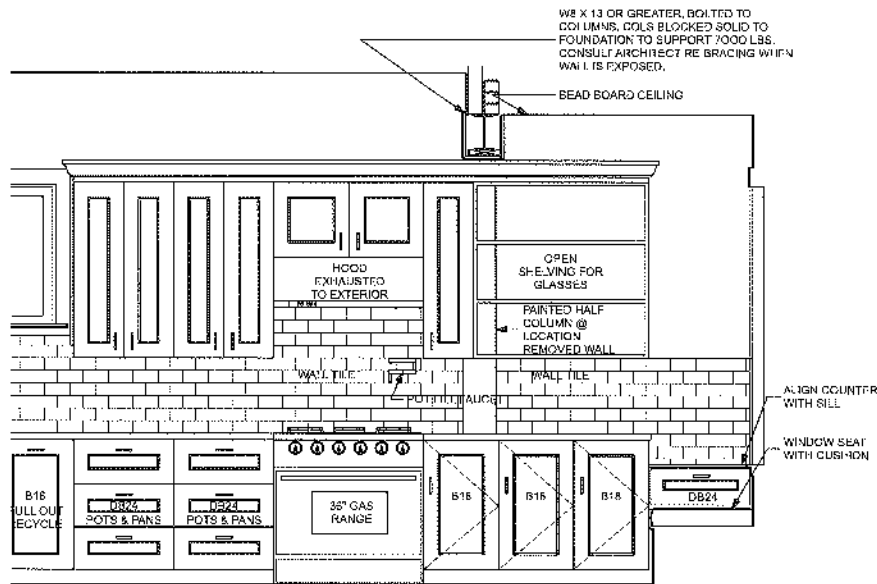
The point about precedent does not appear to come from the ordinance, but may, perhaps, come from a fear that allowing removal of some wall in this case could open a door to insensitive renovations that remove portions of other walls in the future. Two houses away from 1 Carroll, at 54 Thomas St., there is a similar situation. The dining room and the bedroom above it at 54 were at some point in time extended with a bay, removing a portion of the exterior wall, while the wall of the other half of the duplex, at 52 Thomas, remains intact. Apparently, this did not lead to other similar additions, or they would be more readily apparent. Whether there was harm done at 54 Thomas is certainly debatable. It begs the question: is the intent of the ordinance is to prevent what happened to #54?

Picture taken from the sidewalk on Neal St.:



REPRODUCED  
AS  
11x17





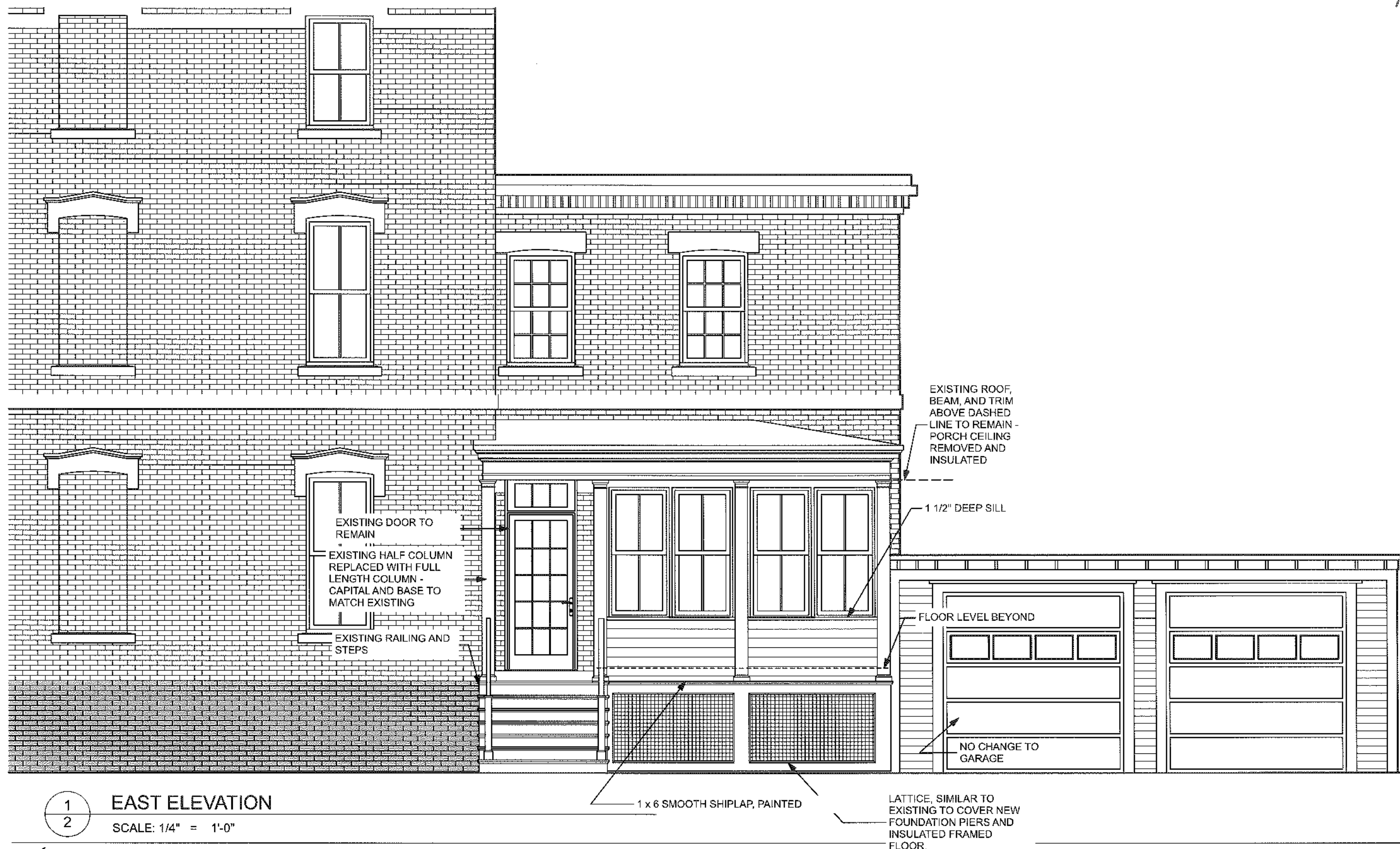
I realize that interpreting an historic ordinance is a difficult and subjective task, and I appreciate the time and effort that this board spends to get it right. I strongly believe that the best way to preserve a building is to allow it to evolve and adapt to changing times and situations. I believe that the ordinance as written allows that, and I sincerely hope that the enforcement of the ordinance will not discourage renovations like this one or the one at 54 Thomas.

John Whipple

Architect

Modified elevations are attached

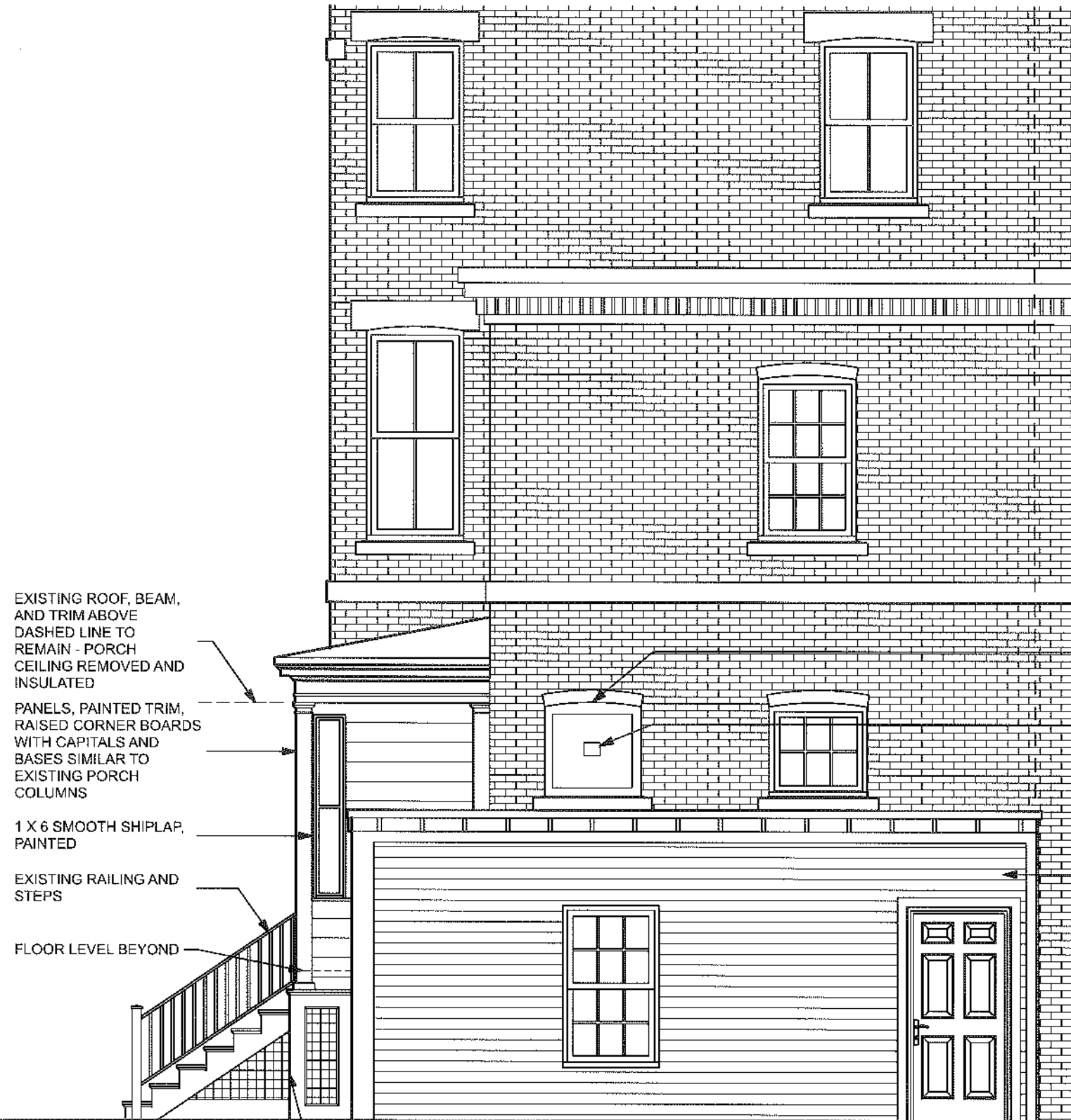
Att. 2



1 EAST ELEVATION  
2 SCALE: 1/4" = 1'-0"

WHIPPLE - CALLENDER ARCHITECTS  
136 PLEASANT AVE.  
PORTLAND, ME 04103  
207.775.2646

MALIN ROW HOUSE  
1 CARROLL ST. PORTLAND ME  
MAY 14, 2014



LATTICE, SIMILAR TO EXISTING TO COVER NEW FOUNDATION PIERS AND INSULATED FRAMED FLOOR.

1  
3

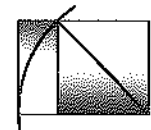
## NORTH ELEVATION

SCALE: 1/4" = 1'-0"

REMOVE EXISTING WINDOW. INFIL W/ PAINTED MDF PANEL.

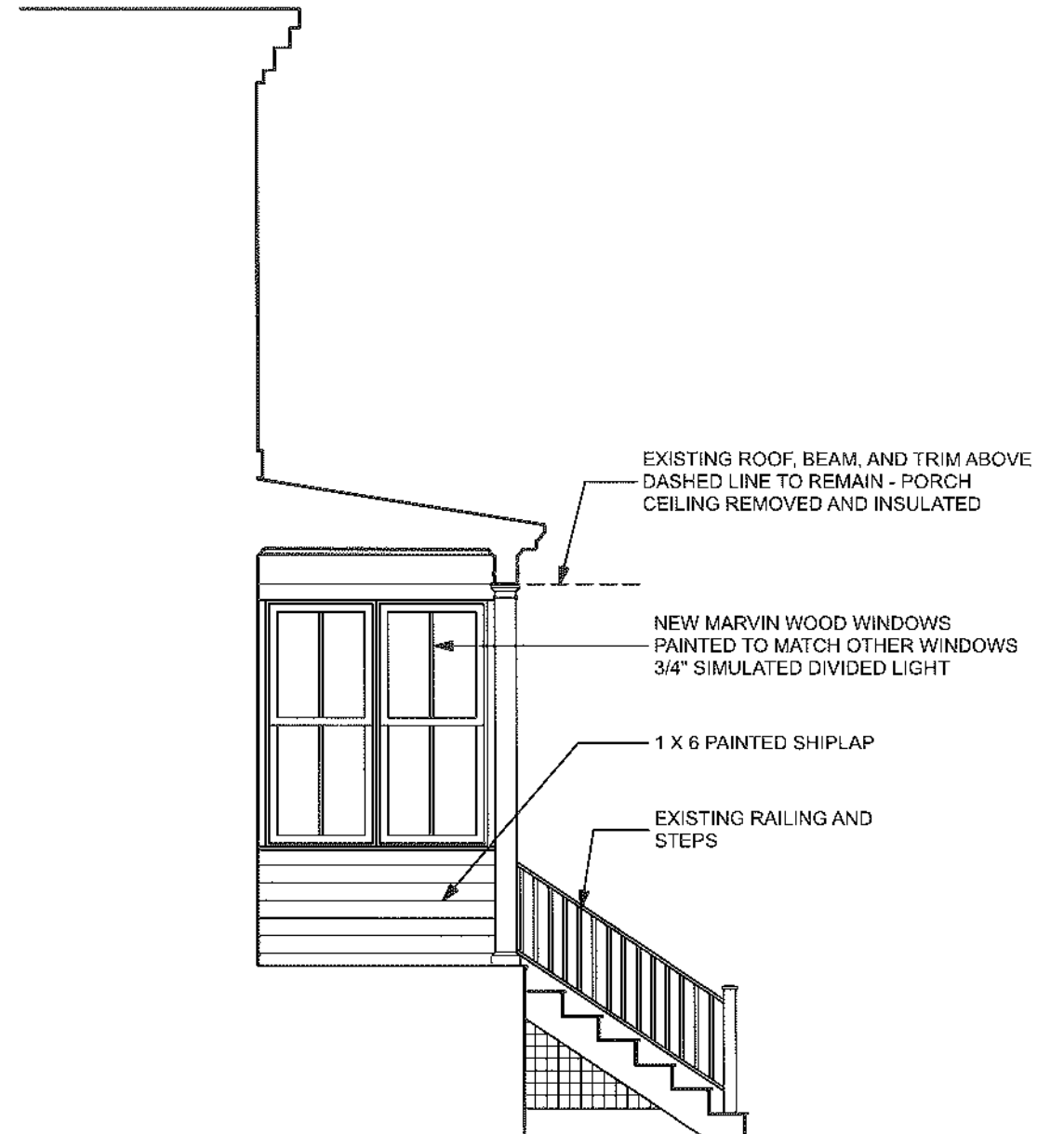
NEW KITCHEN HOOD EXHAUST VENT

NO CHANGE TO GARAGE



WHIPPLE - CALLENDER ARCHITECTS  
136 PLEASANT AVE.  
PORTLAND, ME 04103  
207.775.2696

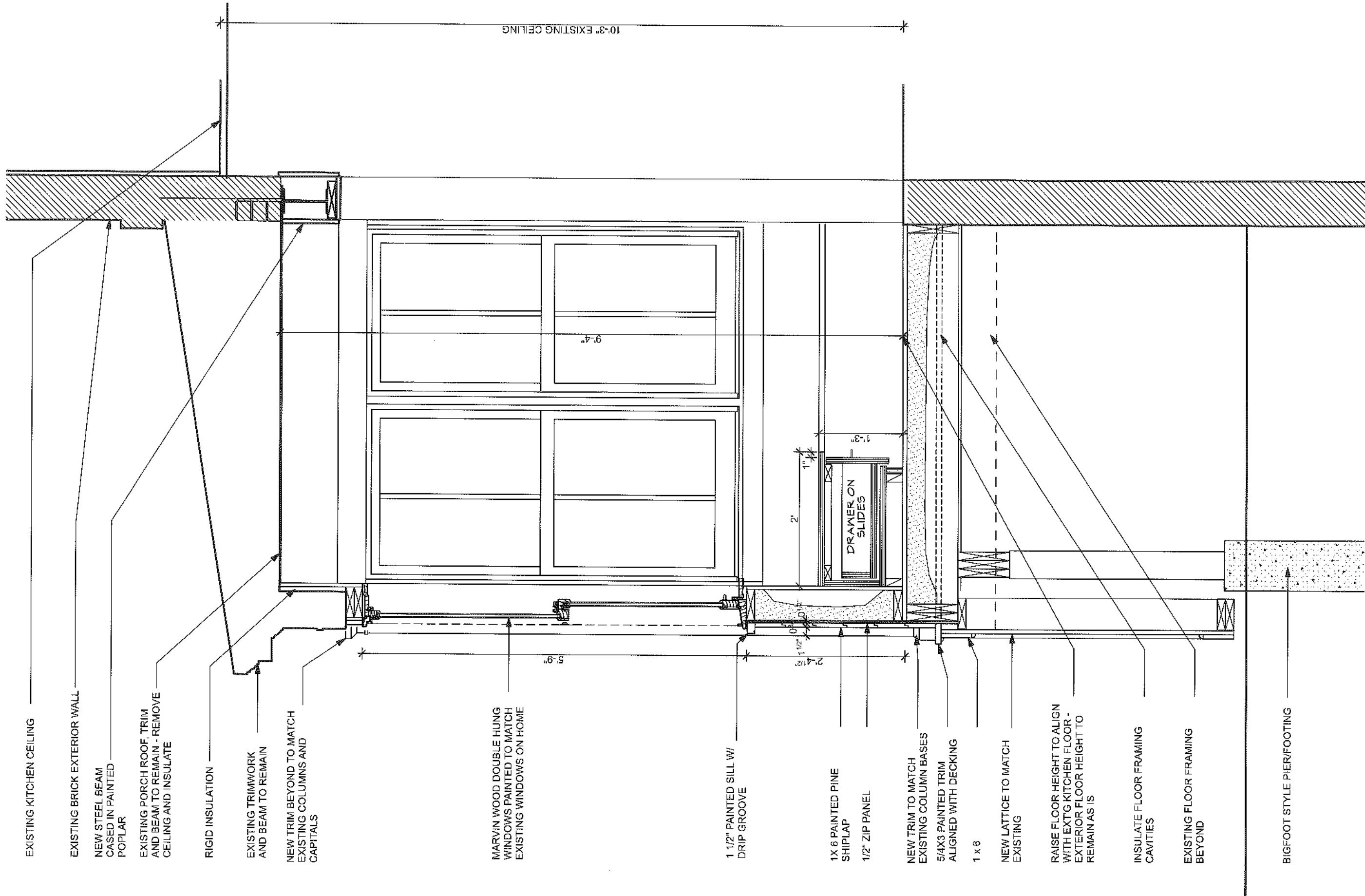
MALIN ROW HOUSE  
1 CARROLL ST. PORTLAND ME  
MAY 14, 2014



2  
3

## SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



44.3

HISTORIC PRESERVATION BOARD  
CITY OF PORTLAND, MAINE

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PUBLIC HEARING  
1 CARROLL STREET

**TO:** Chair Romano and Members of the Historic Preservation Board

**FROM:** Deb Andrews, Historic Preservation Program Manager  
Rob Wiener, Preservation Compliance Coordinator

**DATE:** February 12, 2014

**RE:** February 19, 2014 Public Hearing

**Application For:** Certificate of Appropriateness to rebuild and partially enclose a side porch

**Address:** 1 Carroll Street

**Applicants:** Ian and Kate Malin

**Architect:** John Whipple, Whipple – Callender Architects

**Contractor:** Papi and Romano Builders

**Introduction**

John Whipple of Whipple-Callender Architects is returning to the Board on behalf of owners Kate and Ian Malin, to present revised plans to enclose the Thomas Street side porch for a kitchen expansion at 1 Carroll Street. On January 8, 2014 Mr. Whipple first presented the plans and application for a Certificate of Appropriateness, working with a design that he originated in 2008. Today's revised proposal is very similar in many respects to the earlier designs, with changes to the exterior of the wall facing Thomas Street being the most visible revisions. The architect's narrative discusses the feedback he received from the Board in January and the design process by which the Board's suggestions were either incorporated or not. Though there was not a clear consensus among members of the Board in January, the issues most important to them were apparent, and in some cases, a general direction was discernable.

**Board Feedback at 1/12/14 Meeting**

Discussion at the first meeting centered around three primary concerns:

- Treatment of the existing brick exterior wall that is proposed to be opened up to expand the kitchen

Board opinion on this aspect of the proposal was mixed. Two Board members felt strongly that the wall should not be removed entirely, and that expanding the width of an existing opening onto the porch--and thus retaining some presence of the original exterior wall-- would be both achievable and a better solution within the ordinance standards. Most Board members indicated that they could support the removal of the brick exterior wall and expressed the view that the removal would not be readily apparent from the public way.

- The treatment of the porch infill detailing, and its relationship to the main house and garage

The project architect was encouraged to pursue a more robust approach to the detailing of the infill wall that was more akin to the detailing on the main house. Board members noted that the clapboards proposed under the porch windows related more to the new garage than the house. Board members asked to see a paneled approach instead of clapboards on this wall, along with traditional details that confirm its origin as a porch.

- The treatment of the north wall, which is partly engaged by the front corner of the garage, and proposed to be a blank wall sided with clapboards

Several Board members asked the project architect to explore the possibility of adding windows to this elevation to suggest a continuation of the Thomas Street façade treatment. Again, this recommendation was based on the goal of having the in-filled porch still read as a porch. While this appeared to be the majority view, one member expressed support for the solid clapboarded wall as proposed, noting that the north wall is already quite busy.

### **Proposed Revisions to Plans**

Mr. Whipple's description of the project revisions discusses a number of the points raised at the January 12 meeting, with the most notable design changes appearing on the east and north walls of the infill. The wall facing Thomas Street is more formal, with the addition of a central, full-height post and panels instead of clapboard below the windows. A panel also replaces clapboards on the south side, in the entry alcove. On the north side a series of panels is proposed, with the possibility of one them being replaced by an operable window. Little change is visible inside, except where posts are shown at the walls on either side where the exterior brick wall is to be removed.

### **Staff Comments**

The changes to the east and south elevations appear to be a positive response to the concerns raised at the January Board meeting. The exterior detailing is now both more robust and more formal, drawn from the character of the principal residence and differentiated from that of the garage.

In staff's view, the revised treatment for the north wall appears forced and incongruous—with or without the window option. Although the proposed treatment repeats the use of recessed panels featured on the other porch elevations, the panels are used in a non-traditional fashion and are visually distracting. The Board will want to discuss whether

there is an appropriate way to incorporate glass on this face of the porch, or whether it would be preferable to maintain the quiet of a solid wall. One option that might be explored would be to continue the Thomas Street treatment around the corner for the narrow wall area that extends beyond the garage face. It appears that the distance between the porch corner board and the face of the garage is about 16 inches. Perhaps that provides enough width to introduce a narrow window with recessed panel below, echoing the treatment of the other elevations and suggesting that the porch wraps the corner. Under that scheme, the balance of the wall might be solid, finished in either clapboards or flush-boarding

Mr. Whipple continues to argue for an almost complete removal of the existing brick wall, in order to fully realize the benefits of the kitchen expansion. The Board will have to decide what, if anything, should be left at the north and south ends of the wall, as a memory of the wall and/or a symbolic or literal support for the framing above.

Regarding fenestration, the Board is being asked to consider whether the new windows for the porch should be painted wood or aluminum-clad. In the past both Board and staff have typically required wood windows in residential applications, unless the location was near the ground such as a basement opening, or difficult to reach, such as an attic or third floor. Mr. Whipple points out that the existing wood windows in the house are worth restoring and mostly likely will be retained and renewed, but the presence of aluminum storm windows partially obscures them. In this case the proposed windows will be highly visible from Thomas Street.

#### **Applicable Review Standards**

- (1) *Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.*
- (2) *The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*
- (4) *Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right, shall not be destroyed.*
- (5) *Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.*
- (9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological*

*materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.*

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

#### **Motion for Consideration**

On the basis of plans and specifications submitted by the applicant for the 2-19-14 Public Hearings and information included in the accompanying staff report, the Board finds that the proposed rehabilitation porch infill project at 1 Carroll Street **meets (fails to meet)** the Standards for Review of Alterations within the historic preservation ordinance, specifically Standards #..... **(Board approval is subject to the following conditions...)**

#### **Attachments**

1. Photos of subject property
2. Letter from project architect
3. Photos of other in-filled porch solutions
4. Interior photos and studies showing exterior wall retained and removed
5. Plans, elevations and section

WHIPPLE-CALLENDER ARCHITECTS

2/11/2014

Historic Preservation Board  
Portland

Re:  
1 Carroll St.  
Portland

Revised application

Board Members:

Plans for the renovation at 1 Carroll St. have been revised to reflect the suggestions presented at the last board hearing.

As you know, there wasn't a consensus on the best way to detail a porch infill. We have attached photographs of similar situations, mostly in the West End, to this letter. Some probably were and some weren't later additions to the original structure. The lessons we took from looking at them is that bays, sun rooms, porches infilled, (saddlebags, as they were called in school), are common in the neighborhood and there is no single formula for detailing them correctly. What matters are the characteristics listed in the city's ordinance: scale, rhythm, proportion, and compatibility of materials. We've tried to apply those qualities to 1 Carroll St.

After hearing that the board was split on how to proceed, we investigated the various possibilities suggested:

We looked at the possibility of making this infill "of it's own time" and using casement windows or 1 over 1 double-hung windows instead of sub-dividing the windows with mullions. We did not think their scale and rhythm was as pleasing as the treatment drawn here.

We looked at using clapboards under the windows in the last submittal. At the suggestion of some on the board, we revised the elevations to show panels subdivided by full-height posts. We added a pronounced window sill, post to

post, to recall a porch railing. The intent of this treatment is to make the bay more porch-like.

We looked at the possibility of adding a window on the north corner of the porch. It is shown in one of our drawings. It does not align with the windows around the corner, and, to our eye, it is incongruous with panels on the north elevation.

We looked at the possibility of leaving more of the brick wall inside the bay. Pictures of the model with and without the brick wall are attached. We realize that the ordinance asks that distinguishing features not be removed. This house has many windows with heavily accentuated caps and sills. We will have to lose one of them to execute this design. The only way to save that feature is to preserve the window opening in its' current size. Preserving that opening would negate the benefits of renovating the kitchen, as the gain in useful space and openness would be lost.

If the kitchen doesn't work, it's not much of a stretch to say that the house is not suitable for a young and growing family. We have watched this house turn over four times since Millie Perkins and Ida Carras occupied it for 50+ years. That instability has a lot to do with the kitchen. Anyone making the investment to live in this neighborhood today wants a real kitchen. The neighborhood is in need of young and growing families.

Ian Malin would like to restore the wood windows in the rest of the house instead of replacing them. The windows in the kitchen will be Marvin. Both the ordinance and the board seemed to be split on whether the windows need to be painted wood or aluminum clad. Existing painted wood windows at 1 Carroll St. are hidden by aluminum storm windows, making aluminum clad consistent with the rest of the house, and the ordinance allows the use of contemporary treatments and technology. The new windows will be either wood or aluminum clad, without storm panels. The window to be removed on the north elevation will be filled with a painted MDO panel, recessed so that the opening still reads.

We submit that the loss of the brick wall will be unnoticed by view between 4' and 6' above the sidewalk, and that it is extremely unlikely that a future owner of this house will want to reverse the process, re-open the porch and scale back the size of this kitchen.

We hope this answers the concerns of the board. Please call if any further suggestions.

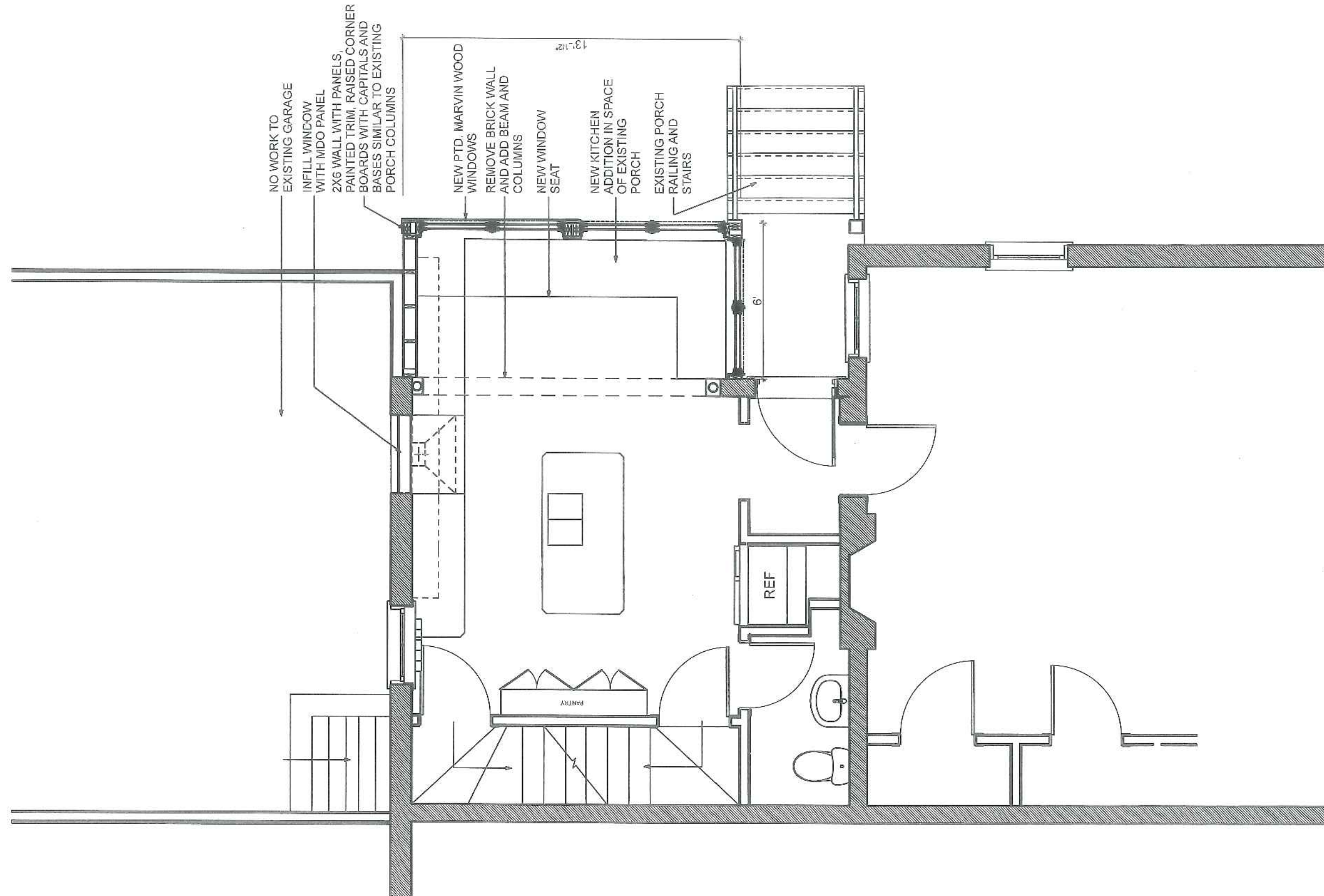
John Whipple  
Architect

Attached:  
Revised plans and sections  
Details  
model views  
photos of similar situations in the West End

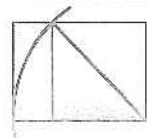




Att. 3



1 FLOOR PLAN  
1  
SCALE: 1/4" = 1'-0"

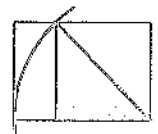


WHIPPLE - CALLENDER ARCHITECTS  
136 PLEASANT AVE.  
PORTLAND, ME 04103  
207.775.2696

MALIN ROW HOUSE  
1 CARROLL ST. PORTLAND ME  
PRELIMINARY DESIGN 02.11.14

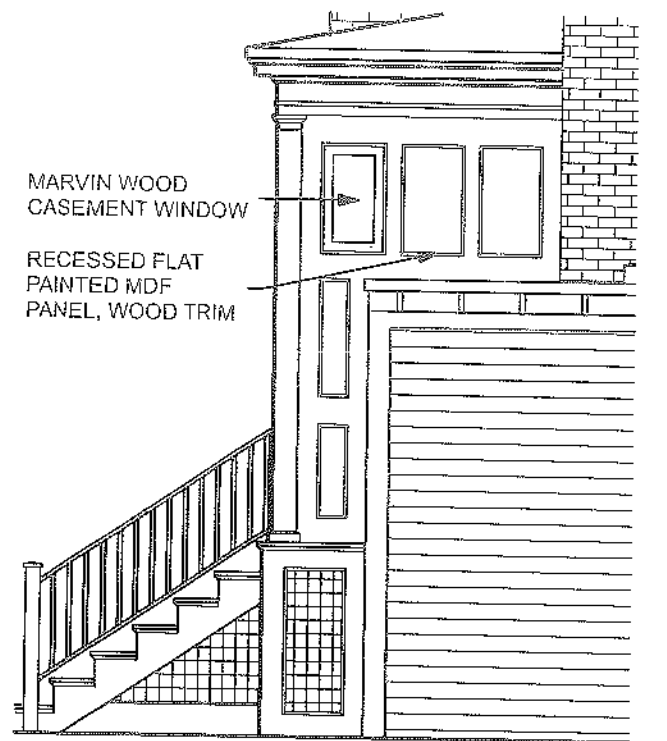


1 EAST ELEVATION  
2 SCALE: 1/4" = 1'-0"



WHIPPLE - CALLENDER ARCHITECTS  
136 PLEASANT AVE.  
PORTLAND, ME 04103  
207.773.2696

MALIN ROW HOUSE  
1 CARROLL ST. PORTLAND ME  
PRELIMINARY DESIGN 02.11.14



3  
3 NORTH ELEV. W/ WINDOW  
SCALE: 1/4" = 1'-0"

EXISTING ROOF, BEAM,  
AND TRIM ABOVE  
DASHED LINE TO  
REMAIN - PORCH  
CEILING REMOVED AND  
INSULATED

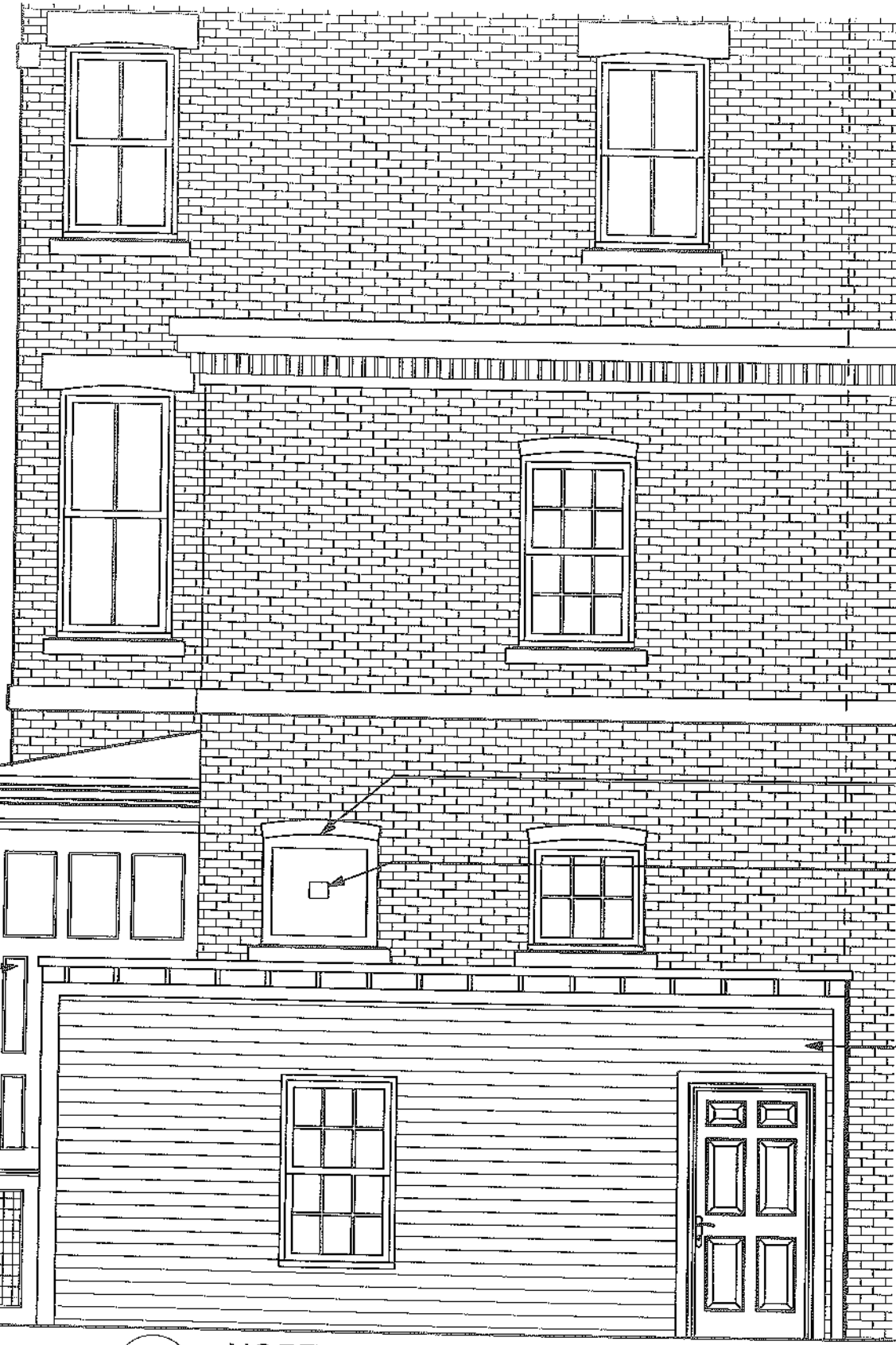
PANELS, PAINTED TRIM,  
RAISED CORNER BOARDS  
WITH CAPITALS AND  
BASES SIMILAR TO  
EXISTING PORCH  
COLUMNS

RECESSED FLAT  
PAINTED MDF PANEL,  
WOOD TRIM

EXISTING RAILING AND  
STEPS

FLOOR LEVEL BEYOND

LATTICE, SIMILAR TO EXISTING TO  
COVER NEW FOUNDATION PIERS AND  
INSULATED FRAMED FLOOR.

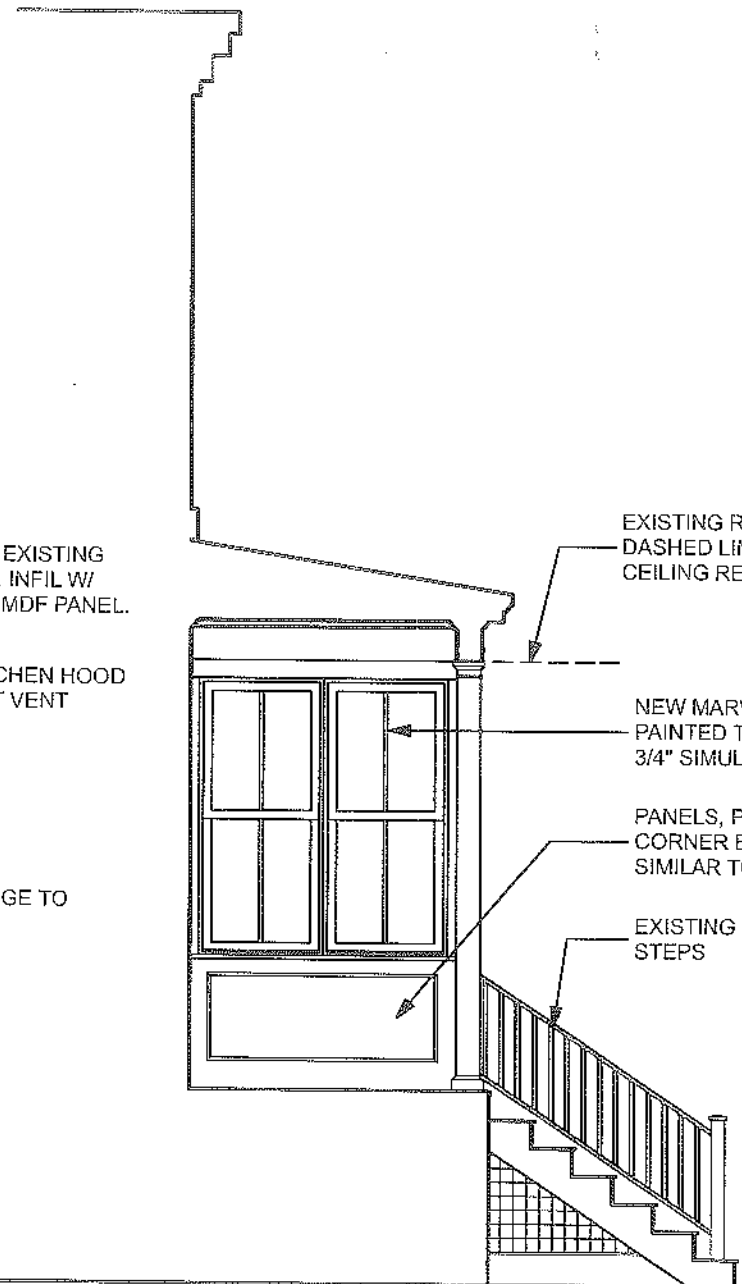


1  
3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

REMOVE EXISTING  
WINDOW. INFIL W/  
PAINTED MDF PANEL.

NEW KITCHEN HOOD  
EXHAUST VENT

NO CHANGE TO  
GARAGE



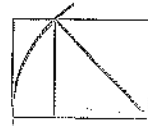
2  
3 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

EXISTING ROOF, BEAM, AND TRIM ABOVE  
DASHED LINE TO REMAIN - PORCH  
CEILING REMOVED AND INSULATED

NEW MARVIN WOOD WINDOWS  
PAINTED TO MATCH OTHER WINDOWS  
3/4" SIMULATED DIVIDED LIGHT

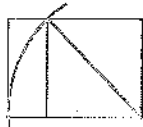
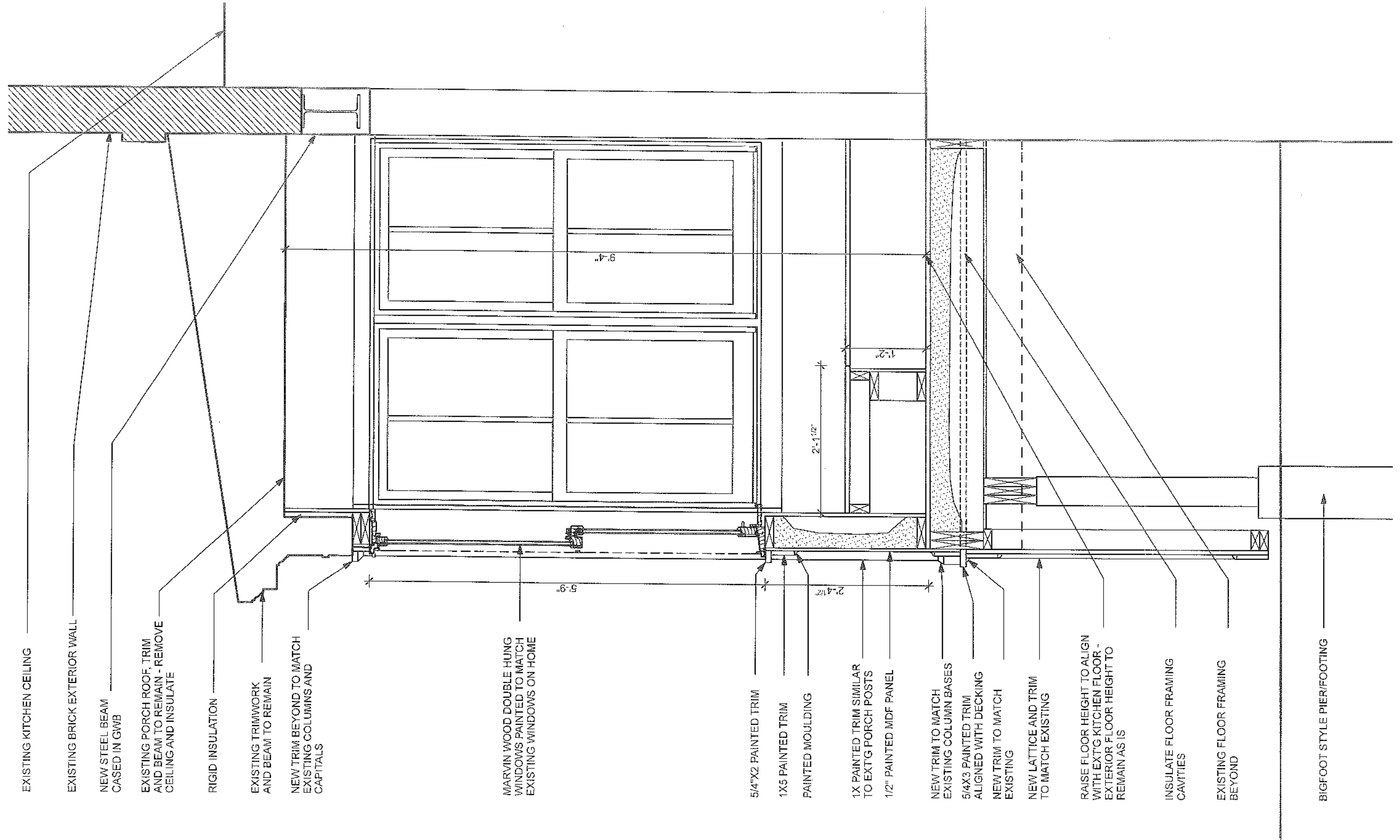
PANELS, PAINTED TRIM, RAISED  
CORNER BOARDS W/ CAPITALS  
SIMILAR TO EXISTING PORCH POSTS.

EXISTING RAILING AND  
STEPS



WHIPPLE - CALLENDER ARCHITECTS  
136 PLEASANT AVE.  
PORTLAND, ME 04103  
207.775.2696

MALIN ROW HOUSE  
1 CARROLL ST. PORTLAND ME  
PRELIMINARY DESIGN 02.11.14



WHIPPLE - CALLENDER ARCHITECTS  
136 PLEASANT AVE.  
PORTLAND, ME 04103  
207.775.2646

MALIN ROW HOUSE  
1 CARROLL ST. PORTLAND ME  
PRELIMINARY DESIGN 02.11.14

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

---

**PUBLIC HEARING  
133 SPRING STREET**

**TO:** Chair Romano and Members of the Historic Preservation Board

**FROM:** Rob Wiener, Preservation Compliance Coordinator

**DATE:** May 15, 2014

**RE:** May 21, 2014 – Public Hearing – Certificate of Appropriateness for installation of rooftop mechanical equipment

**Address:** 133 Spring Street

**Applicants:** Cecile and John Stadler

**Architect:** Jamie Broadbent, Kaplan Thompson Architects

**Contractor:** Rob Connolly

**Introduction**

Architect Jamie Broadbent of Kaplan Thompson Architects and property owners John and Cecile Stadler are requesting a certificate of appropriateness to add two heat pump units to the roof of the one-story store at the front of 133 Spring Street. The proposal also includes a new location (necessitated by the new heat pumps) for two refrigeration compressors previously approved by HP staff in December, 2013 as part of a change of use and restaurant fitting-out permit. Located in the former space of the West End Deli, the new restaurant required extensive kitchen renovations and mechanical work.

Board members will remember this address as the location of a rear rooftop addition they approved on February 6, 2013 – currently under construction. On October 16, 2013, the Board approved an amendment to the addition approval, to allow installation of a rooftop fan for the kitchen hood system of the new restaurant. Once the large fan was approved, the owners received the building permit for the new restaurant in December, 2013. Historic Preservation staff issued administrative approval of the building permit upon receiving details on two small rooftop refrigeration compressors, to be tucked partially under a balcony toward the back of the restaurant roof. No other exterior alterations were approved at that time, and none have been approved since then.

Staff understands that once permits were secured and construction had begun, the architects did not play an active role, and contractor Rob Connolly worked with the property owners on subsequent decisions. When HP staff became aware last month that

two heat pump units had been placed on the roof, the contractor and architect were contacted to communicate that the additional units were unapproved and would require review and approval before proceeding with installation. The owners asked architect Jamie Broadbent to get re-involved in the process of permitting and possibly screening the additional heat pumps. Email exchanges between staff member Rob Wiener and the architect and contractor have discussed alternatives for minimizing visibility, but staff members believe the Board should review a formal application for a Certificate of Appropriateness, as the mechanical presence on the roof is so much greater than originally anticipated. The two previously approved refrigeration units are also currently sitting on the roof, and staff understands that all units are in their proposed locations. The two taller proposed units have been painted black. (See attached photos, taken 5/15/14.)

### **Subject Property**

The applicants' property at 133 Spring Street is part of a four-unit row-house at the northeast corner of Spring and Park Streets. (The subject unit is one in from the corner.) Constructed in 1846, the transitional Greek Revival / Italianate row-house has undergone extensive alterations over time which have had the cumulative effect of marring the architectural integrity of the block. Historically and architecturally, the most interesting of these alterations occurred in the late 1920's when a storefront was added to the front of 133 Spring Street (the applicant's unit.) This classic 1920's storefront provides graphic evidence of the evolution of this section of Spring Street from an exclusively residential area to a small neighborhood commercial node. While 133 Spring's storefront addition is architecturally noteworthy in its own right, other alterations significantly undermine the architectural appeal of the row. The easternmost unit's slate sheathed shed dormer obliterates the original roof form and the roof of the middle two units was cut back and a dormer inserted. Another one-story commercial addition was added to the eastern unit (129) slightly earlier, before the 1924 tax photo was taken. Various other architectural changes add to the visual confusion.

Notwithstanding these alterations, the row-house retains a good measure of its architectural appeal from Spring Street. Enough remains of the original form to clearly telegraph the building's early construction era, while the added storefront at 133, now close to ninety years old, has its own significance. It includes a large, multi-light transom window (currently removed for restoration,) a well-preserved storefront with a central recessed door, and simple brick details on the front. The roof edge hints at the shape of a parapet which doesn't exist – the roof is flat to the edge with the exception of the front corners.

### **Proposed Installations**

Mr. Broadbent has supplied a letter describing the design-build process that led up to the application in question, and the rationale for the proposed locations. The approved roof plan of 12/19/13 is attached showing three low refrigeration units. The currently proposed revision dated 4/21/14 is also attached, showing two 36" high heat pumps, close to the balcony and behind two (not the three originally proposed) refrigeration units. Note that the refrigeration units must sit on spacers that result in a height of 20 ½" above the roof surface, instead of the 13" unit height listed on Plan SK-03(A), dated 4/21/14. In

addition to recent photos supplied by HP staff, Mr. Broadbent has supplied photos of the proposed heat pumps, in their original color and painted black, and also with two proposed screen options. To minimize visibility all of the units are clustered toward the middle of the roof (side-to-side) and towards the rear, in order to be as far as possible from edges.

### **Staff Comments**

When historic preservation staff received word that the restaurant in the Spring Street ground floor would be upgraded, an effort was made to ensure the small store would not be overwhelmed with mechanical equipment and other exterior alterations. Locating the large kitchen hood fan on the rear roof was essential to protecting the appearance of the building from Spring Street. In December Mr. Broadbent provided reassurance that the refrigeration units would be low and barely visible and on that basis staff approved the restaurant alterations. The heat pump units appeared suddenly in April, when the renovations for the restaurant were well under way, so the Board is faced with a proposal that is apparently both necessary and constricted by there being few if any alternative solutions. Mr. Broadbent has told staff that no smaller alternative units are available, and as his letter indicates, no alternate locations appear viable.

Put simply, Board members must decide whether the predicted visual impact of the proposed mechanical units is acceptable under the Review Standards. Given the impacts, is the proposed use compatible, and does it justify the alteration? To minimize the visibility of the heat pumps, the applicants are proposing to utilize whatever is judged to be the optimal combination of placement, color, and (possibly) some form of screening. Is the appearance better with the proposed screening or without, and if screening is favored, what design should be used?

The architect, contractor, and staff all agreed that the appearance of the heat pumps became much less obtrusive once they were painted black. Further consideration might be given to whether changes of color or design to the balcony railing and / or door immediately behind and above the restaurant roof, could help the new units blend in better.

### **Applicable Review Standards**

- (1) *Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.*
- (2) *The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*
- (4) *Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment.*

*Changes that have acquired significance in their own right, shall not be destroyed.*

### **Motion for Consideration**

On the basis of plans and specifications submitted for the 5/21/14 Public Hearing and information included in the accompanying staff report, the Board finds that the proposed mechanical installations at 133 Spring Street **meet (fail to meet)** the Standards for Review of Alterations within the historic preservation ordinance, specifically Standards #..... . **(Board approval is subject to the following conditions...)**

### **Attachments**

1. Applicant's submission letter
2. Original roof plan
3. Proposed roof plan
4. Architect's photos, showing heat pumps and proposed screening.
5. Staff photos of the subject property
6. 1924 Tax photo

Att-1

**Robert Wiener - Upcoming Historic Preservation meeting - May 21st**

---

**From:** Jamie Broadbent <jamie@kaplanthompson.com>  
**To:** Robert Wiener <rwiener@portlandmaine.gov>  
**Date:** 5/12/2014 11:16 AM  
**Subject:** Upcoming Historic Preservation meeting - May 21st  
**CC:** Rob Connolly <T37rc@hotmail.com>, Jesse Thompson <jesse@kaplanthompson.c...  
**Attachments:** SPR-20140512-HPmeeting.pdf

---

Rob Wiener  
Preservation Compliance Coordinator  
City of Portland, Maine

Re.: 133 Spring Street - heat pumps on Spring Street

Rob,

With regards to the heat pumps on the low roof of the restaurant entrance (formerly West End Deli entrance) - We currently have approval for two, low-profile refrigeration pumps on top of this roof (both of which service the restaurant kitchen) - See SK-03.

As the project has progressed the client has proceeded with the interior fit-out the restaurant main space as a design / build endeavor, and have need for space air conditioning and heating of the main restaurant space. This has necessitated the addition of two taller heat pumps to be added to this low roof. See SK-03(A).

This is the only space available for these heat pumps both in terms of distance between indoor and outdoor units, and in terms of available roof space: The steep, gable roof of the main building would require an additional structural platform, access for service, and would be quite visible to all; the new, rear apartment already has two heat pumps associated with it, currently tucked beside the upper roof monitor to block their view from Park Street - the remainder of the available roof space is either too visible from Park St., is occupied by the restaurant kitchen exhaust blower, or conflicts with the egress route of the other apartment (the one not being renovated). The ground level at the back is shared in common with the other owners and would also be unsuitable due to snow build-up / lack of protection. As we certainly agree that these pumps can be an eyesore, we have opted to paint them black to help them fade to the background. We hope that this would be sufficient to blend them into the fabric of the building. See SK-11.

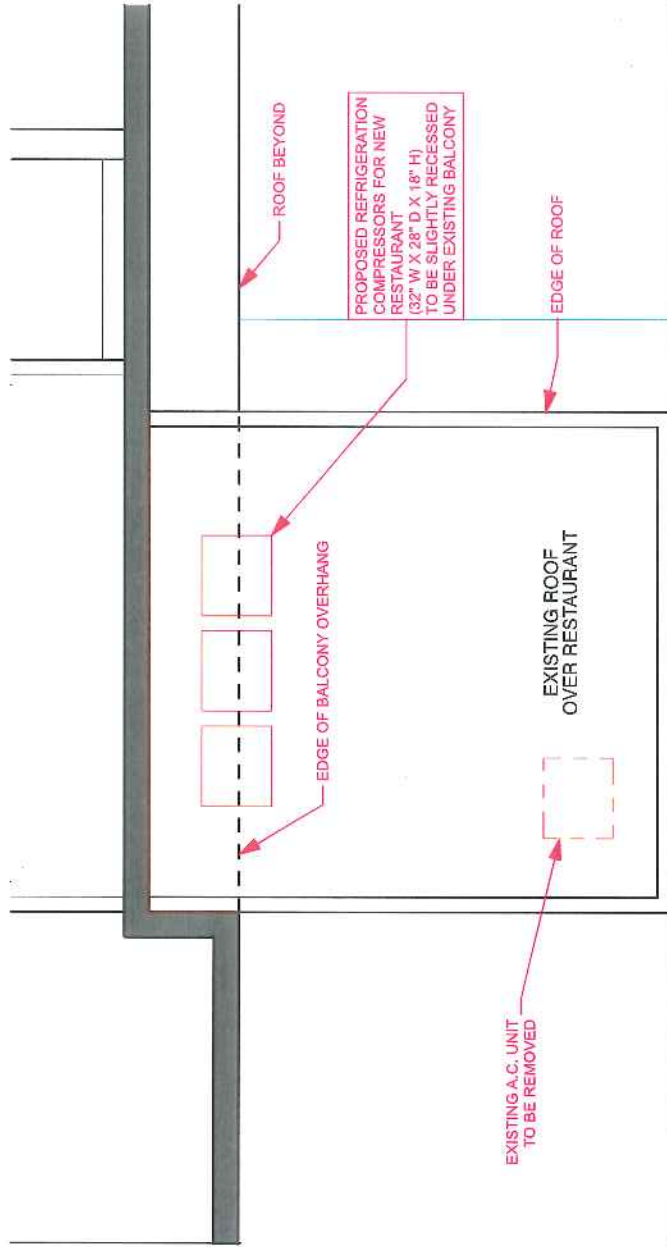
Alternatively, we have been exploring ideas for constructing a screen around these taller pumps that would also allow proper airflow for them to operate. See SK-12. We feel the selection of materials for this screen would need to tie into the palette already in place: black metal cap-flashing that matches the new parapet flashing above the brick, with either 1) a dull metal screen, either square, round or diamond-pattern (akin to the diamond siding at the rear apartment), or 2) a black square-pattern screen (akin to the leaded glass windows above the restaurant entrance).

We plan to bring some material samples to the upcoming meeting.

Please let us know if you need anything else prior to the meeting.

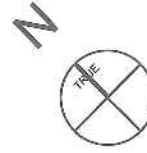
Thank you.

JAMIE BROADBENT, AIA, LEED AP  
KAPLAN THOMPSON ARCHITECTS



SIDEWALK BEYOND

SPRING STREET BEYOND



KAPLAN THOMPSON  
ARCHITECTS  
424 FORE ST., PORTLAND, ME 04101  
207-842-2888 FAX: 842-2828

PROJECT:  
133 Spring St  
CECILE STADLER  
133 Spring St  
PORTLAND, ME

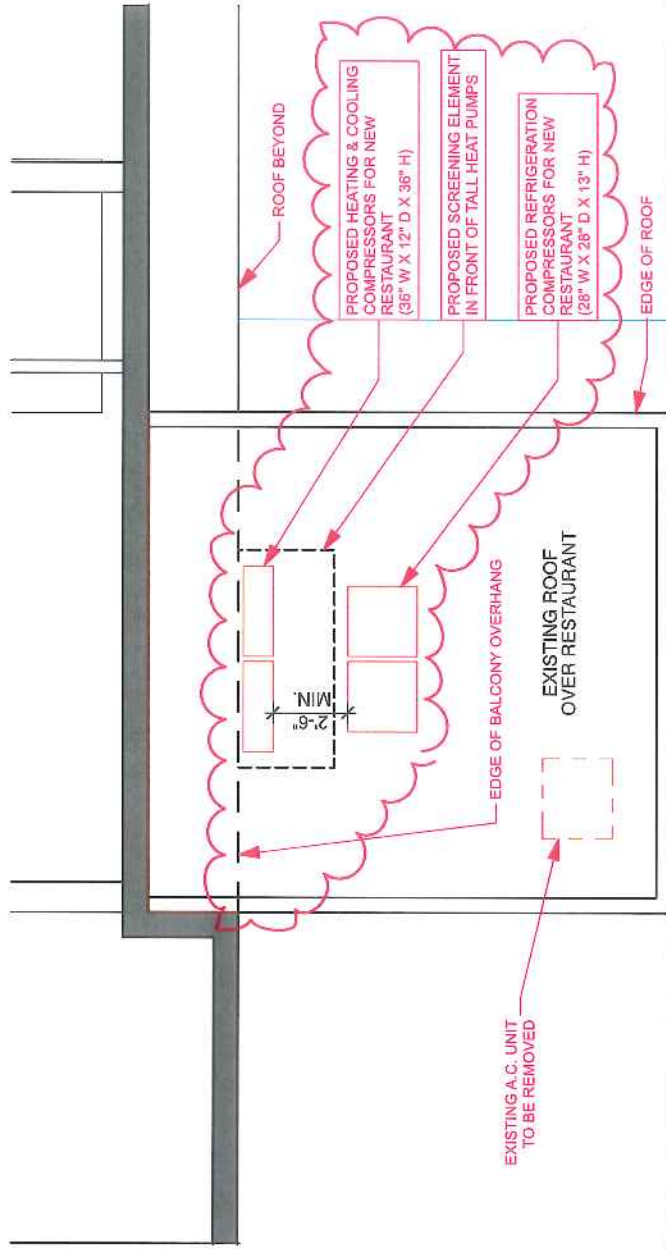
DRAWING: ROOF PLAN - SPRING ST. ENTRY

SCALE: DRAWN BY: JB

DATE: DECEMBER 19, 2013 REVISED:

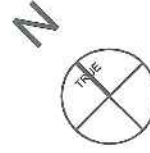
SK-O3

Att. 2



SIDEWALK BEYOND

SPRING STREET BEYOND



KAPLAN THOMPSON  
ARCHITECTS  
424 FORE ST., PORTLAND, ME 04101  
207-842-2888 FAX:842-2828

PROJECT:  
133 SPRING ST  
CECILE STADLER  
133 SPRING ST  
PORTLAND, ME

DRAWING: ROOF PLAN - SPRING ST. ENTRY

SCALE: DRAWN BY: JB

DATE: APRIL 21, 2014 REVISED:

SK-O3(A)

A#3



1 Unpainted Heat Pumps



2 Black Painted Heat Pumps

KAPLAN THOMPSON  
ARCHITECTS  
424 FORE ST., PORTLAND, ME 04101  
207-842-2888 FAX: 842-2828

PROJECT:  
133 SPRING ST  
CECILE STADLER  
133 SPRING ST  
PORTLAND, ME

DRAWING: HEAT PUMPS

SCALE: DRAWN BY: JB

DATE: APRIL 21, 2014 REVISED:

SK-11

AH.4



2

**PROJECT:**  
133 SPRING ST  
CECILE STADLER  
133 SPRING ST  
PORTLAND, ME

|          |                     |
|----------|---------------------|
| DRAWING: | HVAC SCREEN OPTIONS |
| SCALE:   | DRAWN BY: JB        |
| DATE:    | APRIL 21, 2014      |
|          | REVISED:            |

SK-12

Att. 5









Att. 6



131-3  
Spring

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

---

**PUBLIC HEARING  
EVERGREEN CEMETERY**

**TO:** Members of the Historic Preservation Board

**FROM:** Deborah Andrews, Historic Preservation Program Manager

**DATE:** May 12, 2014

**RE:** May 21, 2014 PUBLIC HEARING

Application for: Certificate of Approval for Burial Lot Expansion and Construction of Columbarium

Address: Evergreen Cemetery  
(project area is located adjacent to Stevens Avenue entrance)

Applicant: City of Portland Department of Public Services  
Parks and Cemeteries Division

Project Consultants: Woodard & Curran Inc. (civil engineers)  
Denise Cameron, project manager

Carol R. Johnson Associates (landscape architects)

**Introduction**

Following two preliminary workshop sessions, consultants for the City of Portland's Parks & Cemeteries Division are requesting final review and approval of plans for the expansion of burial lots within Evergreen Cemetery. The proposal also includes the construction of a columbarium within the expansion area. The expansion area is located off the main entrance drive, just behind the Stevens Avenue frontage.

Based on input from Board members and members of the public during the April 16<sup>th</sup> and May 7<sup>th</sup> workshops, the consultants have made a number of revisions to the site plan and columbarium design in hopes of receiving final approval. Enclosed is a memo from project engineer Lauren Swett outlining the changes, as well as the final proposed plans and details. For reference purposes, staff has provided a copy of the site plan reviewed at the last workshop—see Attachment 3.

**Project Summary, Relationship to 2005 Approved Expansion Plan**

The area proposed for burial expansion is located on the south side of the Cemetery's main entrance drive, just back from the Stevens Avenue frontage. The proposal calls for extension of the cemetery's

road system, a defined layout for new grave sites, construction of a columbarium for cremation remains, re-vegetation of existing gravel pathways, and new landscaping both within the burial expansion area and adjacent to the Stevens Avenue edge of the cemetery to provide screening.

The proposed development plan would replace a previously-approved expansion plan for this section of Evergreen Cemetery. In 2005, the Historic Preservation Board approved a proposed expansion scheme which was to be implemented in two phases. While much of Phase I was constructed following the 2005 approval, Phase II never commenced. Operational concerns and the need for additional burial options prompted Parks and Cemeteries staff to reevaluate the desirability of implementing Phase II as originally proposed. A consultant team consisting of civil engineers (Woodard & Curran) and landscape architects with expertise in historic cemeteries (Carol R. Johnson Associates) was hired to develop an alternative scheme. In revising the design for the Phase II area, the consultant team has also made recommendations for modifying elements within the Phase I area. In preparation for the preliminary workshops, the consultants provided a very thorough proposal which included both plans and details, as well as a written narrative that described the nature and intent behind the new scheme.

With input from the public and members of the Historic Preservation Board, the plans were revised to better conform to the landscape character that distinguishes the historic core of Evergreen Cemetery.

### **Summary of Board Comments and Public Input at Preliminary Workshops**

Following is a brief summary of the concerns and observations expressed by members of the Historic Preservation Board and members of the public during the 4/16 and 5/7 workshops:

- Apple trees at cemetery entrance. While Board members supported the integration of apple trees within the cemetery, they found that the proposed concentration of apple trees at the formal entrance to the Cemetery was not consistent with the existing and desired character of this highly prominent gateway area. Board members recommended that specimen trees be selected for this location, especially ones that will grow to an impressive scale at maturity. This concern was echoed by two members of the public in attendance at the 5/7 workshop. One member of the public encouraged positive consideration of the apple trees.

Note that the Board did *not* oppose the introduction of crab apple trees along the Stevens Avenue frontage and in front of the evergreen screen.

- Layout of grave sites. Members of the public in attendance at the 5/7 workshop raised concerns about the proposed layout of burial sites, noting that the pattern was not compatible with the character established in the historic core of the Cemetery. They also stressed that the goal of maximizing the number of additional burial sites had driven much of the uniformity in the proposed grave layout.

During discussion, Board members acknowledged that burial traditions have changed markedly over time due to changing expectations, cost constraints and other factors and that it would be difficult to achieve the richness and variety of burial designs that

characterized the 19<sup>th</sup> century core of the Cemetery. They also acknowledged the desire for the project to yield a substantial number of added grave sites. That said, the Board agreed with the sentiment that the expansion area was not sufficiently integrated with the historic core of the Cemetery. Members requested that the consultants and cemetery staff explore alternative layouts that would avoid a strict linear alignment of graves and provide more variety and visual interest within the identified burial areas. For example, Board members suggested that some of the individual grave sites be replaced with additional trees or shrubs to break up the uniformity. It was also recommended that several family plots be shown on the final site plan. This would not only provide an illustration of the range of burial options available, but also (hopefully) result in a new burial area which is more consistent with that of the historic core of Evergreen.

- Columbarium Design. In response to comments at the 4/16 workshop, the project consultants presented a modified design for the columbarium at the 5/7 review session. In the revised proposal, the base of the columbarium had been increased to 12 inches high and the engaged columns had been eliminated from the ends of the wall sections. Board members suggested that perhaps the base could be further emphasized by increasing its height and/or changing the surface of the stone in this area.

### **Final Revisions to Plan**

Project engineer Lauren Swett has provided a memo outlining the specific revisions to the site plan and columbarium design that were made to respond to the concerns expressed by the Board and members of the public. (See Attachment 1.) As these are clearly explained, there is no need to repeat the information here.

With respect to the issue of grave space layout, you will note that the plans were modified in the section closest to Stevens Avenue. In this area, additional trees were added and the configuration of graves was altered to provide more visual interest. Note that this is the only section of the proposed expansion area that was modified since the last workshop. After receiving the enclosed plans staff contacted Ms. Sweet to inquire whether additional modifications might be explored in other expansion areas. As of this writing staff understands that the consultants are considering additional modifications and that a revised grave layout plan might be provided at Wednesday's public hearing.

### **Review Criteria, Consistency with Evergreen Cemetery Master Plan**

Board members are encouraged to review the Evergreen Cemetery Master Plan <http://www.portlandmaine.gov/DocumentCenter/Home/View/3379>, particularly those sections of the plan that address this section of the Cemetery. The Master Plan makes clear that Evergreen, as a garden cemetery, was developed with the goal of providing a beautiful, dignified and significant landscape for burial, commemoration and recreation. Indeed, one of the precipitating factors behind the decision to develop a master plan was the recognition that when new burial areas within the Cemetery were developed in the 20<sup>th</sup> century, they ignored the original landscape character of Evergreen that made the Cemetery so extraordinary. One of the principal goals of the 1994 Master Plan was to ensure that future development within the Cemetery built upon and reinforced this landscape character.

In reviewing the final plans the Board should evaluate the proposed expansion in terms of its compatibility with the character-defining qualities or elements of the adjacent historic core. For example, the Master Plan recommends that "the layout of roads and paths ... build on that of the existing design." Similarly, the pattern and layout of individual graves, the nature and locations of trees and other landscape features should be generally consistent with the qualities that distinguish Evergreen.

Another important aspect of the proposed development is the treatment of the area that runs along the Stevens Avenue edge of the cemetery and abutting the main entrance drive. It is important that an adequate vegetated buffer be provided to allow for a sense of retreat or separation from the busy street.

With respect to the proposed columbarium, the ordinance's standards for new construction are instructive. The new structure should be a product of its own time, but should exhibit some identifiable relationship to its surrounding context. Material selection and quality of craftsmanship/detail are two factors that can help achieve compatibility.

Enclosed for the Board's reference are excerpts from the Evergreen Cemetery Master Plan that address the undeveloped areas within the Cemetery. Although the recommendations are very general (it was always expected that more detailed plans would be developed as areas were identified for burial expansion), they do provide guidance as to how expansion areas should be developed. Also enclosed for the Board's reference is a simple site plan of Evergreen showing the existing roads and paths. This is instructive in terms of conveying the general layout of the historic core.

### **Motion for Consideration**

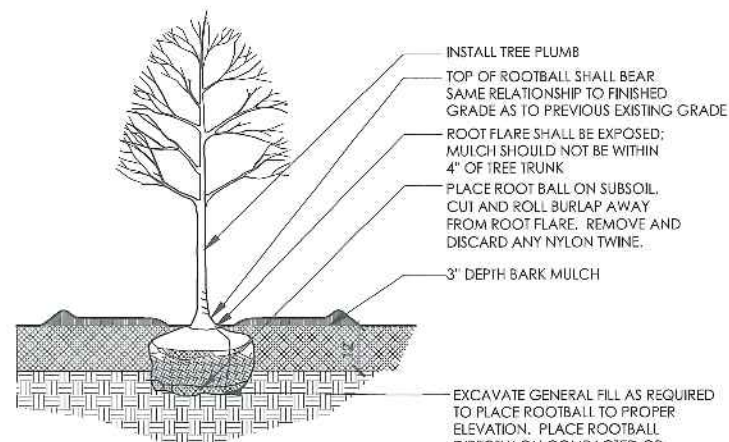
On the basis of plans and specifications submitted by the applicant for the May 21, 2014 Public Hearing and information included in the accompanying staff report, the Board finds that the proposed burial lot expansion and associated site alterations within Evergreen Cemetery **meet (fail to meet)** the Standards for Review of Alterations within the historic preservation ordinance, specifically Standards #..... **(Board approval is subject to the following conditions...)**

### **Attachments**

1. 5/13/14 memo from Woodard & Curran outlining final revisions to plan
2. Final plans and details
3. Site plan with grave layout reviewed at 5/7/14 workshop

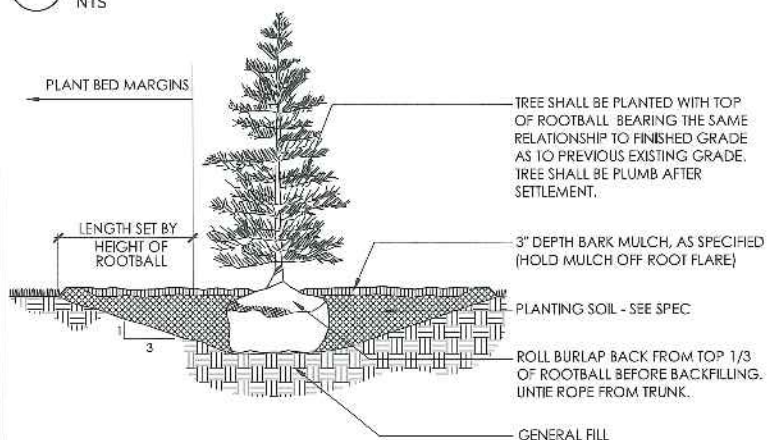
Att. 3  
Site plan reviewed on 5/7/14

| PLANT LIST            |     |                              |                         |                    |
|-----------------------|-----|------------------------------|-------------------------|--------------------|
| Deciduous Trees       |     |                              |                         |                    |
| Qty.                  | KEY | Botanical Name               | Common Name             | Size               |
| 5                     | AR  | Acer rubrum                  | Red Maple               | 2-3' cal. 0.6.0    |
| 1                     | AS  | Acer saccharum               | Sugar Maple             | 2-3' cal. 0.6.0    |
| 4                     | BA  | Betula alleghaniensis        | Yellow Birch            | 2' cal. 0.6.0      |
| 5                     | QB  | Quercus bicolor              | Swamp White Oak         | 2-3' cal. 0.6.0    |
| 2                     | QR  | Quercus rubra                | Red Oak                 | 2-3' cal. 0.6.0    |
| 5                     | ZS  | Zelkova serrata              | Japanese Zelkova        | 2-3' cal. 0.6.0    |
| Small Flowering Trees |     |                              |                         |                    |
| Qty.                  | KEY | Botanical Name               | Common Name             | Size               |
| 8                     | MDW | Malus 'Donald Wyman'         | Donald Wyman Crab-apple | 2-2.25' cal. 0.6.0 |
| 5                     | MHG | Malus 'Harvest Gold'         | Harvest Gold Crab-apple | 2-2.25' cal. 0.6.0 |
| 5                     | MJ  | Malus 'Jazz'                 | Jazz Crab-apple         | 2-2.25' cal. 0.6.0 |
| 5                     | MSN | Malus 'Snowdrift'            | Snowdrift Crab-apple    | 2-2.25' cal. 0.6.0 |
| Evergreen Trees       |     |                              |                         |                    |
| Qty.                  | KEY | Botanical Name               | Common Name             | Size               |
| 4                     | AC  | Abies concolor               | White Fir               | 7-8 ft. tall       |
| 4                     | PA  | Picea canadensis             | Norway Spruce           | 7-8 ft. tall       |
| 11                    | PG  | Picea glauca                 | White Spruce            | 7-8 ft. tall       |
| 4                     | PO  | Picea canadensis             | Scots Pine              | 7-8 ft. tall       |
| Apple Orchard Trees   |     |                              |                         |                    |
| Qty.                  | KEY | Botanical Name               | Common Name             | Size               |
| 3                     | MJC | Malus 'Duchess of Oldenburg' | Duchess of Oldenburg    | 3/4' cal. 0.6.0    |
| 3                     | MH  | Malus 'Honeycrisp'           | Honeycrisp              | 3/4' cal. 0.6.0    |
| 3                     | MJ  | Malus 'Jazz'                 | Jazz                    | 3/4' cal. 0.6.0    |
| 3                     | MS  | Malus 'Snowdrift'            | Snowdrift               | 3/4' cal. 0.6.0    |
| Groundcover           |     |                              |                         |                    |
| Qty.                  | KEY | Botanical Name               | Common Name             | Size               |
| 1/3                   | VM  | Vincetoxicum                 | Periwinkle              | #4 pot             |



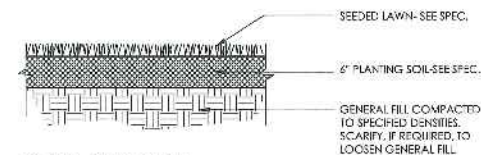
## 2 DECIDUOUS TREE PLANTING

NTS



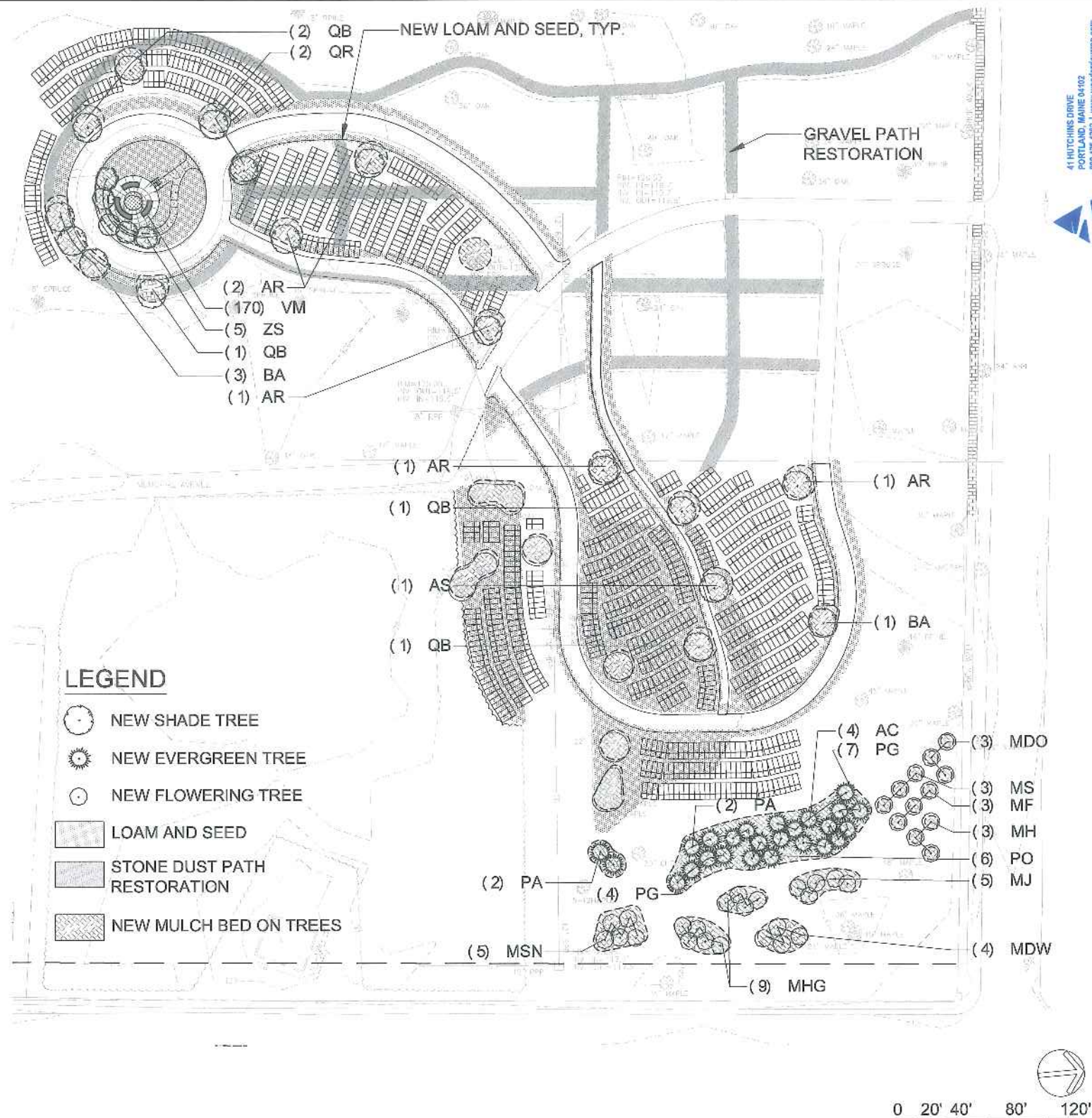
## 3 EVERGREEN TREE PLANTING

NTS



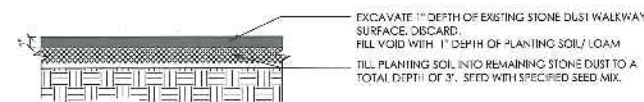
## 4 LOAM AND SEED

NTS



## 1 PLANTING PLAN

1" = 40'-0"



## 5 STONE DUST PATH RESTORATION

NTS

41 HUTCHINS DRIVE  
PORTLAND, MAINE 04102  
800.426.4202 | www.woodardcurran.com



|                                                                              |                                                                                                                   |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| LOD PROJECT NAME:                                                            | N/A                                                                                                               |
| DRAWING NAME:                                                                | XR-SITE-EVERGREEN.DWG                                                                                             |
| FIELD BOOK USED:                                                             | N/A                                                                                                               |
| DESIGNED BY:                                                                 | H/J/US                                                                                                            |
| DRAWN BY:                                                                    | US                                                                                                                |
| CHECKED BY:                                                                  | H/J/JL                                                                                                            |
| SCALE:                                                                       | AS NOTED                                                                                                          |
| DATE:                                                                        | JAN 17, 2014                                                                                                      |
| REFERENCES:                                                                  | 10-000P.dwg                                                                                                       |
| CRJA                                                                         | Carol R. Johnson Associates Inc.<br>Landscape Architecture<br>17 New York Street, Suite 200<br>Portland, ME 04101 |
| EVERGREEN CEMETERY<br>PHASE II                                               | LANDSCAPE PLAN AND DETAILS                                                                                        |
| CITY OF PORTLAND, MAINE<br>PUBLIC SERVICES DEPARTMENT<br>ENGINEERING SECTION |                                                                                                                   |
| SHEET #                                                                      | 7 OF 8                                                                                                            |
| PLAN NUMBER                                                                  | L-100                                                                                                             |

PERMIT REVIEW SET - NOT FOR CONSTRUCTION

May 13, 2014



Deb Andrews, Historic Preservation Program Manager  
Department of Planning and Urban Development  
Portland City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, Maine 04101

Re: Evergreen Cemetery Expansion, Application for Certificate of Appropriateness, Additional Information

Dear Deb:

Thank you for coordinating the review process for the Evergreen Cemetery Expansion Project. The discussion with the Historic Preservation Board at the May 7, 2014 workshop was helpful, and we've made a few changes to our plans to help address the concerns that were raised. There were three main topics discussed at the meeting: apple trees, columbarium design, and grave layout. Our response to each of these items is described below.

### **Apple Trees**

The consensus of the Historic Preservation Board was that, while apple trees are currently found in locations throughout the cemetery, the proposed location of a grove of trees near the Stevens Avenue entrance was not appropriate for the cemetery setting. To address this concern, we have removed the grove of apple trees at the entrance, and have instead located single apple trees throughout the expansion area. We have coordinated with the City of Portland Arborist Jeff Tarling on appropriate species. In the location previously proposed for the apple trees, we have added two additional shade trees that will grow to be significant trees as part of the landscape at the cemetery entrance. The landscaping plan has been updated to show the updated tree locations and species.

### **Columbarium Design**

As noted during the presentation at the May 7 workshop, the half columns have been removed from the columbarium walls and the base and top granite slabs have been made thicker. The base has increased from 6 inches to 12 inches, and the top has increased from 4 inches to 6 inches. The finish of the granite base has been modified to provide a contrast to the smooth granite finish of the rest of the columbarium structure. The rough finish will be a rock-face rustication created by guillotine splitting of the stone. The columbarium plan has been updated to show these changes.

### **Grave Space Layout**

Comments were provided by members of the public regarding the density of the proposed grave space layout, and the topic was discussed further by the Board. The grave layout has been designed to meet the needs of the current cemetery market, while providing a layout that can be maintained by cemetery staff. The grave layout also provides areas that can accommodate family plots as the need arises.

One particular area of concern was the section of grave spaces located farthest to the east in the expansion area, between the new road and the evergreen buffer. These three rows have been modified with the addition of trees and the adjustment of the grave spaces to remove some of the linearity of the layout. The landscaping plan has been updated to reflect these changes.



We hope that these changes will adequately address the Board's concerns. We are providing complete copies of the plan sets with the updated landscaping and columbarium plans for your reference. If there are any additional questions please don't hesitate to contact us.

Sincerely,

WOODARD & CURRAN

*Lauren Swett*

Lauren Swett, P.E.  
Project Engineer

*Denise Cameron*

Denise Cameron, PE  
Project Manager

Enclosure – Updated Plan Set

cc: Joe Dumais, City of Portland  
Troy Moon, City of Portland

PN: 222804.55

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

---

**PUBLIC HEARING  
DEERING OAKS POND**

**TO:** Members of the Historic Preservation Board

**FROM:** Deborah Andrews, Historic Preservation Program Manager

**DATE:** May 13, 2014

**RE:** May 21, 2014 PUBLIC HEARING

Application for: Certificate of Approval for Modifications to Pond Bottom

Address: Deering Oaks Pond  
Deering Oaks Historic Landscape District

Applicant: City of Portland Department of Public Services  
Parks and Cemeteries Division

Project Consultants: Woodard & Curran Inc. (civil engineers)  
Lauren Swett, Project Engineer

**Introduction**

The City of Portland's Parks and Cemeteries Division is requesting approval to make modifications to the bottom of Deering Oaks Pond with the goal of improving water quality. Concerns about the pond's water quality and the difficulty of accessing the pond bottom for regular maintenance have been raised by Parks Division staff and the Friends of Deering Oaks for some time. The City recently secured federal funding and committed local matching funds to move forward with improvements and retained the engineering firm of Woodard & Curran to develop the enclosed plan. Representatives of Woodard & Curran and the City's Parks Division will be available to describe the various alternative solutions explored, as well as the details of the final proposal at Wednesday's meeting.

Given the fairly straightforward nature of the proposal, staff did not feel that a preliminary workshop was necessary and scheduled the review as a public hearing item.

**Proposed Scope of Work**

The project entails removal of soil from the bottom of the pond and installation of concrete "block mats" over a gravel base. The concrete block mats will improve access to the pond for annual clean-up, allowing City vehicles to reach otherwise inaccessible areas of the pond.

The depth of the pond is to remain essentially as is, but will be leveled as part of the scope of work. Also proposed is the replacement in kind of the existing paved access entry point to the pond, located along the southern edge, near Park Avenue.

Woodard and Curran has provided a full written description of the current condition of the pond, the need for water quality improvements and the proposed scope of work—see especially Tab 2 of the enclosed report. Given the thoroughness of the submission there is no need to repeat the information here.

### **Staff Comments**

From the standpoint of the historic preservation review process, the question of visibility of the proposed concrete block mats is likely the most relevant question before the Board. The goal, obviously, is to retain the natural appearance of the pond, minimizing any visibility of modern interventions.

It is staff's understanding that the bottom of the pond will only be fully exposed to view twice a year, for about two weeks in the fall and spring, when it is cleaned and prepped for the coming season. In terms of visibility when the pond is full, you will note that most of the concrete mats are located toward the interior of the pond. The mats do come fairly close to the edges of the pond in several locations, particularly at the southern end in the area of the access drive. In this location they are immediately adjacent to the edge. Note that the depth of the water ranges from about 1 ¾ feet at some edges to 3 feet at the pond center.

The gravel on which the concrete blocks will be installed is fairly dark, similar to the existing pond bottom. The blocks themselves appear to be a fairly standard gray. The consultants expect that a fair amount of gravel will move to the surface of the concrete and that the concrete will darken over time due to the presence of vegetation in the pond. They have provided several photographs to illustrate how the blocks might appear under the water—see Tab 2.

For information purposes, staff has asked whether the concrete blocks are available in a darker color or whether they can be stained. The consultants are inquiring about this possibility.

### **Applicable Review Standards**

- (2) *The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*
- (9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.*

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

### **Motion for Consideration**

On the basis of plans and specifications submitted by the applicant for the May 21, 2014 Public Hearing and information included in the accompanying staff report, the Board finds that the proposed alterations to Deering Oaks pond **meet (fail to meet)** the Standards for Review of Alterations within the historic preservation ordinance, specifically Standards #..... **(Board approval is subject to the following conditions...)**

### **Attachments**

1. Consultant's bound report with plans



## Deering Oaks Pond – Pond Bottom Replacement

City of Portland  
Historic Preservation  
Application for  
Certificate of  
Appropriateness



41 Hutchins Drive  
Portland, ME 04102  
800-426-4262

**woodardcurran.com**  
COMMITMENT & INTEGRITY DRIVE RESULTS

222804.46  
City of Portland  
May 2014

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## 1. APPLICATION FORM



Date: March 18, 2014

**HISTORIC PRESERVATION  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

Pursuant to review under the City of Portland's Historic Preservation Ordinance (Chapter 14, Article IX of the Portland City Code), application is hereby made for a Certificate of Appropriateness for the following work on the specified historic property:

**PROJECT ADDRESS:**

Deering Oaks Park, bounded by Deering Avenue, State Street, Park Avenue, and Interstate 295.

**CHART/BLOCK/LOT:** 035 I001, 050 A001, & 049 B001 (for staff use only)

**PROJECT DESCRIPTION:** Describe below each major component of your project. Describe how the proposed work will impact existing architectural features and/or building materials. If more space is needed, continue on a separate page. Attach drawings, photographs and/or specifications as necessary to fully illustrate your project—see following page for suggested attachments.

The project will install a new pond bottom system in Deering Oaks Pond, creating a more stable surface for maintenance vehicles. This will allow for a more complete annual cleaning of the pond, helping to reduce the occurrence of summer algae blooms, improving water quality. The project includes the excavation and removal of approximately 14 inches of the existing pond bottom material, along with additional deeper soft peat deposits. A new pond bottom system consisting of a combination of gravel surface and concrete block surface will be installed. The proposed work will not impact existing architectural features or structures. Additional information on the project, including photographs and project plans are included in this report.

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\_\_\_\_\_

**CONTACT INFORMATION:**

**APPLICANT**

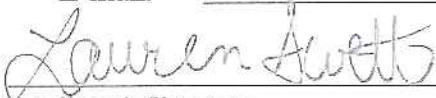
Name: Michael Farmer, Project Engineer  
Address: City of Portland, Department of Public Services  
55 Portland Street, Portland ME  
Zip Code: 04101  
Work #: 207-874-8845  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: mfarmer@portlandmaine.gov

**BILLING ADDRESS SAME AS APPLICANT**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**CONTRACTOR AGENT/REPRESENTATIVE**

Name: Woodard & Curran, c/o Lauren Swett, PE  
Address: 41 Hutchins Drive  
Portland ME  
Zip Code: 04102  
Work #: 207-774-2112  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: lswett@woodardcurran.com

  
Applicant's Signature

**PROPERTY OWNER SAME AS APPLICANT**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**ARCHITECT**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Zip: \_\_\_\_\_  
Work #: \_\_\_\_\_  
Cell #: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
Home: \_\_\_\_\_  
E-mail: \_\_\_\_\_

\_\_\_\_\_  
Owner's Signature (if different)

## Activities Requiring Approval in Historic Districts

If your property is located within a historic district or is an individually designated historic structure, it is necessary to receive approval before proceeding with any exterior alteration, construction activity or site improvement that will be visible from a public way. Following is a list of activities requiring review.

**Please check all those activities that apply to your proposed project.**

### Alterations and Repair

- ☐ Window and door replacement, including storms/screens
- ☐ Removal and/or replacement of architectural detailing (for example porch spindles and columns, railings, window moldings, and cornices)
- ☐ Porch replacement or construction of new porches
- ☐ Installation or replacement of siding
- ☐ Masonry work, including repointing, sandblasting, chemical cleaning, painting where the masonry has never been painted, or conversely, removal of paint where the masonry historically has been painted
- ☐ Installation or replacement of either roofing or gutters when they are a significant and integral feature of the structure
- ☐ Alteration of accessory structures such as garages

### Additions and New Construction

- ☐ New Construction
- ☐ Building additions, including rooftop additions, dormers or decks
- ☐ Construction of accessory structures
- ☐ Installation of exterior access stairs or fire escapes
- ☐ Installation of antennas and satellite receiving dishes
- ☐ Installation of solar collectors
- ☐ Rooftop mechanicals

### Signage and Exterior Utilities

- ☐ Installation or alteration of any exterior sign, awning, or related lighting
- ☐ Exterior lighting where proposed in conjunction with commercial and institutional signage or awnings
- ☐ Exterior utilities, including mechanical, plumbing, and electrical, where placed on or near clearly visible facades

### Site Alterations

- ☒ Installation or modification of site features other than vegetation, including fencing, retaining walls, driveways, paving, and re-grading

### Moving and Demolition

- ☐ Moving of structures or objects on the same site or to another site
- ☐ Any demolition or relocation of a landmark contributing and/or contributing structure within a district

***Note: Your project may also require a building permit. Please call Building Inspections (874-8703) to make this determination.***

## ATTACHMENTS

To supplement your application, please submit the following items, *as applicable to your project*. Keep in mind that the information you provide the Historic Preservation Board and staff is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s).

- X   Exterior photographs (required for all applications.) Include general streetscape view, view of entire building & close-ups of affected area.
- X   Sketches or elevation drawings at a minimum 1/4" scale. Please label relevant dimensions. All plans shall be submitted in 11" x 17" format except for major projects, where 22" x 34" plans are requested. Applicants for major projects should submit one (1) 11" x 17" copy for scanning purposes.
- X   Details or sections, where applicable.
- N/A  Floor plans, where applicable.
- N/A  Site plan showing relative location of adjoining structures.
- N/A  Catalog cuts or product information (e.g. proposed windows, doors, lighting fixtures)
- X   Materials - list all visible exterior materials. Samples are helpful.
- X   Other(explain)   A Narrative Report has been attached to address the submission requirements and review standards. A site location map and design plans have also been provided.

If you have any questions or need assistance in completing this form, please contact Historic Preservation staff: Deb Andrews (874-8726) or by e-mail at [dga@portlandmaine.gov](mailto:dga@portlandmaine.gov)

**Please return this form, application fee (see attached fee schedule), and related materials to:**

Historic Preservation Program  
Department of Planning and Urban Development  
Portland City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

## 2. PROJECT DESCRIPTION

### 2.1 PROJECT LOCATION AND BACKGROUND

Deering Oaks Park is a 55-acre public park owned by the City of Portland. Originally acquired by the City in the late 1800s, the park is recognized on the National Register of Historic Places. In 1994, a Master Plan was developed by The Halvorson Company, Inc. at the request of a committee of citizens, City staff, and the City's Mayor. The Friends of Deering Oaks Park group was incorporated in 1997. Today, the park has trails, sports fields, a playground, and space for a farmers market, all located throughout the wooded site. The park is located on the Portland Peninsula, and is bounded to the north by Interstate 295, to the west by Deering Avenue, to the south by Park Avenue, and to the east by Forest Avenue. A Location Map has been provided as Appendix A for your reference.



**Figure 2-1 Deering Oaks Pond Existing Conditions Photographs**

Deering Oaks Park is an important recreational feature in the City of Portland, and the focal point of the park is Deering Oaks Pond, a 3.5-acre manmade pond that serves both aesthetic and recreational purposes in the park. The pond was created in the late 1800s as a result of the sewer system installed in the adjacent State Street. The construction of the sewer dammed the tidal flats in the area, creating an impoundment that became the pond. The source of water for the pond has varied throughout its history, having first been filled with pumped drinking water. The pond currently receives source water from stormwater outfall pipes, sheet flow from surrounding areas, groundwater, and supplemental water from the Portland Water District's water distribution system, as needed. The pond's overflow discharges to the City of Portland's combined sewer system.

A majority of the pond's edge is formed by stacked granite block or stone-faced cast-in-place retaining wall systems. In 2006, a replacement fountain system was installed within the pond. An ornamental fountain is installed in the pond each spring and is removed in the fall so that the pond may be used for public ice skating during the winter months. The fountain recirculates pond water through a land-side pump vault and an intake pipe within the pond.

## 2.2 PROJECT NEED

Residents of Portland and surrounding communities utilize Deering Oaks Park and Deering Oaks Pond year round. The 1994 Master Plan emphasized the importance of maintaining water quality for this well-used resource. The lack of a structured pond bottom limits the City's ability to maintain the pond, and the lack of regular maintenance results in a buildup of organic material which can contribute to poor water quality and summer algae blooms, negatively impacting the pond's aesthetic and recreational character.

The City of Portland Department of Public Services completely drains Deering Oaks Pond twice annually to allow for the installation of pond infrastructure in the spring and the removal of equipment in the fall before the pond freezes. When the pond is drained, limited cleaning, including leaf and trash pickup, is completed, but comprehensive cleaning isn't done every year. The existing pond bottom and the underlying soils limit the type of equipment that may enter the pond to perform maintenance.



**Figure 2-2 Deering Oaks Pond (a) trash accumulation below the pond water; (b) leaf and organic deposits visible during pond draindown; and (c) algae blooms during the summer months.**

Leaves, trash, sediment, and other debris from the surrounding areas are continuously deposited in the pond, providing the nutrient source necessary to facilitate the growth of algae. The existing pond bottom can be very soft, and the City has historically had difficulty accessing some areas of the pond to perform maintenance. As a result, sediment and trash from stormwater runoff, along with deposited organic material (leaves and other vegetation), is not completely removed during annual cleaning, compromising water quality. With the organic material in the pond, nutrients cycle between the pond bottom material and the pond water, likely contributing to algae blooms during the warm summer months. The algae blooms impact pond aesthetics and can pose potential health risks to humans and animals that use the park. Algae can cycle organic matter and nutrients in the water column, further increasing the potential for additional blooms. Trash accumulation in the pond has impacts on wildlife (ducks and geese that frequent the pond), pets, and humans.

There is a need to improve water quality in Deering Oaks Pond. To accomplish this, the removal of existing soft materials and the installation of a new, more stable pond bottom will be installed to allow for more frequent and thorough cleaning of the pond on at least an annual basis.

## **2.3 PROJECT SUPPORT & FUNDING**

In 2006, a report was written to identify critical issues in need of attention in Deering Oaks Pond. This report addressed water quality concerns, retaining wall stability, fountain replacement, and electrical and lighting challenges. Since the report was written, some of the identified concerns have been addressed, including the installation of a new fountain, and some limited pond edge repairs.

In 2010, approximately \$1.2 million in federal funding was appropriated to the City of Portland for use on water quality projects for Deering Oaks Pond. In order to receive this funding, the City was required to provide a 45% funding match and submit an application to the EPA for a State & Tribal Affairs Grant (STAG). The City currently has \$500,000 available to be utilized as a match to the federal funds. A STAG application was submitted to EPA in 2013, requesting \$611,111 of the available funding, resulting in a total project budget of just over \$1.1 million. Approval of the grant was received in 2014.

## **2.4 PROPOSED PROJECT**

The scope of the current project is to address water quality issues utilizing the available federal funding and the committed City of Portland matching funds. Repairs to retaining walls are not covered by, and are not eligible for the available funding, and will need to be addressed as part of another project.

### **2.4.1 Existing Soil Removal**

The main goal of the proposed project is to improve the water quality of the pond by creating a more stable pond bottom that will allow for more thorough cleaning of the pond on at least an annual basis. By removing soft soils and installing a stable pond bottom that has been designed to withstand the loading of small earth moving and sweeping equipment and small dump trucks, a more comprehensive cleaning program can be implemented. At a minimum, during the fall draining of the pond, the pond bottom could be cleared of deposited organic material, reducing the nutrient source that typically supports algae blooms in the warm summer months.

The pond was evaluated in the spring of 2013 by Haley & Aldrich to determine the composition of the soils that make up the existing pond bottom. The results of the evaluation indicate that a thin organic layer exists on the pond bottom, followed by a layer of fine sand that varies from 4 inches to 22 inches in thickness, followed by an undetermined depth of silty clay (native marine clay layer). There are also areas of peat beneath the surface organics and sand, creating soft areas that pose challenges for maintenance equipment.

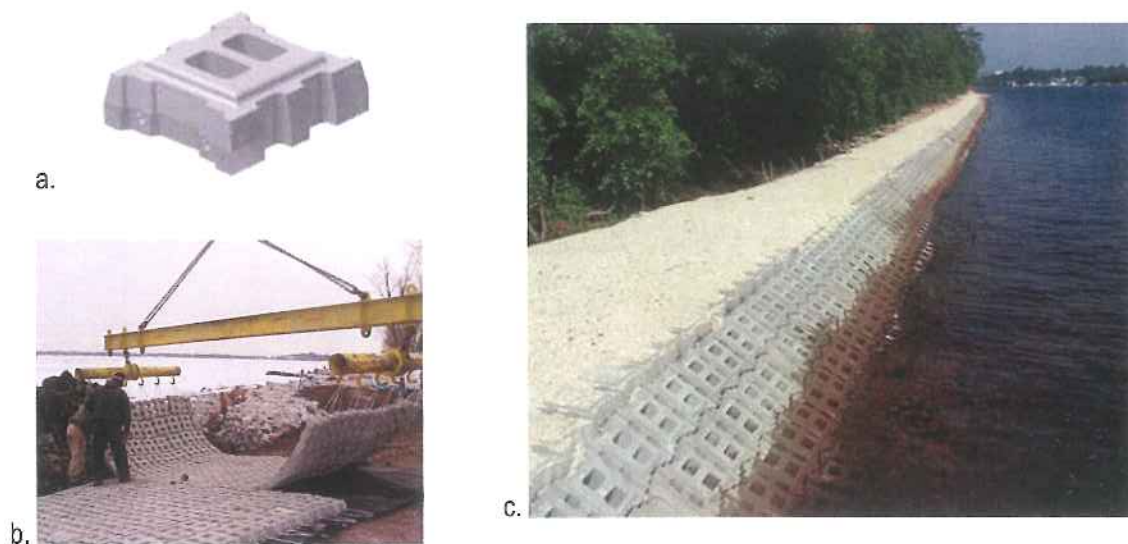
The proposed work will consist of the removal of approximately the top 14 inches of material from the entire pond, plus over-excavation of an additional 22 to 28 inches of material in select areas throughout the pond. This over-excavation will remove soft peat in areas identified during Haley & Aldrich's subsurface investigation. The over-excavated areas will be re-filled with gravel, and a new pond bottom system will be installed. The intent of the work will be to maintain the existing pond bottom elevation, with minor adjustments to remove some low spots that currently hold water when the pond is drained down for maintenance. The depth of water in the pond will remain largely the same.

A total of approximately 8,500 cubic yards of material will be removed from the pond bottom, including the over-excavated soft soils. This dredged material is classified as "special waste" by the Maine Department of Environmental Protection, and will require a solid waste license for beneficial use or disposal. Sediment sampling within the pond indicates that the material may meet the requirements for beneficial use, and this option will be provided to the Contractor.

## 2.4.2 Pond Bottom Alternatives

An alternatives analysis was completed to determine the type of pond bottom system to be specified for the Deering Oaks Pond. The alternatives analysis looked at four different options: asphalt, reinforced concrete, articulating concrete block mats, and gravel. Each alternative was evaluated based on seven screening criteria: capital cost, pond maintenance, pond bottom repair, installation impacts, expandability, future wall repair, and longevity.

The result of the alternatives analysis was the selection of a "hybrid" approach utilizing articulating concrete block mats and gravel. The articulating concrete block mats are typically 8-foot by 40-foot mats of concrete blocks attached together with polyester or steel cables. By connecting the blocks into large mats, they may be installed over large areas using a crane, instead of requiring individual hand placement. Individual blocks may also be installed by hand around edges and in areas that are irregularly shaped. The concrete blocks are installed over gravel, and have center holes that are also filled with gravel. Articulating block mats are often utilized for erosion protection on shorelines and at bridge abutments, and are also utilized as pond bottom systems.



**Figure 2-3 Articulating Concrete Block Mats: (a) typical individual block; (b) installation of mats by crane; and (c) blocks installed as shoreline protection (note, this project will not install the block mats above the water surface as shown above) (photos from Contech Engineered Solutions LLC)**

A roadway of articulating concrete block mats will be constructed throughout the pond (and only in areas that will be below water), allowing for access by heavier vehicles, like larger dump trucks and loaders. In areas without the concrete block mats, 14 inches of gravel over a layer of reinforcing geotextile will be installed. This gravel will provide adequate support for smaller equipment and vehicles that will be performing most of the maintenance on the pond. The gravel proposed for the pond bottom is the Maine Department of Transportation's Type B base gravel. This is the type of material that is often utilized as road base beneath asphalt, and is also used as the surface for some trails. Engineering plans for the proposed project are included in Appendix B.

### 2.4.3 Pond Bottom Visual Appearance

The gravel pond bottom will be similar in color to the existing pond bottom. The concrete blocks will be gray in color when installed. Image C in Figure 2-1 above shows that as water depth increases, the visibility of the concrete from the surface decreases. For reference, Figure 2-2 below shows the appearance of existing concrete and granite blocks located beneath the water in the pond. Under approximately 3 feet of water and typically located away from the pond edge, they will not be clearly visible. It is also anticipated that the blocks will become partly covered by gravel during construction and future maintenance, and the concrete blocks will also darken over time, as has been observed in other concrete in the pond.



**Figure 2-4 Deering Oaks Pond (a) concrete below water surface; (b) granite blocks below water surface at pond edge; and (c) darkened concrete at pond edge.**

The pond bottom will remain covered with water or ice during all but the few weeks per year that the pond is drained for maintenance.

#### **2.4.4 Construction**

All proposed work will be done within the limits of the pond. Any areas outside of the pond impacted by construction activities, including pond access routes, will be returned to their original condition. Construction access to the site will likely be from Park Street, as shown on the plans included in Appendix B. The existing paved access ramp into the pond will be utilized and it is not anticipated that any other access points to the pond will be created. All construction access areas will be returned to their original condition or improved following the completion of the work within the pond. The project will require 6" of quality loam and park lawn mix grass in any lawn areas impacted by access.

The pond will be drained prior to the start of construction, so that work may be completed in the dry. All of the material excavated from the pond will be removed from the site and either disposed of or beneficially reused in accordance with Maine Department of Environmental Protection Solid Waste Standards (location to be determined by contractor).

The installation of a pond bottom system will not require disturbance at the fountain foundation. The intent is to not modify the fountain system, intake/discharge pipes, or pump vault.

Construction is anticipated to occur in the fall of 2014 and we anticipate work could take up to three months to complete.

#### **2.5 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

In accordance with Article IX of the Land Use Code, an Application for a Certificate of Appropriateness is being submitted to the Historic Preservation Program for the proposed site alterations to the designated historic landscape, Deering Oaks Park. This report and attachments are presented in conformance with the requirements of the Application.

### **3. EVIDENCE OF RIGHT, TITLE, AND INTEREST**

The project site is located entirely on public land owned by the City of Portland. The project parcels are located at chart, block, lot 049 B001, 050 A001, and 035 I001. A copy of the City of Portland Tax Map showing the parcel locations is provided in Appendix C.

## **4. ADDITIONAL PROJECT APPROVALS**

### **4.1 LOCAL PERMITS**

The project's area of disturbance will be limited to the bottom of the existing pond, an area that is covered by water during most of the year and temporary disturbance for access. The project will disturb approximately 3.5 acres, and no new impervious surface will be created. The project is primarily for maintenance, and a Level 1 Site Alteration Application is being submitted to the City of Portland Planning Division for staff review. The area of disturbance will be greater than one acre and less than 5 acres, and there will be no increase in impervious areas. As such, the General and Flooding Standards of the City's Stormwater Management regulations will not apply.

### **4.2 STATE & FEDERAL PERMITS**

The project will qualify for a Stormwater Permit By Rule (PBR), which requires compliance with the MaineDEP Basic Standards for erosion and sedimentation control and good housekeeping measures. The Stormwater PBR form also serves as the Notice of Intent to comply with the Maine Construction General Permit. The submission of a separate Notice of Termination to the MaineDEP will be required for the MCGP, following completion of the project.

The pond is a manmade impoundment, which is not considered to be a jurisdictional wetland by the Maine Department of Environmental Protection (DEP) or the Army Corps of Engineers (ACOE). A review of publicly available information shows that the pond is not identified as habitat for endangered or threatened species. The area is not part of prime or unique agricultural lands, and is not located within any floodplains. The project will have no impact on air quality, and will also not impact any drinking water sources. The area is also not a habitat for Inland Wading Waterfowl, Shorebirds or Seabirds. The proposed project will not impact any natural resources. Natural Resources Protection Act (NRPA) permits from the Maine Department of Environmental Protection (MaineDEP) and Programmatic General Permits from the Army Corps of Engineers will not be required.

Deering Oaks Park is a registered historic landmark, and the project will be submitted to the State Historic Preservation Commission for review. Any correspondence received from the State Historic Preservation Commission will be provided under separate cover.

### **4.3 FEDERAL REVIEW**

As part of the State and Tribal Affairs Grant process, the EPA carried out an environmental assessment for the project. A copy of that assessment, along with the Finding of No Significant Impact document is included as Appendix D for your reference.

---

## **5. EVIDENCE OF FINANCIAL AND TECHNICAL CAPACITY**

### **5.1 FINANCIAL CAPACITY**

As previously noted, the proposed project will be paid for by a combination of Federal grant money and local matching funds. As part of their Fiscal Year 2013 Capital Improvement Plan (CIP) budget, the City of Portland approved \$500,000 for use on the project. This represents all of the local funding available for the required 45% match, such that the Federal grant funding will be \$611,111, setting the total maximum project cost at \$1,111,111. The State and Tribal Affairs Grant from the EPA was approved in 2014, and a copy of the grant agreement is included in Appendix D.

### **5.2 TECHNICAL CAPACITY**

On behalf of the City of Portland, Woodard & Curran is preparing this application for the Deering Oaks Pond Bottom and Water Quality Improvements Project. Woodard & Curran has extensive experience with design for large site construction and earth moving projects and resumes can be made available upon request. Woodard & Curran is an over 800-person Portland based firm that has provided engineering services to the public sector for more than 30 years, including permitting, civil/site engineering, stormwater, and construction management services.

## 6. CONSISTENCY WITH CITY MASTER PLANS

The proposed project has been designed to be consistent with the Deering Oaks Master Plan developed in 1994. Major efforts to implement the Deering Oaks Park Master Plan priorities have been accomplished to date, including ravine rehabilitation, tree transplanting and maintenance, utility improvements, recreational improvements, historic building rehabilitation, pedestrian bridge restoration, and fountain replacement. These projects were funded through the City's Capital Improvements Program, the taxpayers of the City of Portland, the federal Housing and Community Development Program, private donations, and with donated funds from the Friends of Deering Oaks, a local non-profit committed to the preservation and enhancement of the park. The Deering Oaks Pond pond bottom replacement will mark another step in achieving the Master Plan goals.

The Pond has historic and ongoing issues with algae growth and has required frequent dredging and cleaning, as documented in the Master Plan. The Master Plan identified Deering Oaks Pond as an essential park element, and the Guiding Principles of the Master Plan emphasizes the importance of its management and maintenance. As previously discussed, the proposed project will allow for more regular and thorough maintenance of the pond. The proposed project will help achieve all five of the Master Plan Goals:

1. Improve the Image and Safety of Deering Oaks
2. Facilitate the Use and Enjoyment of Deering Oaks
3. Rehabilitate and Preserve the Historic Design Intent of the Park
4. Restore and Maintain the Park's Horticultural Beauty and Ecological Health
5. Strengthen Park Maintenance and Management Programs

The improved maintenance operations (goal 5) that will result from the project, will result in a cleaner, more aesthetically pleasing pond, helping to meet the objectives of goals 1, 2, and 4. The objective of the third goal is to focus on rehabilitation in an effort to stabilize, preserve, and/or improve the character-defining features of the site, particularly elements such as the pond. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses, while preserving those portions or features which convey its historical or cultural values.

The project meets the intent of the Deering Oaks Master Plan by helping to improve the water quality of Deering Oaks Pond through measures that are primarily not visible during most of the year. The project will not have a detrimental effect on the historic nature of the site, and will help to maintain the pond for future, enjoyable use by the Portland community.

## 7. CONFORMANCE WITH HISTORIC PRESERVATION STANDARDS

Division 7 of Article IX of the City of Portland's Land Use Code outlines the standards for review of applications for Certificates of Appropriateness. This project involves site alterations and shall only be subject to the following standards, as applicable:

### 7.1 STANDARDS FOR REVIEW OF ALTERATION (LAND USE CODE SECTION 14-650)

The proposed project has been designed to comply with the standards for review of alteration as follows:

- a) No change in use will result from the proposed project; the property will be utilized for its originally intended purpose.
- b) The distinguishing original qualities and character of the site and its environment shall not be destroyed; the removal of organic material and the replacement of the pond bottom system will not negatively alter the visible aesthetic of the existing site; the work will help to improve the appearance of the pond by reducing the incidence of algae blooms.
- c) Alterations that have no historical basis or create a false sense of historical development shall not be made as part of this project; the existing pond bottom elevation will be maintained.
- d) Changes which have taken place in the course of time and are evidence of the history and development of the site and its environment are considered significant in their own right and shall not be destroyed as a result of this project; proposed work will impact only the pond bottom, which is not visible during all but a few weeks of the year.
- e) Distinctive features, finishes, and construction techniques and examples of skilled craftsmanship which characterize the site shall be treated with sensitivity. No walls, buildings, or other structures will be impacted by the project. Structures typically located within the pond, including the duck house and the fountain, will be removed prior to construction, and any remaining buried infrastructure will be protected during construction.
- f) There are no historic features on the site which are deteriorated and will require repair or replacement as part of this project. The repair of adjacent retaining walls is not part of the scope of this project.
- g) The proposed project will not include the surface cleaning of existing structures and objects.
- h) There are no known archaeological resources located within the project area. The pond bottom has been excavated and dredged numerous times over the history of the pond. A large portion of the material that will be removed from the pond has been placed in the pond in the past fifty years.
- i) The proposed project will not utilize a contemporary design for alterations and additions to the existing property; the removal of organic material and the replacement of the pond bottom system will not negatively alter the visible aesthetic of the existing site.
- j) No additions or alterations to structures or objects are proposed as part of this project.

## APPENDIX A: LOCATION MAP



NOTE: AERIAL PHOTOGRAPHIC DATA PROVIDED BY  
MAINE GIS, CITY OF PORTLAND 2012 DATA



BAR SCALE

1" = 200'

CHECK GRAPHIC SCALE BEFORE USING



41 Hutchins Drive  
Portland, Maine 04102  
800.426.4262 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

## LOCATION MAP

DESIGNED BY: N/A  
DRAWN BY: LJS

CHECKED BY: DAS  
227RD4.45 LOCATION FIGURE.DWG

CITY OF PORTLAND  
PORTLAND, MAINE

DEERING OAKS POND  
POND BOTTOM IMPROVEMENTS

JOB NO: 222804  
DATE: AUGUST 2013  
SCALE: 1"=200'

FIG. 1-1

## **APPENDIX B: PROJECT PLANS**

## APPENDIX C: TAX MAP



## **APPENDIX D: EPA DOCUMENTS**

- Environmental Assessment & Finding of No Significant Impact
- Grant Agreement



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100  
Boston, MA 02109-3912**

October 29, 2013

Michael Bobinsky  
Director of Public Services  
City of Portland  
55 Portland Street  
Portland, Maine 04101

Re: FNSI Determination for the Deering Oaks Pond Bottom Replacement Project

Dear Mr. Bobinsky:

In compliance with EPA Regulations for Implementation of Procedures on the National Environmental Policy Act (NEPA), our office has prepared an Environmental Assessment (EA) for the proposed Deering Oaks Pond project. The City of Portland is proposing to excavate and remove accumulated sediment from the Deering Oaks Pond, and to construct a new pond bottom foundation system.

Based on the EA that has been prepared with supporting documentation (e.g. September 2013 EID) provided by the City of Portland in its grant application submittal, EPA has also prepared a corresponding Finding of No Significant Impact (FNSI) determination. No adverse environmental impacts are expected to occur from the proposed project. As a result, an Environmental Impact Statement (EIS) will not be required.

The FNSI will be distributed as required by 40 CFR Section 6.203. It will also be posted electronically for public review for 30 days. In addition, we request that this determination, and any additional proposed project documents, be made available for review by the public at the City of Portland offices. If any future review results in an indication of dissatisfaction with the way the environmental effects of the proposed project have been dealt with, our office should be notified immediately so that we can determine if modifications to the project are warranted.

Should you have any questions, you may contact David Chin of my staff at 617-918-1764. Thank you for your continued cooperation and we look forward to working with the City of Portland on its proposed Deering Oaks Pond project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Spinale", written over a horizontal line.

Mark Spinale, Manager  
Municipal Assistance Unit

Attachments

cc: U.S. ACOE  
U.S. Fish and Wildlife



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
BOSTON, MA 02109-3912

**ENVIRONMENTAL ASSESSMENT**

**I. PROJECT NAME:** Deering Oaks Pond – Portland, Maine  
Pond Bottom Replacement Project

**ADDRESS:** City of Portland  
Public Services Department  
55 Portland Street  
Portland, Maine 04101-2921  
ATTN: Michael Bobinsky, Director

**PROJECT LOCATION:** Deering Oaks Pond, Deering Oaks Park  
Portland, Maine

**II. BACKGROUND, PURPOSE and NEED:**

The Deering Oaks Pond, located in Deering Oaks Park in the City of Portland, Maine, is a 3.5 acre manmade pond/impoundment. Created in the late 1800s, the current source of water for the pond is from a combination of stormwater outfall pipes, stormwater runoff from the immediate surrounding areas, groundwater, and supplemental water from the Portland Water District's water distribution system. Any overflow from the pond enters the City of Portland's combined sewer system. The pond serves both aesthetic and recreational purposes in the park. The pond is utilized for public skating during the winter months.

A majority of the pond's edge is formed by stacked granite block or stone face cast-in-place retaining wall systems. The pond is drained twice a year for maintenance. The existing pond bottom in many areas is quite soft which hinders maintenance work. As a result, it is often difficult to remove sediment, trash, and deposited organic material, which compromises water quality. In addition, excess organic material helps to create and exacerbate algae blooms during the warm summer months.

The City of Portland has proposed to improve water quality by installing a new and more stable pond bottom that would allow more frequent and effective cleaning of the pond on an annual basis. The City of Portland will be provided with federal assistance (Public Law 111-88) in the amount of \$611,111, along with a required local match of \$500,000 (approved by the City of Portland as part of its FY2013 Capital Improvement Plan budget) to help fund this proposed endeavor.

## **II. PROJECT DESCRIPTION AND OBJECTIVES**

Improving water quality is the primary goal of this proposed project. Deering Oaks Pond experiences high algal blooms as a result of low dissolved oxygen levels and elevated temperatures. Over the years, the pond has received organic materials from combined sewer overflow discharges, waterfowl waste, decomposed leaves, and sediment from stormwater runoff. The decomposition of the organic material contributes to higher nitrogen and phosphorous levels, which in turn, contributes to the lower dissolved oxygen levels.

The proposed project will include the removal of the accumulated organic matter. The installation of a new and more stable pond bottom foundation will result in improved and more effective future maintenance. Both endeavors will greatly enhance the water quality of the Deering Oaks Pond for the future.

The pond will be drained and the organic material will be removed down to the historic pond bottom elevation height. All sediment and organic material will be properly disposed of in compliance with local, state and federal requirements. After removal of the sediment, a new stable pond bottom system will be installed so the pond may be regularly and properly maintained in the future. The pond bottom system alternatives are being evaluated and they include: (a) gravel; (b) cast-in-place reinforced concrete; and (3) precast modular concrete blocks.

An Environmental Information Document was prepared by representatives of the City of Portland as part of its grant application submittal. Information from this specific document, as well as supplemental information (e.g. 9/25/13 memo) provided to the EPA is utilized to support the following narrative regarding environmental concerns and impacts.

## **III. SUMMARY REVIEW OF ENVIRONMENTAL CONCERNS AND IMPACTS, AND PUBLIC and INTERAGENCY REVIEW**

### **A. Direct Impacts**

#### **1. Air Quality**

During construction, there will be expected slight increase in noise and dust associated with excavation and removal work, installation work, and vehicular traffic.

#### **2. Water Quality**

There will be some temporary water quality impairment that is typical of these types of projects. The City of Portland will implement all necessary measures to minimize any temporary water quality degradation before, during, and after excavation and installation.

The installation of a new pond bottom system will result in the disturbance of ~ 3.5 acres of land area, requiring compliance with the Maine Department of Environmental Protection (DEP) Chapter 500 Stormwater Management regulations and the Maine Construction General Permit. Since the disturbance of land area will be greater than one acre and less than five acres, the project will qualify for a Stormwater Permit By Rule (PBR) that requires compliance with the Maine DEP Basic Standards for erosion and sedimentation control involving the implementation of best management practices.

The City of Portland will complete and submit a Notice of Intent/Stormwater PBR form to comply with the Maine Construction General Permit (MCGP). The City of Portland will also Submit a Notice of Termination to the Maine DEP following completion of the project.

In correspondence between the City of Portland representative and the Army Corps of Engineers, it has been determined that Deering Oaks Pond is not a water of the United States. Therefore, an ACOE permit is not required for the proposed project.

### 3. Environmentally Sensitive Areas

#### a. Flood plains and Wetlands

There are no mapped wetlands in the project area and is not located in a floodplain.

#### b. Prime Agricultural Land

The project area is not located in prime agricultural lands..

#### c. Wildlife Habitat

The area is not a habitat for inland wading waterfowl, shorebirds, or seabirds. According to the EID, the closest shorebird habitat is ~2,000 feet away from the propose project site. The closest inland wading waterfowl habitat is ~9,500 feet away. The proposed project will have no impact on wildlife habitat.

#### d. Stream Modification

No stream modifications are required as a result of this proposed project.

4. Socio-Economic Impacts

The proposed project will not require the relocation of residents and people, and area employment will not be disrupted by the construction project. No properties will be impacted by the Uniform Relocation and Assistance Act.

5. Historical/Archeological and National Landmarks

Deering Oaks Pond is a nationally registered historic landmark. We have assurances from the City of Portland that this project will be implemented in coordination with City of Portland's Historic Preservation Department. The City of Portland will also coordinate with the Maine Historic Preservation Commission.

6. Endangered Species

The pond is not identified as a habitat for endangered or threatened species.

7. Coastal Zone Management

The project area is not part of an immediate sea coast.

8. Wild and Scenic Rivers

The project area is not within a wild and/or scenic river designation area.

**IV. MITIGATION AND CONCLUSIONS**

Short-term impacts to air quality (e.g. dust and equipment exhaust) may occur during construction. However, contract documents will require the contractor to control dust and comply with all applicable State and EPA air pollution control requirements. There will be minimal or no impacts to air quality. There will be no land use changes. There will be no environmentally sensitive areas that will be impacted.

With respect to impacts to water quality during construction, the contractor will be required to implement sedimentation and erosion control measures in accordance with MGCP. Appropriate erosion and sedimentation control will be utilized to prevent sedimentation in the areas of the pond and in the pond outlets connected to the City of Portland Combined Sewer System.

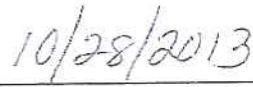
In addition, organic matter that is removed from the site during construction will be tested for contaminants and will be disposed of in accordance with all applicable local, state, and federal regulations/requirements. The potential for beneficial re-use of the sediment will be evaluated.

Overall water quality of the pond will be improved in the short-term and long-term. There may be minor and temporary short-term construction impacts affecting air quality and water quality, as well as the need to control the level of noise and traffic. Nevertheless, we have been assured by the City of Portland that any short-term impacts are expected to be properly mitigated and minimized.

**Based on our review of available documentation, this proposed project is not expected to have any long-term adverse impacts on the environment.**



David Chin, Environmental Engineer  
Municipal Assistance Unit



Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
BOSTON, MA 02109-3912

**FINDING OF NO SIGNIFICANT IMPACT**

To: All Interested Persons

Date Issued: October 28, 2013

Pursuant to the Federal Water Pollution Control Act, as amended, we have made an environmental determination for the:

City of Portland, Maine  
Public Services Department  
55 Portland Street  
Portland, Maine 04101-2921

Assigned EPA Grant Assistance # EM-96178401

Total Estimated Project Cost: \$1,111,111

Total EPA Grant Available: \$ 611,111

**Background and Purpose**

The Deering Oaks Pond, located in Deering Oaks Park in the City of Portland, Maine, is a 3.5 acre manmade pond/impoundment. The pond is drained twice a year for maintenance. The existing pond bottom in many areas is quite soft which hinders maintenance work. As a result, it is often difficult to remove sediment, trash, and deposited organic material, which compromises water quality. In addition, excess organic material helps to create and exacerbate algae blooms during the warm summer months.

The City of Portland has proposed to improve water quality by installing a new and more stable pond bottom that would allow more frequent and effective cleaning of the pond on an annual basis. The City of Portland will be provided with federal assistance (Public Law 111-88) in the amount of \$611,111, along with a required local match of \$500,000 (approved by the City of Portland as part of its FY2013 Capital Improvement Plan budget) to help fund this proposed endeavor.

The proposed project will also include the excavation and removal of the accumulated organic matter. The installation of a new and more stable pond bottom foundation will result in improved and more effective future maintenance. Both endeavors will enhance the water quality of the Deering Oaks Pond in the future.

### Environmental Review Summary

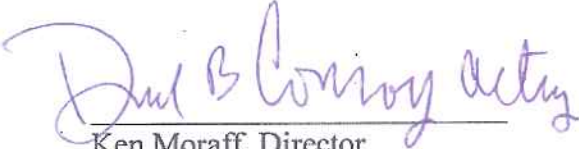
An Environmental Information Document (September 2013) was prepared by representatives of the City of Portland as part of its grant application submittal. Information from this specific document, as well as supplemental information (e.g. 9/25/13 memo) provided to the EPA has been utilized to support its EPA environmental determination.

All of the proposed work will take place within the existing pond and the immediate area adjacent to the pond. No adverse environmental impacts are anticipated from the project. A more detailed description and environmental review of the project is contained in the attached Environmental Assessment (EA) prepared by the Municipal Assistance Unit. Based on our review of the intended grant recipient's proposed scope of work and the corresponding EA document, EPA is issuing a Finding of No Significant Impact (FNSI).

Appropriate mitigation measures will be implemented to minimize any temporary minor air, traffic, noise, and any erosion impacts. No significant adverse impacts are expected as a result of the proposed project and more importantly, the water quality of the Deering Oaks Pond will be further protected as a result of the proposed project. Therefore, an Environmental Impact Statement will not be prepared.

Comments relative to this decision may be submitted to David Chin of the Municipal Assistance Unit on behalf of the EPA for review. Please note that no EPA reimbursement of eligible costs related to this proposed construction project will be approved for at least thirty (30) calendar days after the issuance of this Finding.

Additional documentation and information regarding this proposed project are available for public review at the Municipal Assistance Unit of Office of Ecosystem Protection at the EPA Regional Office in Boston and at the City of Portland, Maine's Public Services Department.

  
Ken Moraff, Director  
Office of Ecosystem Protection

10-28-13  
\_\_\_\_\_  
Date

Attachment

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |                                                                                                                                                                     |                                             |                                                                                                                                             |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b><br><br><b>Grant Agreement</b> |                                                                                                                                                                     | GRANT NUMBER (FAIN): 96178401               | DATE OF AWARD<br>02/04/2014                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |                                                                                                                                                                     | MODIFICATION NUMBER: 0                      |                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |                                                                                                                                                                     | PROGRAM CODE: EM                            |                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |                                                                                                                                                                     | TYPE OF ACTION<br>New                       |                                                                                                                                             |
| PAYMENT METHOD:<br>ASAP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                           | ACH#<br>10061                                                                                                                                                       |                                             |                                                                                                                                             |
| RECIPIENT TYPE:<br>Municipal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                           | Send Payment Request to:<br>USEPA LVFC<br>4220 S. Maryland Pkwy<br>Bldg C, Ste 503<br>Las Vegas, NV 89119<br>Tel: (702) 798-2406;<br>Fax: (702) 798-2423            |                                             |                                                                                                                                             |
| RECIPIENT:<br>Portland City of<br>389 Congress Street<br>Portland, ME 04101<br>EIN: 01-6000032                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                           | PAYEE:<br>City of Portland<br>389 Congress Street<br>Portland, ME 04101                                                                                             |                                             |                                                                                                                                             |
| PROJECT MANAGER<br>Michael Farmer<br>389 Congress Street<br>Portland, ME 04101<br>E-Mail: mfarmer@portlandmaine.gov<br>Phone: 207-874-8845                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                           | EPA PROJECT OFFICER<br>David Chin<br>5 Post Office Square, Suite 100, OEP06-3<br>Boston, MA 02109-3912<br>E-Mail: Chin.David@epamail.epa.gov<br>Phone: 617-918-1764 |                                             | EPA GRANT SPECIALIST<br>Diane Culhane<br>Grants Management Office, OARM16-2<br>E-Mail: Culhane.Diane@epamail.epa.gov<br>Phone: 617-918-1975 |
| <b>PROJECT TITLE AND DESCRIPTION</b><br>Deering Oaks Park Pond Bottom<br>Accumulated sediment in the Deering Oaks Pond will be excavated and removed. A new pond bottom foundation will be constructed that will improve overall water quality.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |                                                                                                                                                                     |                                             |                                                                                                                                             |
| BUDGET PERIOD<br>03/29/2013 - 12/31/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | PROJECT PERIOD<br>03/29/2013 - 12/31/2014                                 | TOTAL BUDGET PERIOD COST<br>\$1,111,111.00                                                                                                                          | TOTAL PROJECT PERIOD COST<br>\$1,111,111.00 |                                                                                                                                             |
| <b>NOTICE OF AWARD</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                           |                                                                                                                                                                     |                                             |                                                                                                                                             |
| Based on your Application dated 09/17/2013 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$611,111. EPA agrees to cost-share 55.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$611,111. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments. |                                                                           |                                                                                                                                                                     |                                             |                                                                                                                                             |
| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                           | AWARD APPROVAL OFFICE                                                                                                                                               |                                             |                                                                                                                                             |
| ORGANIZATION / ADDRESS<br>EPA New England<br>5 Post Office Square, Suite 100<br>Boston, MA 02109-3912                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                           | ORGANIZATION / ADDRESS<br>U.S. EPA, Region 1<br>5 Post Office Square, Suite 100<br>Boston, MA 02109-3912                                                            |                                             |                                                                                                                                             |
| <b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |                                                                                                                                                                     |                                             |                                                                                                                                             |
| Digital signature applied by EPA Award Official for Michael Kenyon - Director Office of Administration & Resource Management<br>Fred Weeks - Award Official delegate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                           |                                                                                                                                                                     |                                             | DATE<br>02/04/2014                                                                                                                          |

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| FUNDS                         | FORMER AWARD | THIS ACTION  | AMENDED TOTAL |
|-------------------------------|--------------|--------------|---------------|
| EPA Amount This Action        | \$           | \$ 611,111   | \$ 611,111    |
| EPA In-Kind Amount            | \$           | \$           | \$ 0          |
| Unexpended Prior Year Balance | \$           | \$           | \$ 0          |
| Other Federal Funds           | \$           | \$           | \$ 0          |
| Recipient Contribution        | \$           | \$ 500,000   | \$ 500,000    |
| State Contribution            | \$           | \$           | \$ 0          |
| Local Contribution            | \$           | \$           | \$ 0          |
| Other Contribution            | \$           | \$           | \$ 0          |
| Allowable Project Cost        | \$ 0         | \$ 1,111,111 | \$ 1,111,111  |

| Assistance Program (CFDA)                  | Statutory Authority                                                                                        | Regulatory Authority |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------|
| 66.202 - Congressionally Mandated Projects | Public Law 111-88<br>Department of Interior<br>Environment and Related Agencies Appropriations<br>Act 2010 | 40 CFR PART 31       |

[illegible]

## Budget Summary Page

| Table A - Object Class Category<br>(Non-construction)               | Total Approved Allowable<br>Budget Period Cost |
|---------------------------------------------------------------------|------------------------------------------------|
| 1. Personnel                                                        | \$0                                            |
| 2. Fringe Benefits                                                  | \$0                                            |
| 3. Travel                                                           | \$0                                            |
| 4. Equipment                                                        | \$0                                            |
| 5. Supplies                                                         | \$0                                            |
| 6. Contractual                                                      | \$1,111,111                                    |
| 7. Construction                                                     | \$0                                            |
| 8. Other                                                            | \$0                                            |
| 9. Total Direct Charges                                             | \$1,111,111                                    |
| 10. Indirect Costs: % Base                                          | \$0                                            |
| 11. Total (Share: Recipient <u>45.00</u> % Federal <u>55.00</u> %.) | \$1,111,111                                    |
| 12. Total Approved Assistance Amount                                | \$611,111                                      |
| 13. Program Income                                                  | \$0                                            |
| 14. Total EPA Amount Awarded This Action                            | \$611,111                                      |
| 15. Total EPA Amount Awarded To Date                                | \$611,111                                      |

## **Administrative Conditions**

### **1. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

#### **GENERAL COMPLIANCE, 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 31.

#### **FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

#### **Current Fair Share Objective/Goal**

The dollar amount of this assistance agreement or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. MEDEP has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

|          |          |           |
|----------|----------|-----------|
| Combined | .64% MBE | 1.64% WBE |
|----------|----------|-----------|

#### **Negotiating Fair Share Objectives/Goals**

In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

#### **SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of

these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

#### **MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E**

MBE/WBE reporting is limited to annual reports and only required for assistance agreements where one or more the following conditions are met:

- (a) there are any funds budgeted in the contractual, equipment or construction lines of the award;
- (b) \$3,000 or more is included for supplies; or
- (c) there are funds budgeted for subawards or loans in which the expected budget(s) meet the conditions as described in items (a) and (b).

This award meets one or more of the conditions as described above, therefore, the recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30<sup>th</sup> of each year. Final reports are due within 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on planned procurements. Recipients with funds budgeted for non-supply procurement and/or \$3,000 or more in supplies are required to report annually whether the planned procurements take place during the reporting period or not. If no procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to **[insert name and contact information of the appropriate DBE coordinator and Grants Specialist (optional)]**. The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at [http://www.epa.gov/osbp/dbe\\_reporting.htm](http://www.epa.gov/osbp/dbe_reporting.htm)

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D.

#### **CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

#### **BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

## **2. General Terms and Conditions**

The recipient agrees to comply with the applicable EPA general terms and conditions available at: <http://www.epa.gov/oqd/tc.htm>. These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited below.

## **Programmatic Conditions**

### **STAG Earmark Programmatic Conditions**

#### **City of Portland, Maine**

**EPA Grant Assistance #EM- 96178401**

1. It is the responsibility of the Grantee to comply with all the terms and conditions of the grant agreement, to efficiently and effectively manage grant funds within the approved budget, to complete the undertaking in a diligent and professional manner and to monitor and report performance.

2. The Grantee agrees to manage the project consistent with the intent of the March 29, 2010 U.S. EPA Headquarters memorandum, "Award of Grants and Cooperative Agreements for Special Projects and Programs Authorized by the Agency's FY 2010 Appropriations Act". The regulations at 40 CFR Part 31 apply to grants and cooperative agreements awarded to state and local governments. Furthermore, a listing of the Federal Laws and Executive Orders that apply to all EPA grants, including the projects authorized by the Agency's FY 2010 Appropriations Act, is contained within the aforementioned documents.

3. The Grantee is responsible for compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 et seq. and Final Regulations promulgated under 40 Code of Federal Regulations, Part 6.

The Grantee agrees that final design work and /or any construction shall be undertaken in accordance with the results of the completed NEPA review and findings, including but not limited to, the implementation of measures the EPA and the other state and local entities have identified as reasonable to mitigate the environmental impacts of the project. Furthermore, the grant recipient agrees to ensure that the appropriate restrictions noted in EPA's environmental review determination are also adhered to. In the event the recipient fails to comply with any part of this condition, EPA will implement the remedies contained in 40 CFR Section 31.43. This may include requiring the return all of the federal funds that it has received from the EPA pertaining to this project. Any exceptions to the noted mitigation measures and restrictions would have to be approved by the EPA.

4. The Grantee agrees to submit final plans and specifications to the EPA Project Officer for administrative review.

5. The Grantee shall ensure that all permits required by Federal, State, or local statutes are

obtained. The Grantee further agrees to implement all of the requirements of the subject permits. In addition, the Grantee agrees to adhere to appropriate industry construction standards (e.g. Ten State Standards, AWWA Standards, etc...) as required or recommended by EPA or the State.

6. The Grantee agrees to procure all services, equipment, supplies, and construction awarded under this grant in accordance with 40 CFR Part 31, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7. The Grantee shall comply with 49 CFR Part 24 which applies in the event the recipient procures land or if people are relocated. The Grantee shall obtain acceptable legal opinion for sites, easements and / or rights-of-way to ensure that they are free of any restrictions or encumbrances that might limit their use for the intended purpose, if necessary for project completion. This documentation must be kept on file and made available to EPA and to the State.

8. The Grantee agrees to provide access to the project site and all related construction records to EPA for the purpose of monitoring progress of the project.

9. The Grantee agrees to maintain all project records for three years after the issuance of EPA's final payment or until any litigation, appeal, claim or Federal audit that is begun before the end of the three-year period is completed and resolved, whichever is longer (40 CFR Part 31.42).

10. The Grantee agrees to submit a Request for Advance or Reimbursement (SF-270) to the designated EPA Project Officer for review and approval, as costs are incurred on the assistance agreement. The reimbursement request will also include copies of all supporting documentation such as invoices and paid receipts. The SF-270 may be submitted quarterly, but no more often than monthly. The EPA Project Officer will forward the approved reimbursement request to EPA's Finance Office for processing.

11. In accordance with 40 CFR 31.40 related to post award monitoring, the Grantee agrees to provide to the EPA Project Officer an annual progress report which may include information on each of the following areas: 1) a comparison of actual accomplishments to the outputs / outcomes established in the assistance agreement work plan for the period; 2) the reasons for slippage if established outputs / outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

12. In accordance with 40 CFR 31.40 (d), the Grantee agrees to inform EPA promptly in writing of any substantial project changes that may affect the grant amount, delay or accelerate the project schedule, or alter the project significantly, which may result in a grant amendment or will impair the ability of the Grantee to meet the outputs / outcomes specified in the assistance agreement work plan.

13. The Grantee agrees that costs incurred for the local share are subject to final EPA / State review. The Federal share of the grant will be limited to no more than 55% of the final cost for completing the scope of work described, regardless of the amount appropriated for the project. Approval of this project for Federal financial assistance does not imply a commitment of future Federal funds beyond current levels of Congressional appropriations.

14. If applicable (e.g. if federal financial assistance expenditures exceed \$500,000 annually), the Grantee shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.

15. EPA expects the recipient to make to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the work plan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project. If the recipient fails to make sufficient progress, EPA will take appropriate action.

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

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**WORKSHOP  
251 and 261 COMMERCIAL STREET**

**TO:** Chair Romano and Members of the Historic Preservation Board  
**FROM:** Deb Andrews, Historic Preservation Program Manager  
**DATE:** May 14, 2014  
**RE:** May 21, 2014 Preliminary Workshop on Proposed Elevated Connector

**Address:** 251 and 261 Commercial Street  
**Applicant:** Casco View Holdings II, LLC  
**Architect:** Scott Simons, Scott Simons Architects

**Introduction**

Scott Simons, representing Casco View Holdings II LLC, is requesting a preliminary workshop to present plans for a building addition that will connect 251 and 261 Commercial Street. Both buildings are occupied by MEMIC. The building at 251 Commercial immediately abuts the sidewalk and is located within the Portland Waterfront Historic District. The building identified as 261 Commercial is just outside the historic district boundary and set back a considerable distance from Commercial Street behind a surface parking lot also owned by MEMIC. (It is likely that the building at 261 Commercial had a Cross Street address when it was constructed.) The project is being prompted by MEMIC's need for connectivity between the offices on the third and fourth floor levels of each building. Accordingly, the proposed addition is an elevated two-story "bridge" that links the two structures at these floor levels.

Mr. Simons has provided numerous photographs of the development site and the two affected buildings. He has also provided a boundary survey; sketches of several preliminary connector schemes; plans and elevations for the proposed connector design; and photographs of the proposed screening material shown on portions of the "bridge".

As a preliminary workshop, the Board is being asked to respond to the general proposal in terms of its conformance with the ordinance review standards. Any specific recommendations and/or concerns are also welcome at this stage of design development.

## **Existing Structures**

The two existing MEMIC-owned buildings that are proposed to be linked are not only physically separated from each other, they are also architecturally unrelated. The commercial block at 251 Commercial Street is characteristic of the large mid-nineteenth century commercial and warehouse structures that line the north side of Commercial. 261 Commercial was built around 1900; its architectural vocabulary was also typical of its construction period and resembled the design of the B & M Bean factory.) The exterior was remodeled or "modernized" in the early 1980s. Today, the building features curtainwall glazing that extends from the foundation to the top of the building, creating a series of strong vertical glazed bays separated by brick piers.

## **Proposed Addition**

Mr. Simons has provided a series of sketches that show some of the configurations that were considered for the connector. The configuration that would have had the least impact on the two existing structures—the one that Mr. Simons first proposed-- would have extended from the east elevation of 261 Commercial directly to the rear elevation of 251 Commercial. This scheme turned out to be impossible, however, because it would have extended beyond the applicant's property line and would have required an easement (which was not approved by the note holder.)

Following consideration of several schemes, the project architect is proposing to run the connector off the east elevation of 261, near the southeast corner of the building, and connect to 251 on its west elevation, near the rear corner. In this scheme, there is no impact on the principal elevations of 261 and the impact on 251 Commercial is confined to a rear corner of the building.

In this scheme, the connector is more or less orthogonal to the two buildings (although the buildings themselves are not exactly aligned). The addition is two stories tall and is elevated three stories from grade. It is supported by a series of diagonal steel trusses which are also exposed to view in the two-story connector itself. The bridge is highly transparent with perforated metal screening providing visual interest.

## **Staff Comments**

In preliminary discussions with the applicant and project architect, staff identified three primary concerns that needed to be kept in mind in considering a building connector in this location. First, the addition should not preclude or unduly limit the potential redevelopment of the surface parking lot owned by MEMIC. Ideally, this lot would be developed in the future with a building that would fill the gap in an otherwise continuous street wall. Second, every effort should be made to limit the impact on the existing structures. Third, the design of the connector needs to successfully mediate between two distinctly disparate buildings and not overwhelm either structure.

All things being equal, it would have been preferable to connect the two buildings from the rear of each building, avoiding any point of connection on an exposed elevation. However, this option proved not to be possible. In staff's view, Mr. Simons has proposed a building

connector that is both distinctly contemporary and drawn from an industrial design vocabulary that is appropriate to this historic commercial/industrial context. While the addition is not altogether recessive, it does not overwhelm or compete with either of the adjoining structures and is architecturally interesting in and of itself. Also, it does not appear that the addition would preclude the future redevelopment of the open parking lot, which would be the ideal scenario for this parcel.

### **Applicable Review Standards**

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

### **Attachments**

1. Application and project narrative
2. Bound submission, including aerial views, photographs of existing conditions, concept schemes, plans, elevations, etc.



Att. 1  
Date: MAY 6, 2014

**HISTORIC PRESERVATION**  
**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

Pursuant to review under the City of Portland's Historic Preservation Ordinance (Chapter 14, Article IX of the Portland City Code), application is hereby made for a Certificate of Appropriateness for the following work on the specified historic property:

**PROJECT ADDRESS:**

245/251 & 261 COMMERCIAL ST.

**CHART/BLOCK/LOT:** 038 F006001

**PROJECT DESCRIPTION:** Describe below each major component of your project. Describe how the proposed work will impact existing architectural features and/or building materials. If more space is needed, continue on a separate page. Attach drawings, photographs and/or specifications as necessary to fully illustrate your project—see following page for suggested attachments.

SEE ATTACHED MEMO FROM  
SLOTT SIMONS ARCHITECTS



## CASCOVIEW HOLDINGS II, LLC

05.07.14

Proposal for Bridge Connector between  
261 Commercial Street and 245 Commercial Street

### **Context**

Casco View Holdings II, LLC (CVH) owns the two buildings, as well as the parking lot in front of 261 Commercial Street. MEMIC is the tenant of these two buildings. CVH would like to connect the third and fourth floors to increase the efficiency of MEMIC's office operations. The two buildings are red brick. 261 Commercial Street is a more recently clad brick building, with glass curtainwall windows running from top to bottom. It was formerly the warehouse for the Hannaford Company. 245 Commercial Street is one of the older, more traditional brick buildings along Commercial Street. It is part of a larger block of red brick buildings that continue up Commercial Street to the corner of Union Street. The floors in 261 Commercial are approximately 3'-0" higher than the floors in 245 Congress Street, so the bridge connector has to be ramped.

### **Design Concept**

The connector bridge is designed to contrast with the two brick buildings it is connecting. For structural reasons, it cannot be supported by the adjoining buildings but has to have its own, independent structure. A light-weight steel truss system supports the two-story bridge above the ground. The efficiency of the diagonal bracing allows the steel members to be smaller, resulting in a very light, airy structure connecting the two buildings. Wrapping the steel truss frame on the third and fourth floors is a steel and glass enclosure that contains the ramped hallways that connect the two buildings. The windows are larger on the south and west exposures to provide views of the harbor; on the north and east the windows are smaller to reduce heat loss. Perforated stainless steel or coated metal panels cover the structural elements (floor and roof) and provide partial sun-shading of the glass. Aluminum sun-shades on the south and west exposures shade the view glass from high summer sun.

Where the bridge connects to 245 Commercial Street, care has been taken to preserve the original fabric of the building. Access to the bridge will be through existing masonry window openings on both floors, cut down to the floor to allow passage to the bridge. If the bridge were ever removed, these two openings could easily be restored to their original proportions.

**CONTACT INFORMATION:**

|                                                                                                                                                                                                                                                 |                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Applicant – must be owner, Lessee or Buyer</b></p> <p>Name: <u>GREG SHINBERG</u></p> <p>Business Name, if applicable:</p> <p>Address: <u>477 CONGRESS ST. SUITE 1012</u></p> <p>City/State: <u>PORTLAND ME</u> Zip Code: <u>04101</u></p> | <p><b>Applicant Contact Information</b></p> <p>Work # <u>207 772 7070</u></p> <p>Home#</p> <p>Cell # <u>653 7510</u> Fax# <u>772 7080</u></p> <p>e-mail: <u>gls@shinbergconsulting.com</u></p> |
| <p><b>Owner – (if different from Applicant)</b></p> <p>Name: <u>CASCO VIEW HOLDINGS II</u></p> <p>Address: <u>PO BOX 1137</u></p> <p>City/State: <u>PORTLAND ME</u> Zip Code: <u>04104-7409</u></p>                                             | <p><b>Owner Contact Information</b></p> <p>Work # <u>CAROLINE LAMSON</u></p> <p>Home# <u>207 791 3304</u></p> <p>Cell # Fax#</p> <p>e-mail: <u>clamson@memic.com</u></p>                       |
| <p><b>Billing Information</b></p> <p>Name: <u>C. LAMSON</u></p> <p>Address: <u>PO BOX 1137</u></p> <p>City/State: <u>PORTLAND ME</u> Zip Code: <u>04104-7409</u></p>                                                                            | <p><b>Billing Contact Information</b></p> <p>Work # <u>207 791 3304</u></p> <p>Cell # Fax#</p> <p>e-mail: <u>CLAMSON@MEMIC.COM</u></p>                                                         |
| <p><b>Architect</b></p> <p>Name: <u>SCOTT SIMONS ARCHITECTS</u></p> <p>Address: <u>75 YORK ST.</u></p> <p>City/State: <u>PORTLAND ME</u> Zip Code: <u>04101</u></p>                                                                             | <p><b>Architect Contact Information</b></p> <p>Work # <u>207 772 4656</u></p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail: <u>SCOTTE@SIMONSARCHITECTS.COM</u></p>                                |
| <p><b>Contractor</b></p> <p>Name: <u>TBD</u></p> <p>Address:</p> <p>City/State: Zip Code:</p>                                                                                                                                                   | <p><b>Contractor Contact Information</b></p> <p>Work # <u>TBD</u></p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail:</p>                                                                           |

Applicant's Signature

Owner's Signature (if different)

**APPLICATION FEES:**

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

|                                                                                                                                                                                                                     |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <input type="checkbox"/> Administrative Review (for minor or standard alterations)                                                                                                                                  | \$50.00   |
| <input type="checkbox"/> HP Board Review                                                                                                                                                                            | \$100.00  |
| <input checked="" type="checkbox"/> HP Board Review for major projects involving new construction<br>or building addition exceeding 1000 sq. ft. or comprehensive<br>rehabilitation/redesign of existing structures | \$750.00  |
| <input type="checkbox"/> After-the-fact Review (for work commenced without advance<br>approval)                                                                                                                     | \$1000.00 |
| <input type="checkbox"/> Sign Review for signs in historic districts                                                                                                                                                | \$75.00   |

**The City invoices separately for the following:**

- Notices (\$.75 each)
- Legal Ad (% of total Ad)

## Activities Requiring Approval in Historic Districts

If your property is located within a historic district or is an individually designated historic structure, it is necessary to receive approval before proceeding with any exterior alteration, construction activity or site improvement that will be visible from a public way. Following is a list of activities requiring review.

**Please check all those activities that apply to your proposed project.**

### Alterations and Repair

- ☐ Window and door replacement, including storms/screens
- ☐ Removal and/or replacement of architectural detailing (for example porch spindles and columns, railings, window moldings, and cornices)
- ☐ Porch replacement or construction of new porches
- ☐ Installation or replacement of siding
- ☐ Masonry work, including repointing, sandblasting, chemical cleaning, painting where the masonry has never been painted, or conversely, removal of paint where the masonry historically has been painted
- ☐ Installation or replacement of either roofing or gutters when they are a significant and integral feature of the structure
- ☐ Alteration of accessory structures such as garages

### Additions and New Construction

- ☐ New Construction
- ☒ Building additions, including rooftop additions, dormers or decks
- ☐ Construction of accessory structures
- ☐ Installation of exterior access stairs or fire escapes
- ☐ Installation of antennas and satellite receiving dishes
- ☐ Installation of solar collectors
- ☐ Rooftop mechanicals

### Signage and Exterior Utilities

- ☐ Installation or alteration of any exterior sign, awning, or related lighting
- ☐ Exterior lighting where proposed in conjunction with commercial and institutional signage or awnings
- ☐ Exterior utilities, including mechanical, plumbing, and electrical, where placed on or near clearly visible facades

### Site Alterations

- ☐ Installation or modification of site features other than vegetation, including fencing, retaining walls, driveways, paving, and re-grading

### Moving and Demolition

- ☐ Moving of structures or objects on the same site or to another site
- ☐ Any demolition or relocation of a landmark contributing and/or contributing structure within a district

***Note: Your project may also require a building permit. Please call Building Inspections (874-8703) to make this determination.***

## ATTACHMENTS

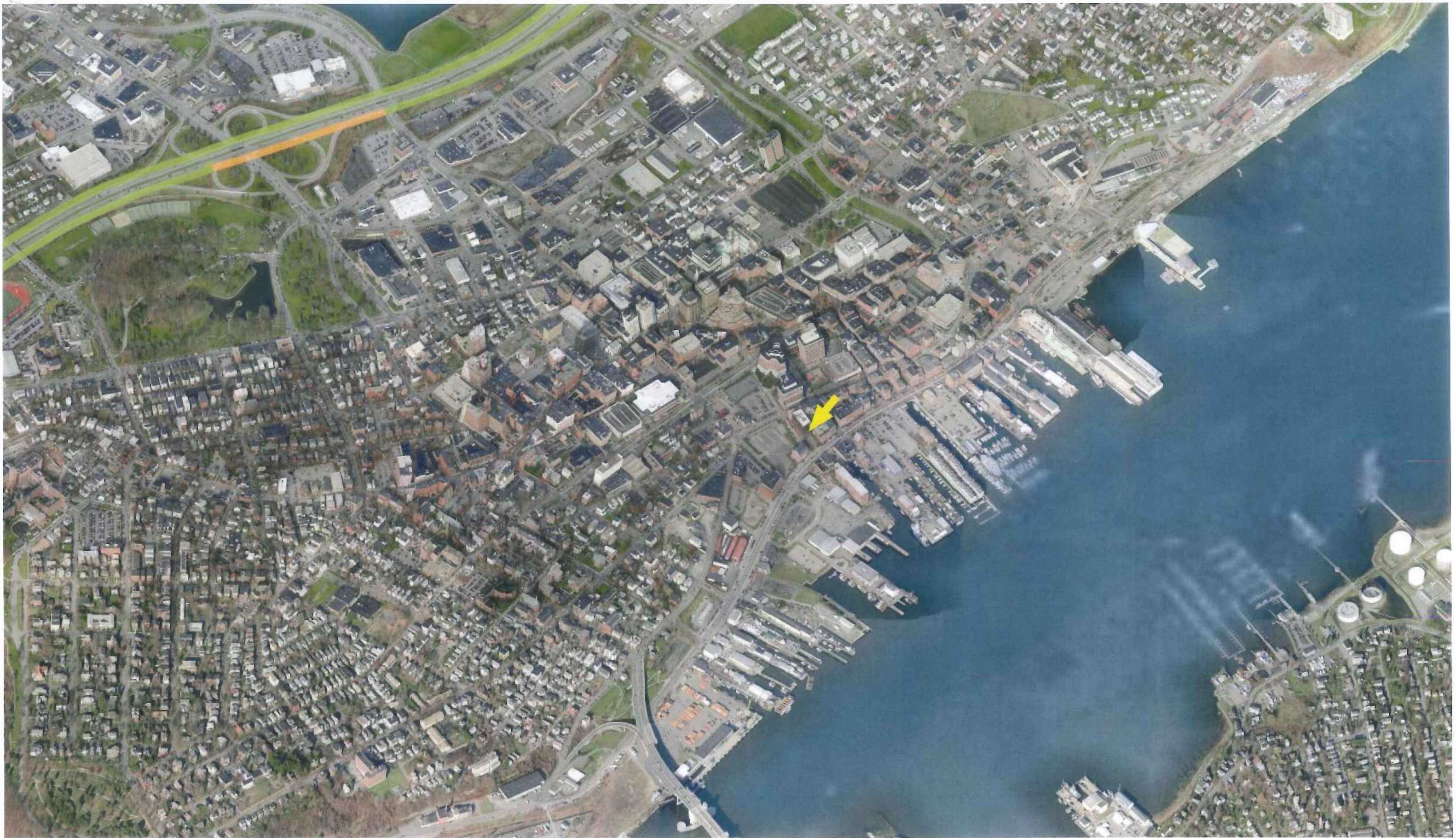
To supplement your application, please submit the following items, *as applicable to your project*. Keep in mind that the information you provide the Historic Preservation Board and staff is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s).

- ☒ Exterior photographs (required for all applications.) Include general streetscape view, view of entire building & close-ups of affected area.
- ☒ Sketches or elevation drawings at a minimum 1/4" scale. Please label relevant dimensions. All plans shall be submitted in 11" x 17" format except for major projects, where 22" x 34" plans are requested. Applicants for major projects should submit one (1) 11" x 17" copy for scanning purposes.
- ☒ Details or sections, where applicable.
- ☒ Floor plans, where applicable.
- ☒ Site plan showing relative location of adjoining structures.
- ☒ Catalog cuts or product information (e.g. proposed windows, doors, lighting fixtures)
- ☒ Materials - list all visible exterior materials. Samples are helpful.

☐ Other (explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

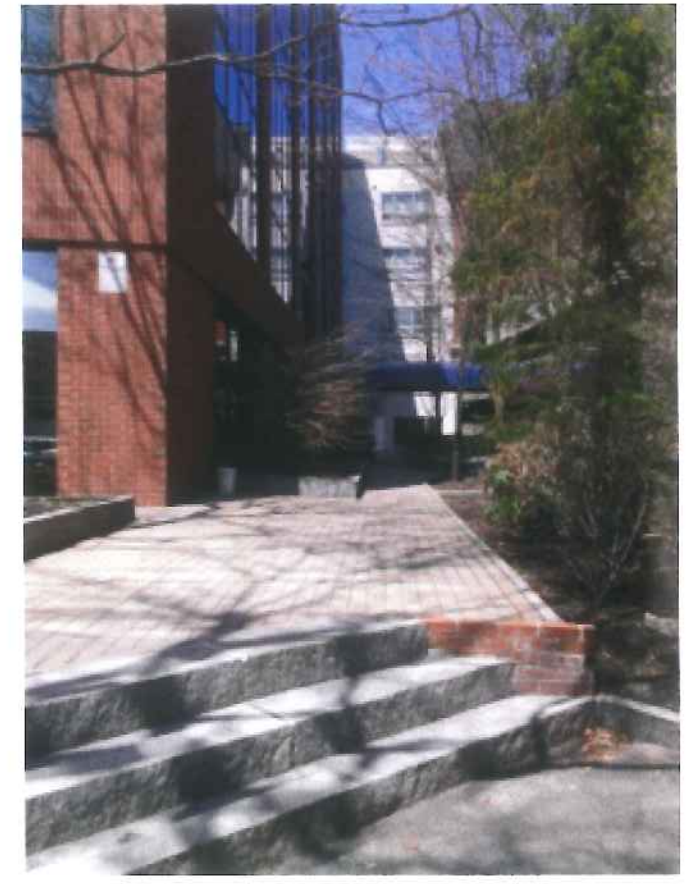
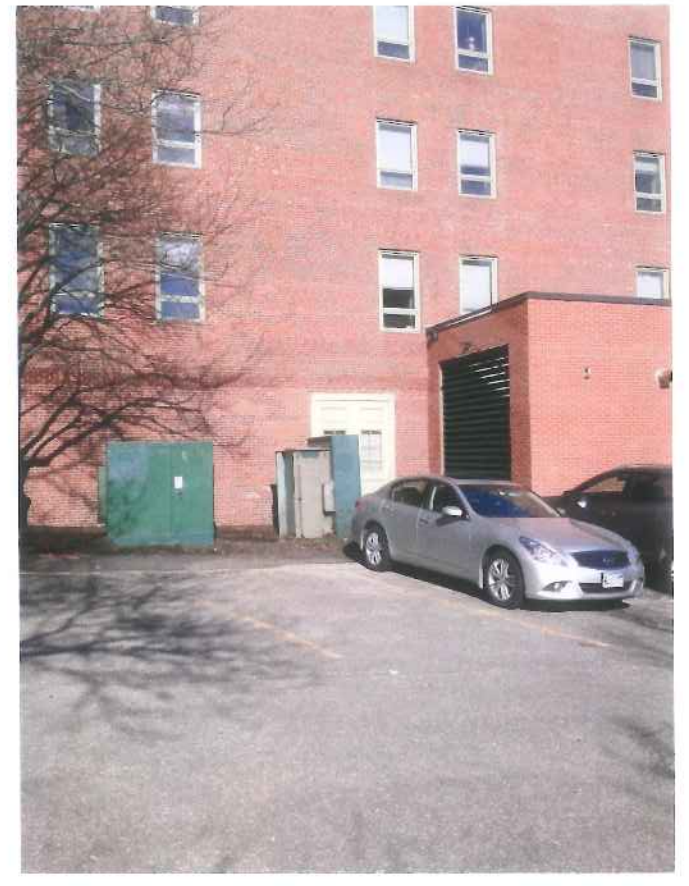
If you have any questions or need assistance in completing this form, please contact Historic Preservation staff:

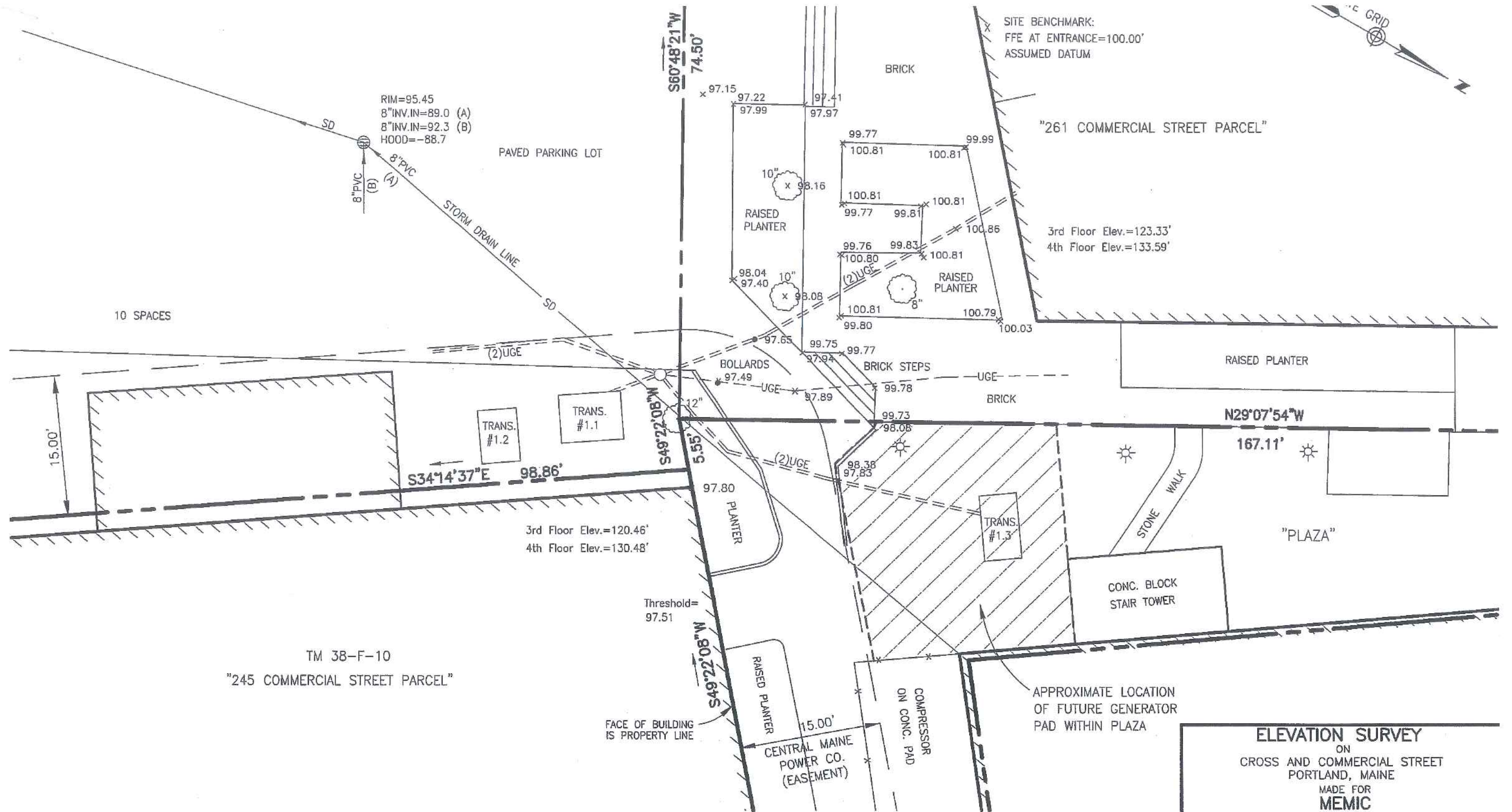
Deb Andrews (874-8726) or by e-mail at [dga@portlandmaine.gov](mailto:dga@portlandmaine.gov)  
Rob Wiener (756-8023) or by e-mail at [rwiener@portlandmaine.gov](mailto:rwiener@portlandmaine.gov)











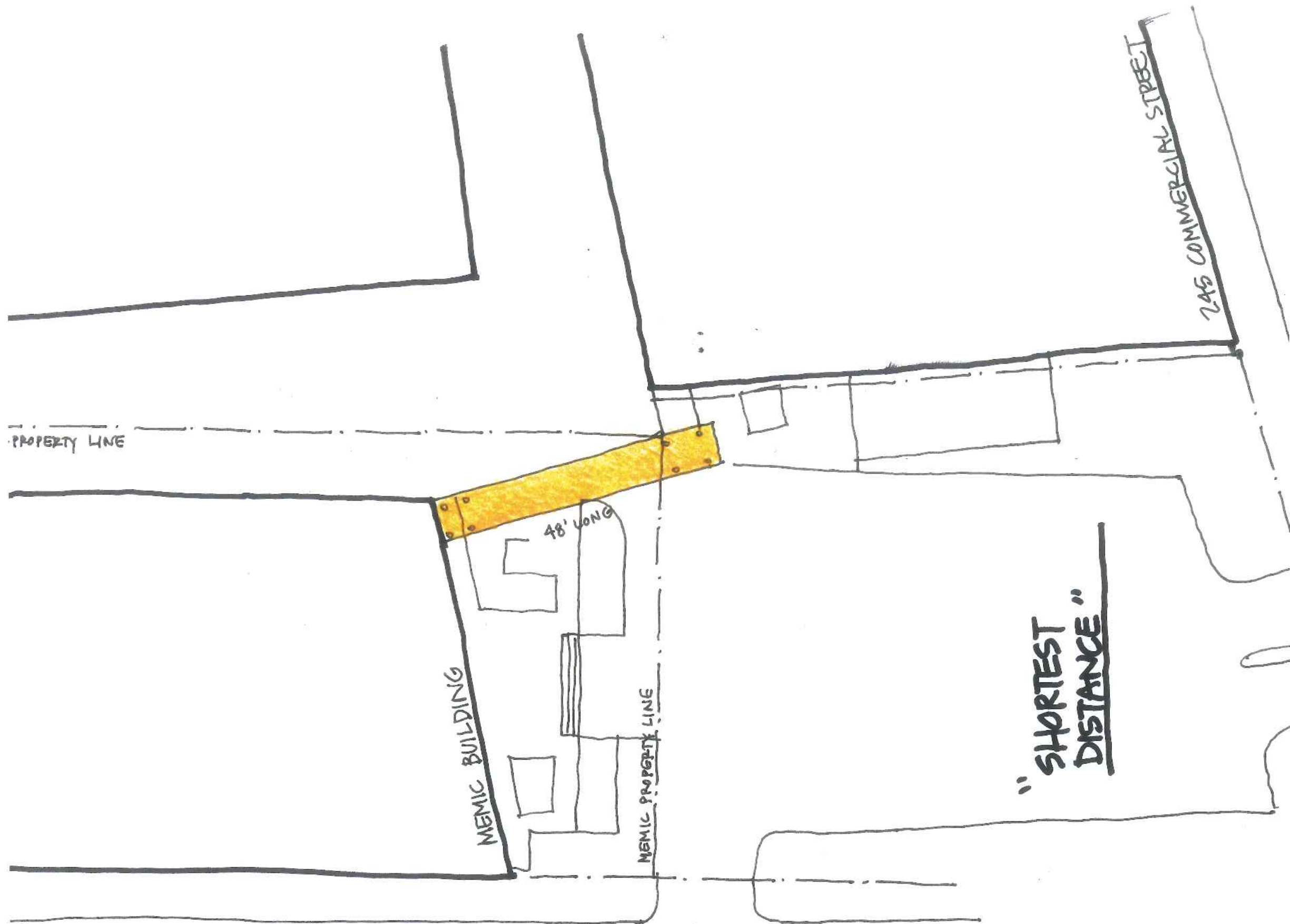
TM 38-F-10  
"245 COMMERCIAL STREET PARCEL"

#### PLAN REFERENCE:

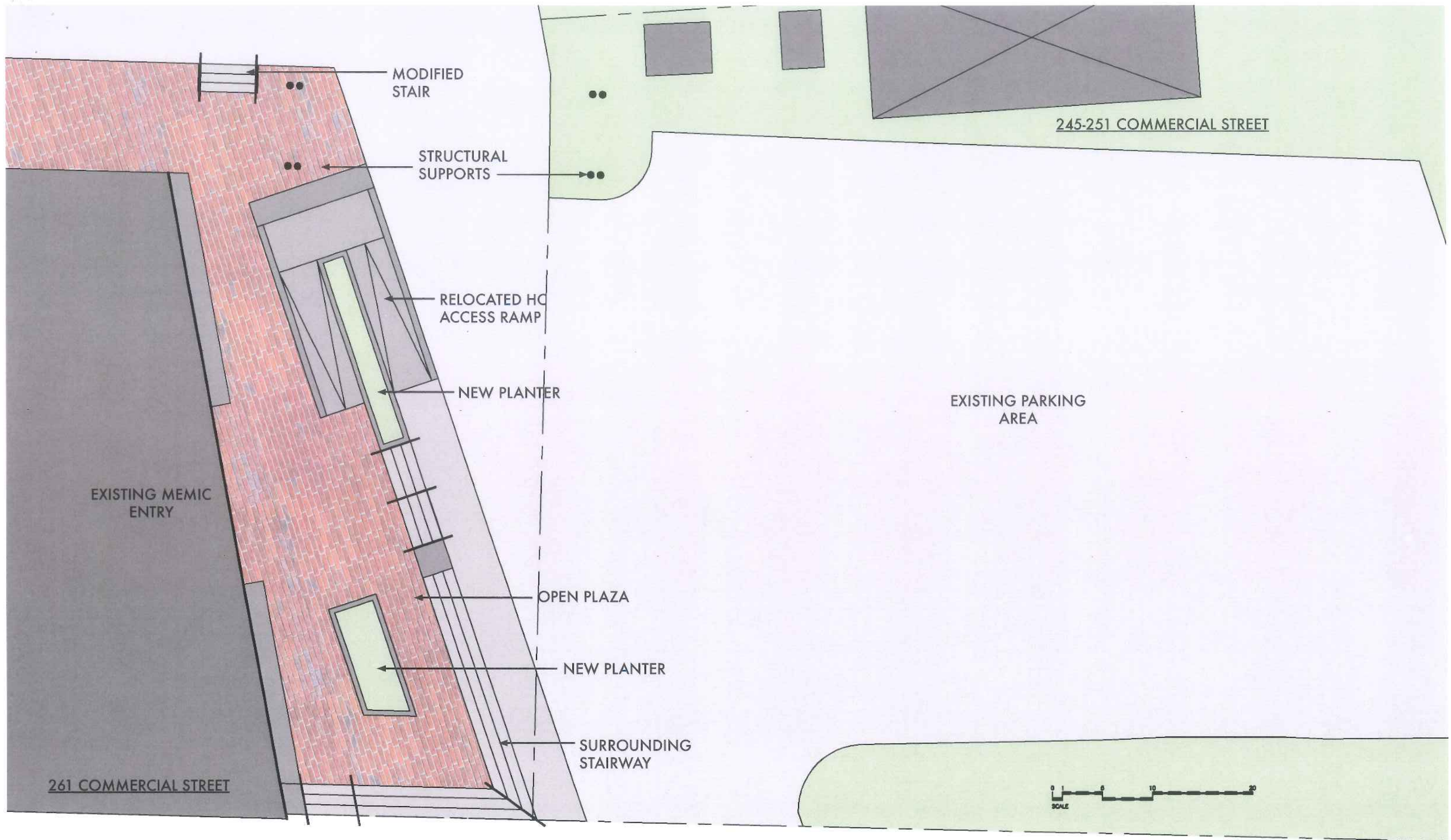
EASEMENT PLAN ON COMMERCIAL, CROSS, FORE AND UNION STREETS,  
PORTLAND, MAINE MADE FOR RECORD OWNERS DICTAR ASSOCIATES II &  
CASCO VIEW HOLDINGS II, LLC DATED DEC. 7, 2010 BY OWEN HASKELL, INC.

| ELEVATION SURVEY                                      |     |                 |
|-------------------------------------------------------|-----|-----------------|
| ON                                                    |     |                 |
| CROSS AND COMMERCIAL STREET                           |     |                 |
| PORTLAND, MAINE                                       |     |                 |
| MADE FOR                                              |     |                 |
| MEMIC                                                 |     |                 |
| 261 COMMERCIAL STREET, PORTLAND, MAINE                |     |                 |
| OWEN HASKELL, INC.                                    |     |                 |
| 390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424 |     |                 |
| Drwn By                                               | SDG | Date 03-26-14   |
| Check By                                              | EB  | Scale 1" = 10'  |
|                                                       |     | Job No. 14-036P |
|                                                       |     | Drwg. No. 1     |



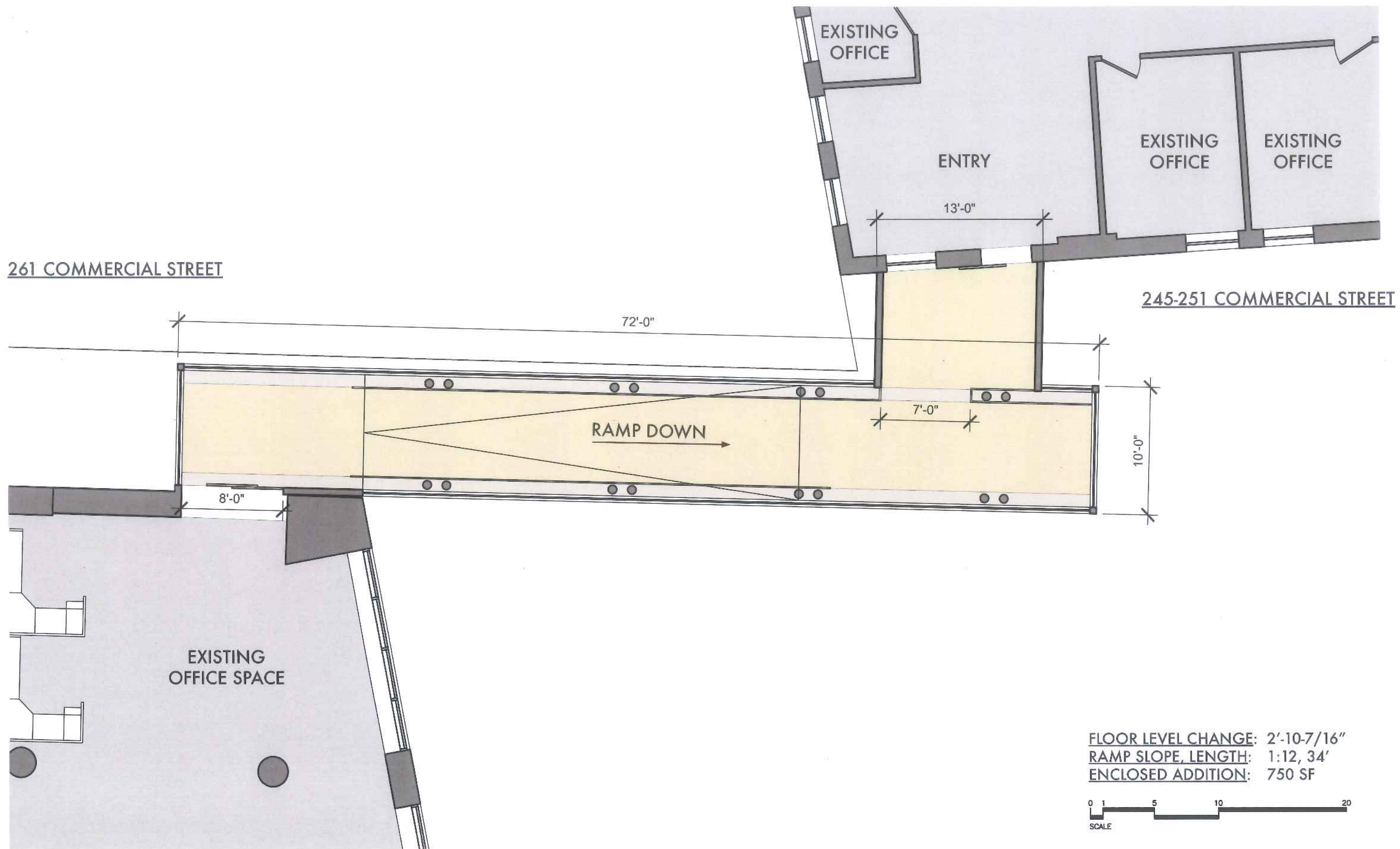






261 COMMERCIAL STREET

245-251 COMMERCIAL STREET



FLOOR LEVEL CHANGE: 2'-10-7/16"  
 RAMP SLOPE, LENGTH: 1:12, 34'  
 ENCLOSED ADDITION: 750 SF

0 1 5 10 20  
 SCALE

