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2. HP Memo - House Island

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

On Wednesday, September 3, 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. Site Visit to Continue Preliminary Review of Proposed Historic District Designation; HOUSE ISLAND, Portland Harbor.

Break for Dinner; Meeting Resumes at 7:15 p.m. in Room 209.

2. WORKSHOP

- i. Preliminary Review of Signage Proposal; 400 CONGRESS STREET; Kepware Technologies, Applicant.
- ii. Preliminary Review of Proposed Street Improvements, including Realignment of Road and Curb; INTERSECTION OF HIGH AND SPRING STREET; Department of Public Services, Applicant.

**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>**

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

**ON-SITE WORKSHOP
NOMINATION OF HOUSE ISLAND AS A LOCAL HISTORIC DISTRICT**

TO: Chair Romano and Members of the Historic Preservation Board

FROM: Deb Andrews, Historic Preservation Program Manager

DATE: August 28, 2014

RE: September 3, 2014 **ON-SITE** Workshop to Continue Evaluation of House Island as Potential Local Historic District

Address: House Island
Located at entrance to Portland Harbor

Introduction

An on-site workshop has been scheduled to continue the Board's evaluation of House Island as a potential local historic district. Wednesday's site visit follows an August 6 preliminary workshop on the nomination. At the August workshop preservation consultant Julie Larry of ttl-architects made a detailed presentation on the development history of the island. She also provided her professional assessment of the historic and architectural significance of the structures and other artifacts that remain from various periods of the island's history. The presentation was a summary of Ms. Larry's written report *House Island, Portland, ME Analysis of Eligibility as a Local Historic District*, which was commissioned by Greater Portland Landmarks to provide the Historic Preservation Board with the level of documentation required under Portland's historic preservation ordinance to make a determination regarding the eligibility for designation.

Wednesday's on-site workshop will provide members of the Board with an opportunity to review firsthand the current condition of the extant structures and artifacts identified in Ms. Larry's report. Note that while Ms. Larry's report addresses the designation criteria that pertain to *historic, architectural, and/or cultural significance* of the proposed district and recommends a classification (e.g. "landmark", "contributing" or "non-contributing") for each structure within it based on the relationship of the structure to the island's identified areas of significance, the report does not address the question of *integrity* of the proposed district as a whole or the identified structures within it. The historic preservation ordinance requires that nominated historic resources *not only* exhibit a high degree of cultural, historic, architectural and/or archaeological significance, *but also* that they retain sufficient integrity of location,

design, condition, materials and workmanship to make them worthy of preservation—see Sec. 14-611. During the site walk, Board members will want to assess the integrity of the individual identified sites within the proposed district boundaries. This assessment might, in some cases, lead to a change in proposed classification.

The site visit also provides an opportunity for the Board to make note of the visual and spatial relationship that exists between structures, the relative visibility of various elements from the public way (which in this case is the water and vantage points from the mainland and other islands) and any other pertinent physical characteristics that might be relevant to the Board's deliberations.

Enclosed for the Board's reference is a copy of the consultant's report presented at the last workshop. See especially Appendix A: Historic Resources Map and descriptions of individual structures, pgs. 14-20. Also enclosed are copies of the sections of Portland's preservation ordinance that pertain to the designation process and the criteria for designation. Board members are strongly encouraged to re-read these materials prior to Wednesday's site visit.

Logistics

Board members will convene at the Casco Bay Lines Ferry terminal at 5:00. We will be taking the City's fireboat to the island. The fireboat is docked at the first mooring as you approach the pier, directly across from Flatbreads. Ms. Larry will be joining us for the workshop.

Rescheduled Public Hearing

As you might recall, a public hearing on the nomination was originally scheduled for the September 3rd meeting. With the consent of property owner Michael Scarks, the public hearing has been postponed to the October 1st Historic Preservation Board meeting to allow time for the site visit. Recognizing that the consultant report did not specifically address the question of integrity and that the opportunity for on-site evaluation of a nominated resource is critical to a fair and thorough review process, staff recommended that a site visit be conducted prior to moving forward with the public hearing and final action. Corporation Counsel has determined that postponement of the public hearing until October 1st is acceptable within the required time frames established by the ordinance.

Attachments

1. Report by ttl-architects: *House Island, Portland, ME Analysis of Eligibility as a Local Historic District*
2. Excerpts from Article IX (Historic Preservation) relevant to the nomination and designation of historic resources, including designation criteria

House Island, Portland, ME Analysis of Eligibility as a Local Historic District

By ttl-architects, LLC

30 July 2014



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SUMMARY DESCRIPTION OF A POTENTIAL HOUSE ISLAND HISTORIC DISTRICT

House Island is a 24 acre island just off the coast of Portland on the north side of the entrance to Portland Harbor between Cushing Island and Fort Gorges. The potential House Island Historic District includes Fort Scammell, three 1907 buildings and a pump station associated with the US Hospital, Quarantine and Immigration Station, cut granite wharves, the remains of a late 19th century lobster pound, a cemetery, the site of the City of Portland's Inspection Station, and two United States Coast Guard markers. Fort Scammell on House Island has been identified as eligible for listing on the National Register of Historic Places by the City of Portland.

House Island has a long history of use as a center for fishing, for military fortifications and as a site for processing immigrants into the United States in the late nineteenth and early 20th centuries. After the United States government's sale of the island following World War II, the island has been privately owned by one family until its sale in 2014.



SUMMARY STATEMENTS ADDRESSING THE CITY OF PORTLAND'S MINIMUM CRITERIA STANDARDS FOR DESIGNATION AS A LOCAL HISTORIC DISTRICT

House Island meets the minimum criteria standards for designation as a local historic district as defined in Sec. 14-610 of the City of Portland's Historic Preservation Ordinance and summarized below:

Sec. 14-610.a.1 - Value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

The potential historic district provides a unique state and local example of the social history surrounding immigration in the United States in the late 19th and early 20th centuries, particularly the public health laws for immigrants from foreign ports and the immigration laws of the early 20th century which established quotas for entry into the United States. The extant United States Hospital, Quarantine and Immigration Station facilities on the north half of House Island assumed the functions previously administered at the City of Portland's Inspection Station located on the Fort Scammell military reservation. The site and extant above ground resources are significant at the local, state, and national level for their association with United States immigration policy and processing operations.

The potential historic district is also significant in the area of maritime history and commerce as it is a district that represents the local economic, cultural and social importance of fishing on Maine's islands. Although few remains of its fishing past are located on the island, just offshore on the northeast end of the island are the remains of three early 19th early century wharves used by the island's fish curing businesses. The wharves and the remains of the c1889 lobster pound in Lobster Pound Cove provide evidence of the island's importance in the local fishing economy.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities leading up to the War of 1812 and again during the Civil War. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor. Built in 1808 as a second system fort with a blockhouse, the extant fort structures are the result of a redesign of the fort from 1862-1870 to conform to national third system fortification designs. The site and extant above ground resources are significant at the local, state, and national level for their role in the United States' design and strategy for coastal defenses.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the islands for hunting, fishing, and gathering and House Island may have the potential to yield information on its use by native Americans. In addition, there is potential to yield information on the historic use of the island during the period 1623-1808 when the island was used primarily for fishing and farming. The island is locally and regionally significant for its potential ability to expand the archeological database for the late Ceramic period in Casco

Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

Sec. 14-610.a.2 - Location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structures on the property.

The potential district has been the site of events that have had an important impact on the region as a whole from the mid nineteenth century through the early twentieth century. The remaining resources associated with the United States Hospital, Quarantine, and Immigration Station provide a unique national, state and local example of immigration processing operations.

Additionally, the potential historic district is also significant in the area of maritime history and commerce as an example of the local economic, cultural and social importance of fishing on Maine's islands. The early nineteenth century granite wharves and the remains of the c1889 lobster pound provide evidence of the island's importance in the local fishing economy. The lobster pound provides evidence of the ingenuity of Maine's lobster merchants to regulate supply and pricing for their product, a site significant to the lobster fishery's rise to prominence in Maine, and is an early example of this type of enclosure in Maine.

Sec. 14-610.a.3 - Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

As the site of Portland's Inspection and Quarantine Station, House Island served as a port of entry for European immigrants arriving in New England in the late 19th century to work in area mills, to immigrate to the western states, or to immigrate north into Canada via the St. Lawrence and Atlantic Railroad. In the 20th century the United States Hospital, Quarantine and Immigration Station on House Island served as an alternative quarantine and inspection station to heavily used federal facilities in Boston and New York. The site and extant above ground resources are significant at the local, state, and national level for their association with European immigration to the United States in the late 19th and early 20th centuries.

In addition, Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.4 - Exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design detail, materials or craftsmanship.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918 and as example of a mid-nineteenth century fortification known for its design and engineering. Begun in 1808, the second system fortifications were altered and the block house removed to conform to national third system fortification designs 1862-1870. The fort was also slightly altered again in the 1890s during a massive construction and modernization program with a focus on concrete fortifications, the installation of large caliber breech loading artillery, and the installation of mine fields, with smaller guns employed to protect mine fields from mine sweeping vessels. During this period Fort Scammell's East Battery was equipped to control a minefield in Whitehead Passage and the fort was upgraded with 15-inch Rodman cannons. During World War One concrete bases for three-inch anti-aircraft guns were built on the South and East Batteries, but no guns were installed.

In addition the Acadian Revival style of the Small Detention Barracks and the Quarantine Hospital are locally unique examples of this style of architecture.

Sec. 14-610.a.5 - Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, State of Maine, New England region, or the United States.

Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.5 - Representation of a significant example of the cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, sites, structures, or objects.

The potential district is significant in the area of Military History. Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor in the 19th century and early 20th century. Fort Scammell was determined eligible for listing on the National Register of Historic Places by the City of Portland. Fort Gorges was listed on the National Register of Historic Places in 1973 and is a city designated landmark.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the islands for hunting, fishing, and gathering.

The island has a strong likelihood to yield important information about Native American lifeways over a broad period, the early settlement of the island, and use of the island for marine trade. During the period 1623-1808 when the island was used primarily for fishing and farming there were numerous fish houses, flakes¹, outbuildings, and two dwellings on the island as well as the extant remains of the wharves on the northeast end of the island and the lobster pound in the cove on the east side of the island. The island is locally and regionally significant for its potential as a source for artifacts and information to expand the archeological database for the late Ceramic period in Casco Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

HISTORIC CONTEXT

Native American Occupation

Native American occupation of Casco Bay likely began 12,000 years ago, although sea level changes are believed to have washed away evidence of early human presence. There have been no archeological investigations of House Island, although other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the Casco Bay islands for hunting, fishing, and gathering. A potential House Island Historic District has a strong likelihood to yield important information about Native American use over a broad period.²

Early European Settlement, c1600-1675

House Island may have been occupied by European settlers as early as 1623 when Christopher Leavitt was granted six thousand acres including the islands of Casco Bay by King Charles I of England. Although Leavitt and his men may have established a trading center on House Island for commerce with the Wabanaki,³ the earliest documented structure on the island is a house transferred in a 1661 deed from Nicholas White to John Breme, along with a right for White's fish business. In the first few decades of European settlement the island was inhabited principally by fisherman, with some subsistence farming, and was the site of active fish curing, and possibly fish trading, businesses.

Indian Wars, 1676-1715

The French and Indian Wars were a series of conflicts that were part of a larger colonial struggle between France and England that lasted three quarters of a century. The settlement on the Portland peninsula, then known as Casco, was destroyed in

¹ Wood framed structures for drying fish.

² An undated article clipping in the files at Greater Portland Landmarks indicates that in 1845, during construction on Fort Scammell, a Native American gravesite was discovered, although there is no indication what happened to the remains that were uncovered.

³ Conforti, Joseph A. ed. "Creating Portland: A History and Place in Northern New England. Lebanon, NH: University Press of New England, 2005.

1676 during King Phillips War or the First Indian War (1675-1678). After the Treaty of Casco in April of 1678, Portland was resettled.

In September of 1689, during a conflict known as King William's War (1689-1697), 200 Norridgewock, Penobscot, and Canadian Indians gathered on Peaks Island and attacked European settlements in Back Cove. While the September attackers were driven off, a second attack in the spring of 1690 forced the surrender of Fort Loyal near the foot of India Street. The settlement at Portland was burned and European settlers were killed or taken prisoner. Although there was some resettlement in Casco Bay, principally at Spring Point in South Portland, these settlers were driven out after an attack in August of 1703⁴. The area was not substantially resettled until the close of Queen Anne's War (1702-1713) after the 1713 Treaty of Portsmouth ended hostilities between England and France. By 1715 Portland, then known as Falmouth, was resettled. House Island, like most of the area, was mostly unsettled from 1676-1715.

During this turbulent period, House Island was owned by George Munjoy, owner of the eastern end of the Portland peninsula and Peaks Island, and his family. Munjoy acquired a fourth interest in House Island in 1663 and eventually acquired the rights to the whole island. His garrisoned dwelling at the corner of Fore and Mountfort Streets on the peninsula was demolished in 1676. Deeds indicate there were two houses, an old house and a new house, on the island at this time, although they were likely demolished or deteriorated substantially during the period of abandonment. After his death in 1680, his ownership of the island was affirmed by the provincial authorities and deeded to his widow, although she seems to have resided in Boston during the conflicts.

Resettlement Period, 1715-1750

As the Casco Bay area was resettled after the cessation of hostilities, House Island was owned in part by various fisherman, farmers, and businessmen; no one owner possessed a right to the entire island. For most of this period of European resettlement the island was the site of fish curing businesses. There are no known remains of this period of resettlement on House Island. Archeological investigations might yield information on island life in the 18th century as deeds indicate dwellings were present on the island during this time.

Nineteenth Century Fish Curing Yard and Lobster Pound

In 1801 the island was acquired by John Walden Green of Salem, a fisherman and farmer. He built a dwelling upon the island, no longer extant. He sold the southern half of the island, twenty-acres, to the US Government in 1808.

⁴ Goold, Nathan. *A History of Peaks Island and Its People: Also a Short History of House Island*. Portland, ME: Lakeside Press, 1897.

For most of the 19th century the northern portion of the island was owned by members of the Trefethen and Starling families. In 1822 John Starling [Sterling] (1785-1870) acquired one half of the north part of the island and moved to the island with his wife Patience Bowe [Browne]. In 1823 his cousin Henry Trefethen III (1797-1880) acquired title to the other half of the north end of the island, and moved to the island from Monhegan. The two families lived on the island in a two family house (See images). The Starling and Trefethen families fished and cured their catches in large flake yards.⁵ (See images).

Besides the two-family dwelling house the Starling and Trefethen families had fishing sheds and piers on the eastern side of the island. Although the wooden outbuildings are no longer extant, three large stone piers of cut granite that formed the bases of the wharves are extant. The families also laid out a cemetery near the middle of the island overlooking Lobster Pound Cove. The cemetery's oldest grave is William Hogart (c1777-1822).

Information from the Cushing family, owners of the island in the second half of the 20th century, dates the use of the cove on the east side of the island as a lobster pound to the 1850s. Maine Sea Fisheries and the history of lobster pounds in Maine indicate the establishment of the lobster pound was probably closer to 1889 when Howard H. Trefethen established his wholesale lobster business.

Prior to 1880 lobstering in Maine was largely irrelevant to Maine's economy, ranking sixth in pounds landed behind cod, herring, mackerel, hake, and haddock. In the 1880s lobsters quickly became the most valuable catch in Maine's fisheries driven in part by the rise of Maine as a tourist destination and the ability to transport fresh lobster to urban markets. The lobster catch in Maine grew from 14 million pounds in 1880 to 25 million pounds in 1889. The value of the catch increased from \$269,000 in 1880 to \$574,000 in 1889. By 1900 the lobsters were Maine's most valuable catch worth approximately \$1 million dollars. As the value of the catch and demand for lobsters increased the number of lobsterman increased as well from less than 200 in 1876 to 3,304 in 1898. Lobster for delivery out of state was initially canned locally, but was quickly replaced by fresh shipment after 1885 with the development of lobster pounds along the coast.⁶

Lobstering in Maine was a seasonal business, with trapping occurring in March-July and October-December. The steady demand and seasonal supply resulted in low prices when lobsters were readily available and high prices when there were fewer

⁵ The *Maine Register or State Year-book and Legislative Manual* of 1889 indicates that Alpheus G. Sterling and Charles & Henry Trefethen were fish curers and fish wholesalers on House Island. Alpheus, the youngest son of John Starling, inherited the Starling family share of the island. In 1888 deeds indicate Alpheus sold the Trefethens the right to use the water in the eastern cove for a lobster pound. Other fisherman from the island include Henry Trefethen III's nephew George Trefethen, Jr. who sold dry, smoked and pickled fish at 6 Commercial Wharf. George's brother John Waterman Trefethen was a wholesale and retail dealer in fresh and pickled fish on the east end of Commercial Wharf in Portland.

⁶ O'Leary, Wayne. *Maine's Sea Fisheries: The Rise and Fall of a Native Industry, 1830-1890*. Boston: Northeastern University Press, 1996. Page 258.

lobsters available for market. In an effort to hold lobsters captive for sale out of season, a lobster pound was created in 1875 by Johnson & Young of Boston in a nine-acre bay along the coast of Vinalhaven, using a natural shoal with a wire fence across the top. By 1890, there were three lobster pounds in Maine, including the lobster pound on House Island. By 1898, the House Island lobster pound was one of nine pounds along the Maine Coast.

In 1889 Howard H. Trefethen, grandson of Henry Trefethen III, entered the wholesale lobster business becoming one of three principals in Holbrook, Trefethen & Harvey, wholesalers in live, boiled and pickled lobster on Long Wharf. A business journal notes in 1891 Holbrook, Trefethen & Harvey had a pound on the island. The pound was located in a cove on the east side of the island, now known as Lobster Pound Cove (See images). Two natural rock ledges were extended by a granite wall topped with a short weir to enclose the cove and create a containment pond for the lobsters. Historic photographs show a small gable building at the northern end of the wall. The fish house was likely used for the storage of lobster feed, for packing the lobsters, and for the storage of gear, usually nets or seines, used to harvest the lobsters from the pound. In the 19th century, Howard's cousin, Newell Fales Trefethen, continued the family's involvement with wholesale lobstering, operating a lobster business in Portland. He moved his lobster house, N.F. Trefethen Co. from Portland Pier to Customs House Wharf, building a two story lobster house.⁷ He also operated a lobster pound in South Bristol, Maine. His uncle, George Trefethen Jr worked with him at N.F. Trefethen Co.

Military Ownership, 1808-World War II

Second Systems Forts and the War of 1812

In 1807 the English ban on US trade with France and concerns in the United States over British aggression toward the country's coastal cities and sailing vessels prompted President Jefferson to renew the country's fortification program. Forts built during this period were known as second system forts. Second system forts were built with engineers from the US Military Academy at West Point, a corps program established in 1802 to cut the country's reliance on foreign engineering. Second system forts in Maine include: Fort Sullivan in Eastport (1808), Fort Machias in Machiasport (1807), Fort Penobscot (1807), Fort George in Castine (1808), Damariscotta (1807), Fort Edgecomb (1807), Georgetown (1808), Fort Scammell (1808), Fort Preble in South Portland (1808), Fort Sumner in Portland (1794,1808), and Fort McClary at Kittery Point (1808).

Fort Scammell was named in honor of Alexander Scammell (1747-1781), adjutant general of the Continental Army in the Revolutionary War. He was killed in action during the Battle of Yorktown. Construction of the fort was overseen by Henry Alexander Scammell Dearborn (1783-1851) a Portland lawyer and son of Major General Henry Dearborn, a former Secretary of War and friend of Alexander

⁷ See 1924 tax photo, Item No 86340.

Scammell. Dearborn also oversaw construction in 1808 of Fort Preble across the harbor entrance in South Portland.

Fort Scammell consisted of two parts, the semi-circular fort and a gun battery. The semi-circular fort overlooked the harbor entrance and was built of brick, a portion of which has been exposed (Image). In the center of the fort was the Powder Magazine. To the north of the magazine was an octagonal blockhouse. The block house had six guns located on the upper floor. The building was also used as a barracks. To the east of the blockhouse was a Brick Furnace to heat the shot before loading into the cannons. The fort was equipped with eleven 24 and 32-pounder mounted cannons.

In June of 1812 the United States declared war on England. Fort Scammell was garrisoned during the War of 1812 (1812-1814), but the fort's guns only fired once in August of 1813 on a British Privateer in Whitehead Passage. A month later in September 1813 a British Flag of Truce party landed at the Fort to negotiate for the release of British prisoners from the *HMS Boxer* captured after a battle with the *USS Enterprise* off Pemaquid Point on 5 September 1813.

Near the end of the war in October of 1814 the Gun Battery was completed on the north end of fort. The detached gun battery overlooked Whitehead Passage.

Third Systems Forts

In 1816 Congress appropriated \$800K to improve the country's seacoast defensive system. Without the threat of war, construction projects moved slowly. The fort was altered in the 1840s when the walls of the semi-circular fort were extended east and west for gun mounts. The walls were extended again in the 1850s to encompass the gun battery. Forts built or altered after the War of 1812 are known as Third System forts. Third system forts are large brick or stone forts with multiple tiers of gun batteries built on promontories or on islands at choke points to important harbor entrances with earth covered batteries open to the rear with concrete magazines to store powder and ammunition. Third System forts in Maine include: Fort Knox in Prospect (1844-1869), Fort Popham in Phippsburg (1857, 1862), Fort Gorges in Portland (1858), Fort Scammell (1808), Fort Preble in South Portland (1808), and Fort McClary in Kittery Point (1808).

Thomas Lincoln Casey (1831-1896) was a West Point graduate, Class of 1852. He was assigned to the Corps of Engineers and taught engineering at West Point 1854-1859. In the 1860s he was assigned to Maine to oversee construction of Fort Knox and Forts Gorges and the redesign of Fort Scammell and Fort Preble. After the Civil War he was assigned to oversee construction on the Washington Monument 1879-1888. He served as the Chief of Engineers for the US Army Corps of Engineers 1888-1895 and was the engineer for the Library of Congress' Thomas Jefferson Building (1890-1897).

During the 1862 construction at Fort Scammell, a two-story bastion was built on the east side of the 1850s walls and a one story bastion was built to the west side near the end of the 1840s wall extension. The bastions were equipped with 10-inch guns and were open to the rear with stone casements facing Casco Bay. A proposed

bastion to the north was not built, although the tunnel was constructed. Each bastion was planned to be three stories in height, but none at that height were completed.

The granite for Fort Scammell was quarried on Mount Waldo and brought by stone sloops to the island. Wharves on the west side of the island were constructed for the off-loading of the stones, as was a stone cutting shed. Stones were unloaded and moved using block and tackle. Not only were the stones for Fort Scammell prepared on House Island, but also the stones for Fort Gorges and Fort Preble. A field of cut and uncut stones is extant just to the north of the stone wharf. Stones were moved from the cutting area to the east bastion by way of a short narrow gauge railroad. A mound near the center of the parade ground is the remains of the foundations of a large cement mixer. The mixer took 26 men to operate. Cement was also brought onto the island in barrels. A solidified chunk of cement with the marking of wood barrel staves that have rotted away is located in the gallery of the East Battery.

In 1870 the fort was modified to accept 13-inch guns on external emplacements and the top of the two granite bastions. The wooden blockhouse was removed and a large gunpowder magazine built near the tunnel entrance to the east bastion. Work on the fort was halted by a federal funding freeze on coastal defense projects in the late 1870s.

Spanish-American War (Endicott Period: 1890-1910)

In 1885 President Cleveland appointed a joint forces and civilian board to assess the country's coastal defenses. The board recommended a massive construction and modernization program with a focus on concrete fortifications and installation of large caliber breech loading artillery and mortar batteries, usually open topped concrete walls protected by earthworks. The program also included the use of mine fields, with smaller guns employed to protect the mine fields from mine sweeping vessels.

In 1890 Fort Scammell was altered to accommodate the larger 15-inch Rodman cannons and the east battery was used to control a minefield established in Whitehead Passage. Despite these small improvements, Fort Scammell's days were drawing to a close. In 1903 the fort was listed as without armament and was not garrisoned. Although concrete bases for three-inch anti-aircraft guns were built on south and east batteries during World War One in 1918, no guns were installed.

Quarantine Stations & Immigration, 1892-1937

In the eighteenth and nineteenth centuries in order to prevent the entry and spread of infectious diseases, vessels suspected of having contagious diseases could be stopped and quarantined. Initially, this was done on a port by port basis, with no national control or oversight. New York's first quarantine station was built in 1758 on Bedloe's [Liberty] Island. In 1832, Little Hardwood Island, a small two-acre island in Passamaquoddy Bay was utilized to isolate ship passengers infected with cholera who were arriving at St. Andrews for settlement in Canada and northern New England. The island became known as Quarantine Island and Hospital Island. Hospital Island was used through the period of Irish immigration during the Potato

Famine 1845-1852 and closed in 1865. The hospital and other buildings were destroyed by a storm in 1869. In 1879, the first nationally funded and operated United States Quarantine Station was built on Ship Island, Mississippi for the Port of New Orleans. The same year the Ship Island Quarantine Station was established, a second act established a National Board of Health to coordinate with local and state wide systems of quarantine.

In Maine in 1884, 15-acre Widow's Island off North Haven in Penobscot Bay became the site of a US Navy hospital for yellow fever patients. The hospital was functional 1885-1904, but never had a yellow fever patient. In 1904 after ownership was acquired by the State of Maine, it was used by patients from Augusta Mental Health Institute and Bangor Mental Health Institute for recreation and was known as the Chase Island Convalescent Hospital.

At the end of the nineteenth century in Maine, smaller ports often had no quarantine anchorage, quarantine facility, or even quarantine laws or regulations. In 1896 there were no inspection stations in Castine, Eastport, Ellsworth, Waldoboro, Belfast, Rockland, Wiscasset, York and Kennebunkport.⁸ Larger ports like Bath and Bangor, had designated anchorages in the river for vessels suspected of possibly carrying infectious diseases and local laws outlining the procedures for inspecting vessels from foreign ports. A small vessel carrying the local health officer would board and inspect ships at anchorage. In Portland, like Bangor and Bath, a vessel would anchor in the harbor and the Public Health Officer would inspect the ships' crews and passengers for disease. Portland unlike other ports also had a quarantine facility.

The facility was built on land owned by the Federal Government on House Island that was part of the Fort Scammell Military Reservation and licensed to the Portland Board of Health in 1892 to use for quarantine purposes.⁹ The City of Portland built a one-and-a-half story cottage with a steam disinfecting chamber, a 30' x36' coal shed, two steam boilers in a boiler house, and a pier on wood pilings. The wood framed cottage was 36' x 78' with a monitor roof and two cupolas. Inside there were two 10'x48' corridors for packing and unpacking baggage. There were six 10' x8' rooms with bathtubs and attached dressing rooms. Water came from a small pond on the hill behind the station and was fed by gravity into a cistern. During inspection, immigrants were stripped and their clothes run through the steam room to disinfect while they bathed. As part of the steam process, heat from the steam was vented to dry the clothing before it was returned to the newly bathed immigrants. Persons that needed to be retained were housed in an old house on the island or in the ordinance building inside the fort. A watchman lived on the island, but the Public Health Officer

⁸ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1896.

⁹ _____. *United States Military Reservations, National Cemeteries, and Military Parks*. United States Army, office of the Judge Advocate General, Charles Edward Hay Jr. US Government Printing Office, 1904. Deed from John Green Walden (c1758-1822) and wife to the United States dated February 29, 1808, conveying 12 acres of land. Deed recorded Book 53, Page 531 in the Cumberland County Registry of Deeds.

would be brought out to the island by steamer. In 1895, 415 immigrants passed through the inspection and quarantine station.¹⁰

In 1896 at the urging of western states, particularly Michigan, and with the approval of the City of Portland, Congress authorized the takeover of the Portland Inspection and Quarantine Station at Fort Scammell. They appropriated \$12,000 for its purchase and maintenance that year, although records indicate they may not have assumed full control of the inspection station until January of 1902.¹¹ In 1904 one hundred steamers with 1,342 passengers were inspected. In an article in the *Journal of Medicine and Science*, the medical officer in command of the United States Hospital, Quarantine and Immigration Station at Portland, P.C. Kalloch, described the need for a barracks capable of holding 150-200 immigrants, a small hospital, and a residence for doctors and staff on House Island. Until 1905, the north end of the island had been in continuous use for fishing and fish curing. The north end of the island was purchased by the United States from the Sterling and Trefethen heirs. In 1907 the small wood framed barracks for about 50 people, the Public Health Officer's Residence and the Quarantine Hospital were completed. A beehive pump station over a 270-foot deep well to supply water to the barracks was also completed during this period of construction. The pump was powered by a windmill that was removed in the 1970s.

In 1913 a federal subcommittee of the House Appropriations Committee heard testimony for the need of a "fire proof" building for detaining 500 immigrants at the US Hospital, Quarantine and Immigration Station on House Island. The need for expansion of the US Hospital, Quarantine and Immigration Station on House Island to increase detention capacity was in part affected by early 20th century immigration laws. Congress passed the 1917 Immigration Act on 5 February 1917 to restrict the immigration of undesirable immigrants from other countries, including any persons with tuberculosis, any form of contagious disease, a disability restricting them from earning a living in the United States or any "idiot, imbecile, epileptics, alcoholics, poor, criminal, beggars, polygamist, or anarchist."¹² The act established a literacy test for immigrants and the requirement for medical examinations before entering the country. In 1920 a second Detention Barracks was built to the east of the Small Barracks. It had a capacity for 592 people.¹³ It was torn down in 1962, although the remains of the foundation are still visible.

The Emergency Quota Act 1921 was passed by Congress to temporarily limit the number of immigrants into the United States. The law imposed quotas based on the country of birth. Allowable quotas for each country were calculated at three percent of the total number of foreign-born persons from that country recorded in the 1910

¹⁰ _____. "Portland" *Annual Report of the Supervising Surgeon General of the Marine Hospital Services*. Washington, DC: US Government Printing Office, 1896.

¹¹ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1904.

¹² Tucker, Davis and Jessi Creller. "Summary of the 1917 Immigration Act" The University of Washington-Bothell Library website.

http://library.uwb.edu/guides/usimmigration/1917_immigration_act.html

¹³ _____. *Fort Scammell Tour*. Portland: Portland Discovery Land & Sea Tours, 2012.

United States census.¹⁴ The Act was superseded in 1924 by the Johnson-Reed Act which limited the number of immigrants allowed into the United States to two percent of the total number of people of each nationality living in the United States as of the 1890 national census.

In the 1920s, the Portland station was largely used as an overflow station for the ports of Boston and New York. In November of 1923 the ships *President Polk* and *George Washington* were diverted to Portland from New York and 218 immigrants from those ships were quarantined at the station. The station was abandoned in the winter of 1923. In 1937 the US Hospital, Quarantine and Immigration Station on House Island was officially closed and offered for sale.

Navigation

In the early 20th century, a shoal about 60 yards off the north end of the island was marked by House Island Light.¹⁵ A shoal with 14-17 feet of water over it extends from House Island into Diamond Island Roads, the anchorage for vessels waiting for inspection. In 1906, at the time of development of the island by the United States government, a black spar buoy off the north end of the island at the easterly entrance to Diamond Island Roads anchorage was added.¹⁶ Known as House Island Buoy 1, it was discontinued in 1982.¹⁷ In 1914 lights were added to the navigational markers on the island.

The south end of the island is now marked by Fort Scammel Point Light 2, a 35' high triangular red daymark on a skeleton tower. On the north end of the island is House Island Light 3 with a square green daymark on a skeleton tower 20' above water and a House Island Buoy, a green can buoy, at N 43°39' 22.408" and W 70°12'20.221".¹⁸

¹⁴ Barrientes, Brenda "Summary of the 1921 Emergency Quota law; An Act to limit the immigration of Aliens into the United States" The University of Washington-Bothell Library website. http://library.uwb.edu/guides/usimmigration/1921_emergency_quota_law.html

¹⁵ United States Coast Pilot: The Atlantic Coast. US Coast & Geodetic Survey. US Government Printing Office, 1911.

¹⁶ "Maine-Portland Harbor Buoyage" *The Canada Gazette*. Ottawa. Saturday August 25, 1906. Page 435.

¹⁷ _____. "150 Bouys in use along Maine Coast to be discontinued by Coast Guard". *Bangor Daily News*. April 1, 1982

¹⁸ _____. *Light List, Volume 1 Atlantic Coast: St Croix River, Maine to Shrewsbury River, New Jersey*. US Department of Homeland Security, United States Coast Guard. US Government Printing Office, 2014.

Private Ownership, 1950-present

At the end of World War II Fort Scammell was sold to Navy Captain Lincoln King, ret. for \$1200 in 1948. King wanted to sell the fort's granite to the US Army Corps of Engineers for a planned breakwater from the shore of South Portland to Spring Point Light. Hilda Cushing of South Portland wanted to see the fort preserved and was quoted as saying, "You can't have tomorrow without today."¹⁹ She purchased the southern half of the island from King in 1954. In 1955 she purchased the remainder of the island which was then owned by Stanley Pettengill. Her family owned the island until 2014.

ARCHITECTURAL DESCRIPTIONS

House Island is an hourglass shaped island, with the north and south ends of the island connected by a narrow ridge dropping off to semicircular beaches on the east and west sides of the island. The island is characterized by a zone of exposed bedrock around the shoreline with sand beaches on either side of the narrow ridge connecting the two halves of the island, a small sandy beach to the east of the Public Health Officer's Residence and by the former Starling and Trefethen Wharves on the north east side of the island. Like most small coastal islands, the surface of the island has a thin layer of topsoil with bedrock either bare or close to the surface. Exposed bedrock is particularly predominate on the south half of the island. The south half of the island is dominated by Fort Scammell. The cut granite exteriors of the east and west battery are connected by the earth covered magazines and exterior walls of the south battery and unfinished site of the north battery. The fort is centered around a roughly rectangular parade ground that is entered through a sally port on the west side of the island. To the west of the fort is a stone wharf, the remains of a second wharf, the site of the 1892 Portland Inspection Station, and the remains of the stone cutting yard and the partial foundations of the stone work house. On the north end of the island are three wood framed structures associated with the former United States Hospital, Quarantine and Immigration Station, used as seasonal residences and for private functions in the second half of the twentieth century. Primary access is via a dock on the west side of the island. The various resources on the island are connected by mown trails.

Small Detention Barracks (1907)

Map Location C, contributing

Located at the north end of the island is the small detention barracks constructed in 1907. The one-and-one-half story, rectangular shaped wood-frame building was constructed in the Acadian Revival style. The barracks is eight bays wide and two bays deep and is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style as is the raised foundation and steeply pitched hipped roof. The soffit is open with decorative rafters exposed. The roof is sheathed with asphalt shingles. The barracks is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the barracks are clad with wood shingles.

¹⁹ Gratwick, Harry. *The Forts of Maine: Silent Sentinels of the Pine Tree State*. Charleston, SC: The History Press, 2013. P.55

The principal southeast facade features a slightly projecting center gable over a four-bay wide by one-bay deep entry bay. The southeast facade of the entry bay features four tall window openings, reading from south to north (left to right) the southernmost opening is infilled by a stacked three-light window, the next opening features a nine-over-nine double-hung wood sash, next is a six-over-six double-hung wood sash window with a three-light transom and the last opening is a six-over-six double-hung wood sash window with a three-light transom as well; however the muntins and frame of the last transom are considerable lighter than that to the south. A single multi-light wood entry door is located on the north and south elevations of the entry bay. A band of three one-over-one double-hung sash replacement windows are located in the gable above. Two six-over-six double-hung wood sash windows are located to the north and south of the entry bay. A simple wood surround highlights each door and window opening. Each window has a slightly projecting wood sill. A brick chimney pierces the southwest roof plane to each side of the central gable.

The north and south elevations feature two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the openings feature a simple wood surround with a slightly projecting wood sill. Centered above on the plane of the roof is a single hipped roof dormer. The dormer features a flared eave and exposed rafters like the principal hip. A six-over-six double-hung wood sash window provides light to the interior.

The rear (northwest) elevation features a centrally located sliding glass door with a ten-light transom above and three, six-over-six double-hung wood sash windows to each side. Two, hipped roof dormers are located on the roof plane above. Each dormer features an overhanging flared eave and exposed rafters as well as a six-over-six double-hung wood sash window. A slender brick chimney pierces the roof plane to the south of the south dormer. Historic images of the island show that a chimney was located to the north of the north dormer. A full-width wood deck is located along the northwest elevation. A central wood stair provides access to the deck. A simple wood balustrade wraps the deck above and wood lattice is located below.

Large Detention Barracks (1920) ruins only

Map Location D, contributing

Located east of the small detention barracks are the deteriorated and partial remnants of the one-story large barracks constructed in 1920. The barracks was constructed of brick laid in a six-course common bond on a poured concrete foundation. The barracks was razed in 1962.

Public Health Officer's Residence (1907)

Map Location H, contributing

Located to the southeast of the small detention barracks is the public health officers quarters constructed in 1907. The one-and-one-half story, t-shaped wood-frame building was constructed in Dutch Colonial Revival style with Acadian Revival style influences. The residence is three bays wide and two bays deep and is capped by a side gable gambrel roof featuring a flared eave projecting out over the facade and each elevation. The upper plane of the roof is sheathed with asphalt while the lower plane is sheathed with wood shingles. The residence is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the residence above are clad with pebbled dash.

The principal west facade features a projecting one-story entry porch centered on the facade. The roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch. Access is gained through a multi-light wood door flanked by eight-light sidelights. A single 6/6 double-hung wood sash window is located to each side of the entry porch. The windows feature a simple wood surround and slightly projecting wood sill. Historic images of the quarters show the sash were originally six-over-two. A four-light foundation window is centered below each of the first floor windows. A nearly full-width shed roof dormer is located across the lower roof plane on the facade. The dormer features a centered paired six-over-six double-hung wood sash with a single six-over-six double-hung wood sash located to each side. Historic images of the quarters show the paired sash of the dormer were originally a multi-light diamond patterned sash over two-lights and like the first floor, the single six-over-six were historically six-over-two-lights. An interior brick chimney pierces the ridge of the roof to the north of center and an exposed exterior end-wall chimney is located on the south elevation.

A raised one-story wrap-around porch is located at the southeast corner of the south elevation and continues down along the east (rear) elevation. The flat roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch at the southeast corner of the porch. A paired multi-light French door at the east end of the south elevation provides secondary entrance to the building. The exposed brick chimney stack is located to the west and a single six-over-six double-hung wood sash window is located at the west end of the foundation. A six-over-six double-hung wood sash window is located to each side of the chimney stack in the gable above.

The north elevation features two six-over-six double-hung wood sash windows on the first floor with a window stacked above each opening in the gable. A semi-circular window is located above near the gable peak.

The rear (west) elevation features a two-story centrally located projecting gable with a shed roof dormer to each side. Additionally, a one-and-one-half story rear-ell projects out to the east. An advertisement in 1915 requested services to construct a boiler room and laundry, although no building is mentioned, it appears as though the one-and-one-half story ell may have been added on after the initial construction in 1907. The ell is two-bays wide and one bay deep and is capped by a gable roof featuring a flared eave. The plane of the roof is sheathed with asphalt while the gable end is clad with wood shingles. The ell is constructed on a rough-cut, un-coursed granite foundation with a wood water table capping the foundation. The walls of the ell, like the residence, are clad with pebbled dash. An inset entry is located at the northeast corner of the ell. The windows of the ell are smaller in scale than the principal block.

Quarantine Hospital (1907)

Map Location I, Contributing

Located south of the Public Health Officers Quarters, the Quarantine Hospital was constructed in 1907 in the Acadian Revival style. The hospital is a four bay wide and two bay deep, one-story rectangular shaped wood-frame dwelling which is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style. The soffit is open with rafters exposed. The roof is sheathed with asphalt shingles. The hospital is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the hospital are clad with wood shingles.

The principal north facade features a central entry flanked by six-over-six double-hung wood sash windows with a secondary entrance located to the west. Both openings features a single-light and wood panel entry door with a transom above and a wood screen door. A single light wood transom is located over the central entry and a three-light transom is located over the entry to the west. A simple wood surround highlights each door and window opening. Each window has a slightly projecting crown and wood sill. A slender brick chimney rises from the east end of the roof. Two slender metal vents pierce the north roof plane to the north and west of the chimney. A set of wood stairs and a wood deck provides access to both entries. A simple wood railing wraps the deck.

The west elevation features two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the west elevation openings feature a simple wood surround with a slightly projecting crown and wood sill. Wood flower boxes are located below the sill.

The rear (south) elevation features four six-over-six double-hung wood sash windows symmetrically aligned across the elevation. A small wood frame opening (boarded over) is located between the two western most window openings. The sill of the small opening is level with the meeting rail of the primary windows. A slender brick chimney pierces the roof at the west end of the roof.

Starling/Trefethen's Wharves, (c1823)

Map Location B, Contributing

Three foundations of the former wharves used by the Starling and Trefethen families are located just off the northeastern shore of the island. The rectangular wharf bases are comprised of small cut and uncut stones. Historically the wharves were extended by wood pilings and wood framed piers. One and two story wood framed fish houses were located on the wharves for the processing of fish.

Old Wharf (1862)

Map Location E, Contributing

The foundations of an old wharf are located just off shore to the west of the Small Detention Barracks. The wharf base is composed of uncut stones.

Beehive Well Head (1907)

Map Location F, Contributing

To the west of the Public Health Officer's House is a domed brick structure covered in concrete parging. The domed structure covers a fresh water well.

Dock (early 20th century, improvements 1950s)

Map Location G, Contributing

The actively used dock is largely comprised of wood pilings supporting a long wood wharf with floating docks on the northwestern end for loading and unloading vessels. At the shore end of the dock, stone cribbing is located between the pilings. To the south of the dock is a flat sandy beach for barge landings.

Lobster Pound Cove and Foundation of Lobster Pound (1889)

Map Locations J & K, contributing

To the east side of the narrowest point of land between the south and north ends of the island lies Lobster Pound Cove. The semicircular shaped cove has a sandy beach that resolves into rock ledges at the outermost edges of the cove. A natural barrier of ledge extends from the northern edge of the cove into the water. A barrier of cut granite stones connects the ledge barrier to the ledge on the south side of the cove. The stone fill is visible at low tide, but submerged at high tide. The barrier stones are the remains of Trefethen's lobster pound. The stone barrier and ledges were topped by a wood weir. Historic photos indicate a one-story gable roof fish house was located the north end of the enclosure, although no remains of the fish house are apparent in aerial images.

Cemetery (1822)

Map Location L, Contributing

A small cemetery is located at the north eastern end of the south section of the island overlooking Lobster Pound Cove. The cemetery is bounded in part by a low wall and picket fence. The cemetery has a few stones. Approximately twenty-two burials are located in the cemetery.

Old Wharf/Stone Cribbing (1850s)

Map Location M, contributing

A natural ledge on the west side of the island is topped by the remains of an old wharf with rough and cut stones. The remaining stones are largely below the water at high tide. To the south of the remains of the old wharf are piles of cut granite stones scattered across the rocky shore.

Site of Stone Cutting Shed and Granite cutting area (1850s)

Map Location N, Landmark

Between the remains of the old wharf and a wharf of cut granite stones lies an area composed of piles of stacked rough cut granite, finished granite stones, and cast-off waste stones. At the south end of the area is a stacked granite foundation, possibly the foundation of the former Stone Cutting Shed.

Granite 'Engineer's' Wharf (1850s)

Map Location O, Landmark

The wharf structure on the west shore of the fort is composed of blocks of large cut granite. The granite perimeter stones curve out from the juncture with the shore and a recessed cut is located on the north side of the wharf. The interior of the wharf is paved with small granite pavers. The pavers have deteriorated with the growth of organic materials between the stones. The western end of the wharf has a deteriorated raised wooden platform and is used for the storage of lobster traps. Large wood bumper pilings are located along the perimeter of the water side of the wharf.

Site of Portland Inspection Station (1892)

Map Location P, Contributing

The site of the former 1892 inspection station is located between the entrance to the fort and the granite wharf. The area is overgrown, except for the mown path with outcroppings of ledge.

Fort Scammell

Fort Scammell was originally built as a semi-circular fortification facing Casco Bay and the entrance to Portland Harbor. In the 1840s and 1850s the walls of the original semi-circular fortification were extended on the right and left flanks and finally to the rear to fully enclose a much larger area. During the Civil War and shortly thereafter, the fort was expanded and rebuilt. The major changes of the new construction include the two granite block bastions (east bastion and west bastion) on the east and west sides of the island, the parade ground, and the great magazine. A planned north bastion was never completed.

Sally Port (1850s)

Map Location Q, Landmark

Fort Scammell, like most nineteenth century forts, is entered through a sally port. The segmentally arched and vaulted passage originally contained heavily timbered doors which were held by the large iron pins on the outside of the archway. The sally port is flanked on both sides by earthen bomb proofs. A band of square granite pavers is located at the outermost opening in the sally port.

Parade Ground (1850s, altered 1862)

Map Location R, Landmark

Fort Scammell includes a centrally located parade ground. The parade ground was larger before the fort was expanded and rebuilt in the 1860s and 1870s. The opening around the parade ground lead to bombproof shelters, powder magazines and gun emplacements.

1808 Fort aka South Battery (1808, altered 1862)

Map Location S, Landmark

A section of brick walls of the south battery constructed in 1808 have been partially excavated. The exposed brick walls of the fort are whitewashed. The walls were whitewashed to make it evident to enemy vessels that the harbor was defended.

West Battery (1862)

Map Location T, Landmark

A one-story granite block bastion was constructed in 1862 along with the two-story granite block east bastion. The granite casements of both bastions face Casco Bay. The west bastion was designed to have two levels of casements while the east bastion was designed with three; however, the west bastion was only completed to the first level of casements and the east bastion was completed to the second level. Each bastion contains a series of arched casements with heavily vaulted ceilings to support the artillery platforms above. The earthen parapets on the roof were added in 1870s.

East Battery (1862)

Map Location U, Landmark

A two-story granite block bastion was constructed in 1862 along with the one-story granite block west bastion. The granite casements of both bastions face Casco Bay. The east bastion was designed to have three levels of casements while the west bastion was designed with two; however, the east bastion was only completed to the second level of casemates and the west bastion was completed to the first. Each bastion contains a series of arched casements with heavily vaulted ceilings to support the artillery platforms above. The earthen parapets on the roof were added in 1870s.

Great Magazine (1870s)

Map Location V, Landmark

Along the southeast side of the parade ground and over the site of the 1808 blockhouse a large central magazine or Great Magazine was built in 1870. The magazine was used as the central storeroom for ammunition.

House Island Light 3 (late 20th century)

Map Location A, non-contributing

House Island Light 3 is located on the north end of the island. A square green daymark is mounted 20 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.

Fort Scammel Point Light 2 (late 20th century)

Map Location W, non-contributing

Fort Scammel Point Light 2 is located on the south end of the island. A triangular red daymark is mounted 35 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.²⁰

Flagpoles

A flagpole is located atop the western battery. A second flagpole is located outside the Public Health Officer's Residence. Additional smaller flag poles are located on the dock and on the deck of the Quarantine Hospital.

²⁰ <http://me.usharbors.com/harbor-guide/portland-harbor#sthash.F8IKC8ke.dpuf>

INDEX OF RESOURCES

Map ID	Resource Name	AYB	Level of Significance
A	House Island Light 3	Late 20 th Century	Non-Contributing
B	Starling/Trefethen Wharf 1	Circa 1823	Contributing
	Starling/Trefethen Wharf 2	Circa 1823	Contributing
	Starling/Trefethen Wharf 3	Circa 1823	Contributing
C	Small Detention Barracks	1907	Contributing
D	Large Detention Barracks	1920	Contributing
E	Old Wharf	unknown	Contributing
F	Well Head	1907	Contributing
G	Dock	Early 20 th Century	Contributing
H	Public Health Officer's Residence	1907	Contributing
I	Quarantine Hospital	1907	Contributing
J	Lobster Pound Cove	Circa 1889	Contributing
K	Lobster Pound Foundations	Circa 1889	Contributing
L	Cemetery	1822-2008	Contributing
M	Old Wharf/Stone Cribbing	1850s	Contributing
N	Site of Stone Cutting Shed	1850s	Landmark
O	Granite "Engineer's" Wharf	1850s	Landmark
P	Site of Portland Inspection Station	1892	Contributing
Q	Sally Port	1850s	Landmark
R	Parade Ground	1850s (1862)	Landmark
S	South Battery & Site of 1808 Fort	1808 (1862)	Landmark
T	West Battery	1862	Landmark
U	East Battery	1862	Landmark
V	Great Magazine	1870	Landmark
W	Fort Scammel Light 2	Late 20 th Century	Non-Contributing

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_____. *Fort Scammell Tour*. Portland, ME: Portland Discovery Land & Sea Tours, 2012.

_____. "Map of Portland". *Atlas of Cumberland County*. New York: FW Beers, 1871.

US Army Corps of Engineers. *Plan of Fort Scammel, House Island, Portland Harbor, ME*. Washington, DC: National Archives, 1900.

Cumberland County Registry of Deeds:

Deed from John Green Walden and wife to the United States. Book 53, Page 531. 1808.

Deed from George Trefethen to United States of America. Book 747, Page 293. 1904.

Deed from George Trefethen and others to United States of America. Book 748, Page 247. 1904.

Deed from the United States of America to Lincoln King. Book 1916, Page 458. 1948.

Deed from the War Assets Administration to Stanley Pettengill. Book 2182, Page 53. 1954.

Deed from the Lincoln King to Hilda Cushing. Book 2210, Page 416. 1954.

Deed from Stanley Pettengill to Hilda Cushing. Book 2231, Page 415. 1955.

Other Collections:

1924 City of Portland Tax Photos. Available on-line in the Maine Memory Network database.

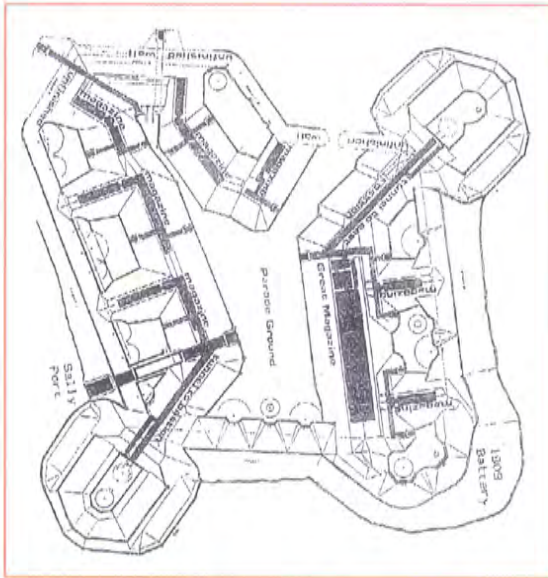
Indian Graves, Burying Ground that Was Discovered on House Island. Files at Greater Portland Landmarks. Undated.

NOAA's Historic Fisheries Collection.

House Island

Historic Resources Map

With inset map of Fort Scammell

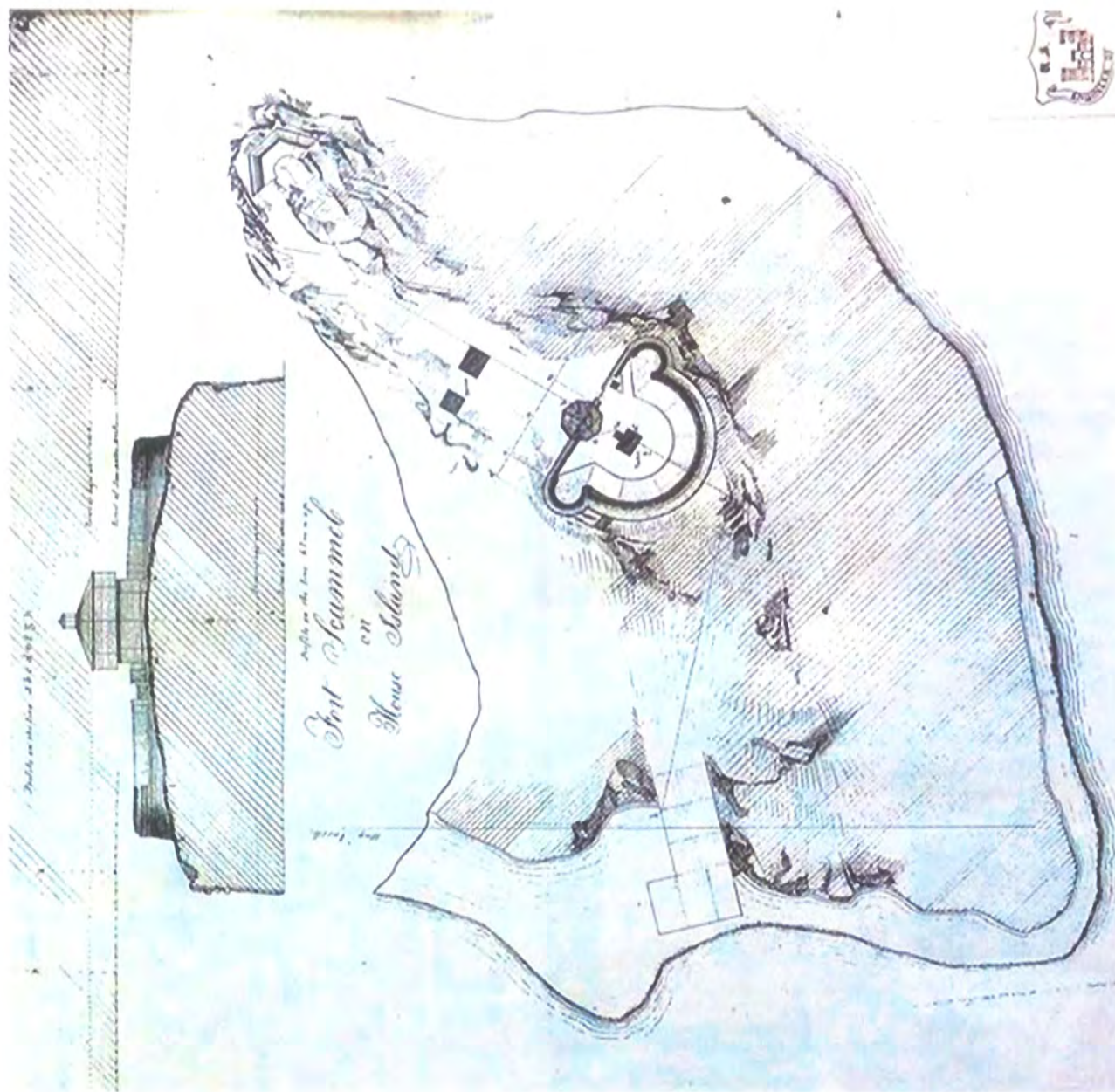


- A House Island Light
- B Starling/Trefethen Wharf Foundation
- C Small Detention Barracks
- D Foundations of Large Detention Barracks
- E Wharf Foundation
- F Well Head
- G Dock
- H Public Health Officer's Residence
- I Quarantine Hospital
- J Lobster Pound Cove
- K Foundations of Lobster Pound
- L Cemetery
- M Old Wharf/Stone Cribbing
- N Granite Cutting Area
- O Granite Wharf
- P Site of Portland Inspection Station
- Q Sally Port
- R Parade Ground
- S South Battery
- T West Battery
- U East Battery
- V Great Magazine
- W Fort Scammell Light

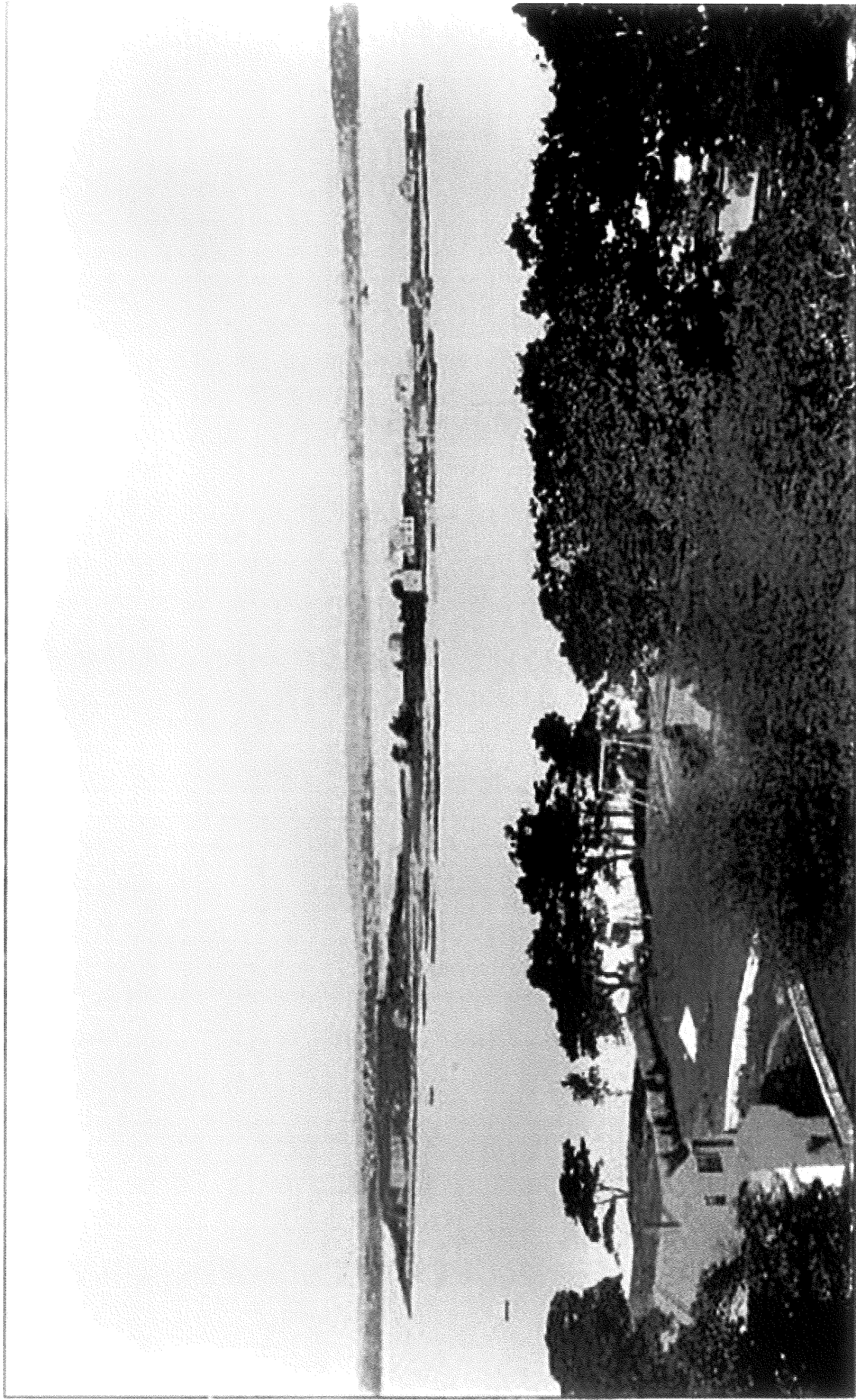


**House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District**

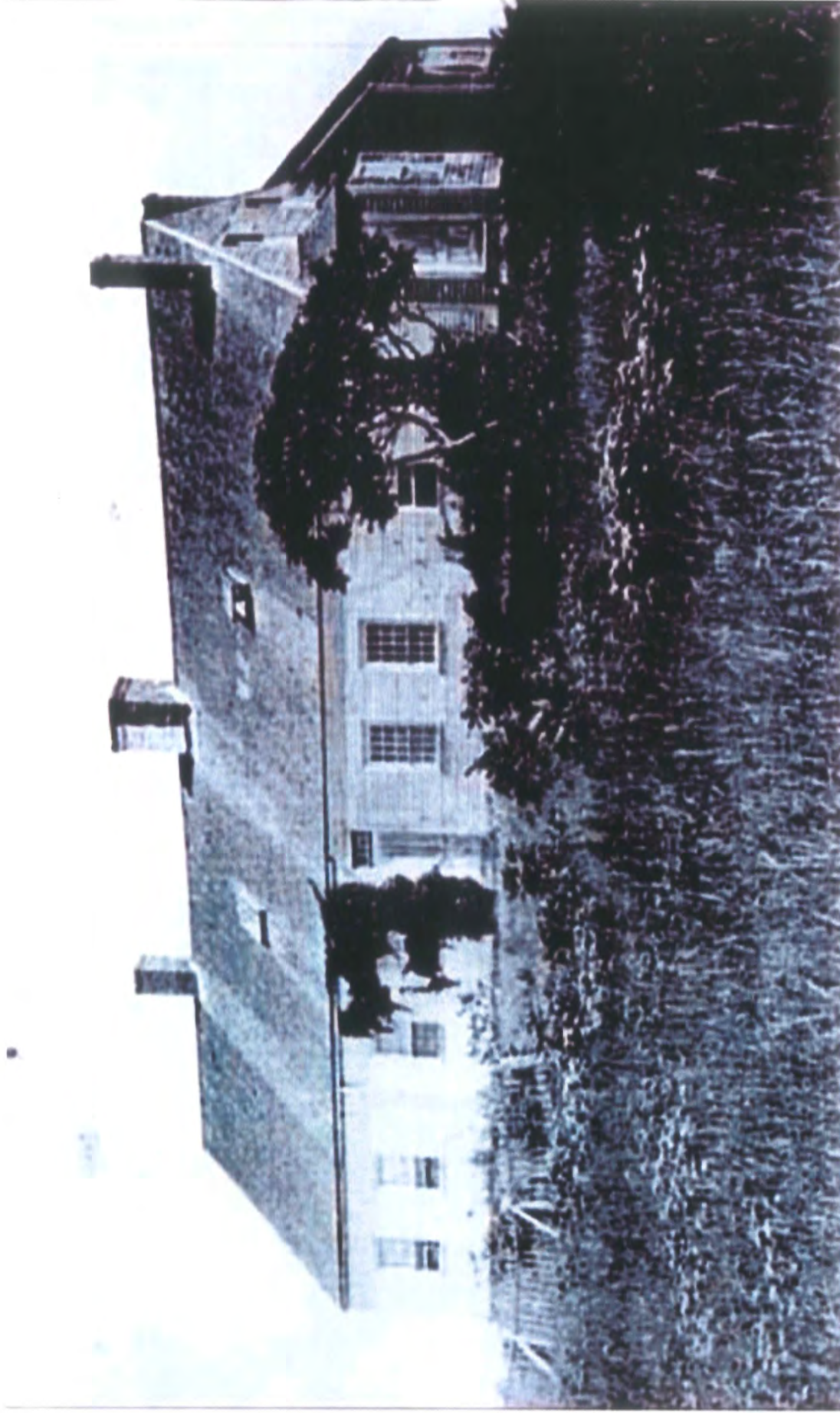
Appendix B - Historic Images



1808 Plan of Fort Scammel on House Island



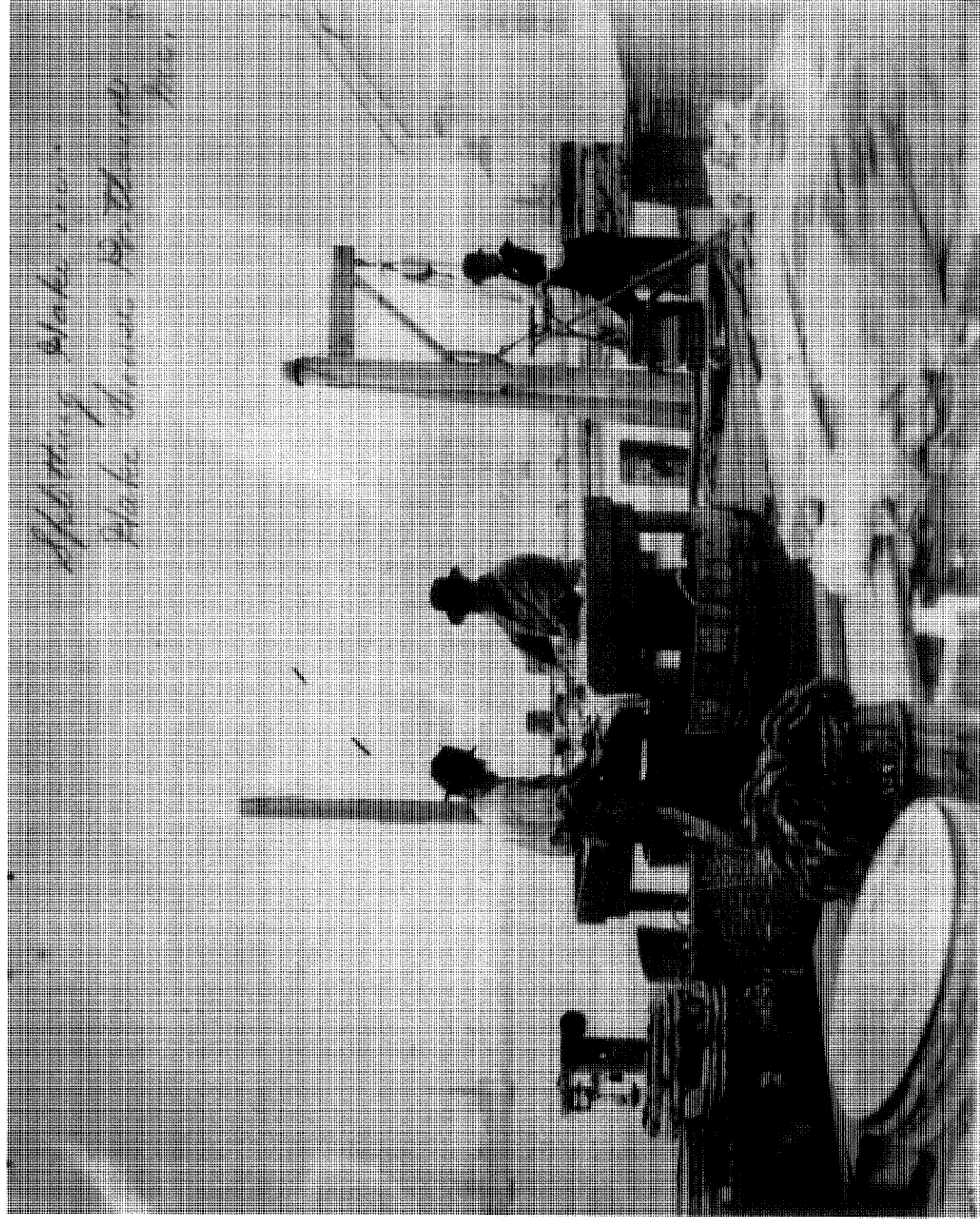
House Island in the nineteenth century from *New England Magazine: An Illustrated Monthly*, Vol.14.



Dwelling on House Island from *The Casco Bay Islands, Maine* by Ruth S Sargent.



Fish Houses and wharves on House Island from *The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



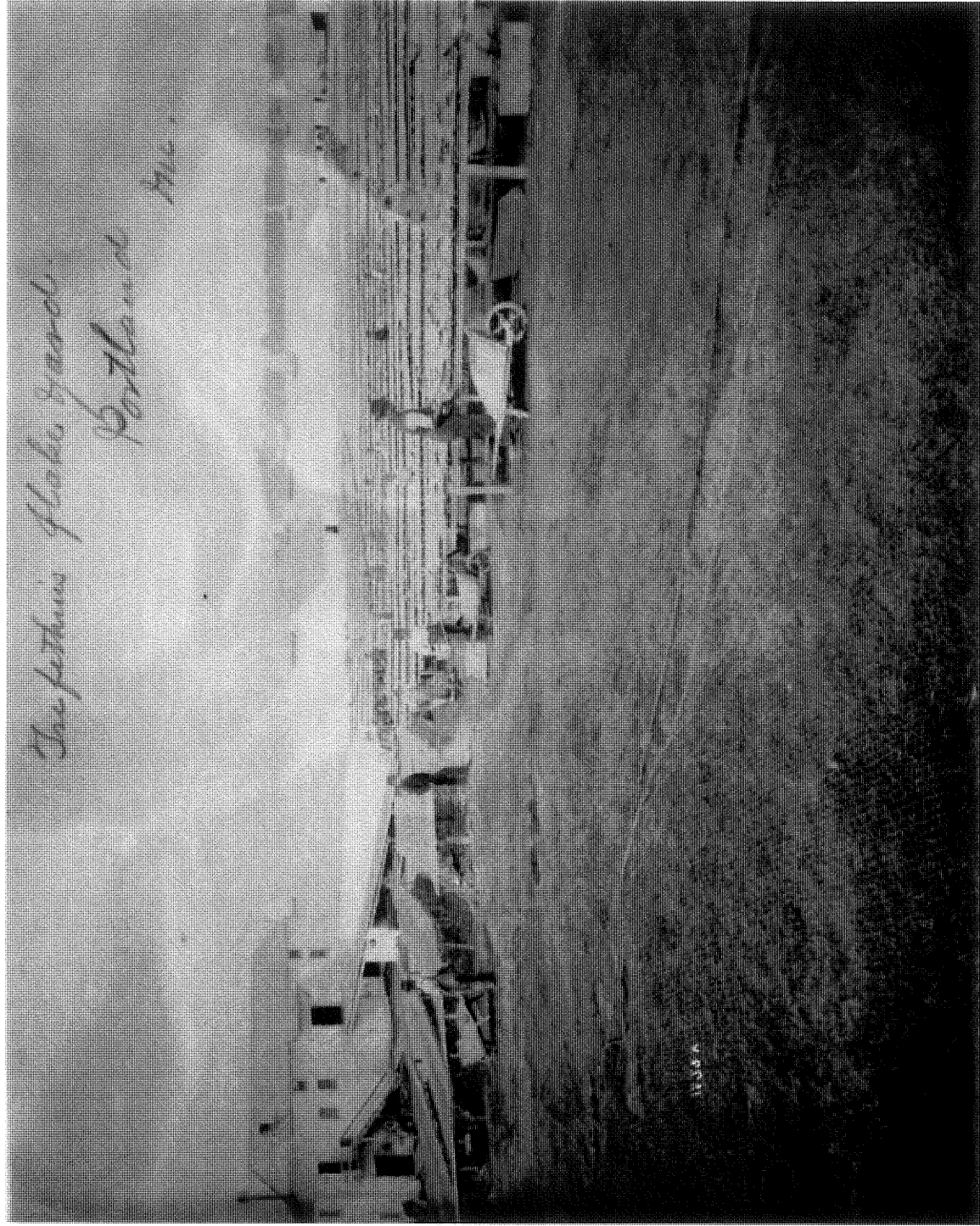
Splitting Hake on Trefethen's Wharf, House Island.
Image No.fish6813, NOAA's Historic Fisheries Collection.



Trefethen's Flake Yard [House Island].
Image No.fish6851, NOAA's Historic Fisheries Collection.



View of House Island fish flakes (drying racks) From The Casco Bay Island: 1850-2000 by Kimberly E MacIsaac.



Trefethen's flake yard [House Island]
Image No. fish6850, NOAA's Historic Fisheries Collection.



Mending nets at Trefethen's flake yard [House Island].
Image No. fish6849, NOAA's Historic Fisheries Collection.

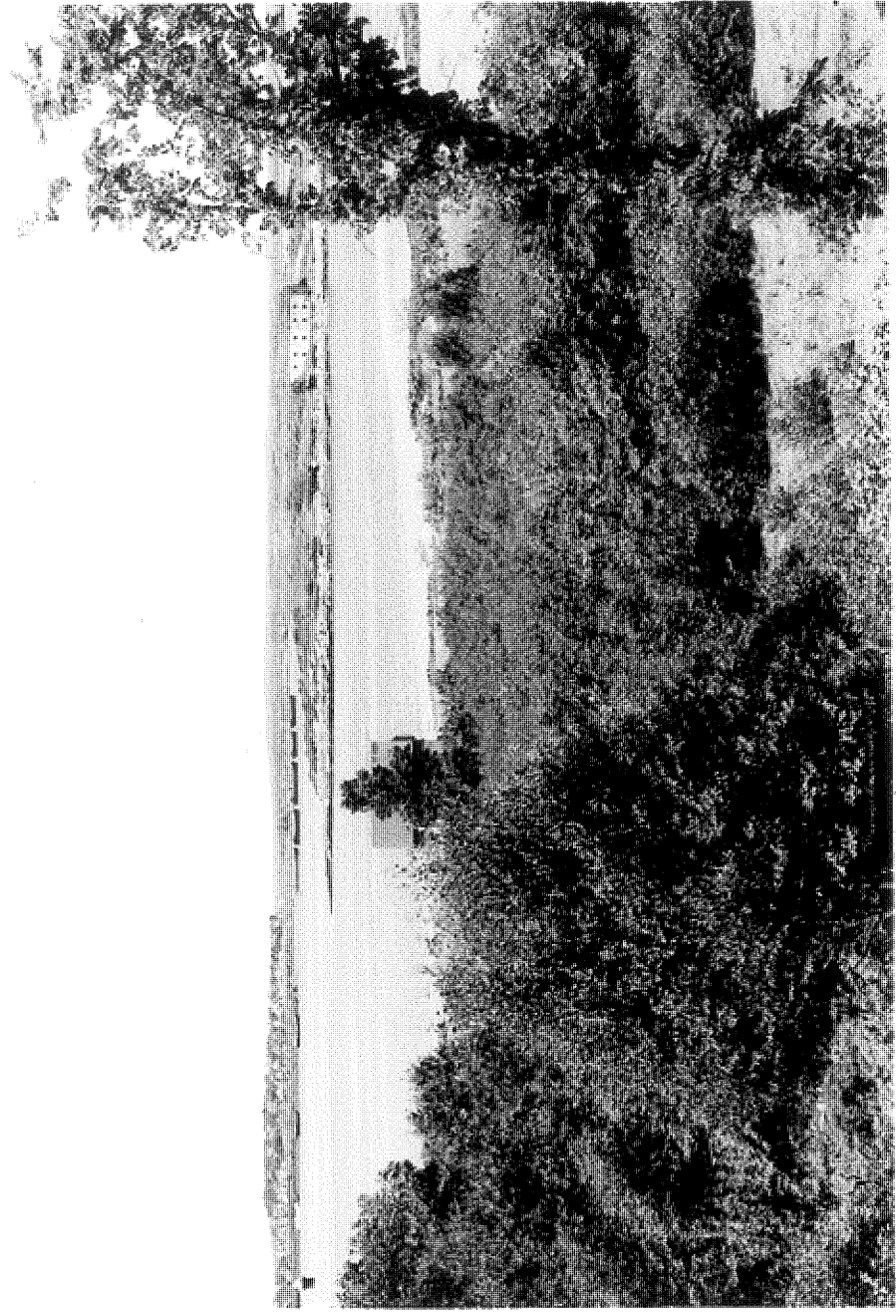


Fisherman mending herring gill-nets at House Island, Casco Bay, Maine.
Image No. Figb0121, NOAA's Historic Fisheries Collection.



Undated Image of House Island Lobster Pound from *New England Magazine: An Illustrated Monthly*, Vol.14.

VIEW OF THE HARBOR FROM CUSHING ISLAND, PORTLAND, ME.



Fort Scammell, House Island 1900-1906 from the collections of the Library of Congress

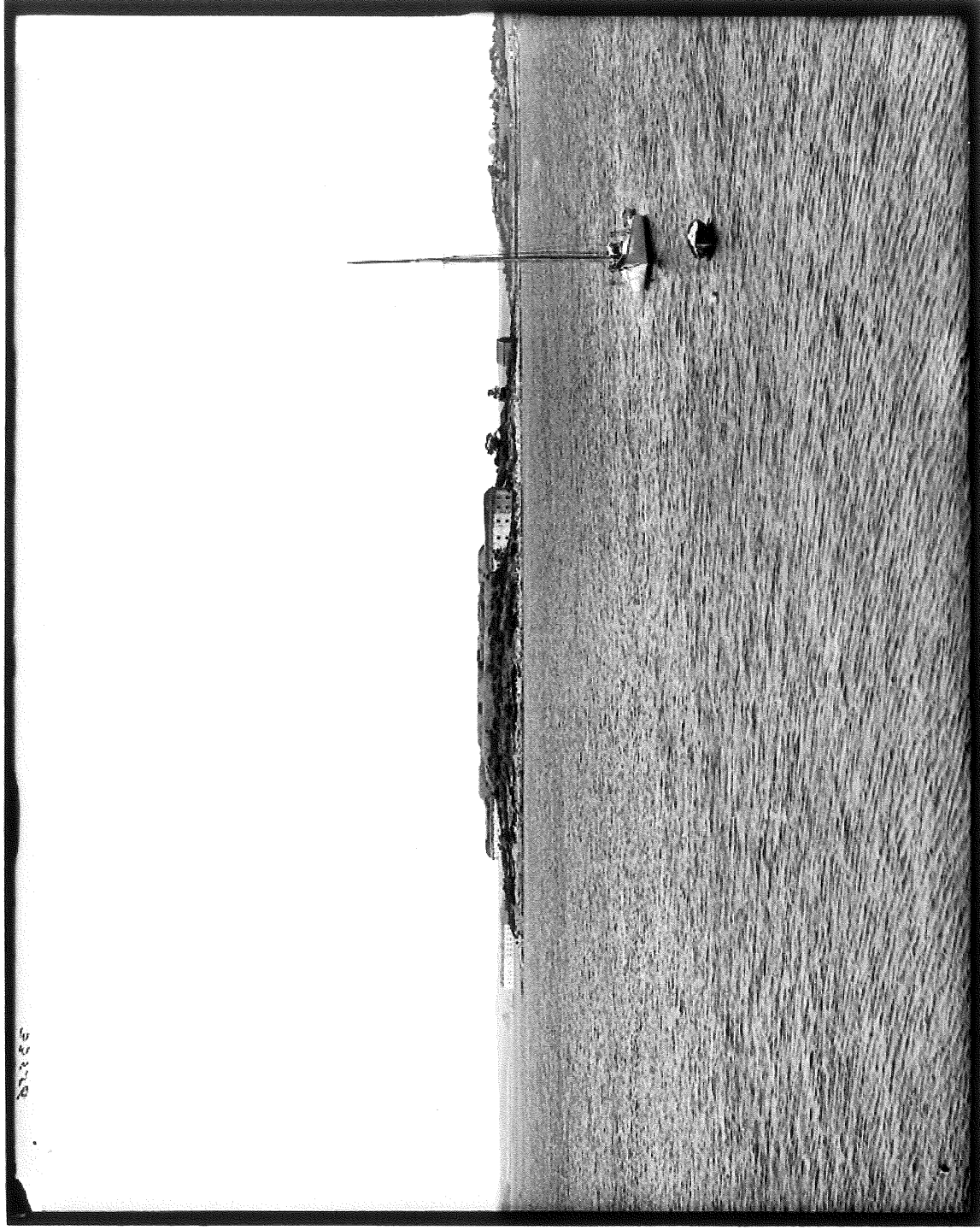


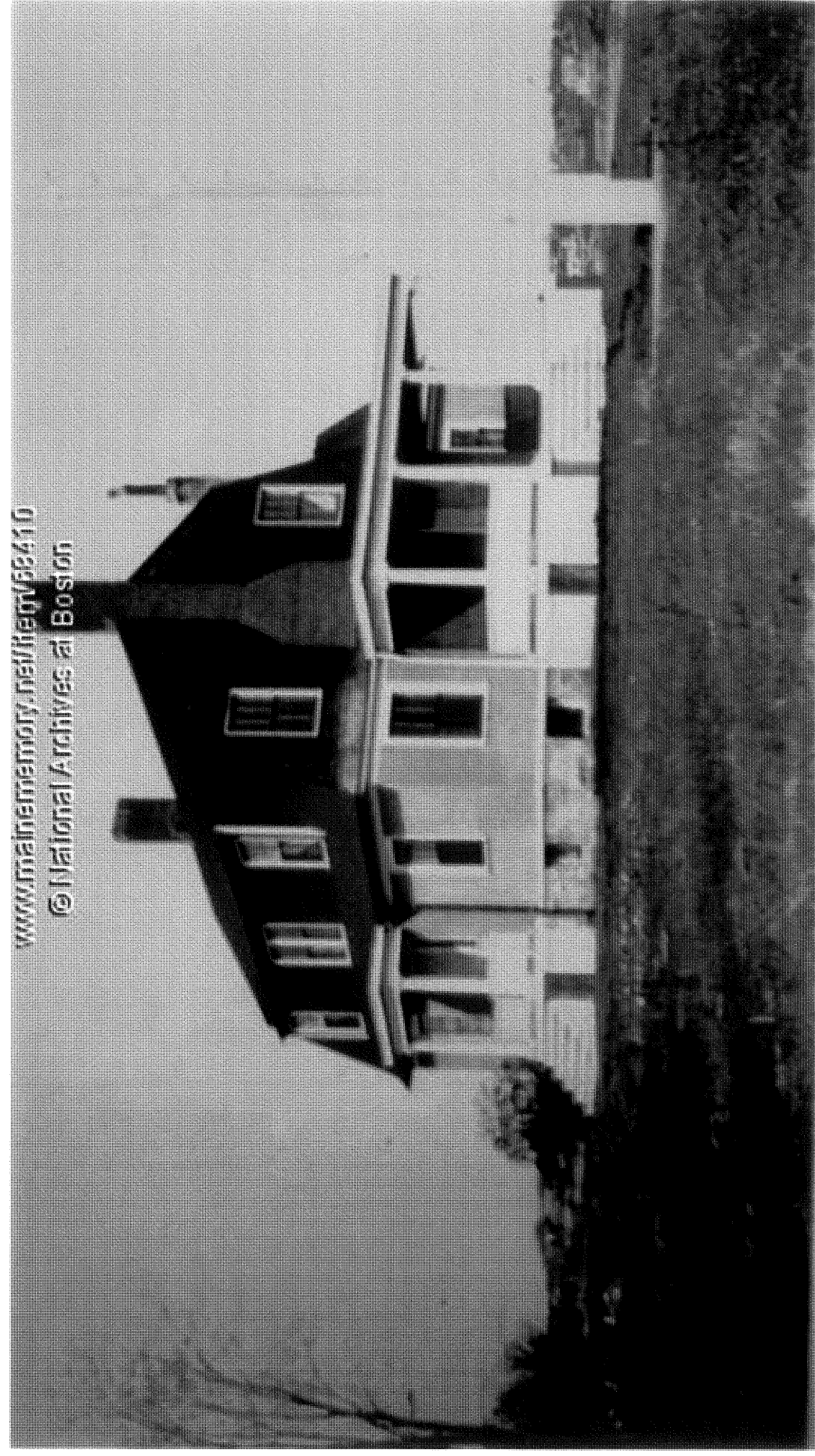
Image of Fort Scammell, House Island 1900-1910 from the collections of the Library of Congress



L to R the Public Health Officer's House, the Large Detention Barracks, and behind, the Small Detention Barracks From The Casco Bay Island: 1850-2000 by Kimberly E MacIsaac.



Image of House Island May 1941 from the *National Archives*. Identifier No. 7318778.



www.maine-memory.net/Item/68410
© National Archives at Boston

Public Health Officer's House, House Island. Item 68410, Maine Memory Network.

**House Island, Portland, ME
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Appendix C - Extant Images



2012 photo by Max Yeston, Greater Portland Landmarks

Small Detention Barracks (1907) Map Location C, Contributing



2013 photo, Greater Portland Landmarks

Remains of the Large Detention Barracks (1920) Map Location D, Contributing



2012 photo by Max Yeston, Greater Portland Landmarks

Public Health Officer's Residence (1907) Map Location H, Contributing



2012 photo by Max Yeston, Greater Portland Landmarks

Quarantine Hospital (1907) Map Location I, Contributing



2013 photo, Greater Portland Landmarks

Lobster Cove (c1889) Map Location J, Contributing



2013 photo, Greater Portland Landmarks

Old Wharf/Stone cribbing and Remains of Granite Stones (1850s) Map Location M, Contributing



2013 photo, Greater Portland Landmarks

Granite "Engineer's" Wharf (1850s) *Map Location O, Landmark*



2013 photo, Greater Portland Landmarks

Sally Port (1850s) *Map Location Q, Landmark*



2013 photo, Greater Portland Landmarks

Parade Ground Looking North (1850s, 1862) *Map Location R, Landmark*



2013 photo, Greater Portland Landmarks

1808 Wall, South Battery (1808, 1862) *Map Location S, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

West Bastion (1862) Map Location T, Landmark



2012 photo by Max Yeston, Greater Portland Landmarks

East Bastion (1862) *Map Location U, Landmark*

architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

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

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.

(Ord. No. 235-90, 2-26-90)

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

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

(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provision of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

- (1) Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or
- (2) By written petition of any owner, in the case of a landmark; or
- (3) By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefore for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

(d) At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the historic preservation board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the historic preservation board that the structure is eligible for a permit shall be conclusive.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.

(Ord. No. 235-90, 2-26-90)

Sec. 14-617. Recommendation by historic preservation board.

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
- (b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
- (c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.
- (d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate

all potential areas, sites, structures and objects that meet the criteria for designation.

- (e) A map showing the location of the nominated landmark and the boundaries of the nominated district.
- (f) A list, including the address, of every site, structure and object in each nominated historic district indicating their degree of cultural, historic, architectural or archeological significance by classification as of a landmark or contributing significance.

Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four (4) members, the item shall automatically be tabled to the next regularly scheduled meeting.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 3, 5-17-93)

Sec. 14-618. Reserved.

Sec. 14-619. Notification of historic preservation board recommendation.

(a) The recommendation of the historic preservation board, including a copy of the report, shall be transmitted to the city council in the case of a landmark and to the planning board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within ten (10) business days following adoption of the recommendation and report.

(b) If the recommendation of the historic preservation board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one (1) year from the date of termination, except upon a showing of substantial and material newly discovered information.

(Ord. No. 235-90, 2-26-90)

Sec. 14-620. Determination by planning board.

(a) The planning board, upon receipt of a recommendation and a report from the historic preservation board concerning nomination of a district, may hold a workshop meeting pursuant to the provisions of section 14-26. After review of the historic preservation board recommendation and report, the planning board shall hold a public hearing.

(b) All meetings, hearings and deliberations of the planning board to consider the recommendation and report of the historic preservation board shall be held in conformity with sections 14-24 through 14-28.

(c) The planning board may request the chair of the historic preservation board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

(d) The planning board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in division 3 within forty-five (45) days following receipt of the recommendation and report from the historic preservation board. A copy of the determination of the planning board shall be sent by regular mail to all owners within a nominated district within ten (10) business days following the determination.

(Ord. No. 235-90, 2-26-90)

Sec. 14-621. Planning board recommendation to city council.

The recommendation of the planning board regarding a nominated district shall be filed with the city clerk within ten (10) business days. It shall be accompanied by a copy of the report and recommendation of the historic preservation board and, in the case of a recommendation that the council designate, a draft of a proposed designation ordinance, including any proposed design guidelines for review of alteration, construction, removal or demolition. The recommendation of the planning board may include proposed changes in other city ordinances, policies, infrastructure, or recommendations with respect to the comprehensive plan of the city relating to the proposed designation.

(Ord. No. 235-90, 2-26-90)

Sec. 14-622. Action by the city council.

(a) Within sixty (60) days after the filing of a recommendation on the nomination with the city clerk pursuant to section 14-620, the council shall designate the landmark or district or reject designation. Any designation ordinance may include design guidelines for the designated landmark or district.

(b) Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district which is determined to be a landmark or considered to be

contributing or noncontributing, indicating their degree of cultural, historic, architectural or archeological significance. This list may be amended thereafter by the council upon recommendation from the planning board under the same procedures as set forth above. Where there are no express findings by the council in the designation ordinance, there shall be a presumption that the council found that all requirements of sections 14-610 and 14-611 were met.

(c) Notice of the proposed action of the council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.

(Ord. No. 235-90, 2-26-90)

Sec. 14-624. Reserved.

Sec. 14-625. Reserved.

*Editor's note - Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-626. Reserved.

Sec. 14-627. Reserved.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination and designation process as provided in divisions 3 or 4 shall not affect the validity of any designation nor the interim protection provided by division 5.

(Ord. No. 235-90, 2-26-90)

Sec. 14-629. Reserved.

DIVISION 5. INTERIM PROTECTION FOR NOMINATIONS

Sec. 14-630. Nominated landmarks and districts.

(a) From the time of nomination until the historic preservation board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of divisions 8 and 10 governing demolition and minimum maintenance, to the same extent as if designated. Upon final action of the historic preservation board recommending designation, the site, structure, object or area nominated shall be subject to all of the protection of this article until a final decision on designation by the council becomes effective. If the council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(b) Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a certificate of appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending, and which has received substantive review by the planning

board prior to nomination, shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under articles IV or V of this chapter.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 4, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-631. National Register of Historic Places.

(a) Every property, landmark or district listed in the National Register of Historic Places prior to adoption of this article, as shown in the design manual, is hereby designated as a landmark or district and shall be subject to all of the protection of this article, until such time as such designation is amended or rescinded as provided by section 14-623. Listed properties which would qualify for designation as historic landscape districts shall be subject to the applicable provisions of this article. If there is any inconsistency between the boundaries of any landmark or district as shown in the designation ordinance, if any, the design manual and/or the National Register, such inconsistency shall be resolved in favor of such ordinance and the design manual in that order. A certificate of appropriateness shall be obtained for every alteration or new construction affecting said listed properties and districts.

(b) Upon notice to the city that a property or area has been listed in the National Register after the adoption of this article, a nomination shall be deemed submitted to the historic preservation board for designation of such property or area as a landmark, historic district or historic landscape district under this article, and the procedures of this division shall be applicable thereto.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-632. Properties eligible for listing on National Register or for local designation.

A certificate of economic hardship shall be obtained prior to demolition of any structure which has not been designated in accordance with this article but which is eligible for listing on the National Register of Historic Places under the criteria established by 16 U.S.C. Section 470(a) or its successor statute and/or regulations made thereunder or which is eligible for local listing under the criteria for designation of this article. The determination of eligibility for listing shall be made by the department, which may refer such a determination to the historic preservation board, and by the board of appeals if an appeal is taken. Upon determination of eligibility, the structure so

In considering an application for a certificate of appropriateness involving the installation or modification of sign(s), including awning(s) which incorporate signage, the following standard shall apply:

- (a) Signs shall be compatible with the subject building and its surrounding context as detailed in the signage design guidelines included in the historic resources design manual. If there is a conflict between this standard and the requirements of Article III, Division 22. Signs, the stricter standard shall apply.

(Ord. No. 165-08/09, 3-16-09)

Sec. 14-653. Qualification of applicant.

Prior to issuance of any certificate of appropriateness, any applicant shall demonstrate sufficient right, title or interest in the property, technical capacity and financial capacity to complete any change proposed to be undertaken under the certificate of appropriateness, upon reasonable request of the department. If the department determines that the applicant has failed or refused to demonstrate an ability to complete the proposed activity, it shall refer the issuance to the Planning Board, which shall make a final determination as to whether the applicant has demonstrated a sufficient capability to complete the proposed activity. Notwithstanding any other provision of this article, the historic preservation board or Planning Board may include reasonable conditions, including the provision of adequate financial security, to ensure that actions taken under a certificate of appropriateness will be successfully prosecuted to completion, as approved, in a timely and workmanlike manner.

(Ord. No. 235-90, 2-26-90)

Sec. 14-654. Reserved.

Sec. 14-655. Reserved.

Sec. 14-656. Reserved.

Sec. 14-657. Reserved.

Sec. 14-658. Reserved.

Sec. 14-659. Reserved.

DIVISION 8. CERTIFICATE OF ECONOMIC HARDSHIP

Sec. 14-660. Applicability.

- (a) Any applicant denied a certificate of appropriateness by the planning board within thirty (30) days thereafter and any applicant seeking demolition of a landmark or a contributing

Supplement 2009-1

structure within a district may make application for a certificate of economic hardship from the board of appeals. The application shall be submitted to the department, together with the applicable fee.

(b) The department shall transmit a copy of the application to the board of appeals, with copies to the Planning Board and the historic preservation board, within ten (10) business days following receipt of a properly completed application.
(Ord. No. 235-90, 2-26-90)

Sec. 14-661. Standard to be applied.

(a) The board of appeals shall approve an application for a certificate of economic hardship only upon a determination that the denial of approval of the proposed activity or of the proposed demolition will result in the loss of all reasonable use of the structure as required by sections 14-664 and 14-666.

(b) In applying this standard, the board of appeals shall consider among other things any evidence presented concerning the following:

- (1) Any opinions from a licensed engineer or architect with experience in renovation, restoration or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation.
- (2) Any estimates of the cost of the proposed alteration, construction, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the planning board for changes necessary for it to be approved.
- (3) Any estimates of the market value of the property in its current condition; after completion of the proposed alteration, construction, demolition or removal; after any expenditures necessary to comply with the recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness; and in the case of a proposed demolition, after renovation of the existing structure for continued use.
- (4) In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers or other real estate professionals experienced

in rehabilitation as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects.

(Ord. No. 235-90, 2-26-90)

Sec. 14-662. Information to be supplied by applicant.

(a) The applicant shall submit by affidavit the following information for an application to be considered to be complete:

- (1) The assessed value of the property and/or the structure in the case of a demolition for the two (2) most recent assessments.
- (2) Real property taxes paid for the previous two (2) years.
- (3) The amount paid for the property by the owner, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
- (4) The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two (2) years.
- (5) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none were obtained.
- (6) All listings of the property for sale or rent, price asked and offers received, if any, within the previous four (4) years, or state that none were obtained.
- (7) All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
- (8) For income-producing property, itemized income and expense statements from the property for the previous two (2) years.
- (9) Estimate of the cost of the proposed alteration, construction, demolition or removal and an estimate of any additional cost that would be incurred to comply with the

recommendations of the planning board for changes necessary for it to approve a certificate of appropriateness.

- (10) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.

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

(c) Notwithstanding the submission of the above information, the board of appeals may require additional evidence as provided in section 14-680.

(Ord. No. 235-90, 2-26-90)

Sec. 14-663. Public hearing.

(a) The board of appeals shall hold a public hearing on the application within thirty (30) days following receipt of the completed application form. Where the application requests the demolition of a landmark or a contributing structure within a district, the public hearing shall not be held less than ninety (90) days following receipt of the completed application, unless the applicant makes a clear showing that the delay will result in undue hardship of a unique or exceptional character which could not reasonably be or have been avoided. Upon such a showing, the department may waive all or any part of the ninety-day period and schedule the hearing before the board. Undue hardship shall not include mere inconvenience or incidental financial loss. No such waiver shall be granted without the department giving best practical notice to all persons entitled to notice of the hearing.

(b) Notice of the application and of the public hearing, and conduct of the hearing, shall be in accordance with the provisions of section 14-550. Where the application requests the demolition of a landmark or a contributing structure within a district, the department shall promptly notify any persons interested in historic preservation, who have registered in writing with him or her, give notice by mail to all owners of property within five hundred (500) feet of the structure, and shall require that the applicant immediately place a notice, to be supplied by the building official, in a prominent place on the structure and to maintain it there at all times during the pendency of the demolition application. The notice shall be substantially in the following form:

"This structure has been proposed to be demolished by its owner. For further information, contact Inspection Services of the City of Portland. 874-8300"

(c) The failure to give any notice required hereunder shall not affect the validity of any action taken by the department or the board of appeals.

(d) The Planning Board may provide a report or any other information, documentation or evidence or request the historic preservation board to assist the board of appeals in considering the extent of variance necessary, an appropriate incentive plan, or reasonable condition to be imposed.

(e) The board of appeals may continue a proceeding for such additional time as it reasonably takes an applicant, any other interested person, the historic preservation board or the planning board to comply with a request for additional information or evidence. The applicant shall be afforded the right to present rebuttal evidence.

(Ord. No. 235-90, 2-26-90)

Sec. 14-664. Determination by the board of appeals.

(a) The determination by the board of appeals shall be made within forty-five (45) days following close of the public hearing and submission of all information, documentation or evidence requested by the board. The determination shall be accompanied by findings of fact.

(b) The board of appeals shall not grant approval of an application involving demolition, unless the board determines, upon clear and convincing evidence, that one (1) or more of the following circumstances apply:

- (1) The structure is not subject to this article; or
- (2) Denial of a demolition permit would result in a hardship to the property owner so great that it would effectively deprive the owner of all reasonable use of the structure. The extent of any demolition permitted shall be limited to the amount necessary to allow reasonable use of the structure. Where the condition of the structure is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of the acts or neglect of the owner or his predecessors in title occurring in whole or in part after August 1, 1988.

(Ord. No. 235-90, 2-26-90)

Sec. 14-665. Disapproval by board of appeals.

If the determination of the board of appeals is to disapprove the application for a certificate of economic hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact and report.

(Ord. No. 235-90, 2-26-90)

Sec. 14-666. Determination of no reasonable use.

(a) If the determination of the board of appeals is that the denial of the certificate of appropriateness has resulted in the denial of all reasonable use of the structure, or the entire property in the case of new construction, then the certificate of economic hardship shall be issued by the department ninety (90) days following the determination unless during that time the council approves an incentive plan pursuant to section 14-667.

(b) A copy of the determination of the board of appeals, together with the findings of fact, shall be mailed to the applicant and filed with the city clerk, the planning board and the historic preservation board within five (5) business days following the determination of economic hardship.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-667. Incentive plan.

The purpose of an incentive plan is to provide a mechanism to allow a reasonable use without the demolition of the complete structure or important architectural elements. The Planning Board, in cooperation with the historic preservation board and the owner, may prepare a report and recommend to the board of appeals an incentive plan to assure reasonable use of the structure. This incentive plan may include, but is not limited to, loans or grants from the City of Portland or other public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations, including a transfer of development rights, or relaxation of the provisions of this article sufficient to allow reasonable use of the structure.

(Ord. No. 235-90, 2-26-90)

Sec. 14-668. City council consideration of incentive plan.

(a) Upon receipt of a report from the board of appeals recommending an incentive plan to assure reasonable use of the

property, the council shall give prompt consideration to the determination of economic hardship and the report of the board, including the recommended incentive plan. The council shall approve or disapprove the incentive plan determined by the board of appeals to allow reasonable use of the structure within ninety (90) days following the determination by the board of appeals.

(b) A copy of the ordinance enacted by the council, together with the incentive plan, if any, shall be mailed to the applicant and transmitted to the board of appeals, the planning board and the historic preservation board within five (5) business days following the enactment of the ordinance.

(Ord. No. 235-90, 2-26-90)

Sec. 14-669. Issuance of certificate of economic hardship.

(a) Upon receipt by the board of appeals of a copy of council action disapproving an incentive plan, or upon failure of the council to act to either approve or disapprove an incentive plan within the time specified, the board of appeals shall approve a certificate of economic hardship to the applicant within thirty (30) days. The certificate may be subject to conditions including design guidelines for subsequent new construction not inconsistent with the standards set forth in this article and the design manual. The certificate of economic hardship shall be valid for a period of one hundred twenty (120) days from approval by the board of appeals, except as provided in section 14-666 where an incentive plan has been proposed. Certificates of economic hardship shall not be transferable from the applicant to another subsequent owner of the same property.

(b) Upon presentation by the applicant of a valid certificate of economic hardship to the department, the certificate of appropriateness shall be issued to the applicant within five (5) business days.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-670. Reserved.

Sec. 14-671. Reserved.

Sec. 14-672. Reserved.

Sec. 14-673. Reserved.

Sec. 14-674. Reserved.

DIVISION 9. ADMINISTRATION

Sec. 14-675. Historic resources design manual.

board of appeals may require such additional documentation or evidence as they may respectively determine to be necessary, including plans, drawings and elevations, and notwithstanding any time limit for action or decision specified in this article, it may continue a proceeding for such additional time as it reasonably takes an applicant or any other party to comply with the request for additional relevant documentation or evidence and may draw a negative inference with regard to the content of any material evidence not produced upon reasonable request.
(Ord. No. 235-90, 2-26-90)

Sec. 14-681. Appeals.

(a) The applicant, or any person who has participated in opposition to the application and demonstrates a particularized harm caused by the approval of the application, may appeal to superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure from:

- (1) Any final action of the planning board, provided, however, only the applicant may appeal where no building permit or site plan review is required for the work which requires the issuance of the certificate of appropriateness; or
- (2) Any final decision of the board of appeals. If the decision of the board of appeals is subject to an incentive plan, the decision shall not be considered final until final action on the incentive plan by the council becomes final.

(Ord. No. 235-90, 2-26-90; Ord. No. 197-03/04, 9-8-04)

Sec. 14-682. Reserved.
Sec. 14-683. Reserved.
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Sec. 14-687. Reserved.
Sec. 14-688. Reserved.
Sec. 14-689. Reserved.

DIVISION 10. MAINTENANCE

Sec. 14-690. Preservation of protected structures.

(a) Minimum maintenance requirement. All landmarks, and all contributing structures located in an historic district, shall be preserved against decay and deterioration by being kept free from

the following structural defects by the owner and any other person or persons who may have legal custody and control thereof:

- (1) Deteriorated or inadequate foundation which jeopardizes its structural integrity;
- (2) Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
- (3) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration which jeopardize its structural integrity;
- (4) Structural members of ceilings and roofs, or other horizontal structural members, which sag, split or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
- (5) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity;
- (6) Lack of weather protection which jeopardizes the structural integrity of the walls, roofs or foundation.

(b) The owner or such other person shall repair such building, object or structure within a specified period of receipt of a written order to correct defects or repairs to any structure as provided by subsection (a) above, so that such structure shall be preserved and protected in accordance with the purposes of this article.

(c) Any such order shall be in writing, shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, which may be extended by the department for reasonable periods to allow the owner to secure financing, labor or materials. Any such order may be appealed to the board of appeals within thirty (30) days. The board shall reverse such an order only if it finds that the department had no substantial justification for requiring action to be taken, that the measures required or time periods specified were not reasonable under all of the circumstances. The taking of an appeal to the board or to court

shall not operate to stay any order requiring structures to be secured or requiring temporary support, unless the board or court expressly stays such order. The court of competent jurisdiction to enforce any order.

(Ord. No. 235-90, 2-26-90)

Sec. 14-691. Reserved.
Sec. 14-692. Reserved.
Sec. 14-693. Reserved.
Sec. 14-694. Reserved.

DIVISION 11. PENALTIES, ETC.

Sec. 14-695. Fines for violation.

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

(Ord. No. 235-90, 2-26-90)

Sec. 14-696. Additional penalties for willful violation or gross negligence.

(a) In addition to the penalties authorized by section 14-695, a violation which is intentional, or occurs through gross negligence, shall be subject to the following provisions:

- (1) No permit shall be issued under chapter 6 of this Code for any alteration or new construction affecting such property for a period of five (5) years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the planning board that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived.
- (2) For a period of twenty-five (25) years, any alteration or new construction on the property shall be subject to this article, whether or not any remaining structure or object on the property continues to have the cultural, historical, architectural or archeological character and integrity that caused it to be nominated or designated as a landmark or part of a district.