

1. Legal Ad

Documents:

2-21-18 LEGAL AD.PDF

2. Agenda

Documents:

2-21-18 AGENDA.PDF

3. Fort Scammell, House Island

Documents:

HP MEMO - FORT SCAMMELL, HOUSE ISLAND.PDF

4. 742 Congress Street

Documents:

HP MEMO - 742 CONGRESS.PDF

5. Munjoy Hill, R-6 Zone

Documents:

HP MEMO - MUNJOY HILL, R-6 ZONE.PDF

**LEGAL ADVERTISEMENT  
HISTORIC PRESERVATION BOARD  
CITY OF PORTLAND**

**Public comments are taken at all meetings.**

On **Wednesday, February 21, 2018**, the Portland Historic Preservation Board will meet at 5:00 in Room 209 of City Hall to review the following items. (Public comments are taken at all meetings):

**1. PUBLIC HEARING**

- i. Certificate of Appropriateness for Proposed Campground Development; FORT SCAMMELL, HOUSE ISLAND; Fortland, LLC., Applicant.
- ii. Certificate of Appropriateness for Deck Addition; 742 CONGRESS STREET; Tandem Coffee Roasters, Applicant.

**Break for Dinner; Meeting Resumes at 7:15**

**2. WORKSHOP**

- iii. Communication regarding Munjoy Hill Moratorium and IPOD. Workshop to include update from Planning Division on current evaluation of zoning and land use tools, presentation by Greater Portland Landmarks on development history of Munjoy Hill and recent architectural survey.

**3. CONSENT AGENDA**

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

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Julia Sheridan, Chair  
Bruce Wood, Vice Chair  
Scott Benson  
Ian Jacob  
Robert O'Brien  
Penny Pollard  
John Turk

**HISTORIC PRESERVATION BOARD AGENDA**  
**February 21, 2018 at 5:00 p.m.**  
**Room 209, City Hall, 389 Congress Street**

**Public comment is taken at all meetings**

- 1. ROLL CALL AND DECLARATION OF QUORUM**
  - 2. COMMUNICATIONS AND REPORTS**
  - 3. REPORT OF DECISIONS AT THE MEETING HELD ON 2-12-18**
    - i. Certificate of Appropriateness for Storefront Alterations (front & rear elevations) and Roof Deck Construction; 582-584 Congress Street (Rear Elevations are 143-145 Free Street); Corner Freak LLC., Applicant.  
The Board voted 4-0 (Benson, Sheridan and Wood absent) to approve the application, subject to conditions.
  - 4. PUBLIC HEARING**
    - i. Certificate of Appropriateness for Proposed Campground Development; Fort Scammel, House Island; Fortland, LLC., Applicant.
    - ii. Certificate of Appropriateness for Deck Addition; 742 Congress Street; Tandem Coffee Roasters, Applicant.
- Break for Dinner; Meeting Resumes at 7:15 P.M.**
- 5. WORKSHOP**
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  - 6. CONSENT AGENDA**

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

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**PUBLIC HEARING  
FORT SCAMMELL, HOUSE ISLAND**

**TO:** Chair Sheridan and Members of the Historic Preservation Board  
**FROM:** Deborah Andrews, Historic Preservation Program Manager  
**DATE:** February 15, 2018  
**RE:** February 21, 2018 – **Public Hearing**

Application for: Certificate of Appropriateness for Campground Development,  
including installation of Temporary and Permanent Structures

Address: Fort Scammell  
House Island

Property Owner: Neptune Properties LLC  
Represented by Stefan Scarks

Applicant: Fortland, LLC  
Stefan Scarks and Travis Bullard, principals

**Introduction**

Stefan Scarks and Travis Bullard of Fortland LLC are requesting final review and approval of their proposal for a 21-site campground development at Fort Scammell on House Island. The proposed scope of work includes:

- Repair and replacement-in-kind of former engineer's wharf
- Installation of seasonal dock and ramp
- Construction of 4 permanent wood-frame structures, including 2000 sf. community building within parade ground, 477 sf. utility shed, 160 sf. pump shed and 160 sf. bathroom shed
- Installation of 6 structural decks to existing gun foundations and erection of 6 semi-permanent yurt structures
- Installation of 17 temporary, seasonal tents. Tent decks to be set on precast piers.
- Installation of solar panel array on berm facing parade ground
- Miscellaneous site alterations, including installation of path lighting, protective railings and clearing of existing roads and paths

The public hearing follows three preliminary workshops as well as a site visit to familiarize Board members with existing conditions, key viewsheds, locations of proposed structures, etc.

The most recent workshop was held on February 12<sup>th</sup>. At that time, the developers presented revised plans as well as additional renderings to address concerns and questions raised at the previous workshop, held on October 18<sup>th</sup>. While Board members in attendance at the February 12 session expressed general support for most of the changes and supported moving forward to a public hearing and final deliberations, a few issues were identified as warranting further documentation or consideration. The attached final submission from the applicant addresses those outstanding issues. Mr. Scarks and Mr. Bullard have provided a cover memo itemizing the areas of concern and their response. Also enclosed are additional drawings and specifications, including a contextual view of the proposed community building, connection details, lighting specifications, etc.

### **Scope of Board's Purview**

The Board is reminded that given Fort Scammell's designation classification as a "Landmark" site, *any* alteration or addition to the property, regardless of its visibility from a public way, is subject to review and approval under the review standards of the historic preservation ordinance.

### **Summary of Final Workshop**

The plans presented on February 12<sup>th</sup> included several key revisions to the applicant's previous proposal. These included:

- \* elimination of the three small yurts from (the original) Site 6 in order to leave one of the fort's ramparts in its existing condition for interpretation purposes
- \* replacement of the yurts with 3 tents (for staff) in a new Site 6 just east of the sally port
- \* replacement of the yurt proposed for Site 5 (west bastion) with a tent positioned against the bastion's back berm
- \* redesign and reduction in height of community building within parade ground
- \* reconfiguration and reduction in size of seasonal dock

During Board discussion, Board members expressed appreciation for the applicant's responsiveness to many of their previous concerns. There appeared to be a consensus of opinion that, in general, the proposed adaptive reuse of the fort property as a campground provided a compatible use that required limited and largely reversible alteration of the fort and its environment. (See Standard #1 of the Standards for Review of Alterations.) The Board also appeared to accept the fact that it was inevitable that some of the campground's elements would be visible from various points. While visible, the *degree* of visibility and the general

*compatibility of those visible elements* warranted careful consideration. In the view of at least one member, the applicants had achieved a “successful sense of stealth.”

Beyond these general sentiments, much of the Board’s discussion focused on specific elements of the proposal. Following are the items identified for further clarification or potential modification:

- \* Attachments and Connections. Board members requested additional information about how the decks for the yurts would be installed in the historic rampart foundations. They also asked about footing specifications for the tent decks and accessory structures, where no existing foundations are present.
- \* Community Building. During the applicant’s presentation, architect Chris Briley explained the rationale behind the new massing, design and reduced height of the community building. While there was relatively little discussion about the structure, no one raised concerns about the new design approach and one member expressed enthusiasm for the new solution. Board members did request that a computer-generated rendering be provided, showing the community building within its parade ground context.
- \* Interior and Exterior Lighting. Board members asked for more information about the effect of lighting within the yurts and tents, especially through the yurt’s roof dome and windows, and about the relative opacity of the canvas structures themselves. Board members also asked for more information about path and other exterior lighting.
- \* Material Specifications for Accessory Structures. Questions were raised about the asphalt roofing proposed for the bathroom and shed structures. In order to provide a monolithic, recessive appearance, it was suggested that a wood shingle roof be considered. Also, Board members suggested that the clad windows be ordered in a color close to weathered wood.
- \* Canvas color for yurts and tents. As in previous workshops, this question was discussed in some length, with the stated goal being a compatible relationship with the surrounding landscape—not absolute invisibility. Color was discussed as was the possibility of adding a gill net or similar additional draping for particularly sensitive sites. There appeared to be consensus that mock-ups of various canvas colors and treatments be provided.
- \* Site 5, West Bastion. Although the switch from a yurt to a tent would ensure that any visible structure be seasonal only, there was some discussion about the acceptability of having any added structure in this important location. While reservations were expressed, it appeared that some members were ready to accept a structure provided it was minimally visible.
- \* Tents near Sally Port. Opinion was mixed about the desirability of siting three tents (for staff) near the sally port. Questions were raised as to whether alternative

locations had been considered; whether the number of tents could be reduced and perhaps replaced with fewer, larger tents; and whether erecting another permanent accessory structure in this or another location might be an option. Other members supported the tents as proposed, finding that they were temporary and compatible in character with the historic resource. They also expressed the view that the reuse of the fort should be acknowledged and telegraphed to an appropriate degree.

Public comment at the workshop was limited. Greater Portland Landmarks submitted a letter supporting the plans as proposed, finding that the “scale of the various buildings and siting of buildings and structures, both permanent and temporary, has been carefully considered to minimize the visual and physical impact on the parade ground, casemates and other elements of the fort complex.” Fort historian Ken Thompson argued for leaving the west bastion in its current state, with no temporary or semi-permanent structure. Mr. Thompson also asked that the yurt at Site #7 be moved off the gun foundation in order to minimize its visibility. Finally, Mr. Thompson opposed the proposal to locate tents near the sally port.

### **Final Submission**

Please refer to applicant’s detailed memo, which responds to each of the outstanding issues described above. Note that the final submission also includes additional renderings, details and specifications. These are referenced in the applicant’s memo.

### **Staff Recommended Conditions of Approval**

Although the applicant’s plans and specifications are very thorough, it is likely not possible to finalize all of the development details at this time, or even to anticipate some of the features that might be needed. For example, it is not clear what safety measures the applicant’s insurance company will require in terms of railings and barriers in various locations. As such, staff recommends that any approval of the application include a number of conditions. In addition to any other conditions identified by the Board during its deliberations, staff recommends the following be incorporated into any final vote:

- Plans and specifications for any guardrails, railings, lighting and/or other site additions/alterations to be submitted to staff for final review and approval. As appropriate, staff may forward such plans to the Board for review.
- Applicant to install mock-up panels of canvas color/type options for review and approval by Board.
- Applicant to install interpretive signage on site to convey history and significance of the fort. Sign specifications and locations to be submitted to staff for review and approval. As appropriate, staff may forward proposal to Board for review.
- Applicant to take measures to avoid any impacts on archaeological resources and report any resources identified in the course of construction for purposes of documentation.

## Applicable Review Standards

### Standards for Review of Alterations:

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

### **Motion for Consideration**

On the basis of plans and specifications submitted by the applicant for the February 21, 2018 public hearing and information included in the accompanying staff report, the Board finds that the proposed campground development at Fort Scammell on House Island **meets (fails to meet) the historic preservation ordinance standards for review of alterations (subject to the following conditions.....)**

### **ATTACHMENTS**

1. Aerial photo of House Island, with Fort Scammell in foreground
2. 2/14/18 memo from applicant addressing Board questions/concerns at 2/12/18 workshop, with 2 appendices

3. Aerial views showing existing conditions, existing site plan & proposed site plan
4. Computer-generated photos showing proposed structures as viewed from various vantage points
5. Cross sections, elevations and details (H 01-H 07)
6. Connection details
7. E-mail rec'd after last workshop

ATTACHMENT 1



Historic Preservation Board  
City of Portland, Maine

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Certificate of Appropriateness  
House Island and Fort Scammel

TO: Chair Benson and Members of the Historic Preservation Board

FROM: Stefan Scarks and Travis Bullard, Fortland, LLC Project Developers

Date: February 14, 2018

RE: February 21, 2018 Certificate of Appropriateness Public Hearing

Fortland LLC is seeking a Certificate of Appropriateness for our plans for adaptive reuse of the portion of House island that is home to Fort Scammell. Fortland has spent the last six months working with the Historic Preservation Board and staff's feedback, guidance and recommendations to create a proposal for a 21-site campground design that we believe strikes an appropriate balance for this unique and special site. We would like to thank the Board and staff for their time, thoughtful insight, efforts to visit the site, support for the proposed use and support of our mission to preserve, protect and celebrate this amazing Portland resource. We also would like to extend our thanks to Julie Larry, Portland Greater Landmarks' Advisory board and staff for their interest, involvement, and support. We also appreciate all the positive feedback we have gotten from the public and the greater Portland community.

Our goal for this memo is to provide additional details to address areas of concern with specific aspects of the development that have previously been raised by the Board. Our development team has put much thought and effort into exploring a wide range of alternatives in the context of our mission and our guiding principles of a light touch, reversibility, low density and an educational immersive experience with the goal of striking an appropriate balance in our site design. Below is a list of additional details requested by Board members at our February 11, 2018 Workshop III.

- Lighting: Fortland has given careful consideration to the design and placement of these elements that would be required for public safety. Again, keeping with our light touch ethos, our goal is implement, to the greatest reasonable extent, practical designs that minimize any potential effects to the experience of the Fort. For example, we have incorporated the International Dark Sky Association (IDSA) guidance for lighting in to our design. Whenever possible, Fortland's lighting plan will be friendly to birds, insects and animals, reduce sky glow, reduce glare, and enhance safety and security. We

are proposing the following lighting plan:

Exterior lighting will consist of solar walkway bollards and motion activated deck and stair lighting that will be shielded style. Exterior lighting will enhance nighttime safety at the Pier/Wharf, around all accessory structures, around community building access points, and around all tent and yurt platform points of access (stairs, doors, and decks). See Appendix A for IDSA acceptable fixtures and outdoor lighting guidance.

Interior lighting will consist of low voltage warm spectrum LED down facing light fixtures to reduce glare and skyglow. Yurt walls and roof will be insulated double layer canvass and be opaque. Yurt windows, doors and skylights will have blinds to help reduce any light trespass. Guests will get educational information on best practices to minimize light impacts at night.

- **Connection Details:** Reversibility and minimizing impacts to existing resources have been our driving design criteria. We have provided additional information on the connection details between the Tent and Yurt deck platforms and existing foundations and metal hardware. Soil anchors, and post to pier connection detail to be used where no existing foundations are present (this includes all accessory structures and the community building). Wilderness tent platform framing and posts will be loaded on pier blocks. See H-08 for Yurt deck and H-09 for piers in attached plan details.
- **Fenestration:** Accessory structures, Pump Shed, Bathroom, and Utility shed located outside the Fort will have driftwood grey or similar color clad double hung divided light windows with interior blinds and potentially weathered wood seasonal exterior storm shutters. The Community Building will have contemporary dark bronze or similar color clad single light glass windows that may include the following: awning, casement, and sliders. The Community Building doors will be either wood/aluminum dark bronze or similar color clad glass or glass sliders. Dark Bronze will also be used for the Roof metal trim for continuity of design. See Elevation details on attached plans.
- **Site #6** – Our current design location for the three temporary tents was a result of recommendations from the Board and other stakeholders that we move yurts out of a rampart to retain an example of original conditions and locate some operations outside the Fort. We also did extensive alternative location analysis of the site to find the most appropriate location. Site topography(slope), site geology (ledge), environmental and Shoreland buffers, and the operational functionality of the staff all factored in to our proposed site being the best and most appropriate location. We believe that any potential visual impact concerns could be addresses through tent color selection and embracing the temporary military tent aesthetic.

- Site #5. This west bastion site offers a spectacular view of Casco bay and the Portland city skyline. Our final design has a temporary and seasonal earth-tone colored canvass tent located against the base of the back berm on the rear gun foundation. It will have visibility out from only the tent gable side facing west. We selected this option based on evaluating multiple alternative locations and structures. Some alternatives considered: Yurt- earth tone color located on front gun foundation or back gun foundation, temporary timber and earth tone canvass tent located on the front gun foundation, and timber framed living roof and canvass hybrid structure located on the front or back gun foundation. We believe our final design is the most appropriate structure and location, and any potential visual impact concerns can be addressed by choosing an appropriate color for the canvass tent or exploring after-market solutions such as camouflage netting.
- Visual impact of Yurt and tent structures. All parties agree that while certain yurt and tent structures may be seen from different viewpoints, the overall visual impact is minimal. A main component of Fortland's design process is celebrating the rich historical resource of the Fort. Fort Scammell was built as a unique third system defensive fort that was designed to let every vessel entering Casco Bay know that the Port was defended. This is illustrated in the original 1808 plan (see Appendix B) that shows a two-story octagonal Blockhouse that was painted bright white as a visible warning to any potential threat. We intend to embrace the minimal visual impact we do have by using forms and structure that evoke curiosity and an understanding that the fort is not an abandoned island.
- A member of the public raised questions as to the rationale behind locating the western rampart yurts on the gun foundations: In evaluating alternative locations for our yurt sites we focused on a design that would utilize and protect existing features, minimize soil and site disturbance, and be easily reversible. Locating on existing foundations allow for a view out over the water, the same view as the gun operators would have manning the artillery, and this is key feature of the Fort experience. Structurally these foundations were design to support a 50,000 pound armament and are more than sufficient to support the deck and yurt loads. Moving to alternate locations within the rampart would involve installing multiple piers (approximately 19/yurt site) and increased site disturbance. Finally, the gun foundations have existing metal studs protruding from the granite that make connection detail interface in a manner that facilitates removal (vs new concrete piers). The installation of the decks on the gun foundations further serves the purpose of protecting the foundation from foot traffic, accidental damage avoiding the installation of additional safety measures, and reducing pedestrian risk.

### **Additional design revisions:**

Dock and Engineers Wharf: We have reduced the size and scope of the float system surrounding the wharf/pier. This represents a change from the “H” shaped float system surrounding the three seaward sides of the pier to a “L” shaped float that is along the north and west sides of the pier leaving a view of the south side facing the shipping channel unobstructed. The wooden deck on the wharf will be repaired and replaced in kind.

### Site Management Plan - Vegetative cutting and clearing practices:

Our mission will be reflected in our site management plan. Our goal is to limit vegetative cutting and clearing to areas that need to be maintained to ensure safe public access. Our intent is to preserve mature and semi mature trees to enhance the environmental experience of the island, provide screening for privacy, and reduced visibility from the water. Clearing and cutting by means of mowing will occur on all existing cleared roadways and paths. Any perimeter trail will be maintained to promote safe access for foot traffic only.

Educational Opportunities. Fortland sees great value in providing an immersive educational experience to visitors and guests. Our goal is to provide informational kiosks and placards and that focus on the unique historical and environmental aspects of this amazing Maine coastal island. We intend to work with stakeholders, Greater Portland Landmarks, and the Portland Historic Preservation Board and Staff to ensure these elements fit seamlessly in to the surrounding environment and enhance the experience of the observer. Tours of the site and Fort will be scheduled periodically throughout the season to provide an opportunity for the public to come experience Fort Scammell and the beauty of the island’s coastal environment.

The Certificate of Appropriateness public hearing presentation will consist of a revised Site Plan, rendered models of proposed structures as observed from the public right of way and parade ground, elevation details showing proposed structures, existing earthen berms, and construction details for tent and yurt platforms. At the request of the Board we have provided additional renderings that show the tents and yurts in a bright white color to help better assess their height relative to the surrounding berms. In order to reduce potential visual impacts from the public right of way we do not intend to use bright white materials for the tents and yurts and the color choice represented is purely for conceptual uses.

Throughout our design process, mitigation of physical, environmental and visual impacts continues to be a driving force, resulting in a revised design that we are excited to present for a Certificate of Appropriateness from the Board. We thank you for your guidance and look forward to continuing to work with the Board and Staff to make this unique project a success.

Sincerely,

Stefan Scarks

Handwritten signature of Stefan Scarks in black ink, consisting of two vertical strokes and a cursive flourish at the bottom.

Fortland, LLC.

Travis Bullard

Handwritten signature of Travis Bullard in black ink, written in a cursive style.

Fortland, LLC.



**Appendix B:**

**South Elevation and 1808 Plan of Fort Scammel with original Blockhouse located in current proposed site plan, site # 4**



“The fort and the blockhouse were painted white so that all would know that the port was defended”

Source: [http://www.fortwiki.com/Fort\\_Scammel](http://www.fortwiki.com/Fort_Scammel)

Att. 3



Google



Scale: 1" = 100'

**FORTLAND**  
@ Fort Scammel  
House Island, Portland ME

**WITH**  **LLC**

418 Woodford St.  
Portland, ME 04103  
207-272-3898

FORTLAND - House Island, Portland ME

REVISIONS		REMARKS
MM/DD/YY	For Comment	
1 6/5/17	Historical Workshop	
2 7/17/17	Historical Workshop 2	
3 10/4/17	Historical Workshop 3	
4 2/7/18	Historical Certificate of Appropriateness	
5 2/21/18	Historical Certificate of Appropriateness	





Att. 4

**-VIEWS-**



# Map Key for Visual Renderings Locations

**Legend**  
● House Island

West 500'

East 500'

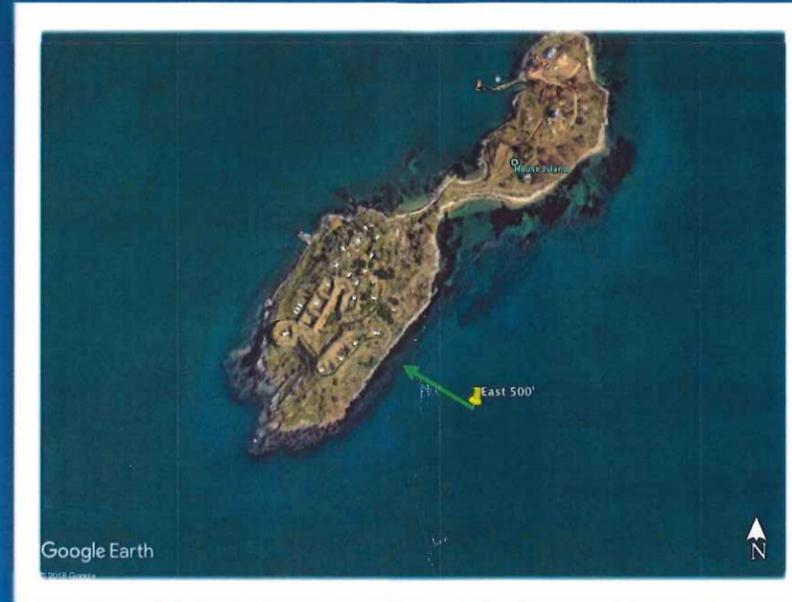
South 500'

House Island



**East view 500' from shore**

View from ~7' above low tide waterline



**Legend**

- East 500'
- Fort Scammel



**CONCEPTUAL MODEL VIEW FROM EAST ~ 500' FROM SHORE-  
YURTS AND TENT STRUCTURES ARE BRIGHT WHITE TO INCREASE VISIBILITY IN RENDERING**

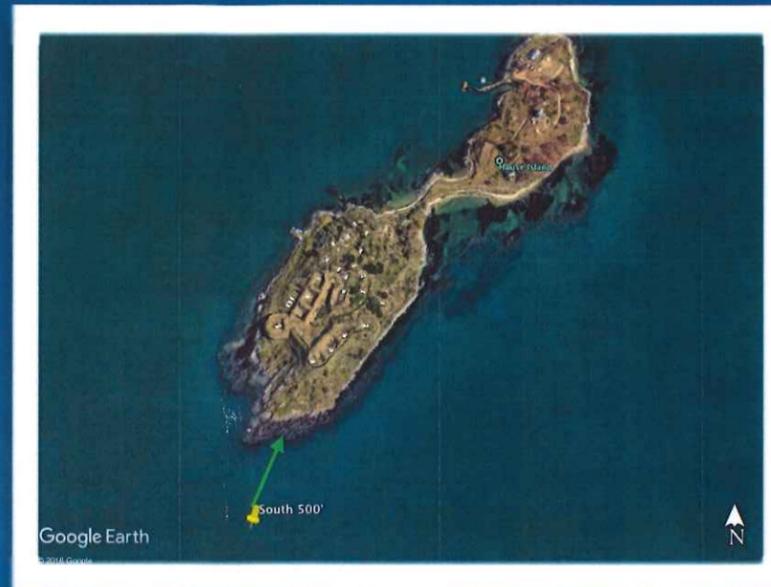
Google Earth

© 2018 Google  
Image Landsat / Copernicus



### South view 500' from shore

View from ~7' above low tide waterline



### Legend

- Fort Scammel
- 📍 South 500'



**CONCEPTUAL MODEL VIEW FROM SOUTH ~ 500' FROM SHORE-**  
YURTS AND TENT STRUCTURES ARE BRIGHT WHITE TO INCREASE VISIBILITY IN RENDERING

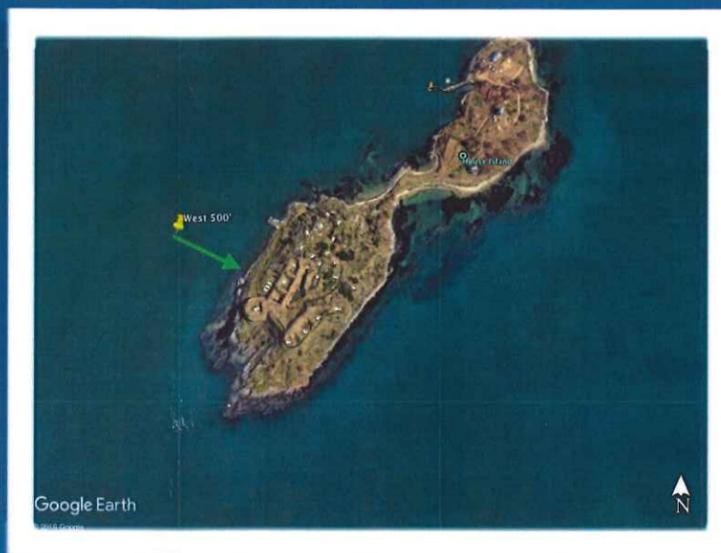
Google Earth

© 2018 Google  
Image Landsat / Copernicus



**West view 500' from shore**

View from ~7' above low tide waterline



**Legend**

- Fort Scammel
- 📍 West 500'



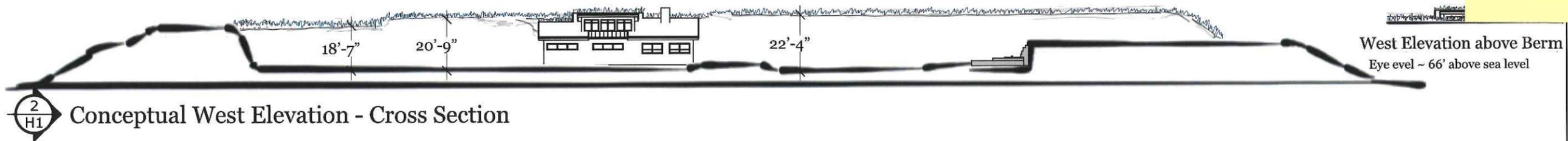
**CONCEPTUAL MODEL VIEW FROM WEST ~ 500' FROM SHORE-  
YURTS AND TENT STRUCTURES ARE BRIGHT WHITE TO INCREASE VISIBILITY IN RENDERING**

Google Earth

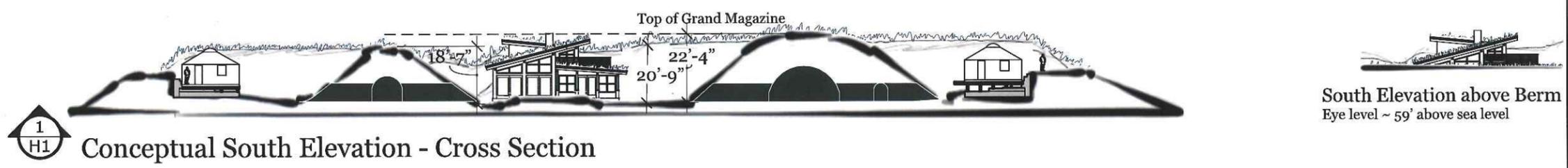
© 2018 Google  
Data SIO, NOAA, U.S. Navy, NGA, GEBCO



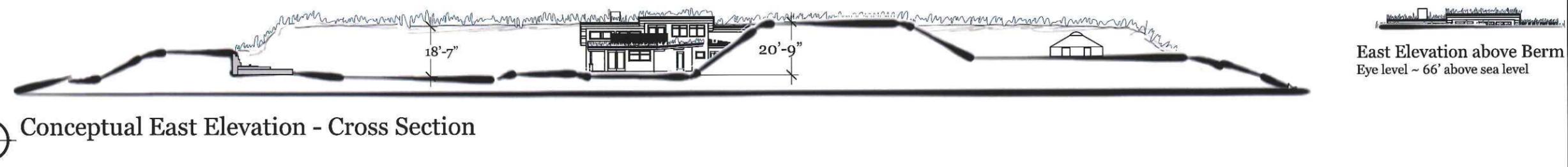
ATT. 5



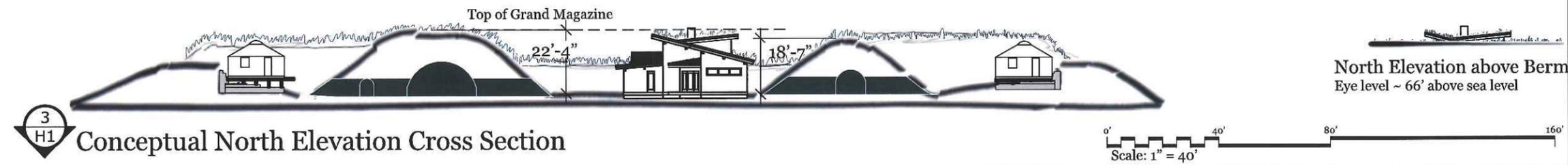
Conceptual West Elevation - Cross Section



Conceptual South Elevation - Cross Section



Conceptual East Elevation - Cross Section



Conceptual North Elevation Cross Section

HISTORICAL - Elevation Cross Section  
FORT SCAMMEL

**WITH** ///  
LLC  
418 Woodford St.  
Portland, ME 04103  
207-272-3898

FORTLAND - House Island, Portland ME

REVISIONS		
MM/DD/YY		REMARKS
1	10/4/17	Historical Workshop 2
2	2/7/18	Historical Workshop 3
3	2/21/18	Certificate of Appropriateness
4	--/--/--	...
5	--/--/--	...

H 01

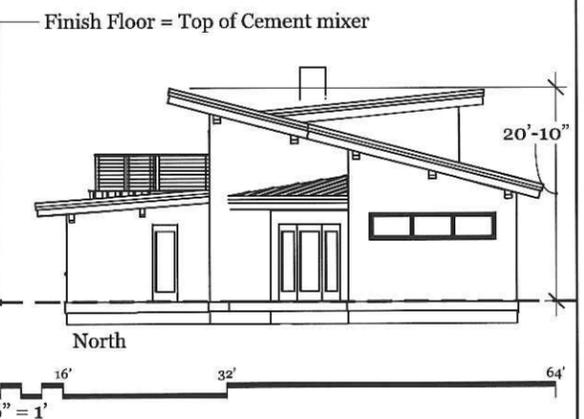
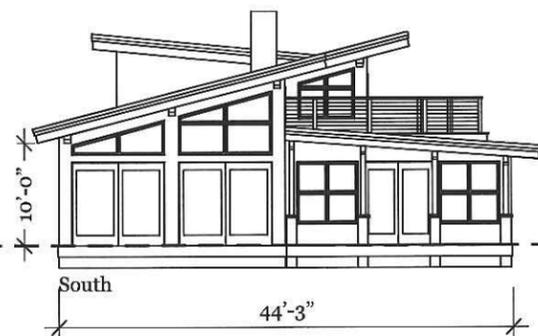
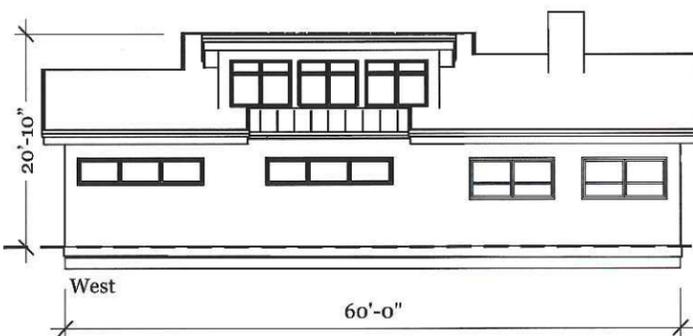
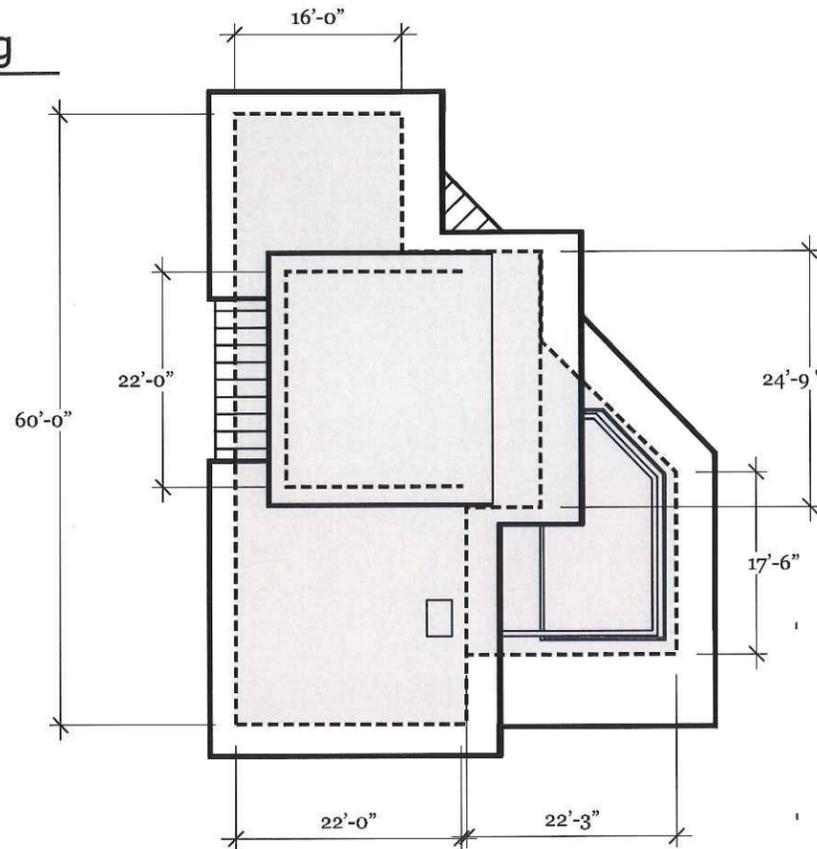
**H2** Community Building  
**1** 1/16" = 1'

NOTE: See page H-09/3 for foundation details

**Programming**

Size	2,000 square feet target
Gathering	750 square feet
Admin.	200 square feet
Housekeeping	150 square feet
Bathrooms	400 square feet
Mechanical	150 square feet
Storage	150 square feet
Store	200 square feet

Siding	Natural Wood cedar shakes and clapboard
Roofing	Low-pitch living roof
Doors & Windows	Painted metal or painted metal-clad wood
Trim	Natural wood flat casing



HISTORICAL - Community Building

**WITH** ///  
 LLC

418 Woodford St.  
 Portland, ME 04103  
 207-272.3898

FORTLAND - House Island, Portland ME

REVISIONS

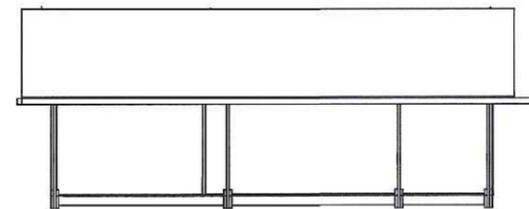
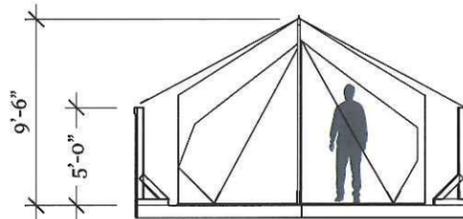
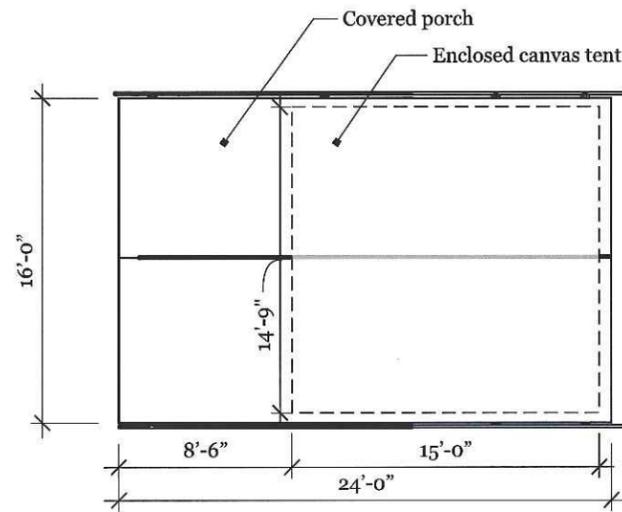
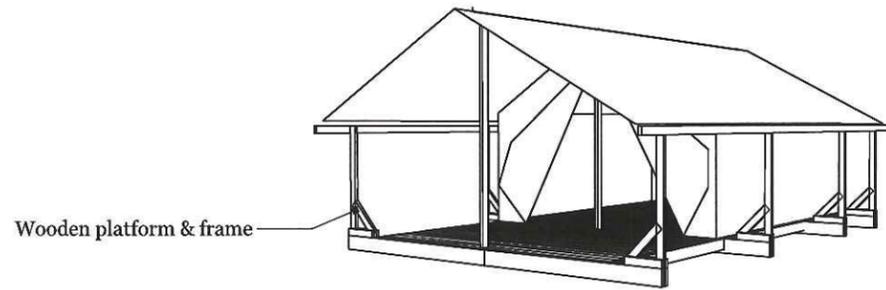
MM/DD/YY	REMARKS
1	
2 2/7/18	Historical Workshop 3
3 2/21/18	Certificate of Appropriateness
4	
5	

H 02

H

**H3** Timber Canvas Tent  
1 1/8" = 1'

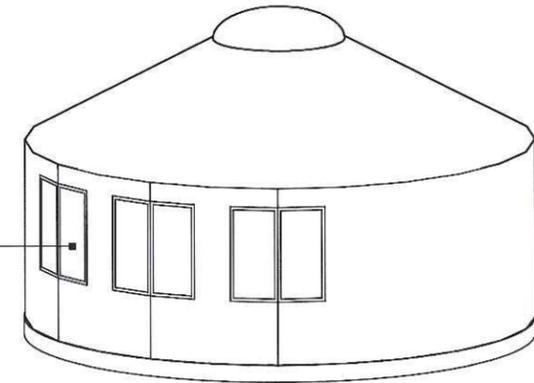
NOTE: See page H-09/1 for foundation details



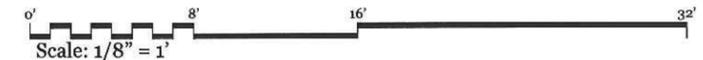
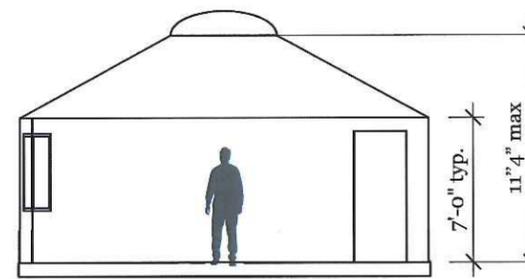
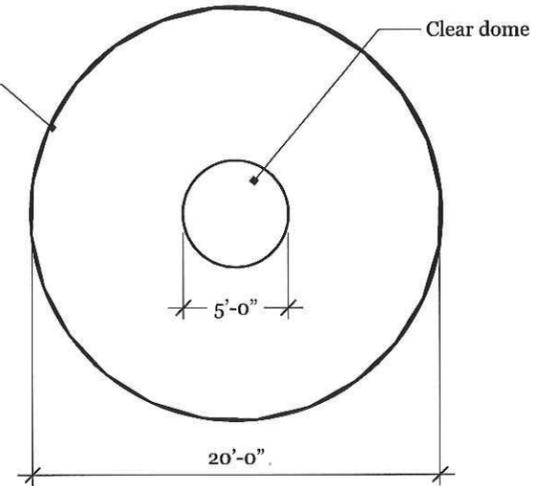
**H3** 20' Yurt  
2 1/8" = 1'

NOTE: See page H-08 for foundation details

Mixture of wood/glass and canvas windows with wood/glass door installed on a per-site basis



Wood-lattice wall structure, wood rafters



HISTORICAL - Timber/Canvas Structures

**WITH** ///  
LLC

418 Woodford St.  
Portland, ME 04103  
207-272-3898

FORTLAND - House Island, Portland ME

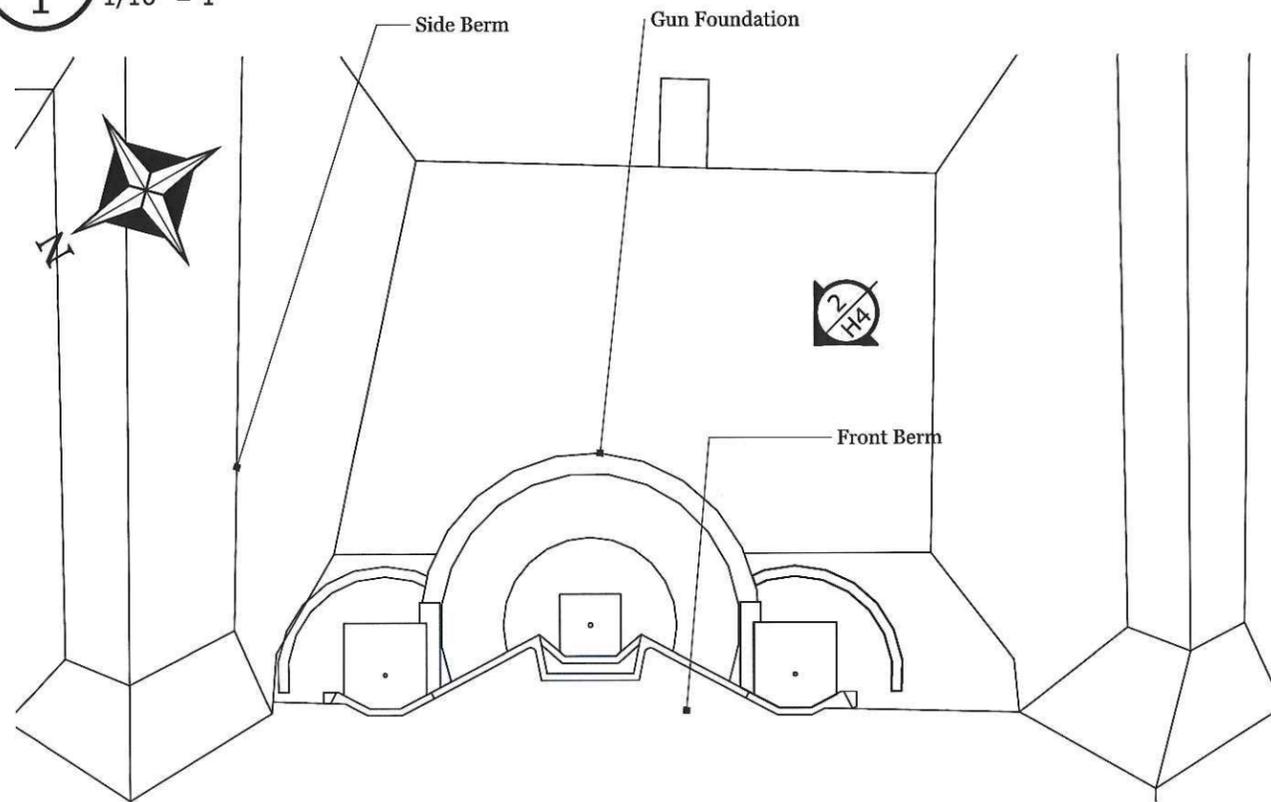
REVISIONS		
MM/DD/YY	REMARKS	
1 10/4/17	Historical Workshop 2	
2 2/7/18	Historical Workshop 3	
3 2/21/18	Certificate of Appropriateness	
4	...	
5	...	

H 03

H

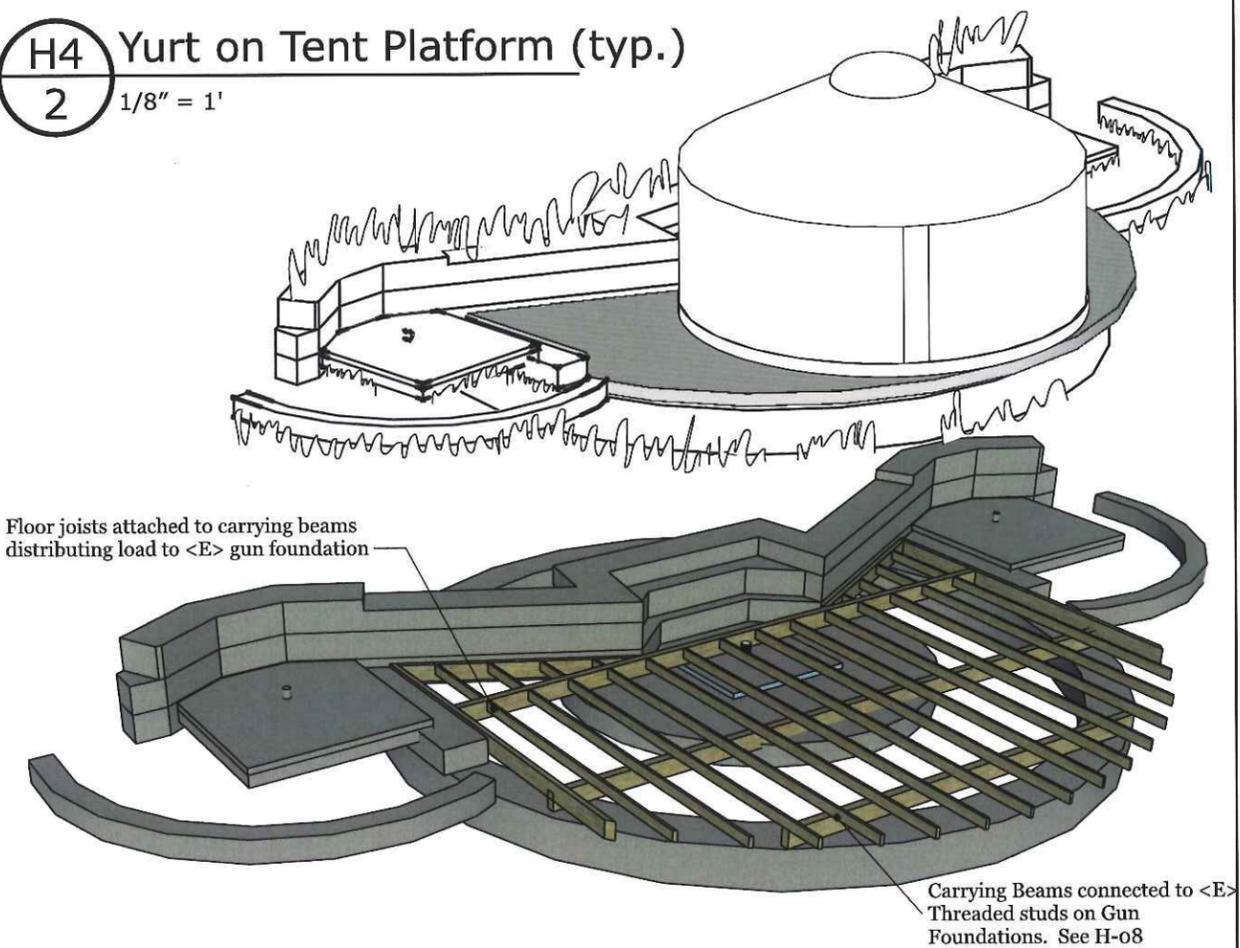
**H4** Site 7 Plan View

1 1/16" = 1'



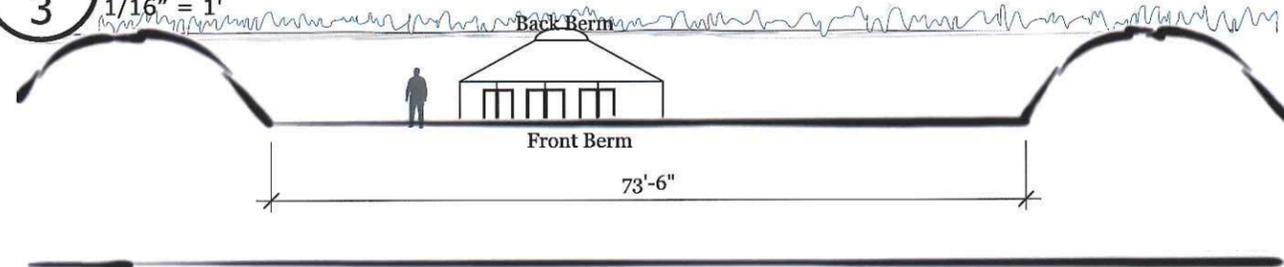
**H4** Yurt on Tent Platform (typ.)

2 1/8" = 1'



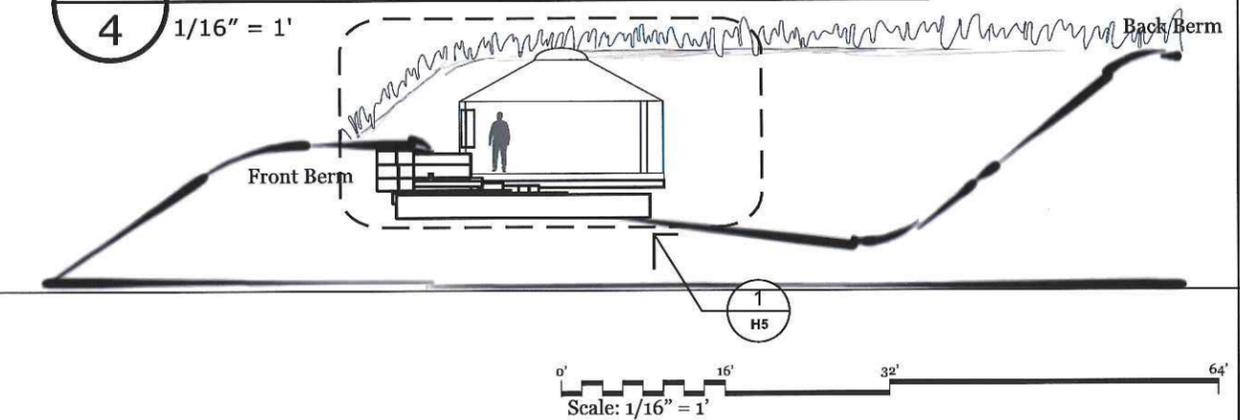
**H4** Site 7 West Elevation

3 1/16" = 1'



**H4** Site 7 South Elevation Cross Section

4 1/16" = 1'



HISTORICAL - Campsite Elevation - Site 7

**WITH** //  
LLC

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Portland, ME 04103  
207-272.3898

FORTLAND - House Island, Portland ME

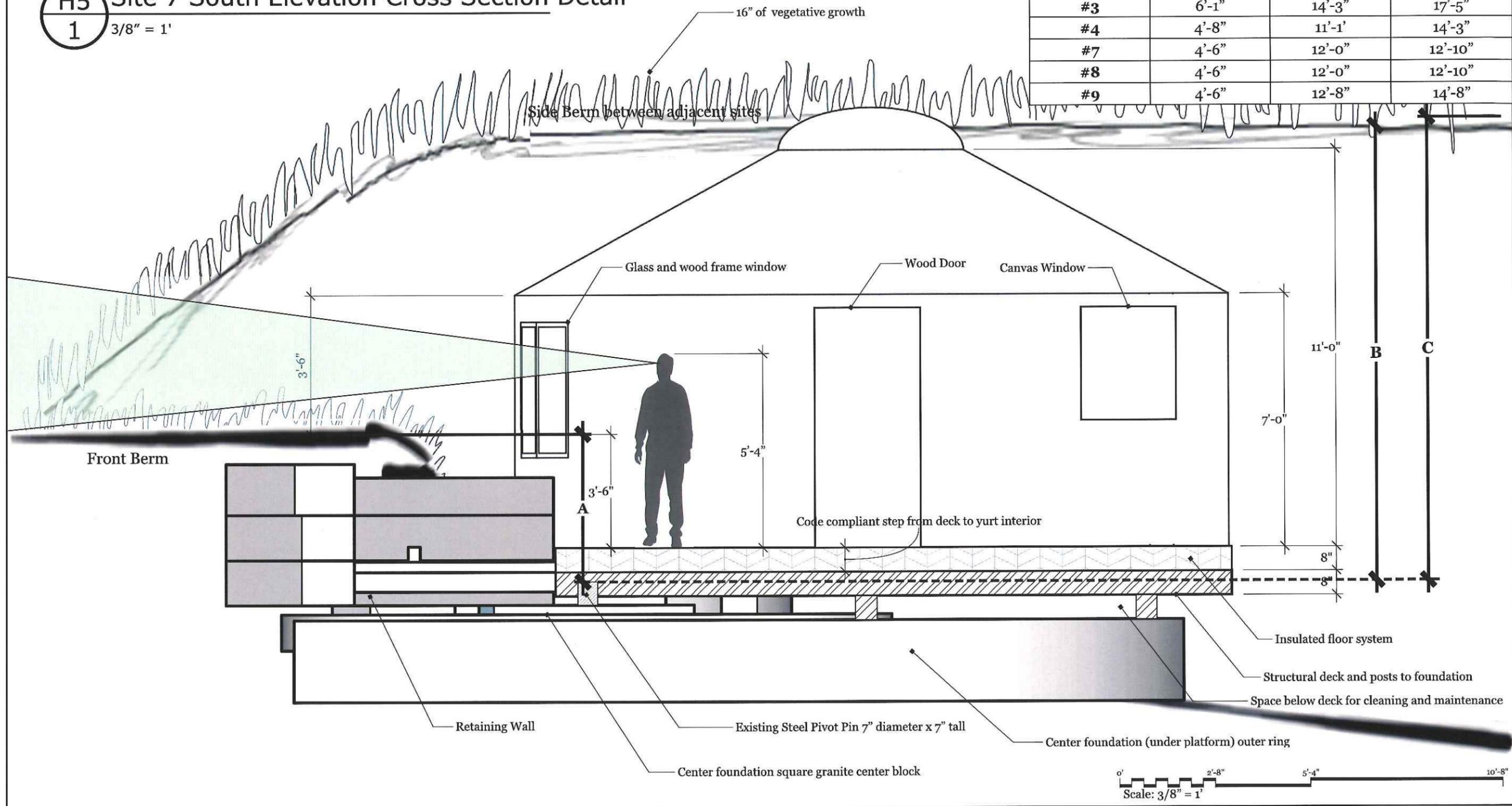
REVISIONS

MM/DD/YY	REMARKS
1 10/4/17	Historical Workshop 2
2 2/7/18	Historical Workshop 3
3 2/21/18	Certificate of Appropriateness
4 --/--/--	...
5 --/--/--	...

H 04

**H5** Site 7 South Elevation Cross Section Detail  
**1** 3/8" = 1'

Fort Site	A - Front Berm	B - Side Berm	C - Back Berm
#2	5'-4"	14'-0"	17'-2"
#3	6'-1"	14'-3"	17'-5"
#4	4'-8"	11'-1"	14'-3"
#7	4'-6"	12'-0"	12'-10"
#8	4'-6"	12'-0"	12'-10"
#9	4'-6"	12'-8"	14'-8"



HISTORICAL - Site 7 - Detail Elevation

**WITH** ///  
 LLC

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REVISIONS

MM/DD/YY	REMARKS
1	
2	2/7/18 Historical Workshop 3
3	2/21/18 Certificate of Appropriateness
4	---/---/---
5	---/---/---

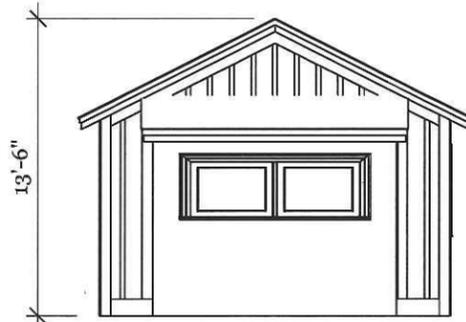
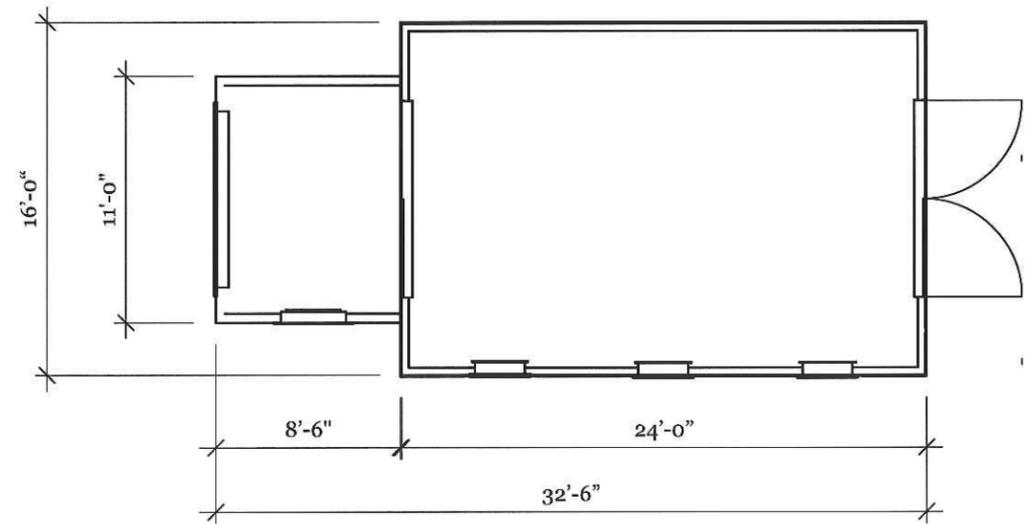
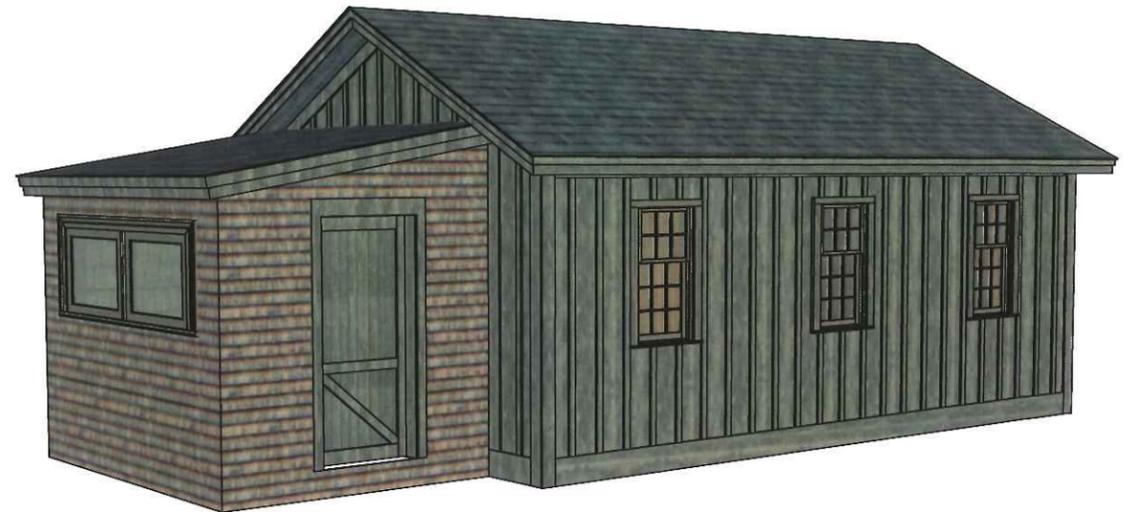
H 05

# H6 Utility/Operations Shed

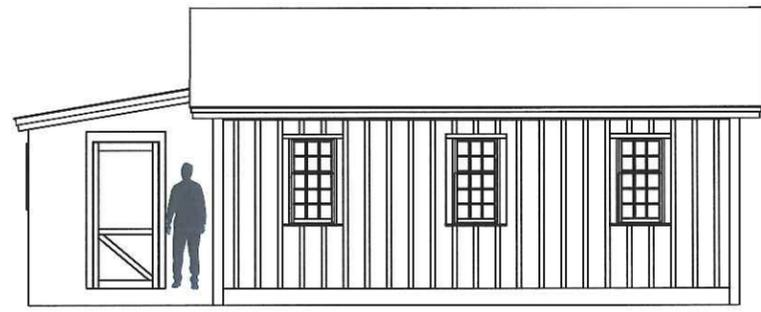
1 1/8" = 1'

NOTE: See page H-09/2,3 for foundation details

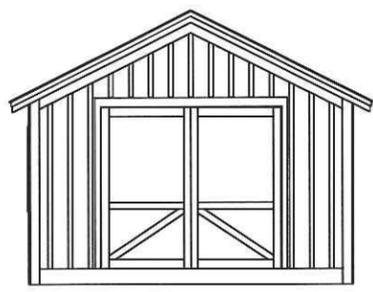
Size	477.5 square feet
Use	Dockside reception and administration Equipment storage and maintenance Operational supply storage
Finishes	
Siding	Unfinished wood board and baton with cedar shingle accent
Roofing	Architectural Asphalt
Doors & Windows	Painted and/or stained wood units. Garage door detail TBD.
Trim	Flat unfinished wood casing



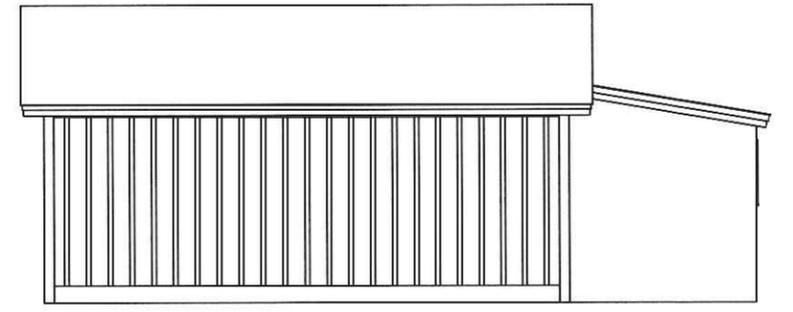
North



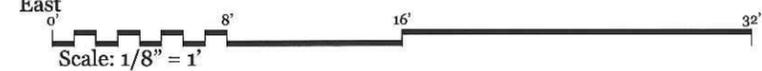
West



South



East



HISTORICAL - Accessory Structures



418 Woodford St.  
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207-272.3898

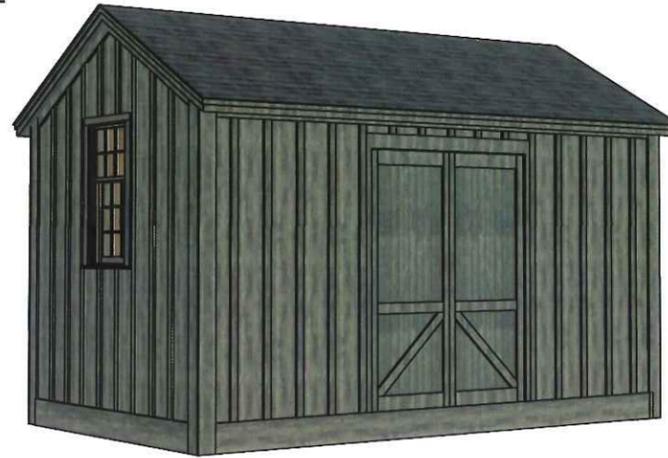
FORTLAND - House Island, Portland ME

REVISIONS		
MM/DD/YY	REMARKS	
1 10/4/17	Historical Workshop 2	
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3 2/21/18	Certificate of Appropriateness	
4 --/--/--	...	
5 --/--/--	...	

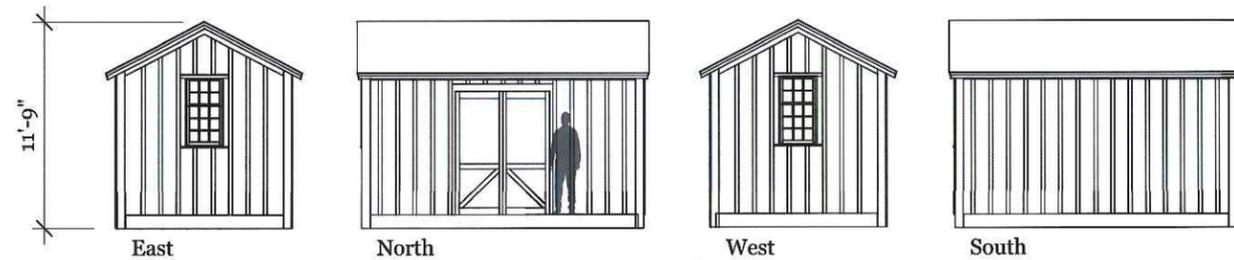
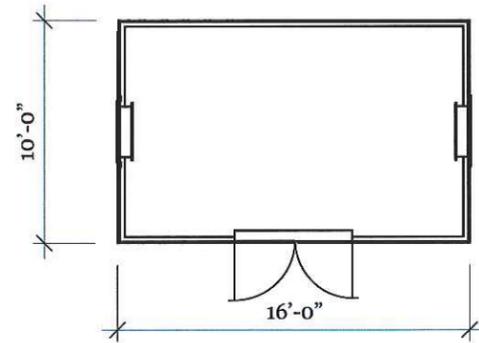
H 06

**H7** Water Pump Shed  
1 1" = 10'

NOTE: See page H-09/2,3 for foundation details



Size	160 square feet
Use	Freshwater Mechanical systems. Electrical Equipment
Finishes	
Siding	Unfinished wood board and baton
Roofing	Architectural Asphalt
Doors & Windows	Painted and/or stained wood units. Garage door detail TBD.
Trim	Flat unfinished wood casing

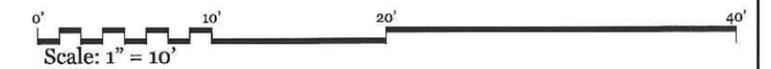
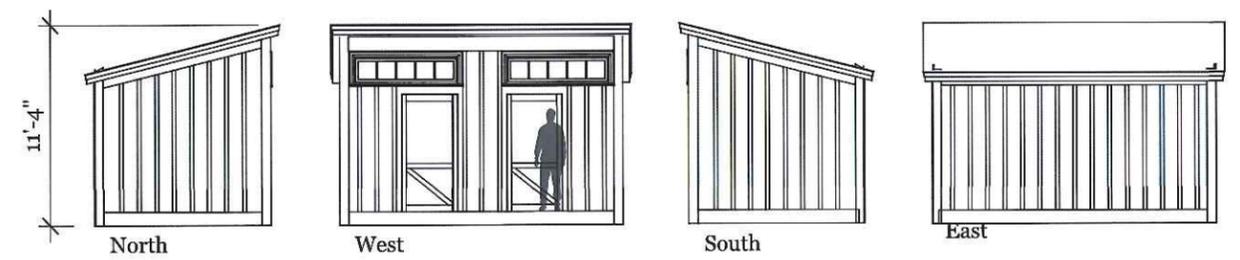
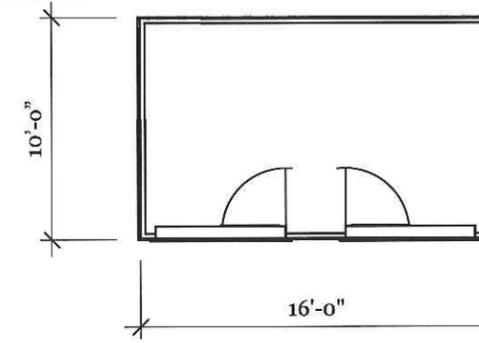


**H7** Bathroom Shed  
2 1" = 10'

NOTE: See page H-09/2,3 for foundation details



<b>Bathroom Shed</b>	
Size	160 square feet
Use	(2) ADA accessible bathrooms
Finishes	
Siding	Unfinished wood board and baton
Roofing	Architectural Asphalt
Doors & Windows	Painted and/or stained wood units.
Trim	Flat unfinished wood casing



HISTORICAL - Accessory Structures



418 Woodford St.  
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FORTLAND - House Island, Portland ME

REVISIONS		
MM/DD/YY	REMARKS	
1 10/4/17	Historical Workshop 2	
2 2/7/18	Historical Workshop 3	
3 2/21/18	Certificate of Appropriateness	
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5 ---/---/---	...	

H 07

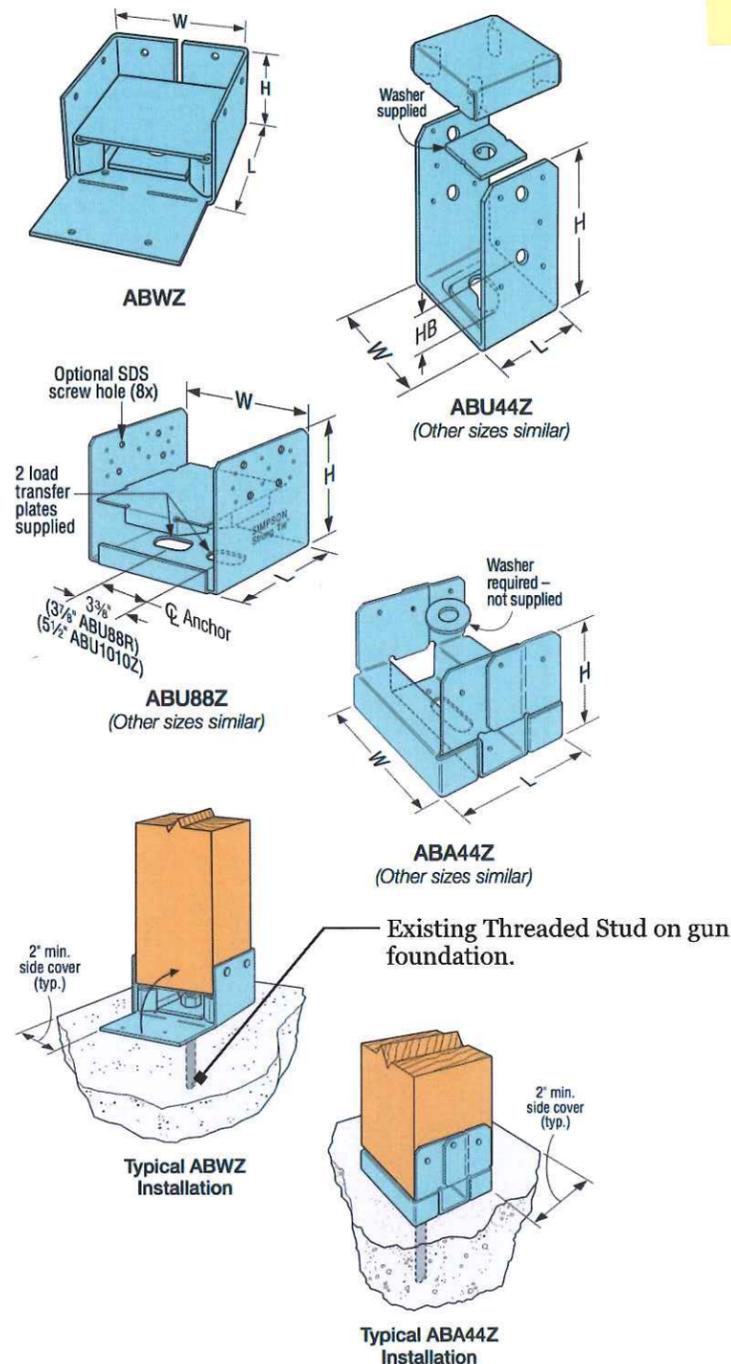
### Connection of yurt structural deck to existing gun foundations.

Per the details provided on pages H-04 & H-05, the structural deck will utilize the load bearing capacity of the existing gun foundations for support of the live, dead and snow loading weight of the yurt/deck assembly (foundation is designed for 50,000 pound loads). Additional seismic, structural and wind loads will be accounted for by attaching the structural deck to the existing threaded studs present on the gun foundations using Simpson post bases in an entirely reversible manner.

Structural elements of the deck will be designed on a per site basis to utilize this detail wherever possible. Where connection to existing studs is either unfeasible structurally, or threaded studs are not installed, ground anchors installed adjacent to the gun foundations will be used to account for seismic, structural and wind loads on the yurt/platform assembly. Appropriate ground anchors will be selected based on soil depth, and loading requirements. If adequate soil depth is not available, anchor will be pinned in ledge. In this scenario, the gun foundation will still support the live, dead and snow load weight of the yurt/deck assembly.

Based on site elevations, sites 4,7,8 & 9 will have carrying beams laying directly on the granite gun foundations utilizing a Simpson post base system. Sites 1,2,3 & 5 will use short posts between the carrying beams and Simpson post base system with appropriate bracing to meet structural code requirements.

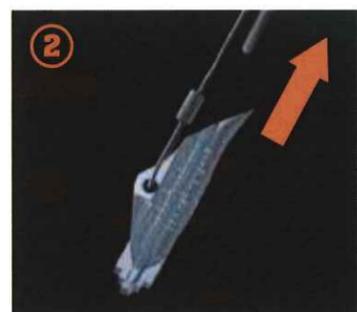
### Simpson Post Base Detail



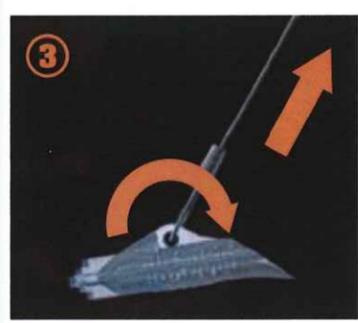
### How It Works



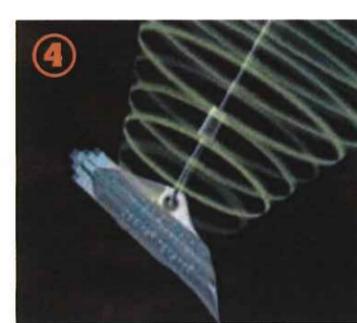
1 Drive Anchor



2 Remove Drive Steel



3 Pull On Wire Rope



4 Load Locked

Example of possible ground anchor for soil/ledge application

Example of possible ground anchor for soil application

PENETRATORS™		LOAD CAPACITY Pounds													
SOIL CLASS	PENETRATOR	9"		10"		14"		18"		26"		36"		46"	
		PE9 PE-T9	PE10	PE14 PE14-STD	PE18 PE18-SQ	PE26	PE36	PE46-Hex PE46-Hex8 PE46-Guy							
1	Hardpan / asphalt	400	1,000	2,500		4,500	8,400	14,000							
2	Dense sand or gravel	200	700	1,700		3,100	6,000	9,500							
3	Medium sandy gravel	100	350	600		1,100	2,100	3,300							
4	Loose medium-to-fine sand	Less than 100	200	350		630	1,000	2,000							
5	Loose fine uncompacted sand	Less than 100	100	200		360	350	1,100							

HISTORICAL - Yurt Deck Connection Details



418 Woodford St.  
Portland, ME 04103  
207-272.3898

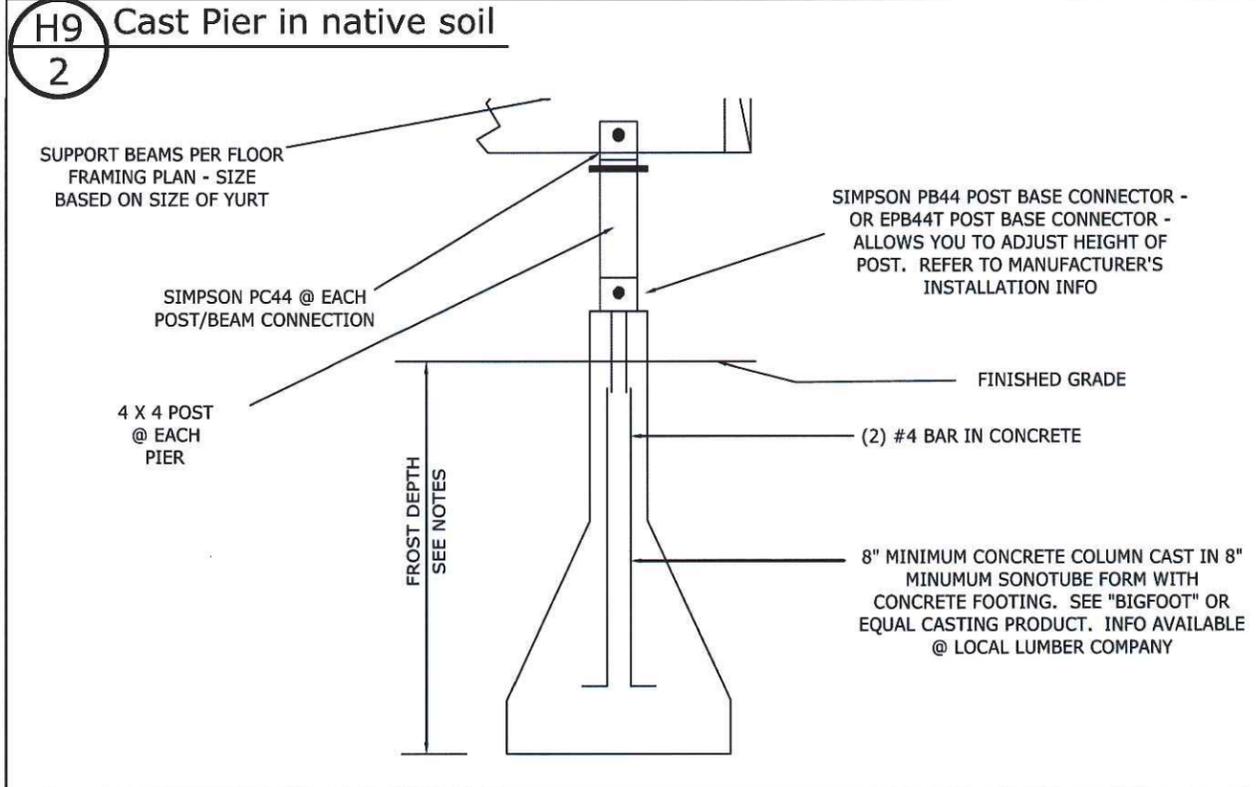
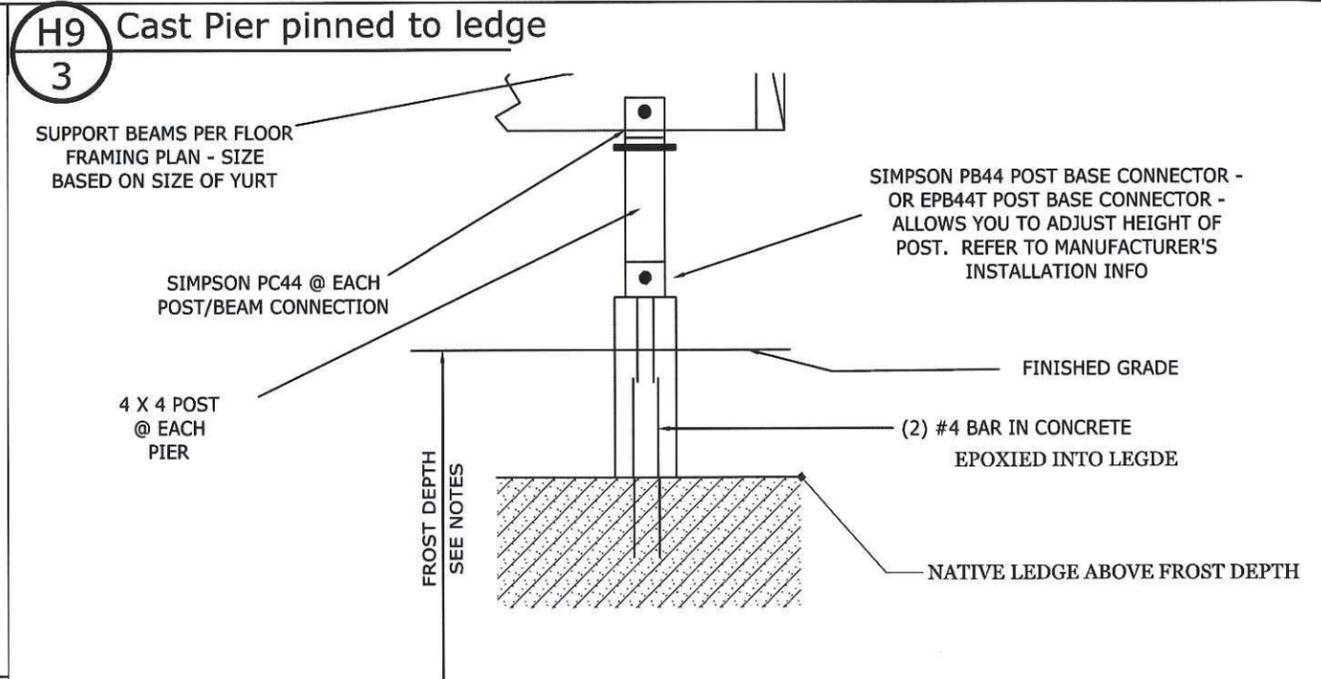
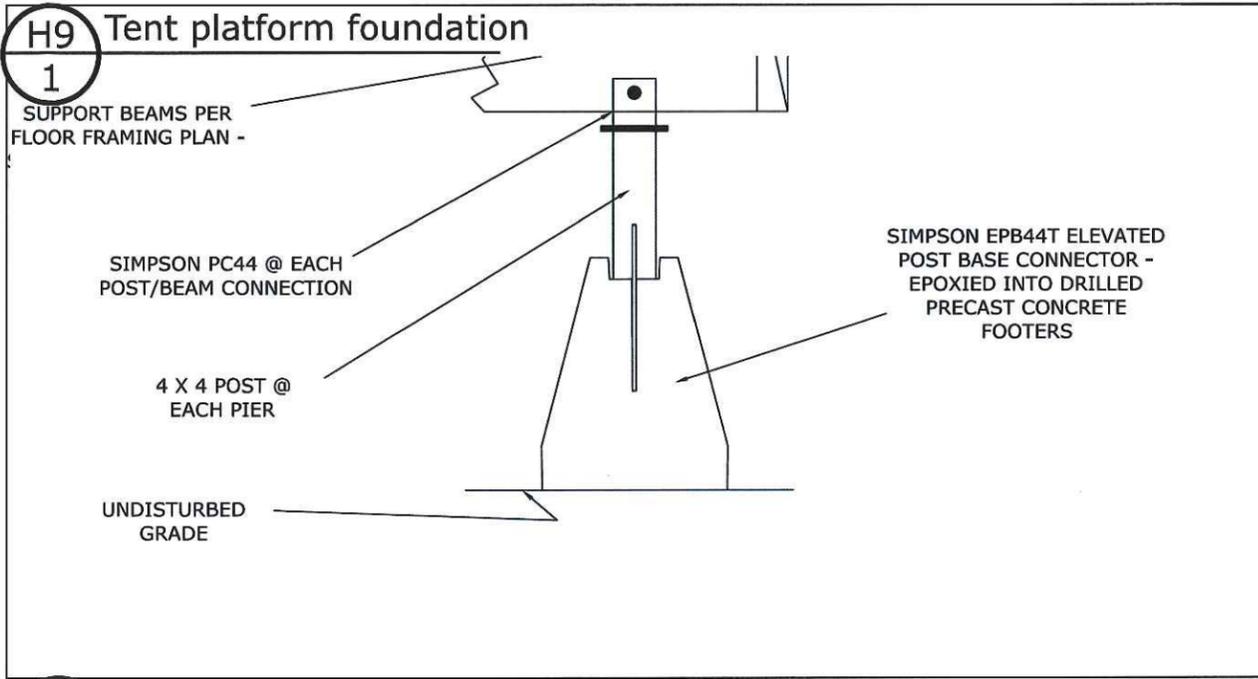
FORTLAND - House Island, Portland ME

### REVISIONS

MM/DD/YY	REMARKS
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3	2/21/18 Certificate of Appropriateness
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H



NOTE: ALL STRUCTURAL DETAILS ARE FOR ILLUSTRATIVE PURPOSES. FINAL SIZING AND SPECIFICATION OF HARDWARE TO BE ENGINEERED IN ACCORDANCE WITH ALL APPLICABLE CODES.

HISTORICAL - Foundation Details

**WITH** ///  
LLC

418 Woodford St.  
Portland, ME 04103  
207-272.3898

FORTLAND - House Island, Portland ME

REVISIONS		
MM/DD/YY	REMARKS	
1		
2		
3	2/21/18	Certificate of Appropriateness
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60  
H



Deb Andrews &lt;

ATT. 7

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**Fort Scammel and House Island**

1 message

**John Weaver** <oldfortjw@gmail.com>

Tue, Feb 13, 2018 at 10:35 AM

To: dga@portlandmaine.gov

Dear Ms. Andrews:

I am an historian that specializes in forts of the American Third System, 1816-1867. As I'm sure you are aware, Fort Scammel is a part of that system of coastal defense. It is, in fact, a unique example of a "hybrid" fort of that period. It combined elements of the American Second System with newly designed structures that follow the principles of the Third System. It is also unique in that it is the only fort in the Third System - indeed in the United States - to use the concept of the *detached bastion*. The bastions of the fort, designed to provide both flanking fire and seacoast cannon, are not connected to the rest of the fort by masonry walls. It combines the protection of earthen ramparts with Montalembert-style stacked casemates in providing a very strong defense.

I recently read an article in the Press Herald that there is a plan being reviewed for something called Fortland, a camping resort, in the fort. From the press release, it appears that there will be permanent or semi-permanent structure placed in the gun positions and solar-energy structures occupying the parade of the fort.

These actions would completely destroy the historical character of the fort, and would have a serious negative effect on the site. I would be happy to expound further if that would be helpful. I am very familiar with the site and am a student of the Third System in general. Please let me know if you would like me to send my credentials.

Thank you for your consideration of my comments.

John R. Weaver II  
Historic Research and Preservation  
[OldFortJW@gmail.com](mailto:OldFortJW@gmail.com)  
765-427-1392

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

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**PUBLIC HEARING  
742 CONGRESS STREET**

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

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

**DATE:** February 16, 2018

**RE:** February 21, 2018      **Public Hearing – Deck**

**Address:** 742 Congress Street

**Applicant:** Will Pratt, Tandem Café and Bakery

**Property Owner:** Michael Kaplan

**Introduction**

The owners of Tandem Café and Bakery at 742 Congress Street have applied for a Certificate of Appropriateness to construct a deck for outdoor seating in front of the building, a former gas station, and more recently a former laundromat. Applicant Will Pratt has submitted plans for a parallelogram-shaped deck, positioned partly under the existing trapezoidal canopy that extends toward Congress Street from the front of the 1967 service station. At either end of the deck a triangular planter provides a low barrier, while the front facing the street is proposed to be open and accessed by a step. Mr. Pratt is also proposing a low wooden fence along the western property boundary to offer some separation from the adjoining property, a gas station.

Though the distinctive property retains its sixties character and appearance, it is listed as a noncontributing property in the Congress Street District because it is not connected to what is considered the late 19<sup>th</sup> Century period of significance. Situated at the corner of Carleton Street, pavement surrounds the structure on three sides, and there are two curb cuts on Congress Street and one on Carleton Street. Currently the café has limited outdoor seating at picnic tables behind the gas pump island, under the canopy in the proposed deck location.

Mr. Pratt has submitted plan views of the site and structures (both existing and proposed,) and pages with elevations and sections, as well as photos of existing conditions. The plans and elevations of the deck and fence are not very detailed, and some supplemental information contained in this memo was learned by staff during a phone call with the applicant. Staff has added an additional photo of the site for reference, and an aerial view of the context.

## **Subject Property and Context**

The subject property is one of several current or former gas stations on the south side of Congress Street, in the western section of the Congress Street Historic District. The glass, masonry, and metal “roadside architecture” aesthetic of the building is well preserved, and more distinctive than the active Gulf Station next door. Many of the neighboring buildings on Congress Street are large houses that were constructed in the residential development of the late Nineteenth Century, but as is typical of downtown Congress Street, the district is eclectic. The large houses have been converted to other uses or multi-family apartments; there are active commercial uses up and down the street as well as multi-family dwellings. Across Carleton Street from 742 Congress Street is Walker Terrace, the contemporary housing block constructed in 2005 that reestablished a street wall and dense residential use in the neighborhood.

The gas pump island is a low, cracked, concrete oblong with rounded ends and metal edging. Two metal posts supporting the canopy land on the island, and a sculptural sign - a bicycle made of white painted pipe - stands between the posts. Between the island and the building are several unfinished cedar picnic tables and low, square planters. As noted above, the entire site is paved, and an aging metal guard rail runs between the subject property and the Gulf station next door to the west.

## **Proposed Alterations**

Mr. Pratt’s proposed deck is a parallelogram approximately 37’ by 16’, partially underneath the existing canopy. It would begin flush at the sidewalk immediately in front of the café entrance wall, and will be approximately 10” – 12” above the pavement at the front where the grade is slightly lower. The deck framing will completely cover the gas pump island. At that height a long step parallel to Congress Street will be necessary for access from the front. Mr. Pratt points out that the deck will be reversible; it is unclear to staff whether any anchoring to the pavement or island is planned.

Large triangular planters would block off the east and west ends of the deck; the lower planter at the west end (right side, as viewed from Congress Street,) incorporates bench seating 16” off the deck. The eastern planter facing Carleton Street is shown on the plans as 36” high. Mr. Pratt told staff he envisions the faces of the planters, fence, and deck framing as horizontal cedar boards, finished naturally.

The height of the proposed fence on the western boundary is not noted on the plans, though Mr. Pratt told staff it would be approximately 24” – 30” high, enough to hide the guardrail and provide a low barrier from the neighboring gas station. He intends to employ the same aesthetic for the fence as with the deck and planters – natural cedar boards. (Note the staff photo of the property – Attachment 4, in which small natural wood planters are visible next to the tables under the canopy.)

No lighting is proposed for the deck, and no change in signage is anticipated at this time. The canopy has lighting on the underside, which Mr. Pratt said does not get used.

## Staff Comments

Tandem Bakery and Café's deck proposal would add an extension of the indoor seating, expanding capacity in good weather, and creating an outdoor room of sorts that would be open to the street. This should be a positive improvement for the neighborhood, enlivening the street life and encouraging human activity in front of a building that is set well back from the street and was built to serve automobiles. It is a lively example of adaptive re-use. Although the property is listed as non-contributing, its character is strongly expressed in its architectural features, and it exemplifies one period in the evolution of Congress Street.

Despite the fact that the deck will hide the aging pump island – in fair condition - at the base of the canopy posts, staff has no reservations concerning the reversibility of the structure or its permanent impact on the distinctive property. One wonders if slightly different aesthetic choices could be explored that might blend more smoothly with the bold commercial look of the existing building. For example:

- Staff understands the warmth of natural wood might lend a soft allure to the seating area, but could a soft colored stain blend better with the service station aesthetic?
- The choice of wood for the deck, seating, and planters will attract human activity, but perhaps the fence at the west side of the lot needn't follow the same pattern. Could a more commercial aesthetic – perhaps metal slats – be installed there, still providing an attractive divider and screen for the guardrail, but fitting with the nature of the original property?
- Staff realizes the benefit of the barrier provided by the 36" high planter on the east (Carleton Street) side, but suggests experimenting with a somewhat lower planter, to see if a lower wall there would suffice.

## Applicable Review Standards

- (1) Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.
- (10) Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.

### **Motion for Consideration**

On the basis of plans and specifications submitted by the applicant for the February 21, 2018 public hearing and information included in the accompanying staff report, the Board finds that the proposed deck at 742 Congress Street **meets (fails to meet)** the historic preservation ordinance review standards for review of new construction (subject to the following conditions.....)

### **Attachments:**

1. Applicant's project summary
2. Applicant's plans
3. Applicant's photos of building and existing conditions
4. Staff photo of property
5. Aerial photo of the subject property and the Congress Street context (Google Earth)



Date: \_\_\_\_\_

**HISTORIC PRESERVATION  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

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

**PROJECT ADDRESS:**

\_\_\_\_\_ 742 Congress St. Portland, ME 04102 \_\_\_\_\_

**CHART/BLOCK/LOT:** \_\_\_\_\_ 054 G004001 \_\_\_\_\_ (if known)

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

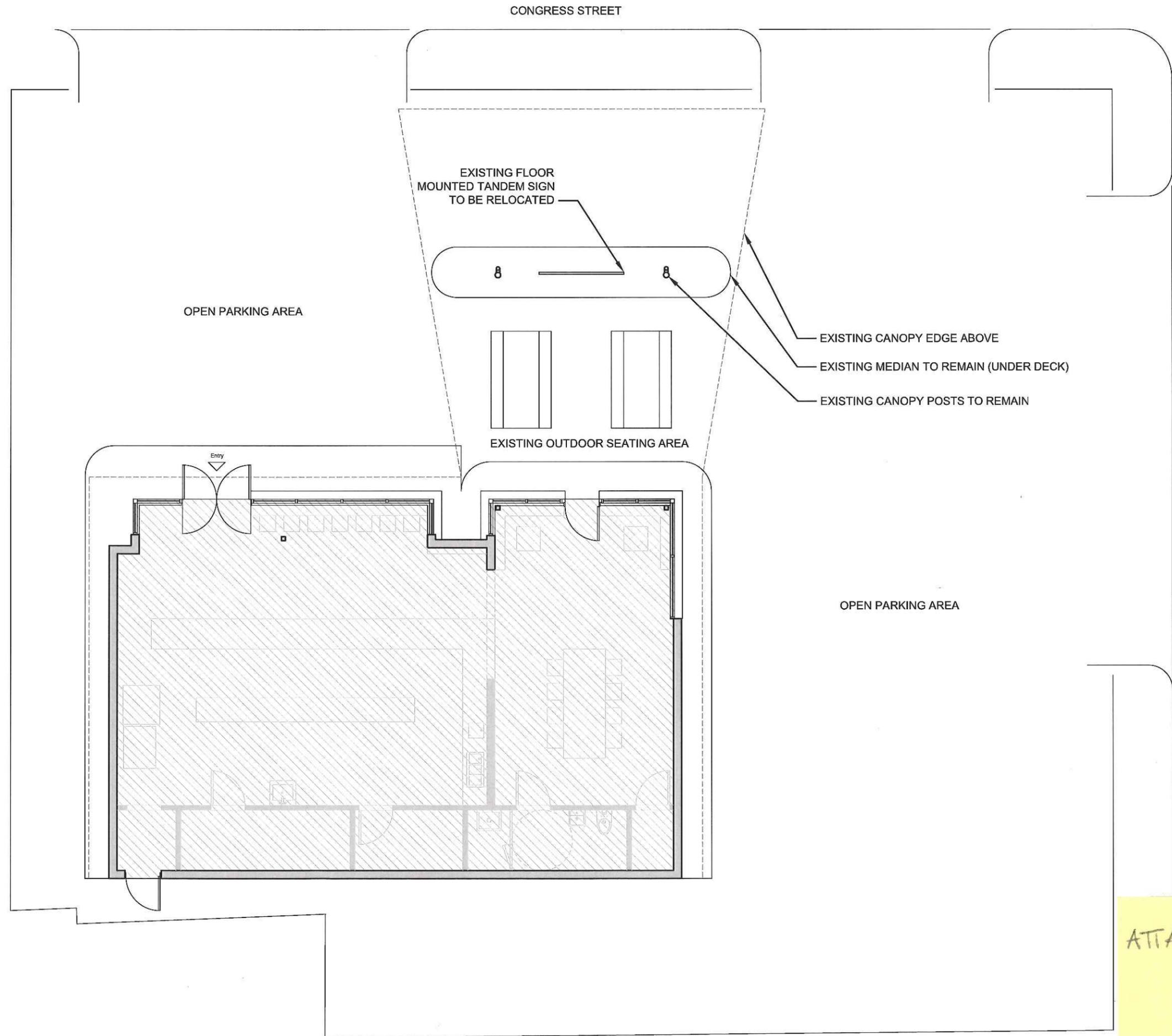
\_\_\_\_\_ We are hoping to build a beautiful deck over our current section of outdoor seating. The  
\_\_\_\_\_ deck will be constructed out of wood that will sit on the pavement below it which mean that  
\_\_\_\_\_ it will be 100% reversible. Our current out door seating section is just 3 picnic tables  
\_\_\_\_\_ in our parking lot. The new deck with really enhance the look of the building and that section  
\_\_\_\_\_ of Congress street overall. The propsed deck does cover the raised concrete where it seems  
\_\_\_\_\_ there were once gas pumps. We view this to be a good thing as that concrete has a broken  
\_\_\_\_\_ jagged metal curb. (see attached pictures)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTACHMENT 1

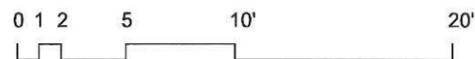
TANDEM BAKERY - DECK  
742 Congress Street  
Portland, ME 04101

02/05/2018

**EXISTING CONDITIONS**



INTERIOR SPACE NOT IN SCOPE



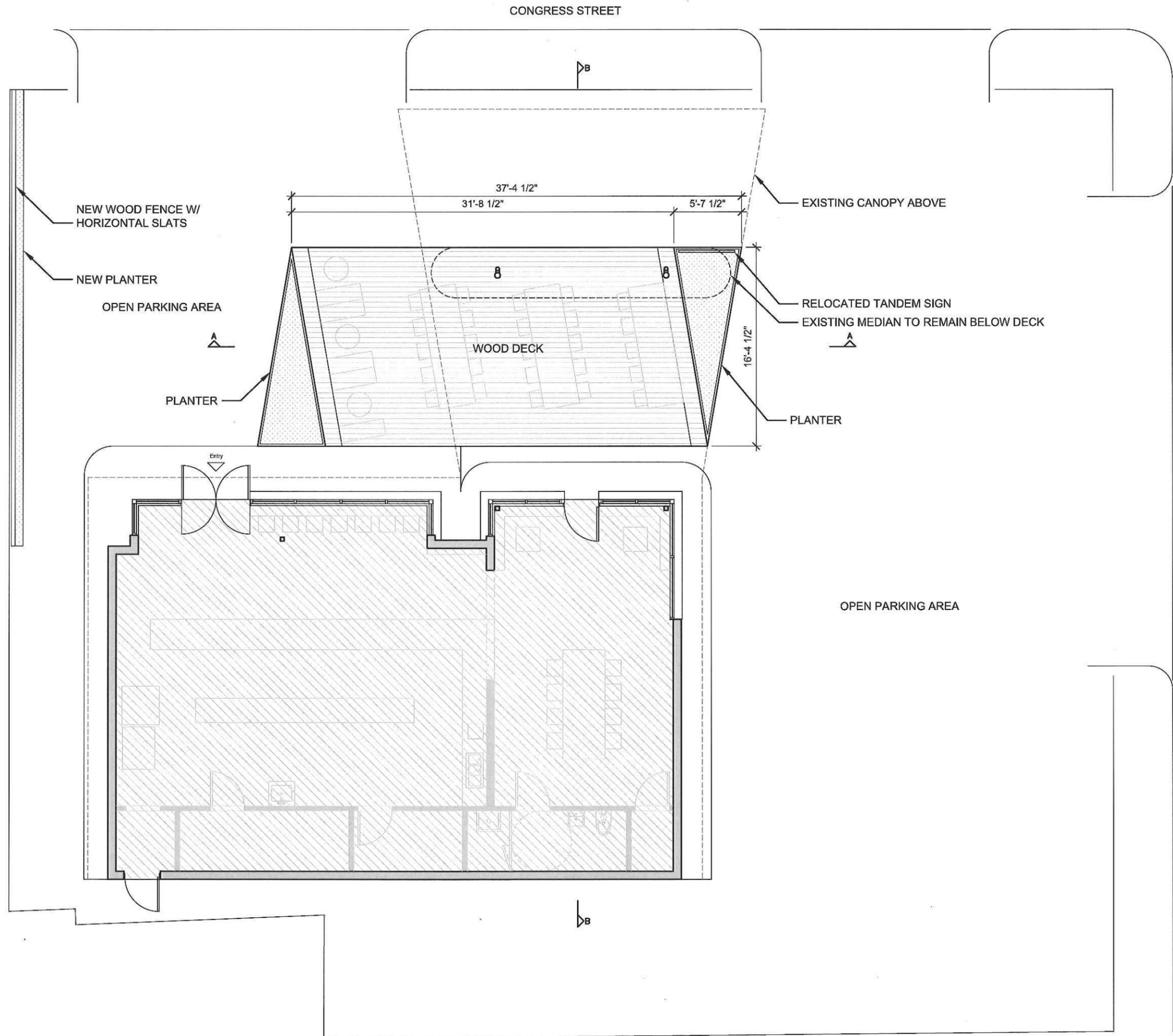
SCALE 1/8" = 1'-0"  
11X17 FORMAT

ATTACHMENT 2

TANDEM BAKERY - DECK  
742 Congress Street  
Portland, ME 04101

02/05/2018

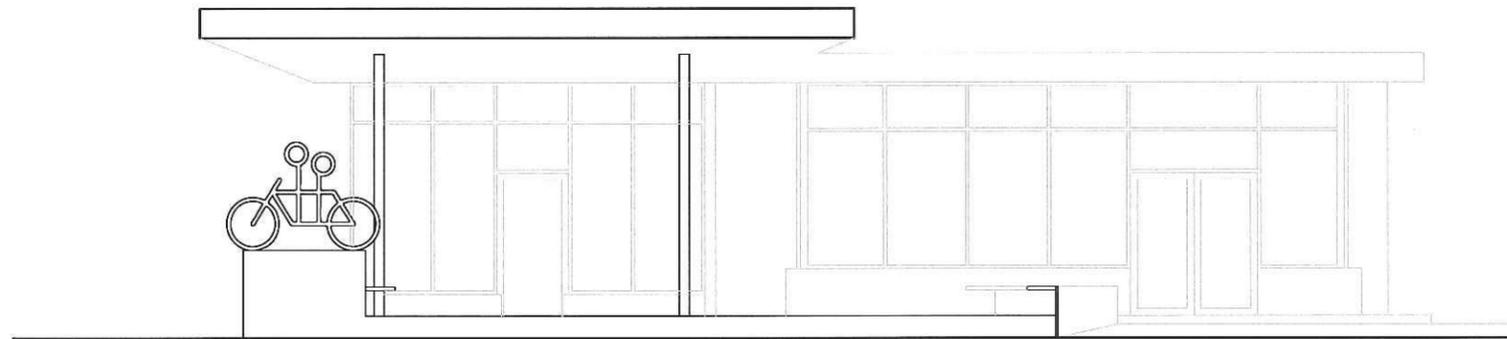
**PROPOSED DECK  
PLAN - REVISED**



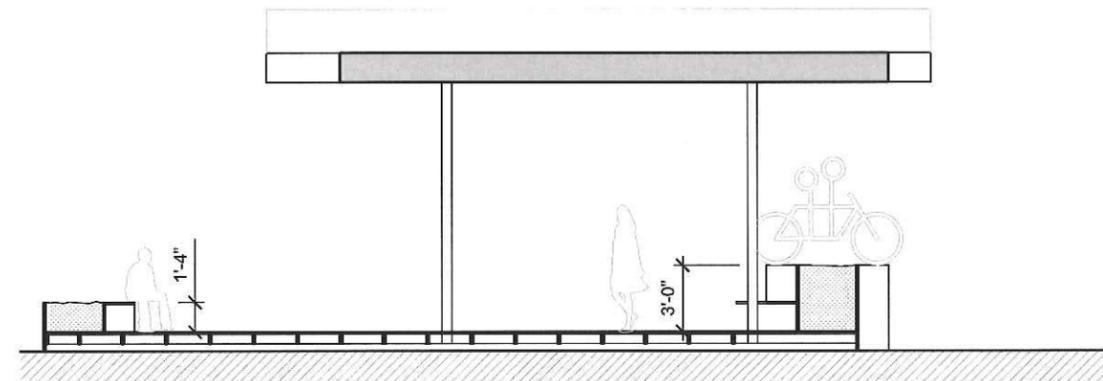
TANDEM BAKERY - DECK  
742 Congress Street  
Portland, ME 04101

02/05/2018

**PROPOSED DECK - REVISED  
SECTIONS & ELEVATION**

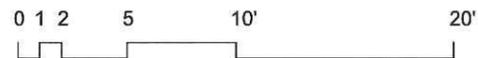


ELEVATION CONGRESS ST.

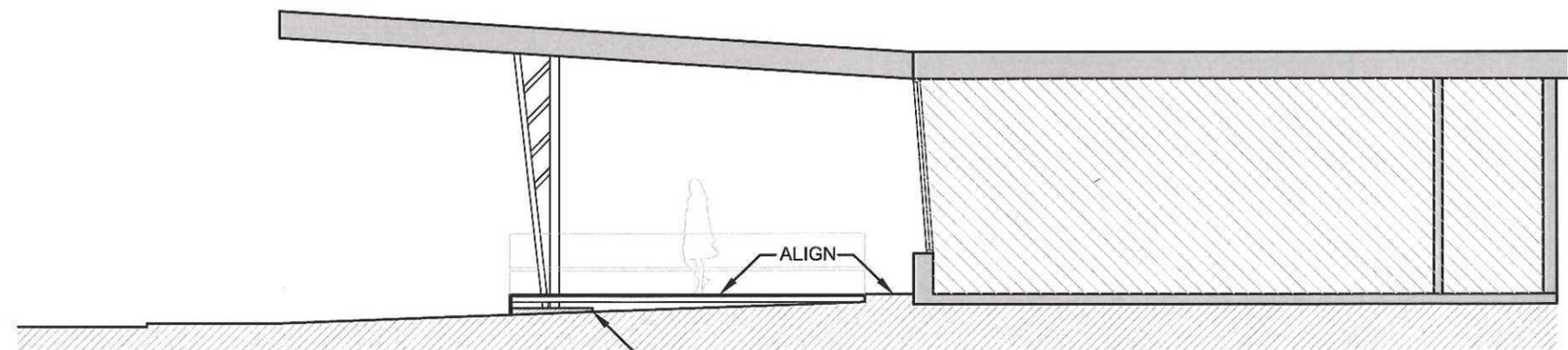


SECTION A-A

 INTERIOR SPACE NOT IN SCOPE



SCALE 1/8" = 1'-0"  
11X17 FORMAT

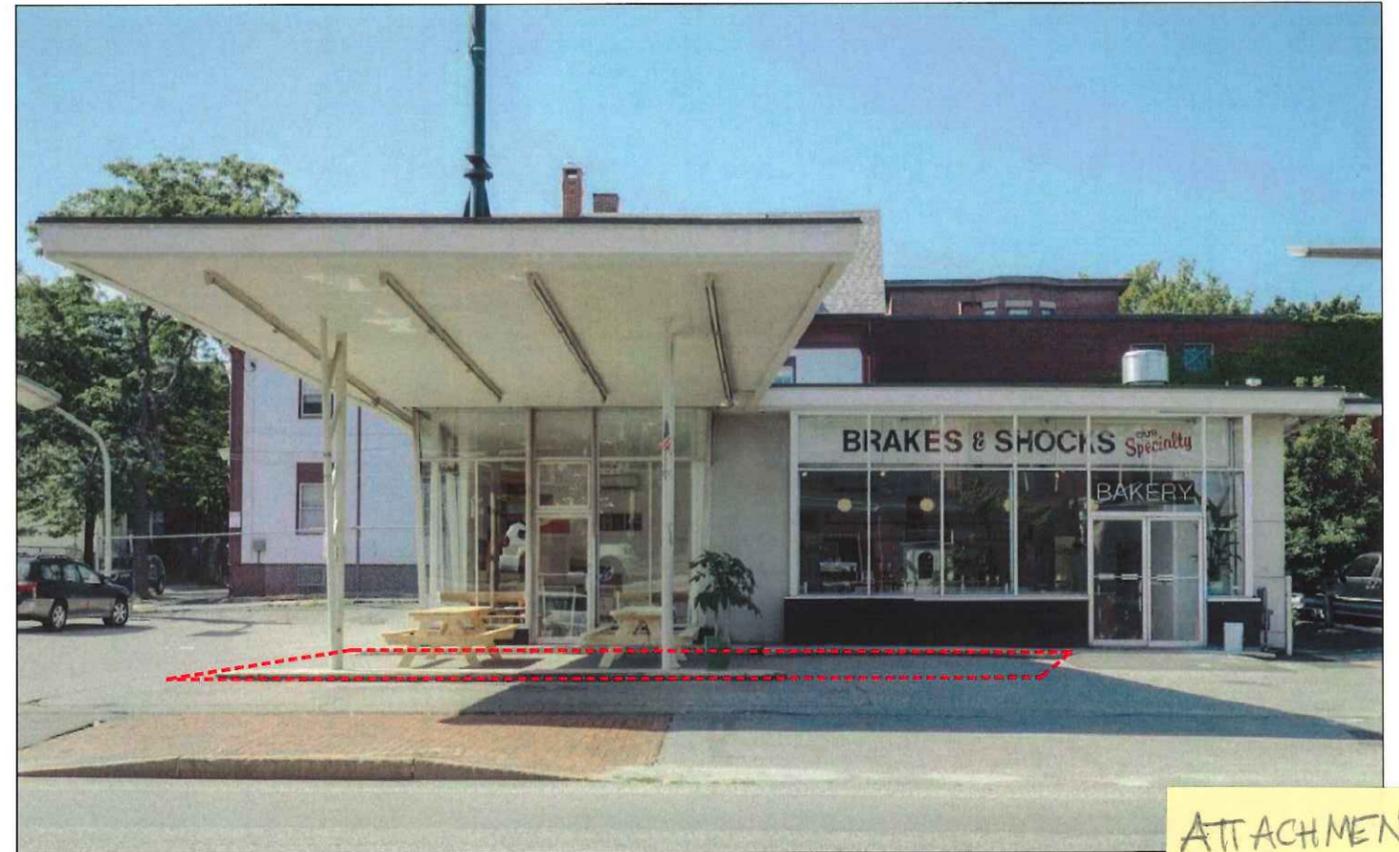


SECTION B-B

TANDEM BAKERY - DECK  
742 Congress Street  
Portland, ME 04101

02/05/2018

**PROPOSED DECK - REVISED  
IMAGES WITH DECK FOOTPRINT**



ATTACHMENT 3







ATTACHMENT 4

# Map

Description for your map.



742 Congress St

ATTACHMENT 5

300 ft

earth

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

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**WORKSHOP (COMMUNICATION)  
MUNJOY HILL, R-6 Zone**

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

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

**DATE:** February 15, 2018

**RE:** February 21, 2018 **Communication** regarding Munjoy Hill demolition moratorium and Interim Planning Overlay District (IPOD). Workshop to include update from the Planning Division on current evaluation of zoning and land use tools and presentation by Greater Portland Landmarks on development history of Munjoy Hill and recent architectural survey.

As Board members are aware, the City Council recently passed a moratorium on demolition within the R-6 residential zone on Munjoy Hill. Effective as of December 4, 2017, the moratorium remains in effect for 180 days (until June 5<sup>th</sup>). The measure was proposed by District 1 Councilor Belinda Ray in response to concerns about the scale and character of recent residential development on the Hill and to allow time for Planning staff to conduct an analysis of the impacts and effectiveness of current zoning and review standards in managing development. Based on this analysis, Planning staff may recommend to the Council amendments to the current zoning and/or adoption of additional planning tools. Any proposed amendments would be presented first to applicable review boards for review and recommendation.

On February 5<sup>th</sup>, the Council also passed an Interim Planning Overlay District (IPOD) to regulate development during the balance of the moratorium period. The IPOD introduces dimensional and design standards that are in addition to any other standards applicable to new development in the R-6 zone. The IPOD standards may or may not be incorporated into any final recommendations brought forward by staff.

Following passage of the moratorium and pursuant to the Council's directive, a team was assembled within the Planning Division to conduct the analysis and develop recommendations. The team is comprised of Planning & Urban Development Department Director Jeff Levine, Senior Planner Christine Grimando, Urban Designer Caitlin Cameron and Historic Preservation Program Manager Deb Andrews.

On Wednesday, staff will brief the Historic Preservation Board on the status, scope and objectives of the Planning Department's analysis and describe some of the potential options for addressing identified concerns on Munjoy Hill. Note that this session has been scheduled to provide background information on this initiative; no specific recommendations will be made

at this time. Indeed, staff is still gathering information and conducting outreach to the neighborhood to determine community sentiment regarding future development on Munjoy Hill. A neighborhood meeting to solicit public comment is scheduled for Monday, February 26<sup>th</sup> from 7-9 pm at East End Community School.

In addition to staff's briefing, Julie Larry of Greater Portland Landmarks will make a presentation on the history and architecture of Munjoy Hill. To assist the City in its analysis of existing development, Greater Portland Landmarks has recently updated a 2000 architectural survey of Munjoy Hill, which had been commissioned by the City of Portland. Ms. Larry will review the results of that survey, a goal of which was to identify buildings that retained their architectural integrity.

Attached for reference purposes are materials prepared for the City Council and Planning Board on this topic.

#### ATTACHMENTS

1. Moratorium language
2. Planning Board report re: Munjoy Hill IPOD
3. Council memorandum re: IPOD

Att. 1

Order 124-17/18

Amended to add the language of the amendment titled "Emergency Demolition and Application-in-Process Exception": 9-0 on 12/18/2017

Amended to add after the words "Planning Board" in the fifth from the last paragraph: "unless such applications were received prior to December 4, 2017. Notwithstanding the forgoing, staff may at its discretion review such applications as time permits": 7-2 (Duson, Ray) on 12/18/2017

Passage as amended and as an Emergency: 7-2 (Batson, Cook) on 12/18/2017

Effective 12/18/2018

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

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**MORATORIUM  
RE: DEVELOPMENT AND DEMOLITION OF STRUCTURES IN THE  
R-6 ZONE ON MUNJOY HILL**

**WHEREAS**, in or around April 2015, the City of Portland's Land Use Code was amended to allow for more infill development and reconstruction in the City's R-6 zone in an effort to advance the City's goal to produce additional housing; and

**WHEREAS**, that change in zoning has helped meet City goals for new housing production, resulting in approximately 92 net new housing units overall; and

**WHEREAS**, a significant portion of the R-6 zone in the City of Portland is located on Munjoy Hill; and

**WHEREAS**, of the 92 net new units overall, 29 of them have been on Munjoy Hill; and

**WHEREAS**, this redevelopment has included the demolition of thirteen (13) housing structures on Munjoy Hill over a thirty (30) month period and the construction of larger housing structures, many of which do not adequately fit with the neighborhood context; and

**WHEREAS**, there are currently at least two additional buildings on Munjoy Hill planned for demolition pending site plan review and approval; and

**WHEREAS**, buildings for sale on Munjoy Hill are being actively marketed for their teardown potential;

**WHEREAS**, the rest of the R-6 zone has seen demolition of only four (4) housing structures as a result of new development; and

**WHEREAS**, there is a strong likelihood that the R-6 zone on Munjoy Hill will continue to be subjected to this demolition pressure; and

**WHEREAS**, at present there is a need for additional regulation in the City's Land Use Code to address these aforementioned increases in demolitions and to further refine regulations regarding the character and size of permissible replacement buildings in the R-6 Zone on Munjoy Hill; and

**WHEREAS**, pursuant to 30-A M.R.S. § 4356(1)(B), there is concern that existing City Land Use Code provisions, regulations or other laws are inadequate to address the aforementioned development and demolition pressures in the R-6 zone on Munjoy Hill and to prevent the public harm from these demolitions, the associated residential developments, and their collective impacts on the fabric of this particular neighborhood; and

**WHEREAS**, after sufficient notice and a public hearing, there is strong support for this Moratorium on the City Council; and

**WHEREAS**, it is typical for City staff to conduct a review of significant zoning changes after they have been in place for approximately 2 years and to recommend revisions that improve their effectiveness; and

**WHEREAS**, that process is underway but will require at least one hundred and eighty (180) days for City staff to fully develop and implement any necessary amendments to address negative impacts of demolitions on Munjoy Hill while also helping to achieve City housing production goals; and

**WHEREAS**, in the judgment of the Portland City Council, these facts and conclusions outlined above create an emergency within the meaning of 30-A M.R.S. § 4356(1) and the City Charter, and require the following Moratorium as immediately necessary for the preservation of the public health, safety and welfare;

**NOW THEREFORE, BE IT ORDERED** that, pursuant to its authority in 30-A M.R.S. §§ 3001 and 4356, the Portland City Council hereby ordains that a Moratorium is imposed on any and all demolition applications (as defined and except as exempted below) in the R-6 zone on Munjoy Hill depicted on the map attached hereto as Exhibit A; and

**BE IT FURTHER ORDERED**, that no demolition permit applications for demolition of 50% or more of the exterior surface of and/or the front façade of a structure, shall be accepted-by the City; for any and all property located in the R-6 zone on Munjoy Hill in the City of Portland (see Exhibit A) for the entire period of this Moratorium, unless that demolition is part of a site plan application submitted prior to the effective date of this moratorium or the Building Authority determines that the building is dangerous to life or property due to a condition that pre-dates the effective date of this Moratorium or is the result of fire, accidental catastrophic damage, or a natural disaster; and

**BE IT FURTHER ORDERED**, that this Moratorium shall go into effect and be applicable as of December 4, 2017, and remain in effect for one hundred and eighty (180) days thereafter, unless extended, repealed, or modified by the Portland City Council; and

**BE IT FURTHER ORDERED**, that, in addition to the moratorium on demolition permits outlined above and for all of the reasons outlined above, for an interim period beginning on December 4, 2017 and lasting for sixty-five (65) days thereafter, no development applications for properties located in the R-6 zone on Munjoy Hill, specifically including any and all Level I, II or III Site Plan applications and revisions thereto, shall be accepted, reviewed, approved, or otherwise acted on by the Planning Authority or the Planning Board unless such applications were received prior to December 4, 2017. Notwithstanding the forgoing, staff may at its discretion review such applications as time permits; and

**BE IT FURTHER ORDERED**, that in that interim period the City's Department of Planning and Urban Development shall draft an interim ordinance to govern development in the R-6 zone during the remaining one hundred and fifteen (115) days of the aforementioned demolition Moratorium for review and approval by the City Council; and

**BE IT FURTHER ORDERED**, that the interim ordinance shall only apply to applications received after the effective date of this Moratorium and that any site plan applications, together with any revisions thereto, submitted prior to December 4, 2017, or demolition applications submitted prior to December 4, 2017 or associated with a site plan application submitted prior to December 4, 2017, shall be reviewed in accordance with the ordinance and regulations in effect on the date of submission; and

**BE IT FURTHER ORDERED**, that to the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium that shall remain shall be considered valid; and

**BE IT FURTHER ORDERED**, that in view of the emergency cited in the preamble above, that it is hereby found and determined by the Portland City Council that it is necessary that this Moratorium take effect immediately as an emergency pursuant to Article II, Section 8 of the City of Portland Charter.





**PLANNING BOARD REPORT  
PORTLAND, MAINE**

**Interim Planning Overlay District  
for Munjoy Hill R-6 Zone**

Submitted to: Chair Boepple and Members of the Planning Board Public Hearing Date: January 8, 2018	Prepared by: Christine Grimando, Senior Planner Date: January 5, 2018
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**I. Introduction**

On December 6, 2017, the Planning Board was presented a [Communication](#) with background on a set of zoning changes implemented to the R-6 zone in 2015, qualitative and quantitative R-6 zone audit findings on activity in the zone since 2015, as well as a summary of a six-month moratorium on new construction and demolitions in the R-6 zone on Munjoy Hill being considered by the Council.

On December 18<sup>th</sup> the City Council voted to approve a six-month moratorium on demolition in the R-6 district on Munjoy Hill. The moratorium includes a requirement for the implementation of interim zoning to govern development in the R-6 zone for the duration of the moratorium to be implemented within 65 days of December 4<sup>th</sup>. This Munjoy Hill Interim Planning Overlay District (IPOD) is the subject of the Planning Board's January 8<sup>th</sup> public hearing. The IPOD is a tool that provides temporary standards to guide development applications that are received during the remaining 115 days of the moratorium. The details of the audit are based on the critical design issues found in the course of the R-6 audit. A detailed overview of the IPOD follows.

**II. Comprehensive Plan Policies**

*Portland's Plan 2030* has a number of goals and strategies supporting strong neighborhoods, quality design, and housing production. Neighborhoods that are zoned R-6 support, through their density and through their locations, Future Land Use principles, and the goals and strategies in the Housing and Environment Policy Guides (and by extension many of the Plan's transportation goals), including:

From "Future Land Use"

(Complete Neighborhoods are a City-wide planning principle and Munjoy Hill is an example of a robust Complete Neighborhood):

*Portland's intent for its predominantly residential neighborhoods is one where all residents regardless of age, ability, or income have access to the basic necessities of daily life - high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a*

walkable, bikeable distance. The city already has examples of these neighborhoods, each with its own social networks, physical form and scale, and distinct sense of identity. Neighborhoods such as Munjoy Hill and Deering Center, with their schools, expansive open spaces, small groceries, and restaurants, provide precedents for complete neighborhoods that can inform the evolution of other areas in the city.

From “Housing”:

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Encourage quality, sustainable design in new housing development.
- Reinforce existing housing tools, policies, and programs while continuing to explore emerging best practices.
- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas.

From “Environment”:

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
- Continue to develop land use policies which support complete neighborhoods.

**III. Moratorium Overview**

The City Council held a first reading of the proposed moratorium on December 4<sup>th</sup>, a workshop on December 11<sup>th</sup>, and voted to approve it at a December 18<sup>th</sup> Public Hearing. The impetus for adoption was concern from some Munjoy Hill residents that the current residential development interest was resulting in an undue number of demolitions to existing structures, and infill development that was sometimes out of scale and character with existing neighborhood fabric. The moratorium was enacted to provide a temporary hiatus in development activity while the Department of Planning & Urban Development develops any necessary additional land use and design regulations to address both of these issues in the R-6 for Munjoy Hill. In addition,

**Exhibit A: Area of R-6 Zone on Munjoy Hill**



the moratorium will allow time for staff to conduct additional stakeholder outreach prior to making any recommendations.

The moratorium has two components:

- 1) The 180-day period beginning on December 4, 2017 during which no demolition permit applications may be accepted (demolition of 50% or more of the exterior surface and or/front façade of a structure).
- 2) An interim period beginning on December 4, 2017 and lasting for 65 days, during which no development applications, including Level I, Level II, or Level III site plans, shall be accepted, reviewed, or approved. The moratorium further states that in the interim period the Department of Planning and Urban Development shall develop an interim ordinance to govern development in the R-6 on Munjoy Hill for the remaining 115 days of the moratorium.

Exempted from the moratorium are:

- Demolition permit applications that were included as part of previous site plan approvals,
- Demolition due to the Building Authority determining a structure is dangerous to life or property (due to a condition that pre-dates the effective date of this Moratorium or is the result of fire, accidental catastrophic damage, or a natural disaster), and
- New site plan applications (complete or not) that were submitted prior to December 4<sup>th</sup>.

The full final text of the moratorium is included as Attachment 2.

#### **IV. Key R-6 Findings**

At the Planning Board's December 6<sup>th</sup> workshop, staff presented findings on activity and trends within the R-6 since text amendments were made to the zone in 2015. This included quantitative and qualitative assessment of overall development trends in the R-6 and on Munjoy Hill in particular. Some of the change underway in the R-6 zone is independent of zoning regulations and/or design guidelines, or in some cases precede the 2015 changes – a strong housing market and interest in Munjoy Hill, deferred maintenance for some of the older housing stock, and contemporary design trends, for instance – but staff strove to identify current development patterns and which were being shaped by current regulations. These findings, in conjunction from community feedback to date, form the basis for the proposed IPOD, and will inform ongoing work to refine regulations in the R-6 on Munjoy Hill.

Some key findings of the R-6 audit:

- Though there has been a significant amount of infill housing of a variety of housing types within the R-6 zone (89 net new dwelling units as of mid-2015), as intended, the same period has also resulted in a disproportionate number of demolitions based on Munjoy Hill. Demolition totals as of December 15<sup>th</sup> are as follows:

	Totals	Demolitions	Percentage of Total
<b>Buildings in the R6 All</b>	3,215	17	0.53%
<b>Buildings in the R6 Munjoy Hill Only</b>	1,149	13	1.13%

- Though the 2015 R-6 changes included parking exemptions for the first three units, which generated some concern this would exacerbate on-street parking pressures, there has been minimal utilization of this exemption to-date. New construction applications indicate that off-street parking provided (124) exceeds the total number of approved dwelling units (117,) meaning the overall parking ratio remains over 1 space per unit.
- There are several factors influencing the compatibility of scale and character of some of the recent R-6 construction with the neighborhood context, many of which can be addressed in development review standards, including:
  - Off-street structured parking location, particularly as it relates to ground floor design and ground floor façade design;
  - New materials and technology, as manifest in selection of cladding materials, the need for taller floor heights, and placement of rooftop appurtenances;
  - Existing setback and height limits were designed to allow for flexibility but in practice there has been an overall tendency of property owners and developers to maximize allowable square footage on a lot. Design standards, while helpful, have not been adequate to address this issue.
  - Building Code and life safety requirements, including ADA requirements, which influence building placement and entry requirements in ways that often diverge from traditional patterns of the peninsula’s neighborhood streets.

None of the factors in and of themselves limit the compatibility of infill, but as a set they can present design challenges that strategic amendment of zoning and design guidelines can mitigate. The IPOD concerns itself with dimensional and design standards that directs building placement, building proportions, parking location, active ground floor design, HVAC placement, and materials selection.

For a fuller exploration of factors influencing current design of new buildings, please refer to the December 6<sup>th</sup> [Communication](#). Some of the housing and demolition totals were updated and supplemented in a December 15<sup>th</sup> memo to the Council that is included as Attachment 4.

## V. Proposed IPOD

Interim Planning Overlay Districts (“IPOD’s”) are a common zoning tool used nationally in similar situations, where existing codes are being evaluated but final recommendations are not yet complete. IPOD’s have been used instead of or, as is the case here, in conjunction with a moratorium. They allow for quick and temporary implementation of land use tools to address sensitive issues while allowing some development activity to proceed amidst a longer planning process. This IPOD is intended to be a temporary regulatory framework, usually stricter or more conservative than the underlying zoning, and

is meant to strike an effective balance of allowing some development activity to continue under modified regulations while final recommendations are being created.

The IPOD would govern site plan reviews during the six-month moratorium and is directly based on the dimensional and design issues identified in the R-6 audit work done to-date. Many communities nationally have used made use of IPODs to address identified issues while final tools were developed are diverse in size and location, including Pittsburgh, Brookline, an San Francisco (see Attachment 3 for several examples of IPODs from other communities in the U.S.).

The IPOD (Attachment 1) is proposed to in effect until June 4, 2018<sup>th</sup>. It is proposed as Sec. 14-140.5, an addition to *Division 7, R-6 and R-6A Residential Zones*. The area of effect is synonymous with the area of the moratorium, as shown on the above map, generally defined as all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade. The IPOD is proposed as a set of additional standards for development in this subset of the zoning district – all other standards for development in the zone remain in effect, including R-6 zone regulations, any any pertinent site plan regulations and Design Guidelines, except that in the case of conflicting standards the IPOD standards prevail. Final recommendations, to be proposed prior to the end of the moratorium, may apply to the Munjoy Hill exclusively, or may in some instances warrant application zone-wide.

The substance of the IPOD falls into two categories: Dimensional Standards and Design Standards, and both categories are intended to produce new structures that show greater contextual sensitivity to the surrounding neighborhood in overall scale, mass, and character.

### **1. Dimensional Standards**

Below is a summary of proposed dimensional standards of the IPOD, contrasted with existing regulations. The changes directly respond to issues found within the audit. For instance, the height is reduced from 45' to 35' for one- and two-family developments, and allows the current maximum height of 45' for 3+- family homes. The maximum height has been 45' for many years, preceding the 2015 changes, reflecting the presence of numerous 4-story buildings on Munjoy Hill and elsewhere in the R-6 zone. However, these larger buildings, though long part of the urban fabric of the peninsula, were invariably associated with multi-family buildings, while single family homes and duplexes tended to 3-stories and below. Similarly, changes to setbacks are proportionate to lot size and/or building size to encourage proportionately scaled new construction. These changes propose to mitigate impacts on adjacent lots while still allowing for a compact, relatively dense neighborhood pattern of a range of housing types and sizes, consistent with the purpose of the R-6 zone and the history of the neighborhood.

Within the IPOD, the following dimensional requirements supersede any outlined elsewhere in Chapter 14. Any standards not specifically addressed by the IPOD remain in effect.

	<i>Existing</i>	<i>IPOD</i>
<b>Height Maximum</b>	45'	35'; 45' for developments of 3 units or more on a lot over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.
<b>Side Yard Setback Minimum</b>	5 ft, except that a side yard in the R-6 zone may be reduced to zero, provided that the cumulative side yard setbacks are not less than 10 ft.	Buildings of height up to 35': As per the underlying zoning Buildings of 35' or more: 10' except that one side may be reduced to 5' if the other sides in sum are increased by the same amount.
<b>Structure Stepbacks</b>	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. Does not apply to side yards on side streets.	Stepback requirements in the underlying zoning shall not apply to side yards.
<b>Side Yard Setback on a Side Street Minimum</b>	None	5'; or the depth of the immediately abutting street-facing yard, whichever is greater.
<b>Rear Yard Setback Minimum</b>	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	As measured from a building: 20% of the maximum depth of a lot but no less than 10'. As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'

## 2. Design Standards

Building design is regulated in the Land Use Code and in the City of Portland Design Manual, which includes specific standards for the R-6 zone. A number of design standards are proposed in the IPOD:

- The “Alternative Design Review” process outlined in the *City of Portland Design Manual* for the R-6 zone is removed as an option for new developments in the R-6 zone on Munjoy Hill, as this has been identified in the course of the audit as an option in need of further evaluation and potential modification in the coming months.
- The IPOD requires traditional roof forms, and limits flat roofs to buildings with 3 or more units. This requirement, like the dimensional standards, seeks to better replicate traditional patterns, which included triple-decker multi-family buildings as well as gable and mansard-roofed buildings.
- The IPOD requires the first-floor front façade to contain active living space to address common issues in the design of first floor space dedicated to structured parking. This standard directs attention at the critical influence of the design of the front-façade’s first floor on the feel and function of urban streets and is intended to address the urban design goal of “putting eyes on the street.”
- In addition to the active front façade standards, parking placement is further regulated to the rear of the building, with limited exceptions for smaller lots.
- Rooftop appurtenances, other than chimneys, are required under the IPOD to be integrated into building design or placed out of public view. Locations for rooftop appurtenances are often brought forward after review and approval of a building design – this standard requires rooftop

appurtenance placement to be reviewed as part of the overall design of the building where it currently is not.

- A standard for building materials to be high quality and consistent with traditional building materials is included, as well. There are some standards for building materials in the City of Portland Design Manual, but this addition in the IPOD strengthens the importance of applicant's addressing suitability of new materials in the overall design. The standard allows for a full range of contemporary materials to continue to be used as long as they retain the residential feel of the neighborhood.

The attached IPOD includes several illustrations to accompany the text for these standards. This is a helpful practice used by many other communities that we are seeking to adopt as part of our code as we move forward.

## **VI. Public Input**

Public input about development trends on Munjoy Hill as well as on the moratorium and IPOD in particular has been provided in person, at neighborhood meetings, and via email (Section XI). There has been support for the moratorium in addition to some concern, particularly among property owners that anticipate plans for their own properties being altered or delayed. Thoughtful feedback and suggestions have been provided by Munjoy Hill residents in recent months, demonstrating a good deal of time, care and deliberation put in to this topic. Staff will continue to communicate with residents and the public throughout.

Recent feedback submitted via email (Attachment PC3) suggested that the IPOD include setback and height alterations similar to those staff is recommending. That feedback also recommended alterations to the parking and density standard that are not included in the IPOD. Staff analysis of patterns of new development on Munjoy Hill does not suggest either current minimum parking standards or density are creating negative impacts, and in fact have some positive benefits. The IPOD directly addresses numerous aspects of development scale and design, as each of these emerged aspects of current regulations that can be improved for improved results in the built environment.

As noted above, the parking provided in new projects in the R-6 zone regularly exceeds the minimum requirements, and even the previous requirement of 1 space per unit. The challenge of the newer project is therefore not addressed by reverting to the previous standard. In addition, requiring more off-street parking for relatively small projects often removes public parking from the street in cases where new curb cuts are created. Off-street parking minimums also have implications for new construction costs and neighborhood walkability.

Parking does create significant design issues however, and for this reason staff is recommending that the IPOD require better integration of parking into the design of buildings and layout of lots. Staff will continue to try to balance this complex topic in consideration of the City's regulations, design standards, and project review, but currently the most recent data available indicates that there is not only no need for increased minimum parking requirements in the R-6 zone, but potential detriment.

Density refers to the total number of housing units that can be built on a lot, but concerns that have been voiced about new construction have focused on the scale of new design, often new single- and two-

family homes, rather than the quantity of households on Munjoy Hill. As the R-6 has traditionally been, and currently strives to be, a walkable urban neighborhood of diverse housing types, no changes to permitted density are currently proposed. *Portland's Plan 2030*, as well as recent years of housing policy direction from the City Council, support new housing creation, and have been supportive of enabling infill in existing neighborhoods such as those in the R-6 zone in particular.

Staff will continue to discuss these and other concerns that may arise with all stakeholders in the coming months.

### **VII. Next Steps**

The Planning Board will need to make recommendations on the IPOD to the City Council, and the Council will need to adopt it within 65 days, with a public hearing in February. Following this, applications for new development in the R-6 zone on Munjoy Hill may be accepted and reviewed under the IPOD standards, though the moratorium on any proposed demolitions remains in place until the end of the 180 days.

Following IPOD adoption, staff will continue to develop long-term proposals for the zone, based in part on the findings of the R-6 audit, in part on feedback received to date, and in part through public outreach with Munjoy Hill Neighborhood Association, Greater Portland Landmarks, Portland Society for Architects, property owners, developers, and other stakeholders. Proposals for additional R-6 standards will be brought forward by April, for passage in June 2018. A spectrum of tools is being explored, from making the IPOD standards permanent on Munjoy Hill or zone-wide, to a Munjoy Hill-specific overlay that could take the form of something called a Neighborhood Conservation District, to the creation of a new Local Historic District, or some combination of these and other tools. As befitting a significant policy endeavor with implications for housing, neighborhood character, and sustainability, the City's comprehensive plan, *Portland's Plan 2030*, will be consulted throughout the process.

### **VIII. Staff Recommendations**

The staff recommends that the Planning Board find the proposed IPOD to be consistent with the Comprehensive Plan and recommend to the City Council its adoption.

### **IX. Motions for the Board to Consider**

On the basis of information contained in the Planning Report and testimony presented at the public hearing, the Board finds:

The proposed IPOD (is or is not) in conformance with the City of Portland Comprehensive Plan and therefore (recommends or does not recommend) approval of the proposed zoning amendments to the City Council.

**X. Attachments**

1. Proposed IPOD (Text Amendments to Portland Land Use Code, Div. 7, R-6 Residential Zone, 14-140.5
2. Adopted Moratorium
3. IPOD Examples
4. Supplemental memo to City Council (December 15, 2017)

**XI. Public Comment**

- PC 1 Chase
- PC 2 Macleod
- PC 3 Snyder/Agopian

**MEMORANDUM**  
**City Council Agenda Item**

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

**FROM:** Christine Grimando, Senior Planner

**DATE:** January 12, 2018

**SUBJECT:** Munjoy Hill Interim Planning Overlay District

**SPONSOR:** Elizabeth Boepple, Planning Board Chair

**COUNCIL MEETING DATE ACTION IS REQUESTED:**  
**1<sup>st</sup> reading** January 17, 2018 **Final Action** February 5, 2018

**Can action be taken at a later date:** \_\_\_ Yes \_\_\_ X \_\_\_ No (If no why not?)

The R-6 Moratorium states that implementation of an interim ordinance shall be in place for the final 115 days of the 180 moratorium which went into effect as of December 4<sup>th</sup>; February 5<sup>th</sup> is the final meeting date to meet this deadline.

**PRESENTATION: (List the presenter(s), type and length of presentation)**  
Staff will be available to answer questions.

**I. ONE SENTENCE SUMMARY**

The Munjoy Hill Interim Planning Overlay District (IPOD) is proposed to govern development in the R-6 on Munjoy Hill for the remaining 115 days of the demolition moratorium, while the Department of Planning and Urban Development creates permanent changes to the Land Use Code to mitigate demolition and design trends in the area.

**II. AGENDA DESCRIPTION**

On December 18<sup>th</sup> the City Council implemented a moratorium on new development applications and demolitions for the R-6 on Munjoy Hill, with a provision that interim review standards would be implemented within 65 days of the moratorium's effective date of December 4, 2017. The demolition moratorium remains in effect for the remaining 115 days, but applications for new Level I, Level II, and Level III site plan applications, as well as amendments to prior approvals, submitted after implementation of the IPOD could be accepted for review under the interim standards.

The IPOD introduces dimensional and design standards that are in addition to any other standards applicable to new development in the R-6 zone. The proposed changes are based on trends identified in the course of an audit of development activity and trends in the R-6 zone, and includes changes to height, setbacks, parking placement, rooflines, rooftop appurtenances, and building materials. The interim standards are intended to provide more contextually appropriate

new design, allow development to proceed, and form the basis for long-term changes in the zone. Over the course of the remaining 115 days of the moratorium staff will continue to investigate suitable amendments and/or additional tools to address concerns about demolitions and the character of new development on Munjoy Hill. Stakeholder outreach will be included throughout the process.

### **III. BACKGROUND**

In December 2017 the Council passed a 180-day moratorium on demolitions, with a moratorium on both demolitions and new construction within the first 65 days of the 180-day period, for the R-6 zone on Munjoy Hill. This action was taken in response to a recent concentration of demolitions of existing structures in the area, and accompanying concerns about the appropriateness of the design and scale of some of the new construction taking place. The moratorium was intended to pause new development activity and demolitions while interim and long term changes are prepared for the R-6 zone that can mitigate impacts to Munjoy Hill. The moratorium requires that interim development standards be put in place by the end of 65 days, to remain in place for the remaining 115 days. In response to this requirement, and based on staff's analysis of recent development trends in the R-6 zone, the IPOD proposes additional interim review standards that address scale and character of new development.

### **IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED**

The intended result is to allow new development applications to move forward over the remaining time period of the moratorium while staff continues to evaluate additional tools for the area.

### **V. FINANCIAL IMPACT**

Though there are no long term financial impacts anticipated for the City, this IPOD allows some property owners to proceed with projects before the end of the 180-day moratorium, mitigating potential short-term financial impacts on individuals and developers.

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

The report on the IPOD submitted to the Planning Board is attached as supporting analysis and context.

### **VII. STAFF RECOMMENDATION**

Planning Staff supports the proposed Interim Planning Overlay District for the remaining duration of the R-6 moratorium.

### **VIII. PLANNING BOARD RECOMMENDATION**

The Planning Board voted to recommend approval of the IPOD (6-0).

### **IX. LIST ATTACHMENTS**

- A. Munjoy Hill Interim Planning Overlay District
- B. Planning Board Report 1-8-2018

C. Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill

Prepared by: Christine Grimando  
Date: January 12, 2018

**Sec. 14-140.5. Munjoy Hill Interim Planning Overlay District (IPOD)**

There shall be a Munjoy Hill Interim Planning Overlay District (the "District"). This District shall remain in effect until June 4, 2018, after which time it shall expire and this Section 14-140.5 shall be removed from the Code of Ordinances.

**1. Area of Effect**

This District will apply in the highlighted area depicted on the map below and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

*Diagram 14-140.5.a.: Munjoy Hill Interim Planning Overlay District Boundaries*



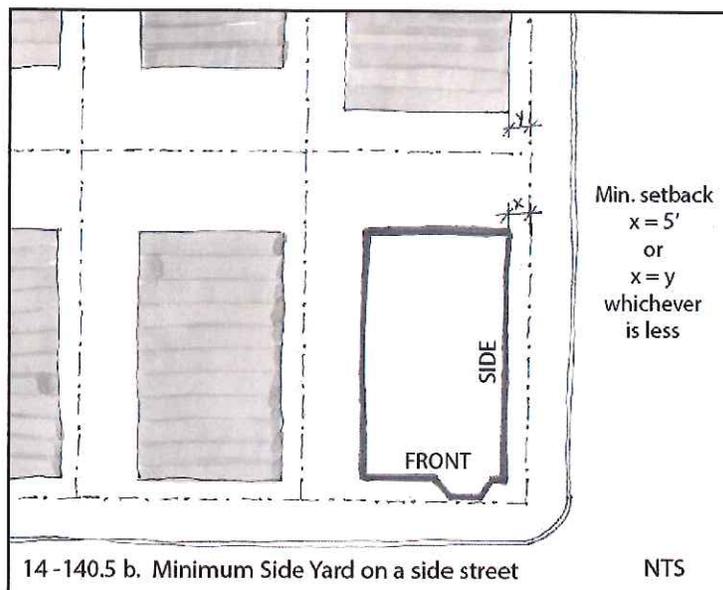
## 2. Effect of the District

In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6 zone all properties within this District shall meet the standards in this Section 14-140.5. In cases of conflict between this Section and other sections of Chapter 14, or the *City of Portland Design Manual* and *City of Portland Technical Manual*, the standards in this Section shall control.

## 3. Dimensional Standards

Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

Maximum Height	35'; 45' for developments of 3 units or more on a lot over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.
Minimum Side Yard Setback	Buildings of height up to 35': As per the underlying zoning Buildings of 35' or more: 10' except that one side may be reduced to 5' if the other sides in sum are increased by the same amount.
Stepbacks	Stepback requirements in the underlying zoning shall not apply to side yards.
Minimum Side Yard Setback on a side street	5'; or the depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less.
Minimum Rear Yard Setback	As measured from a building: 20% of the maximum depth of a lot but no less than 10'. As measured from rear decks, porches, or similar unenclosed space: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'



#### 4. Design Standards

Within the District, developments are not eligible for the "Alternative Design Review" process outlined in the *City of Portland Design Manual* for the R-6 zone.

In addition, the following design standards shall supersede any conflicting standards:

- All buildings shall use traditional roof forms as illustrated in Diagrams 14-140.5.c-f. Flat roofs are only permitted in buildings of 3 or more units;
- The first floor shall contain active living space with windows for at least 50% of the width of the front façade in total, as illustrated in Diagram 14-140.5.g. Active living space does not include circulation space;
- Parking shall be located in the rear of a building, and in no case within the front 10' depth of the building. The only exception shall be for lots smaller than 2,000 sf., which shall be permitted one garage door on the front façade no wider than 30% of the building width, but no less than 9'. In that case, the garage door shall (1) be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate; and (2) be located on one side of the façade. See Diagrams 14-140.5.h-i.;
- Rooftop appurtenances other than chimneys shall be integrated into the design or placed out of view from public rights-of-way;
- Building materials shall be high quality and of a scale consistent with traditional residential materials.

#### 5. Severability

To the extent any provision of this Section 14-140.5 is deemed invalid by a court of competent jurisdiction, the balance of this Section that shall remain shall be considered valid.

