

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 21, 2018?

1. City Council Meeting Agenda

Documents:

[CITY COUNCIL MEETING AGENDA 2018-05-21.PDF](#)

2. City Council Meeting Agenda And Packet: Tab 1 Thru 22

Documents:

[CITY COUNCIL MEETING AGENDA AND PACKET 2018-05-21 TAB 1 THRU 22.PDF](#)

3. City Council Meeting Agenda And Packet: Tab 23

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[CITY COUNCIL MEETING AGENDA AND PACKET 2018-05-21 TAB 23.PDF](#)

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

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

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 21, 2018

The Portland City Council will hold a regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) May 14, 2018 Draft Special City Council Meeting Minutes

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS:

**SCHOOL DEPARTMENT BUDGET ORDERS POSTPONED FROM
THE MAY 14, 2018 CITY COUNCIL MEETING.**

Order 200-17/18 (Tab 2) Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Order 200-17/18 to Order 204-17/18 are orders required by 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

Order 203-17/18 was passed as amended at the May 14, 2018 City Council meeting.

This order provides \$87,525,230 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$70,198,565 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$111,797,612 will be \$89,222,327.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 201-17/18
(Tab 3)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$597,496 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$597,496 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 202-17/18
(Tab 4)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,729,169 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,120,139 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 204-17/18
(Tab 5)**

Order Appropriating and sing Funds for Adult Education for Fiscal Year 2019 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order raises \$1,697,097 to support the Adult Education program and for the Food Service Program and appropriates a budget for that program of \$2,391,137. The budgets for the Adult Education Programs submitted by the Portland Board of Public Education are in addition to the \$105,843,472 proposed for the General Fund School Budget that must be submitted to the voters.

Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program as submitted by the Portland Board of Public Education are added to the proposed General Fund School Budget, it leads to a total for FY2019 school budget programs of \$111,797,612.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 21st.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

SECOND READING AND PUBLIC COMMENT OF MUNICIPAL BUDGET ORDERS.

**Order 206-17/18
(Tab 6)**

Order Approving Fiscal Year 2019 Administrative – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes certain administrative charges and changes in the City Clerk (Marriage Ceremony Package) a \$7,500 revenue increase (“+”), Executive (Passports), +\$30,000, Parking (Elm & Spring Garage, +\$473,000, and for parking tickets for expired and prolonged parking, +\$163,000), Fire (MEDCU), +\$100,000, Planning (Conditional Use), +\$1,800, Public Works (Hauler Licenses, +\$11,400 & Street Opening Fees, +\$22,000) and Parks Recreation and Facilities (PAF Administrative & Permit Fees), +\$17,500.

Department	Fee Description	Current Fee	Proposed Fee	Revenue Increase
City Clerk	Wedding Ceremony Package	None Offered	\$300	\$7,500
Executive	Passport processing, photos	Not offered	\$35.00; photos \$20	\$30,000
Parking	Spring and Elm Street Garages, hourly; monthly	\$2.00; \$120.00	\$3.00; \$130.00	\$380,000; \$93,000; total \$473,000
Parking	Expired and prolonged parking tickets	\$15.00; \$20.00	\$20.00; \$25.00	\$163,000
Fire Dept.	MEDCU, various; see back- up material	various	Increase of 7%	\$100,000
Planning and Urban Dev.	Application for Conditional Use, Planning Board Review	\$100	\$1,000	\$1,800
Public Works	Hauler licenses, etc.; various, see back- up material	various		\$11,400
Public Works	Street opening; various, see back- up material	various		\$23,000
Parks, Rec. & Facilities	Public Assembly Facilities administrative and permit fees, see back- up material	various		\$17,500

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 207-17/18
(Tab 7)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2019 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2019 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 208-17/18
(Tab 8)**

Order Re: Fiscal Year 2019 Self-Insured Liability Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by approving funds for this purpose.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 209-17/18
(Tab 9)**

Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly.

The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed.

This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Department	Fee Description	Current Fee	Proposed Fee	Revenue Increase
Parks, Rec. and Facilities	Before and After School Care	Afterschool, \$74.00/week Both Before and After: \$99.00/week	Afterschool, \$84.00/week Both Before and After: \$109.00/week	\$100,000

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 210-17/18
(Tab 10)**

Order Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2019 Health and Human Services Budget – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 211-17/18
(Tab 11)**

Order Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to accept and appropriate donations up to \$50,000 for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 212-17/18
(Tab 12)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 213-17/18
(Tab 13)**

Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This Order authorizes the City Manager to utilize a 2% COLA for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. It was given a first reading on May 14, 2018, Five affirmative votes are required for passage after public comment.

**Order 214-17/18
(Tab 14)**

Order Designating Fiscal Year 2019 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY19:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,208
Item B:	College Students	\$500
Item C:	Private School Tickets	\$450
Item D:	Needs-Based Tickets	\$3,000
Item E:	Bicycle Tickets	\$500
On-Island Transportation		
Item F:	ITS ("The Taxi")	\$16,000

Item G:	Cadet Funding	\$2,067
Islanders in Need		
Item H:	PITEA (for PIC, Heating Assistance Only)	\$4,000
Parks, Recreation, Open Space		
Item I:	PEAT Brochure	\$400
Island Services		
Item J:	Peaks Library, A/V Equipment	\$2,500
Item k:	Peaks Assisted Living Facility	\$2,000
PIC Administrative		
Item L:	Administrative	\$3,375
TOTAL (04/25/18):		\$40,000

This item must be read on two separate days. It was given a first reading on May 14 2018. Five affirmative votes are required for passage after public comment.

**Order 215-17/18
(Tab 15)**

Order for Fiscal Year 2019 Appropriating \$350,000 from Excess Fund - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Appropriating \$350,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$350,000 to be used in support of the \$862,500 local match needed for the construction and design of replacement vessels.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 216-17/18
(Tab 16)**

Order Appropriating \$500,000 from Assigned Fund Balance for Workers Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

The sum of Five-Hundred Thousand Dollars (\$500,000) of Assigned Fund Balance is hereby appropriated for use within the City’s Workers Compensation and Self Insurance program. This funding is in lieu of an FY19 operating budget request and will be used to pay one-time expenses related to workers compensation claims.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENT:

Order 217-17/18 (Tab 17) Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2019 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Part 1 amends the following fees in Chapter 10 in §10-18:

Chapter 10	Description	Current Fee	Proposed Fee
<i>Sec. 10-18</i>	Amendments		
10-18 (c)	Fire Alarm Inspections Sticker	\$20	\$25
Total revenue increase for FY19: \$5,000			

Part 2 amends the following fees in Chapter 14 in §14-54 and §14-530:

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-54</i>	Zone Change / Zone Map Fees		
(a) (1)	Zoning Map Amendments	\$3,000	\$7,500
(a) (2)	Zoning Text Amendments	\$3,000	\$7,500
(a) (3)	Combination Zoning Map & Text Amendments	\$4,000	\$10,000
(a) (4)	Conditional Rezoning	\$5,000	\$10,000
Total revenue increase for FY19: \$31,443			

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	Development review fees and post approval requirements:		
(a)	Development Review Fees:		
(a) (4)	Site Plan Review Expenses:		
(a) (4) (b)	Level I: Site Alteration	\$200	\$600
(a) (4) (c)	Level II: Site Plan	\$400	\$800
(a) (4) (d)	Level III: Site Plan		
(a) (4) (d) (i)	Under 50,000 sf	\$750	\$2,750
(a) (4) (d) (ii)	50,000-100,000 sf	\$1,000	\$3,000
(a) (4) (d) (iii)	100,000-200,000 sf	\$2,000	\$4,000
(a) (4) (d) (iv)	200,000-300,000 sf	\$3,000	\$5,000
(a) (4) (d) (v)	Over 300,000 sf	\$5,000	\$7,000
(a) (4) (d) (vi)	Parking Lots over 100 spaces	\$1,000	\$1,600

(a) (4) (f)	After the Fact Review *excludes Additional Application Fee	\$1,000	\$2,000
(a) (4) (g)	Amendment to Site Plans		
(a) (4) (g) (i)	Planning Board Review	\$500	\$1,500
(a) (4) (i)	Fee for Development Review Services		
(a) (4) (i) (i)	Planning fee per hour	\$52	\$54
(a) (4) (l) (i)	Inspection Fees, as required in Section 14-530 (b) (5)	\$52	\$54
Total revenue increase for FY19: \$26,900			

The fee changes in Chapter 14 are primarily based on staff analysis of the expenses that are already charged to applicants. In the interest of providing clear, up-front pricing of Chapter 14 reviews, staff analyzed the average costs that are billed to applicants for each type of application and incorporated many of them into the application fee. So while the up-front fee is higher, staff will no longer charge applicants for many items that applicants are currently billed for after the fact.

Part 3 amends the following fees in Chapter 15 in §15-6:

Chapter 15	Description	Current Fee	Proposed Fee
Licenses & Permits			
<i>Sec. 15-6(a)</i>	Application Fees		
15-6 (a)	Application for original license administrative fee	\$35	\$45
15-6 (a)	Application for renewal of license	\$25	\$35
Total revenue increase for FY19: \$14,970			

Part 4 amends the following fees in Chapter 24 in §24-72 and §24-84

The proposed sewer rate for July 1, 2018 is \$9.95 per hundred cubic feet (hcf), up from the July 1, 2017 rate of \$9.65 hcf. The proposed stormwater fee for July 1, 2018 is \$6.30 per 1,200 square feet of impervious surface area, an increase from the current fee of \$6.00.

Chapter 24	Description	Current Fee	Proposed Fee
<i>Sec. 24-72</i>	Sanitary sewer user charges		
24-72 (c)	Sewer user fees	\$9.65/ hcf	\$9.95/ hcf
24-84(a)	Stormwater fee	\$6.00	\$6.30

Sewer revenue increase: \$755,049
Stormwater revenue increase: \$330,149
Total revenue increase for FY19: \$1,085,198

A second amendment in Chapter 24, Section 24-83 exempts all City buildings and real property from the Stormwater fee.

Part 5 adds the following new fees in **Chapter 25 in §25-27 and §25-119.:**

Chapter 25	Description	Current Fee	Proposed Fee
Streets, Sidewalks, and Other Public Places			
<i>Sec. 25-27</i>	Fees and fines		
25-27 (a) (3)	Vehicles, equipment, or construction materials (per day or any portion thereof)	\$15/day	Rate Tier Changes *see Below
	Parking Space Permit	\$15/day	\$20/day
	Sidewalk Permit	\$15/day	\$20/day
	Single Lane Closure	\$15/day	\$50/day
	Street Closure	\$15/day	\$100/day
25-27 (c) (1)	Failure to obtain...permit	\$75/day	\$125/day
25-27 (c) (2)	Non-compliance: Failure to follow an approved management plan....	revenue increase \$50/day	\$100/day
Total revenue increase for FY19: \$192,500			

Chapter 25	Description	Current Fee	Proposed Fee
<i>Sec. 25-119</i>	Excavator license		
<i>Sec. 25-119</i>	Annual License Fee	\$596	\$600
	Paving License	NA	\$100
Total revenue increase for FY19: \$876			

*An additional amendment to Chapter 25 in the Sidewalk Snow Removal sections will be brought forward in a later agenda.

Part 6 amends the following fee in **Chapter 28 in §28-86:**

Chapter 28	Description	Current Fee	Proposed Fee
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<i>Sec. 28-86</i>	Parking Meter Rates	\$1.25/ hr	\$1.50/hr
Total revenue increase for FY19: \$600,000			

All fee increases are effective July 1, 2018.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE:

Order 218-17/18 (Tab 18) Fiscal Year 2018-2019 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2019 for action by the City Council.

The Resolve contains the Finance Committee’s recommended budget for FY2019 for general municipal purposes in the amount of **\$247,954,999**. In addition it contains the Portland Board of Education’s recommended budget as amended according to the Finance Committee for FY2019 for school purposes in the amount of **\$110,578,716**

The Finance Committee’s budget recommendations for municipal purposes results in a combined tax levy of **\$177,577,781** for Fiscal Year 2019. The tax rate based on the combined levies would be \$22.48 per \$1,000 of assessed value, a 3.8% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2018 and sets September 14, 2018, as the tax due date, which may be paid in two installments due on September 14, 2018, and March 8, 2019.

The delinquency rate of interest is set at 8.0% per year, and the abatement rate of interest is set at 4.0% per year.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

ORDER:

AMENDMENTS:

Order 219-17/18 (Tab 19) Amendment to Portland City Code Chapter 2 Re: Term Limit Removed for Board of Harbor Commissioners - Sponsored by the Legislative/Nominating Committee – Sponsored by Pious Ali, Chair.

The Legislative /Nominating Committee met on April 23, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from various private and special laws passed by the Maine Legislature.

Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to three years (3) consecutive full terms or nine years whichever comes first.

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33.

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

**Order 220-17/18
(Tab 20)**

Amendment to Portland City Code Chapters 2 and 15 RE: Ending Collection of Past Due Personal Property Tax from Subsequent Property Owners – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this

has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair.

The City Manager and his staff agree that requiring such payments is not in the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

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

**Order 221-17/18
(Tab 21)**

Amendment to Portland City Code Chapter 14 Adding a New Section 14-140.5 (Munjoy Hill Conservation Overlay District) Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning Overlay District) - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

Following six months of stakeholder meetings, including two public listening sessions, the Planning Board is recommending creation of a new overlay district to regulate development in the R-6 zone on Munjoy Hill. These amendments would create additional dimensional standards for development; add requirements regulating design of items such as roof lines and parking location; and add a demolition review process that would temporarily stay removal of buildings that meet standards for being 'preferably preserved.' These ordinance changes are designed to ensure that new development and redevelopment on Munjoy Hill is compatible with the existing built form in the area.

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

**Order 222-17/18
(Tab 22)**

Amendment to Portland City Code Chapter 14 Re: Additions to Existing Buildings - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

These amendments would simplify and modernize the requirements for additions to non-conforming structures in the City in order to better accommodate owners' desire to put limited additions on these structures. A non-conforming structure would be allowed to add a one-time, one-story addition onto a non-conforming section, provided that any addition does not otherwise increase the non-conformity of the building.

These amendments came out of the Munjoy Hill outreach process based on the concern that the existing language made it difficult to add on to existing homes, and therefore encouraged demolition over renovation.

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

**Order 223-17/18
(Tab 23)**

**Amendment to Zoning Map Re: Munjoy Hill Neighborhood
Conservation Overlay District – Sponsored by the Planning Board,
Sean Dundon, Chair.**

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage. This item must be read on two separate days. This is its first reading.

This is a companion order to Order 221-17/18 and Order 222-17/18 above. It would replace the Munjoy Hill Interim Planning Overlay District with a new Overlay Zone.

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

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
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AGENDA
REGULAR CITY COUNCIL MEETING
MAY 21, 2018

The Portland City Council will hold a regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

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Order 203-17/18 was passed as amended at the May 14, 2018 City Council meeting.

This order provides \$87,525,230 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$70,198,565 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$111,797,612 will be \$89,222,327.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 201-17/18
(Tab 3)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$597,496 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$597,496 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 202-17/18
(Tab 4)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,729,169 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,120,139 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

**Order 204-17/18
(Tab 5)**

Order Appropriating and sing Funds for Adult Education for Fiscal Year 2019 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order raises \$1,697,097 to support the Adult Education program and for the Food Service Program and appropriates a budget for that program of \$2,391,137. The budgets for the Adult Education Programs submitted by the Portland Board of Public Education are in addition to the \$105,843,472 proposed for the General Fund School Budget that must be submitted to the voters.

Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program as submitted by the Portland Board of Public Education are added to the proposed General Fund School Budget, it leads to a total for FY2019 school budget programs of \$111,797,612.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 21st.

This item must be read on two separate days. At the May 14 Council meeting this item was given a second reading, public comment was taken, and this item was postponed to this meeting. Five affirmative votes are required for passage.

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

SECOND READING AND PUBLIC COMMENT OF MUNICIPAL BUDGET ORDERS.

**Order 206-17/18
(Tab 6)**

Order Approving Fiscal Year 2019 Administrative – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes certain administrative charges and changes in the City Clerk (Marriage Ceremony Package) a \$7,500 revenue increase (“+”), Executive (Passports), +\$30,000, Parking (Elm & Spring Garage, +\$473,000, and for parking tickets for expired and prolonged parking, +\$163,000), Fire (MEDCU), +\$100,000, Planning (Conditional Use), +\$1,800, Public Works (Hauler Licenses, +\$11,400 & Street Opening Fees, +\$22,000) and Parks Recreation and Facilities (PAF Administrative & Permit Fees), +\$17,500.

Department	Fee Description	Current Fee	Proposed Fee	Revenue Increase
City Clerk	Wedding Ceremony Package	None Offered	\$300	\$7,500
Executive	Passport processing, photos	Not offered	\$35.00; photos \$20	\$30,000
Parking	Spring and Elm Street Garages, hourly; monthly	\$2.00; \$120.00	\$3.00; \$130.00	\$380,000; \$93,000; total \$473,000
Parking	Expired and prolonged parking tickets	\$15.00; \$20.00	\$20.00; \$25.00	\$163,000
Fire Dept.	MEDCU, various; see back- up material	various	Increase of 7%	\$100,000
Planning and Urban Dev.	Application for Conditional Use, Planning Board Review	\$100	\$1,000	\$1,800
Public Works	Hauler licenses, etc.; various, see back- up material	various		\$11,400
Public Works	Street opening; various, see back- up material	various		\$23,000
Parks, Rec. & Facilities	Public Assembly Facilities administrative and permit fees, see back- up material	various		\$17,500

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 207-17/18
(Tab 7)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2019 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2019 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 208-17/18
(Tab 8)**

Order Re: Fiscal Year 2019 Self-Insured Liability Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by approving funds for this purpose.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 209-17/18
(Tab 9)**

Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly.

The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed.

This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Department	Fee Description	Current Fee	Proposed Fee	Revenue Increase
Parks, Rec. and Facilities	Before and After School Care	Afterschool, \$74.00/week Both Before and After: \$99.00/week	Afterschool, \$84.00/week Both Before and After: \$109.00/week	\$100,000

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 210-17/18
(Tab 10)**

Order Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2019 Health and Human Services Budget – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 211-17/18
(Tab 11)**

Order Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to accept and appropriate donations up to \$50,000 for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 212-17/18
(Tab 12)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

This item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

**Order 213-17/18
(Tab 13)**

Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This Order authorizes the City Manager to utilize a 2% COLA for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. It was given a first reading on May 14, 2018, Five affirmative votes are required for passage after public comment.

**Order 214-17/18
(Tab 14)**

Order Designating Fiscal Year 2019 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY19:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,208
Item B:	College Students	\$500
Item C:	Private School Tickets	\$450
Item D:	Needs-Based Tickets	\$3,000
Item E:	Bicycle Tickets	\$500
On-Island Transportation		
Item F:	ITS ("The Taxi")	\$16,000

Item G:	Cadet Funding	\$2,067
Islanders in Need		
Item H:	PITEA (for PIC, Heating Assistance Only)	\$4,000
Parks, Recreation, Open Space		
Item I:	PEAT Brochure	\$400
Island Services		
Item J:	Peaks Library, A/V Equipment	\$2,500
Item k:	Peaks Assisted Living Facility	\$2,000
PIC Administrative		
Item L:	Administrative	\$3,375
TOTAL (04/25/18):		\$40,000

This item must be read on two separate days. It was given a first reading on May 14 2018. Five affirmative votes are required for passage after public comment.

**Order 215-17/18
(Tab 15)**

Order for Fiscal Year 2019 Appropriating \$350,000 from Excess Fund - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Appropriating \$350,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$350,000 to be used in support of the \$862,500 local match needed for the construction and design of replacement vessels.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

**Order 216-17/18
(Tab 16)**

Order Appropriating \$500,000 from Assigned Fund Balance for Workers Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

The sum of Five-Hundred Thousand Dollars (\$500,000) of Assigned Fund Balance is hereby appropriated for use within the City’s Workers Compensation and Self Insurance program. This funding is in lieu of an FY19 operating budget request and will be used to pay one-time expenses related to workers compensation claims.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENT:

Order 217-17/18 (Tab 17) Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2019 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Part 1 amends the following fees in Chapter 10 in §10-18:

Chapter 10	Description	Current Fee	Proposed Fee
<i>Sec. 10-18</i>	Amendments		
10-18 (c)	Fire Alarm Inspections Sticker	\$20	\$25
Total revenue increase for FY19: \$5,000			

Part 2 amends the following fees in Chapter 14 in §14-54 and §14-530:

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-54</i>	Zone Change / Zone Map Fees		
(a) (1)	Zoning Map Amendments	\$3,000	\$7,500
(a) (2)	Zoning Text Amendments	\$3,000	\$7,500
(a) (3)	Combination Zoning Map & Text Amendments	\$4,000	\$10,000
(a) (4)	Conditional Rezoning	\$5,000	\$10,000
Total revenue increase for FY19: \$31,443			

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	Development review fees and post approval requirements:		
(a)	Development Review Fees:		
(a) (4)	Site Plan Review Expenses:		
(a) (4) (b)	Level I: Site Alteration	\$200	\$600
(a) (4) (c)	Level II: Site Plan	\$400	\$800
(a) (4) (d)	Level III: Site Plan		
(a) (4) (d) (i)	Under 50,000 sf	\$750	\$2,750
(a) (4) (d) (ii)	50,000-100,000 sf	\$1,000	\$3,000
(a) (4) (d) (iii)	100,000-200,000 sf	\$2,000	\$4,000
(a) (4) (d) (iv)	200,000-300,000 sf	\$3,000	\$5,000
(a) (4) (d) (v)	Over 300,000 sf	\$5,000	\$7,000
(a) (4) (d) (vi)	Parking Lots over 100 spaces	\$1,000	\$1,600

(a) (4) (f)	After the Fact Review *excludes Additional Application Fee	\$1,000	\$2,000
(a) (4) (g)	Amendment to Site Plans		
(a) (4) (g) (i)	Planning Board Review	\$500	\$1,500
(a) (4) (i)	Fee for Development Review Services		
(a) (4) (i) (i)	Planning fee per hour	\$52	\$54
(a) (4) (l) (i)	Inspection Fees, as required in Section 14-530 (b) (5)	\$52	\$54
Total revenue increase for FY19: \$26,900			

The fee changes in Chapter 14 are primarily based on staff analysis of the expenses that are already charged to applicants. In the interest of providing clear, up-front pricing of Chapter 14 reviews, staff analyzed the average costs that are billed to applicants for each type of application and incorporated many of them into the application fee. So while the up-front fee is higher, staff will no longer charge applicants for many items that applicants are currently billed for after the fact.

Part 3 amends the following fees in **Chapter 15 in §15-6:**

Chapter 15	Description	Current Fee	Proposed Fee
Licenses & Permits			
<i>Sec. 15-6(a)</i>	Application Fees		
15-6 (a)	Application for original license administrative fee	\$35	\$45
15-6 (a)	Application for renewal of license	\$25	\$35
Total revenue increase for FY19: \$14,970			

Part 4 amends the following fees in **Chapter 24 in §24-72 and §24-84**

The proposed sewer rate for July 1, 2018 is \$9.95 per hundred cubic feet (hcf), up from the July 1, 2017 rate of \$9.65 hcf. The proposed stormwater fee for July 1, 2018 is \$6.30 per 1,200 square feet of impervious surface area, an increase from the current fee of \$6.00.

Chapter 24	Description	Current Fee	Proposed Fee
<i>Sec. 24-72</i>	Sanitary sewer user charges		
24-72 (c)	Sewer user fees	\$9.65/ hcf	\$9.95/ hcf
24-84(a)	Stormwater fee	\$6.00	\$6.30

Sewer revenue increase: \$755,049 Stormwater revenue increase: \$330,149 Total revenue increase for FY19: \$1,085,198
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A second amendment in Chapter 24, Section 24-83 exempts all City buildings and real property from the Stormwater fee.

Part 5 adds the following new fees in **Chapter 25 in §25-27 and §25-119.:**

Chapter 25	Description	Current Fee	Proposed Fee
Streets, Sidewalks, and Other Public Places			
<i>Sec. 25-27</i>	Fees and fines		
25-27 (a) (3)	Vehicles, equipment, or construction materials (per day or any portion thereof)	\$15/day	Rate Tier Changes *see Below
	Parking Space Permit	\$15/day	\$20/day
	Sidewalk Permit	\$15/day	\$20/day
	Single Lane Closure	\$15/day	\$50/day
	Street Closure	\$15/day	\$100/day
25-27 (c) (1)	Failure to obtain...permit	\$75/day	\$125/day
25-27 (c) (2)	Non-compliance: Failure to follow an approved management plan....	revenue increase \$50/day	\$100/day
Total revenue increase for FY19: \$192,500			

Chapter 25	Description	Current Fee	Proposed Fee
<i>Sec. 25-119</i>	Excavator license		
<i>Sec. 25-119</i>	Annual License Fee	\$596	\$600
	Paving License	NA	\$100
Total revenue increase for FY19: \$876			

*An additional amendment to Chapter 25 in the Sidewalk Snow Removal sections will be brought forward in a later agenda.

Part 6 amends the following fee in **Chapter 28 in §28-86:**

Chapter 28	Description	Current Fee	Proposed Fee
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<i>Sec. 28-86</i>	Parking Meter Rates	\$1.25/ hr	\$1.50/hr
Total revenue increase for FY19: \$600,000			

All fee increases are effective July 1, 2018.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE:

Order 218-17/18 (Tab 18) Fiscal Year 2018-2019 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2019 for action by the City Council.

The Resolve contains the Finance Committee’s recommended budget for FY2019 for general municipal purposes in the amount of **\$247,954,999**. In addition it contains the Portland Board of Education’s recommended budget as amended according to the Finance Committee for FY2019 for school purposes in the amount of **\$110,578,716**

The Finance Committee’s budget recommendations for municipal purposes results in a combined tax levy of **\$177,577,781** for Fiscal Year 2019. The tax rate based on the combined levies would be \$22.48 per \$1,000 of assessed value, a 3.8% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2018 and sets September 14, 2018, as the tax due date, which may be paid in two installments due on September 14, 2018, and March 8, 2019.

The delinquency rate of interest is set at 8.0% per year, and the abatement rate of interest is set at 4.0% per year.

This item must be read on two separate days. It was given a first reading on May 14, 2018. Five affirmative votes are required for passage after public comment.

ORDER:

AMENDMENTS:

Order 219-17/18 (Tab 19) Amendment to Portland City Code Chapter 2 Re: Term Limit Removed for Board of Harbor Commissioners - Sponsored by the Legislative/Nominating Committee – Sponsored by Pious Ali, Chair.

The Legislative /Nominating Committee met on April 23, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from various private and special laws passed by the Maine Legislature.

Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to three years (3) consecutive full terms or nine years whichever comes first.

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33.

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

**Order 220-17/18
(Tab 20)**

Amendment to Portland City Code Chapters 2 and 15 RE: Ending Collection of Past Due Personal Property Tax from Subsequent Property Owners – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this

has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair.

The City Manager and his staff agree that requiring such payments is not in the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

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

**Order 221-17/18
(Tab 21)**

Amendment to Portland City Code Chapter 14 Adding a New Section 14-140.5 (Munjoy Hill Conservation Overlay District) Replacing the Existing Section 14-140.5 (Munjoy Hill Interim Planning Overlay District) - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

Following six months of stakeholder meetings, including two public listening sessions, the Planning Board is recommending creation of a new overlay district to regulate development in the R-6 zone on Munjoy Hill. These amendments would create additional dimensional standards for development; add requirements regulating design of items such as roof lines and parking location; and add a demolition review process that would temporarily stay removal of buildings that meet standards for being 'preferably preserved.' These ordinance changes are designed to ensure that new development and redevelopment on Munjoy Hill is compatible with the existing built form in the area.

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

**Order 222-17/18
(Tab 22)**

Amendment to Portland City Code Chapter 14 Re: Additions to Existing Buildings - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

These amendments would simplify and modernize the requirements for additions to non-conforming structures in the City in order to better accommodate owners' desire to put limited additions on these structures. A non-conforming structure would be allowed to add a one-time, one-story addition onto a non-conforming section, provided that any addition does not otherwise increase the non-conformity of the building.

These amendments came out of the Munjoy Hill outreach process based on the concern that the existing language made it difficult to add on to existing homes, and therefore encouraged demolition over renovation.

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

**Order 223-17/18
(Tab 23)**

**Amendment to Zoning Map Re: Munjoy Hill Neighborhood
Conservation Overlay District – Sponsored by the Planning Board,
Sean Dundon, Chair.**

The Planning Board met on May 8, 2018 and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage. This item must be read on two separate days. This is its first reading.

This is a companion order to Order 221-17/18 and Order 222-17/18 above. It would replace the Munjoy Hill Interim Planning Overlay District with a new Overlay Zone.

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

IN COUNCIL SPECIAL MEETING MAY 14, 2018 VOL.133 PAGE 211

ROLL CALL: Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Duson, Councilor Cook arrived during Order 210).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to approve the minutes of the May 7, 2018 Regular City Council Meeting. Passage 7-0.

Mayor Strimling took orders 206-218 out of order.

FIRST READING OF MUNICIPAL BUDGET ORDERS. SECOND READING AND PUBLIC COMMENT ON MUNICIPAL ORDERS WILL BE HELD ON MAY 21, 2018 AT 5:30 P.M. IN CITY COUNCIL CHAMBERS.

Order 206-17/18 Order Approving Fiscal Year 2019 Administrative – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This is a first reading.

Order 207-17/18 Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2019 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This is its first reading.

Order 208-17/18 Order Re: Fiscal Year 2019 Self-Insured Liability Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Mavodones to postpone Order 208 to the May 21, 2018 City Council meeting. Passage 7-0. (Duson, Cook).

Order 209-17/18 **Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

Motion was made by Councilor Mavodones and seconded by Councilor Ray to postpone Order 209 to the May 21, 2018. Passage 7-0, (Duson, Cook).

Order 210-17/18 **Order Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2019 Health and Human Services Budget – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This is its first reading.

Order 211-17/18 **Order Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

Motion was made by Councilor Mavodones and seconded by Councilor Batson to postpone Order 211 to the May 21, 2018 City Council Meeting. Passage 9-0.

Order 212-17/18 **Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

Motion was made by Councilor Mavodones and seconded by Councilor Duson to postpone Order 212 to the May 21, 2018 City Council Meeting. Passage 9-0.

Order 213-17/18 **Order Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This is its first reading.

Order 214-17/18 **Order Designating Fiscal Year 2019 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.**

This is its first reading.

IN COUNCIL SPECIAL MEETING MAY 14, 2018 VOL.133 PAGE 213

Order 215-17/18 Order for Fiscal Year 2019 Appropriating \$350,000 from Excess Fund - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This is its first reading.

Order 216-17/18 Order Appropriating \$500,000 from Assigned Fund Balance for Workers Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This is its first reading

RELATED ORDINANCE AMENDMENT:

Order 217-17/18 Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2019 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This is its first reading.

APPROPRIATION RESOLVE:

Order 218-17/18 Fiscal Year 2018-2019 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This is its first reading.

PROCLAMATIONS:

Proc 35-17/18 Proclamation Honoring Officer Sara Clukey as Police Officer of the Month for March 2018 – Sponsored by Mayor Ethan Strimling.

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

COMMUNICATIONS:

IN COUNCIL SPECIAL MEETING MAY 14, 2018 VOL.133 PAGE 214

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 205-17/18 Amendment to Portland City Code Chapter 14 Re: Conditional Uses in the R-3 and R-5 Zones – Sponsored by the Planning Board, Sean Dundon, Chair.

It was given a first reading on May 7, 2018.

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

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ORDERS:

AMENDMENTS:

BUDGET ITEMS: SECOND READING AND PUBLIC COMMENT ON SCHOOL BUDGET ORDERS

Order 200-17/18 Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

It was given a first reading and public hearing on May 7, 2018

Motion was made by Councilor Costa and seconded by Councilor Ray to postpone Order 200 to the May 21, 2108 City Council meeting. Passage 9-0.

Order 201-17/18 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

It was given a first reading and public hearing on May 7, 2018

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to postpone Order 201 to the May 21, 2018 City Council meeting. Passage 9-0.

IN COUNCIL SPECIAL MEETING MAY 14, 2018 VOL.133 PAGE 215

Order 202-17/18 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

It was given a first reading and public hearing on May 7, 2018

Motion was made by Councilor Batson and seconded by Councilor Ray to postpone Order 202 to the May 21, 2018 City Council Meeting. Passage 9-0.

Order 203-17/18 Order Approving Total School Operating Budget for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

It was given a first reading and public hearing on May 7, 2018.

Motion was made by Councilor Costa and seconded by Councilor Mavodones to amend Order 203 by changing the amount that the City authorizes the School Committee to expend from \$105,843,472 to \$104,624,576. Passage 7-2 (Ali, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Duson to reconsider the vote on Order 203. Passage 9-0.

Motion was made by Councilor Ali to amend Councilor Costa's amendment by deleting \$600,000 from the total School Budget. Motion failed 2-7 (Duson, Mavodones, Cook, Costa, Ray, Thibodeau, Batson.)

Motion was made by Councilor Costa and seconded by Councilor Mavodones to amend Order 203 by changing the amount that the City authorizes the School Committee to expend from \$105,843,472 to \$104,624,576. Passage 7-2 (Ali, Strimling).

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage as amended. Passage 8-1. (Strimling)

IN COUNCIL SPECIAL MEETING MAY 14, 2018 VOL.133 PAGE 216

Order 204-17/18 Order Appropriating and Raising Funds for Adult Education for Fiscal Year 2019 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

It was given a first reading and public hearing on May 7, 2018

Motion was made by Councilor Batson and seconded by Councilor Thibodeau to postpone Order 204 to the May 21, 2018 City Council meeting. Passage 9-0.

Motion was made by Councilor Batson and seconded by Councilor Thibodeau to adjourn. Passage 9-0, 9:25 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Tab 2 5-21-18

Order 200-17/18
Postponed to 5/21/2018: 9-0 on 5/14/2018

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

**ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12
FOR PORTLAND PUBLIC SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City's Fiscal Year 2018-2019 Appropriation Resolve Order 218-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$87,525,230 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$70,198,565 as the City's contribution to the total cost of funding public education from kindergarten to grade 12, both as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

State Mandated Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined under state law annually to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

Tab 3 5-21-18

Order 201-17/18

Postponed to 5/21/2018: 9-0 on 5/14/2018

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

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT
SERVICE FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City's Fiscal Year 2018-2019 Appropriation Resolve Order 218-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019.

Appropriation for Non-State Funded Debt Service (20-A M.R.S.A. §15690(2)(A)).

That the City raise and appropriate \$597,496 for the annual payments on debt service previously approved by the legislative body for non-state funded school construction projects and non-state funded portions of school construction projects, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

***State Mandated Explanation:** Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or the City Council.*

Tab 4 - 5-21-18

Order 202-17/181

Postponed to 5/21/2018: 9-0 on 5/14/2018

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

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FISCAL YEAR 2019**

ORDERED, that under and pursuant to the City’s Fiscal Year 2018-2019 Appropriation Resolve Order 218-17/18 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2018-2019:

Authorization to Exceed the Portland School Department’s Maximum State and Local Spending Target Established Pursuant to Maine Revised Statutes, Title 20-A § 15671-A(4) and Appropriating Additional Local Funds: That the City raises and appropriates \$16,729,169 in additional local funds, which exceeds the State’s Essential Programs and Services allocation model by \$20,120,139 as required to fund the budget recommended by the Portland Board of Public Education.

That amount is needed to cover the School Department’s costs that the state’s funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; PATHS costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

***State Mandated Explanation:** The additional local funds are those locally raised funds over and above the City’s local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the City’s budget for educational programs.*

[NOTE: City council approval of this order requires 5 affirmative votes, see 20-A M.R.S.A. section 15671-A(5)(B)(2)(requiring for council approval “a majority of the entire membership of the council”) and see Article II, section 11 of the City Charter (requiring 5 affirmative votes for final passage).]

Tab 6 5-21-18

Order 204-17/18

Postponed to 5/21/2018: 9-0 on 5/14/2018

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

**ORDER APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FISCAL YEAR 2019 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S. §8603-A(1)**

ORDERED, that the sum of \$2,391,137 is hereby appropriated for Adult Education for Fiscal Year 2018-2019 and that the sum of \$1,697,097 is hereby raised as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

***Explanation:** Under state law, the appropriation for adult education falls outside the total annual budget for public schools addressed in the prior order when it passes the Appropriation Resolve.*

Order 2018 - 17/18
~~Tab 9 - 5-14-18~~
Tab 6 5-21-18

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

ORDER APPROVING FISCAL YEAR 2019 ADMINISTRATIVE FEES

ORDERED, that the administrative fee in the Office of the City Clerk for the Marriage Ceremony Package, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the passport processing fee in the Executive Department, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the hourly and monthly parking fees in both the Elm Street Garage and the Spring Street Garage in the Parking Division, as shown in the schedule attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that the expired parking meter ticket and the prolonged parking ticket increase by \$5.00 each in the Parking Division, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the fee increase for the Medical Crisis Units (MEDCU), the fee for responding to calls for Hazardous Materials operated by the Fire Department and other changes, as shown in the schedule attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that the administrative fee for Planning Board Review for Conditional Use in the Department of Planning and Urban Development, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the Solid Waste License and Permit fees, the Street Opening License and Permit fees, the Pavement Restoration Charge in the Public Works Department, as shown in the schedule attached hereto, are hereby approved; and

BE IT FURTHER ORDERED, that the event Permit fees in the Parks, Recreation and Facilities Department, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that all other administrative fees currently in effect that are not otherwise changed herein shall remain in effect for Fiscal Year 2019; and

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2018.



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

MEMORANDUM

TO: Jon Jennings, City Manager
Jennifer Lodge, Budget Director

FROM: Carolyn Dorr, PFO City Clerk Office

DATE: January 30, 2018

RE: FY19 Proposed New Fee

Requesting that the attached fee be approved.

The Clerks Office would like to offer a Marriage Ceremony Package as an additional option to the basic ceremony that is currently performed at the counter in the Clerk's office. Over the past couple of years there has been an increase in interest by customers for a little more formal type of ceremony to be performed.

The Package would include the ceremony performed by City Clerk Staff, in State of Maine room, with 1 hour rental; providing a decorated Led candle lit mantle and use of faux floral bouquet. Prior appointment would be required (minimum of 2 weeks).

Currently the fee for a marriage ceremony is \$125.
The proposed marriage package fee is \$300.

Fy19 estimated number of marriage ceremonies is 214
189 performed at the counter
25 packages for an additional \$7, 500

cc: Brendan O'Connell

FY19 REVENUE FEE SCHEDULE CHANGE

Department:

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1200-341-00.00	Marriage Ceremony Package	new	300.00



Office of the City Clerk
Katherine L Jones, CMC

MEMORANDUM

TO: Mayor Strimling and Members of the City Council
FROM: Katherine Jones, City Clerk
DATE: May 8, 2018
RE: Passports

Acceptance Agents are throughout the United States of America. They are usually in post offices, courthouses, and other state department buildings. U.S. Passport Help Guide has developed an entire catalog of all passport offices around the United States. The City Clerk's office was a passport agent until the Federal Government would no longer allow offices that issued birth certificates to be able to process passports. So in June 2011 it was removed from the City Clerk's office.

I have been asked by the Finance Department to put a memo together that would show what we could expect to bring in for revenue if we were to be an agent again for the Federal Government.

On April 2nd, 2018 passport government fees are going from \$25 to \$35.00.

Based on 2011 budget we processed 680 passports @ \$25.00, and we processed 345 passport photos at \$10.00.

For the upcoming budget the fees for passports has increased to \$35.00 per application. We can increase photos to \$20.00 (this is for two photos).

Projected applications at 680 at \$35.00 = 23,800
Projected applications at 345 at \$20.00 = 6,900
Total \$29,700

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: APRIL 23, 2018
RE: FY19 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY19 Revenue Fee Schedule Change for the Administrative Fees for Parking Division. Listed below is the affected revenue code and the amount of increase.

Parking Elm St.

100-1803-364-01-00	Garages, Lots, Meters / Hourly Parking	
	Hourly Parking from \$2.00 to \$ 3.00 per hour	\$100,000
100-1803-364-02-00	Garages, Lots, Meters / Monthly Parking	
	Monthly Parking from \$120. 00 to \$130.00 per mo.	\$28,000

Elm St. Total Increase: \$128,000

Parking Spring St.

100-1804-364-01-00	Garages, Lots, Meters / Hourly Parking	
	Hourly Parking from \$2.00 to \$ 3.00 per hour	\$280,000
100-1804-364-02-00	Garages, Lots, Meters / Monthly Parking	
	Monthly Parking from \$120. 00 to \$130.00 per mo.	\$65,000

Spring St. Total Increase: \$345,000

All were last revised FY 17 Admin Fee Order #243-15/16

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Parking

Administrative Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1803-364.01-00	Garages, Lots, Meters Elm St. Hourly Parking	\$2.00 / hr	\$3.00 / hr
100-1803-364.02-00	Garages, Lots, Meters Elm St. Monthly Parking	\$120.00 / mo	\$130.00 / mo
100-1804-364.01-00	Garages, Lots, Meters Spring St.Hourly Parking	\$2.00 / hr	\$3.00 / hr
100-1804-364.02-00	Garages, Lots, Meters Spring St. Monthly Parking	\$120.00 / mo	\$130.00 / mo

Last FY17 Admin Order #243-15/13

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: APRIL 23, 2018
RE: FY19 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY19 Revenue Fee Schedule Change for the Parking Division. Listed below is the affected revenue code and the amount of increase.

Revenue Code	Increase
<u>Parking</u>	
100-1801-351-20-00 Code Violations / Parking Tickets	
Expired Parking Meter from \$15 to \$20	\$150,000
Prolonged Parking Ticket from \$20 to \$25	\$13,000
ORD FEE (Chapter 28-51)	Last Revision: ORD CO #240-13/14
100-1801-364.10-00 Garages, Lots, Meters / Parking Meters	
Hourly rate from \$1.25 to \$1.50 per hour	\$600,000

Propose Chapter 28-86 of the Ordinance will need to be changed to read
The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).

ORD FEE (Chapter #28-86) **Last Revision: ORD CO #245-16/17**

Parking Admin Total Increase: \$763,000

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Parking

Ordinance Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / Parking Tickets Expired Parking meter Ticket	\$15.00	\$20.00
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / PARKING Tickets Prolonged Parking Ticket	\$20.00	\$25.00
100-1801-364.10-00 ORDINANCE FEE Chapter 28-86	Garages, Lots, Meters / Parking Meters	\$1.25 / hr	\$1.50 / hr

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).



Keith N. Gautreau
Interim Fire Chief, Fire Department

To: Brendan O'Connell, Finance Director
Jennifer Lodge, Budget Analyst
Anne Bilodeau, Deputy Finance Director
From: Keith Gautreau, Interim Chief of Department
Date: 4/25/2018
RE: Administrative Fee Change

The Fire Department is proposing roughly a 7% increase on most of our MEDCU fees. We feel that the time to increase fees is appropriate based on several factors. First, our rates have remained flat for the past four years while staffing and supply costs have trended upward annually. During the last increase, effective FY15, rates went up between 7.25% and 7.78%. We feel that a roughly 7.00% increase is justified based on regional and national rates. We anticipate approximately \$100,000 in new revenue from this adjustment.

The department is requesting to discontinue charges related to rescue services and response to vehicle crashes. At the time these were approved, it appeared to be a new lucrative revenue source. In reality, it was very difficult to get insurance companies or patients to pay for them. These fees created more controversy and used more staff time. Eventually, the department chose not dedicate resources to collect the fees.

Additionally, the department is requesting to change HazMat response fees to reflect compliance with Code of Federal Regulations (CFR) Title 40 § 310.11 which allows departments to recover actual costs of HazMat responses. In this instance, we will be recovering more than the current ordinance allows for.

Fee Type	Current Fee	Proposed Fee	Est Additional Revenue
MEDCU FEES	VARIOUS	VARIOUS	\$100,000.00

Sincerely,

Keith Gautreau
Interim Fire Chief of Department

FY19 REVENUE FEE SCHEDULE CHANGE

Department:

**Fire
Administrative Fees**

Account #	Revenue Description	Current Fee	FY19 Proposed Fee
100-2203-342-00.00	ALS Non-Emergency Transport	\$ 559.00	\$ 600.00
100-2203-342-00.00	BLS Non-Emergency Transport	\$ 468.00	\$ 500.00
100-2203-342-00.00	BLS Emergency Transport	\$ 748.00	\$ 800.00
100-2203-342-00.00	ALS Emergency Transport	\$ 888.00	\$ 950.00
100-2203-342-00.00	ALS 2 Emergency Transport	\$ 1,266.00	\$ 1,350.00
100-2203-342-00.00	Specialty Care Transport	\$ 1,520.00	\$ 1,625.00
100-2203-342-00.00	ALS Mileage	\$ 18.06	\$ 19.32
100-2203-342-00.00	BLS Mileage	\$ 18.06	\$ 19.32
100-2203-342-00.00	Oxygen	\$ 110.00	\$ 117.70
100-2203-342-00.00	Airways	\$ 148.00	\$ 158.36
100-2203-342-00.00	IV Therapy	\$ 206.00	\$ 220.00
100-2203-342-00.00	EKG	\$ 206.00	\$ 220.00
100-2203-342-00.00	Intercept	\$ 451.00	\$ 482.00
100-2203-342-00.00	Defibrillation	\$ 194.00	\$ 207.50
100-2203-342-00.00	Critical Care Transfer	\$ 839.00	\$ 900.00
100-2203-342-00.00	Non-Emergency Mileage	\$ 18.06	\$ 19.32
100-2203-342-00.00	Capnography	\$ 138.00	\$ 158.00
100-2203-342-00.00	EZ IO/Intraosseous Access	\$ 275.00	\$ 295.00
100-2203-342-00.00	ALS on Scene Care	\$ 888.00	\$ 950.00
100-2203-342-00.00	ALS 2 on Scene Care	\$ 1,266.00	\$ 1,350.00
100-2203-342-00.00	Fire Response to Vehicle Crashes	\$ 400.00	Discontinue ¹
100-2203-342-00.00	Heavy Rescue Utilization	\$ 650.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Spreader	\$ 150.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Cutter	\$ 150.00	Discontinue
100-2203-342-00.00	Rescue Equipment - Rams	\$ 150.00	Discontinue
100-2203-342-00.00	Rescue Equipment – Air Bags	\$ 150.00	Discontinue
100-2203-342-00.00	Level I Hazmat Response	\$ 250.00/hr/Unit	Actual Cost ²
100-2203-342-00.00	Hazardous Materials Spill Response	\$ 125.00	Actual Cost
100-2203-342-00.00	HazMat Plug Kit	\$ 65.00	Actual Cost

¹ Fees were approved but were not collected beginning in FY16 due to difficulty to collect and hardships created on residents.

² Code of Federal Regulations Title 40 § 310.11



Planning & Urban Development Department

To: Jon Jennings, City Manager
 Brendan O'Connell, Finance Director

From: Jeff Levine, Planning & Urban Development Director

Date: April 20, 2018 - Revised

RE: Fee Changes for Chapter 14- Land Use Ordinance

Based on conversations with the City Manager, we are proposing to adjust our application fees to add clarity and certainty to the Planning Board process. The result would be a higher up-front permit fee that presents a closer estimate of the full cost of the review process.

Currently, we charge a base application fee and then additionally charge for staff review time, mailing of notices, and some administrative expenses. We are proposing to move to a "one-time fee" approach as much as feasible. We would still charge for third party consultant time, additional noticing and staff time far in excess of typical amounts.

The proposed application fee would include the cost of mailing the receipt of application notice to abutters, planner's review time up to 20 hours and administrative time for preparation of additional public noticing. Continued invoicing will be done monthly for planner's time over 20 hours, third party reviews, additional public noticing and legal ad costs.

We are also proposing to increase the billable hourly rate for staff review time. The increase in fees in Chapter 14 will help cover the annual COLA increase along with salary and fringe benefit costs associated with the charge to the city for staff reviews on development projects. We are proposing to increase fees annually based on the annual salaries including step increases and COLA %. This is the fairest way to recover these costs from applicants. As mentioned above, the new proposed fees for many applications will incorporate some staff review time, so we anticipate much less billing of staff time at the hourly rate.

<i>Fee Type</i>	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Est. Additional Revenue</i>
Staff Time (Planners) (Based on 1,200 hrs per yr) Chapt. 14-530(A)(4)(i)(i)	\$52	\$54	\$2,400
DRC Billing (Based on 350 hrs per yr) Chapt 14-530(A)(4)(l)(i)	\$52	\$54	\$700

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Planning and Urban Development

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Administrative Fee</u>			
Conditional Use	Administrative Fee for Planning Board Review	\$ 100	\$ 1,000

*Administrative fee re: (Sec. 14-54 (a)(5))



Christopher C. Branch, P.E.
Director of Public Works

To: Jon P. Jennings, City Manager
 From: Christopher C. Branch, P.E. *CCB*
 Date: April 27, 2018
 Subject: Administrative Fee Increase Request for FY19

The Department of Public Works is requesting the following fee increases as part of our FY19 budget request.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Solid Waste (ord 12-109)</u>			
100-3114-325-10-00	<u>Licenses & Permits</u>		
	Haulers	\$500.00	\$1,000.00
	Vehicles	\$100.00	\$150.00
	Containers	\$ 10.00	\$ 20.00

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Street Openings (ord 25-157)</u>			
247-3100-321-03-00	<u>Licenses & Permits</u>		
	Block Permit	\$1000.00	\$285.00
	(\$285/350 feet of street plus \$50.00 Digsafe per Street)		
	Driveway; paving of apron (in city right of way)	n/a	\$ 25.00

The current block fee was out of date due to new types of construction, so a definition and length of a city block had to be defined. The same fee base formula for the street opening fees was used with a modification of using one city staff and removing that person from the street opening fee formula. With understanding of the "Digsafe" procedures, a single Digsafe fee is adequate per street. Below are the definitions used.

Block Permit shall mean a single permit for placement, repair, or replacement of any mainline utility, or replacement as open continuous excavation, inserting/sleeving of the



Christopher C. Branch, P.E.
Director of Public Works

mainline utility, for a three hundred fifty (350) foot length trench. Service work, lateral service work, new business, maintenance, valve work, dropbox, anode work, etc. does not qualify as a block permit.

City block shall mean a length of trench, or area of trenches, in the right-of-way intercepted by one or more City streets. Streets with intersections greater than three hundred fifty (350) linear feet or City streets without an intersecting street shall be recognized as one City block every three hundred fifty (350) linear feet.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Ordinance (25-157)</u>			
247-3100-321-06-00	Pavement Restoration Chg (square yard)	\$55.00	\$65.00

Per discussion with internal staff as well as with paving contractors the square yard fee is not high enough to cover the cost of the work. The volume of the street openings repair contract has decreased while the material and labor cost for the paving has increased.

CC: Brendan O'Connell, Finance Director
Keith Gray, Engineering Services Manager/City Engineer
Pat Handrahan, Principal Financial Officer
Rhonda Zazzara, Construction Inspections Coordinator

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Public Works:
Administrative Fee Changes

		<u>Current</u>	<u>FY19 Proposed Fee</u>
<u>Solid Waste: (ord 12-109)</u>			
Licenses and Permits			
100-3114-325-10-00	Haulers	\$500.00	\$1,000.00
	Vehicles	\$100.00	\$ 150.00
	Containers	\$ 10.00	\$ 20.00
<u>Street Openings: (ord 25-157)</u>			
Licenses and Permits			
247-3100-321-03-00	Street Opening Permit	\$360.00	\$360.00
	Sidewalk Opening Permit	\$252.00	\$252.00
	Esplanade/Other Permit	\$180.00	\$180.00
	Block Permit	\$1,000.00	\$285.00
	Driveway: Paving apron on city right of way	n/a	\$25.00
Pavement Restoration Fee			
247-3100-321-06-00		\$55.00(SY)	\$65.00(SY)

4/26/2018

Memo

To: Jon Jennings, City Manager
Anita Lachance, Deputy. City Manager
From: Joanna Coey, Financial Administrator
CC: Jennifer Lodge, Budget Analyst
Sally Deluca, Director of Parks, Recreation & Facilities
Date: April 25, 2018
Re: Parks, Recreation & Facilities Fee Increases for FY '19

Facilities:

We are recommending minor increases in Event Permits. We have also added new categories that were not addressed previously ie; application fee, administrative time, single concert license etc.

Parks, Recreation & Facilities

FY19 REVENUE FEE SCHEDULE CHANGE

Division: Public Assemblies

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
Event Permit Fees			
100-3310-321-0000	Application Fee (transferrable/non-refundable)	---	\$25.00
100-3310-321-0000	Administrative Fee (Based on 1 hr, increase if excessive time spent)	---	\$40.00
100-3310-321-0000	Special Event Permit (Park or Public Space)	\$50.00	\$75.00/hr
100-3310-321-0000	Event w/registration or pledgea & attendance 25-300	\$100.00/hr	\$125.00/hr
100-3310-321-0000	Event w/registration or pledgea & attendance 300 +	\$200.00/hr	\$225.00/hr
100-3310-321-0000	Impact/Street Closure Fee (variable based on impact)	\$100-\$500	\$100-\$500
100-3310-321-0000	Admin/Staff Fee (Eventy manager support at events)	---	\$37.00/h
100-3310-321-0000	Wedding Permit (Fort Allen Park and/or Gazebo)	\$250.00 /hr	\$250.00 /hr
100-3310-321-0000	Wedding Permit (other locations)	\$100.00 /hr	\$100.00 /hr
100-3310-321-0000	Block Party Permit	\$25.00	\$40.00
100-3310-321-0000	Banner Permit (Large hanging, 2 locations)	\$50.00/week	\$75.00/week
100-3310-321-0000	Banner Permit (pole, multiple locations)	---	\$50.00/month per banner
100-3310-321-0000	City Porta Restroom User Fee	\$25.00	\$25.00
100-3310-321-0000	Film Shoot	\$100.00 /day	\$100.00 /day
100-3310-321-0000	Electricity (activation/de-activation charge)	---	\$40.00
100-3310-321-0000	Single Concert License	---	\$36.00

Order 2017-17/18
Tab 18 - 5-14-18
Tab 7 5-21-18

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

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2019 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

ORDERED, that the City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2019 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

Portland, Maine



Yes. Life's good here.

Human Resources Department
Gina M. Tapp, SPHR
Director

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager
FROM: Gina Tapp, ^{YD} Director of Human Resources
DATE: May 8, 2018
RE: FY19 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY19 budget. This item should be given a first reading on May 14, 2018 and postponed to the May 21, 2018 meeting along with other budget related items.

STATEMENT OF FACT:

ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE HUMAN RESOURCES AND CERTAIN FRINGE BENEFIT BUDGETS.

Each year the City of Portland enters into agreements to provide services contained in budgets tied to departmental programs.

Human Resources contracts for professional training services, physical fitness testing and services for the Civil Service Commission (written examinations, job suitability assessments and medical examinations).

The Medical budget contains contracted services for claims administration.

The Worker's Compensation budget contains contracted services for claims administration and drug and alcohol testing.

This order will authorize the City Manager to enter into such agreements.

cc: Danielle West-Chuhta, Corporate Counsel
Jennifer Lodge, Budget Analyst

GT: jlr 04/25/18

Order 208-17/18
Tab 11 5-14-18
Tab 8 5-21-18

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

ORDER RE: FISCAL YEAR 2019 SELF-INSURED LIABILITY PROGRAM

ORDERED, that pursuant to Article VII, Sec. 15 of the Portland City Charter there is hereby established a Cumulative Reserve Fund for the purpose of enabling the City to pay losses under its self-insurance program or incurred under any deductible insurance policies, which fund shall continue from year to year and shall not lapse as provided in Article VII, Sec. 7 of the Charter; and

BE IT FURTHER ORDERED, that pursuant to 14 M.R.S. Sec. 8116, the City Council of the City of Portland hereby states that the City of Portland has self-insured (to the extent set forth herein) against the obligations and liabilities imposed by the Maine Tort Claims Act (hereinafter the "Act"):

1. The Council has, and may from time to time, set aside funds in an account identified as "Liability" to be added to funds previously appropriated and held in reserve, all of which funds have been designed to enable the City to meet the obligations imposed by the Act; and to implement its self-insurance program, including but not limited to, the costs of administration of the program, investigation of claims, and of defense of claims against the City, its officers and employees;
2. The limit of liability assumed by the City is the \$400,000 required by the Act, as it may be amended from time to time, notwithstanding the fact that its appropriation or reserve may exceed the statutory limit of liability;
3. The scope of coverage is limited to those areas for which governmental immunity has been expressly waived by 14 M.R.S.A. Sec. 8104-A, as limited by 14 M.R.S.A. Sec. 8104-B, and 14 M.R.S.A. Sec. 8111. Liability coverage shall not be deemed a waiver of any immunities or limitation of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law; and
4. The fund shall be administered by the City Manager and Corporation Counsel who shall settle all claims and pay all judgments for which the City may be legally liable under the Act or under the law of any jurisdiction to which the City, its officers or employees may be subject.

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager
FROM: Danielle West-Chuhta, Corporate Counsel 
DATE: April 25, 2018
RE: RESOLUTION RE: SELF-INSURED LIABILITY PROGRAM

STATEMENT OF FACT:

This item is requested upon the recommendation of the Office of the Corporation Counsel. The intent is to clearly indicate that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. This item should be given a first reading on May 14, 2018 and then postponed to the May 21, 2018 meeting along with other budget related items.

cc: Nancy English, Paralegal / Legal Assistant
Jennifer Lodge, Budget Analyst

Order 209-17/18
~~Feb 12 5-14-18~~
Feb 9 5-21-18

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

**ORDER AUTHORIZING THE DIRECTOR OF PARKS,
RECREATION AND FACILITIES TO SET FEES AND ENTER RENTAL
AGREEMENTS FOR CITY FACILITIES**

ORDERED, that the Director of Parks, Recreation and Facilities or his or her designee is hereby authorized to set fees, enter and sign rental lease agreements or contracts for City facilities.

MEMORANDUM
City Council Agenda Item

TO: Mayor & Members of the City Council

FROM: Sally Deluca, Director of Recreation & Facilities Management

DATE: April 26, 2018

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Jennifer Lodge

SUBJECT: Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter into Rental Agreements for City Facilities

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing are reviewed by legal prior to being changed. This order would authorize the Director or her/his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively. Below is an example of our Recreation afterschool fees that have not been increased since FY16. We have budgeted an additional \$100,000 in our FY19 before and afterschool revenue account. We have not increased our before-school fee for over 10 years. Here is our proposed fee increase for afterschool only:

Current Before School is \$25/week; Proposed for FY19 \$25/week

Current Afterschool is \$74/week; Proposed for FY19 is \$84/week

Current Before and Afterschool is \$99/week; Proposed for FY19 is \$109/week

Order 210 - 17/18
~~*Tab 13 - 5-14-18*~~
Tab 10 5-21-18

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

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2019 HEALTH & HUMAN SERVICES BUDGET**

ORDERED, that the City Manager or his or her designee be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2019 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.

City of Portland, Maine

Memorandum

To: Jon P. Jennings, City Manager
From: Brendan O'Connell, Finance Director *BSTO*
Date: 04/25/18
Re: FY19 Budget Council Order -- HHS Agreements

Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided by the Health and Human Services department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 14th agenda.

Order 211-17/18
~~Tab 14~~ - 5-14-21
Tab 11 5-21-18

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

**ORDER AUTHORIZING THE CITY MANAGER TO
ACCEPT SCHOLARSHIP AND TRUST DONATIONS AND BEQUESTS AND ENTER
INTO TRUST AGREEMENTS**

ORDERED, that the City Manager is authorized to accept and to appropriate donations for existing and new scholarship funds, and bequests from wills and trusts in amounts of up to \$50,000 in Fiscal Year 2019; and

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into standard form trust agreements and other associated documents and/or agreements as approved by the Corporation Counsel.

Order 212-17/18
~~Tab 15 5-14-18~~
Tab 12 5-21-18

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

**ORDER AUTHORIZING CORPORATION COUNSEL
TO UNDERTAKE CIVIL ACTIONS TO COLLECT
DELINQUENT PERSONAL PROPERTY TAXES**

ORDERED, that the Corporation Counsel, through the use of City Attorneys or Contractors, is hereby authorized to institute legal proceedings on behalf of the City to collect delinquent personal property taxes against debtors who have failed to pay the taxes when due.

City of Portland

Memo

To: Jon P. Jennings, City Manager

From: Brendan O'Connell, Finance Director *BTO*

Date: April 25, 2018

Re: FY19 Budget Council Order Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading and public hearing on May 14th and second reading and passage on May 21, 2018. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain of our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 14th agenda.

Order 213-17/18
Tab 16 5-14-18
Tab 13 5-21-18

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

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that an overall wage increase of two percent (2%) for non-union employees is hereby approved to be distributed by the City Manager in accordance with the updated non-union pay plan; and

BE IT FURTHER ORDERED, that the updated non-union position titles and updated non-union pay plan in substantially the form attached hereto are hereby approved, and

BE IT FURTHER ORDERED, that the Mayor, the City Council, the City Clerk and Corporation Counsel shall receive a two percent (2%) wage increase effective July 1, 2018.



Human Resources Department
Gina M. Tapp, SPHR
Director

TO: City Council
FROM: Gina Tapp, Director of Human Resources
DATE: May 14, 2018
RE: Updated Pay Plan for Non-Union Employees Including Use of 2% COLA

This memo is a brief overview of work completed to date on the non-union pay plan and describes how the 2% COLA for non-union employees will be utilized in the FY19 budget.

History: The City engaged Gallagher Benefit Services, Inc. in 2017 to conduct a classification and compensation study of its non-union jobs. This was needed because our compensation structure and pay scales have not been updated or adjusted adequately for many years, resulting in difficulty recruiting and retaining key positions. As the largest municipal government organization in the State of Maine, we need to have an up to date compensation structure and plan so we can attract and retain talented employees.

Overall Study Objectives: The work that we engaged Gallagher consultants to do for us included the following:

- o Develop classifications and structures that provide for greater flexibility and ease and cost of administration
- o Develop new classification descriptions/specifications
- o Establish and apply an internal equity/job evaluation system to the newly developed classifications
- o Conduct a salary survey of the new classes in order to review the City's current pay ranges with the selected labor market
- o Develop a new pay structure(s) based on internal equity and market results
- o Develop cost options for implementation of the recommended pay structure(s)

Classification: The process used to properly classify all non-union employees was that each employee was asked to complete a Position Description Questionnaire (PDQ) which collected job information. Each Department Director reviewed the tools submitted by their own employees, and there was an additional review by me as the HR Director prior to submitting them to Gallagher. Once they had our information, they then developed preliminary classification structures organized by job/career families, which we reviewed and provided feedback, eventually resulting in finalized classification structures.

A job evaluation process known as the Decision Band Method (DBM) was also applied to each individual classification. We received a detailed manual describing the DBM process as well as focused job evaluation training, so that we can conduct this evaluation process internally once the study is complete. Employees were allocated to the new classifications based on information

information contained within their PDQ forms with further review from us. Attached to this memo are further descriptions of the DBM job evaluation process used and other key documents.

Salary Survey: A large part of the project was to conduct a comprehensive salary survey. Survey benchmarks were selected and recommended by Gallagher, reviewed by us, and finalized. A survey document including requests for salary and pay practices information was developed by Gallagher, approved by us, then distributed to 34 organizations. Of the 34 organizations, 16 actually participated and we were able to get published data from 3 others. In addition, Gallagher used 9 published survey sources.

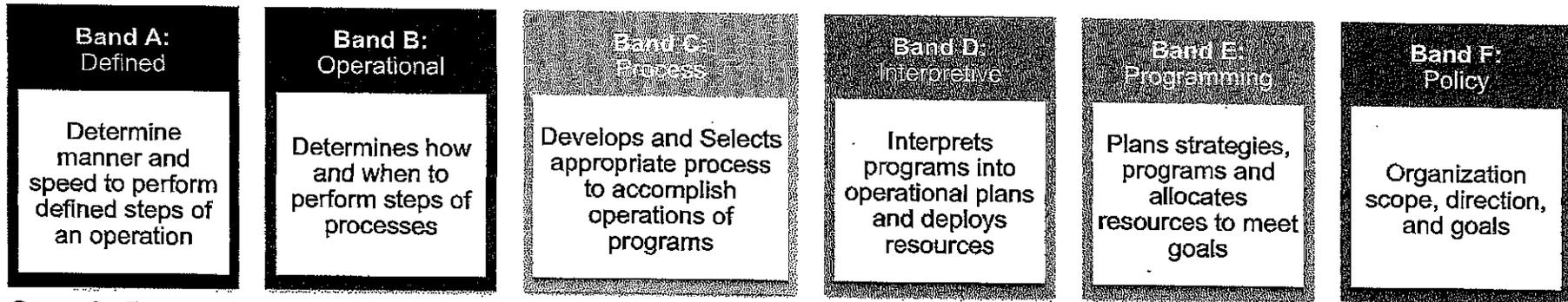
Plan Plan: The updated compensation structure is a hybrid plan, with B level positions being paid on pay ranges with 11 steps, with 3% increases between each step. The pay range has a spread of 34%. For positions at levels C - E, there are 7 steps from the minimum of the range to the control point, with each step increasing 3%. One of our goals with the new pay plan was that we wanted to have the opportunity to move to a more performance-based compensation system, which we will be able to do. For example, after an employee has reached the control point at step 7, compensation increases are no longer guaranteed. This is in stark contrast to the current structure, where all staff is guaranteed a step increase until the maximum is reached. There will be no automatic increases beyond the control point, any further movement will strictly be performance based. At initial implementation no positions will be placed above the control point, and that the control point reflects the 80th percentile of the market as determined by the salary survey process. As part of the rollout of the pay plan and along with our implementation of Tyler Technologies, a new performance management (evaluation) system will also be created. This evaluation program will likely include a compensation committee for increases above the control point. For now, we believe the updated pay plan that will allow us to attract and retain employees as the compensation levels are much more in line with where we need to be.

Employee Placement: Once the FY19 budget is approved, we will then transition non-union employees to the new pay plan using approved funds. Individual allocation of employees by band and new compensation is currently underway, and will likely need to implement in several stages over time. A key component of implementation will be the City Council authorizing use of the 2% COLA to be distributed to non-union employees in accordance with the new pay plan. Unlike previous fiscal years, where everyone received a COLA regardless of any other factors, the current COLA will be distributed only to those who needed a salary adjustment per the results of the pay study. Some employees may be red-lined (i.e. held at their current salary) if the pay study indicated their salary was at or above market. The total amount of the impact in the FY19 budget for the 2% COLA is approximately \$260,000 (actual amount available for distribution is slightly less - this figure includes COLAs for the City Council, Mayor, City Clerk and Corporation Counsel who were all not included in the study)..

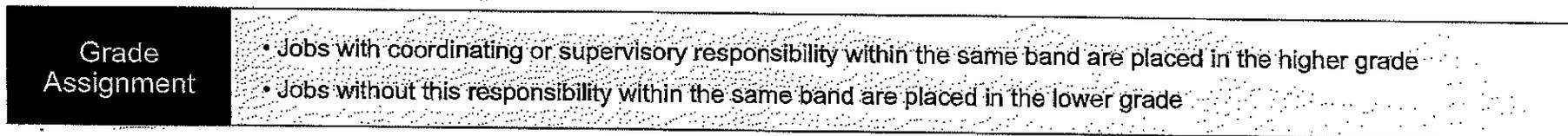
We greatly appreciate the Council's support of this important project, and look forward to finally being able to implement a modern day compensation system for our non-union employees.

Decision Band Method® Process

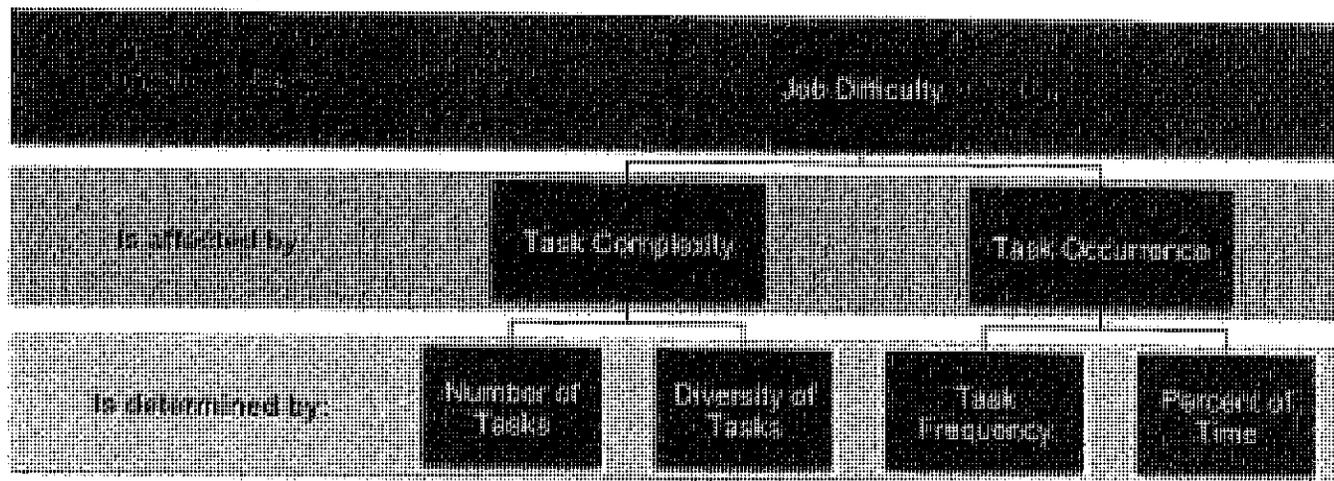
Step 1: Determine appropriate band



Step 2: Determine appropriate grade



Step 3: Determine appropriate subgrade



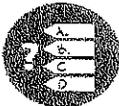
Job Evaluation

Decision Band® Method

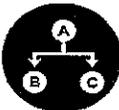
- To assess the different levels of job value using a formal method of job evaluation, the Decision Band Method® of job evaluation was adopted by the City as the methodology addressing the internal alignment of work.
- Job Evaluation:
 - Uses a defined methodology to determine the relative value of jobs within an organization.
 - Provides an objective and documented method for job analysis and evaluation.
 - Provides the basis for determining pay.
- The Decision Band Method® is based on the following characteristics:



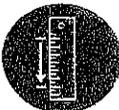
The value of a job should reflect the importance of the job to the organization.



The importance of a job is directly related to the decision-making requirements of the job.



Decision-making is common to all jobs.



Decision-making is measurable.

CITY OF PORTLAND, MAINE
DBM JOB CLASSIFICATION SYSTEM
UPDATED NON-UNION POSITION TITLES
 June 1, 2018

STRUCTURE	SERIES	CLASS TITLE (Standardized across job families reflecting internal alignment and may be different from working titles used.)
Administrative Support	Administrative Support	Administrative Technician Administrative Specialist Administrative Specialist, Senior
Airport Management	Airport	Airport Supervisor Airport Manager Airport Assistant Director
Executive	Executive	Department Director Assistant City Manager Senior Advisor
Facilities Management	Facilities Management	Facilities Field Supervisor Facilities Operations and Project Supervisor Facilities Manager
Finance	Finance	Finance Specialist Finance Specialist, Senior Finance Analyst Finance Administrator Finance Supervisor Finance Manager Finance Assistant Director
Fire Services	Fire Services	Fire Deputy Chief Fire Division Chief Fire Assistant Chief
Health & Human Services	Health & Human Services	HHS Coordinator HHS Analyst HHS Supervisor HHS Manager
	Long-Term Care Center Administration	Registered Nurse Registered Nurse Supervisor Registered Nurse Manager

STRUCTURE	SERIES	CLASS TITLE (Standardized across job families reflecting internal alignment and may be different from working titles used.)
	Long-Term Care Center Administration, Cont.	LTC Center Supervisor LTC Center Manager
Human Resources	Human Resources	Human Resources Specialist Human Resources Coordinator Human Resources Analyst Human Resources Administrator Human Resources Manager
Information Technology	Information Technology	Technology Analyst Technology Analyst, Senior Technology Manager
	Business Systems	Business Systems Specialist Business Systems Analyst
	GIS	GIS Specialist GIS Analyst GIS Analyst, Senior GIS Supervisor/Project Manager
Legal Services	Legal Services	Paralegal Paralegal, Senior Attorney Attorney, Senior
	Stand-Alone	Police Legal Advisor
	Stand-Alone	Risk Management Supervisor
Management Services	Management Services	Management Analyst Associate Management Analyst Management Analyst, Senior
Occupational Health & Safety	Occupational Health & Safety	Health & Safety Specialist Health & Safety Supervisor Health & Safety Manager
	Stand-Alone	Employee Assistance Program Administrator
Parks & Recreation	Parks & Recreation	Parks & Recreation Analyst Parks & Rec Administrator/Supervisor Parks & Recreation Manager

STRUCTURE	SERIES	CLASS TITLE (Standardized across job families reflecting internal alignment and may be different from working titles used.)
Permitting & Inspections	Stand-Alone	Permitting Manager
	Inspections	Inspections Manager
Planning	Planning	Planning Analyst Planning Supervisor Planning Manager
Public Safety Structure/Police	Behavioral Health	Behavioral Health Analyst Behavioral Health Analyst, Senior
	Sworn	Police Major Police Commander Assistant Police Chief
	Stand-Alone	Emergency Communications Manager
Public Works	Engineering	Engineering Supervisor Engineering Manager
	Stand-Alone	Public Works Manager Public Works Assistant Director

Unfunded Non Union Pay-Plan

Effective Date 6/1/2018

No. Union Employees

DBM Rating	Min										Max	Width
Step	1	2	3	4	5	6	7	8	9	10		
B21	\$17.39	\$17.91	\$18.45	\$19.00	\$19.57	\$20.16	\$20.77	\$21.39	\$22.03	\$22.69	\$23.37	34%
B22	\$18.97	\$19.54	\$20.13	\$20.73	\$21.35	\$21.99	\$22.65	\$23.33	\$24.03	\$24.75	\$25.50	34%
B23	\$20.55	\$21.17	\$21.80	\$22.46	\$23.13	\$23.82	\$24.54	\$25.28	\$26.03	\$26.81	\$27.62	34%
B24	\$22.53	\$23.21	\$23.90	\$24.62	\$25.36	\$26.12	\$26.90	\$27.71	\$28.54	\$29.40	\$30.28	34%
B31	\$22.53	\$23.21	\$23.90	\$24.62	\$25.36	\$26.12	\$26.90	\$27.71	\$28.54	\$29.40	\$30.28	34%
B25	\$24.90	\$25.65	\$26.42	\$27.21	\$28.03	\$28.87	\$29.73	\$30.63	\$31.54	\$32.49	\$33.47	34%
B32	\$24.90	\$25.65	\$26.42	\$27.21	\$28.03	\$28.87	\$29.73	\$30.63	\$31.54	\$32.49	\$33.47	34%
Step Diff		3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	

DBM Rating	Min						Control Point						Max	Width
Step	1	2	3	4	5	6	7	8	9	10	11	12	13	
C41	\$29.93	\$30.83	\$31.76	\$32.71	\$33.69	\$34.70	\$35.74						\$42.68	43%
C42	\$31.43	\$32.37	\$33.34	\$34.34	\$35.37	\$36.44	\$37.53						\$44.81	43%
C43	\$33.00	\$33.99	\$35.01	\$36.06	\$37.14	\$38.26	\$39.40						\$47.05	43%
C44	\$34.81	\$35.85	\$36.93	\$38.04	\$39.18	\$40.35	\$41.56						\$49.63	43%
C51	\$34.81	\$35.85	\$36.93	\$38.04	\$39.18	\$40.35	\$41.56						\$49.63	43%
C45	\$37.32	\$38.44	\$39.60	\$40.78	\$42.01	\$43.27	\$44.56						\$53.21	43%
C52	\$37.32	\$38.44	\$39.60	\$40.78	\$42.01	\$43.27	\$44.56						\$53.21	43%
D61	\$39.56	\$40.74	\$41.96	\$43.22	\$44.52	\$45.86	\$47.23						\$56.40	43%
D62	\$41.53	\$42.78	\$44.06	\$45.38	\$46.75	\$48.15	\$49.59						\$59.22	43%
D63	\$43.61	\$44.92	\$46.27	\$47.65	\$49.08	\$50.56	\$52.07						\$62.18	43%
D64	\$46.00	\$47.38	\$48.80	\$50.27	\$51.77	\$53.33	\$54.93						\$65.59	43%
D71	\$46.00	\$47.38	\$48.80	\$50.27	\$51.77	\$53.33	\$54.93						\$65.59	43%
D65	\$49.32	\$50.80	\$52.32	\$53.89	\$55.51	\$57.18	\$58.89						\$70.32	43%
D72	\$49.32	\$50.80	\$52.32	\$53.89	\$55.51	\$57.18	\$58.89						\$70.32	43%
E81	\$52.27	\$53.84	\$55.46	\$57.12	\$58.83	\$60.60	\$62.42						\$74.53	43%
E82	\$54.89	\$56.53	\$58.23	\$59.98	\$61.77	\$63.63	\$65.54						\$78.25	43%
E83	\$57.63	\$59.36	\$61.14	\$62.97	\$64.86	\$66.81	\$68.81						\$82.17	43%
E84	\$60.79	\$62.61	\$64.49	\$66.43	\$68.42	\$70.47	\$72.59						\$86.67	43%
E91	\$60.79	\$62.61	\$64.49	\$66.43	\$68.42	\$70.47	\$72.59						\$86.67	43%
E85	\$65.18	\$67.13	\$69.15	\$71.22	\$73.36	\$75.56	\$77.82						\$92.93	43%
E92	\$65.18	\$67.13	\$69.15	\$71.22	\$73.36	\$75.56	\$77.82						\$92.93	43%
Step Diff		3.00%	3.00%	3.00%	3.00%	3.00%	3.00%							

Control Point = 80th percentile of market
 No step increases beyond control point

**AGREEMENT BETWEEN THE
CITY OF PORTLAND
AND
GALLAGHER BENEFIT SERVICES, INC.**

THIS AGREEMENT is entered into this 27th day of December, 2016, by and between the **CITY OF PORTLAND**, a body politic and corporate (hereinafter the "CITY"), and **GALLAGHER BENEFIT SERVICES, INC.**, a Delaware corporation with a mailing address of 16064 Parsons Road, Beaverdam, Virginia 23015 (hereinafter the "CONSULTANT").

WITNESSETH:

WHEREAS, the **CITY** is in need of a study of the pay grades and classifications of its non-union employees and did advertise a Request for Proposals #1217 entitled "Non-Union Classification and Pay Plan," dated August 17, 2016, as amended by Addendum #1 dated September 16, 2016 (collectively, the "Request for Proposals"), a copy of which is attached as Exhibit A and made a part hereof; and

WHEREAS, the **CONSULTANT** has the requisite knowledge and technical ability to perform the required services and has submitted a proposal dated September 28, 2016, a copy of which is attached as Exhibit B and made a part hereof; and

WHEREAS, after due consideration, the **CITY** decided to award this contract to **CONSULTANT**;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The **CONSULTANT** will furnish the materials, supplies, equipment and labor (hereinafter the "Work") in accordance with the specifications contained in the Request for Proposals and the Proposal.

The restatement in this document of any term of the Request for Proposals or the Proposal shall not be deemed to waive any term not so restated. If any disagreement is found between Request for Proposals or the Proposal and this document, then this

document shall govern; and the Request for Proposals shall govern over the Proposal, to the extent they disagree; provided, however, that this document and its attachments shall be construed to be supplemental to one another to the extent possible.

2. The **CONSULTANT** covenants and agrees that all Work performed and furnished hereunder shall be in accordance with applicable professional standards, and that all Work shall be performed in a good workmanlike manner.

3. Prior to the execution of this Agreement, the **CONSULTANT** shall, at its own expense, carry Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim. The **CONSULTANT** will also procure and maintain General Liability Insurance coverage and Automobile Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the **CITY** as an additional insured on the General Liability Insurance coverage, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the General Liability Insurance, the **CONSULTANT** shall name the **CITY** as an additional insured for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent or common law. **CONSULTANT** will provide the **CITY** a certificate of insurance evidencing such coverage, in this way: additional insured." A Certificate which merely has a box checked under "Addl Insr," or the like, or which certificate must say either: A) "the policy has been endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Extension Endorsement, by which the City of Portland is automatically made an merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. The **CONSULTANT** shall furnish the **CITY** and thereafter maintain certificates evidencing all such coverages. Any cancelled or non-renewed policy will be replaced with no coverage gap and a current certificate of insurance will be provided to the **CITY**. **CONSULTANT** shall immediately provide the **CITY** with a copy of any notice **CONSULTANT** receives regarding the termination or impending termination of any of the above policies of insurance.

4. To the fullest extent permitted by law, the **CONSULTANT** shall defend, indemnify and hold harmless the **CITY**, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including, but not limited to, the costs of defense and attorney's fees arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use therefrom, and (2) is caused in whole or in part by any negligent act or omission of the **CONSULTANT**, anyone directly or indirectly employed

by it, or anyone for whose act it may be liable. Such obligation of indemnification shall not be construed to negate or abridge any other obligation of indemnification running to the CITY which otherwise exists. The extent of the indemnification provision shall not be limited by the provision for insurance in this Agreement. **CONSULTANT'S** obligations under this paragraph shall survive termination of this Agreement. **CONSULTANT'S** liability to the CITY for any losses, injury or damages to persons or properties or work performed arising out of in connection with this Agreement and for any other claim, whether the claim arises in contract, tort, statute or otherwise, shall be limited to twice the amount of the total fees due to **CONSULTANT** from the CITY under this Agreement. This limitation shall not apply to any claim covered by the insurance policies set forth above in paragraph 3 or to any claim covered by the indemnification provision set forth in paragraph 4, each of which will be subject to a twenty million dollar (\$20,000,000) limit.

5. The **CONSULTANT** shall perform the work to the satisfaction of the Director of the Department of Human Resources (hereinafter, the "Director") whose approval and acceptance of the Work will be a condition precedent to payments by the CITY under this Contract.
6. Time is of the essence in the performance of this Agreement. Upon receipt of executed contracts and insurance as required, the CITY will promptly send an executed contract to the **CONSULTANT**, which will commence work within three weeks of execution. The **CONSULTANT** agrees to complete the entire work within six months of commencing work. The time set for such completion may be extended only by written consent of the Director.
7. In the event of any dispute as to the amount, nature or scope of the work required under this Contract, the design and judgment of the Director or designee will be final and binding.
8. For performance of all the terms and conditions of this Agreement, the CITY will pay the **CONSULTANT** Seventy Thousand Dollars (\$70,000.00) plus \$375.00 per job description that **CONSULTANT** develops at CITY's request, which amounts will include all expenses.
9. The **CONSULTANT** shall keep accurate records of all services performed under this Agreement and shall submit such information to the CITY on a monthly basis. Payment for such Work shall be made to the **CONSULTANT** not more than thirty (30) days after receipt of an invoice and acceptance of the Work by the Director or designee.
10. The CITY agrees to furnish or provide access to the **CONSULTANT** to any information or material in its possession which is relevant to the **CONSULTANT'S** performance hereunder and CITY staff will cooperate with **CONSULTANT**. The **CONSULTANT** will not, without the CITY's written consent, disclose, or permit disclosure, by any officer, employee, or agent or subcontractor of **CONSULTANT**, of any information or material furnished or generated under this Agreement. The **CONSULTANT** shall be

entitled to rely upon the accuracy of such information. The provisions of this Article shall not apply to information which is published or comes into the public domain through no fault of the **CONSULTANT** or is required to be disclosed by law.

The following shall be requirements of this Agreement:

- (a) All data collected shall be treated as confidential material and shall be disclosed *only* to authorized **CITY** representatives;
 - (b) The **CONSULTANT** shall not disclose or permit disclosure of any information or material furnished and/or generated under this Agreement without the **CITY**'s prior written consent; and
 - (c) All documents, data, studies, estimates, summaries and any other work or material developed under this Agreement shall be the property of the **CITY** and shall be promptly delivered to the appropriate Department Contact person upon completion of a particular service/assignment or upon the request of the **CITY**. However, **CONSULTANT** shall retain sole and exclusive ownership of all right, title and interest in and to its intellectual property and derivatives thereof which no data or confidential information of the **CITY** was used to create and which was developed entirely using **CONSULTANT'S** own resources. To the extent **CONSULTANT'S** intellectual property is necessary for the **CITY** to use the services provided under this Agreement, **CONSULTANT** grants to the **CITY** a non-exclusive, royalty-free license to **CONSULTANT'S** intellectual property solely for the **CITY'S** use of such services.
11. The **CITY** may terminate this Agreement for cause by written Notice to the **CONSULTANT**. In the event of such termination, the **CONSULTANT** shall not be entitled to any further payment under this Agreement from the date of receipt of said Notice.
 12. The **CITY** shall have the right to terminate this Agreement at any time for its convenience on thirty (30) days' prior written Notice to the **CONSULTANT**. If the Agreement is terminated by the **CITY** for convenience, the **CITY** shall pay the **CONSULTANT** for all Work performed and all materials purchased pursuant to this Agreement prior to receipt of such Notice.
 13. Out of concern for the public, **CITY** employees and the **CONSULTANT's** employees, all work performed by the **CONSULTANT** shall be in conformance with pertinent OSHA, local, state and federal government regulations.
 14. No waiver of any breach of any one or more of the conditions of this Agreement by the **CITY** shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.

15. This Agreement and its attachments represents the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by the **CITY** and **CONSULTANT**.
16. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.
17. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.
18. **CONSULTANT** warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform its obligations under this Agreement, and that the person signing this Agreement on behalf of **CONSULTANT** has the authority to do so.

IN WITNESS WHEREOF, the said **CITY OF PORTLAND** has caused this Agreement to be signed and sealed by Jon P. Jennings, its City Manager, thereunto duly authorized, and **GALLAGHER BENEFIT SERVICES, INC.** has caused this Agreement to be signed and sealed by Bruce G. Lawson, its Managing Director thereunto duly authorized, as of the day and date first above written.

WITNESS:

Sonia Bean

CITY OF PORTLAND

By: _____
Jon P. Jennings
Its City Manager

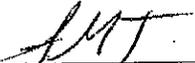
WITNESS:

GALLAGHER BENEFIT SERVICES,
INC.

By:  _____

Bruce G. Lawson
Its Managing Director

Approved as to form:



Corporation Counsel's Office

Approved as to funds:



Finance Director

CITY OF PORTLAND, MAINE
Non-Union Classification and Pay Plan
Department of Human Resources
REQUEST FOR PROPOSALS

Notice and Specifications

Sealed proposals for services to provide a classification and pay consultant for the City of Portland's Department of Human Resources, will be received by the Purchasing Office, City Hall Room 103, 389 Congress Street, Portland, Maine on or before **Wednesday, September 28, 2016 at 3:00 p.m.**, at which time they will be publicly opened. Late, electronic or faxed proposals will not be accepted. All proposals shall be held open to acceptance for ninety days from opening.

Six (an original and five copies) complete copies/sets of the proposal and one (1) electronic copy submitted on a thumb drive, and related documentation, shall be submitted with the original copy being so marked. The City's declaration form shall be signed with the consultant's name and bear the original hand written signature of an officer or employee having authority to bind the company to a contract by his/her signature. Each proposal shall include the legal name of the organization and a statement as to whether or not it is a sole proprietorship, a partnership, a corporation, or any other legal entity. A proposal by a corporation shall also give the state of its incorporation all businesses must be licensed to do business in Maine.

The City of Portland is strongly committed to diversity and does not discriminate on the basis of race, color, creed, national origin, sex, religion, age, disability, sexual orientation or marital status.

Questions

Questions regarding this solicitation **must be made in writing only and be sent to the Purchasing Office**, being received no later than five working days prior to the bid opening. They may be hand delivered, mailed, e-mailed to mff@portlandmaine.gov or faxed to 207-874-8652. Questions that result in modifications to the document will be in the form of a written addendum and sent to all firms registered with the Purchasing Office.

Proposals from firms not registered with the Purchasing Office will be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this Invitation from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this project.

Proposers are cautioned not to discuss this proposal with members of City staff other than Purchasing during the response and selection period.

Insurance Requirements

The selected consultant shall obtain and maintain public and professional liability insurance in amounts not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage protecting the company and the City from such claims, and naming the city for such claims, and naming the city from such claims, and naming the city as an additional insured thereon, and also workers compensation insurance coverage.

Equal Employment Opportunities

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Reservation of Rights

The City reserves the right to waive any informalities in the proposals, to accept any proposal or portions thereof and to reject any or all proposals should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows:

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. If your organization prefers to receive payment via electronic transfer rather than by check, please see the web link below* and include that EFT form with your bid submission. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

* <http://www.portlandmaine.gov/DocumentCenter/Home/View/817>

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

August 17, 2016

Matthew F. Fitzgerald
Purchasing Manager

Background

The City of Portland Maine has a Classification and Pay Plan that was last reviewed in its entirety over 23 years ago. The plan, which covers 176 employees in 135 Classifications, sorted into 13 pay grades, is in urgent need of revision. A similar study was conducted in 2012-13, but never implemented. We seek assistance in the complete reconstruction of the Non-Union employee Classification and Pay Plan.

Minimum Requirements and Preferences

- Must be experienced in the design and development of classification and pay systems, preferably in Municipal settings, and preferably with organizations the size and complexity of the City of Portland.

Scope of Work for Development of Classification and Pay Plan

1. Job Descriptions

Create, modify, and update job classification descriptions for all positions, in compliance with the ADA and other applicable federal and state statutes. Descriptions to include identification of essential functions.

Orientation sessions will be held to explain the process to management, supervisors, and employees.

Consultant will devise survey method to enable employees to list job duties, responsibilities, requirements of work, and permit commentary by supervisors and managers.

Consultant will conduct interviews with employees as necessary to verify/clarify the information received through the survey, and with supervisors and managers to verify information thus collected and synthesized.

Consultant shall prepare draft job classification descriptions to be reviewed by Department managers for accuracy.

Consultant will provide an appeal procedure to be used by individuals who may require additional information regarding the recommended job classification or allocation.

Consultant shall finalize job descriptions and present them to the HR Director for final approval.

2. Compensation philosophy

Consultant will co-create with City executive team, a statement of compensation philosophy, and will recommend salary structures and compensation plan practices necessary to integrate positions and employees into the plan and to manage the plan on a forward going basis.

3. Job Evaluation Methodology

Consultant will recommend a job evaluation process that measures the worth of each position against job evaluation criteria.

4. Classification Structure

Consultant will conduct job evaluation according to agreed upon criteria, and will recommend a job classification structure, and will recommend the allocation of jobs into that structure. Consultant will meet with senior managers and supervisors to introduce the classification structure, and to respond to questions and concerns.

5. Salary Survey

Consultant will conduct a salary survey to assess the level of market competitiveness of City jobs, and will recommend a wage and salary plan that is market competitive. Responses to the RFP should contain a detailed description of the market survey method to be utilized and suggested referent communities and other organizations.

6. Integration of employees into the salary structure

Consultant will recommend means of integrating employees into the new compensation structure, and will cost out the recommended approach. Consultant will make additional recommendations in the event that the cost of implementation is larger than available resources.

7. Classification manual

At the conclusion of the study, consultant shall provide a classification manual to be utilized by the City to evaluate new or revised positions.

8. Additional Requirements

The consultant shall provide 10 printed copies of the final report, which should include introduction, explanation of methodology, survey results, job descriptions, and classification recommendations. In addition, consultant will provide City with an electronic version of the final report, data generated from the survey, job descriptions, and classification manual.

In addition to employee interviews and initial meetings with employees, supervisors, and managers, consultant shall make provision to update participants on the progress of the study through written report, web site, additional meetings, or other approaches. In addition, consultant shall make provision for a meeting with the Finance Committee of the City Council and with the full City Council.

IV. Timeline

Consultant shall begin work within 3 weeks of signing the contract, and will complete work within three months of signing the contract.

V. Contents of the Proposal

Technical Specifications:

The qualifications of the consultant performing the scope of services:

A list of similar projects (including but not limited to Municipal work) completed by the consultant, including those that the project leader served on in a similar capacity, including references with names and contact information.

Samples of similar projects completed by the consultant for other employers:

A plan of services for completion of the project including, but not limited to, a description of the consultant's internal operations, its management systems, a list of personnel with an organizational chart, and the names and qualifications of all personnel who will be assigned to the project.

The plan of services shall include a description of the manner in which the consultant will fulfill the project and a schedule for completion of the scope of work with detailed timelines.

Cost of Services:

The cost of services required under this Request for Proposal.

References:

References from organizations the consultant has done classification and pay work for, including the names and telephone numbers of key personnel at the host organizations

Additional Requirements

- Provide a flat fee for services: to include all labor, travel, miscellaneous expenses, overhead and profit.
- Proposers will provide an hourly rate for any additional work deemed necessary by the City.
- Performance shall commence as of the Award Date and shall be completed within 3months
- The consultant shall submit a schedule for completion of Tasks within ten (10) working days after the Award Date to the Department Head for review and acceptance. Upon acceptance of the schedule, the Firm shall complete the Tasks as scheduled.

Proposal Criteria

A selection team of City staff will meet and review the material submitted in response to this request. The selection team will evaluate the information provided; including the findings of the reference checks conducted, and rates each firm separately according to the following:

1) Firm Qualifications and Experience (35%)

Describe your firm's experience with other similar projects* that demonstrate your capacity to deliver the Scope of Services as outlined above

**with municipalities of similar size and complexity.*

Identify key staff to be assigned to this project and provide their qualifications. Provide names and telephone numbers of clients you have worked with on similar projects.

2) Project Approach (35%)

Describe how you will approach this project, detailing the specific costs and benefits you will be quantifying as per general scope of work above.

Provide an approximate timeline for the scope of services.

3) Price (30%)

Total cost to provide the full range of services as described herein. Please note in the appropriate line on the proposal page (as indicated on page 7).

The selection team shall select the firm(s), which in its own opinion, is/are best suited for further or final consideration. Interviews may be conducted with these selected firm(s) to clarify submitted information. The City reserves the right to negotiate with the selected firm(s) as to the terms of the contract, including, but not limited to, the scope of services and price, whether or not those proposals are the lowest cost to the City. Negotiations are intended to lead to a binding contract.

PROPOSAL

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived therefrom, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

TOTAL COST FOR SERVICES AS DESCRIBED HEREIN \$ _____ *

Hourly Rate for additional work above and beyond as described herein \$ _____ /hr.

The proposer acknowledges the receipt of Addenda numbered _____ (If Applicable)

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____

E-MAIL: _____ FEDERAL TAX ID NUMBER: _____

SALES TAX EXEMPTION NUMBER: _____

NOTE: All bids must bear the handwritten signature of a duly authorized member or employee of the organization making the bid. This sheet must be signed and returned with the proposal package.

CITY OF PORTLAND, MAINE

Non-Union Classification and Pay Plan Department of Human Resources
RFP #1217

Current Date: September 16, 2016

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.

**MATTHEW FITZGERALD
PURCHASING MANAGER**

Please see attached our follow-up response to questions received.

Receipt of Addendum No. 1 to the City of Portland's RFP #1217: Non-Union Classification and Pay Plan Department of Human Resources is hereby acknowledged.

COMPANY: _____

NAME: _____

SIGNED BY: _____ DATE: _____

PRINT NAME & TITLE: _____

ADDRESS: _____

ZIP CODE

CITY OF PORTLAND, MAINE

**Non-Union Classification and Pay Plan Department of Human Resources
RFP #1217**

1. How many employees and separate job titles are include in the study?

There are 176 employees in 135 job classifications included in this study as is stated at the top of page of this RFP. A copy of the current classification plan is attached for your information.

2. Will the City accommodate a longer timeline than 3 months to complete the study? In our professional experience, this timeline is very short to allow for the decision-making process that will be required by the City.

We agree that the timeline is short and there is some flexibility. The goal is to be able to incorporate any recommended changes into the City Manager's FY18 budget. In order to do so, we need to have the classification structure, results of the salary survey and cost of implementation by the end of January. This will allow time for review with the management team in February and formulation of implementation plan if the cost is larger than available resources.

APPENDIX A
NON-UNION CLASSIFICATION PLAN

<u>SALARY GRADE</u>	<u>POSITION TITLE (Single Incumbent, unless otherwise noted)</u>
COUNCIL APPOINTEES	CITY CLERK CITY MANAGER CORPORATION COUNSEL
15	DEPUTY CITY MANAGER
14	AIRPORT DIRECTOR DIRECTOR OF HEALTH AND HUMAN SERVICES DIRECTOR OF HUMAN RESOURCES DIRECTOR OF PERMITTING & INSPECTIONS DIRECTOR OF PLANNING AND DEVELOPMENT DIRECTOR OF PARKS, RECREATION & FACILITIES ECONOMIC DEVELOPMENT DIRECTOR FINANCE DIRECTOR FIRE CHIEF IT DIRECTOR POLICE CHIEF PUBLIC WORKS DIRECTOR
13	TAX ASSESSOR ASSOCIATE CORPORATION COUNSEL (3)
12	ASSISTANT AIRPORT DIRECTOR ASSISTANT FINANCE DIRECTOR ASSISTANT FIRE CHIEF (2) ASSISTANT CHIEF OF POLICE LABOR RELATIONS MANAGER LONG-TERM CARE ADMINISTRATOR PLANNING DIVISION DIRECTOR POLICE COMMANDER
11	AIRPORT DEPUTY DIRECTOR-ADMINISTRATION & PROPERTIES AIRPORT DEPUTY DIRECTOR-ENGINEERING & FACILITIES ASSISTANT AIRPORT MANAGER ASSISTANT DIRECTOR/OPERATIONS BENEFITS MANAGER COMMUNITY JUSTICE ADVOCATE CONTROLLER DEPUTY FIRE CHIEF (4) DEPUTY FIRE CHIEF/EMS DIRECTOR OF NURSING DIRECTOR OF PUBLIC BUILDINGS ENGINEERING MANAGER FLEET MANAGER NEIGHBORHOOD PROSECUTOR PARKING DIVISION DIRECTOR PARKS DIRECTOR POLICE LEGAL ADVISOR POLICE MAJOR PUBLIC HEALTH ADMINISTRATOR RECREATION DIRECTOR SENIOR ADVISOR TO THE CITY MANAGER TREASURER WATER RESOURCES MANAGER

**APPENDIX A
NON-UNION CLASSIFICATION PLAN**

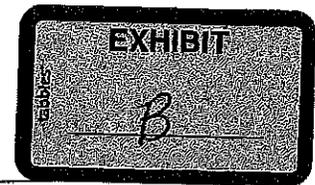
<u>SALARY GRADE</u>	<u>POSITION TITLE</u>
10	AIRPORT OPERATIONS MANAGER ASSISTANT IT MANAGER CITY COMMUNICATIONS DIRECTOR DIRECTOR OF PUBLIC ASSEMBLY FACILITIES EMERGENCY COMMUNICATIONS DIRECTOR EMPLOYMENT SERVICES MANAGER FINANCIAL MANAGER FINANCIAL SPECIALIST (2) HOUSING AND NEIGHBORHOOD SERVICES DIRECTOR HOUSING SAFETY ADMINISTRATOR PURCHASING MANAGER SOCIAL SERVICES ADMINISTRATOR TRANSPORTATION PROGRAM MANAGER TRANSPORTATION SYSTEM ENGINEER WATERFRONT COORDINATOR
9	AIRPORT SECURITY & COMMUNICATIONS CENTER MANAGER ASSISTANT AIRPORT OPERATIONS MANAGER ASSISTANT DIRECTOR NURSING SERVICES ASSISTANT PARKS DIRECTOR ASSISTANT RECREATION DIRECTOR ASSISTANT TO THE CITY MANAGER FOR CONSTITUENT SERVICES ASSISTANT TRANSPORTATION FACILITIES MANAGER ASSISTANT TREASURER BUDGET ANALYST DEVELOPMENT REVIEW SERVICES MANAGER DIRECTOR OF BUILDING TRADES DIRECTOR OF ELDER AFFAIRS DIRECTOR OF ENVIRONMENTAL SERVICES DIRECTOR OF NUTRITION AND CENTRAL MEDICAL SUPPLY SERVICES DIRECTOR OF OPERATIONS/MAINTENANCE DIRECTOR OF PROJECT MANAGEMENT DIRECTOR OF SOCIAL SERVICES/ADMISSIONS EMERGENCY MANAGEMENT COORDINATOR FINANCIAL ADMINISTRATOR (3) GIS MANAGER GOLF COURSE SUPERINTENDENT HR ADMINISTRATOR (4) INSPECTIONS MANAGER NETWORK ENGINEER PROGRAM MANAGER – PUBLIC HEALTH (3) PROGRAM MANAGER – SHELTER ADMINISTRATOR (1) PROGRAM MANAGER - SOCIAL SERVICES (1) SPECIAL ASSISTANT TO THE MAYOR SUSTAINABILITY COORDINATOR WORKERS' COMP AND SAFETY PROGRAM MANAGER
8	APPLICATIONS PROGRAM MANAGER AQUATIC AND RECREATION MANAGER BEHAVIORAL HEALTH COORDINATOR BUSINESS DEVELOPMENT REPRESENTATIVE DIRECTOR OF OPERATIONS DIRECTOR OF LIFE ENRICHMENT & VOLUNTEERS EMPLOYEE ASSISTANCE COORDINATOR Equal Employment Opportunity Officer/HR Generalist FOOD SERVICE MANAGER GOLF COURSE MANAGER HOUSING SAFETY OFFICE PROGRAM COORDINATOR ICE ARENA MANAGER MIS COORDINATOR POLICE PLANNING AND RESEARCH COORDINATOR PRINCIPAL ADMINISTRATIVE OFFICER (3) PRINCIPAL FINANCIAL OFFICER

APPENDIX A
NON--UNION CLASSIFICATION PLAN

<u>SALARY GRADE</u>	<u>POSITION TITLE</u>
8	PROGRAM COORDINATOR (11) RESIDENT SERVICES DIRECTOR (11) SAFETY & TRAINING ADMINISTRATOR THERAPEUTIC RECREATION MANAGER
7	HUMAN RESOURCES ASSOCIATE PARALEGAL/INSURANCE CLAIMS ADMINISTRATOR PROGRAMMER ANALYST (2) SAFETY AND TRAINING OFFICER SUBSTANCE ABUSE DISORDER LIAISON
6	ASSISTANT PURCHASING MANAGER SENIOR ADMINISTRATIVE OFFICER (5) SENIOR HUMAN SERVICES COUNSELOR (5)
5	ADMINISTRATIVE OFFICER (2) AIRPORT OPERATIONS DUTY MANAGER HUMAN RESOURCES ASSISTANT SENIOR EXECUTIVE ASSISTANT (3)
4	EXECUTIVE ASSISTANT (8) PARALEGAL/LEGAL ASSISTANT
3	ADMINISTRATIVE ASSISTANT (2)



Arthur J. Gallagher & Co.



September 28, 2016

Mr. Matthew F. Fitzgerald
Purchasing Manager
City Hall Room 103
389 Congress Street
Portland, ME 04101

RE: RFP #1217: Non-Union Classification & Pay Plan Proposal

Ladies and Gentlemen:

Gallagher Benefit Services, Inc.'s Fox Lawson Group (FLG) is pleased to submit our proposal to assist the City of Portland in conducting a classification and compensation study covering approximately 176 employees in 135 non-union classifications.

We believe a review of our proposal will demonstrate several characteristics that will be advantageous to the City, including:

- We specialize in job classification, job evaluation and compensation studies for public sector organizations.
- Our people are proven, experienced compensation professionals. Each has attained the CCP (Certified Compensation Professional) designation from *WorldatWork*, and/or the IPMA-CP (Certified Professional) designation from the *International Public Management Association for Human Resources*, and hold specialized degrees in HR Management/Industrial Relations or public/business administration.
- Our firm's team-based organizational structure and ongoing managing director interaction enables us to provide senior level consultants who have the experience to guide you through this project to its successful conclusion.
- Our project team has worked together on over 500 similar consulting engagements for cities, counties and other public agencies. We have worked with some of the largest counties in the country, as well numerous cities and public sector organizations throughout the United States.
- We take the time to understand your needs and our managing directors and consultants are available to guide you through all phases of the project.
- We have the technical experience, as well as sensitivity to the significant impact of classification, job evaluation, and compensation decisions to ensure results are appropriate for the City.



Arthur J. Gallagher & Co.

Our proposed approach is designed to supply the City with work products that are tailored to your needs and take advantage of the City's existing knowledge about the jobs we will study.

Our clients will attest to our ability to:

- Manage complex classification, compensation, and change assignments.
- Work with you as a team – we serve as mentors and technical experts to ensure things go right.
- Deliver projects that meet the distinct and unique needs of our clients for the future—we don't simply reorganize your current system.
- Meet project timelines and budgets.

We appreciate having the opportunity to submit this proposal and look forward to assisting the City in conducting this study. We are prepared to begin work at your instruction and look forward to developing a detailed schedule to address your needs as soon as possible. Should you require any further information or have questions regarding our proposal, please contact me at 602-840-1070 or Bruce.Lawson@ajg.com or Ronnie Charles at 651-234-0848 or Ronnie.Charles@ajg.com.

Although Gallagher has offices throughout the United States, services to Beaufort County will be coordinated out of our Richmond, VA Fox Lawson location.

Sincerely,

Bruce Lawson



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Firm Expertise and Experience

Arthur J. Gallagher & Company was established in 1927. The corporation was established in Delaware. Gallagher Benefit Services, Inc., a wholly owned subsidiary of Arthur J. Gallagher, was created in 1987 but formally established as a subsidiary corporation on April 20, 1999. Fox Lawson, our public sector compensation consulting group, began in 1981 as the public sector compensation consulting practice at Arthur Young & Company. In 1989, Arthur Young merged with Ernst & Whitney to become Ernst & Young. In January 1995, Ernst & Young elected to sell its public sector compensation consulting practice to Fox Lawson & Associates, LLC. By sale agreement with Ernst & Young, Fox Lawson became the successor firm to Ernst & Young LLP's public sector compensation and human resources consulting practice. On October 1, 2009, Fox Lawson was acquired by, and became a division of, Gallagher Benefit Services, Inc.

Gallagher Benefit Services, Inc. ranks among the top five compensation and benefits providers in the country with more than 2,000 employees nationwide. GBS was presented with Business Insurance's 2010 Readers Choice Award for best Employee Benefits Consultant. This award is determined by readers of Business Insurance and is their assessment of an organization's combination of service, value, quality and innovation. In addition, in 2012, 2013, and 2014, Arthur J. Gallagher was named by the Ethisphere Institute as one of the world's most ethical companies.

Consulting and insurance brokerage services to be provided by Gallagher Benefit Services, Inc. and/or its affiliate Gallagher Benefit Services (Canada) Group Inc. Gallagher Benefit Services, Inc. is a licensed insurance agency that does business in California as "Gallagher Benefit Services of California Insurance Services" and in Massachusetts as "Gallagher Benefit Insurance Services." Neither Arthur J. Gallagher & Co., nor its affiliates provide accounting, legal or tax advice.

We serve our public sector compensation and classification clients from the following locations:



PHOENIX, AZ	ST. PAUL, MN
Post Office Box 32985 Phoenix, AZ 85064-2985 (602) 840-1070 bruce_lawson@ajg.com Managing Director: Bruce Lawson, MPA, CCP, IPMA-CP	1335 County Road D Circle East St. Paul, MN 55109-5260 651-635-0976 jim_fox@ajg.com Managing Director: James Fox, Ph.D., CCP, IPMA-CP
RICHMOND, VA	
16064 Parsons Road Beaverdam, VA 23015 (651) 234-0848 ronnie_charles@ajg.com Principal Consultant: Ronnie Charles, SPHR, GPHR, IPMA-CP	

We serve our clients on a variety of classification, compensation, benefits and human resources issues, including:

- Classification and Compensation Studies
- Organizational Change Management
- Performance Planning and Evaluation
- Human Resources Planning and Audits
- Executive Compensation Planning
- Human Resources Re-engineering
- Benefits and Retirement

We have a broad understanding of human resource systems. Studies typically include developing new classification structures and job descriptions, assessing FLSA status, evaluating jobs with a job evaluation methodology to determine the internal equity, conducting a custom-tailored salary survey, developing a competitive pay system, recommending strategies to implement the new compensation structure, and ensuring appropriate administrative and procedural guidelines are in place to maintain the system. We address compliance with applicable laws and regulations, such as the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and Equal Employment Opportunity (EEO) standards. Our practice represents leadership to municipalities who desire to obtain sustainable and proven classification and compensation systems.



Firm Services

Below are a few key points we would like to highlight about our firm.

JOB EVALUATION

Our staff excels at applying job evaluation methodologies to better meet our clients' needs in changing environments. Because no single method fits the needs of all clients, we offer a "family" of job evaluation methods, including the Decision Band™ Method, Flex/Point™, a point factor plan, and JFACS™, an automated job evaluation system which uses a scored questionnaire. In addition to these methods, our firm is experienced in fine-tuning various job evaluation methods by updating the language and/or the mathematical weighting schemes behind various systems to ensure they are free of bias and are valid and reliable.

SALARY AND BENEFITS DATABASES

We utilize an internet-based salary survey database that includes the major public and private sector salary surveys. In addition, we often obtain specialized surveys for our clients in the event that we do not have them in our database at the time of the engagement. We also have access to nationally accredited data banks typically utilized in the employee benefits industry, such as Mercer, Segal, Kaiser Foundation and Watson Wyatt.

STATE OF THE ART CLASSIFICATION AND COMPENSATION SOFTWARE

Our practice has continually utilized automated tools to streamline the processes and procedures required to develop and maintain classification and compensation systems. The proprietary compensation planning software that we utilize, Comp Manager™, has been installed in hundreds of organizations. JFACS, our proprietary automated job evaluation tool, has served for 20 years as the objective basis for classification and compensation designs for some of the country's largest government organizations.

INDUSTRY ASSOCIATIONS

We have a strategic alliance with the International Public Management Association for Human Resources (IPMA – HR), the National Public Employers Labor Relations Association (NPELRA), and the Colleges and Universities Professional Association for Human Resources (CUPA - HR) and have conducted training seminars and workshops on compensation, classification, job evaluation, and employee benefits management throughout the nation in conjunction with these organizations.

CLIENT SERVICE

In a survey of clients that we had served in the prior five years, the independent firm Dun & Bradstreet found that the **quality of client services Fox Lawson delivered exceeded services delivered by nearly 90 other competing firms, including many large national firms.** (The factors rated included cost, timeliness, quality,



responsiveness to problems, technical support, quantity delivered verses quantity requested, and the attitude of personnel.)

INDUSTRY LEADERSHIP

Fox Lawson consultants have demonstrated proven leadership in the compensation field. Each consultant has obtained their CCP, their IPMA-CP, and/or teaches courses through *WorldatWork*, including Job Analysis and Evaluation, Performance Management, Broad Banding, and Variable Pay seminars or through the International Public Management Association for Human Resources (IPMA - HR). In association with IPMA-HR, we designed, analyzed and sponsored the 2007 Compensation Benchmarking Survey of trends and best practices in compensation in public sector organizations, the 2008 Performance Management Survey, the 2011 Benefits Benchmarking Survey and the 2012 Compensation Benchmarking Survey that updated the findings from the 2007 survey.

NUMEROUS PRESENTATIONS

Our managing directors have been featured speakers at every IPMA-HR national conference for the past 30 years. We also have been featured speakers at every NPELRA (a public sector labor relations organization) national conference for the past 15 years. We are also often asked to speak at regional and national CUPA - HR and SHRM conferences.

PUBLISHED ARTICLES

We write a quarterly compensation Answer column called CompDoctor™ for the IPMA HRNews. We also have published articles in the American City and County, Public Management, Corporate Report Ventures, Corporate Board Member, and Benefits Planner and have been quoted in the Wall Street Journal and on CNN.

Fox Lawson has:

- Unparalleled (over 30 years) experience conducting compensation and classification and other human resource studies for public and education sector organizations.
- Big firm resources with small practice responsiveness and client service.
- Strict professional methodologies that have stood the test of time.
- Access to over 350 surveys and our own database of compensation data as well as access to our proprietary benefits database and benefits surveys. Reputation to serve as an independent source of recommendation for governing bodies.
- Multiple job evaluation system options.
- Experience to serve as a human resources business advisor.



Technical Specifications

Project Personnel

Services to the City will be under the direction of Bruce Lawson, Managing Director. The project will be locally managed by Ronnie Charles, Principal Consultant located in Richmond. Mr. Charles has a long history serving public sector organizations in the region in both consulting as well as management roles including the State of Virginia and the Cities of Washington, D.C., Baltimore, MD, and Suffolk, Virginia. As such, he has unparalleled understanding of the public sector environment as well as the human resources management needs of the region. Mr. Charles has extensive experience in public sector compensation and classification. Mr. Charles' significant local experience coupled with the depth of resources available through Gallagher's Fox Lawson practice provides the County a unique opportunity for consulting support directly targeted to the classification and compensation study needs.

Qualifications of Key Personnel

There are five critical concerns that must be addressed in organizing, staffing, and managing this project:

- Open communications must be maintained with employees and management.
- The consultants must secure high levels of acceptance from policy makers, employees and management, which is demonstrated through experience, professionalism, and quality work product.
- Work must be carefully planned and efficiently performed to meet your objectives.
- The consulting team must address the concerns of the City's Human Resources Department, managers and supervisors, and affected employees.
- The team must have the proper mix of project management skills, technical expertise, and public sector experience.

We have carefully considered these needs and have proposed a project team that will address these areas and facilitate successful project completion.

BRUCE G. LAWSON, MPA, CCP, IPMA-CP

Mr. Lawson is a Managing Director of the firm. In this capacity, Mr. Lawson serves as project director and/or technical advisor, providing technical direction and quality assurance. He is responsible for all consulting activities in the areas of job evaluation and compensation, organization analysis, personnel systems and policy development. Mr. Lawson has been directing classification and compensation studies for more than 25 years. Prior to forming Fox Lawson, he spent 15 years with the firm of Ernst & Young LLP where he served as the national director of their public sector compensation consulting practice. He also served as City Manager in two California cities (Los Altos



Hills and Belvedere), was the County Administrative Officer in Multnomah County (Portland) Oregon, Assistant City Manager/Personnel Director in Corvallis, Oregon, and Assistant to the City Administrator/Personnel Director in Placentia, CA. Mr. Lawson served on the City of Phoenix (AZ) Public Safety Employees Retirement Board for 12 years. Mr. Lawson has a Master's Degree in Public Administration from the California State University at Fullerton, is a.b.d. in Public Administration from Golden Gate University in San Francisco, and has earned his CCP certification from *WorldatWork*. He is also an active member of several professional associations including the College & University Professional Association for Human Resources, the International City & County Management Association, the International Public Management Association for Human Resources, the Society for Human Resources Management and *WorldatWork*. Mr. Lawson co-authors a quarterly compensation article called the *CompDoctor*TM.

JAMES C. FOX, Ph.D., IPMA-CP

Dr. Fox is a Managing Director of the firm. In this capacity, he serves as project director and/or technical advisor on all projects, providing technical direction and quality assurance. He is responsible for all consulting activities in the areas of personnel management, job evaluation and compensation, organization and management analysis, executive compensation, and survey research. Dr. Fox has been directing classification and compensation studies for more than 25 years. Prior to forming the firm, he was a Partner in the firm of Ernst & Young LLP and headed up the firm's regional compensation practice, with national responsibility for the public sector compensation practice. Dr. Fox holds both M.A. and Ph.D. Degrees in Sociology from the University of Minnesota. He has been an instructor at Metropolitan State University and the University of Minnesota, and has been a guest lecturer at regional conferences and meetings. He is a member of the Society of Human Resource Management, *WorldatWork*, where he is on the faculty, and was the Professional Development Coordinator of the Compensation Council of the Twin Cities Personnel Association. He is the Chairman of the Human Resources Committee of the Board of the Northern Star Council of the Boy Scouts, the past Chairman of the Board of Project Pathfinder and is a member of the Ramsey County Personnel Review Board. Dr. Fox co-authors a quarterly compensation article called the *CompDoctor*TM.

RONNIE E. CHARLES, SPHR, GPHR, IPMA-CP

Mr. Charles is a Principal Consultant with the firm. He is responsible for leading Gallagher's Public Sector consulting practice in the eastern region of the United States. Mr. Charles has over 30 years of Public Sector HR experience including Chief Human Resources Officer (CHRO) experience most recently in the City of Baltimore with additional professional stints in the District of Columbia, State of Virginia, and City of Suffolk, Virginia. Mr. Charles has a Bachelor's Degree in Management from Saint Paul's College. Mr. Charles is a member of several professional organizations, including the International Public Management Association for Human Resources (IPMA-HR) and currently chairs the International IPMA-HR Professional Development Committee. In addition, Mr. Charles also currently serves as the Board Chairman of the



Human Resources Institute (HRCI). He brings vast experience in domestic U.S., International, and Global HR Compensation practices.

SANDRA SPELLMAN, MPA, IPMA-CP

Ms. Spellman is a Senior Consultant with the firm. She is responsible for conducting classification, job evaluation, and human resource process consulting projects. She has been conducting studies for our firm for 10 years and specializes in the areas of classification, communications, human resource strategy and process, performance management and employee and management focus group meetings. Ms. Spellman has worked with various types of organizations including states, cities, counties, colleges and universities, and the federal government. Prior to joining the firm, Ms. Spellman spent 18 years with Ernst & Young's consulting practices where she was responsible for client and internal change management, communications, and training strategies. She has also held state executive and legislative positions addressing a wide range of human resource and related issues. Ms. Spellman has a Bachelor's Degree in Sociology/Political Science from Arizona State University and a Master's Degree in Public Administration with an emphasis in Organizational Development from the same institution. She is a member of several professional associations, including the College & University Professional Association for Human Resources, International Public Management Association for Human Resources, and *WorldatWork*.

LORI MESSER, MA, CCP

Ms. Messer is a Senior Consultant of the firm. She is responsible for conducting classification and compensation consulting projects. Ms. Messer has worked with and for a variety of public and private sector organizations, including states, cities, counties, school districts, colleges, universities, and special districts. Prior to joining the firm, Ms. Messer held positions with school districts and a variety of consultative human resources and compensation positions in high tech, distribution, healthcare and local government organizations. Ms. Messer has a Bachelor's Degree in Business Administration from Arizona State University and a Master's Degree in Education from the University of Phoenix. She is also a member of *WorldatWork* and has earned her CCP certification.

ANNETTE HOEFER, MBA, CCP

Ms. Hoefer is a Senior Consultant. She is responsible for conducting classification and compensation consulting projects. She has been conducting classification and compensation studies for our firm for 10 years and specializes in the areas of classification, job evaluation and compensation, personnel systems and policy development, performance management systems, employee communications, strategy discussions, pay administration planning, and focus group facilitation. Ms. Hoefer has worked with various types of organizations including states, cities, counties, colleges, universities, special districts, and private sector organizations. Prior to joining the firm, Ms. Hoefer worked for 9 years in the same capacity at Lee and Burgess Associates, a consulting firm based in Colorado, and prior to that, had held human resources



positions in energy and insurance companies. Ms. Hoefler has a Bachelor's Degree in Business Administration from the University of Iowa and a Master's Degree in Business Administration with an emphasis in Human Resources from same institution, and has earned her CCP certification from *WorldatWork*.

MIKE VERDOORN, MA-HRIR, CCP, IPMA-CP

Mr. Verdoorn is a senior consultant in our compensation and human resources management consulting practice. He is responsible for providing consulting services to clients in job analysis and compensation analysis. Mr. Verdoorn has a Bachelor of Arts Degree in History from the University of Minnesota and a Master's Degree in Human Resources and Industrial Relations (MA-HRIR) from the University of Minnesota. Prior to joining Fox Lawson & Associates, he was a compensation analyst at Imation and at the University of Minnesota. Mr. Verdoorn is a member of *WorldatWork* and has earned his CCP certification. He is also a Certified Professional from the International Public Management Association for Human Resources.

QUYANG PAN, MA-HRIR

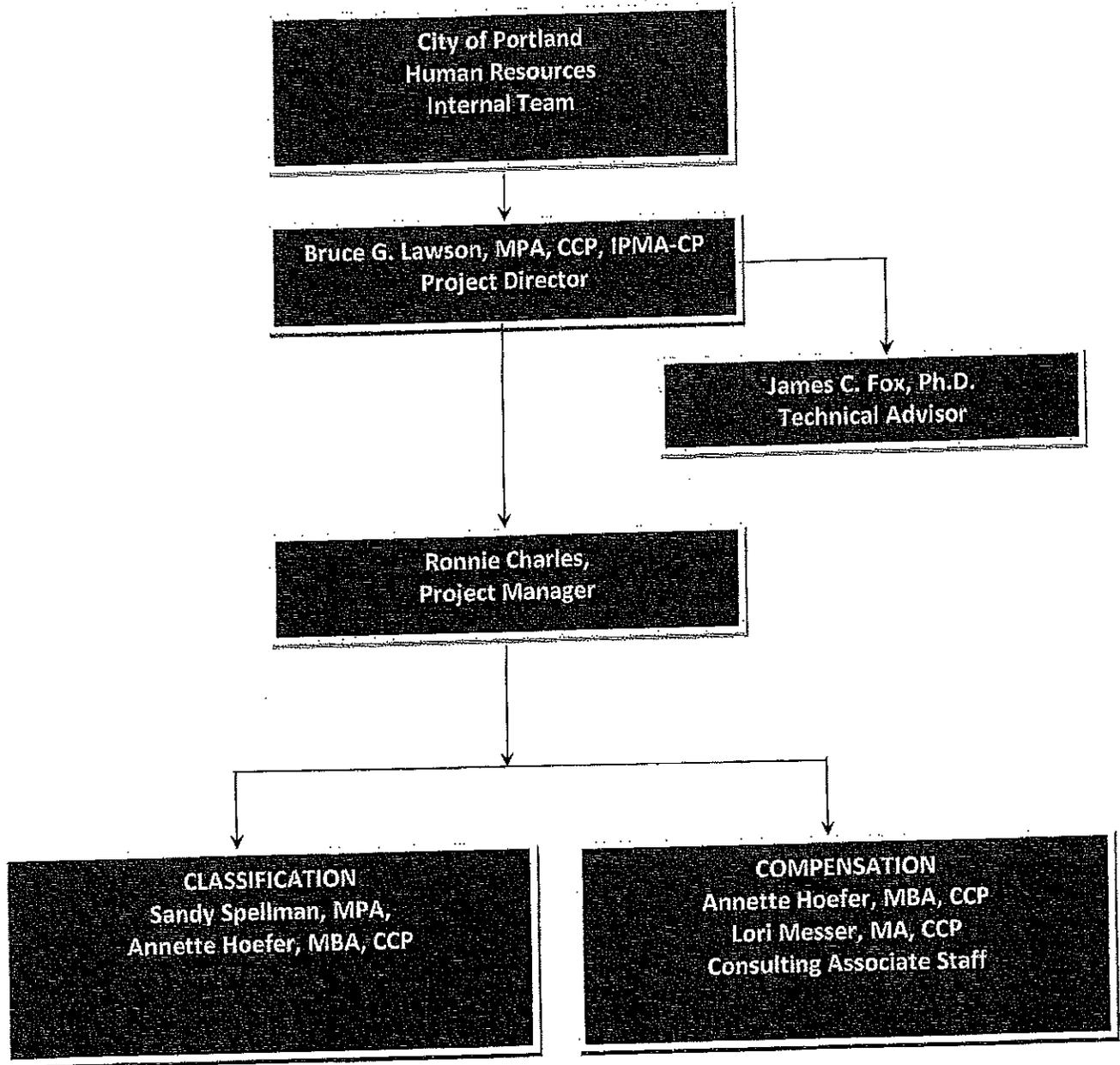
Ms. Pan is a Consulting Associate with the firm. She has conducted a variety of classification and compensation studies for cities, counties, higher education, school districts and quasi-government organizations. Prior to joining the firm, she worked for Maersk A.P. Moller Group for four years in market research and client service. She has broad exposure to all functional areas in the business environment. Ms. Pan has a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota. She's member of the Twin Cities Human Resource Association.

AUGUST ZHU, MA-HRIR

Mr. Zhu is a Consulting Associate of the firm. He has consulted with non-for profit, colleges and universities, quasi-government organizations, as well as cities, counties and states. Mr. Zhu has a Bachelor of Science Degree in Human Resources from Shanghai Jiao Tong University and a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota. Prior to joining Fox Lawson & Associates, he was a compensation analyst at BASF (China) and organization development consultant at Bovis Consulting.

DEEKSHA GARG, MA-HRIR

Ms. Garg will provide staff support during all phases of this study. Ms. Garg has a Bachelor's Degree in Psychology from Bangalore University, India and a Master's Degree in Human Resources and Industrial Relations from the University of Minnesota. She previously worked at Nielsen Company (India) as a consultant for 2 years and later joined Basix Microfinance (India) in talent acquisition.





Plan of Services

The project will contain the following phases and are established in accordance with the RFP's Scope of Work for Development of Classification and Pay Plan:

Phase I - Study Initiation and Compensation Philosophy

We find that a review of the compensation philosophy and related discussions to be extremely valuable during the course of the studies such as these and to assist in determining the implementation parameters. This phase is primarily used to determine the specifics and strategic/technical aspects of the project, including timelines, job evaluation tool, key dates, and survey details. We believe that initial strategy development addressing classification and compensation objectives is necessary to frame the project as a whole and provide for linkages between the classification approach, the handling of internal alignment, and the compensation study.

We will also meet with employees to introduce the study and the Position Description Questionnaire (PDQ) which will be used to capture information pertaining to the position they occupy within the City.

Phase II - Classification Review/Job Evaluation

The City is interested in a review of its job evaluation and classification structure including the development of new class specifications. We have extensive experience understanding the unique structures and jobs in the public sector. Based on the City's strategy developed during Phase I, we would work with the City to determine any needed updates to class structures or develop a new classification structure. We will also meet with members of each department's management team to explain the proposed structures and classifications. We will review, standardize and develop new current job descriptions consistent with the approved class structure. Using the Decision Band™ Method or alternative selected, we will rate the classes and provide training and a manual related to ongoing maintenance. Employees will also be allocated to new classifications.

Phase III - Compensation Study

The City is interested in the implementation of an internally and externally equitable pay system for its non-union classifications. We will use both published source data as necessary and agreed to and conduct a custom survey to address appropriate pay and pay administration data to develop pay structure recommendations for covered employees. We will analyze the data to provide an understanding of market parity and to identify and address related issues within current pay structures. We will provide the updated or new pay structure models to the City along with training on maintaining the pay system. We will also cost up to three (3) transition plans for the City.



Phase IV - Project Finalization and Final Report

We will develop a final report that includes recommendations on the classification and compensation system, including recommendations on implementation methods and costing analysis for the proposed salary structure(s). We will provide training for HR and management staff in the systems used to develop and maintain the system and prepare report presentations summarizing the process used in the studies and our recommendations to leadership and other affected groups.

Work Plan

Study Component	Summary Tasks/Deliverables
<p>I. Study Initiation and Compensation Strategy</p> <p>[Includes 2 total days on site to conduct project initiation and strategy and employee PDQ and introduction meetings.]</p>	<ul style="list-style-type: none"> ▪ Organization & salary material collected. ▪ Identification of possible barriers to implementing and maintaining change. ▪ Assessment of the strengths and weaknesses of the City's current classification & compensation systems. ▪ Review of current job evaluation approach and presentation of the DB™™ job evaluation methodology or alternatives for consideration. ▪ Development of, or facilitation of, an updated compensation philosophy and strategies with leadership and HR. ▪ Employee sessions to discuss the study process and the Position Description Questionnaire (PDQ) form. ▪ Project timetable confirmed. ▪ Communication plan confirmed.
<p>II. Classification and Job Evaluation</p> <p>[Includes 2 total days on site to explain classification structure and conduct job evaluation training.]</p>	<ul style="list-style-type: none"> ▪ Review of current organization material, PDQs, and other job documentation. ▪ Conduct of selected employee interviews by telephone. ▪ Development of draft classification structure and on-site meetings with management. ▪ Development of new job descriptions and one set of revisions allowed by the City. ▪ Job descriptions finalized ▪ Application of the DB™™ job evaluation tool, or other tool selected, to resulting City jobs. Training of HR staff on selected method. ▪ Allocation of employees to new, resulting job classifications. ▪ Appeals process recommended and conducted for allocation decisions.



<p>III. Compensation Study</p>	<ul style="list-style-type: none"> ▪ Labor market and survey participants confirmed. ▪ Benchmark jobs identified and summarized. ▪ Compensation custom survey developed and conducted. ▪ Published source data identified and approved for compensation research as necessary. ▪ Identification of hard to recruit positions and assessment of the relevance of compensation for recruiting. ▪ Competitive analysis performed. ▪ Diagnostic review of current salary structures conducted to identify opportunities for simplification. ▪ Recommended pay structure(s) or update of existing structures. ▪ Recommended compensation considerations. ▪ Participant summary developed and distributed. ▪ Transition options and next steps/costs outlined.
<p>VI. Draft and Final Report [On-site final presentation with management team and City Council.]</p>	<ul style="list-style-type: none"> ▪ Draft report developed and discussed and reviewed with the City ▪ Quality assurance reviews conducted. ▪ City review and feedback. ▪ Final report developed and provided in hard copy and file form to the City. ▪ Final presentation made to the Council as requested by the City.

Quality Assurance and Conduct of the Survey

In conducting salary studies, we follow professionally accepted compensation principles and practices as outlined by *WorldatWork*, SHRM, the U.S. Department of Justice and the Federal Trade Commission. Some of these guidelines are listed below.

- We follow guidelines for benchmark selection in terms of how many benchmarks should be selected; either at least 30% if utilizing a formal job evaluation methodology or at least 50% if using a pure market approach. We include representation of all job families and levels throughout the organization; highly populated jobs; jobs found in most comparator organizations; and jobs with recruitment or retention problems.
- We review job descriptions to ensure the duties and responsibilities are understood as well as to make sure we understand the level that the job is functioning at and that reporting relationships are understood so that participating organizations can



match their classifications to the benchmark jobs. We will draw on our 20+ years of salary and benefits survey experience to determine if we believe a comparable job can be found in the labor market.

- We follow guidelines for job matching (match only those jobs that match at least 70% of the duties, responsibilities and functions as outlined in the benchmark job summary).
- We follow professionally accepted guidelines for defining labor markets and selecting organizations to survey. We factor in that different jobs will have different recruiting markets, by type of organization, size of organization, and geographic location.
- Any published sources utilized must meet the following criteria:
 - Conducted by a reputable salary survey firm.
 - Survey data is not self-reported.
 - Survey is conducted on a continual basis instead of a one-time event.
 - Survey reports its data sources, the effective date of the data, and was tested to ensure accurate matches and data.
- For surveys, the questions in our data collection form have been field tested through over 30 years of salary and benefits experience to produce valid and accurate data. We pose questions in a fashion easy for participants to answer, as well as providing ease for quantification and analysis. Participants are given the option of completing the survey electronically or in hardcopy.
- We follow-up with participants to ensure data quality and validity of matches and data being reported. If there are questions, we seek job descriptions, organizational charts and other information and weekly status updates on the progress of the compensation study are provided.
- We perform several reviews of the data as well as statistical tests to identify any extreme data and to ensure the validity of the data.
- We utilize trend factors for aging data so that all data is consistent to a current point in time. The trend factors are derived from either the U.S. Department of Labor data or *WorldatWork* Surveys.
- We apply geographic differentials as appropriate and necessary to ensure that the data are reflective of your labor market and economic conditions. We use third party resources (Economic Research Institute) to identify the appropriate geographic differentials.



- We calculate various statistics for summarizing the data (means, medians, highs, lows, percentiles).
- We follow the U.S. Department of Justice and Federal Trade Commission guidelines that 5 matches should exist per job in order to draw reliable conclusions. Therefore, we do not calculate statistics (means, medians, etc.) on jobs with fewer than 5 job matches.
- We submit our survey analysis and draft report internally through our firm's quality control process for review before it is submitted to our clients.
- We document and explain our methodology and processes in written reports and also provide electronic copies of the reports. All of the data and conclusions are transparent and auditable.

FLG has comprehensive quality and performance standards. Each deliverable is reviewed by two individuals in the firm for quality control. If clients have issues that need to be addressed, the first contact is the project manager who will attempt to resolve the issues with, as necessary, the assistance of one of the Managing Directors.

Role and Involvement of City Staff

Our firm considers Senior Management, Human Resources and General Staff engagement essential to project success. We confirm with key stakeholders a communications approach to ensure staff are apprised of all project activities and provide periodic status updates on study progress throughout the engagement. In addition, we provide training to ensure staff awareness on adopted classification and compensation systems, utilization, and long term maintenance to assist the City following project implementation.

During projects, we serve as mentors to HR staff and provide work products that fit your needs. In order to accomplish classification and compensation studies, we usually anticipate reasonable support in the following areas, for example:

- Discussing the City's current systems.
- Completion, tracking, and submission of employee documentation, and other project required information.
- Scheduling of communication activities, such as orientation and management meetings.
- Timely and consolidated response to requests for information and the review and discussion of our work product.



Previous Studies

EXAMPLES OF OTHER RELATED CLIENTS	
<p>Cities: City of Watertown, NY City of Keene, NH City of Boston, MA City of Clarksville, TN City of Newport Beach, CA City of Keene, NH City of Boston, MA City of Clarksville, TN City of Newport Beach, CA City of La Quinta, CA City of Rancho Mirage, CA City of Tacoma, WA</p>	<p>Counties: Manitowoc County, WI San Mateo County, CA Benton County, OR Nassau County, NY</p>

Other Clients are listed below:

CITY CLIENTS	
Ann Arbor, MI, City of	Mandan, ND, City of
Arlington, MN, City of	Maplewood, MN, City of
Ashland, OR, City of	Medford, OR, City of
Atlanta Traffic Court, GA	Mercer Island, WA, City of
Barnesville, MN, City of	Mill Creek, WA, City of
Bellevue, WA, City of	Missoula, MT, City of
Bellingham, WA, City of	Montrose, CO, City of
Bend, OR, City of	Mount Pleasant, MI, City of
Beverly Hills, CA, City of	Mountain View, CA, City of
Billings, MT, City of	Murray City Corporation, UT
Bismarck, ND, City of	Newcastle, WA, City of
Burlington, IA, City of	North Branch, MN, City of
Butte-Silver Bow, MT, City & County of	North Lauderdale, FL, City of
Carlsbad, CA, City of	Northfield, MN, City of
Carson, CA, City of	Oceanside, CA, City of
Casper, WY, City of	Orinda, CA, City of
Cave Creek, AZ, Town of	Palo Alto, CA, City of
College Station, TX, City of	Paradise Valley, AZ, Town of



CITY CLIENTS	
Colorado Springs Attorney's Office, CO	Pella, IA, City of
Colorado Springs, CO, City of	Peoria, AZ, City of
Concord, NC, City of	Phoenix, AZ, City of
Cumberland, MD, City of	Plymouth, MN, City of
Dallas, TX, City of	Prescott, AZ, City of
Danville, VA, City of	Pulaski, VA, Town of
Davis, CA, City of	Queen Creek, AZ, Town of
Desert Hot Springs, CA, City of	Rancho Cucamonga, CA, City of
Des Plaines, IL, City of	Redmond, WA, City of
Dickinson, ND, City of	Richland, WA, City of
Durham, NC, City of	Riverside, CA, City of
Eden Prairie, MN, City of	Roanoke, VA, City of
Edmond, OK, City of	Rochester, MN, City of
Encinitas, CA, City of	Roseburg, OR, City of
Eugene, OR, City of	Sacramento, CA, City of
Fargo, ND, City of	San Clemente, CA, City of
Farmington, MN, City of	San Francisco, CA, City of
Fayetteville, NC, City of	San Jose, CA, City of
Federal Way, WA, City of	San Ramon, CA, City of
Fergus Falls, MN, City of	Santa Ana, CA, City of
Flagstaff, AZ, City of	Santa Cruz, CA, City of
Fremont, CA, City of	Schaumburg, IL, Village of
Fresno, CA, City of	Scottsdale, AZ, City of
Ft. Lauderdale, FL, City of	Seattle, WA, City of
Glen Ellyn, IL, Village of	Shakopee, MN, City of
Goodyear, AZ, City of	Sheboygan Falls, WI, City of
Grand Forks, ND, City of	Sioux City, IA, City of
Grand Junction, CO, City of	Sioux Falls, SD, City of
Grants Pass, OR, City of	Solano Beach, CA, City of
Greensboro, NC, City of	Springfield, OR, City of
Hamilton, OH, City of	Surprise, AZ, City of
Hanford, CA, City of	Tacoma, WA, City of
Hartford, CT, City of	Telluride, CO, Town of
Healdsburg, CA, City of	Thief River Falls, MN, City of
Hercules, CA, City of	Tucson, AZ, City of
Hilton Head, SC, Town of	Tukwila, WA, City of



CITY CLIENTS	
Huber Heights, OH, City of	Walnut Creek, CA, City of
Huron, SD, City of	Washington DC, City of
Issaquah, WA, City of	Upper Arlington, OH, City of
Jackson, MN, City of	Valley City, ND, City of
Kalamazoo, MI, City of	Vancouver, WA, City of
Kalispell, MT, City of	Walnut Creek, CA, City of
Kansas City, MO, City of	Washington DC, City of
Kennewick, WA, City of	Watertown, NY, City of
Kingman, AZ, City of	West Fargo, ND, City of
Kirkland, WA, City of	West Hollywood, CA, City of
Lake Havasu City, AZ, City of	West Jordan, UT, City of
Lake Oswego, OR, City of	Wichita, KS, City of
Lakewood, CO, City of	Wilmington, NC, City of
Litchfield Park, AZ, City of	Woodland Park, CO, City of
Longview, WA, City of	Yuma, AZ, City of

COUNTY CLIENTS	
Alameda County Office of Education, CA	Livingston County, MI
Baltimore Co., MD	Los Angeles County, CA
Becker County, MN	Maricopa County Attorney, AZ
Blue Earth County, MN	Maricopa County Superior Court, AZ
Broward County, FL	Maricopa County, AZ
Burleigh County, ND	Marin County, CA
Carver County, MN	Mecklenburg County, NC
Cass County, ND	Miami-Dade County, FL
Charleston County, SC	Mille Lacs County, MN
City/County of Denver, CO	Monterey County, CA
City/County of San Francisco, CA	Montgomery County, MD
Clay County, MN	Mower County, MN
Cochise County, AZ	New Hanover County, NC
Coconino County, AZ	Olmsted County, MN
Contra Costa County, CA	Pima County, AZ
Crow Wing County, MN	Pine County, MN
Dakota County, MN	Pipestone County, MN
Dodge County, MN	Polk County, MN



COUNTY CLIENTS	
Douglas County, WI	Polk County, WI
Durham County, NC	Ramsey County, MN
Eau Claire County, WI	Rice County, MN
El Dorado County, CA	Rockdale County, GA
Escambia County, FL	Santa Cruz County, CA
Faribault County, MN	Santa Rosa County, FL
Freeborn County, MN	Scott County, IA
Fulton County, GA	Scott County, MN
Greene County, OH	Sedgwick County, KS
Gwinnett County, GA	Sherburne County, MN
Hennepin County, MN	Solano County, CA
Itasca County, MN	St. Louis County, MN
Johnson County, KS	Stearns County, MN
Kern County, CA	Unified Gov't of Wyandotte Co./KCK, KS
King County Superior Court, WA	Ventura County, CA
King County, WA	Watonwan County, MN
Klickitat County, WA	Yakima County, WA
Lane County, OR	Yavapai County, AZ
Le Sueur County, MN	Yuma County, AZ



STATE CLIENTS	
Alaska	New Mexico
Arizona	New York
Arkansas	North Carolina
California	North Dakota
Colorado	Ohio
Georgia	Oklahoma
Hawaii	Rhode Island
Illinois	Utah
Iowa	Vermont
Kansas	Virginia
Michigan	Washington
Minnesota	Wisconsin
Montana	Wyoming
Nevada	

Project Timeline

The City desires that the study be completed in three (3) month. In our over 30 years of professional experience in completing similar studies for the public sector, we find that a minimum of 5 to 6 months are needed to allow the organization sufficient time to review and approve the deliverables and recommendations of this type of study.

The schedule presented below employs a sequential process of conducting a study of this nature although some tasks can be conducted simultaneously. A detailed schedule will be developed with the City during Phase I: Study Initiation and Strategy in accordance with the RFP 10-day specification.



PHASE	DESCRIPTION	Month					
		1	2	3	4	5	6
I	Study Initiation and Strategy						
II	Classification & Job Evaluation Review						
III	Compensation Study						
IV	Project Finalization and Final Report						

Cost of Services

We understand the importance of this study as one of many strategies to address current human resource issues and realize the delicate nature of City spending. Therefore, we have proposed a sensible fee schedule that generates project results destined to add value to the City. It will provide the flexibility necessary to attract, retain, and motivate employees to provide quality services and ensure the system is not an administrative and/or costly burden to the City, now or in the future.

Our fees to conduct the project outlined for City positions (including out of pocket expenses) will not exceed \$70,000* excluding job description development and employee appeals which are priced separately below*. These fees assume a total of six on-site day visits by Fox Lawson staff as outlined in the work plan. Job description development and employee appeals are invoiced according the schedule (*) below.

PHASE	DESCRIPTION	FEES
I	Study Initiation, Strategy Communication & Project Administration	\$10,000
II	Classification & Job Evaluation Review	\$25,000
III	Compensation Study	\$25,000
IV	Project Finalization (final Report, documentation, and presentation)	\$10,000
Total Cost:		\$70,000*

*Employee appeals, if consultant support is desired, are billed at \$350 per position since we have no way of estimating the number of employees that may decide to utilize the appeal process.



***Job Description development** is based on a per job descriptions basis because we are unable to estimate the number of classifications that the City will approve within the development of a new classification structure. Job descriptions are invoiced at \$375 per job description.

Additional Post Study Assistance

Following the completion of the study the following services are available to the City of Portland:

- Update the salary schedules based on market changes.
- Review of procedures and decisions made during the year to make sure that the system is maintained appropriately.
- Review any new or changed jobs to determine the correct pay grade assignment.
- Develop new job descriptions.
- Conduct special market survey for difficult to hire jobs.

References

Our firm has assisted several hundred public, not for profit and private sector clients throughout the country with a variety of human resources issues. These projects have included from less than 100 to more than 100,000 employees. Below is a sampling of clients we have recently assisted with similar needs. These projects are relevant in demonstrating our ability to meet the needs of the City and show considerable experience reviewing and developing functional total classification and compensation systems. Our references will attest to the timeliness, quality and responsiveness of services we provide, as well as our knowledge of public sector organizations, the functions under study, and our skill and ability of dealing with organizations of your size and needs. We continue to provide ongoing services and complete additional projects for many of our clients.

BEAUFORT COUNTY, SC

In 2015 we were engaged to assist the County in conducting a comprehensive Classification & Compensation Study covering approximately 840 full-time and 130 part-time positions. This ongoing engagement includes a review of the County's job evaluation and classification structure, position description updates and a market survey to determine internal and external competitiveness. Ms. Suzanne Gregory, Director of Human Resources, at 843-255-2982 or suzanneg@bcgov.net, PO Box 1228, Beaufort, SC 29901-1228.



CITY OF RALEIGH, NC

In 2015, we assisted the City in conducting a comprehensive Compensation System Study which provided for the development of a formal compensation philosophy, identified appropriate labor markets and benchmark jobs, recommendations for alternative pay structures, and enterprise wide employee and key stakeholder communication strategies. In 2016 we are currently engaged with the City in conducting a full Compensation and Classification Study. Mr. C. Stephen Jones, Jr. MBA, SPHR at 919-996-4708 or C.Stephen.Jones@raleighnc.gov, 222 W. Hargett Street, First Floor, Raleigh, NC 27601.

STATE OF VERMONT

In 2016 we were engaged to conduct a Diagnostic Study of the State's Job Evaluation, Classification and Compensation System. Mary Beth Spellman, Director of State Human Resources, Email: MaryB.Spellman@Vermont.gov Phone: 802-828-3517.

STATE OF RHODE ISLAND

In 2014, we contracted with the State of Rhode Island to provide a comprehensive update to its compensation and classification system covering over 14,000 employees. We are currently engaged with the State as of this date. Deborah Dawson, Director of Human Resources, Deborah.Dawson@hr.ri.gov, P: 401.222.3454

UNIVERSITY OF MAINE SYSTEM, ME

We were retained to conduct a complete classification and compensation study of all FLSA non-exempt jobs throughout the university system. The study involves a complete job analysis of about 2,000 employee positions across 7 campuses, the creation of a new consolidated classification structure, the development of new job descriptions the application of a job evaluation system and conducting a market survey of similar employers to develop an effective pay system. Noah Lundy, Labor Relations Coordinator, 207 973 3376, noah.lundy@maine.edu. We have continued to provide consulting services to the University System through job evaluations and market pricing since the project completion in 2011. The original project was completed within the expected time frame and within budget.

MONTGOMERY COUNTY, OH

In 2012, we were engaged to conduct a custom survey of the 300 professional County job titles in the County to determine the market competitiveness of their pay structure, make recommendation on internal equity based on market data and provide recommendation on the cost of implementing a new salary structure that was simplified and consistent with the market. David Holbrook, Compensation and Benefits Manager, (937) 225-4718, holbrookd@mcohio.org



ALLEGHENY COUNTY AIRPORT AUTHORITY

In 2011, we were hired to conduct a compensation survey for the top 72 administrative positions in this independent airport authority and determine the appropriate pay range and level of pay. Lisa Morrow, Director of Human Resources, (412) 472-3795, LMorrow@PITAIRPORT.com

CITY OF ROANOKE, VA

Fox Lawson conducted an audit of the classification and compensation system of this City to determine competitive rates of pay for its 2,000 employees. We also conducted a comprehensive salary and benefits survey of similar-sized organizations in Virginia and surrounding cities and counties to determine the competitive rates of pay for similar positions. Recommendations were made to update the current compensation grades and ranges. Ken Cronin, Manager of Human Resources, (434) 799-5240.

CITY OF ASHEVILLE, NC

Currently and since 2007, we continue to provide ongoing classification and compensation support for the City. In 2007, FLA conducted a classification study and made recommendations regarding restructured broad classes for approximately 75% of the City's positions. We conducted pay plan reviews for all positions and developed compensation structure recommendations for public safety and other positions. Kelley Dickens, Human Resources Director (828) 259-5682 or kdickens@ashevillenc.gov.

CITY OF BALTIMORE, MD

We were retained in 2007 and in 2012 to conduct a comprehensive classification and compensation study for the City of positions within the "Managerial and Professional Society", with approximately 1,000 employees in 800 job classifications across a number of City departments and agencies. We continue to work with the city currently. Louis LaRicci, Director of Classification and Compensation. Louis.LaRicci@baltimorecity.gov 410-396-1565.

MONTGOMERY COUNTY, MD

We assisted the Montgomery County Human Resources Department in conducting job classification audits. These studies involve interviews, job documentation review, application of the County's job evaluation system, and determination of pay grades. We have conducted numerous studies for the County. Kaye Beckley, Business Operations and Performance Division Manager, (240) 777-5041, kaye.beckley@montgomerycountymd.gov.

DISTRICT OF COLUMBIA

We were engaged in 2002 by the District to conduct a review and analysis of the District's classification and compensation programs covering about 20,000 employees under direct control of the Mayor. The analysis reviewed the manner in which jobs were classified, the process used to determine the grade of the job, and the management



processes used to maintain the system. Recommendations were made to install a new job evaluation system, to reorganize the manner in which they organized their occupational groups and job families and the manner in which they developed and maintained their pay program. The recommendations were a blueprint to radically revitalize the classification and compensation system. Milou Carolan, former Director of Human Resources, reachable at 202-364-9690 (home phone).

CITY OF ROANOKE, VA

FLA conducted an audit of the classification and compensation system of this City to determine competitive rates of pay for its 2,000 employees. We also conducted a comprehensive salary and benefits survey of similar-sized organizations in Virginia and surrounding cities and counties to determine the competitive rates of pay for similar positions. Recommendations were made to update the current compensation grades and ranges. Ken Cronin, Manager of Human Resources, (434) 799-5240. Additionally, we evaluated and made recommendations related to appropriate pay range spreads between select employee groups (executive and senior management as well as supervisors and subordinates). Kelley Bacon, Human Resources Director, 619-691-5096 or kbacon@chulavistaca.org.

CITY OF DETROIT, MI

Fox Lawson conducted a comprehensive classification and compensation study of all City positions, including fire and police, with the intent of streamlining the classification structure and bringing the compensation system to market levels. The study was performed under the auspices of the City's Emergency Manager as the City works its way through the bankruptcy process. Gail Gillespie, Classification and Compensation Project Team Leader, 313-224-3108.

RFP Variances or Exceptions

GBS provides additional insured coverage for General Liability only.

Proposal Documents



Arthur J. Gallagher & Co.

CITY OF PORTLAND, MAINE
Non-Union Classification and Pay Plan Department of Human Resources
RFP#1217

Current Date: September 16, 2016

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.

**MATTHEW FITZGERALD
PURCHASING MANAGER**

Please see attached our follow-up response to questions received.

Receipt of **Addendum No. 1** to the City of Portland's **RFP #1217: Non-Union Classification and Pay Plan Department of Human Resources** is hereby acknowledged.

COMPANY: Gallagher Benefit Services, Inc.

NAME: Bruce Lawson

SIGNED BY:

DATE: 09/28/16

PRINT NAME & TITLE: Bruce Lawson, Managing Director

ADDRESS: P.O. Box 32985

Phoenix, AZ

85064-2985
ZIP CODE



Arthur J. Gallagher & Co.

Gallagher Benefit Services, Inc.
16064 Parsons Road
Beaverdam, VA 23015

p 651.234.0848
f 651.234.084929
ajg.com



Arthur J. Gallagher & Co.

Appendix: Sample Report



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/28/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 300 S. Riverside Plaza, Suite 1900 Chicago IL 60606	CONTACT NAME: Direct All Inquiries to Email	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
E-MAIL ADDRESS: Chi_Certificates@ajg.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Arch Insurance Company		11150
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
ARTHJGA113
Gallagher Benefit Services, Inc.
P O Box 32985
Phoenix, AZ 85064-2985

COVERAGES CERTIFICATE NUMBER: 1485937023 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOG <input type="checkbox"/> OTHER:		Y	Y	41GPP4938409	10/1/2016 10/1/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMPROP AGG \$3,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS				41CAB4939009 (MA) 41CAB4938309 (AOS)	10/1/2016 10/1/2016	10/1/2017 10/1/2017 COMBINED SINGLE LIMIT (Ea accident) \$3,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below				41WCH4938109 (AOS) 44WCI0501909 (NY, TX, CA)	10/1/2016 10/1/2016	10/1/2017 10/1/2017 <input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

General Liability:
General Aggregate Per Location Subject to \$10 Mil Policy aggregate.

The City of Portland, ME its elected, appointed Boards, officers, agents, and employees are shown as Additional Insured solely with respects to General Liability as evidenced herein as required by written See Attached...

CERTIFICATE HOLDER City of Portland, ME Attn: Mr. Michael Goldman Associate Corporation Counsel 389 Congress Street Portland ME 04101	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

AGENCY CUSTOMER ID: ARTHJGA113

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

AGENCY Arthur J. Gallagher Risk Management Services, Inc.		NAMED INSURED Gallagher Benefit Services, Inc. P O Box 32985 Phoenix, AZ 85064-2985
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE
contract per form 00 GL0596 00 04 10. Waiver of subrogation applies in favor of the additional insured with respects to General Liability as evidenced herein as required by written contract per form #CG 2404 0509.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET ADDITIONAL INSURED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM
LIQUOR LIABILITY FORM
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE FORM

SECTION II – WHO IS AN INSURED is amended to include as an additional insured the person or organization who is required under a written contract with you to be included as an insured under this policy, but only with respect to liability arising out of your operations or premises owned by or rented to you.

All other terms and conditions of this policy remain unchanged.

Endorsement Number:

Policy Number: **41GPP4938409**

Named Insured: **ARTHUR J GALLAGHER & COMPANY**

This endorsement is effective on the inception date of this Policy unless otherwise stated herein:

Endorsement Effective Date: **10/1/2016**

POLICY NUMBER: 41GPP4938409

COMMERCIAL GENERAL LIABILITY
CG 24 04 05 09

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

ANY PERSON OR ORGANIZATION WHERE WAIVER OF OUR RIGHT TO RECOVER
REQUIRED BY WRITTEN CONTRACT WITH SUCH PERSON OR ORGANIZATION
PROVIDED SUCH CONTRACT WAS EXECUTED PRIOR TO THE LOSS.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV - Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/28/2016

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IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 300 S. Riverside Plaza, Suite 1900 Chicago IL 60606	CONTACT NAME: Direct All Inquiries to Email	
	PHONE (A/C, No, Ext): E-MAIL ADDRESS: chi_certificates@ajg.com	FAX (A/C, No):
INSURED ARTHJGA113 Arthur J. Gallagher & Co. and its Subsidiaries The Gallagher Centre Two Pierce Place Itasca IL 60143-1203	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Lexington Insurance Company	NAIC # 19437
	INSURER B: XL Specialty Insurance Company	NAIC # 37885
	INSURER C:	
	INSURER D:	
	INSURER E:	
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** 1339824511 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEF RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A B	Primary E&O Liability Excess E&O Liability	N N	N N	017788170 ELU14806816	9/1/2016 9/1/2016	9/1/2017 9/1/2017	Per Claim/Aggregate \$17,000,000 Per Claim/Aggregate \$3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Coverage extends to:
Gallagher Benefits Services, Inc.
P.O. Box 32985
Phoenix
AZ 85064-2985.

CERTIFICATE HOLDER City of Portland 389 Congress Street c/o Michael I. Goldman, Associate Corporation Counsel Portland ME 04101	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	--

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

Order 214-17/18
~~*Tab 17 5-14-18*~~
Tab 14 5-21-18

**ORDER DESIGNATING FISCAL YEAR 2019 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$40,000 from the Fiscal Year 2019 municipal budget is hereby designated to pay for the Peaks Island services specified in list attached hereto.

Peaks Island Council
FY 2019 Budget Request Summary
 Approved by PIC February 28, 2018

	Request
Ferry tickets, passes, vouchers, loading control	
A. Middle & High school passes	5,208
B. College students	500
C. Private school tickets	450
D. Needs-based tickets	3,000
E. Bicycle tickets	500
On-Island transportation	
F. ITS ("The Taxi")	16,000
G. Cadet	2,067
Islanders in need	
H. PITEA (for PIC, heating assistance only)	4,000
Parks, recreation, open space	
I. PEAT brochure	400
Island services	
J. Peaks Library, A/V equipment	2,500
K. Peaks Assisted Living Facility	2,000
PIC Administrative	
L. Administrative	3,375
Total	40,000



**Peaks Island Council
FY 2019 Budget Request
Approved for Submission
February 28, 2018**

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the **PIC FY 19** Parking and Transportation Fund in the amount of \$40,000 in accordance with the following items:

Item A: The Peaks Island Council requests the City Manager or his designee to transfer to the Portland School Department \$5,208.00 to cover the cost of extending Portland School Department issued 10-month Casco Bay Lines passes for Peaks Island public middle and high schools students to 12-month passes. *(5th year)*

Jon Jennings, Portland City Manager

Date

Item B: The Peaks Island Council requests the City Manager or his designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$500.00 . For the purposes of PIC transportation support, a college student shall be defined as a full-time island resident carrying a full-time course load (12 credits) at a Portland-area institution of higher education. *(4rd year)*

Jon Jennings, Portland City Manager

Date

Item C: The Peaks Island Council requests the City Manager or his designee to issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$450.00 . *(5th year)*

Jon Jennings, Portland City Manager

Date

Item H: The Peaks Island Council requests the City Manager of his designee to provide an allocation of \$4,000.00 to **Peaks Island Tax & Energy Assistance (PITEA)** for the express purposes of assisting eligible island residents with heating costs. Applications for eligibility approved by Peaks Island Clergy, and monies are paid by PITEA directly to the fuel company.
(5th year)

Jon Jennings, Portland City Manager

Date

Item I: The Peaks Island Council requests the City Manager of his designee to provide an allocation of \$400 to the **Peaks Island Environmental Team (PEAT)** for the purposes of printing existing two different **visitor-education brochures**. *(3rd year)*

Jon Jennings, Portland City Manager

Date

Item J: The Peaks Island Council requests the City Manager, or his designee provide an allocation of \$2,500.00 to the **Peaks Island Library** for the purchase of audio visual equipment to be used in the renovated community center for various public meetings and gatherings. *(1st year)*

Jon Jennings, Portland City Manager

Date

Item K: The Peaks Island Council requests the City Manager, or his designee, provide an allocation of \$2,000.00 in support of **Peaks Assisted Living (PAL)** a nonexempt group working to create an assisted living facility on Peaks Island. Funds are to be used for the cost of the group's filing to become a 501c3 organization and part of the time of an Island Institute Island Fellow to assist in the process. PAL is in discussion with existing 501c3 organization that will serve as fiscal agent for the city funds allocated until its own nonprofit tax status is obtained. *(1st year)*

Jon Jennings, Portland City Manager

Date

Item L: The Peaks Island Council requests the City Manager of his designee to provide an allocation of \$3,375.00 to the Peaks Island Council for **Administrative Expenses**. *(All previous years.)*

Jon Jennings, Portland City Manager

Date

Order 215-17/18
~~*Tab 18 5-14-18*~~
Tab 15 5-21-18

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

**ORDER FOR FISCAL YEAR 2019 APPROPRIATING \$350,000
FROM THE CASCO BAY ISLAND TRANSIT DISTRICT EXCESS FUND**

ORDERED, that the City Council hereby authorizes and appropriates \$350,000 from the Casco Bay Island Transit District Excess Fund pursuant to the lease agreement between the City of Portland and the Casco Bay Island Transit District, of which \$350,000 is hereby appropriated to provide support of the \$862,500 local match needed for the construction and design of replacement vessels.

Casco Bay Lines request for FY2016 Garage Excess Funds

Brendan T O'Connell <boconnell@portlandmaine.gov>
To: Henry Berg <hankb@cascobaylines.com>

Thu, May 10, 2018 at 3:12 PM

Hi Hank

We are finalizing the draft orders for FY19 and will be having the City Council authorize \$350,000 of excess funds usage this year, going 100% to CBITD. Just wanted to give you a heads up so you can utilize this in your financial planning.

Regards,

Brendan T O'Connell
Finance Director
City of Portland

On Tue, Feb 13, 2018 at 3:10 PM, Henry Berg <hankb@cascobaylines.com> wrote:

Hi Brendan,

Casco Bay Island Transit District (CBITD) is requesting for the City of Portland to consider, during the FY2019 annual budgeting process, providing funding from the Casco Bay Ferry Garage Excess fund in support of the \$862,500 local match needed for the construction and design of replacement vessels. Two vessels in the fleet are at or close to end of life and both need to be replaced. The Federal Transit Administration (FTA) will provide \$9,461,600 for the design and construction of the first vessel and MaineDOT will provide \$750,000 for the construction of first vessel. It is anticipated that the FTA will also provide \$637,500 for the design of the second vessel. This capital improvement project is included in the approved CBITD Long Range Capital Improvement Plan and the Portland Area Comprehensive Transportation (PACTS) Transit Six Year Capital Plan.

As you know CBITD provides essential public transportation services to the City of Portland by providing service to the Casco Bay Islands but unlike Metro, CBITD receives no subsidization from Portland with the exception of the Casco Bay Garage Maintenance fund, when available. Any assistance in the local match requirements of CBITD's capital grants is greatly appreciated and would help the District continue to provide safe and reliable service to the Casco Bay Islands.

Please do not hesitate to let me know if you have any questions.

Thank you in advance for your consideration of this request.

– Hank

Hank Berg
General Manager
Casco Bay Lines
p: 207-774-7872

LEASE AGREEMENT
BY AND BETWEEN
CITY OF PORTLAND
AND CASCO BAY ISLAND TRANSIT DISTRICT

AGREEMENT made this 5th day of March, 1985, by and between the CITY OF PORTLAND, a body politic and corporate located in the County of Cumberland, State of Maine (hereinafter the "CITY") and CASCO BAY ISLAND TRANSIT DISTRICT, a body politic and corporate duly organized under the laws of the State of Maine and located in the city of Portland (hereinafter the "TENANT").

WHEREAS, the CITY has received federal and state funds to build a new Casco Bay Ferry Terminal and parking garage on the west side of the Maine State Pier (hereinafter the "Project") and

WHEREAS, the TENANT requires new terminal facilities and has worked with the CITY in obtaining said funding, and

WHEREAS, the CITY and TENANT desire to enter into a lease agreement for the new terminal facility and facilities related thereto;

NOW THEREFORE, in consideration of the mutual promises herein, CITY and TENANT do hereby agree as follows:

ARTICLE 1. CONSTRUCTION OF PREMISES; PARKING GARAGE

Pursuant to the Agreement dated September 24, 1984, between CITY and Stevens, Rose & Morton, which is on file in the CITY'S Finance Department, CITY agrees to design and construct the following on the west side of the Maine State Pier (all of which shall be hereinafter known as the "PREMISES"):

- A. A Ferry Terminal Building, including a freight area;
- B. Pedestrian waiting area and walkway;
- C. Vehicle staging area;
- D. Passenger and vehicle loading and unloading and short-term parking area;
- E. Vehicle Transfer Bridge;
- F. Four vessel berthing spaces and ramps on the west side of the Pier; and
- G. A boat utility area.

CITY'S obligation hereunder shall be to design and construct the Premises to the extent of the decisions and directions of the Casco Bay Island Ferry Terminal Construction Committee, which TENANT participates. Said design and construction and CITY'S obligation to proceed therewith is contingent upon the continued availability of adequate federal and state funds for such design and construction.

CITY shall proceed diligently with said design and construction with the intent that TENANT will be able to occupy the Ferry Terminal Building during calendar year 1986, but CITY shall not be liable for any delay in occupancy beyond said date.

TENANT agrees to participate and assist CITY throughout design and construction of the Project and of the Ferry Terminal in particular. TENANT agrees to maintain membership on the Casco Bay Island Ferry Terminal Construction Committee and to appear before said Committee as requested. TENANT shall be responsible for bringing its operational needs to the attention of the ARCHITECT and the CITY in a timely fashion throughout design and construction and a good faith reasonable effort shall be made to serve those needs.

TENANT shall be responsible for carrying out, at its expense, all improvements to the Premises in excess of those included in the Project and approved by the above Construction Committee, including but not limited to furnishing the Ferry Terminal Building. In the event TENANT wishes to make any additions or improvements, other than repair and maintenance, to the exterior of the Premises, or permanent interior improvements or additions, during the term of this Agreement, said additions or improvements shall be subject to the prior written approval of the City Manager, which approval shall not be unreasonably withheld.

In addition to the Premises, CITY intends to construct a parking garage with a minimum of One Hundred Ninety (190) parking spaces as part of the overall Project. Said garage shall be adjacent to, but not a part of, the Premises leased to TENANT hereunder. Construction of said garage shall be contingent upon the continued availability of adequate federal and state funds to permit such construction. If said garage is constructed, TENANT shall have no rights therein but CITY shall, to the extent feasible, coordinate the hours of operation of the parking garage with the hours of operation of TENANT'S transportation services in Casco Bay. Nothing herein shall prevent CITY and TENANT from entering into a separate agreement for management and/or leasing of the parking garage, however, should they mutually agree to do so.

ARTICLE 2. GRANTING OF LEASEHOLD; PREMISES

CITY hereby agrees to lease to TENANT and TENANT does hereby agree to lease of and from CITY the PREMISES above-described upon the terms and conditions specified herein. Said PREMISES are located on the westerly side of the Maine State Pier and shall be bounded as shown as Lot 1 on Sheet 2 of 2 of the City's Subdivision Plan entitled, "Amended Revised Subdivision Plan of Maine State Pier and Vicinity, City of Portland, Cumberland County," drawn by Stevens, Morton, Rose & Thompson and dated September 20, 1988, which Amended Revised Plan is to be recorded in the Cumberland County Registry of Deeds simultaneously with this Lease Amendment. The Premises shall include, in addition to the original Leased Premises, the additional area depicted as "New Leased Area" on the plans entitled CBITD Lease Properties, dated September 29, 2003, and prepared by Woodard & Curran (the "Freight Shed Area").

TENANT's leasehold in the PREMISES as provided in ARTICLE 2, and the permission granted under this Amendment, is subject to the following easements:

- A. Easement Deed, dated March 5, 1987, to Portland Water District which is to be recorded in the Cumberland County Registry of Deeds simultaneously with the recording of the Memorandum of Lease;
- B. Easement Deed, dated March 5, 1987, to New England Telephone which is to be recorded in the Cumberland County Registry of Deeds simultaneously with the recording of the Memorandum of Lease;

- C. Easement Deed, dated March 5, 1987, to New England Telephone which is to be recorded in the Cumberland County Registry of Deeds simultaneously with the recording of the Memorandum of Lease;
- D. TENANT's leasehold in the PREMISES as provided in ARTICLE 2, is subject to the Amended and Restated Deed Indenture, dated September 20, 1988, which Amended and Restated Deed Indenture describes reciprocal easements by and among the CITY of Portland, Casco Bay Island Transit District and Bath Iron Works, for pedestrian and vehicular rights of way and navigational rights.

Except as provided below for a public right-of-way, TENANT shall have the exclusive use of the Premises for the purposes provided herein. TENANT may control and restrict the public use of the Premises as it deems necessary in carrying out its operations under this Agreement.

Notwithstanding the foregoing, TENANT shall permit and maintain public rights of way for pedestrian and/or vehicular traffic over the Premises in order to permit the public with safe access to the outer end of the Maine State Pier. The locations and types of said public rights of way shall be subject to final design of the Project and shall be located in such a way as not to interfere with TENANT'S operations hereunder. TENANT agrees to execute any documents necessary to identify and effectuate said right of way.

CITY intends to design the Ferry Terminal Building to permit the addition of a second story and CITY reserves the right to make such addition during the term of this Agreement. The design and construction of any such addition shall take the needs of the TENANT into account and CITY shall consult with TENANT a reasonable time prior to said design and construction. CITY reserves the right to use or to sublet any such addition, and said addition shall not be part of the Premises leased hereunder unless made so by later amendment. Any construction or use of a second story addition, either by the CITY or a lessee thereof, shall not interfere with or restrict TENANT in its uses of the Premises permitted hereunder.

ARTICLE 3. TERM

This Agreement shall be effective immediately upon execution hereof by CITY and TENANT. TENANT'S right to occupy the Premises shall begin as of the first day of the first full month following the date of notice of beneficial occupancy to TENANT and this Agreement and TENANT'S interest hereunder shall be terminated on the last day of the month thirty (30) years following the date of the notice of beneficial occupancy.

CITY shall send TENANT the notice of beneficial occupancy provided hereunder after receipt thereof from the Casco Bay Island Ferry Terminal Construction Committee via CITY'S Architect and/or Construction Manager on the Project. Said notice and occupancy by TENANT shall not diminish CITY'S obligations to finish any punch list of items remaining to be done as of the date of said notice.

ARTICLE 4. USE OF PREMISES

A. TENANT shall have the right to use the Premises solely for activities which it is legally authorized to undertake in providing public water transportation services between and among the islands of Casco Bay and the mainland.

Notwithstanding the foregoing, the principal use of the Premises under this Agreement shall be provision of public waterborne passenger, vehicle, freight and mail transportation to,

from and between said Casco Bay Islands, and related waterborne activities including tours and cruises, charters and catering.

In addition, TENANT may perform routine maintenance and repair of its vessels at the Premises, so long as such repair does not result in excessive noise or disruption to the public, to other users of them Maine State Pier or to other water activities, and so long as such activities meet all federal, state and local pollution, safety and other applicable standards. If the CITY determines that boat repair activities are in violation of this paragraph, CITY shall give TENANT notice of said violation and TENANT shall immediately come into conformity under this subsection or shall cease its offending repair activities. CITY'S determinations as to a violation under this paragraph shall be final but shall not be arbitrary or capricious.

B. All services provided by TENANT on or from the Premises shall be available to the public on a non-discriminatory and equal basis and shall be accessible as required to the handicapped.

C. In addition to the foregoing uses, TENANT may install vending machines for candy, buy, cigarettes, snacks, drinks and other similar vendable items and/or a souvenir concession stand for the sale of souvenirs related specifically to the Casco Bay Islands. Said souvenirs may include postcards, maps, key chains, tee-shirts, ash trays, mugs and other similar souvenir items and identified in some manner with the Casco Bay Islands and/or the Casco Bay Island Transit District. Said concession activities shall be incidental only to TENANT'S primary use of the Premises for mass transportation services.

D. All uses of the Premises other than as provided herein shall be subject to the prior written approval of the CITY'S Director of Transportation and Waterfront Facilities (hereinafter the "Director") or successor thereto.

ARTICLE 5. NET LEASE

It is the intention of the parties that all amounts payable hereunder shall be net to the CITY so that this Agreement shall yield to CITY the net annual payment specified herein during each year of the Term, and that all costs, expenses, and obligations of every kind and nature whatsoever relating to the Premises shall be paid by TENANT, except as specifically provided herein.

ARTICLE 6. RENT

A. TENANT covenants and agrees to pay to CITY for its use of the Premises, without offset or deduction except as provided herein, an annual rent equal to Five and Four Tenths Percent (5.4%) of all of TENANT'S gross revenues from the following:

- i. Tours and cruises; and
- ii. Charter operations.

B. The above rent shall be subject to a minimum annual rent which shall be credited against the total amount of rent due to CITY under Section A above. The minimum rent shall be as follows:

<u>Calendar Year</u>	<u>Minimum</u>
10/01/95 thru 12/30/95	\$833.33 per month
01/01/96 thru 12/30/96	\$12,000 per year
01/01/97 thru 12/30/97	\$12,000 per year

01/01/98 thru 12/30/98	\$12,000 per year
01/01/99 thru 12/30/99	\$14,000 per year
01/01/00 thru 12/30/00	\$14,000 per year
01/01/01 thru 12/30/01	\$14,000 per year
01/01/02 thru 12/30/02	\$16,000 per year
01/01/03 thru 12/30/03	\$16,000 per year
01/01/04 thru 12/30/04	\$16,000 per year
01/01/05 thru 12/30/05	\$16,000 per year

Said minimum rent shall be paid in equal monthly installments in advance, and shall be paid to CITY on the first day of the month. The minimum rent shall be increased by eight percent (8.0%), commencing on the day a certificate of occupancy issues, until the end of the term of this Lease.

C. No later than November 15th of each year, or part thereof in the first year, TENANT shall pay to CITY an amount equal to 5% of its gross revenues as provided in Section A above for the prior full year from October 1 to September 30th, or part thereof if applicable in the first year. CITY shall credit against the amount so due any rental amount already paid for the applicable year pursuant to Section B above. Starting and pro-rated as of the day a certificate of occupancy issues for the freight shed, the above stated five percent (5%) shall be increased to five and four tenths percent (5.4%). This provision shall be in effect until the end of the term of this Lease.

All amounts due as a percentage of gross revenues shall be subject to a final audit determination. In the event of any overpayment, CITY shall repay TENANT the amount so overpaid within sixty (60) days of said final audit determination and in the event of an underpayment, TENANT shall pay CITY any amount unpaid within sixty (60) days of said final audit determination.

D. A late charge of One and One-Half (1-1/2%) per month shall be charged and applied to any amount not paid when due. Collection costs, legal fees, and administration costs associated with collection of late payments shall also be charged to the party who has made the late payment, who shall pay such costs within ten (10) days of receipt of a bill therefor.

E. No later than October 1, 2005, CITY and TENANT agree to meet to reopen and to bargain in good faith on the issue of Rent, including both the percentage and source of gross revenues to be included therein and the minimum rental payment. Said minimum rental payment shall be adjusted by no less than annual rate of inflation for the twelve (12) months immediately preceding September 1, 2005. Said annual rate of inflation shall be the overall percentage change in the United States Bureau of Labor Statistics Consumer Price Index for all Urban Consumers, Boston, Massachusetts (all items = 100) (hereinafter "CPI - Boston") from August 2004 to August 2005. In the event the United States Bureau of Labor Statistics discontinues the issuance of said Consumer Price Index, the parties shall choose another broad-based cost of living index which is substantially equivalent to the discontinued index and which is then issued by the equivalent to the discontinued index and which is then issued by the United States or the State of Maine.

If the parties have not agreed to a new rental payment prior to October 1, 2005, the existing rent shall remain in effect, adjusted for inflation as provided above, and payments shall continue to be due and payable as provided herein, and good faith negotiations shall continue at the request of either party.

F. In no event shall the annual rental due hereunder be less than the minimum rental.

ARTICLE 7. UTILITIES; ASSESSMENTS

A. As of the first day of the month following the month of the notice of beneficial occupancy to TENANT from CITY, TENANT shall be responsible for all electric, water, sewer, gas, heat, or any other utility charge, fee, or assessment whatsoever, including any late fees, interest or penalties, and for any assessment, tax, or other charge, which TENANT is, or may be, subject to under State law, related to TENANT'S interest in, use of, and activities on the Premises.

CITY shall bring all utilities to the Premises and into the Ferry Terminal Building as part of its construction of the Premises, but TENANT will be responsible for all charges related to hooking up to said utilities, for example, telephone hook-up charges.

TENANT shall have the right to enter into reasonable agreements with utility companies, municipal corporations, and other government agencies creating easements in favor of such companies as are required in order to service the Premises and CITY covenants and agrees to join therein, if legally required or to consent thereto, and to execute any and all documents, agreements, and instruments and to take all other actions in order to effectuate the same, all at TENANT'S cost and expense.

B. If any taxes are assessed or levied upon TENANT, they shall be paid directly to the taxing authority. TENANT shall be deemed to have complied with the covenants of this Article if payment of such taxes shall have been made either within any period allowed by law, or by the governmental authority imposing the same, during which payment is permitted without penalty or interest or before the same shall become a lien upon the Premises, and TENANT shall produce and exhibit to CITY satisfactory evidence of such payment.

The TENANT shall have the right to contest or have reviewed all of such taxes by legal proceedings, or in such other manner as it may deem suitable (which, if instituted, TENANT shall conduct promptly at its own cost and expense and at no expense to CITY, and if required by law, in the name of and with the cooperation of the CITY, and CITY shall execute all documents reasonably necessary to accomplish the foregoing.) Notwithstanding the foregoing, TENANT shall promptly pay all such taxes if at any time the Premises, improvements thereon, or any part of them, shall be imminently subject to forfeiture or if CITY shall be subject to any criminal or civil liability arising out of the non-payment thereof.

ARTICLE 8. REPAIRS AND MAINTENANCE

A. TENANT shall, after the date of beneficial occupancy of the Premises, at its sole cost and expense, except as herein provided, keep the Premises in as good order and repair as on the completion of construction, reasonable wear and tear excepted. TENANT shall be responsible for all costs and expenses associated with its operation and maintenance of all of the Premises, including but not limited to custodial services, security services, minor and major repairs and replacement, (unless said repairs or replacements are covered by the new construction warranties to CITY), plowing, shoveling, sanding, salting, and clearing the Premises, except as otherwise provided in Section B below.

B. Notwithstanding the foregoing, CITY agrees to provide snow plowing, sanding, salting and clearing of all of the access road and traffic turn-around and the vehicle staging area, all approximately as indicated on Appendix A, and the pedestrian walkway along the west side

of the Pier from Commercial Street to the Premises. TENANT agrees to pay CITY for said snow services an annual fee of Twelve Hundred Dollars (\$1200.00) beginning October 1, 1986, and adjusted annually for inflation by the percentage change in the CPI-Boston in the same manner as provided in Article 6, Section E above, said annual adjustment not to exceed Five Percent (5%) per year.

C. The CITY by its authorized officers, employees, agents, contractors, subcontractors and other representatives shall have the right (at such times as may be reasonable under the circumstances and with as little interruption of TENANT'S operations as is reasonably practicable) to enter upon and in the Premises without charge for the following purposes:

1. Inspection. To inspect the Premises to determine whether TENANT has complied and is complying with the terms and conditions of this Agreement.

2. Maintenance. To perform maintenance and make repairs in any case where TENANT has failed to carry out its obligation to do so, but only after the CITY has given TENANT reasonable notice under the circumstances to perform its maintenance obligation. In that event, TENANT shall promptly upon demand reimburse the CITY for the reasonable cost of the CITY'S performing TENANT'S maintenance or repair obligation as Additional Rental.

ARTICLE 9. MAINTENANCE FUND

A. In order to assist TENANT with expenses associated with major repair and maintenance of the Premises, CITY agrees to establish a Maintenance Fund (hereinafter the "Fund") as provided herein. Said Fund shall be established by the CITY'S Finance Director in a manner he deems to be in accord with generally accepted accounting principles, except to the extent that said principles may be modified by urban Mass Transportation Administration (hereinafter "UMTA") requirements. Said Fund will consist of Fifty Percent (50%) of the annual net revenues, less the City's annual cost of all casualty insurance purchased by the City covering the Premises and improvements thereon, up to a maximum amount of One Hundred Fifty Thousand Dollars (\$150,000), received by the CITY from the One Hundred and Ninety (190) parking spaces funded by UMTA in the parking garage adjacent to the Ferry Terminal, as described in Article 1. "Net revenues" means gross revenues minus operating costs as defined by the CITY'S Finance Director using generally accepted accounting principles, except as modified by UMTA requirements. TENANT, upon reasonable notice to CITY'S Finance Director and during regular business hours, may review and copy, at its own cost and expense, CITY'S records on the Fund.

B. Use of Funds. The Fund will be available to TENANT to cover the cost, in whole or in part, of any major repairs or maintenance of or on the Premises. Prior to requesting assistance from the Fund, however, TENANT will make a good faith, diligent effort to obtain any State or federal funds available for capital or similar assistance. CITY will cooperate with and assist TENANT in that effort. If, after reasonable effort, such external funds are not available to TENANT, CITY will disburse funds to TENANT for said major repairs and maintenance under procedures to be established by the CITY'S Finance Director. If said funds are not adequate, then TENANT may request assistance of the City Council of the CITY, but nothing herein shall obligate said City Council to provide assistance to TENANT.

Amounts in the Fund may also be used as matching funds for federal or State capital assistance grants, and may be available to TENANT for short-term loans, on terms and interest rates acceptable to the CITY, provided that CITY shall not unreasonably withhold its approval thereof.

C. Eligible Expenditures. The Maintenance Fund will be available for use by TENANT for major capital costs related to its public transportation operations on or from the Premises, with first priority for capital costs for repair and maintenance of the Premises themselves. Such eligible costs may include, but are not limited to, the following:

1. Replacement of capital equipment;
2. Replacement of motor vehicles used regularly in TENANT'S operations;
3. Major rehabilitation of the Ferry Terminal of Vehicle Transfer Bridge;
4. Major resurfacing or rehabilitation of the paved surfaces and the covered walkway within the Premises;
5. Major pier repairs;
6. Energy retrofitting; and
7. Other major repairs and maintenance of a similar kind.

The following are examples of expense which are not eligible for funding from the Maintenance Fund and are part of TENANT'S operating expenses: Spot roof repairs, touchup painting, minor redecking and pavement patching, spot repairs and/or replacement of fixtures, custodial, security or other services, plowing, sanding, or salting of the Premises. Said examples are illustrative only and are not intended to be an exhaustive listing.

D. Excess Fund. In addition to the foregoing, upon repayment to the CITY of all of its debt service costs associated with acquisition of the west side of the Maine State Pier, CITY shall set aside One Hundred Percent (100%) of the net revenues from all of the UMTA funded parking spaces (i.e., 190 garage parking spaces), and the TENANT'S rental payments, exclusive of the \$150,000 for the Maintenance Fund, and shall make such funds available on a priority basis:

First, to the TENANT for capital costs associated with its public transportation operations in Casco Bay; and

Then, to be disbursed by the CITY to all other mass transportation needs and not limited to capital expenditures.

Decisions as to the distribution and disbursement of said funds shall be made annually as part of the CITY'S budget process and the burden will be on TENANT to justify its need for funds in excess of the Maintenance Fund which shall continue to be available solely for TENANT'S use.

ARTICLE 10. FEDERAL AND STATE FUNDS; APPROVALS

A. It is understood by TENANT that CITY'S construction of the Project is contingent upon receipt of adequate funds from both the United States and the State of Maine. As of the execution date of this Agreement, federal, State, and local approval has been given to a total of Three Million Six Hundred Fifty-Nine Thousand Three Hundred Ninety-Seven Dollars (\$3,659,397.00) for the design and construction of the Project, and it is expected that said funds will be available and adequate to accomplish the Project. In the event that said funds are not finally available, or are not adequate to construct the Project, CITY may, at its option, terminate this Agreement. In such event, CITY shall give TENANT as much notice as is reasonable under the circumstances, and shall, if requested, assist TENANT in locating an alternative terminal site, if such is necessary. CITY shall not, however, be under any obligation to finish the design or construction of the Project in the event of the inadequacy or loss of federal or State funds, regardless of the reason for such inadequacy or loss of funds, including but not limited to termination for cause by the federal or state governments.

B. It is specifically understood and agreed by TENANT that this Agreement is subject to approval by UMTA, the State of Maine Public Utilities Commission, and Department of Transportation prior to its execution. Both parties agree to work in good faith with said federal and State agencies and to execute any amendments to this Agreement which are required by said agencies. TENANT, as a subrecipient of the federal and State grant funds under Section A above, agrees to comply with all applicable existing and future federal and State grant requirements, including but not limited to, those attached to this Agreement as Appendix B, which by this reference are incorporated herein.

ARTICLE 11. COMPLIANCE WITH LAWS

A. Upon execution of this Agreement and throughout the Term hereof, TENANT shall, at its own cost and expense, promptly observe and comply with all existing and future laws, ordinances, requirements, order, directives, rules and regulations of the federal, state and county and city governments, and of all other governmental authorities affecting the Premises or appurtenances thereto, or any part thereof, whether the same are in force at the commencement of the term of this Agreement or may in the future be passed, enacted or directed, and TENANT shall pay all costs, expenses, liabilities, losses, damages, fines, penalties, claims, and demands, including reasonable counsel fees, that may in any manner arise out of or be imposed on CITY because of failure to TENANT to comply with the covenants of this Article.

B. TENANT shall have the right but not the obligation to contest by appropriate legal proceeding conducted diligently and in good faith in the name of the TENANT or CITY (if legally required), or both (if legally required), without cost or expense to CITY, the validity or application of any law, ordinance, rule, regulations, or requirement of the nature referred to in the preceding Section A, and if by the terms of any such law, ordinance, order, rule, regulation or requirement, TENANT may delay such compliance therewith until the final determination of such proceeding.

C. CITY agrees to execute and deliver any appropriate papers or other instruments which may be reasonably necessary or proper to permit TENANT so to contest the validity or application of any such law, ordinance, order, rule, regulation or requirement.

D. Notwithstanding Section A, the CITY agrees to refrain from passing any ordinance, order, or regulation in derogation of the express terms of this Agreement.

E. In the event that a law, rule, or other requirement is finally determined to apply to TENANT, TENANT agrees to execute any amendment to this Agreement to the extent such amendment is made necessary by the applicability of said law, rule or other requirement.

ARTICLE 12. AGENCY

The CITY agrees that TENANT may act as the agent of the CITY for the limited purpose of obtaining any necessary permits or approvals required by law to be applied for by the Owner of the real property. The CITY further agrees to execute any such application upon the request of TENANT.

ARTICLE 13. INDEMNITY

To the fullest extent permitted by law, TENANT shall at its own expense defend, indemnify, and hold harmless CITY, its City Council, its officers, agents, and employees from

and against any and all liability, claims, damages, penalties, losses, expenses, or judgment, just and unjust, arising from injury or death to any person or property damage sustained by anyone in and about the Premises or as a result of activities or service at or from the Premises and resulting from any negligent act or omission of TENANT, its officers, agents, servants, employees, or persons in privity with TENANT, except to the extent that such injury, death, or property damage results from any negligent act or omission of the CITY, its officers, agents, employees or persons, other than TENANT, in privity with City. TENANT shall, at its own cost and expense defend any and all suits or actions, just or unjust, which may be brought against CITY or which CITY may be impleaded with others upon any such above-mentioned matter, claim or claims, including claims of contractors, employees, laborers, materialmen, and suppliers. CITY shall have the right to participate in such suits or actions at its own discretion and at its own expense, and no such suit or action shall be settled without prior consent of the CITY as the case may be. Such obligation of indemnity and defense shall not be construed to negate or abridge any other right of indemnification or contribution running to the CITY which would otherwise exist. The extent of this indemnity provision shall not be limited by any requirement of insurance contained herein.

ARTICLE 14. INSURANCE

A. Prior to occupancy of the Premises, TENANT shall procure and maintain throughout the Term of this Agreement the following insurance coverages:

1. Public liability insurance in the amount of not less than Three Hundred Thousand Dollars (\$300,000) combined single limit for bodily injury, death and property damage;
2. Contractual liability insurance covering the obligation of indemnification under this Agreement in an amount not less than Three Hundred Thousand Dollars (\$300,000);
3. Motor vehicle liability insurance in an amount of not less than Three Hundred Thousand Dollars (\$300,000) combined single limit for bodily injury, death and property damage;
4. Workers' Compensation insurance in the statutory amount; and
5. Watercraft coverage covering public liability and property damage for all TENANT'S watercraft and those authorized to use the Premises by TENANT, said insurance to be in an amount not less than \$_____.

All such insurance shall name CITY as an additional insured. TENANT shall, prior to occupancy of the Premises, deliver to CITY certificates evidencing such insurance coverages which shall state that such insurance is non-cancellable without thirty (30) days prior written notice to the CITY. Replacement certificates shall be delivered to CITY prior to the effective date of cancellation, termination or expiration of any policy.

TENANT and CITY understand and agree that the minimum limits of the insurance herein required may become inadequate during the Term of this Agreement and TENANT agrees that it will increase such minimum limits by reasonable amounts within thirty (30) days of receipt of notice in writing from the CITY'S Director. In no case shall such insurance be less than the statutory limits of the Maine Tort Claims Act (14 M.R.S.A. §8101 et seq.) or any successor statute thereto.

B. It shall be the responsibility of CITY to provide such all-risk casualty insurance coverage for the Premises as CITY deems necessary. The full cost of said insurance shall be deducted from the Maintenance Fund established under Article 9 above. TENANT shall be responsible for obtaining and maintaining such personal property insurance covering property owned by TENANT as it deems necessary and CITY shall have no responsibility therefor.

C. If the Ferry Terminal Building or any space leased to TENANT for its use shall be partially damaged by fire or other casualty but not rendered untenable, the same shall be repaired with due diligence by the CITY at its own cost and expense; if the damage shall be so extensive as to render the premises untenable, the rent payable hereunto with respect to the TENANT'S Premises shall be proportionately paid up to the time of such damage and shall thenceforth cease until such time as the Premises shall again be made tenantable by CITY, provided that, if the Premises are more than 50% destroyed by fire or other casualty, this Agreement may, at the election of either the CITY or TENANT, upon written notice thereof to be given within sixty (60) days after such destruction, thereby be terminated and ended as of the date of destruction.

ARTICLE 15. COVENANTS AGAINST LIENS

A. If in TENANT'S construction or installation of improvements on the Premises, any mechanics' lien or other lien, charge or order for payment of money shall be filed against CITY, TENANT, or any portion of the Premises, TENANT shall, at its own cost and expense, cause the same to be discharged of record or secure such payment by posting a bond with the Cumberland County Superior Court in such form and amounts satisfactory to the CITY within thirty (30) days after written notice to TENANT of the filing thereof, and TENANT shall defend, indemnify, and save harmless the CITY against and from all costs, liabilities, suits, penalties, claims and demands including reasonable counsel fees, resulting therefrom. In the event TENANT shall not cause such lien, charge or order to be discharged of record or bonded within said thirty (30) day period, CITY may thereafter cause the same to be discharged and the expense thereof shall be immediately paid to CITY by TENANT as additional rent.

B. If, in the CITY'S construction or purchase of the Premises, any mechanics' lien or other lien, charge or order for payment of money shall be filed against the TENANT or any portion of the Premises, the CITY shall, at its own cost and expense, cause the same to be discharged of record or secure such payment by posting a bond with Cumberland County Superior Court within thirty (30) days of receipt of notice in writing from TENANT to the CITY of the filing thereof. The CITY shall defend, indemnify and save harmless the TENANT from and against all costs, liabilities, suits, penalties, claims, and demands, including reasonable counsel fees, resulting therefrom.

ARTICLE 16. SUBLETTING AND ASSIGNMENT

A. TENANT shall not sublet any part or parts of the Premises, except as specifically provided herein, without the prior written approval of the CITY.

Notwithstanding the foregoing, TENANT may sublet or permit the use of space within the interior of the Ferry Terminal Building for advertising by third parties and may sublet or permit the use of its berthing spaces by third parties.

To the extent TENANT is allowed to operate vending machines or a souvenir concession facility under this Agreement, TENANT may sublet its rights to a third party to do so.

All sublessees of TENANT under this provision shall be required to comply with all applicable terms of this Agreement and with all federal, state and local laws and regulations in their operations on the Premises. Copies of all subleases or permit agreements shall be provided to CITY.

B. TENANT shall not assign this Agreement, its rights hereunder, or the Premises or any portion thereof, without the prior written approval of CITY. Notwithstanding this Article, CITY agrees to give written consent to assignment of TENANT'S leasehold interest as defined herein to a Trustee for the benefit of TENANT'S bondholders to the extent said assignment is required by TENANT'S bond indenture.

C. The CITY shall not assign, sublet or convey its interest in the Premises or this Agreement unless such assignment, sublease or conveyance is expressly subject to this Agreement. CITY shall give TENANT no less than thirty (30) days' prior written notice of any such assignment, sublease or conveyance.

ARTICLE 17. EMINENT DOMAIN

If the Premises, or any significant portion thereof, are taken by eminent domain by any governmental authority or corporation having the power of eminent domain so as to prevent TENANT from continuing its operations on the Premises in substantially the same manner as it operated prior to such condemnation, then at the option of the TENANT, this Agreement shall terminate without penalty or termination charge and TENANT shall be entitled to share in any award of damages made by the condemning authority to the extent of its interest in the Premises.

In the event TENANT can continue its operations in substantially the same manner as prior to the condemnation, or at TENANT'S option despite said condemnation, TENANT may elect to continue in possession of any portion of the Premises remaining after condemnation for the balance of the Term upon the same terms and conditions here, if it gives notice of such election to CITY within thirty (30) days of the taking of possession by the condemning authority.

In the event this Agreement terminates pursuant to this Article, the rental paid to CITY shall be equitably adjusted to the date TENANT is relieved of possession.

ARTICLE 18. DEFAULT BY THE CITY

A. CITY'S Obligations as Landlord

Upon expiration of the period to cure provided in Section B immediately below, the CITY shall be in Default hereunder if during the Term:

1. CITY fails to provide the Premises to TENANT for TENANT'S quiet use and enjoyment, during the Term, without hindrance or molestation by CITY or any person claiming by or through the CITY, except as provided in Article 26 below regarding the rights of Bath Iron Works;
2. It is determined that the CITY does not have the power and authority to execute and deliver this Agreement and to carry out and perform all covenants to be performed by it hereunder, except as provided for loss of adequate federal or state funds for design and construction of the Project; or
3. The CITY fails to observe or perform any of its covenants, agreements, or obligations of this Agreement.

B. Opportunity to Cure; Remedy for Default

1. If CITY is in violation of this Agreement, TENANT shall give CITY written notice of such violation, and no less than thirty (30) days in which to cure said violation.
2. In the event the CITY fails or refuses to cure such violation within the thirty (30) days or any period allowed under subsection (3) immediately below, TENANT may take whatever action at law or in equity may appear necessary or desirable to enforce performance and observance of any obligation, agreement, or covenant of CITY under this Agreement, or it may, at its option, also terminate this Agreement upon no less than thirty (30) days' written notice to City after expiration of the applicable period in which to cure.
3. In the event the TENANT gives notice of a violation of such a nature that it cannot be cured within the time specified by the notice, then such violation shall not be deemed to continue as long as CITY, after receiving such notice, gives written notice to TENANT of CITY'S inability to cure such violation within the specified time, describing in detail its reasons therefore and proceeds to cure the violation within as soon as reasonably possible and diligently continues to take all steps necessary to complete the same within a period of time which under all prevailing circumstances shall be reasonable, but in no event to exceed one (1) year from receipt of notice of violation. No violation shall be deemed to continue if and so long as the CITY shall be delayed in or prevented from curing the same by any cause specified in and in accordance with the terms of Article 22 hereinafter.

C. General Provisions

No delay or omission by TENANT to exercise any right or power accruing upon any violation or Default of this Agreement shall impair any such right or power or shall be construed to be a waiver thereof but any such right or any power may be exercised from time to time and as often as may be deemed expeditious, and unless otherwise expressly provided herein the exercise of any one right or remedy shall not impair the right of the TENANT to any or all of the remedies.

ARTICLE 19. DEFAULT BY THE TENANT

A. TENANT'S Obligations

Upon expiration of the period to cure provided in Section B immediately below, the TENANT shall be in default hereunder if during the Term:

1. TENANT fails to pay when due any amount or installment of Rent, or any other sums specified herein;
2. TENANT fails to observe or perform any of its covenants, agreements, or obligations of this Agreement;
3. To the fullest extent permitted by law, if there shall occur the dissolution of the TENANT or the TENANT shall file any petition or institute any proceedings under the Bankruptcy Code, either as such Code now exists or under any amendment thereof which may hereafter be enacted, or under any act or acts, state or federal, dealing with, or relating to the subject or subjects of bankruptcy or insolvency, or under any amendment of such act or acts, either as a bankrupt or as an insolvent, or as a debtor, or in any similar capacity, or any involuntary petition in bankruptcy is filed against the TENANT and the same is not stayed or

discharged within ninety (90) days from such filing or any other petition or any other proceedings of the foregoing or similar kind or character filed or instituted or taken against the TENANT, or a receiver of the business or of the property or assets of the TENANT shall be appointed by any court except a receiver appointed at the insistence or request of the CITY, or TENANT shall make a general or any assignment for the benefit of the TENANT'S creditors;

4. The TENANT shall substantially abandon or vacate the Premises or fail to sue the Premises for the provision of services set forth in Article 4 for a period in excess of ninety (90) days; or

5. TENANT shall use the Premises, or any part thereof, for uses not set forth herein.

B. Opportunity to Cure; Remedy for Default

1. If TENANT shall be in violation under this Article, or terms or conditions of this Agreement, CITY shall give written notice of such violation, and no less than thirty (30) days in which to cure said violation. However, violations in the payment of Rent must be cured within ten (10) calendar days of the notice of violation.

2. In the event TENANT fails or refuses to cure such violation within the thirty (30) days or any period allowed under subsection (3) immediately below, the CITY may take whatever action, at law or in equity, may appear necessary or desirable to collect the Rent then due or accrued, or to enforce performance and observance of any obligation, agreement, or covenant of TENANT under this Agreement. CITY may also, at its option, terminate this Agreement upon no less than thirty (30) days' written notice to TENANT after expiration of the applicable period in which to cure.

In the alternative, upon expiration of the period for cure, the CITY may proceed to cure TENANT'S violation provided CITY shall give TENANT ten (10) additional days notice of its intent to cure on TENANT'S behalf. CITY may thereafter proceed to cure and deliver receipts and records reflecting the costs of cure, which costs shall constitute Additional Rent. TENANT shall pay said Additional Rent within fifteen (15) days of receipt of said bill, if TENANT agrees to the existence of the violation and the reasonableness of the steps and costs of curing. TENANT shall be entitled to a reimbursement for payments to CITY which it subsequently claims were not reasonable in amount or justified by the terms of this Agreement. All disputes arising under this subsection not resolved by mutual agreement shall be submitted for arbitration pursuant to Article 21.

3. In the event CITY gives notice of a violation of such a nature that it cannot be cured within such a reasonable period of time, then such violation shall not be deemed to continue provided TENANT, after receiving such notice, gives written notice to CITY of TENANT'S inability to cure such violation within the specified time; describing in detail its reasons therefor and proceeds to cure the violation as soon as reasonably possible; and so long as TENANT diligently continues to take all steps necessary to complete the same within a period of time, which under all prevailing circumstances, shall be reasonable but in no event to exceed one (1) year from receipt of notice of violation. No violation shall be deemed to continue if and so long as the TENANT shall be delayed in or

prevented from curing the same by any cause specified in and in accordance with the terms of Article 22 hereinafter. This subsection shall not apply to violation in the payment of any Rents or charges owing by TENANT hereunder.

C. Notices

In addition to the foregoing remedies for Default, CITY reserves the right to provide to any bond holders or mortgagees of TENANT a copy of any notice to TENANT from CITY that TENANT is in violation of its obligations hereunder.

D. General Provisions

No delay or omission by CITY to exercise any right or power accruing upon any violation or Default of this Agreement shall impair any such right or power or shall be construed to be a waiver thereof but any such right or any power may be exercised from time to time and as often as may be deemed expeditious, and unless otherwise expressly provided herein the exercise of any one right or remedy shall not impair the right of the CITY to any or all of the remedies.

ARTICLE 20. TERMINATION

No notice to quit possession at the expiration date of the Term of this Agreement need to be given by the CITY, and TENANT covenants and agrees that upon expiration of the Term of this Agreement, or upon earlier Termination for Default by either party as hereinabove provided, it will peaceably surrender possession of the Premises leased hereunder in good condition, reasonable wear and tear, acts of God, fire, public enemy, and other casualties over which TENANT has no control excepted and CITY shall have the right to take possession of said Premises and all permanent improvements thereto. TENANT shall have the right, at any time during the Term of this Agreement or upon termination and within sixty (60) days thereafter, to remove all trade fixtures, equipment and other personal property installed or placed by it at its expense, in, on, or about the Premises, subject, however, to any valid lien which the CITY may have thereon for unpaid rents or fees. Any and all property not removed by TENANT within the said sixty (60) day period shall thereupon become a part of the land on which it is located and title thereto shall thereupon vest in the CITY. All removal shall be at TENANT'S sole cost and expense and all property damaged by or as the result of the removal of TENANT'S property shall be restored by TENANT at its expense to the condition existing prior to such damage.

ARTICLE 21. ARBITRATION

All claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or the breach thereof shall be decided by Arbitration in accordance with the General Arbitration Rules of the American Arbitration Association then obtaining and the Maine Uniform Arbitration Act, unless the parties mutually agree otherwise. Notwithstanding the foregoing, any claims, disputes, and other matters in question arising out of this Agreement which by the express terms of this Agreement are reserved for binding resolution by means other than arbitration shall not be arbitrable.

In the event that the parties shall not resolve an arbitrable dispute within the time reserved for resolution by the terms of this Agreement, and if no time has been reserved, then after a period of ninety (90) days, either party may request in writing that the dispute be submitted to arbitration. The CITY and TENANT shall mutually agree upon an arbitrator within ten (10) days of said request. In the event they are unable to agree, an arbitrator shall be selected through the American Arbitration Association in accordance with its rules as aforesaid.

Thereafter, arbitration shall be had in accordance with said rules. The Arbitrator shall have no authority to add to, subtract from, or modify the provisions of this Agreement. The Arbitrator may order reasonable discovery. The Arbitrator's decision shall be final and binding on the parties. The cost of the Arbitrator and arbitration shall be borne equally by the parties, however the Arbitrator may award all costs of Arbitration to the prevailing party if he/she determines that the other party acted in bad faith. Each party shall be responsible for the cost of presenting its own case.

ARTICLE 22. FORCE MAJEURE

Neither the CITY nor TENANT shall be deemed in violation of this Agreement if it is prevented from performing any of the obligations hereunder by reasons of strikes, boycotts, labor disputes, embargoes, shortage of material, acts of God, acts of the public enemy, acts of superior governmental authority, riots, rebellion, sabotage, or other reason for which it is not responsible and which is beyond its control, provided that:

A. The non-performing party, within ten (10) calendar days after the occurrence of the FORCE MAJEURE gives the other party written notice describing the particulars of the occurrence;

B. The suspension of performance be of no greater scope and of no longer duration than is required by the Force Majeure; and

C. The non-performing party use good faith, diligent efforts to remedy its inability to perform.

ARTICLE 23. "FAVORED NATION"

To the extent permitted by law, the CITY agrees that it will not charge a more favorable rental, fee or charge to any other water transportation service offering the same services as TENANT to and between the Casco Bay Islands and operating to and from the west side of the Maine State Pier under lease with the City, than that being paid by TENANT hereunder, unless said rental, fee, or charge is offered to TENANT.

ARTICLE 24. SIGNS

As part of its construction of the Project, CITY shall provide basic public signage for the Project, including but not limited to directional signs to the Premises and the Ferry Terminal Building. All other signs to or on the Premises shall be installed by TENANT at its own cost and expense, and all such signage shall be subject to the prior approval of the Director.

ARTICLE 25. RECORD-KEEPING

TENANT generally shall keep records of its operations and finances according to generally accepted accounting principles and in accord with any applicable federal or state requirements and CITY shall have the right, upon reasonable notice, to inspect all data and records relating to TENANT'S performance under this Agreement, such inspection to be done during normal business hours and at CITY'S expense.

ARTICLE 26. BATH IRON WORKS OPERATIONS

Pursuant to Article 18 of the "Pier Lease" dated January 18, 1982, by and between the City of Portland and Bath Iron Works, a copy of which is on file in CITY'S Finance Department, TENANT agrees that it will not use the Premises in a manner which interferes with or creates a hazard to Bath Iron Works operations upon its property on the Maine State Pier adjacent to TENANT'S Premises. TENANT and CITY each agree that they shall notify the other party promptly of any such complaint.

ARTICLE 27. GOVERNING LAW

This Agreement and the performance thereof shall be governed, interpreted, construed, and regulated by the laws of the State of Maine.

ARTICLE 28. PARTIAL INVALIDITY

If any term, covenant, condition, or provision of this Agreement or the application thereof to any person or circumstance shall, at any time or to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant, condition, and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

ARTICLE 29. MEMORANDUM OF AGREEMENT

The parties shall at any time, at the request of either one, promptly execute an instrument, or instruments, in recordable form, which constitutes a Memorandum of Agreement setting forth a description of the Premises, the Term, and any other portions thereof, as either party may request or as may be required by an applicable law, ordinance, or governmental rule or regulation.

ARTICLE 30. PARTIES

The covenants, conditions, and agreements contained in this Agreement shall bind and inure to the benefit of the CITY and TENANT and their respective successors, and assigns.

ARTICLE 31. WAIVERS

Failure of the CITY or TENANT to complain of any act or omission on the part of the other party no matter how long the same may continue, shall not be deemed to be a waiver by said party of its rights hereunder. No waiver by the CITY or TENANT at any time, express or implied, of any breach of any provision of this Agreement shall be deemed a waiver or a breach of any other provision of this Agreement or a consent to any subsequent breach of the same or any other provision.

ARTICLE 32. NOTICES

Every notice, demand, request, approval, consent, or other communication authorized or required by this Agreement shall be in writing and shall be deemed to have been properly given

when delivered in hand or sent postage prepaid by United States registered or certified mail, return receipt requested, addressed as follows:

If to the CITY, to the attention of the City manager, City of Portland, 389 Congress Street, Portland, ME 04101, with a copy to the Director of Transportation and Waterfront Facilities; and,

If to the TENANT, to the General Manager, P.O. Box 4656, D.T.S., Portland, ME 04112. or such other persons or addresses as such party may designate by notice given from time to time in accordance with this Article. The Rent payable by TENANT hereunder shall be paid to CITY at the place to be designated in writing by the City Manager.

ARTICLE 33. ENTIRE AGREEMENT

This Agreement (including exhibits hereto) expresses the entire understanding and all agreements of the CITY and the TENANT with each other, and neither the CITY nor the TENANT has made or shall be bound by any agreement with or any representation to the other which is not expressly set forth in this Agreement (including the exhibits hereto). This Agreement (including the exhibits hereto) may be modified only by an agreement approved and signed by the CITY and the TENANT.

IN WITNESS WHEREOF, the said CITY OF PORTLAND has caused this Lease to be signed in its corporate name and sealed with its corporate seal by Stephen T. Honey, its City Manager, thereunto duly authorized, and CASCO BAY ISALDN TRANSIT DISTRICT, has caused this Agreement to be signed by _____, its _____, duly authorized, as of the day and date first stated above.

WITNESS:

CITY OF PORTLAND

By: _____
Its City Manager

CASCO BAY ISLAND TRANSIT DISTRICT

By: _____
Its

STATE OF MAINE
CUMBERLAND, ss.

February 28, 1985

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

Before me,

Notary Public

STATE OF MAINE
CUMBERLAND, ss.

March 5, 1985

Personally appeared the above-named Patrick R. Christian as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of Casco Bay Island Transit District.

Before me,

Notary Public

CASCO BAY FERRY TERMINAL LEASE

APPENDIX B

INCORPORATION OF FEDERAL RULES AND REGULATIONS

This Appendix consists of "Form UMTA F 2018", dated 10/1/83, and "Form UMTA F 5G", rev. 4/1/83, a copy of which is attached hereto.

TENANT agrees to comply with all rules and regulations herein which are determined to be applicable to TENANT as lessee of the Premises, including but not limited to, the following:

Form UMTA F 2018:	Sections 5 through 8
Form UMTA F 5G:	Sections 108 through 110; Sections 117 through 121

Order 216-17/18
~~*Tab 19 5-14-18*~~
~~*Tab 16 5-21-18*~~

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

**ORDER APPROPRIATING \$500,000 FROM ASSIGNED FUND BALANCE FOR
WORKERS COMPENSATION SELF INSURANCE**

ORDERED, that \$500,000 from the Assigned Fund Balance is hereby appropriated for use within the City's Workers' Compensation and Self-Insurance program; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is hereby authorized to sign whatever documents are necessary to effect the intent and purpose of this order.

Order 217-17/18
~~*Tab 20-5-14-18*~~
Tab 17 5-21-18

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

AMENDMENT TO PORTLAND CITY CODE
 Re: **VARIOUS FEE INCREASES FOR FISCAL YEAR 2019**
IN CHAPTERS 10, 14, 15, 24, 25 and 28

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
 MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 10-18 is hereby amended to read as follows:*

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) Section 1.10 (Board of Appeals); *delete.*

...

(c) Section 1.12.7 is amended to read as follows:

...

Permit	Fire Prevention Code Section	Permit Fee
...		
Dry Cleaning Plants	1.12.7	\$62.00 (D)
Fire Alarm Inspections Sticker	1.12.7	\$20.00 <u>25.00</u> each
Fireworks Display	1.12.7	\$141.00**

...

2. *That Sections 14-54 and 14-530 are hereby amended to read as follows:*

Sec. 14-54. Zone change/zone map fees.

(a) One or more of the following fees will be charged by the city for applications for changes of zone according to the following major zoning classifications and pertinent data relating to the specific zone change:

- (1) Zoning Map Amendments: ~~\$3,000.00~~ 7,500.00
- (2) Zoning Text Amendments: ~~\$3,000.00~~ 7,500.00
- (3) Combination Zoning Map and Text Amendments: ~~\$4,000.00~~ 10,000.00
- (4) Conditional Rezoning: ~~\$5,000.00~~ 10,000.00

...

Sec. 14-530. Development review fees and post approval requirements.

(a) *Development Review Fees.*

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the developer must otherwise be in compliance with the provisions of the City Code.

...

4. Site Plan Review Expenses.

- a. Level I: Minor Residential \$300 (flat fee)
- b. Level I: Site Alteration ~~\$200~~ 600.00
- c. Level II: Site Plan ~~\$400~~ 800.00
- d. Level III: Site Plan
 - i. Under 50,000 sf ~~\$750~~ 2,750.00
 - ii. 50,000-100,000 sf ~~\$1,000~~ 3,000.00
 - iii. 100,000-200,00 sf ~~\$2,000~~ 4,000.00

- iv. 200,000-300,000 sf ~~\$3,000~~5,000.00
- v. Over 300,000 sf ~~\$5,000~~7,000.00
- vi. Parking lots over 100 spaces ~~\$1,000~~1,600
- e. Master Development Plan \$1,000
- f. After the Fact Review ~~\$1,000~~2,000.00 plus application fee
- g. Amendment to Site Plans
 - i. Planning Board Review ~~\$500~~1,500.00
 - ii. Administrative Review \$250
- h. Other Site Plan Reviews
 - i. Administrative Authorization \$50
 - ii. Special Exception Sign Review \$75
 - iii. Section 14-403 Street Extensions \$400 plus \$25 per lot
- i. Fee for Development Review Services
 - i. Planning fee per hour ~~\$5~~254
 - ii. Legal fee per hour \$75
 - iii. Third-party Review Fees assessed by the Third Party Professional
- j. State Delegated Review Fees
 - i. Site Location of Development \$3,500, except for residential projects which will be \$200 per lot.
 - ii. Traffic Movement Permit \$1,500
 - iii. Stormwater Quality Permit \$250
- k. Performance Guarantee

1. As required in Section 14-530 (b) (4).

1. Inspection Fees, as required in Section 14-530 (b) (5)

i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$5254 an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).

m. Street vacation \$2,000

3. That Section 15-6 is hereby amended to read as follows:

Sec. 15-6. Fees.

(a) *Application fees.* Except as expressly provided, all applications for original licenses or for the consent of the city council, other than a flea market seller, temporary FSE or auction license, shall be accompanied by an administrative fee of thirty-five dollars (~~\$35.00~~45.00) to defray the cost of processing the application. All applications for renewal of licenses shall be accompanied by the fees for issuance and an administrative fee of twenty-five dollars (~~\$25.00~~35.00), except for a flea market seller to defray the cost of processing the application. In any case where notice by publication or mail is required, the applicant shall pay the cost of publication and postage in advance. Application fees shall not be refundable.

...

4. That Sections 24-72, 24-83 and 24-84 are hereby amended to read as follows:

Sec. 24-72. Sanitary sewer user charges.

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time

amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, ~~2017~~2018, user charges under this section for both dwelling units and commercial units shall be nine dollars and ~~sixty~~ninety-five cents (~~\$9.65~~9.95) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

Sec. 24-83. Exemptions.

Exemptions from stormwater charges established under this article are not allowed, except as provided in this section. Exemptions shall be allowed for:

(a) All roads owned or maintained by the State of Maine, including the Maine Turnpike; and all accepted City roads and all roads maintained by the City; all private roads and ways serving more than two dwelling or structures, but not driveways; all public pedestrian walkways. However, parking lots, buildings, or other developed land within the right-of-ways shall not be exempt from storm water service charges;

(b) Undeveloped land;

(c) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges;

(d) Airport runways, taxiways and aprons upon which public and private aircraft operate;

(e) With the exception of Peaks Island all islands are exempted from the fee due to the limited services provided to the islands.

(f) All City-owned land, buildings and other real property.

Sec. 24-84. Stormwater Service Charge.

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged six dollars and thirty cents (~~\$6.00~~6.30) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

(b) The basis for this charge is the measured amount of impervious surface area on the developed land as determined by the city. This measured area may be updated from time to time at the discretion of the Department of Public Works upon evidence of impervious surface area change or the availability of updated or more accurate information.

(c) Fees collected hereunder to fund stormwater services can also be supplemented by other revenues available to the city, including but not limited to state, federal, general and special city funds, and private grants and loans.

5. That Sections 25-27 and 25-119 are hereby amended to read as follows:

Sec. 25-27. Fees and fines.

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

(1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, eighty-eight dollars (\$88.00) for one (1) fiscal year or any portion thereof;

(2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain valid until there is a change:

a. In the sign dimensions; or

b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.

(3) Vehicles, equipment, or construction materials, ~~fifteen dollars (\$15.00) per day or any portion~~

thereefas follow;

a. The Parking Space Permit shall be \$20.00 per day or any portion thereof;

b. The Sidewalk Permit shall be \$20.00 per day or any portion thereof;

c. The Single Lane Closure Permit shall be \$50.00 per day or any portion thereof; and

d. the Street Closure Permit shall be \$100.00 per day or any portion thereof.

- (4) Use of city property (including but not limited to festivals, events, promotions, demonstrations, parades, marches, road races, walkathons, fundraisers, press conferences, rallies, protests, sampling, poll taking, banners and public displays), fee as provided by annual order of the city council;

...

(c) The following violation fines are hereby established for the failure to obtain a street occupancy permit or follow an approved management plan for vehicle traffic and/or pedestrian detours:

- (1) ~~\$75.00~~125.00 per day for failure to obtain a revocable street and sidewalk occupancy permit; and
- (2) ~~\$50.00~~100.00 a day for failure to follow an approved management plan for vehicle traffic and/or pedestrian detours

...

Sec. 25-119. Excavator license.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the city. The public works authority shall issue the excavator's license upon receipt of an application therefor and the annual license fee of ~~\$596.00~~600.00, after having satisfied himself or herself of the competency and ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the

city may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the city that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

...

6. That Section 28-86 is hereby amended to read as follows:

Sec. 28-86. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and ~~twenty five~~fifty cents (~~\$1.25~~1.50) per hour as follows: ~~three two~~ (32) minutes for the first nickel (\$0.05), ~~two~~ (2) minutes for the second nickel; ~~five four~~ (54) minutes for a dime (\$0.10); and ~~twelve ten~~ (1210) minutes for a quarter.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2018.



Keith N. Gautreau
Interim Fire Chief, Fire Department

To: Brendan O'Connell, Finance Director
Jennifer Lodge, Budget Analyst
Anne Bilodeau, Deputy Finance Director
From: Keith Gautreau, Interim Chief of Department
Date: 4/24/2018
RE: Fee Changes for Chapter 10 – Fire Prevention and Protection

The Fire Department is proposing raising our fire alarm inspection sticker fee from \$20 to \$25. The sticker fee has remained the same since the inception of the Fire Alarm Sticker program in 2010. We anticipate bringing in an additional \$5,000.00 in revenue for FY 2019.

Fee Type	Current Fee	Proposed Fee	Est Additional Revenue
Fire Alarm Sticker (Chapter 10-18 (C))	\$20.00	\$25.00	\$5,000.00

Sincerely,

Keith Gautreau
Interim Fire Chief of Department

FY19 REVENUE FEE SCHEDULE CHANGE

Department:

Fire
Ordinance Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-2202-342.00-00	Fire Alarm Stickers (Sec. 10-18 (c))	\$20	\$25



Planning & Urban Development Department

To: Jon Jennings, City Manager
 Brendan O'Connell, Finance Director

From: Jeff Levine, Planning & Urban Development Director

Date: April 20, 2018 - Revised

RE: Fee Changes for Chapter 14- Land Use Ordinance

Based on conversations with the City Manager, we are proposing to adjust our application fees to add clarity and certainty to the Planning Board process. The result would be a higher up-front permit fee that presents a closer estimate of the full cost of the review process.

Currently, we charge a base application fee and then additionally charge for staff review time, mailing of notices, and some administrative expenses. We are proposing to move to a "one-time fee" approach as much as feasible. We would still charge for third party consultant time, additional noticing and staff time far in excess of typical amounts.

The proposed application fee would include the cost of mailing the receipt of application notice to abutters, planner's review time up to 20 hours and administrative time for preparation of additional public noticing. Continued invoicing will be done monthly for planner's time over 20 hours, third party reviews, additional public noticing and legal ad costs.

We are also proposing to increase the billable hourly rate for staff review time. The increase in fees in Chapter 14 will help cover the annual COLA increase along with salary and fringe benefit costs associated with the charge to the city for staff reviews on development projects. We are proposing to increase fees annually based on the annual salaries including step increases and COLA %. This is the fairest way to recover these costs from applicants. As mentioned above, the new proposed fees for many applications will incorporate some staff review time, so we anticipate much less billing of staff time at the hourly rate.

<i>Fee Type</i>	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Est. Additional Revenue</i>
Staff Time (Planners) (Based on 1,200 hrs per yr) Chapt. 14-530(A)(4)(i)(i)	\$52	\$54	\$2,400
DRC Billing (Based on 350 hrs per yr) Chapt 14-530(A)(4)(l)(i)	\$52	\$54	\$700

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Planning and Urban Development

Account #	Revenue Description	Current Fee	FY19 Proposed Fee
<u>Ordinance Fee Change</u>			
100-2404-341-00-00	*Zone change/zone map fees (Sec. 14-54)		
	*Zoning Map Amendments	\$3,000	\$ 7,500
	*Zoning Text Amendments	\$3,000	\$ 7,500
	*Combination Zoning Map and Text Amendments	\$4,000	\$10,000
	*Conditional Rezoning	\$5,000	\$10,000
100-2404-342-11-00	Development Application Fees (Sec. 14-530 (A)(4))		
	(b)* Level I: Site Alteration	\$ 200	\$ 600
	(c) *Level II: Site Plan	\$ 400	\$ 800
	(d) *Level III: Site Plan:		
	*i. Under 50,000 sf	\$ 750	\$2,750
	*ii. 50,000 to 100,000 sf	\$1,000	\$3,000
	*iii. 100,000 to 200,000 sf	\$2,000	\$4,000
	*iv. 200,000 to 300,000 sf	\$3,000	\$5,000
	*v. Over 300,000 sf	\$5,000	\$7,000
	*vi. Parking Lots over 100 spaces	\$1,000	\$1,600
	(f) *After the Fact	\$1,000	\$2,000
	(g) *Amendment to Site Plan		
	*(i) Planning Board Review	\$ 500	\$1,500
100-2404-342-12-00	Fee for Development Review Services (Sec. 14-530 (A)(4)(i)(i))		
	i. Planning fee per hour	\$ 52	\$ 54
100-2404-342-13-00	Inspection Fees, as required in Section 14-530 (b) (5)		
	i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$52 an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).	\$ 52	\$ 54
	(Sec. 14-530 (A)(4)(l)(i))		

****Increase in billable hourly rate (\$52 to \$54) to cover annual COLA increases. Increased application fees to include cost of mailing for receipt of application notice, planners review time up to 20 hours and administrative time for preparation of additional public noticing. Additional review time beyond 20 hours and additional third party and noticing costs will be invoiced separately****



Permitting and Inspections Department
Michael A. Russell, MS, Director

MEMORANDUM

To: Jon Jennings, City Manager
CC: Jennifer Lodge, Budget Analyst
From: Michael Russell, Director, Permitting and Inspections *MR*
Samantha Chapin, Principal Administrative Officer
Subject: Fee Increase FY19
Date: April 19, 2018

Recommendation: Increase the cost of Business License application fees, new and renewal, by \$10 per application.

Executive Summary: Business License Application fees are established by ordinance in Chapter 15 Sec. 15-6, and referenced in the Revenue Projections in the Permitting and Inspections Department; Business Licensing Division; account number 100-2504-322-00-00, section E, items 1 and 2.

Current fees:
\$35 for original applications and \$25 for renewal applications.

Proposed fees:
\$45 for original applications and \$35 for renewal applications

Impact: FY19 projections include 203 original applications and 1,294 renewal applications.

The total increase in FY19 revenue as a result of the \$10 increase will be \$14,970.

Justification: Current application fees were established in FY11 by Council Order no. 224-09/10. With the increased staffing costs since that time, the administrative cost of processing applications has also increased. The new fees will be more appropriately aligned with actual cost of administrative time.

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Permitting & Inspections

Ordinance fees: Chapter 15 15-6(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	FY19 <u>Proposed Fee</u>
100-2504-322-00-00	New Application Fee	\$35.00	\$45.00
100-2504-322-00-00	Renewal Application Fee	\$25.00	\$35.00

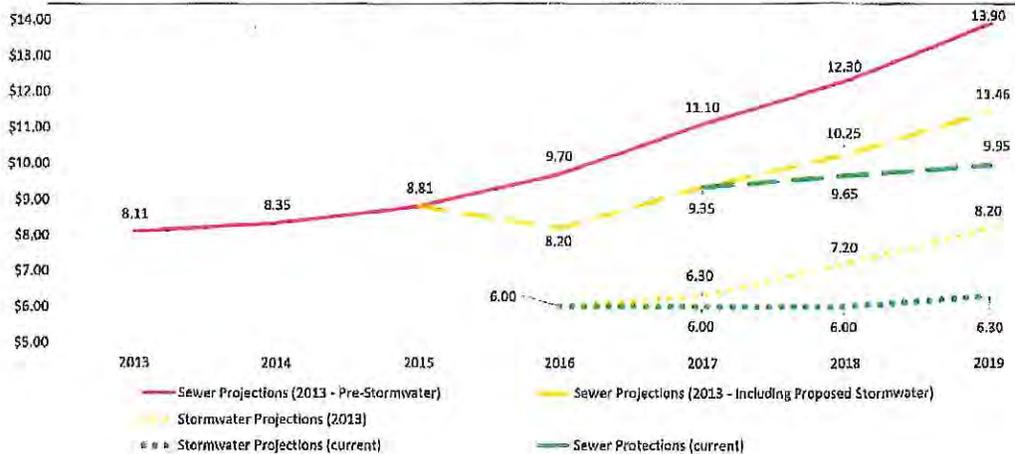


TO: Members of the City Council, Jon Jennings, City Manager;
 FROM: Brendan T. O'Connell, Director of Finance **BTO**
 DATE: May 9, 2018
 RE: Sewer Rate and Stormwater Service Charge Rate for FY19

The City continues to fund projects related to the Department of Environmental Protection ("DEP") mandated Combined Sewer Overflow ("CSO") requirements through first the Tier II and now the Tier III approved projects. This includes financing several hundred million in capital costs over an approximate 20 year time period, paid for through the Sewer user fees, and beginning in 2016 also by Stormwater Service Charges. As illustrated below the rate increases currently being proposed for FY19 are significantly lower than the rates projected by Sustainable Storm Water Funding Task Force when the Stormwater Service Charge was originally being contemplated several years ago. The lower rates are a result of lower than anticipated borrowings for CSO from 2015 through 2017.

The existing Sewer Rate of \$9.65 will need to be increased to \$9.95 per hcf from July 1, 2018 through June 30, 2019 due to increasing debt service repayments resulting from DEP mandated projects. This is approximately a 3.1% increase. For the first time since it was implemented there will be an increase in the Stormwater Service Charge. It will rise to \$6.30 per month for every 1,200 square feet of impervious area, an approximately 5% increase. As illustrated by the chart below, the current rate is significantly lower than projected Sewer Rates if no Stormwater Service Charge had been implemented. Residents should have noticed a decrease in their Sewer bill when the Stormwater Service Charge was implemented. The increase will be used to fund the additional debt service generated by DEP mandated projects and some projects will be funded with operating budget funds.

Sewer and Stormwater Rate Increases FY13 through FY19 (Projected and Actual)



FY19 REVENUE FEE SCHEDULE CHANGE

Department: Stormwater Fund (571)

Ordinance Chapter 24 § 84(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
571-3100-344-6500	Stormwater Service Charges (per 1,200 sf of impervious surface area)	\$6.00	\$6.30

***Effective July 1, 2018**

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Sewer Fund (570)

Ordinance Chapter 24 § 72(c)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
570-3100-344-xxxx	Sewer User Fees	\$9.65 hcf	\$9.95 hcf

***Effective July 1, 2018**



Christopher C. Branch, P.E.
Director of Public Works

To: Jon P. Jennings, City Manager
 From: Christopher C. Branch, P.E. *CCB*
 Date: April 27, 2018
 Subject: Ordinance Fee Increase Request for FY19

The Department of Public Works is requesting the following fee increase in the Street Occupancy Program as part of our FY19 budget request.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Ordinance 25-27</u>			
100-3135-321-00-00	Parking Space Permit	\$15.00	\$20.00
	Sidewalk Permit	\$15.00	\$20.00
	Single travel lane closure	\$15.00	\$50.00
	Street Closure	\$15.00 (per lane)	\$100.00
100-3135-351-00-00	Failure to Acquire Permit	\$75.00	\$125.00
	Non Compliance	\$50.00	\$100.00

The original document indicates \$00.00 as current fees. This is an error as each lane closure is \$15.00 per lane. The average street in Portland has two lanes of traffic with an average fee of \$30.00 charged to the customer. The suggested fee increase is directly related to recover a portion of the extra administration cost for the coordination review of the traffic control plans, with the Transportation Engineer, Police and Fire Departments and Development Review. These funds should be returned to the appropriate account.

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
<u>Ordinance 25-119</u>			
247-3100-321-02-00	Excavator License	\$596.00	\$600.00
	Paving License	.00	\$100.00

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Public Works
Ordinance Fees

Account #	Revenue Description	Current Fee	Proposed Fee
<u>Street Occupancy Ordinance 25-27:</u>			
(a) (3): Vehicles, equipment, Construction materials, fifteen dollars (\$15.00) Per day or any portion thereof,			
100-3135-321-00-00	Parking space Permit	\$15.00	\$20.00
	Sidewalk Permit	\$15.00	\$20.00
	Single Lane Closure	\$15.00	\$50.00
	Street Closure	\$15.00	\$100.00
<u>Street Occupancy Ordinance 25-27:</u>			
(c) (1): Failure to obtain permit \$75.00			
100-3135-351-00-00	Failure to acquire permit	\$75.00	\$125.00
<u>Street Occupancy Ordinance 25-27:</u>			
(c) (2): Non Compliance \$50.00			
100-3135-351-00-00	Non-Compliance	\$50.00	\$100.00
<u>Street Opening Ordinance 25-119:</u>			
247-3100-321-02-00	Excavator License	\$596.00	\$600.00
	Paving License	\$.00	\$100.00

4/27/18

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: APRIL 23, 2018
RE: FY19 REVENUE PROPOSALS

Per the result of the Budget Review with the City Manager, attached is the FY19 Revenue Fee Schedule Change for the Parking Division. Listed below is the affected revenue code and the amount of increase.

Revenue Code	Increase
---------------------	-----------------

Parking

100-1801-351-20-00 Code Violations / Parking Tickets	
Expired Parking Meter from \$15 to \$20	\$150,000
Prolonged Parking Ticket from \$20 to \$25	\$13,000

ORD FEE (Chapter 28-51) Last Revision: ORD CO #240-13/14

100-1801-364.10-00 Garages, Lots, Meters / Parking Meters	
Hourly rate from \$1.25 to \$1.50 per hour	\$600,000

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).

ORD FEE (Chapter #28-86) Last Revision: ORD CO #245-16/17

Parking Admin Total Increase: \$763,000

FY19 REVENUE FEE SCHEDULE CHANGE

Department: Parking

Ordinance Fees

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY19 Proposed Fee</u>
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / Parking Tickets Expired Parking meter Ticket	\$15.00	\$20.00
100-1801-351.20-20 ORDINANCE FEE Chapter 28-51	Code Violation / PARKING Tickets Prolonged Parking Ticket	\$20.00	\$25.00
100-1801-364.10-00 ORDINANCE FEE Chapter 28-86	Garages, Lots, Meters / Parking Meters	\$1.25 / hr	\$1.50 / hr

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Fifty cents (\$1.50) per hour as follows: two (2) minutes for a nickel (\$0.05), four (4) minutes for a dime (\$0.10), and ten (10) minutes for a quarter (\$0.25).

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**

*Order 218-17/18
~~Tab 21 5-14-18~~
Tab 18 5-21-18*

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

FISCAL YEAR 2018-2019 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$247,954,999** is hereby appropriated for Fiscal Year 2019 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$110,578,716** is hereby appropriated for Fiscal Year 2019 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2018 and not exempt from taxation, to the aggregate amount of **\$89,574,350** for municipal purposes and **\$88,003,431** for school purposes for a total tax levy of **\$177,577,781** resulting in a tax rate of **\$22.48** per \$1,000 of valuation (a **3.8%** increase) and in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due on September 14, 2018, and payable in two equal installments, the first due on the 14th day of September, 2018, and the second installment due on the 8th day of March, 2019. The delinquency rate of interest shall be seven percent (8%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (4.0%) per annum.

AMENDMENT 1

AMENDMENT TO FISCAL YEAR 2018-2019 MUNICIPAL BUDGET ORDER 218-17/18 APPROPRIATION RESOLVE PREPARED BY CORPORATION COUNSEL FOR MAYOR STRIMLING

RE: ADD ONE BAYSIDE COMMUNITY POLICE OFFICER

That one Bayside Community Police Officer be reinstated, increasing that expenditure by \$53,395 in the Police Department, account 21-21. This equates to a mil rate increase of 0.68 cents (i.e. actual impact on the final mil rate may vary due to required rounding of the tax rate to the nearest cent).

AMENDMENT 2

**AMENDMENT TO FISCAL YEAR 2018-2019 MUNICIPAL BUDGET
ORDER 218-17/18 APPROPRIATION RESOLVE
PREPARED BY CORPORATION COUNSEL
FOR MAYOR STRIMLING, COUNCILOR THIBODEAU, COUNCILOR ALI AND
COUNCILOR COSTA**

**RE: INCREASING FEES TO ADVANCE WORKFORCE DEVELOPMENT AND
OFFICE OF ECONOMIC OPPORTUNITY**

Increasing commercial building permits and licensing fees to create a total increase of up to \$500,000 to be allocated to workforce development programs and the office of economic opportunity.

AMENDMENT 3

**AMENDMENT TO FISCAL YEAR 2018-2019 MUNICIPAL BUDGET
ORDER 218-17/18 APPROPRIATION RESOLVE
PREPARED BY CORPORATION COUNSEL
FOR MAYOR STRIMLING**

RE: INCREASE SHORT TERM RENTAL REGISTRATION FEES

That the fees for registering short term rental units be increased to \$500.00 for the 1st unit, \$1,000 for the 2nd unit; \$2,000 for the 3rd unit, \$3,000 for the 4th unit and \$5,000 for the 5th unit, increasing revenues by \$250,000 in the Permitting and Inspections Department account 100-25-03.

This increase would be effective January 1, 2019, and the revenue from the increase would be added to the Housing Trust Fund.



Planning & Urban Development Department

TO: Councilor Duson, Chair
Members of the Housing Committee

FROM: Jeff Levine, Planning & Urban Development Director
Mary Davis, HCD Division Director
Tyler Norod, Housing Planner

DATED: December 14, 2016

RE: Short Term Rental (Airbnb) Regulation Framework

The Housing Committee last met to discuss potential short term rental (STR) regulations on December 1, 2016. At that meeting Committee members provided feedback on draft regulatory framework and requested at the following meeting to have a memo outlining the two policy frameworks suggested by Councilor Ray and Councilor Thibodeau. Since that time, staff has worked with other departments including the City Manager's office, Permitting & Inspections, the Housing Safety Office, the Police Department, and Corporation Counsel to incorporate feedback from Committee members into a regulatory framework for review.

Areas of Agreement

At the previous Housing Committee meeting, Committee members expressed agreement on a number of regulatory themes governing STRs. Areas of agreement are outlined in Attachment A of this memo.

Items for Further Discussion

Despite general consensus on a large portion of the regulatory framework relating to registration, enforcement, and safety, the Committee needs more time to consider what policy measures may be appropriate for balancing the STR market with the long term housing market in Portland. To this end, Councilor Ray and Councilor Thibodeau proposed two differing strategies for regulating STR market forces. It is anticipated that the Committee will discuss these proposals with an eye towards making final recommendations to the City Council. Listed below are charts outlining the two strategies:

Councilor Thibodeau's Proposal

Councilor Thibodeau provided two scenarios that would require hosts to register their units annually with the City at escalating costs for each additional unit. For example, a host with three units listing would be required to register annually with the City's Housing Safety Office for a total of \$1,535. In this example the same registration fee would be due whether or not all the STR units registered were in the same building or spread out across multiple buildings.

Both scenarios outlined below are based on a similar premise of using registration costs to limit the unmitigated proliferation of STRs within the local housing market. Because STR units profitability



Planning & Urban Development Department

are based on a number of variables including location, condition, size, price per night, debt, occupancy rates it is difficult to provide accurate analysis at this time as to whether or not this strategy will realize its intended effect on the market. As discussed at previous meetings, whatever policy direction is taken the City may want to consider reexamining this issue again in the future to better understand the the STR market.

If Councilor Thibodeau's proposal is supported the City would need to add language to the regulations requiring that non-individual property owners, such as LLC's, provide the names of individuals with a financial stake in the LLC so that a proper record could be kept to accurately assess registration fees per host. The Committee should also clarify whether or not the initial \$35 registration fee for a first STR unit is for primary residences or open to all STR hosts including non-owner occupied units.

Scenario 1

1 st Unit	\$35
2 nd Unit	\$500
3 rd Unit	\$1,000
4 th Unit	\$1,500
5 th Unit	\$2,000
6 th Unit and every unit thereafter	\$3,000

Scenario 2

1 st Unit	\$35
2 nd Unit	\$500
3 rd Unit	\$1,000
4 th Unit	\$2,000
5 th Unit	\$4,000
6 th Unit and every unit thereafter	\$8,000

Councilor Ray' Proposal

Councilor Ray proposal would place limitations on the number of STRs that could exist in each building based on the building's size and owner occupancy. If passed, this policy framework would need to require hosts to provide certain documentation to prove a unit is their primary residence. Clarification would also be needed to establish annual registration fees.

Owner Occupied Buildings

Single Family Home (Owner Occupied: home is	<ul style="list-style-type: none"> • May offer rooms in home or—when owner is away—entire home as STR(s) provided the home is the owner's primary dwelling.
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Planning & Urban Development Department

<p>owner's primary dwelling)</p>	<ul style="list-style-type: none"> • Acceptable proof of primary dwelling: owner registered to vote at that address; Owner's Driver's License shows address; signed affidavit to City stating home is primary dwelling; Homestead exemption in owner's name at that address; other proof deemed acceptable by staff.
<p>Multi-Unit Building (Owner occupied; one unit in the building is owner's primary dwelling or is used by the owner for owner's active, licensed business)</p>	<ul style="list-style-type: none"> • Units may be offered in a multi-unit, owner occupied building as follows: <ul style="list-style-type: none"> 2 unit building – 1 STR 3 unit building – 2 STR 4 unit building – 3 STR 5 unit building – 4 STR 6+ unit building – 5 STR • Owner may also offer rooms in primary unit or—when owner is away—entire primary unit as STR(s) • Acceptable proof of primary dwelling: owner registered to vote at that address; owner's Driver's License shows address; signed affidavit to City stating home is primary dwelling; Homestead exemption in owner's name at that address; proof of active, licensed business operated by owner in one unit of address; other proof deemed acceptable by staff.

Non-Owner Occupied Buildings

<p>Single Family Home (not Owner Occupied)</p>	<ul style="list-style-type: none"> • Entire home may not be used for STR (defined as rental of less than 30 days) • No rooms may be used for STR unless established as a lodging house.
<p>Multi-Unit Building (not Owner Occupied)</p>	<ul style="list-style-type: none"> • Units may be offered in a multi-unit, non-owner occupied building as follows: <ul style="list-style-type: none"> 2-4 unit building – 1 STR 5-9 unit building – 2 STR 10+ unit building, up to 20% of total units rounded down and capped at a maximum of 5 units (examples below) <ul style="list-style-type: none"> 10 unit building – 2 STR 15 unit building – 3 STR 20 unit building – 4 STR 25+ unit building – 5 STR

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

AMENDMENT 4

**AMENDMENT TO FISCAL YEAR 2018-2019 MUNICIPAL BUDGET
ORDER 218-17/18 APPROPRIATION RESOLVE
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR RAY**

**RE: FUND CITY OF PORTLAND MEMBERSHIP IN GREATER PORTLAND
COUNCIL OF GOVERNMENTS**

That the remaining funding be allocated for City membership in the Greater Portland Council of Governments, increasing by \$38,060 the budget in the Memberships / Contributions department, account 100-65-06. This equates to a mil rate increase of 0.48 cents (i.e. less than one half of one penny, actual impact on the final mil rate may vary due to required rounding of the tax rate to the nearest cent).

AMENDMENT 5

**AMENDMENT TO FISCAL YEAR 2018-2019 MUNICIPAL BUDGET
ORDER 218-17/18 APPROPRIATION RESOLVE
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR THIBODEAU AND MAYOR STRIMLING**

RE: IMPLEMENTATION OF THE PESTICIDE ORDINANCE

ORDERED, that, in the Fiscal Year 2019 Municipal Budget, the Pesticide Ordinance be fully implemented, adding a half-time Sustainability Associate with funding of \$22,259 to the Executive Department, account 100-13-01, and that the full-time position of Maintenance worker called MW II, connected to the Pesticide Ordinance, with funding of \$39,062, one Seasonal Athletic Facilities Maintenance Worker with funding of \$12,000, \$10,000 in consulting fees, \$1,500 reduction in the agricultural supplies, \$10,200 for an additional grass seed planter and \$14,225 for an additional top spreader for compost top-dressing, be added to the budget in the Parks, Recreation and Facilities Department, account 100-33-34.

TAX RATE COMPUTATION--FY2019
Finance Committee's Recommendation

	General Fund	Enterprise Funds	County Tax	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$188,074,053	\$53,592,101	\$6,288,845	\$247,954,999	\$110,578,716	\$358,533,715
Less: Revenues	(104,788,548)	(57,828,357)	0	(162,616,905)	(21,795,015)	(184,411,920)
Surplus	0	4,236,256	0	4,236,256	(780,270)	3,455,986
Tax Levy	\$83,285,505	\$0	\$6,288,845	\$89,574,350	\$88,003,431	\$177,577,781
				50.4%	49.6%	100.0%
Valuation	7,900,000,000					
Tax Rate:						
FY19	\$10.54	\$0.00	\$0.80	\$11.34	\$11.14	\$22.48
FY18	\$10.28	\$0.00	\$0.76	\$11.04	\$10.61	\$21.65
\$ Increase	0.26	0.00	0.04	0.30	0.53	0.83
% of Total Increase	2.4%	0.0%	0.4%	2.7%	5.0%	3.8%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2019
July 1, 2017 - June 30, 2018
July 1, 2018 - June 30, 2019
Finance Committee's Recommendation

	FY 18	FY 19	\$ +/-()	%
CITY GENERAL FUND REVENUES				
31 Property Taxes	\$ 86,095,197	\$ 89,574,350	\$ 3,479,153	4.0%
31 Other Local Taxes	9,860,925	10,099,009	238,084	2.4%
32 Licenses & Permits	5,422,322	5,767,244	344,922	6.4%
33 Intergovernmental Revenue	9,860,357	10,464,979	604,622	6.1%
34 Charges for Services	36,661,015	35,867,048	(793,967)	-2.2%
35 Fines, Forfeits and Penalties	2,090,250	2,107,635	17,385	0.8%
36 Use of Money and Property	10,070,840	11,175,951	1,105,111	11.0%
39 Other Sources	29,245,462	29,306,682	61,220	0.2%
Fund Balance Use (Restoration)	0	0	-	
Total General Fund Revenues	189,306,368	194,362,898	5,056,530	2.7%
GENERAL FUND EXPENDITURES				
100-1100 City Council	322,232	331,904	9,672	3.0%
100-1200 City Clerk	555,291	536,522	(18,769)	-3.4%
100-1300 City Manager	940,556	954,305	13,749	1.5%
Office of Economic Opportunity	208,166	0	(208,166)	-100.0%
Total Executive	1,148,722	954,305	(194,417)	-16.9%
100-1400 Assessor	479,633	404,377	(75,256)	-15.7%
100-1500 Finance Administration	1,124,070	1,155,368	31,298	2.8%
Treasury	705,331	684,733	(20,598)	-2.9%
Total Finance	1,829,401	1,840,101	10,700	0.6%
100-1600 Legal	620,971	709,403	88,432	14.2%
100-1700 Human Resources Admin	1,035,380	1,063,158	27,778	2.7%
100-1800 Parking	1,383,858	1,460,024	76,166	5.5%
Elm Street Garage	305,525	302,962	(2,563)	-0.8%
Spring Street Garage	461,961	449,378	(12,583)	-2.7%
Temple Street Garage	124,300	125,000	700	0.6%
Total Parking/Garages	2,275,644	2,337,364	61,720	2.7%
100-1900 Economic Development	491,047	633,989	142,942	29.1%
100-2100 Police Administration	1,075,847	1,207,316	131,469	12.2%
Jetport Security	558,351	572,198	13,847	2.5%
Uniformed Operations Group	9,925,829	10,062,663	136,834	1.4%
Bureau Investigative Services	1,845,493	1,928,235	82,742	4.5%
Operations Support Services	849,498	828,086	(21,412)	-2.5%
Dispatch Services	2,233,291	2,262,115	28,824	1.3%
Total Police	16,488,309	16,860,613	372,304	2.3%

*See General Fund Note References

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2019
July 1, 2017 - June 30, 2018
July 1, 2018 - June 30, 2019
Finance Committee's Recommendation

		FY 18	FY 19	\$ +/-	%
100-2200	Fire Administration	604,786	572,319	(32,467)	-5.4%
	Code Enforcement & Comm Svcs	247,879	270,157	22,278	9.0%
	Field Operations	14,657,948	14,685,959	28,011	0.2%
	Air Rescue	963,251	1,013,282	50,031	5.2%
	Operations Support Services	772,032	754,688	(17,344)	-2.2%
	Total Fire	17,245,896	17,296,405	50,509	0.3%
100-2400	Planning & Urban Dev. Admin	463,028	381,094	(81,934)	-17.7% 1
	Planning	1,290,368	1,408,378	118,010	9.1%
	Housing & Comm Development	190,928	0	(190,928)	-100.0% 1
	Total Planning & Urban Development	1,944,324	1,789,472	(154,852)	-8.0%
100-2500	Permitting & Inspections Administration	169,020	181,334	12,314	7.3%
	Inspections	985,252	980,841	(4,411)	-0.4%
	Housing Safety	251,388	346,993	95,605	38.0%
	Business Licensing	238,492	250,544	12,052	5.1%
	Total Permitting & Licensing	1,644,152	1,759,712	115,560	7.0%
100-2900	Information Technology	2,432,904	2,799,922	367,018	15.1%
100-3100	Public Works Administration	697,315	728,174	30,859	4.4%
	Districting	1,616,370	1,660,057	43,687	2.7%
	Solid Waste	1,689,277	1,769,118	79,841	4.7%
	Communications	124,588	128,226	3,638	2.9%
	Portland Downtown District	358,761	363,628	4,867	1.4%
	Transportation Operations	3,027,720	2,310,357	(717,363)	-23.7%
	Engineering	1,200,715	1,216,314	15,599	1.3%
	Winter Operations	1,370,058	1,329,559	(40,499)	-3.0%
	Fleet Services	3,713,605	3,818,936	105,331	2.8%
	Island Services	658,567	647,042	(11,525)	-1.8%
	Total Public Works	14,456,976	13,971,411	(485,565)	-3.4% 2
100-3300	Parks Rec & Facilities Admin	435,157	601,090	165,933	38.1%
	Merrill Auditorium	482,953	176,098	(306,855)	-63.5%
	Ice Arena	570,448	571,810	1,362	0.2%
	Public Assembly Facilities	1,001,715	1,056,708	54,993	5.5%
	Concessions	382,943	403,498	20,555	5.4%
	Athletic Facilities	764,638	767,343	2,705	0.4%
	Recreation	1,916,155	1,831,867	(84,288)	-4.4%
	Aquatics	623,895	643,899	20,004	3.2%
	Golf Course & Restaurant	1,451,041	1,584,537	133,496	9.2%
	Custodial Services	0	956,460	956,460	
	Cemeteries	842,811	874,369	31,558	3.7%
	Forestry	713,171	686,850	(26,321)	-3.7%
	Parks	952,576	1,001,603	49,027	5.1%
	Total Parks Rec & Facilities	10,137,503	11,156,132	1,018,629	10.0% 3

CITY OF PORTLAND, MAINE
 COMPARATIVE BUDGET PLAN FY2019
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 July 1, 2018 - June 30, 2019
 Finance Committee's Recommendation

	FY 18	FY 19	\$ +/-	%
100-3500 Public Bldgs & Waterfront Admin	0	358,671	358,671	
Trades	1,127,867	719,605	(408,262)	-36.2%
Public Safety Bldg.	408,039	290,700	(117,339)	-28.8%
City Hall	448,512	322,100	(126,412)	-28.2%
Merrill Auditorium (PB)	0	196,550	196,550	
Hadlock Stadium	300,681	321,681	21,000	7.0%
Other Public Buildings	514,049	310,989	(203,060)	-39.5%
Expo Building	439,140	207,875	(231,265)	-52.7%
Waterfront	1,166,489	1,337,110	170,621	14.6%
School HVAC	521,703	521,703	0	0.0%
Canco Road Buildings	331,383	432,820	101,437	30.6%
Total Public Buildings & Waterfront	5,257,863	5,019,804	(238,059)	-4.5% 3
100-4001 HHS - Administration	401,930	419,772	17,842	4.4%
100-4100 Public Health Administration	220,419	221,597	1,178	0.5%
Family Health	232,099	53,125	(178,974)	-77.1% 1
Chronic Disease Prevention	504,143	101,397	(402,746)	-79.9% 1
India Street Clinic	646,139	474,841	(171,298)	-26.5% 1
Health Equity	129,874	110,976	(18,898)	-14.6% 1
Research & Evaluation	0	73,211	73,211	
Total Public Health	1,732,674	1,035,147	(697,527)	-40.3% 1
100-4200 Social Services Administration	430,565	612,379	181,814	42.2%
General Assistance	6,418,633	6,787,843	369,210	5.8%
Housing & Support Services	141,318	0	(141,318)	-100.0%
Portland Community Support Fund	250,000	200,000	(50,000)	-20.0%
Oxford Street Shelter	2,833,371	1,750,524	(1,082,847)	-38.2% 1
Family Shelter	1,130,829	562,492	(568,337)	-50.3% 1
Total Social Services	11,204,716	9,913,238	(1,291,478)	-11.5% 1
107-4300 Barron Center	16,977,542	15,630,623	(1,346,919)	-7.9% 4
100-4700 Debt Service	37,522,031	41,818,036	4,296,005	11.4%
100-4800 Public Library	3,936,725	4,062,000	125,275	3.2%
100-5100 Pension	7,401,409	8,126,801	725,392	9.8%
100-5200 Health Insurance	18,056,340	20,110,956	2,054,616	11.4%
Workers' Comp	1,850,774	1,786,778	(63,996)	-3.5%
Group Life	202,854	205,822	2,968	1.5%
Unemployment	100,000	100,000	0	0.0%
FICA	1,091,100	1,138,099	46,999	4.3%
Total Employee Benefits	21,301,068	23,341,655	2,040,587	9.6%
100-6100 Contingent	275,820	275,850	30	0.0%
100-6200 Liability Insurance	782,418	774,458	(7,960)	-1.0%

*See General Fund Note References

CITY OF PORTLAND, MAINE
 COMPARATIVE BUDGET PLAN FY2019
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 July 1, 2018 - June 30, 2019
 Finance Committee's Recommendation

	FY 18	FY 19	\$ +/-()	%
100-6500 Regional Transportation Program Contributions	72,380	72,380	0	0.0%
	364,194	365,850	1,656	0.5%
Total Memberships/Contributions	436,574	438,230	1,656	0.4%
100-6700 Wage Adjustment	419,835	60,000	(359,835)	-85.7%
Total General Fund Expenditures	180,758,990	185,360,404	4,601,414	2.5%
100-6300 County Tax	5,907,743	6,288,845	381,102	6.5%
100-6502 Metro Assessment	2,639,635	2,713,649	74,014	2.8%
Total General Fund and Assessments	\$ 189,306,368	\$ 194,362,898	\$ 5,056,530	2.7%

Notes:

- 1 Reflects a change in accounting for grant funded programs, not a true reduction
- 2 Taking into account a savings of \$821,000 for LED street lights, the Public Works budget is actually increasing by 2.5%
- 3 When combined, these two budgets are increasing 5%, however, taking revenues into account, there is a 4.8% reduction in net city cost
- 4 Reflects a decline in patients due to market forces

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2019
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July 1, 2018 - June 30, 2019
Finance Committee's Recommendation

		FY 18	FY 19	\$ +/-	%
ENTERPRISE FUND REVENUES					
31	Property Taxes, Current Year	\$ -	\$ -	\$ -	
32	Licenses & Permits	28,850	22,850	(6,000)	-20.8%
33	Intergovernmental	116,800	116,800	-	0.0%
34	Charges for Services	32,252,496	33,567,185	1,314,689	4.1%
36	Use of Money and Property	22,461,391	23,747,326	1,285,935	5.7%
39	Other Sources	410,809	374,196	(36,613)	-8.9%
	Fund Balance	(4,220,518)	(4,236,256)	(15,738)	0.4%
	Total Enterprise Fund Revenues	51,049,828	53,592,101	2,542,273	5.0%
ENTERPRISE FUND EXPENDITURES					
530-3300	Fish Pier	382,210	398,213	16,003	4.2%
570-1503	Sewer - Finance Admin	91,337	134,810	43,473	47.6%
570-3101	Public Works Admin	807,783	780,653	(27,130)	-3.4%
570-3112	Districting	2,850,513	3,019,206	168,693	5.9%
570-3115	Communications	64,056	67,687	3,631	5.7%
570-3137	Sewer Engineering	353,808	618,211	264,403	74.7%
570-3155	Debt Service	7,095,098	7,745,068	649,970	9.2%
570-3156	Fringe Benefits	1,347,424	1,493,120	145,696	10.8%
570-3158	Assessment from Portland Water District	12,149,862	12,462,772	312,910	2.6%
	Total Sewer	24,759,881	26,321,527	1,561,646	6.3%
571-1502	Stormwater - Finance Admin	250,965	265,463	14,498	5.8%
571-3140	Stormwater Management	2,083,537	1,817,499	(266,038)	-12.8%
571-3155	Debt Service	350,726	389,797	39,071	11.1%
571-3156	Fringe Benefits	355,025	286,855	(68,170)	-19.2%
	Total Stormwater	3,040,253	2,759,614	(280,639)	-9.2%
583-2801	Jetport Admin	952,896	1,047,618	94,722	9.9%
583-2802	Field	3,814,776	4,091,912	277,136	7.3%
583-2803	General Aviation	17,168	17,168	-	0.0%
583-2804	Fringe, Indirects & Chargebacks	3,640,664	3,960,802	320,138	8.8%
583-2805	Jetport Operations	2,375,139	2,595,898	220,759	9.3%
583-2806	Terminal	5,514,516	5,970,545	456,029	8.3%
583-2808	Marketing	545,740	501,890	(43,850)	-8.0%
583-2809	Parking	4,469,974	4,447,615	(22,359)	-0.5%
583-2810	Airfield Deicing	689,206	700,661	11,455	1.7%
583-2807	Jetport Anticipated Surplus	847,405	778,638	(68,767)	-8.1%
	Total Jetport	22,867,484	24,112,747	1,245,263	5.4%
	Total Enterprise Fund Expenditures	51,049,828	53,592,101	2,542,273	5.0%
	TOTAL CITY EXPENDITURES	\$ 240,356,196	\$ 247,954,999	\$ 7,598,803	3.2%

CITY OF PORTLAND, MAINE
 COMPARATIVE BUDGET PLAN FY2019
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 July 1, 2018 - June 30, 2019
 Finance Committee's Recommendation

SCHOOL DEPARTMENT REVENUES	FY 18	FY 19	\$ +/-	%
Property Taxes	82,787,921	88,003,431	5,215,510	6.3%
Local Revenue	7,410,851	5,455,679	(1,955,172)	-26.4%
State Subsidy	14,799,817	16,339,336	1,539,519	10.4%
Surplus Use	750,000	780,270	30,270	4.0%
Total School Revenues	\$ 105,748,589	\$ 110,578,716	\$ 4,830,127	4.6%
SCHOOL DEPARTMENT EXPENDITURES				
Public Schools	\$105,748,589	\$110,578,716	\$4,830,127	4.6%
TOTAL CITY AND SCHOOL EXPENDITURES	\$ 346,104,785	\$ 358,533,715	\$ 12,428,930	3.6%

*See General Fund Note References

Order 219-17/18
Tab 19 5-21-18

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 2
RE: TERM LIMIT REMOVED FOR BOARD OF HARBOR COMMISSIONERS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Chapter 2, Section 2-33 of the Portland City Code is hereby amended to read as follows:

Sec. 233. Applicability.

(a) The above limitation on terms shall apply to the following boards and commissions:

- (1) Board of appeals;
- (2) Board of assessment review;
- (3) ~~Board of harbor commissioners; Reserved.~~
- (4) Cable television committee (CATV);

...

MEMORANDUM
City Council Agenda Item

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

FROM: Jen Thompson, Associate Corporation Counsel

DATE: April 27, 2018

SUBJECT: Amendment to Chapter 2 of the Portland City Code to remove the Board of Harbor Commissioners from the City Boards subject to limitations on number of terms that may be served on the board.

SPONSOR: City of Portland Legislative/Nominating Committee following a meeting and unanimous vote on April 23, 2018.

(If sponsored by a Council committee, include the date the committee met, the results of the vote, and the meeting minutes.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action _____

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

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

Legislative Committee, Chair

I. ONE SENTENCE SUMMARY

The Legislative Committee voted unanimously to recommend removing the Board of Harbor Commissioners from the list of City Committees subject to the term limits provision of the City Code.

II. AGENDA DESCRIPTION

The Harbor Commission consists of five representatives charged with the responsibility of regulating navigation and commerce within Portland Harbor. The Commission's authority results from a various private and special laws passed by the Maine Legislature. Under the statutes, the Harbor Commission issues permits for creating or maintaining any structure or obstruction in any of the navigable waters of Portland Harbor. Therefore, they regulate wharfs and piers, decks, moorings, slips and other similar structures. They also appoint and license the

pilots that operate in the harbor and set the fees the pilots may charge for those services. The rules imposed by the Commission are generally enforced by the Harbor Master.

Currently the Commission includes two members appointed by the City of Portland, two members by the City of South Portland and one member appointed by the Governor. Under the statute that created the Commission, Commissioners are to serve for 3-year terms. There is no limit in the statute on the number of terms a particular commissioner may serve. There are no term limits in South Portland nor is the Governor's nominee subject to term limits. By virtue of Section 2-33 of Portland's City Code, the Portland nominee is limited to ". . . three years (3) consecutive full terms or nine years whichever comes first."

In order to promote consistency in term eligibility and because the Board's work is highly technical, the Committee concluded that limiting Portland's representatives on the Board to 3 terms is not in the best interests of the safety and viability of the Harbor. It therefore recommended that the Code be amended to remove the Harbor Commission from the list of City boards and commissions subject to the limitation contained in Section 2-33. The ordinance amendment would be:

Sec. 2-33. Applicability.

(a) The above limitation on terms shall apply to the following boards and commissions:

- (1) Board of appeals;
- (2) Board of assessment review;
- ~~(3) Board of harbor commissioners;~~
- (4) Cable television committee (CATV);
- (5) Civil service commission employment subcommittee;
- (6) Civil service commission police citizen review subcommittee;
- (7) Community development block grant allocation committee;
- (8) Friends of the park;
- (9) Historic preservation committee;
- (10) Land bank commission;
- (11) Planning board; and
- (12) Portland public art committee;

III. BACKGROUND

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Amendment of Section 2-33 of the City Code to remove the Harbor Commission from the list of City Boards and Commissions subject to the limitation on the number of terms contained in Section 2-32.

V. FINANCIAL IMPACT

None

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

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

Prepared by:

Date:

Bean/agendarequestmemo/rev 11/2015

Order 220-17/18
Feb 20 5-21-18

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

**AMENDMENT TO PORTLAND CITY CODE
CHAPTERS 2 and 15
RE: ENDING COLLECTION OF PAST DUE PERSONAL PROPERTY TAX FROM
SUBSEQUENT PROPERTY OWNERS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 2-203 is hereby amended to read as follows:*

Sec. 2203. Applicability.

The provisions of this article shall not apply to the following:

(a) Debts subject to the jurisdiction of the bankruptcy court;

...

(f) Debts and/or Amounts owed, which the Director of City Manager or his or her designee, Finance in his or her sole discretion, determines are not owed by the applicant seeking an approval, license or permit from the City and/or which should may be the subject of a resolution by a court of law rather than through the mechanisms provided by this ~~article~~ Article.

2. *That Section 15-8 is hereby amended to read as follows:*

Sec. 158. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;

...

- (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager of his or her designee to not be owed as per §2-203(f) shall not be considered in arrears for purposes of this section.

- (b) *Hearings.*

...



Executive Department
Jon P. Jennings, City Manager

MEMORANDUM

City Council Agenda Item

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

FROM: Jon P. Jennings, City Manager

DATE: May 3, 2018

SUBJECT: Proposed Amendments to Portland City Code Chapters 2 and 15 Re:
Removing Responsibility of Property Owners for City Debts
Associated with Property

SPONSOR: Economic Development Committee/Councilor Costa, Chair;
Meeting Held on May 1, 2018, Vote was Unanimous (3-0)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading: May 21, 2018 Final Action: June 4, 2018

Can action be taken at a later date: Yes

PRESENTATION: Jon Jennings/5 Minutes

I. ONE SENTENCE SUMMARY

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

II. AGENDA DESCRIPTION

This action seeks to amend the Portland City Code in order to rectify situations wherein an applicant is unable to obtain a permit or license from the City as a result of overdue personal and/or real property taxes owed by someone other than the applicant.

Without this amendment, leaseholders and property owners have discovered that unless the past due debts/amounts owed by other individuals are paid, they will not be able to receive a permit or license from the City. While this has allowed the City to collect on past due amounts, the payments have often come as a surprise to property owners or lease holders who have vocally objected to paying the debts of others as unfair. The City Manager and his staff agree that requiring such payments is not in

the best interest of the City and is therefore hereby requesting that the Portland City Code be amended to allow him discretion to address these issues as they arise.

III. BACKGROUND

See above.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This will make the process of applying for permits and licenses in the City easier, and thereby addresses the City's goal to be more customer-friendly.

V. FINANCIAL IMPACT

According to the Finance Director, a small amount of revenue will be lost through these amendments, but collection efforts can and will be made by other means.

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

The City Manager has received complaints from local businesses/property owners about delays in the issuing of building permits that were the result of unpaid personal property taxes of prior tenants. As such, he worked with the Finance Director, Permitting and Inspections Director, and Corporation Counsel to draft these amendments to rectify the situation.

VII. RECOMMENDATION

The City Manager and his staff recommend approval of this change.

Corporation Counsel approves the amendment as to form.

The EDC voted unanimously (3-0) at its May 1, 2018, meeting to forward this to the City Council with a recommendation for approval.

VIII. LIST ATTACHMENTS

- Amendment to Portland City Code Chapters 2 and 15 Re: Removing Responsibility of New Property Owners for City Debts associated with Property
- Memo from Christopher Huff, City Assessor
- Email from Denine Leeman, Chief Operating Officer, East Brown Cow Management, Inc.

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

**CITY OF PORTLAND
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KIMBERLY COOK (5)
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**AMENDMENT TO PORTLAND CITY CODE
CHAPTERS 2 and 15
RE: ENDING COLLECTION OF PAST DUE PERSONAL PROPERTY TAX FROM
SUBSEQUENT PROPERTY OWNERS**

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MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 2-203 is hereby amended to read as follows:*

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The provisions of this article shall not apply to the following:

(a) Debts subject to the jurisdiction of the bankruptcy court;

...

(f) Debts and/or Amounts owed, which the Director of City Manager or his or her designee, Finance in his or her sole discretion, determines are not owed by the applicant seeking an approval, license or permit from the City and/or which should may be the subject of a resolution by a court of law rather than through the mechanisms provided by this articleArticle.

2. *That Section 15-8 is hereby amended to read as follows:*

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

(1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;

...

(7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager of his or her designee to not be owed as per §2-203(F), shall not be considered in arrears for purposes of this section.

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(b) *Hearings.*

...



Assessor's Department
Christopher A. Huff, CMA
Tax Assessor

MEMO

TO: Jon Jennings

FROM: Chris Huff

DATE: 11/1/2017

RE: Ordinance Review

Jon,

Within the last few weeks, an issue has come forward several times that I would like to ask you to review for a potential change in the City ordinances.

Issue

Property owners have tried to pull a building permit only to have the permit denied because a former tenant in the building had an outstanding unpaid personal property tax bill due. In one case, the tenant closed their business and vacated the building 3 years ago. They left their FY15 personal property tax bill unpaid. The property owner attempted to take a permit for electrical work and discovered they had to pay the personal property bill of the former tenant from 3 years ago.

In another case, a tenant was evicted for not paying rent and utilities to the property owner. The tenant also did not pay their personal property tax bill for multiple years. Once evicted, the tenant set-up their business in another location. The property owner attempted to pull a permit to fit-out the space for a new tenant only to discover that to do so, they would have to pay the personal property bill of the former tenant. This tenant stiffed them for months of rent and utilities, was evicted and relocated their business. They are open and operating today and still not paying their personal property taxes at their new location. Yet the property owner has to pay their outstanding personal property tax bill, including lien fees, penalties and interest, in order to fit-out the space to attract a new tenant.

Ordinances

Chapter 2, Article VI, Section 2-201 states "The purpose of this article is to ensure the payment of funds due the city by requiring that persons who owe money to the city pay their just debts before undertaking any new activity involving the city. (Ord. No. 274-90, 3-19-90)"

Chapter 15, Section 15-8, Paragraph 7 states "The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application."

While Section 2-201 states specifically that it is "the persons who owe money to the city" and Section 15-8 states "the applicant's or licensee's real or personal property taxes," it is the following language that is making property owners responsible for these taxes that are not in their name: "or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued..." (emphasis mine).

Resolution

It is reasonable and understandable why any unpaid *real estate* taxes would prevent a property owner from pulling a permit or being approved for a license or other service from the City. However, *personal property* taxes are the responsibility of the business and/or business owner. Making the property owner responsible to have to pay the personal property debts of their tenants does not seem fair and this unintended consequence could be construed as a disincentive to economic development to an owner wishing to improve their property to attract a new tenant.

Perhaps a review of this ordinance and a clean-up of the language or consolidation of these two sections of the City Code would be beneficial. Other suggestions to consider would be placing language on permit applications or on the permit website advising that unpaid debts will prevent a permit from being issued. The City could also start to be more aggressive with collecting personal property taxes, including filing UCC-1's and even seizing property. It's also important to note that the City has no formal notification process to alert a property owner that a tenant within has a debt owed to the City.

Thank you, Jon, for taking the time to review this and deciding whether it should be advanced to a Council Committee.

Chris

On Tue, Mar 27, 2018 at 2:44 PM, Denine Leeman <dleeman@eastbrowncow.com> wrote:
TO: Jon Jennings, Mike Russell

CC: Mayor Strimling, City Councilors, Jason Grant

RE: City Withholding Building Permits Due to Tenant Personal Properties Past Due

I am writing to all of you regarding the attached email correspondence a sprinkler contractor received pertaining to sprinkler work to be completed at 100 Commercial Street in Portland. Soley Wharf LLC applied for permits to install a new sprinkler system in part of the building while there is a vacancy, as it has been completing like work over the last couple of years to improve life safety in the building, even though not required to do so due to the historic nature of the building. We have been working with the City of Portland fire department to upgrade services in stages over a period of years.

The email seems benign. However, there are no unpaid Property (Real Estate) Taxes currently due. The City of Portland is now actively holding back the issuing of building permits due to past due **PERSONAL** property taxes of **TENANT's** equipment for their private businesses. Additionally, this practice just began and is being exercised pertaining to personal property taxes incurred as much as 8 years ago, owed by now defunct businesses, but never successfully collected by the City. I believe that Casey Gilbert may have made you aware of this concern.

I certainly would understand the need for this type of enforcement action if we were discussing Real Estate Taxes of buildings. East Brown Cow takes great pains to always handle payments timely on its buildings, regardless if the Tenants are contractually obligated to reimburse the Landlord. But I do not understand why it is happening for personal property taxes of Tenant's businesses.

My staff reached out to ask if this was a mistake, speaking to both City Treasurer Melissa Norton and staff at the City Clerk's office. Both discussions led to the explanation that the City Council voted last fall to begin enforcing Section 15-8 of the City's Code of Ordinances for Standards for denial, suspension, or revocation of Licenses and Permits treating the concept of "applicant's or licensee's real or personal property taxes" to be interpreted to mean an ***entire address or building to be denied permits or licenses*** when pertaining to past due ***business personal property taxes of tenants***. I can only imagine that this decision was either not clearly discussed and oversights were made, *or* it was a deliberate attempt at "collective punishment" causing building owners or other businesses who were at critical junctions in their normal course of business, or relocating their business, to pay past due personal property taxes owed by others. **I cannot find any committee meeting notes or votes made by Councilors, but I am copying them to this email as some have heard our concerns and should know that the response to discontent is being answered as a directive of enforcement in this manner from the City Council.**

I brought this issue up at a Portland Downtown (of which I am a Board Member) meeting almost two months ago where I asked other Building Owners if they had experienced the same issue recently. I heard two other large building owners in the City had similar issues, one losing a

potential long term tenant and incurring late delivery penalties for being unable to get a permit for tenant improvements. East Brown Cow Tenants elsewhere in the City were unable to open for business because they were not able to get required inspections or permits due to a past due personal property tax of \$1.06 for a tenant that left in the middle of the night 7 years ago, and a current tenant who apparently simply owed interest for a late personal property tax payment made late. We are concerned that we will not be able to continue to do business not knowing if we will be able to get permits to complete work on tenant improvements or Building upgrades due to outstanding debts that are not ours and not in our control.

And please note, if the City is trying to collect personal property taxes from businesses that went dark years ago and have not paid personal property taxes, it is almost inevitable that the Landlords of these tenants have endured a much greater write-off of uncollectible rents.

For all the time and work the City has invested in new software, and additional staff to improve the permitting times for the City at the peak of a construction boom in Portland, I can't see how this approach for collecting past due PERSONAL property taxes of defunct companies can help the process. I would expect that the City would have some standard of internal processes which either writes off uncollectable accounts, or pursues those who owe the debts to the greatest extent of the law, rather than trying to disrupt the businesses of those who have done nothing wrong.

I am happy to meet with you to discuss this issue further or answer any questions you may have on the experiences I have had concerning this issue.

Regards,

Denine Leeman

Denine Leeman
East Brown Cow Management, Inc.
Chief Operating Officer
100 Commercial Street, Suite 306
Portland, Maine 04101
dleeman@eastbrowncow.com
207-775-2252 (o)
207-773-7422 (f)

Order 221-17/18
Tab 21 5-21-18

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

**CITY OF PORTLAND
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JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ADDING A NEW SECTION 14-140.5 (MUNJOY HILL CONSERVATION
OVERLAY DISTRICT) REPLACING THE EXISTING SECTION 14-140.5
(MUNJOY HILL INTERIM PLANNING OVERLAY DISTRICT)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 14, Section 14-140.5 is hereby enacted to read
as follows:*

**Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay
District.**

The residential neighborhoods on Munjoy Hill are experiencing
specific development pressures related to its location and the
nature of the existing building stock, further documented in
work by the City's Planning & Urban Development Department in
the winter of 2018. In order to address the negative impacts of
these pressures and create a positive framework for investment
in the area, there shall be a Munjoy Hill Neighborhood
Conservation Overlay District (the "District").

(a) 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.

<p><u>Maximum Height</u></p>	<p><u>35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale", defined elsewhere in this ordinance, on lots over 2000 sf. This unit shall meet those definitions and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.</u></p> <p><u>Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5' above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5' from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.</u></p>
<p><u>Minimum Side Yard Setback</u></p>	<p><u>Buildings of height up to 35': As per the underlying zoning</u></p> <p><u>Buildings more than 35': 10' for all side yards, except that a side yard no less than 5' is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.</u></p>
<p><u>Stepbacks</u></p>	<p><u>None</u></p>
<p><u>Minimum Side Yard Setback on a side street</u></p>	<p><u>5'; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0' when</u></p> <div data-bbox="480 1493 959 1850" data-label="Diagram"> </div> <p><u>demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.</u></p>

<u>Minimum Rear Yard Setback</u>	<u>Buildings of height up to 35': 10'</u> <u>Buildings more than 35': 15'</u> <u>As measured from rear decks, porches, or similar unenclosed space: 7.5'</u> <u>As measured from accessory structures with a ground coverage of 144 square feet or less: 5'</u>
--------------------------------------	--

(d) Design Standards.

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

a. All
buildings shall
use simple,
traditional roof
forms as
illustrated in
Diagrams 14-
140.5.c-f. This
requirement may
be modified
through 4(b)
below. Dormers
and cross gables
are allowed but
where readily
visible from the
public right-of-
way shall be
clearly
subsidiary to the
primary roof form
(see Diagram 14-
140.5.g);

b. The first
floor shall
contain active
living space,
such as a living
room or bedroom,
with windows for

at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;

c. Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not 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.i-j).

2. Within the District, developments are only eligible for the R-6 "Alternative Design Review" as outlined by the following process, which shall supersede the process in the City of Portland Design Manual in cases of conflict:

a. Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;

b. Alternative Design Review does not permit waivers of the additional design requirements in section 4(a) above except as explicitly stated; and

c. Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

(e) Demolition Review.

1. The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and

development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings") encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.

2. Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Demolition: Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.

Preferably Preserved Building: Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:

- a. It was constructed prior to 1930;
- b. It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; and
- c. It retains sufficient integrity of design, materials, condition and craftsmanship that adaptive reuse is a viable option.

Voluntarily Demolished: Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this chapter, the destruction of a preferably preserved building for failure to properly secure it or by neglect shall be considered voluntary demolition.

3. Exclusions: This section shall not apply to (a) any building either individually designated as a local landmark

or located within the boundaries of any designated historic district; (b) accessory structures with a ground coverage of 144 square feet or less; (c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and (d) buildings that have received a previous determination that they are not Preferably Preserved.

4. Procedure: When the Building Authority receives a demolition permit application for a building within the District, s/he shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.

a. Determination of Preferably Preserved.

i. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.

ii. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.

iii. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that

the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.

iv. Right to Appeal Planning Authority Determination:

After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.

v. Public Hearing: The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.

vi. Final Determination of Preferably Preserved Building: Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning

Authority is not appealed, that determination shall be considered a final determination upon lapse of the appeal period in d., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

5. Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 18 months except as specified in b. below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.

a. Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.

b. Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 18-month delay period. Examples of such proposals may include but are not limited to:

- Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;
- Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive

variation from that plan would be treated as a violation under 7. below; or

- Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.

6. Emergency demolition: Nothing in this article shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this section or is the result of fire, accidental catastrophic damage, or a natural disaster.

7. Enforcement.

a. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article, or to prevent a threatened violation thereof.

b. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on June 5, 2018, when the Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill and Munjoy Hill Interim Planning Overlay District expire.

Order 222-17/18
Tab 22 5-21-17

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ADDITIONS TO EXISTING BUILDINGS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Chapter 14, Sections 14-381, 14-382, 14-431, and 14-436 are hereby amended to read as follows:

Sec. 14381. Continuation.

Any ~~lawful use of~~ buildings, structures, lots, or use, premises or parts thereof, that were legally existing at the time of its creation existing on June 5, 1957, and made nonconforming by the provisions of this ~~article ordinance~~ or any amendment thereto may be continued although such use does not conform with the provisions of this ~~article ordinance or amendment thereto.~~

Sec. 14382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

(a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

...

(d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new nonconformity nor increase any existing nonconformity, except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection

shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

...

Sec. 14431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard, ~~but in no case shall any higher part of the building be closer to the property line than width or depth of yard required for that height.~~ In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.

...

Sec. 14436. Building extensions

(a) Existing ~~nonresidential and residential~~ principal ~~structures~~ buildings which are lawfully nonconforming as to dimensional requirements ~~any area and/or yard requirements~~ may be enlarged ~~within the existing footprint~~ subject to the following provisions:

1. No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.
2. No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.
3. Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4. below.

4. A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:

a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.

b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.

~~(a) For principal structures lawfully nonconforming as to land area per dwelling unit as of July 19, 1988: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.~~

~~(b) For residential principal structures conforming as to land area per dwelling unit as of July 19, 1988, but lawfully nonconforming as to any yard setback or nonresidential principal structures that are lawfully nonconforming as to any yard setback: The floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.~~

~~Building expansions under this section may occur only once during the lifetime of an existing structure.~~

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on June 5, 2018, when the Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill and Munjoy Hill Interim Planning Overlay District expire.

Order 223-17/18
Tab 23 5-21-18

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**

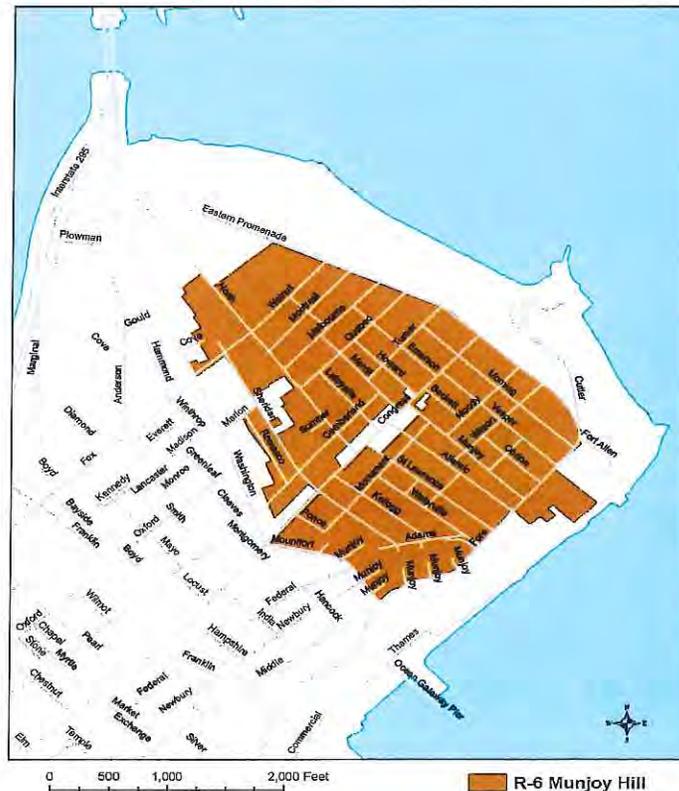
KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO ZONING MAP
RE: MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the following map amendment and specifically establishing the Munjoy Hill Neighborhood Conservation Overlay District on the area of the City of Portland depicted in the map below; and

BE IT FURTHER ORDERED, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective on June 5, 2018, upon the expiration of the Moratorium Re: Development and Demolition of Structures in the R-6 Zone on Munjoy Hill and the expiration of the associated Munjoy Hill Interim Planning Overlay District.



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: May 10, 2018

SUBJECT: Munjoy Hill Neighborhood Conservation Overlay District and Related Land Use Amendments

SPONSOR: Sean Dundon, Planning Board Chair

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading May 21, 2018 **Final Action** June 4, 2018

Can action be taken at a later date: ____ Yes __ No (If no why not?)

A 180-day R-6 Moratorium, and related Interim Planning Overlay District, expire on June 5, 2018. The proposed amendments replace the interim standards for Munjoy Hill.

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

I. ONE SENTENCE SUMMARY

Zoning map and text amendments comprising the Munjoy Hill Neighborhood Conservation Overlay District and amendments regarding nonconforming building extensions are proposed to regulate development in the R-6 on Munjoy Hill (amendments pertaining to nonconforming building extensions would apply to all zoning districts) and to replace the Interim Planning Overlay District.

II. AGENDA DESCRIPTION

Zoning map and text amendments comprising the Munjoy Hill Neighborhood Conservation Overlay District and amendments regarding nonconforming building extensions are proposed to regulate development in the R-6 on Munjoy Hill. The amendments to non-conforming building extensions, applicable city-wide, are meant to simplify the standards for making limited changes to existing buildings that don't meet all current dimensional requirements. Other text amendments, applicable to the R-6 zone on Munjoy Hill, include dimensional and design standards to improve the compatibility of new construction with existing neighborhood patterns and standards for review of proposed demolitions.

The amendments are proposed to replace the Interim Planning Overlay District (IPOD) for Munjoy Hill the expiration of the IPOD and the moratorium on demolitions that will expire on June 5, 2018.

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 paused new development activity and demolitions while interim and long-term changes could be prepared for the R-6 zone to mitigate impacts to Munjoy Hill. The moratorium required 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, interim standards (IPOD) were put in place to govern until the end of the moratorium, on June 5th. The proposed amendments, developed through extensive public input and staff analysis, are to replace the IPOD for long term regulation of new development and demolitions in the R-6 zone on Munjoy Hill.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The intended result is to implement permanent standards that foster scale and character of new development compatible with the existing urban fabric of Munjoy Hill, as well as introduce tools to discourage demolitions.

V. FINANCIAL IMPACT

Adoption of new, permanent review standards to replace the moratorium and the IPOD will allow property owners to confidently plan for future investments involving new construction and/or renovation on Munjoy Hill.

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

A report on the proposed amendments is attached for supporting analysis.

VII. STAFF RECOMMENDATION

Planning Staff supports the adoption of the Munjoy Hill Neighborhood Conservation Overlay District and text amendments to nonconforming building extensions.

VIII. PLANNING BOARD RECOMMENDATION

On May 8, 2018, the Planning Board voted unanimously to recommend approval of the Munjoy Hill Neighborhood Conservation Overlay District and the text amendments to nonconforming building extensions (7-0).

IX. LIST ATTACHMENTS

- A. Council Report
- B. MHNCOD Amendments
- C. Non-Conforming Building Extensions Zoning Amendments
- D. Adopted City of Portland Design Manual Amendments

Prepared by: Christine Grimando
Date: May 10, 2018

D. City of Portland Design Manual Amendments

Prepared by: Christine Grimando
Date: May 10, 2018



PLANNING BOARD REPORT
TO
CITY COUNCIL
PORTLAND, MAINE

Munjoy Hill Neighborhood Conservation Overlay
District and Related Land Use Amendments

Submitted to: Portland City Council First Reading: May 21, 2018 Second Reading: June 4, 2018	Prepared by: Christine Grimando, Senior Planner, Date: May 11, 2018
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I. INTRODUCTION

Since December 18, 2017, there has been a 180-day moratorium on demolitions in the R-6 zone on Munjoy Hill in place, effective as of December 4, 2017. The text of the moratorium included a requirement for the implementation of interim zoning within 65 days of December 4th to govern development applications for the remaining 115 days of moratorium. Applications submitted prior to December 4th, prior approvals, and safety hazards were exempted. In response to this requirement the Council approved an Munjoy Hill Interim Planning Overlay District (IPOD). The enclosed amendments are intended to replace the interim standards upon the IPOD expiration.

On May 8th the Planning Board held a Public Hearing on tools to address the compatibility of new construction and reviews of demolition on Munjoy Hill. The package of amendments, including zoning map and text amendments that form the Munjoy Hill Conservation Overlay District; text amendments, applicable city-wide, to two divisions of the Zoning Ordinance relating to modifications of non-conforming buildings: Division 23, Nonconforming Use and Nonconforming Buildings, and Division 25, Space and Bulk Regulations and Exceptions. They also adopted supporting changes to the City of Portland Design Manual, Appendix 7, R-6 Infill Development Design Principles. Together, these amendments address scale and contextuality of new development as well as the introduction of additional review for proposed demolitions.

An overview of the proposed amendments as recommended by the Planning Board follows.

II. MORATORIUM & IPOD OVERVIEW

The City Council approved a moratorium on demolitions and new construction on a December 18th 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 often 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 developed any necessary additional land use and design regulations to address both of these issues in the R-6 for Munjoy Hill. At the time of the moratorium, Planning staff was conducting an audit of development trends in all areas of the R-6 in

order to track trends and evaluate if any modifications to the Zoning were in order since a round of 2015 zoning amendments to the R-6 zone (Table 1 includes a summary comparison of dimensional changes). Upon the initiation of the moratorium, the R-6-wide evaluation was paused to focus on Munjoy Hill, which warranted a prioritized initiative and faster timeline.

Table 1

	Pre-2015	Base R-6	Proposed
Lot Size Min.	4,500 sf	2,000 sf	2,000 sf
Lot area/dwelling unit Min.	1,000-2,000 sf	725 sf	725 sf
Height Max.	45'	45'	35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one workforce housing unit on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed max. heights except HVAC equipment is permitted up to 5' above max. If out of view of public ROW, set back, screened, and integrated into design. Alternative energy equipment is permitted as regulated in Chap. 14.
Side Yard Setback Min.	10-15'	5', except a side yard may be reduced to 0, provided the cumulative side setbacks are not less than 10'.	Buildings of height up to 35': As per the underlying zoning. Buildings of 35' or more: 10' for all side yards, except that a side yard no less than 5' is permitted when consistent with built pattern, in which case a proportional increase in another side yard is required.
Side Yard Setback on a Side Street Min.	10'	None	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less. 0' if demonstrated that reduced setbacks are needed to facilitate the provision of underground parking
Rear Yard Seback Min.	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	Buildings of height up to 35': 10' Buildings more than 35': 15' 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'
Front Yard Setback Min.	10' (or average of abutting)	5' (or average of abutting)	5' (or average of abutting)
Structure Stepbacks	None	Portions of a structure above 35': no closer than 10' from the side property line and no closer than 15' from the rear property line when the line abuts a residential zone.	None
Street Frontage Min.	40'	20'	20'
Lot Width Min.	50'	20'	20'
Lot Coverage Max.	40-50%	60%	60%

The moratorium has two components: a 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); and 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); New site plan applications that were submitted prior to December 4th.

The resulting interim ordinance (IPOD), adopted in February, contains a number of dimensional and design departures from the underlying R-6 zoning (applied to the area shown on the inset map, including 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.), including changes to maximum height, setbacks, setbacks, and treatment of appurtenances.

The IPOD also includes design standards, such as requirements for roof forms common to Munjoy Hill, and standards regarding parking placement and front façade design. Modified requirements are provided to give small lots additional flexibility in meeting the intent of these standards. Alternative Design Review, an option for review in the City's Design Manual, is not permitted for the duration of the IPOD. The full texts of the IPOD and the moratorium can be found on this project webpage: <http://www.portlandmaine.gov/1111/Long-Range-Planning-Projects>

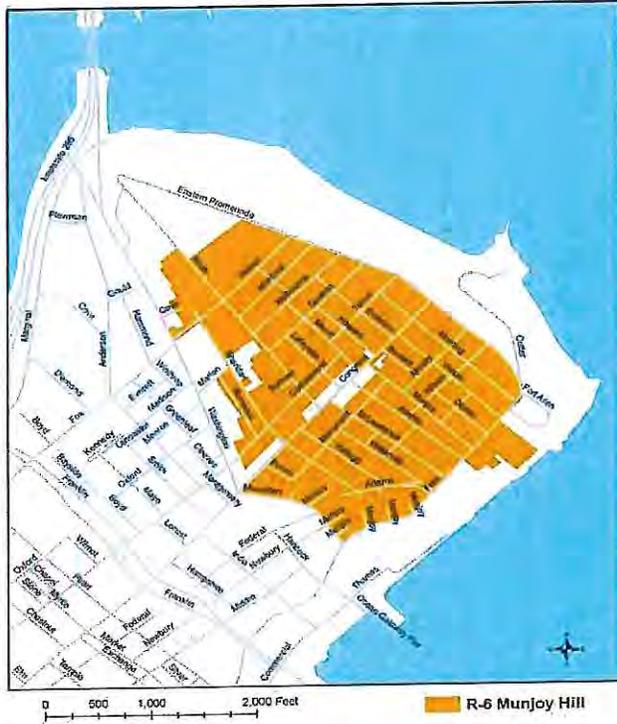


Figure 1, IPOD & Munjoy Hill Neighborhood Conservation District Boundaries

I. PROPOSED AMENDMENTS

Since implementation of the moratorium, Planning staff has continued to gather data, receive input, draw on national best practices, and assess conditions on Munjoy Hill. This includes reviewing potential applications under the IPOD, collecting data on common development patterns and architectural styles, and assessing the historic architectural fabric. Based on this activity, Staff is recommending a multi-pronged approach to replace the IPOD standards.

1. Munjoy Hill Neighborhood Conservation Overlay District
The Munjoy Hill Neighborhood Conservation Overlay District (the District) is proposed for the R-6 zone on

Munjoy Hill, containing dimensional, design and demolition standards. The full text of this zoning map and text amendments is included as Attachment 1.

Building on the structure of the IPOD, it contains some significant changes and additions. Table 1 includes base zone R-6 dimensional requirements, superseding IPOD dimensional requirements, and the newly proposed. The proposed changes to the District dimensional standards intend to further two goals.

1. The form and scale of new development and additions should reflect and be compatible with the established built pattern.
2. The scale of three or four-story buildings is mitigated and appropriately contextual.

Three and four-story buildings are not out of place in the Munjoy Hill neighborhood, and observation and data collection show there is variation in building height and form from lot to lot and that three and four-story multi-family buildings already exist as part of the traditional fabric on Munjoy Hill. Traditionally, these taller buildings are multi-family buildings, such as a triple-decker with a flat roof – to create a similar built pattern in new construction, staff propose building heights above 35' and flat roofs should only be associated with multi-family buildings. The key to mitigating the scale impact of these taller buildings is in their form and the amount of open space buffer around the mass. In order to accomplish these goals, staff propose setbacks that increase in proportion with the increase in building height. Roof forms are another key component to a building's scale impact. Contextually, one and two-family buildings have gable, mansard, or hipped roofs while multi-family buildings often have flat roofs. For this reason, the District dimensional standards include regulation of roof form to more explicitly regulate building scale and form to correspond to type as found in the Munjoy Hill context. Staff feels that dimensional standards – a combination of height, setback, and roof form – are the most effective tool for creating new construction that meets these goals of contextual form and compatible scale.

Staff did consider reducing the allowed number of units on a parcel, as well as revisiting the minimum lot size. Prior to 2015, the lot area required per dwelling unit was higher, and the minimum lot size was significantly higher. While there was a “small lot” exception, its utility was very limited and required extensive review. In the end, staff is not recommending any changes to the base densities allowed or to the minimum lot area. The current numbers match the existing built environment and provide for additional housing production. The primary need is for a more contextual set of design requirements to ensure that the concept of “density by design” is met.

Key dimensional standards of the District include:

- Maximum building height of 35' except that buildings with a maximum of 45' on lots over 2000 sf are permitted for developments of 3 dwelling units or more, and for those that include a minimum of one workforce housing unit for rent or for sale. The revised height standards, which in the base R-6 zone is 45' for all structures, is to more closely align with traditional patterns that included three and four-story buildings for multi-family building types, and to provide greater flexibility for the provision of needed affordable housing. Where taller buildings are allowed, increased setbacks are proposed to mitigate the scale impact.
- Rooftop appurtenances other than chimneys cannot exceed permitted heights, except that HVAC equipment is permitted up to 5' above permitted heights if adequately screened, set back from the building edge, integrated into building design, and not visible from a public right-of-way. Alternative energy equipment, such as that used for wind and solar energy generation, is also permitted as regulated elsewhere in the Land Use Code. This introduces more flexibility for appurtenances than the IPOD allows for, while limiting their scale and visual impact on the public realm.

- Parking placement and active first floor front façade standards remain in place, with additional language encouraging tandem parking spaces as an efficient and contextually appropriate use of lot area. Active living space is required for at least 50% of the front façade, and cannot include space dedicated exclusively to circulation, such as stairways, or to storage areas. Staff found that demand for parking is a significant factor in the scale, form, and ground floor design of contemporary buildings and in response proposed zoning regulation for parking that better reflects the established built pattern in the District by placing parking to the side and rear of the lot. Limits on garage openings and requirements for active living space are related standards. These amendments have implications on the scale and height of buildings as well as their street-facing character and activity. Additional flexibility is given for lots under 2,000 sf.

The amendments also include relaxed side yard setback requirement when underground parking is provided. This change will accommodate underground parking – which has public benefits as compared to surface parking – by providing the ability to provide one foundation wall if needed for both the underground parking and the building.

- The District includes requirements for simple, traditional roof forms, as shown in Figure 2, for buildings up to 35' in height. Flat roofs are permitted for buildings above 35' in height, consistent with building types in the neighborhood.

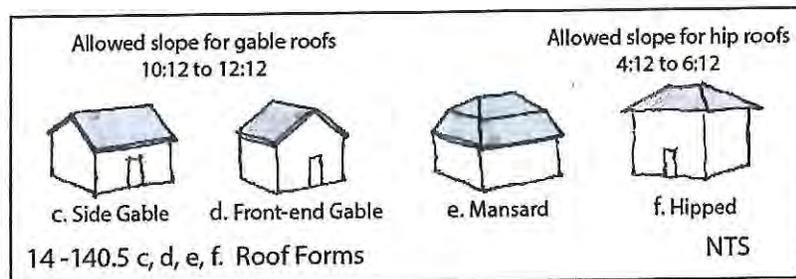


Figure 2

Additional language and an accompanying illustration regarding dormers has been added (Figure 3), to further define contextually appropriate roof forms for the District.

- Alternative Design Review is reintroduced as a review option in the District, but with the introduction of procedural and substantive

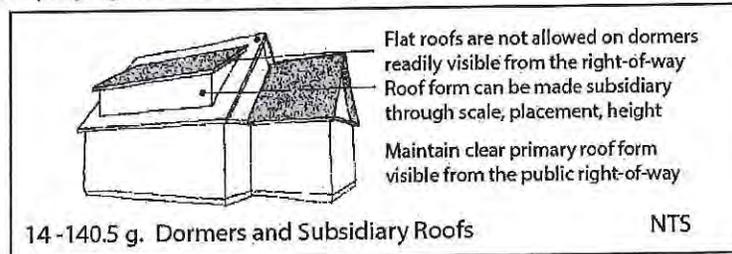


Figure 3

changes. Alternative Design Review, which allows for flexibility when a property owner desires a more contemporary design, is subject to discretionary review by the Historic Preservation Board in the District, conducted in a public meeting. This increases the accountability of the project to respectfully and contextually introduce contemporary design into the traditional neighborhood. The District also includes additional provisions for exemplary and compatible design, as well as consideration of affordable housing and green technologies. Re-introduction of Alternative Design Review is proposed in response to concerns heard since implementation of the IPOD that it offers needed flexibility in the design process. Reintroducing it in this way retains this design flexibility while increasing the responsibility of property owners and design professionals to meet the overall intent of design review for this area. Alternative Design Review for the District is framed as a privilege an applicant can seek for

this design flexibility; applicants not seeking Alternative Design Review or not approved under it, must meet all of the Design Manual's design principles and standards for development in the R-6.

Table 2, Summary Dimensional Table

	Base R-6	IPOD	Proposed
Height Maximum	45'	35'; 45' for developments of 3 units or more on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.	35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one workforce housing unit on lots over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed max. heights except HVAC equipment is permitted up to 5' above max. if out of view of public ROW, set back, screened, and integrated into design. Alternative energy equipment is permitted as regulated in Chap. 14.
Side Yard Setback Minimum	5', except a side yard may be reduced to 0, provided the cumulative side setbacks are not less than 10'.	Buildings of height up to 35': As per the underlying zoning.	Buildings of height up to 35': As per the underlying zoning.
		Buildings of 35' or more: 10' except one side may be reduced to 5' if the other sides in sum are increased by the same amount.	Buildings of 35' or more: 10' for all side yards, except that a side yard no less than 5' is permitted when consistent with built pattern, in which case a proportional increase in another side yard is required.
Structure Stepbacks	Portions of a structure above 35': no closer than 10' from the side property line and no closer than 15' from the rear property line when the line abuts a residential zone.	Stepback requirements in the underlying zoning shall not apply to side yards.	None
Side Yard Setback on a Side Street Minimum	None	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less.	5'; or the minimum depth of the immediately abutting street-facing yard, whichever is less. 0' if demonstrated that reduced setbacks are needed to facilitate the provision of underground parking
Rear Yard Seback Minimum	10', except that accessory structures with a ground coverage of 144 sf or less: 5'.	As measured from a building: 20% of the maximum depth of a lot but no less than 10'.	Buildings of height up to 35': 10' Buildings more than 35': 15'
		As measured from rear decks, porches, or similar unenclosed space: 7.5'	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'	As measured from accessory structures with a ground coverage of 144 square feet or less: 5'

2. Demolition Review

In addition to the proposed dimensional and design standards for new construction, the District includes demolition review standards for existing residences. Demolition bylaws which require a delay for proposed demolitions in order to allow time for local government and property owners to explore alternatives are a

commonly employed land use tool in the United States. The proposed demolition requirements draw on national best practices, tailored for Portland's particular needs. Concord, NH, Exeter, NH, Manchester, VT, Augusta, ME, and Lewiston, ME are just a few of the communities in Northern New England currently employing similar demolition reviews, and they are common tools in Massachusetts, Connecticut, California, and beyond.

Under the proposed demolition review, applications to demolish existing residences within the overlay would be subject to a delay of up to 18-months in order to consider alternatives to demolition. Before a building can be subject to a demolition delay, it would need to qualify as Preferably Preserved, determined to be in the public interest to be preserved if it meets several conditions: it was constructed prior to 1930, it is representative of a building type or architectural style of Munjoy Hill and it retains sufficient integrity of design, materials, condition and craftsmanship to make adaptive reuse a viable option.

The 18-month stay is a maximum delay; the amendment includes provisions for arriving at mutually agreed upon conclusions inside of the 18-month window. Demolition applications subject to a delay could move through the process in less than 18-months if the building were to qualify for an exclusion, including:

- a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district;
- b) accessory structures with a ground coverage of 144 square feet or less;
- c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and
- d) buildings that have received a previous determination that they are not Preferably Preserved.

Demolition delay may also be removed from a building sooner if the Historic Preservation Board approves the design for a site. Determinations of Preferably Preserved may be appealed to the Historic Preservation Board. The ordinance also makes allowances for natural disaster or safety hazards. At the end of the delay period, if no other alternative to demolition has been agreed to, the applicant may demolish the building.

Applicable to buildings not in historic districts or otherwise designated, review of demolitions in the District is not intended to be a prohibition on demolition, but rather a pause to allow for consideration of alternatives, to encourage rehabilitation and renovation where possible, and to encourage excellence in replacement designs when demolition does occur.

3. Non-Conforming Building Extensions

Included is an amendment to 14-436, governing non-conforming building extensions (Attachment 2). As part of the public process for this project, this section, applicable to how lawfully non-conforming (they were conforming when constructed, and subsequently made nonconforming through a change in regulations) expansions may occur, was pointed out in public comments as one that could provide a disincentive to rehabilitation and alteration of existing buildings. Staff has drafted language that is clearer, more consistent, and more useful to property owners. Specifically, the revisions proposed would allow a one-time, one-story addition to a portion of a building that violates an existing setback. That change is far more likely to allow for appropriate additions to existing buildings than the current language, which limits extensions more significantly and in a way that is unlikely to be cost-effective for a home owner. These changes are proposed City-wide, as staff (a) feels they would be useful and appropriate everywhere in

Portland where there are older buildings with nonconforming setbacks and (b) staff did not want to make the code more complex than it already is on this issue. The likelihood is that many of the homes that will take advantage of this clause are in the R-6 zone, especially on Munjoy Hill. Included are amendments to Division 23 (14-381, 14-382, and Division 25 (14-431), also concerning non-conformities, included for consistency. These amendments would apply city-wide, but are timely for Munjoy Hill and substantively overlap with the District-specific amendments

Currently, under 14-436, nonconforming structures nonconforming as to density (land area per dwelling unit) may expand but *the floor area of the expansion shall be limited to no more than 50 percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.*

For structures nonconforming as to minimum yard setbacks, the structure may expand but *the floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.*

In the former case, of expansions for buildings with lawfully nonconforming density, the expansion provisions have no direct physical correlation to the nonconformity. For example, a standard that was directly related to nonconforming density would not allow an increase in density, but it would not prohibit a building that meets all other dimensional standards on the lot from adding an addition entirely conforming in regard to lot coverage, setback, height and other applicable regulations. The blanket requirement for dormers, turrets or similar in both cases also has no correlation to the nonconformity or even to the design of the building be expanded. The requirement for the raising of the existing roof configuration is another element of the standard that strives to control design outside of the context of the design review standards. There is no discernable basis for the 50% v 80% limits between the two. In short, it's a disassociation from the aspects of non-conformity it's controlling for.

The amendments propose to replace these standards with four subsections applicable to dimensionally non-conforming buildings:

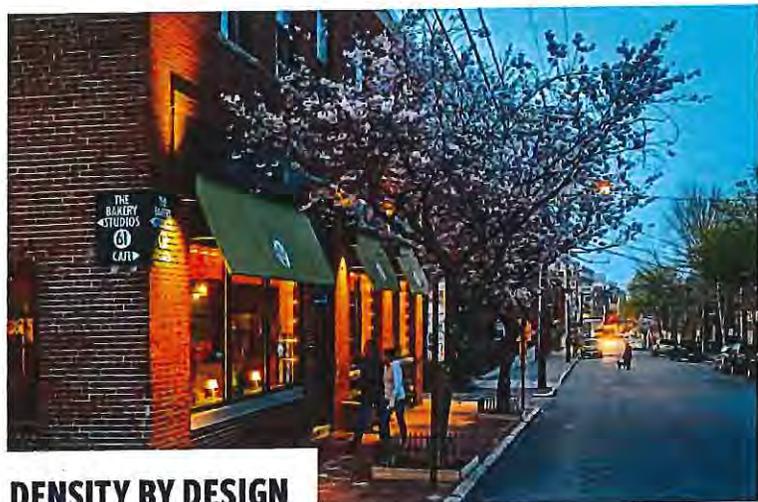
- 1) *No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.*
- 2) *No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.*
- 3) *Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4) below.*
- 4) *A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:*
 - a. *No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.*
 - b. *Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.*

Under the revised regulations, a lot with a building that had a 1-foot front yard setback, instead of the required five, but had a clear 20-foot rear yard setback, would be free to construct a rear addition, provided no non-conformity was increased or created. The one aspect of expansion that may occur in the area of an existing non-conformity is addressed in 14-436.4, which allows a one-time, one-story vertical increase above the footprint of a portion of a building that does not meet current setbacks. No horizontal expansion beyond the setback incursion or worsening of the setback nonconformity, may occur. Any additions or renovations under these standards would be subject to any and all regulations a conforming structure would be. Under the proposed revisions to 14-436, expansions of dimensionally non-conforming buildings are still circumscribed, but unlike the existing language, limits and allowances for expansions are directly linked to the aspect of their non-conformity.

III. COMPREHENSIVE PLAN POLICIES

There are numerous goals and strategies in *Portland's Plan 2030* with implications for the current planning initiatives on Munjoy Hill.

- The Plan outlines a principle of “Density By Design.” This principle explains that good design can address many of the concerns regarding new housing development, and that having strong and thoughtful design standards is a good way to allow for more infill housing development
- The Historic Resources Policy Guide supports investment in existing buildings, as well as compatible infill construction: *Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.*
- The Housing Policy Guide supports a diverse and increased housing stock, recognizing this will necessarily involve new construction as well as investment in existing buildings: *Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.*



DENSITY BY DESIGN

Density is a numerical measure of the number of people or buildings per acre of land. Because it is so often used to illustrate levels of crowding, density has often acquired a negative connotation. However, this connotation fails to take into account the positive contribution that well-designed, dense developments can make to quality of life. High density areas can provide numerous advantages over low density alternatives — they can be more environmentally friendly, they can promote transit use, and they can benefit the health of a community by providing customers for local businesses and opportunities for social interaction.

Portland has a number of neighborhoods that offer traditional urban densities — Munjoy Hill, the West End, Parkside, Deering Center, for example — and these neighborhoods are largely successful. Residents can access stores, schools, dining, and entertainment within walking distance of their homes. By foot or bike, they can easily reach transit, trails, and recreational opportunities. These characteristics are largely possible because of their density. Well-designed density is integral to healthy, walkable city neighborhoods.

- The Housing Policy Guide also encourages quality, sustainable design: *Encourage quality, sustainable design in new housing development.*
- The Environment Policy Guide has much to say about building to high energy standards and encouraging alternative technologies for both new construction and rehabilitation of existing structures: *Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction.*
- The plan also recognizes the environmental, health, economic, and civic importance of dense, walkable neighborhoods like those on Munjoy Hill in multiple sections, including Future Land Use, Environment, Housing (including the *Density by Design* callout, pg 49) and Vision. For instance, the Environment Policy Chapter states: *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.*
- The Historic Resources Policy Guide includes a callout (p.28) that summarizes recent research on the potential environmental benefits of existing buildings.

Portland's Plan recognizes that a healthy, authentic city includes walkable, complete neighborhoods, and that these will include some combination of new construction, renovation of existing buildings, and in some areas, preservation. The proposed amendments seek to find a balance of these approaches for Munjoy Hill so that it may retain its key characteristics while it grows and changes.

IV. PUBLIC PROCESS

The proposals outlined below are the product of both detailed analysis that began in the summer of 2017 and continued into this month, as well as significant input since November. Two key events focused on the IPOD and what might follow it, were held this winter: the City has sponsored two community listening sessions, on Monday, February 26th and Saturday, March 24th, both at the East End Community School, to hear from residents and the interested public what their concerns and ideas for the neighborhood are. The sessions also provided an opportunity for Planning staff, in conjunction with Councilor Belinda Ray, to provide information on the IPOD, on Planning staff findings-to-date, and on potential planning tools.

Planning staff has also met with individual residents, small groups, and organizations such as Greater Portland Landmarks, on a continuous and frequent basis since this project began.

To supplement the valuable input received in person, and in writing, from concerned individuals and stakeholder groups, the Planning Division has analyzed quantitative and qualitative construction trends in the R-6 zone over the last several years. And, to further refine our quantitative data on the built environment on Munjoy Hill, a Planning Division intern was brought on this winter to do an in-person survey of all R-6 parcels on Munjoy Hill to assess building stories, setbacks, roof types, and in addition to other key data.

In addition to the City's public process, there have been numerous other meetings initiated by neighborhood groups, concerned property owners, Munjoy Hill Neighborhood Organization, and Greater Portland Landmarks, which Planning staff has been present at, as meeting attendees, whenever possible.

Planning staff has heard a wide range of feedback since the moratorium and the IPOD have been presented, and while they've developed these long-term tools. This includes concerns about the scale and mass of new construction, rate of demolitions, the role of design review, in addition to corresponding concerns about retaining flexibility in new construction, parking placement restrictions, and retaining sufficient dimensional standards to

maintain development viability for small lots. Concerns about affordability, and allowances for designs that include alternative energy and innovative stormwater measures have been recurrent themes throughout the process.

There has been public input requesting action on Historic Districts concurrent with the zoning amendment process. Since consideration of a historic district or districts is distinct from the proposed map and text amendments, drawing on different data and research, it will be the subject a distinct process that requires and deserves its own schedule. Staff is committed to initiating a process related possible designations on Munjoy Hill as soon as the zoning and moratorium process is concluded.

Below is a full list of meetings on the moratorium, the IPOD and the District:

- Planning Board Communication re: R-6 audit and moratorium 11/6/17
- Meeting with neighborhood group 11/21/17
- Meeting with Greater Portland Landmarks 12/12/17
- Planning Board Public Hearing on IPOD. 1/8/2018
- Meeting with developers group 2/9/18
- Presentation to Preservation Board 2/21/18
- City Listening Session #1 2/21/18
- Meeting with Greater Portland Landmarks 3/7/18
- City Listening Session #2 3/24/18
- Planning Board Workshop 4/10/18
- Meeting with Munjoy Hill Conservation Coll. 4/18/18
- Meeting with Other MHCC members 4/27/18
- Historic Preservation District Overview 5/7/18
- Attendance at several meetings sponsored by neighborhood organizations, developers, and Greater Portland Landmarks.
- Many meetings with interested individuals

X. BOARD DELIBERATION AND RECOMMENDATION

Over the course of the Planning Board workshop's and Public Hearing's deliberations, the Planning Board gave particular emphasis to the subjects of the demolition review, as well as the subject of design review.

Board members expressed some concern about the duration of 18-months for the delay of demolition applications, though they ultimately, through workshop and public hearing deliberations, supported the timeframe. The 18-months is a maximum, and that there are several alternatives within the process that would result in a much shorter process, influenced this decision. Staff did not recommend significantly reducing the timeframe if the provision is to remain an effective tool for exploring alternatives to demolition.

A number of public comments, in addition to supporting the 18-month delay period, requesting public noticing for all demolitions and a public process for review of demolition requests. The Board ultimately agreed that the initial determination remain at a staff level, as an appropriate balance for buildings outside of historic districts or individual designations. In the proposed text amendment, notices and opportunity for public comment on demolition permits will be available in the event an applicant appeals a determination of Preferably Preserved Building to the Historic Preservation Board or Historic Preservation Board review of alternative designs (Sec. 140.5.5.d. & g).

In regard to design review, the Board suggested the possibility of other, long term changes to the Design Manual,

not exclusive to the District, and staff agreed that a more far-reaching project was appropriate and intended, but not necessary to implement effective changes on Munjoy Hill. Long term changes to the Design Manual, exploration of Historic Districts on Munjoy Hill, and resumption of the evaluation of the R-6 city-wide, are three prongs of additional planning work that will follow the adoption of amendments to replace the moratorium and IPOD. There was also discussion, and questions, regarding adoption of standards from the Design Manual into the Zoning Ordinance, and the relationship between the two documents. In addition to the design, mass, and scale implications of the revised dimensional standards, a number of design standards have been incorporated into the Zoning Ordinance for the District to ensure greater compatibility of new construction. There are several aspects of the proposed amendments that strengthen the role of the design standards in development review, such as the higher standards for Alternative Design Review approval and the incorporation of the Historic Preservation Board in the process. The District also includes graphic requirements in regard to roof forms, subsidiary roof lines, parking placement, and front facades, significantly increasing design requirements in addition to the still required use of the design standards for the R-6. In addition, an amendment to the Design Manual was made by the Planning Board at the Public Hearing, to further strengthen consideration of neighborhood context in the course of design review. The Planning Board was satisfied the extent of the inclusion of design standards within the Zoning Ordinance was a reasonable and practical proposal.

On May 8, 2018, the Planning Board voted (7-0) that the proposed Zoning map and text amendments to the that comprise the Munjoy Hill Neighborhood Conservation Overlay District is in conformance with the City of Portland Comprehensive Plan and therefore recommends approval of the proposed zoning amendments to the City Council.

On May 8, 2018, the Planning Board voted (7-0) that the proposed Zoning text amendments to Division 23 (14-381, 14-382, and Division 25 (14-431, 14-436) regarding nonconforming building extensions is in conformance with the City of Portland Comprehensive Plan and therefore recommends approval of the proposed zoning amendments to the City Council.

V. Attachments

1. MHNCOD Amendments
 2. Non-Conforming Building Extensions Zoning Amendments
 3. Adopted by Planning Board City of Portland Design Manual Amendments
- PC1 – PC104 Public Comments

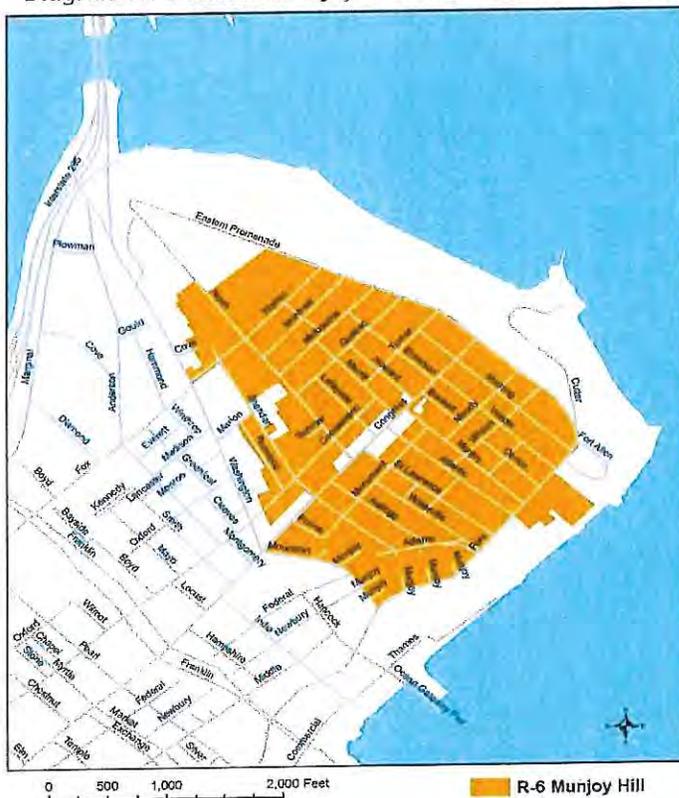
Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay District

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City’s Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the “District”).

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 Neighborhood Conservation District Boundaries

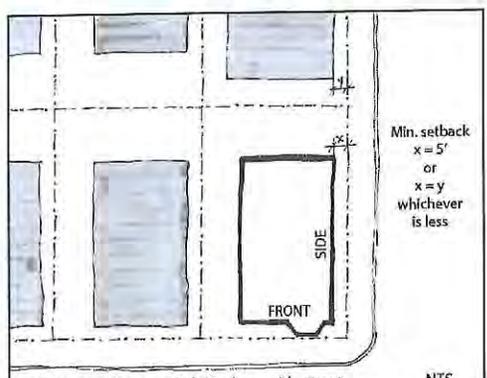


2. Effect of the District

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

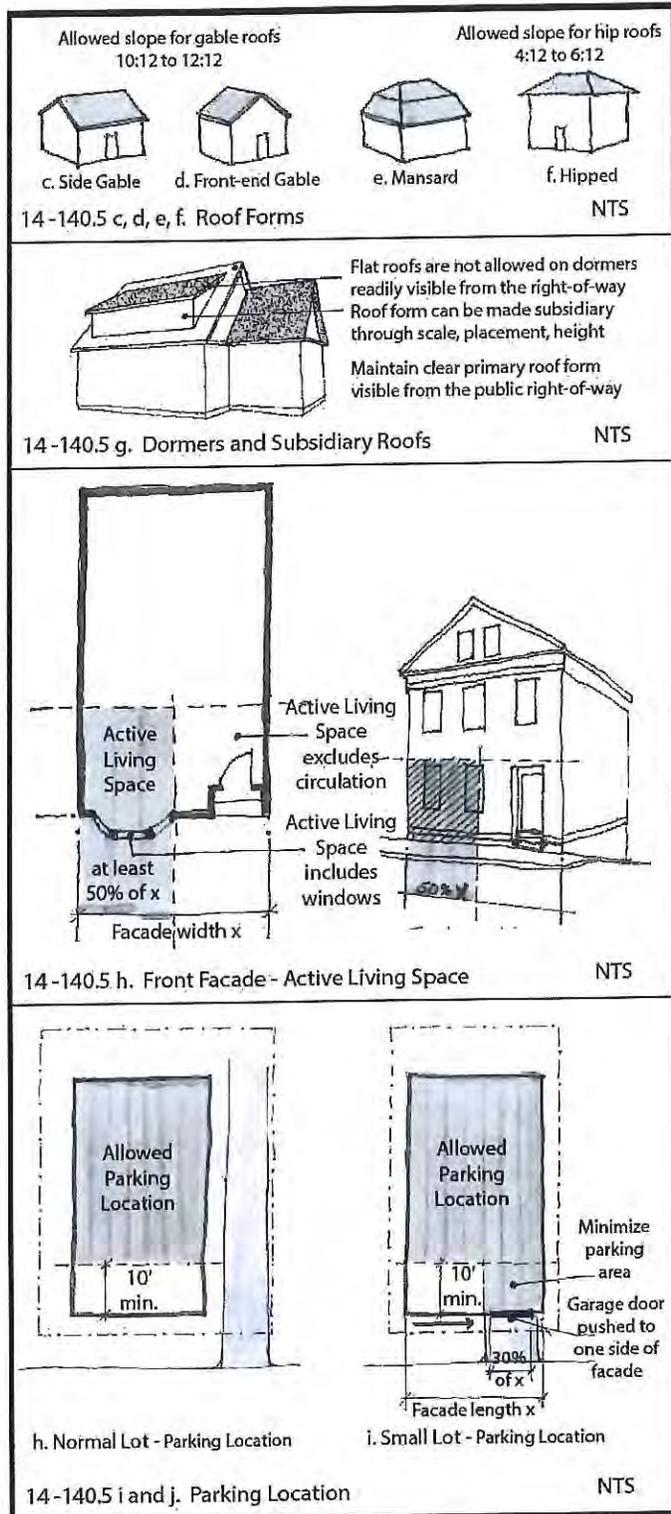
Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

<p>Maximum Height</p>	<p>35'; 45' for developments of 3 units or more on lots over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale", defined elsewhere in this ordinance, on lots over 2000 sf. This unit shall meet those definitions and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.</p> <p>Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5' above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5' from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in 14-430, Height Limits, and as specified in Article X, Alternative Energy.</p>
<p>Minimum Side Yard Setback</p>	<p>Buildings of height up to 35': As per the underlying zoning Buildings more than 35': 10' for all side yards, except that a side yard no less than 5' is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.</p>
<p>Stepbacks</p>	<p>None</p>
<p>Minimum Side Yard Setback on a side street</p>	<p>5'; or the minimum depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less. 0' when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.</p> 
<p>Minimum Rear Yard Setback</p>	<p>Buildings of height up to 35': 10' Buildings more than 35': 15' 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'</p>

4. Design Standards

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

- 1) All buildings shall use simple, traditional roof forms as illustrated in Diagrams 14-140.5.c-f. This requirement may be modified through 4(b) below. Dormers and cross gables are allowed but where readily visible from the public right-of-way shall be clearly subsidiary to the primary roof form (see Diagram 14-140.5.g);
- 2) The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total (see Diagram 14-140.5.h). Active living space does not include space intended primarily for circulation or storage;
- 3) Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not 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.i-j).



- (b) Within the District, developments are only eligible for the R-6 “Alternative Design Review” as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:
- 1) Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing;
 - 2) Alternative Design Review does not permit waivers of the additional design requirements in section 4(a) above except as explicitly stated; and
 - 3) Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

5. Demolition Review

- (a) The purpose of this section is to preserve and protect buildings within the District that contribute significantly to one’s understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district (“Preferably Preserved Buildings”) encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved Buildings is regulated and may be delayed as provided below.
- (b) Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

Demolition: Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.

Preferably Preserved Building: Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:

1. It was constructed prior to 1930;
2. It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; and
3. It retains sufficient integrity of design, materials, condition and craftsmanship that adaptive reuse is a viable option.

Voluntarily Demolished: Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this chapter, the destruction of a preferably preserved building for failure to properly secure it or by neglect shall be considered voluntary demolition.

- (c) Exclusions: This section shall not apply to (a) any building either individually designated as a local landmark or located within the boundaries of any designated historic district; (b) accessory

structures with a ground coverage of 144 square feet or less; (c) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; and (d) buildings that have received a previous determination that they are not Preferably Preserved.

- (d) Procedure: When the Building Authority receives a demolition permit application for a building within the District, s/he shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.
1. Determination of Preferably Preserved.
 - a. Initial Determination: The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within thirty days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that s/he determines may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6.
 - b. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.
 - c. If the Planning Authority fails to act in accordance with this section or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.
 - d. Right to Appeal Planning Authority Determination: After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be made within thirty days of the initial determination.
 - e. Public Hearing: The Historic Preservation Board shall conduct a hearing on the appeal and the initial determination within forty-five days of the Planning Authority's initial determination. The Board shall give the public notice of the hearing at least fourteen days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner and all property owners within 100 feet of the subject property at least ten days prior to the hearing.
 - f. Final Determination of Preferably Preserved Building: Within twenty-one days following the date of the public hearing, the Historic Preservation Board shall file a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial determination of the Planning Authority is not appealed, that determination shall be considered a final determination

upon lapse of the appeal period in d., above, in which case the Planning Authority shall forward a final determination to the Building Authority.

- (e) Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 18 months except as specified in (g) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.
- (f) Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.
- (g) Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 18-month delay period. Examples of such proposals may include but are not limited to:
- Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building;
 - Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (i) below; or
 - Notwithstanding the initial determination, demonstration by the applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.
- (h) Emergency demolition: Nothing in this article shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this section or is the result of fire, accidental catastrophic damage, or a natural disaster.
- (i) Enforcement:
1. The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this article, or to prevent a threatened violation thereof.

2. No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.

DIVISION 23. NONCONFORMING USE AND NONCONFORMING BUILDINGS

Sec. 14-381. Continuation.

Any ~~lawful use of~~ buildings, structures, lots, or use, premises or parts thereof, that were legally existing at the time of its creation existing on June 5, 1957, and made nonconforming by the provisions of this ~~article ordinance~~ or any amendment thereto may be continued although such use does not conform with the provisions of this ~~article ordinance or amendment thereto.~~

Sec. 14-382. Increase in nonconforming use of structure or alterations to nonconforming structures limited.

- (a) A lawful nonconforming non-residential structure may be maintained, repaired, or reconstructed in kind within a one (1) year period or within a two (2) year period for a lawful nonconforming residential structure, but no alterations, modifications or additions shall be made to it, except as provided in this division, and as permitted in 14-436, Building extensions.

...

- (d) Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, ~~and would not create any new nonconformity nor increase any existing nonconformity,~~ except as provided in this Division, and as permitted under 14-436, Building extensions. This subsection shall not apply to buildings located within shoreland zones and existing on June 15, 1992, which are nonconforming only as to setbacks from wetlands, tributary streams or other water bodies, which shall be regulated in accordance with subsection (f) of this section.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTION

Sec. 14-431. Yards.

The height in stories or feet of that part of the principal building adjoining a yard shall be used in determining the required width or depth of that yard, ~~but in no case shall any higher part~~

~~of the building be closer to the property line than width or depth of yard required for that height. In case an addition is to be made to a building which existed on June 5, 1957, the side yard spaces of which complied with the ordinance in effect on that date, the aggregate side yards may be the same as required on that date, provided the yard on the side where the addition is intended would comply with the minimum width required by the present ordinance. Yards as prescribed for residential uses shall be required for an apartment house or hotel erected above the ground floor of a building where the ground floor is designed exclusively for business purposes.~~

Sec. 14-436. Building extensions

~~Existing non-residential and residential principal structures buildings which are lawfully nonconforming as to dimensional requirements any area and/or yard requirements may be enlarged within the existing footprint subject to the following provisions:~~

- ~~1) No modification to an existing nonconforming building shall increase any existing nonconformity of a lot, use or structure.~~
- ~~2) No modification to an existing nonconforming building shall create new noncompliance with any provision of this Code.~~
- ~~3) Existing structures that are lawfully nonconforming as to required minimum yard setbacks may be vertically or horizontally expanded provided the area of expansion meets all current dimensional requirements, except as provided in 4) below.~~
- ~~4) A vertical expansion above a portion of a structure that is lawfully nonconforming as to minimum yard setbacks may be permitted a one-time increase of one additional story provided:

 - ~~a. No portion of the expansion horizontally extends beyond the non-conforming portion of the first story of the structure.~~
 - ~~b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.~~~~

~~(a) For principal structures lawfully nonconforming as to~~

~~land area per dwelling unit as of July 19, 1988: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible.~~

~~(b) For residential principal structures conforming as to land area per dwelling unit as of July 19, 1988, but lawfully nonconforming as to any yard setback or nonresidential principal structures that are lawfully nonconforming as to any yard setback: The floor area of the expansion shall be limited to no more than eighty (80) percent of the first floor footprint. The additional floor area shall be created by raising the existing roof configuration the minimum amount required to create an additional story of habitable space, or by the use of dormers, turrets or similar structures.~~

~~Building expansions under this section may occur only once during the lifetime of an existing structure.~~

Enacted 04-13-04
Revisions Approved 02-23-7
Revisions Approved 05-08-18

Design Certification Program
R-6 Infill Development
Design Principles & Standards

I. PURPOSE

All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to add to and enhance the neighborhoods in which their projects are built.

New residential construction within Portland's compact R-6 zones should relate to the predominant character defining features of the neighborhood. The design of new development is critical, particularly elements such as the orientation and placement of a building on a site; relationship to the street; and mass, form and materials.

The *Design Certification Program* aims to insure that infill housing development makes a positive contribution to the City's neighborhoods. The intent is to ensure that infill housing is compatible with the neighborhood and meets a high standard of building design, while allowing for diversity of design.

Projects will be reviewed for consistency with *R-6 Infill Development Design Principles and Standards*. These principles and standards are interdependent and should be considered holistically. The applicant must demonstrate that a proposal is consistent with the Design Principles. The standards are time-honored ways of achieving the Principles. The City's Design Manual contains examples of buildings that are consistent with the aims of the Design Certification Program.

Unless otherwise indicated, the R-6 Design Principles and Standards shall apply to the front façade and those portions of the building that are readily visible from the public way.

Unless otherwise indicated, the R-6 Design Principles and Standards shall define "Neighborhood" as the buildings within a two block radius of the site. Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then buildings on the adjoining block shall also be considered. The Planning Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site.

II. SUBMITTAL REQUIREMENTS

The applicant shall submit a site plan and building elevations in accordance with final application requirements of the Site Plan Ordinance (Sec. 14-525). In order to illustrate neighborhood context for a proposal, the applicant shall submit photographs or other visual tools to depict the buildings within a two block radius of the site in order to determine the building elements that contribute to and are compatible with the predominant character defining architectural features of the neighborhood.

Special attention shall be given to the existing buildings on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall also be required.

The Planning Authority may request that consideration be made of buildings in the neighborhood that are comparable in size, scale and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The Planning Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. The Planning Authority may determine the neighborhood to be greater than a two block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

Samples of the proposed exterior materials may be requested by the Planning Authority.

II. DESIGN PRINCIPLES AND STANDARDS

PRINCIPLE A Overall Context

A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.

Explanatory Note: The central idea behind good design in an established neighborhood is to reinforce positive features of the surrounding area, which provide its unique identity. To a large degree, the scale, mass, orientation, and articulation of an infill building should be compatible with that of the buildings that surround it.

Compatibility refers to the recognition of patterns and characteristics which exist in a given setting and the responsiveness of a new design with respect to these established patterns and characteristics. While there is no one specific solution for a given setting, there are a number of building characteristics which can be used to gauge visual compatibility of new residential construction in an existing neighborhood. These characteristics include design elements such as:

1. Scale and Form: height, massing, proportion of principal facades, roof shapes and scale of the architectural features of the structure.

2. **Composition of Principal Facades:** proportion of facades; orientation of openings; ratio of solids to openings; rhythm of fenestration; entrance porches and other projections; and relations of materials, texture and color.
3. **Relationship to the Street:** walls of continuity; rhythm of spacing and structures on streets; and orientation of principal elevations and entrances to the street.

Each infill project will have a unique context of surrounding structures and sites with some strong, unifying characteristics, and some that are subtle and less obvious. The more definite and easily discernable traits within an established neighborhood should serve as a basis for a design solution, which can reinforce the positive characteristics of the surrounding development patterns. On corner properties, where the architecture has a greater visual impact upon adjacent public spaces, both public facades will be evaluated with equal care.

STANDARD A-1 Scale and Form Relate the scale and form of the new building to those found in residential buildings within a two-block radius of the site, that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD A-2 Composition of Principal Facades Relate the composition of the new building façade, including rhythm, size, orientation and proportion of window and door openings, to the facades of residential buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing facades on both side of the street within the block of the proposed site.

STANDARD A-3 Relationship to the Street Respect the rhythm, spacing, and orientation of residential structures along a street within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing streetscape on both side of the street within the block of the proposed site.

PRINCIPLE B Massing

The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.

Explanatory Note: Massing is a significant factor that contributes to the character of a building. The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. The massing of a building can be defined as the overall geometry (length, width, and height) of its perceived form. The overall height of the form (actual and perceived) as well as the geometry of its roof is of particular importance in defining the massing of a building.

STANDARD B-1 Massing The building's massing (as defined by its bulk, size, physical volume, scale, shape and form) should be harmonious with the massing of existing buildings in a two block radius. Special attention shall be given to the existing building massing on both sides of the street within the block of the proposed site.

STANDARD B -2 Roof Forms Roof forms shall refer to the architectural forms found within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing roof forms on both side of the street within the block of the proposed site.

STANDARD B -3 Main Roofs and Subsidiary Roofs The building shall have a clear main roof form. Subsidiary roof forms and dormers shall be clearly subordinate to the main form in size, space and number. Where a building has multiple rooflines (e.g., main roof, dormer roof, porch roof, etc.) there shall not be more that two roof pitches or outlines overall.

STANDARD B-4 Roof Pitch Gable roofs shall be symmetrical with a pitch of between 7:12 and 12:12. Hip roofs with a shallow pitch and flat roofs shall have a cornice of at least 12 inches in width. The slope of the roof may be either parallel or perpendicular to the street. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono pitch roofs shall be less than 7:12, except for porch roofs. There is no minimum pitch for porch roofs.

STANDARD B-5 Facade Articulation Provide variety in the massing by incorporating at least two or more of the following architectural elements. Such features shall be applied to the front façade and those portions of the building that are readily visible from the public way.

1. Gables or dormers.
2. Balconies.
3. Recessed entries.
4. Covered porches, covered entries or stoops.
5. Bay windows. In the case of horizontally attached dwelling units, at least one-half of the ground floor units shall have a bay window to receive credit as a design feature.

STANDARD B-6 Garages Attached and detached garages are allowed provided that the street-facing façade of the garage is recessed behind the façade of the main structure by a minimum of four feet. However, if the garage is integrated into the building form, the garage door may be included into the front façade of the dwelling providing that there are at least one story of living space over the garage. In this instance, the garage door width may be no more than 40% of the width of the building's overall façade width, except that no garage door need be reduced to less than 9 feet in width. Standard C-2 is not required if there is no living space on the ground level.

PRINCIPLE C *Orientation to the Street*

The building's façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.

Explanatory Note: An important component of the neighborhood's character is the relation of dwellings to the sidewalk and the street. Design of dwellings can enhance the pedestrian friendliness and sociability of the streetscape while protecting the privacy of the residents' internal home life.

STANDARD C-1 Entrances Emphasize and orient the main entrance to the street. The main entrance of the structure shall either face the street and be clearly articulated through the use of architectural detailing and massing features such as a porch, stoop, portico, arcade, recessed entry, covered entry, trim or be located on the side and be accessed by a covered porch that extends to the front of the building, at the primary street frontage.

STANDARD C-2 Visual Privacy Ensure the visual privacy of occupants of dwellings through such means as placing the window sill height at least 48" above the adjoining sidewalk grade; providing the finished floor elevation of a residence a minimum of 24" above sidewalk elevation; incorporating porches along the front side of the building façade design; or other measures.

STANDARD C-3 Transition Spaces Create a transition space between the street and the front door with the use of such features as porches, stoops, porticos, arcades, recessed entries, covered entries, trim, sidewalk gardens or similar elements.

PRINCIPLE D *Proportion and Scale*

Building proportions must be harmonious and individual building elements shall be human scaled.

Explanatory Note: Throughout the history of architecture certain proportions have become known as classical proportions which have endured as aesthetically pleasing regardless of the style of architecture or the culture of origin. Scale has to do with the size of the architectural components in relation to the overall building size, and also in relation to the predominant character defining architectural features of the neighborhood.

STANDARD D-1 Windows The majority of windows shall be rectangular and vertically proportioned. The use of classical proportions is encouraged. Special accent windows may be circular, square or regular polygons. Doorways, windows and other openings in the façade (fenestrations) shall have a proportional relationship to the overall massing of the building.

STANDARD D-2 Fenestration Doorways, windows and other openings (fenestration) shall be scaled appropriately to the overall massing of the building. The area of fenestration of the front façade (and for corner lots, both street-facing facades) shall be at least 12% of the total

façade area. Appropriately scaled windows or other building openings shall be included on all sides of a building.

STANDARD D-3 Porches When porches are attached to the front façade, [or for porches that are required as an open space amenity under Section 14-139(f)] the porches shall extend along a horizontal line at least 20% of the front façade. Porches and balconies must have a minimum depth of 6 feet and a minimum square footage of 48 square feet. The depth may be reduced to 5 feet provided that the square footage is increased to 60 square feet.

1. For porches and balconies that are required as open space amenities under Section 14-139(f), a porch or deck may have entries to two or more units provided that the required dimensions and square footage allocations are met.

PRINCIPLE E Balance

The building's façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.

Explanatory Note: Balance refers to the composition of façade elements. Symmetry refers to the balanced distribution of equivalent forms and spaces about a common line (axis) or point (center). Overall symmetry refers to arrangements around an axis line that bisects the building façade equally. Local symmetry refers to arrangements around an axis line that focuses on a particular building element (e.g., a porch or bay window). A balanced façade composition generally employs overall or local symmetry.

Alignment refers to the position of building elements with each other and with the building form as determined by scale, mass, roofline, slopes, etc.

STANDARD E-1 Window and Door Height The majority of window's and door's head heights shall align along a common horizontal datum line.

STANDARD E-2: Window and Door Alignment The majority of windows shall stack so that centerlines of windows are in vertical alignment.

STANDARD E-3: Symmetricality Primary window compositions (the relationship of two or more windows) shall be arranged symmetrically around the building façade's centerline (overall symmetry) or around another discernable vertical axis line.

PRINCIPLE F Articulation

The design of the building is articulated to create a visually interesting and well composed residential façade.

Explanatory Note: Articulation refers to the manner in which the shapes, volumes, architectural elements and materials of a building's surface are differentiated yet work together. A well-composed building articulation adds visual interest and individual identity to a home while maintaining an overall composition.

STANDARD F-1 Articulation Buildings shall provide surface articulation by employing such features such as dimensional trim, window reveals, or similar elements appropriate to the style of the building. Trim and details shall be designed and detailed consistently on the facades visible from the public right of way.

STANDARD F-2 Window Types Window patterns shall be composed of no more than two window types and sizes except where there is a design justification for alternate window forms..

STANDARD F-3 Visual Cohesion Excessive variations in siding material shall not be allowed if such changes disrupt the visual cohesion of the façade. Materials shall be arranged so that the visually heavier material, such as masonry or material resembling masonry, is installed below lighter material, such as wood cladding.

STANDARD F-4 Delineation between Floors Buildings shall delineate the boundary between each floor of the structure through such features as belt courses, cornice lines, porch roofs, window head trim or similar architectural features.

STANDARD F-5: Porches, etc. Porches, decks, balconies, stoops and entryways shall be architecturally integrated into the overall design of the building in a manner that compliments its massing, material, and details. Multilevel porches and balconies on front facades shall not obscure the architectural features of the façade. Use of rail/baluster systems with appropriate openings between rails, stepping back balconies from the front plane of the building face, or other appropriate design features shall be employed to achieve this standard.

STANDARD F-6: Main Entries Main entries shall be emphasized and shall be integrated architecturally into the design of the building, using such features as porch or stoop forms, porticos, recessed entries, trim or a combination of such features, so that the entry is oriented to the street.

STANDARD F-8: Articulation Provide articulation to the building by incorporating the following architectural elements. Such features shall be on all façades facing and adjacent to the street.

1. Eaves and rakes shall have a minimum projection of 6 inches.

2. All exterior façade trim such as that used for windows, doors, corner boards and other trim, shall have a minimum width of 4 inches except for buildings with masonry exteriors.
3. If there are off sets in building faces or roof forms, the off sets shall be a minimum of 12 inches.
4. Pronounced and decorative cornices.

PRINCIPLE G *Materials*

Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.

STANDARD G-1 *Materials* Use materials and treatments for the exterior walls (including foundation walls) and roofing that are harmonious with those in buildings within a two-block radius of the site that contribute to and are compatible with the predominant character-defining architectural features of the neighborhood. Special attention shall be given to the existing building forms on both sides of the street within the block of the proposed site.

STANDARD G-2 *Material and Façade Design* The selection of façade materials shall be consistent with the façade design and appropriate to their nature. For example, brick facing should not appear to be thin layers on the façade, or to overhang without apparent support.

STANDARD G-3 *Chimneys* Chimneys shall be of brick, finished metal, stone or boxed-in and clad with materials to match the building.

STANDARD G-4 *Window Types* A variety of window treatments and skylights are acceptable. However, within a single building the types of windows shall be limited to two types, and window detailing shall be consistent throughout.

STANDARD G-5 *Patios and Plazas* Patios and plazas shall be constructed of permanent materials such as concrete, brick or stone.

IV. ALTERNATIVE DESIGN REVIEW (revised 5.8.18)

The Standards listed above are time-honored ways of achieving the Design Principles. With exceptional care, though, it is possible to apply a design approach that meets the Principles through alternatives that vary from the Standards, while maintaining and relating to the predominant character-defining architectural elements of the neighborhood, such as the building location on the site, its relationship to the street, and its mass, form, and materials. The guiding principle for nNew construction under the aAlternative dDesign rReview is to should result in exemplary design and be compatible with the surrounding buildings in a two-block radius, in size, scale, materials and siting, but with consideration to building type, as well as the general character of the established neighborhood. The review authority may determine the

neighborhood to differ from a two-block radius, due to unique characteristics of a given site or proposal. In such case, the review authority shall determine the scope of the neighborhood.

In review. Special attention shall be given to the existing buildings ~~forms~~ on both sides of the street within the block of the proposed site. If the building is proposed on a corner lot, then depictions of buildings on the adjoining block shall also be required. The ~~review~~Planning Authority ~~should~~ ~~may request that consideration be made of~~ ~~consider~~ buildings in the neighborhood that are comparable in size, scale, type, and use to that which is being proposed, or that consideration be made of the characteristics of buildings which were originally designed for a similar use to that which is proposed. The ~~Planning review~~ Authority may determine other considerations that shall be made of the proposed building in relation to the neighborhood, due to unique characteristics of a given site. In addition, when evaluating a proposed project, the review authority may grant design flexibility when social and environmental public benefits are proposed as part of the project. Examples include designs that accommodate sustainable design best practices, alternative energy sources, green roofs, or affordable housing units that may require a design character that varies from the predominant built patterns. The applicant shall provide documentation of the contextual characteristics as guidance for review.

~~The Planning Authority may determine the neighborhood to be greater than a two-block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.~~

An applicant may propose an alternative design approach and request an Alternative Design Review Design Certificate. The Planning Authority under an Alternative Design Review may grant a Design Certificate to approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met. In the case of an Alternative Design Review within the Munjoy Hill Neighborhood Conservation Overlay District, the Historic Preservation Board shall be the review authority and may grant a Design Certificate provided all of the conditions listed below are met. The Planning Authority or applicant may seek an advisory opinion from the Historic Preservation Board, prior to the Planning Authority issuing a Design Certificate. The final decision whether to issue an Alternative Design Review Design Certificate is at the discretion of the review authority and may only be appealed to the Historic Preservation Board.

- A. The proposed design is consistent with all of the Principle Statements.
- B. The majority of the Standards within each Principle are met.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Strong concerns on East end R6 development plans

Thu, Feb 22, 2018 at 9:13 AM

Jeff Levine <jlevine@portlandmaine.gov>
 To: Christine Grimando <cdg@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

Are we keeping track of these comments? If not we should start a file of them.

Jeff Levine, AICP
 Director
 Planning & Urban Development Department
 389 Congress Street 4th Floor
 Portland, Maine 04101
 Phone (207)874-8720
 Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
 @portlandplan

----- Forwarded message -----

From: Todd Grove <Todd.Grove@acolade.com>

Date: Tue, Feb 20, 2018 at 1:32 PM

Subject: Strong concerns on East end R6 development plans

To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "judson@portlandmaine.gov" <judson@portlandmaine.gov>, "Hilary Bassett, Executive Director of Greater Portland Landmarks" <hbassett@portlandlandmarks.org>

Good afternoon,

My home is located at 27 Lafayette St. As a property owner on Munjoy Hill, I am very concerned that the city will take restrictive and punitive measures against responsible development in the East End.

I was also a business/ property owner in the West End for more than a decade. I had first hand experience with the incredibly frustrating and restrictive procedures set up inside a "Historic District". That would be disastrous for the East End – and ultimately the city of Portland.

We need affordable housing – and we need the growth and development that will help pay for the subsidization as well. We have a real opportunity to act – not react. You as our representatives need to create responsible and flexible guidelines that allow for the development of this neighborhood – without driving out the influx of new residents, investment and beautification that are critical to the evolution of our great city.

Please respond with links/ information that I can review prior to the next scheduled public session on IPOD and R6. Thank you.

Regards,

2/22/2018

City of Portland Mail - Fwd: Strong concerns on East end R6 development plans

Todd Grove |

207-831-3453 |

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Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Feb 26, 2018 at 4:40 PM

Munjoy Hill comment for the file.

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----- Forwarded message -----

From: Karen Snyder <karsny@yahoo.com>
Date: Sun, Feb 25, 2018 at 4:22 PM
Subject: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018
To: Belinda Ray <bsr@portlandmaine.gov>
Cc: Jeff Levine <jlevine@portlandmaine.gov>

Dear Belinda,

It concerns (or frustrates) me that so many people that are NOT Munjoy Hill residents want their say as to how Munjoy Hill proceeds after the moratorium ends June 5, 2018. Whatever is approved after the Munjoy Hill moratorium, directly impacts our quality of life and sustainability to continue to live on Munjoy Hill.

Some examples of these developer/real estate people that are heavily promoting their opposition agenda are the following:

- At the Feb 7, 2018 MEREDA (Maine Real Estate/Development Assoc) forum regarding the Munjoy Hill moratorium, where approx. 62 of 70 participants were NOT residents of Munjoy Hill.
- Estimate that only 4 of PSA (Portland Society of Architects), are actual residents of Munjoy Hill.
- Benchmark Developer Tom Landry's oppositional emails who is not even a Munjoy Hill resident but a real estate developer is sending out misleading emails as shown below in a portion of his original email sent this past Friday 2/23/2018.

Note: It is somewhat ironic that Tom Landry says he is a "preservationist" at heart but yet he is tearing down capes and carriage houses to put up incompatible/scale architecture amidst protest of surrounding property owners.

My responses to Tom Landry's bullet points in email below are in **blue**.

"How Are You Impacted?"

If you live on Munjoy Hill:

- Your property value will decrease . (Tom Landry)
 - Decrease in an over-inflated market? This is not the NY Stock market future trading floor . How are property owners wanting to age in their homes suppose to with these recently accelerated property prices which will cause increased property taxes which in turn forces us to raise rents?
For example:
 - My property value alone increased by 30% just in the last 3 years.
 - * My neighbor was just offered 500K for his small house which is an increase of 338% of his original house cost. Note: He refused this offer . He wants to live in the neighborhood as he ages.
- Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing. (Tom Landry)
 - In the last 3 years in this Munjoy Hill development frenzy , there was only 1 property built that was "affordable" housing on Munjoy Hill and it was still out of reach for most Portlanders. (65 Munjoy)
 - In the last 3 years on Munjoy Hill, 27 housing units were removed due to tear-downs and replaced with 72 condos /8 single families in which all this new housing is out of reach for most Portlanders.
 - In reality , Short Term Rental like Airbnb has taken at least 6 times more rental units off the rental market than development.
- Any parking hassles you experience could get worse with less opportunities to build off-street parking. (Tom Landry)
 - On Street parking has become more of a problem because people moving from suburbs into these Munjoy Hill luxury condos want to keep their 2 cars in a walkable city.
 - Curb cuts are not going to be restricted and will continue.
- This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property . (Tom Landry)
 - Property owners will continue to have to go through permitting and license application for remodel, renovate, and expansion no matter the condition of the property like they always have. The desire is to ensure what to be built after tear-downs reflect compatible and scale appropriate architecture. Isn't that what a neighborhood and its neighbors are suppose to strive for?

2/27/2018

City of Portland Mail - Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

In conclusion, Tom Landry's email appears to be nothing but scare tactics. We hope as your voting constituents, we have a priority voice than these real estate individuals that are not even Munjoy Hill residents and whom are only profiting off of the Munjoy Hill development because they have been allowed to. These developers given an inch will take a mile without consideration as to how it affects Munjoy Hill history, community, quality of life, and the sustainability to continue to live in our neighborhood.

Regards,

Karen Snyder
Munjoy Hill Resident

On Feb 23, 2018, at 10:49 AM, Tom Landry <tomlandry@benchmarkmaine.com> wrote:

[View this email in your browser](#)



Current Proposals Could Limit Munjoy Hill Property Owner Rights

Make Your Voice Heard Before Decisions Are Made

February 26th, 7-9pm
East End Community School

Dear Fellow Realtors,

Through my relationships working on the East End in Portland, I learned of efforts to reform R6 Zoning on the hill, and later to enact a historic

proposals go too far .

If passed they could lead to a lowering of Munjoy Hill property values , and prevent property owners from making many renovations needed to support contemporary living or even address safety concerns.

These changes, and namely the creation of a historic district, would negatively impact many of the long-term residents of Munjoy Hill. The families who remember the old Munjoy Hill, and have welcomed the revitalization, could see their property values slide. In contrast, many of the proponents moved in more recently, or are non-residents simply with a professional or general interest in preservation.

This process deserves better awareness and a mix of voices at the table.

How Are You Impacted?

If you live on Munjoy Hill:

- Your property value will decrease.
- Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing.
- Any parking hassles you experience could get worse with less opportunities to build off-street parking.
- This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property.

If you DON'T live on Munjoy Hill:

- This process has had very limited public awareness, received little comment or input, and been driven by a very small group of people.
- This type of effort could spread and impact zoning rules across the city.

How to Get Involved

First and foremost, **attend and speak out at the [Listening Session](#) this coming Monday** , February 26th from 7-9PM at East End Community School. This meeting is critical and is when city planning staff will take

2/27/2018

City of Portland Mail - Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018

input before drafting edits.

Other ways to get involved:

- Attend the second session on Saturday, March 24th 11-1PM at East End Community School where final proposed changes will be presented by City Planning staff.
- Send your thoughts to:
 - Jeff Levine, City of Portland Director of Planning & UD
jlevine@portlandmaine.gov
 - Belinda Ray, City Councilor District 1 (Munjoy Hill)
bsr@portlandmaine.gov
 - The Mayor and all other City Councilors:
estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov,
bbatson@portlandmaine.gov, jcosta@portlandmaine.gov,
kcook@portlandmaine.gov, pali@portlandmaine.gov,
nmm@portlandmaine.gov, jduson@portlandmaine.gov
 - Hilary Bassett, Executive Director of Greater Portland Landmarks
hbassett@portlandlandmarks.org

There is a group forming and a website will be created in the very near future to include more.

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Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

1 message

Mon, Feb 26, 2018 at 4:41 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
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----- Forwarded message -----

From: Blue Pine <bluepinepropertiesllc@gmail.com>
Date: Fri, Feb 23, 2018 at 4:12 PM
Subject: Current Proposals May Limit Munjoy Hill Property Owner Rights
To: Tom Landry <tomlandry@benchmarkmaine.com>
Cc: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov,
nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov,
estrimling@portlandmaine.gov, jlevine@portlandmaine.govHi Tom,
I have all ready been impacted by out of control development and over inflated property values on Munjoy Hill.

As a Munjoy Hill long term resident, property owner, and landlord, it is essential that local residents should have a say in efforts to reform R-6 Zoning, create new demolition standards, and, yes, even possibly a Historic preservation district to preserve Munjoy Hill history before it is erased.

Regards,
Janet Parks
Blue Pine Properties, LLCOn Feb 23, 2018, at 10:49 AM, Tom Landry <tomlandry@benchmarkmaine.com> wrote:tomlandry@benchmarkmaine.com[View this email in your browser](#)



Current Proposals Could Limit Munjoy Hill Property Owner Rights

Make Your Voice Heard Before Decisions Are Made

February 26th, 7-9pm
East End Community School

Dear Fellow Realtors,

Through my relationships working on the East End in Portland, I learned of efforts to reform R6 Zoning on the hill, and later to enact a historic preservation district . Through my research and outreach, it became clear that those effected the most, the long-time area residents, had no idea this movement was well under way and the dramatic impact it would have on their lives. It was on behalf of this less vocal significant majority that I got involved and now I ask you to as well.

I am a preservationist at heart and truly appreciate the varied architecture of the East End. And like many of you, I'm also a long-time supporter of [Greater Portland Landmarks](#).

All this said, I believe dramatic changes to R6 zoning and designating the East End as a historic district are the wrong solutions to address the concerns that sparked these efforts. If you have clients buying or selling on the East End, you should care.

See below for more information and please share with your clients! We are looked to as experts on this stuff, and I encourage you to make this your

2/27/2018

City of Portland Mail - Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

own and share widely. I will keep you informed as things further develop.

Thank you for your time!

Tom

What's Going On?

Responding to concerns from a group of Munjoy Hill residents, the City Council temporarily halted any tear-downs and placed restrictions on building on the Hill this past year. Since then, [Greater Portland Landmarks](#) has also proposed making the majority of the area a historic district. Permanent changes to R6 zoning laws will be voted on by the City Council on June 4th, and NOW is the time to best influence this process.

Why it's Important

If proposed changes are put in place, they would dramatically limit new developments and additional housing, and significantly restrict renovations to existing properties.

Preserving Portland's historic architecture is very important, but these proposals go too far .

If passed they could lead to a lowering of Munjoy Hill property values , and prevent property owners from making many renovations needed to support contemporary living or even address safety concerns.

These changes, and namely the creation of a historic district, would negatively impact many of the long-term residents of Munjoy Hill. The families who remember the old Munjoy Hill, and have welcomed the revitalization, could see their property values slide. In contrast, many of the proponents moved in more recently, or are non-residents simply with a professional or general interest in preservation.

This process deserves better awareness and a mix of voices at the table.

How Are You Impacted?

If you live on Munjoy Hill:

- Your property value will decrease.
- Housing in your neighborhood will be more scarce, with less new properties built, including affordable housing.
- Any parking hassles you experience could get worse with less opportunities to build off-street parking.
- This limits how you and future owners can remodel, renovate, expand, partially demolish, and rebuild, no matter the condition of the property.

If you DON'T live on Munjoy Hill:

- This process has had very limited public awareness, received little comment or input, and been driven by a very small group of people.
- This type of effort could spread and impact zoning rules across the city.

How to Get Involved

First and foremost, **attend and speak out at the [Listening Session](#) this coming Monday**, February 26th from 7-9PM at East End Community School. This meeting is critical and is when city planning staff will take input before drafting edits.

Other ways to get involved:

- Attend the second session on Saturday, March 24th 11-1PM at East End Community School where final proposed changes will be presented by City Planning staff.
- Send your thoughts to:
 - Jeff Levine, City of Portland Director of Planning & UD
jlevine@portlandmaine.gov
 - Belinda Ray, City Councilor District 1 (Munjoy Hill)
bsr@portlandmaine.gov
 - The Mayor and all other City Councilors:
estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov,
bbatson@portlandmaine.gov, jcosta@portlandmaine.gov,
kcook@portlandmaine.gov, pali@portlandmaine.gov,

2/27/2018

City of Portland Mail - Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights

nmm@portlandmaine.gov, jduson@portlandmaine.gov

- o Hilary Bassett, Executive Director of Greater Portland Landmarks
hbassett@portlandlandmarks.org

**There is a group forming and a website will be created in
the very near future to include more.**

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill - Moratorium and After

Mon, Feb 26, 2018 at 4:45 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Wayne Valzania <Wayne@redhookdesignalliance.com>
Date: Mon, Feb 26, 2018 at 7:46 AM
Subject: Munjoy Hill - Moratorium and After
To: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jlevine@portlandmaine.gov, jay.norris@munjoyhill.org
Cc: Karen Snyder <Karsny@yahoo.com>, Wayne Valzania <Wayne@redhookdesignalliance.com>, Carolyn Swartz <CarolynSwartz@gmail.com>

Hello,

Please find the attached letter, expressing our opinion and concerns on the Munjoy Hill moratorium issue. As residents of "The Hill", our concerns are heartfelt, and community based. In many ways, what we are seeing as smaller, appropriately scaled dwellings are removed, and large proportionately incorrect condo stacks are being built by developers whose interests are dollar based, is a form of strip mining. The analogy that I see is that the impact of what is left behind is for the residents on Munjoy Hill to look at and live with after the profit has been taken and the developers have moved on.

As I have said in the past, I understand the need for higher density housing throughout greater Portland, but it should not be at the expense of losing the fabric of our neighborhoods.

Thank you for your service to the Portland community,

Wayne Valzania MS CPM
Red Hook Design LLC
27 Merrill Street

2/27/2018

City of Portland Mail - Fwd: Munjoy Hill - Moratorium and After

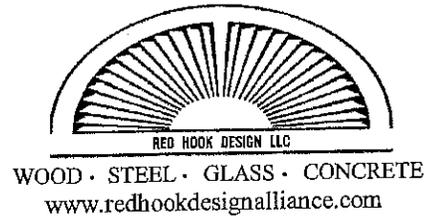
Portland, ME 04101

207.274.4918 - 860.248.5670

RedHookDesignAlliance.com



Munjoy Hill Moratorium and Development Issues.pdf
159K



5 February 2018

Re: Munjoy Hill Moratorium R6 Design Principles & Standards Demolition

From: Wayne Valzania, 27 Merrill Street, Portland 04101

To Members of the City Council and Interested Parties:

As an owner and resident of Munjoy Hill, I am writing to express my personal and professional concerns about disturbing trends in new builds on the Hill – particularly in structures that exhibit no regard for the scale or visual integrity that give this neighborhood its character and human appeal.

My wife, Carolyn Swartz, and I have chosen to commit to the time and expense of reclaiming old wooden house. At the same time, we recognize that some structures are beyond repair. Still, the decision of which structures to tear down and what rebuilds should look like cannot rest solely in the hands of developers.

While we admire some of the modern houses on The Hill, more recent - actual and proposed – structures appear to be in most flagrant violation to the character of the neighborhood. It happens that we are looking out at a cold, faceless multi-unit lacking even the humanizing features (front stairs, real front door, earth tone exterior) represented in the architectural drawings and renderings we were shown before construction began. The building also lacks many, if not all, of the architectural details promised during the workshops and hearings upon which variances, concessions, and approvals were based. We and our neighbors consider this unsightly building to be the developers' willful broken promise to the community.

As a professional builder, Munjoy Hill resident, and ardent supporter of the current moratorium, I would like to propose:

- Mass and scale in the permitting and approval of proposed new construction on Munjoy Hill must be guided, if not controlled, by the Planning Board - not left to the whim of developers driven primarily by return on investment. Original R-6 guidelines offered realistic principles around the development of multi-family dwellings. These could form the basis of an updated R-6, to include Planning Department improvements, such as roof appurtenances, based on IPOD recommendations.
- Elimination of the Alternate Design Review option in the Design Certification Program (R-6 Infill Development Design Principles & Standards) for the Munjoy Hill R-6 overlay.
- An end to easy acceptance of variances that depart from reasonable standards already in place.

- Design standards and demolition restrictions to be interpreted by a qualified board and enforceable through a designated Munjoy Hill Historic District Board or Association.
- Improvement of the substantive requirements and enforceability of the Design Certification Program, and the contained R-6 Design Principles and Standards, which apply to parts of Munjoy Hill that are neither Historic nor Neighborhood Conservation District. These standards should apply to lots both under *and over* 10,000 SF.

I hope that shared interests, intelligent foresight and collective wisdom will result in mindful guidelines for thoughtful development that will invigorate the neighborhood while preserving the value resulting from its ongoing character and appeal.

Thank you for your interest.

Concerned residents,



Wayne Valzania & Carolyn Swartz.
27 Merrill Street, Portland 207.274.4918



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill

Mon, Feb 26, 2018 at 4:40 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill comment for the file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan----- Forwarded message -----
From: Jean Russo <russo@maine.rr.com>
Date: Mon, Feb 26, 2018 at 3:35 PM
Subject: Munjoy Hill
To: jlevine@portlandmaine.gov

Jeff

I can't make the meeting tonight, but I am glad that something is being done about what is happening on Munjoy Hill. As a Realtor and a lifelong Portland resident (who grew up on India Street before it was fashionable), I am appalled at what is being done on India Street ("Little Italy" as we called it), and "the Hill". Many of the buildings being built have no architectural integrity at all - many look like shipping containers turned on their side. This might be the trend in New York, but it is not the New England architecture that we all love. These high rise condo buildings are ruining the neighborhood feel - and are displacing longtime Portland residents who can't afford the pricey homes and condos being built.

When the zone changes to the R-6 zone were implemented a few years ago, I voiced my objection to this to the City Council to no avail. How do you allow zero clearance? How does a homeowner even access the side of their building to do maintenance work without encroaching on the neighbor's land? The lot sizes are so small it forces the developer to build up to recoup the land cost. This has to stop. The zone restrictions need to be changed back to what they were a couple of years ago.

Thanks.

Jean Russo

2/27/2018

City of Portland Mail - Re: Public Comment for 255 Diamond Avenue



Jennifer Munson <jmy@portlandmaine.gov>

Re: Public Comment for 255 Diamond Avenue

1 message

Tue, Feb 27, 2018 at 10:42 AM

Laura Balladur <lauraballadur@gmail.com>
To: Jennifer Munson <jmy@portlandmaine.gov>

Would it be ok to resend that? I made a couple of edits. Nothing substantively different, but it just reads better. If ok, here it is:

February 26, 2018

I'm writing to voice my concern about recent developments seen on Munjoy Hill. There has been an enormous amount of development on the Hill relative to the rest of the city. Such development drives up property prices at the cost of affordable housing. I urge the city to support demolition guidelines, dimension changes addressing change of scale and mass, and design standards. Furthermore, I strongly encourage the city to be proactive and create a Historic Preservation District for Munjoy Hill in order to preserve and protect its architecture and its history. Moreover, I see this Historic Preservation District designation as an important step in reducing the rampant speculation that is driving up property prices and creating a lack of affordable housing.

I have been a resident at 89 Walnut Street since 2004, bought my house in 2006. At the time, my house looked run-down and some of its architectural elements were hidden behind aluminum siding. But I saw in the house a piece of valuable history. Indeed, I found out that at one time the house was home to a cobbler and later a sailor, common working class folk who lived on the hill.

I have been concerned with the recent developments that have been occurring on the hill. The first one is of course right around the corner from my house, Munjoy Heights. When I went to the neighborhood meeting where Jonathan Culley and his team described the project, it was clear from one of the slides in the presentation (an artistic rendering of the view from Walnut Street, with a New Englander adjacent to the project) that part of what they were selling was the idea of living in a quaint New Englander style neighborhood, admittedly without the issues that come when you live in 100+ year old homes with creaky floors and drafty windows. What was not clear from the presentation was an idea of the scope of the project. Correct me if I'm wrong, but I believe that Munjoy Heights can be seen from Alpha Centauri, no? At least from any point across the cove in Portland, look up to the hill and you can see this project that has forever marred and altered the topography of the hill. It is definitely way out of scope and dimension with its surrounding neighborhood. It has completely obliterated the scenic views of residents behind on North Street including the residents at the retirement community, and replaced their sweeping sunset vistas with views of industrial air conditioning units. Has anyone compensated those property owners for their homes' loss of value? Not to mention the fact that the luxury condos have gone up at the expense of the last forested batch of elm trees that lined the old Jack Path. I realize that elm trees don't pay taxes, but that is a shortsighted view; their value is worth so much more. As far as I know, there is one elm left in the neighborhood. One.

I am also concerned with the proposed development on Washington Avenue, at the old Casale's lot. While I commend the general idea for the project, I am again concerned that it is following a newer pattern on Washington Avenue that tries to maximize profits and building height at the expense of older homes on the

slopes of the hill that form the basis of its architectural history. Several years ago, a neighbor of mine spoke up at a city meeting about a previous project at that same location. His view – an important part of his home's value – was going to be completely obliterated by that previous project. At the meeting, his remarks were rebuked as being "romantic." Are they romantic? Fast forward to an exchange a few months ago about this newer project on that same lot. The project developer wants to go up to 4 stories high, while most older buildings on Washington Avenue are 3 floor New Englanders. When someone suggested that the developers consider building one of those floors underground, their response was, well... "romantic": they wanted to maximize the view. Aha! Clearly the view has an economic impact, but for whom? This part I find particularly troubling. The developers had considered the impact of their 4 story building on the neighbors, and they put up the slide demonstrating this. The slide showed a cross-cut of the slope from Washington Ave to North Street. The only buildings shown were their project and... Munjoy Heights. They had, in effect, re-written the history of that slope and disregarded any other building. Their baseline to consider their building's impact was a project that is way out of scope and dimension with the whole neighborhood and was built four years ago. The adjacent houses on the slope built over 100 years no longer mattered; in fact, they no longer existed. When does this end?

I urge the city to move quickly and protect valuable architectural history that forms the basis of this beautiful town.

Sincerely,

Laura Ballardur
89 Walnut Street

On Tue, Feb 27, 2018 at 8:35 AM, Jennifer Munson <jmy@portlandmaine.gov> wrote:

Good Morning,

Thank you for your e-mail. Your public comment will be included in the review and will become part of the public record.

If you have any further questions, please contact me.

Jennifer Munson, Office Manager
Planning and Urban Development Department
[4th Floor, 389 Congress Street](#)
[Portland, ME 04101](#)
Phone: (207)874-8719
Email: planningboard@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

2/27/2018

City of Portland Mail - Fwd: District 1 Listening Tour Comments



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: District 1 Listening Tour Comments

Tue, Feb 27, 2018 at 10:35 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Carle Henry <cdhenry3@yahoo.com>
Date: Mon, Feb 26, 2018 at 10:21 PM
Subject: District 1 Listening Tour Comments
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>

Good evening,

Tonight, at the East End School, I attended, with my wife, a listening session re the future of Munjoy Hill. Thank you for hosting the session.

While there was a lot of emotion from some folks tonight, I hope you agree that most people voiced, to applause, one common theme:

- don't affect us personally....from the first gentleman who spoke about his elderly relatives to the last woman who was new to the neighborhood, this moratorium is negatively affecting good and honest neighbors who are not activists (like MHNO) or 'outside developers'....they are citizens with hopes and dreams that are being negatively impacted due to an overreaction to a few of the repeat, loud neighborhood offenders (can you say 'soul of portland?') by the council

As Jay Norris freely admitted tonight,

1. this all stemmed from the "vortex"/efforts to stop the Portland Company development (by him and a few people); and
2. despite many words to the opposite from elected folks to citizens tonight, he boldly announced that the East End will become a historical designated area 'it's gonna happen'

I'm afraid some on the council are being duped by the MHNO yet again. Since their failed attempt to stop the Portland Company development, many ex Soul of Portland (then Portland for Responsible Development) took over the MHNO. Under the veil of representing the hill, they audaciously and incorrectly speak on the behalf of the hill to the press, to the council and to anyone who will listen but they actually only carry the agenda of a few loud, emotional citizens. Please do not be fooled any longer.

Most of us have lived here a long time or moved here because of the diversity. Don't mess with it. As the first gentleman said tonight, we are getting squeezed from both ends. Taxes go up and now we are inhibited from selling in a free market.

2/27/2018

City of Portland Mail - Fwd: District 1 Listening Tour Comments

If MHNO has its way, we will be under a historical designation soon. Which, as reported across the country and in the New York Times and other award winning papers, causes prices to go up, taxes to hike, long term locals to be priced out, diversity to decline, affordable housing to fall and a new class of upper level white folks to take over. Don't take it from me. Do the research - - it's been reported and documented by city-after-city across the country. While the audience pushing for the Historical labelling purport to support diversity, affordable housing, etc., they are either too ignorant to know they are causing the opposite effect or they know exactly what they are doing. Either way, do not allow this any longer.

Finally, and as I wrote prior to the moratorium being put into place, we have enough restrictions and process today. As the last speaker highlighted tonight, 9 pages of requirements exist today. The city is doing its job just fine.

As for those who are upset by a building that they do not find attractive or their resentment for people making \$, they (and by default) you cannot define and dictate taste.

Truly, the City Council cannot take up a cause by a group of 10 people in any one neighborhood. We need you to focus on greater matters that affect the entire population and city (e.g., crime, education, homeless, business, etc.) Poor MHNO and friends don't like some of the new architecture - boo hoo. Do we live in a city or not? Our community is just fine. Please don't waste another tax \$ chasing phantom issues by activist bullies and people with too much time on their hands.

Thank you and see you at the next event.

Carle Henry
Saint Lawrence Street

2/27/2018

City of Portland Mail - Fwd: Demoliton



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Demoliton

Tue, Feb 27, 2018 at 10:35 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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@portlandplan

----- Forwarded message -----

From: nini mc manamy <ninimaine@aol.com>
Date: Tue, Feb 27, 2018 at 10:23 AM
Subject: Demoliton
To: JLEVINE@portlandmaine.gov

Hi Jeff. Really well organized presentation last night. Thanks. It's a lot of info for people to process, but Munjoy Hill residents are pretty motivated when it comes to defending their turf. I would love to have a few minutes to talk with you about tools to reduce demolition. I really think the code has incentivized it, and reducing those incentives would solve a lot of problems up here. Finally, I talked with Paul Stevens about the work the PSA is doing and I think that they will contribute an important piece, if they get it done in time. I am not personally convinced an HP District is workable on the Hill, but there are sections of the neighborhood where I think it would be accepted and respected. The idea of a local Conservation Commission gives me the willies and I think it is unsustainable. Several of us noted the significant number of out of neighborhood realtors and developers that Tom Landry turned out for the meeting, who applauded loudly when people spoke against the HPD. I hope that you will take the results of the preference survey with that in mind. Perhaps at the next meeting people who are not neighborhood residents could be identified.

If you have time to talk, let me know.

Nini McManamy

Sent from my iPad

Fwd: Munjoy Mortorium Listening Session Feedback

Tue, Feb 27, 2018 at 3:53 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Karen Snyder <karsny@yahoo.com>
Date: Tue, Feb 27, 2018 at 3:18 PM
Subject: Re: Munjoy Mortorium Listening Session Feedback
To: Jeff Levine <jlevine@portlandmaine.gov>

I forgot to mention that this guy below owns 2 multi units on Munjoy Hill.

Karen

From: Karen Snyder <karsny@yahoo.com>
To: Jeff Levine <jlevine@portlandmaine.gov>
Sent: Tuesday, February 27, 2018 2:59 PM
Subject: Fw: Munjoy Mortorium Listening Session Feedback

fyi...

I am getting feedback that residents were intimidated last night.....

This is a below example email...

Karen

----- Forwarded Message -----

From: e w <eenebw@hotmail.com>
To: Karen Snyder <karsny@yahoo.com>
Sent: Tuesday, February 27, 2018 2:50 PM
Subject: Re: Munjoy Mortorium Listening Session Feedback

I will send a follow up email with my comment question.. I am not comfortable standing up with a mic in front of that many people. I only recognized 3 people ..

From: Karen Snyder <karsny@yahoo.com>
Sent: Tuesday, February 27, 2018 2:34:21 PM
To: Jeff Levine
Cc: Belinda Ray; Pious Ali; Nicholas Mavodones; Jus n Costa; Jill Duson; Caitlin Cameron; Ethan Strimling
Subject: Munjoy Mortorium Listening Session Feedback

Hi Jeff,

Thank you for holding the listening session last night. Your presentation, as always, was well done and very informative.

What are your thoughts on identifying in next Listening Session how many attending are Munjoy Hill residents?

I thought it was very clever of you to ask at the MEREDA forum participants this past 2/7/2018, who lived on Munjoy Hill in which it was identified that approx. 62 of 70 participants did not live on Munjoy Hill.

Even though the voting survey was fun and a unique approach, I wonder how the voting results are to be used when:

- 1) Not all residents were given clickers.
- 2) It wasn't identified how many people were residents versus non-residents which could misrepresent results.
- 3) The buildings shown were not from Munjoy Hill so can it be translated to Munjoy Hill development issues?
- 4) The buildings shown were not shown with other surrounding buildings in order to give scale and mass within context.

Additionally, I believe many Munjoy Hill residents were intimidated by the large crowd of non-residents to speak up.

Is there another method to obtain feedback and comments from Munjoy Hill residents so that they do not feel intimidated being surrounded by developers and real estate people?

Finally, the residents that did speak up appeared to provide consistent comment concerns that have been indicated in the past meetings: to stop the financial incentives for tear downs, inappropriate scale and massing, and ensure compatible design.

Below are the comments from people that I recorded last night.

Thanks for listening.

Regards,
Karen Snyder
Munjoy Hill Resident

#	Name	Street	Concern
1	Steve	East Prom	Something needs to be done on the potential of combining lots to build even bigger buildings. Was there any modeling done on R6?
2	Patrick & Kelly	Turner St	Have elderly aunts with alzheimers. Had to sell their houses to pay for care. Worried about house prices decreasing.
3	Older guy	Lafayette St	City needs to apply renovation and bulk standards to construction against teardown.
4	Ann Manganello	84 Quebec St	Wants to lift her house to put off a garage for her car.
5	Charlton Smith	Stroudwater	Against GPL and HPD. Lives in Stroudwater but restores houses in West and East end.
6	Nini McManamy	Willis	Suggestion to apply the renovation footprint standard to the demolition footprint in current R6 Design
7	Albert Clooney?	Congress	What is the process for an HPD. Do we have a vote?
8	Stacy Mitchell	Atlantic	Financial incentive on tear downs so they can build bigger buildings.
9	Jay Norris	East Prom	Can we take this opportunity for small businesses?
10	Evan	East Bay Side-Everet	An architect and he is against an HPD
11	Lisa Keegan	PSA	An architect, proposing a design review board.
12	Will Kessler	76 Melbourne	Loves the open/green spaces and against 118 Congress scale and massing
13	Paul	37 Fessen Avenue	An architect who wants to see a design review board.
14	Elizabeth Miller	Waterville	Likes the diversity of buildings. Doesn't want to see a bell jar over the neighborhood
15	Berry Manter	Vesper	Some of the new architecture is "cheesy" and profit motivated. Developers need to build better buildings design context.
16	Sandy	??- Worked for Portland Press Herald?	Need to respect the surrounding buildings. Soviet style architecture with these big boxes. Talked about Architecture charity
17	Martica	28 St. Lawrence	Worried about the scale and massing of 24 St. Lawrence. Concern of retaining walls from Waterville St. Concerned about diversity, affordable housing, change the inclusionary zoning. Apply to 5 buildings with no opt out and restrict Airbnb to owner occupied.
18	Woman with glass	Emerson	Explain GPL
19	Hilary Bass	Morning	Valued the community. Neighbor was offered 500K to tear down with no structural issue. Not a NY stock exchange trading place. How can we age in place. Issue is 3 D's demolition, dimension (r-6) and Design.
20	Karen Snyder	Waterville	
21	New Woman Ownr	47 Monument	There are 9 pages in the design standards. There are a lot of restrictions.

Fwd: Listening Session - inquiry on comment

Tue, Feb 27, 2018 at 3:55 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill.

Jeff Levine, AICP
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@portlandplan

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From: Jean McManamy <ninimaine@aol.com>
Date: Tue, Feb 27, 2018 at 3:19 PM
Subject: Re: Listening Session - inquiry on comment
To: Caitlin Cameron <ccameron@portlandmaine.gov>
Cc: "Levine, Jeff" <jlevine@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>

Thanks for following up. I was referring to the sections in the neighborhood of 14-436 which restrict bulk and spell out provisions for decks and setback waivers. I am convinced that Ch 14 incentivizes tear downs. It effectively makes the profits available from tear downs much greater than the profits from renovations. All of this hastens the conversion from rentals to condos, accelerates real estate price growth, and prices middle class home buyers who are not investors—we still have fixer upper buyers up here—out of the market. And by the way, real estate price growth is not particularly to our benefit—if we sold, we would need to buy a place to live, and the looming prospect of revaluation has everyone up here concerned about carrying costs increasing due to the runaway real estate market. Just another reason to shift development incentives away from the peninsula.

On Feb 27, 2018, at 11:57 AM, Caitlin Cameron <ccameron@portlandmaine.gov> wrote:

Ms. McManamy,

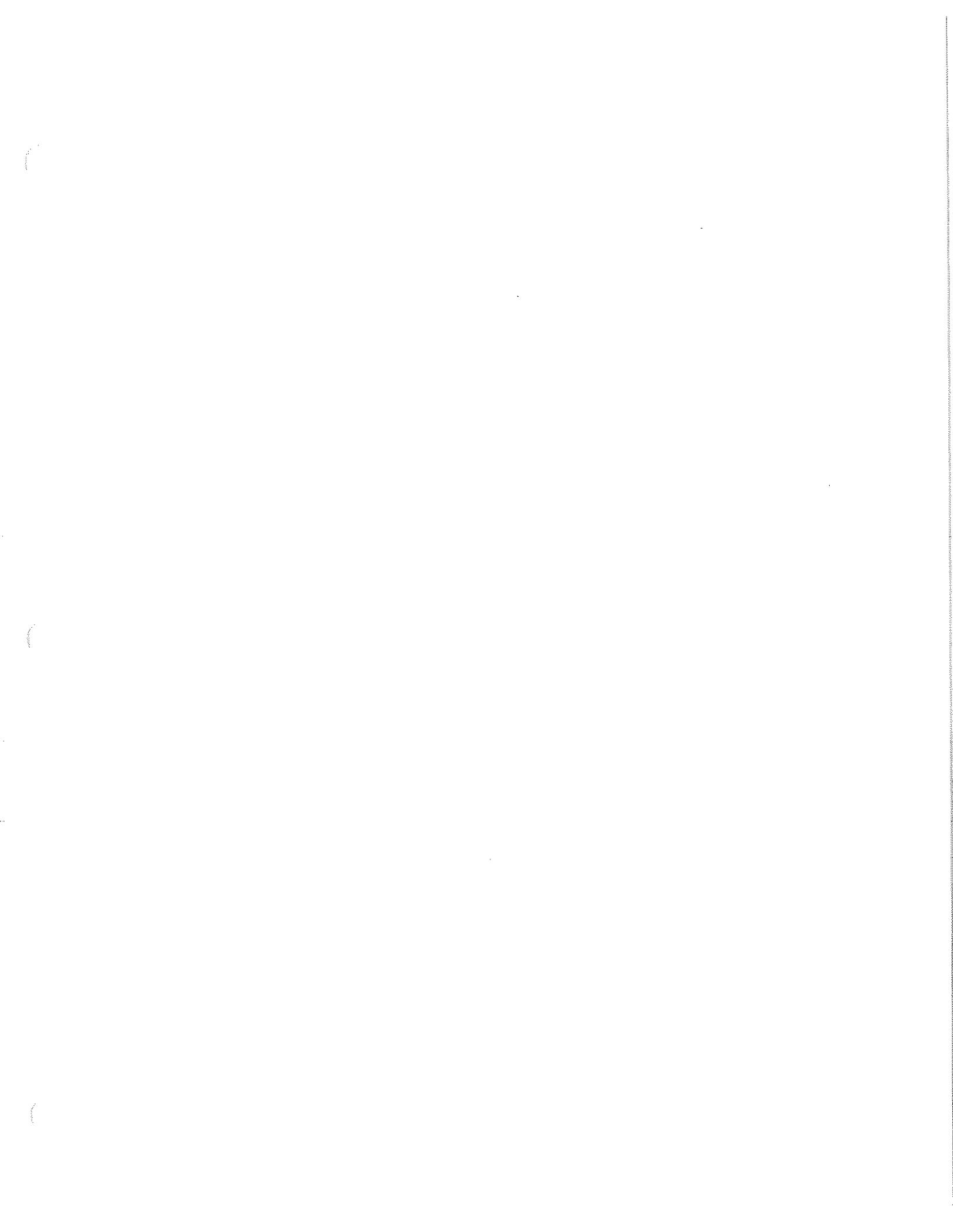
last night at the Listening Session you mentioned "renovation standards" and we weren't quite sure which standards you meant. Could you clarify or send me a copy of what you were referring to that is different from the zoning or the design standards? Feel free to call me to discuss if that is easier.

Thanks for the clarification,

Caitlin

--
Caitlin Cameron, AICP, Associate AIA, LEED AP
Urban Designer
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Fwd: Munjoy Hill Listening Session 2/26

Tue, Feb 27, 2018 at 4:04 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill.

Jeff Levine, AICP
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From: Peter Murray <pmurray@gwi.net>
Date: Tue, Feb 27, 2018 at 3:03 PM
Subject: Munjoy Hill Listening Session 2/26
To: Levine Jeff <jlevine@portlandmaine.gov>
Cc: "Murray Peter L." <pmurray@gwi.net>

Dear Jeff -

It was good to see you last night at the listening session on the Munjoy Hill zoning.

I was not able to stay for the comment session, but provided my comments to Belinda in writing beforehand.

Here they are for your consideration.

Dear Belinda -

Thanks for the heads-up on Monday's listening session.

Although I may be there at the beginning to listen to as much of the background presentation as possible, my comments on what we think are the issues follow in writing. Please feel free to give these as much currency as you think they deserve.

Original Residential Development on Munjoy Hill

Most residential development on Munjoy Hill followed the Great Fire of 1866 and continued into the early 20th century. Most houses from this era are one and two family frame dwellings built on small lots, generally under 10,000 square feet. In the early 20th century a number of "3-deckers" were added. Outside of schools, there were relatively few larger buildings. During and right after WWII some row-house developments were added on the East Hill. The 1960s and 70s saw the building of the Portland House and "Promenade East", large 10+ story apartment blocks and "Munjoy South" a subsidized housing project on the South Hill. All of these were more or less at odds with the traditional architecture of the Hill.

Although the Hill was a vibrant middle-class residential area up through the mid '40s, following WWII, the area deteriorated. Many single family and two family houses were converted into multiple apartments. Rents and maintenance sagged. Families who could afford it moved out. Drugs and crime moved in. By the 1970s the Hill was considered a substandard residential area with low rents, deteriorated properties and high crime.

Starting in the late 1990s and accelerating since then, the Hill has "come back" as a residential area, not so much for families, but for young professionals and for older "empty nesters". Many of the older properties have been rehabilitated and restored, single family houses have been built on empty lots, and a modest development of multi-family structures

has occurred. Property values have sharply risen, restaurants and shops have opened in the business areas, and the Hill has become one of Portland's premier residential areas. There have been a few subsidized "affordable housing" projects, the largest of which is on North Street at Walnut. There has not been any construction of unsubsidized "affordable" housing on the Hill (or, for that matter elsewhere in Portland) for a number of years because construction costs are too high to make such development economically viable.

The attractions of the Hill to its current residents are not only its proximity to Portland's downtown and its views both to the east and the west, but also its amenity as a residential area, including the integrity of its 19th and early 20th century architectural fabric and feeling of neighborhood.

Up until 2015, land use and development on the Hill was mainly regulated by the R6 zoning ordinance. That ordinance included modest setback requirements for side and rear yards, height limitations to 45 feet, a requirement to provide off street parking, and reasonable lot coverage, square footage per unit, and minimum lot size. A special program permitted development on undersized lots subject to design criteria and some design oversight by the planning staff.

The 2015 Changes to the R-6 .

In 2015 the Portland Planning Board and City Council adopted amendments in the R6 zoning ordinance aimed at "increased density" in Portland's already most dense residential area. It appears that this was based on the hope that some of the small vacant lots remaining on the Hill could be improved with affordable housing. Everything was loosened up. Side yards were reduced effectively to near zero, lot coverage was increased, lot area per unit was decreased, minimum lot size was decreased, and parking was no longer necessary for the first three units per lot.

The result of this was not any affordable housing. Construction costs continue to preclude construction of affordable housing without public subsidy. However certain developers were able to take advantage of the strong desire of retirees to live on the hill. They have built and are proposing to build higher end condo projects that take full advantage of the liberalized regulation and cram ungainly and oversized blocks on small Munjoy Hill lots. In many cases these projects are lucrative enough to justify purchasing existing affordable rental properties and tearing them down for the new condos. Lots that had originally been improved with one or two family houses (perhaps since subdivided into 3 or 4 apartments) are now crammed with 7 or even more condo units without adequate on site parking. Examples include 30 Merrill Street, the building on the corner of Waterville and Fore, 5 Cumberland Avenue (under construction), 7 Merrill (under construction), 24 St. Lawrence (proposal), 24 Monument (proposal), corner Willis and Montreal (proposal). In order to include as many units as possible, these structures typically push the envelope of the new R6, extending out to the sidewalk and going four stories up, sometimes with dead parking floors on the bottom, numb blocks that have nothing to do with the neighborhood into which they are shoehorned. Residents and property owners are dismayed by the possibility that the very amenity that attracted them to the Hill will be destroyed by heedless development of this kind of condo.

This state of affairs brought about the Moratorium. We will always be grateful to you for your work on this vital measure.

Where Do We Go from Here?

Here are my recommendations going forward:

- 1) Nothing we do will get any affordable housing built on the Hill (or anywhere else) as long as construction costs are what they are. The only affordable housing that will continue to exist on the Hill will be the existing aging housing stock that can still be rented at affordable rents. Some of this has been lost to demolitions by developers seeking to build high end condos under the liberalized R6.
- 2) The old R6 turns out to have been well suited to conditions on the Hill. It permitted reasonable development of the only kind of building that makes sense on these small lots - single and two family houses of the kind that are there now, with an occasional larger condo project on larger lots. Condo projects under the old R6 are less intrusive, have parking and a scale that suits the neighborhood.
- 3) The closer we can go back to the old R6 on the setbacks, lot coverage, lot size per unit, minimum lot size, parking, the better.
- 4) The quality of many Hill buildings and streetscapes justify a Historic District - precise contours to be determined. Here Landmarks can take a helpful leadership role.
- 5) The parts of the Hill not included in a historic district should have some design protection. One possibility is a conservation district, with less emphasis on historic authenticity, but a sensitivity to maintain scale, size, light and streetscape. The looser the R6 standards, the more important such a district would be. The district could have both special design requirements in the ordinance as well as a review board. Or it could be administered by the planning staff as was the case with the old R6 small lot program.

6) Demolitions of existing Hill structures, particularly those providing rental housing, should be regulated to some degree. Some possibilities include: a) requiring any replacement structure to include affordable units equal to those destroyed; b) limiting replacement structures to footprint of the structure demolished; c) providing a period of repose to permit others to come up with development alternatives to demolition, d) requiring a significant payment for each unit of affordable housing demolished.

The goal should be to facilitate development of the kind and scale that presently exists, including larger structures where the circumstances permit, but to discourage and prevent destructive over-development of the kind mentioned above.

Thanks for reading this. Please feel free to pass it on to whomever you think should have it. Debby and I are eager to be of what help we can in facilitating a transition from the current moratoria to regulation that will serve the neighborhood well for the present and future.

All best wishes,

PLM

Thanks!

PLM

Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@gwi.net

Fwd: Last night's munjoy hill meeting

Wed, Feb 28, 2018 at 8:44 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

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From: e w <eenebw@hotmail.com>
Date: Tue, Feb 27, 2018 at 5:24 PM
Subject: Last night's munjoy hill meeting
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Belinda Ray <bsr@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

I appreciate the city holding a listening session last night to Discuss Munjoy Hill. As a long term Munjoy Hill resident of 28 years, and Landlord of two 3 units, I was in attendance. However, I will be the first to comment I don't like to speak to a crowd that large so am hoping you will read my comments below. I should have taken the stage but couldn't LOL...

After learning about Becoming a Historic District, I truly hope that is the path for Munjoy Hill. My main concern about the area is we are losing the historic aspects of the hill each year by an alarming rate. One individual in particular spoke last night that to me represented what is wrong with the permissiveness of demolition and lack of respect for our New England architecture and heritage. Paraphrasing, this person proudly stated they loved the area and bought **47 Monument Street**. Yet the property is not up to their standards so they want to do the right thing after they tear down this historic house by building something the neighbor will like. Well in my mind this IS the problem. The first issue is this is one of the older houses on Munjoy hill and for 150 years people have happily lived in it. Sure it needs renovation but the mind set for those from away is to get a greedy real estate agent, have them tell them just get rid of the junk and build something that is up to your standards. The second is this type of attitude is both destructive to the neighborhood morale and architecture. It is kind of a veiled insult in that these people are too good to live in what many of us do currently. So with that being said, is that what the city wants for the hill? With this trend there will probably be an accelerated demolition of 20 homes a year. Soon there would no longer be any historic buildings left and with that goes the 'charm' that drew people here in the first place. I imagine in the case of 47 Monument street, the speaker will never find the caring neighborhood they are looking for and will leave after a few years. And oh by the way, yet another 1870 house was demolished vs. Renovated.

A question I might ask is can the city find ways to focus more on the benefits of renovating and preserving Munjoy hill vs. destroying it? As stated, no one is advocating putting a glass in time over the hill. Even if that was something everyone wanted to do it is way too late for that. My opinion is we need to preserve what we can realizing some new thoughtful development is imminent. However, mass destruction because someone wants a mansion like 'back home' that is far superior to what the local people of munjoy hill live in seems to be the trend. When the hot market of Munjoy hill is over, real estate agents and developers will survive and will move on to the next market leaving behind junk 'new' ugly buildings where once stood a neighborhood of historic charm. This IS the reality of what is happening and why I hope Munjoy hill is considered as a historic district.

Control Destruction and Thoughtful Design would be a goal I would hope we as a city would strive for.

Enoch Wenstrom

88 Beckett St #1

Portland

D.D.D.

Fwd: Munjoy Hill growth and change feedback

Wed, Feb 28, 2018 at 8:53 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

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----- Forwarded message -----
From: JoAnn Dowe <joythroughhealing@gmail.com>
Date: Tue, Feb 27, 2018 at 10:45 PM
Subject: Munjoy Hill growth and change feedback
To: jlevine@portlandmaine.gov
Cc: JoAnn Dowe <joythroughhealing@gmail.com>

Hello Jeff,

My name is JoAnn Dowe and I live at [28 Waterville St](#). I moved to Munjoy Hill in 2009 with my husband, Jim. The move was for both of us, a first experience living in a city neighborhood. When we first moved in, it felt very much like a quaint old time neighborhood with lots of interesting residents covering a wide demographic, interesting old historic homes and funky houses too, lively and vibrant, lots fo secret gardens, outbuildings, additions... so many chain link fences too, reminiscent of the past and what it was like on the hill. After fours years in this house together, Jim died after a late cancer diagnosis, a very deep and life-changing loss for me. ; (

I have to say that since I have been here, right from our beginning in 2009, I witnessed drastic changes to the landscape, with development speeding along at a crazy clip, propelled by the popularity of the hill as the trendy cool "place to be". In the neighborhood, I have seen many lovely old buildings knocked down, mostly replaced by "box style" condo complexes with first floor garages, 3 floors above, and big price tags. I have also watched a lot of the sweet younger people who were my neighbors move away, as properties change owners, undergo renovations and rents then hike up to unaffordable amounts for young people just starting out.

On my own street, I have lived through (not pleasant) a significant construction of a 4 story condo across the street from me, 29 Waterville. I have witnessed and experienced the impact of: the renovation of a large building at the top of the street into high end apartments, a major renovation of a formerly vacant building, a condo-izing of an apartment building on Monument Street at the top of Waterville, significant renovations of 3 of the 6 single families on Waterville Street, and the sad demolition of a really well kept, attractive, multifamily building at the bottom on Fore street to make a new "box style" condo complex. Another neighbor across from me down the hill a bit just sold his single family, after spending years renovating it top to bottom. I am so worried that the wrecking ball will be showing up soon. 24 St. Lawrence, hoping to demolish, lines up with my house, just one street over, and I would be witness to that sad destruction of another perfectly intact older building to make way for more building units. Some of my other neighborhood friends have made comments about the fact that if and when they sell, there house is going to get knocked down too. Its so sad.

Besides the detriment of constant construction with its noise, dust, blowing litter, and contractor vehicles parked everywhere, many times blocking the road, there is the end result of the building boom, which is more people, more cars, less street parking, and less character in the new buildings, not to mention the demise of some of the oldest most majestic trees in the neighborhood.

I feel that this quaint funky cool neighborhood, with all of it's history and ethnic diversity, that we were discovering in 2009

is changing so rapidly. Urban in-fill is filling it to the brim. The line of sight down my neighboring streets is so constricted now with each new box building at four stories high and extending right out to the sidewalk. It is feeling more and more claustrophobic and congested all the time to me. 58 Fore Street project is going to create a tunnel like feeling along Fore street if they build it out as proposed. I know as a planner that it is your job to create and plan development, but I think the growth rate and type of growth is drastically changing Munjoy Hill, and not for the better.

I also agree with comments from last night that many if not most of these new housing units, are extremely pricey, and not at all affordable to the average Maine resident, and are attracting wealthy baby-boomers from out of state that may not even be living here most of the time. I guess that will at least make for less cars on the street at least some of the time.

I would love to see some condo conversions that would work with the existing building footprint and style, and retain their character and history. I would like to see more trees saved, and more affordable units built. I would like to see more affordable rental units for people. I would like to see more greens cape too. It seems so many of these new projects have no garden space, only hardscape and pavement. I think the moratorium was a good move. I just hope that modifications to existing codes can be made that will save some of these lovely old buildings, consider the character of the hill and how to preserve it, and slow the rate of construction down.

Thanks,

JoAnn Dowe

Fwd: Munjoy Hill concerns about proposed changes

Wed, Feb 28, 2018 at 9:25 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file.

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From: elizabeth <elizabethmiller1953@hotmail.com>
Date: Wed, Feb 28, 2018 at 9:24 AM
Subject: Munjoy Hill concerns about proposed changes
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, "Jay.Norris@MunjoyHill.org" <Jay.Norris@munjoyhill.org>, "munjoyhillconsvcoll@gmail.com" <munjoyhillconsvcoll@gmail.com>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>

We attended the February 26 "listening session." We very much appreciated the City's efforts to gather ideas about the Hill's future and how the City could/should guide this future. After much consideration, we offer the following advice:

Why we support a design review ordinance but not the creation of a historic district?

In addition to its proximity to the water, its breadth of architecture - pre-Civil War to 21st century - makes it a great place to live. The blossoming of contemporary architecture in the last ten years is a positive sign of the neighborhood's vibrancy and creativity. Given the decades of neglect, however, many structures have exceeded their useful life. We think it is unrealistic - and undesirable - to save everything. Not all old buildings should be considered sacrosanct. Just as there are mediocre examples of contemporary architecture popping up on the Hill, there are mediocre examples of earlier periods. We believe it is important that the City support residential growth for all income levels. Encouraging contemporary design, whether in rehab or new construction, is essential. We hope that the Planning Department develops an approach that acknowledges that Munjoy Hill is a dynamic environment.

Perhaps this includes developing design requirements that ensure compatibility with its overall historic fabric. If so, these requirements should focus on mass and materials. Encourage creativity and innovation, but don't micromanage. We believe a zoning policy should encourage greater density, especially along the Congress Street spine and Washington Avenue. For example, height limits should be increased to at least five stories. With increased population, an added benefit could be (we hope) increased patronage of public transportation as well as attracting other essential services, such as a grocery store or bank branches.

We endorse the suggestion made at the February 26 "listening session" of lowering threshold for number of units at which developer must set aside for "affordable" or contribute to the City's affordable housing fund. We also support requiring all new development or substantial renovations (such as condo conversion) to provide one off-street parking space for each residential

unit. While it's desirable to have a garage entrance to the side, it should not be essential in light of many lots' narrowness. We recommend that the set back between buildings be a minimum of ten feet, but not necessarily in the front.

Historic district status requires that substantial repairs or alterations to the exterior must first receive the approval the City Preservation Board or staff. We believe this impinges on our property rights. We are apprehensive that historic district status would increase ongoing maintenance and renovation costs even as many owners of multi-family rentals struggle to keep rents affordable. Finally we see constrictions on future demolition as impinging on property owner's rights to maximize profit. For many people, property ownership is their single largest asset and an essential piece for long-term care planning.

The maxim, "first, do no harm" applies to the situation facing the City vis-a-vis Munjoy Hill. We hope that the City proceeds conservatively and cautiously in restricting new residential development on Munjoy Hill. There's another maxim: be careful what you wish for.

Sincerely,

Elizabeth Miller and David Body

46 Waterville Street #3

Portland, ME 04101

878-8604

Why I love living in the East End 3/1/18

The other night at the first of two city sponsored "listening sessions" at the East End School, Councilor Ray asked the audience to share what they liked about living in our neighborhood on Munjoy Hill. I had come prepared to say several (negative) things about inappropriate architecture, noisy tear downs and shrinking green space, but I had not thought about publicly sharing what is so positive about life up on the hill. I have been pondering the question and think it's a good one so here is my response.

My husband Peter and I live at 104 North St in a house we built 5 years ago. Prior to that we lived on the West End, in a home that had become too large and which required more energy than we had to maintain it. I dragged my feet making this move, having lived in the West End my whole "Maine" life, which has spanned 43 years. I loved the only neighborhood I had known in Portland, where my kids went to school and where many of my friends lived.

We took a deep breath, sold our house and made the move. I am happy to say neither of us has ever looked back; we are so pleased with our decision to downsize, simplify and move. I should add here that we built on a vacant lot, which once housed a 4 story apartment building. First a fire destroyed it and ultimately, the city demolished it in the 70's. We have a spacious back yard, home to my two hives of honey bees and 6 chickens. We all feel like we have the best view in the city and we all could be happy not moving from our property all day. But we have dogs....

Why I love living in the East End 3/1/18

A good deal of my delight in living in my new neighborhood comes indirectly through our dogs. They get about 5 walks a day. There is not a walk I don't enjoy....especially in warmer weather as we get a chance to greet our neighbors. This is of course due to the fact that they are hanging out on a porch, working in a front garden patch or doing some maintenance on their house. The building projects in the area keep us entertained and for the most part, we are happy to see new hill residents making the East End their home.

The problem comes with condos and new homes with garages on the street. In a sense, the people who live in this type of dwelling, are "dead to us". We don't meet them or see them about since often they zoom down back stairs or an elevator to a garage and leave. I realize not everyone can afford a single family house or a duplex and that apartments and condos are a part of the neighborhood fabric. But when these new buildings maximize the lot space to reduce the possibility of some green, be it a lawn, a tree or some spring bulbs, the positive experience of walking the dogs is impacted. Looking at humans is a lot more rewarding than looking at a garage door.

So, yes, I am concerned about the direction our neighborhood is headed. I will continue to find joy in walking the neighborhood with my dogs, stopping at Rosemont for a free dog biscuit or Colucci's for a 25 cent homemade one, passing the Whitten's beautiful meadow on St. Lawrence St. and enjoying the spectacular views of the bay along the prom. But the demolitions are concerning. The cheaply manufactured boxes that replace the tear downs are dispiriting. They feel greedy and worrisome as the new

Why I love living in the East End 3/1/18

inhabitants will likely be older and here part time. That tips the makeup of a neighborhood. I would like to see the "human bus" leading MORE kids to the East End School each morning from my perch on my front porch. More young people needed! More housing with eyes on the street! More green space and access to views!

Before moving here I might have called the West End Portland's Jewel. I have changed that tune. We are so lucky to live here. But we need the city to protect this desirable jewel, as it did years ago, with the West End. I hope you will come up with a good solution and I am happy to be a contributor to that solution.

Sincerely,

Deborah Murray

104 North St.

debbym@gwi.net

207 653-5143 Cell



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill - Historic Preservation flexibility question

Mon, Mar 5, 2018 at 10:27 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill folder.

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----- Forwarded message -----
From: Sadhbh Neilan <sneilan@maine.rr.com>
Date: Fri, Mar 2, 2018 at 3:07 PM
Subject: Munjoy Hill - Historic Preservation flexibility question
To: jlevine@portlandmaine.gov

Is there a preservation plan that could identify individual properties, or streets, or parts of Munjoy Hill, versus an entire district being identified for preservation?

Thank you for taking the time to field this one!

Sive Neilan

--
Sadhbh ("Sive") Neilan
29 Emerson St, Apt. #3
Portland, ME 04101
Tel (207) 774-4219
(207) 838-7719 cell
sneilan@maine.rr.com

Fwd: Listening Session 2/26

Mon, Mar 5, 2018 at 12:18 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

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----- Forwarded message -----

From: Pa Ag <pagopian1@yahoo.com>
Date: Sun, Mar 4, 2018 at 3:23 PM
Subject: Listening Session 2/26
To: Jeff Levine <jlevine@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Kim Cook <kcook@portlandmaine.gov>, Nicholas Mavadonas <nmm@portlandmaine.gov>, bbatson@portlandmaine.gov, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Jay Norris <jay.norris@munjoyhill.org>

- > Good afternoon, just wanted to touch base regarding the 1st Listening Session. It was a successful turnout due to everyone pitching in and getting the word out! I hope the next one is as well attended.
- > Thank you for hosting and I look forward to the next one.
- > The exercise was a great interactive tool, however I am not sure it hit the mark and was a TRUE reflection of the neighborhood's opinion. Many in the room were NOT residents. If you plan on using that technique at the next session to gather feedback I would strongly suggest that as an intro you ask the residents to identify themselves and use that opportunity to hand out the clickers first. That way the feedback would be a TRUE representation of Munjoy Hill.
- > If you want a TRUE representation,
- > which I think was the goal, residents should be given first consideration. Wouldn't you agree?
- > I did not get a chance to speak (but was prepared) due to a few long dissertations presented by non residents at the very beginning of the public comments. Perhaps a two minute rule would be in order and appropriate. That would give more folks a chance to share their thoughts.
- > I hope to speak at the next session but feel that I missed a golden opportunity.
- > As all of you know many residents are alarmed and disturbed, to say the least by the number of demolitions that have transpired recently, and the type of buildings that have or potentially will replace them. So FIRST and foremost and eminently important but ignored in the IPOD is the need for:
 - > 1) DEMOLITION guidelines/standards to be implemented. This is imperative! The guidelines could mirror those already in place in the HP Ordinance. They are already in place and proven to work. Why reinvent the wheel?
 - > Also a need for:
 - > 2) DIMENSIONAL guidelines/standards that address scale and mass of buildings in relation to their immediate surroundings.
 - > 3) DESIGN & BUILDING standards and guidelines that eliminate the alternate design option and insure that the R-6 infill standards apply to lots over 10,000 SF. Standards that address quality construction. Let's build them to last. Consider offering incentives for energy conserving and environmentally sensitive "green buildings"
 - > Lastly but not least, whatever decisions that are made at the Council level which affect Munjoy Hill should be driven by the wishes of the RESIDENTS!
- > See you on 3/24 🤪
- > Sincerely,
- > Paula (for Portland) Guillemette Agopian 🙌
- >

Fwd: preliminary review

1 message

Mon, Mar 19, 2018 at 8:28 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Lauren Reiter <laurenreiter@yahoo.com>
Date: Fri, Mar 16, 2018 at 3:57 PM
Subject: Re: preliminary review
To: Christine Grimando <cdg@portlandmaine.gov>
Cc: Mark Burns <mark.burns@onsemi.com>, Alison Leavitt <aleavitt@wssa.com>, Ann Machado <amachado@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, Shukria Wiar <shukriaw@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>

Thank you for replying, Christine. I am following this review process quite closely -- as are my clients, who bought their property on Sheridan Street early in 2017 with the intention of demolishing the very derelict house on the property and building a new house that would conform to the zoning stipulations in place at that time. The current/temporary code in place for the IPOD is so limiting in terms of design, that they are very concerned that they will be forced into a building which would not reflect their intentions when they bought the property.

To share some of my opinions on what is now being considered for Munjoy Hill, I'd note the following:

The east end of Portland has its own special character, unique from other parts of downtown and the west end of Portland. Houses were built on much smaller lots in the East End, with a much more "cheek by jowl" approach to both construction and to building form. This is the true nature of Munjoy Hill: diversity.

All of us who have worked in this part of Portland have found buildings which were built using random and often under-sized framing systems and waste materials- to the point where one wonders how these buildings are still standing. These buildings are often beyond repair, and importantly often cannot be brought up to current energy or safety codes— never mind being high performance. Some buildings are truly not worth saving.

If Portland wants to revise its code, then surely a false historicism (e.g. steeply pitched roofs or pseudo-historic building entrances !!) should be of less concern than high performance matrices such as energy performance and storm water management. Let Munjoy Hill be a leader in the use of vegetated roofs- not mansart roofs !!

Furthermore, cars are an integral part of this urban landscape - for better or for worse— and to insist that cars be tucked behind buildings is not only inconsistent with existing patterns, but will only serve to increase the amount of paved area and decrease areas that could be used for yards and vegetation. This would be a disaster for stormwater management.

.....and one more thing... FLA T roofs have been a mainstay of the Portland architectural vocabulary FOREVER.

thank you for considering the above-noted opinions,
Lauren

Reiter Architecture & Design Lauren J. Reiter, RA, LEED AP
laurenjreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300
Portland office: 6 South St., Portland, ME 04101
Brooklin office: P.O. Box 275, Brooklin, ME 04616
www.facebook.com/reiterarchitecture

On Thursday, March 15, 2018, 10:40:25 AM EDT, Christine Grimando <cdg@portlandmaine.gov> wrote:

Hi Lauren,

Applying now only makes sense if you plan on meeting the IPOD (interim) standards, as we would have to review an application submitted between now and June 4th under them. Since we don't know what the final standards will be, we can't review it against future regulations, either. We're aware the IPOD has added uncertainty for some projects, and we'll make every effort to review the project - and any other projects that have waited out this interim period - as quickly as we can.

I don't yet know which of the interim standards will be made permanent, but feel free to check-in between now and June. The City Council implements all zoning and land use code changes, but Planning staff will be making recommendations in the coming months.

Hope that helps.

Best,

Christine

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608
Portland's Plan 2030

On Thu, Mar 15, 2018 at 8:34 AM, Ann Machado <amachado@portlandmaine.gov> wrote:

Lauren -

Once again, sorry for my delay in responding. When the interim overlay zone expires in June, a revised R-6 zone will go into effect. I don't think that it will have the same requirements as the old R-6 zone. I would imagine that it would be similar to the interim requirements but I don't know. Christine Grimando in the Planning Division is overseeing the rewrite. I would reach out to her. Her email is cdg@portlandmaine.gov.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

On Wed, Feb 21, 2018 at 5:01 PM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:

thanks Ann. My most pressing question at this point is: if a project is submitted that does not conform to the interim Munjoy Hill zoning regulations, will it automatically be thrown out? My concern is that waiting until June when the

permanent zoning
regs are to be enacted may mean that the project would not even get reviewed until late summer or fall at best. So I am wondering if, just to get a "place in line" if I should go ahead and submit our project which does not conform to the new temporary regs, but rather the previous regs, to get the process rolling.
I'm sure that you, at this point, would not dream of suggesting which of the new regs may actually become permanent (would you??). It's a nightmare for clients and architects: what to do, what to design.
thanks, Lauren

Reiter Architecture & Design
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On Wednesday, February 21, 2018, 4:17:51 PM EST, Ann Machado <amachado@portlandmaine.gov> wrote:

Lauren -

I'm sorry that I didn't get back to you sooner. We are experiencing such a high demand for our services by the public that it can take awhile to get back to people. Because of the high demand our supervisor has told us to try to answer any questions by email or telephone. If the questions can't be resolved then the last resort is to schedule a face to face meeting. Unfortunately I cannot do a preliminary review of your project. You can email me specific questions about the interim ordinance which I will answer. To get your project reviewed you will need to submit the New one and two family building permit / Level I Minor Residential Site Plan application.

Thanks.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

On Fri, Feb 9, 2018 at 8:33 AM, Lauren Reiter <laurenjreiter@yahoo.com> wrote:

Ann, would you be willing to have a brief meeting with me to do a preliminary review of my project at 110 Sheridan St.? I just read the new Munjoy Hill section of R6 and have some specific questions, re the project that I am developing.
I'm hoping you might be available to meet either Tuesday or Wednesday Feb 20-21st.
thanks, Lauren

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
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www.facebook.com/reiterarchitecture

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about

government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Fwd: Greater Portland Landmarks Comments on Munjoy Hill Discussions and
Confirming Rescheduled Meeting March 22

1 message

Mon, Mar 19, 2018 at 8:29 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file

Jeff Levine, AICP
Director
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----- Forwarded message -----

From: Hilary Bassett <hbassett@portlandlandmarks.org>
Date: Fri, Mar 16, 2018 at 6:22 PM
Subject: Greater Portland Landmarks Comments on Munjoy Hill Discussions and Confirming Rescheduled Meeting
March 22
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Deb Andrews <DGA@portlandmaine.gov>

Hi Jeff – We've attached comments for your consideration regarding the potential for historic districts and other elements related to the discussions of planning tools for Munjoy Hill. With the postponement of this week's meeting, we thought it would be best to get this information to you well in advance of the community listening session on Saturday, March 24th.

We also have confirmed with the Munjoy Hill Neighborhood Organization the new date of Thursday, March 22 from 6:30 – 8:30 pm at the East End School for the rescheduled program about the neighborhood history and the potential for historic districts on the Hill. Thanks so much for planning to attend this meeting, and have a good weekend!

Hilary

Hilary Bassett
Executive Director
Greater Portland Landmarks
207 774-5561 ext 101
hbassett@portlandlandmarks.org
www.portlandlandmarks.org

Dear Jeff,

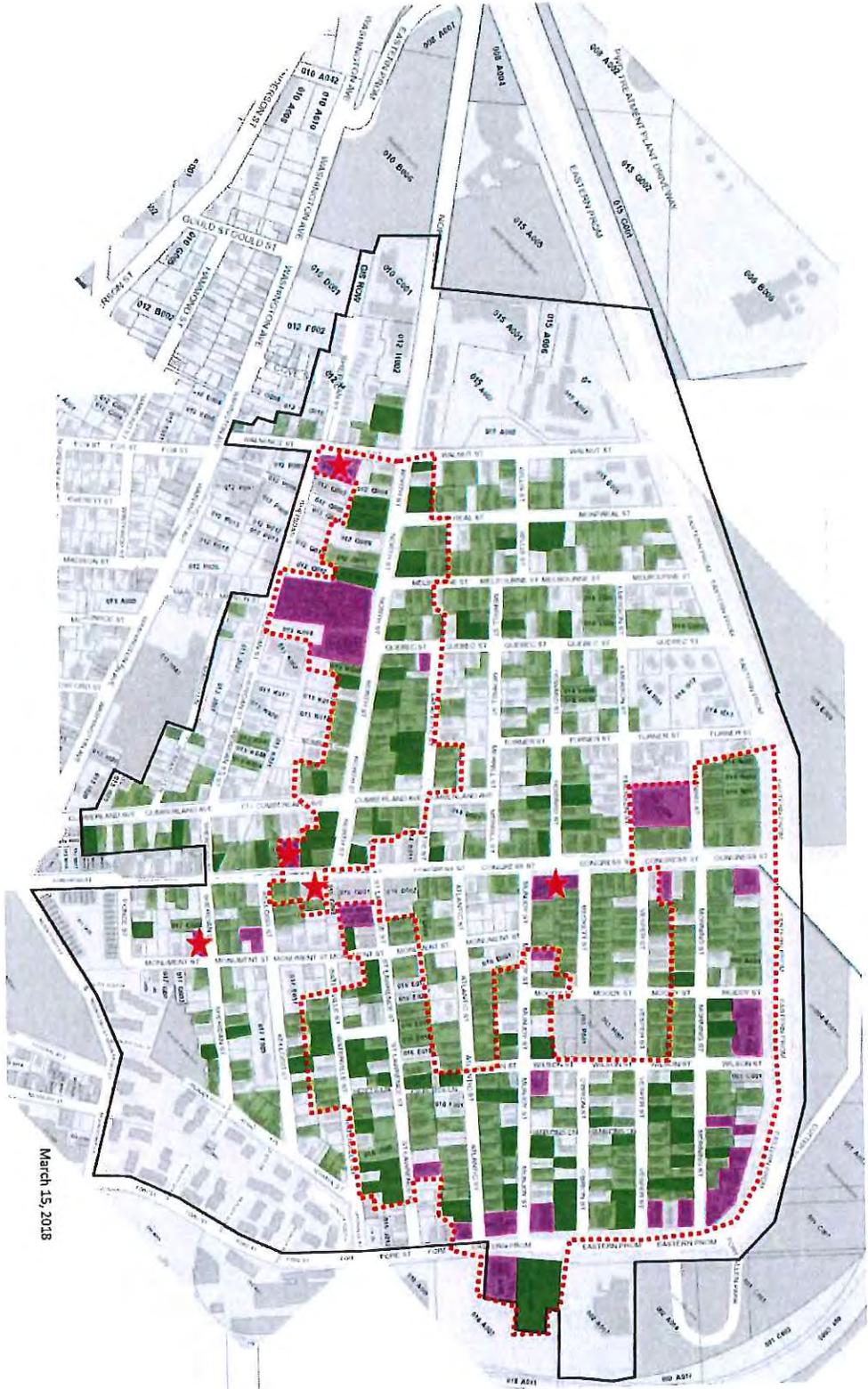
Greater Portland Landmarks appreciates the time and effort you and the Planning Department staff are spending in addressing the R6 zoning challenges within the Munjoy Hill neighborhood. In anticipation that your recommendations to the Planning Board will address dimensional standards, design standards, and substantive review of demolition requests we offer the following comments:

- Landmarks supports Dimensional Standards that respond to the existing context, scale and character of residential properties. Dimensional Standards should reflect the patterns generally found on the Hill that have created the existing diversity of housing types that offer housing opportunities for diverse households.
- Landmarks believes that Portland's Historic Preservation ordinance is a proven tool that addresses contextually-appropriate new construction and the conservation of historic neighborhood character through demolition review and the review of alterations to existing buildings. Some scope of individual and/or historic district designation is a reasonable response to achieving the goals of conserving this diverse, pedestrian-friendly, historic neighborhood and managing necessary change.

Landmarks supports designation of two historic districts with boundaries focused on the Eastern Promenade and North Street as shown on the attached map. Each potential district contains resources that tell the story of the Munjoy Hill neighborhood's development over a broad period of time and retain significant levels of architectural integrity. In addition, we support a single multiple resource nomination for individual non-contiguous resources located outside the boundaries of these potential historic districts that would facilitate applications for individual designations by property owners.

- Landmarks believes that in the Munjoy Hill R6 zone, the existing design standards should be revised to be less prescriptive, with broadly overarching principles and no alternative design review. The revised design standards should be drafted and enforced in a manner to ensure that new construction on the Hill is compatible with the character and features that define the neighborhood and make the Hill a desirable place to live.
- Landmarks believes that in the Munjoy Hill R6 zone, a demolition review process with public notice, public comment and/or demolition delay would help to ensure that the demolition of a reusable building or resource with historic, architectural or community value does not occur.

We think these actions support the goals of Portland's Comprehensive Plan to identify, document, designate, and preserve Portland's historic resources and to stabilize and enhance historic areas by ensuring quality investment in existing structures and compatible infill development. Thank you for considering our views.



Fwd: R6 zoning issues

1 message

Mon, Mar 19, 2018 at 8:31 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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@portlandplan

----- Forwarded message -----

From: Bryce A vallone <bryce.avallone@gmail.com>
Date: Sun, Mar 18, 2018 at 3:45 PM
Subject: R6 zoning issues
To: jlevine@portlandmaine.gov

Hello,

I have owned the property at 33 Howard Street since 2001. It is a 4-unit rental property built in 1897. This building is approaching the end of its useful life. The apartments are very small, and have outdated floor plans with very small kitchens and no closet space. It has a hand-built foundation, which has settled causing some sloping floors. It no longer makes sense to invest money in upgrading this building. It is also flanked by two modern buildings, one built in 2009, and the other finishing construction this year.

In June of 2017, I employed Bild Architects, a local Portland design company, to help me design a new building for this site. We completed the block design, which used existing code to determine what could be built on the property, during the summer. We then continued with a design of the building, including elevations and floor plans. We are scheduled to have our preliminary meeting with the city during the first week of January 2018.

The moratorium on demolishing buildings, which was announced in December with no notice, caused the cancellation of my design meeting with the city. I am now in a situation where I have spent \$30,000 on design work in good faith based on the current building codes, and I cannot submit them to the city. I had a contractor lined up for the spring, and now I need to cancel my project until after the moratorium.

I understand concerns about losing older buildings. I own a building on Pleasant Avenue that has been designated historic. It has a history with a prominent Portland family, has architectural significance, and has many period details. My property on Howard Street has none of these; it is simply old.

Any changes you propose will have a direct impact on my current designs, which were ready for review. I believe that because this design project is essentially complete, and we began the process in the summer of 2017, that we should be allowed to proceed with acquiring building permits and move forward with a new building at this site. It will be a major

improvement over a small, outdated building with no historical value. It will also be more in line with the buildings that surround it.

Thank you,

Bryce Avallone

Gail Ringel

34 Lafayette Street
Portland, ME 04101
tel.: 617 504-5422
email: ringelgail@gmail.com

March 6, 2018

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Mr. Levine,

I am writing in reference to the current moratorium on "tear-downs" in the Munjoy Hill neighborhood and efforts to create more constructive guidelines for future development in this area of Portland. Like many of my neighbors, I have been alarmed by the pace and appearance of new construction on Munjoy Hill since 2015. I applaud efforts to eliminate the use of "alternative design" standards in evaluating proposed new construction. I would also urge the City to adopt new design criteria and a review process that will keep construction design and massing more in keeping with existing homes on the Hill.

In addition to concerns about new or drastically altered buildings on Munjoy Hill, I would like to call your attention to a serious by-product of all the new construction – the destruction of many mature trees that have been an important part of the streetscape here for decades. In addition to creating a leafy, green backdrop for the life of Munjoy Hill, our trees provide several essential ecological services to this neighborhood and the entire city. Large trees in urban settings can effectively lower extreme summer temperatures by as much as 10 degrees. They soak up rainwater as it runs off of buildings, sidewalks and streets, preventing harmful chemicals from washing into our sewer system and eventually Casco Bay. Trees also improve urban air quality, soaking up CO₂ and releasing oxygen – a single mature tree can release enough oxygen in one year to support two people. For every 10% increase in the tree canopy, ozone is reduced by 3 – 7%. Research has shown a 60% reduction in particulates from car exhaust fumes on streets lined with trees. In a 2015 report, the U.S. Forest Service noted that, "Small particles, ozone, and other pollutants worsen chronic respiratory diseases such as asthma, bronchitis, emphysema, and chronic pulmonary obstructive disease (COPD) and can bring on acute cardiac and pulmonary incidents, possibly leading to premature death. These problems affect about 1 in 7 Americans middle-aged or older according to a new study from the Centers for Disease Control and Prevention."

As developers receive permission to take down old buildings on Munjoy Hill, the City does not appear to have protected mature trees along the streets on City property. Even when developers replace trees removed during construction, they are planting small specimens with trunks about 4 inches in diameter in place of mature trees, sometimes 25 – 30 feet or taller, with trunk diameters of more than 12 inches and considerable canopies that provide the full range of ecological benefits. According to the City's own records, more than a dozen mature trees have been removed on Munjoy Hill in just the last couple of years and many more are threatened by pending construction. While developers are removing trees to create unimpeded access to building sites, the city is losing air quality, water quality, and the ability to moderate extreme summer

Gail Ringel

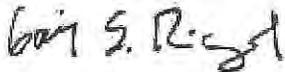
34 Lafayette Street
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temperatures. Pretending that these trees are at the end of their natural life span is disingenuous and not accurate; the Norway maples, oaks, and other shade trees typically have life spans of 150 - 250 years. Many of these trees are only about 50 years old. It is frustrating to watch the City stand by while a few ambitious developers enrich themselves at the cost of all of us.

Current mandated requirements for replacing trees amount to a small slap on the wrist to developers, a minor "cost of doing business". Our tree canopy is being destroyed, and it will be decades before any new plantings can make a meaningful contribution to the air quality and water quality of the City. I would urge you to review the extent of the damage already done and to strongly consider a complete and permanent moratorium on the killing of mature trees adjacent to construction projects on Munjoy Hill, regardless of new construction guidelines. Developers can work around existing trees – it just takes a bit of time and care to accomplish this. The City has a responsibility to all its citizens to protect the mature tree canopy and the biological environment, essential to our collective quality of life.

Thank you for considering this issue as you shape future zoning requirements for our City.

Sincerely,



Gail Ringel

Fwd: R6 input

1 message

Wed, Mar 7, 2018 at 1:22 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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@portlandplan

----- Forwarded message -----

From: Markos Miller <markosmiller@hotmail.com>
Date: Wed, Mar 7, 2018 at 9:02 AM
Subject: R6 input
To: Jeff Levine <jlevine@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Jeff, Belinda, and supporting staff,

Thanks for hosting the Munjoy Hill R6 listening session last week. I appreciate all the work you all are doing for the City. I'd be curious about what conclusions you are able to reach from the visual survey. I think these can be helpful tools.

I'm opting to submit my input via email as I did not think the forum was a satisfactory way to share my ideas.

My Big Issue:

I must push back on Jeff's assertion that this is not an issue about affordability. I completely disagree. Planning can and must address affordability. Mixed income communities are clearly a goal of this City (Comp Plan), and the free market is not providing this. There are many carrots and sticks the City can be using. And should be using. Otherwise, what's the point?

1. The 45' height bonus must be connected to providing 1 unit of affordable/workforce housing. Let the penthouse view subsidize a similarly sized unit- and prioritize families for these units.
2. Raise the IZ in lieu fee. If everyone is paying it then it is too cheap.
3. Prioritize housing fund for use in neighborhoods where \$ is being generated.

Design

1. No more automobile entrances fronting the streets. These are creating dead streetscapes. The proposed 10' of "active space" is not enough- a dead hallway

while everyone zips up in the elevator from the garage. We need residences facing the streets.

2. That and limiting the 45' height are my big issues. I don't like some of the new buildings aesthetically, some of them I don't like because no one lives there- or Never see them. Weekenders, second homes, Air BnB... But other contemporary buildings are alright.
3. Historic District- I love the Hill and the texture of the neighborhood, but don't want it to become some precious thing that we've trapped under glass. I see some defining architecture that maybe we should preserve, but I don't think this is a majority of the Hill. Any district should be very limited. Maybe designation of individual properties is a way to go. I don't see how an Historic district or conservation district would address my primary concern of preserving and strengthening a mixed-income neighborhood. It probably does the opposite.
4. setbacks- necessary, but I'd like to see some flexibility and consideration of context of site.
5. tear downs- Portland could have a demolition fee. Demolition should not be away to avoid paying condo conversion fee.

Function

1. Housing for residence. We know we are gaining more units than residents. Fees for owners who are not using address as a primary residence.
2. Air BnB. I went on Craigslist to see how many long term rental 1 bedroom apts were listed for the Hill. Zero. I went on Air BnB and searched 1 bedroom's on Munjoy Hill. 150.

Process

1. Alternative Design Review- You mean if I don't want to meet all the standards I can take an alternative review track and show how I meet the standards I want to? ADR must be scrapped. Uniformity of process is important.

I fear the forum was just like most other debates- everyone defining their side, but a missed opportunity to find common ground and how to build upon that. I think the larger concern about "Character" is not just the massive boxes maxing out the R6 footprint, but rapidly (for Portland) changing demographics, and the transient nature of second homes/visitors/etc. So a design tool might get at the visual part of this, but not at the "people" stuff, and that's what I think is really valuable.

Finally, as a property owner I understand issues of property rights and nest eggs and such. But when someone gets up and complains that the value of the nest egg they have held onto for 10-20-30 years would be jeopardized by revisions to the R6 (I'm generally supportive of the current R6) they need to be called out. Those properties are going to be more valuable no matter what. The added value of the new R6 only came around 3 years ago, and no one bought on the Hill before that banking on R6 zoning changes that would further increase their value. So they might get their \$600k instead of \$750K. Zoning decisions should be about more than \$; they should be about communities. At least that's what our Comp Plan claims.

Bests,

Markos

17 Atlantic St
Portland, ME
04101
(207) 807-2681

Fwd: Munjoy Moratorium Listening Sessions

1 message

Fri, Mar 9, 2018 at 9:16 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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@portlandplan

----- Forwarded message -----

From: Pamela Day <pday2304@gmail.com>
Date: Thu, Mar 8, 2018 at 7:04 PM
Subject: Munjoy Moratorium Listening Sessions
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "ccameron@portlandmaine.gov" <ccameron@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>

Thank you for hosting Listening Sessions on the Munjoy Hill Moratorium and R-6 code revision. It is so important that Munjoy residents have an opportunity to share our concerns and hopes for the revised code. Since we were not able to attend the first Listening Session, we would like to submit the following comments.

We ask that the Council and Staff enact and implement the following:

1) Regulate DEMOLITION of existing buildings.

The 2015 code revision provided an incentive to tear down existing homes, including those with historic value and those 2-and 3-unit properties that provide affordable rental housing on the hill. Demolition standards should guide decision making regarding demolitions in the Munjoy Hill R-6 Overlay. Further, the revised code should support and encourage the maintenance and restoration of both historic and affordable housing.

2) Create DIMENSION guidelines/standards that address scale and mass of buildings in relation to their immediate surroundings.

Create a Munjoy Hill R-6 Overlay and use the same boundary and dimension recommendations as those outlined in the IPOD, including the IPOD's R-6 language on rooftop appurtenances.

3) Establish DESIGN & BUILDING standards and guidelines that:

- eliminate the Alternate Design Review as an option and

- insure that the R-6 infill standards apply to lots over 10,000 SF as well as smaller lots.

Thank you for your attention to our comments. We look forward to participating in the next Listening Session.

Sincerely,

Pamela Day & Michael Petit

25 Waterville Street

Portland 04101

207-461-1461

Sent from [Mail](#) for Windows 10

Fwd: Munjoy Hill

1 message

Tue, Mar 13, 2018 at 4:58 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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@portlandplan

----- Forwarded message -----

From: Elizabeth Streeter <streeter.beth@gmail.com>

Date: Tue, Mar 13, 2018 at 3:59 PM

Subject: Munjoy Hill

To: jlevine@portlandmaine.gov, bre@portlandmaine.gov, Jill Duson <jduson@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, kcook@portlandmaine.gov, Justin Costa <nmm@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, jcosta@portlandmaine.com, Ethan Strimling <estrimling@portlandmaine.gov>, Munjoy Hill <info@munjoyhill.org>

I am a 12 year resident of Munjoy Hill and am very upset by what is happening here. I want very much for the City to consider this as a living neighborhood not a business deal to make. Of course people want to make money when they sell their houses, so they can afford to buy elsewhere. But to have so many people using this area as a commercial enterprise is causing it great harm. We are losing green space and trees, beautiful old houses, and, as the buildings go higher and higher, the sky and light. We are losing a neighborhood, as condos with part timers take so much of our community. I overheard one such person saying that they have another home in a lower tax state where they can live for 6 plus months, in order to avoid the taxes here - just use us!

I live in an area where there is some very attractive new construction, some OK but out of scale and character construction, and some good remodeling. And there have been some tear downs of good or reclaimable houses that have been replaced with very ugly buildings that have poor design and completely cover the lot and take down trees to do so. I certainly don't object to well designed modern construction, but these out of scale buildings are not for a friendly neighborhood. No welcoming front doors or landscape or gardens! Soon will there be any "hidden gardens" for our loved and anticipated tour?

Some building sites make terrible neighbors! How long should it take to build? Do we have to have demolition sites in our neighborhood for months and months? They make our sidewalks unpassable and our parking spaces unusable. Are they not an attractive nuisance for kids?

And, of course, the new building is expensive. And as a result of that the "desirability" of the neighborhood is increasing and rents are skyrocketing! Many people can no longer afford to live here! Only the more affluent can move into what was a diverse, vibrant, interesting neighborhood. Speak to the people running the shops, the working people, who have to move or can't find housing here. What kind of a neighborhood do we want?

I want to ask for some standards. Standards on what can be demolished and how, standards on how big and wide and high the new construction can be, standards for design, and standards for the quality of the construction.

Thank you for your consideration.

I admire the City Council and all the hard work you do. I am continually amazed, when I go to meetings, at the breadth and depth of your investigations. I greatly appreciate your service.

Sincerely
Elizabeth Streeter

Concerns about Munjoy Hill development

From Tom Bloom
95 Walnut St
Portland ME

March 12, 2018

Greetings.

I am a resident of Munjoy Hill, bought my house at 95 Walnut St in the summer of 2013.

In the little over 4 years since then I have watched as a great change has come over the Hill. I am writing to express my fears of what this wave of change will easily bring.

The unique character of Munjoy Hill was what prompted me to look for three full years before finally finding my dream house when it became available. This character grew from the Hill's history of newcomers to Portland, mostly tradespeople, who built frame houses with recognizable similarity, peaked roofs, dormer windows, welcoming entrances set back from the sidewalks, small lots with simple yards; all derivative of colonial style, but still with infinite variety. From a distance the Hill had a distinct rhythm and comfortable feeling of popular neighborhood, all parts communicating with each other in a pleasant way.

In these past 4 years I have been shocked by the change in that character, as developers have rapidly exploited the remaining space, as well as the lax nature of restrictions and guidelines governing their projects. Overpriced luxury condos have squeezed into even the most improbable lots, driving up local costs, dominating visual space with garish colors, materials and scale, and rapidly destroying the very charm which attracted the development. A glaring example: From Back Cove, a look at the hill used to reveal its charm of randomly repeating variations on the original local style. Now there is a vivid horizontal gash on the western side, where the monstrosity of Munjoy Heights on West Sheridan street grins at the world with unrelieved horizontal lines, offensive orange colors, and not even a nod to landscaping, having obliterated the only native wooded space left on the hill. Prisons in Romania have more charm.

My own experience in the face of this development deserves mention: At a meeting with the city on the proposed development on Washington Ave, (the old Casale lot), I was told that my objection to the loss of my precious view of Back Cove was "romantic", a view which was largely instrumental in my buying my house. Yet the promotion for the Munjoy Heights hill prominently advertised "The View". For whom is the aesthetic quality of a space "Romantic" and for whom "Profitable"?

The supremely ugly high-rises which stain the eastern Promenade and upper Walnut Street are older vivid examples of what unrestricted development has destroyed in the past.

I am writing to implore all authorities who have a vote in this expansion please to preserve what's left of the timeless historic character of the hill. To this end I encourage the establishing of Historic Preservation District status for Munjoy Hill. This would retard the exploiting of remaining space, restrict the tearing down of properties for pure profit, and dull the flagrant speculation which is massively driving up property values (NOT always a good thing!) and reducing the supply of affordable housing. It would create a forum for all residents to have a say in how our neighborhood progresses.

Right now Profit is the principal driving force in the Hill's development, and will stay that way unless responsible citizens take a stand together to preserve what is truly valuable in our neighborhood. The Historic Preservation District for Munjoy Hill is an important step in the right direction.

Thank you for your consideration.

Tom Bloom
95 Walnut St
Portland ME 04101
tombloom1@mac.com

Fwd: Munjoy Hill development discussion - please read.

1 message

Wed, Mar 14, 2018 at 1:05 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: EJ Koch <ejkoch@gmail.com>
Date: Wed, Mar 14, 2018 at 1:04 PM
Subject: Munjoy Hill development discussion - please read.
To: bsr@portlandmaine.gov, jlevine@portlandmaine.gov, jduson@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, estrimling@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, pali@portlandmaine.gov

Hello Belinda and others -

Attached is my letter with input on the current conversation about development on the Hill.

I hope you will act decisively to address my concerns which are shared by most Hill residents I speak with. I have written the City about Hill development in the past, and am writing again because I believe the time to address the issue is long overdue.

Thank you.

Erna Koch

79/81 Vesper St.
Portland



letter re MH development. Erna Koch.doc
8484K

ERNA KOCH

81 Vesper St., Portland, Maine 04101

Phone: 617-818-0882

E-Mail: EJKoch@gmail.com

March 14, 2018

Portland City Council members
Planning Staff
Mayor
389 Congress St.
Portland, Maine 04101

RE: The Future of Munjoy Hill

I'm the 30-year owner of a Munjoy Hill triple decker, and I'm writing to share my thoughts and wishes regarding the demolition and/or "redevelopment" of buildings and new construction on Munjoy hill. The thoughtless development on the Hill breaks my heart. With each new ugly building, I feel my neighborhood slips away to be replaced by new bland expensive condo developments. Why have we allowed that?

I am strongly in favor of creating an historic district that encompasses the Hill. By this I do not mean that in the hill must look like it looked in the 1800s, or even in the 1950s. However, the design and mass of most buildings built on lots on which a developer has demolished an existing structure, or "added" to existing buildings are of a mass and design that obviously does not fit with the neighborhood. If designating the Hill as an historic district is what it would take to address this, then I am fully on board with that. There is no reason I can think of that our traditionally working-class neighborhoods should be excluded from the designation of "historic."

Additionally, I believe it imperative that standards be developed and applied to determining what is candidate for demolition or "teardown." Many older buildings that could have feasibly been saved and renovated have been sacrificed for higher density condo housing. Ironically, once "redeveloped," much of this housing is then priced at the high end of the market, and many are bought by people who do not call Portland home for more than 4 months of the year. The developers do not live here, nor do most have any real connection with this community. In some, the quality of the work done to get a development up quickly is shoddy and will deteriorate more quickly over time.

Let's call this trend "predatory redevelopment." The kind of redevelopment I'm addressing has been supported by the planning board, and maybe indirectly by city Council, through the use of variances and other techniques, while cynically calling it "adding to housing stock." I would support regulation that ends "predatory redevelopment." Developers are not thinking about the feasibility of renovation or restoration of a building when they can tear it down and build bigger and more "new" units on a site, upon which he can make a larger profit. It is not our neighbors who are driving the teardown/new development wave. And likely, those individuals will never be our neighbors. Developer practices endorsed by the Planning Board have already changed the face of the hill, and if we do not take strong action now, predatory

redevelopment will continue to overtake this part of the city that we (and the many visitors to Portland) love. I want to live in a community I can still recognize.

From City of Portland October 2017 Annual Housing Report:

Outcome:

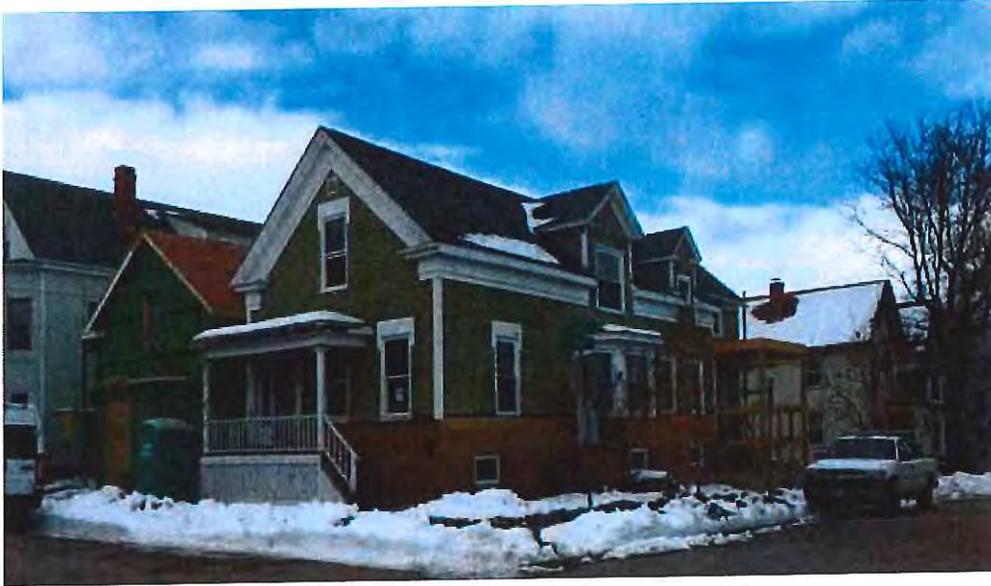
Since the zones were amended, approximately 65 units of new housing have been permitted or built in the B-1 and B-1 zones, 25 units of new housing in the B-2 zone, and 120 units of new housing in the R-6 zone.

120 units of “new” housing (!) on the Hill may obscure the fact that the vast majority of this is housing that will never be rental or “workforce” housing. Much of it was built without any regard for compatibility with existing structures, and has been sold to people who are not full time residents of Maine. Many of these “new units” stand vacant most months of the year.

Is it feasible to redevelop buildings that developers prefer to tear down? [YES] One of my vocations is rehabilitator of housing. I buy condemned/distressed buildings that need significant renovation, and I restore them as good quality rental housing. My last project was a 1200 square-foot single-family house that needed total replacement of electric and heating/plumbing systems, as well as structural, and significant cosmetic repair. The cost of that 2017 renovation was about \$85,000. While the cost may be somewhat higher here, such an expense is certainly within the range of restoration feasibility. This suggests that most (and likely NO) buildings need be torn down on Munjoy Hill because they cannot be saved. A developer may not see sufficient profit for their purposes by doing thoughtful redevelopment, but many resident owners feel differently. Here are a couple examples of residents renovating buildings with consideration to maintaining consistency with the neighborhood:



Below: “Gut” renovation of two family house underway by owner (next door to upper picture):



These two houses on North Street have been somewhat enlarged and back decks added, yet don't disrupt the look of the area.



Around the corner from these, on Walnut Street, is one of the earlier egregious examples of predatory development blight – An enormous condo development. Although not fully pictured, the outsize mass of it is visible from the highway and below. It entirely blocks its neighbors' light and view, and is nothing like anything in that neighborhood.





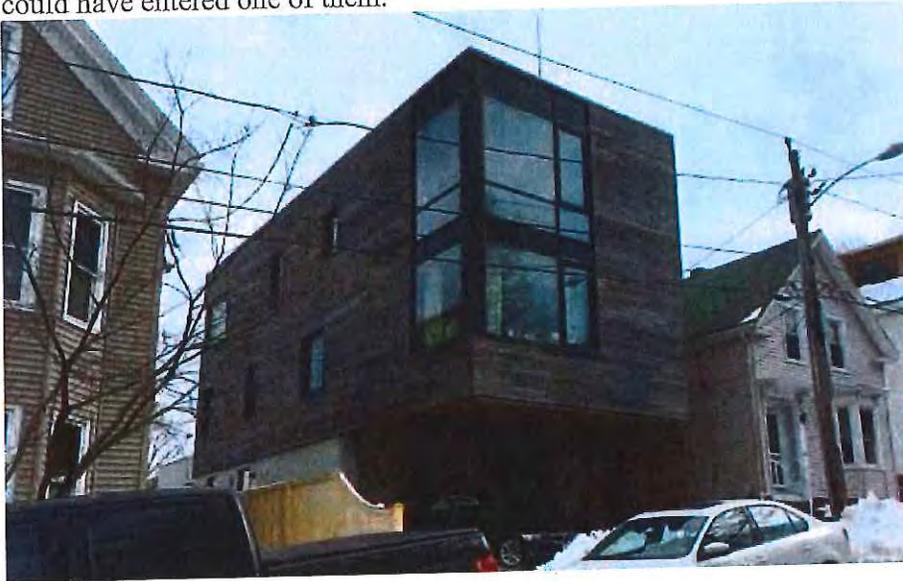
Another “early” example of massive for profit development, dwarfing the observatory on Congress St.

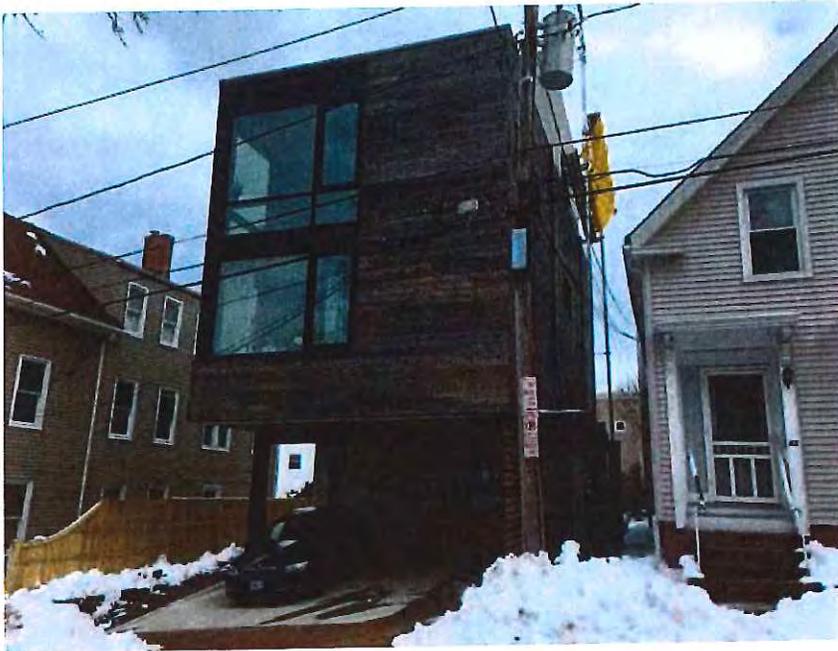


What is the standard for determining a building is a “teardown?” After the first listening meeting, I took a walk on Montreal Street, and through that neighborhood. I was looking for the two “tear downs” on Montreal St. a developer was talking about at the meeting. He was fearful that he would not be allowed to tear them down and build on those lots. I looked hard and could find no houses on that street that would meet my description of a teardown.

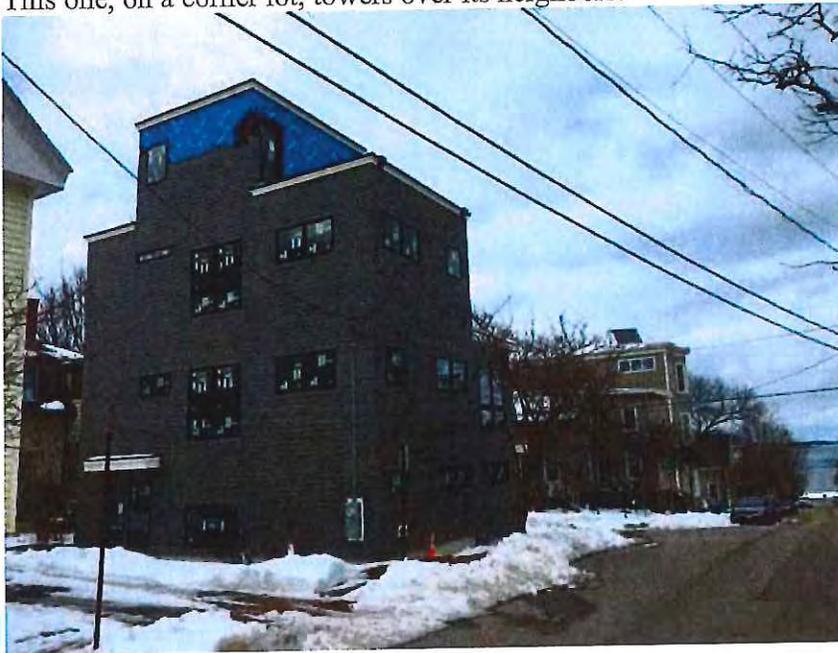
While walking to and from Montreal Street, I was shocked at the numbers of massive and uncomplimentary buildings that already exist and that are now under construction. I took pictures of a few.

This building has nothing in common with its neighbors, and has shut out the light that could have entered one of them.





This one, on a corner lot, towers over its neighbors.





And another in process. It too will dwarf its neighbors.:

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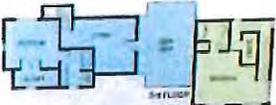
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<p>\$449,000</p> <p>1ST FLOOR 2 BR/1 BA 1,100 SQFT</p>	<p>\$849,000</p> <p>2ND & 3RD FLOOR 1 BR/2 BA 1,750 SQFT 1 GARAGE PARKING SPOT MASTER BLDG ROOM SUITE 3RD FLOOR ROOF DECK WATER VIEWS</p>	<p>\$499,000</p> <p>2ND & 3RD FLOOR 1 BR/1.5 BA 960 SQFT 1 GARAGE PARKING SPOT 4TH FLOOR ROOF DECK WATER VIEWS</p>

CONTACT: • NICK ESTES • 207-671-7405 • nick@estescustombuilders.com

UNIT #1 UNIT #2 UNIT #3



1st FLOOR



2nd FLOOR



2nd FLOOR

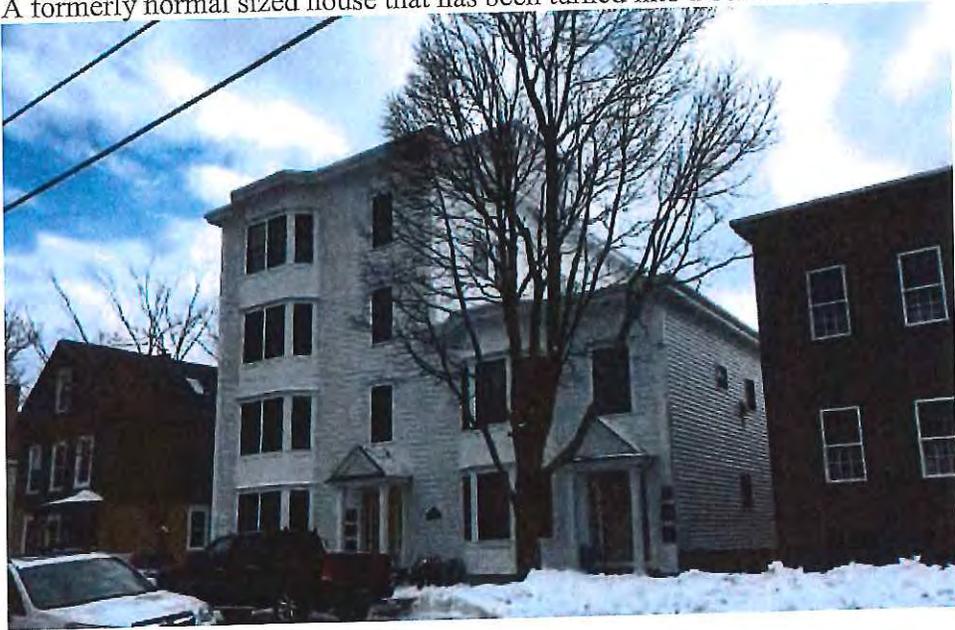


1st FLOOR



The following are in my neighborhood.

A formerly normal sized house that has been turned into a behemoth:



Across the street from it – condos still for sale. While this is not as huge as most, unlike the first part of the Adams School redevelopment, there apparently was no requirement that this building fit with its neighbors.

Boxes like this are cheaper to build.



Condominiums. Since I moved to my hill neighborhood, I've seen three waves of gentrification. The most recent has been conversion to condominiums of the majority of the three family buildings on my block – and probably the majority on the street. These condos have then been sold at a premium, most of them to people who don't live here, but occupy them 3 to 4 months of the year. When I go out on a winter evening, 50% or more of what were formerly fully occupied apartments are dark. Initially (in the late 70s, when I moved to my street), these buildings were occupied by large families, and later used for mostly owner-occupied rental housing.

If we are really serious about the "housing shortage," we should not be facilitating redevelopment for developer profit, but supporting residents and prospective residents to maintain the character of their buildings, and provide incentives to maintain and even expand the precious little rental housing we have left. If we had an inclusionary zoning ordinance with more juice, at least some of the necessary resources would be at our disposal.

Historic District composition. I want to echo the comments of other residents you've heard from, both at the listening session, and through other communication channels regarding specific actions to be taken to protect the character of our Hill neighborhoods. Despite the fact that Munjoy Hill was never a rich area – it provided “workforce housing” for many working class families working in the factories, city government, and industry in Portland, its character should be considered as important to preserve as that of the always-wealthy West End.

I think we should seriously consider a designated Munjoy Hill historic district board or association. I prefer that the definition of "qualified member" for the Board should mean that the Board or panel would include local construction professionals who are not condo developers, at least two historical experts, current Hill residents - and if we can recruit them, at least one individual who grew up on the hill. This group of people is largely unhappy with the trend here, but most have moved out and feel powerless to do anything to address it. That being said, in my experience these folks are realistic about change.

Standards The [Historic or Permitting] Board should set standards *based on feasibility of repair/renovation* for determination of a permissible “teardown,” and reasonable design standards that balance the desires of the homeowner with the character of the neighborhood. Mass, appearance, and scale should be critical - far more important than they are now. Consideration of light, greenspace, and the burden on neighbors should be included (ensure that 10,000 sf lots and not smaller are eligible). The assumption should be that predatory development is not welcome on the Hill. We’ve already taken our fair share.

Yours Truly,

/ Erna /

Erna Koch

PS:

Another, related topic:

These are awful, particularly the side yard setbacks, parking, and tiny lot size permitted.

Potential R-6 Amendments to Dimensional Requirements		
Residential Dimensional Requirements	Existing	Proposed
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none required for first 3 units

Neighborhood livability is enhanced when there remain lots or spaces that are NOT occupied by housing - and that actually contribute to greenspace. To allow building on lots of 2500 sf as now appears to be allowed is not my idea of smart or wise development. Similarly, not requiring parking on these, on MUNJOY HILL (!!?) for the "first 3 units" seems foolish and counterproductive, given the lack of adequate street parking on the Hill.

Fwd: Response To Residents" For Responsible R-6 Reform

1 message

Wed, Mar 14, 2018 at 9:05 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Munjoy Hill file

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Wayne Valzania <Wayne@redhookdesignalliance.com>
Date: Wed, Mar 14, 2018 at 8:50 AM
Subject: Response To Residents" For Responsible R-6 Reform
To: bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov, jlevine@portlandmaine.gov
Cc: Wayne Valzania <Wayne@redhookdesignalliance.com>, jay.norris@munjoyhill.org, Karen Snyder <Karsny@yahoo.com>

Portland City Councilors

In response to the recently published article by Residents For Responsible R-6 Reform (<https://www.responsible6.com/our-view/>) suggesting that densely packed high-rise condominiums are the housing solution for our Munjoy Hill neighborhoods, and for that matter, the peninsula.

As in all opinions, rationalization comes easiest to those drinking the cool-aid. As I read through "their view" the description of the homes ripe for tear-down describe almost every charming New England house that I have ever lived in, worked on, or restored, including a couple of beautiful historically significant houses in Portsmouth's Strawberry Banke. As one travels through and lives in the New England housing stock, it takes only appreciation of things real and hand wrought to counter most of their argument. The rest is typically a matter of simple math and accepted science and procedure. There are many methods and products used for encapsulation of lead paint, and the cost for asbestos remediation is pennies on the dollar compared to the cost and upheaval resulting from mass relocation of a general population of residents who are content to live where they do, in the houses they own. While owning and living in a one-hundred-year-old house that isn't dead plumb and level may seem primitive and contrary to the public good for some, I question the right of anyone or any organization to deem it in my best interest that they all be destroyed and replaced. It's interesting to note that the "Residents" For Responsible R-6 Reform" are typically developers who wouldn't reside on The Hill on a bet.

I'll close on the issue of setbacks. In the city (NYC), the solution "Residents For Responsible R-6 Reform" seek to set-back restriction is referred to as a party-wall, on the other side of which sits your neighbor. There are no windows, sunlight, fresh air, or breezes blowing across the bay in party-walls. Your view, if any, is of someone's Lego block condo stack. You have lost the sense of sunrise and sunsets, a space for oxygen regenerating vegetation, and the ability to walk to your back yard without your shoulder being on someone else's property. While a three-foot setback isn't quite a party-

well it is a close approximation. With space being nicked away with every iteration and variance of a deteriorating R-6, green space will continue to be lost in our neighborhood, resulting in a dense packed cityscape rather than green and vibrant neighborhood. Not acceptable !!!!!

As a Merrill Street Resident, I sincerely believe that if one were in fact seeking Responsible R-6 Reform that the goal would be to enhance and nourish the charm of Munjoy Hill rather than exploit and destroy it.

Thank you for considering my concerns,

Wayne

Wayne Valzania MS CPM

Red Hook Design LLC

27 Merrill Street

Portland, ME 04101

207.274.4918

RedHookDesignAlliance.com

Fwd: MUNJOY HILL

1 message

Tue, Mar 20, 2018 at 12:31 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file

----- Forwarded message -----

From: Gail Kuhlthau <truenorth9@msn.com>
Date: Tue, Mar 20, 2018 at 12:05 PM
Subject: MUNJOY HILL
To: jlevine@portlandmaine.gov <jlevine@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, jduson@portlandmaine.gov <jduson@portlandmaine.gov>, pali@portlandmaine.gov <pali@portlandmaine.gov>, nmm@portlandmaine.gov <nmm@portlandmaine.gov>, bbatson@portlandmaine.gov <bbatson@portlandmaine.gov>, sthibodeau@portlandmaine.gov <sthibodeau@portlandmaine.gov>, estrimling@portlandmaine.gov <estrimling@portlandmaine.gov>

Dear City Council Members:

I have been so disappointed in the building changes that are being allowed in my neighborhood, Munjoy Hill. Disappointed in the City for allowing these changes to happen and to the greedy developers who take advantage of a beautiful village to knock down perfectly fine homes to put up these hideous buildings, to accommodate the wealthy without even trying to fit in. Taking down beautiful old trees to squeeze more building area in and ruining the what makes Munjoy Hill the pleasant, enjoyable and attractive area it has been and why people live and visit here. Its not fair to the residents!! Or the people who come by and have commented negatively on the "new additions."

Please dont allow this to continue to change so as to take the soul from this unique part of Portland. Every section has their own (look) and ours is the old, the historic, the pretty little gardens weaving in and out, the beautiful old trees, the decorative homes, the sweeping views of the waterways and ferries, of our unique space. Please do not let that be destroyed by all these new huge square boxes being built. There has to be a compromise between progress and preserve.

Keep Munjoy Hill as the place we all know and love!!

The meetings between the City and the Residents were helpful. As you can see there are many people concerned, not to mention the people who are concerned that could not attend. Please "listen" to what the people want for their neighborhood. Its the right thing to do.

Thank you,
Gail L. Kuhlthau

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

Fwd: Leave the Pre-December 2017 R-6 criteria in place

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Mar 19, 2018 at 8:51 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
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<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Mark Burns <Mark.Burns@onsemi.com>
Date: Mon, Mar 19, 2018 at 8:02 PM
Subject: Leave the Pre-December 2017 R-6 criteria in place
To: "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>
Cc: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "sthibodeau@portlandmaine.gov" <sthibodeau@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, Lauren Reiter <laurenreiter@yahoo.com>, Alison Leavitt <aleavitt@wssa.com>

Dear Belinda Ray,

Alison and I purchased 110 Sheridan Street in September of 2017. Our plan was to remove the existing derelict single family eye-sore and replace it with a modern, attractive, two family home that uses the latest building techniques to achieve a near zero energy consuming building. Our proposed roof lines are designed to both capture the sun's energy and convert to electricity as well as provide an open area for gardening given that the property is too small for much ground level gardening. The demolition moratorium and subsequent temporary building guidelines for the East End have derailed these plans and left us wondering how to recoup the inevitable losses we will take if forced to sell the property. Restrictive design guidelines will limit the property's marketability and force us to search outside of Portland to realize our goals.

We are longtime residents of Portland and the surrounding towns with Alison having been born in Cape Elizabeth. We love the walk-ability and multicultural feel of our city. Our current West End home is solid and stately and too large for our needs now that the children have been launched. We briefly considered renovating it but quickly learned that its location in the historic district severely limits the re-design – better to pass the big beauty along to a younger family who will love its current form. Like many residents seeking a more progressive neighborhood, we looked to the East End where there are so many properties falling in on themselves, needing repair or replacement. The more modern houses like 59 Lafayette St & 71 Quebec St & 98 Sheridan St inspired our search. These newer designs add an eclectic and forward looking feel that is unavailable elsewhere in the city. During the property search, we saw alternative design features like flat roofs with gardens and plantings that make up for the limited acreage as well as an abundance of solar panels and passive solar awnings that support a more responsible approach to living in the 21st

century. These sighings shaped the design of the beautiful home now idling in the form of blueprints for 110 Sheridan Street.

The East End rejuvenation is not only forward-looking and more aligned with 21st century thinking, it has been ongoing for decades! There is no reference design to guide future buildings given the incredible variety of roof lines, windows, parking solutions, and exterior siding options that exist in homes throughout the neighborhoods of Munjoy Hill. Therefore, we implore the city officials to leave the R-6 criteria that existed prior to December 2017 in place. Those rules preserve green space and control size without impeding progress in areas of design.

Thank you!

Mark Burns and Alison Leavitt
125 Chadwick Street hopefully moving to 110 Sheridan Street in 2019

Fwd: Munjoy Hill zoning

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Christine Grimando <cdg@portlandmaine.gov>

Wed, Mar 21, 2018 at 10:07 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
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@portlandplan

----- Forwarded message -----

From: Lauren Reiter <laurenreiter@yahoo.com>
Date: Wed, Mar 21, 2018 at 9:39 AM
Subject: Munjoy Hill zoning
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmaine.gov" <pali@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>

Dear Mr. Levine,

I attended the Munjoy Hill R6 Zoning meeting at East End Community School last night, at which you and other City officials were present.

My take-away from last night was quite different than what I expected. I did not hear the consistent anti-modernism that I thought was one of the drivers of the anti-development movement (even though there were a few of those comments). My sense is that flat roofs and modern facades are not the arch enemy of those opposing the new developments. I also don't think that taking down old, crummy buildings was really the chief concern either - but rather the size of what often replaces them.

What I heard was that overpowering building MASS was the real issue. And I have to say that I agree in a number of cases. There are a few new buildings that, to me, DO overpower their immediate neighborhoods. It seems that the zoning needs to be more nuanced in its mandate: that there are many side streets where the existing typology (regardless of style) is SMALL, and that it is not unreasonable to limit development on these streets to one-to-three family unit buildings. The larger, wider streets are more suitable for larger buildings, and I believe that there are numerous areas that would qualify, particularly edges and main thoroughfares.

The other concern that I think has merit is that entire ground floors of new buildings might be used only for parking; while, in my opinion, the pedestrian fabric has not been destroyed by the number of garage entries already built, one always has to think about zoning as "what if everyone did it?". So I think that proposing a ratio of occupied building to garage door - say 50% - is a practical solution that solves all of the issues, including the importance of having off-street parking in a city where snow is so frequent.

I hope that the Planning Dept. is willing to take a more nuanced view of all of these issues -- particularly the issue of historic designation and scale -- because I think that the diversity of the neighborhood really does demand something other than a one-shoe-fits-all kind of mandate.

Thank you for your attention to these opinions.

Sincerely,
Lauren Reiter

Reiter Architecture & Design
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Portland office: 6 South St., Portland, ME 04101
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Fwd: R-6 zoning on Munjoy Hill

1 message

Wed, Mar 21, 2018 at 1:43 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Peter Macomber <pbm@macomber.com>
Date: Wed, Mar 21, 2018 at 1:30 PM
Subject: R-6 zoning on Munjoy Hill
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: planningboard@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, jcosta@portlandmaine.gov, estrimling@portlandmaine.gov, info@munjoyhill.org

Dear Jeff, Planning Board members & City Councilors:

I was originally optimistic about the zoning changes introduced in 2015 because so many lots on Munjoy Hill were non-conforming, making it difficult for residents to make improvements to their property, and also so that smaller infill projects could be contemplated. The changes appeared to be a step in the right direction towards keeping the Hill a dynamic, growing community

But like many residents, I have become dismayed at the direction that development on the Hill seems to be taking since the new zoning was approved. While some projects have utilized the changes in a sensitive and thoughtful manner, other developments have aggressively maximized and exploited lot coverage, setback and other zoning changes, exploitations that seem to be driven largely by a profit motive. I think we are seeing the proverbial "unintended consequences".

This is giving us structures that don't integrate very well into the existing neighborhoods. Structures that present to the street a cold and aloof personality, with just garage doors and anonymous facades. Structures that take up as much volume of space as they can, crowding up to the adjacent buildings and overpowering them.

Not only that, much of the new development is targeted towards a luxury demographic with pricing that excludes the workforce population; a demographic that tends towards seasonal occupancy leaving us with dark windows during the dark months. This doesn't jibe with the city's goals of affordable housing and of ensuring that development integrates well into existing neighborhoods.

Specifically, I think that many of the recommendations in the IPOD should be kept intact. Some may argue that they are too restrictive, but given the experience of the past 3 years, I'd venture that it's far better to be more restrictive than permissive. Let's try them out for a few years and see how well developers and residents cope with them. If all development stops or slows to a crawl – which I highly doubt – the city can relatively easily readjust to compensate.

For instance, the height specs in the IPOD are a good compromise between the desires of developers and residents. While a multi-unit building on a larger lot should be allowed to have the greater height of 45 feet in order to increase

density, a single or two-family residence height restriction of 35 feet will help to minimize the impacts of light and air on adjacent properties.

Also, it just makes sense to keep rooftop appurtenances within the same height allowances. While some may suggest that stepbacks will keep those items hidden from the street, surrounding neighbors in upper floors will be disadvantaged by appurtenances that will not only block their views, but also present an unattractive view of ugly mechanicals and stair towers.

I am ambivalent regarding the roof types in the IPOD. Perhaps that is a little too prescriptive and unnecessary. And regarding the juxtaposition of contemporary and existing architecture, I believe that even some ultra-modern design concepts and materials would work well on the Hill, adding to the variety and rhythm of the existing structures. That's part of what makes Munjoy Hill such an interesting place.

But a lot of what is going up now will likely be ridiculed in the future, as our children and grandchildren will ask, "What were they thinking back in those days? How could they allow those things to be built?"

I am also feeling a little ambivalent about how to proceed regarding teardowns. While it's true that some of the buildings on the Hill are in bad enough condition to make it financially unfeasible to upgrade them, I find it sad that some sturdy buildings that were still in great shape have been torn down, and there are more of them on the chopping block. I'm not sure how something like this can be managed from a planning perspective given the existing development pressures.

I think that the time is fast approaching that an historic district designation makes sense for Munjoy Hill, and I am in favor of such a designation. Not to lock down and "bell jar" the Hill, but to ensure that future development is done with a sensitivity towards the existing neighborhoods, to ensure compatibility and to prevent unwarranted demolition of properties that contribute to the historical fabric of our community. I think there is already a large amount of community support for such a district, and once people become comfortable with how urban planning processes work within an historic district, there will be even more support. I hope that Greater Portland Landmarks can take the lead here.

In closing, I'd like to express my appreciation for the good-faith efforts being made by all of the city staff, elected officials and the wide number of stakeholders in this process. I know it will be difficult to strike a good balance between diverse opinions and desires, and I look forward to seeing what recommendations the planning department puts forward.

Sincerely,
Peter Macomber
4 St. Lawrence Street

Portland needs to address affordable housing for moderate income people, but Munjoy Hill is not part of that solution. On March 20, people's opinions seemed to emphasize maintaining the feel of a medium-density neighborhood without adding maximum-size rectangular boxes that fill every foot of space with densely-packed condominiums. No one spoke in support of condominium construction.

One certainly should be supported in having their property rights, but there is serious resistance to anyone's right to pack in units for maximum profit.

R-6 zoning on Munjoy Hill

Peter Macomber <pbm@macomber.com>

Mar 21, 2018 1:30 PM

Posted in group: Planning Board

Dear Jeff, Planning Board members & City Councilors:

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Sincerely,
Peter Macomber
4 St. Lawrence Street

MEMORANDUM

TO: Jeff Levine, Director, Planning and Urban Development; Christine Grimando, Senior Planner, Planning and Urban Development; Councilor Belinda Ray; The Planning Board

FROM: Peter and Lisa Adams, 49 Merrill Street, Portland

RE: Munjoy Hill R6 Regulations

We offer our view on the revisions to the R-6 regulations from what is perhaps a unique perspective. Munjoy Hill is both our home and the location of our Mount Joy LLC family-owned business that develops rental properties.

EXECUTIVE SUMMARY

The R-6 zoning regulations should strike a balance between the valid concern about overly-large and contextually inappropriate buildings taking over treasured Munjoy Hill neighborhoods and the city's stated desire for increased density. Thrown into the mix are business considerations related to development and new and existing residents' needs to create and improve homes they want to live in. The 2015 regulations, and perhaps their sometimes inadequate enforcement, have leaned too far in favor of density at the expense of the unique character of Munjoy Hill neighborhoods. The IPOD in an effort to recalibrate the balance has, in some respects, gone too far in the other direction or has created unintended consequences. In an effort to right the balance this memo proposes the following, discussed in detail below:

1. Redefine "Neighborhood" to reflect the fact that the current 2-block radius is often too large. Acknowledge that Munjoy Hill is actually a collection of many distinctive "micro-hoods." Give the Planning Board the power to both increase and decrease the area by which new construction should be judged for contextuality, etc.
2. Stop the "domino effect" in which a new large building in a "micro-hood" of smaller residences justifies the construction of the next large building, which in turn is relied on to construct a third large building, and so on, progressively and permanently changing the nature of that small residence "micro-hood."
3. Protect against the combination of lots in an area of small residence resulting in a very large building in a small residence "micro-hood."
4. Consider whether the IPOD rule that only buildings of 3+ units be 45' high is actually encouraging large tall buildings which have a more negative impact than a smaller 45' building.

5. Examine whether the existing Design Principles & Standards have been adequately enforced and how enforcement might be strengthened, including the possibility of a Design Review Panel.
6. Amend the Statement of Purpose of the R-6 zoning to include the need to protect existing housing stock and the character of neighborhoods not only from professional and commercial buildings, but also from large residential developments.
7. Reflect on the process through which the IPOD was adopted with an eye to whether adequate public notice was given in light of the significant property rights involved, and consider allowing property owners who purchased under the 2015 regulations a limited window of time to proceed under the 2015 regulations, minus the Alternative Design Review and perhaps restricted to empty lots.
8. Within one block of a B-1 zone, where parking is particularly challenging for both business patrons and residents on Munjoy Hill, loosen the restrictions on setbacks and/or garage doors on the front facade that make it difficult to get cars off the street and onto narrow lots. This will help both the businesses and the residents.
9. Revisit the ongoing need for residents to be able to modify nonconforming residences and revise the regulations to allow for additions that do not extend beyond the footprint of the home plus any bay or cantilever or other design element that is in keeping with the design of the building.

BACKGROUND

Our experience with renovating and building in the East End/Munjoy Hill includes the following, totaling five buildings and 17 units:

- A minimal rehab of an 1889 triple decker at 40 Emerson St, now three apartments
- A minimal rehab of an 1875 two-family house at 51 Merrill, now two apartments
- A change in use of a mid-1800's three-story brick building at 98 Washington Avenue from law offices to three apartments and two commercial units
- A "to-the-studs" rescue and renovation of 15-17 Merrill Street, a handsome mansard built in the late 1800's which had declined to a barely habitable condition and is now six safe and attractive apartments
- A 2010 renovation (ultimately a tear-down as the house revealed its structural deficiencies) of a 1 ½ story house at 49 Merrill Street to build our home

Our plans for future projects, both of which were discussed with Planning staff in March of 2017, include:

- Building on a 25' wide vacant lot next to our 15-17 Merrill Street building.
- Improving our own 49 Merrill Street home with a roughly 6' x 8' extension of the second floor to create a master bathroom.

We look at the proposed R-6 changes from the perspectives of a developer, a homeowner in the R-6 and as Munjoy Hill residents wishing the best for our neighborhood and the city as a whole. We offer general comments on the zoning changes and provide two real-world examples showing the impact, and what we believe to be unintended consequences, of the current IPOD on our own projects.

PROBLEMS AND PROPOSED SOLUTIONS

Please note that our proposals are based on a familiarity with the R-6 zoning resulting from our renovation and construction work in the R-6 over the past five years. We believe our suggestions are sound and workable, but recognize that planning experts would certainly need to fine-tune them.

1. What is a Neighborhood?

Within the first two sentences of the Design Principles and Standards, the all-important significance of the term "neighborhood" is made clear:

All developers, no matter how small their project, have a responsibility beyond simply meeting the needs of their end users. They have a public responsibility to *add to and enhance the neighborhoods* in which their projects are built.

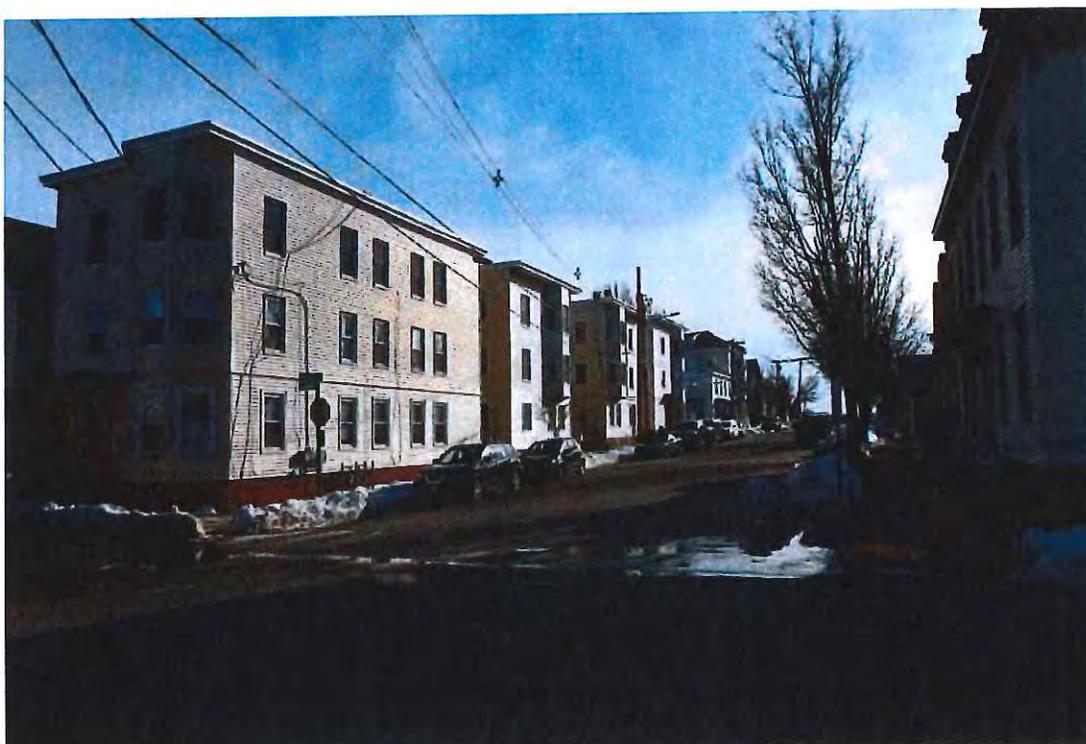
New residential construction within Portland's compact R-6 zones should *relate to the predominant character defining features of the neighborhood.*

According to the existing Design Standards, "unless otherwise indicated, the R-6 Design principles and Standards shall define 'Neighborhood' as the buildings within a two block radius of the site." As one man noted at the City's first Listening Session on February 26, Munjoy Hill actually includes dozens of much smaller pockets of design, which I call "micro-hoods."

Our own second block of one and two-family homes on Merrill Street, similar to the third block, is vastly different from the first block that contains many large apartment buildings. We own one of the large apartment buildings, and so with no negative implications, we call this area of Merrill and Cumberland "Apartment Building Land."



The first block of Merrill Street looking toward Congress, "Apartment Building Land"



Merrill Street and Cumberland Ave intersection, "Apartment Building Land"



The second block of Merrill Street



The second and third blocks of Merrill Street: small residential, New England character

If the apartment and condominium buildings in the Merrill/Cumberland blocks are part of the standard by which development is judged on the second and third blocks of Merrill because they are within a two block radius, we will (continue to) lose the much treasured character of small one and two-family homes in our “micro-hood.” If this happens across Munjoy Hill, many culturally and historically significant neighborhoods will be destroyed. It is also important to note that most of the houses pictured above are inhabited by long-term residents and renters. They provide exactly the kind of housing the City wishes to encourage.

It is also important to note that it is the smaller, human scaled, eclectic but cohesive, historic nature of the Munjoy Hill neighborhoods is what makes the East End such a desirable place to live. Both the residents and the City will lose a lot if we don't protect what makes Munjoy Hill special. And recognizing that a “neighborhood”

cannot be defined by rigid application of a two-block radius is an extremely important first step.

The Design Standards specifically provide for extending the definition of neighborhood:

The Planning Authority may determine the neighborhood to be greater than a two-block radius, due to unique characteristics of a given site. In such case, the Planning Authority shall determine the scope of the neighborhood.

There is nothing, however, about reducing the "neighborhood" below two blocks. Given that it is "Neighborhood" that drives the all-important context for a new building, we must allow for flexibility in the definition of neighborhood, recognizing that in fact, Munjoy Hill is made up of many different size neighborhoods, many of them "micro-hoods" that are well below a two-block radius.

Proposal: Revise the Design Standards to set the standard for Neighborhood at one block rather than two and give the Planning Authority the ability to both reduce and increase the scope of the Neighborhood. This should not apply only to Alternative Design Review, but for the whole of the Design Standards.

Alternative Proposal: create a map of "neighborhoods" in the Munjoy Hill R-6 based on the current buildings in place now. Those of us who live here know well the very different characters of Morning Street and Howard Street. Let us help you identify our "micro-hoods."

2. How to prevent a big building "Domino Effect" into small building areas?

Again using Merrill Street as an example because it is what we know best, the very large buildings in Apartment Building Land close to Congress Street were used to support the development of a large 6-unit condominium building at 30 Merrill. This is one of the buildings that created the stir in the neighborhood in which the developer used every square inch available under the zoning rules to build a maximum size, minimum cost structure that dominates its next-door neighbor.

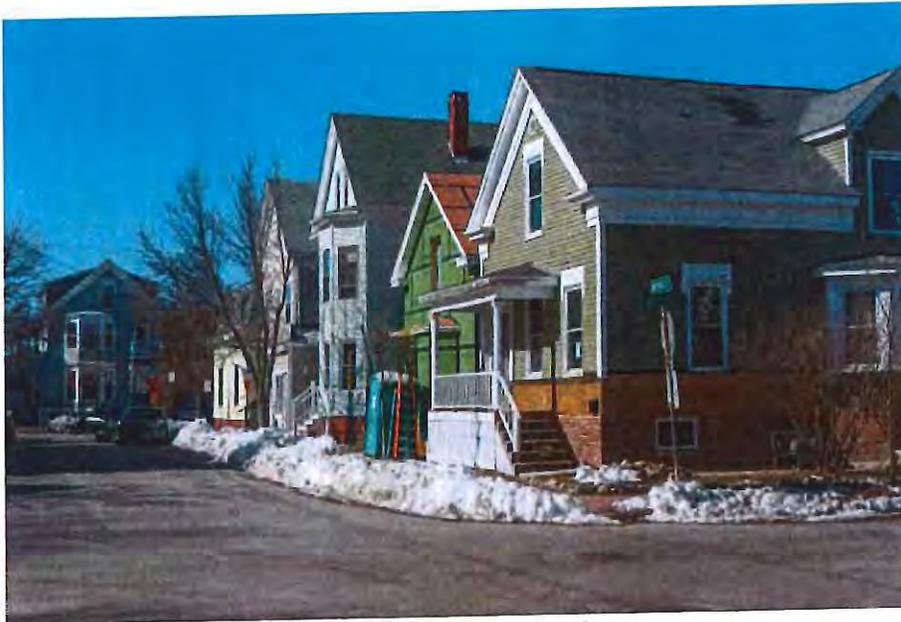


30 Merrill Street project (left)

The developer and the City relied on the large buildings towards Congress Street as justification for allowing the replacement of a two-family cape with the 6-unit 45' structure. 30 Merrill now creates one side of the "boundary" between the very large-scale buildings towards Congress on Merrill and Cumberland and the small residences along Merrill Street towards Melbourne Street. As shown in the photos and the tax records below, the buildings along Merrill towards Melbourne are modest, mostly traditional, single and two-family homes (There are also two three-family buildings and a two-story artists studio.)



Merrill Street looking towards Congress from Quebec, north side



Merrill Street from Quebec St to Melbourne St, north side

014 C014006	BANNER PROPERTIES LLC 126 UNDERWOOD RD FALMOUTH ME 04105	30 MERRILL ST CONDO	RESIDENTIAL CONDO	014 E008001	ADAMS PETER S 49 MERRILL ST PORTLAND ME 04101	49 MERRILL ST	SINGLE FAMILY
014 C012001	STONE GENE F BLIND 34 MERRILL ST PORTLAND ME 04101	34 MERRILL ST	SINGLE FAMILY	014 E006001	GRAVES ELIZABETH S 41 SANDY TERR PORTLAND ME 04102	50 MERRILL ST	SINGLE FAMILY
014 E015001	HUMPHREY BRENDA E 1150 BARCLAY TER WINSTON SALEM NC 27106	35 MERRILL ST	SINGLE FAMILY	014 E006001	MOUNT JOY LLC 49 MERRILL ST PORTLAND ME 04101	51 MERRILL ST	TWO FAMILY
014 E014001	SUMMERS ROBERT L 37 MERRILL ST PORTLAND ME 04101	37 MERRILL ST	TWO FAMILY	014 E005001	ACIN DONNA J & THOMAS R ANDERSON JTS 55 MERRILL ST PORTLAND ME 04101	55 MERRILL ST	SINGLE FAMILY
014 E013001	BONNVIE JAMIE L 41 MERRILL ST PORTLAND ME 04101	41 MERRILL ST	SINGLE FAMILY	014 E001001	DODGE CHARLES W H JR 104 CLARK ST PORTLAND ME 04102	57 MERRILL ST	TWO FAMILY
014 C016001	DIBIASE JAMES JR & FRANCESCA P JTS 14 LARCHWOOD W SOUTH PORTLAND ME 04106	42 MERRILL ST	VACANT LAND	014 L021001	LATTANZI MARY KATHRYN TRUSTEE 1069 RIDGE RD BOWDOINHAM ME 04008	65 MERRILL ST	TWO FAMILY
014 E011001	BLOCK MARTIN & STEPHANIE BLOCK JTS 43 MERRILL ST PORTLAND ME 04101	43 MERRILL ST	SINGLE FAMILY	014 L020001	MERRILL STREET RESTORATION LLC 40 PORTLAND PIER # 11 PORTLAND ME 04101	67 MERRILL ST	SINGLE FAMILY
014 E010001	KNOWLTON BRITT 45 MERRILL ST PORTLAND ME 04101	45 MERRILL ST	SINGLE FAMILY	014 L019001	DIBIASE JAMES JR & FRANCESCA P JTS 14 APPLEWOOD CIR SOUTH PORTLAND ME 04106	69 MERRILL ST	THREE FAMILY
014 C008001	CLEMENTS TYLER M & LILY K KING JTS 48 CENTRAL ST YARMOUTH ME 04096	46 MERRILL ST	VACANT LAND	014 N002001	BASS PETER L 30 DANFORTH ST # 213 PORTLAND ME 04101	70 MERRILL ST	OFFICE & BUSINESS SERVICE
014 E009001	ADAMS PETER S 49 MERRILL ST PORTLAND ME 04101	49 MERRILL ST	SINGLE FAMILY	014 L018001	SAMPSON JONATHAN STUART 73 MERRILL ST PORTLAND, ME 04101	73 MERRILL ST	THREE FAMILY

City of Portland Tax Assessor Records as of March 20, 2018 for residences from #30 Merrill to the end of the street, #73 Merrill, demonstrating the predominantly single and two-family dwellings context of the Street. As the photos suggest and the tax records confirm most of these homes are from the mid to late 1800s.

The Merrill Street neighborhood, which includes multiple empty lots and small buildings vulnerable to tear down, very much needs protection against a parade of big buildings “domino-ing” down the street. The Domino Effect, defined as a cumulative effect produced when one event initiates a succession of similar events, in this context means that the construction of #30 Merrill, which relied on the large apartment buildings near Congress to justify its size and design, will in the future likely be used to justify another large building further down the street among the small residences. And that new large building, as well as 30 Merrill, will be used to justify a third large building, and a fourth and so on. The out-of-scale, contextually inappropriate buildings will be like dominoes tumbling down the street, each one relying on the ones before it. Pretty soon, empty lots and torn-down one and two-family homes will be replaced with large buildings that inalterably change the character of our neighborhood. Merrill Street is just one example. Other “micro-hoods” are also at risk that the current structure of the Design Standards creates a loophole in which one mistake leads to another. How can this be prevented?

Proposal: Add language in the Design Standards that recognizes the Domino Effect and gives the Planning Staff (or design review board if one is instituted) the ability to apply more stringent standards in this situation.

One possible approach might be to calculate the average height of structures (perhaps mass, too?) within 100 feet on either side of the boundary between “micro-hoods”, and impose a height (and mass?) restriction on building in the smaller homes “micro-hood” that is the average of the two sides, with the exception that the height restriction can not be less than 35’.

A similar, or perhaps even more restrictive, calculation for mass seems important as well.

3. The problem of combining lots to allow larger structures

How can the Planning Department control the combination of small lots on which developers can build very large buildings? Not all combination of lots is bad, but the type of development allowed on them must be carefully examined. The combination of lots is fine where the resulting development is in keeping with the context of the Neighborhood. For example combining lots to put a large building in a “micro-hood” of other large buildings (like the “micro-hood” at the intersection of Cumberland and Merrill). However, by way of example, if the three small lots next to our house shown in the photo below (014-E010, 11 and 12), all with very small homes, were

purchased by a developer, a 6422' sq lot would result, which the formula of 750' sq of lot coverage per unit would allow a developer to build a 45' eight-unit building in place of this:



#41, ##43 and 45 Merrill Street

This would be the end of a charming “micro-hood” in our block of one and two family homes on Merrill between Turner and Quebec and continuing to Melbourne. We know that some developers would say these should all be torn down because they are substandard. They are wrong and we disagree. But if one or more of them were demolished and replaced with contextually appropriate buildings, so be it. But if all three came down, the lots combined and a large apartment or, more likely, condo building went up, that would be a terrible loss for our neighborhood and hopefully a concern to the those in the city who care about the Munjoy Hill neighborhoods.

In contrast, if in the area of the large multi-family buildings at the intersection of Cumberland and Merrill, one or more lots were combined in order to create a new, and possibly larger building in that micro-hood, such as adding #8 Merrill to the larger lot holding multiple apartment buildings, we would not feel concerned. We own a building and a lot in that “micro-hood” and recognize it as an area where large structures are within its context.

How can we address the significant risk of harm from the consolidating of lots in areas of small-scale housing and the construction of an out-of-scale building?

Proposal: Add language to the zoning regulations that recognizes specifically the potential for harm from the combination of lots in “micro-hoods” of smaller residences. Consider a limitation on the number of lots that can be combined or the total number of combined square feet that can be created in such “micro-hoods.”

Proposal: Revise the Design Standards to (1) recognize the potential for inappropriately large buildings in areas of smaller residences as a result of combining lots, and (2) provide additional Standards to address this situation and/or require higher level of meeting the Standards in this situation.

Proposal: Apply a building height restriction formula similar the one above related to the domino effect.

4. The problem of height

Is the City unintentionally encouraging larger buildings on a lot if the only way to get to 45' (which builders and homeowners will almost always want to achieve any available views) is by creating three or more units? Does this encourage developers to go bigger in order to create more space that will make three or more saleable condos? Would we not prefer a smaller building that goes to 45' than a larger one? In walking through the neighborhoods of Munjoy Hill it is almost always the buildings that are both massive and tall that feel the most out of place and harmful to both the streetscape and neighbors.



This four-story building (granted in the B-1 but still relevant) at 121 Congress if not 45' certainly approaches it. However, even though it is quite a bit taller than its neighbors, it does not overwhelm them nor is it imposing to pedestrians. I believe that is largely because at 27' wide it is narrow. It also has good fenestration, articulation, entry design, etc. Under current development practices of building every allowable square inch, had the 121 Congress lot been larger, the building would almost certainly have had a larger footprint and at 45' would have a very different and detrimental impact of the building on the streetscape and neighbors. In short, in certain "micro-hoods" less mass is better when the building is very tall.

Proposal: Revise the regulations and design standards in such a way as to recognize that in many micro-hoods smaller rather than larger footprint buildings are better suited to rise to 45'.

5. Has the Planning Department and Planning Board been vigorously applying the Design Standards? Does it have the capacity to do so or do we need a Design Review Board to put teeth into the Design Standards?

In reviewing the Design Standards, it appears that there are already some fairly tough standards that, vigorously applied, could have solved some of the problems in development on the Hill under the 2015 regulations. However, in our experience contesting the design of one of the recent projects on the Hill and looking at several others that have been built, it seems that the staff is perhaps not empowered to strictly enforce what is already in place. The Alternative Design is certainly too liberal, and that may be one of the biggest problems. And it may be that the pressure on the City from developers is just too much for a Planning Department staff overwhelmed with work. Perhaps a professional design review panel is the solution.

Also, the acknowledgment in the December 6, 2017 memo to the Planning Board from Caitlin Cameron and Christin Grimando that developers are making changes to approved plans without applying for amendments or consulting City staff and “in some cases changes are irreversible and sometimes contribute to the lack of contextuality or sensitivity originally intended by the design standards” is disturbing. Although Ms. Grimando and Cameron point out that the city has some leverage, it seems that there is in some cases an apparent inability to hold developers responsible. From the outside looking in, it is hard to imagine not clamping down hard in such instances. Again, put teeth into the requirements.

Proposal: Tighten up the Design Standards where appropriate. Eliminate or tighten up the Alternative Design process. Give the staff more muscle to push back on developers when their designs do not meet the Standards. Consider adding a professional design review panel to the process. Get tough when developers make post- plan approval changes that don't follow the zoning ordinances or the design standards or any other applicable codes.

6. Amending the R-6 Statement of Purpose to include controlling residential development.

At present the introduction to the R-06 states its purpose as:

14-135 (a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the

scale and external impacts of professional offices and other nonresidential uses.

The disturbing development of the past few years has been residential, not professional or nonresidential. And the character of neighborhoods we seek to protect is not just its "residential" character.

Proposal: The 14-135 (a) statement of purpose should be amended to recognize the potential for the harmful impact that large residential developments can have on the character of a neighborhood. For example, the statement might read "... and to conserve the existing housing stock and character of neighborhoods by controlling the scale and external impacts of professional offices, other nonresidential uses, and large residential buildings."

7. Adequate Notice and Appearance of Fair Dealing in enactment of the IPOD

A certain number of parcels were purchased in the R-6 between 2015 and 2017 in reliance on the then-current zoning regulations. We recognize that property rights typically are subject to zoning changes. In the present situation, two things feel uncomfortable, however. First, for most of those who purchased under the 2015 regulations the advent of the IPOD came very quickly (and over a particularly busy holiday time of the year), catching many (including us) by surprise. It feels like there was not the kind of notice that one would expect for such a significant change and the time period from start to adoption of the IPOD seems short. Further, there is a potential for an appearance of impropriety in the exception created that allowed individuals who submitted incomplete applications before the effective date of the IPOD to develop under the 2015-17 rules. The policy of the Planning Department has always been that a complete application had to be submitted in order to get "stamped in." Certainly, had we been aware that this rule had been waived, we, too, could have gotten a pro-forma application in for our projects. There is a perception that only those with significant ongoing contact with the Planning Department managed to get in the door just under the December 4 deadline. This raises a question of fairness and whether it is perceived or real it seems important to point out.

Proposal: Consider giving owners who purchased during the effective period of the 2015-2017 regulations and who had the intention to develop those spaces, the chance to do so under those regulations. Perhaps limiting this exception to non-tear-down situations would be advisable. Interestingly, it would be a chance, with a very finite number of projects, for the Planning Department to vigorously exercise its full authority to control design using the 2015 rules. The Alternative Design option could be taken off the table. This could be a good learning experience to see what could be accomplished with stricter enforcement of the existing rules minus the Alternative Design Review.

THE IMPACT OF THE R-6 IPOD REGULATIONS ON 2 PROJECTS

The goal of the Planning Department, Planning Board and City Council in revising the R-6 zoning is not to satisfy the needs of individuals, rather to do what is best for a neighborhood as a whole. However, looking at the real life impact on particular projects can provide important insights. We explore below two real examples in which the IPOD regulations would have significant detrimental (and we believe unintended) impact. We hope these examples will help guide the Planning Department, Planning Board and City Council in crafting new R-6 regulations that both protect Munjoy Hill from the contextually insensitive and overly large building that has happened in the past several years while allowing positive growth and improvements to occur.

EXAMPLE 1: Building on a narrow vacant lot next to 15-17 Merrill will become extremely challenging due to the decreased flexibility in set backs.

Our lot sits at the intersection of Cumberland Ave and Merrill Street in "Apartment Building Land." There are 10 or so large old and new apartment and condominium buildings within a few hundred foot radius of the lot. In addition, five new condominium projects under construction/renovation at 9 Merrill, 5 Merrill and 77 Congress are within 100' of the lot in question. It is among the densest concentration of large apartment buildings and condominiums on the Hill. If there is a "context" where a larger building is not only appropriate but called for on an empty lot, this is it.

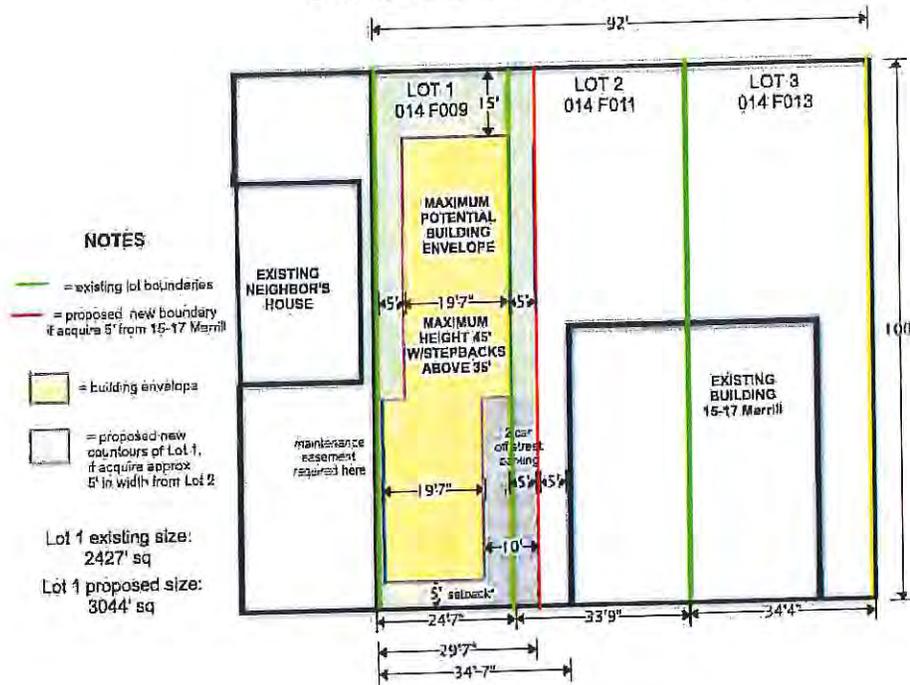
The R-6 principles of infill provide:

14-135. The purpose of the R-6 residential zone is: . . . [i]n cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, *to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.* (emphasis added)

We understand the 14-135 statement of purpose to mean that the City encourages us to develop this narrow lot and we believe that Merrill Street will benefit from a consistent streetscape of housing rather than an empty lot with parked cars. However, at 30' wide* the IPOD makes it very difficult to build successfully. (*Our lot is currently slightly less than 25' wide, but with the hoped-for addition of 5' from the 15-17 Merrill lots will be roughly 30' wide.)

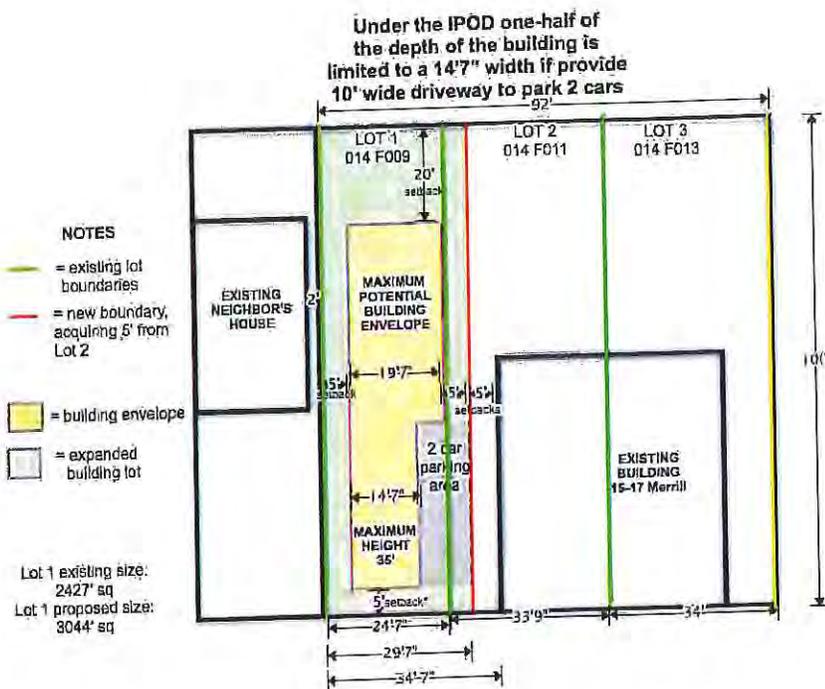
The following is a draft site plan using the hoped-for 30' width and complying with the 2015 – 2017 R-6 regulations.

Building allowable under 2015-2017 zoning



Most pertinently, the 2015-2017 regulations allow the shifting of the building to one side to allow for a "tandem" two-car driveway (one car parked behind another). As explained below in the general commentary, it is very important to get cars off the street in this particular block due to the extra pressures on parking from the close-by Congress Street business. Please note that the shifting to the boundary is proposed in a way to allow easy access for life-safety and where it will have a lesser impact on the neighbor to the left.

The following is a draft site plan using the hoped-for 30' width and complying with what we believe we would be allowed under the IPOD.



Because the IPOD precludes sliding the building to the boundary of the property on one side), in order to provide parking for two cars and prevent providing parking inside the building due to restrictions on garage openings and % of living space at the front of the building we would have to cut into precious building space, leaving only a 14'7" wide buildable area for roughly one half of the depth of the building. This is not a workable width.

The Planning Board Report prepared by Christine Grimando on March 6, 2015 for the Board's March 10 public hearing (p. 9) specifically discussed "the need for flexibility if small lots were to accommodate both a building and a driveway," and states that "[e]xisting residential patterns in the R-6 show a preponderance of houses hugging one property line and a driveway along the other." To facilitate this configuration the 2015 rules allowed reducing a side yard to zero provided that the cumulative side yard setbacks are not less than 10 feet provided a maintenance easement was obtained when side setbacks are reduced. There is nothing about this need to accommodate both a building and driveway that has changed in the neighborhood, except that the need for parking has increased due to the growing success of the businesses on Congress Street approximately 200' away. Particularly as one gets closer to Congress Street with its retail shops, restaurants and coffee shops the more difficult it is to find parking and the more important it is to have off street parking. Our lot sits in the first block of Merrill from Congress where cars parked by patrons of the Blue Spoon, Lolita and Rosemont and the half dozen other nearby businesses fill available parking spots. It is not only a challenge for residents, but is detrimental to the businesses if customers find it hard to park within a

reasonable distance of shops, restaurants and retail stores. The reduced street parking supports the idea of flexibility in side setbacks that will allow the continuation of the existing pattern of properties hugging property lines with driveways on the other side of the lot.

IPOD's expanded set back requirement is a response to the problem of overly large and insensitively designed buildings overpowering smaller traditional housing stock, which most everyone agrees is a problem. However, the IPOD's increased set backs makes development quite difficult when the context in fact asks for a larger building on a narrow lot. To eliminate the possibility for reduced setbacks when the surrounding properties can reasonably tolerate it and the narrow lot demands it is to throw the baby (intelligently designed narrow lot buildings) out with the bathwater (poorly designed and contextually inappropriate large structures permitted under the 2015 regulations).

Proposal: Make off-street parking achievable on lots of 30' or less in width in areas of the R-6 that are within a certain # of feet (or one block) of a B-1 zone by liberalizing the set-backs when needed for a driveway or by allowing a garage door on the façade of the building even if the required % of active living space is not met. Please note that the size of the lot is not the trigger, rather it is the width of the lot. A shallow wide lot is able to include a driveway. A narrow lot of any size cannot.

EXAMPLE 2: A roughly 6' x 8' addition to the second story of a single family home to accommodate a master bathroom may no longer be allowed due to the IPOD's inflexible side set backs.

We have drafted plans to add a master bathroom to our house at 49 Merrill Street by adding a second story area over an existing 1st floor pantry. The addition will be on the side of the house that sits on the boundary with the next-door neighbor at 51 Merrill Street, which we own and rent out. I was advised by Planning staff (pre-IPOD) that under the 2015-2017 regulations such an addition would be permissible so long as we obtained an easement. We set the project aside as we finished up the work on 15-17 Merrill. Now, our reading of the IPOD in conjunction with the 14-328 suggests that because our house is now nonconforming because it sits on the boundary (like every house on our block) such an expansion may not be permissible.

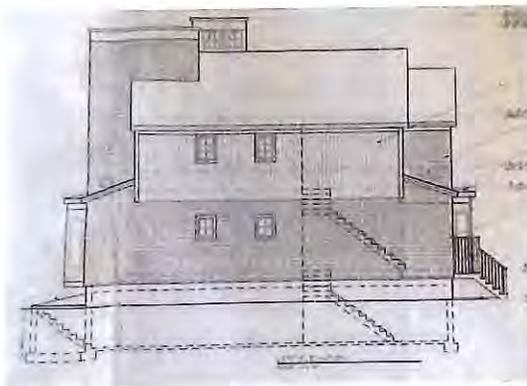
One of the purposes of the 2015 revisions was to provide residents of the R-6 with the opportunity to make improvements to their homes. The March 10, 2015 Planning Board Report (p. 8) explains the significance of the relaxation of some dimensional requirements for current residents:

The changes to lot coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing

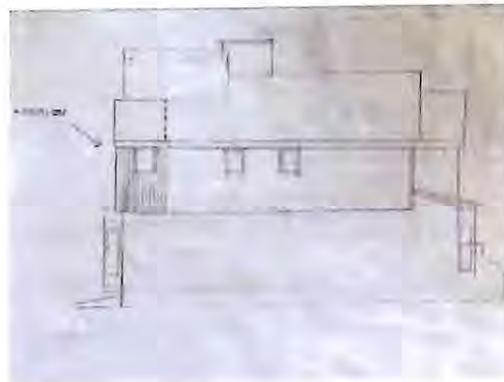
small additions, decks, or accessory structures to be built where they are currently now allowed, allowing greater flexibility for existing properties and also allowing for the possibility of existing neighborhood patterns to be replicated.

To help understand the scope of what we hope to do we offer the following representations of the side of the building, which sits at the boundary, where the expansion would occur:

CURRENT:



PROPOSED:



The side neighbor's house (which we own) is more than 20' away from the proposed expansion. The expansion would fill the space above what is now a shed roof over our laundry/pantry and possibly cantilever into our backyard no further than the existing 3' deep back bay window. The cantilever is in keeping design-wise with both the bay windows on the front and back facades of the 1st floor and a cantilevered area on the second floor on the opposite side of the house. Due to the IPOD's rejection of the 0' side setback (previously allowable if the diminished setback footage was made up on the other side of the building), we are concerned that our building has become non-conforming and any addition would arguably increase the non-conformity in violation of 14-382(d):

Alteration, modification or addition may be made to a building which is lawfully nonconforming as to space and bulk or any dimensional requirement where the proposed changes in existing exterior walls and/or roofs would be within the space occupied by the existing shell of the building, and would not create any new City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-382 Rev.2-4-13 14-602 nonconformity nor increase any existing nonconformity.

In this situation the IPOD, in an understandable effort to prevent large, out of scale buildings from towering over their smaller neighbors and depriving them from light and air, is preventing a small addition that would vastly improve our home and cause zero negative impact on the neighboring property. (As the owners of that

neighboring property we have absolutely no concern about diminishing that property's safety, livability or value.) This kind of improvement is to be encouraged, but we believe may no longer be possible for the "preponderance of houses [in the R-6] hugging one property line . . ." (March 10, 2015 Planning Board Report, p. 9) Surely there is a way to accomplish the dual goals of not letting a 45' building overpower a neighbor due (among other things) to inadequate setbacks and allowing a small addition to a single family home.

Proposal: For purposes of additions to homes that are nonconforming as to side setbacks, reinstate the 2015 flexibility in set backs that reflects the reality of so many homes on Munjoy Hill that sit on the property line.

Alternate Proposal: Provide that expansions of nonconforming buildings will be allowed not only within the shell of the existing building, but in the situation where the architectural design of the building is such that upper stories have non-required setbacks then those upper stories may be expanded to the extent of the perimeter of the footprint of the building plus bays or cantilevers not exceeding 3' in depth if consistent with design elements found elsewhere in the building.

We apologize for the length of this document and appreciate your taking the time to wade through it. As we have learned in our real estate projects, however, the "devil is in the details!"

Thank you for spearheading a challenging community process to listen, learn and figure out the best path forward to protect, nurture and responsibly develop this precious area we call home.

Fwd: brief comment

1 message

Fri, Mar 23, 2018 at 8:25 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Grace Braley <gbraley55@gmail.com>
Date: Thu, Mar 22, 2018 at 9:57 PM
Subject: brief comment
To: jlevine@portlandmaine.gov

To: Jeff Levine --You have been doing marathon work. Someone should be writing a documentary of Portland's journey here.

I don't want to take more time, so this is brief. Please don't go back to the higher roof; that allowance is one of the ugliest things emerging around Munjoy.

I have taken my friend to task for just wanting to tear down (builders generally find it much more agreeable to build new than to renovate, where you never know what you'll find next as a problem to solve). The argument is deeper than his convenience. They come up with so many arguments to support their conviction that almost all older properties are too worn down to be saved, and they don't want the expense. The neighborhood is not for the developers; it is for the residents.

Please keep that in mind while you are revising policy recommendations.

Please put the residents of this city ahead of the developers. They will find work. Residents may not find other neighborhoods.

Thanks, Grace

Fwd: feedback about Munjoy Hill historical designations

1 message

Fri, Mar 23, 2018 at 8:25 AM

Jeff Levine <jlevine@portlandmaine.gov>

To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
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----- Forwarded message -----

From: Judy George <jgeorgemaine@hotmail.com>

Date: Fri, Mar 23, 2018 at 7:42 AM

Subject: feedback about Munjoy Hill historical designations

To: Jeff Levine <jlevine@portlandmaine.gov>

Hi Jeff. I saw you from a distance last night at the meeting at East End school. I can't attend Saturday's workshop but wanted to express my feelings and concerns for " the powers that be " .

I lived in a historic section of Memphis for many years, prior to moving to Maine. I honestly would never buy again in that designated type of zone. It is costly and cumbersome. I am sure I am in the minority from the comments last night, but I also share another concern.

David and I have had two buyers walk away from the sale of our lot on Romasco. One said he was afraid the city would prevent garage doors facing the street and the other person said " things are just to much in upheaval " right now with Portland and it's leadership. I also took 3 phone calls from investors from out of state, and ultimately they said " no thanks " when they followed us in the newspaper online.

I realize there will have to be some compromise, where no one person gets " everything ". But the sooner you can adopt policy, the better, I believe. And please do not eliminate garages facing the street in the new builds. I for one know street parking will devalue any condo or home.

So my vote is a solid no, I do not want a historical designation/overlay at all.

Sincerely,

Judy George

Fwd: Munjoy Hill Neighborhood

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, Mar 22, 2018 at 4:55 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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----- Forwarded message -----
From: Nancy Brain <nancybrain@gwi.net>
Date: Thu, Mar 22, 2018 at 4:49 PM
Subject: Munjoy Hill Neighborhood
To: jlevine@portlandmaine.gov

Dear Mr. Levine,

I am writing in strong support of establishing a historic district to protect the unique character of the Munjoy Hill neighborhood when the current building moratorium ends. I hope that such a district includes, but not necessarily be limited to, North Street, the Eastern Prom, Morning Street and St. Lawrence Street.

I am a resident of the East End and truly love how it's historic character informs and contributes to the vibrant neighborhood that it is today. I am most disturbed by the speed with which many of these buildings are being destroyed and replaced by buildings whose design failed to take into consideration their impact on the overall area. If we are not careful, I believe that we will soon have destroyed much of what makes this neighborhood special.

Sincerely,

Nancy Brain

Fwd: R-6 Post-Moratorium

1 message

Fri, Mar 23, 2018 at 10:11 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Fri, Mar 23, 2018 at 9:50 AM
Subject: R-6 Post-Moratorium
To: Deb Andrews <DGA@portlandmaine.gov>, jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, Justin Costa <jcosta@portlandmaine.gov>, kcook@portlandmaine.gov, pali@portlandmaine.gov, Nicholas Mavadones <nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>

Hello Mayor, Councilors and City Staff,

I am going to be out of town on Saturday, thus unable to attend the scheduled listening session. After attending various meetings, including the MHNO/Landmarks meeting last night, I would like to share these observations:

There is a significant problem on Munjoy Hill now because of the mismatch between the scale of the existing housing stock and what could theoretically be built if it were torn down and rebuilt to the maximums permitted by zoning. While not all of the problems can be traced directly to the 2015 zoning amendments, they certainly contributed to the speculation which seems to have taken hold of the Hill.

The split of opinions on this matter seems to come down to a difference in values between those who see the Hill as the next profit center and want to maximize their own profits VERSUS those of us who value Munjoy Hill as a vibrant community. The latter group spoke eloquently last night about the value of designing for eyes on the street, knowing their neighbors, bonding while walking the neighborhood, wanting to maintain socio-economic diversity, and treasuring the pedestrian scale of existing structures. I do not believe this represents misdirected nostalgia; to the contrary, it describes a sense of community that really exists to this day on the Hill, and was sufficient to motivate 150 people to turn out for a meeting about this issue on a work night.

The former group, who want to maximize profit, may be vocal and well-funded, but I hope that Portland's policy makers will not be swayed by their protestations. Their desire to maximize profit has created the current backlash by completely disregarding the neighborhood context, turning a blind eye to the street, substituting an automatic garage door clicker for a front stoop, designing to discourage interaction with their neighbors, and filling every available square foot with building, to the detriment of green space, light, and site permeability. Many of them construct with an eye only toward the short term, cutting corners on quality and durability, selling their units and being long gone from Portland by the time the problems start to arise in the structure and/or the tattered community fabric.

As some people commented last night, there is continuing concern about maintaining some kind of economic diversity on the Hill, and retaining a range of housing opportunities. One strategy for doing that is to restrict the demolition of buildings that could otherwise continue to provide housing. It is a disservice to the community as a whole for developers to tear down perfectly serviceable housing in order to replace it with new construction which will almost by definition be expensive.

I believe that in the entire IPOD area the demolition of structures should be prohibited if the structure is deemed "contributing" or a landmark by Greater Portland Landmarks' analysis (to be verified by the City). To implement this, the entire IPOD could be designated as an historic district for purposes of review of demolition permit requests, requiring the City to analyze the demolition request using the standards in the historic preservation ordinance. A landmark or contributing structure could only be demolished if the applicant could prove economic hardship under the ordinance definition or could prove that the structure should not have been categorized as "contributing" or "landmark" in the first instance.

In addition, a package of zoning amendments need to be adopted for the R-6 on Munjoy Hill, permanently reducing heights and increasing setbacks similar to the interim IPOD measures. In addition, some attention should be paid to revisiting how to measure height for various roof configurations. Depending upon orientation, a pitched roof can have the same impact on light, air and view as a flat roof, but is assessed as only as high as the midpoint of the slope. Does this make sense conceptually?

Even if amendments are made to the R-6 zoning ordinance, improvements to design review are required as well. In those areas that are eventually designated as a Munjoy Hill Historic District, the historic preservation ordinance will provide the necessary design review. But until that designation is in place, and for all of the areas not designated as part of an historic district, the R-6 Infill Design Review Standards need to be strengthened and enforced. The deletion of the alternative review option is important, but not necessarily sufficient. Perhaps the design community will have specific suggestions for how to give them sufficient "freedom of expression" while also including enough criteria to make sure that a new structure is respectful of its surroundings and contributes to the interaction that is critical to maintaining connection with the rest of the community.

Adopting an historic preservation district for at least a portion of Munjoy Hill makes sense. It should contribute to the continued vitality of Munjoy Hill in the same way that it has benefited the West End. I would personally support the moderate designation pattern presented by Landmarks (North Street axis; Eastern Prom wrapping into the south side of Congress Street). It should be noted that there are interim protections that are triggered by nomination. I would think the timing could work so that those interim protections could be put in place immediately before the moratorium ends.

Thank you for considering these ideas and for the effort that is being put into correcting the regulation of development on Munjoy Hill to preserve it as a vibrant community. The City needs to act boldly to get it right; timid measures will not be sufficient to reverse the threatened loss.

Regards,

Barbara Vestal

—
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
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Fwd: East End-

1 message

Fri, Mar 23, 2018 at 10:13 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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----- Forwarded message -----
From: Debby Murray <debbym@gwi.net>
Date: Fri, Mar 23, 2018 at 9:46 AM
Subject: East End-
To: jlevine@portlandmaine.gov

Good morning, Jeff,

I was reminded last night as this process comes to a close that I never sent the letter I sent to the councilors and the mayor to you.

In the time that has lapsed between the first listening session and now, I am becoming convinced that creating a historic district on the East End makes sense.

I have found that the process has been really good but from the standpoint of a resident, a bit intimidating. All those developers who claim to own property on the hill...well, sure they do, but they don't LIVE here. I often leave the meetings feeling that outsiders have come in to make a buck off my neighborhood.

So, here is my letter and I look forward to the final listening session tomorrow. For what it's worth, I support a historic district on Munjoy Hill. I support continuing the moratorium on demolition and putting some guidelines on height, garage location, setbacks and roof junk in the meantime.

Thanks for your work on this and for considering my opinion.

Debby Murray

 East End.doc
24K

Why I love living in the East End 3/1/18

The other night at the first of two city sponsored "listening sessions" at the East End School, Councilor Ray asked the audience to share what they liked about living in our neighborhood on Munjoy Hill. I had come prepared to say several (negative) things about inappropriate architecture, noisy tear downs and shrinking green space, but I had not thought about publicly sharing what is so positive about life up on the hill. I have been pondering the question and think it's a good one so here is my response.

My husband Peter and I live at 104 North St in a house we built 5 years ago. Prior to that we lived on the West End, in a home that had become too large and which required more energy than we had to maintain it. I dragged my feet making this move, having lived in the West End my whole "Maine" life, which has spanned 43 years. I loved the only neighborhood I had known in Portland, where my kids went to school and where many of my friends lived.

We took a deep breath, sold our house and made the move. I am happy to say neither of us has ever looked back; we are so pleased with our decision to downsize, simplify and move. I should add here that we built on a vacant lot, which once housed a 4 story apartment building. First a fire destroyed it and ultimately, the city demolished it in the 70's. We have a spacious back yard, home to my two hives of honey bees and 6 chickens. We all feel like we have the best view in the city and we all could be happy not moving from our property all day. But we have dogs....

Why I love living in the East End 3/1/18

A good deal of my delight in living in my new neighborhood comes indirectly through our dogs. They get about 5 walks a day. There is not a walk I don't enjoy....especially in warmer weather as we get a chance to greet our neighbors. This is of course due to the fact that they are hanging out on a porch, working in a front garden patch or doing some maintenance on their house. The building projects in the area keep us entertained and for the most part, we are happy to see new hill residents making the East End their home.

The problem comes with condos and new homes with garages on the street. In a sense, the people who live in this type of dwelling, are "dead to us". We don't meet them or see them about since often they zoom down back stairs or an elevator to a garage and leave. I realize not everyone can afford a single family house or a duplex and that apartments and condos are a part of the neighborhood fabric. But when these new buildings maximize the lot space to reduce the possibility of some green, be it a lawn, a tree or some spring bulbs, the positive experience of walking the dogs is impacted. Looking at humans is a lot more rewarding than looking at a garage door.

So, yes, I am concerned about the direction our neighborhood is headed. I will continue to find joy in walking the neighborhood with my dogs, stopping at Rosemont for a free dog biscuit or Colucci's for a 25 cent homemade one, passing the Whitten's beautiful meadow on St. Lawrence St. and enjoying the spectacular views of the bay along the prom. But the demolitions are concerning. The cheaply manufactured boxes that replace the tear downs are dispiriting. They feel greedy and worrisome as the new

Why I love living in the East End 3/1/18

inhabitants will likely be older and here part time. That tips the makeup of a neighborhood. I would like to see the "human bus" leading MORE kids to the East End School each morning from my perch on my front porch. More young people needed! More housing with eyes on the street! More green space and access to views!

Before moving here I might have called the West End Portland's Jewel. I have changed that tune. We are so lucky to live here. But we need the city to protect this desirable jewel, as it did years ago, with the West End. I hope you will come up with a good solution and I am happy to be a contributor to that solution.

Sincerely,

Deborah Murray

104 North St.

debbym@gwi.net

207 653-5143 Cell

Fwd: Munjoy: Historical Designation Question

1 message

Fri, Mar 23, 2018 at 11:50 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Carle Henry <cdhenry3@yahoo.com>
Date: Fri, Mar 23, 2018 at 11:48 AM
Subject: Munjoy: Historical Designation Question
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>

Jeff,

My name is Carle Henry and I live on Saint Lawrence Street. My wife and I have seen you at all of the public hearings and look forward to Saturday's session.

After listening to many opinions on the matter and doing some research myself, I wanted to share our perspective with you.

From where I sit, I think the public is conflating two different topics

1. Some people don't like modern homes; and
2. Some people don't like large multi unit condo buildings (sub issue is demo to stand condos up)

As it relates to #1, boo hoo. One cannot regulate taste. If some are worried that the quality of some new homes is poor, that's yet another matter for your team and the 9 pages of requirements....has nothing to do with historical designation. Many homes on the hill are of poor quality (new and old)

As it relates to #2, creating historical districts across areas of the hill is overkill when the issue is really about addressing multi unit condos. Adding the designation is a serious overreach that will result in

- more pressure than ever on the city to build in other neighborhoods because building on the hill will quickly become more challenging (the city will put themselves into a corner & probably stifle growth)
- less affordable housing (city priority) on the hill which results in more affluent owners and less diversity
- the city having to fight off 5th Amendment/Takings Clause law suits

How to address the concerns re condos?

I'm not sure but alternatives exist without having to bring in the historic designation team that will unintentionally hurt many residents (added fees, more review processes with the city, etc.) Having only 1% of buildings demo'd in 2.5 years is not a problem that requires a fix.

How did we get here?

1. misuse of a moratorium (good for the park project last year but misused this time by BR) - [the stories of those already impacted negatively by the moratorium are heartbreaking]

2. the mhno is using the concerns about condos to resurrect their NIMBY philosophy defined during the 'no on 2'/Soul of Portland days a few years ago (same people, same story but they've taken over the MHNO) - they do not represent the hill and should not act as activists pushing their agenda without regard for the gen'l population here but, while you can't fix that, you can acknowledge it and not fall for their tactics

Help the hill address the larger condo complex opportunities. Move away from impacting private homes and their owners, the citizens.

Thank you,

Carle Henry

Fwd: Munjoy Hill Zoning Changes

1 message

Fri, Mar 23, 2018 at 5:18 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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From: Laurie Hanley <lbhanley@mac.com>
Date: Fri, Mar 23, 2018 at 5:10 PM
Subject: Munjoy Hill Zoning Changes
To: jlevine@portlandmaine.gov, bsr@portlandmaine.gov, jduson@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, nmm@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, estrimling@portlandmaine.gov
Cc: info@munjoyhill.org

Hi all,

I am writing to give my support to making Munjoy Hill an historic district and adopting zoning that will preserve the integrity of the beautiful neighborhood on the hill. History abounds on Munjoy Hill from the historic homes, the cobblestone circle, Portland Observatory and the important cemetery. Clearly, this is an historic district that should be subject to careful review before it becomes like the India/Fore St explosion of development. Portland does not need to expand zoning to encourage investment like it needed to in years past. Development needs to be controlled so that we retain the historic charm of Munjoy Hill.

More specifically, I support the following:

1. Demolition Standards - Create new demolition/tear/down standards in the R-6 Infill Design Standards
2. Dimensional Standards that address scale & mass - Recommend going back to Pre-2015 R-6 or use IPOD R-6 change
3. Design & Building Standards that addresses compatible architecture which includes A) Elimination of Alternative Design Option, B) Ensure 10K sq ft lots apply to the R-6 Infill Design Stds

Thank you for your work and willingness to listen to public comment.

Sincerely,

Laurie Hanley

118 Congress St
Portland

Sent from my iPad



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Demolition

1 message

Sat, Mar 24, 2018 at 8:43 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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----- Forwarded message -----
From: Pa Ag <pagopian1@yahoo.com>
Date: Fri, Mar 23, 2018 at 8:44 PM
Subject: Demolition
To: Jeff Levine <jlevine@portlandmaine.gov>

I know it's TGIF and you have probably already thought of this but, if we had somewhat liberal but pragmatic guidelines included in the R-6 zone that included demolition policies to recognize benefits to the community in making a decision perhaps it could encourage diverse development in some instances. Just a thought and no need to respond. 🙌

Sent from my iPhone

Fwd: Pleading for protection on my home to be able to make my own decisions as my right being a Munjoy Hill resident for 54 year .

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Sat, Mar 24, 2018 at 8:41 AM

For the Munjoy Hill file.

Jeff Levine, AICP
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----- Forwarded message -----

From: Dorothy Rodney <dorothy.rodney@yahoo.com>

Date: Fri, Mar 23, 2018 at 5:43 PM

Subject: Pleading for protection on my home to be able to make my own decisions as my right being a Munjoy Hill resident for 54 year.

To: "estrimlig@portandmaine.gov" <estrimlig@portandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "stiboea@portlandmaine.gov" <stiboea@portlandmaine.gov>, "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "pali@portlandmane.gov" <pali@portlandmane.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, "jduson@portlandmaine.gov" <jduson@portlandmaine.gov>
Cc: "dorothy.rodney@yahoo.com" <dorothy.rodney@yahoo.com>

Dear Mayor and City Councilors,

I wanted to express my deepest concern regarding the regulations of our homes. I have owned my property for 41 years, and feel that the city is taking over the control of what we can and can't do to our home. We should be able to sell, demolish, renovate as we wish, and now there are restrictions. This is not fair! We are at retirement age, and we should not lose the value that we intended on getting if we wish to sell our home. We pay taxes, maintain our property, and this was our 'nest egg' for the future. Our family should not be jeopardized with this R-6 Reform!

Please take this major issue into consideration before making any final decisions! Also, residents need to know what's going at all time. The communication has been very poor notifying residents after meetings took place. Moving forward, I will be attending the meetings.

Thank you for your time in listening to my concerns.

Dorothy Rodney & Family

Fwd: Munjoy Hill Planning

1 message

Tue, Mar 27, 2018 at 8:49 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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----- Forwarded message -----

From: Stephen Gaal <steve@gaal.com>
Date: Sun, Mar 25, 2018 at 12:27 PM
Subject: Munjoy Hill Planning
To: jlevine@portlandmaine.gov, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>
Cc: Wendy Gaal <wendy@gaal.com>

Dear Jeff and Belinda,

Thanks very much for the work both of you and the planning staff have put into the moratorium, the proposed changes to R-6 zoning and the consideration of an Historic District on the Hill. The interest in the subject has been great as evidenced by the attendance at the two listening sessions I attended and the MHNO meeting that featured Greater Portland Landmarks. I was unable to attend the ResponsibleR6 meeting on the 20th. Despite several attempts both in person and by email to get from that organization a list of their leaders and data that supports their claims, I have been unable to do so. Therefore I am not willing to give their claims any weight in my thoughts.

At the first listening session I stated that I asked, at the time of the R-6 revisions, if any "modeling" of the effects of these changes had been done by the planning board. I was told there had not. I requested that you do such modeling for any changes you now propose. I repeat that request. I think we could have avoided a lot of the issues we have seen if that analysis had been done.

My principal issues with the R-6 changes have been the ability of developers to demolish relatively small buildings and replace them with buildings of a larger footprint and significantly more mass due to reduced setbacks, relaxed height restrictions, and the building of "cubes" rather than the more traditional shapes. I think you are on the right track with the tentative proposals you laid out at the March 24th meeting.

Although everyone wants "affordable housing" on the Hill, as one gentleman stated, that horse has left not only the barn but is completely off the farm. MH is simply too attractive a location for those who can afford it to resist. Trying to stop that is likely trying to hold back the tide. You may be able to do it for a while but then you are overwhelmed, often in a catastrophic way. I think it is a fool's errand and should not be a principal part of planning objectives.

I like the demolition delay proposal. It provides a cooling off period and a time for discussion without actually preventing someone from taking that route if they are sufficiently motivated.

I own and live in a building on the Eastern Prom that is identified by GPL as a "contributing building." Next door is a non-contributing building. My biggest worry is that the building next door will be sold, demolished, and a 4-6 unit condo building will be built there that will overwhelm our property. I am counting on your R-6 zoning to prevent that from happening. I understand that the current building could be demolished under almost any scenario, but the replacement building should be of a scale consistent with its neighbors. I view an Historic District as the "icing on cake." Zoning regulations are the first line of defense to make sure that we all behave in a neighborly way when we live in close

proximity to each other. The HD designation helps preserve the look and feel of the neighborhood. I have lived in a place with extremely strict historic preservation requirements. (It took two months and a public hearing to change the mail slot on my door.) I have also lived in a place that had no zoning at all. I strongly prefer the former to the latter. I would be very happy to have my home be included in an Historic District. I believe it would make for the preservation of the very nature of the area which we all value. I also think that over time it would likely increase rather than decrease property values. I also support the idea that the HD should include North Street and the eastern part of the Eastern Prom with some additional side streets as opposed to the entire Hill. I have lived in NYC, Chicago, San Francisco, Los Angeles and Boston. I can say from my own experience that these are, if not unique, fairly special areas of MH to preserve.

Finally, MH is not the only place to live in the city. I agree with the statements made by others that zoning changes allowing for increased density along off-Peninsula public transportation corridors should be considered.

I congratulate Jeff and Belinda for the thoughtful, respectful, calm, and measured listening posture you have both displayed at these meetings. Thank you.

Stephen Gaal
Portland ME
steve@gaal.com
(603) 651-9183 mobile

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

Fwd: R-6 Munjoy Hill overlay

1 message

Jeff Levine <jlevine@portlandmaine.gov> Tue, Mar 27, 2018 at 8:50 AM
To: Christine Grimando <cdg@portlandmaine.gov>, Deb Andrews <dga@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file and FYI.

Jeff Levine, AICP
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----- Forwarded message -----
From: Maggy W <mwnola@gmail.com>
Date: Sun, Mar 25, 2018 at 2:39 PM
Subject: R-6 Munjoy Hill overlay
To: Jeff Levine <jlevine@portlandmaine.gov>

Hi Jeff,

First of all, thank you and your staff for all of the hard work preparing the excellent presentation yesterday and thank you also for attending all of the recent neighborhood meetings.

Some of my neighbors and I have been reviewing the presentation online and have a few questions we would like the opportunity to discuss with you. For example, I was very gratified and relieved to hear you mention the importance of the "Streetscapes" several times during your talk yesterday, but I don't see any mention of that in the actual presentation. I think this is one of the most important qualities of the neighborhood that many of us are wanting to protect, so I am interested in how the new guidelines may accomplish that.

Would there be a time this coming week, when a few of us could meet with you to discuss the staff proposals and to ask for some clarifications?

Thank you,

Maggy Wolf
28 Saint Lawrence

Fwd: Munjoy Hill

1 message

Tue, Mar 27, 2018 at 8:52 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
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From: Lauren Reiter <laurenreiter@yahoo.com>
Date: Mon, Mar 26, 2018 at 5:39 PM
Subject: Munjoy Hill
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: "bbatson@portlandmaine.gov" <bbatson@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "estrimling@portlandmaine.gov" <estrimling@portlandmaine.gov>, "jcosta@portlandmaine.gov" <jcosta@portlandmaine.gov>, "kcook@portlandmaine.gov" <kcook@portlandmaine.gov>, "hbassett@portlandlandmarks.org" <hbassett@portlandlandmarks.org>, Deb Andrews <dga@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, "nmm@portlandmaine.gov" <nmm@portlandmaine.gov>, Jill Duson <jlduson@portlandmaine.gov>, Tom Landry <tomlandry@benchmarkmaine.com>, Timothy Wells <welmaurya@gmail.com>, Susan Grisanti <susan@tentenholdings.net>, Lori Rounds <lori.j.rounds@gmail.com>, Ann Machado <amachado@portlandmaine.gov>, Evan Carroll <evan@bildarchitecture.com>, Carl Henry <cdhenry3@yahoo.com>, Jesse & Elisabeth Thompson <jesse@kaplanthompson.com>, Amy Landry <alandry@benchmarkmaine.com>

Jeff, I'd like to thank you for the excellent presentation on Saturday morning and express an optimism that a reasonable set of revised/new zoning rules will emerge from this lengthy and thoughtful process. As I have already expressed, it seems to me that the overwhelming concern expressed by those that are nervous about new development is the scale of recent buildings. Perhaps it is wishful thinking, but I think that modern design is of less importance to most people than both bulk and a reasonable proportion of ground floor living space (vs. garage). To that end, I do hope that the emergent zoning rules allow for a versatility of expression, including roof-lines, windows, etc. -- as well as encouraging high-performance components.

I have one suggestion at this point, which is to have Deb Andrews do a presentation on the Historic Preservation Office's position on Munjoy Hill designations. Having spoken with Deb after the meeting, and reflecting on various comments made during the meeting, I sense that the City's positions on this subject are not well understood, and are much less "scary" than a lot of people (including myself) think.

As noted previously, I would be happy to participate in other round tables or other venues where allied professions can both listen and offer feedback.

best regards,
Lauren

Reiter Architecture & Design
Lauren J. Reiter, RA, LEED AP
laurenreiter@yahoo.com
cell. 917.502.2225 / tel. 207.359.2300

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Fwd: Munjoy Hill proposed historic district designation

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Mar 27, 2018 at 2:32 PM

For the Munjoy Hill file.

Jeff Levine, AICP
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From: Karen Harrison <karen.harrison.me@gmail.com>
Date: Tue, Mar 27, 2018 at 2:30 PM
Subject: Munjoy Hill proposed historic district designation
To: jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>
Cc: estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, Pious Ali <pali@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, hbassett@portlandlandmarks.org

Hello,

I have lived at [34 Munjoy Street](#) (District 1) since 1993. I love my street, and I love my neighborhood, in which people are quick to help one another and respectful of differences. Over the years, I've seen my neighbors modify their houses in many different ways to make them more enjoyable, economical or useful. I like some of the changes and dislike others, but all of them represent people making the best decisions for their families.

I'm strongly opposed to any historic district designation for this neighborhood for these reasons:

- Historic designation restrictions on additions, renovations and demolitions will prevent people from making the best design and financial decisions for their families and their futures.
- Historic designation restrictions will reduce the energy and vitality of the neighborhood and discourage or prevent the use of high-quality, cost-saving contemporary materials and methods that reduce energy use, such as contemporary glazing products that look different than older glass.
- Historic designation restrictions have a disproportionate financial impact on people with fewer resources. This includes young people using "sweat equity" to fix up a dilapidated building, older people on fixed incomes, and good landlords who try to keep rents reasonable while maintaining their buildings for their tenants' safety and comfort.
- The historic district guidelines for renovations may not allow homeowners to conform to contemporary building safety standards, for example in the size of bedroom windows. This appears to be in conflict with Portland's current emphasis on tenant safety.

Some additional thoughts:

- Behavior can't be regulated through planning and zoning. Neighborhoods are better when people see each other coming and going – and I'd rather not look at garage doors when I'm walking around -- but if you allow garages to be built, locating them at the side or back of a building doesn't force people to interact with their neighbors if they typically leave and enter their residence through the garage.

- It's always unfortunate when someone loses the view from his or her home, but that happens everywhere, and that's why houses and apartments on Eastern Prom (or, for that matter, Central Park West) cost more. It's unreasonable to attempt to freeze all of the current views, many of which are enjoyed by residents whose buildings blocked others' views when they were built.

- It seems that **118 Congress Street** has become the poster child for people who are upset about development on the Hill. But there are other ugly buildings on that side of Congress between Munjoy and St. Lawrence, such as the MHNO building at 92 and the bleakly utilitarian Cummings Center and fire station at 134. And 118, for all of its faults, includes street-level retail.

- At the community meeting on March 22, we watched a slide show on the history of development on the Hill. I'm pretty sure that around the turn of the last century, the people living in houses built 50-75 years earlier were horrified by the arrival of the apartment buildings now considered quaint and historic.

I respect the depth of knowledge and tremendous love for Portland's older buildings shown by the staff of Greater Portland Landmarks and the City's Historic Preservation team, but I'm afraid that "if you've got a hammer, every problem looks like a nail." I don't think that the problems presented by development in this neighborhood can be reasonably and fairly addressed by an historic district designation. I'd rather not live in a neighborhood of compulsory architectural styles, frozen during a random year when photographs happened to have been taken. I'd like to continue to live in a vibrant, energetic, live-and-let-live neighborhood.

Thanks for listening,
Karen Harrison

Fwd: Munjoy Hill We the People Who Are the Community

1 message

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Mar 28, 2018 at 11:08 AM

For the Munjoy Hill file.

Jeff Levine, AICP
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----- Forwarded message -----

From: Carol Connor <balsamique@live.com>
Date: Mon, Mar 26, 2018 at 10:56 AM
Subject: Munjoy Hill We the People Who Are the Community
To: "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>
Cc: Carol Connor <balsamique@live.com>, Candy Poore <moe4545@aol.com>

Dear Mayor and City Councilors,

As a longtime resident of Munjoy Hill I embrace and appreciate the history and culture of this unique and valuable asset. I own and occupy an 1880 cape that has been in my family since 1946. It is situated in a way that allows daily inspiration from the view of the Promenade and the Bay. I am an invested resident who wants to be heard and counted IN as supporting whatever zoning, regulation, moratorium or defining of historic preservation areas needs to occur to preserve the character, architecture and quintessential essence of the Hill.

In particular, I ask that you give first consideration to those of us who actually live on the hill rather than to those who wish to capitalize on its assets by destroying neighborhood homes that could in most cases be restored and lived in.

It is shocking and shameful that building permits have been issued that allow construction of structures that most assuredly are not "affordable or compatible with existing buildings, and do not improve or enrich community life. How did they pass the planning board's scrutiny if the guidelines that monitor such construction were actually followed?

I learned in a recent community meeting that for new construction the planning board must consider the following within a 2 block radius : Architectural compatibility, Scale, Mass, Height? None of these aspects seem to have been considered with recent box style construction or with the 4 story condominium planned for Montreal St.

My Requests

- Extend the moratorium for one year
- Require the planning board to adhere to the guidelines that monitor construction including consideration for scale, mass and architectural compatibility...
- require the planning board to adhere to the stated R6 building guidelines and restrict the plans for constructing a 4 story condo at 33 Montreal St. THERE ARE NO 4 STORY BUILDINGS on Montreal St! It violates the guideline of scale.
- Strictly adhere to appurtenances being contained within the height limits NOT TO EXTEND ABOVE that limit
- Adopt Design and Building Standards that preserve the Architectural integrity of the Hill and require construction to be compatible with neighbors' dwellings. Eliminate the Alternative Design Option entirely
- Return zoning to pre 2015-R6 or IPOD R6 change.

Regards,

Carol M. Connor

12 Montreal St

Portland, Maine 04101

balsamique@live.com

Fwd: Thank you and suggestion

Thu, Mar 29, 2018 at 3:13 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

----- Forwarded message -----

From: nini mc manamy <ninimaine@aol.com>
Date: Thu, Mar 29, 2018 at 1:39 PM
Subject: Thank you and suggestion
To: <JLEVINE@portlandmaine.gov>

Your presentation of March 24 is very, very helpful to the discussion about what is occurring on the Hill. Thank you.

I would like to suggest additional data that I think should be included: the replacement of rental housing by condominiums and/or short term rentals. Recently I have been carrying our petition around the Hill, and have been struck by the number of young couples who tell me they are being forced to move by rent increases or conversions. I think the ease of conversions is a significant piece of the picture. I would like to see some data on the numbers of new units by type of ownership, not just by number of bedrooms.

I also think the market may be topping out. I ran into a former coworker yesterday who is living in one of the burned buildings at the corner of Cumberland and Merrill. She remarked that she and her family are only able to live there because her husband works for the property management company—the other units are pricey and empty. There are other condo and apartment units that are simply not selling or renting on the north side of the Hill. A good thing, maybe, for the long term but no one wants empty housing. And unfortunately this puts more developable property at risk of very high end development.

Meanwhile, the conversations among neighbors have been interesting, varied, and I think very healthy for the neighborhood. Whether or not we agree.

Nini McManamy
Sent from my iPad

Jeff Levine, AICP
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Fwd: Suggestions for the demolition piece R6 Overlay

Tue, Apr 3, 2018 at 3:27 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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----- Forwarded message -----

From: nini mc manamy <ninimaine@aol.com>
Date: Tue, Apr 3, 2018 at 2:33 PM
Subject: Suggestions for the demolition piece R6 Overlay
To: JLEVINE@portlandmaine.gov
Cc: Karine Snyder <karsny@yahoo.com>, tica1529@gmail.com, maggywolf440@bellsouth.net, "vestal@chesterandvestal.com" <vestal@chesterandvestal.com>, Peter Murray <pmurray@gwi.net>, Wayne@redhookdesignalliance.com, berrymanter@yahoo.com, mpetit417@gmail.com, pday2304@gmail.com, "rob@whittenarchitects.com" <rob@whittenarchitects.com>, "dirtgirl1@aol.com" <dirtgirl1@aol.com>, pagopian1@yahoo.com, Jean McManamy <ninimaine@aol.com>

Hi Jeff. Here is what the Munjoy Hill Conservation Collaborative would like to see included. We think the Somerville, MA, ordinance is close to what would work on the Hill. We think it is architecturally and demographically more similar to the Hill than, say, Cambridge or Newton. We don't envision Historic District protection for the whole Hill.

Here is the outline:

Who is covered: named contributing buildings 75 years of age or older

When protection kicks in: when property owner applies for a demolition permit, whether for renovation or replacement of a residential building, if 25% of the facade or square footage of a building is scheduled for demolition

How it works: property owner applies for the permit and staff determines (Time limit, say 14 days) whether it is a covered building. Staff has discretion to initiate delay of one year and works with owner to explore renovation or sale to a preserving buyer; this triggers public notice. Staff can recommend demolition in the case of uninhabitability or economic hardship. Demolish or delay recommendations go to Planning Board and require a public hearing.

Resolution: occurs when demolition permit is issued or building permit is issued, or owner withdraws application. Needs to be accompanied by vigorous application of design standards in renovation or new construction; a design manual would be helpful.

We suspect that most demolition requests will eventually successful, but hope that this will slow the process and combined with more vigorous application of design standards plus some Historic District designation may encourage more preservation.

Nini McManamy
For the Munjoy Hill Conservation Collaborative

Sent from my iPad



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: East End zoning

Wed, Apr 4, 2018 at 8:38 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Joshua Baston <joshua.baston@gmail.com>
Date: Tue, Apr 3, 2018 at 7:05 PM
Subject: Re: East End zoning
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: dga@portlandmaine.gov

Jeff, Deb,

I wanted to thank you for taking the time to meet with me today. I'm obviously pretty opposed to the historical designation and I appreciate your willingness to hear me out. I'm going to try and stay open minded through this process and hopefully you can be open to my concerns as well. I don't think there will be any solution that makes everyone happy but I'm confident there is one which can keep some of the character of the neighborhood while not being overly intrusive on individual property. We also need to be accommodating to new building materials, efficient building methods, and renewable energy technologies as Portland works towards being a sustainable leader in the face of climate change and sea level rise. I'll look forward to future discussion and I thank you again for the time.

Regards,

Josh

On Wed, Mar 28, 2018 at 7:00 PM, Joshua Baston <joshua.baston@gmail.com> wrote:
Jeff, that sounds great, I put Tuesday April 3 at 1:00 on my calendar. See you then

On Wed, Mar 28, 2018 at 5:53 PM, Jeff Levine <jlevine@portlandmaine.gov> wrote:
Sure, happy to meet. Do you have time Tuesday, April 3? Maybe early afternoon would work for us, at 1?

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On Wed, Mar 28, 2018 at 2:31 PM, Joshua Baston <joshua.baston@gmail.com> wrote:
Hi Jeff,

I'm a property owner in the East End (42 Munjoy St.) and I was hoping I could come into the office for just a few min to speak with you about concerns I have about potentially adding historic zoning to this neighborhood. I attended the first public session but was unable to make the meeting this past Saturday. I appreciate the work you and your staff are doing and would love the chance to give some input. You can reach me via email or my cell phone - 595-2445. Thanks and I'll look forward to hearing from you.

Josh

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Letter in support of Munjoy Hill Rezoning

nini mc manamy <ninimaine@aol.com>

Apr 5, 2018 4:17 PM

Posted in group: Planning Board

Dear Chair Dundon and members of the planning board:

Like many of my Munjoy Hill neighbors, I have been grateful for the city's responsiveness to dramatic changes in the fabric of my neighborhood. The unanticipated side effects of the 2015 rezoning in R6 have included demolishing of antique houses, loss of affordable housing, and dramatic increases in property values which may cause spikes in property taxes when revaluation is complete.

The city's planning staff have done an outstanding job engaging residents, with very large turnouts at several meetings held at East End School. Among the excellent research done by planning staff is a survey of building types on the Hill. We learned we are mostly single family homes, and that the average building height on the north side of the Hill is less than two and a half stories. Many, if not most, of the two- and three-unit buildings on the Hill are also owner-occupied. We are more like Deering Center in home ownership and building size than we are like Parkside, and this social fabric is what makes Munjoy Hill a great place to live-not its proximity to downtown restaurants.

The proposed zoning changes presented in the neighborhood on March 24 are a good start, but more needs to be done. Specifically:

1. Mass and height: Newer bulky condominium buildings in most cases do not shelter the kind of family life typical of the Hill and take light and space from our yards. What yard space they have is usually paved over, and social activity occurs on private decks and balconies. This is done to maximize building mass and profits. I respectfully request that you consider enforceable restrictions on building height and mass that reflect adjacent buildings, staying within the average existing building height and mass for a street or block. In addition, I request that you restore the previous lot coverage maximum of 40-50% with an exception for the "small lots". Finally, I request you restore the previous requirements for landscaping and greenspace.

2. Historic Districts: to the two districts under consideration, I urge you to add two more. Too often we think of a Historic District as an opportunity to preserve the architect-designed homes of the wealthy. But Munjoy Hill has always been distinguished by its rich social fabric. I urge you to add consideration of the black neighborhood centered on Lafayette St., which has been documented by Greater Portland Landmarks. Also, Montreal St, which housed the famed murder victim known as the Black Dahlia and a neighborhood speakeasy, but most importantly contains houses built in the 1800s which survived the Great Reservoir Flood of 1893.

Thank you.

Nini McManamy
10 Willis St
Portland

Petition to Planning Board from Munjoy Hill Conservation Collaborative Regarding Munjoy Hill Moratorium

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>

Apr 5, 2018 1:32 PM

Posted in group: Planning Board

April 5, 2018

City of Portland
Planning & Urban Development Department
An: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

Attached is a petition that supports the request for stricter Demolition, Dimensional and Design standards for Munjoy Hill. Based on feedback received while gathering petition signatures, we believe the majority of Munjoy Hill residents are in favor of creating an effective demolition standard, more restrictive R-6 zone dimensional changes, and the assurance that design standards are being followed in which all actions could be immediately implemented when the moratorium ends in June 2018. We urge that these recommendations along with the appropriate but effective language detail are approved by the Planning Board and ultimately voted for by the City Council in June 2018.

PETITION SIGNATURES: There are 386 petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,

Munjoy Hill Conservation Collaborative Members

Paula Agopian-98 Monument St.
Maggy Wolf-28 St. Lawrence St.
Tica Douglas-11 Munjoy St.
Karen Snyder-72 Waterville St.
Berry Manter-46 E. Promenade

Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pamela Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Brackett St.
Erna Koch-81 Vesper St.

Attachment: Cover Letter with signatures and Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20
(MHCCLetterPetition2PlanningBoard_20180405.pdf)

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

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 Nini McManamy 10 Willis St.	 Jayne Hurley 11 St. Lawrence St.	 Pamela Day 25 Waterville St.	 Peter Murray 104 North St.	 Mary Casale 30 Waterville St.
 Wayne Valzania 27 Merrill St.	 Enoch Wenstrom 88 Bracket St.	 Erna Koch 81 Vesper St.		

Attachment: *Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20*

Petition: After Munjoy Hill Moratorium Ends June 2018

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1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

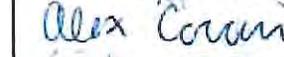
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
1 Amanda Powell		91 Vesper St #3 Portland, ME
2 Alison Godbout		90 Lincoln St Apt 2 Portland, ME
3 Justine Denny		56 North St, Apt 203 Portland, ME
4 ERNA Koch		81 VESPER ST Portland 04101
5 Collin McRann		79 Vesper street 04101
6 Tania Brien		79 Vesper St. 04101
7 Susan Inman		81 A Vesper St. 04101
8 Steven Inman		81A Vesper St Portland ME 04101
9 JOHN P. KELLY		83 Vesper St
10 Alex Corwin		83 Vesper St
11 Ed Conway		79 Vesper St
12 Nicholas M. Mudge		66 Kellogg St
13 Jene Reeves		439 Cumberland Ave
14 Rachel Gips		77 Vesper St
15 Tim Friel		95 Manning St
16 Courtney Zoccolig		11 Moody St
17		
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Name	Signature	Address
21 Enoch WENSTROM		88 Beckett #1
22 Gal WENSTROM		88 Beckett St. Portland
23 Colin WENSTROM		88 Beckett #3 Portland
24 Briar Pelletier		71 Beckett St #2 Portland
25 Amber Truiper		85 Beckett St
26 Sam Lambert		85 Beckett St.
27 Simon Rucker		91 Beckett St
28 Catherine Waycott		91 Beckett St
29 Carolann Murray		95 Beckett St
30 Faith Sheehy		44 Wellington DR
31 Sarah H. White		98 Beckett St
32		78 Hill St
33		2 River Falls #3 Portland ME
34		87 Munjoy Hill #1 Portland
35		62 Munjoy St
36		65 Wilson St
37		49 Orion St #1
38		52 Windy Hill
39		95 Munjoy St
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Name	Signature	Address
45 Brya Arbuckle		82 Beckett St # 3
46 Eric Krebs		54 Moody St Portland
47 JOE KIEVITT		74 Munjoy St
48 Amy Spattow		72 Munjoy St
49 Jill Korman		66 Munjoy St #2
50 N. B.		26 Wilson St
51 Deb at home		20 Munjoy St
52 Clayton & McLangley		
53 Walter & Jane		
54 Martica Douglas		11 Munjoy St.
55 Lisa Christian		37 Munjoy St
56 Anne Christian		58 W. ... #1
57 Carl D. ...		24 ... St
58 Andrew Sumner		45 O'Brien St
59 JANE & ROSE		45 Wilson Unit 4 Portland
60 Richard A Beumale		45 Wilson unit 4 Portland
61		
62		
63 Deb Parish		72 Moody #3 Portland
64 LINCOLN PRINE		150 GASTON PROM. Portland
65 Allison Bine		170 S. ... Portland
66 Ruth Friedman		69 Vesper St Portland
67 Cecilia Ziko		62 Vesper Portland
68 Joseph ...		86 ... S. ...
69		

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Name	Signature	Address
70	<i>[Signature]</i>	14
71	<i>[Signature]</i>	72 Waterville
72	<i>[Signature]</i>	51
73	<i>[Signature]</i>	43 Monument St.
74	<i>[Signature]</i>	44
75	<i>[Signature]</i>	71 Melbourne St
76	<i>[Signature]</i>	105 Congress St. #3
77	<i>[Signature]</i>	105 Congress St.
78	<i>[Signature]</i>	46 Howard St Apt 7
79	<i>[Signature]</i>	100 Congress Street Apt 1
80	<i>[Signature]</i>	172 E. Prom
81	<i>[Signature]</i>	57 St. Lawrence St #4
82	<i>[Signature]</i>	73 Waterville St
83	<i>[Signature]</i>	72 Waterville St #1
84	<i>[Signature]</i>	72 Waterville St #1
85	<i>[Signature]</i>	72 Waterville St #2
86	<i>[Signature]</i>	72 Waterville St #2
87	<i>[Signature]</i>	24 Elm St
88	<i>[Signature]</i>	13 Forest Park
89	<i>[Signature]</i>	68 Quebec St.
90	<i>[Signature]</i>	85 Vesper St
91	<i>[Signature]</i>	75 Congress St
92	<i>[Signature]</i>	68 Quebec St
93	<i>[Signature]</i>	
94	<i>[Signature]</i>	

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	Name	Signature	Address
95	RICHARD STILLWELL	<i>[Signature]</i>	20 ST. LAWRENCE ST.
96	CAROL L. STILLWELL	<i>[Signature]</i>	20 ST. LAWRENCE ST.
97	Mary Kathryn Connolly	<i>[Signature]</i>	100 North St Portland
98	Thomas Liberty	<i>[Signature]</i>	100 North St Portland
99	Elyse Schuckert	<i>[Signature]</i>	100 North St Portland
100	Ryan Pierce	<i>[Signature]</i>	106 NORTH ST PORTLAND, ME
101	Rita Pierce	<i>[Signature]</i>	
102	Laurie Hanley	<i>[Signature]</i>	118 Congress St #302 Portland
103	Judith Sobel	<i>[Signature]</i>	180 Galmouth St #203
104	Solange Kellermann	<i>[Signature]</i>	48 Howard St. Portland
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120	Regina Langley		54 Turner St
121	ALLAN HORNEMAN		58 Turner St.
122	Toni G. ...		44 Howard St
123	Tracey MacLellan		33 Harvard St
124	David ...		48 ... St
125	David Halstead		24 Emerson St
126	Tony ...		54 Turner Street
127	Michael ...		54 Turner St
128	Stuart Lambert		36 Gilman St 04102
129	Katelyn Kniffin		51 Turner St
130	Charles Jackson		136 Pine St. apt #4 Portland ME 04102
131	Patrick Bartley		54 Turner St
132	Jessica Place		54 Turner St #1 Portland, ME
133	Don ...		54 Turner St #1 Portland, ME
134	MARK W CASHIN		27 Morning St #41 Portland, ME
135	Anne K ...		35 Merrill St Portland, ME
136	Scott Seabell		29 ... St Apt 1 ME
137	...		15 ... Street #2
138	...		28 ... #5
139	MAISTINE KILPATRICK		54 Turner St
140	Colin Franklin		54 Turner St.
141			
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145 Jayne Hurley		11 St Lawrence St
146 Peter Macomber		4 St Lawrence St
147 Pam Macomber		4 St. Lawrence St
148 Jennita Marrone		48 Monument St
149 Carlos Brancos		35 St Lawrence St
150 Chris Morgan McCormack		36 St Lawrence St
151 Mark Holden		37 St Lawrence St
152 Emma Cassat		57 St Lawrence St
153 Stephen Benevise		56 St Lawrence St
154 Bruce Kennedy		81 St. Lawrence St
155 Judith Lambert		61 St Lawrence St
156 Kristy Lape		71 St. Lawrence St.
157 Matthew Anderson		41 Monument St.
158 Missy Miller		59 Saint Lawrence St
159 Eric Smith		59 St Lawrence
160 Lina Tuzelskii		57 Atlantic St
161 Betsy Elm		23 Emerson
162 Kate Tagulaid		41 St Lawrence
163 Maxine Wright		29 St Lawrence St
165 Cynthia I. Bartlett		16 Shawnee St #2 Portland
166 Benjamin Alcon		2 Atlantic St #2 Portland
167 Matthew Samuel		6 Atlantic St.
168 Bernard Moore - Samuel		33 Atlantic St.
169 Bernard Moore - Samuel		37 Atlantic St.

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170 ERIC WESTROM		28 BECKETT ST
171 Sarah Morsneau		83 Beckett St. #3 Portland, ME
172 Shelley Brown		87 Munjoy St #3
173 Samuel DeBruin		83 Beckett St #2
174 Megan Suteland		83 Beckett St. #1
175		25 Phillips Falman
176 Rebekah Crabtree		46 Vesper #1 Portland ME
177 Richard Santos		31 O'Brien
178 Emily Cushman		51 Moody St #3
179 Zach Pedersen		76 Beckett St #2
180 ELINOR MILYK		54 SHELDON ST #2
181 JEFF CRANE		119 MORNING ST APT B
182 WILLIAM M FONDE		57 BRACKETT ST #3
183 Dore Fonde		190 CANTON PROBLEME
184 Brandon Carpenter		166 F Washington Ave
185 Jordan Moody		18 Florida Ave
186		67 Monument St #
187 Reese Chace		31 Vesper St #1
188 Betty Hensley		39 Quebec St.
189		45 Congress St.
190 Margaret Desjardis		58 Moody St
191		476 Congress
192 Daniel Hart		22 Vesper St
193		119 Cumberland
194 Thomas Pritz		

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 - A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
 - B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².
 - C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
195 Snjezana Holman		3 Munjoy South
196 Kendall Anderson		41 Waterville St. Apt 1
197 Kewen Gorman		41 Waterville St. Apt 4
198 Michael C. Connolly		36 Waterville St.
199 Amy Stepp		23 Waterville St
200 Alison Schmitzler		23 Waterville St
201 Alison Kamar		73 Atlantic St.
202 John Mahoney		73 Atlantic St.
203 Joel Hall		40 Waterville St #2
204 Ivez Praberac		35 of Lawrence St
205 Sam Deeran		646 Washington Ave
206		
207 Keith Pugh		28 Waterville St
208 Pamela Day		25 Waterville St.
209 Bryan Foster		40 Waterville St.
210 Nicolij Batti		40 Waterville St.
211 Leirac Douglas		70 Waterville St.
212 Michael Perit		25 Waterville
213 Joan E. Britton		104 Winter St. Apt. 1
214 Joe Guglielmetti		44 Waterville St. Apt 1
215 Beau Sapon		7 Waterville St 1C
216 Richard Sapon		
217 Glenn Douwe		28 Waterville St
218		
219		

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay at the lot > 10,000 ft²

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
220 Dale B. Rand	<i>Dale B. Rand</i>	61 Melbourne Street
221 Anne M. Rand	<i>Anne M. Rand</i>	61 Melbourne St.
222 Judith Tierney	<i>Judith Tierney</i>	10 Willis St
223 Martin Steinmasser	<i>Martin Steinmasser</i>	10 Willis Street
224 Margaret Hillenbrand	<i>Margaret Hillenbrand</i>	9 Willis St
225 Santo Peter Donatelli	<i>Santo Peter Donatelli</i>	111 Congress Street
226 Shulamith Bonham	<i>Shulamith Bonham</i>	80 Melbourne St
227 Susan Shaw	<i>Susan Shaw</i>	80 Melbourne St
228 Carol Marie Connor	<i>Carol Marie Connor</i>	26 Willis St. Portland
229 GEORGE H. LIBBY JR	<i>George H. Libby Jr</i>	12 Montreal St
230 Douglas H. Bueaer	<i>Douglas H. Bueaer</i>	16 MONTREAL ST
231 LIANE C BILLINGS	<i>Liane C Billings</i>	16 MONTREAL ST
232 Kevin Johannes	<i>Kevin Johannes</i>	42 MONTREAL ST
233 Amy Emskill	<i>Amy Emskill</i>	41 Montreal St.
234 Deborah Cole	<i>Deborah Cole</i>	48 Montreal St.
235 CHARLES C SWEAY JR	<i>Charles C Sweay Jr</i>	71 Walnut St
236 Rita M Sudbay	<i>Rita M Sudbay</i>	65 Melbourne St
237 Ann Deutsch	<i>Ann Deutsch</i>	64 Melbourne St
238 Beth Latona - Brackett	<i>Beth Latona - Brackett</i>	52 Melbourne St
239 Joel Chapman	<i>Joel Chapman</i>	33 Melbourne St
241 Marianne J. Chapman	<i>Marianne J. Chapman</i>	33 Melbourne St
242 David Brackett	<i>David Brackett</i>	52 Melbourne St
243 Sarah Green	<i>Sarah Green</i>	57 Walnut St
244 JEFFAN McMANAMY	<i>Jeffan McManamy</i>	10 WALKS ST

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

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A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

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A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
245 MARCIE E. YOUNG		53 Mulberry St Portland, Maine
246 Jimmie D. ...		69 ... St Portland, ME
247		11 ... St Portland
248 Megan E. ...		
249 Lydia Savage		19 Melbourne #1 Portland
250 Lorraine Carroll		31 North St
251 Sammy Hargis		65 Quebec St. Portland, Me
252 Barbara Linares Smith		62 Melbourne St, Portland, Me
253 E. TERENCE SMITH		62 Melbourne St, Portland
254 Bennett Morais		65 Waterville St #2
255 Kamina Papine		65 Waterville St #2
256 Jane Boyer		89 Morning St
257 Lisa A. Hovey		95 ... Street Apt 2
258 KRIS JOHNSON		73 ... St
259 Susan Swanson		37 ... St #1
260 Jan ...		37 ... St #2
261 Elizabeth Moore		87 ... St #1
262 Leah Demant		22 ... St #2
263 Kelly ...		71 Melbourne #1
264 ...		71 Melbourne #1
265 ...		6 Clumber ... #1
266 ...		63 ... St #3
267 Carol M. Quinn		
268 -eg Steven Clark		19 Montreal St apt 3
269		

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

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A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

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A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
270 Kelly Tingley		87 St. Lawrence St #4 Portland ME 04104
271 George Carhart		7 Lafayette St Portland ME 04104
272 Uschi Carhart		7 Lafayette Street Portland ME 04104
273 Michaela Conner		27 Lafayette St. Portland
274 Debra Casey		43 Quebec St Portland
275 MICHAEL KILGUS		93 MONROE ST PORTLAND
276 Sherri Hughes		93 MONROE ST PORTLAND
277 MARTICA SAWIN		28 ST. LAWRENCE PORTLAND
278 Maggie Wolf		28 ST. LAWRENCE PORTLAND
279 Cori Murray		40 St Lawrence
280 Amelinda Poirer		43 St Lawrence St 1B
281 Katchina		19 Montreal St Portland
282 Margaret J. Johnson		30 Lafayette St
283 Elizabeth A. Streets		66 Quebec St. Portland
284 Bruce Davis		45 Quebec St.
285 Peter L. Murray		104 North St
286 Deborah D Murray		104 North St
287 Stuart Lynn		63 vesper st
288 Jessica		13 Emerson #305
289 Angela Adams		2 Atlantic St. Portland
290 SHERWOOD HAMILL		2 ATLANTIC ST PORTLAND
291 KAREN ELLEN M. SMITH		80 Quebec St Portland
292 Beth Snyder		81 North St Portland
293 Chris Stewart		81 North St

Petition: After Munjoy Hill Moratorium Ends June 2018

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A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD.

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
295 Kathleen M. Phillips	<i>Kathleen M. Phillips</i>	45 Eastern Prom 6J Port.
296 DEREK CAMPBELL	<i>Derek Campbell</i>	45 Eastern Prom 6T Port
297 SUSAN TURKIN	<i>Susan Turkin</i>	45 Eastern Prom 2ft 6K
298 Charlotte Follan	<i>Charlotte Follan</i>	45 Eastern Prom - 7ft
299 Sandra H Child	<i>Sandra Child</i>	43 Quebec St.
300 JAMES BORRIS	<i>James Borris</i>	23 ENVOY ST #3
301 Maggie C Sprague	<i>Maggie C Sprague</i>	45 EASTERN Prom apt 6C
302 Charles R. Sawyer	<i>Charles R. Sawyer</i>	45 Eastern Prom apt 6C
303 Sarah C. Smith	<i>Sarah C. Smith</i>	45 E. Promenade 3K
304 Jean Fisher	<i>Jean Fisher</i>	45 E. Prom 1 6A
305 Ryan Lowell	<i>Ryan Lowell</i>	50 Merrill St.
306 Mary Mawhinney	<i>Mary Mawhinney</i>	50 Merrill St.
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Petition: After Munjoy Hill Moratorium Ends June 2018

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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
320 Sandra Flanagan	<i>Sandra Flanagan</i>	13 Waterville St.
321 Amy Carle	<i>Amy Carle</i>	39 Waterville St.
322 Andrew Cooper	<i>Andrew Cooper</i>	39 Waterville St.
323 Sabrina Casale	<i>Sabrina Casale</i>	95 Waterville
324 Carl D. Casale	<i>Carl D. Casale</i>	45 Waterville St.
325 Kelly Bourdeau	<i>Kelly Bourdeau</i>	17 Waterville St.
326 Lois C. Barter	<i>Lois C. Barter</i>	55 Kellogg St.
327 Michael J. Cavanaugh	<i>Michael J. Cavanaugh</i>	39 Moody St.
328 Dianne Britano	<i>Dianne Britano</i>	39 Munjoy St.
329 Jenny Barlow	<i>Jenny Barlow</i>	66 Waterville St.
330 Josephine Britano	<i>Josephine Britano</i>	66 Waterville St.
331 Joseph Rand	<i>Joseph Rand</i>	66 Waterville St.
332 Michael Balzano	<i>Michael Balzano</i>	29 Bancroft St.
333 Tom Brokish	<i>Tom Brokish</i>	43 Munjoy St.
334 Kelly Worster	<i>Kelly Worster</i>	52 Monument St #3
335 Amanda Guilmette	<i>Amanda Guilmette</i>	39 Waterville Street
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Petition: After Munjoy Hill Moratorium Ends June 2018

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A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

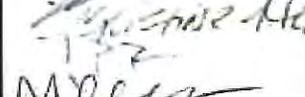
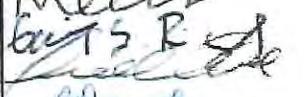
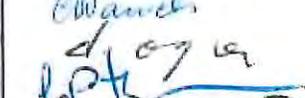
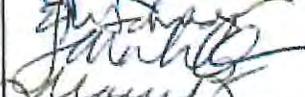
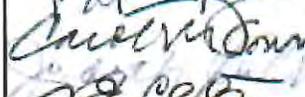
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations.

Name	Signature	Address
345 John Hardy		11 Ponce St Apt 1
346 Mary Capron		55 Mount Hope St
347 The Liber		24 Sturdevant St
348 Kristen Storsvoll		24 Sturdevant St
349 Sarah Galt		80 North St
350 KRISTINE HERTLER		11 Hill St
351 Sarah Frobisher		151 Mountain St
352 Melissa Sweet		37 Saint Lawrence St
353 GAIL KINGEL		34 Lafayette St. Portland
354 TED HARVARD		61 St. Lawrence St
355 Charlotte Daniels		62 St Lawrence St
356 DON OGIER		158 North St
357 Linda Tyler		52 Saint Lawrence St
358 Elena M. Schmidt		99 Atlantic Street
359 Sarah Coan		54 Walnut St
360 MARY ROY		127 North St
361 Louise Lorne Semlye		27 Pine St, #104/10
362 Lynn Hallett		9 St Lawrence
363 PATRICIA RYAN		60 Montreal St
364 Carol M. Connor		12 Montreal St
365 Judith Taylor		15 E Front
366 PAUL COE		98 Monument St.
367		
368		

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
370 Mackenzie Marrie		277 State St. # Portland, ME 04103
371 Andrew Lambert		105 Sherman St #1
372 Rashita M'Junkin		23 Boynton St. #1 Portland ME 04103
373 Matthew Kennedy		23 Boynton St #1 Portland ME
374 Wendy Vaccaro		27 Myrtle St. Portland ME
375 Carolyn Swartz		27 Myrtle St - Portland ME
376 Elizabeth Fraser		81 Congress St Portland ME
377 Maureen Roy		51 Congress Portland
378 James Davis		29 Myrtle St. Portland
379 Elizabeth Farmer		81 Quebec St #3 Portland
380 Britt Knowlton		45 Merrill St
381 Kevin Brewster		68 Quebec St
382 Lise Illingworth		35 Merrill St
383 Lise Illingworth		50 Quebec St
384 Margaret Malley Sampson		73 Merr. St. #1
385 Scott Regazzini		73 Merr. St. #2
386 WA Rose Coats		70 Merrill St #4
387 Jan Piribeck		145 Anderson #8
389 Anne Mangano		84 Quebec St
390 Deborah Pankelman		118 Congress, #204
391		
392		
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Petition: After Munjoy Hill Moratorium Ends June 2018

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A) Create a Demolition/Tear-down standard to be used in this Munjoy Hill R-6 Overlay

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B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
395 Amy T Sweeney	<i>[Signature]</i>	100 Dale Dr Portland, ME
396 Susan C Mercier	<i>[Signature]</i>	54 Bartlett St Portland,
397 Holly Mitchell	<i>[Signature]</i>	154 Yale St Portland
398 Susan Seibe	<i>[Signature]</i>	61 Jeanne St - Portland
399 Carol V Jenkins	<i>[Signature]</i>	18 Stoneledge Drive, Portland
400 Deborah Ahlin	<i>[Signature]</i>	12 Cresfield Terrace, Portland
401 EARL IRELAND, JR	<i>[Signature]</i>	130 Edwards Street
402 A.E. COUSINS	<i>[Signature]</i>	254 Munjoy St
403		
404	<i>[Signature]</i>	70 Cumberland
405 Karen Hamlin	<i>[Signature]</i>	23 Vesper St
406	<i>[Signature]</i>	118 Congress #30
407 Ellen F Bailey	<i>[Signature]</i>	17 Hammond St.
408	<i>[Signature]</i>	75 North St
409 Bonnie Copton	<i>[Signature]</i>	Quarterville St - K
410 Cynthia Cochran	<i>[Signature]</i>	17 Hammond St
411		1 St Lawrence St, B3
412 Michael Copton	<i>[Signature]</i>	9 Starke St, inc
413 Julia Kirtland	<i>[Signature]</i>	234 Eastern Prom. #B
414 EDWARD CHESTER	<i>[Signature]</i>	7 Fore St
415 Vana Carmona	<i>[Signature]</i>	105 North St #1
416 Nat Pendleton	<i>[Signature]</i>	56 Gueloc St #1
417 Steven Goodman	<i>[Signature]</i>	87 Morning St
418 Jeffrey Munkwitz	<i>[Signature]</i>	340 Eastern Prom #142
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Petition: After Munjoy Hill Moratorium Ends June 2018

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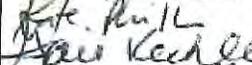
C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
420 SADDON NEILAN		29 Emerson St # 5
421 CHRIS AKER LIND		44 Monument St
422 Nicholas Hill		10 Murrin St
423 Krista Jackson		14 Monument St
424 Matt Wellington		14 Monument St
425 Kate O'Rourke		102 Monument St Apt 2
426 MINDY HEPK		189 Congress St # 2
427 Alex Vigas		189 Congress Apt 2
428 VILL FERRITISIA		46 MEADOWS ST
429 James Placencia		21 W. Eastman
430 James Nelson		26 Atlantic St
431 Sarah Auld		43 Munjoy St Portland
432 Nicole Elmore		49 Sheehan St Portland
433 MAO DING		65 Munjoy St
434 Gerald Shannon		73 Mantoloking St
435 Kasey Kelley		28 Eastern Promenade Apt 8 Portland
436 Leah Cross		73 Atlantic St Apt 2 Portland
437 WILLAWIETH		40 Monument St #3 PLND
438 Meghan Farrell		15 Munjoy St # 1 Portland
439 Jenna Carlson		37 Kellogg St # 3 Portland
440 Ryan Poag		119 Merritt St
441 NATHAN BAILEY		86 Quebec St.
442 CHARLIE FRAIR		62 ATLANTIC ST. 04101
443 Helen Lukacs		66 Cumberland Ave Apt 2
444 PETER O'DONNELL		17 Monument St

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

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2. **Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)**
 - A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
 - B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
 - A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Stds for Munjoy Hill R-6 Overlay
 - B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Stds for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
 - C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
445 Mary Morse		508 Sherman St
446 Robert Morse		208 Sher. Dam
447 Kay Barrios		93 Emerson # 3
448 Kate Phillips		45 Eastern Prom WJ
449 GAIL KUHLETHAAR		9 Adams St
450 TEPHER GAAL		176 Eastern Prom
451 Ann Cowie		32 Wood St. Ptl
452 James Cowie		32 North St
453 Melissa Bois		55 MELBOURNE ST.
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Petition: After Munjoy Hill Moratorium Ends June 2018

Munjoy

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
467 J.R. Whitten	<i>J.R. Whitten</i>	23 St. Lawrence St.
468 Lauren Peir	<i>Lauren Peir</i>	119 Congress # 1
469 E. Streeter	<i>Elizabeth H. Streeter</i>	66 Quebec
470 J. Streeter	<i>Joanna Streeter</i>	66 Quebec
471 Berry Manker	<i>Berry Manker</i>	46 E. Prom
472 Jocelyn King	<i>Jocelyn King</i>	40 E. Prom, Apt B
473 Marcie Lister	<i>Marcie Lister</i>	32 Wilson St #2
474 Isabel Walsh	<i>Isabel Walsh</i>	32 Wilson St #2
475 Evan Holliday	<i>Evan Holliday</i>	42 Vesper St #2
476 MATT CAPON	<i>Matt Capon</i>	32 Wilson St Apt 1
477 Margaret Cummings	<i>Margaret Cummings</i>	
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485		

Fwd: Munjoy Hill R-6 Recommendations

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Apr 9, 2018 at 8:38 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Peter Murray <pmurray@zwi.net>
Date: Sat, Apr 7, 2018 at 10:58 AM
Subject: Munjoy Hill R-6 Recommendations
To: Jeff Levine <jlevine@portlandmaine.gov>
Cc: Dropbox <pmurray@zwi.net>

Dear Jeff -

Here are my suggestions for your and your staff's consideration as you formulate your recommendations to the Planning Board for post-moratorium changes to the R-6. The intent of the recommendations is for the R6 to permit reasonable redevelopment of small Munjoy Hill lots at the same density at which they were originally developed - one or two-family homes - and to permit condo projects only on larger lots. This will tend to preserve the affordable housing stock we now have and protect the historic streetscapes and ambience of the neighborhood from oversized condominium boxes on small lots originally laid out for single family homes. The IPOD was a step in the right direction, but without some strengthening, might not be enough to contain this recent and unfortunate trend.

Thank you for your consideration of these recommendations and for your thoughtful concern for our neighborhood in the context of Portland's overall comprehensive plan.

Best wishes,

PLM
Peter L. Murray
104 North Street
Portland, ME 04101
pmurray@zwi.net

 M-2-recommendations.docx
153K

Memorandum

To: Jeff Levine and Portland Planning staff
Fr: Peter L. Murray
Re: Revisions to the R-6 Zoning Ordinance – Munjoy Hill Overlay
Dt: April 6, 2018

As you finalize staff recommendations to the Planning Board, here are some thoughts and recommendations on revisions to the R-6 zoning ordinance.

1. The pre-2015 R-6 had meaningful setback, lot coverage and parking requirements with a special program for undersized lots that permitted development of single and two family homes on small lots, and larger projects on large lots. This worked well for the Hill.
2. The 2015 version of the R-6 relaxed dimensional requirements to such an extent that it became economically attractive to developers to acquire existing one and two family houses on small lots, tear down the houses, and over-improve the lots with four-story blocks of 4-7 condominium units to the serious deterioration of the character of the neighborhood.
3. The IPOD restrictions represent some improvement, but may not be sufficient to protect valuable existing housing stock and screen out over-size condominiums. Under the Ipod, a 3600 square foot lot laid out for a single family house could be over-redeveloped with a four story condo with a footprint of over 2000 square feet and total enclosed area of nearly 8,000 square feet, enough for four units plus common areas.
4. Returning to the dimensional standards of the pre 2015 R-6 would insure that development of conforming lots would be reasonable and that large condominium projects could only be built on relatively large parcels. Dimensional minima from the old R-6 that are particularly important are 10' side lot setbacks, 4500 square foot minimum lot size, 50% maximum lot coverage. In addition heights should be capped at 35 feet for buildings up to 3 units or on lots smaller than 4500 square feet, with 45 feet for buildings of more than three units on lots of more than 4500 square feet and with an additional 5-foot setback on each side and the front for everything above 35 feet. Rooftop appurtenances should be counted in the maximum height limits.
5. The R-6 dimensional minima should be accompanied by a small lot program that would permit otherwise undersized lots to be developed for one or two family houses under strict design guidelines.
6. There should be no "alternative design review" available on Munjoy Hill. All development should be subject to the Design Standards as developed and maintained by the Planning Department.
7. Demolitions of existing structures from the Hill's original building fabric should be subject to a process that requires a period of repose of up to 6 months to permit consideration of alternatives to demolition.
8. The Planning Department with the assistance of Greater Portland Landmarks and upon notice to the neighborhood should proceed promptly with the establishment of historic districts as recommended by Landmarks.

Thank you for your consideration of these suggestions.

PLM

Proposed revisions to R-6

Pamela Day <pdlay2304@gmail.com>
Posted in group: Planning Board

Apr 6, 2018 6:35 PM

Members of the Planning Board:

We purchased our two-family home on Waterville Street in 2005. The property, an 1860 Greek Revival which survived the Great Fire, needed extensive rehabilitation. Over the years we have made significant improvements, including major work to shore up the foundation and rock walls, rid the property of vermin, make both units livable, and improve the grounds. We are proud to say that many who pass by our home remark upon its attractiveness and historic appeal.

We appreciate the efforts of the City Planning Staff in preparing the IPOD and the draft revised R-6 rules. These are a step in the right direction in preserving the historic character and livability of Munjoy Hill which has been threatened by outsized development since the 2015 zoning changes. In considering the proposed staff recommendations on April 10 we urge the Planning Board to enact and implement the following:

1) Regulate DEMOLITION of existing buildings.

The 2015 code revision provided an incentive to tear down existing homes, including those with historic value and those 2-and 3-unit properties that provide affordable rental housing on the hill. Demolition standards should discourage demolition of homes with historic value and the revised code should support and encourage the maintenance and restoration of both historic and affordable housing.

2) Ensure DIMENSION guidelines/standards properly regulate scale and mass of buildings in relation to their immediate surroundings.

Newer, bulky condominium buildings detract from the social interaction typical of the Hill and reduce light and space enjoyed by all residents from the street scape. The revised code should use the same boundary and dimension recommendations as those outlined in the IPOD, including the IPOD's R-6 language on rooftop appurtenances.

3) Establish and enforce DESIGN & BUILDING standards and guidelines that eliminate the Alternate Design Review as an option and insure that the R-6 infill standards apply to lots over 10,000 SF as well as smaller lots.

4) Create a Munjoy Hill Neighborhood Conservation Overlay District that provides additional protections to the Hill's historic neighborhoods, including matching side setbacks to the neighborhood when possible, discouraging additions on existing nonconforming buildings, and adding some flexibility for smaller lots.

Thank you for your consideration of our request.

Sincerely,

Pamela Day & Michael Petit

25 Waterville Street

Portland 04101

Sent from Mail for Windows 10

Google Groups

Munjoy Hill Zoning

Kate Philbin <kphilb3@gmail.com>

Apr 9, 2018 9:52 PM

Posted in group: Planning Board

Planning Committee Members:

As a resident of the Eastern Promenade, I am writing to request that you support the following in order to preserve the character and history of this iconic Portland neighborhood:

1. Create new demolition standards in the R-6 infill design standards.
2. Support the R-6 zoning change by going back to pre -2015 R-6 or use the IPOD R-6 recommendation.
3. Mandate design and building standards that ensure compatible architecture, including:
 - a. eliminate the alternative design option.
 - b. ensure that 10,000 square foot lots apply to the R-6 infill design.
 - c. revise Munjoy Hill R-6 overlay with the IPOD design recommendations.
4. Create an historic preservation district for much of Munjoy Hill as presented by Portland Landmarks.

Thank you.

Kate Philbin 45 Eastern Promenade

Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Posted in group: Planning and Urban Development

Apr 11, 2018 9:32 AM

April 11, 2018

City of Portland
Planning & Urban Development Department
An: Planning Board
389 Congress Street
Portland, Maine 04101

Re: Planning Department Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Departments recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of 386 signatures gathered from residents on Munjoy Hill requesting EFFECTIVE language for the following:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)
A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)
A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)
A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.
C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.

The Planning Departments recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.

In addition, there is no comment from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specific from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

- 1) Language: (page 12) (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.
Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?
Proposal: Remove this language.
- 2) Language: (page 13) (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -
Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.
Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.
- 3) Language: (Page 14) (i) Enforcement -
Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.
Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

- 1) Rooftop Appurtenances -
Language: (Page 3) -HVAC equipment limited scale up to 5 above max heights if a) screened from public right of way and b) setback at least 5 from the building edge.
Concern: HVACs will still be seen from road in different angles. Additionally, The property owners NOT in public way such as aside or behind the

building should also be considered. These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.
- Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such as air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure.

2) Height Maximum-

Language (Page 3): " or for developments that include at least one workforce housing unit for rent or for sale."

Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 <http://portlandmaine.gov/DocumentCenter/View/18101> which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annually.

This language is so vague that it will not be enforceable as proven in other affordable policies.

- The small landlords such as our Munjoy Hill Conservaon Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hill. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) Side Yard Setback Minimum

Language (Page 3) b) any side yard of less than 10 is permitted only when used to continue a documented built pattern of the surrounding street scape.

Concern: The language starting with " only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.

Proposal: Leave language but remove starting with " only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) Language: Missing Design Standard language to ensure that the design standard manual will be actually enforced.

-Concern: How to ensure that this design manual is legally and actually enforced? It has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

-Proposal: Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) Language: (Page 26) Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservaon Board.

-Concern: How can we be assured that the recommendations of the Historic Preservaon Board recommendations the final authority and not the recommending board? When are Historic Preservaon Board the final authority and when are they the recommending to the Planning Board. For example, 58 Fore Street Historic Preservaon Board recommendations were ignored 2 years ago.

Proposal: Exclude Alternate Design upon IF the Historic Preservaon Board is only recommending to the Planning Authority. Include Alternate Design upon IF the Historic Preservaon Board is the final authority.

3) Language: (Page 26) The Review Authority may determine the neighborhood scope radius.

Concern: There is no definition as to who makes up this Review Authority.

Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservaon Board should be the Review Authority with final authority.

Historic Preservaon Language Concerns:

1) Language (Page 5): There is no recommendation for a Munjoy Hill Historic Preservaon District from the City Planning Dept.

Concern: - How are we assured it will be reviewed in a specific timeframe? What are the interim controls during this timeframe?

We are including another petition showing Munjoy Hill residents are interested in a Historic Preservaon District.

Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.

We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservaon District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.

Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservaon District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition were still uninformed about a Portland Historic Preservaon District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above

We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservaon Collaborative members

Karen Snyder-72 Waterville St.

Paula Agopian-98 Monument St.

Maggie Wolf-28 St. Lawrence St.

Tica Douglas-11 Munjoy St.
Berry Manter-46 E. Promenade
Nini McManamy-10 Willis St.
Jayne Hurley-11 St. Lawrence St.
Pameía Day-25 Waterville St.
Peter Murray-104 North St.
Mary Casale-39 Waterville St.
Wayne Valzania-27 Merrill St.
Enoch Wenstrom-88 Bracke St.
Erna Koch-81 Vesper St.

Attachments:

MHCCLetterPeon2PlanningBoar d_20180405.pdf
MHCCPeon_HPD_20180411.pdf

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Dear Portland Planning Board Members,

The Munjoy Hill Conservation Collaborative is a group of Munjoy Hill residents who have been brought together by our common concern for the recent trends in our neighborhood and the ongoing loss of the characteristics which have made the Munjoy Hill neighborhood such a special place to live.

Attached is a petition that supports the request for stricter Demolition, Dimensional and Design standards for Munjoy Hill. Based on feedback received while gathering petition signatures, we believe the majority of Munjoy Hill residents are in favor of creating an effective demolition standard, more restrictive R-6 zone dimensional changes, and the assurance that design standards are being followed in which all actions could be immediately implemented when the moratorium ends in June 2018. We urge that these recommendations along with the appropriate but effective language detail are approved by the Planning Board and ultimately voted for by the City Council in June 2018.

PETITION SIGNATURES: There are 386 petition signatures which attest that Munjoy Hill residents want more stringent demolition, R-6 dimension and design standards. A very common reaction our group received while gathering signatures was "Thank You for doing this" by neighbors who expressed the desire to save Munjoy Hill's architecture and charm.

ATTENDANCE AT MEETINGS: The standing-room only attendance at the city listening sessions, workshops, and independent meetings in the last month on Munjoy Hill was further evidence of the high level of neighborhood concern.

OPINIONS EXPRESSED AT MEETINGS: The overwhelming majority of speakers expressed opposition to the 2015 R-6 zoning changes, the recent uptick in demolitions, and the trend of oversized buildings.

We think the City Planning Department Director, Jeff Levine's preliminary recommendations made during the last City Listening Session were a step in the right direction to protect Munjoy Hill's history and community spirit due to the incredible amount of work the Planning Department has done to justify such recommendations.

Our collaborative group has grown and our focus has remained steady. We have been knocking on doors and have been communicating with our neighbors. We hope the Planning Board will support Munjoy Hill residents in protecting our rich history and community before it is too late.

Respectfully,
Munjoy Hill Conservation Collaborative Members


Paula Agopian
98 Monument St.

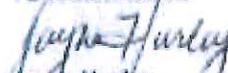

Karen Snyder
72 Waterville St.


Maggy Wolf
28 St. Lawrence St.


Tica Douglas
11 Munjoy St.


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46 E. Promenade


Nini McManamy
19 Willis St.

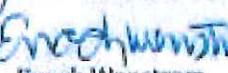

Jayde Hurley
11 St. Lawrence St.


Pamela Day
25 Waterville St.


Peter Murray
104 North St.


Mary Casale
30 Waterville St.


Wayne Valzania
27 Merrill St.


Enoch Wenstrom
88 Bracket St.


Erna Koch
81 Vesper St.

Attachment: *Petition: After Munjoy Hill Moratorium Ends June 2018, Pages 1-20*

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

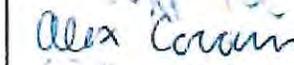
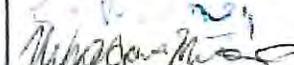
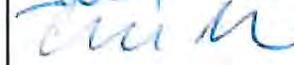
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
1 Amanda Powell		91 Vesper St #3 Portland, ME
2 Alison Godbout		90 Lincoln St Apt 2 Portland, ME
3 Justine Denny		56 North St, Apt 203 Portland, ME
4 ERNA Koch		81 VESPER ST Portland 04101
5 Collin McRann		79 Vesper Street 04101
6 Tania Breen		79 Vesper St. 04101
7 Susan Inman		81 A Vesper St. 04101
8 Steven Inman		81A Vesper St Portland ME 04101
9 JOHN P. KELLY		83 Vesper St
10 Alex Corcoran		83 Vesper St
11 Ed Conway		79 Vesper St
12 Nicholas Mrazek		66 Kellogg St
13 Jeni Leves		439 Cumberland Ave
14 Rachel GTPS		77 Vesper St
15 Tim Friel		95 Moody St
16 Courtney Zoccola		11 Moody St
17		
18		
19		
20		

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Name	Signature	Address
21 Enoch WENSTROM		88 Beckett #1
22 Gal Wensstrom		88 Beckett St. Portland
23 Colin Winsor		88 Beckett #2 Portland
24 Briar Fellehee		88 Beckett St #3 Portland
25 Amber Trasper		71 Beckett St #2 Portland
26 Sign Lambert		85 Beckett St
27 Simon Rucker		85 Beckett St.
28 Catherine Waycott		71 Beckett St
29 Carolann Murrey		71 Beckett St
30 Path Sheehy		85 Beckett St
31 Sarah H. White		44 Wellington DR
32		88
33 Edward Mullen		78 Beckett St
34 Mark Winters		78 Beckett St
35 PAUL ROBERT		88 Beckett St
36		2 1/2 River Pines Cir
37 Christine Lygo		2 1/2 North #3 Portland ME
38 Amelita Labrek		87 Munjoy Hill Portland
39 Benjamin Mason		62 Munjoy Hill
40 Heather Bruce		65 Wilson St
41 Carrie Ryba		19 Orion St #1
42 Jani Mullen		52 Windy Hill
43		95 Munjoy St
44		

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Name	Signature	Address
45 Bryn Arbuckle		82 Beckett St # 3
46 Eric Kuhn		54 Main St Portland
47 JOE KLEVITT		74 Munjoy St.
48 Amy Slatford		92 Munjoy St.
49 Jill Kaufman		66 Munjoy St #2
50 Lisa B		26 Munjoy St
51 Deb at home		10 Munjoy St
52 Christina & Michelangelo		
53 Maria Douglas		
54 Martica Douglas		11 Munjoy St.
55 Lisa Christian		37 Munjoy St
56 Anne Christian		58 W Main St #3
57 Anne Christian		58 W Main St
58 Anne Christian		45 O'Brien St
59 Andrew Summers		46 Wilcox Unit 4 Portland
60 JANE S ROWE		45 Wilcox Unit 4 Portland
61 Richard A Brumley		
62		
63 Deb Parish		12 Main # 3 Portland
64 LINCOLN PRINE		150 EASTERN PROM. Portland
65 Allison Prine		150 Eastern Prom Portland
66 Ruth Friedman		69 Bayser St Portland
67 Cecilia Ziko		62 Vesper Portland
68 Joseph Nelson		86 Congress St.
69		

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Name	Signature	Address
70	<i>[Signature]</i>	14
71	<i>[Signature]</i>	23 Waterville
72	<i>[Signature]</i>	51 Monument St
73	<i>[Signature]</i>	43 Monument St
74	<i>[Signature]</i>	44 Saint Lawrence St
75	<i>[Signature]</i>	71 Melbourne St
76	<i>[Signature]</i>	105 Congress St, #3
77	<i>[Signature]</i>	105 Congress St
78	<i>[Signature]</i>	46 Howard St Apt 7
79	<i>[Signature]</i>	100 Congress Street Apt 1
80	<i>[Signature]</i>	172 E. Prom
81	<i>[Signature]</i>	57 St. Lawrence St #4
82	<i>[Signature]</i>	73 Waterville St
83	<i>[Signature]</i>	72 Waterville St #1
84	<i>[Signature]</i>	72 Waterville St, #1
85	<i>[Signature]</i>	72 Waterville St #2
86	<i>[Signature]</i>	72 WATERVILLE ST #2
87	<i>[Signature]</i>	24 Elm St
88	<i>[Signature]</i>	13 Forest Park
89	<i>[Signature]</i>	68 Quebec St
90	<i>[Signature]</i>	85 Vesper St
91	<i>[Signature]</i>	75 Congress St
92	<i>[Signature]</i>	68 Quebec St
93	<i>[Signature]</i>	
94	<i>[Signature]</i>	

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
95	RICHARD STILLWELL	<i>[Signature]</i>	20 ST. LAWRENCE ST.
96	CAROL L. STILLWELL	<i>[Signature]</i>	20 ST. LAWRENCE ST.
97	Mary Kathryn Connolly	<i>[Signature]</i>	100 North St Portland
98	Thomas Alberty	<i>[Signature]</i>	100 North St Portland
99	Elyse Schwarzer	<i>[Signature]</i>	100 North St Portland
100	Ryan Pierce	<i>[Signature]</i>	106 North St Portland, ME
101	Rita Pierce	<i>[Signature]</i>	
102	Laurie Hanley	<i>[Signature]</i>	118 Congress # 302 Portland
103	Judith Sobel	<i>[Signature]</i>	180 Galmouth St #203
104	Solange Kellermann	<i>[Signature]</i>	48 Howard St. Portland
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B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.

C) Update the Munjoy Hill R-6 Overlay with the IPOD R6 design recommendations

	Name	Signature	Address
120	Regina Langley		54 Turner St.
121	ALLAN HORDEMAN		58 Turner St.
122	Paul G. S.		44 Howard St.
123	Tracey Madigan		33 Harvard St
124	Alan J. R.		48 EMERSON ST
125	David Halstead		34 Emerson St
126	Tony Blassius		54 Turner Street
127	MICHAEL GRADY		54 TURNER ST
128	Stuart Lambert		36 Gibman ST 04102
129	Katelyn Kuffin		51 Turner St
130	Charles Wilson		136 Pine St. apt #4 Portland ME 04102
131	Patrick Bartley		54 Turner St
132	Jessica Place		54 Turner St #1 Portland, ME
133	Doug B.		34 Turner St #2 - PORTLAND, ME
134	MARK W. CASHIN		27 MORNING ST #4 PORTLAND, ME
135	Anna K. B.		35 Merrill St Portland, ME
136	Scott Sabell		29 E. AUGA St Apt 1 ME
137	J. J.		15 Munjoy Street #2
138	Robert Anderson		27 Morning St #5
139	MAISTIE KILPATRICK		54 TURNER ST -
140	Colin Franklin		54 Turner St.
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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
145 Jayne Hurley	<i>Jayne Hurley</i>	11 W. Lawrence St.
146 Peter Macomber	<i>Peter Macomber</i>	4 St. Lawrence St
147 Pam Macomber	<i>Margaret P Macomber</i>	4 St. Lawrence St
148 Jennifer Marrone	<i>Jennifer Marrone</i>	48 Monument St
149 Carol Morgan McCormack	<i>Morgan McCormack</i>	35 St. Lawrence St
150 Mark Emma Cassat	<i>Emma Cassat</i>	36 St. Lawrence St
151 Mark Stephen Benson	<i>Stephen Benson</i>	37 St. Lawrence St
152 Mark Judith Lambert	<i>Judith Lambert</i>	57 St. Lawrence St
153 Kristin Lopez	<i>Kristin Lopez</i>	56 St. Lawrence St
154 Matthew Anderson	<i>Matthew Anderson</i>	21 St. Lawrence St
155 Missy Miller	<i>Missy Miller</i>	61 St. Lawrence St
156 Eric Smith	<i>Eric Smith</i>	71 St. Lawrence St
160 Lina Turubekova	<i>Lina Turubekova</i>	41 Monument St.
161 Betsy Elm	<i>Betsy Elm</i>	51 Saint Lawrence St
162 Kate Tagulard	<i>Kate Tagulard</i>	57 St. Lawrence
163 Moana Wright	<i>Moana Wright</i>	52 Atlantic St
164		23 Emerson
165 Cynthia I. Bartlett	<i>Cynthia I. Bartlett</i>	44 St. Lawrence
166 Benjamin Cynthia I. Bartlett	<i>Cynthia I. Bartlett</i>	29 St. Lawrence St
167 Benjamin Heather Abt	<i>Heather Abt</i>	16 St. Lawrence St #2 Portland
168 Benjamin Kathleen Riley	<i>Kathleen Riley</i>	2 Atlantic St #2 Portland
169 Benjamin Moana Wright	<i>Moana Wright</i>	6 Atlantic St.

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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
170 ERIC WESTSTROM		28 BECKETT ST
171 Sarah Morneau		83 Beckett St. #3 Portland, ME
172 Shelley Brown		87 Munjoy St #3
173 Samuel deFoyette		83 Beckett St #2
174 Megan Sommadossi		85 Beckett St. #1
175		25 Mulhills Falmer
176 Rebekah Crabtree		46 Vesper #1 Portland
177 Richard Santos		31 O'Brien
178 Emily Cushman		57 Moody St #3
179 Zach Pedersen		76 Beckett St #2
180 EDWINA MILNE		54 SHENICK ST #17
181 JEFF CRANE		119 MORNING ST APT B
182 WILLIAM N FONGE		57 BECKETT ST #3
183 JEFF FONGE		190 EASTON PROMENADE
184 Brandon MacPhee		166 F Washington Ave
185 Jordan Moody		18 French Ave
186		62 Monument St #
187		31 Vesper St #1
188 Betty Hensley		37 Quebec St.
189		
190 Margaret S. Sibley		45 Congress St.
191		58 Wade St
192		470 Congress
193		22 Portland St
194 Thomas Lee		119 Cumberland

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
195 Snjezana Holman	<i>Snjezana Holman</i>	3 Munjoy South St
196 Keldal Anderson	<i>Keldal Anderson</i>	41 Waterville St. Apt 1
197 Kawan Gorman	<i>Kawan Gorman</i>	41 Waterville St. Apt 4
198 Michael C. Connolly	<i>Michael C. Connolly</i>	36 Waterville St.
199 Amy Stepp	<i>Amy Stepp</i>	23 Waterville St
200 Alison Schmitzler	<i>Alison Schmitzler</i>	23 Waterville St
201 Alison Kamar	<i>Alison Kamar</i>	73 Atlantic St.
202 John Mahoney	<i>John Mahoney</i>	73 Atlantic St.
203 Joel Hall	<i>Joel Hall</i>	40 Waterville St #2
204 Ivez Praberar	<i>Ivez Praberar</i>	35 of Lawrence St
205 Sam Deeran	<i>Sam Deeran</i>	646 Washington Ave
206		
207 Keith Dudge	<i>Keith Dudge</i>	28 Waterville St
208 Pamela Day	<i>Pamela Day</i>	25 Waterville St.
209 Bryan Fortin	<i>Bryan Fortin</i>	40 Waterville St.
210 Nikolij Bati	<i>Nikolij Bati</i>	40 Waterville St.
211 Laird Douglas	<i>Laird Douglas</i>	70 Waterville St.
212 Michael Peter	<i>Michael Peter</i>	25 Waterville
213 Joane Britton	<i>Joane Britton</i>	104 Winter St. Apt. 1
214 Joe Guglielmetti	<i>Joe Guglielmetti</i>	44 Waterville St. Apt 1
215 Beau Golan	<i>Beau Golan</i>	7 Waterville St 1C
216 Richard Golan	<i>Richard Golan</i>	
217 Jenn Dove	<i>Jenn Dove</i>	28 Waterville St
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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay at the lots < 10,000 ft²

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
220 Dale B. Rand	<i>Dale B. Rand</i>	61 Melbourne Street
221 Anne M. Rand	<i>Anne M. Rand</i>	61 Melbourne St.
222 Judith Tierney	<i>Judith Tierney</i>	10 Willis St
223 Martin Steinbesser	<i>Martin Steinbesser</i>	10 Willis Street
224 Margaret Hillman	<i>Margaret Hillman</i>	9 Willis St
225 Santo Peter Donatelli	<i>Santo Peter Donatelli</i>	111 Congress Street
226 Shulamith Bonham	<i>Shulamith Bonham</i>	80 Melbourne St
227 Susan Shaw	<i>Susan Shaw</i>	80 Melbourne St
228	<i>Susan Shaw</i>	26 Willis St. Portland
229 Carol Marie Connor	<i>Carol Marie Connor</i>	12 Montreal St
230 GEORGE H. LIBBY JR	<i>George H. Libby Jr</i>	16 MONTREAL ST
231 Douglas H. Bueaer	<i>Douglas H. Bueaer</i>	16 MONTREAL ST
232 LIANE C. BILLINGS	<i>Liane C. Billings</i>	42 MONTREAL ST
233 Kevin Johanson	<i>Kevin Johanson</i>	41 Montreal St.
234 Amy Bushill	<i>Amy Bushill</i>	48 Montreal St.
235 Deborah Cole	<i>Deborah Cole</i>	71 Walnut St
236 CHARLES C. SUDBY JR	<i>Charles C. Sudby Jr</i>	65 Melbourne St
237 Rita M. Sudby	<i>Rita M. Sudby</i>	65 Melbourne St
238 Ann Deutsch	<i>Ann Deutsch</i>	64 Melbourne St
239 Beth Laska - Brackett	<i>Beth Laska - Brackett</i>	52 Melbourne St
240 Todi Chapman	<i>Todi Chapman</i>	33 Melbourne St
241 Marianne J. Chapman	<i>Marianne J. Chapman</i>	33 Melbourne St
242 David Brackett	<i>David Brackett</i>	52 Melbourne St
243 Sarah Green	<i>Sarah Green</i>	37 Walnut St
244 JEAN Mc MANJAMV	<i>Jean Mc Manjamv</i>	10 WALKER ST

Petition: After Munjoy Hill Moratorium Ends June 2018

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
245 MARCIE E. YOUNG		53 Melbourn St
246		Portland, Maine
247		64 Melbourn St Portland, ME
248 Megan E Connolly		11 Montreal St Portland
249 Lydia Savage		19 Melbourn #1 Portland
250 Lorraine Carroll		31 North St
251 Sammy Hargis		65 Quebec St Apt. 102
252 Barbara Linares Smith		62 Melbourn St, Portland, ME
253 E TERRANCE Smith		62 Melbourn St, Portland
254 Bennett Mould		65 Waterville St #2
255 Kamina Payne		65 Waterville St #2
256 Jane Beyer		59 Morning St
257 Victoria Hovey		95 Congress Street Apt 2
258 KRIS JOHNSON		73 Congress St
259 Shara Swanson		37 Congress St #1
260 Jan Swanson		37 Congress St #2
261 Elizabeth Moore		27 Pine St, #1
262 Leah Demont		22 Atlantic St #2
263 Kelly Macleod		71 Melbourn #21
264		71 Melbourn #1
265 Amy Madini		6 Climbout Way #1
266 Keith W. Welch		63 Vermont St. #3
267 Connor M. Quinn		63 Melbourn St. #3
268 -es Steven Clark		19 Montreal St. apt 3
269		

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
270 Kelly Tingley	<i>Kelly Tingley</i>	87 St. Lawrence St #4 Portland ME 04101
271 George Carhart	<i>George Carhart</i>	7 Lafayette St Portland ME 04101
272 Uschi Carhart	<i>Uschi Carhart</i>	7 Lafayette Street Portland ME 04101
273 Michaela Conner	<i>Michaela Conner</i>	27 Lafayette St Portland
274 Debra Casey	<i>Debra Casey</i>	43 Quebec St Portland
275 MICHAEL KILGUS	<i>Michael Kilgus</i>	91 Atlantic St Portland
276 Sherril Hughes	<i>Sherril Hughes</i>	93 Atlantic St Portland
277 MARTICA SAWIN	<i>Martica Sawin</i>	28 ST. LAWRENCE PORTLAND
278 Maggie Wolf	<i>Maggie Wolf</i>	28 ST. LAWRENCE PORTLAND
279 Gordon Murray	<i>Gordon Murray</i>	40 St Lawrence "
280 Amelinda Pavin	<i>Amelinda Pavin</i>	43 St Lawrence St 1B
281 Katchina	<i>Katchina</i>	19 Montreal St Portland
282 Margaret S. Johnson	<i>Margaret S. Johnson</i>	30 Lafayette St
283 Elizabeth A. Streets	<i>Elizabeth A. Streets</i>	66 Quebec St. Portland
284 BRUCE DAVIS	<i>Bruce Davis</i>	45 Quebec St
285 Peter L. Murray	<i>Peter L. Murray</i>	104 North St
286 Deborah D Murray	<i>Deborah D Murray</i>	104 North St
287 Jonath Lane	<i>Jonath Lane</i>	63 vesper st
288 Jassid Dutt	<i>Jassid Dutt</i>	13 Emerson # 305
289 Angelu Adams	<i>Angelu Adams</i>	2 Atlantic St. Portland
290 SHERWOOD HAMILL	<i>Sherwood Hamill</i>	2 ATLANTIC ST PORTLAND
291 KAREN ELLEN M. SMITH	<i>Karen Ellen M. Smith</i>	80 Quebec St Portland
292 Beth Snyder	<i>Beth Snyder</i>	81 North St Portland
293 Chris Stewart	<i>Chris Stewart</i>	81 North St Portland

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations.

Name	Signature	Address
295 Kathleen M. Philbin	<i>Kathleen M. Philbin</i>	45 Eastern Prom 6J Apt.
296 DEREK CAMPBELL	<i>Derek Campbell</i>	45 Eastern Prom 6T Part
297 SUSAN TURKIN	<i>Susan Turkin</i>	45 Eastern Prom apt 6K
298 Charlotte Falkow	<i>Charlotte Falkow</i>	45 Eastern Prom - 7th
299 Sandra H Child	<i>Sandra H Child</i>	43 Quebec St.
300 James Borawski	<i>James Borawski</i>	23 ENVOY ST #5
301 Charlotte Sawyer	<i>Charlotte Sawyer</i>	45 EASTERN Prom apt 6C
302 Charles R. Sawyer	<i>Charles R. Sawyer</i>	45 Eastern Prom apt 6C
303 Sarah C. Smith	<i>Sarah C. Smith</i>	45 E. Promenade 3L
304 Sean Hillier	<i>Sean Hillier</i>	45 E. Prom 1 6A
305 Ryan Lowell	<i>Ryan Lowell</i>	50 Merrill St.
306 Mary Mawhinney	<i>Mary Mawhinney</i>	90 Merrill St.
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Name	Signature	Address
320 Sandra Flanagan	<i>Sandra Flanagan</i>	13 Waterville St.
321 Amy Carble	<i>Amy Carble</i>	39 Waterville St.
322 Andrew Cooper	<i>Andrew Cooper</i>	39 Waterville St.
323 Sabrina Casale	<i>Sabrina Casale</i>	45 Waterville
324 Carol D. Casale	<i>Carol D. Casale</i>	45 Waterville St.
325 Kelly Bourdeau	<i>Kelly Bourdeau</i>	17 Waterville
326 Lois C. Barter	<i>Lois C. Barter</i>	55 Kellogg St.
327 Michael D. Cavanaugh	<i>Michael D. Cavanaugh</i>	39 Munjoy St.
328 Dianne Barone-Castro	<i>Dianne Barone-Castro</i>	39 Munjoy St.
329 Tom Barlow	<i>Tom Barlow</i>	66 Waterville St.
330 Joseph R. Read	<i>Joseph R. Read</i>	66 Waterville St.
331 Joseph R. Read	<i>Joseph R. Read</i>	66 Waterville St.
332 Michael Balzano	<i>Michael Balzano</i>	29 Bancroft St.
333 Tom Brokoff	<i>Tom Brokoff</i>	43 Munjoy St.
334 Kelly Worster	<i>Kelly Worster</i>	52 Monument St #3
335 Amanda Guilmette	<i>Amanda Guilmette</i>	39 Waterville Street
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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
345 John Hardy		11 Ponce St Apt 1
346 Mary Capron		55 Mount Hope St
347 The Liber		24 Sturdevant St
348 Kristen Stoozelli		24 Sturdevant St
349 Sarah A. Hill		80 North St
350 KRISTINE HEDTLER		" H3c 2
351 T. SM F. COOK - G. I.		151 Ponce St
352 Melissa Sweet		57 Saint Lawrence St
353 GAIL KINDEL		34 Lafayette St. Portland
354 TED HARVORD		61 St. Lawrence St
355 Charlotte Daniels		62 St Lawrence St
356 DON OGIER		158 North St
357 Linda Tyler		52 Saint Lawrence St
358 Elena M. Schmidt		99 Atlantic Street
359 Sarah Goan		54 Walcutt St
360 MARY ROY		173 North St
361 Louise Lora Semlye		28 Pine St, #105 04/12
362 Lynn Hallett		9 St Lawrence
363 PATRICIA RYAN		60 Montreal St
364 Carol M. Connor		12 Montreal St
365 Judith Fortner		15 E. Front
366 Paul E. Cote		98 Monument St.
367		
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Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)

A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay

2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)

A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD

B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)

A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
370 Mackenzie Marrie		277 State St. # Portland, ME 04103
371 Andrew Lambert		105 Sherman St #1
372 Rashita McKinley		23 Boynton St. #1 Portland ME 04103
373 Matthew Kennedy		23 Boynton St #1 Portland ME
374 Alexis Vaizov		27 Monahan St. Portland ME
375 Carolyn Swartz		27 Monahan St. Portland ME
376 Elizabeth Frosen		81 Congress St Portland ME
377 Maureen Roy		51 Congress Portland
378 James Davis		29 Marble St Portland
379 Elizabeth Farmer		81 Quebec St #3 Portland
380 Britt Knowlton		45 Merrill St
381 Kevin Brewster		68 Quebec St
382 Dawn Riz		35 Merrill St
383 Lisa Ellingworth		50 Quebec St
384 Margaret Malley Sampson		73 Merrill St #1
385 Scott Regazzini		73 Merrill St #2
386 WA Rose Coetz		70 Merrill St #4
387 Jan Piribeck		145 Andros #8
389 Anne Mangonello		84 Quebec St
390 Deborah Peckerman		118 Congress, #204
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Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

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C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

	Name	Signature	Address
395	Amy T Sweeney		160 Dale Dr Portland, ME
396	Susan C Mercier		54 Bartlett St Portland,
397	Holly Mitchell		154 Yale St Portland
398	Susan Seibe		61 Jeanne St Portland
399	CAROL V Jenkins		18 Stoneledge Drive, PORTLAND
400	Deborah Ahlin		17 Crossfield Terrace, Portland
401	EARL IRELAND, JR		150 Edwards Street
402	PAE COUSINS		24 Munjoy St
403			
404	Judith		73 Cumberland
405	Karen Hamlin		23 Vesper St
406	Barbara		118 Congress #301 →
407	Ellen F Bailey		17 Hammond St.
408	Tyler		75 North St
409	Bonnie Copton		Quakerville St - 1C
410	Cynthia Cochran		17 Hammond St
411	Pat C Tyeon		1 St Lawrence St, B3
412	Michael Copton		9 Waterville St. 1-C
413	Julia Kirtland		234 Eastern Prom #13
414	EDWARD CHESTER		7 Fore St
415	Vana Carmona		105 North St #1
416	Nat Pendleton		50 Guellet St #7
417	Steven Goodman		57 Morning St
418	Jeffrey Munkwitz Smith		340 Eastern Prom #142
419			

Petition: After Munjoy Hill Moratorium Ends June 2018

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B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².

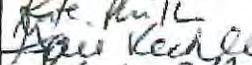
C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
420 SADDAM NEILAN		29 Emerson St #5
421 CHRIS AKER LIND		44 Monument St
422 Nicholas Hill		10 Munnings St
423 Krista Jackson		14 Monument St
424 Matt Wellington		14 Monument St
425 Kate O'Rourke		102 Morningside Apt 2
426 MINDY HEPLER		189 Congress St Apt 2
427 Alex Vignos		40 MEEHOUN ST
428 WILL PERICOSTA		
429 James Placencia		21 W. Eastern Ave
430 James Nelson		71 Atlantic St
431 Sarah Auld		43 Munjoy St Portland
432 Nicki Elmaze		49 Sheehan St Portland
433 MAO DING		65 Munjoy St
434 Gerald Shannon		73 Monument St
435 KASEL KELLER		28 Eastern Promenade Apt 8 Portland
436 Leah Cross		73 Atlantic St Apt 2 Portland
437 WILLAWIETH		40 Monument St. #3 PND.
438 Meghan Farrell		15 Munjoy St #1 Portland
439 Jenna Carlson		37 Kellogg St #3 Portland
440 Ryan Poag		119 Merritt St
441 Nathan Bailey		86 Quebec St.
442 CHARLIE FRAIR		62 ATLANTIC ST. 04101
443 Helen Lukacs		66 Cumberland Ave Apt 2
444 PETER O'DONNELL		17 Munnings St

Petition: After Munjoy Hill Moratorium Ends June 2018

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

1. **Demolition Standards to Implement AFTER Moratorium (To Address Tear-Downs)**
 - A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. **Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)**
 - A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
 - B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. **Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)**
 - A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Stds for Munjoy Hill R-6 Overlay
 - B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Stds for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².
 - C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
445 Mary Morse		508 Shondan St
446 Robert Morse		208 Sheridan
447 Ray Barnes		33 Emerson #3
448 Kate Phyllis		45 Eastern Prom WJ
449 GAIL KULTHRAU		9 Adams St
450 TEPHER GAZL		176 Eastern Prom
451 Ann Cowie		32 North St, Ptl
452 James Cowie		32 Newton St
453 Melissa Bois		53 MELBOURNE ST.
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Petition: After Munjoy Hill Moratorium Ends June 2018

Munjoy

We the undersigned request the Portland City Councilors and Planning Dept to conserve and preserve Munjoy Hill Structures that makes Munjoy Hill a wonderful place to live by the implementation of the following actions:

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A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay

B) Ensure lots over 10,000 ft2 follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft2.

C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
467 G.R. WHITTEN	<i>G.R. Whitten</i>	23 St. Lawrence St.
468 Lauren Peir	<i>Lauren Peir</i>	119 Congress # 1
469 E. Streeter	<i>Elizabeth C. Streeter</i>	66 Quebec
470 J. Streeter	<i>Josanna Streeter</i>	66 Quebec
471 Berry Manter	<i>Berry Manter</i>	46 E. Arm
472 Jocelyn King	<i>Jocelyn King</i>	46 E. Prom
473 Marcie Lister	<i>Marcie Lister</i>	40 E. Prom, Apt B
474 Isabel Walsh	<i>Isabel Walsh</i>	32 Wilson St #2
475 Evan Holliday	<i>Evan Holliday</i>	32 Wilson St #2
476 MATT CAPON	<i>Matt Capon</i>	72 VESPER St #2
477 Margaret Cummings	<i>Margaret Cummings</i>	32 Wilson St Apt 1
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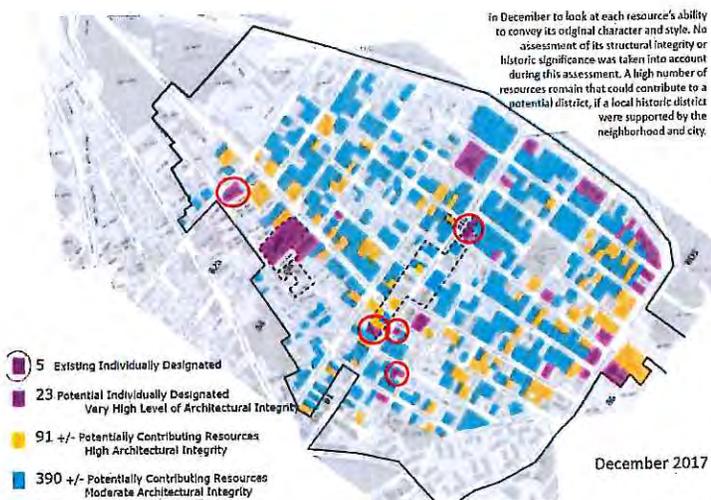
Munjoy Hill Conservation Collaborative- Historic Preservation District Petition

SHORT TERM Solution (Can easily be implemented by when the Moratorium Ends):

A) Include a nomination for a Historic Preservation district of a proposed geographic area in phase one with full designation of final districts in phase 2.

LONG TERM Solution (Can be started but is a longer process to implement):

A) Create a **Historic Preservation District (HPD)** for Munjoy Hill. Greater Portland Landmarks preliminary study indicates over 60% of Munjoy Hill buildings have "historic architecture integrity"



Source: <http://www.portlandlandmarks.org/munjoy-hill>

Suggested Preliminary Historic District could be below.

Munjoy proposed historic districts

This map shows the Greater Portland Landmarks proposal for two historic districts on Munjoy Hill. Portland officials are considering such districts to help preserve the neighborhood's historic character at a time

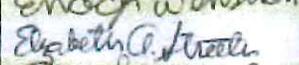
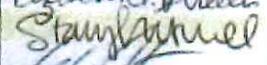
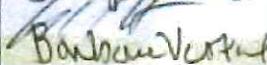
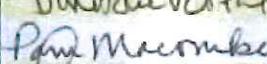
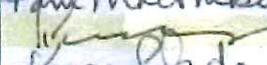
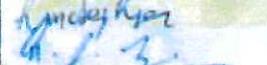
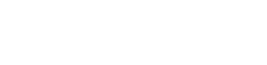


STAFF GRAPHIC | MICHAEL FISHER

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
1 Berry Wanta		46 E Prom.
2 Jayne Hurley		11 St. Lawrence St.
3 Zack Anchors		44 Waterville St #1
4 Enoch WENSTROM		88 BECKETT ST #1
5 Elizabeth A Streetor		66 Quebec St.
6 Stacy Mitchell		74 Atlantic St
7 George Carhart		7 Lafayette St
8 Barbara Vestal		7 Fore St.
9 Pam Macomber		4 Saint Lawrence
10 PETER MACOMBER		"
11 Karen Snyder		72 Waterville St
12 PAULA AGORIAN		98 Monument St
13 KEITH LAWE		73 Waterville St
14 James Cloutier		13 Pleasant St PHH
15 Nancy J. Guiraud		13 WATERV. 11 E ST
16 GAIL KUNZTHAU		9 Adams St PHH
17 JO Ann Dowe		29 Waterville St
18 Mark Hogan		41 Monument St
19 Stephanie Hogan		41 Monument St
20 Lisa Ryan		105 Congress St.
21 Arthur S. Ryan		105 Congress St.
22 Emily Smith		46 Howard St. Apt 7
23 Sarah Davies		100 Congress Street Apt 2
24 Don Fillmore		172 E. Prom
25 Tracy Tingley		87 St. Lawrence St #4
26 Kelly Tingley		81 St. Lawrence St #4

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
27 EVOCH WENSTROM	<i>Evoch Wenstrom</i>	88 Beckett St #1
28 Colin Wines	<i>Colin Wines</i>	88 Beckett St. #2
29 Brian Kellner	<i>Brian Kellner</i>	88 Beckett #3
30 Simon Runkle	<i>Simon Runkle</i>	85 Beckett
31 Catherine Waycott	<i>Catherine Waycott</i>	91 Beckett #2
32 G Murray	<i>G Murray</i>	91 Beckett #1
33 Sarah H. Waite	<i>Sarah H. Waite</i>	10 Wellington Dr
34 Jani Mankuth	<i>Jani Mankuth</i>	57 Wally Street
35 Brian Buckle	<i>Brian Buckle</i>	82 Beckett St #3
36 Jill Keutman	<i>Jill Keutman</i>	66 Munjoy St #2
37 Anna	<i>Anna</i>	76 Wilson St
38 Bob Tabue	<i>Bob Tabue</i>	76 Munjoy St
39 Mantica Douglas	<i>Mantica Douglas</i>	11 Munjoy St
40 Brian Wilks	<i>Brian Wilks</i>	72 Waterville St Apt 1
41 Kathy Mahoney	<i>Kathy Mahoney</i>	72 Waterville St #1
42 Catherine Cassie	<i>Catherine Cassie</i>	72 Waterville St #2
43 BENEDICT CASSIE	<i>Benedict Cassie</i>	72 Waterville St #2
44 Alicia Left	<i>Alicia Left</i>	13 Forest Park
45 Jeanne Paschoff	<i>Jeanne Paschoff</i>	68 Quebec St.
46 Hannah Underwood	<i>Hannah Underwood</i>	85 Vesper St.
47 Kevin Brewster	<i>Kevin Brewster</i>	68 Quebec St
48 Karen Hamilton	<i>Karen Hamilton</i>	23 Vesper St
49 Constance Goodbody	<i>Constance Goodbody</i>	118 Congress
50 Ellen J. Bailey	<i>Ellen J. Bailey</i>	17 Hammond St
51 Bonnie Glen	<i>Bonnie Glen</i>	9 Waterville St 1-C
52 Michael Coplan	<i>Michael Coplan</i>	9 Waterville St. 1-C
53 Pat C. Tryon	<i>Pat C. Tryon</i>	1 St. Lawrence St 83
54 Mike Sylvester	<i>Mike Sylvester</i>	159 Central Ave Parker
55 Edw J. Chastin	<i>Edw J. Chastin</i>	7 Fore St 1st Fl
56 Vana Carmona	<i>Vana Carmona</i>	105 North St #1
57 Nat Pond Lohan	<i>Nat Pond Lohan</i>	86 Quebec St #11
58 Steven Goodman	<i>Steven Goodman</i>	87 Morning St.
59		

Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
93 ALLAN HORNEMAN	<i>Allen Horneman</i>	58 Turner street
94 Paul Gross	<i>Paul Gross</i>	44 Howard St.
95 Alex J. Simon	<i>Alex J. Simon</i>	48 American st
96 Regina Langley	<i>Regina Langley</i>	54 Turner St.
97 TAYLOR BRANERD	<i>Taylor Branerd</i>	54 Turner St.
98 MICHAEL REISSARD	<i>Michael Reissard</i>	54 TURNER ST.
99 Stuart Lambert	<i>Stuart Lambert</i>	36 Gilman ST
100 Katelyn Griffin	<i>Katelyn Griffin</i>	54 Turner St
101 Charles Jackson	<i>Charles Jackson</i>	138 pine st. apt #4 Portland ME 04102
102 Patrick Bartley	<i>Patrick Bartley</i>	54 Turner St
103 Jessica Place	<i>Jessica Place</i>	54 Turner St #1 Portland, ME
104 MARK W. CASHIN	<i>Mark W. Cashin</i>	27 MORNING ST #4 PORTLAND
105 Annalee Bolton	<i>Annalee Bolton</i>	39 Merrill St Portland
106 Jess Hamill	<i>Jess Hamill</i>	15 Munjoy Street #2
107 Saben Anderson	<i>Saben Anderson</i>	27 Morning St #5
108 KRISTINE KILLY	<i>Kristine Killy</i>	52 TURNER ST.
109 Colin Franklin	<i>Colin Franklin</i>	34 Turner st.
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
126 MARK K. HOLDEN	<i>Mark K. Holden</i>	37 St. Lawrence St #101
127 SADHAT NEILAN	<i>Sadhana Neilan</i>	29 Emerson #3
128 STACY MITCHELL	<i>Stacy Mitchell</i>	79 Atlantic St #2
129 James Pergamov	<i>James Pergamov</i>	21 Easton Place
130 Jacob Hebert	<i>Jacob Hebert</i>	74 Atlantic St #2
131 Jordan Guenette	<i>Jordan Guenette</i>	58 Congress #3
132 Jason Walker	<i>Jason Walker</i>	58 Congress #7
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Petition: Historic Preservation District for Munjoy Hill

We the undersigned support a Historic Preservation District on Munjoy Hill.

Name	Signature	Address
126 MARK K. HOLDEN		37 St Cambridge St #101
127 SADIE NEILAN		29 EMERSON #3
128 STACY MITCHELL		74 ATLANTIC ST #2
129 James Pennington		21 East Prom
130 Jacob Nebel		74 Atlantic St #2
131 Jordan Guenette		58 Congress #3
132 Jesus Walker		58 Congress #7
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Fwd: R-6 Munjoy Hill Amendments

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 13, 2018 at 10:52 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Wed, Apr 11, 2018 at 12:55 PM
Subject: R-6 Munjoy Hill Amendments
To: jlevine@portlandmaine.gov, Christine Grimando <CDG@portlandmaine.gov>, Deb Andrews <DGA@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Jeff, Christine, Deb and Caitlin,

I write to follow up on one of my comments to the Planning Board yesterday. I do not understand what you are trying to accomplish with the proposed amendments to 14-436, and fear that as drafted you are about to open a can of worms on the entire City. I believe you are proposing this to make building extensions a viable alternative to demolition. But as drafted, I believe it is ill-considered, not well-targeted and has potential impacts well beyond that limited purpose.

My reading of the proposed amendments is that they would allow an owner with a nonconforming structure to expand the structure for the entire length of the rear yard or side yard (as applicable) so long as the structure did not encroach any more than the already non-conforming portion. Thus if a small porch, for example, encroached 7 feet into what would otherwise be a required 10 foot setback, with this amendment, the entire remainder of the building, for its entire distance along that plane and for the entire height allowed by zoning could be enlarged and extended out to the 3 foot plane.

This moves a far distance from the existing ordinance which would only allow a building extension vertically, WITHIN THE EXISTING FOOTPRINT of the structure. The amendment would allow extensions vertically and horizontally, and beyond the existing footprint, to square off the building to the furthest extent of the non-conformity.

As I stated to the Planning Board:

I believe you should set aside the proposed amendments to 14-436 Building Extensions for later review. You should NOT take them up as part of this moratorium package. They are kind of stuck on at the end, as an afterthought, and have not been part of the discussion on Munjoy Hill. The proposed amendments would apply City-wide, not just in the R-6. As drafted, the amendments could make significant changes.

The current ordinance only allows certain building extensions WITHIN THE EXISTING BUILDING FOOTPRINT. As drafted, the extensions would not be limited to the existing footprint, and could go well beyond the existing footprint. They could be vertical or horizontal extensions. I believe what it is proposing is that if one part of the building fails to meet a setback requirement, the entire rest of the building can be built out to the same plane. And there would no longer be a limit on the % expansion of the first floor footprint. And it deletes the restriction that buildings expansions can only occur once during the lifetime of an existing structure.

These are potentially significant City-wide changes which should require more analysis as to whether they are even beneficial. Why should these Building Extension amendments be included in the R-6 IPOD moratorium package?

It is one thing to allow reasonable expansions in a controlled and planful way as an alternative to demolition. Perhaps that could be included in the toolbox if somebody were to apply for a demolition permit; maybe there could be a process for discussion of an expansion that might be allowed if it met the design guidelines. The allowed extensions would be limited to a very specific context and would be done with design review. It is quite another to willy-nilly remove all of the limits on building extensions for all non-conforming structures as these amendments propose to do.

I hope you will take another look at this provision and either improve it to better accomplish your assumed purpose, or will delete this pending a separate and more measured analysis of the City-wide impacts.

Regards,

Barbara Vestal

Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Fwd: on revisions to policies

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 13, 2018 at 11:27 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Grace Braley <gbraley55@gmail.com>
Date: Fri, Apr 13, 2018 at 11:20 AM
Subject: on revisions to policies
To: jlevine@portlandmaine.gov

To Jeff Levine:

I am out of town and could not attend the meeting Tuesday, not sure if comment was being taken.

Having reviewed recent proposals, I have just a couple of comments.

Primarily, although we do need housing affordable to people with lower incomes,

1. Requiring the inclusion of housing people can afford affect the revised design standards for any part of Portland does not make sense. We can keep an aesthetically attractive city and increase the needed housing.

The height of a building has nothing to do with "workforce" housing. [It is the rectangular building tops that pop up really ugly above the more common rooflines on Munjoy Hill.]

The attractiveness of a neighborhood should have no relationship to affordability. It should certainly not compromise how design and construction are carried out.

There seem to be no resources offered to households with the 50% - 80% income population. The population with incomes between 80% and 120% can afford what they need or want without any assistance or incentive.

Please do not make design standards a negotiable factor.

2. There is another concern here that should be named. When a builder wants to put in high-priced condos, and with the designer, also wants to squeeze in one more unit for more dollars, is this not likely to force a design sacrifice on the character of neighborhood standards?

Some of the contemporary designs are relatively attractive. I fear the risk of some sacrifice being made when the developer wants the gain from an extra unit or two. How do we deal with this?

OTHER:

As for economic hardship as a reason for demolition, this is confusing. Are there alternative methods for deriving a list of feasible reasons for demolition?

Also, although demolition gets me very anxious, I still wonder whether an 18-month stay is not a punitive measure?

Grace Braley

Fwd: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill
Moratorium

Fri, Apr 13, 2018 at 1:52 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: e w <eenebw@hotmail.com>
Date: Fri, Apr 13, 2018 at 1:36 PM
Subject: RE: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium
To: Jeff Levine <jlevine@portlandmaine.gov>, Munjoy Hill Conservation Collaborative <munjoyhillconsvooll@gmail.com>
Cc: Pa Ag <pagopian1@yahoo.com>, Mary Westort Casale <dirtgirl1@aol.com>, Maggy W <mawnola@gmail.com>, Enoch Wenstrom <eenebw@gmail.com>, EJ Koch <ejkoch@gmail.com>, peter murray <pmurray@awi.net>, martica douglas <tica1529@gmail.com>, Jayne Hurley <jhurley@cspinet.org>, Berry Manter <berrymanter@yahoo.com>, nini mc manamy <ninimaine@aol.com>, Pamela Day <pday2304@gmail.com>, Barbara Vestal <vestal@chesterandvestal.com>, Karen Snyder Yahoo <karsny@yahoo.com>

Jeff: Thank you for your comments and the opportunity to meet two Fridays ago. I can definitely appreciate your team's effort. Our team has also done an exhaustive, extensive effort for what we believe is in the best interest for the neighbor we live in. I 100% support Karen's great job in replying the concerns. In my experience, in the planning and negotiating environment, critique is a necessary part of the process of deriving a workable middle ground for all. With that being said, I do not think it is wrong for the group to suggest revisions to the plan drawn up by your team. The neighborhood, young and old, clearly wants the destruction of Munjoy hill to stop. It is going to be very disappointing to the neighborhood if this massive condo building trend continues after June. Many people are under the impression the city has stopped this destruction and mass scale condo building permanently.

Thank You

From: Jeff Levine <jlevine@portlandmaine.gov>
Sent: Friday, April 13, 2018 12:02 PM
To: Munjoy Hill Conservation Collaborative <munjoyhillconsvooll@gmail.com>
Cc: Pa Ag <pagopian1@yahoo.com>, Mary Westort Casale <dirtgirl1@aol.com>, Maggy W <mawnola@gmail.com>, Enoch Wenstrom <eenebw@gmail.com>, EJ Koch <ejkoch@gmail.com>, peter murray <pmurray@awi.net>, martica douglas <tica1529@gmail.com>, Jayne Hurley <jhurley@cspinet.org>, Berry Manter <berrymanter@yahoo.com>, nini mc manamy <ninimaine@aol.com>, Pamela Day <pday2304@gmail.com>, Barbara Vestal <vestal@chesterandvestal.com>, Karen Snyder Yahoo <karsny@yahoo.com>
Subject: Re: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

Thanks for your comments and ongoing commitment to this process.

Reading through them, I think it might be helpful if we met so I can walk you through our recommended language and how it closely follows the outline from our March 24th presentation at the listening session. There are also some terms that we don't define in the overlay because they are already defined in the ordinance elsewhere (such as "Planning Authority") that I would be happy to go over with you. Similarly, the issue of lots over 10,000 sf. is perhaps misunderstood in that we have other design standards that apply to projects of that scale.

We have thought long and hard about the issues facing Munjoy Hill and how to balance varying perspectives on complex issues. We have devoted several staff members to this work, as well as bringing in an intern to do survey work, putting aside other major projects to make sure we do a good job on this one. I have been honest and open with you all along during the process and, as a result, find your comments to be a little harsh.

Let me know what times might work for us to meet and I will try to make something work in the next couple of weeks.

best,

Jeff

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor

Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
[@portlandplan](http://www.portlandmaine.gov/planning)

On Wed, Apr 11, 2018 at 9:32 AM, Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com> wrote:

April 11, 2018
City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101
Re: Planning Department Recommendations In 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium
Dear Portland Planning Board Members,

During the last Listening Session held on 3/24/2018, the Planning Dept preliminary recommendations were to: Create an Overlay, Utilize the IPOD language, Create a demolition standard, Exclude the Alternate Design Standard, and Initiate a Historic Preservation District. This did not entirely happen in the Planning Departments recommendations proposed last night.

Unfortunately, what has been proposed by the City Planning Department recommendations in the Planning Board Workshop will not effectively address the areas of the petition signed by 386 Munjoy Hill residents.

The first petition submitted last night from the Munjoy Hill Conservation Collaborative was a petition of 386 signatures gathered from residents on Munjoy Hill requesting EFFECTIVE language for the following:

1. Demolition Standards to Implement AFTER Moratorium (To Address Teardowns)
 - A) Create a Demolition/Teardown standard to be used in this Munjoy Hill R-6 Overlay
2. Dimension Changes To Implement AFTER Moratorium (To Address Scale/Massing)
 - A) Create a Munjoy Hill R-6 Overlay and use the same boundaries outlined in the IPOD
 - B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.
3. Design Standard Changes To Implement AFTER Moratorium (To Address Ensuring Compatible Architecture)
 - A) Eliminate the "Alternate Design Review" as an option for the R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay
 - B) Ensure lots over 10,000 ft² follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft².
 - C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Please note that a large percentage of these petition signatures were from young people who are current tenants worried about if their building is torn down, they know they will be pushed off of Munjoy Hill.

The Planning Departments recommendations made last night have modified the IPOD language enough in certain sections which have changed and the new demolition standard is so riddled with loopholes in which developers can basically bypass this demolition standard easily enough as well as the Alternate Design Option which was added back.

In addition, there is no attempt from the Planning Dept to initiate a Munjoy Hill Historic Preservation District even though Greater Portland Landmarks has done significant analysis and there is quantified interest from residents proven in another petition with over 100 resident signatures that are interested in having a Historic Preservation District on Munjoy Hill.

Below are the specific from the Planning Department recommendations that are concerning:

Demolition Standards Language Concerns:

- 1) Language: (page 12) (c) Exclusions – (f) buildings that have received a previous "Initial Determination of Non-significance" are excluded from having to apply for a demolition delay permit.
Concern: This is ambiguous. Where is this definition defined and who is determining a building non-significant?
Proposal: Remove this language.
- 2) Language: (page 13) (d) Procedure. Part 1- Determination of Significance. A. Initial Determination: Planning Authority will determine significance, C. If the Planning Authority fails to act in accordance with this section or within the prescribed time period, the demolition permit can be granted. -
Concern: There is no clarification of what or who or how the Planning Authority will determine "significance" Clarification is also needed what "significance" means. In addition, to the fact if the Planning Authority fails to respond in a certain time period, the demolition permit is granted.
Proposal: Clarify the language, Planning Authority should be Historic Preservation Board as final authority. Remove Part 1- Determination of Significance section language parts c.
- 3) Language: (Page 14) (i) Enforcement -
Concern: There is no definition identifying who makes up the Planning Authority and Building Authority consist of and how they are formed.
Proposal: The Historic Preservation Board should be the Planning and/or Building Authority with final authority.

R-6 Zone Recommendation Dimension Language Concern:

1) Rooftop Appurtenances -

Language: (Page 3) -HVAC equipment limited scale up to 5ft above max heights if a) screened from public right of way and b) setback at least 5ft from the building edge.

-Concern: HVACs will still be seen from road in different angles. Additionally, The property owners NOT in public way such as aside or behind the building should also be considered. These property owners will have to look at these HVAC units for the rest of their lifetime in their properties.

-Proposal: All roof mounted appurtenances except for solar panels are to be below 45 feet. All HVAC equipment such as air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure..

2) Height Maximum -

Language (Page 3): " or for developments that include at least one workforce housing unit for rent or for sale."

Concern: How and where is workforce unit defined? How will it remain workforce housing? So far, not one affordable/workforce policy by the City of Portland has been effective. See Housing Report link page 31 <http://portlandmaine.gov/DocumentCenter/View/18101> which shows only 5% (14 of 279) new units are labeled "affordable" which means one must make 85,000 annually.

This language is so vague that it will not be enforceable as proven in other affordable policies.

- The small landloards such as our Munjoy Hill Conservation Collaborative group have been providing workforce and middle class housing since the City housing policies have failed the residents of Munjoy Hill. Munjoy Hill residents are concerned with workforce housing because of all the tear-downs but also height, scale and massing, and incompatible architecture of these buildings as well.

Proposal: There needs to be clarification what a workforce unit and how it will be maintained/enforced as workforce.

3) Side Yard Setback Minimum

Language: (Page 3) b) any side yard of less than 10ft is permitted only when used to continue a documented built pattern of the surrounding street scape.

Concern: The language starting with "only is too ambiguous". There are many buildings with no setback on one side but it is because it had a driveway on the other side and/or the building is 1.5 or 2 stories tall. This means the developer can argue on this language that the setback minimum for existing buildings that have zero setback without taking into consideration of building height where most of these zero setback buildings are < 2 stories which is acceptable.

Proposal: : Leave language but remove starting with "only when used to continue a documented built pattern of the surrounding street scape"

Design Standards Language Concerns:

1) Language: Missing Design Standard language to ensure that the design standard manual will be actually enforced.

-Concern: How to ensure that this design manual is legally and actually enforced? It has been proven numerous times in the last 3 years, the current design standard manual was being ignored because the design standard is NOT technically within but only referred to in the R-6 zoning ordinance which is legally enforced. This is a grey area that needs to be enforced because 24 St. Lawrence is proof that the design manual is being ignored.

-Proposal: Have the design standards manual language inserted into the R-6 overlay to ensure it is legally binding and legally being enforced.

2) Language: (Page 26) Adding the Alternate Design Standard back in but need to ensure that that ALL projects have to go through the Historic Preservation Board.

-Concern: How can we be assured that the recommendations of the Historic Preservation Board recommendations the final authority and not the recommending board? When are Historic Preservation Board the final authority and when are they the recommending to the Planning Board. For example, **58 Fore Street** Historic Preservation Board recommendations were ignored 2 years ago.

Proposal: Exclude Alternate Design option IF the Historic Preservation Board is only recommending to the Planning Authority. Include Alternate Design Option IF the Historic Preservation Board is the final authority.

3) Language: (Page 26) The Review Authority may determine the neighborhood scope radius.

Concern: There is no definition as to who makes up this Review Authority.

Proposal: The scope radius should be 2 blocks or less radius but excluding Congress Street. The Historic Preservation Board should be the Review Authority with final authority.

Historic Preservation Language Concerns:

1) Language: (Page 5) There is no recommendation for a Munjoy Hill Historic Preservation District from the City Planning Dept.

Concern: - How are we assured it will be reviewed in a specific time frame? What are the interim controls during this time frame? We are including another petition showing Munjoy Hill residents are interested in a Historic Preservation District.

Proposal: We recommend using the Greater Portland Landmarks district recommendation to save portions of the historic fabric of Munjoy Hill as an interim control and validate the Greater Portland Landmark recommendation proposal within 6 months after moratorium ends.

We also recommend there is information easily accessible to property owners NOT in the proposed Munjoy Hill Historic Preservation District so if desired can have their individual building landmarked or deemed a "contributing" building to Munjoy Hill's history.

Below link could show the proposed historic district on Munjoy Hill suggested by Greater Portland Landmarks.

<https://www.pressherald.com/2018/04/02/portland-weighs-new-historic-districts-as-answer-to-development-tensions-on-munjoy-hill/>

As such, we are also officially submitting the 2nd petition with almost 100 signatures from residents who are interested in a Historic Preservation District on Munjoy Hill. It was apparent that the majority of people who would not sign this petition are still un-informed about a Portland Historic Preservation District. For example: Questions asked were: Will they control the landscaping of a building, Will they control the paint color exterior?, Will they force me to upgrade when I don't want to? All of these questions are no. It was apparent further education of the public of what a Portland Historic District entails is needed.

In conclusion, we believe there will be further stripping of Munjoy Hill history, characteristics, existing affordable housing stock, and community unless the Planning Department recommendations are revised to reduce the vague and ambiguous language detailed above

We hope you consider the above concerns and proposals as well as the two sets of petition signatures submitted last evening in order to revise the Planning Dept recommendations accordingly

Respectfully,

Munjoy Hill Conservation Collaborative members

Karen Snyder-72 Waterville St.

Paula Agopian-88 Monument St.

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Attachments:

MHCCLetterPetition2PlanningBoard_20180405.pdf

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Jeff Levine, AICP

Director

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Fwd: Questions for the city regarding Munjoy Hill/R-6 densification

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Apr 18, 2018 at 9:32 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Maggy W <mawnola@gmail.com>
Date: Tue, Apr 17, 2018 at 1:02 PM
Subject: Questions for the city regarding Munjoy Hill/R-6 densification
To: Jeff Levine <jlevine@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>
Cc: Belinda Ray <bsr@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>, bbatson@portlandmaine.gov,
Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Pious Ali
<pali@portlandmaine.gov>, nmm@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov

Hi Jeff and Jon,

I am a resident of Munjoy Hill and have been actively engaged in the ongoing efforts to protect this neighborhood from what many of us perceive as the rapid pace of development which is threatening its fabric, character and livability. In various meetings, we keep hearing the term "Densification" and that term is used to justify building heights and dimensions which seem to most residents as out of scale with the existing fabric. (for example, allowing building heights of 45' when currently only 17 out of over 700 buildings are currently that high and the few that are that high, other than recent structures, mostly have much larger setbacks than those allowed in the zoning language)

Although I have the utmost respect for, and gratitude to, the Planning Department which has been working incredibly hard on defining better zoning rules going forward, it seems we do keep running into this word "densification", which seems to be part of a city policy and also seems to present a recurring conflict with the residents; some of us may just be missing an important piece of the puzzle. I am sure that my questions will seem naive, but I think they are probably shared by a large proportion of the population.

So my primary question is, what are the city's specific goals for densification, especially on the peninsula? We all understand there is a critical need of workforce housing. But most of the building going on, especially on the peninsula, does nothing to provide housing for the working population. We seem to be getting thousands of hotel rooms and hundreds of luxury condos, which are largely being purchased by retirees, and frequently as second homes. Any time existing housing is torn down, we are losing the most affordable housing that can exist, given the prohibitive cost of building. Workforce housing cannot be the justification for these new buildings. Therefore am I correct in thinking the densification policy must be a strategy to help boost property tax base for the city budget? Does the city plan have numbers in mind for this? Since many residents are feeling that densification is a threat to the fabric and character of our neighborhoods, how much is needed? What kind of new revenues are projected from future development on the Hill?

We have heard it said that "Portland needs to grow". I actually have never heard any specific coherent explanation why this is inherently a good thing. How much will it cost to provide the new infrastructure required to support this growth? What kind of growth would be good for the city? I doubt that "more hotels" and "more luxury condos" make a viable growth strategy for the long term. These buildings do nothing to provide quality long-term jobs; rather they exacerbate the difference between the summer and year-round population, logistics which make it difficult to support the infrastructure and small businesses year round. So what kind of growth are we looking for and how do luxury condos and hotel rooms

support that growth?

These are not at all meant to be contentious questions, nor are they rhetorical! I am sincerely trying to educate myself on the strategy behind allowing the kind of development that seems to be threatening us on Munjoy Hill, on India Street, on the waterfront and in many other areas that make Portland the special place it is. Last year, the Planning department put an incredible amount of work into the 2017 Comprehensive Plan, but I honestly do not see that the type of development we are experiencing is consistent with most of the stated goals in this plan. So I am really in search of answers to my questions. How do these projects translate to fulfilling the Comprehensive Plan. I am not looking for platitudes like "Growth is good" or "change is difficult". I am seeking detailed answers on why and much these projects benefit the greater good. For example, I am also an active member of the Portland Climate Action Team, and if this development moved us any closer to the city's stated Clean Energy goal, I can certainly accept the greater common good. But the buildings that are being constructed currently are not generally incorporating state of the art "green" building technologies, especially when the Comp Plan cites research on p.34 that re-using existing buildings is far more energy efficient than tearing down and rebuilding even to much higher green standards than are currently being used in Portland. If the answers to my questions are already available in the Comp Plan or other documents on the City's website, please help me find them; after 2 eye surgeries in the past year, my vision is still failing and I have a hard time reading huge amounts of fine print to find the relevant sections.

Thanks in advance for reading this email and for any answers to my questions, as well as for all of the incredible work the Planning Department has been doing to sort out the future direction of our great city.

Maggy Wolf
28 Saint Lawrence St.

List of R-6 Issues to discuss with Jeff Levine on 4/18. Good work, but still a major disconnect between what would be allowed by ordinance and the existing pattern of development. This creates incentives for speculation and teardowns rather than contributing to the stabilization of a vibrant and well-functioning neighborhood.

ISSUES:

1. **45' Height Limit is not compatible with much of Hill. This mismatch is not effectively controlled by design standards if zoning trumps design standards** – Have to be this way, or function of whether Council adopts the design standards? Can't they be equal requirements – can set up so applicant has to meet all? Otherwise 45' tall buildings essentially approved as of right if 3 units or 2 including affordable unit?

If zoning has to trump design standards, is there a way to reduce the 45' height limit to make it more consistent with the surrounding neighborhood? Tie to average in certain radius? Tie to street width?

2. **Need to move forward on Historic District designation** – An essential part of maintaining the character and architectural history of Munjoy Hill. Need tentative identification of future historic districts, work plan and commitment to coming in with Eastern Prom and North Street historic districts, plus a multi-parcel designation for scattered landmark sites by a certain date.
3. **Need Interim Demolition Protections** in anticipated historic districts – to be effective, have to be interim protections against demolition for structures in areas identified as probable future historic districts. How can accomplish? 6 month extension prohibiting demolitions in those areas (using GPL boundaries) if identified as contributing or landmark by GPL (unless City reviews and determines not contributing to anticipated future district or landmark)
4. **Rationale for inclusion of building extensions provision?** - Seems to allow building extensions horizontally and vertically to maximum extent of non-conformity. Purpose? Unintended consequence? Should be limited to where demolition is otherwise proposed, to be considered as an option to make retention and building extension preferable to demolition? Or should be subject to review under design standards?
5. **Alternative design review process** – proposing only if HP approves? What other safeguards? Are there projects where HP will be recommending to PB? Will HP be final authority on compliance with design standards?
6. **Height bonus for “workforce housing” for rent or sale** – what is the enforcement mechanism? Any requirement that has to be occupied by/purchased by household meeting income limits? What is the applicable time period? Can be caretaker apartment for primarily single family house – gets height bonus to 45' with 2 units.
7. **Demolition standards:** determinations of non-significance, how significance determined, by whom; granted if Planning Authority fails to act within 30 days – why drafted this way?

8. **Rooftop appurtenances:** HVAC can be 5 feet above max height. Earlier proposal to be included in height. Rationale?
9. **Side yard setback minimum** – reducing below 10 feet if part of documented built pattern of the surrounding streetscape. Should there be a provision for “and the massing of the proposed structure is compatible with the massing and scale of structures on that streetscape”?
10. **Other issues?** Parking 10’ setback: are circumstances where can be occupied by driveway, just not parking space?
11. **Setbacks and Lot Coverage:** Rationale for reduction from pre-2015 of rear setback (20’ to 10’), side yard setback (10-15’ to 5-10’) and increase in maximum lot coverage (40-50% to 60%) is what? Valid to use measurements from existing structures when average height is only 2.4 stories and NO street (except Fore St) average building height in excess of 3 stories, but proposed setbacks and lot coverage would apply to 45’ tall buildings?
12. **Package as proposed:** What design standards will apply post-June 5? PB to develop design standards over summer; will NEVER get adopted by City Council? Historic District plan is designation process to start late summer or fall with Council vote possibly late Fall 2018. “Interim controls would govern until decision made” starting when? Not until nomination by HP, correct? And that not until late summer.

Fwd: questions

Wed, Apr 18, 2018 at 4:09 PM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Jill Duson <jduson@portlandmaine.gov>
Date: Wed, Apr 18, 2018 at 4:07 PM
Subject: Re: questions
To: Grace Braley <gbraley55@gmail.com>
Cc: Jeff Levine <jlevine@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>

Thanks, for your note.

I confess that I am not sure where to start in response to your message.

The premise that the moratorium in question "was about the need for affordable housing", just doesn't connect. I think maybe the best starting point is to provide you a copy of the moratorium order.

<http://www.portlandmaine.gov/documentcenter/view/18580>

By copy of this message, I am also forwarding an FYI copy of your note to city staff for inclusion with the public comment received to date.

It is not too late to weigh in with your concerns and desires and impact the outcome of this review in the public hearings re: any recommendations.

On Wed, Apr 18, 2018, 9:02 AM Grace Braley <gbraley55@gmail.com> wrote:

Jill, I think you know that an interest of mine is affordable housing.....as well as just a citizen's interest in having a city to feel what? happy and comfortable in?

When I moved here, my real estate agent thought I might like Munjoy Hill, but I ended up deciding for across town -- Deering/Rosemont.

Anyway I have been very interested in Munjoy. With its quirky history and all, it has been moving in a way to show off the attractiveness of its particular style and some historic architecture. It has become an attractive part of Portland....whether or not it always was.

I thought the recent moratorium was to hold up development and consider whether to protect or defend some of the old neighborhood style and feel.

I didn't know the moratorium was about the need for affordable housing, which can be addressed in other sectors of Portland.

So, where would I find to read the moratorium to see what it says?

Also, to you, as housing chair, this is my concern:

If the purpose was to protect the character and personality of this particular Portland neighborhood, then why would the proposed revised zoning codes give "rewards" to housing design that diminishes the quality of appearance in exchange for an affordable unit apartment?

I feel like we were walking down a road the best we could -- the recent meetings were wrenching in how people expressed their frustration and conflicts -- but it seemed mostly about protecting an attractive design in the neighborhood.

So, the bonus for a 45 foot high structure as a reward for an affordable unit feels like the whole thing got off track and the vehicle fell over the cliff.

After I listened to what was being said, and drove around the neighborhood (well, I go there, have friends there), it seemed to me that the ugliest, most damaging design change wasn't the lot coverage or side requirements -- or even the contemporary designs because people have rights to their style preferences --

what seems like the real ugly problem is the places where this big square extra ten feet -- to 45 -- sticks out over the top of all the rows of gable roofs.

Can't Portland protect the dignity of a neighborhood?

Grace

Fwd: R-6 Amendments

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, Apr 19, 2018 at 10:30 AM

Not sure if I already sent this for the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Mon, Apr 16, 2018 at 9:54 AM
Subject: R-6 Amendments
To: jlevine@portlandmaine.gov, Deb Andrews <DGA@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Hello Jeff,

You have said that zoning trumps design guidelines in the R-6 zone. Does it have to be that way?

Are you saying that because it is anticipated that the R6 design guidelines will not be adopted by the Council, but rather will be completed and adopted by the Planning Board after the zoning amendments are adopted by the Council?

What if the R-6 design guidelines/standards were adopted by the City Council? Is it still your position that zoning would prevail over the design guidelines/standards, and that the PB would not be authorized to require something less than building to the maximum allowed by zoning if that were required to meet the design guidelines/standards?

If zoning trumps design guidelines, it seems to me that there is nothing to stop 45" tall 3-unit buildings being built in the middle of existing 2 story buildings, even though the design guidelines are set up to focus on the neighborhood context. Do you see that as a problem? Do you see any way around it?

Regards,

Barbara

--

Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Fwd: Munjoy Hill Historic District - NO

Thu, Apr 26, 2018 at 11:58 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Jocelyn Olsen <jocelynolesen@gmail.com>
Date: Mon, Apr 23, 2018 at 8:07 PM
Subject: Munjoy Hill Historic District - NO
To: jlevine@portlandmaine.gov, estrimling@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, pali@portlandmaine.gov, nmm@portlandmaine.gov, jduson@portlandmaine.gov, hbassett@portlandlandmarks.org

Just two weeks ago, with the Portland Press Herald article, I heard for the first time that the city is considering placing my home at **30-32 Vesper St.** in a Historic District. I was shocked that this conversation had been going on for months without me even knowing or being able to participate in the discussion.

I have lived in my home for 8 years and would never knock it down or build an ugly box condo multi-unit in its place. I am a 5th generation Mainer whose great grandparents lived on Sheridan St. While I strongly support the city's efforts to maintain the identity of real estate on the Hill, I fear what a Historic District would do to my ability to maintain and update my home. I have a crumbling supporting wall in the basement that I have been saving up to fix, the windows all need to be replaced, I found roof shingles on the sidewalk the other day, the back decks are rotting, it goes on and on. And I would say my home is in much better shape than many around me. Why would anyone want to make it more difficult and expensive for us to take care of our properties? These are not the former mansions of the West End. They are 100+ year-old multi-unit apartment buildings that were not maintained for many decades when the Hill was not as nice as it is now.

I am as disgusted by the new buildings going up all over the city as anyone. But I wish you would all focus on controlling those buildings rather than interfering in my ability to take care of my home. You created this issue by changing the zoning and approving projects like the Portland Company. Now you want to impose more restrictions on me? It just doesn't make any sense. Not to mention the bizarre map that would impact some streets and not others.

I hope you will start talking to me and my neighbors as you make this decision since we will bear the brunt of it.

Thank you,
Jocelyn Olsen
32 Vesper St.
Portland ME 04101
(207)232-8482

Google Groups

Munjoy Hill

Daniel T. Haley Jr. <danielthaleyjr@gmail.com>

Apr 11, 2018 10:23 AM

Posted in group: Planning Board

Good Morning, As an owner of a historical home on the Eastern Promenade and a not historical 4 family, as well as 6 other homes on the Promenade owned by family members, I am opposed to a historical or conservation district being established.

I do not see a problem with flat roofs as we have many 3 and 4 flats in the neighborhood to include one my grandfather built in the early 1900's.

Regards demolitions: These are private properties and for many the major asset in their estates. Not allowing them to be sold for the land value is similiar to taking a portion of their pensions or reducing the gifting to their heirs.

I have elaborated these points at the public hearings and as a 71 year resident and 5th generation "hill kid" I appreciate your consideration of my views.

Dan T. Haley, Jr.
140 Eastern Promenade

Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Munjoy Hill Conservation Collaborative <munjoyhillconsvcoll@gmail.com>
Posted in group: Planning Board

Apr 27, 2018 8:27 AM

MUNJOY HILL CONSERVATION COLLABORATIVE
C/O 72 Waterville Street
Portland, Maine 04101

April 27, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

Re: Planning Dept Recommendations Change Request for Munjoy Hill Neighborhood Conservation Overlay District

Dear Planning Department Director Jeff Levine and Planning Board Members:

We appreciate the work that the Planning Staff has done over the last several months to produce the package of changes constituting the Munjoy Hill Neighborhood Conservation Overlay District (MHNCOD) that is now before you. The Munjoy Hill Conservation Collaborative (MHCC) with 13 core team members and now over 300 supporters can support the Planning Department's recommendations if the following modifications are included:

1. Demolition Review/ Demolition Delay Ordinance

MHCC believes that there needs to be more parity so that the neighborhood is given a right to appeal a determination by the Planning Authority that a structure proposed for demolition is not "preferred for preservation." Just as the applicant for a demolition permit is allowed to appeal an adverse decision to the Historic Preservation Board, the neighbors should be allowed to appeal a non-delay determination by the Planning Authority to the Historic Preservation Board.

To give the neighbors a meaningful opportunity to be heard, we are proposing that the City post a sign at the property when it receives a demolition request, and also posts the information on that sign when the Planning Authority makes a determination as to whether the structure is or is not "preferred for preservation." Other towns in Maine provide this type of notice on the site itself, such as Biddeford and Saco. Postcard notice should be provided as well to those within a two-block radius of the structure.

This process should allow a public hearing process for the determination that a structure is or is not “preferred for preservation.” It is anticipated that there would be no need or basis for a hearing on those structures that are clearly within an exception (e.g. built a. er 1930, outbuildings less than 144 square feet, etc.). However where there is more of a judgment call, the neighbors should be able to appeal the Planning Authority’s determination to issue a demolition permit to the Historic Preservation Board within 30 days of the decision.

We also believe that there should be better definition of the terminology “preferred for preservation” (or whatever the operative terminology ultimately proves to be. It seems like it is in flux.) The text now only refers to architectural integrity. We believe the Planning Authority should consider its contribution to the predominant character-defining architectural features of the neighborhood, but should also recognize the provision of affordable or workforce housing as a valuable resource for the City. The criteria for that determination of “preferred for preservation” needs to be more fully articulated.

2. Historic District Designation for Portion of the Munjoy Hill Overlay District.

MHCC is in favor of the designation of two historic districts on Munjoy Hill, as recommended by Greater Portland Landmarks. Both the Eastern Promenade/Maritime Worker Housing District and the North Street District are important to preserving the essential character of Munjoy Hill, and are important tools for the Munjoy Hill Conservation District. We understand that work still needs to be done to determine the exact boundaries, but there seems to be general agreement on what constitutes the areas to be protected.

We request that the work plan accompanying the proposed Overlay Zone contain a specific plan and timeline for completing the reviewing and preparing the nominations for both Munjoy Hill Historic Districts. It is our understanding that Greater Portland Landmarks has already completed a lot of the initial inventory work in support of the designations. We believe it should be a goal for the Planning Department to complete the verification and analysis required for the initial district nominations by August 2018, so that the Historic Preservation Board, Planning Board and City Council review processes could be completed by the end of the year. These historic districts will give recognition to our architectural resources, which are equal to those which have long been protected in other parts of the City. In addition, designation will bring demolition protocols and sensitive new construction review which are tailored for the historic context. It is important to proceed in a planful way, and not to delay adding these tools to the Munjoy Hill Neighborhood Conservation Overlay District.

3. R-6 Dimensional Zoning Standards Relationship with R-6 In-fill Development Design Principle & Standards

Finally, MHCC is proposing that key design standards get incorporated into the R-6 zoning ordinance for the Munjoy Hill Overlay. The intent is that an applicant can only be approved for a building height if it can satisfy the design standards on scale and form, massing, and roof forms at that height. The zoning maximum heights will be just that – an absolute height above which no development may go. They will have to earn the right to build to that height by meeting the design standards, and can be restricted by the reviewing authority to only building to a lower height if that is the height which also allows the specific design standards to be met. We will leave it to the attorneys to draft the precise language, but strongly believe that the zoning ordinance dimensional maximums need to be tempered by these design standards; a proposed development needs to be able to meet both.

The Planning staff analysis found that the average structure on Munjoy Hill is 2.4 stories (roughly 25 feet). The zoning ordinance provides for 1- and 2-unit structures to have a maximum height of 35’, and 3-unit and more structures to build to 45’. That extreme

mismatch between the existing scale of development and the maximum height allowed by zoning creates a huge incentive for existing structures to be demolished and replaced by structures that are grossly out of scale with the existing neighborhood.

Throughout the review process, the neighborhood has been told that the design standards are what will save this vibrant community from being overwhelmed by out-of-scale development. The design standards require new construction to relate to the existing context. They say that new construction needs to respect the predominant character-defining architectural features of the neighborhood, defined as the structures within a 2-block radius. However, we have watched as pending applications resist having to conform to the design standards, claiming either that it is a "gray area" as to which controls or that the City has no right to impose limits more stringent than zoning maximums.

In the current MHNCOD, the Planning Staff is proposing to clarify that there is a hierarchy where zoning provisions control over the design standards UNLESS the design standards are incorporated into the zoning provisions. Staff has proposed incorporating into zoning some concepts that are also addressed in the design standards. The MHCC believes it is critically important to also incorporate the three design standards addressing scale, form and mass into the zoning ordinance (Standards A-1, B-1 and B-2). The reason to do this is so that an owner can only build to maximum zoning dimensions if in doing so the owner is ALSO able to satisfy the critical design standards addressing scale, form and mass that ensure the building contributes to and is compatible with the immediate neighborhood. Incorporating these design standards into the zoning gives the reviewing authority the power to require something less than maximum height if the design standards cannot be satisfied at maximum height.

We hope the Planning Department and Planning Board accept the above proposed modifications which we believe are necessary to strike a healthy balance between development and existing Munjoy Hill residents in order to preserve what has made Munjoy Hill such a unique and vibrant neighborhood.

Respectfully ,

Munjoy Hill Conservation Collaborative members

Karen Snyder-72 Waterville St.

Paula Agopian-98 Monument St.

Maggy Wolf-28 St. Lawrence St.

Tica Douglas-11 Munjoy St.

Berry Manter-46 E. Promenade

Nini McManamy-10 Willis St.

Jayne Hurley-11 St. Lawrence St.

Pamela Day-25 Waterville St.

Peter Murray-104 North St.

Mary Casale-39 Waterville St.

Wayne Valzania-27 Merrill St.

Enoch Wenstrom-88 Beckett St.

Erna Koch-81 Vesper St.

Attachment: MHCCLetter2PlanningDeptRecommendationChangeRequest_20180427.pdf

MUNJOY HILL CONSERVATION COLLABORATIVE
C/O 72 Waterville Street
Portland, Maine 04101

April 27, 2018

City of Portland
Planning & Urban Development Department
Attn: Planning Board
389 Congress Street
Portland, Maine 04101

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Portland Planning Board

April 27, 2018

Page Three

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Respectfully,

Munjoy Hill Conservation Collaborative members

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Paula Agopian-98 Monument St.

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Wayne Valzania-27 Merrill St.

Enoch Wenstrom-88 Beckett St.

Erna Koch-81 Vesper St.

Google Groups

Written comments on Munjoy Hill neighborhood conservation overlay district

Joshua Broder <joshua.broder@gmail.com>

Apr 29, 2018 8:35 PM

Posted in group: Planning Board

I'm a resident of Munjoy Hill at 96 St. Lawrence Street, along with my wife and two young children. We own our condo, which pre-dates the recent boom in condo construction. I also own a business and it's office condos located at 16 Middle Street.

I recently became aware of the effort on the Munjoy Hill neighborhood conservation overlay district.

I think it's a bad idea. Much of the older housing stock on Munjoy Hill was uninteresting and poorly constructed when it was built, and decades of economic hardship has left it poor shape, and in many places, a hodgepodge of design styles.

I think that there is a lot of concern about housing costs driving the effort to freeze the current state of housing units in place. There are several special properties on the hill that should be protected. A blanket district is a blunt instrument that will slow down much needed improvements, without much impact to housing costs. The harm seems to outweigh the good. Historic districts have been great for our city, it just does not seem appropriate in this case.

Respectfully,

Joshua Broder

Joshua.broder@gmail.com

Fwd: R-6 Overlay

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 27, 2018 at 5:50 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Fri, Apr 27, 2018 at 4:35 PM
Subject: R-6 Overlay
To: jlevine@portlandmaine.gov
Cc: peter murray <pmurray@gwi.net>

Hello Jeff,

Thank you for meeting with Peter Murray and me this morning. I support the proposal Peter made for integrating selected design standards into the zoning ordinance, essentially by adding a performance standard to the dimensional requirements. It has the benefit of applying to all of the factors, not just height.

However if there is resistance to including the design standards in that way, I previously suggested using them to modify the maximum height limits. In retrospect I believe I was missing a few words to fully effectuate the intent. Please substitute the attached wording for what I submitted on Monday, April 23rd, shown in redline and clean form.

Regards,

Barbara

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
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 Munjoy Hill Proposed Amendment to max height rev 1 redline.docx
14K

 Munjoy Hill Proposed Amendment to max height rev 1 .docx
13K

Fwd: MHNO Response to R6 Overlay/Zone Changes

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, Apr 30, 2018 at 9:23 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
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Phone (207)874-8720
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@portlandplan

----- Forwarded message -----

From: Munjoy Hill Neighborhood Organization Portland <jay.norris@munjoyhill.org>
Date: Mon, Apr 30, 2018 at 8:51 AM
Subject: MHNO Response to R6 Overlay/Zone Changes
To: "Levine, Jeff" <jlevine@portlandmaine.gov>

Good morning Jeff,

Thank you for allowing us to squeeze this in this morning.

We didn't take this response lightly and I hope the effort reflects that. Some felt it too detailed too soon. Others that it wasn't enough. But the message you see is indeed unanimous in our appreciation to you and to the suggestions we make in good faith. We hope they will be considered.

Thank you again for welcoming us as part of the process and for the listening sessions. You must have set a record for something in that effort alone.

Best to you,
Jay



Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
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MHNO Response R6 Overlay District.pdf
128K



The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

Our Position on, Requests & Recommendations for Amendments to the Proposed R-6 Neighborhood Overlay District

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant.

We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District, (MHN COD)*. We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

- a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;
- b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the

applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.

- c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a "significant building" include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff's proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization
Board of Directors
April 30, 2018

Upcoming decision re zoning changes and historic district

Stephen Gaal <steve@gaal.com>
Posted in group: Planning Board

Apr 30, 2018 4:18 PM

Dear Jeff,

I am writing to you again regarding my views on the impending zoning and historic district decisions. I have attached two photos taken this afternoon. The first is new construction on Morning Street across from #11. The second is new construction on Howard Street near Congress. The short form is I hope the regulations and historic district overlay will encourage construction like the Morning Street property and prevent construction like the Howard Street property.

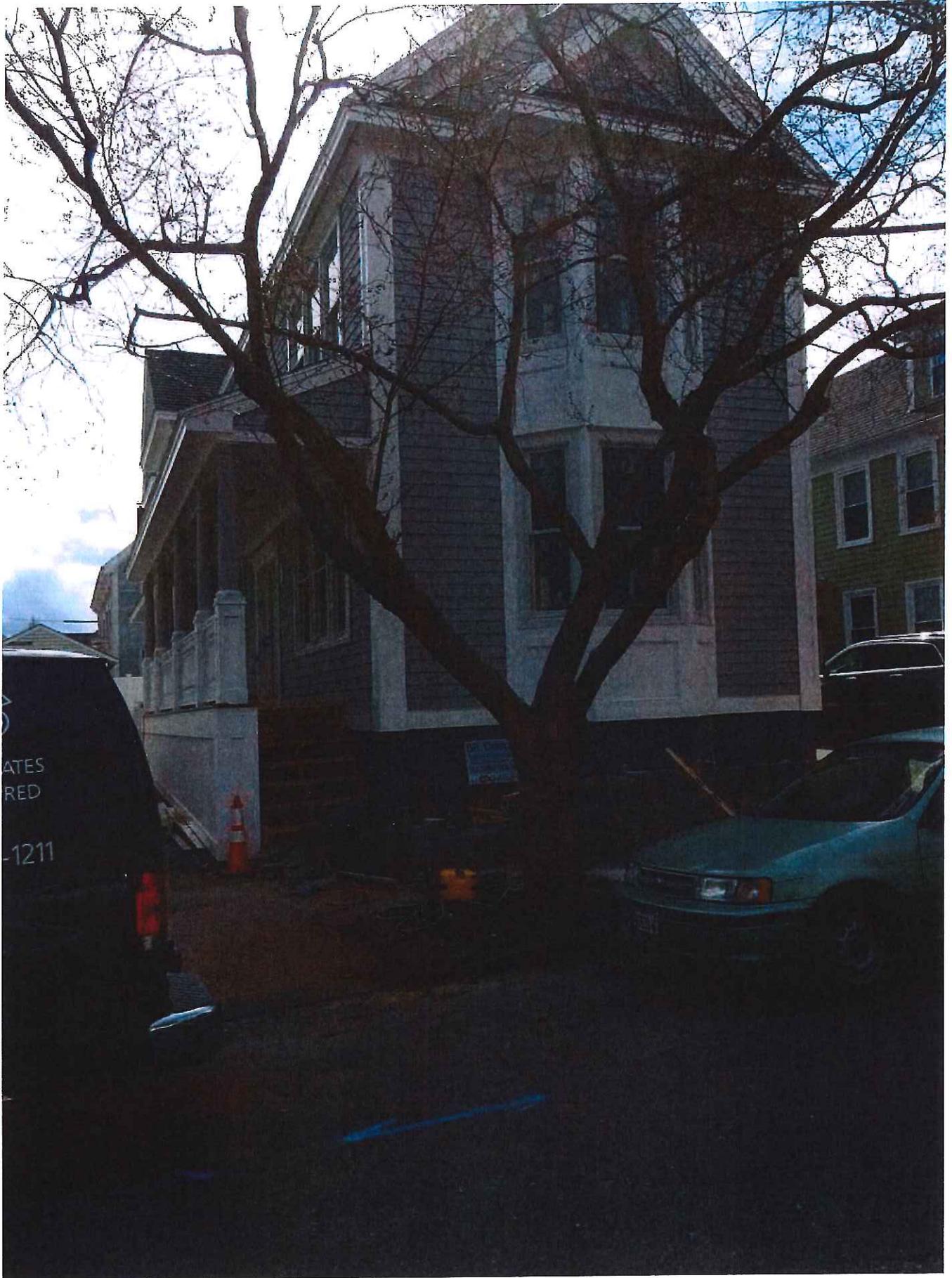
I am very much in favor of an historic district, particularly if our home is included in it.

I hope to attend both the 5/7 meeting and the 5/8 meeting. Thank you.

Stephen Gaal
176 Eastern Promenade
Portland ME
steve@gaal.com
(603) 651-9183 mobile

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

MORNING STREET NEW CONSTRUCTION



HOWARD STREET NEW CONSTRUCTION



Addition to Dimensional Standards

The following should be added at the end of the table located at subsection 3 "Dimensional Standards" of the Munjoy Hill Overlay District.

<u>Building Mass and Scale</u>	<u>(1) the scale and form of the building contribute to and are compatible with the predominant character-defining architectural features of the immediate neighborhood within two blocks of the building, and (2) the massing and roof forms of the building reflect and reinforce the traditional building character of the neighborhood through a well composed form, shape and volume, with compliance with these requirements (1) and (2) to be measured in accordance with the R-6 Infill Development Design Principles & Standards, Principle A, Overall Context and Standard A-1, and Principle B, Massing, and Standards B-1 and B-2, which Standards A-1, B-1 and B-2, the associated Purpose statement and Principle A and B Explanatory Notes, are incorporated by reference as if fully set forth herein.</u>
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The purpose of this addition is to make it clear the compliance with the proportionate massing scale requirements included in the Design Standards is a positive requirement of the R6 overlay district and that compliance with the other dimensional standards alone is not enough if the building does not also comply with the building mass and scale requirements.

From: elizabeth <elizabethmiller1953@hotmail.com>
Date: Wed, May 2, 2018 at 8:45 AM
Subject: Munjoy Hill Conservation Overlay District - why?
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, James Dealaman <idealaman@portlandmaine.gov>, "Jay.Norris@munjoyhill.org" <Jay.Norris@munjoyhill.org>

Thank you for considering all viewpoints on this issue. Elizabeth Miller and David Body, [46 Waterville Street, #3](#)

If it ain't broke, why fix it? My concerns about the proposed Munjoy Hill conservation district and related design restrictions are not about the specifics of these proposals but about the assumption that there is a problem. The solutions proposed by Planning Staff are in search of a non-existent problem.

Is the problem loss of affordable housing? This proposal doesn't address that.

Is the problem skyrocketing real estate prices? That's a function of the market place. Rising interest rates should cool things off.

Is the problem gentrification? Again, that's a function of the market place.

Is the problem "too many" tear downs? Statistics don't bear this out.

I've attended meetings sponsored by Munjoy Hill neighborhood groups and the City of Portland Planning Department. I've chatted with neighbors and friends. There is hardly unanimity on the what the supposed problem is. I've heard concerns about affordable housing, about ugly design ("beauty is in the eye of the beholder"), gentrification and "those people."

Imagine if current efforts to stifle development had been in place a century ago. Munjoy Hill would be an underdeveloped tract of small wooden houses. No grandiose Victorians, no three-flats, none of the variety that people now claim is somehow sacrosanct. A glass bell jar is poised to descend on what has morphed from a place to move from to Portland's most desirable neighborhood. I urge you to stop, pause, reassess and do no harm.

When I moved to Portland in 1985, the joke then was "last one over, pull up the bridge." In thirty-three years of hoping to shed the "from away" label,

I've learned that there is too often a knee-jerk reaction to change triggered by new people and ideas, even when that change represents economic growth and cultural evolution. Is this same shortsightedness threatening to choke off the new vitality found in our neighborhood?

I've been a resident of Munjoy Hill since 2007 and so have personal experience with the wave of renovations and new construction. On Waterville Street, we've seen one tear down / new construction, two vacant lot / new construction and nine extensive renovations in the last several years. Note the ratio of tear-downs to renovations (1 out of 12 projects). All work was completed satisfactorily from a design viewpoint without the imposition of the constrictive measures that are being considered now. So I don't understand why these new measures are necessary. What is the problem?

If a city is to grow, its neighborhoods need to present a welcoming, dynamic environment. Stroll the streets of Munjoy Hill and you'll experience a wonderful layering up of Portland's history from pre-Civil War to 2018. Most common are the Victorians large and small as well as turn-of-the-century three flats. But the neighborhood is more, much more. Push your viewpoint past 1930 and you'll discover much of interest. Mid-20th century colonial-inspired garden apartments, typical of those built to house war workers. 1960s modulars on top of cement foundations. 1970s brutalistic public housing and high rises. It's all here. This latest wave of new construction is simply the next in a continuum. In no other neighborhood in Portland can you see such an intriguing array of contemporary architecture.

If anything, the City should be encouraging greater density, particularly along its major corridors, such as Congress Street and Washington Avenue. Development pressures being experienced on and off peninsula show that it's time to stop being a big town and grow into a real City.

Jeff, Tuck, Sean and other members of the Planning Board,

I recommend a few modifications to the proposed R6 Changes that were presented a few weeks ago for review and approval.

1. **Setbacks** - The current proposed setbacks will create a new set of problems that will have negative repercussions and lead to sub-optimal quality of new projects in terms of design and neighborhood fabric. I recommend side and rear setback provisions be changed in the following ways:

A. **Rear setbacks** should be modified to 15% of a lots' depth versus 20%. Minimums of 10' rear setback for buildings of 35' and 15' for buildings of 45'

B. **Side Setbacks** on lots less than 45' in width should continue to be allowed to have **zero setback** on one side and 10' (10' total) on the other side if the neighboring structure not closer than 15'. If the project includes underground parking a **zero setback** and 7' side could be allowed in projects with no surface parking or driveway is planned (situationally granted based on design and situation)

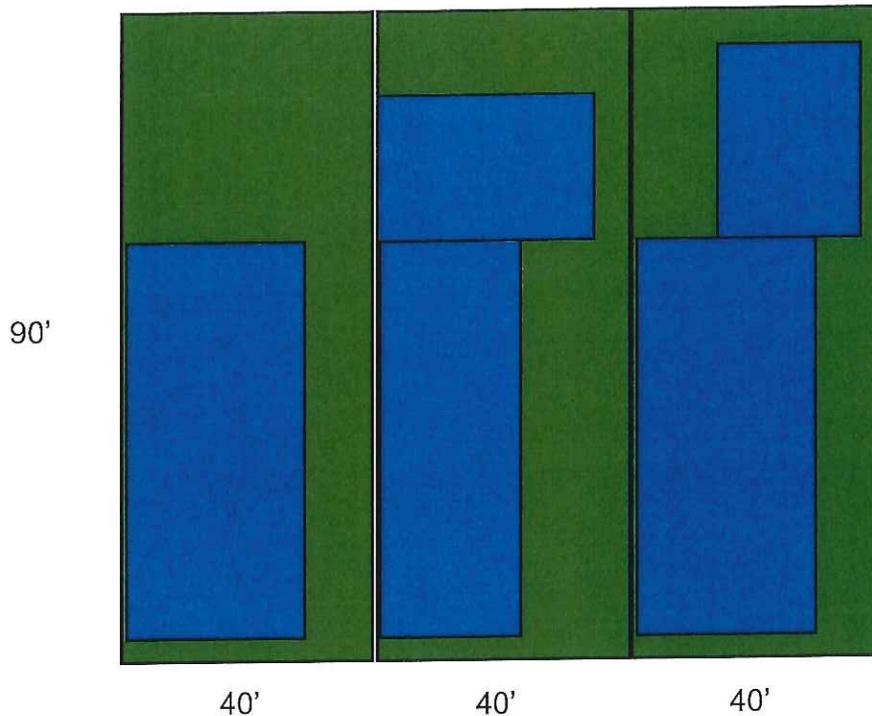
C. **Grandfathered Footprints** -Projects should be allowed to use current building footprints if:

- 1) The project increases the number of housing units over existing
- 2) Underground parking is included in the project
- 3) If affordable housing is required the units are actually offered versus being bought out

Current footprints often exist for very good reason and make much more sense in relation to neighboring buildings and to the slope or position of the lot than rules governing new construction allow. This wisdom that is embodied in many of the decisions for current structures' locations should not be discarded. When there is not flexibility allowed all stakeholders are actually negatively impacted. Additionally it can drive increased costs or odd, unusable pieces of land that is wasted in terms of utility. This simply does not make sense.

D. **Environmental Consideration** -Flexibility or leniency could be granted/considered for projects that include environmentally beneficial practices such as green roofs, solar power, highly efficient buildings, re-use of rainwater, storm water mitigation, etc.

E. 60% Lot Coverage - I recommend a new provision be added to allow for more effective land use. *On lots where setbacks do not allow a building footprint to attain a 60% lot coverage the setbacks will be decided in conjunction with city staff and/or the Planning Board to allow for attainment of the 60% lot coverage.*



60% lot coverage can be achieved and managed in way that will provide buildings and neighborhoods with increased character and sense of place without limiting housing options. Allowing this flexibility will enhance the quality of design of the buildings and improve indoor space but also will improve outdoor space aesthetics. L shaped buildings help frame outdoor space and gardens for instance. But restrictive, inflexible rules will mean a loss of character, visual interest and meaningful sense of place.

2, Building Expansion - Existing buildings should be able to increase total SF by 100% to 120% versus the current 60%. This would act as a disincentive to tear downs. The current allowance of 60% is antiquated. If you have a 2 story house with a 700SF footprint you can add 840 SF or one floor. So practically you are going to add 700SF. Most people who buy a very expensive property on Munjoy Hill are not going to add a floor to an existing small footprint. It often doesn't make sense from a design or

aesthetic sense and will probably never make sense financially. Many of the homes on Munjoy hill have a small footprint and if an owner could add to the footprint and build up it would allow for other possibilities than simply tearing down a property. The current rules promote tear downs. This would also allow some single families to be converted to 2 or 3 units without putting very restrictive, artificial constraints to designing safe, functional floor plans and quality living spaces. Perhaps this applies to homes of certain small footprints of between 500 and 1350 SF and 2.5 stories or less.

The reasoning for modifying set-backs is multi-faceted:

1a. The current proposal of 20% rear setback coupled with the new side setbacks prohibits the full use of FAR (Floor Area Ratio) or lot coverage provisions of 60%. This has several implications. First, the creation of new housing units is going to decrease thus impacting the availability of housing, directly conflicting with the goals of increasing density that was a main driver of changing the R6 in the first place and is counter to Portland's Comprehensive Plan.

If you take a 40' by 90' lot of 3600 SF and apply the proposed set backs of:

Rear	18' which = 20%
Front	5'
Side 1	5'
Side 2	10'

FAR	2160 SF = 60% lot coverage
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Actual	1675 SF= 46.5% according to proposed setbacks
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Lost SF	485 SF
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To understand how this will impact the development of multi-unit housing it is valuable to look at how space is used and the interior dimensions. These are based on a 40' by 90' lot which is actually larger than most lots on Munjoy Hill but the 40' width is one of, if not the most, common lot widths.

Lot SF	3600	
Allowable SF	2160	60% Lot Coverage (FAR)
Actual Allowable SF	1675	proposed setbacks 25' by 67'
18" Walls SF	267	
Egress 1	140	
Egress 2	140	
Entry way	25	
<u>Elevator Shaft</u>	<u>80</u>	
Interior SF/Floor	1023	Usable living Interior SF

This allows a footprint of 25' by 67' which equals a 1,675 SF footprint versus the 2160 SF that is allowed with a FAR of 60%. This means that the setbacks restrict the footprint by 485 SF. This will translate into some very harmful outcomes in terms of design and limiting the creation of new housing units. To achieve energy efficient homes wall thicknesses and roof thicknesses are increasing to achieve higher R-values and air-tightness. Wall thickness is increasing to 14" and 18" which significantly impacts interior floor area. Additionally, if a project wants to implement underground parking which is very beneficial to aesthetics, removing cars from street parking and improving street engagement a 25' wide structure will prevent this option in multi-units. In a multi-unit that is 4 stories plus underground parking (5 levels) will need to offer an elevator or significantly limit the number of people interested in purchasing the top units. Additionally the units will sell for considerably less. These consequences matter and impose practical limitations in terms of how a building is designed and constructed and again will prevent investment in better quality building practices such as adding more architectural detailing, using better, more robust and attractive exterior materials, etc. Additionally, these limitations will mean a rectangle is the only form that will be utilized because the FAR has already been decreased by 15%. They act as a disincentive to add bump-outs, interesting windows nooks and other designs that provide so much character to a building and neighborhood. Adding these interesting details would further cut into footprint SF that simply will not be financially feasible for a multi-unit project in the current environment. Another option that 30% or 40% of the side of a structure could have less side yard setback. This would allow for better utilization of the lot, not encroach upon neighbors and add design variation that would enhance the property and neighborhood.

I think it would be very helpful to understand land utilization for current structures on Munjoy Hill to fully appreciate the impact. Showing the FAR or lot coverage of current multi-units versus single family homes on lots between 2000 and 5000SF would be very helpful data to study. I quickly took a few random examples:

	<u>Lot Size(SF)</u>	<u>Bldg Footprint(SF)</u>	<u>FAR (lot coverage)</u>
49 Morning Street	5725	4350	76%
53 Morning Street	5778	3520	61%
79 Vesper Street	3200	1975	62%
92 Vesper Street	3146	1900	60.5%
47 Congress Street	3920	2250	57.4%
51 Congress Street	3960	2600	65.7%
19 North Street	2785	1455	52.2%
23 North Street	3200	1750	54.6%

When setbacks limit lot coverage below 60% it is going to reduce the development of multiunit projects. This is going to harm housing availability. Even though most of these new units will not be affordable housing the increased availability of housing units will add to supply and as supply increases there is price moderation. Additionally added housing stock leads to economic robustness, growth and stability on top of adding to city revenues. The implications of these setbacks is considerable.

Drawings would be incredible helpful but I simply don't have time to include them.

2a. I believe that it is beneficial to allow the city and property owners more flexibility about placement of additions and new construction to better fit the specific lot and to better fit in with respect to current adjacent buildings. Because Munjoy Hill is already a built environment and many lots are sloping, allowing flexibility in judgement on placement through a process of approval by professionals will yield the best results in improving, enhancing the current built environment. It will benefit neighbors and property owners alike.

3a. Decreasing the creation of housing units impacts the city budget. It is feasible that the current changes could result in the loss of 60 to 120 units of housing over the next 5-10 years. On average these units will contribute \$10k to \$12k in property taxes or \$600K to \$1.44 million annually to the city budget. I think the current shortfall in our school budget and not being able to afford the PSO to perform at the July 4th celebration highlights the need for Portland to increase revenues. It impacts the city's ability to pay current bonds, credit rating, the cost of borrowing, etc. etc.

4a. 15% is still an increase in rear setback over current rules but will have less damaging results in limiting design, density and potential loss of housing. 15% is more than adequate in protecting light access (mitigating shadowing), life safety access, fire spread, etc. and providing room for gardening, outdoor patios and the like.

5a. The side setbacks will mean that houses are closer together in many cases. Currently many homes on MH are built on the lot line with a driveway in between the homes. This was done to allow the maximum distance between homes on very narrow lots. So if someone chooses to tear down a home that is built in a neighborhood laid out this way they will now have to move the new home 5' closer to neighboring home. It will be out of balance. On one side it will have a 5' strip of land that is totally useless. The neighbor on one side will gain 5' of space and the neighbor on the other side will lose 5'. The property owner will have 5' of useless land and a very narrow 10' driveway. The driveway will not be able to be plowed without risk of damage to both houses. Snow removable will be difficult and while this may only be an inconvenience to younger people, older people or people who want to age in place will find this more than an inconvenience. It may also increase damage to cars from falling snow sliding off roofs. We must remember that the new rules make it more difficult to incorporate car storage into designs. While I personally feel it is beneficial for the city to promote underground parking and move us toward less reliance on automobiles we are in that awkward period where the city does not have the mass transportation alternatives or the mixed use neighborhoods that allow many people to walk to work and be willing to let go of their car. The city also does not have the money to overcome the transit limitations offered to residents and Federal funds look more likely to be cut than increased.

In summary the current proposals basically allow almost no discretion in design or development options. In fact, they promote only the building of rectangles and single family housing. While R6 rules allow for a FAR (Floor Area Ratio or lot coverage) of 60% this is unachievable on most lots because of the minimum required setbacks. Flexibility is key to balancing housing needs, design considerations, economic requirements and creating a great, livable neighborhood.

Thank you for your consideration,

Tim Wells



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Neighborhood Conservation Overlay District

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, May 2, 2018 at 11:20 AM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
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Phone (207)874-8720
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----- Forwarded message -----

From: Pamela Day <pday2304@gmail.com>
Date: Wed, May 2, 2018 at 10:58 AM
Subject: Munjoy Hill Neighborhood Conservation Overlay District
To: "Planningboard@portlandmaine.gov" <Planningboard@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "info@munjoyhill.org" <info@munjoyhill.org>

We appreciate the good work that has been done by Planning Staff to address the concerns that brought about the moratorium on Munjoy Hill. However, we are concerned that the proposed text amendments will not prevent continued speculation, unnecessary teardowns, and construction of more big box buildings that dwarf the streetscapes and further reduce affordable housing on the Hill.

We urge the Planning Board to amend the proposed codes as follows:

1: Strengthen the Demolition Language by:

- a. Adding the requirement of public signage to announce proposed demolitions
- b. Adding the requirement of a public hearing on proposed demolitions
- c. Adding the requirement of affordable housing units to new construction
- d. Providing the option for proactive Planning Department review of properties proposed for demolition to identify those with landmark/contributing status
- e. Providing clarification and a description of the term, "preferable preservation"

2: Providing additional language to ensure that the Design Standards will be enforced so that more out-of-context and neighborhood dwarfing buildings are not built on the hill.

3: Providing a specific time line for proposed historic district designation, initially using the Greater Portland Landmarks two proposed districts.

Thank you for your consideration of these needed enhancements to the code revision. Without them we fear it will be business as usual.

Respectfully,

Pamela Day & Michael Petit

25 Waterville Street

Portland, Maine 04101



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, May 2, 2018 at 11:41 AM

I think I missed this one. For the Munjoy Hill file.

Jeff Levine, AICP
Director
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----- Forwarded message -----

From: Barbara Vestal <vestal@chesterandvestal.com>
Date: Mon, Apr 23, 2018 at 11:52 AM
Subject: R-6 Munjoy Hill Neighborhood Conservation Overlay District
To: jlevine@portlandmaine.gov, Deb Andrews <DGA@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>
Cc: "Martica S. Douglas" <tica1529@gmail.com>, Maggy W <mewnola@gmail.com>, peter murray <pmurray@gwi.net>, Karen S <karsny@yahoo.com>

Hello Jeff, Deb, Caitlin and Chris. ne,

During a meeting with Jeff on April 18th, he stated his intent to make it clear in the proposed amendments that zoning will control over design review. He stated that if it is the intent to require a proposed development to meet both requirements, that the design standard language needs to be brought into the zoning ordinance and adopted by the City Council as part of the zoning ordinance.

We believe that it is critically important for proposed new development on Munjoy Hill to reflect and be harmonious with the context of the surrounding development. A new structure should not be allowed to build to the zoning ordinance maximum height if that height is not compatible with the context.

Concerned citizens are being told that the design standards will be used to control the scale and impact of new development. But the design standards are not up to that task if they are, by definition, "trumped" by zoning maximums. That would tie the hands of Boards in applying design standards to critical issues of scale and mass.

The staff research found that the average building height on Munjoy Hill is 2.4 stories. A proposed maximum height limit of 45' is greatly out of scale with the existing intensity of development. If it is allowed to control, without a consideration of context, it encourages tear downs and rebuilding at a scale that is not respectful of or harmonious with its neighbors. That is not conducive to the vibrant neighborhood and community stability identified as a goal of the City.

To integrate the scale and massing standards of the design standards into the zoning ordinance, the Munjoy Hill Conservation Collaborative and I propose the following amendment to the zoning ordinance as currently proposed (with text changes underlined):

Dimensional Standards

Maximum Height: up to 35'; up to 45' for developments of 3 units or more on a lot over 2000 sf., or for developments that include at least one "workforce housing unit for rent" or "workforce housing unit for sale" with a permanent deed restriction as defined elsewhere in this ordinance, provided that, as to each building, the maximum height is allowed only if the building meets both of the following requirements: (1) the scale and form of the building contribute to and are compatible with the predominant character-defining architectural features of the neighborhood, and (2) the massing and roof forms of the building reflect and reinforce the traditional building character of the neighborhood through a well composed form, shape and volume, with compliance with these requirements (1) and (2) to be measured in accordance with the R-6 Infill Development Design Principles & Standards, Principle A, Overall Context and Standard A-1, and Principle B, Massing, and Standards B-1 and B-2, which Standards A-1, B-1 and B-2, the associated Purpose statement and Principle A and B Explanatory Notes, are incorporated by reference as if fully set forth herein.

This has the effect of pulling three design standards into the zoning ordinance so that being approved for maximum height is conditional upon also being able to meet these design standards. This proposed amendment is based upon the existing design standards, and merely repeats principles A and B and identifies how they are to be measured. If a city attorney recommends a less verbose way to achieve the same result, I am open to considering that.

Regards,

Barbara

--

Barbara A. Vestal, Esq.
Chester & Vestal, PA
[107 Congress Street](#)
[Portland, Maine 04101](#)
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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Fwd: Munjoy Hill Moratorium request

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, May 2, 2018 at 2:28 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Anna Medina <fruity.gemini@gmail.com>
Date: Wed, May 2, 2018 at 2:15 PM
Subject: Munjoy Hill Moratorium request
To:

Dear Planning Department and Planing Board,

As a resident of Munjoy Hill and a supporter of the MHCC (Munjoy Hill Conservation Collaborative), I would like to request the following for the Munjoy Hill Moritorium :

- #1:** Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
- #2:** Additional language to ensure that the design standards will be enforced so these big box buildings don't continue being built.
- #3:** Provide specific time line for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Thank you,
Anna Medina
6 Cumberland Avenue, Portland, ME

Fwd: Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, May 3, 2018 at 2:21 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----
From: Linda Tyler <ltyler8@gmail.com>
Date: Thu, May 3, 2018 at 2:16 PM
Subject: Munjoy Hill
To: jlevine@portlandmaine.gov

Please adopt:

- #1:** Demolition Language needing to be strengthened by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
- #2:** Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.
- #3:** Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Thank you for your careful consideration of these matters.

Linda P. Tyler
52 Saint Lawrence Street
Portland, ME 04101

Fwd: Planning Department Zoning proposal for Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Thu, May 3, 2018 at 2:53 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: EJ Koch <ejkoch@gmail.com>
Date: Thu, May 3, 2018 at 2:52 PM
Subject: Planning Department Zoning proposal for Munjoy Hill
To: planningboard@portlandmaine.gov, jlevine@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>

Hello and thank you,

I support responsible and clear zoning regulation that will adequately preserve the historic character of Munjoy Hill. While the Hill has traditionally been a place where working people have lived and raised families, that historic character is rapidly being compromised by speculative development of "big box" condo-type housing. The housing thus added is far out of the financial reach of most Maine residents. It is opposed by most property owners and residents of Munjoy Hill for this reason, and because it is not compatible or consistent with the type, design, and scale of housing here.

The Planning Dept Recommendations are a good start, but are not yet specific enough to provide adequate protection for our neighborhoods, and clear guidance to redevelopers.

Specifically, I support measures, including but not limited to the following:

Stronger language regarding demolition incorporating:

- a) addition of required public signage noticing teardown application,
- b) addition of public hearing on each demolition proposal,
- d) proactive review by the planning dept for landmark/contributing status on each,
- e) Clarification and a clear description of "preferable preservation"

Specific design standards incorporated as part of the Zoning ordinance that ensure and clarify compatible scale/mass and architecture. Redevelopers should be clearly on notice of what is and is not permissible, without "discretionary" application of zoning. The design standards that have been in place recently have failed to accomplish these goals, and have led to erection of incongruous developments now permanently standing on the Hill.

Specific timeline for designation of proposed historic district(s) initially using the two districts outlined by Greater Portland Landmarks. (Fall 2018 or later)

Yours Truly,

Erna Koch

CHESTER & VESTAL

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

107 Congress Street, Portland, Maine 04101

Telephone (207) 772-7426 Fax (207) 761-5822

EDWIN P. CHESTER
BARBARA A. VESTAL
MICHAEL P. DIXON
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wahrer@chesterandvestal.com

May 3, 2018

Chair Dundon and Members
Portland Planning Board
389 Congress Street
Portland, Maine 04101

Re: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Dear Chair Dundon and Planning Board Members:

I continue to believe that the package before you does not go far enough to protect the existing Munjoy Hill neighborhood from being overwhelmed by out- of- scale new development. The treasured architectural and social fabric of Munjoy Hill is being threatened by a growing number of teardowns. Perfectly serviceable, compatible structures are being razed, to be replaced by oversized luxury housing. This is a significant threat to the neighborhood, and something that the City can and should fix.

Let us be clear. This is not simply market forces at work. The City set these destructive forces into action in 2015 with an ill-conceived package of R-6 zoning amendments. While billed as a means to encourage infill development on small, scattered vacant lots, the impact of the 2015 amendments was much broader. By not limiting the infill incentives to then-vacant lots (as the zoning had prior to 2015), it made almost every structure a potential target for demolition and new construction. To add even more incentive for demolition, it allows new structures to be constructed on the razed site that are almost twice as tall as most Munjoy Hill homes.

INTEGRATE DESIGN STANDARDS INTO THE ZONING ORDINANCE:

One way to slow the destruction is to limit the height of new construction to something that is compatible with the context of the immediate neighborhood. The design standards have been touted by the City as a way to make new construction respond to its context. In accordance with the design standards, scale and massing of proposed new construction is to be responsive to the predominant development patterns within a two block radius.

BUT at the same time as it is touting the sensitivity of the design standards, the staff's proposed draft contains the statement that the zoning will control over the design standards. This has the effect of granting maximum heights **as of right**, with the design standards left to affect only less important characteristics.

The only way to counteract this is to incorporate the most important design standards (those on scale and mass) into the zoning ordinance itself, and to require proposed development to meet both the key design standards and to be less than the dimensional caps. If a proposed development needs to reduce the scale and/or mass to be found to meet the design standards, then it should only be approved for that reduced scale or mass, not for the dimensional maximums otherwise allowed by zoning. In particular, the maximum heights have to be conditioned upon also meeting enforceable design standards so that, for example, a 4-story building may not be shoehorned into an area of 2-story homes. Design standards do absolutely nothing to control the out-of-scale growth if the ordinance is structured, as it is currently, so that zoning always "trumps" design standards.

ALTERNATE ACTION: ONLY ALLOW NEW CONSTRUCTION ON VACANT LOTS, NON-RESIDENTIAL LOTS, OR LOTS IN EXCESS OF 4,500 AS WE DID PRE-2015:

If the City is not willing or able to impose enforceable, contextual size limits as part of the zoning, then new construction on smaller lots (e.g., lots of less than 4,500 square feet) must be limited so that new construction is only allowed on lots which were already vacant as of January 1, 2018 or were in non-residential use as of January 1, 2018, as the zoning was structured prior to 2015. A return to the approach that existed pre-2015 at least relieves the pressure, now felt by every existing residential structure, to be razed to become a potential building site for a newly constructed building which can be built out to a much greater scale than the existing building.

ENDORSE AN 18-MONTH DEMOLITION DELAY, BUT MAKE THE PROCESS MORE TRANSPARENT AND ACKNOWLEDGE THE VALUE OF AFFORDABLE HOUSING:

The theory of an 18-month demolition delay for residential structures is good. It would be strengthened by a process that requires the owner to post required information if the owner applies for a demolition permit. Similarly, there should be a process which would allow neighbors and other interested parties to request a hearing in a timely manner should they disagree with a determination that a structure does not meet any of the exceptions but is not "preferably preserved." There should also be an acknowledgement that in addition to architectural/historic value, existing affordable housing is a public good that should be given consideration during the proposed demolition review process.

THE PLANNING BOARD AND CITY COUNCIL SHOULD ENDORSE PROCEEDING WITH TIMELY NOMINATION OF APPROPRIATE HISTORIC DISTRICTS ON MUNJOY HILL

For areas that qualify as historic districts, there are much better demolition protections and much better processes for review of new construction within an historic district than exist in non-districts. Parts of Munjoy Hill are every bit as architecturally valuable as other parts of the City, yet they have not yet been designated for historic preservation protections. Moreover, preserving existing historically-significant housing is likely to have the dual benefit of retaining important housing stock that is more affordable than any housing units that are likely to be created through unsubsidized new construction.

Much of the survey work has already been completed by Greater Portland Landmarks, subject to review by the City. The Planning Board and City Council should encourage staff to give priority in its work program to completing what needs to be done so that proper nominations may be initiated by early Fall. Delay in completing this work deprives these areas of interim protections which will attach once a formal nomination is initiated. Of course designations will need to proceed through the Historic Preservation Board, Planning Board and City Council, with due process at each level.

SET ASIDE PROPOSED AMENDMENTS TO BUILDING EXTENSIONS FOR LATER REVIEW.

I believe you should set aside the proposed amendments to 14-436 Building Extensions for later review. The proposed amendments would apply City-wide, not just in the R-6. As drafted, it seems like the amendments could make significant changes which have not really been discussed.

The current ordinance only allows certain building extensions within the existing building footprint. As drafted, as I read it, the extensions would not be limited to the existing footprint, and could go well beyond the existing footprint. They could be vertical or horizontal extensions. I believe what the proposed language would allow is that if one part of the building fails to meet a setback requirement, the entire rest of the building can be built out to the same plane. And there would no longer be a limit on the % expansion of the first floor footprint. And it deletes the restriction that buildings expansions can only occur once during the lifetime of an existing structure. These are potentially significant City-wide changes which should require more analysis as to whether they are even beneficial.

Portland Planning Board
May 3, 2018
Page Four

CONCLUSION:

It goes against many of the core principles the City espouses – support for affordable housing, vibrant neighborhoods, and environmentally sustainable practices -- to set up the regulatory incentives to encourage perfectly serviceable workforce housing to be demolished and replaced by out-of-scale luxury units. The effect of the 2015 amendments was to make every structure in the R-6 zone expendable, and to make every lot of at least 2,000 square feet a potential building site for new construction, regardless of whether an existing residential structure would need to be razed. The incentives are further driven in the wrong direction by zoning dimensional limits that are much more generous than the existing pattern of development. Staff analysis found the average structure is 2.4 stories. The proposed zoning would allow 45 feet (4.5 stories) as of right for one unit plus a “workforce” unit, or for 3 units.

The regulatory incentives are all wrong. The City should be encouraging highly selective demolition and rebuilding where it won't harm the existing neighborhood and might strengthen the overall housing stock (e.g. post-1930s houses, non-residential structures, dangerous structures). But new construction should be restricted to a scale, mass and design that will enhance the neighborhood. And the City's primary focus, to be reinforced by zoning which only allows rebuilding at the scale and mass of existing development, should be on maintaining and rehabilitating the already existing housing stock, which is historic, compatible, reflective of patterns that emerged organically over time, and more affordable than any unsubsidized new construction.

Sincerely,


Barbara A. Vestal

Changes Requested to Planning Dept Proposal for Munjoy Hill Overlay District

Karen Snyder <karsny@yahoo.com>

May 4, 2018 9:01 AM

Posted in group: Planning Board

May 4, 2018

Portland Planning Department
Planning Board Chair and Members
389 Congress Street
Portland, ME 04101

Re: Changes Requested for R-6 Munjoy Hill Overlay District

Dear Planning Board Chair Dundon and Planning Board Members:

There is overwhelming amount of support and transparent evidence from the listening sessions, to Planning Board workshop, to the public comments sent to Planning Board, to petitions signed by Munjoy Hill Residents, and finally a multi-group support from **MHNO, Greater Portland Landmarks**, and the grassroots group **MHCC** (Munjoy Hill Conservation Collaborative), to ensure that there is balance between development and preservation of Munjoy Hill by the following recommended changes to the Planning Department proposal made at the 4/10 Planning Board workshop.

The proposed recommended changes to the R-6 Munjoy Hill Overlay District are the following:

1) Planning Board Needs To Ensure the Design Standards are Enforced

- The fact is the current design standard are not effectively enforced and certain developers/property owners are outrageously ignoring these design standards. Example: 24 St. Lawrence, 30 Merrill, 5 Cumberland, 25 Monument, etc.
- The only way to enforce these design standards is to insert them into the R-6 overlay zoning ordinance.
- Incorporate the language of compatible scale/mass into the zoning ordinance and to require developers to meet BOTH the key design standards and to be less than the dimensional caps.
- This specific language to incorporate into the design standards has been provided to the Planning Dept last week and supported by MHNO board in letter sent this past Monday, 4/30/2018 and MHCC letter sent on 4/27/2018.

2) Planning Board Should Strengthen the Demolition Standard

- a) Keep the 18 month demolition delay.
- b) Require the owner to post required information if the owner applies for a demolition permit. Other Maine cities are doing this. Why not Portland?
- c) There should be also a public hearing to allow neighbors and other interested parties to be notified if there a disagreement between not meeting the exceptions but yet not considered "preferably preserved".
- d) There should be a deed clause for real "affordable" housing and considerably lower than the AMI level which is currently < 80K/annual income. This current level excludes basically all Portlanders and their families and only rich retirees can "afford" this.
- e) This specific language to incorporate into the demolition standards has been provided to the Planning Dept last week and supported by MHNO board in letter sent this past Monday, 4/30/2018 and MHCC letter sent on 4/27/2018.

3) Planning Board Should Endorse Proceeding in a Timely Manner a Munjoy Hill Historic District

- Unlike what the developers have said with only razing and profiteering in mind and most do not live on the Hill, Munjoy Hill does have much historic fabric and architecture that is needed to urgently be protected.
- Our neighborhood is being razed, TRUE affordable housing for working class/middle class is disappearing and NOT being replaced.
- Greater Portland Landmarks has done significant survey work and have initially proposed Munjoy Hill Historic Districts.

-There is also additional effort being made now to gather petition signatures from property owners in this proposed Munjoy Hill Historic District by Greater Portland Landmarks. Munjoy Hill Property Owners are now understanding that Munjoy Hill is needing additional protections.

-Both MHNO in letter sent this past Monday, 4/30/2018 and also Greater Portland Landmarks letter to Planning Board are advocating initially using Greater Portland Landmarks survey work and initiating Munjoy Hill Historic Districts by Fall 2018. In addition, MHCC letter sent on 4/27/2018 also aligns with MHNO and Greater Portland Landmarks.

4) Planning Board Should Make Additional Modifications to the R-6 Dimensions to the Overlay District

a) Min Side Yard Setback: No single side yard should be less than 5 feet.

b) Rear Yard Setback: Change back to 10 feet.

c) Height Maximum: Exclude the HVAC equipment to be above height maximum.

d) Height Maximum: Only Allow New Construction on vacant lots greater than 4,500 sq ft.

e) Structure Setbacks: Put back to pre-2015. Boxes are being built with no structure setbacks.

5) Planning Board Should Postpone the Amendments to 14-436 Building Extension Review

-There has been no study or previous effort to analyze the 14-436 Building Extension change ramifications.

- This would be a city-wide impact and not just Munjoy Hill Overlay.

- There is also no transparency as to who is advocating this amendment change without any due diligence efforts being made.

- As a result of the above concerns, this amendment change needs to be postponed.

In conclusion, the R-6 zoning changes made in 2015 completely goes against the supposed core principles of this City and the Comprehensive Plan which was to maintain affordable housing, vibrant neighborhoods, and environmental sustainable practices. In fact, it accelerated the exact opposite.

If the above proposed changes are not approved by Planning Board in next week's 5/8 Planning Board meeting, then it will be clear that the Planning Board is not serving the overall public good. It would be allowing Munjoy Hill neighborhood, community, and history to continue to be erased for a short term profit gain at the expense of Portland Munjoy Hill residents and future generations.

Regards,

Karen Snyder
72 Waterville St

Dear Planning Board Member,

May 3, 2018

As a property owner and long time resident of Munjoy Hill, I am an invested stakeholder in the future of the neighborhood. Recent events here in the real estate developer's market have raised my concerns regarding the projected quality of life for the future of the Hill and its residents. The rampant "tear down and build a money-maker trend," has reached extraordinary proportions, threatening the very essence of the culture and community of the neighborhood. Destruction, in some cases, of soundly built and strong-standing buildings has been allowed, and sadly will continue after the moratorium ends. This practice needs close scrutiny and much more study to create a reasonable process that considers the demolition and construction within the context of historical significance and everyday neighborly life on the Hill.

I am appalled by some of the aesthetically deficient box style constructions, adorned with ice-cold corrugated metal, scrawny stick-like supports, crayola color discord, and no heartbeat at all. Dead boxes plopped offensively to the margin of long existing family homes and apartments. How many more little green growing spaces will be compromised? What about the bright sky, ample air space, broad views of the water, established trees, sunlight not shadow? What ordinance, judgement or persuasion has allowed the planning board to bypass sensible standards of design? What happened to the guidelines that require decision-makers to consider architectural compatibility...mass, scale, design? Those aspects of the design standards seem to have been ignored.

Munjoy Hill is a rich natural, cultural and historic resource, the very essence of which is illustrated in the many historic family homes, apartment houses, former school buildings, gardens, and public lands. It is a gem to be cared for, protected and shared for perpetuity. It should not be carved up, torn down and jammed to the limit with cold box buildings and oversized condos casting shadows on their neighbors. Please consider the fragile balance between planned development and protecting the character of this unique community.

I support the The Top 3 Planning Dept Recommendation proposed changes that MHCC (Munjoy Hill Conservation Collaborative) and now MHNO are requesting, and ask that you do the same. They are as follows:

#1: Demolition Language needing to be strengthened by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?

#2: Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently, some of the developers are outrageously ignoring it.

#3: Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

.....

Regards,

Carol M. Connor

12 Montreal Street Portland, Maine 04101

Google Groups

Yes to R- 6 Zoning Recommendations of MHCC

Liz Hays <lizchays@gmail.com>
Posted in group: Planning Board

May 4, 2018 9:44 AM

Dear City of Portland Planning Board

I am a new resident of Munjoy Hill, having bought a single family home in the R-6 zone one year ago. One reason I choose this area is because of the unique historic architectural character of the surrounding homes and businesses. This is what draws people to invest in this area. I am very concerned about the recent tear downs and the incongruent architecture that is being built to replace them. I do not want to see Munjoy Hill ruined by development that is short sighted and driven by profit without consideration of the the entire community that lives there.

This is why I am strongly encouraging you to vote in favor of the top three proposed changes requested by the Munjoy Hill Conservation Collaborative to the Planning Department recommendations. I also am in favor of moving in the direction of making R-6 zone an historic district.

Thank you for considering my request.

Liz Hays
107 North Street
Portland ME 04101

Munjoy Hill Neighborhood Org. Repsonse & Requests to Planning Board on Overlay Zone to R6

Munjoy Hill Neighborhood Organization Portland <jay.norris@munjoyhill.org> Fri, May 4, 2018 at 10:41 AM
To: Jennifer Munson <jmy@portlandmaine.gov>, planningboard@portlandmaine.gov, Belinda Ray <bsr@portlandmaine.gov>, Pious Ali <pall@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, jduson <jduson@portlandmaine.gov>

Good morning Jennifer & Councilors,

Please see the attached document submitted on behalf of the Munjoy Hill Neighborhood Organization. It represents our work, response, and requests regarding the proposed community overlay zone for the R-6 zone of the Munjoy Hill Neighborhood.

We're deeply grateful to Jeff Levine, City staff and the council for the amount of work conducted, and over such a brief period of time.

We've worked with a wide cross-section of the community, even prior to the moratorium, and appreciate the Board's review and consideration for the recommendations we have here.

Thank you all again for all you've done in helping to protect and grow the Munjoy Hill community.

Best to all of you!

Jay Norris



Jay Norris, President
MUNJOY HILL NEIGHBORHOOD ORGANIZATION
CELEBRATING 36 YEARS OF COMMUNITY, CONNECTIONS & CONTINUITY
92 Congress St.
Portland, ME 04101
646.469.5999 (Mobile)
JOIN US! WWW.MUNJOYHILL.ORG





The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

May 4, 2018

To the chairpersons and members of the City of Portland Planning Board; Sean Dundon, Chair; Brandon Mazer, Vice-Chair; Lisa Whited, Maggie Stanley, Austin Smith, David Eaton, David Silk

Dear Sean and Board members,

Attached herein is a brief response and position of the Munjoy Hill Neighborhood Organization relating to the matter of the proposed community overlay zone for the R-6 zone of the Munjoy Hill Neighborhood. We submit this having conducted our own community outreach and having worked with Jeff Levine over the past several months in hopes of representing a cross section of the community.

In December, 2017, a small number of our members asked Councilor Belinda Ray to consider a moratorium on demolitions and site-plan permits in order for our community, the center of growth and gentrification within the Portland area, to "tap the brakes" on the rapid changes taking effect. We worked with our neighbors and the City to determine the best path forward while keeping all interests in mind as we did so. We were grateful for the pause the City Council granted, and for the amount of work Jeff and his staff have conducted and completed within such a brief period of time.

For several months, even prior to the moratorium, our organization has conducted outreach and public gatherings of community members to gauge their concerns, hopes and opinions surrounding both the development within our community, and how demolitions may be impacting the historic fabric of one of our area's most historic communities. During that time, we hosted discussions and public gatherings with architectural groups, private property owners, developers, community collaboratives, business owners and everyday people. The result of those conversations and outreach is reflected here, and we hope very much you will consider our response, and recommendations not solely as those of a neighborhood association, but as of an entire community that is diverse with varying opinions, but all with one common thread - the love and care for such a special neighborhood which belongs not only to us, but to all of Portland.

Thank you for the work you've conducted and for welcoming the feedback you've received from those across the City. We ask for your review and considerations of our recommendations when determining your final response to the Portland City Council.

Warmly,

Jay Norris, president
The Munjoy Hill Neighborhood Organization



The Munjoy Hill Neighborhood Organization
92 Congress St. Portland, Maine 04101

City of Portland Planning Board &
Mr. Jeff Levine, Director
Portland Department of Planning & Urban Development
389 Congress St., 4th Floor
Portland, ME 04101

THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION

**Our Position on, Requests & Recommendations for Amendments to
the Proposed R-6 Neighborhood Overlay District**

On behalf of our organization and the community we serve, the Munjoy Hill Neighborhood Organization Board of Directors appreciates and is grateful for the amount of work, study and due diligence undertaken by the staff of the Portland Department of Planning and Urban Development during the temporary moratorium on demolitions for the R-6 zone of the Munjoy Hill Neighborhood. We are particularly grateful for work having taken place during such a brief timeframe. The Staff's proposed changes represent issues that have been discussed and debated throughout our community for many years. We are further grateful for Planning's series of public listening sessions, its continued communication and collaboration with the community, and for its courtesy of working with the MHNO throughout this process.

After carefully reviewing Planning staff's proposed changes to the current R-6 Zone, we would like to express our support for many of the proposals therein. However, we ask for Planning's consideration of the changes noted below. These changes follow our collaborative work with other stakeholder entities within our community. They are derived from input received over several months of our own community engagement and outreach wherein feedback on these matters was sought from both our membership, and residents of the Munjoy Hill Community. This work began prior to the City's moratorium which took effect in December, 2017.

1. Historic District Designation for Portions of the Overlay

The Munjoy Hill Neighborhood Organization supports and endorses the City's continued consideration toward designating areas of Munjoy Hill as historically significant. We strongly support and are in harmony with recommendations by Greater Portland Landmarks in establishing those districts along the North Street corridor from Walnut Street to Congress Street, and along the Eastern Promenade corridor. We support and are grateful to City Planning Director Jeff Levine's work plan to initiate the process for historic districting nominations by the autumn of 2018. We look forward to being a part of that process.

2. Demolition Delay

The Munjoy Hill Neighborhood Organization appreciates and supports the proposal to create a new demolition review process for applications to demolish existing residential structures within the proposed *Munjoy Hill Neighborhood Conservation Overlay District, (MHNCOD)*. We support the proposed 18-month delay on applications to demolish existing residential structures within the overlay zone. We also welcome the exceptions to that delay, and feel they take into account and respect the private property owner.

However, we encourage the City to develop regulations that create a more transparent process. To achieve this, we respectfully ask the City to require a series of notices be posted on applicant properties themselves, clearly visible from the street/sidewalk, indicating that an applicant has filed an application for demolition, notifying near-by residents of what determination the City has made on that request, and of any scheduled hearings. This should be in addition to any notices that are required to be mailed to neighbors.

To support and encourage a more balanced process, we recommend and request the following additional provisions, allowing for appeal of any determination that a structure is 'not preferably preserved':

- a. We recommend that within 14 (14) days of the filing of a demolition application, the City will post a notice on the property, clearly visible from the street/sidewalk, indicating that the applicant has filed an application for demolition, and that the notice include the date of the filing of the application;

- b. We recommend that if the Planning Authority makes a determination of a structure's status as 'preferably preserved/significant', and if the applicant appeals that determination to the City's Historic Planning Board, that an additional public notice of the appeal filing, along with the date and time of that hearing before the Historic Planning Board, be required and posted on the property in question, in a manner in which it is easily legible from the street/sidewalk and that, within three (3) business days of that posting, a notice stating the appeal, the property address, date and time of said hearing be mailed to each property owner within a two-block (2) radius of the applicant property.
- c. We recommend that in cases where the Planning Authority has determined a structure is not a preferably-preserved significant building, that no building permit be issued for thirty (30) days from the date of that determination. We further request and recommend that information regarding the Planning Authority's determination be posted on the building in a manner in which the information is legible from the street/sidewalk and that it be posted within three days of that determination. In addition, that notice of the Planning Authority's determination shall be sent by mail to each property owner within a two, (2) block radius of the property within seven (7) business days of that determination. In cases where a property owner within a certain radius disagrees with the Planning Authority's determination that a building is not a preferably preserved significant building, the owner or entity will have thirty (30) days from the date of the determination of the Planning Authority to appeal that decision to the Historic Preservation Board, which is then obligated to hold a public hearing. If the HP Board upholds the Planning Authority's determination that the building is not a preferably preserved significant building, then the demolition permit will issue. If the HP Board disagrees with the Planning Authority's determination, no demolition permit may be issued for eighteen (18) months from the date of application except as provided elsewhere herein.

3. Relationship between the Dimensional Standards and the Design Review Standards

The Munjoy Hill Neighborhood Organization believes that the R-6 Infill Development Design Principles and Standards are of critical importance to making sure that new development contributes to and is compatible with the neighborhood. The design standards stress that infill development should relate to their neighborhood context. Some of the design standards should be considered to be of equal importance with the zoning dimensional standards, not overruled by zoning. A new development should have to satisfy both the maximum building envelope as established by zoning and some of the principles and standards in the design certification program.

The MHNO supports at least Standards A-1 (Scale and Form), B-1 (Massing) and B-2 (Roof Forms) being incorporated into the height limit calculation of the zoning ordinance. A proposed structure should only be approved for a maximum height which allows it to satisfy those design standards, with the absolute maximum limit being as specified by zoning. If to meet the design standards the height or mass has to be less than the maximum specified by zoning, then the new development should only be approved for that lesser height.

AFFORDABILITY

Perhaps most importantly, The Munjoy Hill Neighborhood Organization believes strongly in the long-term value and accessibility of affordable, workforce housing stock in what remains one of Portland's most historic, diverse and dynamic neighborhoods. Further, we believe the City, and the community has a stake in, and responsibility of encouraging low-income housing which remains vital in linking the neighborhood to its rich past of a family-oriented, working class and affordable community. We welcome and support that diversity, as we do responsible development, varying architectural designs and the growing, more affluent neighbors among us.

As such, we believe the value of the existing housing stock to provide workforce housing should be recognized as part of this process. Accordingly, we recommend and request that the definition of a "significant building" include a determination as to whether the building currently provides workforce and/or low-income housing and, where so, that information be factored-in to the

determination as to whether it is in the public interest for the building to be preserved or rehabilitated rather than demolished.

Like Planning Staff's proposals, we believe our recommendations are balanced, fair, and protective of historic structures, as well as taking into account the rights and processes of private property owners. We hope for, and very much appreciate your consideration for inclusion/updates to the proposal. As always, we welcome your feedback, and the opportunity to meet with you to discuss in detail.

The Munjoy Hill Neighborhood Organization
Board of Directors
April 30, 2018

Fwd: Preserving Munjoy Hill: a Citizen's Plea

Fri, May 4, 2018 at 10:38 AM

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Edward Fiske Mooney <efmooney@syr.edu>
Date: Fri, May 4, 2018 at 10:37 AM
Subject: Preserving Munjoy Hill: a Citizen's Plea
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>, "jlevine@portlandmaine.gov" <jlevine@portlandmaine.gov>, "bsr@portlandmaine.gov" <bsr@portlandmaine.gov>, "info@munjoyhill.org" <info@munjoyhill.org>

Friday Morning well before Noon

Greetings to the Planning Commission,

I support zoning regulation that will preserve the historic character of Munjoy Hill, a character that is being eroded by speculative development of "big box" condo-type housing.

This new housing is out of financial reach for most Maine residents and destroys the turn-of-the-century feel of the streets and classic homes. The invasion of "Big Box" structures is a blight on the design and scale of housing here, and tilts the neighborhood toward "big money" residents.

We need a) stronger language regarding demolition, including public hearings on demolition requests; b) design standards that ensure compatible scale/mass new architecture, and c) a timeline for final "historic district" designations now under consideration.

I live on Munjoy Hill in a modest turn-of-the-century condo and am of modest financial means. I love the neighborly feel of the blocks around me that seem slowly to be dominated by big box construction. This irrevocably alters the historic look and feel of this special landmark community.

Ed Mooney, PhD
77 Vesper Street

May 4, 2018

Portland Planning Board
City of Portland
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101

Re: R-6 Munjoy Hill Neighborhood Conservation Overlay District

Dear Chair Dundon and Planning Board Members,

Thank you for your efforts to maintain and protect the special qualities that make Munjoy Hill such a valuable part of our city. In the face of zoning changes in 2015 that have resulted in incentivizing tear downs of existing building stock and new construction of out of scale buildings containing high end condos unaffordable for most Hill residents, we appreciate your considering carefully how best to balance the City's goals of preserving historic areas of buildings that have architectural significance and tell the story of Portland's early development, with goals to provide affordable housing and to encourage new development in a manner that fits the context of the Hill.

We encourage you to recommend to the City Council to direct the Planning Department to initiate the historic designation process for the two historic districts identified by Greater Portland Landmarks. Both Landmarks and the City staff are deeply engaged in meetings with neighborhood stakeholders to provide education and information about the potential impact of such designations.

If designation reports for the two districts can be completed by the end of August, 2018, interim protections can be put in place, and designations should be completed by the end of December, 2018. These designations can help with maintaining affordable housing, addressing the City's goals of environmental sustainability and strengthening the brand of Portland that depends importantly on the historic character and ambiance of our City.

We support establishing an 18 month demolition delay that includes a process for public notice and public comment.

Additionally we urge you to discourage demolitions by amending the dimensional standards so that the scale, form and massing of a project's context is taken into account when determining the maximum dimensions allowed. Inserting language into the ordinance as is currently proposed that has the effect of granting maximum heights as of right with design standards as a secondary consideration, will result in

increased pressures for teardowns and in new structures that will likely be incompatible with the scale and mass of others in the neighborhood.

Finally, while we have had strong concerns about the results of reviews under the previous system of providing an Alternative Design Review option, the proposal to allow alternative design review with reviews conducted by the City's Historic Preservation Board seems a reasonable approach.

Thank you for considering these views as you make your recommendations to the City Council.

Sincerely,

Sally & Ted Oldham
25 Vaughan Street
Portland, ME 04102

May 4, 2018

To: Chair Sean Dundon, Planning Board Members and Planning Director Jeff Levine

Greater Portland Landmarks appreciates the work that the Planning Staff has done over the past several months to achieve a balance among preservation, renovation of existing buildings, and new construction so that Munjoy Hill may retain its key characteristics while it grows and changes.

1) Historic Designations on Munjoy Hill

To this end Greater Portland Landmarks requests that the Planning Board recommend and that the City Council direct the Planning Department to compile existing research and additional materials as needed in order to assemble historic district designation reports and initiate nomination of the following by September 1, 2018:

- a North Street Historic District
- an Eastern Promenade and Worker Housing Historic District
- a multiple resource nomination for historic buildings located outside the boundaries of the potential historic districts outlined above.

This timeline should allow designations to be completed by the City Council by the end of 2018.

Munjoy Hill's historic buildings are significant features of the neighborhood's streetscapes and help make the area a desirable and attractive place to live, work and play. It is necessary to preserve the character defining buildings that reflect the neighborhood's development over a broad period of time and the role the buildings' residents played in the social and cultural history of the neighborhood, before more of the Hill's historic identity is lost.

Historic preservation is a key part of the City's 2017 Comprehensive Plan. In addition, in many cases these historic buildings include existing affordable housing units and their preservation is an important means to meeting affordable housing needs on Munjoy Hill. Also, the preservation of these buildings and their embodied energy fulfills City Comprehensive Plan goals to adopt sustainable building and land use polices.

2) R-6 Dimensional Standards

The existing buildings in the neighborhood represent a range of scale and massing from one to four stories. Therefore, the subordination of the R-6 design standards to zoning dimensional standards as proposed by staff could result in buildings that meet the zoning ordinance for maximum height or set back, but are out of scale with the neighboring buildings. We believe that the maximum height standards as proposed will continue to be an incentive for demolition. Therefore, we urge the City to incorporate some of the design standards, especially those for scale, form and massing, into the dimensional standards of the zoning ordinance or that another means be incorporated to ensure that new designs are compatible with the neighborhood context.

We appreciate the portions of the current design standards that contain overarching principles in support of contextual new design on Munjoy Hill. We believe that the prescriptive standards are unnecessarily detailed and limiting. Revised design standards should focus on the high

May 4, 2018

level goal of allowing new construction that responds to and fits into the Hill's eclectic neighborhood context without dictating specific details.

3) Alternative Design Review

We support an Alternative Design Review only if it incorporates a public process that establishes the review authority as the Historic Preservation Board. The Historic Preservation Board has a proven track record of reviewing new residential construction for compatibility to its context, including the approval of modern designs.

4) Demolition Delay

We support the proposed 18-month demolition delay. While a demolition delay in the overlay zone is an important step to protect important neighborhood buildings, applications for demolition should require a public posting or signage on the site and a public hearing or public comment period so that the public may participate in the demolition decision process to prevent the demolition of a preferably preserved building with historic, architectural or community value.

5) Non-conforming Building Extensions

Lastly we urge the Planning Board to remove the language on non-conforming building extensions that would apply city wide until further study of the ramifications of these changes can be understood and to allow time for substantive public review and comment.

Thank you for considering our views.

Sincerely,

Hilary Bassett
Executive Director



Munjoy Hill for Munjoy Hill residents

May 4, 2018 11:57 AM

KE Smith <kesmith328@gmail.com>
Posted in group: Planning Board

I am writing to ask you to please accept the changes that our Munjoy Hill Conservation Collaborative as well as the MHNO is suggesting.

I live on the corner of Quebec and Lafayette Streets in a house that is being considered for Historic Preservation, and I am all for it. In my thirteen years on the Hill, I have seen appalling changes. I am not against change itself, and I am not against modern architecture. But I am against willy-nilly tearing down of old houses and replacing them with unimaginative, soul killing monoliths. And I am against tiny green spaces being taken over by developers for so-called in-fill. At the moment, on Quebec, I can count three monoliths, disproportionate and ill-suited to the neighborhood, that are either sited on properties where older buildings were demolished or that took advantage of the R-6 zoning change that allowed tiny green spaces to be built on. On Lafayette there are two more.

What is particularly distressing about the Hill's takeover by developers is the dwindling of families with small children. They can no longer afford to stay here. When I first moved in, the single-family house next door was home to a family with four children. They moved, and a young couple moved in who eventually had three daughters. But when they sold, prices had soared, and the next residents were doctors. Now it's for sale again, and my fingers are crossed that it doesn't fall prey to the current trend of demolition and quick replacement.

We need specific design standards in the zoning ordinance, and developers need to be held accountable for following those standards. We need housing affordable for young families, and we need specific demolition procedures and strengthening of the language in the zoning. No more "discretionary" application of zoning!

Please consider the residents of Munjoy Hill when making your decisions.

K. E. Smith
80 Quebec St
Portland
207.232.6413

Sent from my iPad

Fwd: Munjoy Hill

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, May 4, 2018 at 1:52 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Susan Yandell <sueyandell@gmail.com>
Date: Fri, May 4, 2018 at 1:45 PM
Subject: Munjoy Hill
To: planningboard@portlandmaine.gov, jlevine@portlandmaine.gov, bsr@portlandmaine.gov

I am a property owner on Munjoy Hill next door to a proposed tear down. I'd like to express my support for the MHCC (Munjoy Hill Conservation Collaborative) initiative.

#1: Demolition Language needing to be strengthen by incorporating : a) adding public signage, b) adding public hearing on demolition, c) adding affordable housing units, d) Planning dept proactive review for landmark/contributing status, e) Clarification and a description needed for "preferable preservation"?
#2: Some of the specific design standards need to be inserted into the Zoning ordinance in order to ensure compatible scale/mass and architecture. Currently , some of the developers are outrageously ignoring it.
#3: Provide specific time line of Autumn 2018 for proposed historic district designation initially using the Greater Portland Landmarks two districts.

Many thanks ,

Sue Yandell
51 Monument Street



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Munjoy Hill Proposed Conservation Overlay District Comments

Jeff Levine <jlevine@portlandmaine.gov>
 To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, May 4, 2018 at 4:16 PM

Is it too late to post this?

Jeff Levine, AICP
 Director
 Planning & Urban Development Department
 389 Congress Street 4th Floor
 Portland, Maine 04101
 Phone (207)874-8720
 Fax (207)756-8258
[@portlandplan](http://www.portlandmaine.gov/planning)

----- Forwarded message -----

From: Lori Rounds <lori.j.rounds@gmail.com>
 Date: Fri, May 4, 2018 at 4:14 PM
 Subject: Munjoy Hill Proposed Conservation Overlay District Comments
 To: planningboard@portlandmaine.gov
 Cc: Jeff Levine <jlevine@portlandmaine.gov>, Caitlin Cameron <ccameron@portlandmaine.gov>, cdg@portlandmaine.gov, bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, bbatson@portlandmaine.gov, jcosta@portlandmaine.gov, kcook@portlandmaine.gov, pali@portlandmaine.gov, nmm@portlandmaine.gov, jduson@portlandmaine.gov, estrimling@portlandmaine.gov

To the Portland City Planning Board, Mayor, City Council and Planning Department:

We want to thank Jeff Levine and his staff for their months of work spent researching housing activity and trends on Munjoy Hill, holding multiple public forums and meeting individually with residents to discuss R-6 changes and the impact of past and future demolition and building on Munjoy Hill.

We are directly impacted by the IPOD and the proposed permanent changes to R-6 rules via the Conservation Overlay District. We bought the one and a half story house at 47 Monument Street in November 2017. The house is old (circa 1870) but it is not historic. It has been neglected for many years, is derelict, and according to three contractors is structurally unsound and beyond repair. We intend to demolish the house and build a single family home in which we will reside. We have been caught up in the six-month demolition moratorium and are unable to apply for a demolition permit until after June 4.

In the meantime we are working to design a home that meets IPOD dimensional and design requirements, is energy efficient, meets all applicable building and life safety codes (including a sprinkler system), contributes to the fabric of the neighborhood and is intended for 21st century living. Unlike the current structure, there will be living space on the first floor with eyes on the street.

The proposed Munjoy Hill Conservation Overlay District Demolition Review rules add further delay and uncertainty and potentially cost to our plans to rebuild on the lot, and we know of at least one other property owner in a virtually identical situation with a derelict structure who seeks to demo and rebuild a single family home. We are concerned that the proposed Demolition Review rules focus on preserving and protecting historic buildings ("any building constructed before 1930 and determined to be significant based on association with historic persons or events, or architecturally significant") but do not contain any language regarding the physical condition of properties such as structural integrity, compliance with post-19th century building and fire codes, and an assessment of functionality for current lifestyles.

Although data is not available, we suspect that many of the 13 demolitions that occurred on Munjoy Hill from 2015-2017 were of properties that had outlived their useful lives and were structurally and functionally obsolete. Any determination of Significance for Demolition Review must include criteria for evaluation of the physical integrity of the structure, fire and life safety conditions, and suitability for 21st century living. Although a structure may meet the broad "historic" criteria, the building frame, foundation and/or interior may be unsound and/or the structure may be functionally obsolete. The property owner should be able to decide if the costs and timeline to demolish and rebuild the structure (within code requirements) to meet the owner's needs are preferable to the cost and timeline of rehabilitating the structure.

Additionally, the proposed demolition delay of up to 18 months is arbitrary and unreasonable and is in addition to the six months currently imposed by the moratorium, resulting in a potential delay of up to 24 months for certain property owners. There should be published, objective demolition review criteria with a reasonable timeline for evaluating the condition of properties requested to be demolished. Property owners should expect a timely review by City personnel, such as 15 days for non-significant buildings and 45 days for significant buildings. The proposed arbitrary and unreasonable 18 month delay is intended to discourage property owners from

utilizing their property to the highest level if that utilization includes demolition. Let's not forget that the majority of Munjoy Hill property owners include residents who live in their buildings and seek to contribute to and enhance the fabric and character of the neighborhood. Objective demolition review criteria and a reasonable timeline for City review are a sensible approach to addressing demolition and development on Munjoy Hill.

As for designating one or more Historic Preservation Districts on Munjoy Hill, there is a very vocal group of residents in favor of the HPD's but that group does not represent the majority of property owners. There are many Munjoy Hill property owners who are not in favor of an HPD, and some property owners who are not aware of the push to designate sections of Munjoy Hill as an HPD. We appreciate that the City has planned an Historic District informational session on May 7th and hopefully many Munjoy Hill property owners will attend. Every property owner must know the proposed HPD designation of their property and the pros and cons in order to make an informed decision on HPD, and to ensure that all voices are heard rather than just the loudest voices being heard.

Thank you for the opportunity to communicate our concerns.

Regards,

Lori Rounds
Tim Mayo
47 Monument Street

5/7/2018

Munjoy Hill and plans - Google Groups

Google Groups

Munjoy Hill and plans

Delene Perley <deleneperley@gmail.com>

May 5, 2018 10:20 AM

Posted in group: Planning Board

I live at the foot of Munjoy Hill and so appreciate the wonderful architecture of the hill as I explore its neighborhoods on my walks. Portland is attractive to people because of its heritage. I was on the Portland Freedom Trail Board, which shows you my commitment. If all the buildings turn into the uninspiring buildings that are going up around me, it will lose its attractiveness, history, livability and inspiration. Please do everything you can to preserve our town. We are trusting you to do the right thing: begin the historic designation, discourage demolitions, have reviews by the Historic Preservation Board, permit full discussion throughout the city about what we want to happen here BEFORE IT IS TOO LATE!! Look at what we have lost from the past. Don't let that happen again.

Delene Perley
Middle Street
Portland

5/7/2018

MUNJOY HILL - Google Groups

Google Groups

MUNJOY HILL

May 5, 2018 10:30 AM

Don Head <donhead66@gmail.com>

Posted in group: Planning Board

Mr. Dundon and colleagues:

As a resident of Munjoy Hill I have been very much in favor of the IPOD overlay to the Hill's R-6 zone. As you move toward making permanent changes I offer my thoughts on a few points.

I appreciate the reduced height limits and the phrasing on mass, scale, etc., but I think the exceptions to the height limits are unnecessary. Let's continue the chimneys only exception.

I am most troubled by the eighteen month demolition delay. This is an such an undue imposition on property owner rights that it borders on confiscation. Any process of review should be quick and simple, subject only to specific written rules. The public should not have a say on a property owner's wishes as to the use of his/her property.

Don Head
118 Congress Street

Google Groups

City's zoning change proposal

May 5, 2018 11:32 AM

Elizabeth Streeter <streeter.beth@gmail.com>

Posted in group: Planning Board

Dear Mr. Dundon,

I live on Quebec Street on Munjoy Hill and I am appalled at the ugly, oversized buildings destroying the beauty, liveability and environment here. Trees, green spaces, and beautiful old buildings are being destroyed. My neighboring Merrill Street seems to be a "throw away" street! Have you walked the streets here? Do you see for yourself what is happening?

I completely agree with the Greater Portland Landmarks carefully, professionally examined points.

1. Begin the historic designation process.
2. Discourage demolitions - amend the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed (remembering that just because one building is tall does not mean that all the buildings in the area should be tall, and block out light and views!)
3. Have an alternative design option with the reviews conducted by the Historic Preservation Board.
4. Have an 18 month demolition delay that includes public notice and comment (which should be listened to and influential).
5. Remove language on non-conforming building extensions that would apply citywide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

Thank you for your consideration to these points. I know that the job before you is difficult and I appreciate your serious, thoughtful, and sensitive examination of the issues.

Sincerely
Elizabeth Streeter

Google Groups

Construction planning

JERI SCHROEDER <jschroe2@maine.rr.com>

May 7, 2018 7:41 AM

Posted in group: Planning Board

As a Munjoy Hill resident, I agree with responses that Munjoy Hill Neighborhood Association has commented on as follows:

- Recommend that the Planning Department begin the historic designation process.
- Discourage demolitions by amending the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed.
- This is a great idea! I support the alternative design review option with reviews conducted by the Historic Preservation Board.
- Support an 18 month demolition delay that includes public notice and comment.
- Remove language on non-conforming building extensions that would apply city-wide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

May I also recommend that the entire planning board read "The Biophilia Effect, A Scientific and Spiritual Exploration of the Healing Bond Between Humans and Nature by Clemens Arvey. Here is a quote that is so important to pay attention to: "Biological Communication Plants communicate directly with our immune system and unconscious without us even needing to touch, much less swallow them. This fascination interaction between human and plant is hugely significant for medicine and psychotherapy and is just starting to be understood by science. It keeps us physically and mentally healthy and prevents illness. In the future, contact with plants has to play an important role in treating physical illness and mental disorders. There simply must not be clinics without a garden or access to a meadow and forest, no new neighborhoods without vegetation and no cities without wilderness."

And to add a mention of two areas of examples negating the above quote, the construction currently taking place near Ocean Gateway and the replacement condo construction that went up on the corner of Fore and Waterville street are not in consideration of the above quote in any way. The beautiful lawn/garden on Fore and Waterville was replaced by a 4 story building and roof drainage abutting the sidewalk. As person who walks by that on a regular basis, my body notices. And now there is another proposal for Shipyard to squeeze even more green space from the area. The city has lost or maybe never had a healthy human vision. My request is that you start to wake up and listen to local residents so that money and the interest of out of state

5/7/2018

Construction planning - Google Groups

wealth stops trumping a healthy community and vibrant community on this beautiful peninsula.

Respectfully,
Jeri Schroeder

P.S. Since my husband and I purchased our building 20 some years ago, I plant beautiful flowers on every square inch of green space that we own. I cannot tell you how many folks have share their appreciation of this beauty and health add quality as they walk by.

Jeri Lynn Schroeder LCPC
jeris4765@gmail.com
www.jerilcpc.com
207-415-3733

Important, please note:

Never rely on email for urgent or sensitive communications or to cancel appointments. It is important to remember that email is not always timely or dependable and may not be secure. If you do not receive a reply within a day or two, please call me at 207-415-3733

The information transmitted in this email is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this email in error, please contact the sender and delete the material from any computer. Thank you.

Google Groups

Preservation/Management of Munjoy Hill Development

Berry Manter <berrymanter@yahoo.com>

May 5, 2018 6:32 AM

Posted in group: Planning Board

Dear members fo the Portland Planning Board, Jeff Levine and Belinda Ray.

I'm writing to express my concern regarding the trends on the currently vulnerable Munjoy Hill. Your responsibility in determining the future of one of Portland's oldest neighborhoods can't be underestimated. Thank you, in advance, for taking time to read this.

I had to look up the definition for "gentrification". Its happening here. Change and development of the hill is certain, and compels the need to wisely manage and keep the longterm picture vs. short term ephemeral gains in focus. Your decisions determine the face of Portland for centuries beyond our lifetime .

I have the right metaphor, I think, to put this into tangible size. It came to me this morning as I stepped out of my PJ's into yesterday's jeans — a daily uniform exchange similar to your own. Clothes and our homes are mirrors of us, each subject to whims of our culture, survival, fashion, identity. Each the vital indicator of an era. We pinpoint a date of a photo by the clothing worn or the details of architecture.

My mother born during the depression valued quality clothing and said a well made garment held its value and was money well spent. I still wear clothing she purchased in the 1940's, iteins a young working woman had stretched her budget to buy. She wore her timeless classics all her life. You cannot find the tailoring details or quality of material and construction in today's garments.

Our old working class New England architecture is also timeless, classic and enduring. The exterior details of trim, windows, porches and overhangs are nearly impossible to recreate today. Timbers from the bones of old buildings were harvested from old growth trees that no longer exist. While many old buildings are outwardly simple, a good architect can point at the precision of lines and pitch of a roof, the ascending and diminishing window size creating perception of height and lightness, the humhle elegance of side lit front entries. Early residents took pride in their homes. It spoke of who lived inside.

Take time for this: stop and notice how you feel when you pass by our older properties with intentional placement on their lot, a sense of continuity within the context of their neighborhood, the intentional welcoming entry way, porch, gardens. Notice just which buildings in Portland the tourists capture on their smartphones as they wander about recording what brought them here. This is identity, a sense of place that makes Portland what it is. Too much of the new construction fails to honor this.

Return to the metaphor in clothing: How old are your clothes? Flash change fashion and inferior construction generate our current era of insatiable consumption and disposable clothing— the precise intention of an industry seeking cheap product and high profit. Bales of obsolete clothes are shipped to the third world. More lie compressed in landfills. The vintage pieces in my own closet hold their rich history and will live acquire more because someone sewed them to endure and I care enough to ensure they live on long beyond me.

This mirrors the trend in our housing stock here. The places developers insist need tearing down are actually still "young" when compared to the bloated cement board and synthetic covered boxes of questionable design and materials — how will this new construction stand the test of time? To what longterm environmental trade off? Most importantly, ask yourself how you feel when you stand and really look at what's currently being built across the city, because this feeling is the vital test of human values and our culture. Does much of the new construction look like cheesy schlock? Does it mirror what's packed on the fashion clothing racks at the Mall?

I sincerely implore all of you to look favorably on granting sweeping protective historic districts across the Hill. Is the rash of new construction at the expense of one of Portland's oldest neighborhoods yet another Trojan horse of an "urban renewal" of our century? Will our grandchildren sigh and shake their heads just as we all currently do looking at the scheme of prior generations and the regretful distruction of the '60's? Please do not trade fleeting profit for centuries of regret. "New" is not necessarily better. The real cost of the losing Munjoy Hill's heritage is great. And, its in your hands.

Please, support the protection of the housing stock of Munjoy Hill as outlined and supported by MHNO (Munjoy Hill Neighborhood Assoc.), Greater Portland Landmarks, and MHCC(Munjoy Hill Conservation Collaborative).

5/7/2018

Preservation/Management of Munjoy Hill Development - Google Groups

Sincerely,

Berry Manter
46 Eastern Prom
Portland, ME 04101

May 8th public hearing on Munjoy Hill R-6 zoning

Julie Larry <jlarry@portlandlandmarks.org>
Posted in group: Planning Board

May 7, 2018 4:51 PM

Jeff, Chair Dundon, and Members of the Planning Board,

After reviewing the report and attached materials posted by the city on May 5th Greater Portland Landmarks has a couple of additional questions and comments on the R-6 changes.

1) 14-140.5.5.(b). Definitions

Reducing the number of definitions helps make the document clearer, but we were concerned about the removal of language defining a preferably preserved building as a building significant to social, cultural or other areas of history. The removal of this language also seems to be in conflict with 14-140.5.5.(d).f. Final Determination of Preferably Preserved Building where the "architectural, cultural, or social heritage of Munjoy Hill" would be considered in a final determination. Particularly in the absence of any historic districts on the hill to protect vernacular resources associated with minority communities or significant persons, we urge you to reintroduce language into a fourth bullet point within the definition of a Preferably Preserved Building:

4. It is associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic, or social history of Munjoy Hill or the City of Portland.

2) 2) R-6 Infill Development Design Standards, Section IV Alternative Design Review

Does the use of "building type" or "type" in the first two paragraphs of the section refer to use (apartment house e.g.) or form (rowhouse e.g)?

3) 3) R-6 Infill Development Design Standards, Section IV Alternative Design Review

At the end of the fourth paragraph it states "The final decision whether to issue an Alternative Design Review Certificate is at the discretion of the review authority and may only be appealed to the Historic Preservation Board." The previous draft stated a HPB decision may not be appealed. What is the proposed appeals procedure for the HPB to reconsider a previous decision on whether to issue an Alternative Design Review Certificate?

Thank you.

Julie Larry
Director of Advocacy
Greater Portland Landmarks
93 High Street
Portland, ME 04101

207-774-5561 ext. 102



Google Groups

attn Sean Dundon - Munjoy Hill

Francine O'Donnell <maineviews@gmail.com>
Posted in group: Planning Board

May 8, 2018 7:39 AM

Sean et al...

Enough is enough. It's time the planning board takes a solid stance and protects the beautiful historic architecture of Munjoy Hill. It's a travesty to see perfectly good homes being demolished to make room for pricey 'modern' structures devoid of character and dwarfing the neighborhood homes that have made Munjoy Hill so special for generations.

The precedent was set with the obnoxious 118 Congress that should serve as a symbol for all that is NOT in keeping with the character of the neighborhood.

I encourage you to pay thoughtful attention to the history & character of this once working class neighborhood. Preserve the architecture, adhere to height restrictions, encourage historic restoration and maintain the character & charm of Munjoy Hill.

My grandparents settled here in the early 20thc, I was born here, I live here now. The time for you to act to save the hill is now. Throughout my lifetime we've mourned the loss of structures like Union Station. Do what's right to ensure that the character of the hill remains and that we won't someday be lamenting about what once was.

Thank you for your thoughtful consideration and positive actions.
Francine O'Donnell

Google Groups

Public Comment re: proposed R-6 amendments

George Rheault <george.rheault@gmail.com>

May 8, 2018 7:51 AM

Posted in group: Planning Board

I urge the Planning Board to vote no on the further downzoning of Munjoy Hill as reflected in the package of amendments that the planning staff has been facilitating since October.

The existing R-6 status quo should be allowed to stand for at least 5 years before it can be properly evaluated.

To do otherwise will not be looked at kindly by history.

Attached is a great example from May 2001 (from the now defunct Casco Bay Weekly) of when our City pushed past irrational NIMBY tendencies.

Let's show some spine again.

Casco Bay Weekly

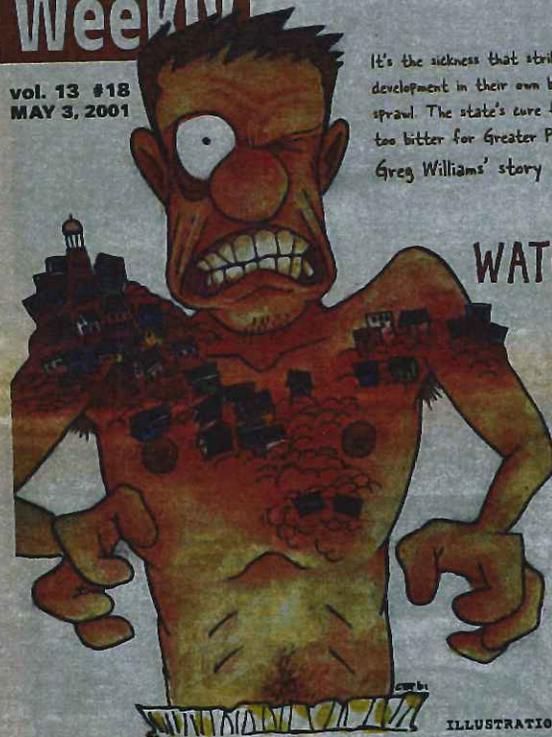
greater portland's weekly journal of news, arts & opinion
cascobayweekly.com

FREE

vol. 13 #18
MAY 3, 2001

It's the sickness that strikes when neighbors oppose development in their own backyard and end up encouraging sprawl. The state's cure for this condition appears to be too bitter for Greater Portland residents to swallow. Greg Williams' story starts on page 12.

3 MAY 2001



WATCH OUT, it's ...

Munjoy Hill DISEASE!

ILLUSTRATION/COREY PANDOLPH

Portland cop has ties to towing company	page 8
Portland cops crack down on performance art	page 10
Exposing circus elephants so-called lives	page 20

National Nurses Week Special Recruitment Section SEE PAGE 38

Watch out, it's

Munjoy Hill DISEASE!



The first case of the disease was reported in 1911 at Munjoy Hill, Portland, Maine. It was a case of acute inflammation of the brain, which was fatal. The patient was a young man who had been in the city for some time and had been exposed to the disease in some way. The disease was then spread to other parts of the city and to other cities in the state.

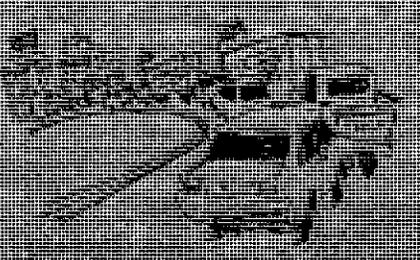
The disease is caused by a virus which is transmitted by the bite of a mosquito. The mosquito is the only vector of the disease. The disease is most common in the summer months when the mosquitoes are most abundant. The disease is also common in the city of Portland, Maine, where it was first reported.

The disease is a serious one and should be taken seriously. It is important to take precautions to avoid the disease. This can be done by using mosquito netting and by avoiding areas where mosquitoes are most abundant.

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THE HISTORY OF PORTLAND

From the early days of settlement to the present, the city has grown from a small fishing village to a major industrial center. The waterfront has been a hub of activity, with ships coming and going, and the city's growth reflected in the buildings that line the shore.

The city's history is a story of resilience and innovation. From the days of the fur trade to the industrial revolution, the city has always been at the forefront of change. The waterfront has been a witness to it all, from the early days of settlement to the present.

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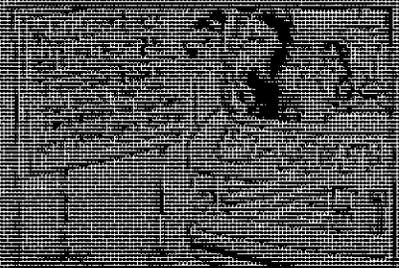
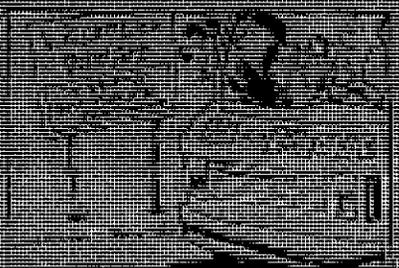
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GET AWAY

Experience the beauty of the coast with a weekend getaway. Enjoy the fresh air, the view, and the peace of the ocean. It's the perfect escape from the city.



Family Fun Club

Join us for a day of fun and games. We have everything you need for a great day out. From board games to outdoor activities, we have it all.

Grand Hotel Accommodations

Enjoy the luxury of the Grand Hotel. Our rooms are spacious, comfortable, and beautifully furnished. We have everything you need for a great stay.

KNIVES TO THE RESCUE

Monday, May 1 to Sunday, May 11

Join us for a special event featuring a collection of rare and valuable knives. We have everything you need for a great day out.

WEDDING AGENT

Plan your perfect wedding with our expert team. We have everything you need for a great day out.

BIENNIAL

Portland Museum of Art

Historic Preservation

Eric Dexter <edexter@herbery.com>

May 8, 2018 12:31 PM

Posted in group: Planning Board

Sean

I'm certain you are seeing a lot on this, so apologies in advance. I'm writing to encourage the planning board to give significant consideration to historic preservation as it works to plan for the city. We just don't get two chances when a historic building is in the line. So much of what makes Portland a destination, is this careful, careful consideration.

Thanks,
Eric Dexter

The City's proposal does not begin the historic designation process. We need you to ask the planning board to:

- Recommend that the Planning Department begin the historic designation process.

The Planning Board Proposal still encourages demolitions by potentially allowing new buildings to be larger than their neighbors. We need you to urge the planning board to:

- Discourage demolitions by amending the dimensional standards so that the scale and mass of a project's context is taken into account when determining the maximum dimensions allowed.

The City's proposal institutes a new process for alternative design review that includes approval by the Historic Preservation Board. We need you to tell the Planning Board that:

- This is a great idea! I support the alternative design review option with reviews conducted by the Historic Preservation Board.

The City's demolition delay proposal allows for approval without public comment. We need you to tell the planning board that you :

- Support an 18 month demolition delay that includes public notice and comment.

The City's proposal allows for the expansion of non-conforming buildings through-out the city , not just on Munjoy Hill. We need you to ask the planning board to:

- Remove language on non-conforming building extensions that would apply city-wide from the discussion of R-6 zoning on Munjoy Hill to allow time for substantive review and comment by the public in other areas of the city.

Fwd: Munjoy Hill housing development

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, May 8, 2018 at 4:38 PM

For the Munjoy Hill file.

----- Forwarded message -----

From: Lisa Morris <lisa.morris@maine.edu>
Date: Tue, May 8, 2018 at 4:17 PM
Subject: Munjoy Hill housing development
To: Belinda Ray <bsr@portlandmaine.gov>, Jeff Levine <jlevine@portlandmaine.gov>

Hi Belinda, Hi Jeff

I can't come to planning board meeting tonight but I want to weigh in....I share the concerns of many Munjoy Hill residents and would like to see the City make some tweaks to the zoning and design standards. I'm not sure what I think of the historic conservation idea - it sounds too complicated for the Hill given its make-up of housing types - but I definitely think changes to set-backs and building to plot ratio and some design stipulations would be a really good idea. The oversized box-like condominium complexes - and, frankly, even some of the oversized nonconforming single family buildings - are really changing the look and feel of the neighborhood. Their design and size is decidedly unneighborly. Their over-size, flat facades and lack of porches make them look fortresses. The condo complex proposed for St. Lawrence is particularly awful going up on Merrill and Cumberland. I think those kinds of buildings belong on main thoroughfares like Congress and India, not on smaller side streets where their size dwarfs everything else. I also support ways (incentives via tax breaks) that encourage rehabilitation of existing buildings where feasible, especially if its a multi-unit and owner-occupied. Too many multi-units with more affordable rentals units are being torn down and replaced with high-priced condos. We really want the Hill to remain a neighborhood where all types of people live, not just rich retirees and part-time residents.

After I read the notes from tonight's meeting, I'll probably have more information and more opinions ;)

Thanks.

Lisa

--

Lisa Morris, PhD
University of Southern Maine
lisa.morris@maine.edu
(207)-780-5036

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Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

Fwd: R-6 zoning changes and historic district designation

Jeff Levine <jlevine@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, May 8, 2018 at 5:55 PM

For the Munjoy Hill file.

Jeff Levine, AICP
Director
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, Maine 04101
Phone (207)874-8720
Fax (207)756-8258
<http://www.portlandmaine.gov/planning>
@portlandplan

----- Forwarded message -----

From: Stephen Gaal <steve@gaal.com>
Date: Tue, May 8, 2018 at 4:42 PM
Subject: R-6 zoning changes and historic district designation
To: planningboard@portlandmaine.gov
Cc: Jeff Levine <jlevine@portlandmaine.gov>

To the Portland, ME Planning Board:

I had hoped to attend this evening's meeting and speak on the issue of zoning changes and historic district designation but I am unable to attend and wanted to communicate my feelings on the issues.

1. Although the proposed changes to R-6 zoning to correct the misstep of the 2015 changes is a step in the right direction, it does not go far enough. Demolitions are still too easy to do and the dimensional standards need to be amended so that the scale and mass of a project is in keeping with its neighbors when determining the maximum dimensions.
2. The alternative design review process needs to be strengthened and loopholes closed. I support review by the Historic Preservation Board.
3. I support an 18 month delay on demolitions that includes public notice and comment.
4. Whatever changes you are contemplating re non-conforming building expansion should be city-wide, not just Munjoy Hill. I know you want to increase density on the peninsula, particularly the East End, but there are many other neighborhoods that should also be included in any changes to increase density.
5. Finally, as a home owner in what is the proposed historic district overlay (176 Eastern Promenade), I strongly support the creation of such an historic district and would like to see a date certain for such a designation and to have the process begin now.

Thank you for including my thoughts in your decision making process.

Stephen Gaal
176 Eastern Promenade
Portland ME
steve@gaal.com
(603) 651-9183 mobile

The Russian dissident and chess grandmaster Garry Kasparov drew upon long familiarity with that process when he tweeted: "The point of modern propaganda isn't only to misinform or push an agenda. It is to exhaust your critical thinking, to annihilate truth."

Google Groups

Munjoy Hill zoning

Jerry Marx <jerrydmarx77@gmail.com>

May 8, 2018 6:55 PM

Posted in group: Planning Board

Dear Sean Dundon:

I am a resident of Portland, Maine and would like to provide some input on the city's proposal regarding Munjoy Hill. I have lived in this neighborhood several times in my life and wish to preserve the character and diversity of residents living in the neighborhood in the face of rapid new housing construction. More specifically, I support an 18 month demolition delay that includes public notice and a chance for the public to comment. I also feel that the dimensional standards being used by the city should consider the scale and mass of any new building projects on the immediate neighborhood context. New projects shouldn't tower over other existing housing in the immediate neighborhood vicinity. In terms of preserving the character of Munjoy Hill, I applaud the city's proposal to include the Historic Preservation Board in any alternative design reviews.

Thank you and the other members of the Planning Board for considering my input.

Sincerely,
Jerry D. Marx
77 Randall St. #3
Portland, Maine 04103

Munjoy Hill development

Lisa Morris <lisa.morris@maine.edu>

May 9, 2018 4:58 PM

Posted in group: Planning Board

Dear Planning Board and Housing Committee members, I am writing to because I share the concerns of many Munjoy Hill residents and would like to see the City make some changes to the zoning and design standards. The 2015 changes to zoning meant to encourage much needed housing development on the Hill are changing the neighborhood in ways that may do lasting damage to the community. Too many multi-units with more affordable rentals units are being torn down and replaced with high-priced condos or single family homes. The oversized box-like condominium complexes built right up to the edge of the plot lines are changing the look and feel of the neighborhood. Their imposing size, flat facades and lack of porches make them look fortresses. These large condo complexes are fine on main thoroughfares like Congress and India but not on smaller side streets where their size dwarfs surrounding structures. Set-backs and building scales that respect the light flow and open air of neighboring properties creates respect for each other's spaces, which in turn creates good neighbors and fosters community. Porches and ground floors that are living spaces and not parking garages creates more opportunities for neighbors to interact with each other. I realize that what is considered beautiful is subjective and that some Munjoy Hill homes are in such bad condition that tearing it down is the only practical solution. While I prefer when developers rehab a building in such a way as to make it fit in in terms of scale and style - for example, 44 Quebec, a 2-unit that has been redeveloped into a 3 condo building was thoughtfully designed to fit in in terms of style, scale and mass - there are a few new nonconforming single families in my neighborhood that are fine -71 Quebec and 39 Lafayette, for example - because they are set back and have porches and aren't so imposing in size. Changes to the zoning and design rules combined with expanded housing assistance targeting rehabilitation of existing homes, especially owner-occupied multi-units, is needed to help the Hill to remain a strong, vibrant neighborhood where all types of people live, not just rich retirees and part-time residents. We need rich retirees living in fancy condos who pay higher property taxes, frequent local restaurants and donate money to local theaters like the St. Lawrence Arts Center but we also need families with kids who care about and are actively involved in the East End Community School; working class families and New Mainers building assets through ownership of multi-units; students and artists living in affordable apartments; local fire fighters, police, and teachers able to buy a home in the community in which they work; full-time residents who are invested in the community and stay for the long haul, who turn-up for clean-up days, concerts in the park, and serve on neighborhood watch committees; and older residents helped to remain in their home - maybe using a property tax break or assistance to turn unused space into an apartment they can rent - so they can help us remember the history of the Hill.

Thank you,

--

Lisa Morris
26 Lafayette Street



Planning Board
389 Congress Street
Portland, ME 04101

May 8, 2018

Re: Munjoy Hill R6 Amendments, Design Manual Changes, etc.

Dear Members of the Planning Board:

The Portland Society for Architecture has a mission to 'help Portland build better'. We reflect a multi-disciplinary commitment to issues that shape Portland's future and engage not only with architects, but with engineers, landscape architects, preservationists, contractors, suppliers, developers and individuals to advocate, educate and promote quality and value of good urban design and architecture in Portland.

PSA has followed the Munjoy Hill R-6 moratorium process with an understanding that what is unfolding in one small neighborhood is likely the beginning of a larger city-wide debate. Our focus, since December, has been toward the institution of a design review process to vet, in a public forum, building design and construction.

When the idea to eliminate 'Alternative Design' for smaller projects on Munjoy Hill was raised, we advocated the process of Design Review be extended to individuals seeking the Alternative Design path. We are grateful the city planning staff has agreed to allow for that, but we feel offering this path "at the discretion of staff" is an incomplete idea that needs further clarity.

The challenge, overall, is to create a mechanism city-wide that is a fair and transparent process that supports and encourages the best in design quality, while being predictable for the developer and designer. Adopting prescriptive design standards will not reach that goal. Prescriptive standards are easy for architects and developers to "game" and demonstrate they have followed the rules. PSA advocates for broader based standards that can be judged in the context of good design by Planning Staff and design professionals. This forum could be held either through the existing Historic Preservation board, or through the creation of a new Design Review panel.

We strongly support efforts for the City to consider how to encourage contemporary design with distinction. New policy and procedure should be considered as the city begins the rewrite of the land use code. During this period, PSA representatives are ready to collaborate with the City, neighborhoods, and other non-profit organizations to inform this dialogue and develop solutions.

Sincerely,

Alyssa Keating
PSA Board President

Addy Smith-Reiman
PSA Executive Director

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**Paul Stevens,
Vice President**

**Lynn Shaffer,
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**Executive Director
Addy Smith-Reiman,
AICP**

Portland Society for Architecture
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Portland, Maine 04101
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