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## Fwd: R-6 Post-Moratorium

1 message

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**Jeff Levine** <jlevine@portlandmaine.gov>  
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Mar 23, 2018 at 10:11 AM

For the Munjoy Hill file.

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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

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