
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.

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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

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