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## Fwd: Concerns Over Planning Dept Recommendations in 4/10 Planning Board Workshop regarding Munjoy Hill Moratorium

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

Fri, Apr 13, 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  
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<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 <munjoyhillconsvcoll@gmail.com>  
Cc: Pa Ag <pagopian1@yahoo.com>, Mary Westort Casale <dirtgirl1@aol.com>, Maggy W <mwnola@gmail.com>, Enoch Wenstrom <eenebw@gmail.com>, EJ Koch <ejkoch@gmail.com>, peter murray <pmurray@zwi.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 <munjoyhillconsvcoll@gmail.com>  
**Cc:** Pa Ag <pagopian1@yahoo.com>; Mary Westort Casale <dirtgirl1@aol.com>; Maggy W <mwnola@gmail.com>; Enoch Wenstrom <eenebw@gmail.com>; EJ Koch <ejkoch@gmail.com>; peter murray <pmurray@zwi.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

On Wed, Apr 11, 2018 at 9:32 AM, Munjoy Hill Conservation Collaborative <[munjoyhillconsvcoll@gmail.com](mailto: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 Tear-Downs)**

**A)** Create a Demolition/Tear-down 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 ft<sup>2</sup> follow R-6 Infill Development Design Principles and Standards for Munjoy Hill R-6 Overlay as the lots < 10,000 ft<sup>2</sup>.

**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 polices.

- The small landlords 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 2<sup>nd</sup> 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-98 Monument St.

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