
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 <pali@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
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 **Munjoy Hill Response R6 Overlay District.pdf**
136K



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