

1. Legal Ad

Documents:

[PB LEGAL AD 4-10-18.PDF](#)

2. Agenda

Documents:

[PB AGENDA 4-10-18.PDF](#)

3. R-6 Zoning Text Amendments

3.I. Memo And Attachments 1-4

Documents:

[R-6 ZONING TEXT AMENDMENTS \(MEMO AND ATTACHMENTS 1-4\).PDF](#)

3.II. Att. 5 - Public Comment Since February 5, 2018

Documents:

[PC1 TODD GROVE 2-20-18.PDF](#)  
[PC2 KAREN SNYDER 2-25-18.PDF](#)  
[PC3 JANET PARKS 2-23-18.PDF](#)  
[PC4 WAYNE VALZANIA 2-26-18.PDF](#)  
[PC5 JEAN RUSSO 2-26-18 \(E. END FEEDBACK\).PDF](#)  
[PC6 LAURA BALLADUR 2-26-18.PDF](#)  
[PC7 CARLE HENRY 2-26-18 \(E. END FEEDBACK\).PDF](#)  
[PC8 NINI MCMANAMY 2-27-18 \(E. END FEEDBACK\).PDF](#)  
[PC9 KAREN SNYDER 2-27-18 \(E. END FEEDBACK\).PDF](#)  
[PC10 N MCMANAMY 2-27-18.PDF](#)  
[PC11 PETER MURRAY 2-27-18.PDF](#)  
[PC12 ENOCH WENSTROM 2-27-18.PDF](#)  
[PC13 JOANN DOWE 2-27-18.PDF](#)  
[PC14 ELIZABETH MILLER AND DAVID BODY 2-28-18.PDF](#)  
[PC15 MURRAY 3-1-18.PDF](#)  
[PC16 SIVE NEILAN 3-2-18.PDF](#)  
[PC17 PA AG 3-4-18.PDF](#)  
[PC18 LAUREN REITER 3-16-18.PDF](#)  
[PC19 HILARY BASSETT 3-16-18.PDF](#)  
[PC20 BRYCE AVALLONE 3-18-18.PDF](#)  
[PC21 GAIL RINGEL 3-6-18.PDF](#)  
[PC22 MARCOS MILLER 3-7-18.PDF](#)  
[PC23 PAMELA DAY 3-8-18.PDF](#)  
[PC24 ELIZABETH STREETER 3-13-18.PDF](#)  
[PC25 TOM BLOOM 3-14-18.PDF](#)  
[PC26 EJ KOCH 3-14-18.PDF](#)  
[PC27 WAYNE VALZANIA 3-14-18.PDF](#)  
[PC28 GAIL KUHLTHAU 3-20-18.PDF](#)  
[PC29 MARK BURNS 3-19-18.PDF](#)  
[PC30 LAUREN REITER 3-21-18.PDF](#)  
[PC31 PETER MACOMBER 3-21-18.PDF](#)  
[PC32 GRACE BRALEY 3-21-18.PDF](#)

PC33 PETER MACOMBER 3-21-18.PDF  
PC34 LISA AND PETER ADAMS 3-21-18.PDF  
PC35 GRACE BRALEY 3-22-18.PDF  
PC36 JUDY GEORGE 3-23-18.PDF  
PC37 NANCY BRAIN 3-22-18.PDF  
PC38 BARBARA VESTAL 3-23-18.PDF  
PC39 DEBBIE MURRAY 3-23-18.PDF  
PC40 CARLE HENRY 3-23-18.PDF  
PC41 LAURIE HANLEY 3-23-18.PDF  
PC42 PA AG 3-23-18.PDF  
PC43 DOROTHY RODNEY 3-23-18.PDF  
PC44 STEPHEN GAAL 3-25-18.PDF  
PC45 MAGGIE WOLF 3-25-18.PDF  
PC46 LAUREN REITER 3-26-18.PDF  
PC47 KAREN HARRISON 3-27-18.PDF  
PC48 CAROL CONNER 3-26-18.PDF  
PC49 NINI MCMANAMY 3-29-18.PDF  
PC50 NINI MCMANAMY 4-3-18.PDF  
PC51 JOSHUA BASTON 4-3-18.PDF  
PC52 NINI MCMANAMY 4-5-18.PDF  
PC53 MUNJOY HILL CONSERVATION COLLABORATIVE 4-5-18.PDF  
PC54 PETER MURRAY 4-9-18.PDF  
PC55 PAMELA DAY 4-6-18.PDF  
PC56 KAT PHILBIN 4-9-18.PDF

#### 4. 203 Fore Street

##### 4.I. Memo And Attachments

###### Documents:

FORE ST. - 203 (MEMO AND MEMO ATTACHMENTS).PDF  
FORE ST. - 203 (APPLICANTS SUBMITTAL).PDF  
FORE ST. - 203 (PUBLIC COMMENT).PDF  
FORE ST. - 203 (PLANS).PDF

#### 5. 30 Fox Street

##### 5.I. Report

###### Documents:

FOX ST. - 30 (REPORT).PDF

##### 5.II. Attachments

###### Documents:

FOX ST. - 30 (REPORT ATTACHMENTS).PDF  
FOX ST. - 30 (APPLICANTS SUBMITTAL).PDF  
FOX ST. - 30 (PUBLIC COMMENTS).PDF  
FOX ST. - 30 (PLANS 1-16).PDF  
FOX ST. - 30 (PLAN 17 - VIDEOS).PDF

**LEGAL ADVERTISEMENT**  
**PORTLAND PLANNING BOARD - MEETING AGENDA**

The Portland Planning Board will hold a meeting on Tuesday, April 10, 2018, Council Chambers, 2<sup>nd</sup> Floor, City Hall, 389 Congress Street. Public comments will be taken for each item on the agenda during the estimated allotted time and written comments should be submitted to [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov)

**Workshop – 4:30 p.m.**

- i. R-6 Zoning Text Amendments, Munjoy Hill Neighborhood Conservation Overlay District, City of Portland, Applicant (4:30-6:30 p.m.) The Planning Board will hold a workshop on proposed zoning map and text amendments pertaining to a Munjoy Hill Neighborhood Conservation Overlay District to serve as permanent changes to the R-6 zone on Munjoy Hill upon expiration of the Munjoy Hill Interim Planning Overlay District. These include but are not limited to dimensional and design standards, as well as discussion of options for demolition review and changes to the City of Portland Design Manual.
- ii. Level III Site Plan; Portland II Hotel; 203 Fore Street; Miels Development Group, Applicant. (6:30-7:30 p.m. estimated time). The Portland Planning Board will hold a workshop to consider the preliminary application for a six story, 126-room extended-stay hotel proposed on a 47,473 sq. ft. lot with frontage along Middle, India and Fore Streets. The building footprint is 34,000 sq. ft. with a total floor area of 102,550 sq. ft. The hotel will include retail space, a restaurant, a roof-top bar, and a parking garage with up to 120 spaces. The proposal is subject to review under the India Street Form Based Code (ISFBC) zone and Portland's site plan standards.

**Public Hearing – 8:00 p.m. (Note change in time)**

- i. Level III Site Plan; 30 Fox Street; Simon Norwalk, Representing Dyer Neck Development, LLC., Applicant. (8:00 p.m. estimated time) The Portland Planning Board will hold a public hearing to consider a proposed four story three (3) unit condominium with a building footprint of 1,038 sq. ft. and floor area of 3,712 sq. ft. Two (2) parking spaces are proposed on the first level. This site is currently vacant and located in the R-6 zone, and the proposal is subject to review under Portland's subdivision and site plan standards.

**SEAN DUNDON, CHAIR – PORTLAND PLANNING BOARD**

# CITY OF PORTLAND, MAINE

## PLANNING BOARD



Sean Dundon, Chair  
Brandon Mazer, Vice Chair  
David Eaton  
David Silk  
Austin Smith  
Maggie Stanley  
Lisa Whited

### AGENDA PORTLAND PLANNING BOARD MEETING

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#### PUBLIC HEARING – 8:00 p.m. (NOTE CHANGE IN START TIME)

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETINGS HELD ON MARCH 27, 2018:**  
Workshop: Dundon, Mazer, Eaton, Silk, Smith and Whited present; Stanley absent.  
Public Hearing: Dundon, Mazer, Eaton, Silk, Smith and Whited present; Stanley absent.

#### **4. REPORT OF DECISIONS AT THE MEETINGS HELD ON MARCH 27, 2018:**

- i. Level III Site Plan (2017-287); Maine Medical Center (MMC) East Tower and Visitor Parking Garage Vertical Expansions; 22 Bramhall Street, Maine Medical Center, Applicant. Mazer moved and Eaton seconded a motion to approve the development review application with sixteen conditions of approval. Vote: 6-o, Stanley absent.
- ii. Level III Site Plan and Subdivision (2017-287) ; 23 Unit Condominium; 56 Parris Street; Horton, LLC., Applicant. Mazer moved and Eaton seconded a motion to approve the conditional use application (2017-297) for inclusionary zoning with 2 conditions of approval. Vote: 6-o, Stanley absent. Mazer moved and Eaton seconded a motion to waive the driveway separation requirement to allow a 40 foot separation. Vote: 6-o, Stanley absent. Mazer moved and Eaton seconded a motion to waive the driveway width requirement to allow a driveway of 15.2 feet. Vote: 6-o, Stanley absent. Mazer moved and Eaton second a motion to waive the limit on compact spaces to allow 100% compact. Vote: 6-o, Stanley absent. Mazer moved and Eaton seconded a motion to approve the subdivision application with 2 conditions of approval. Vote: 6-o, Stanley absent. Mazer moved and Eaton seconded a motion to approve the site plan application with 9 (nine) conditions of approval. Vote: 6-o, Stanley absent.
- iii. Level III Site Plan (2017-285), Mixed-use building, 149-155 Washington Avenue, Diving Rock, LLC, Applicant Mazer moved and Eaton seconded a motion to waive the technical standard for driveway width to allow a 23.58 width. Vote: 6-o, Stanley absent. Mazer moved and Eaton seconded the site plan application with eight (8) conditions of approval. Vote: 6-o Stanley absent.

#### **5. NEW BUSINESS**

- i. Level III Site Plan; 30 Fox Street; Simon Norwalk, Representing Dyer Neck Development, LLC., Applicant. (8:00 p.m. estimated time) The Portland Planning Board will hold a public hearing to consider a proposed four story three (3) unit condominium with a building footprint of 1,038 sq. ft. and floor area of 3,712 sq. ft. Two (2) parking spaces are proposed on the first level. This site is currently vacant and located in the R-6 zone, and the proposal is subject to review under Portland's subdivision and site plan standards.



# Memorandum

## Planning and Urban Development Department

### Planning Division

To: Sean Dundon, Chair and Members of the Planning Board  
From: Christine Grimando, Senior Planner  
Date: April 6, 2018  
Re: Munjoy Hill Neighborhood Conservation Overlay District  
Meeting Date: April 10, 2018

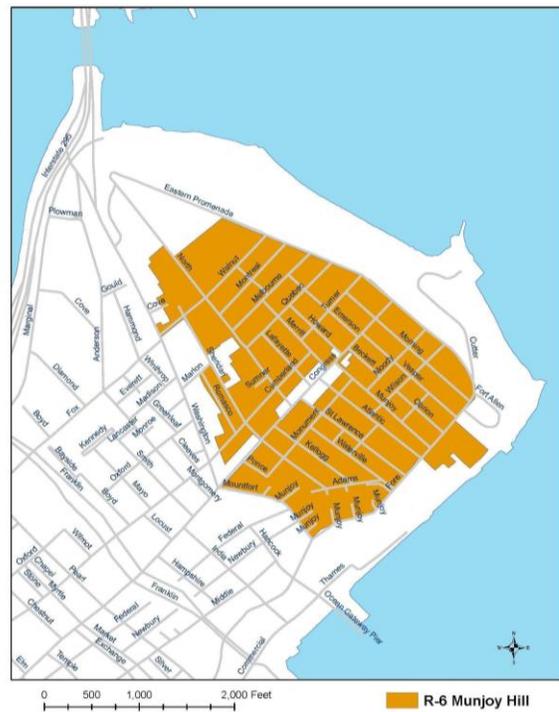
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#### I. INTRODUCTION

The April 10<sup>th</sup> workshop is focused on tools proposed to address recent development trends on Munjoy Hill, including the number and rate of demolitions and the compatibility of new construction with the existing fabric of the neighborhood. 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<sup>th</sup>, 2017. The text of the moratorium included a requirement for the implementation of interim zoning within 65 days of December 4<sup>th</sup> to govern development applications for the remaining 115 days of moratorium. Applications submitted prior to December 4<sup>th</sup>, prior approvals, and safety hazards were exempted. In response to this requirement the Council approved an Munjoy Hill Interim Planning Overlay District (IPOD). A summary of permanent zoning measures to replace the IPOD upon its expiration on June 4<sup>th</sup>, and a discussion of additional tools for the Board's consideration, follows.

#### II. BACKGROUND

Previously, the Planning Board was presented with a [communication](#) containing background on a set of zoning changes implemented to the R-6 zone in 2015, and analysis of recent development trends. The communication included quantitative assessments on new housing totals and types, demolitions, parking, density, height, and lot coverage, as well as a qualitative analysis of the factors influencing new design pre- and post- 2015 zoning changes. It also included a brief summary of the then just proposed moratorium for demolitions on Munjoy Hill.



*Figure 1, IPOD Extent*

On January 9, 2018, the Planning Board held a public hearing on the IPOD, with recommendations to the City Council for adoption, which the Council then implemented on February 5, 2018 (available at Tab 13, pg. 143: <http://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/5825?fileID=29633>).

#### III. 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 26<sup>th</sup> and Saturday, March 24<sup>th</sup>, 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, as well as, from some property owners, concerns about retaining about retaining maximum flexibility in new construction. Concerns about affordability and flexibility for designs that include alternative energy and innovative stormwater measures have also been themes throughout the process.

#### IV. IPOD OVERVIEW

The IPOD contained 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, stepbacks, and treatment of appurtenances. Key elements include:

- Maximum height. Currently 45', the height standard was changed to a maximum of 35', except that developments of 3 or more units on lots over 2,000 sf were made to have a maximum of 45'. This is both consistent with patterns of development on Munjoy Hill, where three- and four-story buildings were traditionally multi-family buildings and provides more flexibility for housing that produces more residential dwellings.
- Setbacks. Minimum setbacks were increased, with additional distinctions made to vary setbacks for smaller lots and for buildings above and below 35'.
- Stepbacks. Stepback requirements were removed from sideyards.
- Rooftop appurtenances. Other than chimneys, rooftop appurtenances were no longer exempted from building height maximums.

The IPOD also includes dimensional 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. Also included are standards for integration of appurtenances, and quality building materials. Alternative Design Review, an option for review in the City's Design Manual, is not permitted for the duration of the IPOD. The full text of the IPOD is included in Attachment 4.

#### V. 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 interim standards currently in place.

1. Overlay District

An overlay is proposed, for the R-6 zone on Munjoy Hill, containing dimensional and design standards. The full text of the Zoning amendment is included as Attachment 1. Patterned on the IPOD, much of the IPOD content is proposed for continual implementation into the Zoning Ordinance as the Munjoy Hill Neighborhood Conservation Overlay District (Overlay). Table 1 includes base zone R-6 dimensional requirements, superseding IPOD dimensional requirements, and the newly proposed. Changes between the IPOD and Overlay include:

- In addition to the maximum building height of 35', with a maximum of 45' for developments of 3 dwelling units or more on a lot over 2000 sf, new allowances for the 45' maximum height include buildings with at least one workforce housing unit for rent or for sale to incentivize housing creation, and particularly affordable housing creation.
- Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted up to 5' above permitted heights if adequately screened and set back from the building edge. This introduces more flexibility for appurtenances than the IPOD allows, while mitigating their visual impact.
- Alternative energy equipment is also proposed to be permitted to exceed permitted heights. Parking placement and active first floor front façade standards remain in place, with additional language encouraging tandem parking spaces as an efficient use of space consistent with existing driveway and off-street parking patterns. This reintroduces greater flexibility into rooftop appurtenance requirements in order to not thwart alternative energy and sustainability goals. In addition to this being consistent with City-wide goals, and the Comprehensive Plan, the importance of leaving space and flexibility for such equipment was raised numerous times in the recent public process.
- Alternative Design Review is permitted, with review by the Historic Preservation Board, and additional standards for demonstrating exemplary and compatible design, as well as inclusion of 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.

**Table 1**

	Base R-6	IPOD	Proposed
<b>Height Maximum</b>	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 for rent or for sale Rooftop appurtenances other than chimneys shall not exceed permitted heights. HVAC equipment of a limited scale is permitted for up to 5' above these max. heights if (a) screened adequately from public rights-of-way and integrated with the building design and (b) set back at least 5' from the building edge. Solar equipment or similar for the provision of alternative energy is also permitted above max. heights.
<b>Side Yard Setback Minimum</b>	5', except that a side yard in the R-6 zone may be reduced to zero, provided the cumulative side yard setbacks are not less than 10'.	Buildings of height up to 35': As per the underlying zoning. Buildings of 35' or more: 10' except that one side may be reduced to 5' if the other sides in sumer are increased by the same amount.	Buildings of height up to 35': As per the underlying zoning. Buildings of 35' or more: 20' total for all side yards, provided that (a) no single side yard shall be less than 3' and (b) any side yard of less than 10' is permitted only when used to continue a documented built pattern of the surrounding streetscape.
<b>Structure Stepbacks</b>	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 such property line abuts a residential zone. Does not apply to side yards on side streets.	Stepback requirements in the underlying zoning shall not apply to side yards.	Stepback requirements in the underlying zoning shall not apply to side yards.
<b>Side Yard Setback on a Side Street Minimum</b>	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. Total setback on both sides must be no less than 15'.
<b>Rear Yard Seback Minimum</b>	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'. 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 a building: 20% of the maximum depth of a lot but no less than 10'. 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'

2. Demolition Review

In addition to the proposed dimensional and design standards for new construction, the ordinance amendment includes demolition review standards for existing residences in the Overlay. 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. 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 stay of 18 months to consider alternatives to demolition. Exemptions from this requirement would include: local landmarks or buildings in historic districts, as they would be subject to a separate review process; buildings constructed after 1930; accessory structures with a ground coverage of 144 square feet or less; buildings that have been determined to be dangerous due to fire, accidental catastrophic damage, or a natural disaster; applications for demolition that have received a Certificate of Economic Hardship; and any buildings that have previously been determined not to be subject to his requirement (Initial Determination of Non-significance). The 18-month stay is a maximum delay; the amendment includes provisions for arriving at mutually agreed to conclusions inside of the 18-month window.

Currently, demolition review is included as a component of the Overlay. Planning staff is evaluating whether this would most appropriately be included as Chapter 6 (Building and Building Regulations) of the City Code.

3. Non-Conforming Building Extensions

Included is an alternative to an existing Land Use Code section (14-436) governing non-conforming building extensions (Attachment 2). As part of the public process for this project, this section as pointed out as one that perhaps provides a disincentive to rehabilitation and alteration of existing buildings. The proposed revisions still restrict expansions on non-conforming buildings but proposes simpler guidelines for how expansions may occur.

**VI. DESIGN MANUAL**

Changes are also proposed to the City of Portland Design Manual (Attachment 3), paralleling language within the Overlay that gives the Historic Preservation Board jurisdiction over Alternative Design Review within the Overlay. Currently review and approval of Alternative Design Review is determined by the review authority (as outlined in Sec. 14-523. Required Approvals and Applicability); generally, single- and two- family projects are reviewed and approved by Planning staff, and multi-family projects are reviewed and approved by the Planning Board with review comments and recommendations provided by Planning staff.

**VII. HISTORIC PRESERVATION**

In 2003 the City commissioned a historic resource survey of Munjoy Hill which Greater Portland Landmarks has recently updated. Findings to date show there are some areas of exceptional historic fabric in place, as well as some buildings on Munjoy Hill that might qualify as landmark buildings. No recommendations have been made about a potential district or districts in this area at this time, but staff is currently reviewing Greater Portland Landmarks findings, as well as hearing from residents and property owners their questions, concerns, and varied views.

## VIII. COMPREHENSIVE PLAN

There are numerous goals and strategies in [Portland's Plan 2030](#) with implications for the current planning initiatives on Munjoy Hill.

- 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.*
- 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 where fitting, 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.

## IX. NEXT STEPS

The April 10<sup>th</sup> Planning Board workshop will include an overview of the process to date, as well as of each of the enclosed tools. Planning Board feedback and direction is welcome to further refine and enhance this package of amendments going forward.

A Planning Board public hearing on Zoning Ordinance amendments and Design Manual amendments will be scheduled for the coming month, final date to be announced soon.

Following the Planning Board's recommendations on the ordinance amendments, they will be forwarded to the City Council for review in May. The review timeline is designed to allow for implementation of new zoning requirements by the time the moratorium and the interim controls expire on June 5, 2018.

Exploration of potential historic districts in the area will be undertaken on an independent timeline, to allow for communication with the City Council, a full assessment of existing conditions, and further discussion with neighborhood property owners about the mechanics, benefits, and implications of a new historic district.

## X. ATTACHMENTS

1. Overlay Amendments
2. Non-Conforming Building Extensions Zoning Amendments
3. City of Portland Design Manual Amendments

4. IPOD
5. Public Comments since February 5<sup>th</sup> (since many dozen email comments have been received since the IPOD was implemented, each item isn't itemized in the Attachments list, but each has been included as individual attachments).

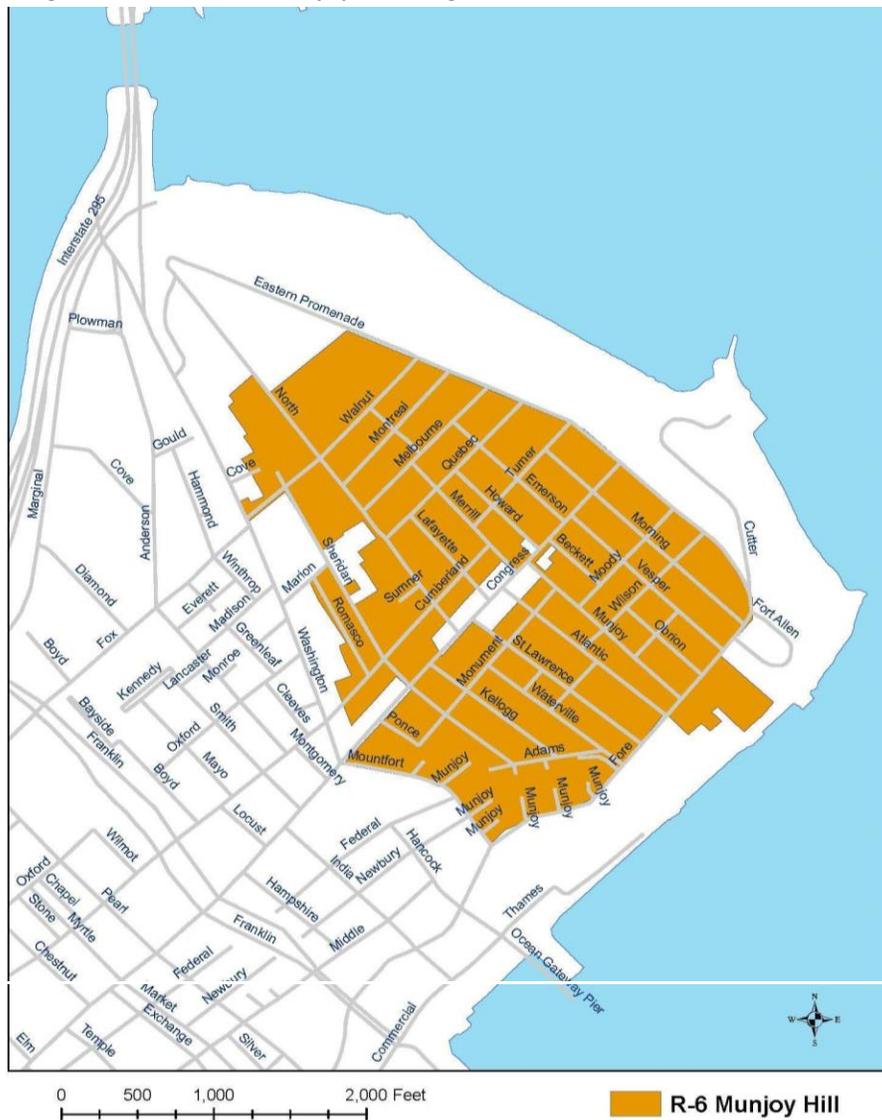
### Sec. 14-140.5. Munjoy Hill Neighborhood Conservation Overlay District

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

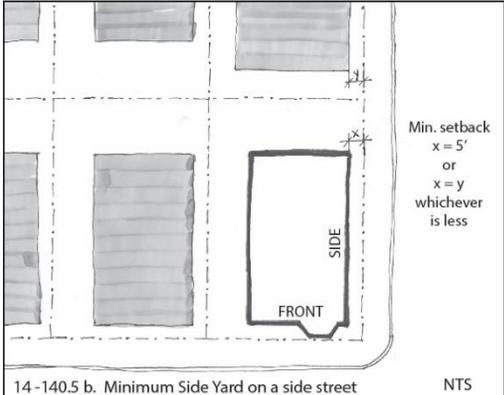


## 2. Effect of the District

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

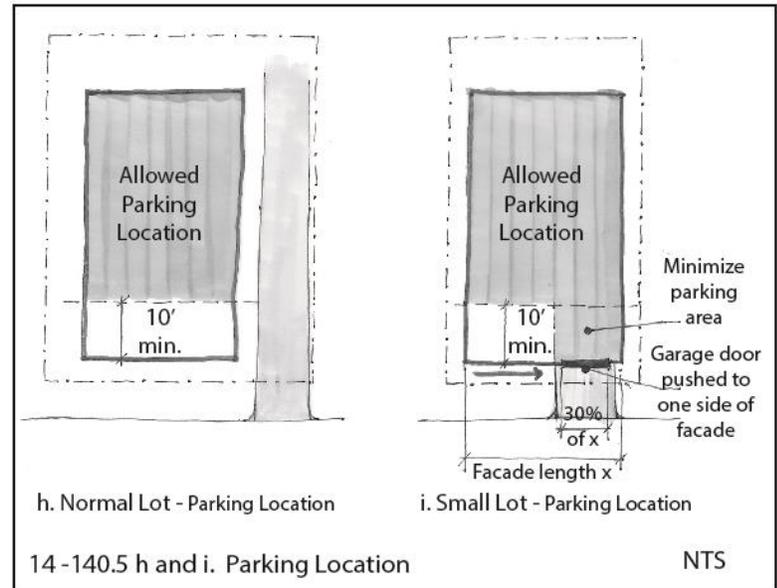
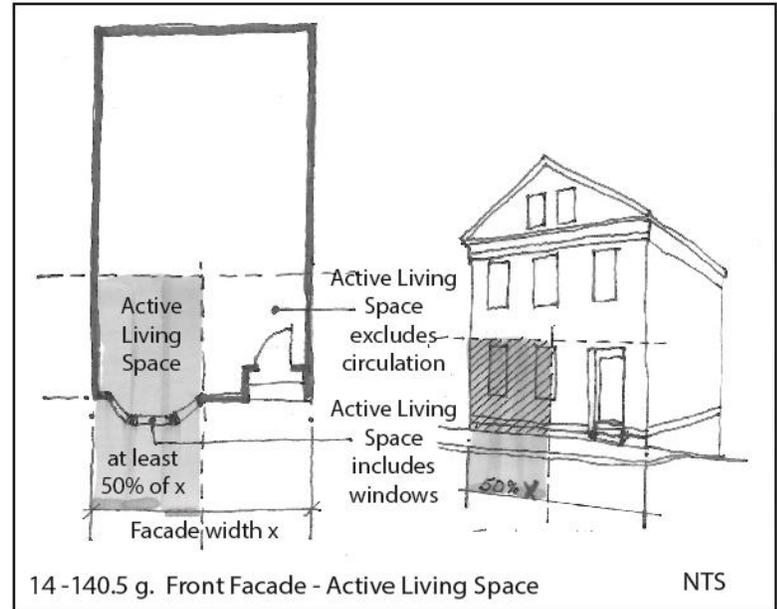
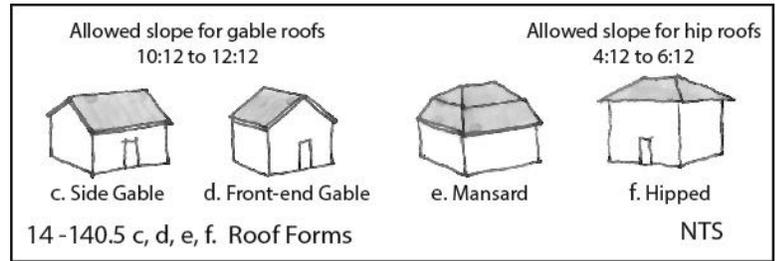
Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

<p>Maximum Height</p>	<p>35'; 45' for developments of 3 units or more on 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.</p> <p>Rooftop appurtenances other than chimneys shall not exceed permitted heights. However, HVAC equipment of a limited scale is permitted for up to 5' above these permitted heights if (a) screened adequately from public rights-of-way and integrated with the building design and (b) set back at least 5' from the building edge. In addition, solar equipment or similar equipment for the provision of alternative energy is permitted above permitted heights.</p>
<p>Minimum Side Yard Setback</p>	<p>Buildings of height up to 35': As per the underlying zoning Buildings of 35' or more: 20' total for all side yards, provided that (a) no single side yard shall be less than 3' and (b) any side yard of less than 10' is permitted only when used to continue a documented built pattern of the surrounding streetscape, such as buildings consistently on one side of the lot to permit driveways</p>
<p>Stepbacks</p>	<p>Stepback requirements in the underlying zoning shall not apply to side yards.</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. The total setback on both sides must be no less than 15'</p> 
<p>Minimum Rear Yard Setback</p>	<p>As measured from a building: 20% of the maximum depth of a lot but no less than 10'. 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) 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 public hearing;
- 2) In granting an Alternative Design Review Design Certificate, the Historic Preservation Board must determine that the approved alternative design results in exemplary design that is at least as compatible with the surrounding neighborhood as a building fully meeting the design standards would;
- 3) Compatibility of a proposed project includes not just physical characteristics but social and environmental ones as well. In reviewing an Alternative Design, the Board may factor in as compatibility considerations the provision of deed-restricted affordable housing and/or provision of green technologies such as a proposed passive house;
- 4) Guidance for any review by the Historic Preservation Board shall be provided by data collected on the nature of surrounding streetscapes; and
- 5) Alternative Design Review does not permit waiver of the additional design requirements in section 4(b) below except as explicitly stated; and



6) 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 request for Alternative Design Review Design Certificate be granted.

(b) 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 the Alternative Design Review process in 4(a) above;
- 2) The first floor shall contain active living space with windows for at least 50% of the width of the front façade in total, as illustrated in Diagram 14-140.5.g. Active living space does not include space intended primarily for circulation;
- 3) Use of tandem spaces to meet desired parking levels, consistent with the built environment in the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and in no case 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.h-i.;
- 4) Rooftop appurtenances other than chimneys shall be integrated into the design or placed out of view from public rights-of-way;
- 5) Building materials shall be high quality and of a scale consistent with traditional residential materials.

## **5. Demolition Review**

(a) There is a public need for additional review and discussion related to demolition of existing residences in this Overlay District. For this reason, this Demolition Review section shall govern applications to demolish buildings.

The purpose of this section is to preserve and protect historic buildings within the Munjoy Hill Overlay District which constitute or reflect distinctive features of the architectural, cultural, and/or social history of Munjoy Hill and which are outside any designated historic district by providing advance notice of their proposed demolition; to encourage owners of such preferably preserved significant buildings to explore alternatives to demolition; and to promote the public welfare by preserving traditional building stock that contributes to the character and livability of the Munjoy Hill neighborhood. To achieve these purposes, the Planning Division is empowered to advise the Building Authority with respect to the issuance of demolition permits. The issuance of demolition permits for significant buildings is regulated as provided in this ordinance.

(b) Definitions: For the purposes of this section, the following words and phrases shall have the meanings set forth below:

*Applicant:* Any person filing an application for a demolition permit. However, if the applicant is not the owner of the building that is subject of the application, the owner to give written authorization

for the demolition, including a statement of ownership and identification of his or her authorized agent, on the application.

*Application:* An application for a permit for the demolition of a building.

*Building:* Any combination of materials forming a shelter for persons, animals or property that serves as the primary structure on the premises.

*Business day:* A day that is not a recognized municipal or federal holiday, Saturday or Sunday.

*Demolition:* As defined per 14-602.

*Final determination:* A determination made by the Historic Preservation Board in accordance with this section.

*Initial determination:* A determination made by the Planning Authority in accordance this section.

*Owner:* The person with legal title to a building.

*Permit:* A permit issued by the Building Authority for demolition of a building pursuant to an application.

*Preferably preserved significant building:* Any significant building, which the Planning Authority and/or Historic Preservation Board determines as provided in this section, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.

*Premises:* The parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.

*Significant building:* Any building within this Overlay that was constructed prior to 1930, and is or has been determined by the Planning Authority to be a significant building after a finding that the building is either:

- A. Importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of Munjoy or the City of Portland;
- or
- B. Historically or architecturally significant (in terms of period, style, method of building construction, or association with a reputed architect or builder) either by itself or in the context of a group of buildings or structures, and therefore it is in the public interest to be preserved or rehabilitated rather than to be demolished.

*Voluntarily:* Any act(s) done by design or intention, which is proposed, intended, or not accidental. Results of weather events or natural hazards are not considered voluntary. For the purposes of this chapter, the destruction of a significant building for failure to properly secure it shall be considered voluntary.

(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) buildings constructed after 1930; (c) accessory structures with a ground coverage of 144 square feet or less; (d) buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster; (e) Applications for demolition that have received a Certificate of Economic Hardship according to the provision of *Division Eight*,

*Certificate of Economic Hardship*; and (f) buildings that have received a previous Initial Determination of non-significance.

(d) Procedure: When the Building Authority receives a demolition permit application for a building within the Munjoy Hill Overlay District, he or she shall within three business days notify the Planning Authority in writing that a demolition permit application has been received.

1. Determination of Significance.
  - a. Initial Determination: The Planning Authority shall make a written determination whether the building, which is the subject of the demolition permit application, is a preferably preserved significant 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 a significant building, 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 granted by the Building Authority.
  - b. If the Planning Authority determines that the building is a preferably preserved significant building, it shall notify the Building Authority and the applicant of record of its determination.
  - 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 requirements under the demolition permit application, and shall notify the Planning Authority in writing 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 significant 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 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 application 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 significant 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 final a final determination with 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 except as specified in (g) below. During this delay, 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 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 by the Board that a building is a preferably preserved building, 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 that a mutually agreed upon proposal for the site that is consistent with the design context of the surrounding neighborhood is agreed to by the applicant and the Historic Preservation Board prior to the conclusion of the 18-month delay period.
- (h) Emergency demolition: Nothing in this article shall derogate from 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. The Planning Authority may draft regulations for implementation of this section for review and approval by the Planning Board after a public hearing.
  3. Anyone who voluntarily demolishes a significant building without complying fully with the provisions of this ordinance shall be subject to a fine of no more than \$100,000.
  4. 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.

## **6. Severability**

To the extent any provision of this Section 14-140.5 is deemed invalid by a court of competent jurisdiction, the balance of this Section that shall remain shall be considered valid.

DIVISION 23. NONCONFORMING USE AND NONCONFORMING BUILDINGS

**Sec. 14-381. Continuation.**

Any lawful use of buildings, structures, premises or parts thereof, existing on June 5, 1957, and made nonconforming by the provisions of this article or any amendment thereto may be continued although such use does not conform with the provisions of this article or amendment thereto.

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**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 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.

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(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.

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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~~

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~~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 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 structure shall increase any existing nonconformity of a lot, use or structure.
- 2) No modification to an existing nonconforming structure 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 expansion does not encroach beyond the required minimum yard setbacks further than the existing nonconforming portion of the structure.
- 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. The expansion does not extend farther into the setback than the portion of the structure non-conforming as to minimum yard setbacks.
  - b. Any portion of a vertical expansion above the permitted one additional story shall meet the required minimum yard setback.
  - c. The one-time vertical expansion shall be reviewed and approved or denied for quality of design under any applicable design standards or guidelines, for adequate safety and circulation, and for mitigation of potential

impacts to abutting properties.

5) Modifications of nonconforming structures shall reduce nonconformities wherever practicable, except where this cannot reasonably be accomplished because of configuration of the structure, topography of the lot, safety, or other such limitations.

~~(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**

**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.

**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

facade 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 facade, [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: Symmetry** 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***

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 new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius, in size, scale, materials and siting, as well as the general character of the established neighborhood.

Special attention shall be given to the existing building 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 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 review A~~ 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 review a~~ authority shall determine the scope of the neighborhood.

An applicant may propose an alternative design approach and ~~apply for 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 not be appealed.

- 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.

(c) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

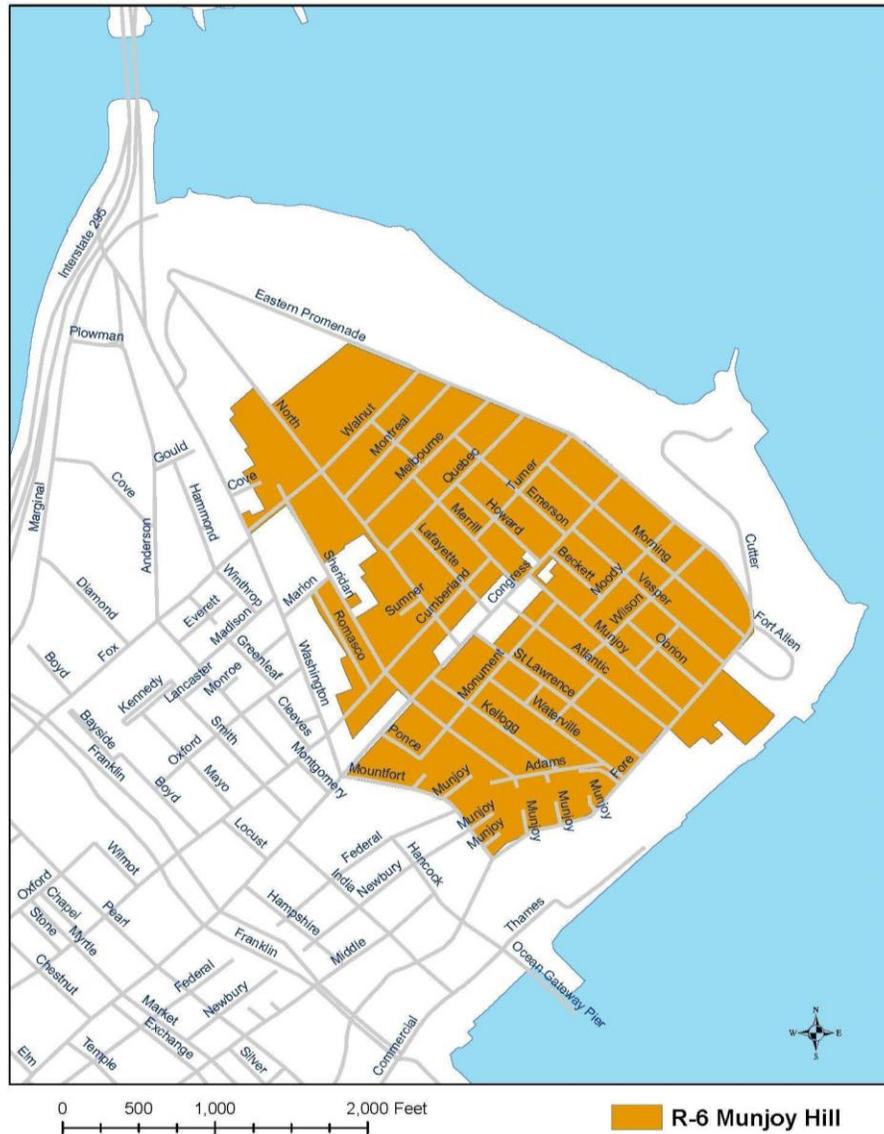
(Ord. No. 538-84, 5-7-84; Ord. No. 85-88, § 5, 7-19-88; Ord. No. 15-92, § 11, 6-15-92; Ord. No. 37-98, § 1, 5-4-98; formerly §14-145--renumbered per Ord. No. 122, 12-20-99; Ord. No. 78-03/04, 10-20-03; Ord. No. 254-05/06, 6-5-06; Ord. No. 240-09/10, 6-21-10; Ord. 209-14/15, 5/4/2015)

**Sec. 14-140.5. Munjoy Hill Interim Planning Overlay District (IPOD)**

There shall be a Munjoy Hill Interim Planning Overlay District (the "District"). This District shall remain in effect until June 4, 2018, after which time it shall immediately expire on said date and this Section 14-140.5 shall be removed from the Code of Ordinances.

(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.

Diagram 14-140.5.a.: Munjoy Hill Interim Planning Overlay District Boundaries

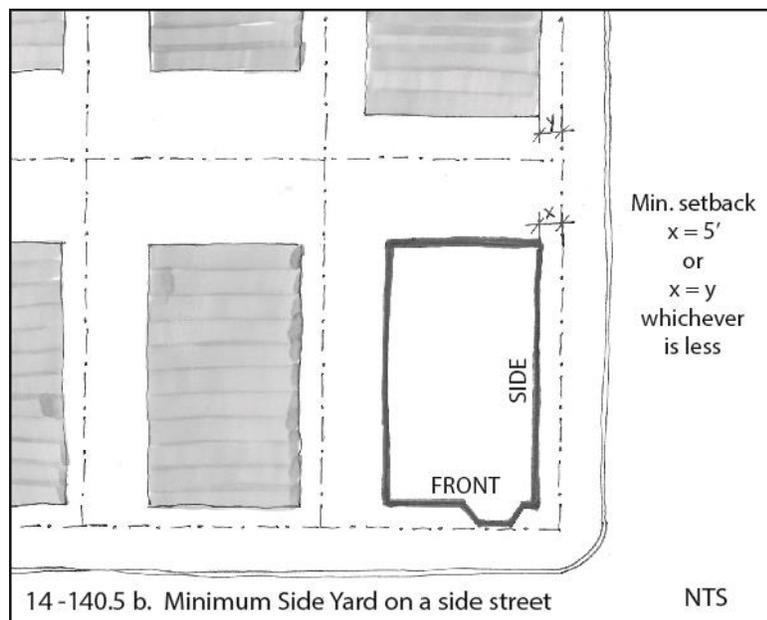


(b) **Effect of the District.** In addition to the standards contained in Chapter 14, Division 7 of the Portland City Code that are applicable to properties in the R-6, zone all properties within this District shall meet the standards in this Section 14-140.5. In cases of conflict between this Section 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.

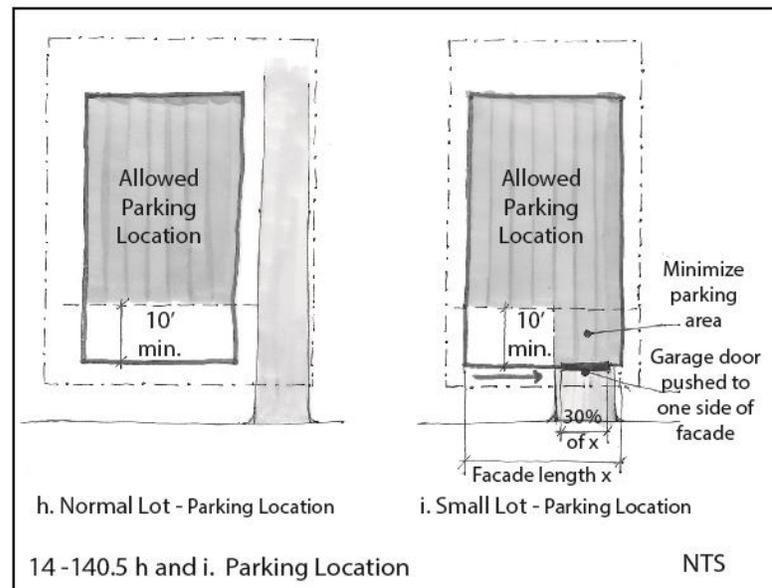
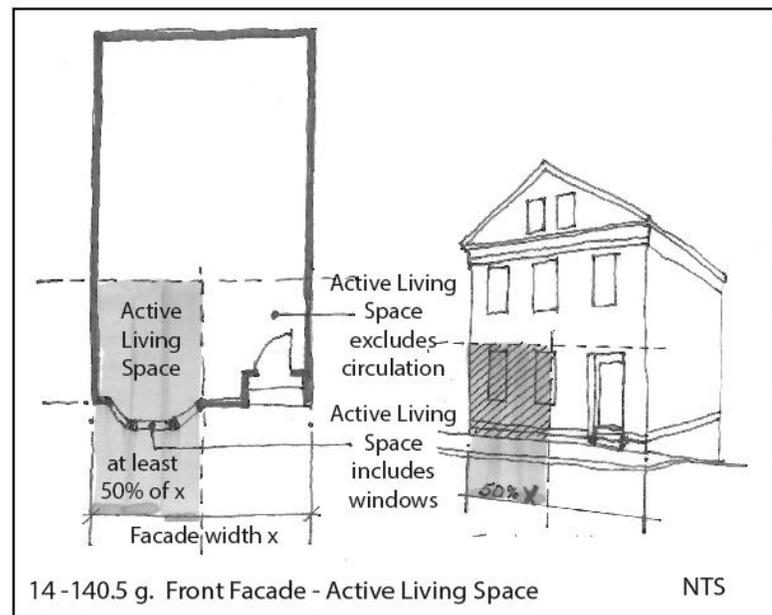
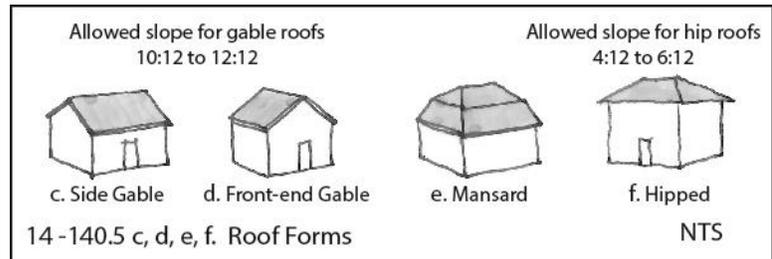
(c) **Dimensional Standards.** Within the District, the following dimensional requirements supersede those outlined elsewhere in Chapter 14:

Maximum Height	35'; 45' for developments of 3 units or more on a lot over 2000 sf. Rooftop appurtenances other than chimneys shall not exceed permitted heights.
Minimum Side Yard Setback	Buildings of height up to 35': As per the underlying zoning Buildings of 35' or more: 10' except that one side may be reduced to 5' if the other sides in sum are increased by the same amount.
Stepbacks	Stepback requirements in the underlying zoning shall not apply to side yards.
Minimum Side Yard Setback on a side street	5'; or the depth of the immediately abutting street-facing yard (see Diagram 14-140.5.b.), whichever is less.
Minimum Rear Yard Setback	As measured from a building: 20% of the maximum depth of a lot but no less than 10'. As measured from rear decks, porches, or similar unenclosed appurtenances: 7.5' As measured from accessory structures with a ground coverage of 144 square feet or less: 5'



**(d) Design Standards.** Within the District, developments are not eligible for the "Alternative Design Review" process outlined in the *City of Portland Design Manual* for the R-6 zone. In addition, the following design standards shall supersede any conflicting standards:

1. All buildings shall use traditional roof forms as illustrated in Diagrams 14-140.5.c-f. Flat roofs are only permitted in buildings of 3 or more units;
2. The first floor shall contain "active living space" with windows for at least 50% of the width of the front façade in total, as illustrated in Diagram 14-140.5.g. Active living space does not include circulation space;
3. Parking shall be located in the rear of a building, and



in no case 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 feet. 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.h-i.;

4. Rooftop appurtenances other than chimneys shall be integrated into the design or placed out of view from public rights-of-way;
5. Building materials shall be high quality and of a scale consistent with traditional residential materials.

(e) **Severability.** To the extent any provision of this Section 14-140.5 is deemed invalid by a court of competent jurisdiction, the balance of this Section that shall remain shall be considered valid.

(Ord. No. 141-17/18, 2-5-2018)

#### DIVISION 7.01. R-7 COMPACT URBAN RESIDENTIAL OVERLAY ZONE

##### **Section 14-141. Purpose.**

The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the



Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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## Fwd: Strong concerns on East end R6 development plans

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Jeff Levine &lt;jlevine@portlandmaine.gov&gt;

Thu, Feb 22, 2018 at 9:13 AM

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@accolade.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>, "jduson@portlandmaine.gov" <jduson@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 |

## **Disclaimer**

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Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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**Fwd: Response to Tom Landry's Moratorium Opposition Email Sent Out on on 2/23/2018**

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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.

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: **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?**

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](mailto: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**

**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 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 26<sup>th</sup> 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 24<sup>th</sup> 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](mailto:jlevine@portlandmaine.gov)
  - Belinda Ray, City Councilor District 1 (Munjoy Hill)  
[bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov)
  - The Mayor and all other City Councilors:  
[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov),  
[bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [jcosta@portlandmaine.gov](mailto:jcosta@portlandmaine.gov),  
[kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov),  
[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov)
  - Hilary Bassett, Executive Director of Greater Portland Landmarks  
[hbassett@portlandlandmarks.org](mailto: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 &lt;jmy@portlandmaine.gov&gt;

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**Fwd: Current Proposals May Limit Munjoy Hill Property Owner Rights**

1 message

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

Mon, Feb 26, 2018 at 4:41 PM

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: **Blue Pine** <[bluepinepropertiesllc@gmail.com](mailto: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](mailto:tomlandry@benchmarkmaine.com)>  
Cc: [bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov), [kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov),  
[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov),  
[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov), [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov)

Hi 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, LLC

On Feb 23, 2018, at 10:49 AM, Tom Landry <[tomlandry@benchmarkmaine.com](mailto:tomlandry@benchmarkmaine.com)> wrote:[tomlandry@benchmarkmaine.com](mailto:tomlandry@benchmarkmaine.com)

[View this email in your browser](#)



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**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

own and share widely. I will keep you informed as things further develop.

Thank you for your time!

Tom

---

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---

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**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 26<sup>th</sup> 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 24<sup>th</sup> 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](mailto:jlevine@portlandmaine.gov)
  - Belinda Ray, City Councilor District 1 (Munjoy Hill)  
[bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov)
  - The Mayor and all other City Councilors:  
[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov),  
[bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [jcosta@portlandmaine.gov](mailto:jcosta@portlandmaine.gov),  
[kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov),

[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov)

- o Hilary Bassett, Executive Director of Greater Portland Landmarks  
[hbassett@portlandlandmarks.org](mailto: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 &lt;jmy@portlandmaine.gov&gt;

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**Fwd: Munjoy Hill - Moratorium and After**

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

Mon, Feb 26, 2018 at 4:45 PM

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](mailto:bsr@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov), [kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov),  
[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov),  
[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov), [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov), [jay.norris@munjoyhill.org](mailto: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](tel:207.274.4918) - [860.248.5670](tel:860.248.5670)

[RedHookDesignAlliance.com](http://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,

A handwritten signature in cursive script, appearing to read "Wayne Valzania".A handwritten signature in cursive script, appearing to read "Carolyn Swartz".

Wayne Valzania & Carolyn Swartz.  
27 Merrill Street, Portland 207.274.4918



Jennifer Munson <jmy@portlandmaine.gov>

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## Fwd: Munjoy Hill

---

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.

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](mailto:russo@maine.rr.com)>  
Date: Mon, Feb 26, 2018 at 3:35 PM  
Subject: Munjoy Hill  
To: [jlevine@portlandmaine.gov](mailto: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



Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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**Re: Public Comment for 255 Diamond Avenue**

1 message

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**Laura Balladur** <lauraballadur@gmail.com>  
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Feb 27, 2018 at 10:42 AM

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 artist 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 Balladur  
89 Walnut Street

On Tue, Feb 27, 2018 at 8:35 AM, Jennifer Munson <[jmy@portlandmaine.gov](mailto: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](tel:(207)874-8719)  
Email: [planningboard@portlandmaine.gov](mailto:planningboard@portlandmaine.gov)

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Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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## Fwd: District 1 Listening Tour Comments

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

Tue, Feb 27, 2018 at 10:35 AM

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.

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



Jennifer Munson &lt;jmy@portlandmaine.gov&gt;

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**Fwd: Demoliton**

---

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

Tue, Feb 27, 2018 at 10:35 AM

For the Munjoy Hill folder.

Jeff Levine, AICP  
Director  
Planning & Urban Development Department  
[389 Congress Street 4th Floor](#)  
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Phone (207)874-8720  
Fax (207)756-8258  
<http://www.portlandmaine.gov/planning>  
[@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](mailto: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

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## Fwd: Munjoy Mortorium Listening Session Feedback

---

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

Tue, Feb 27, 2018 at 3:53 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: **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 ..

Get [Outlook for Android](#)

---

**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; Justin 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.
18	Woman with glass	Emerson	Concerned about diversity, affordable housing, change the inclusionary zoning. Apply to 5 buildings with no opt out and restrict Airbnb to owner occupied.
19	Hilary Bass	Morning	Explain GPL
20	Karen Snyder	Waterville	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.
21	New Woman Own	47 Monument	There are 9 pages in the design standards. There are a lot of restrictions.

---

## Fwd: Listening Session - inquiry on comment

---

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

Tue, Feb 27, 2018 at 3:55 PM

For Munjoy Hill.

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 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  
Planning & Urban Development Department  
389 Congress Street  
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phone: (207) 874-8901  
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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.



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## Fwd: Munjoy Hill Listening Session 2/26

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

Tue, Feb 27, 2018 at 4:04 PM

For Munjoy Hill.

Jeff Levine, AICP  
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@portlandplan

----- Forwarded message -----

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](mailto:pmurray@gwi.net)

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## Fwd: Last night's munjoy hill meeting

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

Wed, Feb 28, 2018 at 8:44 AM

Munjoy Hill file.

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----- Forwarded message -----

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. Rennovated.

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.

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## Fwd: Munjoy Hill growth and change feedback

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

Wed, Feb 28, 2018 at 8:53 AM

Munjoy Hill file.

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----- Forwarded message -----

From: JoAnn Dowe <[joythroughhealing@gmail.com](mailto:joythroughhealing@gmail.com)>  
Date: Tue, Feb 27, 2018 at 10:45 PM  
Subject: Munjoy Hill growth and change feedback  
To: [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov)  
Cc: JoAnn Dowe <[joythroughhealing@gmail.com](mailto: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 greenscape 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

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## Fwd: Munjoy Hill concerns about proposed changes

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

Wed, Feb 28, 2018 at 9:25 AM

Munjoy Hill file.

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----- Forwarded message -----

From: **elizabeth** <[elizabethmiller1953@hotmail.com](mailto:elizabethmiller1953@hotmail.com)>  
Date: Wed, Feb 28, 2018 at 9:24 AM  
Subject: Munjoy Hill concerns about proposed changes  
To: "[bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov)" <[bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov)>, "[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov)" <[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov)>, "[sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov)" <[sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov)>, "[bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov)" <[bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov)>, "[jcosta@portlandmaine.gov](mailto:jcosta@portlandmaine.gov)" <[jcosta@portlandmaine.gov](mailto:jcosta@portlandmaine.gov)>, "[pali@portlandmaine.gov](mailto:pali@portlandmaine.gov)" <[pali@portlandmaine.gov](mailto:pali@portlandmaine.gov)>, "[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov)" <[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov)>, "[jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov)" <[jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov)>, Jeff Levine <[jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov)>, "[Jay.Norris@MunjoyHill.org](mailto:Jay.Norris@MunjoyHill.org)" <[Jay.Norris@munjoyhill.org](mailto:Jay.Norris@munjoyhill.org)>, "[munjoyhillconsvcoll@gmail.com](mailto:munjoyhillconsvcoll@gmail.com)" <[munjoyhillconsvcoll@gmail.com](mailto:munjoyhillconsvcoll@gmail.com)>, "[kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov)" <[kcook@portlandmaine.gov](mailto: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](mailto:debbym@gwi.net)

207 653-5143 Cell

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## Fwd: Munjoy Hill - Historic Preservation flexibility question

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

Mon, Mar 5, 2018 at 10:27 AM

For the Munjoy Hill folder.

Jeff Levine, AICP  
Director  
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@portlandplan

----- 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](mailto: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  
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Tel (207) 774-4219  
(207) 838-7719 cell  
[sneilan@maine.rr.com](mailto:sneilan@maine.rr.com)

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## Fwd: Listening Session 2/26

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

Mon, Mar 5, 2018 at 12:18 PM

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 🙌  
>

>  
> Sent from my iPhone

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## Fwd: preliminary review

1 message

---

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

Mon, Mar 19, 2018 at 8:28 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: **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... **FLAT 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](mailto: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](http://www.facebook.com/reiterarchitecture)

On Thursday, March 15, 2018, 10:40:25 AM EDT, Christine Grimando <[cdg@portlandmaine.gov](mailto: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](http://389 Congress Street)  
Portland, Maine 04101  
[cdg@portlandmaine.gov](mailto: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](mailto: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](mailto: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](mailto: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**

Lauren J. Reiter, RA, LEED AP

[laurenjreiter@yahoo.com](mailto:laurenjreiter@yahoo.com)

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[www.facebook.com/reiterarchitecture](http://www.facebook.com/reiterarchitecture)

On Wednesday, February 21, 2018, 4:17:51 PM EST, Ann Machado <[amachado@portlandmaine.gov](mailto: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](mailto: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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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.

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.

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## Fwd: Greater Portland Landmarks Comments on Munjoy Hill Discussions and Confirming Rescheduled Meeting March 22

1 message

---

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

Mon, Mar 19, 2018 at 8:29 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: **Hilary Bassett** <[hbassett@portlandlandmarks.org](mailto: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](mailto:jlevine@portlandmaine.gov)>  
Cc: Deb Andrews <[DGA@portlandmaine.gov](mailto: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 24<sup>th</sup>.

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](mailto:hbassett@portlandlandmarks.org)

[www.portlandlandmarks.org](http://www.portlandlandmarks.org)

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 Letter to Jeff Levine 03162018 FINAL.pdf  
539K

Dear Jeff,

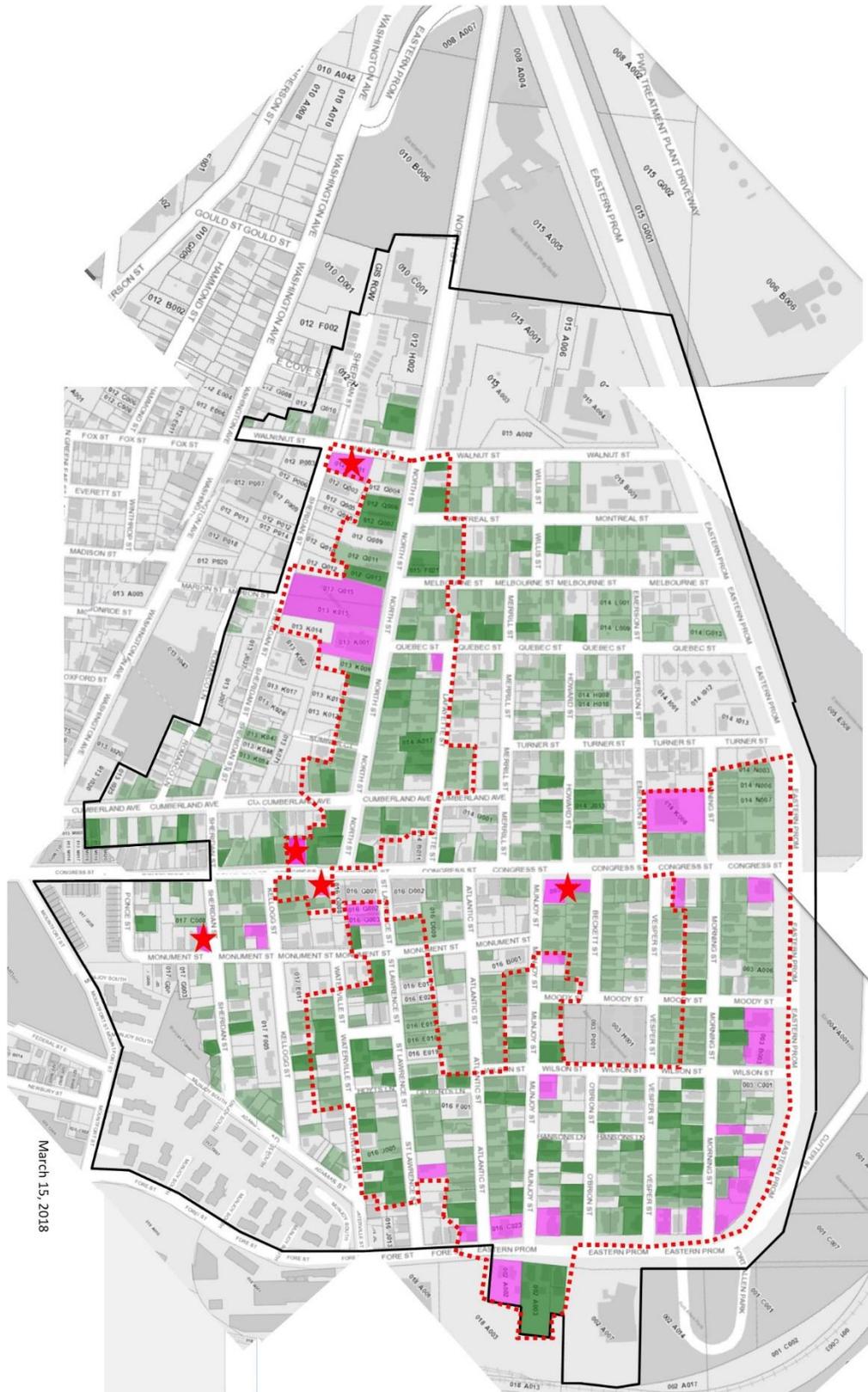
Greater Portland Landmarks appreciates the time and effort you and the Planning Department staff are spending in addressing the R6 zoning challenges within the Munjoy Hill neighborhood. In anticipation that your recommendations to the Planning Board will address dimensional standards, design standards, 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.



March 15, 2018

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## Fwd: R6 zoning issues

1 message

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

Mon, Mar 19, 2018 at 8:31 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: **Bryce Avallone** <bryce.avallone@gmail.com>  
Date: Sun, Mar 18, 2018 at 3:45 PM  
Subject: R6 zoning issues  
To: [jlevine@portlandmaine.gov](mailto: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

Portland, ME 04101

tel: 617 504-5422

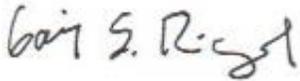
email: ringelgail@gmail.com

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,

A handwritten signature in black ink that reads "Gail S. Ringel". The signature is written in a cursive, slightly slanted style.

Gail Ringel

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## Fwd: R6 input

1 message

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

Wed, Mar 7, 2018 at 1:22 PM

For the Munjoy Hill file.

Jeff Levine, AICP  
Director  
Planning & Urban Development Department  
389 Congress Street 4th Floor  
Portland, Maine 04101  
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@portlandplan

----- Forwarded message -----

From: **Markos Miller** <[markossmiller@hotmail.com](mailto:markossmiller@hotmail.com)>  
Date: Wed, Mar 7, 2018 at 9:02 AM  
Subject: R6 input  
To: Jeff Levine <[jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov)>, Belinda Ray <[bsr@portlandmaine.gov](mailto: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 to 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 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

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## Fwd: Munjoy Moratorium Listening Sessions

1 message

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

Fri, Mar 9, 2018 at 9:16 AM

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

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## Fwd: Munjoy Hill

1 message

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

Tue, Mar 13, 2018 at 4:58 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: **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 loosing 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

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

Wed, Mar 14, 2018 at 1:05 PM

For Munjoy Hill file.

Jeff Levine, AICP  
Director  
Planning & Urban Development Department  
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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](mailto:bsr@portlandmaine.gov), [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov), [kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov),  
[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov), [bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov),  
[sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov), [pali@portlandmaine.gov](mailto: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

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 **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](mailto: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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CONTACT: • NICK ESTES • 207-671-7405 • [nick@estescustombuilders.com](mailto:nick@estescustombuilders.com)

UNIT #1    UNIT #2    UNIT #3



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		
<i>Residential Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
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.

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## Fwd: Response To Residents" For Responsible R-6 Reform

1 message

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

Wed, Mar 14, 2018 at 9:05 AM

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](mailto: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](mailto:bsr@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov), [kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov),  
[nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov),  
[estriling@portlandmaine.gov](mailto:estriling@portlandmaine.gov), [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov)  
Cc: Wayne Valzania <[Wayne@redhookdesignalliance.com](mailto:Wayne@redhookdesignalliance.com)>, [jay.norris@munjoyhill.org](mailto:jay.norris@munjoyhill.org), Karen Snyder  
<[Karsny@yahoo.com](mailto:Karsny@yahoo.com)>

Portland City Councilors

In response to the recently published article by Residents For Responsible R-6 Reform ( <https://www.responsibler6.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-

wall 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](#)

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**Fwd: MUNJOY HILL**

1 message

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

Tue, Mar 20, 2018 at 12:31 PM

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  
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@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 long time residents of Portland and the surrounding towns with Alison having been born in Cape Elizabeth. We love the walk-ability and multi-cultural 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 21<sup>st</sup>

century. These sightings 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 21<sup>st</sup> 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

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## Fwd: Munjoy Hill zoning

1 message

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**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  
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: 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**

Lauren J. Reiter, RA, LEED AP

[laurenjreiter@yahoo.com](mailto:laurenjreiter@yahoo.com)

cell. 917.502.2225 / tel. 207.359.2300

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Brooklin office: P.O. Box 275, Brooklin, ME 04616

[www.facebook.com/reiterarchitecture](http://www.facebook.com/reiterarchitecture)

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## Fwd: R-6 zoning on Munjoy Hill

1 message

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

Wed, Mar 21, 2018 at 1:43 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: **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](mailto:planningboard@portlandmaine.gov), Belinda Ray <bsr@portlandmaine.gov>, [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov), [kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov), [nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov), [jcosta@portlandmaine.gov](mailto:jcosta@portlandmaine.gov), [estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov), [info@munjoyhill.org](mailto: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

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Peter Macomber <pbm@macomber.com>

Mar 21, 2018 1:30 PM

Posted in group: **Planning Board**

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

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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 6	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 C006001	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 C010001	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 M002001	BASS PETER L 30 DANFORTH ST # 213 PORTLAND ME 04101	70 MERRILL ST	OFFICE & BUSINESS SERVICE
014 E008001	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.

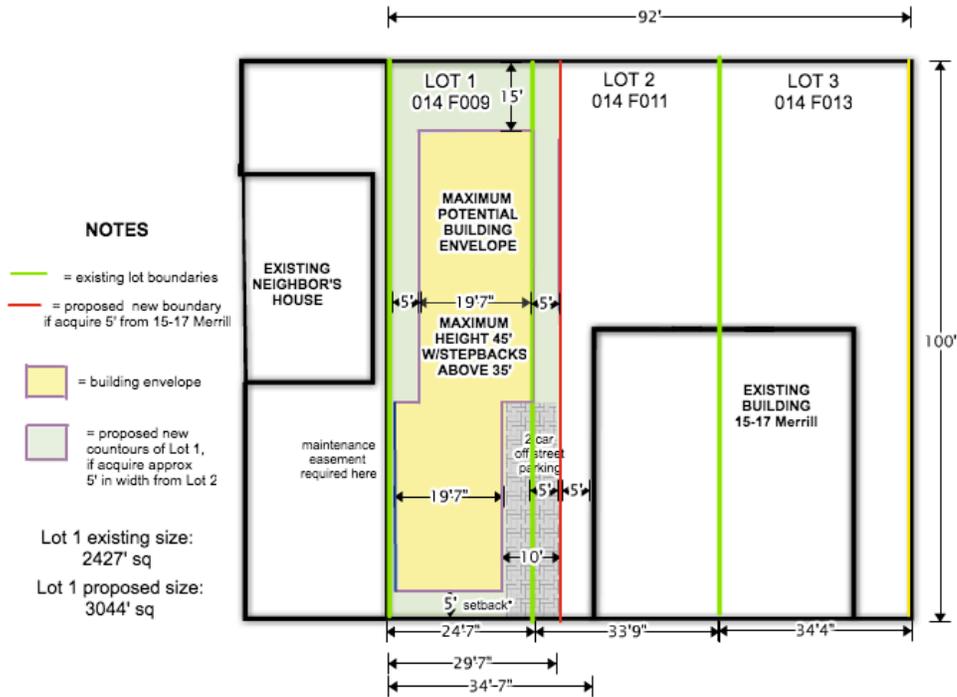
The R-6 principles of infill provide:

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.)

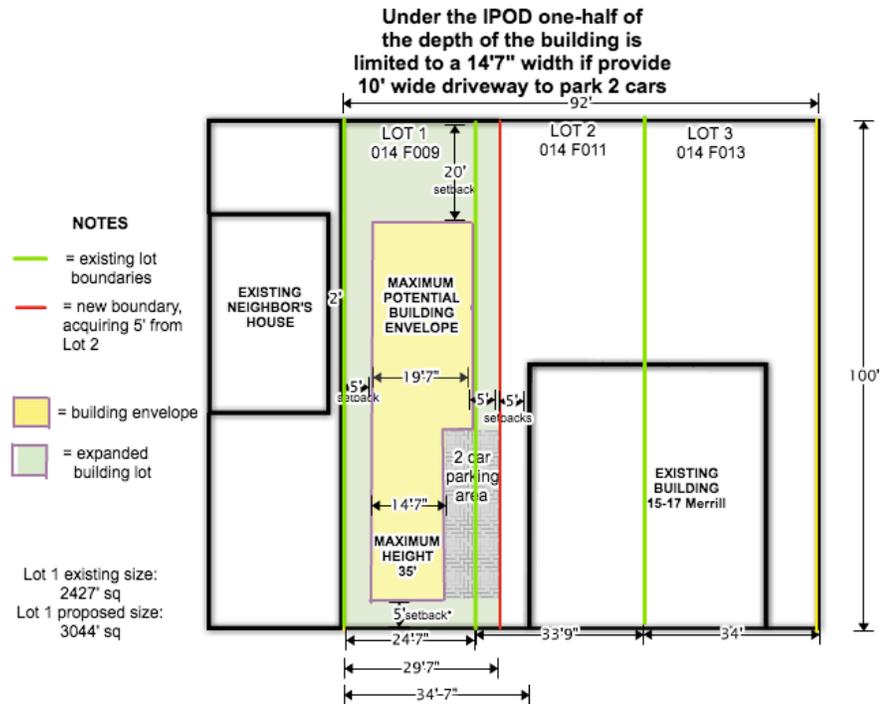
The following is a draft site plan using the hoped-for 30’ width and complying with the 2015 – 2017 R-6 regulations.

**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 prevents 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 easements 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 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 1<sup>st</sup> 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.

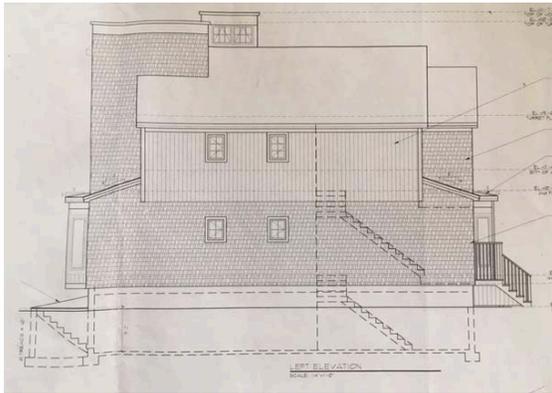
One of the purposes of the 2015 revisions was to provide residents of the R-6 with the opportunity to make improvements to their homes. The March 10, 2015 Planning Board Report (p. 8) explains the significance of the relaxation of some dimensional requirements for current residents:

The changes to lot coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing

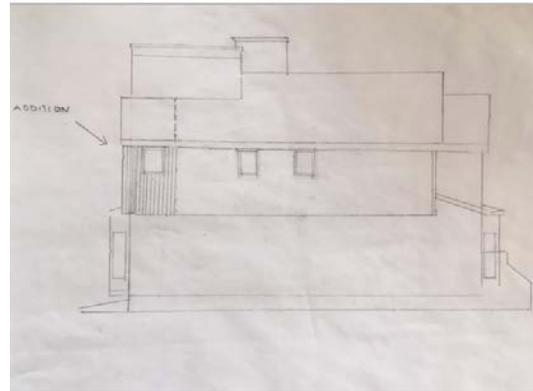
small additions, decks, or accessory structures to be built where they are currently now allowed, allowing greater flexibility for existing properties and also allowing for the possibility of existing neighborhood patterns to be replicated.

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 1<sup>st</sup> 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.

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**Fwd: brief comment**

1 message

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

Fri, Mar 23, 2018 at 8:25 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: Thu, Mar 22, 2018 at 9:57 PM  
Subject: brief comment  
To: [jlevine@portlandmaine.gov](mailto: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

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## Fwd: feedback about Munjoy Hill historical designations

1 message

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

Fri, Mar 23, 2018 at 8:25 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  
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<http://www.portlandmaine.gov/planning>  
@portlandplan

----- 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

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## Fwd: Munjoy Hill Neighborhood

1 message

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**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  
Planning & Urban Development Department  
389 Congress Street 4th Floor  
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@portlandplan

----- 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

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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.

Jeff Levine, AICP  
Director  
Planning & Urban Development Department  
389 Congress Street 4th Floor  
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@portlandplan

----- 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

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**Fwd: East End-**

1 message

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

Fri, Mar 23, 2018 at 10:13 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: **Debby Murray** <debbym@zwi.net>  
Date: Fri, Mar 23, 2018 at 9:46 AM  
Subject: East End-  
To: [jlevine@portlandmaine.gov](mailto: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

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 **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](mailto:debbym@gwi.net)

207 653-5143 Cell

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## Fwd: Munjoy: Historical Designation Question

1 message

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

Fri, Mar 23, 2018 at 11:50 AM

For the Munjoy Hill file.

Jeff Levine, AICP  
Director  
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@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

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## Fwd: Munjoy Hill Zoning Changes

1 message

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

Fri, Mar 23, 2018 at 5:18 PM

For the Munjoy Hill file.

Jeff Levine, AICP  
Director  
Planning & Urban Development Department  
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@portlandplan

----- Forwarded message -----

From: **Laurie Hanley** <lbhanley@mac.com>  
Date: Fri, Mar 23, 2018 at 5:10 PM  
Subject: Munjoy Hill Zoning Changes  
To: [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov), [bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov), [jduson@portlandmaine.gov](mailto:jduson@portlandmaine.gov), [pali@portlandmaine.gov](mailto:pali@portlandmaine.gov),  
[kcook@portlandmaine.gov](mailto:kcook@portlandmaine.gov), [nmm@portlandmaine.gov](mailto:nmm@portlandmaine.gov), [bbatson@portlandmaine.gov](mailto:bbatson@portlandmaine.gov), [sthibodeau@portlandmaine.gov](mailto:sthibodeau@portlandmaine.gov),  
[estrimling@portlandmaine.gov](mailto:estrimling@portlandmaine.gov)  
Cc: [info@munjoyhill.org](mailto: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



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## Fwd: Demolition

1 message

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

Sat, Mar 24, 2018 at 8:43 AM

For the Munjoy Hill file.

Jeff Levine, AICP  
Director  
Planning & Urban Development Department  
389 Congress Street 4th Floor  
Portland, Maine 04101  
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@portlandplan

----- 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

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## 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

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**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  
Director  
Planning & Urban Development Department  
389 Congress Street 4th Floor  
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@portlandplan

----- 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@portlandmaine.gov" <estrimlig@portlandmaine.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@portlandmaine.gov" <pali@portlandmaine.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

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## Fwd: Munjoy Hill Planning

1 message

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

Tue, Mar 27, 2018 at 8:49 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: **Stephen Gaal** <[steve@gaal.com](mailto:steve@gaal.com)>  
Date: Sun, Mar 25, 2018 at 12:27 PM  
Subject: Munjoy Hill Planning  
To: [jlevine@portlandmaine.gov](mailto:jlevine@portlandmaine.gov), "[bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov)" <[bsr@portlandmaine.gov](mailto:bsr@portlandmaine.gov)>  
Cc: Wendy Gaal <[wendy@gaal.com](mailto: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](mailto: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."

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## Fwd: R-6 Munjoy Hill overlay

1 message

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**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

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## Fwd: Munjoy Hill

1 message

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

Tue, Mar 27, 2018 at 8:52 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: 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](mailto:laurenreiter@yahoo.com)  
cell. 917.502.2225 / tel. 207.359.2300

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Brooklin office: P.O. Box 275, Brooklin, ME 04616  
[www.facebook.com/reiterarchitecture](http://www.facebook.com/reiterarchitecture)*

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## Fwd: Munjoy Hill proposed historic district designation

1 message

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**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  
Director  
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@portlandplan

----- Forwarded message -----

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

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## Fwd: Munjoy Hill We the People Who Are the Community

1 message

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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  
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: **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](mailto:balsamique@live.com)

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## Fwd: Thank you and suggestion

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

Thu, Mar 29, 2018 at 3:13 PM

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  
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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

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## Fwd: Suggestions for the demolition piece R6 Overlay

---

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

Tue, Apr 3, 2018 at 3:27 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: **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



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## Fwd: East End zoning

---

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

Wed, Apr 4, 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: **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](mailto: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?

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

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

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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

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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  
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.  
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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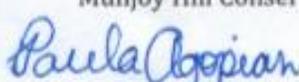
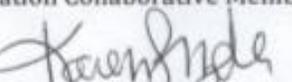
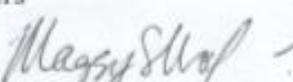
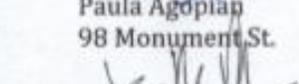
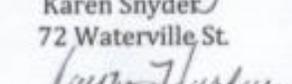
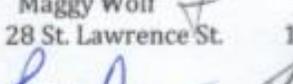
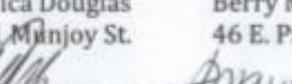
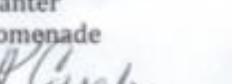
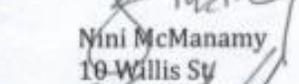
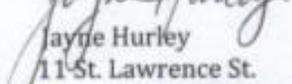
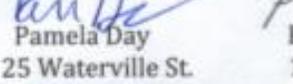
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Respectfully,  
Munjoy Hill Conservation Collaborative Members

 Paula Agopian 98 Monument St.	 Karen Snyder 72 Waterville St.	 Maggy Wolf 28 St. Lawrence St.	 Tica Douglas 11 Munjoy St.	 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 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

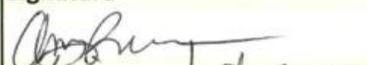
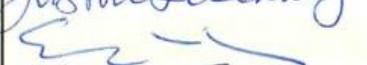
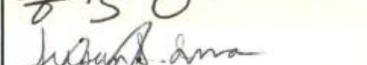
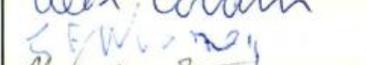
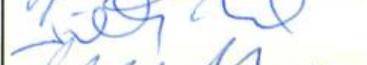
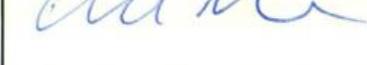
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

**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 Por
4 ERNA Koch		81 VESPER ST Pkld 04101
5 Collin McRann		79 Vesper street 04101
6 Tania Briceno		79 Vesper St. 04101
7 Susan Inman		81A Vesper St. 04101
8 Steven Inman		81A Vesper St Portland 04101
9 JOHN PITCHER		83 Vesper St
10 Alex Corcoran		83 Vesper St
11 Ed Mowrey		77 Vesper St
12 Nicholas Miraflores		66 Kellogg St.
13 Jeni Deaves		439 Cumberland Ave
14 Rachel Gips		77 Vesper St
15 Tim Friel		95 Morning St
16 Courtney Zorella		11 Moody St
17		
18		
19		
20		

## Petition: After Munjoy Hill Moratorium Ends June 2018

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Name	Signature	Address
21 Enoch WENSTROM		88 Beckett #1
22 Gai Wenstrom		88 Beckett St. Portland
23 Colin Winsor		88 Beckett # 2 Portland
24 Briar Pellehee		88 Beckett St #3 Portland
25 Amber Trospen		71 Beckett St. #2 Portland
26 Sam Lambert		85 Beckett St
27 Simon Rucher		85 Beckett St.
28 Catherine Waycote		91 Beckett St
29 Carolann Murray		91 Beckett St
30 Path Sheehy		95 Beckett St
31 Sarah H. White		44 Wellstone DR
32 <del>Jack</del>	<del></del>	<del>99 Beckett St</del>
33 Egon Muller		95 Beckett St
34 Mark Winters		98 Beckett St
35 PAUL RODRIGUEZ		98 Beckett St.
36 Christine George		2 River Pines 04074
37 Amalia Laback		23 North #3 Portland ME
38 Benjamin Mason		87 Munjoy St. #1 Portland
39 Heather Bruce		82 Munjoy St
40 Carrie Ryba		65 Wilson St
41 Jan-Mari Lundholm		49 Orion St #1
42 Ted Conner		52 Nundy St
43		95 Munjoy St
44		

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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 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

Name	Signature	Address
45 Bryn Arbuckle		92 Beckett St. # 3
46 Eric Krohn		54 Maudy St. Portland
47 JOE KIEVITT		74 Munjoy St.
48 Amy Stratford		72 Munjoy St
49 Jill Kaufman		66 Munjoy St. #2
50 Nina B		76 Wilson St
51 Deb Taheri		26 Munjoy St
52		20 Munjoy St
53 <del>Ulysses E. McLaughlin</del>		
54 <del>Mary S. Douglas</del>		
55 Martica Douglas		11 Munjoy St.
56 Jessi Christian		27 Munjoy St.
57 Thomas Cappadona		58 Wilson #1
58 Kurt Demand		55 O'Brien #1
59 Andrea Summers		45 O'Brien St
60 JANE S. ROWE		45 Wilson Unit 4 Portland
61 <del>Richard A. Bramley</del>		45 Wilson unit 4 Portland
62		
63 Deb Parnish		42 Maudy #3 Portland
64 LINCOLN PAINE		150 EASTERN PROM. Portland
65 Allisa Binz		150 Eastern Prom Portland
66 Ruth Freeman		64 Vesper St Portland
67 Cecilia Ziko		62 Vesper Portland
68 Joseph Nation		86 Congress St. Portland
69		

## 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
70		14 Tule St
71		72 Waterville
72		51 Monument St
73		43 Monument St.
74		12 Monument St
75		94 Saint Lawrence St
76		71 Melbourne St
77		105 Congress St, #3.
78		105 Congress St.
79		46 Howard St Apt 7
80		100 Congress Street Apt 1
81		172 E. Prom
82		81 St. Lawrence St #4
83		73 Waterville St
84		72 Waterville St #1
85		72 Waterville St, #1
86		72 Waterville St #2
87		72 Waterville St #2
88		24 Elm St
89		13 Forest Park
90		68 Quebec St.
91		85 Vesper St.
92		75 Congress St.
93		68 Quebec St
94		

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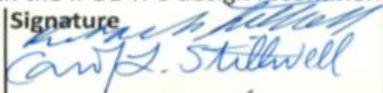
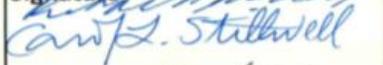
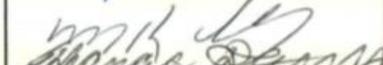
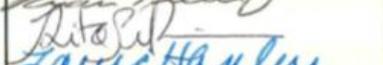
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	Name	Signature	Address
95	RICHARD STILLWELL		20 ST. LAWRENCE ST. 20 ST. LAWRENCE ST.
96	CAROL L. STILLWELL		
97	Mary Kathryn Connolly		100 North St. Portland
98	Thomas O'herty		100 North St Portland
99	Edyze Schwarczky		100 NORTH ST PORTLAND
100	Evan PIERCE		106 NORTH ST. PORTLAND, ME
101	Rita Pierce		
102	Laurie Hanley		118 Congress St. #302 Portland
103	Judith Sobul		180 Galmouth ST #203
104	Solange Kellermann		48 Howard St. Portland
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Name	Signature	Address
120 Regina Langley		54 Turner St.
121 ALLAN HORNEMAN		58 Turner St.
122 Paul Gross		44 Howard St.
123 Tracey Madigan		33 Harvard St
124 Alex J. Ryan		48 Emma St
125 David Nalstead		24 Emerson St.
126 TONYA BRASSARD		54 Turner Street.
127 MICHAEL BRASSARD		54 TURNER ST
128 Stuart Lambert		36 Gilman ST 04102
129 Katelyn Kniffin		54 Turner St
130 Charles Jackson		138 Pine St. Apt #4 Portland ME 04102
131 Patrick Bartley		54 Turner St
132 Jessica Place		54 Turner St #1 Portland, ME
133 Dan Basier		54 Turner St #1 Portland, ME
134 MARK W. CASHIN		27 MORNING ST #4 PORTLAND, ME
135 Anna K. Bolton		35 Merrill St. Portland, ME
136 Janel Seabell		29 Emma St Apt 1 ME
137 J. J. J. J.		15 Munjoy Street #2
138 Sarah Anderson		27 Morning St #4
139 CHAISTYLE KILBY		54 Turner St -
140 Colin Franklin		54 Turner St.
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Name	Signature	Address
145 Jayne Hurley		11 St. Lawrence St.
146 Peter Macomber		4 ST LAWRENCE ST
147 Pam Macomber	Margaret P. Macomber	4 St. Lawrence St
148 Jennifer Marrone		48 Monument St
149 Carlos Bracerias		35 St Lawrence St
150 <del>Eric</del> Morgan McCormack		36 St. Lawrence St
151 Mark K. Holden	Mark K. Holden	37 St. Lawrence St
152 Emma Cassat		57 St Lawrence St
153 Stephen Benenson		50 St Lawrence St
154 David Kern Edm		81 ST. LAWRENCE ST
155 Judith Lambert	Judith Lambert	61 St. Lawrence St
156 Knitery Lape	Knitery & Lape	71 St. Lawrence St.
157 Matthew Anderson	Matthew Anderson	41 Monument St.
158 Missy Mulhern	Missy Mulhern	59 Saint Lawrence St
159 Eric Smith		59 St. Lawrence
160 Lina Juczkowski		52 Atlantic St.
161 Betsy Elm	Betsy Elliman	23 Erasin
162 Katie Taguland	Katie Taguland	44 St Lawrence
163 Maxine Wright		29 St. Lawrence St.
164		
165 Cynthia I. Bartlett	Cynthia I. Bartlett	16 St Lawrence St #2 Portland
166 Benjamin A. Ryan	Benjamin A. Ryan	2 Atlantic St #2 Portland
167 <del>Benjamin A. Ryan</del>	HEATHER Abt	6 Atlantic St.
168 Bernard Moore - SanRaul	Kathleen Riley	33 Atlantic St.
169 Bernard Moore		37 Atlantic St

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Name	Signature	Address
170 ERIC WENSTROM	ERIC WENSTROM	78 BECKETT ST
171 Sarah Moineau	Sarah Moineau	83 Beckett St. #3 Portland, ME
172 Shelley Brown	Shelley Brown	87 Munjoy St #3
173 Samuel deBruin	Samuel deBruin	83 Beckett St #2
174 Megan Suteland	Megan Suteland	83 Beckett St. #1
175 David Sk	David Sk	25 Phillips Falmon
176 Rebekah Crabtree	Rebekah Crabtree	46 Vesper #1 Portland ME
177 Richard Santos	Richard Santos	31 O'Brien
178 Emily Cushman	Emily Cushman	51 Moody St #3
179 Izell Pedersen	Izell Pedersen	76 Beckett St #2
180 Emma Milk	Emma Milk	54 Sheldahl St #2
181 JEFF CRANE	Jeff Crane	119 MORNING ST APT B
182 WILLIAM M. FONDE	William M. Fonde	57 BRACKETT ST #3
183 AMOR FONDE	Amor Fonde	190 EASTERN PROMENADE
184 BRENDAN CARPENTER	Brendan Carpenter	166 F WASHBURN AVE
185 Jordan Moody	Jordan Moody	18 Florida Ave
186 Dan	Dan	60 Monument St #1
187 REBECCA	Rebecca	31 Vesper St #1
188 Betsy Hensley	Betsy Hensley	39 Quebec St.
189 Margaret Silsby	Margaret Silsby	45 Congress St.
191 Jessiel Hart	Jessiel Hart	58 Nade St
192 Keith Wiggins	Keith Wiggins	476 Congress
193 Thomas Pritz	Thomas Pritz	22 Prospect St
194		419 Cumberland

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Name	Signature	Address
195 Snjerana Holman	<i>Snjerana Holman</i>	3 Munjoy South
196 Kendal Anderson	<i>Kendal Anderson</i>	41 Waterville St. Portland ME
197 Robert Gorman	<i>Robert Gorman</i>	41 Waterville St Apt. 4
198 Michael C. Connolly	<i>Michael C. Connolly</i>	36 Waterville St. #4
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 Irez Braberas	<i>Irez Braberas</i>	35 of Lawrence st
205 Sam Deeran	<i>Sam Deeran</i>	646 Washington Ave
206		
207 Kaiti Pugh	<i>Kaiti Pugh</i>	28 Waterville St.
208 Pamela Day	<i>Pamela Day</i>	25 Waterville St.
209 Bryon Fortin	<i>Bryon Fortin</i>	40 Waterville St.
210 Nicolij Betti	<i>Nicolij Betti</i>	40 Waterville St.
211 Deirdre Douglas	<i>Deirdre Douglas</i>	70 Waterville St.
212 Michael Pelt	<i>Michael Pelt</i>	25 Waterville
213 Joane E. Britton	<i>Joane E. Britton</i>	104 Winter St. Apt. 1
214 Joe Guglielmetti	<i>Joe Guglielmetti</i>	44 Waterville St. Apt 1
215 Brian Golan	<i>Brian Golan</i>	7 Waterville St 1C
216 Richard Kaplan	<i>Richard Kaplan</i>	"
217 Jenn Dove	<i>Jenn Dove</i>	28 Waterville St
218		
219		

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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 Steingasser	<i>Martin Steingasser</i>	10 Willis Street
224 Margaret Hillman	<i>Margaret Hillman</i>	9 Willis St
225 Santo Peter Danatelli	<i>Santo Peter Danatelli</i>	111 Congress Street
226 Shulanith Bonham	<i>Shulanith Bonham</i>	80 Melbourne St
227 Thomas Puccini	<i>Thomas Puccini</i>	80 Melbourne St
228 SUSAN SHAW	<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. Baracoa	<i>Douglas H. Baracoa</i>	16 Montreal St
232 LIANE C BILLINGS	<i>Liane C Billings</i>	42 MONTREAL ST
233 Kevin Johannon	<i>Kevin Johannon</i>	41 Montreal St.
234 Amy Bishell	<i>Amy Bishell</i>	48 Montreal St.
235 Deborah Cole	<i>Deborah Cole</i>	71 Walnut St
236 CHARLES C SUBBAY JR	<i>Charles C Subbay Jr</i>	65 Melbourne St
237 Rita M Subbay	<i>Rita M Subbay</i>	65 Melbourne St.
238 Ann Deutsch	<i>Ann Deutsch</i>	64 Melbourne St
239 Beth Patricia - Brudett	<i>Beth Patricia - Brudett</i>	52 Melbourne St
240 Joel Chapman	<i>Joel Chapman</i>	33 Melbourne St
241 Marianne J. Chapman	<i>Marianne J. Chapman</i>	33 Melbourne St
242 David Brackott	<i>David Brackott</i>	52 Melbourne St
243 Sarah Ogan	<i>Sarah Ogan</i>	54 Walnut St
244 JEAN McMANAMY	<i>Jean McManamy</i>	10 Willis St

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245 MARCIE E. YOUNG		53 Melbourne St
246 James D. Smith		Portland, Maine
247 <del>Megan E. Connolly</del>	<del></del>	69 Merrill St Portland, ME
248 Megan E. Connolly		41 Montreal St Portland
249 Lydia Savage		19 Melbourne #1 Portland
250 Hayrayne Carroll		31 North St
251 Sammy Hargis		65 Quebec St - Ptd, Me
252 Barbara Linahan Smith		62 Melbourne St, Portland, Me
253 E Terrance Smith		62 Melbourne St, Portland
254 Bennett Moran		65 Waterville St #2
255 Kamina Najner		65 Waterville St #2
256 Jane Bryler		89 Morning St
257 Jessica Hovey		73 Congress Street Apt 2
258 KRIS JOHNSON		73 Congress St.
259 Shara Swenson		29 Emerson St. #2
260 Ian Swenson		29 Emerson St. #2
261 Elizabeth Kleece		87 Pine St. #2
262 Sarah Demarest		52 Atlant. Ct #2
263 Kelly Mascote		71 Melbourne #21
264 Richard A. Salinas		71 Melbourne #1
265 Anna Meding		6 Clumber Ave #1
266 Keith W. Welch		89 Vesper St. #3
267 Coner M. Quinn		63 Melbourne St. #3
268 Leo Steven Clark		19 Montreal St apt 3
269		

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271 George Carhart		7 Lafayette St Portland ME 04101
272 Uschi Carhart		7 Lafayette Street Portland ME 04101
273 Michaela Conner		27 Lafayette St. Portland
274 Debra Casey		45 Quebec St Portland
275 MICHAEL KILGUS		93 ATLANTIC ST PORTLAND
276 Sherri Hughes		93 Atlantic St. Portland
277 MARTICA SAWIN		28 ST. LAWRENCE PORTLAND
278 Maggy Sawin		28 ST. LAWRENCE PORTLAND
279 Aaron Murray		40 St Lawrence "
280 Amende Poirer		43 St Lawrence St 1B
281 Katarina		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 Jonat Egan		63 vesper st.
288 JESSICA BULL		13 Emerson # 305
289 Angel 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. Portland

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295 Kathleen M. Philbin	<i>Kathleen M. Philbin</i>	45 Eastern Prom 6J Port.
296 DEREK CAMPBELL	<i>Derek Campbell</i>	45 Eastern Prom 6J Port
297 SUSAN TURZEN	<i>Susan Turzen</i>	45 Eastern Prom apt 6K
298 Charlotte Fullam	<i>Charlotte Fullam</i>	45 Eastern Prom - 7th
299 Sandra H Child	<i>Sandra Child</i>	43 Quebec St.
300 JAMES BORAS	<i>James Boras</i>	23 ENNS ST #3
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. Mitty	<i>Sarah C. Mitty</i>	45 E. Promenade 3K
304 Jean Fields	<i>Jean Fields</i>	45 E. Prom. 1 64
305 Ryan Lowell	<i>Ryan Lowell</i>	50 Merrill St.
306 Mary Mawhinney	<i>Mary Mawhinney</i>	90 Merrill St.
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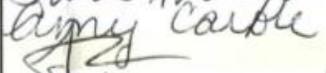
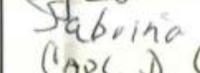
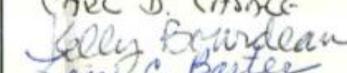
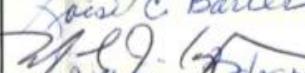
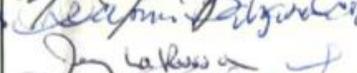
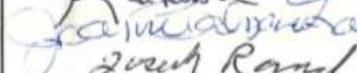
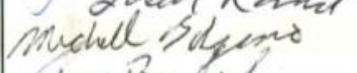
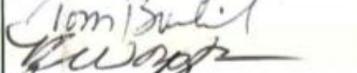
B) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 dimension recommendations and language on rooftop appurtenances.

**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
320 Sandra Flanagan		13 Waterville St.
321 Amy Carole		39 Waterville St.
322 ANDREW COOPER		39 WATERVILLE ST
323 Sabrina Casale		45 Waterville
324 Carl D. Casale		45 Waterville St
325 KELLY BOURDEAU		17 Waterville St
326 LOIS C. BARTER		55 Kellogg St
327 MICHAEL J. CAVANAGH		39 MUDJAY ST
328 Dianne Balzano		39 Munjoy St
329 Jenn Balson		66 Waterville St
330 Joseph Balzano		66 Waterville St
331 JOSEPH REND		66 WATERVILLE ST.
332 MICHAEL BALZANO		29 BANCROFT ST
333 TOM BROKISH		43 MUDJAY ST.
334 Kelly Worster		52 Monument St #3
335 Amanda Guillemette		39 Waterville Street
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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
345 John Hardy		11 Ponce St, Apt 1
346 Mary Capron		55 Mount Hope St
347 Julie Eiber		24 Shandon St
348 Kristen Steersdill		24 Shandon St
349 Sarah Aulet		80 North St
350 KRISTINE HEDTLER		" H22
351 Sarah Feibus		151 North St.
352 Melissa Smeeth		37 Saint Lawrence St
353 GAIL RINGEL		34 Lafayette St. Portland
354 TED ARNOLD		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. Schmirat		99 Atlantic Street
359 Sarah Goan		57 Walnut St.
360 MARY ROY		173 North St
361 Louise Lora Semlyo		74 Pine St, #1-5/8
362 Lynn Hallett		9 St. Lawrence
363 PATRICIA RYAN		60 Montreal St
364 Carol M. Connor		12 Montreal St
365 Judith Cutler		45 E Prom
366 PAUL E. COLE		98 Monument St.

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Name	Signature	Address
370 Mackenzie Marrie		287 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 WAJVS VALZAVIA		27 MORRILL St. PORTLAND ME
375 Cakoh Swartz		27 MORRILL St. PORTLAND ME
376 Elizabeth Fraser		81 Congress St Portland ME
377 Maureen Ray		51 Congress Portland
378 James Davis		29 MORRILL St PORTLAND ME
379 Elizabeth Farmer		81 Quebec St #5 Portland
380 Britt Knowlton		45 Merrill St
381 Kevin Brewster		68 Quebec St
382 Dawn Rice		55 Merrill St
383 Lise Illingworth		50 Quebec St
384 Marigone Malley Sampson		73 Merrill St #1
385 Scott Rezzarin		73 Merrill St #2
386 WA Rose Coetz		70 Merrill St #4
387 Jan Piribeck		145 Andover #8
389 Anne Manganello		84 Quebec St
390 Barbara Beckelman		118 Congress, #204
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Name	Signature	Address
395 Amy T. Sweeney	<i>Amy T. Sweeney</i>	160 Dole Dr. Portland, ME
396 Susan C. Mercier	<i>Susan Mercier</i>	54 Bartlett St Portland,
397 Holly Mitchell	<i>Holly Mitchell</i>	154 Yale St Portland
398 Susan Seibe	<i>Susan Seibe</i>	61 Jeanne St Portland
399 CAROL V Jenkins	<i>Carol V Jenkins</i>	18 Stoneledge Drive, PORTLAND
400 Deborah Ahlin	<i>Deborah Ahlin</i>	12 Cresfield Knave, Portlan
401 EARL IRELAND, JR	<i>Earl Ireland</i>	190 Edwards Street
402 TAE COUSINS	<i>Tae Cousins</i>	74 Munsey St
403		
404	<i>Judge Coe</i>	70 Cumberland
405 Karen Hamilton	<i>Karen Hamilton</i>	23 Vesper St
406 Barbara Goodbody	<i>Barbara Goodbody</i>	118 Congress - #301 →
407 Ellen F. Baitty	<i>Ellen F. Baitty</i>	17 Hammond St.
408	<i>Ellen F. Baitty</i>	75 NORTH ST
409 Bonnie Copton	<i>Bonnie Copton</i>	9 Waterville St - 1C
410 Cynthia Cochran	<i>Cynthia Cochran</i>	17 Hammond St
411 Pat C. Tryon	<i>Pat C. Tryon</i>	1 St. Lawrence St. B3
412 Michael Copton	<i>Michael Copton</i>	9 Waterville St. 1-C
413 Julia Kirtland	<i>Julia Kirtland</i>	234 Eastern Prom. #9
414 EDWARD CHESTER	<i>Edward Chester</i>	7 Fore St
415 Vana Carmona	<i>Vana Carmona</i>	105 North St #1
416 Nat Pendleton	<i>Nat Pendleton</i>	66 Quebec St #1
417 Steven Goodman	<i>Steven Goodman</i>	89 Morning St
418 Jeffery Minkwitz	<i>Jeffery Minkwitz</i>	340 Eastern Prom #142
419		

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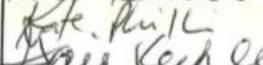
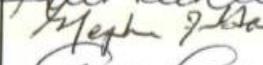
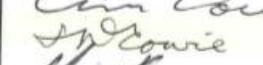
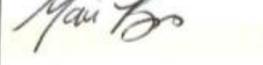
C) Update the Munjoy Hill R-6 Overlay with the IPOD R-6 design recommendations

Name	Signature	Address
420 SADDON NEILAN		29 Emerson St #5
421 CHRIS AKER LIND		44 Monument St
422 Nicholas Hu		30 Morningside St
423 Kristin Jackson		14 Monument St
424 Matt Wellington		14 Monument St.
425 Kate O'Rourke		102 Morningside St. Apt 2
426 MINDY PEREK		189 CONGRESS APT 2
427 Alex Vargas		189 Congress APT 2
428 VILL PERAZICIA		40 MELBOURNE ST
429 James PLACENIER		21 W Factor Pkwy
430 Jacob Nelpert		71. Atlas St
431 Sarah Auld		43 Munjoy St Portland
432 Nicole Elmoro		49 Sheridan St. Portland
433 Mao Ding		65 Munjoy St.
434 Gerald Shannon		73 Montfort 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 Merrill St
441 NATHAN BAUER		86 Quebec St.
442 CHARLIE FRAIR		62 ATLANTIC ST. 09101
443 Helen Lukacs		66 Cumberland Ave Apt 2
444 PETER O'DONNELL		17 MORNINGSIDE ST

**Petition: After Munjoy Hill Moratorium Ends June 2018**

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  - B) Ensure lots over 10,000 ft<sup>2</sup> follow R-6 Infill Development Design Principles and Stds 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

Name	Signature	Address
445 Mary Morse		508 Sheridan St
446 Robert Morse		208 Sheridan
447 Rae Barnes		23 Emerson #3
448 Kate Philbin		45 Eastern Prom WJ
449 GAIL KUHLETHAU		9 Adams St
450 TEPHER GAAL		176 Eastern Prom
451 Ann Cowie		32 North St. Ptl.
452 James Cowie		32 North St
453 Melissa Bois		53 MELBOURNE ST.
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Morning

# 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
467	G.R. WHITTEN		23 St. Lawrence St.
468	Lauren Peir		119 Congress # 1
469	E. Streeter		66 Quebec
470	J. Streeter		66 Quebec
471	Berry Mantel		46 E. Prom
472	Jocelyn King		46 E. Prom
473	Marcie Lister		40 E. Prom, Apt B
474	Isabel Walsh		32 Wilson St. #2
475	Evan Holliday		32 Wilson St. #2
476	MATT CAPON		42 VESPER ST # 2
477	Margaret Cummings		32 Wilson St Apt 1
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## Fwd: Munjoy Hill R-6 Recommendations

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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@gwi.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@gwi.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@gwi.net](mailto:pmurray@gwi.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

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Pamela Day <pday2304@gmail.com>

Apr 6, 2018 6:35 PM

Posted in group: **Planning Board**

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

## 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



# Memorandum

## Planning and Urban Development Department

### Planning Division

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**To:** Chair Dundon and Members of the Portland Planning Board

**From:** Caitlin Cameron, Urban Designer

**Date:** April 6, 2018

**Re:** **April 10<sup>th</sup> 2018 Planning Board Workshop**  
Level III Site Plan  
126 room extended-stay hotel/parking development, 203 Fore Street (#2017-245)  
Chatham Portland DT LLC, Richard Mielbye, Applicant

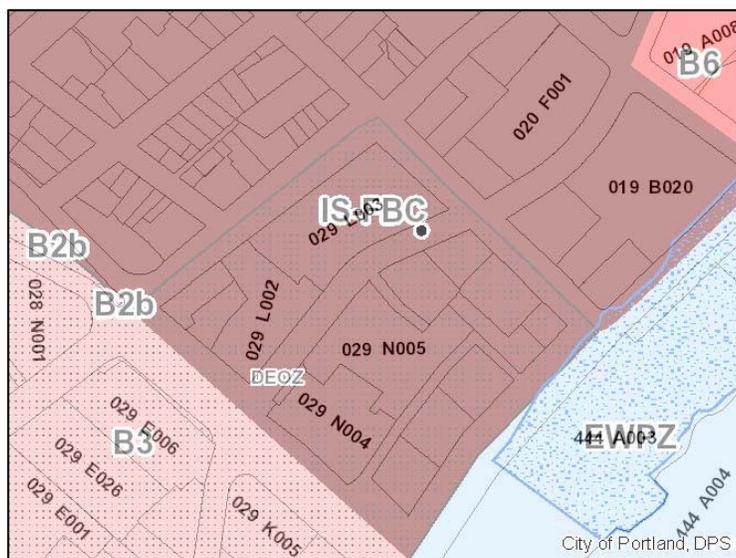
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### I. INTRODUCTION

Chatham Portland DT LLC has submitted a Level III Site Plan application for a hotel project on India Street between Middle and Fore streets in the heart of the India Street neighborhood. The proposal is for a four to six story single building of 126 extended-stay hotel rooms, a rooftop bar, and guest amenities such as a dining room and coffee bar. A 120-space valet parking structure is proposed in the middle of the parcel – there are two decks, one structured and one surface parking level facing Middle Street. The project is located on a sloped site that overlooks the harbor; and is located in the IS-FBC zone (UA and UT subdistricts) and within 100 feet of the India Street Historic District but does not apply in this case.

The applicant is seeking the Board's input, in particular, on the design and zoning waiver requests before proceeding to a final plan submission.

This Workshop was noticed to 261 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on November 27<sup>th</sup> and 28<sup>th</sup> 2017. The applicant held a Neighborhood Meeting on November 15<sup>th</sup> 2017 and the notes are included in Attachment I. The Planning Division has received seven emails from residential neighbors (PC 1-7). Comments from neighbors are primarily concerned with parking, traffic, and maintaining green space and pedestrian amenities. There are some concerns about noise from the rooftop bar. An additional letter (PC6) calls attention to the need for construction management review and impacts of construction on the neighborhood.



Applicant: Chatham Portland DT LLC (represented by Richard Mielbye, Miel's Development Group)  
Agent and Legal Counsel: Bernstein Shur (Mary Costigan)  
Architect: DLR Group (Dustin Kurle)

Required reviews and requested waivers:

<b>Applicant's Proposal</b>	<b>Applicable Standards</b>
New construction over 50,000 sf	Level III Site Plan Review and ISFBC UA/UT Design Review
New construction over 50,000 sf	Traffic Demand Management
More info needed – trip generation	Traffic Management Permit – 100 trips threshold
<b>Waivers</b>	<b>Citation</b>
Building Orientation: Request to orient to UT street rather than UA street	14-275.7 Subdistrict Dimensional Requirements: Corner cond.
Building Entries: Request to provide elevated stoop on India due to grade change	14-275.7 Subdistrict Dimensional Requirements: UA

**II. PROJECT DATA**

<b>SUBJECT</b>	<b>DATA</b>
<b>Total area of the site</b>	47,473 sq ft
<b>Total Disturbed Area</b>	47,473 sq ft
<b>Existing Zoning</b>	ISFBC (UT, UA)
<b>Existing Use</b>	Surface parking for neighboring hotel
<b>Proposed Use</b>	Hotel, restaurant, coffee shop, parking
<b>Impervious Surface Area</b>	
--Existing	20,251 sq ft
--Proposed	37,952 sq ft
--Net Change	17,701 sq ft
<b>Building Footprint</b>	
--Existing	0 sq ft
--Proposed	13,576 sq ft (upper level)
--Net Change	13,576 sq ft
<b>Building Floor Area</b>	
--Existing	0 sq ft
--Proposed	98,746 sq ft (including garage)
-Net Change	98,746 sq ft
<b>Proposed Room Mix</b>	
-Queen Studio	92
-Queen Studio Connecting	18
-Queen Studio Accessible	16
<b>Parking Spaces</b>	120 (93 existing; 12 condo spaces)
<b>Bicycle parking Spaces</b>	22 (none existing)
<b>Estimated Cost of the project:</b>	Not provided

**III. EXISTING CONDITIONS**

This site is within the India Street neighborhood and has frontage on three streets – India, Middle, and Fore Street. The development site is Lot 2, one of two parcels in common ownership. Lot 1 is occupied by a six-story building occupied by the Hampton Inn, Sebago Brewing restaurant and bar, and 12 condominiums. Several new buildings have recently been completed or are under construction around this site – two new mixed-use projects on India Street a block away, and two recently completed buildings across India Street next to the Ocean Gateway Garage. These new buildings are quickly defining the India Street character and streetscape.

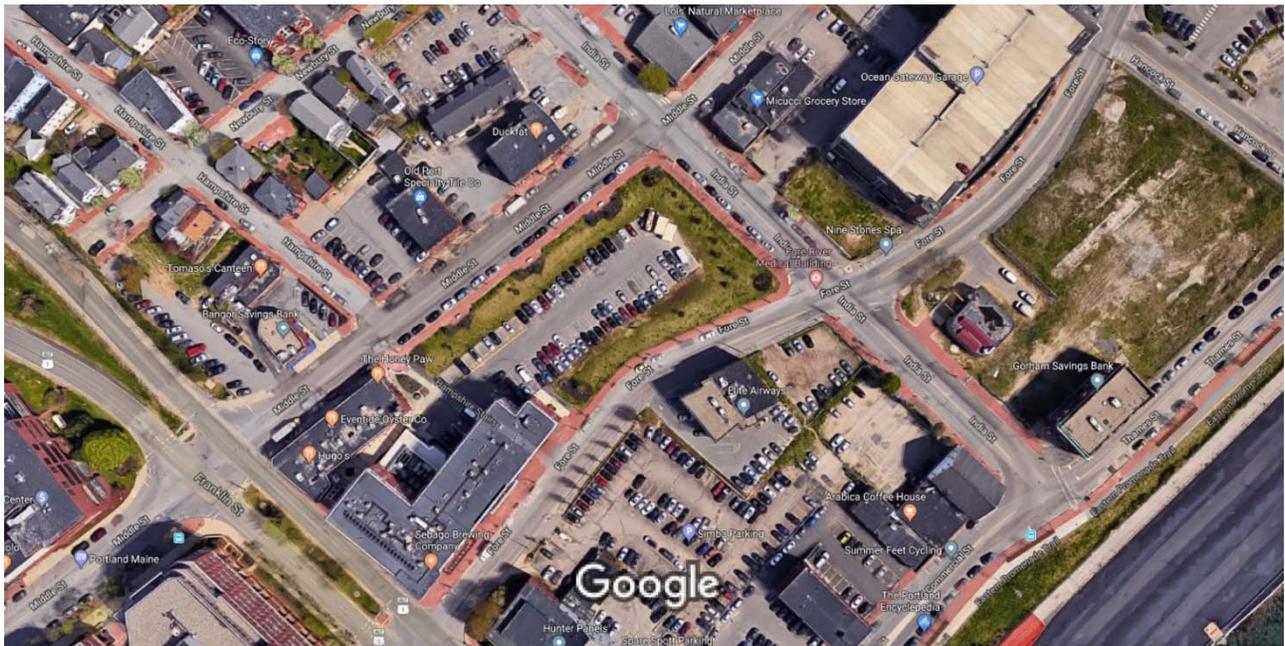
The site is within the India Street Form-based Code zone and at a prominent corner. India and Middle streets are designated as Urban Active (UA) zoning subdistricts which emphasizes active frontage with

the intent of strengthening these main streets with a strong street wall, active frontage and sidewalks, and mixed-uses. Fore Street has an Urban Transitional (UT) zoning designation that allows for up to six stories and longer buildings.

The parcel is across the street from the India Street Historic District. However, the so-called 100' rule does not apply in this case and new development on this site is not subject to historic review. Buildings on this site will be part of historic streetscapes of India and Middle streets and the zoning and design standards emphasize contextuality in order to create a congruent and cohesive streetscape.

The site includes a significant grade change between Middle Street and Fore Street. This allows the proposed parking structure to be buried in the middle of the site but presents constraints on the ground floor activation on Middle and India Streets given the steep slope on India Street, which are discussed in greater detail as part of the review. The site benefits from long views to the harbor and the East End.

The development site is occupied by a surface parking lot for the adjacent lot and hotel located at 207-209 Fore Street. Both parcels are in common ownership and will share parking facilities. The existing conditions were approved under the previous zoning of B3 and a contract zone. A 35' setback was required for the surface parking and is currently occupied by landscaping, street lighting, and benches.





*View of site from India and Middle streets*



*View of site from Fore and India streets*

#### IV. PROPOSED DEVELOPMENT

The proposed hotel, including elevations and perspectives, is shown in the Plan set and described in the applicant's submittal. This image (Plan P22) shows the overall project view from India and Fore streets.



The proposal includes:

- 126 extended-stay hotel rooms
- Valet parking for 120 vehicles (two levels, structured and surface) for both Lots 1 and 2\*
- Rooftop bar open to the public
- Dining room and coffee bar for guests only
- Extended planting areas/plazas along the Fore Street and Middle Street frontage
- Required mid-block permeability

\*Parking proposal may be revised to include off-site parking, removal of the structured parking deck

The elevation below faces India Street (Plan P18). India and Middle have a four-story height maximum; Fore Street allows up to six stories. The resulting proposal includes height and massing variation.



## V. STAFF REVIEW

### A. RIGHT, TITLE AND INTEREST

The applicant has submitted the deed (Attachment B). A parking agreement for the site from 2010 is also included (Attachment C). In addition, this property includes a 30' wide public utility easement through the site – staff are still resolving the implications of the easement in relation to the parking structure proposed. The deed also restricts additional restaurants on the site greater than 3,500 sf – all dining areas proposed are less than that threshold.

The Boundary Survey needs to be updated to reflect current conditions and show the property line between the two parcels.

### B. ZONING ASSESSMENT

1. General Assessment: The proposed building and parking structure is located in the IS-FBC zone and includes two UA and one UT frontages. On UA streets there is a three-story minimum and a four-story, 50' maximum. On UT streets the height maximum is six stories and 65'. The project meets the height, setback, and mid-block permeability requirements. The proposal is taking advantage of the ability to increase the front yard setback on UA streets to 10' which will create wider sidewalks. The project seeks to use Additional Building Length provisions on Fore and India Streets. On Fore Street, the building may be up to 200' (194' proposed) in length given certain requirements which the project meets by using structured parking. On India Street, which can allow up to 150' (145' proposed), the project creates three active modules to achieve the extended building length. The project is not able to meet two of the zoning requirements and therefore two partial waivers are sought. See the Zoning Checklist for a complete analysis (Attachment 1).
2. Waiver Requests: The proposal made revisions to reduce the number of waivers requested. Currently, the project does not meet two of the zoning requirements. Waiver requests include:
  - o Building Orientation – UA orientation required, UT orientation proposed
  - o Building Entries: Stoops (India Street) – 1 step or fewer allowed, 3 steps provided

The applicant explains the need for the waiver requests in Attachment F. In all cases, the applicant claims unique site factors make the zoning requirements impractical.

The Planning Board must evaluate the waiver requests using the recently revised IS-FBC zone partial waiver provision with the following criteria (14-275.2):

1. *The intent of the IS-FBC as stated in Sec. 14.275.1 Purpose and Sec. 14-275.7 Subdistrict dimensional requirements are met;*
2. *Be the least adjustment necessary to satisfy the practical, programmatic, or functional needs of the proposed development; and*
3. *At least one (1) of the following applies:*
  - i. *The proposed zoning alternative better achieves the zone and subdistrict intents;*
  - ii. *The zone or subdistrict intent will not be met by applying the requirement in this particular circumstance;*
  - iii. *There is a legal or practical necessity or unique conditions; or*
  - iv. *Unique site factors make the zoning requirement impractical or cost prohibitive.*

3. **Staff Analysis:** Staff agree that the site has constraints – the significant grade change does create some challenges when it comes to placing entrances and active frontage. Regarding the building orientation, the hotel and parking entrance placement are determined in large part by the grades and lot dimensions. Staff recognize that the UT orientation for the hotel is a decision based on practical consideration of the lot. The fact that the proposal includes one long building on India Street exacerbates the grade change challenges, however, the applicant revised the proposal to include a retail space on the Middle/India street frontage which better meets the intent of the zoning for active ground floors on UA streets. The intent of the zone is for India and Middle streets to be active main streets and for new buildings to be human-scaled and contextual – staff feel the intent of the zone and subdistrict purpose statements are being met by the project as currently proposed.

14-275.1 Purpose: *The India Street Form-based Code is different that traditional zoning, . . . The intent of the India Street Form-based Code Zone is to establish a zoning district that encourages a vibrant, walkable, mixed-use urban district, preserves and values the existing historic neighborhood fabric, and fosters and supports local businesses and residential areas.*

14-275.7 Urban Active (UA) Subdistrict: *The intent of this subdistrict is to maintain and promote a moderate-scale, diverse, mixed-use neighborhood with vibrant streets and active ground floor spaces. Buildings are more active and engage the street at the ground level. Building frontages are transparent and entries are at a sidewalk level with frontage types including storefronts and recessed doorways. The streetscape has steady street planting, and buildings set close to the street providing a consistent street wall.*

4. **Staff Recommendations:** Staff believe that the current proposal does meet the intent for UA streets in the IS-FBC zone. The site is challenging because it is bounded by three streets and has a dramatic grade change. The proposal is successful in its design on Fore Street from a zoning and design perspective. India and Middle streets, though not the primary hotel entrance, have been treated with active program and design. Staff recommends the Board grant the two requested waivers based on site constraints.

## C. SITE PLAN STANDARDS

### 14-526 Site Plan Standards

#### **Traffic - Access, Circulation, Loading and Servicing**

The current proposal introduces two curb cuts on Lot 2. The Traffic Engineering Reviewer has also noted the following (Attachment 2):

- *A traffic study will be required to evaluate traffic impacts in the vicinity of the project. If the Hampton Inn project is included due to the determination that it is part of a common scheme of development, a Traffic Movement Permit would likely be required. The traffic study would likely review conditions at the Middle Street and Fore Street intersections with India Street and Franklin Street. I would also note that the City will be requiring a fair-share monetary contribution to Franklin Street improvements.*
- *The project is proposing two driveways (one on Middle Street and one on Fore Street). The number of driveways complies with City Technical standards (assuming the project is NOT a common scheme development. If the Hampton Inn Driveway is considered, the number of driveways exceeds City standards). I would note that the driveways will reduce the number of on-street parking spaces along both streets and thus consideration of narrowing driveway widths may be beneficial.*

- *I investigated the location of driveways as it relates to corner clearance standards (to India Street). Middle Street is classified as a Local Street and 35 feet of corner clearance is required. The proposed Middle Street driveway meets City standards. Fore Street is classified as a Collector Street and 150 of corner clearance is required. The proposed driveway appears to provide approximately 140 feet of separation and thus either the driveway will need to shift to the west or a waiver will need to be requested.*
- *The proposed driveway on Fore Street meets City driveway separation standards to the existing Hampton Inn driveway.*
- *The project will need to provide details on truck deliveries.*
- *It will be important that the mid-block walkway be designed to optimize pedestrian safety and minimize vehicle conflict.*
- *A construction management plan that complies with City requirements will be required.*

**Sidewalks** – The applicant will work with staff to design the sidewalks to meet this standard and the *City of Portland Technical Manual* standards especially regarding conformance with the India Street design and curb alignment, pedestrian crossings, street trees, lighting. On India and Middle streets the applicant is receiving an extended front yard setback (10’) in exchange for extending the public sidewalk onto the private property – this will require an easement to the City.

**Public Transit Access** - The #8 bus route is northbound on India Street – no transit shelter is required.

**Parking** – The zoning requires 50 spaces provided for the proposed project (hotel and bar) in addition to the 93 parking spaces for the neighboring hotel/condos = 155 total. The proposal currently provides 120 valet spaces on-site. The proposal would require parking for the hotel and the rooftop bar. The new retail space is under 2,000 sf and does not require parking per the ordinance. The applicant claims parking is not needed for the dining room and coffee shop because they will not be open to the public.

**The applicant may revise the proposal to include off-site parking and remove the parking deck.**

The neighboring Hampton Inn hotel at 207-209 Fore Street (Lot 1) was approved with 93 parking spaces (for 122 hotel rooms and 12 residential units) that are provided on the site of this proposal. The approval letter for that project, dated April 13, 2010, states the following parking condition related to this site:

*That the condominium documents for the site contain a provision that allows surface parking to transition to structured parking or be relocated to allow future development of the easterly portion of the site.*

The applicant intends to provide those 12 residential parking spaces on-site in the new parking structure.

The applicant is also requesting to amend the Lot 1 parking requirement wishing to reduce the required parking from the previously approved 93 spaces – this will need to be a separate amendment application with parking study. 120 total parking spaces are currently proposed on Lot 2 but would be parking for both sites.

Staff need more information in order to fully evaluate the parking proposal. The Traffic Engineering Reviewer has also noted the following (Attachment 2):

- *The project will need to provide a parking demand/supply analysis and how parking will be managed between the proposed hotel and Hampton Inn. Also, details on valet parking management and vehicle circulation between to two parking areas shall be provided.*
- *I will provide comments on parking lot dimensions upon receipt of that information.*

**Snow Storage** – Waiting for final submission.

**Transportation Demand Management** - The applicant is asked to submit a parking study for the whole site and a revised TDM. A TDM was part of the original, approved Hampton Inn site development and will need to be updated and revised since the applicant is also asking to reduce the number of required parking spaces for Lot 1 (Hampton Inn site).

**Landscape Preservation / Site Landscaping and Screening** – There are no significant landscape or natural features to preserve. The applicant will need to screen surface parking from Middle and Fore Street.

**Landscape Plan** - Waiting for final submission. Staff will provide guidance on the landscape locations and detailing – new street trees on all frontages are expected. Landscape should not compete with the urban/active streetscapes, especially on India and Middle Street, direct interface without landscape buffer between the sidewalk and building is appropriate (Plan P11).

**Water quality, Stormwater Management and Erosion Control** - Waiting for final submission including full stamped engineering plan set, survey, and stormwater management plan.

**Public Safety** - The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime.

The final submission needs to include information about the building lighting – particular areas of concern include the garage entrance, the landscaped areas on Middle Street, and the area next to the garage/mid-block steps.

**Fire Prevention and Public Utilities** - There are no concerns for Fire Prevention at this time. Applicant needs to verify Stormwater and Wastewater capacity. There is a 30' public utility easement over the site with stormwater and sewer lines. Staff are reviewing the easement to determine if the proposed building is in conflict. City Engineer Keith Gray had the following comment:

- *We have concerns with the proposed parking deck being located over the existing utility easement. In addition to maintenance clearance concerns, the deck corner support would be very close to the existing SD-2 stormdrain. Provide additional information on clearance, deck support footprint and/or stormdrain relocation.*

**Massing, Ventilation and Wind Impact and Shadows:** Generally addressed in the Design Review. No wind or shadow impact anticipated.

**Historic Resources** – The project is not within the historic district and not within 100' of a historic landmark.

**Exterior Lighting incl Street Lighting** – Waiting for final submission including photometric plan, building lighting cut sheets. The project will need to install new street lights along all frontages in the ROW (at the applicant's cost). The lights would need to meet the Technical Standards for street lighting and match the lights installed elsewhere in the India Street neighborhood (Eastern Waterfront medium). Staff will work with the applicant to develop the street light plan.

**Noise and Vibration** – Waiting for final submission. The final submissions should clarify where the HVAC will be located and how it will be screened even if the exact specifications are submitted later.

**Construction Management Plan** – Waiting for final submission.

## D. PUBLIC COMMENT

### Staff Analysis:

- Rooftop bar: Some residential neighbors have raised concerns about potential noise associated with the rooftop bar. Both the current and previous zoning (B-3) allow for restaurants and bars on this site. The neighborhood is mixed-use, with India Street as the main street of the neighborhood meaning it is not a residential street. The India Street Sustainable Neighborhood Plan identified the mixed-use nature of the neighborhood to be a defining characteristic and encourages zoning and policy decisions that support the continued mixed-use nature of the neighborhood.
- Streetscape/landscape: Some public comment expressed the desire for more greenscape/landscape on the India Street side of the project. The scale of this lot and the nature of the project allows for many landscape opportunities – Middle and Fore streets will have landscape buffers between the sidewalk and the parking. However, where the building interfaces with the urban streetscape, and where the zone requires active, urban facades, staff will work with the applicant to design an appropriate interface based on the established and desired character, especially of India Street which is an urban main street.

## E. DESIGN STANDARDS



VIEW FROM NW CORNER  
AT INTERSECTION OF FORE AND INDIA STREETS

The site is located within the IS-FBC zone, Fore Street is the UT subdistrict, Middle and India Streets are in the UA subdistrict. Preliminary design review concluded that building design meets overall intent of the zone (see [Attachment 1](#)).

Staff Analysis: The surrounding built context is a mix of low-rise historic, brick structures and new mixed-use construction. The design priorities for new construction in this neighborhood are buildings that maintain the urban street wall, engage the public realm, and respect and fit into the established context. The design successfully creates interesting forms and massing, and buries the parking interior to the site. Interest is brought through varied massing, façade plane changes, varied roof lines. For example, the rooftop bar adds a dynamic roofline. The project does a good job of mitigating the building length through massing choices and material placement. The brick “bookends” help relate the otherwise long building to the context in proportion, scale, massing, material, and window patterns. The proposal orients the hotel entrance and taller mass to Fore Street because of the grades and dimensions of the site. The UA streets with a smaller scale, older existing fabric are addressed with the shorter masses and with active ground floor designs. The corner of Middle and India streets was revised to include a visually interesting, three-story mass that has an active ground floor and that relates well to the older mixed-use buildings on Middle Street in the material, scale, and visual interest – staff had previously been

concerned about the lack of activity and visual interest on this UA corner. The project also adds some publicly accessible open space on the corner of India and Fore, as well as landscape buffer with seating on Middle Street and Fore Street. These spaces should be considered an amenity for the neighborhood residents, workers, and restaurant-goers. The “plaza” on the corner can serve an important urban design function of providing a visible corner “neighborhood plaza” with good sun orientation. Full Design Review comments ([Attachment 1](#)).

Staff request Board feedback and additional information from the applicant about:

- Material selection, placement, and number of materials
- Ground floor design on India and Middle streets - Scale, articulation, and detailing of ground floor, pedestrian comfort and scale
- Level of activity on India Street – What is the nature of the restaurant and coffee shop entrances and facades? Will these be active entrances?
- Legibility and emphasis of building entrances



## **VI. BOARD CONSIDERATIONS**

The applicant requests the following items be considered during this workshop (See section V.B. and D. for staff assessment):

- Zoning waiver requests
  - Building Orientation – UA orientation required, UT orientation proposed
  - Building Entries (India Street) – No more than one step required, elevated stoop requested due to site grade constraints
- Overall design concept, massing

## **VII. NEXT STEPS**

The final submission will need to fully address the Site Plan review standards, including the following:

- Submit an updated, stamped Survey
- Civil and Stormwater: Engineering plan set regarding grading, impervious surface, utilities, and stormwater system; Stormwater Management Plan

- Transportation: Traffic Study; Parking Demand/Supply analysis; Revised TDM for one or both sites
- Transportation: Information to address the Traffic Engineer review questions regarding the parking layout and driveway (explain whether a driveway waiver is needed) and service/delivery
- Transportation: Determine whether this proposal constitutes a common scheme of development which would trigger a Traffic Movement Permit
- Site Design: Work with staff for sidewalks/ROW design and materials, street lights, and street tree layouts
- Site Design: Submit lighting plan, landscape plan, sidewalk and site plan, utility and grading plan that meet Site Plan requirements
- Landscape: Specify landscape design and plant selection; provide required screening for surface parking
- Design: Provide a context study and narrative of how the design meets the intent of the *IS-FBC Building Design Standards*; Depictions of the design in its context
- Design: Locations and screening details for HVAC
- Utilities: Submit capacity letter for Wastewater and Water; Coordinate overhead utilities and fire safety; Resolve utility easement if parking deck proceeds
- Provide a Construction Management Plan
- Any other issues raised by the Planning Board

#### **ATTACHMENTS:**

##### **Attachments to Memorandum**

1. Zoning and Design Checklist – Preliminary
2. Traffic Engineering - Preliminary

##### **Public Comments**

- PC1 Daniel DesPres 11.03.17  
 PC2 Daniel DesPres 11.15.17  
 PC3 Kathleen Shafer 11.24.17  
 PC4 Susan Murphy 11.25.17  
 PC5 Gordon Cary 11.28.17  
 PC6 Bill Stauffer 1.8.18  
 PC7 Troy Murray 3.31.18

##### **Applicant's Submittal**

- A. Application
- B. Right, title and Interest
- C. 2010 Parking Agreement
- D. Project Narrative
- E. Response Letter 12/20/17
- F. Waiver Requests
- G. Financial and Technical Capacity
- H. Trip Generation Letter
- I. Neighborhood Meeting Attendance and Minutes

##### **Plans**

- P1 Cover Sheet  
 P2 Project Summary Sheet  
 P3 Existing Conditions Plat  
 P4 Existing Grading and Utility  
 P5 Existing Landscape Plan

P6 Site Plan Level 1  
P7 Site Plan Level 2  
P8 Utility Plan Level 1  
P9 Utility Plan Level 2  
P10 Grading Plan  
P11 Landscape Plan  
P12 Floor Plan Level 1  
P13 Floor Plan Level 2  
P14 Floor Plan Level 3 and 4  
P15 Floor Plan Level 5  
P16 Floor Plan Level 6  
P17 North Elevation  
P18 East Elevation  
P19 South Elevation  
P20 West Elevation  
P21 Perspective 1  
P22 Perspective 2  
P23 Perspective 3  
P24 Perspective 4  
P25 Perspective 5  
P26 Perspective 6

# Development Review Checklist

IS-FBC

Level I / Level II / Level III / Master Plan  
 Project Name: Home 2 Hotel  
 Address: 203 Fore Street  
 Description: Alteration / Addition / **New Construction**  
 Date Received: 03/14/18 Prelim / Final  
 Planner: Caitlin Cameron

Subdistrict **UN / UT / UA**

	Complies	More Info	Does Not Comply	N/A	Comments
<b>PURPOSE</b>					
General Guiding Principles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project will continue to fill in the street wall – see renderings for depiction of project in context
Subdistrict Intent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UT, UA – mixed-use, strong street wall; Active ground floor proposed on UA frontages
<b>GENERAL DEV. STANDARDS</b>					
(a) Prohibited Uses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hotel, restaurant, coffee shop, retail
<b>(b) Siting Standards</b>					
Mid-Block Permeability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20' min. width, mid-block
Frontage Req. – Additional Building Length	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UT: complies – structured parking <200' UA India: complies – 3 modules
Setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10' wide, extended sidewalks on UA streets
Small Lot < 35'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Side Yard less than 5'	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Special corner treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Attached Buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Landscaping &amp; Screening</b>					
Surface Parking	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Surface parking must be screened from view of Middle Street and Fore Street sidewalk
1 <sup>st</sup> Lot Layer - Height	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
1 <sup>st</sup> Lot Layer – Perm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other Lot Layer - Height	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building Addition - Length	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Building Addition - Stories	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<b>Complies</b>	<b>More Info</b>	<b>Does Not Comply</b>	<b>N/A</b>	<b>Comments</b>
(c) Height Standards					
Height Bonus - Eligible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	India and Middle St are not eligible
Height Bonus – Conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) Parking Standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	50 + 93 = 143 spaces required, 120 spaces provided; Applicant seeking off-site parking
Existing Parking - Addition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>SUBDISTRICT DIMS REQ.</b>					
<b>Siting Standards</b>					
Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	UA orientation required (Waiver requested)
Corner Condition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UT/UA intersection; height stepbacks provided
Lot Coverage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Need an updated survey with lot area
<b>Frontage Requirements</b>					
Building Length	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fore St: 193'; India St: 145'; Middle St: 50'
Additional Bldg Length	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UT: complies with garage; UA: 3 modules)
Fenestration Req. (UA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At least 60% on India, at least 60% on Middle
<b>Setbacks</b>					
<b>Principal Building</b>					
Front Yard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UT: 10' max, UA: 5' max – extended sidewalk up to 10' front yard (Easement required)
Side Yard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UT: 10' min, UA: 5' min
Side Yard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Structured parking deck 10' side yard setback
Exceptions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Front yard extended to 10' on India and Middle, extended sidewalk (with easement) required for additional setback
Rear Yard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Accessory Building(s)</b>					

Side Yard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Rear Yard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<b>Complies</b>	<b>More Info</b>	<b>Does Not Comply</b>	<b>N/A</b>	<b>Comments</b>
<b>Building Entries</b>					
Frequency	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2 entries required on Fore – 2 provided (1 corner entry); At least one entry required on Middle – 1 provided; 3 entries required on India – 3 provided
Principal Entry Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Principle hotel entry on Fore St, Restaurant entry on India; Retail entries on Middle/India
Principal Entry Elevation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At grade on Fore and India Streets; 1 entry on India raised due to grade change (waiver requested); Middle St 1 step above grade
<b>Height Standards</b>					
Principal Building					
Height	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Under 65' on Fore, Under 50' on India/Middle – provide average grade datum for height measurement
Stories	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6 stories on Fore, 4 stories on India/Middle
Stepbacks (corner)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	65' height begins 35' back from India St.
Accessory Building(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Parking Standards</b>					
Surface Parking Location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	35' setback from Middle Street
Garage Door Setback	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Garage opening is at least 10' from street – not clear if door is proposed
Garage Door Opening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Garage opening is 33' (20' max door width) – not clear if door is proposed

# IS-FBC: Building Design Standards (BDS)

	Complies	More Info	Does Not Comply	N/A	Comments
<b>BUILDING DESIGN STANDARDS (BDS)</b>					Review Caitlin Cameron, Barbara Barhydt, Shukria Wiar
<b>1. Neighborhood Context</b>					
Intent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project successfully breaks down large scale with massing variation and use of brick “book ends” to relate to the smaller, vertical proportioned brick buildings in context. There are quite a few new buildings under construction on India Street, context is changing. UA streets provide active ground levels.
Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building demonstrate a contemporary interpretation of the building patterns found in the context.
<b>2. Massing &amp; Proportion</b>					
Intent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some of the massing and material changes help to break up the long building and provide proportions and forms that relate to the more historic buildings within the streetscape. The building is very long on India Street compared with the context. The building uses regular pattern/rhythm of window openings, massing variation and material placement to create mass/form that relates to the existing, older built context.
Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Variation is provided – façade planes, height, and massing, roof line
Standard 2.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3 modules on India
<b>3. Articulation &amp; Composition</b>					
Intent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ground floors include high level of fenestration, some active entrances, canopies, articulation with the brick pier/window reveals, some texture/visual interest shown in brick work

Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sense of enclosure provided by some canopies; Ground level articulation is important here
Standard 3.1: 3 required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delineation of floors (score lines); expression of structure; change in material type/color; brick pattern
Standard 3.2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	More info on details, material transitions
Standard 3.3: Blank Wall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Limited blank walls
<b>4. Fenestration</b>					
Intent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 4.1 (UA only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	High level of fenestration provided on India and Middle streets
Standard 4.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 4.3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	What is the VT of glass proposed?
Standard 4.4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Complies	More Info	Does Not Comply	N/A	Comments
<b>5. Building Materials</b>					
Intent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Brick “bookends” help tie into context
Guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Metal, cast stone, and tile not typically found in this context: Want more information on tile proposed on India Street – size, placement, details. Explain rationale for material choices.
<b>6. Building Entries</b>					
Intent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	UA streets provided with frequent entries; How active will restaurant/coffee entries be on the street if only for hotel guests?
Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 6.1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 6.2 (UA only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Retail/function entrances on UA streets
Standard 6.3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work with staff to develop these interfaces with sidewalk
Standard 6.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 6.5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 6.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is a garage door proposed?
Standard 6.7: Frequency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>7. Roof Lines</b>					
Intent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 7.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	More info needed on rooftop appurtenances – will everything be screened as shown?
Standard 7.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>8. Structured Parking</b>					
Intent	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	More information needed on the articulation and detail of the garage on Fore Street.

Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UA: n/a; Materials and detailing appear to be consistent with overall building character
Standard 8.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 8.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landscaping is appropriate here as screening
Standard 8.3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Standard 8.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Caitlin Cameron <ccameron@portlandmaine.gov>

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## 203 Fore Street Hotel - Preliminary Traffic Comments

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Tom Errico <thomas.errico@tylin.com>

Thu, Nov 30, 2017 at 10:39 AM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Keith Gray <kgray@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, "Jeff Tarling (JST@portlandmaine.gov)" <JST@portlandmaine.gov>, "Hyman, Bruce" <bhyman@portlandmaine.gov>

Hi Caitlin – I have reviewed the application materials and offer the following Preliminary Traffic Comments.

- A traffic study will be required to evaluate traffic impacts in the vicinity of the project. If the Hampton Inn project is included due to the determination that it is part of a common scheme of development, a Traffic Movement Permit would likely be required. The traffic study would likely review conditions at the Middle Street and Fore Street intersections with India Street and Franklin Street. I would also note that the City will be requiring a fair-share monetary contribution to Franklin Street improvements.
- The project is proposing two driveways (one on Middle Street and one on Fore Street). The number of driveways complies with City Technical standards (assuming the project is NOT a common scheme development. If the Hampton Inn Driveway is considered, the number of driveways exceeds City standards). I would note that the driveways will reduce the number of on-street parking spaces along both streets and thus consideration of narrowing driveway widths may be beneficial.
- I investigated the location of driveways as it relates to corner clearance standards (to India Street). Middle Street is classified as a Local Street and 35 feet of corner clearance is required. The proposed Middle Street driveway meets City standards. Fore Street is classified as a Collector Street and 150 of corner clearance is required. The proposed driveway appears to provide approximately 140 feet of separation and thus either the driveway will need to shift to the west or a waiver will need to be requested.
- The proposed driveway on Fore Street meets City driveway separation standards to the existing Hampton Inn driveway.

- The project will need to provide details on truck deliveries.
- The project will need to provide a parking demand/supply analysis and how parking will be managed between the proposed hotel and Hampton Inn. Also, details on valet parking management and vehicle circulation between to two parking areas shall be provided.
- I will provide comments on parking lot dimensions upon receipt of that information .
- It will be important that the mid-block walkway be designed to optimize pedestrian safety and minimize vehicle conflict.
- A construction management plan that complies with City requirements will be required.

If you have any comments, please contact me.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

**TYLIN** INTERNATIONAL

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## Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

### Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

Portland's development review process and requirements are outlined in the [Land Use Code \(Chapter 14\)](#), [Design Manual](#) and [Technical Manual](#).

#### Planning Division

Fourth Floor, City Hall  
389 Congress Street  
(207) 874-8719

[planning@portlandmaine.gov](mailto:planning@portlandmaine.gov)

#### Office Hours

Monday thru Friday  
8:00 a.m. – 4:30 p.m.

**I. Project Information (Please enter n/a on those fields that are not applicable)**

Project Name:	Portland II
Proposed Development Address:	203 Fore Street
Project Description:	New Proposed Hotel with Parking
Chart/Block/Lot:	029 L003001
Preliminary Plan	
Final Plan	

**II. Contact Information (Please enter n/a on those fields that are not applicable)**

**APPLICANT**

Name:	Richard Mielbye
Business Name:	Miel's Development Group
Address:	222 Lakeview Avenue, Suite 200
City/State:	West Palm Beach, FL
Zip Code:	33401
Work #:	5612271366
Home #:	
Cell #:	
Fax #:	
E-mail:	rmielbye@fpg-corp.com

**OWNER**

Name:	Chatham Portland DT LLC
Address:	222 Lakeview Ave., Suite 200
City/State:	West Palm Beach, FL
Zip Code:	33401
Work #:	561-246-5267
Home #:	
Cell #:	
Fax #:	
E-mail:	ltodd@cl-trust.com

**AGENT/REPRESENTATIVE**

Name:	Richard Mielbye
Address:	222 Lakeview Ave., Suite 200
City/State:	West Palm Beach, FL
Zip Code:	33401
Work #:	5612271366
Home #:	
Cell #:	
Fax #:	
E-mail:	rmielbye@fpg-corp.com

**BILLING (to whom invoices will be forwarded to)**

Name:	Stephanie Mielbye
Address:	222 Lakeview Ave., Suite 200
City/State:	West Palm Beach, FL
Zip Code:	33401
Work #:	561-227-1333
Home #:	
Cell #:	
Fax #:	
E-mail:	stmielbye@fpg-corp.com

**ENGINEER**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**SURVEYOR**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**ARCHITECT**

Name:	DLR Group
Address:	7290 West 133rd Street
City/State:	Overland Park Ks
Zip Code:	66213
Work #:	913-897-7811
Home #:	
Cell #:	913-980-0752
Fax #:	
E-mail:	dkurle@dlrgroup.com

**ATTORNEY**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN**

Name:	Stephanie Mielbye
E-mail:	stmielbye@fpg-corp.com
Name:	
E-mail:	
Name:	
E-mail:	

### III. APPLICATION FEES

#### LEVEL III DEVELOPMENT (check applicable review)

<input type="checkbox"/>	Less than 50,000 sq. ft.	\$750.00
<input checked="" type="checkbox"/>	50,000 – 100,000 sq. ft.	\$1,000.00
<input type="checkbox"/>	100,000 – 200,000 sq. ft.	\$2,000.00
<input type="checkbox"/>	200,000 – 300,000 sq. ft.	\$3,000.00
<input type="checkbox"/>	Over 300,000 sq. ft.	\$5,000.00
<input type="checkbox"/>	Parking lots over 100 spaces	\$1,000.00
<input type="checkbox"/>	After-the-fact Review	\$1,000.00 + applicable application fee above

#### PLAN AMENDMENTS (check applicable review)

<input type="checkbox"/>	Planning Staff Review	\$250.00
<input type="checkbox"/>	Planning Board Review	\$500.00

#### OTHER REVIEWS (check applicable review)

<input type="checkbox"/>	Traffic Movement	\$1,500.00
<input type="checkbox"/>	Stormwater Quality	\$250.00
<input type="checkbox"/>	Subdivision	\$500.00 + applicable fee for lots/units below
	# of Subdivision Lots/Units [    ] x \$25.00 each	\$
<input type="checkbox"/>	Site Location	\$3,500.00 + applicable fee for lots/units below
	# of Site Location Lots/Units [    ] x \$200.00 each	\$
<input type="checkbox"/>	Change of Use	
<input type="checkbox"/>	Flood Plain	
<input type="checkbox"/>	Shoreland	
<input checked="" type="checkbox"/>	Design Review	
<input type="checkbox"/>	Housing Replacement	
<input type="checkbox"/>	Historic Preservation	
<b>TOTAL APPLICATION FEE DUE:</b>		<b>\$</b>

### IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$52.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

**V. PROJECT DATA (Please enter n/a on those fields that are not applicable)**

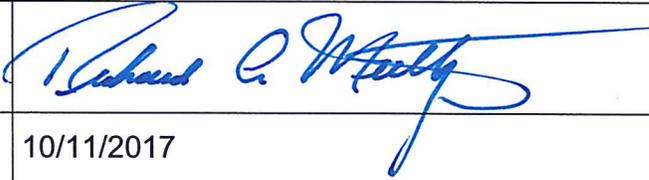
<b>TOTAL AREA OF SITE</b>	47,473	sq. ft.
<b>PROPOSED DISTURBED AREA OF THE SITE</b>	47,473	sq. ft.
<i>If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.</i>		
<b>IMPERVIOUS SURFACE AREA</b>		
Impervious Area (Total Existing)	20,251	sq. ft.
Impervious Area (Total Proposed)	37,962	sq. ft.
<b>Building Ground Floor Area and Total Floor</b>		
Building Footprint (Total Existing)	NA	sq. ft.
Building Footprint (Total Proposed)	12,227	sq. ft.
Building Floor Area (Total Existing)	NA	sq. ft.
Building Floor Area (Total Proposed)	79,245	sq. ft.
<b>ZONING</b>		
Existing	India Street Form Based Code	
Proposed, if applicable	NA	
<b>LAND USE</b>		
Existing	Parking Lot	
Proposed	Hotel	
<b>RESIDENTIAL, IF APPLICABLE</b>		
# of Residential Units (Total Existing)	na	
# of Residential Units (Total Proposed)	na	
# of Lots (Total Proposed)	na	
# of Affordable Housing Units (Total Proposed)	na	
<b>PROPOSED BEDROOM MIX</b>		
# of Efficiency Units (Total Proposed)	na	
# of One-Bedroom Units (Total Proposed)	na	
# of Two-Bedroom Units (Total Proposed)	na	
# of Three-Bedroom Units (Total Proposed)	na	
<b>PARKING SPACES</b>		
# of Parking Spaces (Total Existing)	75	
# of Parking Spaces (Total Proposed)	102	
# of Handicapped Spaces (Total Proposed)	5	
<b>BICYCLE PARKING SPACES</b>		
# of Bicycle Spaces (Total Existing)	22	
# of Bicycle Spaces (Total Proposed)	22	
<b>ESTIMATED COST OF THE PROJECT</b>		
	Unknown at this time.	

## VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

**This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.**

Signature of Applicant:	
Date:	10/11/2017

**PRELIMINARY PLAN (Optional) - Level III Site Plan**

Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
✓		1	Completed Application form
✓		1	Application fees
✓		1	Written description of project
✓		1	Evidence of right, title and interest
nta		1	Evidence of state and/or federal approvals, if applicable
✓		1	Written assessment of proposed project's compliance with applicable zoning requirements
✓		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
✓		1	Written requests for waivers from site plan or technical standards, if applicable.
✓		1	Evidence of financial and technical capacity
✓		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
✓		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
✓		1	<b>Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)</b>
			Proposed grading and contours;
			Existing structures with distances from property line;
			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
			Preliminary infrastructure improvements;
			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
			Exterior building elevations.

<b>FINAL PLAN - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)</b>
		1	* Completed Application form
		1	* Application fees
		1	* Written description of project
		1	* Evidence of right, title and interest
		1	* Evidence of state and/or federal permits
		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	<b>SITE PLAN SUBMISSIONS CHECKLIST</b> (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	<b>Final Site Plans including the following:</b>
			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
			Existing and proposed structures on parcels abutting site;
			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
			Location and proposed alteration to any watercourse;
			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
			Proposed buffers and preservation measures for wetlands;
			Existing soil conditions and location of test pits and test borings;
			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
			Grading plan;
			Ground water protection measures;
			Existing and proposed sewer mains and connections;

- Continued on next page -

		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



PORTLAND FIRE DEPARTMENT  
SITE REVIEW  
FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
- 2.
3. Name address, telephone number of architect
4. Proposed uses of any structures [NFPA and IBC classification]
- 5.
6. Square footage of all structures [total and per story]
7. Elevation of all structures
8. Proposed fire protection of all structures
  - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
9. Hydrant locations
10. Water main[s] size and location
11. Access to all structures [min. 2 sides]
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1

QUITCLAIM DEED WITH COVENANT  
(Maine Statutory Short Form)

FORE INDIA MIDDLE, LLC, a Maine limited liability company, whose mailing address is 11 Corporate Drive, Belmont, New Hampshire 03220, for consideration paid, grants to CHATHAM PORTLAND DT LLC, a Delaware limited liability company, whose mailing address is c/o Chatham Lodging Trust, 50 Cocoanut Row, Suite 211, Palm Beach, Florida 33480, with Quitclaim Covenant, a certain lot or parcel of land, with any buildings and improvements thereon, located on Fore Street, India Street and Middle Street in the City of Portland, County of Cumberland, and State of Maine, being more particularly bounded and described as follows:

Lot 2 as shown on a subdivision plan entitled "Subdivision Plan of Hotel, Restaurant & Portside Residences, 207 & 209 Fore Street, Portland, Maine" dated February 8, 2010, as most recently revised on April 23, 2010, approved by the City of Portland Planning Board on April 13, 2010, and recorded in the Cumberland County Registry of Deeds in Plan Book 210, Page 194 (the "Subdivision Plan").

Lot 2 is hereby conveyed together with and subject to the rights and easements granted by Old Port Hospitality, LLC to Fore India Middle, LLC and by Fore India Middle, LLC to Old Port Hospitality, LLC as set forth in an Amendment of Deed, Termination of Rights and Easements and Grant of Rights and Easements by and between Old Port Hospitality, LLC and Fore India Middle, LLC dated August 23, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28022, Page 181, subject to the terms and conditions with respect to said rights and easements as set forth therein.

Old Port Hospitality, LLC created a condominium on Lot 1 shown on the Subdivision Plan known as the Hotel, Restaurant and Portside Residences Condominium (the "Condominium") pursuant to a Declaration of Condominium dated August 23, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28022, Page 188, as amended by Amendment Number One thereto dated June 3, 2011, and recorded in the Cumberland County Registry of Deeds in Book 28833, Page 126 (the "Declaration") that includes a unit in which is operated as a restaurant facility, which unit is referred to in the Declaration as the "Restaurant Unit". Lot 2 is hereby further conveyed subject to the restriction that for so long as a full-service restaurant is being operated in the Restaurant Unit, no full-service restaurant containing three thousand five hundred (3,500) square feet or more of public space may be operated on Lot 2, provided, however, that this restriction shall, in any event, expire and be of no further force and effect on the fifteenth (15<sup>th</sup>) anniversary of the date of Old Port Hospitality, LLC's initial conveyance of the Restaurant Unit to a third party. This restriction shall be enforceable by Old Port Hospitality, LLC, its successors and assigns, and the owner of the Restaurant Unit, and not by the owner of any other units in the Condominium. The Restaurant Unit was conveyed by Old Port Hospitality, LLC to Bass Ackwards Realty, LLC by Deed dated January 25, 2011, and recorded in the Cumberland County Registry of Deeds in Book 28563, Page 264, together with the benefit of said restriction.

Lot 2 is further conveyed together with and subject to all rights, easements, terms, covenants, conditions, obligations and agreements set forth in a certain Revised and Restated Parking Agreement by and between Old Port Hospitality, LLC and Fore India Middle, LLC dated August 23, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28022, Page 242 (the "Parking Agreement"), relating to the access and use of a Parking Lot comprised of ninety (90) parking spaces

located on Lot 2, including, without limitation, the perpetual, exclusive and appurtenant right and easement to access and use all of the parking spaces covered by such Parking Agreement with the exception of the twelve (12) parking spaces granted as appurtenant to the Residences Unit of the Condominium, as set forth in a Deed of the Residence Unit from Old Port Hospitality, LLC to Portside Residences, LLC dated August 23, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28022, Page 251.

Chatham Portland DT LLC, by its acceptance of this Deed, hereby assumes all obligations of Fore India Middle, LLC under the Parking Agreement.

The premises conveyed herein are further subject to the following matters of record:

1. Rights and easements for sewer purposes granted by the Slum Clearance and Redevelopment Authority to the City of Portland in an instrument dated October 8, 1958 and recorded in the Cumberland County Registry of Deeds in Book 2438, Page 258, as relocated pursuant to an Easement Relocation Agreement by and between Old Port Hospitality, LLC and the City of Portland dated April 28, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27742, Page 26, further reference being made to a Letter from David Margolis-Pineo, Deputy City Engineer of the Public Services Department, dated August 25, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28028, Page 257;

2. Terms and conditions of a No Further Action Assurance Letter from the Maine Department of Environmental Protection to Jordan's Meats dated April 17, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19244, Page 271;

3. Restrictions, covenants and conditions set forth in a Deed from Zemco Industries, Inc. to PME I, Limited Partnership dated September 23, 2005 and recorded in the Cumberland County Registry of Deeds in Book 23199, Page 107, and repeated in a Deed from said PME I, Limited Partnership to Old Port Hospitality, LLC dated January 29, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27567, Page 40;

4. Matters and General Notes set forth on subdivision plan entitled "Subdivision Plan of Hotel, Restaurant & Portside Residences, 207 & 209 Fore Street, Portland, Maine" dated February 8, 2010, as most recently revised on April 23, 2010, approved by the City of Portland Planning Board on April 13, 2010, and recorded in the Cumberland County Registry of Deeds in Plan Book 210, Page 194;

5. Underground Line Easement granted by Old Port Hospitality, LLC to Central Maine Power Company dated July 21, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28094, Page 298;

6. Maine Department of Environmental Protection Commissioner's Certification dated June 27, 2011 and recorded in the Cumberland County Registry of Deeds in Book 28791, Page 132, as affected by a Commissioner's Certification Amended to Reflect Re-Development Plans Dated August 20, 2012, dated October 26, 2012 and recorded in the Cumberland County Registry of Deeds in Book 30111, Page 193;

7. Declaration of Environmental Covenant by and between Fore India Middle, LLC and the Maine Department of Environmental Protection dated May 24, 2011 and recorded in the Cumberland County Registry of Deeds in Book 28791, Page 136;

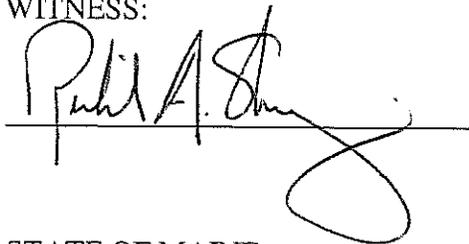
8. Agreement Regarding Wall and Window With Respect to Unit One in Portside Condominium, 207 Fore Street, Portland, Maine, by and between Fore India Middle, LLC and Paula Foley-Stelmack and Mark Stelmack dated September 29, 2011 and recorded in the Cumberland County Registry of Deeds in Book 29001, Page 234; and

9. Certificate of Subdivision Waiver Approval by the City of Portland in favor of Fore India Middle, LLC dated October 18, 2012 and recorded in the Cumberland County Registry of Deeds in Book 30102, Page 285.

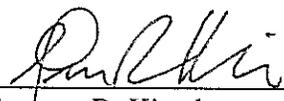
Reference is made to a Quitclaim Deed With Covenant from Old Port Hospitality, LLC to Fore India Middle, LLC dated June 11, 2010, and recorded in the Cumberland County Registry of Deeds in Book 27850, Page 63, as amended by said Amendment of Deed, Termination of Rights and Easements and Grant of Rights and Easements by and between Old Port Hospitality, LLC and Fore India Middle, LLC dated August 23, 2010, and recorded in the Cumberland County Registry of Deeds in Book 28022, Page 181, for Fore India Middle, LLC's source of title to the premises conveyed herein.

IN WITNESS WHEREOF, FORE INDIA MIDDLE, LLC has caused this instrument to be executed by Gregory R. Kirsch, its Manager, hereunto duly authorized, this 21<sup>st</sup> day of December, 2012.

WITNESS:



FORE INDIA MIDDLE, LLC

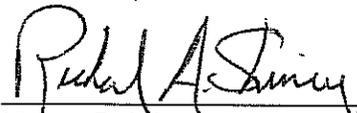
By:   
Gregory R. Kirsch  
Its Manager

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

December 21, 2012

Personally appeared the above named Gregory R. Kirsch, Manager of FORE INDIA MIDDLE, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said FORE INDIA MIDDLE, LLC.

Before me,

  
~~Notary Public~~  
Attorney At Law  
Richard A. Shinay  
Print name

~~My commission expires~~ \_\_\_\_\_

## REVISED AND RESTATED PARKING AGREEMENT

THIS REVISED AND RESTATED PARKING AGREEMENT ("Agreement") is entered into as of the 23<sup>rd</sup> day of August, 2010, by and between OLD PORT HOSPITALITY, LLC, a Maine limited liability company, whose mailing address is 11 Corporate Drive, Belmont, New Hampshire 03220 ("Old Port") and FORE INDIA MIDDLE, LLC, a Maine limited liability company, whose mailing address is 11 Corporate Drive, Belmont, New Hampshire 03220 ("FIM").

WHEREAS, Old Port is the owner of Lot 1 as shown on a subdivision plan entitled "Subdivision Plan of Hotel, Restaurant & Portside Residences, 207 & 209 Fore Street, Portland, Maine" dated February 8, 2010, as most recently revised on April 23, 2010, approved by the City of Portland Planning Board on April 13, 2010, and recorded in the Cumberland County Registry of Deeds in Plan Book 210, Page 194 (the "Subdivision Plan"), being a portion of the premises described in a deed from PME I, Limited Partnership to Old Port dated January 29, 2010, and recorded in the Cumberland County Registry of Deeds in Book 27567, Page 40 (the "Old Port Property"); and

WHEREAS, FIM is the owner of Lot 2 as shown on the Subdivision Plan, being the same premises described in a deed from Old Port to FIM dated June 11, 2010, and recorded in the Cumberland County Registry of Deeds in Book 27850, Page 63 (the "FIM Property"), and being the remaining premises described in said above-referenced deed from PME I, Limited Partnership to Old Port dated January 29, 2010, and recorded in the Cumberland County Registry of Deeds in Book 27567, Page 40; and

WHEREAS, Old Port proposes to construct a building and associated improvements on the Old Port Property and has, in connection therewith, declared the Old Port Property and said proposed building and associated improvements to be a condominium known as the Hotel, Restaurant and Portside Residences Condominium pursuant to a Declaration of Condominium dated August 23, 2010, and recorded in the Cumberland County Registry of Deeds in Book ~~28022~~, Page ~~188~~ (the "Condominium") in which there are located a unit comprising a restaurant facility (the "Restaurant Unit"), a unit comprising a hotel facility (the "Hotel Unit") and a unit anticipated to be subsequently declared a separate condominium comprising not more than twelve (12) residential condominium units (the "Residence Unit"); and

WHEREAS, in connection with the development of the Condominium, FIM has agreed to grant Old Port the right and easement to utilize a surface parking lot to be constructed by FIM on the FIM Property to serve the Hotel Unit, the Residence Unit, and any sub-units thereof; and

WHEREAS, Old Port and FIM desire to replace in its entirety that certain Parking Agreement entered into by Old Port and FIM on June 11, 2010, and recorded in the Cumberland County Registry of Deeds in Book 27850, Page 68 with this Agreement;

NOW, THEREFORE, for good and valuable consideration, the receipt whereof is hereby acknowledged, and in consideration of the foregoing and subject to the terms and conditions hereof, Old Port and FIM hereby agree as follows.

1. Complete Restatement of Parking Agreement. The Parking Agreement entered into by Old Port and FIM on June 11, 2010, and recorded in the Cumberland County Registry of Deeds

in Book 27850, Page 68 (the "Original Parking Agreement") is hereby terminated in its entirety and shall have no further force and effect whatsoever, with the parties hereto intending that all of their agreements and understandings with respect to the subject matter of the Original Parking Agreement are now set forth in this Agreement.

2. Grant of Parking Lot Right and Easement to Old Port. FIM hereby grants to Old Port, its successors and assigns (collectively, "Grantees"), as appurtenant to the Hotel Unit and the Residence Unit, unless otherwise limited in any subsequent conveyance of the Residence Unit by Old Port as provided in Section 8 below, the permanent, perpetual, and exclusive right and easement to access, use, operate, maintain and repair a surface parking lot to be constructed by FIM on the FIM Property containing ninety (90) parking spaces, of which thirty-two (32) spaces will be single-vehicle spaces ("Self-Park Spaces") and fifty-eight (58) spaces will be tandem spaces intended to be serviced by a parking valet ("Tandem Spaces"), together with all associated improvements with respect thereto (the "Parking Lot"). The layout of the parking spaces in the Parking Lot shall be substantially as shown on the plan attached hereto as Exhibit A (the "Parking Lot Plan"), which shall be constructed by FIM in accordance with and subject to all local, state and federal, laws, ordinances, rules, regulations, permits and approvals relating to the Condominium and/or the Parking Lot (collectively, "Applicable Laws"). The Parking Lot shall be completed and available for use not later than May 25, 2011. The Parking Lot shall be used solely for the purpose of parking vehicles of the owners of the Hotel Unit and the Residence Unit, or any sub-unit owners within any sub-condominium that may be created within the Hotel Unit or the Residence Unit, and said unit owners' tenants, guests, invitees, customers, providers, contractors and patrons, including, without limitation the guests in the Hotel Unit, subject to the terms and conditions of this Agreement and of the applicable condominium documents. It is anticipated that the Hotel Unit shall have the right and easement hereunder to use fifty-eight (58) Tandem Spaces and twenty (20) Self Park Spaces and that the Residence Unit shall have the right and easement to use twelve (12) Self Park Spaces (being the 12 Self Park Spaces as to which no fees are payable hereunder). The right and easement granted herein shall not be appurtenant to the Restaurant Unit and the Restaurant Unit shall not have the right to use any of the parking spaces in the Parking Lot. Access to and from the Parking Lot shall be limited to access to and from Fore Street only over the Old Port Property. All costs and expenses relating to the construction of the Parking Lot shall be the responsibility of FIM.

3. Maintenance of Parking Lot Following Construction; Costs and Expenses. Following the construction of the Parking Lot, Old Port shall be responsible for the maintenance, repair and replacement of the Parking Lot and all costs and expenses relating to the use, maintenance, repair and replacement thereof, including the removal of ice and snow, and all utility costs with respect thereto, and shall maintain the same in good order, repair and condition in accordance with all Applicable Laws, provided that, at such time as Old Port no longer owns at least one of the three original Units of the Condominium (or all of the sub-units of any sub-condominium created within one of the original Units), the owner of the Hotel Unit shall be responsible for the maintenance, repair and replacement of the Parking Lot in accordance with the foregoing.

4. Fees. Old Port shall pay FIM a monthly fee per parking space of One Hundred and Twenty Dollars (\$120.00) for seventy-eight (78) of the ninety (90) parking spaces located in the Parking Lot. No such monthly fee shall be charged for the remaining twelve (12) parking spaces. Said fees shall not constitute lease payments and shall not in any way diminish the permanent and perpetual nature of the easement rights granted in Section 2 above. Said monthly fee per parking

space shall be due and payable on the first (1<sup>st</sup>) day of each month commencing on the first (1<sup>st</sup>) day of the month in which the hotel facility located in the Hotel Unit opens for business, prorated for the number of days that the hotel facility is open for business in that month, and continuing on the first (1<sup>st</sup>) day of each successive month thereafter. Such monthly fee per parking space shall accrue interest at the rate of eighteen (18%) per annum if not paid when due. In the event of Old Port's failure to pay the fee per parking space, FIM's sole remedy shall be an action for money damages in the amount of fees and interest owing as set forth above, as further specified in Section 9 below.

5. Temporary Substitute Parking Spaces. FIM hereby reserves the right to construct a building or buildings and other improvements on the FIM Property and, in so doing, to temporarily suspend the rights of Grantees under this Agreement as to the Parking Lot, subject to the following conditions:

(a) Any development of the FIM Property that involves the alteration or removal of the Parking Lot shall include a permanent replacement parking arrangement on the FIM Property that satisfies the requirements of Section 6 below; and

(b) FIM shall provide Grantees with written notice of FIM's intention to commence development on the FIM Property and the date after which Grantees' rights hereunder shall be temporarily suspended in connection therewith, which temporary suspension shall commence not less than sixty (60) days after FIM's notice or the date on which the temporary substitute parking required by Section 5(c) below is available for use, whichever is later. Such notice shall include detailed plans for the permanent replacement parking spaces required by Section 5(a) above and a detailed description of the temporary substitute parking arrangements required by Section 5(c) below;

(c) FIM shall, for a period not exceeding twenty-four (24) months following the date upon which Grantees' rights hereunder are temporarily suspended as provided in Section 5(b) above, provide Grantees with temporary substitute parking spaces equivalent to the number of parking spaces in the Parking Lot, which temporary substitute parking spaces may be in one or more locations, provided that not less than twelve (12) of said substitute parking spaces shall be Self-Park Spaces (such twelve (12) spaces being those anticipated to be allocated to the Residence Unit) located within seven hundred and fifty (750) feet of the Condominium with the remaining substitute parking spaces, all of which may be Self-Park Spaces and/or Tandem Spaces (such remaining spaces being those anticipated to be allocated to the Hotel Unit), located within two thousand (2,000) feet of the Condominium; and

(d) Old Port shall continue to pay FIM the monthly fee per parking space parking space in accordance with Section 4 above; and

(e) Notwithstanding any other provision of this Agreement, FIM's rights to temporarily suspend Grantees' parking rights on the FIM Property in accordance with this Section 5 shall be subject to the written approval of the owner of the Hotel Unit, which approval shall not be unreasonably withheld or denied, and the written approval of the then-current first mortgagee(s) of the Hotel Unit and the FIM Property, which approval may be denied in the exclusive and sole discretion of such mortgagee(s) (which term shall include such mortgagee and any affiliate of such mortgagee after purchase of the Hotel Unit by such mortgagee or its affiliate at a foreclosure sale or the acceptance by such mortgagee or its affiliate of a deed in lieu of foreclosure). Without

limitation, it shall not be unreasonable for the owner of the Hotel Unit to deny its consent if (i) the rights of Grantees in such temporary parking spaces are not required to remain in effect until the Replacement Parking Spaces on the FIM Property are available for use in accordance with Section 6 below, (ii) the rights of Grantees in such temporary parking spaces are not made superior to all mortgages and other liens on the property where such spaces located and to any other rights which are not consistent with the use and enjoyment of such spaces, (iii) the owner of the Hotel Unit has reason to believe that such spaces and the location or use thereof may create any issue of safety or security for person or property or are not in accordance with all applicable laws, or (iv) such termination of existing rights and/or provision of temporary parking spaces violates any hotel franchise agreement benefiting the Hotel Unit or requires the consent of any hotel franchisor, which consent has not been obtained.

6. Replacement Parking Spaces. Following the first to occur of (a) the date that is twenty-four (24) months following the date upon which Grantees' rights hereunder are temporarily suspended as provided in Section 5(a) above, or (b) FIM's completion of the development on the FIM Property, FIM shall provide Grantees with ninety (90) permanent replacement parking spaces located on the FIM Property (the "Replacement Parking Spaces"), which Replacement Parking Spaces may be exterior or located in an enclosed parking facility. At least twelve (12) of the Replacement Parking Spaces shall be Self-Park Spaces (such twelve (12) spaces being those anticipated to be allocated to the Residence Unit), and up to seventy-eight (78) of the Replacement Spaces may be Tandem Spaces (such seventy-eight (78) spaces being those anticipated to be allocated to the Hotel Unit). Enclosed Self-Park Spaces shall be no more than one (1) flight of stairs up or down from grade unless served by elevator. At the time that they are made available to Grantees (and Grantees' rights in the temporary parking spaces are terminated), the Replacement Parking Spaces and all facilities required or intended for use in connection with the Replacement Parking Spaces shall be fully complete and immediately available for use in compliance with all Applicable Laws. Old Port shall not be responsible for any maintenance or repairs with respect to the Replacement Parking Spaces and, commencing with the date on which the Replacement Parking Spaces are made available to the Grantees, FIM or any successor owner of the portion of the part of the FIM Property upon which the Replacement Parking Spaces are located (including the unit owners' association of any condominium formed with respect to the FIM Property if the Replacement Parking Spaces are a common element of such condominium), shall have the same maintenance, repair and replacement obligations with respect to the Replacement Parking Spaces as undertaken by Old Port under Section 3 above with respect to the original Parking Lot. In all events, the fees for the Replacement Parking Spaces, as provided in the following Section 7, shall be paid to the person or entity having responsibility for the maintenance, repair and replacement of the Replacement Parking Spaces.

7. Fees for Replacement Parking Spaces. At such time as FIM has provided Grantees with the Replacement Parking Spaces, Old Port shall pay FIM or the person or entity responsible for the maintenance, repair and replacement of the Replacement Parking Spaces, as provided in the preceding Section 6, a monthly fee for seventy-eight (78) of the ninety (90) Replacement Parking Spaces in the following amount: if all of the Replacement Parking Spaces are Self-Park Spaces, the initial monthly fee per parking space shall be Two Hundred Dollars (\$200.00); if not, the initial monthly fee per parking space shall be One Hundred and Twenty Dollars (\$120.00). The foregoing monthly fees may be adjusted annually as hereinafter provided. No monthly fee shall be charged for the remaining twelve (12) Replacement Parking Spaces (such twelve (12) spaces being those anticipated to be allocated to the Residence Unit). Said monthly fee per parking space shall be due

and payable on the first (1<sup>st</sup>) day of each month commencing on the first (1<sup>st</sup>) day of the month in which FIM provides Grantees with the Replacement Parking Spaces, prorated for the number of days that Grantees have the use of the Replacement Parking Spaces in that month, and continuing on the first (1<sup>st</sup>) day of each successive month thereafter. Commencing on January 1 of the first (1<sup>st</sup>) year following the date on which FIM has provided Grantees with the Replacement Parking Spaces (the "First Adjustment Year") and continuing each year thereafter, the monthly fee per parking space shall be increased or decreased, as the case may be, each year, as of January 1, by multiplying the monthly fee per parking space in effect for the preceding year times the percentage change, in the Consumer Price Index, All Urban Consumers, U.S. City Average ("CPIU") from the preceding year, with the result rounded to the nearest penny. For example, if the CPIU should increase by two percent (2%) for the First Adjustment Year, the monthly fee per parking space for Replacement Parking Spaces that are Self-Park Spaces shall be Two Hundred Four Dollars (\$204.00) during the First Adjustment Year, and if the CPIU then increases by an additional 2% for following year, then the monthly fee per parking space for Replacement Parking Spaces that are Self-Park Spaces shall be Two Hundred Eight Dollars and Eight Cents (\$208.08) during said year and so on and so forth. Notwithstanding the foregoing, in no event shall the monthly fee for parking space be decreased below the amount in effect on the last day of the year prior to the First Adjustment Year. In the event that the United States government ceases publishing the CPIU, then FIM shall select a different index for purposes of this provision. Such monthly fee per parking space shall accrue interest at the rate of eighteen (18%) per annum if not paid when due. In the event of Old Port's failure to pay the fee per parking space, FIM shall have the rights and remedies specified in Section 9 below, but in no event shall FIM have the right to terminate or suspend Grantees' use of the Replacement Parking Spaces.

8. Residence Unit Parking Spaces; Assignment of Agreement. At its sole discretion, Old Port shall have the right in any subsequent deed from Old Port of the Residence Unit to limit the rights of the Residence Unit owner to the use of twelve (12) designated parking spaces in the Parking Lot in accordance with and subject to the terms and conditions of this Agreement and of any terms and conditions that may be set forth in said deed, and thereafter, the Declarant of any sub-condominium comprised of the Residence Unit shall have the right to grant the use of said twelve (12) parking spaces to the owners of the residential sub-condominium units anticipated to be created within the Residence Unit pursuant to the terms and conditions of this Agreement and of the applicable condominium documents. The rights and easements to be granted to said sub-units hereunder shall be assigned in the first deed of any such sub-unit, shall be perpetual and exclusive, and shall run with title to any such sub-unit to which they are so granted. Old Port shall further have the right to assign its rights under this Agreement to any subsequent Owner of the Hotel Unit, provided such subsequent Owner assumes all obligations of Old Port hereunder.

9. Default; Right to Cure.

(a) In the event of a monetary default by Old Port or any assignee of Old Port, FIM's sole remedy shall be an action for money damages, together with the right to seek reimbursement of reasonable attorney's fees and expenses incurred in pursuing its rights hereunder. In the event of a non-monetary default by Old Port or any assignee of Old Port, FIM may pursue an action for money damages and/or for injunctive relief seeking to ensure that the parking rights granted hereunder are being used reasonably and in compliance with the terms hereof, together with the right to seek reimbursement of reasonable attorney's fees and expenses incurred in pursuing its rights hereunder. Notwithstanding the foregoing, it is specifically agreed that FIM shall not be

entitled to seek termination of the parking easements and rights granted under this Agreement. In the event of a default by FIM, in addition to any other remedies provided for herein, Old Port or any assignee of Old Port shall have the right to pursue all remedies available under Maine law, together with the right to seek reimbursement of reasonable attorney's fees and expenses incurred in pursuing its rights hereunder.

(b) Prior to initiating any action to enforce the terms of this Agreement or to seek legal relief for default, the aggrieved party shall provide written notice of the breach to the breaching party and its first mortgagee of record as of the date of the notice, if any, and such notice shall state that both the breaching party and such mortgagee shall have a period of forty-five (45) days to cure the breach or, in the case of a breach that can not be readily cured within such time frame, to initiate and diligently pursue a cure.

10. Miscellaneous.

(a) This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and permitted assigns unless otherwise stated in any subsequent conveyance of the Hotel Unit or the Residence Unit or any sub-units therein.

(b) Any notice, demand and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the second business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, registered or certified, return receipt requested, addressed to the party to whom notice is to be given at the address set forth above. Either party may change its address for purposes hereof by giving the other party notice of the new address in the manner described herein. In the case of notice to be given to a mortgagee or assignee of a party, notice shall be given at the address set forth in the recorded mortgage deed or recorded deed of assignment, respectively, unless notice of another address shall have been given in the manner described herein.

(c) All paragraph headings in this Agreement are for convenience of reference only and are of no independent legal significance.

(d) This Agreement may not be modified, waived or amended except in a writing signed by the parties hereto. No waiver of any breach or term hereof shall be effective unless made in writing signed by the party having the right to enforce such a breach, and no such waiver shall be construed as a waiver of any subsequent breach. No course of dealing or delay or omission on the part of any party in exercising any right or remedy shall operate as a waiver thereof or otherwise be prejudicial thereto.

(e) Any and all prior and contemporaneous discussions, undertakings, agreements and understandings of the parties are merged in this Agreement, which alone fully and completely expresses their entire agreement.

(f) If any term or provision of this Agreement or the application thereof to any person or circumstances 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 this Agreement is held invalid or unenforceable, shall

not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law provided that the invalid provision does not have a material adverse effect upon the overall purpose of this Agreement.

(g) This Agreement shall be governed by and construed and enforced in accordance with the laws in effect in the State of Maine.

IN WITNESS WHEREOF, OLD PORT HOSPITALITY, LLC and FORE INDIA MIDDLE, LLC have caused this Agreement to be executed by their duly authorized representatives as of the date first set forth above.

WITNESS:

[Signature]

OLD PORT HOSPITALITY, LLC

By: [Signature]

Mark G. V. Woglom  
Its Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF BELKNAP, ss.

August 23, 2010

Personally appeared the above named Mark G. V. Woglom, Manager of OLD PORT HOSPITALITY, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said OLD PORT HOSPITALITY, LLC.

Before me,

[Signature]  
Notary Public - Justice of the Peace  
LORIA A. STEVENS  
NOTARY PUBLIC - NEW HAMPSHIRE  
MERRIMACK COUNTY  
My Comm. Expires June 21, 2011

WITNESS:

FORE INDIA MIDDLE, LLC

By: Mark G. V. Woglom

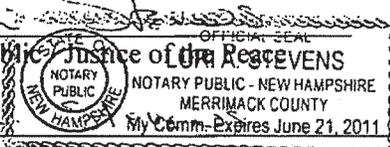
Mark G. V. Woglom  
Its Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF BELKNAP, ss.

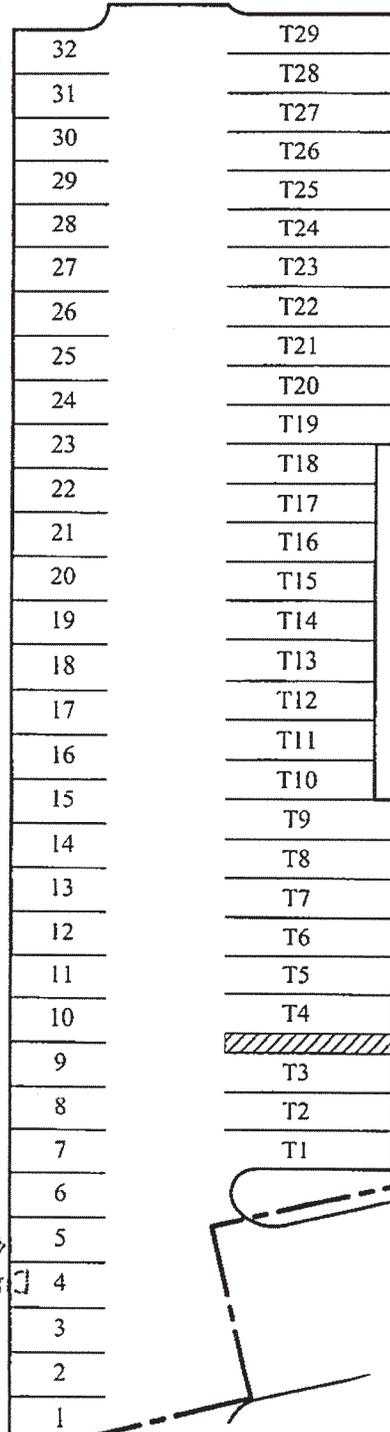
August 23, 2010

Personally appeared the above named Mark G. V. Woglom, Manager of FORE INDIA MIDDLE, LLC, and acknowledged the foregoing instrument to be his free act deed in his said capacity and the free act and deed of said FORE INDIA MIDDLE, LLC.

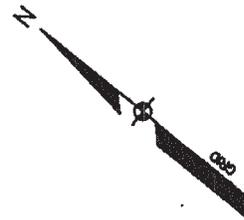
Before me,

Lois St. Jacques  
Notary Public Justice of the Peace Lois St. Jacques  
  
Lois St. Jacques  
Print name

**Exhibit A**  
 to  
**Parking Agreement**



Received  
 Recorded Register of Deeds  
 Aug 25, 2010 03:18:16P  
 Cumberland County  
 Pamela E. Lovley



Spaces 1 through 32 are single-vehicle "Self-Park Spaces" and spaces T-1 through T-29 are two-vehicle "Tandem Spaces"

Portland, ME 04101-5480  
 24 Marginal Way, Suite 600  
 Cumberland Woodman & Mason  
 Real Estate Services, Inc.

Note: The precise location of the parking lot on Lot 2 is as shown on the plan "Subdivision Plan of Hotel, Restaurant and Portside Residences 207 & 209 Fore Street Portland, Maine" dated February 8, 2010 revised through April 23, 2010, and recorded in the Cumberland County Registry of Deeds in Plan Book 210 Page 194.

7290 West 133rd Street  
Overland Park, KS 66213

September 27, 2017

Caitlin Cameron  
Urban Designer  
Planning & Urban Development Department  
389 Congress Street  
Portland, ME 04101

Re: Portland Maine Proposed Business Hotel Level III Application Narrative

Dear Caitlin,

Thank you for your consideration of our proposed hotel project for Site Plan Level III Application review. We have provided the project narrative below for your review.

Proposed 6-Story hotel building with 1-story of common space, dining, kitchen, support space, retail/restaurant and parking garage; 6-stories of hotel rooms with a roof-top bar location on the 5<sup>th</sup> floor. Parking is located on the first and second floors is only valet accessible. The lobby is located on the first floor with access from Fore Street. The restaurant is also located on the corner of Fore and India street for easy pedestrian access.

The above project description entails the overall building design and program for the proposed hotel. Thank you for your consideration and review of our application.

Sincerely,  
DLR Group



Dustin Kurle  
Project Architect

INIT:init

Encl:

cc:





**Bernstein, Shur,  
Sawyer & Nelson, P.A.**  
100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

T (207) 774-1200  
F (207) 774-1127

Mary E. Costigan  
(207) 228-7147 direct  
mcostigan@bernsteinshur.com

December 20, 2017

Caitlin Cameron  
Urban Planner  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: 203 Fore Street Home2 Development

Dear Caitlin:

I am writing on behalf of Miel's Development Group, LLC, the applicant for the proposed development project located at 203 Fore Street. The purpose of this letter is to respond to a request for additional information from you in a December 1<sup>st</sup> email and further clarified in our follow-up conversation.

1. Regarding right, title, and interest, we have submitted updated plans that contain the following information:
  - a. The Subdivision Plan for the parcel containing the existing Hampton Inn (Lot 1) and the proposed Home2 hotel (Lot 2), approved by the Planning Board on April 13, 2010. See Sheet A3.
  - b. Plans that show current property lines, easements, ownership and utilities. See Sheets A6 – A8.
  - c. The City's 30' utility easement is shown on Sheets A6-A8. Sheet A20 shows a cross section of the easement area, demonstrating that the upper parking structure would be at least 12 feet above the ground in compliance with the easement. There will be no support structures for the parking deck in the easement area.
2. Regarding the deed restriction on Lot 2 limiting restaurant use, that restriction prohibits full-service restaurants containing 3,500 sq. ft. or more from Lot 2 as long as a full-service restaurant is operating on Lot 1. The dining area on the plans is not a full-service restaurant, but rather a guest amenity. The rooftop bar

will be open to the public but will not be a full-service restaurant. In any event, both spaces are less than 3,500 sq. ft. as shown on Sheets A12 and A15.

3. Regarding fire separation between the Hampton Inn and the upper parking deck, you indicated that you would consult with the fire department regarding any applicable requirements or concerns.
4. Regarding parking, we provide below an analysis of parking requirements, both under existing zoning and then using the 93 spaces required in the prior approval for the Hampton Inn. You indicated that you were going to determine whether that approval could be amended as part of this approval. You also requested more information on the dining area, coffee shop and bar area in order to calculate required parking. The dining area and coffee shop on first floor are amenities for the hotel guests only, so they do not trigger additional parking requirements. The bar will be open to the public. The bar, including the deck area, will be 2,573 sq. ft. We calculated 1 stall per 150 sq. ft. for a required 18 stalls. Floor plans for the bar, coffee shop and dining area are on Sheets A12 and A 15.

The parking on the existing lower parking lot and new upper parking deck will be shared parking used by both the Hampton Inn and Home2. There will be two hotel entrances on Fore Street. The existing entrance for the Hampton Inn will remain the same. That entrance way is located on the Hampton Inn lot, which is Lot 1 on the subdivision plan. To the extent that Home2 will utilize that entrance drive to access the parking lot, the attached Amendment of Deed dated August 23, 2010 provides Home2 with an easement to utilize the entrance. There will be a new entrance on Fore Street for Home2. There will be clear directional signage, one for the Hampton Inn and one for Home2. Upon entering, guests will then pass their car to valet and enter the respective hotels. The parking is full valet and there will be no self-park, with the exception of the residents that live in the condominiums in the Hampton Inn building. Valet from either hotel will then park the cars in the shared parking area located on the Home2 lot, which is Lot 2 on the subdivision plan. In the event overflow parking is needed, we are in the process of negotiations for offsite parking in a nearby lot or garage.

The attached Parking Agreement, dated August 23, 2010, guarantees 90 parking spaces for the Hampton Inn on the Home2 property. Twelve of the 90 spaces are the self-parking spaces for the residents. The 12 spaces for residents will not change, however the number of spaces provided for the Hampton Inn may be amended, depending upon a determination by the City as to the number of spaces required for the Hampton Inn.

December 20, 2017

Page 3

Parking requirement under existing zoning:

Hampton Inn (Lot 1)

125 Rooms x 1 stall/ 4 rooms: 32 Stalls

Meeting space – 957 SF x 1 stall/ 125 SF: 8 Stalls

Condos: 12 Stalls

Total for Lot 1: 52 Stalls

Home2 Suites

126 Rooms x 1 stall/ 4 rooms: 32 stalls

Rooftop bar – 2573 SF x 1 stall/ 150 SF: 18 stalls (includes deck)

Total for Lot 2: 50 Stalls

**Total Parking Required: 102 Stalls**

**Total Parking Provided: 120 stalls**

Parking required using prior approval for Hampton Inn

Hampton Inn (Lot 1)

Per existing approval: 93 stalls

Condo Parking: 12 stalls

Total for Lot 1: 105 stalls

Home2 Suites (Lot 2)

126 Rooms x 1 stall/ 4 rooms: 32 stalls

Rooftop bar – 2573 SF x 1 stall/ 150 SF: 18 stalls (includes deck)

Total for Lot 2: 50 Stalls

**Total Parking Required for both hotels: 155 stalls**

**Total Parking Provided on-site: 120 stalls**

**Total Parking Provided off-site: 40 stalls (under negotiations)**

5. Regarding setbacks, per our discussion, this unique site is bound by three streets with different setback requirements. Fore Street requires a 10' side setback and Middle and India require a 5' side setback. Your interpretation is that the 10' setback will apply for that portion of the project that fronts Fore Street for as long as the property line runs perpendicular to Fore Street. Once the property line makes a turn, the 5' side setback will apply. As shown on the plans, there are no structures located within the 10' setback, as the lower level on that side contains only a parking lot. The upper parking deck is located behind the turn in the property line and meets the 5' setback.
6. You requested more details regarding the design, including materials. See Sheets A11 and A17-A24.

December 20, 2017

Page 4

7. Regarding the required modules on India Street, the coffee shop and dining area will be distinct areas, separated by fire rated, overhead coiling doors that extend 2/3 the depth of the space. Each space will have a legitimate, active door to the outside. We are requesting a waiver from the required third module on India Street because the existing topography makes a third entrance impractical.

Hopefully this letter addresses your outstanding questions. Please let me know if you need more information or have any further questions.

Sincerely,

Mary E. Costigan

Cc: Rick Mielbye

September 27, 2017

Caitlin Cameron  
Urban Designer  
Planning & Urban Development Department  
389 Congress Street  
Portland, ME 04101

Re: Portland Maine Proposed Business Hotel Level III Application Waiver Requests

Dear Caitlin,

Thank you for your consideration of our proposed hotel project for Site Plan Level III Application review. We have provided the project waiver requests below for your review.

1. We are requesting a waiver for the 3-module 3-door access along the India Street building elevation. India Street Form Based Code requires 3-modules with 1-door per module access. Due to the site constraints along this elevation where we have 8'-0" of grade change that slopes from the high point of the corner of Middle and India Streets to the low point of Fore and India Streets. Due to the slope/grade changes along this elevation we are proposing of having 2-door access points in lieu of the required 3-door access. See proposed building plans and elevations for clarification.
2. We are requesting a waiver for the amount of required fenestration along the India Street elevation. The India Street Form Based Code requires 60% - 90% of building facade at the first floor to be glazing. We currently do not meet the requirement for the 60% minimum of fenestration for the elevation due to the site constraints along this elevation where we have 8'-0" of grade change that slopes from the high point of the corner of Middle and India Streets to the low point of Fore and India Streets. Due to the slope/grade changes along this elevation we are proposing of having at least 33% of glazing along the India Street elevation.  
For Middle Street, we do not meet this requirement either, but are providing 30% of along this elevation. See proposed building plans and elevations for clarification.
3. We are requesting a waiver for the building orientation towards India Street. The India Street Form Based Code considers India Street the main street of the surrounding neighborhood. We currently do not have our main building access along this street due to the site constraints along this elevation where we have 8'-0" of grade change that slopes from the high point of the corner of Middle and India Streets to the low point of Fore and India Streets.

Urban Designer  
September 27, 2017  
Page 2

We are proposing of having our main hotel entry along Fore Street, but we have provided a main point of entry at the corner of Fore and India Streets for a proposed restaurant tenant.  
See proposed building plans and elevations for clarification.

The above waiver request descriptions entail the extents of changes we are proposing to the zoning requirements for the proposed hotel. Thank you for your consideration and review of our application.

Sincerely,  
DLR Group

A handwritten signature in black ink, appearing to read "Dustin Kurle". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dustin Kurle  
Project Architect

INIT:init

Encl:

cc:







**CHATHAM**  
LODGING TRUST

Att. G

Caitlin Cameron  
City of Portland  
Planning and Urban Development Department  
389 Congress St.  
Portland, ME 04101

Dear Ms. Cameron:

I am writing to outline Chatham Lodging Trust's financial wherewithal to complete the potential development of our proposed Home2 Suites hotel in Portland, Maine. Chatham Lodging Trust is a publicly traded real estate investment trust that trades on the New York Stock Exchange (ticker: CLDT) that has an equity market capitalization of over \$1.0 billion. As of 9/30/17, we had \$11.3 million of cash and \$175 million of availability under our \$250 million revolving credit facility. On 11/6/17, we completed an equity offering that provided us with an additional \$109 million of cash. Our financial statements are filed with the Securities and Exchange Commission and are publicly available on the SEC's website: [www.sec.gov](http://www.sec.gov). We are excited about this project and would be happy to answer any other questions you have on our financial wherewithal.

Thanks,

A handwritten signature in blue ink, appearing to read 'Jeremy Wegner', with a long horizontal flourish extending to the right.

Jeremy Wegner  
Chief Financial Officer  
561-227-1372

# Hospitality

Elevate the Human Experience through Design

ARCHITECTURAL AND INTERIOR DESIGN QUALIFICATIONS



AC HOTEL WESTPORT



DLR Group

Architecture · Engineering · Planning · Interiors

listen. DESIGN. deliver

# Elevate the Human Experience through Design

listen.DESIGN.deliver

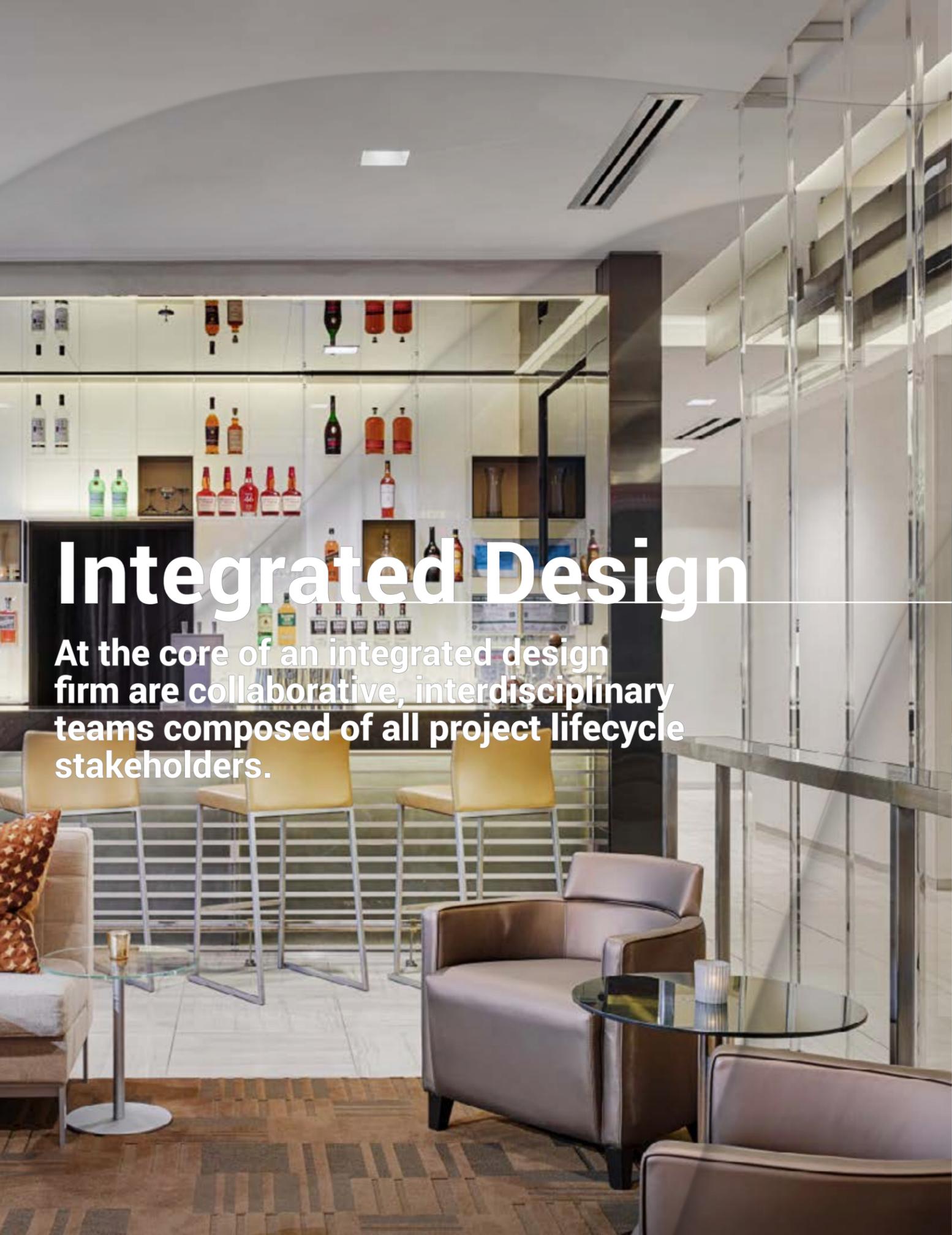
## Contents

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WHO WE ARE 05

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# Integrated Design

At the core of an integrated design firm are collaborative, interdisciplinary teams composed of all project lifecycle stakeholders.

## Who We Are

**DLR Group is a global integrated design firm.**

Our promise is to elevate the human experience through design. This inspires a culture of design and fuels the work we do around the world. **We are 100 percent employee-owned:** every employee is literally invested in our clients' success. At the core of our firm are interdisciplinary employee-owner teams, engaged with all project life-cycle stakeholders. These teams champion true collaboration, open information sharing, shared risk and reward, value-based decision making, and proficient use of technology to elevate design.

Our clients experience this through our service model: **listen.DESIGN.deliver**



### Locations

- |                  |             |                  |
|------------------|-------------|------------------|
| Austin           | Kansas City | Riverside        |
| Charlotte        | Las Vegas   | Sacramento       |
| Chicago          | Lincoln     | San Francisco    |
| Cleveland        | Los Angeles | Seattle          |
| Colorado Springs | Minneapolis | Tucson           |
| Dallas           | New York    | Washington, D.C. |
| Denver           | Omaha       |                  |
| Des Moines       | Orlando     | Dubai            |
| Honolulu         | Phoenix     | Nairobi          |
| Houston          | Portland    | Shanghai         |

### Services

- Architecture • Energy • Engineering
- Interiors • ITDG - Innovative Technology Design Group
- Experiential Graphic Design • Landscape • Master Planning
- Preservation • Sustainability Consulting

# Global Firm

DLR Group operates with a business structure and culture of interoffice workload sharing. The **people** with whom you work are directly backed by the firm's entire resources, enabling us to **immediately** and **effectively** scale our teams to meet your needs.

The outcome is sustainable design of a high performance building for a sustainable future.

**29** Offices Worldwide

**1000+** Full-time Professionals

**100%** Employee Owned

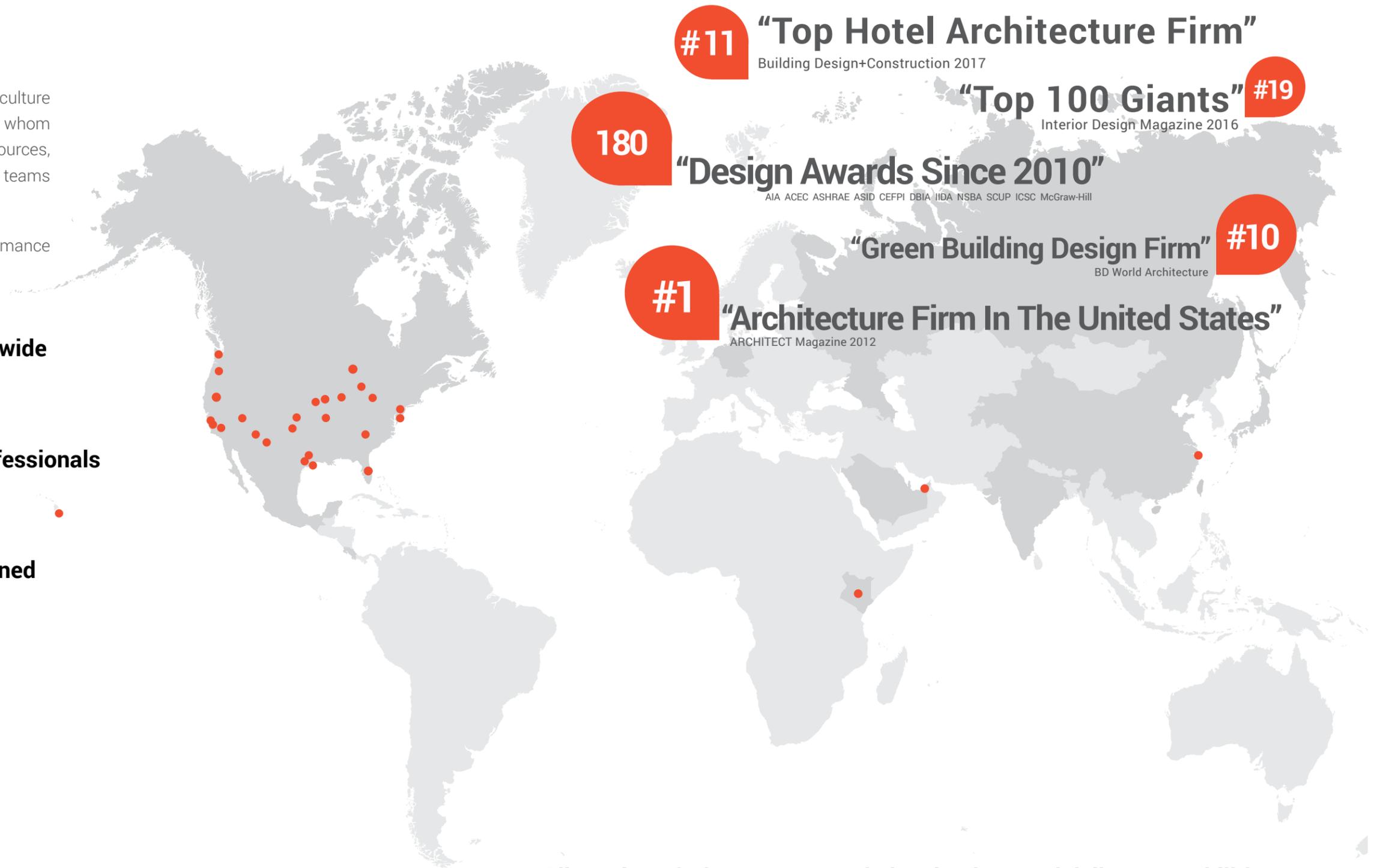
## On-site Expertise

Collaborate with in-house construction market experts in each local office for on-site coordination.

## Integrated Engineering

- Mechanical/Plumbing Engineering
- Electrical Engineering
- Structural Engineering

 DLR Group offices



**Clients benefit from our expanded technology and delivery capabilities, with an awareness of trends and best practices shaping hospitality in both primary and secondary markets worldwide. We've delivered 300+ hospitality projects for best-in-class hoteliers including Marriott, Hilton, Hyatt, IHG and many more.**

# Local Expertise

## Global expertise enriching local communities.

The DLR Group Hospitality Studio thrives in an interoffice workload sharing culture. We strive to balance our clients' vision and brand hallmarks to deliver a return on the investment. For us, design starts far before the guest steps in the door. You'll love our designers and their creativity, who are directly backed by the firm's entire resources. You'll find the local connection translates into design solutions that are meaningful to the heart of the local community it sits in.

## We are dedicated to growing our local community.

Our community involvement runs deep and we are proudly active in professional, cultural and civic institutions which help make our communities continue to be the vibrant community we love to support.

LOCAL  
LOVE

The Personality of an Employee Owned Firm guarantees our clients dedicated service from a talented team of employee owners who are literally invested in their clients' success.



Chicago  
Hyatt Place Chicago/River North; Chicago, IL



Minneapolis  
JW Marriott at Mall of America; Bloomington, MN



Kansas City  
AC Hotel Westport; Kansas City, MO



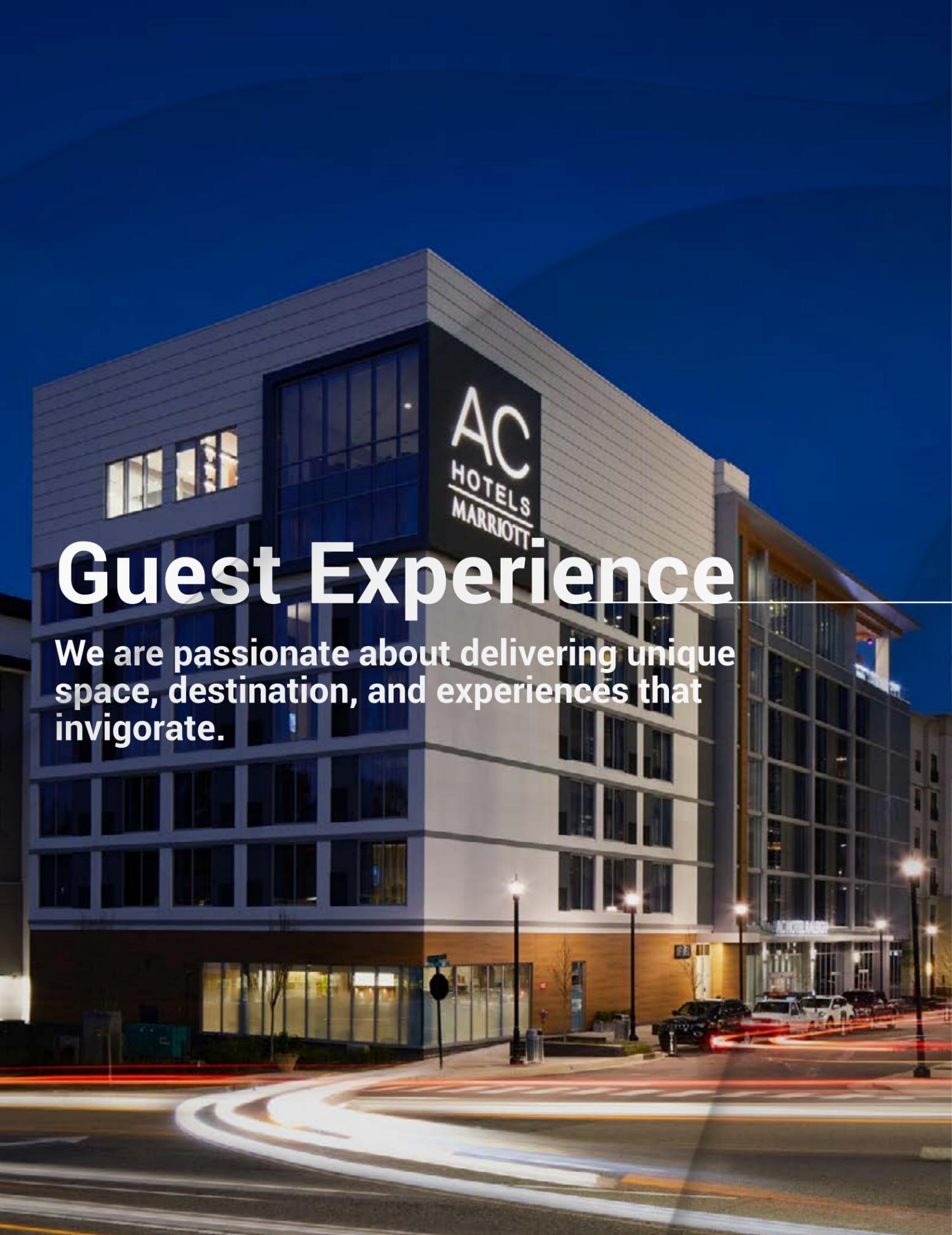
Denver  
The Curtis - a DoubleTree by Hilton; Denver, CO



Atlanta  
Hyatt Midtown Atlanta; Atlanta, GA



San Francisco  
Residence Inn Walnut Creek; Walnut Creek, CA



# Guest Experience

We are passionate about delivering unique space, destination, and experiences that invigorate.

# Hospitality Studio

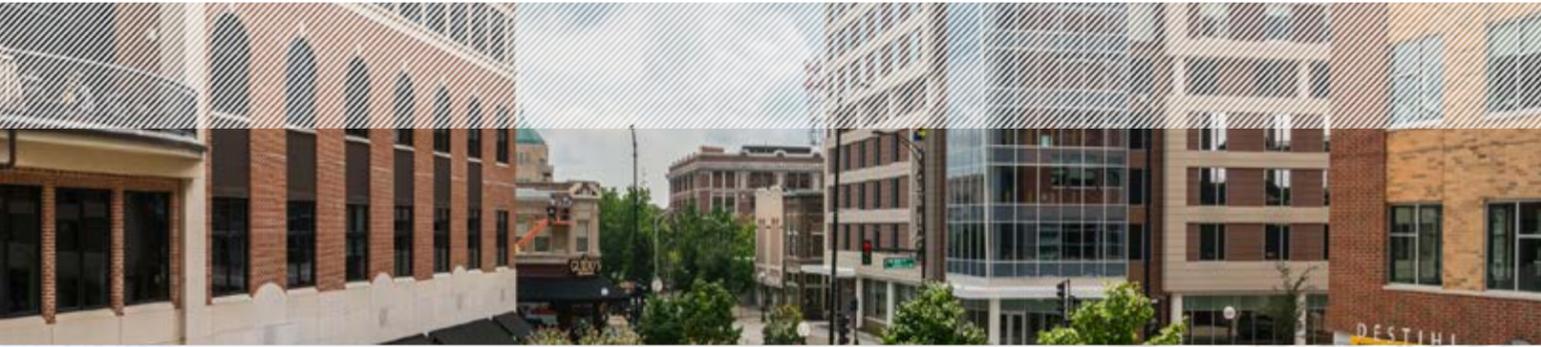
**Creating Hospitality Venues large and small, locally and globally.**

When positive, the sum of all experiences a consumer has with a hotel will build brand loyalty. Architecture and Design makes valuable contributions to those experiences of guest awareness, discovery, attraction, interaction, and purchase.

Our architects and interior designers approach each new hospitality project with a fresh outlook. At the heart of our approach is your vision of how the space should operate, the guests it serves and how it will be used, plus its role in the unique context and manifestation of the locale. We ask tough questions to learn and understand all the things that are unique and important to you, and we translate those needs into tangible, built solutions.



Project Name: AC Hotel Raleigh North Hills Location: Raleigh, North Carolina



# How We Do It

**Our team offers the best possible mix of qualifications.**

## When we LISTEN we learn.

You will work with design leaders who know Hospitality processes, people and standards better than any other architect.

The client knows it. There is trust. You feel it.

## When we DESIGN a dream becomes reality.

You will experience a design process accelerating new ways of critical thinking about consumer experience.

You will work with designers offering knowledge-based expertise gained through experience in a wide variety of world-class architectures.

There is collaboration. Great things happen.

## When we DELIVER there are no obstacles.

You will work with a professional team that designs for innovative experiences, from arrival at a site to final delivery of a product.

Only solutions. Clients are championed. Teammates are celebrated. We cross the finish line together.



## Full Service Design Studio

- Architecture
- Interior
- F&B and dining
- Renovation and expansion
- Store design
- Programming/reprogramming
- Prototype development
- Master Planning
- Structural & MEP Engineering



## FF&E Design

- Furnishings specification
- Custom design
- Brand coordination



## Hospitality Design

- Luxury
- Boutique
- Mid scale
- Resorts
- Event spaces and conference centers
- High-rise
- Programming/reprogramming
- Prototype development

# Energy + Engineering

## Do more with less.

A focused approach to systems design will save building owners an average of 30% on their utility costs.

Translating into over \$1 million for an average facility over a standard investment timeline.

IRR 20+ IS COMMON.

Take advantage of integrated design.

## Design

- + Full Engineering Services
- + Technology Infrastructure
- + Water Efficiency Strategies
- + Performance Analysis
- + Sustainability Consulting

## Reduce

- + Energy Master Planning
- + Life-Cycle Cost Analysis
- + Commissioning
- + Energy Audits
- + Benchmarking

## Produce

- + Rooftop Solar Arrays
- + Solar Canopies
- + Car Ports
- + Landmarks
- + Electric Car Charging Stations



## Engineering Experts in Hospitality

*Yes, that is who we are.*

During **The Laylow, Marriott Autograph Collection** renovation, our specialized engineering team was present during the initial building survey to document building systems and assess the condition of the existing equipment. We leveraged our expertise to implement a solid salvage plan for the renovation. This saved the client important time and capital. This boutique hotel now meets the high standards of the Marriott Autograph Collection.

## Cooperation at its Finest

*Truly integrated.*

DLR Group restored a 25 year-old independent hotel into the practically new **Hyatt Midtown Atlanta**. Using an integrated approach, our experienced engineers were involved from the beginning of the design process. Our team tested ideas and choices to align with the best value for the ownership group. Once system selections were made, engineers and architects worked closely to resurrect a modern design into the soul of this aging building. The result was an award winning project with all of the features of a brand new hotel for a fraction of the cost.

## Your Goal. Our Goal.

*Enrich the guest wellness experience.*

Indoor air quality and reliable hot water are among the most important amenities to hotel guests. At the **AC Hotel Westport**, DLR Group engineers completely redesigned the central plant equipment and added a dedicated outside air system (DOAS). This radically changed the indoor environment, delivering ventilation directly into the guest rooms and managing the relative humidity level. The indoor air quality in the hotel is now as fresh as the new interior design.

## Creating Space...

*by supporting design innovation.*

We were challenged with refreshing a 1900 farm machinery factory showroom into a hip 21st century hotel. At the **Canopy by Hilton Minneapolis Mill District**, tight ceilings and urban sight-lines had to be respected. To do this mechanical infrastructure was concealed with creative routing and air distribution strategies. Strict sound levels were met. All done while exposing the brick and timber of a building on the National Register of Historic Places.

# Our Relationships



# Hospitality Experience

Emphasis is placed on creative designs in the forefront of the marketplace, optimizing the return on investments for our clients and setting the standard for quality of the guest experience.



## BOUTIQUE HOTELS

The Rose  
LoDo Hotel  
HABITAT

- 6 HYATT PROPERTIES
- 9 IHG PROPERTIES
- 44 HILTON PROPERTIES
- 95 MARRIOTT PROPERTIES

**5500**

KEYS DELIVERED



**60**

DESIGNERS



**4**

STUDIOS



**300+**

HOSPITALITY PROJECTS



**180**

DESIGN AWARDS WON (SINCE 2010)



**32**

BARS AND RESTAURANTS



**10**

CONVENTION & EVENTS HOTELS

TOP ID FIRM 2017  
NEWH North Central Chapter



BUILDING DESIGN + CONSTRUCTION  
Top 60 Hotel Architecture Firm

**#11**  
2017

INTERIOR DESIGN  
Top 100 Giants

**#19**  
2016

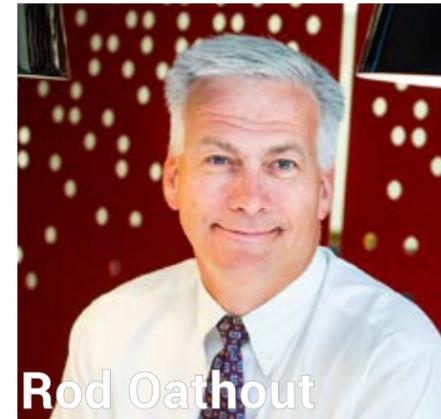
#1 Architecture Firm  
ARCHITECT Magazine

**#1**  
2012

# Hospitality Leadership

Our leaders play an active role in the ongoing growth and development of DLR Group's Hospitality Studio and provides leadership on a wide range of hotel, conference center, and mixed-use projects.

**Brian Murch** Kansas City  
**Ed Wilms** Minneapolis  
**Keith Keaveney** Los Angeles  
**Joe Cicora** Chicago  
**Steve Wolf** Minneapolis  
**Melissa Knock** Los Angeles  
**Rod Oathout** Kansas City  
**Scott Boyle** Chicago  
**Sergio Gonzalez** Los Angeles  
**Staci Patton** Minneapolis  
**Steve Cavanaugh** Chicago  
**Tom Mitchell** Kansas City



# Insights in Hospitality

Our Insights is a forum to discuss new trends and issues of direct concern to our clients. Insights offer viewpoints from our leadership within DLR Group.



by **Tom Mitchell**  
Tom Mitchell is DLR Group's Global Hospitality Leader.

## When is the “Soft Landing” and How Do We Prepare for it?

As the hotel industry evolves in a shifting marketplace, adaptive reuse is becoming a key piece of many brands' strategies.

**Instead of erecting a cookie-cutter design on empty space or tearing down what already exists, hotel brands are infusing older spaces within existing neighborhoods with new life.**

DLR Group focuses on design, but we also remain alert to shifts in the economic and business landscape and look to advise our clients on how best to prepare themselves for the opportunities and challenges that lie ahead. In hospitality, there's a lot of chatter these days about a “soft landing”

Briefly explained: The industry has been hot for several years now, with demand outpacing supply since 2010 and nearly all sectors registering 10% or better growth. Every time people think this won't continue, it does. That said ... although signs indicate a good, if not spectacular, 2016 (perhaps 6% growth), it seems clear that 2017 will likely bring a significant slowdown, dropping growth to 1% to 2%. If you're in hospitality, how should you be thinking about things?

### It's Still All About the Experience.

Travelers will continue to search for that customized, differentiated experience, and millennials, who are entering their prime earning years even as they remain plugged-in, will continue to push growth. In short, it's the mix of amenities you're offering, and how well they are presented (design) and integrated (technology), that matters.

**“IN SHORT, IT'S THE MIX OF AMENITIES YOU'RE OFFERING, AND HOW WELL THEY ARE PRESENTED (DESIGN) AND INTEGRATED (TECHNOLOGY), THAT MATTERS.”**

### Be Smarter About Business.

When it comes to capital investments, there's a balance to be struck between maintenance and what keeps guests coming. New-build projects will likely ebb in favor of refreshing current properties. During slowdowns, it's midsize companies — which lack the financial robustness of the big brands and are not quite as nimble as smaller hoteliers in responding to market needs — that are most at risk.

Things continue to feel good in the hospitality industry, and probably will for a little while, but the smart guys are already making their moves for 2017 and beyond. Are you ready for what's next?



by **Ed Wilms**  
Ed Wilms leads DLR Group's Hospitality Studio in the North Central Region.

## Authentic Local Flavor in Hospitality Dining

The recipe for a successful restaurant-hotel design has many ingredients, but when blended properly the outcome can be a win-win for everyone involved.

Within the matrix of amenities that hotel developers consider when creating a new location, the standalone restaurant is becoming a must-have. Yet more and more, these spaces aren't being filled by corporate chains. Instead, hoteliers are looking to bring an authentically local flavor to their properties by partnering with area restaurateurs.

The rewards of such a relationship are clear: For the hotel, it's a unique amenity for guests and a new destination for area residents. For the restaurateur, it's an opportunity to open a second or third location and connect with a national brand. But a **successful venture** is not without its challenges.

Unlike the clean, relatively easy retail box, restaurants are **infrastructure-intensive spaces**, requiring accommodations for gas, water, ventilation, and the logistics of constantly moving product in and waste out — operations that must be invisible to both diners and the hotel's guests. Although architects try to account for these things as early as possible, even in a hotel's schematic design, it's often not until a deal is final that the spatial reality, based on a particular restaurant's needs, becomes clear.

Here's an example: DLR Group is currently working with a hotel property to redevelop a historic Minneapolis building with a major entry at each corner. The restaurant partner negotiated one of the best entry points for itself, which put it farthest from the loading dock. As a result, we've reworked the hotel's floor plan and back-of-house spaces to allow for a new, restaurant-only elevator that uses the basement for loading dock access. In other words, a **restaurant's design can directly impact how the hotel itself operates.**

Then there is the issue of hotel-restaurant access. Hoteliers generally seek restaurant brands that are sympathetic with their brand and aim to strengthen this connection by having the restaurant directly accessible from within the hotel. Unfortunately though, restaurants do fail, and the next tenant might not be quite as desirable. Thus a design needs to be **flexible** enough to enable that direct connection, but also to

**“UNLIKE THE CLEAN, RELATIVELY EASY RETAIL BOX, RESTAURANTS ARE INFRASTRUCTURE-INTENSIVE SPACES, REQUIRING ACCOMMODATIONS FOR GAS, WATER, VENTILATION, AND THE LOGISTICS OF CONSTANTLY MOVING PRODUCT IN AND WASTE OUT.”**

be able to close it off without major disruption to the space on either side of the wall.

Designing at the intersection of **restaurant-hotel design** is a challenge. But it's a satisfying nut to crack — not least because the process can often involve many delicious sample meals as part of the research process. Bon appetit!

# Tangible and Authentic Guest Experiences

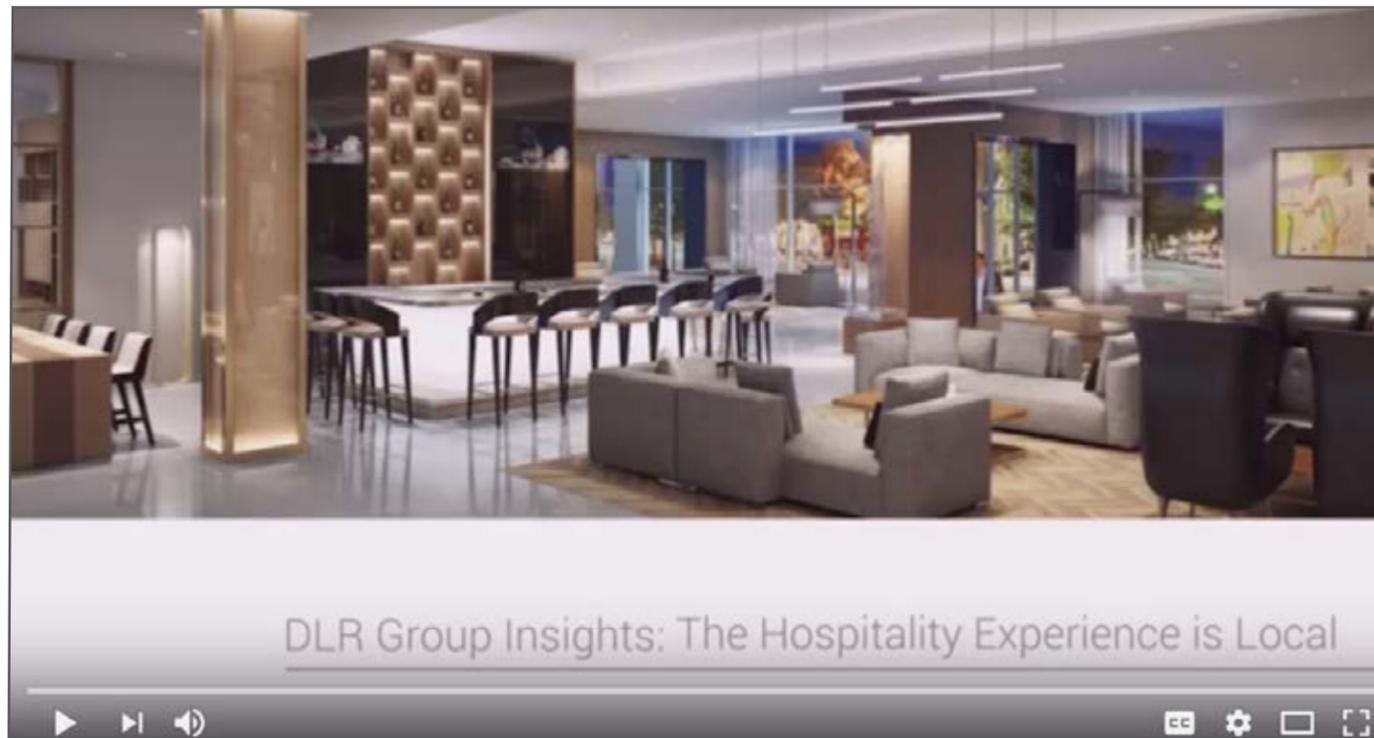
Immersing yourself in the neighborhood is the key to transforming a location into a hotel destination.



Staci Patton shares her view on how designers can approach placemaking to offer tangible authentic experiences for guests. Click below to watch her video.

by **Staci Patton**

*Staci Patton leads DLR Group's Hospitality Interior Design Studio.*



## Art in Hospitality Design

Recently, I've been thinking about art in hospitality projects and why it's important for owners, developers, architects, and interior designers to consider art as an essential part of a hotel design concept, not a decorative afterthought. Here are some of the best reasons, as I see them.

by **Brian Murch**

*Brian Murch is one of DLR Group's Hospitality Design Leaders.*

**Art is the fundamental core of architecture and design. Structures and spaces are as much about expression of the creative spirit as they are the physical representation of a brand's identity.**

Architects and interior designers spend hours considering colors, textures, forms, etc., because of how they contribute to that identity. Art, the purest expression of creativity, can speak with at least as much impact as any flooring, wall covering, or furniture selection.

**“BUT ART CAN BE AS POWERFUL A DRAW FOR LOCALS AS FOOD AND DRINK AND INFUSE A SPACE WITH LOCAL CULTURE, WHETHER IT'S A PROMINENT, PUBLICLY ACCESSIBLE ARTWORK (SUCH AS A MURAL OR SCULPTURE) BY A NOTABLE PERSON OR A GALLERY SPACE THAT SHOWCASES A ROTATING SELECTION OF AREA.”**

**Art is the intellectual soul of the hotel.**

People travel for leisure because they seek interesting and memorable experiences. Hotels embody that aspiration, that desire for something new—which is why they go to great lengths to demonstrate how they're different. Art is fundamentally about uniqueness and offers a moment of pause and reflection. At the end of the day, people are more likely to remember a hotel's well-displayed original photograph, painting, or sculpture than the lobby furniture.

**Art is a point of community connection.**

For too long, hotels have attended to travelers' needs while offering little of interest to the surrounding community, but that's changing. These days, there's a focus on finding ways to engage a hotel's neighborhood and being seen as an asset and destination for locals. Eateries and bars created by local restaurateurs are popular, for example. But art can be as powerful a draw for locals as food and drink and infuse a space with local culture, whether it's a prominent, publicly accessible artwork (such as a mural or sculpture) by a notable person or a gallery space that showcases a rotating selection of area talent.

In short, art matters, and the hospitality industry—and by extension, the general public—benefits when hotel spaces celebrate it.



**Placemaking**  
design experiences to create  
vibrant, memorable destinations.

# Design Approach

**The formation of successful hospitality destinations.**

DLR Group strives to start every project with a thought-provoking ideation session to engage owners, understand project complexities and uncover hidden potential within the local scene. Incorporating art, fashion, food and beverage and all those in between elements unique to each location, help

create an indigenous and authentic experience for each hotel guest during their stay. These approaches, coupled with our understanding of the client's vision, will undoubtedly create an experience that builds guest loyalty through a meaningful curation of memories to the hotel brand.

**Thoughtful design leaves room for the place and its individuality to be formed.**

At its best, design gives an identity to every space and can create cohesive environments that are not sterile or faceless. From a physical standpoint, this is achieved through the intertwining of service and function. Providing a balance of open and intimate spaces allows guests to socialize or detach, based on their needs. From a psychological standpoint, playing with light, shadow and temporal experiences all create spaces that surprise with elements of discovery and delight, allowing each space's individuality to show through.



**Encouraging individuality is not opposed to simplicity in design and planning.**

Clarity comes from proportion in design, use of materials that are humanistic, and a restrained number of design moves, working together in harmony. In this way, the simplicity of planning and design inspires the complexity of vibrant, memorable spaces.



**Create positive change for individuals and hotels through the transformation of physical places.**

Our fundamental approach to placemaking is to craft a design that reflects both its unique context and the manifestation of the locale. Our design philosophy and methodology seeks to deliberately promote social interaction and ultimately improve the hotel's influence to the quality of life. Engaging with a wide variety of people and places, we have the ability to design positive change for guest experiences through the transformation of physical places. Our focus on innovation and beauty simultaneously elevates the experience of guests while preserving economic value for the project.



# Design Matters

DLR Group's brand promise is to elevate the human experience through design.



## Relevant Experience

**listen.DESIGN.deliver**

Our team of designers have delivered many architectural design renovations and new build projects. We understand the complicated scopes of these projects and the aggressive schedules they need to have in order to open and begin gaining the return on your investment. Every project has a strong vision and DLR Group can help you realize this.

Our team constantly seeks to bring high design ideas and concepts with a high level understanding of practical operational or durable solutions. We understand how important it is to have a project delivered on-time and under budget. Our team of designers has a vast portfolio of experience and an understanding for what needs to be done in order to provide your guest with the ideal experience without breaking your budget.

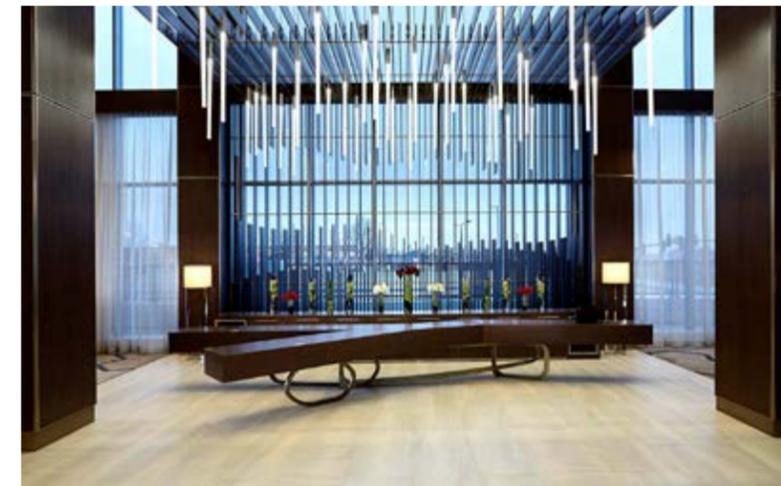
Seamless coordination between all members of the team allows your project to be a priority and delivered on time without delay.



Project Name: Hilton Hotel at Iowa Events Center Location: Des Moines, Iowa

# JW Marriott at Mall of America

Bloomington, Minnesota



The iconic Mall of America expansion reinforces the center's strong brand awareness and tourist destination status by featuring fresh new retail concepts and store types, office spaces and a hotel. DLR Group's design opens the center to the north with striking facades that exude vibrant energy and excitement. Exterior signage and design accents turn the mall outward to draw guests to the activity within. By the project's completion it will have more than doubled the existing mall in size.

The scope of work for this 303,000 SF, 15 story, 342 room luxury hotel includes a 16,400 SF ballroom with a spacious pre function area that looks over the main entry plaza. The American style cuisine Cedar & Stone restaurant prominently located along the grand atrium of the new Central Parkway at the Mall of America provides a sophisticated dining option. The JW Marriot is a signature element of an 850,000 SF expansion at the Mall of America that also includes three levels of retail totaling more than 300,000 SF, a 176,000 SF, 10-story office building, and a 525 car two level underground parking structure.

**Completion date:** 2015  
**Total square feet:** 303,000  
**Number of Keys:** 342

DLR Group provided architecture, coordination of the planning of all the disciplines and construction administration services.

# Lower Downtown Denver Lifestyle Hotel

Denver, Colorado



This hotel mixed use project, developed by T2 Hospitality, is located in the Lower Downtown area of Denver, CO. DLR Group's design increases the vitality of the neighborhood environment through sensitivity to the historical context of the site. The building's lower floors respond to the historic buildings style, scale and proportion. The architecture style of the building's upper floors is clean and modern, utilizing a straight forward palette of materials to break up density — including stone, masonry, limited use of plaster, steel, galvanized and painted metal accents and an extensive amount of glazing at the street frontage. The exterior colors are simple and subdued, consisting primarily of cast iron detail, masonry, metal mullion systems, metal paneling, natural stone, and integral color plaster. Hotel guests can engage with the community while taking advantage of the amenities provided with a street-level restaurant and public art areas — offering a seamless connection to nearby offices,

restaurants, bars, and shopping. The attractive design of contemporary architecture with a contextual influence contributes to the urban design and planning of the overall Lower Downtown area.

Located on the urban site of 0.36 acres, the hotel is 11 stories with 220 rooms, approximately 140,000 SF, and provides a ground floor transit lobby space with common access to the ground floor restaurant and cafe from the street level. The restaurant faces 16th Street Mall and provides outdoor patio dining. The hotel lobby on the second floor provides a separate lounge / bar and restaurant for hotel guests. The program of the building is intended to enliven the Lower Downtown area by activating the public realm with hotel and restaurant activity. New public improvements along the project's street frontage will create a safer pedestrian / bicycle linkage throughout Downtown — stimulating even further development in the active neighborhood.

**Completion date:** 2018  
**Total square feet:** 140,000  
**Number of Keys:** 220

DLR Group provided planning, architecture, and engineering services as well as assistance in the City Planning approval process.

# The Rose, A Boutique Hotel

Rosemont, Illinois



This new boutique hotel is a key component to the visionary “Pearl Street Station” development project in Rosemont, Illinois. DLR Group’s design echoes the branding theme, which is centered on provocative and edgy art pieces. The building’s mass is organized into two sculptural, interlocking forms. The canted walls at the east & west corners of the building create visual dynamism and optimize branding and lighting opportunities from the adjacent freeway. The angle in elevation is also mimicked in plan through a shift at the central lobby, creating more intimate corridors and a more pleasant guest experience.

Signature experiences of this new 99,317 SF, 5-story, 165-key hotel include an art-themed lobby space with interactive, provocative art, locally-inspired “grab & go” food options at the market, upscale appetizers and custom, themed drink offerings at the bar. The hotel also offers flexible, technology-rich meeting spaces as well as small meeting pods to reserve for personal use. Other amenities include a private dining room and fitness center. In addition to the hotel, the “Pearl Street Station” complex will include two restaurants and an office building.

**Completion date:** 2017  
**Total square feet:** 99,317  
**Number of Keys:** 165

DLR Group provided architecture and MEP engineering services.

# Hilton Hotel at Iowa Events Center

Des Moines, Iowa



The new Hilton full service convention hotel is located at the edge of downtown Des Moines' Iowa Events Center (IEC). Additionally, the ground up hotel will connect to the Des Moines skywalk system, and feature a surface parking lot on the east along with 120 parking spaces below the building. DLR Group's design team used the building massing to emphasize the border of the existing Iowa Events Center civic buildings on the site and rebrand the intersection at 5th and Park streets. The project incorporates a new transparent base that activates the urban street frontage and invites guests into its lobby and restaurant spaces. The architecture is highlighted by a large sculptural vertical frame that climbs up the structure and anchors the corner of the building. Floating above the intersection and restaurant

is an elevated roof deck entertainment space. The guestroom tower above offers panoramic views of the downtown skyline and capitol building on the east horizon.

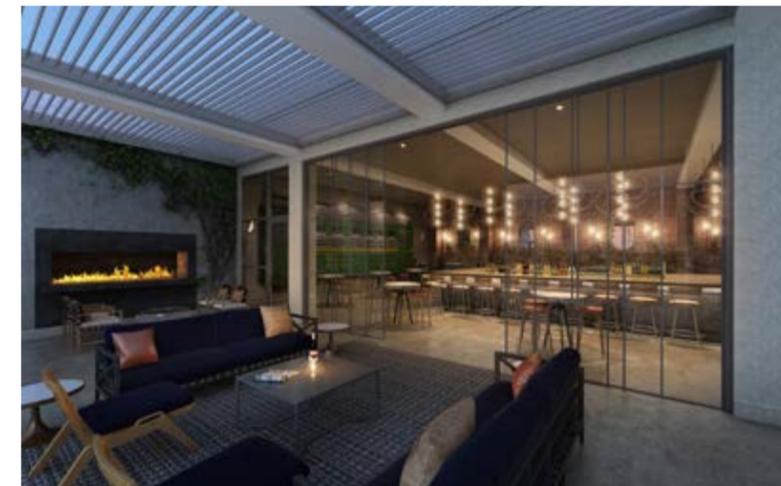
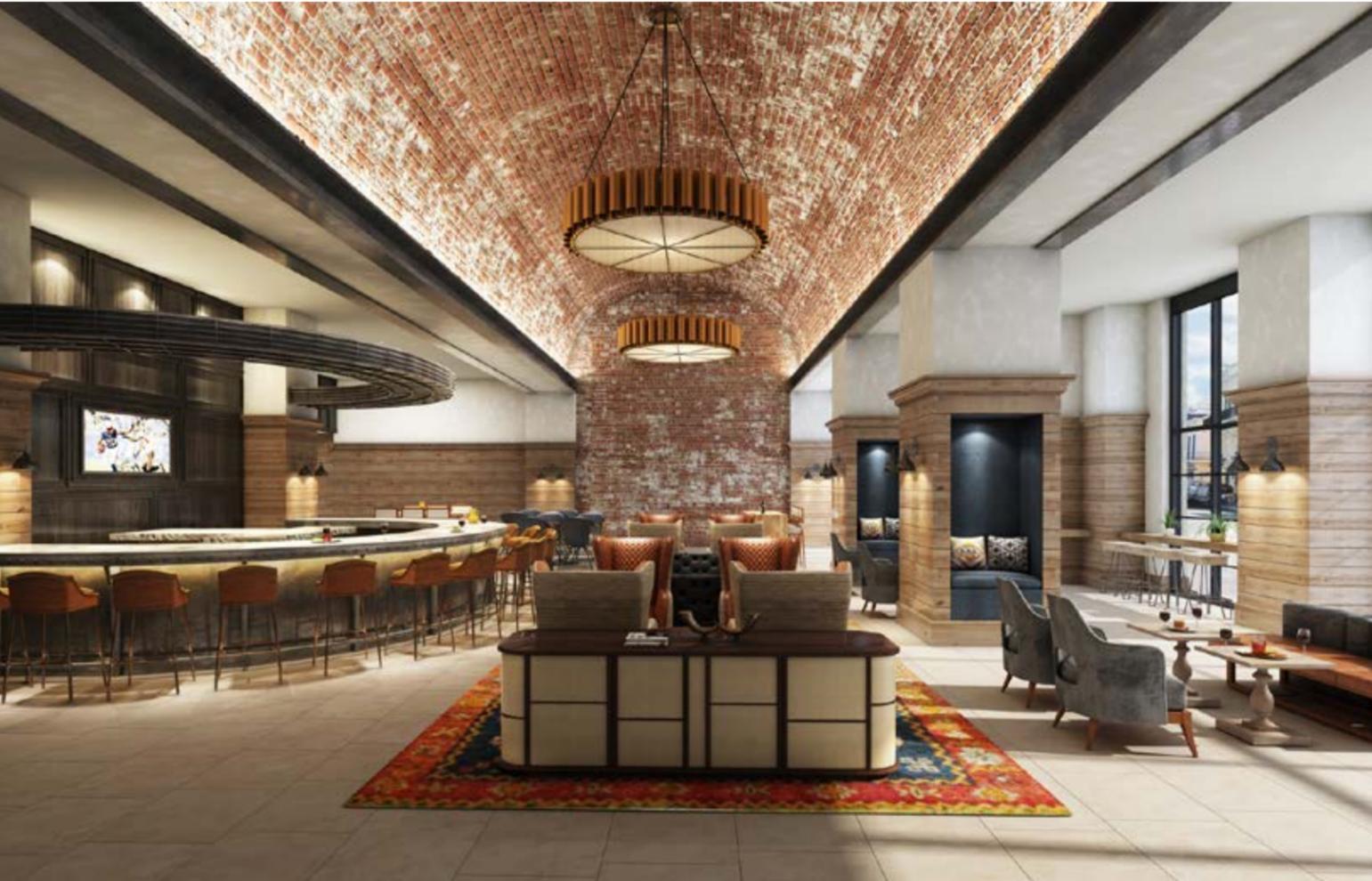
This 317,638 SF of new construction includes 330 guestrooms, public lobby, bar, and amenity spaces. The project also includes 14,000 SF of new meeting space which includes a Ballroom, Meeting Rooms, and Pre-function spaces. A 125 car parking structure is located beneath the building.

**Completion date:** 2018  
**Total square feet:** 317,638  
**Number of Keys:** 330

DLR Group provided architecture services.

# Canopy by Hilton Dallas Uptown

Dallas, Texas



Located at the intersection of Cityplace West and Oak Grove in Uptown Dallas, the Canopy Hotel is the featured hotel of Cityplace, a mixed-use luxury retail and residential development. The Canopy by Hilton Dallas Uptown echoes the direction "New Luxury Is A Stylish & Comfortable Experience" that mirrors and compliments today's new travel culture. The new lifestyle hotel will be a balance of sophisticated, upscale Dallas residential appeal, with a celebration of the historic character of the trendy neighborhood, McKinney Avenue, and their beloved vintage M-Line trolley. These components will create a spirited and comfortable, hand-touched design. DLR Group's hotel design ingrains the project within the fabric of the district by extending the well-established West Village retail development eastward along Cityplace West Boulevard, weaving influences and elements of historical roots throughout the overall design. Its renewed, illuminated

presence captures the energy and dynamics of the Uptown area while offering a unique, locally-curated hospitality escape. The aesthetic is conveyed through local artist installations in a mix of objects and prints that are inspired by the neighborhood.

The 99,315 SF, 8-story, 150-room lifestyle hotel will include the signature Canopy Central public space, a restaurant and a boutique rooftop sky lounge offering a private retreat during the day and pouring crafted cocktails in the evening adjacent to a new casual business meet and greet space offering high style, high tech and high comfort. Additionally, the new hotel will include a fitness center, 2,145 SF of meeting space, and flexible social/work areas. The project's second and third levels comprise the project garage. The parking structure's exterior façade was designed to seamlessly integrate the architecture from the ground floor through the hotel tower.

**Completion date:** 2017  
**Total square feet:** 99,315  
**Number of Keys:** 150

DLR Group provided interior design services.

# Canopy by Hilton Minneapolis Mill District

Minneapolis, Minnesota



DLR Group is currently designing the new Canopy Minneapolis in the historic Advance Thresher/Emerson-Newton building. Built in 1900 and 1904, the Advance Thresher building has been on the National Historic Register since 1977. Originally designed by Kees and Colburn, the project is an excellent example of the influence of Chicago architect Louis Sullivan on large-scale commercial/industrial buildings in Minneapolis at the turn of the century. The exterior combines brick and beautiful terra-cotta detailing with a broad projecting metal cornice. The interior consists of heavy timber construction with soaring atriums that are filled with natural daylight.

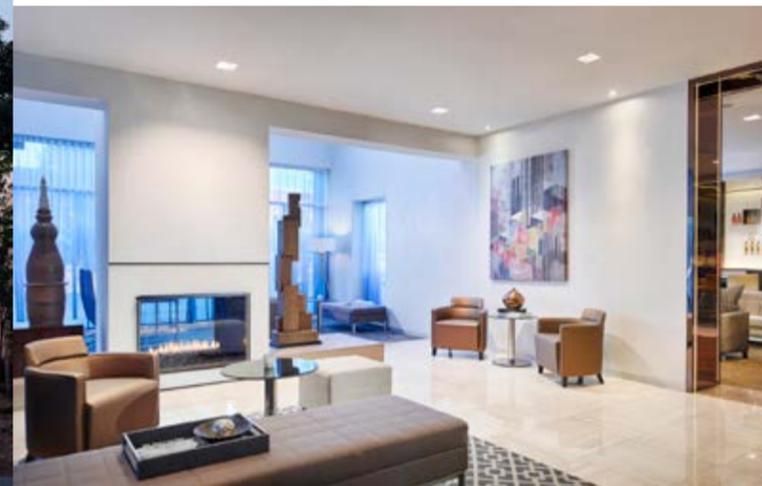
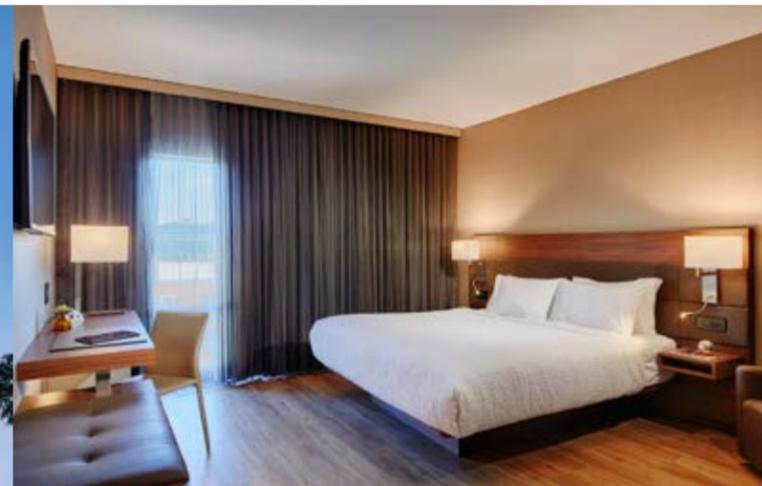
Converting all 7 floors of the building from office use to hotel requires a complete renovation removing all interior elements down to the structural frame. The hotel will have 182 keys, grand canopy central, an independent restaurant and the creation of a sky lounge with dramatic views to the new Minnesota Vikings stadium.

**Completion date:** 2018  
**Total square feet:** 135,000  
**Number of Keys:** 182

DLR Group provided architecture, interior design, MEP and structural engineering services.

# AC Hotel Westport

Kansas City, Missouri



This rebranded hotel brings together a unique neighborhood and the Marriott AC brand to attract the modern, urban guests who visit this area well known for its night life. The former Q Hotel & Spa was originally built in 1986 as an independent hotel in the historic Westport District and is surrounded by a neighborhood that has evolved into five blocks of eclectic restaurants and bars and a high-end residential area. DLR Group's design team worked closely with the developer and the Marriott transformed the dated building into a franchised AC Hotel. The public spaces and guest rooms of the hotel bring the high-style environment and European sophistication that the Marriott AC brand was founded on. Simple, clean and crisp aesthetics are found throughout the hotel and appeal to the design-conscious guests.

The scope of work encompasses renovations to a 4-story hotel building, including 123 guest rooms, a 525 SF meeting room, and two smaller AC branded media salons with highly collaborative technology available for rent by local business entrepreneurs and visitors. An AC bar and lounge, fitness center, guest laundry, market, and an AC library which serves as a business center are available to guests.

**Completion date:** 2015  
**Total square feet:** 58,710  
**Number of Keys:** 123

DLR Group provided architecture, interior design, MEP engineering, LEED Consulting, energy modeling, and commissioning services.

# AC Hotel Fair Oaks

Sunnyvale, California



The new AC Hotel by Marriott in Sunnyvale, CA has 5 stories and provides a ground floor lobby space entry to an outdoor patio area. The fourth level pool deck serves as both an outdoor dining and lounge amenity area for guests. DLR Group's design is pedestrian and bicycle friendly with numerous upgraded pedestrian connections, bike parking, and seating areas open to the public. As an amenity to the hotel and the surrounding community, a communal park/lounge area with public art is provided at street level. The hotel will be furnished with its own restaurant/bar, lounge, along with an outdoor pool deck and meeting space. The bar and open lounge concept complements the walk along Fair Oaks Ave and El Camino Real. The service and support activities of the hotel are towards the rear of the site for efficiency and activate

the street frontages. New public improvements along the project's street façade will create a safer pedestrian/bicycle linkage throughout the Community Center Node - stimulating even further development in the energetic area.

This 89,620 SF lifestyle hotel with 187 guestrooms sits on a 1.25-acre site and offers approximately 150 parking stalls; 50 stalls and a drop-off are on grade, while the remaining parking spots are in a subterranean parking structure. Local flora and fauna blends the building and site parking into the surrounding landscape. A straightforward palette of materials is utilized to break up the density including concrete, plaster, steel, galvanized and painted metal accents, and an extensive amount of glazing at the street frontage. Sustainable features

include a high efficiency HVAC system, use of natural lighting, energy-efficient light bulbs, motion-sensored and timed light switches in all offices, store rooms, public restrooms, and LED Exit signs. To enhance the clean air, high efficiency air filters with a minimum efficiency reporting value (MERV) of 8 or better are installed. Low flow toilets, water faucets and showerheads in guestrooms and common areas are provided, as well as water efficient commercial dishwashers and laundry washing machines. All biodegradable non-phosphate cleaning supplies are used.

**Completion date:** 2018  
**Total square feet:** 89,620  
**Number of Keys:** 187

DLR Group provided architecture and MEP engineering services.

# AC Hotels by Marriott

Various Locations



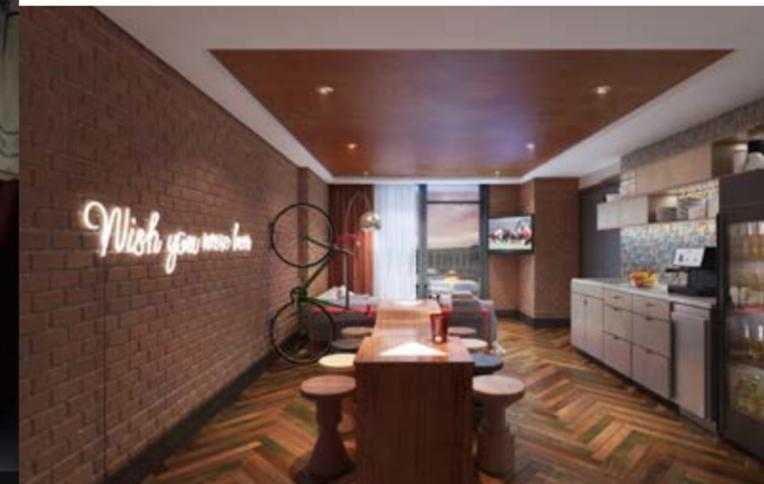
DLR Group has designed or is currently designing additional AC Hotels by Marriott properties in multiple cities, including the following:

- Bellevue, Washington
- Chapel Hill, North Carolina
- Gainesville, Florida
- Grand Rapids, Michigan
- Kansas City, Missouri
- Raleigh, North Carolina
- Pleasanton, California

- San Jose, California
- South San Francisco, California
- Spartanburg, South Carolina
- Sunnyvale, California
- Vancouver, Washington

# The Elizabeth, Marriott Autograph Collection

Fort Collins, Colorado



The interior design of The Elizabeth, Marriott Autograph Collection, sought to evoke a light and airy ambience, accentuated with handcrafted details in furnishings and moldings, juxtaposed by raw and aged wood. The overall sensual quality is familiar yet elegant and sophisticated. DLR Group's design uses an abundance of neutral tones in painted moldings, unapologetic filigree, and rich ornamentation on walls, amplified when their shadows further reveal their depth in the daylight. The lobby is punctuated with colors of blue, aubergine and peach, inspired by peonies and spring willow branch buds. The experience of music resonates throughout the property, hearing and feeling the physical vibrations of the drum or guitar at their core. A music library offers guests an opportunity to explore vinyl records and play various musical instruments, encouraging an impromptu jam session or to enjoy in the privacy of their guestroom.

The new development of this 5-story, 162-room hotel, a total of 116,643 SF, includes the main hotel lobby and entry, the lounge, meeting areas, the fitness area, the hotel rooms and hotel room floor corridors and the interior finishes for all the back of house spaces.

**Completion date:** 2017  
**Total square feet:** 116,643  
**Number of Keys:** 162

DLR Group provided interior design services.

# The Laylow, Marriott Autograph Collection

Honolulu, Hawaii



Hawaii's beach lifestyle meets urban vibe at this newly renovated hideaway in the Center of Waikiki. This boutique hotel is just one block from Waikiki Beach and located in the center of one of the islands biggest shopping and dining districts. The project location offers many opportunities for DLR Group's designers to give visitors to the island a twofold experience of beach and City with refined and comfortable spaces. The street level of the hotel features an active retail zone and the support space for an urban hotel location, but a quick ride up to the new elevated lobby from the bustling street delivers guests to a more secluded and classically hip Hawaiian hospitality experience. This main amenity level features open-air spaces including the hotel's registration and lobby, lounge and dining spaces, and a new poolside area that sets the tone for guests to enjoy the property.

The scope of this project is a complete renovation and modernization of a 16-story, 250-room hotel with new guestrooms and retail areas. The street level includes more than 10,000 SF of retail space, additional back of house/service areas and a 500 SF Lanai. On the 2nd floor lobby level a pool deck, fitness area, spa rooms, kitchen and offices, dining area, and a lounge/bar are featured. Through the design process, furnishings and finishes were carefully selected to create a strong sense of rustic Hawaiian luxury, while keeping the hotel stylish and sophisticated. A 20,500 SF parking garage for hotel guests and shoppers is located just below street level. Interiors were designed by Phillipotts & Associates.

**Completion date:** 2017  
**Total square feet:** 186,780  
**Number of Keys:** 250

DLR Group provided architecture design, MEP and structural engineering services.

# AC Hotel Sunnyvale & Autograph Collection

Sunnyvale, California



This hotel project, developed by T2 Hospitality, is located in the Moffett Park specific plan area of Sunnyvale, CA and includes an Autograph Collection Hotel and an AC Hotel. DLR Group's design connects the hotels through a covered open space and a third-level podium deck that both serve as outdoor dining and lounge areas. As an amenity to the hotels and the surrounding community; public art and a communal park and lounge area is provided at street level. The Autograph Collection Hotel, an upscale lifestyle hotel, is furnished with event and meetings spaces as well as its own full service restaurant, bar, and lounge – which are designed with an open concept on the street level, enhancing the pedestrian experience. The shared outdoor pool deck is linked to the fitness center and other guest amenity areas. The

AC Hotel offers multiple amenities to the business traveler including meeting and board rooms, fitness and business centers, and dining areas. The high-rise building architecture is clean and contemporary, contributing to the collection of exciting projects developing around the tech industry. It utilizes a straightforward palette of materials to break up density, including concrete, plaster, steel, galvanized and painted metal accents, and an extensive amount of glazing at the street frontage. The exterior colors are simple and subdued. The attractive design of contemporary architecture and contributes to the urban design and planning of the overall Moffett Park plan area.

The project site is 3 acres in size, and each hotel is eight stories and approximately 100,000 SF. The Autograph Collection has 190 rooms, and the AC Hotel has 160 rooms. The project will strive for LEED Certification and include programs to promote public transportation which are readily available to this location. The many efforts for sustainability throughout the two hotels include high efficiency HVAC energy, natural lighting, energy efficient light bulbs, and motion sensor and timed light switches in all offices, store rooms, and public restrooms, and LED Exit signs. For clean air, high efficiency air filters with a minimum efficiency reporting value (MERV) of 8 or better. The existing site trees will be preserved wherever possible through a tree preservation and removal plan. Water conservation systems include motion sensor faucets, low flow toilets and showerheads, and high efficiency dishwashers and laundry machines.

**Completion date:** 2018  
**Total square feet:** 200,000  
**Number of Keys:** AC Hotel - 160 | Autograph Collection - 190

DLR Group provided architecture and MEP engineering services as well as assistance in attaining planning approvals.

# Vespera on Ocean Marriott Autograph Collection

Pismo Beach, California



This resort, developed by Nexus Development and designed by DLR Group, is located along the beach and boardwalk area adjacent to the pier of the classic beach town of Pismo Beach, CA. The hotel is furnished with its own restaurant, bar, and lounge that fronts the pool deck providing outdoor patio dining. DLR Group's design fully immerses guests in the waterfront setting with majority of guestrooms offering an ocean view. The project is pedestrian/bicycle friendly with numerous enhanced sidewalk and boardwalk connections, bike parking and seating areas open to the public. This hotel will increase the quality of the resort area through its seaside, shingle style architectural design. Gabled roof, lighthouse tower, and balcony elements break up the density of the massing and allow the building to step down to the boardwalk and oceanfront. The building façade communicates upscale seaside cottage elegance and

utilizes a straightforward palette of materials - including stone, plaster, composite cedar shingle, fine detail accents and an extensive amount of stone and steel windows at the public level.

The oceanfront site of 1.4 acres consists of a Lifestyle Hotel with 124 rooms. The hotel is 3 stories, approximately 95,000 SF, and provides a ground floor lobby/lounge area with common access to the ground floor restaurant and bar from the street level. The project offers a seamless connection to the adjacent boardwalk and provides the public with access to 12,000 SF of open space. Approximately 166 parking stalls are provided in a 56,000 SF subterranean parking structure. Ground level finishes along the project's exterior consist primarily of natural stone tile, storefront glazing, metal mullion systems, and architectural paving systems.

**Completion date:** TBD  
**Total square feet:** 95,000  
**Number of Keys:** 124

DLR Group provided planning, architecture and MEP engineering services and is currently assisting in the City of Pismo Beach Building Permit approval process.

# Residence Inn Walnut Creek

Walnut Creek, California



Business Travelers working and staying in Walnut Creek will now have a place to feel at home, and designed for an extended stay. For this hotel the client wanted to provide a better experience for travelers in downtown Walnut Creek. DLR Group's design for the hotel welcomes visitors with a light filled lobby with floor to ceiling glass that will be a lantern at night. The 'U' shaped building maximizes the number of guestrooms per floor on the oddly shaped site. The roof elements at the corners of the site harken back to the Marriott Residence Inn prototype, but the change in scale and overall height of these corners, along with the playful pattern of the two tone metal panels of varying sizes, give the hotel its unique identity. A brick base and large windows on the ground floor enhance the pedestrian connection to the site and establish an urban atmosphere.

The scope of the project is a 6 story hotel with 160 rooms. The project will have one level of on-site structured parking for up to 104 vehicles, and off-site parking for additional 40 vehicles. The 107,038 SF hotel offers meeting rooms, a business center, a fitness room and pool, guest laundry, and an outdoor patio lounge area. The existing site (approximately 48,217 SF or 1.1 Acres) is currently occupied by two single-story single-tenant structures which will be demolished prior to new construction, including all surface parking.

**Completion date:** 2018  
**Total square feet:** 107,038  
**Number of Keys:** 160

DLR Group provided architecture, interior design, and MEP engineering services.

# Cambria Hotel & Suites

Chandler, Arizona



The Cambria Hotel & Suites was recently rebranded into a new prototype looking to attract the new travelers. DLR Group's design of the interior and exterior of the hotel reflects the core brand idea that every guest is high value. Located on a prominent corner in Chandler, Arizona, the site enjoys 360-degree views of the surrounding area, which are highlighted through the façade design. Signature art elements highlight the surrounding context and local Chandler artists are featured in the guest rooms and lounges. The hotel adds new opportunity to the existing mixed use development at this site, The Viridian Development, which includes a center courtyard, outdoor seating, water features, an office building, and retail and residential condominiums.

This project is comprised of 136 keys and a total of 79,915 SF. Unit types range from Double Queens, Kings and 1 Bedroom Suites. Main public areas include a flexible lobby and lounge space, a unique "Coffee House Pub," meeting rooms with a pre-function area opening to the outdoor patio, and an outdoor pool. Other notable hotel elements entail a porte cochere featuring a canted glass canopy. The main entry and lounge is highlighted by a glass, vertical tower with a corner branding element and lighting features. The color scheme is elevated from the brand standards with the use of gray gradients and different textures which accent the Cambria orange and warm red tones at the tower. The corner of the hotel has an outdoor pool with a sun deck, fire pit and seating areas to take advantage of the Arizona climate. The signature interior design elements include adaptable lounge, market, and bar areas that function as a comfortable coffee house by day and an active pub at night.

**Completion date:** 2017  
**Total square feet:** 79,915  
**Number of Keys:** 136

DLR Group provided architecture and interior design services.

# Westin Seattle

Seattle, Washington



The Westin hotel's two round towers have made an impression on Seattle's skyline since 1969 when the first tower was constructed followed by a second tower in 1982. DLR Group's design of the renovation updates the guest experience to maintain the Westin's standing as a preeminent AAA Four Diamond award-winning downtown hotel. New FF&E in all rooms give guests simple, comfortable, elegant accommodations that take advantage of striking views around the entirety of the building. Renovation of the restaurant into the Relish Burger Bistro offers guests a hip dining option, and conversion of former restaurant space into new meeting rooms allows the Westin to host additional group functions. In emphasizing Westin's goals for user comfort, well-being, and enjoyment, the design of this transformation helps effect Westin brand loyalty to ensure guests want to return again and again.

The scope of work for this project encompasses upgrades to all 891 guest rooms and nine suites, including FF&E updates, restrooms updates, ADA improvements, and MEP updates. Improvements to public spaces include finish upgrades in all guest room corridors; conversation of former restaurant space on the first three floors into 13,500 SF of new meeting space; renovation of existing kitchen space into a new three-meal restaurant; and a new barista stand.

**Completion date:** 2012  
**Total square feet:** 455,370  
**Number of Keys:** 891

DLR Group provided architecture and MEP engineering services.

# Hyatt Place Champaign

Champaign, Illinois



The Hyatt Place brand offers downtown Champaign an upscale, select-service hotel well-suited to its location in the heart of the city. DLR Group's design integrates the new hotel into the urban fabric of the city through the use of brick and traditional detailing. Spacious guestrooms with an ergonomic work center feature state of the art technology to support the needs of the brand's customer base. Floors two through four comprise structured parking, with the guest rooms occupying the floors above. The architectural design treats parking level facades sensitively to maintain a strong, street front brand impression.

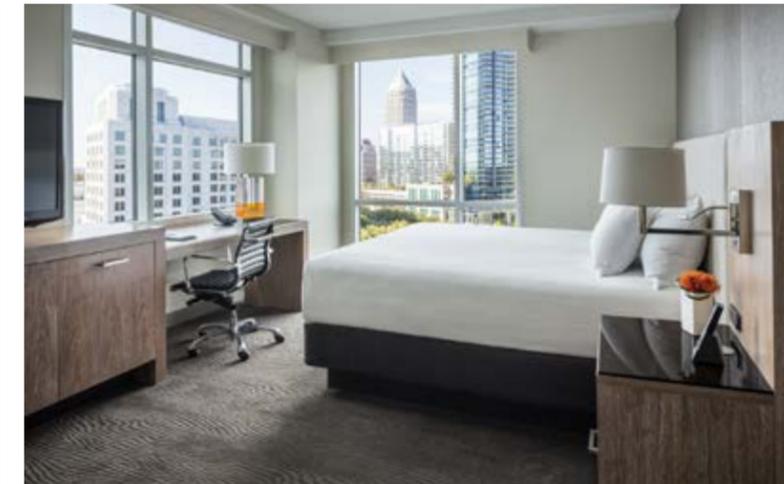
This new 145 room, 9-story, Hyatt Place in downtown Champaign includes an on-site parking structure for 145 cars. The 124,300 SF select service hotel features amenities inspired by the brand's multi-tasking 24/7 guest's lifestyle. A fitness center, coffee and wine bar, Grab-N-Go case, and guest kitchen are provided in the design.

**Completion date:** 2014  
**Total square feet:** 124,300  
**Number of Keys:** 145

DLR Group provided architecture, interior design, and MEP engineering services.

# Hyatt Midtown Atlanta

Atlanta, Georgia



This extensive renovation and rebranding transformed a 25 year old independent hotel into the Atlanta Midtown Hyatt, which has in its existence redefined southern hospitality. DLR Group's design accomplishes the clients' goal of having past guests believe a totally new hotel has been built. A complete exterior redevelopment includes the removal of the existing brick skin that has been replaced with a new state of the art rain screen and high performance skin to eliminate past water infiltration issues and more closely reflect its neighboring buildings on Peachtree Street.

The scope of work renovated and converted this 12-story, 194 room hotel into a full service Hotel with a 5,400 SF meeting space addition. Guest room floors were renovated with new interior finishes, furnishings, toilet/bath rooms and corridors. Renovated public areas include a new open and light filled entry lobby, check in desk, meeting spaces, and pool and fitness area. The new restaurant and lounge have been repositioned to the north side of the building and large windows were added in the restaurant and throughout the main floor so diners and guests can see and be seen from the street. A new entry driveway and car courtyard were renovated with new paving, and a stairway with plantings was added to separate vehicle and pedestrian traffic; both create a stronger street presence for the hotel.

**Completion date:** 2013  
**Total square feet:** 132,357  
**Number of Keys:** 194

DLR Group provided architecture and MEP engineering services.

# The Curtis A DoubleTree by Hilton

Denver, Colorado



A new themed guest experience at the Curtis Hotel is capturing the attention of travelers to downtown Denver. DLR Group's renovation design for the entire property amplifies the Curtis Hotel's named floors, including 'One Hit Wonder,' 'Sci-Fi,' and 'Big Hair,' by creating hyper-themed spaces to maximize the pure fun of travel. Thirteen corner rooms and three luxury suites were transformed into hyper-themed spaces portraying iconic and beloved movies, television shows or musicians to create a unique lodging experience with upgraded food and beverage offerings that complement the room theme. Guests have the ability to choose their experience from Talladega Nights with a nacho cheese plate, Jimmy Buffet with a crafted cocktail, or the ultimate Rolling Stones Suite complete with a pair of lips lounge chairs and psychedelic living room.

The overall guest experience is what drives travelers to the Curtis Hotel. In addition to the corner room and suite improvements, the hotel's 336 guestrooms were renovated to remedy recent negative feedback regarding guestroom functions. Guestroom improvements feature new custom carpet, custom seating, wall coverings, draperies, custom casework, lighting, and curated art, all finished in a distinct Curtis Hotel style. The renovation also includes 6,000 SF of new indoor and outdoor event and meeting space, banquet seating for 250 guests and a large, west-facing outdoor terrace on the third floor.

**Completion date:** 2014  
**Total square feet:** 148,121  
**Number of Keys:** 162

DLR Group provided architecture and interior design services.

# DoubleTree by Hilton

Austin, Texas



What makes Hilton's successful DoubleTree properties brand strategy successful is their belief that "doing the little things well can mean everything." DLR Group's design focuses on details like DoubleTree's brand strategy are critical elements of the guest experience. Along with a creating a memorable Hilton experience DLR Group's youthful and eclectic designers incorporate new finishes and modern furniture design into the existing Spanish Mediterranean styled spaces. These include formal lobby spaces, a ballroom and meeting rooms to create an artful, indigenous experience of Austin Texas. Hilton's new 'Made Market' morning grab-n-go concept and a new restaurant with operable exterior walls that expand the dining and lounge areas onto the beautiful existing courtyard are included as part of the renovation.

The project scope involves a 220,000 SF renovation of 350 guestrooms and public spaces, a new 2,900 sf restaurant and a grab-n-go market, and a facility-wide ADA upgrade.

**Completion date:** 2016  
**Total square feet:** 220,000  
**Number of Keys:** 350

DLR Group provided interior design services.

# DoubleTree by Hilton

Atlanta, Georgia



Located just North of Atlanta's business, shopping and entertainment districts, the new DoubleTree is in close proximity to many area parks and hiking trails, providing the opportunity for guests to explore and engage in a variety of outdoor activities. DLR Group's design creates a hotel experience that pulls from the cultural surroundings while also maintaining the comfort, convenience and high-end standards that the DoubleTree brand is known for. Utilizing an aesthetic geometric direction, the design combines existing spatial design that emphasizes a linear focus. The lobby space and its stepped ceiling design further captures the linear scheme. The design will incorporate new elements to break up the oversized volume of the space and provide intimacy to the new bar and lounge. The decorative panels create a canopy-like effect to create more comfortable seating arrangements and gives the space a more clean and modern feeling.

This 250-guestroom hotel includes a full renovation to the public spaces and soft renovation to the guestrooms, including bathroom remodels. The 165,681 GSF will be renovated and repositioned from a Holiday Inn Express to a DoubleTree by Hilton, including a re-imagining of the entry and an architectural rebrand of the port cochere. Scope of work also includes a breakfast buffet, bar and lounge, prefunction space, 12,000 SF of meeting space, and an outdoor pool.

**Completion date:** 2017  
**Total square feet:** 165,681  
**Number of Keys:** 250

DLR Group provided architecture and interior design services.



# Elevate the Human Experience through Design

listen.DESIGN.deliver



LEVEL 7

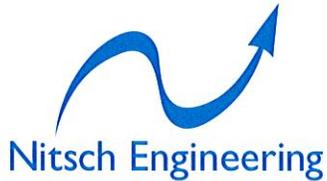
AC HOTEL RALEIGH



DLR Group

Architecture Engineering Planning Interiors

listen. DESIGN. deliver



2 Center Plaza, Suite 430  
Boston, MA 02108-1928  
T: 617-338-0063  
F: 617-338-6472  
[www.nitscheng.com](http://www.nitscheng.com)

October 5, 2017

Mr. Rick Mielbye  
President  
FPG Development Group  
222 Lakeview Avenue, Suite 200  
West Palm Beach, FL 33401

RE: Nitsch Project #12549  
Transportation Planning  
203 Fore Street  
Portland, ME

Dear Mr. Mielbye:

This letter is in regards to the proposed 128-room hotel project located at 203 Fore Street in Portland, Maine. In our opinion, the proposed hotel project will have limited impact on local traffic patterns due to the nature of the use. We have developed trip generation estimates for the proposed project based on the most recent Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> edition, published in 2012. Based on the trip generation rates presented in this publication for a hotel use, we have developed the following trip generation estimates:

Average Daily Volume	= 1,046 trips per day
AM Weekday Peak Trips	= 68 trips
PM Weekday Peak Trips	= 77 trips

Hotel uses generate traffic volumes differently than other commercial uses and generates lower peak hour volumes. Therefore, the traffic impacts created by a hotel use are typically lower than other commercial uses.

Please call if you have any questions.

Very truly yours,

**Nitsch Engineering, Inc.**

Scott D. Turner, PE, AICP, LEED AP ND  
Director of Planning

SDT/mma

**NEIGHBORHOOD MEETING SIGN-IN SHEET**

1. Cheryl Sullivan
2. Susan and Jim Murphy (Green Space) smurphy@bates.edu
3. Mark Stelmack
4. Paula Foley-Stelmack
5. Susan Morris
6. Chip Newell
7. Suzy and Dan DesPres (Landscaping) 747-4388
8. Bill Campbell
9. Rick Huleatt rhuleatt@gmail.com (India St. Neighborhood Assoc.)
10. Jeff Jackson jeffjax@gmail.com (Bury utility lines)
11. Peter Gordon gordonpd@live.com (Green along Idia & Fore Street Corner & Bury Power Lines)
12. Bethany.field@gmail.com

## **203 FORE NEIGHBORHOOD MEETING**

**November 15, 2017**

### **Minutes**

Attendees for Property Owner / Applicant: Michelle Steffins, Alex Bates, Dustin Kurle and Rick Mielbye

Mr. Mielbye described the proposed project and explained that it would be a sister hotel to the adjacent Hampton Inn under the same ownership. He stated that the existing Hilton is very successful and he is expecting the new hotel to also be successful. He stated that they understand the market because of their ownership of the existing Hilton and they also own the Residence Inn in South Portland.

Dustin Kurle, the project architect, described the building design, landscaping and parking.

They then opened the floor to public comment and questions.

A member of the public asked about parking, concerned that overflow parking would be on the street. Mr. Mielbye noted that they have more spaces than required by code and would arrange with an off-site garage for overflow if needed.

A member of the public asked if the greenspace will remain.

One member of the public commented that she believed the design to be too modern and an eyesore.

A member of the public who lives across the street from the project noted that they do not want to lose the open space or the 2 parking spaces on Middle Street.

Two members of the public in attendance live in a condo on top of the existing Hilton. They inquired about their parking space and were assured that it would remain in place and would not be covered. They also asked how parking would be accommodated. Mr. Mielbye responded that all parking would be valet and that they will have an agreement with an off-site garage for overflow if necessary. He noted that it is in their best interest to have adequate parking for their customers.

There was a question regarding the distance between the two hotels.

There was a general discussion regarding the green space on Middle Street and a request for pedestrian amenities – benches, etc. There was also a request for add more landscaping to the India Street side.

A member of the public noted that the India Street Neighborhood Association has a green space plan.

A member of the public asked whether the project could include removing telephone poles and above ground utilities.

Mr. Mielbye responded that they will revise the plan to add as much greenspace as the planning board will allow and that he will look into the cost of moving utilities underground.

A member of the public asked about bicycles.

A member of the public asked about restaurant. Mr. Mielbye noted that it would be an amenity for guests and open to public.

Some neighbors were supportive with rooftop bar, others were not and were concerned about noise. Mr. Mielbye noted that as hotel owners, they are also concerned about noise levels to ensure good customer experience at the hotel.

A member of the public asked about the construction schedule? Mr. Mielbye noted that they are not that far yet.

## Google Groups

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### 203 Fore Street

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**Daniel DesPres** <ddepres@sbcglobal.net>

Nov 3, 2017 6:37 PM

Posted in group: **Planning Board**

I live across the street from this property. Many office workers and cruise visitors use this green space for lunchtime eating and relaxation, and numerous dog owners enjoy the area for exercise. Having lived in many urban environments all over the world I greatly appreciate the need for "natural" spaces and would strongly urge the Planning Board to insist that the proposed development plan incorporate some retention of the existing green space for public use. The East End is rapidly becoming a wall-to-wall hotel and condominium desert with no open areas left for the general public. Thank you.

Dan DesPres  
185 Fore Street, Unit 202  
Portland

## Google Groups

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### 203 Fore Street Meeting - 11/15/17

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**Daniel DesPres** <ddepres@sbcglobal.net>

Nov 15, 2017 8:29 PM

Posted in group: **Planning Board**

My wife and I just attended a neighborhood meeting regarding the above property put on by Chatham Lodging Trust. I wanted to share with you two concerns that dominated about 95% of the discussion:

- 1) Green space - The proposed hotel design has minimal landscaping / green space in the current plan. While we were assured that the design complies with the "code", the overwhelming consensus was that more must be done on site to add more landscaping (not hardscaping) and benches on the India Street side of the proposed building and on the corner of India and Fore Streets (see existing plantings for reference).
- 2) Parking - It was evident that none of the presenters understood the already critical state of available parking in this area (pre-WEX!). They referenced valet parking in a yet-to-be constructed off-site garage as a partial solution. At some point the Planning Board needs to come to grips with whether or not they want Portland to be a tourist destination for day visitors. All this hotel (targeted at business travelers) will do is to exacerbate the parking and traffic situation in the area.

They referenced a meeting with the Planning Board tomorrow. Please feel free to share this input at that time.

Dan DesPres  
185 Fore Street, Unit 202  
207-757-4388



Caitlin Cameron <ccameron@portlandmaine.gov>

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## Input regarding Application ID # 2017-245

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kathleen shafer <kashafer@mac.com>

Fri, Nov 24, 2017 at 4:48 PM

To: ccameron@portlandmaine.gov

I received notice as a resident near the six story 128 room hotel proposed at Middle/India/Fore Streets. It's great to see continued investment and development in this neighborhood.

Since this is a large development here, I would like to provide input on 3 topics that have become increasingly challenging for local residents: Parking, Traffic, and Green Space.

\*I believe this development is providing for its own parking rather than consuming nearby public parking resources, which is positive. If that plan changes, as has occurred with other nearby developments, a further diminishing of local parking would be detrimental to the neighborhood.

\*The Middle and India St intersection is already a safety issue for both pedestrians and vehicles traveling on Middle Street due to the lack of stop signs or signals for the India St traffic. This intersection needs to have traffic management to allow for safe 4-way traffic flow and heavy pedestrian use. Also the visibility for cars traveling on Middle Street, and stopped at that intersection, is poor due to parked cars close to the intersection.

\*Nearby residents with dogs are seeing a rapid disappearance of green space which is becoming a challenge for livability in this section of Portland with pets. Even trees planted along the neighborhood sidewalks in front of the new developments have grates at their bases instead of grass or dirt. The land between Fore/India/Middle is one of the few grass areas remaining in the immediate couple of blocks that is not only beneficial for pet owners, but also used by residents and visitors as an open space to enjoy a sunny day. Will the existing open grass areas be affected by this development? If so, can some landscape features be incorporated into this plan with some grass or dirt that helps keeps the neighborhood "resident and pet friendly"?

Thanks  
Kathy Shafer

## Google Groups

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### New Home2 Hotel

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**Susan Murphy** <smurphy@bates.edu>

Nov 25, 2017 2:38 PM

Posted in group: **Planning Board**

Greetings - Last December my husband and I moved from a house in Lewiston to a condo in Portland, on 185 Fore St., at the corner of Fore and India Streets. We love the location, the neighborhood, its historic buildings and shops, the ocean view, the views of the city and especially the green space across the street on India Street.

On Wednesday, November 15, we attended the meeting with Chatham Lodging Trust management to learn about the proposed 6 story, 128 room Home2 Suites Hotel that will be located at 203 Fore St. The plans showed that the hotel would be built in the green space on the corners of Middle, India and Fore Streets.

We have many concerns regarding the proposed construction of the hotel at this location, including the following.

-With several construction projects in the area currently underway or approved, the building density of the neighborhood will increase. There is or will be a new Marriott Hotel, a new condo building on Thames St., two office buildings next to the water pump station, an office building on Middle St. and the new Wex building.

-The car and truck traffic on Federal St. and the small neighborhood streets is already heavy. With the buildings mentioned above, plus another hotel, the traffic and parking needs will increase.

-The hotel is going to be 6 stories high. This building will be higher than all the other buildings on India Street, which are typically 3 or 4 stories high. Plus, there are no retail establishments planned for the ground floor on India Street, to improve the human scale of buildings. One section of the building will be a solid wall, 6 stories high, made of black or dark brick with a large Home2 sign at the top.

-Neighborhood parking is a concern. According to the presentation, there will be an exit from the hotel's garage onto Middle Street. The presenter indicated that there would be space on either side of the driveway for visibility. With the visibility space plus the width of the driveway, the parking spaces on Middle St. will be decreased. The existing spots are used all day, primarily for those visiting Portland and the restaurants on that section of Middle St.

-Our primary concern is the loss of the existing green space. From our deck, we watch dogs, Portlanders, visitors, and tourists from the cruise boats and bus tours enjoying the green space. Families have picnics on the grass, little visitors run in the open spaces, and dogs frolic in the green space. The hotel plan showed some green space on Middle St. but the area on the India side of the hotel is proposed to be covered with paving. Plus the building is planned to go right to the corner of India and Fore St., which is an area that could be opened to green space. The existing green space is a great addition to the neighborhood and it will be missed by many. Interestingly, a picture of the green space is included in the India Street Sustainable Neighborhood Plan as an example of ample recreation and open space.

The India Street Sustainable Neighborhood Plan addresses many of the issues cited above. The plan includes concerns of the human scale of buildings, the desire to not be dominated by automobiles and the need

for areas with ample recreation and open space.

While we don't have any specific questions, I wanted to let you know about our concerns and share our comments with you. In the short time we've been here, we've come to appreciate the neighborhood as it is. Adding a 6 story, 79246 sq. ft. hotel would really affect the ambiance of the area. Thank you.

Susan Murphy

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Susan Murphy

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Susan Murphy



Caitlin Cameron <ccameron@portlandmaine.gov>

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## ID # 2017-245

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**gordon carey** <carey59@hotmail.com>

Tue, Nov 28, 2017 at 12:47 PM

To: "ccameron@portlandmaine.gov" <ccameron@portlandmaine.gov>

Dear Ms. Cameron,

I am writing regarding the above application. I understand there is a public hearing on 12/06/2017. Unfortunately, I will be out of town that day, but I would like to register my objection to this application.

I do so on several grounds:

1. The proposed development will significantly devalue my property as it will obstruct the view from the property to Casco Bay
2. The proposed development will cause significant disruption for a considerable time during construction. This neighborhood has already had a good deal of disruption and this will add more noise, construction traffic etc. When I visited the Town Hall yesterday to view the plans, the file regarding how to manage the impact on the community during the construction process was empty.
3. Once the project is complete it is not clear that this part of town can manage the additional traffic. I am also concerned about the potential noise from people visiting the rooftop bar.

Thanks for the opportunity to provide input to this process.

Gordon Carey

Unit 404

[113 Newbury Street](#)

[Portland](#)

Storrey Industries  
151 Newbury Street  
Portland, ME 04101  
City of Portland  
Jon Jennings  
Belinda S. Ray

Dear Jon Jennings and Belinda S. Ray:

I wanted to take the time to write you and follow up to some of the email exchanges and phone calls we have had regarding the construction projects going on in our corner of the City. First, please understand that I am not opposed to improvements and development. The purpose of this letter is to outline some of the frustrations we and our tenants have experienced for over a year now and suggest some ways in which such density of construction might be less impactful.

The projects that have impacted all of us at 145 Newbury Street include the condo building at the corner of India and Newbury, the Franklin condo project, the rehab on the corner of Hampshire and Newbury (2 buildings), and the installation of the new water main. I will discuss the impact of each of these projects separately but the biggest impact is the loss of street parking. I understand it is legal for a construction site to purchase and block existing parking spaces for at least a year in order to have a place for their workers to park. However, the impact to the nearly twenty businesses at 145 Newbury Street is great, as it leaves clients and customers with no place to park and, thus, threatens the health of these businesses. Many of these businesses have been in this building for two decades and when they see construction trucks taking up most of the street parking to build high-end condos is has an unfair impact. Early on I did ask the Landry Construction foreman if they might consider renting a few spots in the Gateway garage for my tenants but was rebuffed.

Water Main: In addition to the parking issue, the contractor piled gravel over the surface main. This damned up the parking lot when it rained and caused flooding in the basement of the building. Secondly, the gravel they used was tracked into the building daily which lead to some expensive carpet cleaning bills.

Condo projects: One issue has been having the street blocked off during deliveries. While this is probably difficult to avoid, there should be no excuse for blocking off both sides of the street and leaving tenants and their customers no access to our parking lots. This is especially true since it is the same construction company handling both projects and, thus, they should be able to properly coordinate. Secondly, we have had to pick up a lot of construction debris, food containers (from the construction workers), etc on a daily basis.

Hampshire/Newbury rehab: The biggest issue we faced with this work was the improper disposal of construction material that blew all over the parking lot, cars, and into our HVAC units which resulted in a costly coil clean out. Additionally, the dust that blew around us for weeks most likely contained toxic materials since the workers themselves were suited up to deal with the rehab.

There is no doubt that a growing and popular city like Portland will have its share of growing pains. As a property investor myself, I have been generally supportive of this growth. In fact I spoke in support of several of these projects. However, there should be methods in place to lessen the impact of both residents and small businesses that give so much to our City. We take tremendous pride in preserving the historic integrity of 145 Newbury Street and maintaining a clean and safe place for these businesses to operate. One option would be to limit the amount of parking that can be taken for construction and make the construction site purchase spaces at nearby garages instead of forcing this upon existing tenants and clients. Secondly, could we require the site devote a person to clean up the street daily of construction debris? Finally, we are still greatly impacted by the lack of parking on Newbury Street as of this writing.

Thank you for listening and please reach out to me if you would like to discuss further,

Bill Stauffer, owner 145 Newbury Street.

Google Groups

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**Application ID# 2017-245/CBL# 029 L003001**

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**TROY MURRAY** <troyemurray001@gmail.com>

Mar 31, 2018 1:28 PM

Posted in group: **Planning Board**

Dear Planning Board,

As residents of the address below, we would object strongly to an OPEN-AIR roof-top bar in the extended-stay hotel proposed for the vicinity of 203 Fore Street. We believe such a bar would generate noise and activity incompatible with the increasingly residential nature of the neighborhood.

Thank you for your consideration of our views.

Troy Y. and Patricia F. Murray  
22 Hancock St., #504  
Portland, ME 04101

781-454-8762

# BUSINESS HOTEL

PORTLAND, MAINE  
203 Fore Street  
Portland Downtown, ME 04101

**PRELIMINARY SITE PLAN REVIEW**  
FEBRUARY 16, 2018 - Update



**PROJECT DESCRIPTION**

PROPOSED 6 STORY HOTEL BUILDING WITH 1 STORY OF COMMON SPACE, DINING, KITCHEN, SUPPORT SPACE RETAIL/RESTAURANT AND PARKING GARAGE; 6 STORIES OF HOTEL ROOMS WITH A ROOF-TOP BAR LOCATION ON THE 5TH FLOOR. PARKING IS LOCATED ON THE FIRST AND SECOND FLOORS THAT IS ONLY VALET ACCESSIBLE. THE LOBBY IS LOCATED ON THE FIRST FLOOR WITH ACCESS FROM FORE STREET. THE RESTAURANT IS ALSO LOCATED ON THE CORNER OF FORE AND INDIA STREET FOR EASY PEDESTRIAN ACCESS.

ZONE: 'INDIA STREET FORM BASED CODE'  
BUILDING AREA: SEE BUILDING PROGRAM

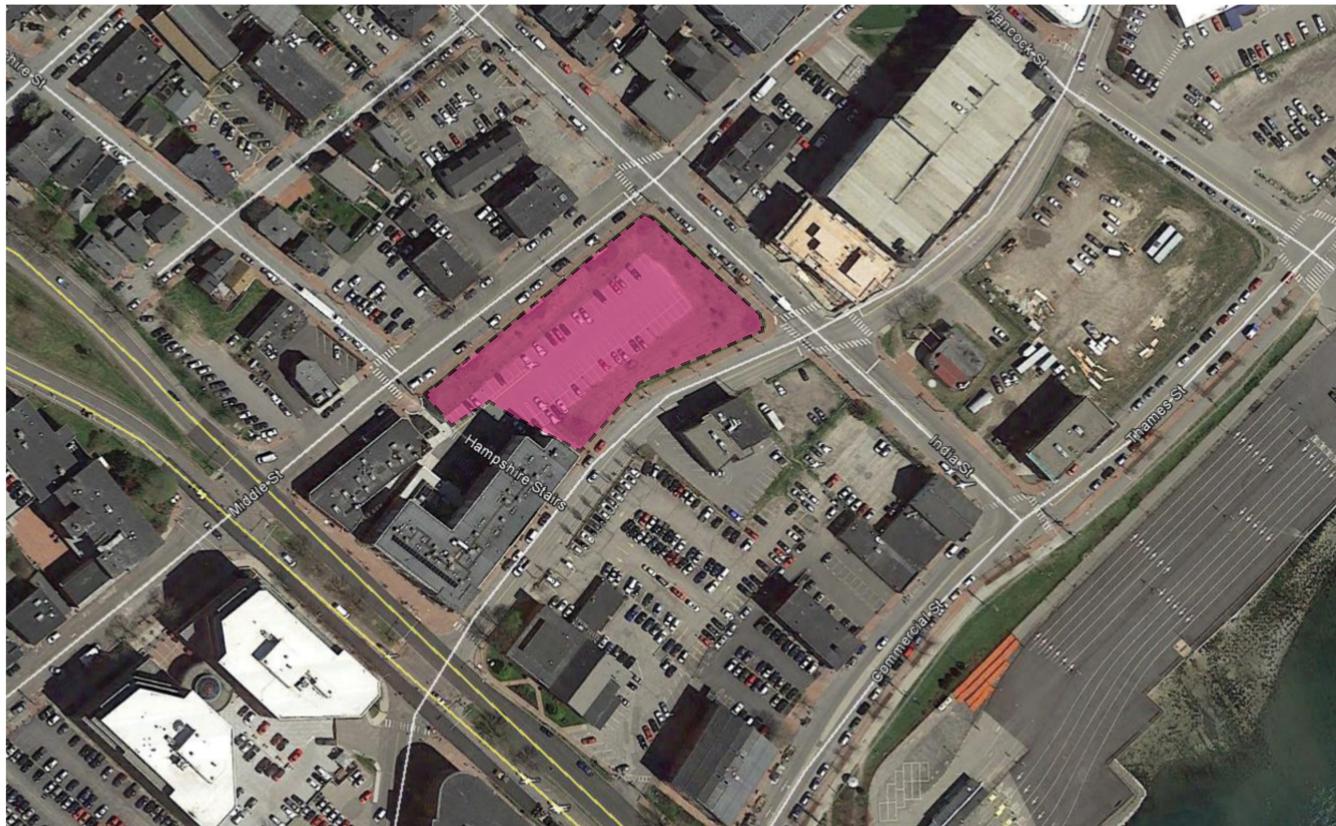
**ZONING REQUIREMENTS**

THE BUILDING MEETS THE FOLLOWING ZONING REQUIREMENTS BASED ON THE INDIA STREET FORM BASED CODE.

- OUR BUILDING IS LOCATED IN A URBAN ACTIVE DISTRICT AND A URBAN TRANSITIONAL DISTRICT.
- THE BUILDING HEIGHT IS LESS THAN THE 65' FEET AND 6-STORIES FOR THE UA DISTRICT AND 50' AND 4-STORIES FOR THE UT DISTRICT.
- LOT SETBACKS IS 10'-0" FOR ALL STREETS AND 75% OF BUILDING FACADE NEEDS TO BE WITHIN THE 10'-0" SETBACK AREA.
- THE MAX. BUILDING LENGTH ALONG FORE STREET IS ALLOWED TO BE 200', WHICH OUR BUILDING MEETS THIS REQUIREMENT. PARKING STRUCTURE IS NOT CONSIDERED PART OF FORE STREET.
- THE MAX. BUILDING LENGTH ALONG INDIA STREET IS ALLOWED TO BE 150', WHICH OUR BUILDING MEETS THIS REQUIREMENT.
- THE MAX. BUILDING LENGTH ALONG MIDDLE STREET IS ALLOWED TO BE 50', WHICH OUR BUILDING MEETS THIS REQUIREMENT.

**BIKE STORAGE SUMMARY**

BIKE PARKING CODE REQUIREMENT: 2/10 GUESTROOMS  
EXISTING BIKE PARKING PROVIDED: 2/10 GUESTROOMS = 25 REQUIRED - 40 PROVIDED HAMPTON INN HOTEL  
BIKE PARKING REQUIRED: 126 ROOMS 2/10 GUESTROOMS = 26 REQUIRED  
BIKE PARKING PROVIDED: = 20 PROVIDED  
TOTAL BIKE STORAGE: 20-NEW 40-EXISTING = TOTAL 60



VICINITY MAP  
NOT TO SCALE

**WAIVER REQUESTS**

1. WE ARE REQUESTING A WAIVER FOR THE BUILDING ORIENTATION. THE INDIA STREET FORM BASED CODE REQUIRES THE PRINCIPAL FRONTAGE TO FACE A UA STREET FOR CORNER LOTS HAVING UA FRONTAGE. THE MAIN ENTRANCE FOR THE HOTEL IS ON FORE STREET, A UT STREET. THE REASONS FOR ORIENTING THE HOTEL ENTRANCE ON FORE STREET INCLUDE TRAFFIC MANAGEMENT (UTILIZING EXISTING TRAFFIC PATTERNS FOR THE EXISTING HOTEL) AND THE TOPOGRAPHICAL CHALLENGES OF THE STEEP GRADE OF INDIA STREET. WHILE THE MAIN ENTRANCE OF THE HOTEL IS ORIENTED TOWARD FORE STREET, THE INDIA STREET SIDE CONTAINS THE MAIN ENTRANCES FOR THE RETAIL COMPONENT, AS WELL AS THE HOTEL ENTRANCES TO THE COFFEE SHOP AND DINING AREA.

**FIRE CODE SEPARATION**

THE PROPOSED STRUCTURE WILL COMPLY WITH THE CODE REQUIREMENTS OF SEPARATE OR NON-SEPARATE OCCUPANCIES BETWEEN THE PARKING AREA AND THE HOTEL AREA. THE STRUCTURE WILL BE EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH THE CODE. A FULL CODE REVIEW WILL BE DONE TO PROVIDE THE BEST COURSE OF ACTION FOR THE BUILDING CODE REQUIREMENTS ONCE DESIGN APPROVAL HAS BEEN GIVEN.

**HOTEL AREA SUMMARY**

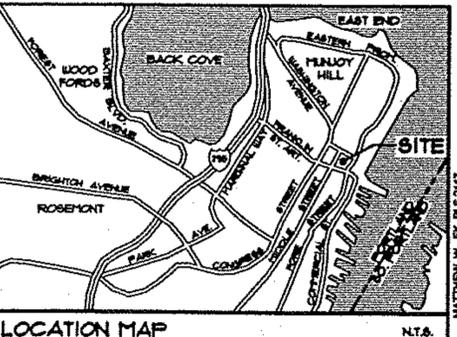
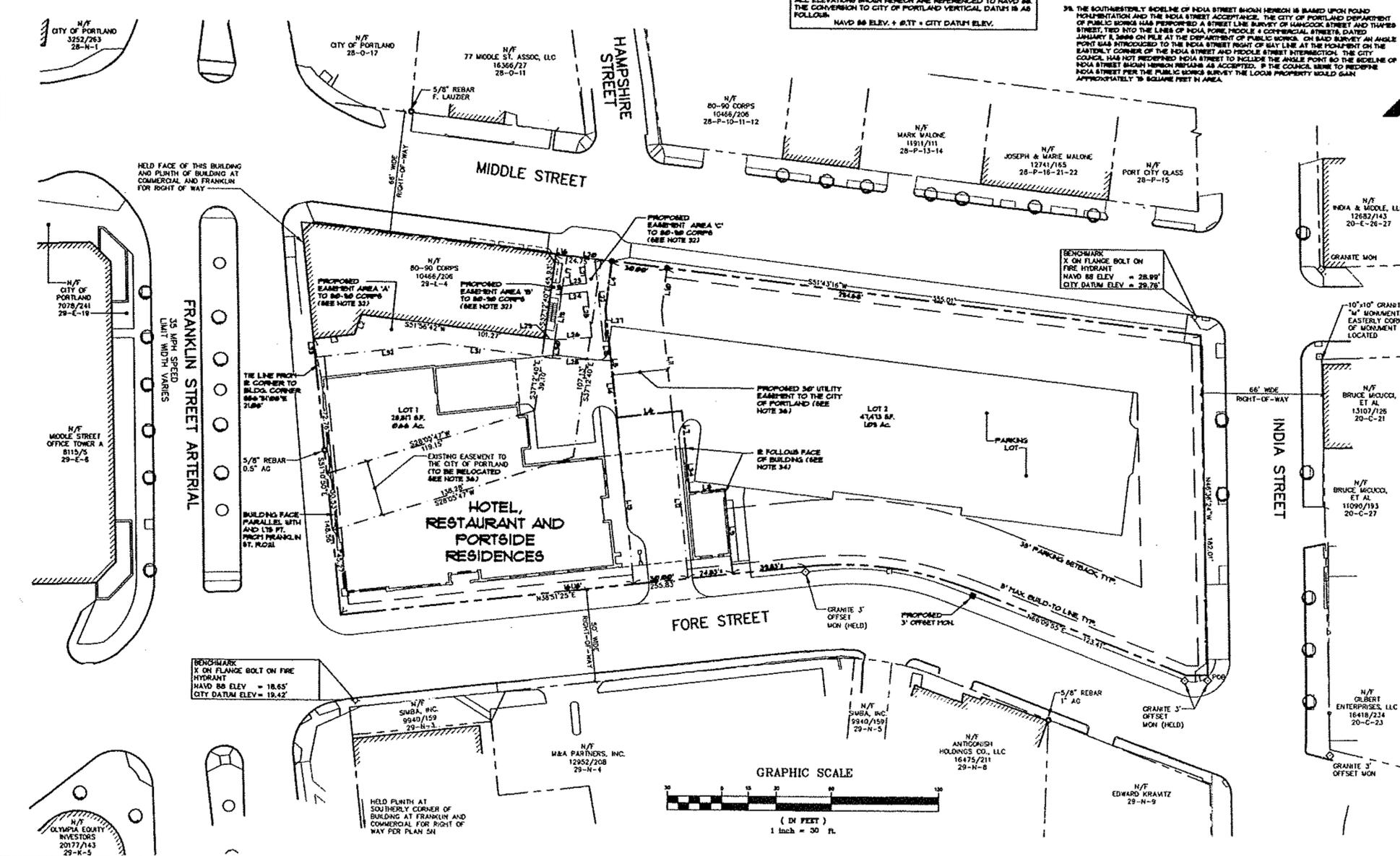
<b>Guestroom Floors Summary</b>							Total
	1	2	3	4	5	6	
STUDIO							
Type A - Queen Studio	0	20	29	30	14	15	108
Type SA- Queen Studio Accessible	0	1	2	1	2	1	7
Type B - Queen One Bedroom	0	1	2	2	1	1	7
<b>Total</b>	<b>0</b>	<b>22</b>	<b>33</b>	<b>33</b>	<b>17</b>	<b>17</b>	<b>122</b>

<b>Building Program</b>		Area (GSF)	SITE AREA	47,473
Level				
Lobby Level		10,630		
Level 02		13,576		
Level 03		15,762		
Level 04		15,762		
Level 05		11,212		
Level 06		8,492		
<b>Total Building</b>		<b>75,434</b>	GSF	
Lobby Parking		23,312		
Level 02 Parking		12,576		
<b>Total Parking</b>		<b>35,888</b>	GSF	
<b>TOTAL BUILDING AND PARKING</b>		<b>111,322</b>	GSF	

<b>Proposed Parking</b>		REQUIRED PARKING	
<b>VALET SURFACE PARKING</b>		<b>Proposed Hotel</b>	
Standard Valet Stalls	56	122 Guestrooms: 1 Stall / 4 Rooms = 31 Stalls	
Stacked Valet	12	Rooftop Bar @ 2,573sf: 1 Stall / 150sf = 18 Stalls	
Subtotal	68	Retail @ 1,290sf: 1 Stall / 150sf = 9 Stalls	
<b>VALET ELEVATED PARKING</b>		<b>Existing Hampton Inn</b>	
Standard Valet Stalls	34	125 Guestrooms: 1 Stall / 4 Rooms = 32 Stalls	
Stacked Valet	6	Meeting Space @ 957sf: 1 Stall / 125sf = 8 Stalls	
Subtotal	40	Residential Stalls = 12 Stalls	
<b>REQUIRED RESIDENTIAL PARKING</b>		<b>Required Parking Stalls</b>	<b>110</b>
Residential Stalls	12		
<b>PROPOSED ON-SITE PARKING TOTAL</b>	<b>120</b>		

**GENERAL NOTES:**

1. APPLICANT: OLD PORT HOSPITALITY, LLC 8 CORPORATE DRIVE, BELMONT, NEW HAMPSHIRE, 03326.
2. THE RECORD BOOK OF THE PROPERTY IS OLD PORT HOSPITALITY, LLC BY DEED DATED JANUARY 23, 2009 AND RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS (CGRD) IN BOOK 2361, PAGE 49.
3. THE PROPERTY IS SHOWN AS LOTS 1, 2, 3 OF BLOCK L ON THE CITY OF PORTLAND TAX MAP 28.
4. TOTAL AREA OF PARCEL IS APPROXIMATELY 36,399 SQUARE FEET.
5. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND ALTA SURVEY TITLED "ALTA SURVEY OF JORDAN'S PLEASANT PROPERTY FOR OLD PORT HOSPITALITY, LLC BY BRAGG TECHNIC, INC. PERFORMED DATED DECEMBER 4, 2009 REVISOR THROUGH DECEMBER 19, 2009 TO BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
6. ZONING DISTRICT: B-3 DOWNTOWN BUSINESS DISTRICT.
  - (a) PER LOT SIZE: NONE
  - (b) PER LOT WIDTH: 15 FT.
  - (c) STREET WALL TO BUILD LINE: 5 FT. (SEE SEC. 14-22B, CHAPTER 14, OF CITY LAND USE ORDINANCE)
  - (d) PER YARD DIMENSIONS: NONE
  - (e) PER LOT MOUTH: NONE
  - (f) MAX. LENGTH OF UNPERFORATED BLANK WALL ALONG A PUBLIC STREET OR PUBLICLY ACCESSIBLE FOOTCURELWAY: 100 FT.
  - (g) MAX. OVERLAY ZONE: B FT.
  - (h) ALL OTHERS: AS SHOWN.
  - (i) MAX. LOT COVERAGE: 50%
  - (j) PER BLDG. HEIGHT: NO NEW CONSTRUCTION OF ANY BUILDING SHALL BE LESS THAN 30 FT. IN HEIGHT EXCEPT FOR ANY STREET FRONTAGE, EXCEPT FOR PARKING ATTENDANT BOOTHS OR BLANK REFRIGERATION FACILITIES.
  - (k) MAX. HEIGHT OF STRUCTURE: SEE SEC. 14-22B, CHAPTER 14, OF CITY LAND USE ORDINANCE.
7. NOTE: RESTAURANT AND PORTSIDE RESIDENCES IS A PRIVATE CONDOMINIUM DEVELOPMENT THAT WILL CONSIST OF A HOTEL UNIT, A RESTAURANT UNIT AND A RESIDENTIAL UNIT. THE RESIDENTIAL UNIT WILL BE UP TO 12 DWELLING UNITS. FOR DIMENSIONS AND BOUNDARIES OF THE UNITS AND COMMON ELEMENTS REFER TO THE CONDOMINIUM PLANS AND PLANS OF THE FOREGOING CONDOMINIUM AND SUB-CONDOMINIUM TO BE RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
8. THE SIGNATURES OF THE CITY OF PORTLAND PLANNING BOARD ON THIS SUBDIVISION PLAN SHALL CONSTITUTE APPROVAL OF SUBDIVISION OF THE LAND INTO TWO LOTS AS SHOWN HEREON AND APPROVAL OF SUBDIVISION OF THE TOP FLOOR OF THE PROPOSED BUILDING INTO UP TO 12 RESIDENTIAL CONDOMINIUM UNITS. THE APPLICANT OR ITS SUCCESSORS OR ASSAIGNS MAY DEMAGNATE AND ALTER THE LAYOUT, DIMENSIONS AND BOUNDARIES OF THE RESIDENTIAL DWELLING UNITS WITHOUT FURTHER PLANNING BOARD APPROVAL, PROVIDED THAT NO MORE THAN 12 RESIDENTIAL DWELLING UNITS MAY BE DEMAGNATED AND CONSTRUCTED.
9. THE PROJECT IS A PRIVATE CONDOMINIUM DEVELOPMENT AND SITE LIGHTING, TRASH REMOVAL AND INDOOR REMOVAL SHALL BE THE RESPONSIBILITY OF THE CONDOMINIUM ASSOCIATION OR THE HOTEL UNIT OPERATOR.
10. A SUBDIVISION SHALL BE DEFINED AS THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD, WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDING OR OTHERWISE AND AS FURTHER DEFINED IN M.P.A. PURSA, SECTION 446F. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSES OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR RESIDENTIAL HABITATION, INCLUDING SINGLE-FAMILY AND MULTI-FAMILY HOUSING CONDOMINIUMS, TRUCK-SHARE UNITS AND APARTMENTS.
11. PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO MAINTAIN THEIR INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
12. CONSTRUCTION DEWIS SHALL BE CONTAINED AND DISPOSED OF IN ACCORDANCE WITH CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 2.
13. ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
14. PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO MAINTAIN THEIR INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
15. ALL BINARY SERVICES AND APPOINTMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT WATER DIVISION.
16. ALL NEW CONNECTIONS, RECONNECTIONS, ETC. TO SANITARY OR STORM SEWERS SHALL REQUIRE A CONNECTION PERMIT PRIOR TO BEGINNING ANY WORK. THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT MUST BE NOTIFIED AT LEAST 24 HOURS PRIOR TO COMMENCEMENT TO ALLOW FOR INSPECTION.
17. A PERMIT MUST BE OBTAINED FROM THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT PRIOR TO BEGINNING ANY WORK WITHIN THE CITY RIGHT-OF-WAY.
18. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING BOARD OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATIONS TO OR DEVIATIONS FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF MOORED OR LAWN AREAS, ACCESS, SIDE, LOCATION AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
19. LANDSCAPING SHALL MEET THE "LANDSCAPE GUIDELINES" SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.



**EXISTING E CURVE DATA**

CURVE	LENGTH	RADIUS	DATA	CHORD BEARINGS	CHORD DIST.
C1	10.11'	715.6'	217°52'	80°12'40\"	9.637'

**EXISTING E DATA**

LINE	DIRECTION	DISTANCE
L1	N43°43'28\"	53.2'
L2	S28°32'12\"	53.2'
L3	S58°21'43\"	23.89'

**PROPOSED E DATA**

LINE	DIRECTION	DISTANCE
L4	S58°21'43\"	23.89'
L5	N38°32'12\"	53.2'
L6	N43°43'28\"	53.2'
L7	S58°21'43\"	23.89'
L8	S58°21'43\"	23.89'
L9	S58°21'43\"	23.89'
L10	S58°21'43\"	23.89'

**PROPOSED EASEMENT LINE DATA**

LINE	DIRECTION	DISTANCE
L11	S58°21'43\"	23.89'
L12	S58°21'43\"	23.89'
L13	S58°21'43\"	23.89'
L14	S58°21'43\"	23.89'
L15	S58°21'43\"	23.89'
L16	S58°21'43\"	23.89'
L17	S58°21'43\"	23.89'
L18	S58°21'43\"	23.89'
L19	S58°21'43\"	23.89'
L20	S58°21'43\"	23.89'
L21	S58°21'43\"	23.89'
L22	S58°21'43\"	23.89'
L23	S58°21'43\"	23.89'
L24	S58°21'43\"	23.89'
L25	S58°21'43\"	23.89'
L26	S58°21'43\"	23.89'
L27	S58°21'43\"	23.89'
L28	S58°21'43\"	23.89'
L29	S58°21'43\"	23.89'
L30	S58°21'43\"	23.89'
L31	S58°21'43\"	23.89'
L32	S58°21'43\"	23.89'
L33	S58°21'43\"	23.89'

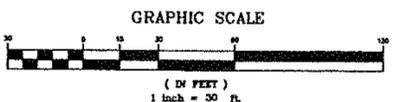
**LEGEND**

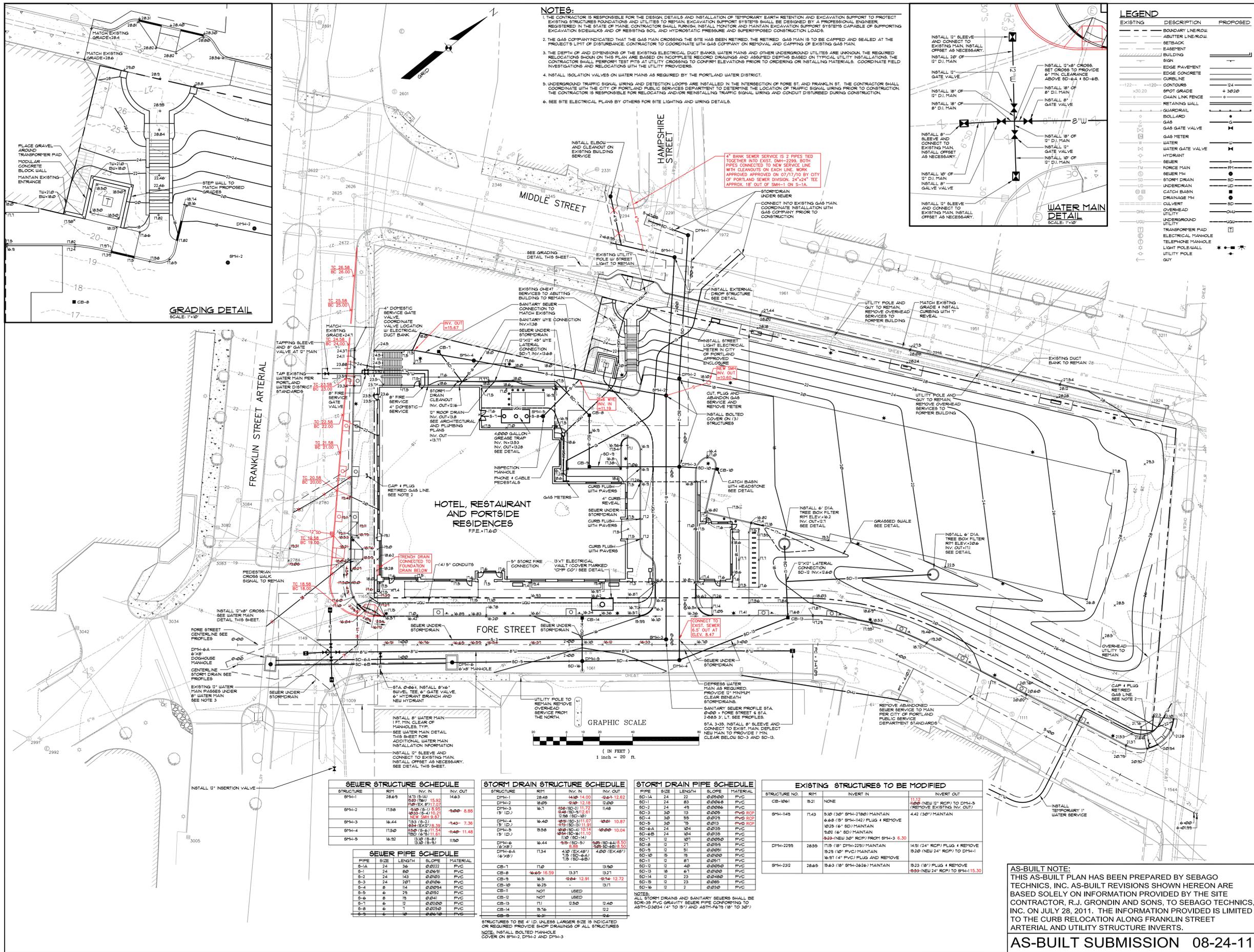
EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
---	ASUTTER LINE/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	ENCROACHMENT	---
---	IRON PIPE/ROD	---
---	CURB/EASE NO.	---
---	BENCHMARK	---
---	BUILDING	---
---	EDGE CONCREMENT	---
---	PAVEMENT PAINT	---
---	CURBLINE	---
---	HYDRANT	---
---	LIGHT POLE/MALL	---
---	UTILITY POLE	---

**APPROVAL:**  
CITY OF PORTLAND  
PLANNING BOARD  
APRIL 13, 2010

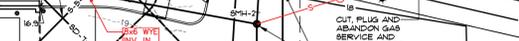
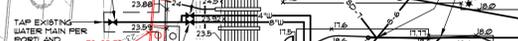
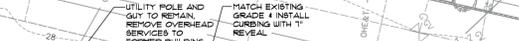
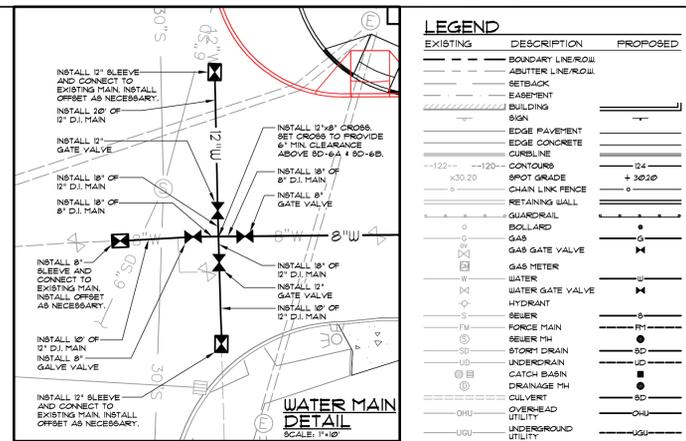
STATE OF MAINE  
CUMBERLAND COUNTY SS REGISTRY OF DEEDS  
RECEIVED June 4th 2010  
AT 10:11 AM AND RECORDED IN  
PLAN BOOK 210 PAGE 199  
ATTEST *Ronald E. Joly* REGISTRAR

**ELEVATION DATA**  
ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD 83 AS FOLLOWS:  
NAVD 83 ELEV. + 811' = CITY DATUM ELEV.

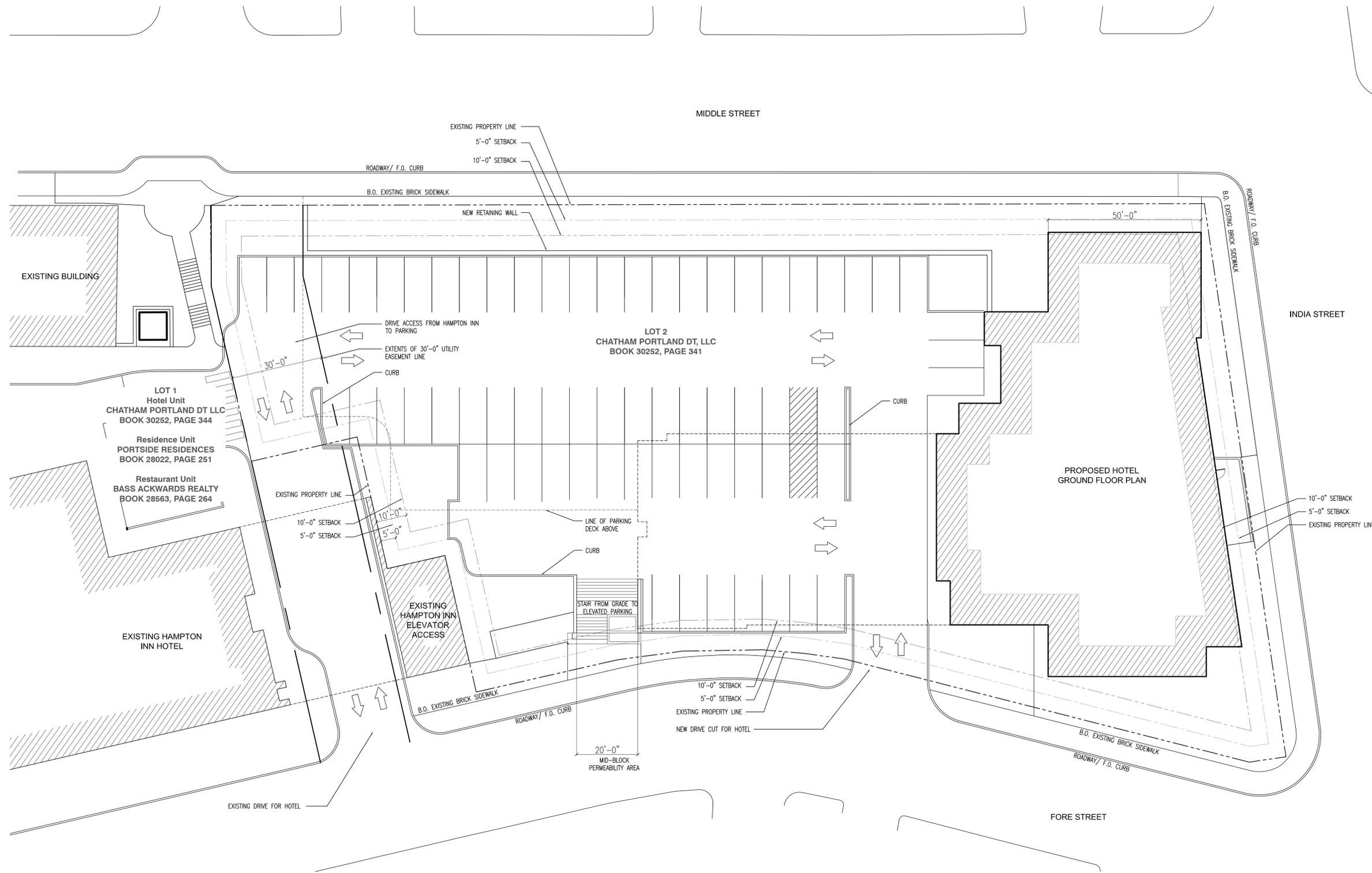




- NOTES:**
- THE CONTRACTOR IS RESPONSIBLE FOR THE DESIGN, DETAILS AND INSTALLATION OF TEMPORARY EARTH RETENTION AND EXCAVATION SUPPORT TO PROTECT EXISTING STRUCTURES FOUNDATIONS AND UTILITIES TO REMAIN. EXCAVATION SUPPORT SYSTEMS SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF MAINE. CONTRACTOR SHALL RUN, SHIELD, INSTALL, MONITOR AND MAINTAIN EXCAVATION SUPPORT SYSTEMS CAPABLE OF SUPPORTING EXCAVATION SIDEWALKS AND OF RESISTING SOIL AND HYDROSTATIC PRESSURE AND SUPERIMPOSED CONSTRUCTION LOADS.
  - THE GAS COMPANY INDICATED THAT THE GAS MAIN CROSSING THE SITE HAS BEEN RETIRED. GAS MAIN IS TO BE CAPPED AND SEALED AT THE PROJECT'S LIMIT OF DISTURBANCE. CONTRACTOR TO COORDINATE WITH GAS COMPANY ON REMOVAL AND CAPPING OF EXISTING GAS MAIN.
  - THE DEPTH OF AND DIMENSIONS OF THE EXISTING ELECTRICAL DUCT BANKS, WATER MAINS AND OTHER UNDERGROUND UTILITIES ARE UNKNOWN. THE REQUIRED RELOCATIONS SHOWN ON THIS PLAN ARE BASED ON INCOMPLETE RECORD DRAWINGS AND ASSUMED DEPTHS BASED ON TYPICAL UTILITY INSTALLATIONS. THE CONTRACTOR SHALL PERFORM TEST PITS AT UTILITY CROSSINGS TO CONFIRM ELEVATIONS PRIOR TO ORDERING OR INSTALLING MATERIALS. COORDINATE FIELD INVESTIGATIONS AND RELOCATIONS WITH THE UTILITY CROSSINGS.
  - INSTALL ISOLATION VALVES ON WATER MAINS AS REQUIRED BY THE PORTLAND WATER DISTRICT.
  - UNDERGROUND TRAFFIC SIGNAL WIRING AND DETECTION LOOPS ARE INSTALLED IN THE INTERSECTION OF FORE ST. AND FRANKLIN ST. THE CONTRACTOR SHALL COORDINATE WITH THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT TO DETERMINE THE LOCATION OF TRAFFIC SIGNAL WIRING PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR RELOCATING AND/OR REINSTALLING TRAFFIC SIGNAL WIRING AND CONDUIT DISTURBED DURING CONSTRUCTION.
  - SEE SITE ELECTRICAL PLANS BY OTHERS FOR SITE LIGHTING AND WIRING DETAILS.







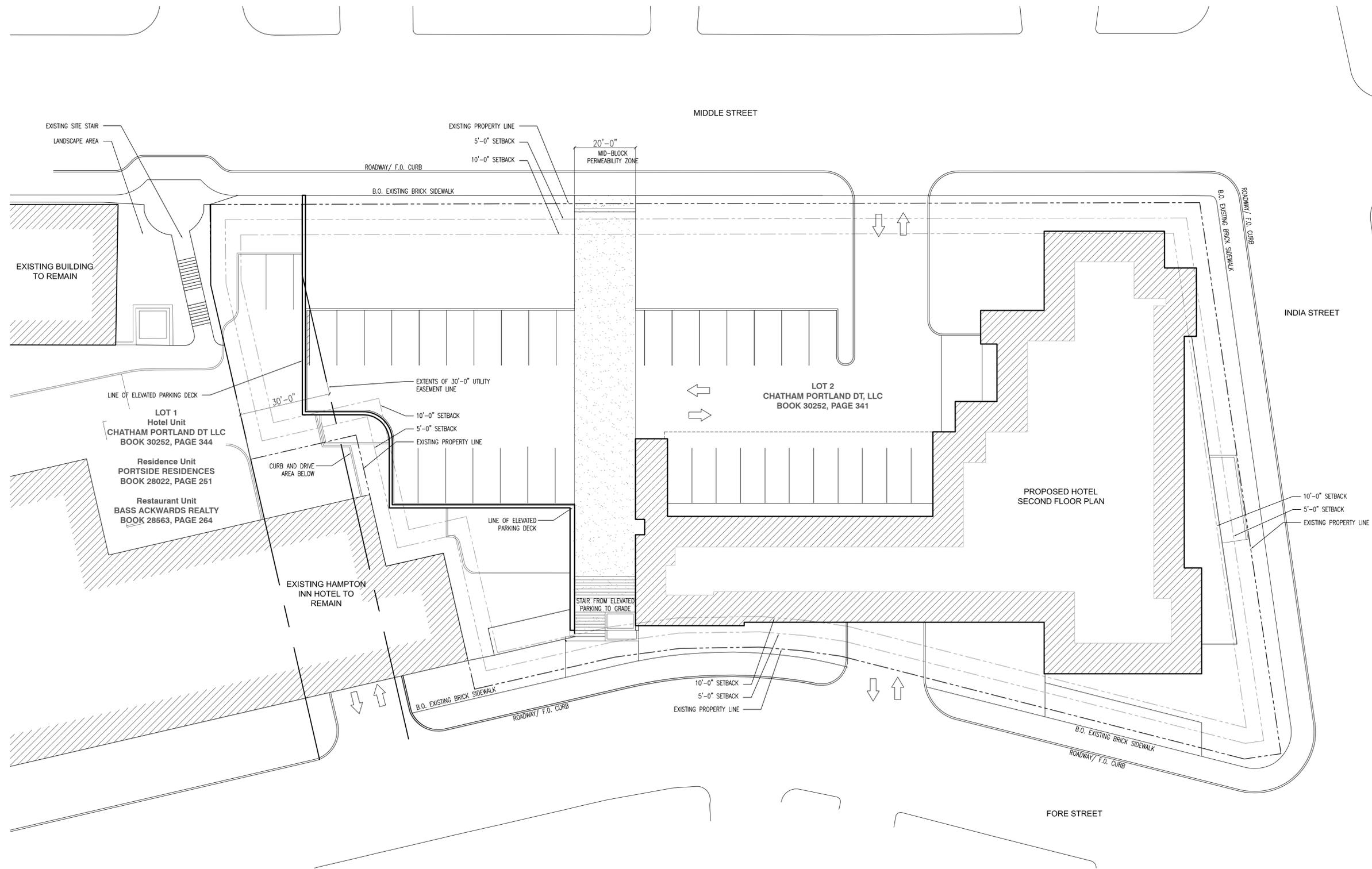
**DEED INFORMATION**

**LOT 1**  
 Hotel Unit  
 CHATHAM PORTLAND DT LLC  
 BOOK 30252, PAGE 344

Residence Unit  
 PORTSIDE RESIDENCES  
 BOOK 28022, PAGE 251

Restaurant Unit  
 BASS ACKWARDS REALTY  
 BOOK 28563, PAGE 264

**LOT 2**  
 CHATHAM PORTLAND DT, LLC  
 BOOK 30252, PAGE 341



**DEED INFORMATION**

**LOT 1**  
 Hotel Unit  
 CHATHAM PORTLAND DT LLC  
 BOOK 30252, PAGE 344

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 PORTSIDE RESIDENCES  
 BOOK 28022, PAGE 251

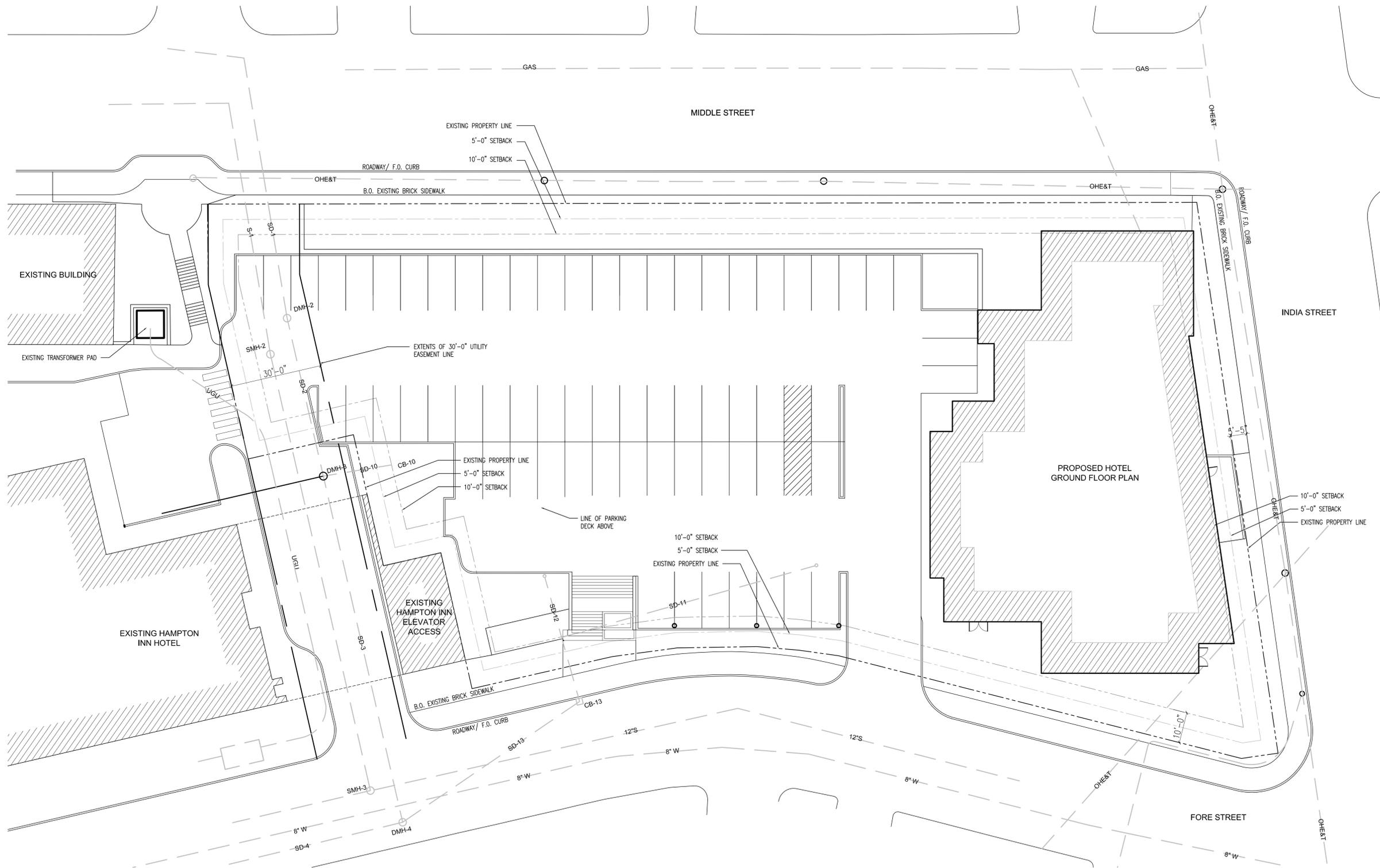
Restaurant Unit  
 BASS ACKWARDS REALTY  
 BOOK 28563, PAGE 264

**LOT 2**  
 CHATHAM PORTLAND DT, LLC  
 BOOK 30252, PAGE 341



**EXISTING UTILITY ABBREVIATIONS**

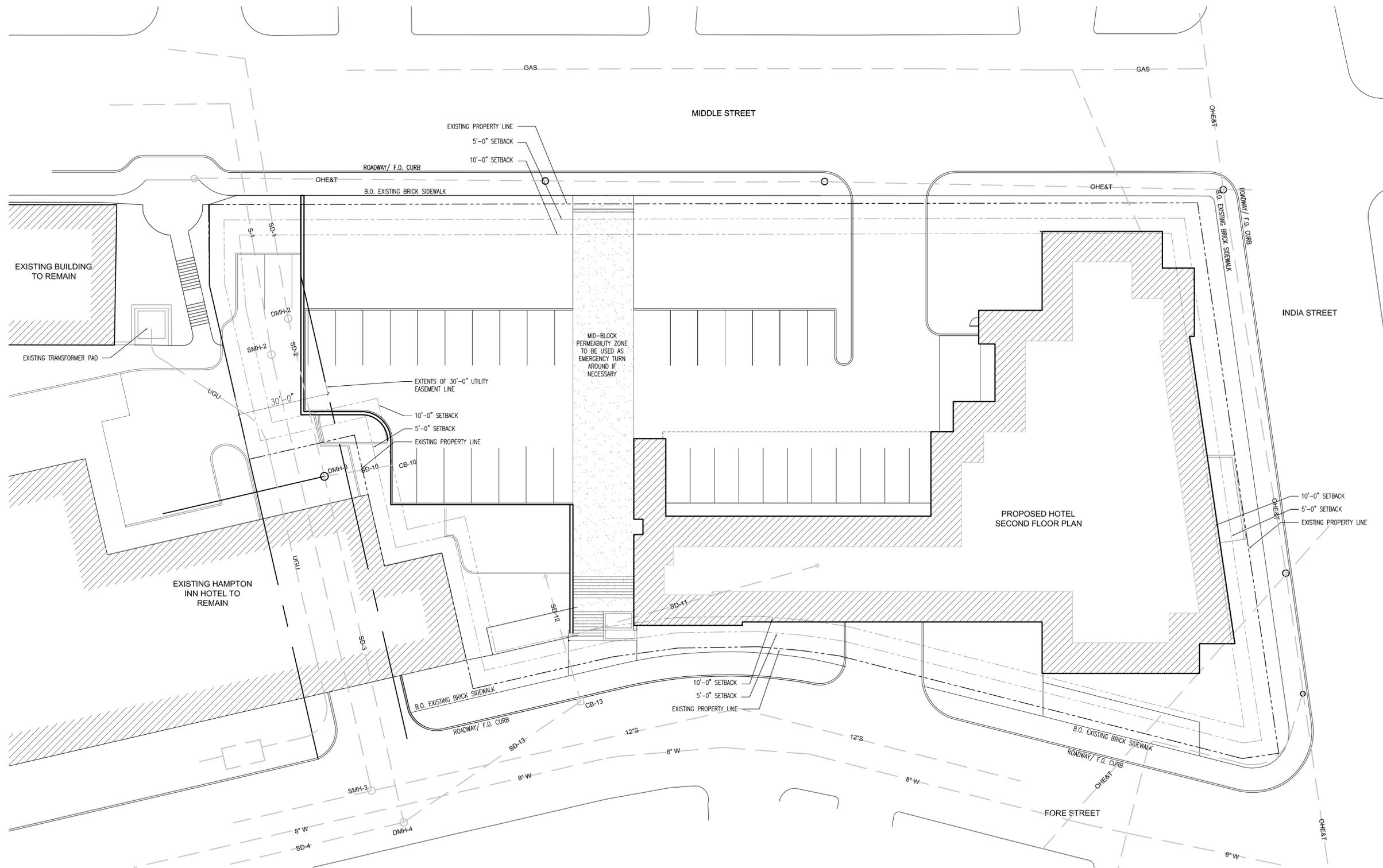
- SD - STORM DRAIN
- W - WATER LINE
- GAS - GAS LINE
- UGU - UNDERGROUND UTILITY
- OHE&T - OVERHEAD POWER AND TELEPHONE

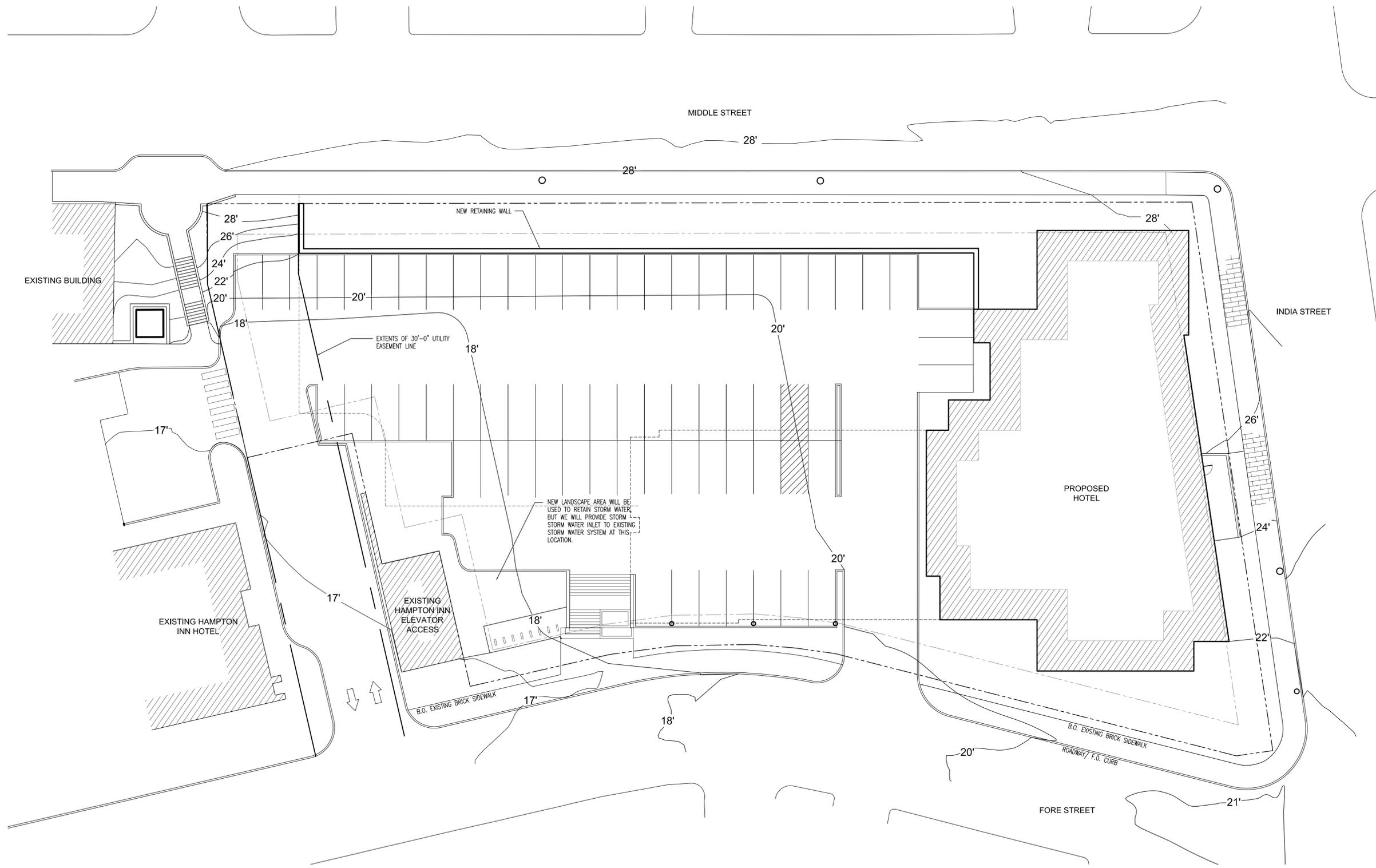


UTILITY PLAN LEVEL 01 - FORE STREET  
1/16" = 1'-0"

**EXISTING UTILITY ABBREVIATIONS**

- SD - STORM DRAIN
- W - WATER LINE
- GAS - GAS LINE
- UGU - UNDERGROUND UTILITY
- OHE&T - OVERHEAD POWER AND TELEPHONE





GRADING PLAN  
1/16" = 1'-0"



PRELIMINARY SITE PLAN REVIEW  
**PROPOSED HOME BUSINESS HOTEL**  
203 Fore Street, Portland, ME 04101

**A10**

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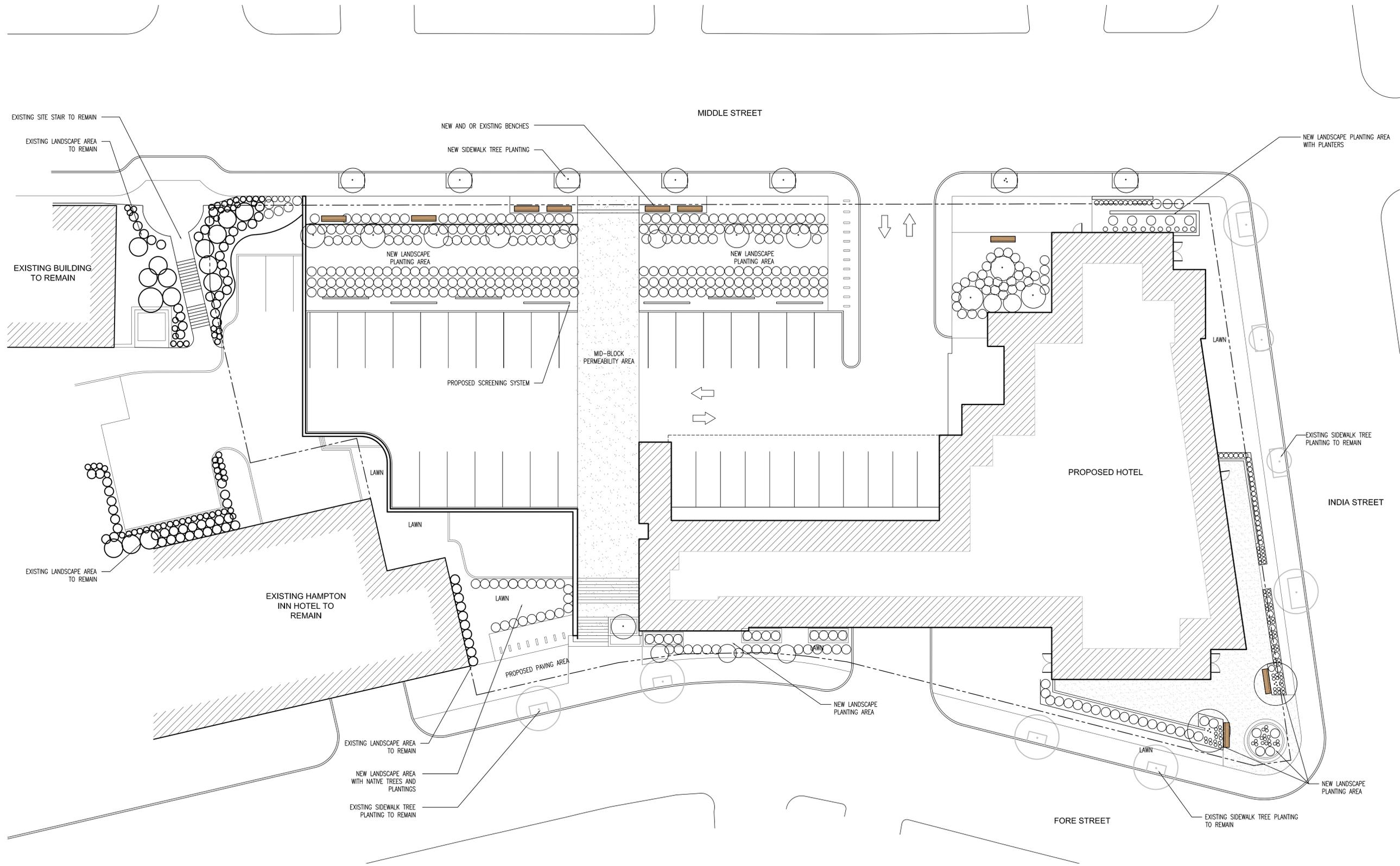
FEBRUARY 16 - 2018

7290 West 133rd Street  
Overland Park, Kansas 66213  
P: 913.789.7811  
F: 913.789.7833

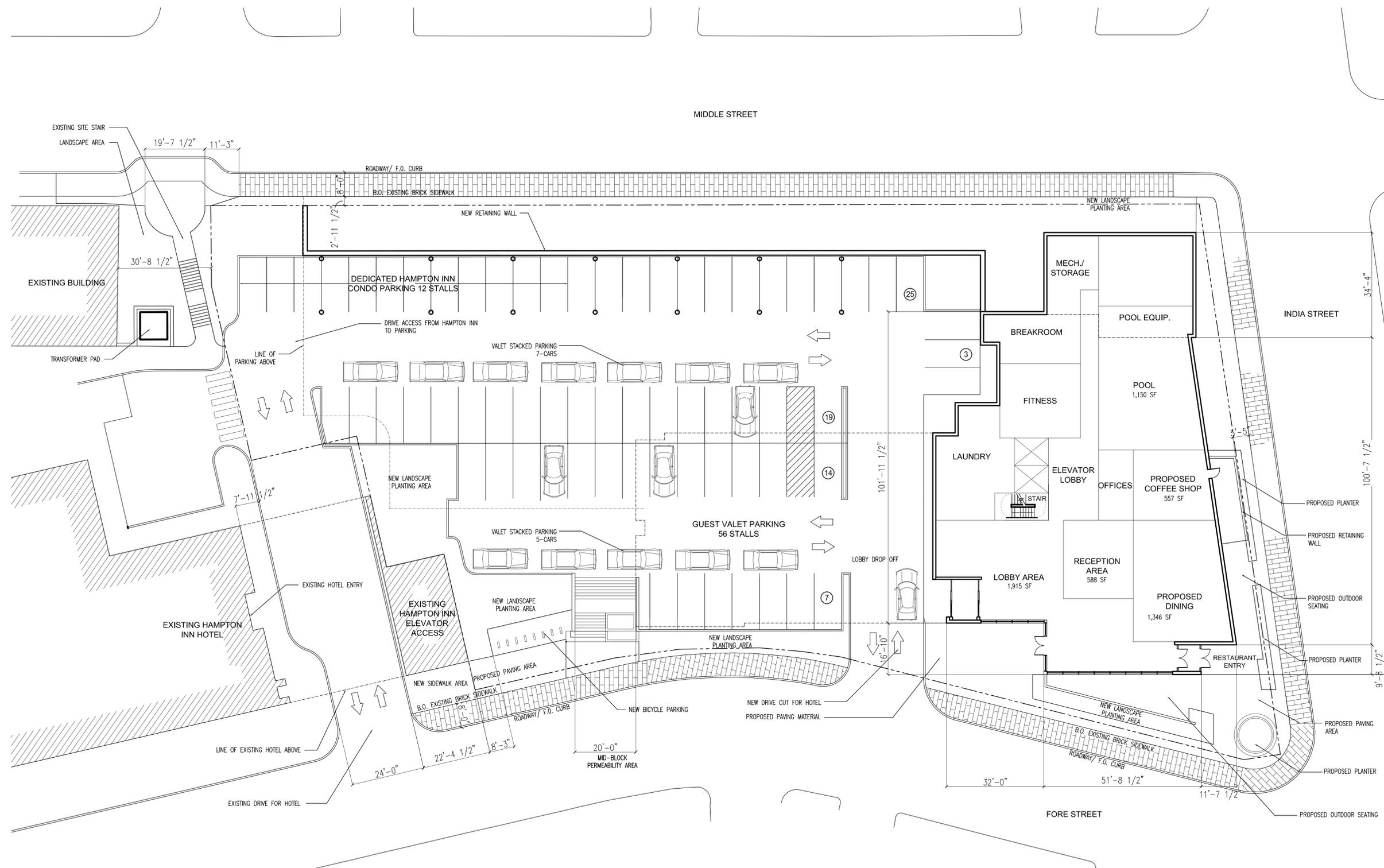


**PRELIMINARY TREE PLANTING LIST**

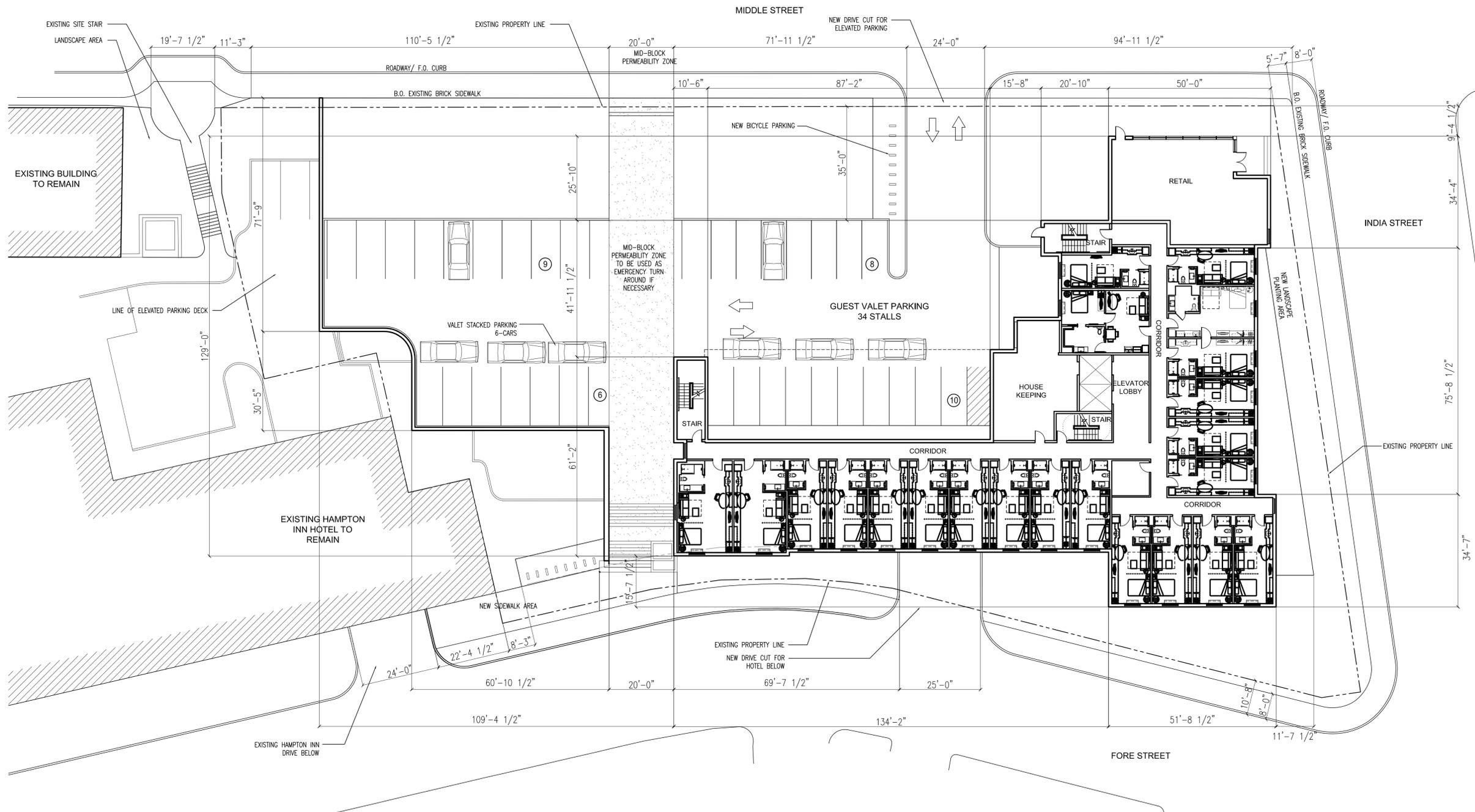
SWAMP WHITE OAK  
 AMERICAN ELM - VALLEY FORGE  
 AMERICAN HORNBEAM  
 SERVICEBERRY 'COLMULUS'  
 WHITE CEDAR 'TECHNY'



**LANDSCAPE PLAN**  
 1/16" = 1'-0"

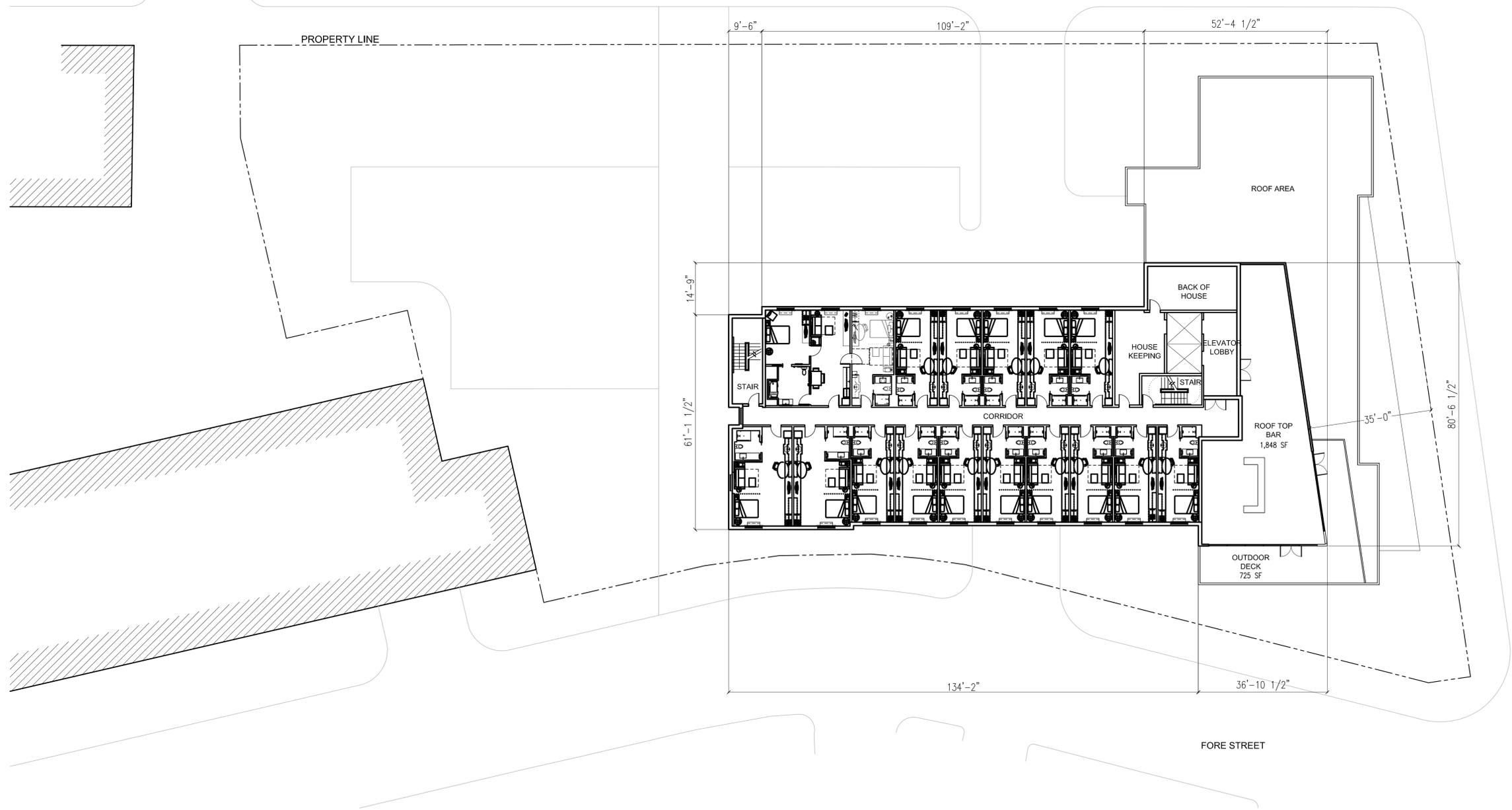


FLOOR PLAN LEVEL 01 - FORE STREET  
 1/16" = 1'-0"



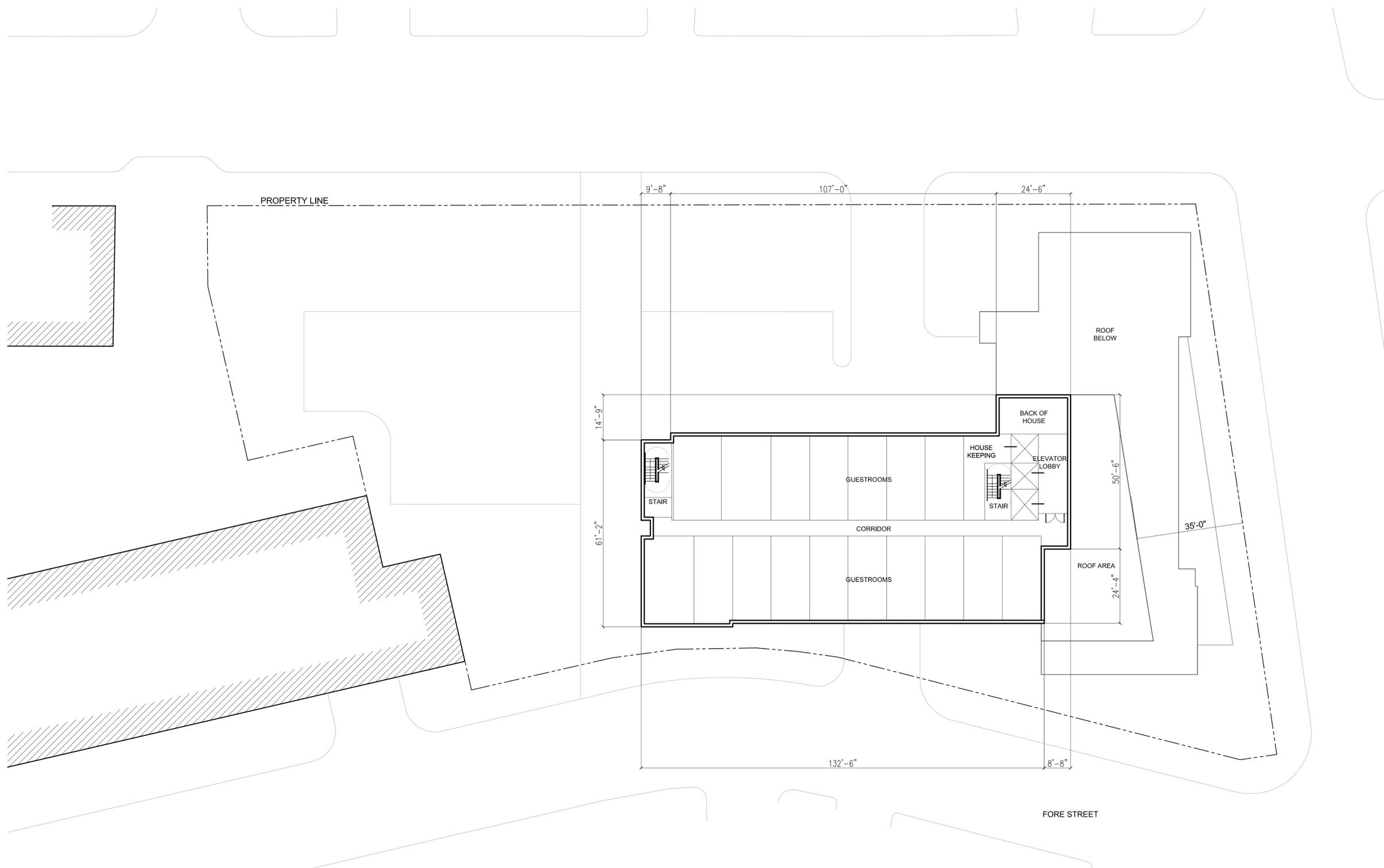
FLOOR PLAN LEVEL 02 - MIDDLE STREET  
 1/16" = 1'-0"





FLOOR PLAN LEVEL 05  
 1/16" = 1'-0"





FLOOR PLAN LEVEL 06  
 1/16" = 1'-0"



**A16**

PRELIMINARY SITE PLAN REVIEW  
**PROPOSED HOME BUSINESS HOTEL**  
 203 Fore Street, Portland, ME 04101

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 FEBRUARY 16 - 2018

### Material Palette



### Materials Legend

- ① BRICK 01  
CRIMSON - VELOUR TEXTURE
  - ② PORCELAIN TILE  
AVENUE DARK GREY
  - ③ CAST STONE 01  
CHAMPAGNE
  - ④ METAL 01  
MIDNIGHT BRONZE - SQUARE TUBE PROFILE
  - ⑤ METAL 02  
MIDNIGHT BRONZE - FLAT PROFILE
  - ⑥ WOOD 01  
ITALIAN WALNUT
  - ⑦ METAL 03  
COLONIAL WHITE
  - ⑧ CONCRETE 01  
NATURAL CONCRETE
- GLASS  
SOLAR CONTROL, LOW-E GLAZING



NORTH ELEVATION  
1/8" = 1'-0"

### Material Palette



### Materials Legend

- ① BRICK 01  
CRIMSON - VELOUR TEXTURE
  - ② PORCELAIN TILE  
AVENUE DARK GREY
  - ③ CAST STONE 01  
CHAMPAGNE
  - ④ METAL 01  
MIDNIGHT BRONZE - SQUARE TUBE PROFILE
  - ⑤ METAL 02  
MIDNIGHT BRONZE - FLAT PROFILE
  - ⑥ WOOD 01  
ITALIAN WALNUT
  - ⑦ METAL 03  
COLONIAL WHITE
  - ⑧ CONCRETE 01  
NATURAL CONCRETE
- GLASS  
SOLAR CONTROL, LOW-E GLAZING



EAST ELEVATION  
1/8" = 1'-0"

### Material Palette



### Materials Legend

- ① BRICK 01  
CRIMSON - VELOUR TEXTURE
  - ② PORCELAIN TILE  
AVENUE DARK GREY
  - ③ CAST STONE 01  
CHAMPAGNE
  - ④ METAL 01  
MIDNIGHT BRONZE - SQUARE TUBE PROFILE
  - ⑤ METAL 02  
MIDNIGHT BRONZE - FLAT PROFILE
  - ⑥ WOOD 01  
ITALIAN WALNUT
  - ⑦ METAL 03  
COLONIAL WHITE
  - ⑧ CONCRETE 01  
NATURAL CONCRETE
- GLASS  
SOLAR CONTROL, LOW-E GLAZING



**SOUTH ELEVATION**  
1/8" = 1'-0"

### Material Palette



### Materials Legend

- ① BRICK 01  
CRIMSON - VELOUR TEXTURE
  - ② PORCELAIN TILE  
AVENUE DARK GREY
  - ③ CAST STONE 01  
CHAMPAGNE
  - ④ METAL 01  
MIDNIGHT BRONZE - SQUARE TUBE PROFILE
  - ⑤ METAL 02  
MIDNIGHT BRONZE - FLAT PROFILE
  - ⑥ WOOD 01  
ITALIAN WALNUT
  - ⑦ METAL 03  
COLONIAL WHITE
  - ⑧ CONCRETE 01  
NATURAL CONCRETE
- GLASS  
SOLAR CONTROL, LOW-E GLAZING



WEST ELEVATION  
1/8" = 1'-0"



VIEW FROM NW CORNER  
AT INTERSECTION OF FORE AND INDIA STREETS



VIEW FROM NE CORNER  
AT INTERSECTION OF INDIA AND MIDDLE STREETS





VIEW FROM FORE STREET  
LOOKING EAST



VIEW FROM NW CORNER  
AT INTERSECTION OF FORE AND INDIA STREETS



VIEW FROM INTERSECTION  
AT FORE AND INDIA STREETS



VIEW OF STREETScape AND HOTEL ARRIVAL  
ALONG FORE STREET



VIEW FROM NE CORNER  
AT INTERSECTION OF INDIA AND MIDDLE STREETS



VIEW ROOF DECK  
AT INTERSECTION OF FORE AND INDIA STREETS



AERIAL VIEW  
ALONG MIDDLE STREET



VIEW ALONG MIDDLE STREET  
PARKING FIELD AND GUESTROOM TOWER



# PLANNING BOARD REPORT PORTLAND, MAINE

Three unit residential condominium building  
30 Fox Street  
Level III Subdivision and Site Plan  
#2017-227  
CBL: 012 J004001  
Dyer Neck Development LLC, Applicant

Submitted to Portland Planning Board  
Public Hearing Date: April 10<sup>th</sup>, 2018

Prepared by: Jean Fraser  
Date: April 6<sup>th</sup>, 2018

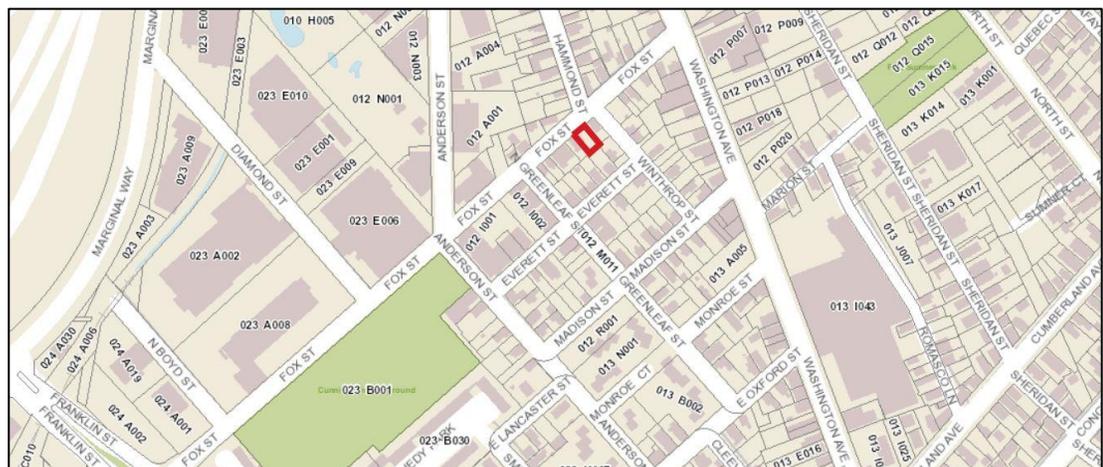
## I. INTRODUCTION

Bild Architecture, on behalf of Dyer Neck Development, LLC, is requesting final approval by the Planning Board to a Level III Subdivision and Site Plan application for a new three-unit four story residential building on a vacant site at 30 Fox Street, near the corner of Fox and Winthrop Streets in the R-6 zone. The Board considered the project at a PB Workshop on January 9<sup>th</sup>, 2018.

The proposed building is 39 feet in height with a footprint of 1,038 sq ft and total floor area of 3,712 sq ft. The building will comprise two 2-bed units and one 1BR unit, over a covered parking area for 2 cars.

Since the Workshop the applicant has sought to address neighbor and Planning Board comments and reduced the floor plan by one bedroom which allowed for the top floor, overhang and height to be reduced. The number of parking spaces was revised from 3 to 2, and the parking area beneath the building modified to increase vehicle maneuvering space.

**Applicant:** Dyer Neck Development, LLC (Simon Norwalk)  
**Consultants:** Bild Architecture (Evan Carroll); Plymouth Engineering (Jon Whitten); Surveyor; Owen Haskell, Inc



**Required Reviews and Waivers:**

<i>Review</i>	<i>Applicable Standards</i>
<b>Subdivision:</b> Construction of new building with 3 residential dwelling units	<i>Section 14-497</i> for the creation of 3 units.
<b>Site Plan:</b> Multifamily development	<i>Section 14-526</i> for the proposed multifamily residential development.
<i>Waiver Requests to Planning Board</i>	<i>Applicable Standards</i>
<p><b>Overhead utilities:</b> Waiver requested (<i>Att Z</i>) to connect overhead lines serving the site to an existing utility pole some ways away, based on the fact this would not pose a significant impact on the street scape.</p> <p><i>Staff comments:</i> The impact on the streetscape is not a waiver criteria and the waiver would not be supported on that basis. Further information is required regarding the financial hardship involved in placing the electrical service underground before the Department of Public Works could make a determination (see <i>Att 9</i>)</p>	<p><i>Site Plan Ordinance, Section 14-526(c)(3)(b)</i> - Electrical service shall be underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost, the need to retrofit properties not owned by the applicant or complexity of revising existing overhead facilities.</p> <p><i>Subdivision Ordinance, Section 14-499(h)</i> - All utility lines shall be placed underground unless otherwise approved by the Planning Board.</p>
<p><b>Parking Drive Aisle:</b> Waiver requested (<i>Att X</i>) for a parking drive aisle that is 13 feet wide, less that required under the Technical Standards.</p> <p><i>Staff Comments:</i> The Traffic Engineering reviewer supports a waiver for the proposed parking aisle width (<i>Att. 8</i>) (<b>Note:</b> the drive aisle into the site at the front meets the Technical Standards and is not part of this waiver)</p>	<p>Technical Standard 1.14 <i>Parking Lot and Parking Space Design and associated drawings I 27-I 29</i> would require that the aisle width behind the parking spaces to be 24 feet wide.</p>
<p><b>Sidewalk Materials:</b> Waiver requested (<i>Att Y</i>) to maintain the existing concrete sidewalk rather than comply with the Technical Standard Materials Policy that would require the sidewalk to be brick.</p> <p><i>Staff Comments:</i> DPW support a waiver from the brick requirement to allow the sidewalk at this location to be concrete. (see <i>Att 9</i>)</p>	<p><i>Appendix A to the Technical Standards</i> sets out the Sidewalk Policies and allow the Department of Public Works (DPW) to waive the requirements based on a number of criteria.</p>

**II. PROJECT DATA**

<i>SUBJECT</i>	<i>DATA</i>		
<b>Existing Zoning</b>	R-6		
<b>Existing Use</b>	Vacant		
<b>Proposed Use</b>	Residential (3 condominium units)		
<b>Residential mix</b>	Two 2-BR; one 1-BR		
<b>Parcel Size</b>	2,394 sq ft		
	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
<b>Impervious Surface Area</b>	323 sq ft	1254 sq ft	931 sq ft
<b>Building Footprint</b>	0	1577 sq ft	1,254 sq ft
<b>Building Floor Area</b>	0	3,712 sq ft	3,712 sq ft
<b>Parking Spaces</b>	0	2 (none required)	
<b>Bicycle Parking Spaces</b>	0	2 in ROW (2 are required)	
<b>Estimated Cost of Project</b>	\$750,000		

### III. EXISTING CONDITIONS

The site totals 2394 sq ft with a 38 foot frontage onto Fox Street. This lot and the lot to the west (with a single family home on a legally non-conforming lot) were both owned by the applicant. The applicant created a curb cut for the vacant lot and sold the lot with the home. To the east is a recently constructed single family home and to the south are the rear yards of similar residential properties. There are sections of existing fence along the boundaries and the concrete sidewalk is in good condition.



Looking west on Fox; site to right behind small house



The site

There is an existing street tree in the ROW frontage and street parking is allowed on that side of Fox Street.

### IV. PROPOSED DEVELOPMENT

The proposals are shown in the Plan Set and comprise a 4 story building with 5 feet setbacks on both sides and a 3.7 foot setback at the front. The building would accommodate three residential condo units, 1 on the second floor, 1 on the third floor, and a 2 two-story condo on floors 3 and 4. Two of the units have decks.

The ground floor parking area is open (no column and no garage doors) and accessed by a narrow drive from Fox Street that is partly under the cantilevered building.

The plan (*P4 Site Plan*) shows the removal of the callery pear street tree and replacement with a maple tree, along with stockade fencing around the site and some landscaping.

The main entrance is from a front door onto Fox Street, which leads into a stair lobby that is also accessible from the parking spaces.



### V. PLANNING BOARD WORKSHOP COMMENTS

The Planning Board supported the project in principle, but were concerned about the safety issues related to vehicles backing out of the site into Fox Street, and supported staff comments regarding the design. The applicant was encouraged to talk to the neighbors to try and address the concerns that were expressed during the public comment part of the Workshop and in the written public comments.

## **VI. PUBLIC COMMENT**

A total of 166 notices were sent to property owners within 500 feet of the site and interested parties, and a legal ad was published in the *Portland Press Herald* on April 2 and 3, 2018. The project is not required to hold a Neighborhood Meeting although the applicant was encouraged to hold a voluntary neighborhood meeting and this was held on January 24<sup>th</sup>, 2018 (details are in *Attachment T.*)

At the January Workshop written comments from both of the side abutting property owners were received which raised questions and concerns about the proposals (*PC1, PC2 and PC3*). The same neighbors (Sichterman is uphill and Hrenko/MacDonald are downhill and abut the parking drive aisle) offered comments in relation to the neighborhood meeting and the proposals as presented at that time (*PC4, PC5 and PC6*) and regarding the simulation of on-site vehicle access to the parking spaces (*PC7*). The neighbors have also commented on the final proposals (*PC8, PC9 and PC10*).

Staff consider that the final proposals have been revised substantially to address public comments, through the reduction of the massing and the reconfiguration of the ground floor parking area and its access. The proposed waiver has been reviewed carefully by the Traffic Engineering Reviewer (see *Att 8* and below) who considers the proposal to have addressed the safety concerns and to be consistent with other projects where similar waivers have been granted.

## **VII. RIGHT, TITLE, & INTEREST**

The application includes the deed trail for this site, establishing right, title and interest and also showing that it has been a separate lot since before 1957 (*Attachment C and staff comment Att 6*).

## **VIII. FINANCIAL & TECHNICAL CAPACITY**

The estimated cost of the project is \$750,000 and a letter from the Camden National Bank documents the financial capability of the applicant. (*Attachment D*).

## **IX. ZONING ASSESSMENT**

The site is within the R-6 zone and the proposals meet all of the dimensional standards of the R-6 zone. The front setback is 3.7 feet, which is the average of the setbacks of the neighboring properties.

On the east side the building is cantilevered over the drive access. In the plans reviewed at the PB Workshop the upper part of the building protruded 1.5 feet into the 5 foot setback area, which is allowed under the zoning ordinances. In response to neighbor and Planning Board comments the overhanging part of the building has been reduced so that it meets the 5 foot side setback.

A stepback at 35 feet is required under the R-6 zoning where a building is located within 10 feet of the side boundary and 15 feet of the rear boundary, and the building has been stepped back to meet this requirement.

Division 20 of the land use ordinance provides an exception for the off-street parking requirement for the first three units in the R-6 zone and a 1:1 requirement thereafter. The proposal for 3 units would not require parking spaces on site; the applicant has chosen to provide 2 parking spaces in the lower level which are dependent on a waiver for the width of the parking aisle.

The neighbor to the east (*PC1*) asked whether any zoning variances had been given to allow for this lot to be sold at a larger (conforming) lot size while the lot that previously was in the applicants ownership remains legally non-conforming. Staff consulted the Zoning Administrator who researched the deeds and determined that these lots had historically been separate lots and therefore under 14-430 the vacant lot could be developed as a lot of record (*Att. 6*).

## **X. SUBDIVISION REVIEW (14-497(a). Review Criteria)**

The applicant has submitted a draft Subdivision Plat in accordance with the Subdivision Ordinance (*Plan P2.*). The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below.

**1. Water, Air Pollution**

The site is currently vacant and the proposals are not expected to impact any water supplies or the air.

**2 & 3. Adequacy of Water Supply**

The applicant has provided evidence of capacity from the Portland Water District (*Attachment R*).

**4. Soil Erosion**

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

**5. Impacts on Existing or Proposed Highways and Public Roads**

The city’s consulting traffic engineer has reviewed the project and has commented that vehicles backing out of this site could present a safety hazard for Fox Street (*Attachment 8*). The proposals have been revised to address this concern as discussed under the Site Plan review below.

**6. Sanitary Sewer/Stormwater Disposal**

The proposal increased the impervious surface by 931 sq ft and include a roof dripline filter system to collect and treat the roof stormwater. The Peer Engineer has a number of preliminary comments that have been addressed in the final plans (*Attachment 9*.)

**7. Solid Waste** - the project will be served by the City trash collection service, and trash storage is included in the lower level.

**8. Scenic Beauty**

This proposal is not deemed to have an adverse impact on the scenic beauty of the area.

**9. Comprehensive Plan**

The project addresses several of Portland’s Plan’s housing goals.

**10. Financial and Technical Capacity – see VIII above.**

**11. Wetland/Water Body Impacts**

There are no anticipated impacts to wetlands.

**12. Groundwater Impacts**

There are no anticipated impacts to groundwater supplies.

**13. Flood-Prone Area**

The site does not lie within a flood zone.

**XI. SITE PLAN REVIEW (Section 14-526)**

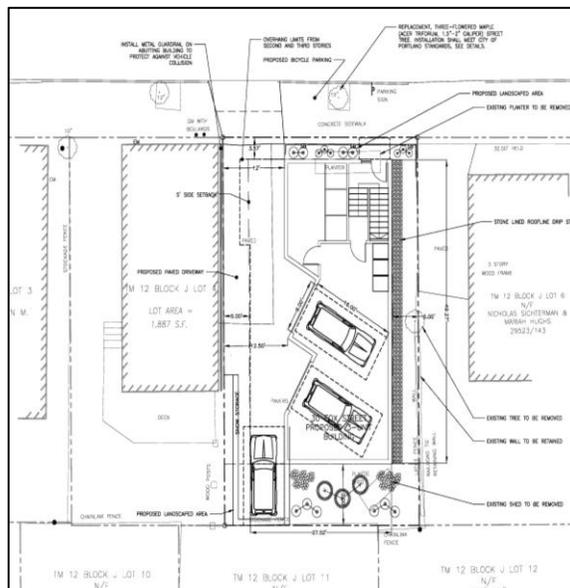
The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

**1. Transportation Standards**

*a. Impact on Surrounding Street Systems and b. Access and Circulation*

The proposal previously included three parking spaces (2 under the building and one at the end of the drive access, as shown right) and this layout would require parked vehicles to back out to leave the site:

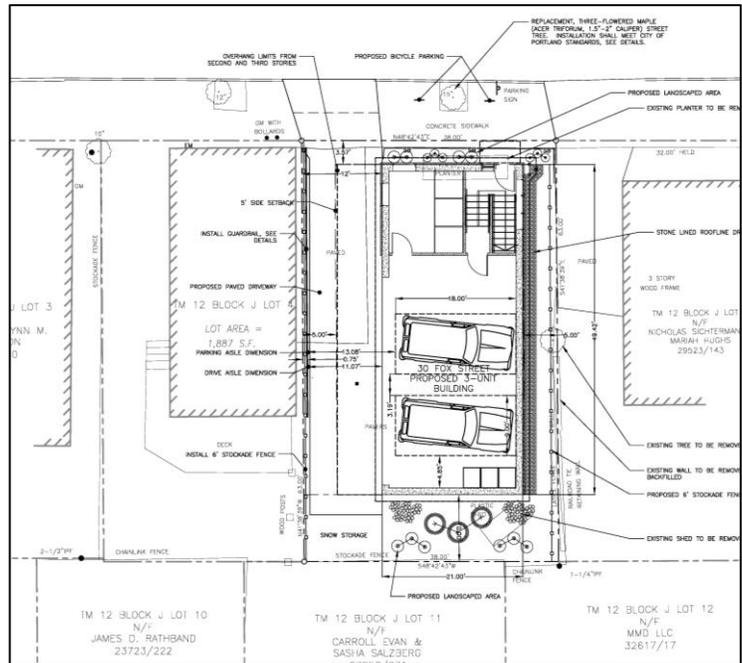
**PREVIOUS SITE LAYOUT:**



At the Workshop staff comments confirmed that at this location the vehicles must exit the site going forward for safety reasons (Attachments 4 and 8). Neighbors and staff raised a concern over the 11-12 foot width of the parking aisle as originally proposed, when the Technical Standard for perpendicular parking is 24 feet for the parking aisle.

The final layout has been revised as noted below:

- To include full size parking spaces under the building as there is space;
- To reduce the number of parking spaces to two, both under the building;
- Remove the garage doors and supporting column between the doors to create an open parking and maneuvering area;
- Provide a turning area at the end of the drive access so that vehicles can exit going forward;
- The parking aisle has been increased to 13 feet, with a waiver requested in respect of the Technical Standard.



The development of this final proposal has involved extensive revisions based on field simulations (most observed by reviewers who also checked the dimensions as marked on the site - videos are attached at *Plan P17*) of vehicles maneuvering into and out of the parking space based on various parking area dimensions. Several earlier designs were not supported by the Traffic Engineering reviewer Mr Errico, but this final layout and the associated waiver is supported by Mr Errico (Attachment 8) as quoted below:

*As documented previously and repeated below, City staff does not support the backing of vehicles from the proposed site based upon conditions on Fox Street and the impact vehicle maneuvers may have on safety. I have observed several vehicle simulations conducted on the project site performed by the Applicant. These simulations included several access/egress movements using both a Nissan Rogue and a Toyota Highlander. The Applicant conducted additional simulations (provided via video) using a Jeep Cherokee and a Subaru Outback as design vehicles. These later simulation maneuvers assumed wider garage door openings due to a redesign of the building column between the two doors. Subsequent to these simulation tests, the Applicant has redesigned the building and removed the building column, thus eliminating a key factor limiting vehicle circulation. Given the results of the simulation tests and the elimination of the building column, it is my professional opinion that vehicles will be able to perform appropriate maneuvers for head-out egress movements. Accordingly, I support a waiver from the City's Technical Standards for parking aisle width with the following conditions.*

- *The area in the rear of the site noted for snow storage shall be paved and be available for vehicle maneuvering. It is likely that vehicles will pull into this area and back into the garage opening, setting up a head-out egress movement.*
- *A maximum of two vehicles shall be permitted on the site.*
- *Backing maneuvers onto Fox Street shall be prohibited.*

*I would note that previously I did not support a waiver given the likelihood of backing maneuvers into Fox Street. This conclusion was based upon my focused review of the vehicle simulations and the how*

*the building column constrained turn movements. During initial conversations with the Applicant several months ago, I inquired about the need for the building support and noted that it was a major constraint to vehicle circulation. The review of vehicle circulation with the building column, while was feasible with mid-size vehicles, was not a condition that I could support. The elimination of the column eliminates a significant constraint and provides added flexibility on how to maneuver into and out of the garage. That changed my conclusion, from a situation where vehicle circulation to avoid backing into Fox Street was feasible but likely to lead to some unsafe movements to one where vehicle circulation can reasonably occur, thus avoiding a backing situation.*

*I would note that I have reviewed the barrier/guard rail design and I find it to be acceptable.*

The conditions of the waiver have been included in the motions for the waiver and the site plan, and the subdivision condition relating to the finalization of condominium documents also requires that these documents include the conditions so that future buyers are aware.

Both immediate neighbors have raised questions over the scale of the waiver and the ability for the associated conditions to be enforced. (PC2- PC10).

b. *Public Transit Access*

There is no public transit line on Fox Street. As such, no provisions for public transit access are required.

c. *Parking*

- Vehicle: The ordinance requirement for vehicle parking is one off-street space per unit, and in the R-6 zone parking for the first 3 units is not required. Two parking spaces are being provided, which exceed the zoning requirements.
- Bicycle: The ordinance requirement is 2 spaces; the applicants have proposed two spaces in the ROW.

d. *Transportation Demand Management*

The project is not required to submit a Transportation Demand Management Plan.

e. *Construction Management Plan*

The applicant has submitted a Construction Management Plan narrative and plan (*Att V* and *Plan P6*). Staff reviewers have a number of concerns and recommend a condition to request a final CMP for further review and approval.

## **2. Environmental Quality Standards**

a. *Preservation of Significant Natural Features and Landscaping and Landscape Preservation*

The proposals include landscaping in the rear yard area and along the front, but not on the sides. On the west side a guardrail is proposed to protect the existing house from the parking area, combined with a stockade fence that will run the entire length of the side property line (see location on the Site Plan in *Plan P4*. and the Guardrail Detail in *Plan P12*). To the east there is the drip edge and new stockade fencing along the property line, which have been added in response to the comments from the City Arborist Jeff Tarling in *Attachment 5*.

Along the rear of the site is an existing stockade fence for part of the property line, but there is a section of wire mesh fencing. A proposed condition of approval requires that section to be stockade fencing to match the new fencing along the east boundary.

b. *Street Trees*

The proposals currently would remove the existing street tree (20 year old pear tree) and replace it with a maple street tree. The City Arborist has recently advised – in response to the neighbors concern at losing the pear tree- that he would like the tree to be protected during construction and inspected by him just prior to the issuance of a CO. If he considers that the tree will not survive, then replacement as proposed would be recommended prior to the issuance of the CO.

Three street trees are required for this project, and the applicant has indicated they would make a contribution in lieu for the other 2 required trees ([Attachment R](#)).

- c. ***Water Quality/Storm Water Management/Erosion Control-*** see above under *X Subdivision Review*

### **3. Public Infrastructure and Community Safety Standards**

- a. *Consistency with Related Master Plans*

The site fronts on an existing concrete sidewalk that will be partly taken up by utility connection work. The City's Sidewalk Policy requires a brick sidewalk at this location and the applicant has requested a waiver to allow reinstatement of the concrete sidewalk. The Department of Public Works supports this waiver ([Attachment 9](#)).

- b. *Public Safety and Fire Prevention*

The Fire Department has reviewed the proposals in terms of the impact on life safety access to the upper floors of the abutting house that is on the property boundary and 5 feet away from the footprint. The existing house does not have any windows facing the site other than bathrooms and therefore there is no concern from this viewpoint ([Attachment 1](#)).

- c. *Availability and Capacity of Public Utilities*

The capacity letter from CMP is awaited.

### **4. Site Design Standards**

- a. *Massing, Ventilation, and Wind Impact; Shadows; Snow and Ice Loading*

The project is not anticipated to result in any impacts in relation to these standards.

- b. *View Corridors*

The project does not abut a protected view corridor.

- c. *Historic Resources*

The site does not lie adjacent to or within 100 feet of a historic landmark, district, or landscape.

- d. *Exterior Lighting*

The applicant has submitted the lighting specifications but not the photometrics to assess whether these would meet the Technical Standards; a condition of approval requests this plan and clarification of the details.

- e. *Noise and Vibration*

The HVAC proposals have not yet been developed, and a suggested condition of approval is included to ensure that these meet ordinance standards.

- f. *Signage and Wayfinding*

No new signage or wayfinding is proposed.

g. Zoning-Related Design Standards



**As presented to January 2018 Workshop**



**As revised for April PB Hearing**

The design of the project has been revised to modify the fourth floor so its lower and set back from the front elevation, and the extent of the cantilever has been reduced so the overhang does not encroach into the 5 foot side setback. Windows have been added to the lowest floor.

The Final Design Review comments from the City’s Urban Designer Caitlin Cameron are as follows (*Attachment 7*):

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a multi-family dwelling at 30 Fox Street. The review was performed by Caitlin Cameron, Urban Designer, Matt Grooms, Planner, and Jean Fraser, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

**Findings of the Design Review:**

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- 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.

The proposed design passes all of the criteria – please refer to comments below.

**Design Review Comments** (*red text denotes principles or standards that are not met*):

*Principle A Overall Context*

- *A-1 Scale and Form*: The building type proposed is similar to a triple-decker with an additional mass on the 4<sup>th</sup> floor. Triple-deckers can be found in the surrounding context, however, the scale and form of those buildings are usually very simple with a single roof form and three stories. Additionally, this building shares a streetscape with mostly 1.5 and 2-story single-family homes. The project emphasizes the third story, vertical proportion massing, and recessed 4<sup>th</sup> floor. **Applicant did not make changes to building width or position on the lot. Applicant made the following revisions to mitigate the scale impacts:**
  - **Reduced fourth floor footprint**

- **Fourth floor pushed back from the street to emphasize the 3<sup>rd</sup> floor roof line and to reduce the perceived scale of the building in relationship to the street and the downhill buildings.**
- **The fourth floor material palette is lighter in color.**
- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (two or three bays) that are oriented to the street. The rhythm, size, and proportion of windows is a contemporary exaggeration of the traditional design.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.

*Principle B Massing – Met –* There are a limited number of buildings in the neighborhood with similar massing and proportion (triple deckers). Predominantly there are front-end gable, single family homes surrounding this site with 1.5, 2, and 2.5 stories in height. The primary mass is the three-story, vertical proportioned portion of the building with the fourth floor being slightly recessive in footprint and side setback. **The concern about the perceived mass from the downhill view and its relationship to the smaller existing buildings was addressed by reducing the size of the fourth floor, pushing it away from the street, and using a lighter color clapboard material.**

- *B-1 Massing:* The principal mass is reminiscent of a triple-decker found in the context. **The fourth floor mass was made more recessive per staff comment.**
- *B-2 Roof Forms:* Flat and front-end gable roofs are those found in the context. The three-story mass has a flat roof and is contextual. **The fourth floor has a non-contextual monopitch roof.**
- *B-3 Main Roofs and Subsidiary Roofs:* Staff consider the flat roof of the third story to be the primary roof form from the street. **The fourth floor plan was revised to make the footprint smaller, pushed back from the street – fourth floor is clearly recessive.**
- *B-4 Roof Pitch:* **The roofs are monopitch/ flat roofs.**
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – balcony, covered entry.
- *B-6 Garages:* The garage doors do not face the street and have living space above.

*Principle C Orientation to the Street – Met –* The project is oriented to the street with a street-facing door. **Window(s) added to the ground floor of the front façade to increase the building engagement with the street per staff request.**

- *C-1 Entrances:* There is a street-facing entry emphasized with a canopy.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed – there is no living space on the ground floor.
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with plantings.

*Principle D Proportion and Scale – Met –* The three-story mass and façade elements are proportionate and scaled to the overall building but the overall proportion is different from other buildings in the context because the cantilever is so wide. **The fourth floor scale was reduced as discussed above.**

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; window proportions are not all proportions found in the context, however.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.
- *D-3 Porches:* The balcony included in this project is at least 48 sf.

*Principle E Balance – Met –* The building façade has a cantilever that creates a wide façade compared with the proportions found in the context. **Extent of cantilever affects the façade balance visible straight onward from Hammond Street.**

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.

- *E-3 Symmetricality:* Primary window compositions are arranged symmetrically around discernable vertical axes.

*Principle F Articulation – Met –* The project employs visually interesting and well-composed facades.

- *F-1 Articulation:* Trim, canopy, and balcony details will create shadow lines on front façade; some of the windows are punched through to provide some dimension and shadow line on the panelized portions of the building. Detailing is consistent.
- *F-2 Window Types:* Four window types at street façade; consistent detailing.
- *F-3 Visual Cohesion:* Two materials are used with an accent color at window trim.
- *F-4 Delineation between Floors:* The floors are delineated by balconies and fenestration patterns, some material change.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The street-facing entry is emphasized with prominent placement facing the street, glass and sidelight, and the use of a canopy.
- *F-7 Articulation Elements:* The subsidiary roof of the 4<sup>th</sup> floor has an overhang of at least 6"; window trim is less than 4"; no building face offsets; 4th floor cornice includes exposed rafters, 3<sup>rd</sup> floor main roof form includes railing.

*Principle G Materials – Met –* This is a residential building surrounded by other residential buildings with traditional characteristics and materials – clapboard, brick, and shingle.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses clapboard as the primary material and fiber cement panel as a secondary material.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* Four window types on street façade.
- *G-5 Patios and Plazas:* Not applicable.

## 2. Multi-family and Other Housing Types Design Standards

In addition, there are design standards that apply to all multifamily development including this proposal. These are more general standards that include design standards as well as several other standards as listed below with staff comments.

### **(i) TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:**

**(1) STANDARDS.** *Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:*

*a. Proposed structures and related site improvements shall meet the following standards:*

- 1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;*
- 2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;*

Staff comment: The proposals have been evaluated in the context of the R-6 Design Standards (above) which cover the design elements mentioned in standards 1 and 2 in greater detail. Please refer to the Design Review comments in Attachment 7.

3. *Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;*

Staff comment: Two of the new units will have balconies.

4. *The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;*

Staff comment: This standard appears to be met.

5. *The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;*

Staff comment: The parking is located underneath the units and therefore is partially screened from the street. The abutting house does not have windows on the side facing the parking area.

### **XIII. STAFF RECOMMENDATION**

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed 3-unit residential development at 30 Fox Street.

### **XIV. PROPOSED MOTIONS**

#### **1. Waivers**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on April 10, 2018 for application 2017-227 relevant to Portland's site plan and subdivision ordinances, technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

#### **1. Electrical Service:**

The Planning Board [**finds/does not find**], based upon the Department of Public Works and Planning Department's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the 1) Site Plan standard (*Section 14-526(c)(3)(b)*) which requires that electrical service be placed underground unless otherwise specified for industrial uses, or if it is determined to be unfeasible due to extreme cost and 2) Subdivision standard (*Section 14-499(h)*) which requires that all utility lines be placed underground unless otherwise approved by the Planning Board. The Planning Board [**waives/does not waive**] these standards subject to the following conditions:

- a. That the applicant providing further cost information to document that the cost is extreme; and
- b. That the Department of Public Works (DPW) confirms that they support the waiver; and
- c. That if the waiver is supported by DPW, the final proposed overhead configuration shall be reviewed and approved by the Fire Department, Department of Public Works and Planning Authority; and
- d. If the waiver is not supported by DPW, the final electrical supply proposals shall be revised to the satisfaction of the Fire Department, Department of Public Works and Planning Authority

## **2. Parking Drive Aisle**

The Planning Board [**finds/does not find**], based upon the consulting traffic engineer's review (*Attachment 8*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) which requires that aisle width for right-angle parking be 24 feet, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The planning board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) to the parking drive aisle to be 13 feet (clear width) subject to the following conditions:

- a. That the rear of the site (noted for snow storage on the site plan) shall be paved and be available for vehicle maneuvering with snow removed from this area, to allow for vehicles to pull into this area and back into the garage opening and facilitating a head-out egress movement;
- b. That a maximum of two vehicles shall be permitted on the site;
- c. That backing maneuvers onto Fox Street shall be prohibited.

## **3. Sidewalk Materials:**

The Planning Board [**finds/does not find**], based upon the Department of Public Works comments (*Attachment 9*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (Appendix A) which requires brick material for the sidewalk at this location, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The planning board [**waives/does not waive**] the *Technical Manual* standard (Appendix A) based on the Department of Public works recommendation.

## **2. Subdivision**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on April 10, 2018 for application 2017-227 (30 Fox Street) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is/is not**] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. Prior to Certificate of Occupancy, the applicant shall provide condominium association documents for review by Corporation Counsel and the Planning Authority that meet the Subdivision ordinance standards and include the parking waiver conditions, snow storage prohibitions and other requirements as related to this approval.

## **3. Development Review**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on April 10, 2018 for application 2017-227 (30 Fox Street) relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan [**is/is not**] in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. That the rear of the site (noted for snow storage on the site plan) shall be paved and be available for vehicle maneuvering with snow removed from this area, to allow for vehicles to pull into this area and back into the garage opening and facilitating a head-out egress movement;

2. That a maximum of two vehicles shall be permitted on the site;
3. That backing maneuvers onto Fox Street shall be prohibited;
4. The applicant shall provide a final construction management plan for review and approval by the Planning Authority;
5. The applicant shall revise the site plan set to:
  - a. Add a note regarding the street tree regarding protection during construction and review by the City Arborist to determine if replacement is required prior to the issuance of a Certificate of Occupancy, the wording of such note to be agreed with the Planning Authority;
  - b. Add stockade fencing along the rear boundary where there is chain link fencing so that there is a continuous stockade fence around the sides and rear of the site, for review and approval by the Planning authority.
6. The applicant shall provide evidence of CMP capacity for review and approval by the Planning Authority;
7. Prior to installation of any site lighting, the applicant shall provide photometric plan and light specifications in conformance with the city's *Technical Manual* for review and approval by the Planning Authority;
8. That the applicant shall take all measures to protect the existing street tree on Fox Street and shall make a contribution for 2 street trees to the city's Tree Fund for review and approval by the Planning Authority;
9. That the applicant shall submit plans and associated information that clarify the location, screening and sound levels of all external heating, ventilation and other mechanical equipment and document that they meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority.

## **ATTACHMENTS:**

### **Attachments to the Report**

1. Fire Department comments
2. Peer Engineer prelim comments
3. Design Review prelim comments
4. DPW prelim comments
5. City Arborist comments landscaping

### *Since PB Workshop*

6. Zoning Administrator confirmation re RTI
7. Design Review final comments
8. Traffic Engineer final comments
9. Peer Engineer and DPW final comments on waivers

## **Public comments**

- PC1 Sichterman 12.1.17
- PC2 Hrenko & MacDonald 12.27.18
- PC3 Sichterman 1.5.18
- PC4 Sichterman 1.18.18 re neigh mtg
- PC5 Hrenko & MacDonald 1.29.18
- PC6 Sichterman 1.30.18
- PC7 Sichterman 2.27.18 re site mtg
- PC8 Sichterman 4.4.18
- PC9 Hrenko & MacDonald 4.6.18

## **Applicant's Submittal**

- A. Cover letter and Final Application
- B. Description
- C. Right, Title and Interest Deeds
- D. Financial Capability
- E. Zoning
- F. Housekeeping
- G. Traffic
- H. Ability to Serve
- I. Stormwater
- J. Consistency with Master Plans
- K. Solid Waste
- L. Code
- M. Design Standards
- N. Crime
- O. Accessibility
- P. Lighting
- Q. Parking Waiver (no longer relevant)
- R. PWD Ability to Serve
- S. Response to review comments 12.18.17

(since PB Workshop)

- T. Neighborhood Meeting Certification & Notes
- U. Response to neighbors concerns 2.3.18
- V. Construction Management Plan Narrative
- W. Stormwater Report updated
- X. Parking Aisle Waiver Request
- Y. Concrete Sidewalk Waiver request
- Z. Overhead Electrical Waiver request
- AA. Wastewater Capacity letter
- BB. Video links re cars maneuvering

## **Plans**

- P1. Survey
- P2. Draft Subdivision Plat
- P3. Cover Sheet
- P4. Site Plan
- P5. Grading and Utility Plan
- P6. Construction Management Plan
- P7. Autoturn Exhibit
- P8. Erosion and Sediment Details

- P9. Details
- P10. Proposed Parking layout
- P11. Parking Aisle Waiver Diagram
- P12. Guardrail Detail
- P13. Floor Plans
- P14. Elevations
- P15 Building Section
- P16. Renderings

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**MEMORANDUM**

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2017-227  
**Date:** 1/5/2018

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**Comments Submitted by: Robert Thompson/Fire on 11/3/2017**

One major concern is the set back to the existing building. The applicant must show that they are not denying Fire Dept. access to any egress windows in the existing building next door. Would like to know what the occupancy is? Whether there are any second floor windows compromised.

**Comments Submitted by: Robert Thompson/Fire on 11/3/2017**

The top floor decks, as shown, are not a significant concern from our perspective.

**Comments Submitted by: Robert Thompson/Fire on 11/3/2017**

There is a fire hydrant, with sufficient water flow, across the street from the proposed building.

**Comments Submitted by: Robert Thompson/Fire on 11/3/2017**

The proposed building has adequate access for Fire Dept. operations.

## MEMORANDUM



**TO:** Jean Fraser, Planner  
**FROM:** Lauren Swett, P.E., and Amy LeBel, E.I.T.  
**DATE:** November 29, 2017  
**RE:** Fox Street Condominium Peer Review, Level III Site Plan

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Woodard & Curran has reviewed the Level III Site Plan Application for the proposed Fox Street Condominium Development Project located at 30 Fox Street in Portland, Maine. The project involves construction of a four story building with first level parking and three residential units.

### Documents Reviewed by Woodard & Curran

- Level III Site Plan Application and attachments, dated September 21, 2017, prepared by Bild Architecture, on behalf of Dyer Neck Development, LLC.
- Engineering Plans, Sheets C1 – C4, and AU1; dated October 19, 2017, prepared by Plymouth Engineering, Inc., on behalf of Dyer Neck Development, LLC.
- Construction Management Plan, Sheet CM1.1; dated September 22, 2017, prepared by Bild Architecture, on behalf of Dyer Neck Development, LLC.
- Boundary and Topographic Survey, dated June 18, 2017, prepared by Owen Haskell, Inc., on behalf of Dyer Neck Development, LLC.

### Comments

- 1) General Comments
  - a) It appears that, based on the spot grades provided around the building that existing grades are being maintained. We suggest this be clearly represented on the plan, possibly by showing the existing contours as proposed within the site disturbance area.
  - b) The existing conditions plan shows two sanitary sewer lines in Fox Street. It is believed that one of these pipes (the one located north of centerline) is a separated stormdrain.
  - c) An existing retaining wall is shown on the eastern property boundary in close proximity to the proposed work. The Applicant notes on their Construction Management Plan that a shoring system will be installed along this area. The integrity of the existing wall should be confirmed, and it should be adequately protected during construction.
  - d) The project is located in a brick sidewalk district, and sidewalk and driveway apron replacement, as required by Public Works or necessitated by the project scope should meet the current sidewalk material policy standard.
  - e) The area designated for snow storage appears relatively inaccessible in its current orientation. Further discussion of snow management procedures should be provided.
- 2) Stormwater Management Standards - In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:
  - a) Basic Standard: Please provide the following information in accordance with Appendix A, B, & C of MaineDEP Chapter 500:
    - Siltation barrier should be installed along all downgradient boundaries of the disturbed site.
    - Please provide the location of the construction exit/entrance on the drawings.
  - b) General Standard: The Applicant is creating greater than 1,000 SF of new impervious surface, and is required to provide stormwater treatment in conformance with the General Standard. The Applicant has proposed to treat the roof runoff using a stone-lined drip strip. We have the following comments:



- The detail for the drip strip shows an underdrain pipe that corresponds to the foundation drain. This pipe is not shown on the grading and utility plan. This pipe should be shown connecting to the separated storm drain in Fox Street.
- c) Flooding Standard: The Applicant is creating greater than 1,000 SF of new impervious surface, and is required to manage stormwater in conformance with the Flooding Standard. We have the following comments:
- The Applicant should provide calculations documenting that the proposed development is maintaining flows at or below the pre-development condition. Additional storage within the roof dripline filter may be required.
  - The Applicant notes that the roof dripline filter will store the treatment storm, and overflow in larger events. As noted above, there is a foundation drain within the dripline filter cross section. The Applicant should clarify the route of flow from the system. In the event that there is overland flow, the Applicant should clarify how this will reach the street, as grades appear to show a berm along the northwest property line. The Applicant should provide proposed grading to ensure that there is no ponding at the building front or on the sidewalk.

## Planning and Urban Development Department Planning Division

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**Subject:** R-6 Small Infill Design Review – 32 Fox Street

**Written by:** Caitlin Cameron, Urban Designer

**Date of Review:** Tuesday, December 19, 2017

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A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a multi-family dwelling at 32 Fox Street. The review was performed by Caitlin Cameron, Urban Designer, Nell Donaldson, Planner, and Jean Fraser, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

### Findings of the Design Review:

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- 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.

The proposed design **does not pass** all of the criteria – please refer to comments below.

### Design Review Comments (*red text denotes principles or standards that are not met*):

#### *Principle A Overall Context*

- *A-1 Scale and Form*: The building type proposed is similar to a triple-decker with an additional mass on the 4<sup>th</sup> floor. Triple-deckers can be found in the surrounding context, however, the scale and form of those buildings are usually very simple with a single roof form and three stories. Additionally, this building shares a streetscape with mostly 1.5 and 2-story single-family homes. The project emphasizes the third story, vertical proportion massing, and recessed 4<sup>th</sup> floor – **there are a couple of aspects related to scale and form in this context that cause concern. First, the overall scale of the building, though meeting the zoning requirements, appears to dominate over the downhill, neighboring 1.5 story home. Suggestions to mitigate these scale impacts:**
  - o **shift the building all the way to the property line to create more space between the buildings;**

- flip the slope of the 4<sup>th</sup> floor roof so that it slopes downward towards the smaller building – the current roofline emphasizes and exaggerates the height.
  - Reduce the overall width of the building, especially reducing the amount of cantilever, to provide more space between the two buildings and make the façade more similar in proportion to those in the context.
  - The fourth floor material palette could be lighter in color – this would emphasize the third floor mass/roofline, and mitigate the visual impact of the 4<sup>th</sup> floor.
- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (two or three bays) that are oriented to the street. The rhythm, size, and proportion of windows is a contemporary exaggeration of the traditional design.
  - *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy. The project would become more contextual if the building were shifted all the way to the property line, repeating the pattern of building/drive/building/drive and creating the necessary open space buffer between buildings as a reprieve from the scale.

*Principle B Massing – Partially Met* – There are a limited number of buildings in the neighborhood with similar massing and proportion (triple deckers). Predominantly there are front-end gable, single family homes surrounding this site with 1.5, 2, and 2.5 stories in height. The primary mass is the three-story, vertical proportioned portion of the building with the fourth floor being slightly recessive in footprint and side setback. There is concern about the perceived mass from the downhill view and in relationship to the smaller existing buildings.

- *B-1 Massing:* The principal mass is reminiscent of a triple-decker found in the context. There is some concern about the prominence of the fourth story, especially as viewed from downhill and in relationship with the 1.5 and 2-story houses in the same streetscape. The pitch of the roof contributes to the perceived height and scale of this top story mass. This mass should be made more recessive – see comments in Section A.
- *B-2 Roof Forms:* Flat and front-end gable roofs are those found in the context. The three-story mass has a flat roof and is contextual. The fourth floor has a non-contextual monopitch roof. Staff feel more could be done to make the 4<sup>th</sup> floor roof recessive.
- *B-3 Main Roofs and Subsidiary Roofs:* Staff consider the flat roof of the third story to be the primary roof form from the street. However, the fourth floor roof is very prominent from the downhill approach and contributes to the perceived scale of the overall building. Therefore, the distinction between primary and subsidiary roof forms is not clear as required by the standard - see comments in Section A.
- *B-4 Roof Pitch:* The roofs are monopitch/ flat roofs.
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – balcony, covered entry.
- *B-6 Garages:* The garage doors do not face the street and have living space above.

*Principle C Orientation to the Street – Met* – The project is oriented to the street with a street-facing door. Staff request that window(s) be added to the ground floor of the front façade to increase the building engagement with the street.

- *C-1 Entrances:* There is a street-facing entry emphasized with a canopy.

- *C-2 Visual Privacy:* Visual privacy is adequately addressed – there is no living space on the ground floor.
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with plantings.

*Principle D Proportion and Scale – Partially Met* – The three-story mass and façade elements are proportionate and scaled to the overall building **but the overall proportion is different from other buildings in the context because the cantilever is so wide. The fourth floor is very visible from the downhill vantage point and the direction of the roof slope increases the perceived scale of the building on the street despite the mass being setback.**

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; window proportions are not all proportions found in the context, however.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building. **Staff review found that the uphill side elevation does not have adequate level of fenestration or openings near the street, especially at the lower portion of the building.**
- *D-3 Porches:* The balcony included in this project is at least 48 sf.

*Principle E Balance – Not Met* – The building façade has a cantilever that creates a façade width out of proportion to what is found in the context and that creates an unbalanced façade – this project will be visible straight onward from Hammond Street.

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.
- *E-3 Symmetricality:* Primary window compositions are arranged symmetrically around discernable vertical axes.

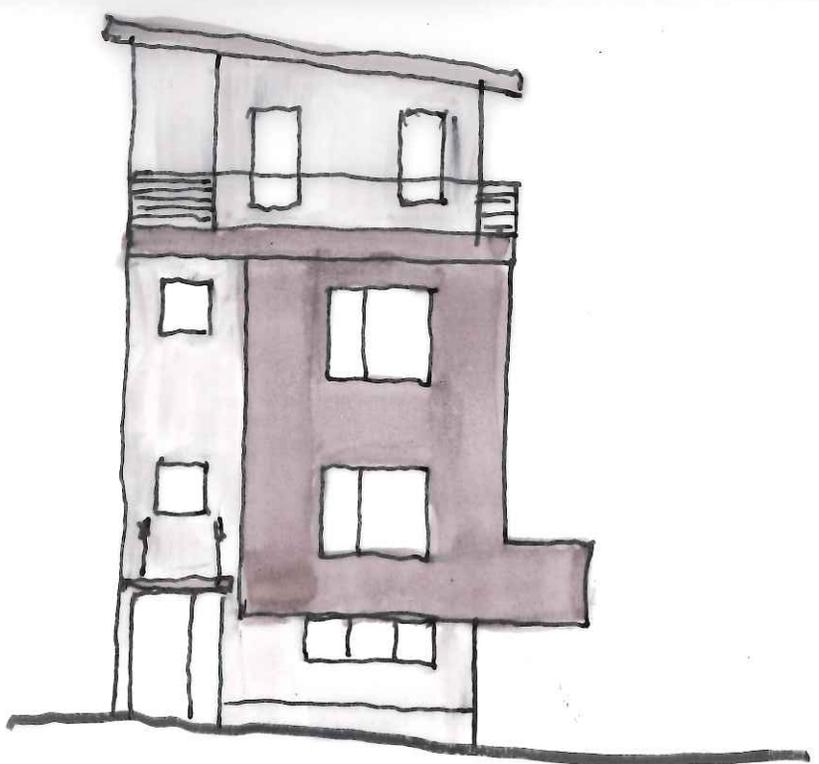
*Principle F Articulation – Met* – The project employs visually interesting and well-composed facades.

- *F-1 Articulation:* Trim, canopy, and balcony details will create shadow lines on front façade; some of the windows are punched through to provide some dimension and shadow line on the panelized portions of the building. Detailing is consistent.
- *F-2 Window Types:* **Three** window types at street façade; consistent detailing.
- *F-3 Visual Cohesion:* Two materials are used with an accent color at window trim.
- *F-4 Delineation between Floors:* The floors are delineated by balconies and fenestration patterns, some material change.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The street-facing entry is emphasized with prominent placement facing the street, glass and sidelight, and the use of a canopy.
- *F-7 Articulation Elements:* The subsidiary roof of the 4<sup>th</sup> floor has an overhang of at least 6"; **window trim is less than 4"**; no building face offsets; 4th floor cornice includes exposed rafters, 3<sup>rd</sup> floor main roof form includes railing.

*Principle G Materials – Met* – This is a residential building surrounded by other residential buildings with traditional characteristics and materials – clapboard, brick, and shingle.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses clapboard as the primary material and fiber cement panel as a secondary material.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* Three window types on street façade.
- *G-5 Patios and Plazas:* Not applicable.





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**Re: 30 Fox Street**

1 message

**Keith Gray** <kgray@portlandmaine.gov>

Wed, Dec 27, 2017 at 5:01 PM

To: Jean Fraser &lt;jf@portlandmaine.gov&gt;

Cc: "Errico, Thomas" &lt;thomas.errico@tylin.com&gt;, "Swett, Lauren"

&lt;lswett@woodardcurran.com&gt;, Bruce Hyman &lt;bhyman@portlandmaine.gov&gt;

Hello Jean,

Please find the following comments in review of the proposed 3-unit building site located at [30 Fox Street](#).

**GU and Site Plan:**

- The electrical service shall be underground as required by Section 14-526.c.3.a of the Land Use Ordinances.
- Existing utilities size and type shall be labeled. Verify existing stormdrain location.
- Proposed grades indicate low points at the corner of the garage bays. Provide detail on all proposed drainage structures and stormdrain connections.
- Provide detail on the roof dripline filtration BMP underdain location and connection. Provide stormwater overflow collection prior to the sidewalk.
- Provide location of proposed gas meter and bollard placement for protection.
- The plans should indicate reconstruction of the existing concrete sidewalk along the property frontage.
- Provide a parking layout where vehicles are not required to back onto Fox Street.

**Construction Management Plan:**

- Proposed utility connections shall be added to the CMPlan identifying anticipated street occupancy locations and duration.
- DPW does not support the extended occupancy of parking spaces and/or the sidewalk. Provide additional detail on the proposed occupancy duration.

Thank you,  
Keith

On Tue, Dec 19, 2017 at 10:45 AM, Jean Fraser <jf@portlandmaine.gov> wrote:

Hello all

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**Fwd: 30 (32) Fox St- new 3 unit (2017-227)**

1 message

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**Jean Fraser** <jf@portlandmaine.gov>  
To: "Fraser, Jean" <jf@portlandmaine.gov>

Wed, Jan 3, 2018 at 7:04 PM

From: **Jeff Tarling** <jst@portlandmaine.gov>  
Date: Mon, Dec 18, 2017 at 9:59 AM  
Subject: Re: 30 (32) Fox St- new 3 unit (2017-227)  
To: Jean Fraser <jf@portlandmaine.gov>

Jean -

Noticed a few items on the plan that we should clarify...

- 1) Street tree should be 2" caliper minimum
- 2) The plan shows 'Landscape Area' on the bottom left next to the parked car and snow storage area, but does not explain what that might be...
- 3) The proposed project offers little in the way of screening or buffering between the proposed project and existing adjacent residences.

Recommend - screening in the form of decorative wood fence from the end of the building structure next door to the property line, then across the back property line and along the easterly side of the project. This recommendation is consistent with other similar projects and helps meet the landscape site plan standards. This should be a condition of approval. In review of the similar projects mentioned, these are on Munjoy Hill and off York Street, the wood fencing with pockets of landscape where possible have worked to the benefit on the neighbors and the new residents who occupy the project once complete. There are many creative options to meet this objective and would leave this up to the project team.

Thanks,

Jeff



Barbara Barhydt &lt;bab@portlandmaine.gov&gt;

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**Re: 32 Fox St.**

1 message

**Ann Machado** <amachado@portlandmaine.gov>

Fri, Oct 20, 2017 at 8:41 AM

To: Evan Carroll | Bild Architecture &lt;evan@bildarchitecture.com&gt;

Cc: Barbara Barhydt &lt;bab@portlandmaine.gov&gt;, Audra Wrigley &lt;audra@bildarchitecture.com&gt;

Evan -

I don't know if Barbara was able to look at the newest information that was submitted yesterday. I did look at the deeds that were submitted and they do show that the two lots were described on deeds recorded at the Registry of Deeds prior to 1957. 32 Fox St is a legal nonconforming lot of record and 30 Fox St meets the current requirements of the R-6 Zone.

If Barbara needs anything else I assume that she will be in touch with you.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
(207) 874-8709

On Thu, Oct 19, 2017 at 5:06 PM, Evan Carroll | Bild Architecture <evan@bildarchitecture.com> wrote:

Barbara and Ann,

The below email chain may help Ann recall the history of the project. Let me know when the two of you have connected on this.

Thank you,  
Evan

----- Forwarded message -----

From: **Simon Norwalk** <simon072889@gmail.com>

Date: Thu, Oct 19, 2017 at 4:56 PM

Subject: Fwd: 32 Fox St.

To: [evan@bildarchitecture.com](mailto:evan@bildarchitecture.com), [audra@bildarchitecture.com](mailto:audra@bildarchitecture.com)

Simon Norwalk

Begin forwarded message:

**From:** Ann Machado <[amachado@portlandmaine.gov](mailto:amachado@portlandmaine.gov)>

**Date:** February 22, 2017 at 08:14:01 EST

**To:** Simon Norwalk <[simon072889@gmail.com](mailto:simon072889@gmail.com)>

**Subject:** Re: 32 Fox St.

Simon -

If both properties meet the definition of lot of record - described as separate lots in a deed that was recorded at the Cumberland County Registry of Deeds as of June 5, 1957, then you can sell the house lot as long as none of the existing building encroaches over the lot line.

As long as the ordinance does not change, you would be able to build on the undeveloped lot in the future.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
(207) 874-8709

On Thu, Feb 16, 2017 at 12:50 PM, Simon Norwalk <[simon072889@gmail.com](mailto:simon072889@gmail.com)> wrote:

Good Afternoon,

Thanks for your response to my question regarding 32 Fox St. My plan is to sell the house off and keep the lot to develop within the next year, so I feel like it would be premature to apply for a building permit on the lot at this point. I am currently doing some minor renovations to the existing house, and I plan on removing part of the deck and the carport to deal with the encroachment issues. The house lot is 1764 sqft and the land lot is 2331 sqft, as you said they both appear to be lots of record. My question is how can I proceed with selling just the house so that I can be left with the land lot which I plan on developing within the next year or two?

Sincerely,

Simon Norwalk

On Feb 15, 2017, at 3:21 PM, cstacey <[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)> wrote:

Dear Simon,

There is no formal approval process to actually divide the two lots or sell them separately. If the lot qualifies as a "lot of record" it is considered a legally separate lot that can be sold/developed separately. Besides having been described separately in a deed prior to 1957 (which appears to be the case here), the lot must also meet the following requirements:

- 1) Meet the minimum lot size (2,000 square feet) and road frontage (20 feet) for the R-6 zone.
- 2) Not be developed with any structures or be encroached on by structures. Any existing structures or portions of structure on the "lot of record" would have to be removed.

A survey would be advisable, both to confirm the size requirements and any structural encroachments. A survey will be required for a future building permit anyway.

The city's final determination on "lot of record" would be made as part of the building permit approval process for the new lot.

Please let me know if you have further questions.

Kind regards,  
Chris Stacey  
Zoning Specialist

On Tuesday, February 14, 2017 at 9:30:40 AM UTC-5, Simon Norwalk wrote:

Dear Ann Machado,

I am writing to you to follow up on a conversation that we had about a month ago regarding 32 Fox St. and its adjoining lot. We had talked about the possibility of separating the two lots based on a survey, but then you told me that if I can prove that it was a lot of record before 1955 I could split them off just as it is shown on the tax map. I have looked through the registry of deeds and just as you said the two lots are described separately throughout their existence. I have a deed where they are described separately right before the time that you specified. I am interested to find

out what the next step in the process is to separate these two lots so that I may in the future have the possibility of developing the second lot into three units. Is the next step to get a survey and have new deeds written up by a lawyer and submitted for the zoning board review? I have attached what I have from the registry of deeds, a deed from 1950, another from 1924 and an old tax map. I look forward to hearing from you soon.

Sincerely,

Simon Norwalk  
[Simon072889@gmail.com](mailto:Simon072889@gmail.com)  
(207) 837-0799

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.

--

**Evan A. Carroll** AIA, LEED AP, Maine Licensed Architect

Principal

## **bild ARCHITECTURE**

PO Box 8235 [Portland, Maine 04104](#)

[30 Danforth Street Suite 213](#), Portland

o:[207.408.0168](tel:207.408.0168) - c:[207.409.3589](tel:207.409.3589) - [evan@bildarchitecture.com](mailto:evan@bildarchitecture.com)

[www.bildarchitecture.com](http://www.bildarchitecture.com)

## Planning and Urban Development Department Planning Division

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**Subject:** R-6 Small Infill Design Review – 32 Fox Street

**Written by:** Caitlin Cameron, Urban Designer

**Date of Review:** Wednesday, March 28, 2018

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A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a multi-family dwelling at 30 Fox Street. The review was performed by Caitlin Cameron, Urban Designer, Matt Grooms, Planner, and Jean Fraser, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

### Findings of the Design Review:

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- 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.

The proposed design passes all of the criteria – please refer to comments below.

### Design Review Comments (*red text denotes principles or standards that are not met*):

#### *Principle A Overall Context*

- *A-1 Scale and Form:* The building type proposed is similar to a triple-decker with an additional mass on the 4<sup>th</sup> floor. Triple-deckers can be found in the surrounding context, however, the scale and form of those buildings are usually very simple with a single roof form and three stories. Additionally, this building shares a streetscape with mostly 1.5 and 2-story single-family homes. The project emphasizes the third story, vertical proportion massing, and recessed 4<sup>th</sup> floor. **Applicant did not make changes to building width or position on the lot. Applicant made the following revisions to mitigate the scale impacts:**
  - **Reduced fourth floor footprint**
  - **Fourth floor pushed back from the street to emphasize the 3<sup>rd</sup> floor roof line and to reduce the perceived scale of the building in relationship to the street and the downhill buildings.**
  - **The fourth floor material palette is lighter in color.**

- *A-2 Composition of Principal Facades:* The composition of the street-facing facades is consistent with context in terms of using symmetrical bays (two or three bays) that are oriented to the street. The rhythm, size, and proportion of windows is a contemporary exaggeration of the traditional design.
- *A-3 Relationship to the Street:* The building placement is consistent with the spacing of the residential fabric – slightly setback from sidewalk to allow for stoops and provide privacy.

*Principle B Massing – Met –* There are a limited number of buildings in the neighborhood with similar massing and proportion (triple deckers). Predominantly there are front-end gable, single family homes surrounding this site with 1.5, 2, and 2.5 stories in height. The primary mass is the three-story, vertical proportioned portion of the building with the fourth floor being slightly recessive in footprint and side setback. **The concern about the perceived mass from the downhill view and its relationship to the smaller existing buildings was addressed by reducing the size of the fourth floor, pushing it away from the street, and using a lighter color clapboard material.**

- *B-1 Massing:* The principal mass is reminiscent of a triple-decker found in the context. **The fourth floor mass was made more recessive per staff comment.**
- *B-2 Roof Forms:* Flat and front-end gable roofs are those found in the context. The three-story mass has a flat roof and is contextual. **The fourth floor has a non-contextual monopitch roof.**
- *B-3 Main Roofs and Subsidiary Roofs:* Staff consider the flat roof of the third story to be the primary roof form from the street. **The fourth floor plan was revised to make the footprint smaller, pushed back from the street – fourth floor is clearly recessive.**
- *B-4 Roof Pitch:* **The roofs are monopitch/ flat roofs.**
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – balcony, covered entry.
- *B-6 Garages:* The garage doors do not face the street and have living space above.

*Principle C Orientation to the Street – Met –* The project is oriented to the street with a street-facing door. **Window(s) added to the ground floor of the front façade to increase the building engagement with the street per staff request.**

- *C-1 Entrances:* There is a street-facing entry emphasized with a canopy.
- *C-2 Visual Privacy:* Visual privacy is adequately addressed – there is no living space on the ground floor.
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with plantings.

*Principle D Proportion and Scale – Met –* The three-story mass and façade elements are proportionate and scaled to the overall building but the overall proportion is different from other buildings in the context because the cantilever is so wide. **The fourth floor scale was reduced as discussed above.**

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; window proportions are not all proportions found in the context, however.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building.
- *D-3 Porches:* The balcony included in this project is at least 48 sf.

*Principle E Balance* – Met – The building façade has a cantilever that creates a wide façade compared with the proportions found in the context. **Extent of cantilever affects the façade balance visible straight onward from Hammond Street.**

- *E-1 Window and Door Height:* The majority of window and door head heights align along a common horizontal datum.
- *E-2 Window and Door Alignment:* The majority of windows shall stack so that centerlines of windows are in vertical alignment.
- *E-3 Symmetry:* Primary window compositions are arranged symmetrically around discernable vertical axes.

*Principle F Articulation* – Met – The project employs visually interesting and well-composed facades.

- *F-1 Articulation:* Trim, canopy, and balcony details will create shadow lines on front façade; some of the windows are punched through to provide some dimension and shadow line on the panelized portions of the building. Detailing is consistent.
- *F-2 Window Types:* **Four** window types at street façade; consistent detailing.
- *F-3 Visual Cohesion:* Two materials are used with an accent color at window trim.
- *F-4 Delineation between Floors:* The floors are delineated by balconies and fenestration patterns, some material change.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The street-facing entry is emphasized with prominent placement facing the street, glass and sidelight, and the use of a canopy.
- *F-7 Articulation Elements:* The subsidiary roof of the 4<sup>th</sup> floor has an overhang of at least 6"; **window trim is less than 4"**; no building face offsets; 4th floor cornice includes exposed rafters, 3<sup>rd</sup> floor main roof form includes railing.

*Principle G Materials* – Met – This is a residential building surrounded by other residential buildings with traditional characteristics and materials – clapboard, brick, and shingle.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses clapboard as the primary material and fiber cement panel as a secondary material.
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature.
- *G-3 Chimneys:* Not applicable.
- *G-4 Window Types:* **Four** window types on street façade.
- *G-5 Patios and Plazas:* Not applicable.

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## 30 Fox Street - Final Traffic Comments

1 message

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**Tom Errico** <thomas.errico@tylin.com>  
To: Jean Fraser <jf@portlandmaine.gov>

Thu, Apr 5, 2018 at 8:29 AM

Hi Jean – As documented previously and repeated below, City staff does not support the backing of vehicles from the proposed site based upon conditions on Fox Street and the impact vehicle maneuvers may have on safety. I have observed several vehicle simulations conducted on the project site performed by the Applicant. These simulations included several access/egress movements using both a Nissan Rogue and a Toyota Highlander. The Applicant conducted additional simulations (provided via video) using a Jeep Cherokee and a Subaru Outback as design vehicles. These later simulation maneuvers assumed wider garage door openings due to a redesign of the building column between the two doors. Subsequent to these simulation tests, the Applicant has redesigned the building and removed the building column, thus eliminating a key factor limiting vehicle circulation. Given the results of the simulation tests and the elimination of the building column, it is my professional opinion that vehicles will be able to perform appropriate maneuvers for head-out egress movements. Accordingly, I support a waiver from the City's Technical Standards for parking aisle width with the following conditions.

- The area in the rear of the site noted for snow storage shall be paved and be available for vehicle maneuvering. It is likely that vehicles will pull into this area and back into the garage opening, setting up a head-out egress movement.
- A maximum of two vehicles shall be permitted on the site.
- Backing maneuvers onto Fox Street shall be prohibited.

I would note that previously I did not support a waiver given the likelihood of backing maneuvers into Fox Street. This conclusion was based upon my focused review of the vehicle simulations and the how the building column constrained turn movements. During initial conversations with the Applicant several months ago, I inquired about the need for the building support and noted that it was a major constraint to vehicle circulation. The review of vehicle circulation with the building column, while was feasible with mid-size vehicles, was not a condition that I could support. The elimination of the column eliminates a significant constraint and provides added flexibility on how to maneuver into and out of the garage. That changed my conclusion, from a situation

where vehicle circulation to avoid backing into Fox Street was feasible but likely to lead to some unsafe movements to one where vehicle circulation can reasonably occur, thus avoiding a backing situation.

I would note that I have reviewed the barrier/guard rail design and I find it to be acceptable.

If you have any questions, please contact me.

Best regards,

## January 4, 2018 Comments

- City of Portland Code of Ordinances Sec. 28-176 Traffic and Motor Vehicles Chapter 28 Rev.6-17-10

### Sec. 28-178. Backing limited.

The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety. (Ord. No. 183-97, 1-22-97)

- Traffic Volumes – Fox Street in the vicinity of the project carries approximately 6,000 vehicles per day and is a busy street providing an important east-west roadway connection.
- Functional Classification - In simplistic terms, "functional classification" reflects a highway's balance between providing land access versus mobility. Functional classification is the process by which public streets and highways are grouped into classes according to the character of service they are intended to provide. Generally, highways fall into one of four broad categories: *principal arterials*, *minor arterials*, *collector roads*, and *local roads*. **Arterials** provide longer through travel between major trip generators (larger cities, recreational areas, etc.); **collector** roads collect traffic from the local roads and also connect smaller cities and towns with each other and to the arterials; and **local** roads provide access to private property or low volume public facilities.

Fox Street is currently classified as a Local Street, but given recent and on-going changes to the area, the City anticipates Fox Street being re-classified as a Collector Street in the future. This is primarily related to limited east-west streets across the Peninsula and the future extension of Somerset Street to Forest Avenue. Additionally, Bayside area growth and general background growth is expected to increase traffic volumes on Fox Street. Given this likely higher classification, access management becomes an important consideration.

- **Sight Distance** – Sight distance is limited from the driveway due to adjacent buildings and on-street parking conditions. These sight limitations will complicate maneuvers and impact safety. At this time the City does not support the removal of on-street parking spaces given parking needs in the neighborhood.
  
- **Roadway Geometry** – The proposed driveway is on a steep grade and this condition complicates deceleration characteristics for motorists. This will likely contribute to safety problems. The downgrade likely creates higher vehicle speeds and winter conditions may impact stopping/slowing conditions.

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

**TYLIN** INTERNATIONAL

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[Twitter](#) | [Facebook](#) | [LinkedIn](#) | [Google+](#)

"One Vision, One Company"

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**Fwd: 30 Fox Street - Hearing report being completed today**

1 message

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**Jean Fraser** <jf@portlandmaine.gov>  
To: "Fraser, Jean" <jf@portlandmaine.gov>

Fri, Apr 6, 2018 at 10:31 AM

**Final Peer Engineer and DPW comments 30 Fox Street**

From: **Lauren Swett** <lswett@woodardcurran.com>  
Date: Fri, Apr 6, 2018 at 9:06 AM  
Subject: RE: 30 Fox Street - Hearing report being completed today  
To: Keith Gray <kgray@portlandmaine.gov>, Jean Fraser <jf@portlandmaine.gov>

Hi Jean,

Keith and I just discussed, and I agree with him on the two waivers. It appears that they have a long distance to go, so it is likely a cost issue. The justification that many of the surrounding buildings are serviced overhead hasn't been accepted for other projects as the intent is to get services underground, even one by one.

I have no additional comments.

Thanks,

Lauren

**From:** Keith Gray <kgray@portlandmaine.gov>  
**Sent:** Friday, April 6, 2018 9:01 AM  
**To:** Jean Fraser <jf@portlandmaine.gov>  
**Cc:** Lauren Swett <lswett@woodardcurran.com>  
**Subject:** Re: 30 Fox Street - Hearing report being completed today

Hello Jean,

We are in support of the sidewalk waiver but would need additional information on the overhead electric waiver. Is it a hardship? In general, we do not support a waiver for the underground electric standard.

Thank you,

Keith



September 21, 2017

Barbara Barhydt, Development Review Manager  
City of Portland, Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, Maine 04103

**RE: Level III Site Plan Application  
3 Unit Residential Condominium Development  
30 Fox Street  
Portland, Maine**

Dear Barbara,

On behalf of our client, Simon Norwalk, we are pleased to submit this Level III Site Plan Application for the development of 3 residential condominium units at 30 Fox Street. We look forward to collaborating with you to help create much needed mid-level, market-rate dwelling units on Munjoy Hill.

The building will be four (4) stories with first level parking underneath the structure. The parking will be accessed by a driveway off of Fox Street. The building will be accessed from a street entrance and a rear entrance serving the main egress stair.

In compiling this application, we have attempted to place the materials supporting our application in the same order as the City's checklist. Please feel free to contact me with any questions or concerns you may have regarding the attached application materials.

Sincerely,

A handwritten signature in blue ink that reads "Evan A. Carroll". The signature is fluid and cursive.

Evan Carroll, AIA, LEED AP BC+D



## Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

### Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

Portland's development review process and requirements are outlined in the [Land Use Code \(Chapter 14\)](#), [Design Manual](#) and [Technical Manual](#).

#### Planning Division

Fourth Floor, City Hall

389 Congress Street

(207) 874-8719

[planning@portlandmaine.gov](mailto:planning@portlandmaine.gov)

#### Office Hours

Monday thru Friday

8:00 a.m. – 4:30 p.m.

**I. Project Information (Please enter n/a on those fields that are not applicable)**

Project Name:	
Proposed Development Address:	
Project Description:	
Chart/Block/Lot:	
Preliminary Plan	
Final Plan	

**II. Contact Information (Please enter n/a on those fields that are not applicable)**

**APPLICANT**

Name:	
Business Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**OWNER**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**AGENT/REPRESENTATIVE**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**BILLING (to whom invoices will be forwarded to)**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**ENGINEER**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**SURVEYOR**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**ARCHITECT**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**ATTORNEY**

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

**DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN**

Name:	
E-mail:	
Name:	
E-mail:	
Name:	
E-mail:	

### III. APPLICATION FEES

#### LEVEL III DEVELOPMENT (check applicable review)

	Less than 50,000 sq. ft.	\$750.00
	50,000 – 100,000 sq. ft.	\$1,000.00
	100,000 – 200,000 sq. ft.	\$2,000.00
	200,000 – 300,000 sq. ft.	\$3,000.00
	Over 300,000 sq. ft.	\$5,000.00
	Parking lots over 100 spaces	\$1,000.00
	After-the-fact Review	\$1,000.00 + applicable application fee above

#### PLAN AMENDMENTS (check applicable review)

	Planning Staff Review	\$250.00
	Planning Board Review	\$500.00

#### OTHER REVIEWS (check applicable review)

	Traffic Movement	\$1,500.00
	Stormwater Quality	\$250.00
	Subdivision	\$500.00 + applicable fee for lots/units below
	# of Subdivision Lots/Units [    ] x \$25.00 each	\$
	Site Location	\$3,500.00 + applicable fee for lots/units below
	# of Site Location Lots/Units [    ] x \$200.00 each	\$
	Change of Use	
	Flood Plain	
	Shoreland	
	Design Review	
	Housing Replacement	
	Historic Preservation	
<b>TOTAL APPLICATION FEE DUE:</b>		

### IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$52.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

**V. PROJECT DATA (Please enter n/a on those fields that are not applicable)**

<b>TOTAL AREA OF SITE</b>	sq. ft.
<b>PROPOSED DISTURBED AREA OF THE SITE</b>	sq. ft.
<i>If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.</i>	
<b>IMPERVIOUS SURFACE AREA</b>	
Impervious Area (Total Existing)	sq. ft.
Impervious Area (Total Proposed)	sq. ft.
<b>Building Ground Floor Area and Total Floor</b>	
Building Footprint (Total Existing)	sq. ft.
Building Footprint (Total Proposed)	sq. ft.
Building Floor Area (Total Existing)	sq. ft.
Building Floor Area (Total Proposed)	sq. ft.
<b>ZONING</b>	
Existing	
Proposed, if applicable	
<b>LAND USE</b>	
Existing	
Proposed	
<b>RESIDENTIAL, IF APPLICABLE</b>	
# of Residential Units (Total Existing)	
# of Residential Units (Total Proposed)	
# of Lots (Total Proposed)	
# of Affordable Housing Units (Total Proposed)	
<b>PROPOSED BEDROOM MIX</b>	
# of Efficiency Units (Total Proposed)	
# of One-Bedroom Units (Total Proposed)	
# of Two-Bedroom Units (Total Proposed)	
# of Three-Bedroom Units (Total Proposed)	
<b>PARKING SPACES</b>	
# of Parking Spaces (Total Existing)	
# of Parking Spaces (Total Proposed)	
# of Handicapped Spaces (Total Proposed)	
<b>BICYCLE PARKING SPACES</b>	
# of Bicycle Spaces (Total Existing)	
# of Bicycle Spaces (Total Proposed)	
<b>ESTIMATED COST OF THE PROJECT</b>	

## VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

**This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.**

Signature of Applicant:	
Date:	

<b>PRELIMINARY PLAN (Optional) - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>GENERAL WRITTEN SUBMISSIONS CHECKLIST</b>
		1	Completed Application form
		1	Application fees
		1	Written description of project
		1	Evidence of right, title and interest
		1	Evidence of state and/or federal approvals, if applicable
		1	Written assessment of proposed project's compliance with applicable zoning requirements
		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
		1	Written requests for waivers from site plan or technical standards, if applicable.
		1	Evidence of financial and technical capacity
		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>SITE PLAN SUBMISSIONS CHECKLIST</b>
		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	<b>Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)</b>
			Proposed grading and contours;
			Existing structures with distances from property line;
			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
			Preliminary infrastructure improvements;
			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
			Exterior building elevations.

<b>FINAL PLAN - Level III Site Plan</b>			
<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b># of Copies</b>	<b>GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)</b>
X		1	* Completed Application form
X		1	* Application fees
X		1	* Written description of project
X		1	* Evidence of right, title and interest
N/a		1	* Evidence of state and/or federal permits
X		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
N/a		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
X		1	* Evidence of financial and technical capacity
X		1	Construction Management Plan
X		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
N/a		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
X		1	Stormwater management plan and stormwater calculations
X		1	Written summary of project's consistency with related city master plans
X		1	Evidence of utility capacity to serve
X		1	Written summary of solid waste generation and proposed management of solid waste
X		1	A code summary referencing NFPA 1 and all Fire Department technical standards
X		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
X		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	<b>SITE PLAN SUBMISSIONS CHECKLIST</b> <b>(* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)</b>
X		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	<b>Final Site Plans including the following:</b>
X			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
X			Existing and proposed structures on parcels abutting site;
X			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
X			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
X			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
N/a			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
N/a			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
X			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
X			Location of all snow storage areas and/or a snow removal plan;
N/a			A traffic control plan as detailed in Section 1 of the Technical Manual;
X			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
N/a			Location and proposed alteration to any watercourse;
N/a			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
N/a			Proposed buffers and preservation measures for wetlands;
X			Existing soil conditions and location of test pits and test borings;
X			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
X			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
X			Grading plan;
X			Ground water protection measures;
X			Existing and proposed sewer mains and connections;

- Continued on next page -

X		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
X		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
N/a		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
X		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
X		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
N/a		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
N/a		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
X		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
X		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
X		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
X		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



PORTLAND FIRE DEPARTMENT  
SITE REVIEW  
FIRE DEPARTMENT CHECKLIST



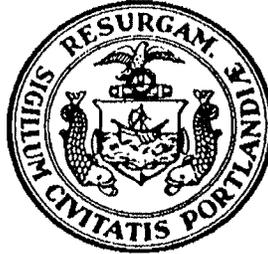
A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
- 2.
3. Name address, telephone number of architect
4. Proposed uses of any structures [NFPA and IBC classification]
- 5.
6. Square footage of all structures [total and per story]
7. Elevation of all structures
8. Proposed fire protection of all structures
  - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
9. Hydrant locations
10. Water main[s] size and location
11. Access to all structures [min. 2 sides]
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1

# CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,  
55 Portland Street,  
Portland, Maine 04101-2991



Bradley Roland, P.E.  
Water Resources Division

Date: 9/21/17

**1. Please, Submit Utility, Site, and Locus Plans.**

Site Address: 30 FOX ST. Chart Block Lot Number: 12 J 05

Proposed Use: 3- UNIT RESIDENTIAL

Previous Use: NONE

Existing Sanitary Flows: NONE GPD

Existing Process Flows: NONE GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.

FOX ST.

Site Category	Commercial (see part 4 below)	<input type="checkbox"/>
	Industrial (complete part 5 below)	<input type="checkbox"/>
	Governmental	<input type="checkbox"/>
	Residential	<input checked="" type="checkbox"/>
	Other (specify)	<input type="checkbox"/>

*Clearly, indicate the proposed connections, on the submitted plans.*

**2. Please, Submit Contact Information.**

City Planner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Owner/Developer Name: SIMON NORWALK - DYER NECK DEVELOPMENT LLC  
 Owner/Developer Address: 29 KELLOGG ST #3 PORTLAND ME 04101  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_  
 Engineering Consultant Name: PLYMOUTH ENGINEERING - JON WHITTEN JR  
 Engineering Consultant Address: 30 LOWER DETROIT RD PLYMOUTH ME 04969  
 Phone: 257 - 2071 Fax: \_\_\_\_\_ E-mail: jon.whitten@plymouthengineering.com

*Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.*

**3. Please, Submit Domestic Wastewater Design Flow Calculations.**

Estimated Domestic Wastewater Flow Generated: 810 +/- GPD

Peaking Factor/ Peak Times: \_\_\_\_\_

Specify the source of design guidelines: (i.e. \_\_ "Handbook of Subsurface Wastewater Disposal in Maine," \_\_ "Plumbers and Pipe Fitters Calculation Manual," \_\_ Portland Water District Records, Other (specify) \_\_\_\_\_

*Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.*

**4. Please, Submit External Grease Interceptor Calculations.**

Total Drainage Fixture Unit (DFU) Values:       N/A        
Size of External Grease Interceptor: \_\_\_\_\_  
Retention Time: \_\_\_\_\_  
Peaking Factor/ Peak Times: \_\_\_\_\_

*Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.*

**5. Please, Submit Industrial Process Wastewater Flow Calculations**

Estimated Industrial Process Wastewater Flows Generated:       N/A       GPD  
Do you currently hold Federal or State discharge permits? Yes  No   
Is the process wastewater termed categorical under CFR 40? Yes  No   
OSHA Standard Industrial Code (SIC): \_\_\_\_\_ (<http://www.osha.gov/oshstats/sicser.html>)  
Peaking Factor/Peak Process Times: \_\_\_\_\_

*Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.*

*Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.*

---



ingenuity thoughtfulness empathy

## Description of Project

The proposed project at 30 Fox Street consists of three, 2-bedroom condominium units to be sold at market rate.

The project design is presented under the alternative design review process and is compatible with the surrounding neighborhood in size, scale and siting. The building will be designed to high standards of energy efficiency and sustainable design, with features including a code-exceeding low-air infiltration and high-insulation building envelope, high efficiency mechanical systems, and low-VOC finishes.

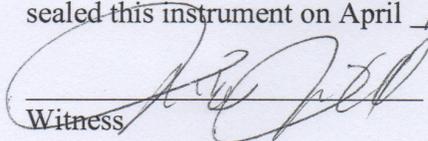
The site and landscape design utilizes the on-site treatment of water run-off, indigenous plants that will not need irrigation once established, permeable paving, and lighting that meets both safety and light pollution standards. The project will provide three parking spaces and these spaces will be accessed via a driveway that uses an existing curb-cut on Fox Street.

**WARRANTY DEED**

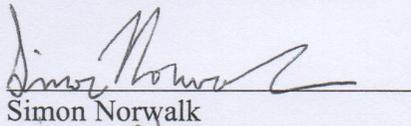
KNOW ALL PERSONS BY THESE PRESENTS, that we, **SIMON NORWALK** of the City of Portland, County of Cumberland and State of Maine and **JAY NORWALK** of the Town of Newcastle, County of Lincoln and State of Maine, for consideration paid, grant to **DYER NECK DEVELOPMENT, LLC** a Maine limited liability company, whose mailing address is 29 Kellogg Street, Portland, Maine 04101 with WARRANTY COVENANTS, the premises situated on or about Fox Street, in the City of Portland, County of Cumberland and State of Maine, described on Exhibit A, attached hereto and made a part hereof.

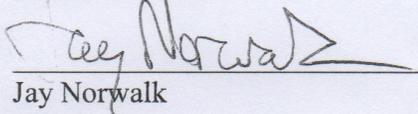
Being a portion of the premises conveyed to the within Grantors Simon Norwalk and Jay Norwalk by Deed of Ryan J. Croteau and Jasmine C. Bird, dated January 31, 2017, recorded in the Cumberland County Registry of Deeds in Book 33798, Page 176.

IN WITNESS WHEREOF, the said Simon Norwalk and Jay Norwalk have signed and sealed this instrument on April 11, 2017.

  
Witness

to both  
Witness

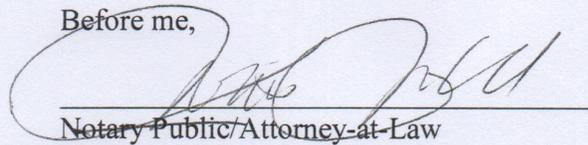
  
Simon Norwalk

  
Jay Norwalk

STATE OF MAINE  
COUNTY OF CUMBERLAND

April 11, 2017

Then personally appeared Simon Norwalk and Jay Norwalk and acknowledged the foregoing instrument to be their free act and deed.

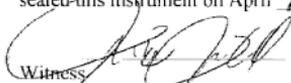
Before me,  
  
Notary Public/Attorney-at-Law  
Thomas Jewell

**WARRANTY DEED**

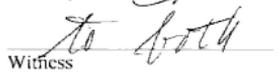
KNOW ALL PERSONS BY THESE PRESENTS, that we, **SIMON NORWALK** of the City of Portland, County of Cumberland and State of Maine and **JAY NORWALK** of the Town of Newcastle, County of Lincoln and State of Maine, for consideration paid, grant to **DYER NECK DEVELOPMENT, LLC** a Maine limited liability company, whose mailing address is 29 Kellogg Street, Portland, Maine 04101 with **WARRANTY COVENANTS**, the premises situated on or about Fox Street, in the City of Portland, County of Cumberland and State of Maine, described on Exhibit A, attached hereto and made a part hereof.

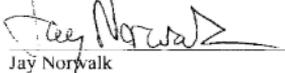
Being a portion of the premises conveyed to the within Grantors Simon Norwalk and Jay Norwalk by Deed of Ryan J. Croteau and Jasmine C. Bird, dated January 31, 2017, recorded in the Cumberland County Registry of Deeds in Book 33798, Page 176.

IN WITNESS WHEREOF, the said Simon Norwalk and Jay Norwalk have signed and sealed this instrument on April 11, 2017.

  
Witness

  
Simon Norwalk

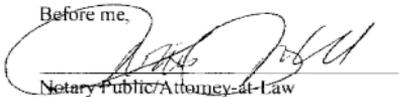
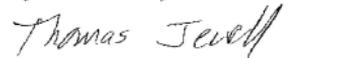
  
Witness

  
Jay Norwalk

STATE OF MAINE  
COUNTY OF CUMBERLAND

April 11, 2017

Then personally appeared Simon Norwalk and Jay Norwalk and acknowledged the foregoing instrument to be their free act and deed.

Before me,  
  
Notary Public/Attorney-at-Law  


**EXHIBIT A**

A certain lot or parcel of land, with any buildings thereon, situated on the southeasterly side of Fox Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr;

Thence running sixty-three (63) feet southeasterly along the line of said Carr land;

Thence southwesterly about thirty-seven (37) feet to a stake, or to land formerly of Matthew Burke, later owned by Annie F. McDonald;

Thence along the line of said Burke-McDonald land, southwesterly about sixty-three (63) feet to Fox Street.

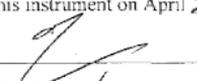
Received  
Recorded Register of Deeds  
Apr 20 2017 12:13:35P  
Cumberland County  
Hancy A. Lane

**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS, that we, **SIMON NORWALK** of the City of Portland, County of Cumberland and State of Maine and **JAY NORWALK** of the Town of Newcastle, County of Lincoln and State of Maine, for consideration paid, grant to **KELLY HRENKO**, whose mailing address is 120 Pleasant Avenue, Apt. #1, Portland, Maine 04101, with **WARRANTY COVENANTS**, the premises situated on or about Fox Street, in the City of Portland, County of Cumberland and State of Maine, described on Exhibit A, attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said Simon Norwalk and Jay Norwalk have signed and sealed this instrument on April 24, 2017.

Witness



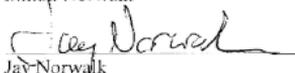
Witness



Simon Norwalk



Jay Norwalk



STATE OF MAINE  
COUNTY OF CUMBERLAND

April 24, 2017

Then personally appeared Simon Norwalk and Jay Norwalk and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Notary Public/Attorney-at-Law



Charles H. McLaughlin  
Attorney At Law

MAINE REAL ESTATE TAX PAID

**EXHIBIT A**

A certain lot or parcel of land, with any buildings thereon, situated on the southeasterly side of Fox Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said street, seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets;

Thence running southwesterly on said Fox Street, twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs;

Thence southeasterly by said Gould and Day heirs' land, sixty-three (63) to a stake;

Thence northeasterly parallel with said Fox Street, the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald;

Thence northwesterly by said Kerrigan-McDonald land, sixty-three feet to the starting point.

Said premises are numbered 32 on Fox Street according to city Plans.

Received  
Recorded Register of Deeds  
Apr 25, 2017 12:00:13P  
Cumberland County  
Nancy A. Lane

# Know all Men by These Presents, That

We, Mary Spofford, formerly Mary Cummings, Annie Cummings and Anna B. Cummings, all of Portland, in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations paid by  
Annie F. McDonald of said Portland,

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said

Annie F. McDonald, her heirs and assigns forever, a certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of Fox Street, in said Portland and bounded as follows, to wit: Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets, and running thence southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs; thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land now or formerly of Patrick Kerrigan; thence northwesterly by said Kerrigan land sixty-three (63) feet to the starting point. Being the same premises described in a deed from Clarence Oxnard to Hannah M. Cummings dated October 23rd, 1874, and recorded in the Cumberland Registry of Deeds in Book 412, Page 483, and in a deed from John J. Cummings and others to James Cummings dated January 31st, 1894, and recorded in said Registry in Book 605, Page 383. One third (1/3) of the premises above described was acquired by said Mary Spofford and Annie Cummings as children and heirs-at law of their said mother, Hannah M. Cummings, late of said Portland, deceased, and the remaining two thirds (2/3) were acquired by said Mary Spofford, Annie Cummings, and Anna B. Cummings, as devisees under the last will and testament of said James Cummings, deceased, as will appear by an abstract of said will duly recorded in said Cumberland Registry of Deeds in Book 860, Page 376, to which abstract and the aforesaid deeds and the records thereof, reference may be had for a more particular description of the premises hereby conveyed.

~~To Have and to Hold~~ the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to her the said Annie F. McDonald, her heirs and assigns, to her and their use and behoof forever. And we do covenant with the said Grantee, her heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances;

that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs, shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

~~In Witness Whereof~~, we, the said Mary Spofford, Annie Cummings and Anna B. Cummings and Charles F. Spofford, husband of the said Mary Spofford, (the said Annie Cummings and Anna B. Cummings being unmarried), joining in this deed as Grantor and relinquishing and conveying his rights by descent and all his other rights in the above described premises,

our hands and seals this first day of March in the year of our Lord one thousand nine hundred and thirteen.

Signed, Sealed and Delivered in presence of

Frederic J. Laughlin to M.S. & C.F.S.  
L. A. Payne to A.L.C.  
L. A. Payne to A.B.C.

Mary Spofford Seal  
Annie L. Cummings Seal  
Anna B. Cummings Seal  
Charles F. Spofford Seal

State of Maine, CUMBERLAND, SS. March 1, 1913 Personally appeared  
the above named Mary Spofford

and acknowledged the above instrument to be her free act and deed.

Before me, Frederic J. Laughlin Justice of the Peace.

Received March 1, 1913, at 12 o'clock - m. M., and recorded according to the original.

# Know all Men by these Presents, That

I, Annie F. McDonald of Portland, in the County of Cumberland and State of Maine

in consideration of one dollar and other valuable considerations paid by Philomena D'Agostino and Giacinto D'Agostino, both of Portland, in the County of Cumberland and State of Maine

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Philomena and Giacinto D'Agostino, their Heirs and Assigns forever, a certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Fox Street, in said Portland and bounded and described as follows: Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets; and running thence southwesterly on said Fox Street twenty eighth (28) feet to land formerly of Moses Gould and the Day heirs; thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence northeasterly parallel with said Fox street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald; thence northwesterly by said Kerrigan-McDonald land sixty-three (63) feet to the starting point. Being the same premises which were conveyed to Annie F. McDonald by deed of Mary Spofford and others dated March 1, 1913 and recorded in Cumberland County Registry of Deeds in Book 909, Page 145. Said premises are numbered 32 on said Fox Street according to city plans.

Also a certain other lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows: Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr; thence running about sixty-three (63) feet southeasterly along the line of said Carr land; thence southwesterly about thirty seven (37) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald; thence along the line of said Burke-McDonald land northwesterly about sixty-three (63) feet to Fox Street; thence northeasterly along the southerly side of Fox Street, about thirty-seven (37) feet to the point of beginning. Being the same premises acquired by Annie F. McDonald under foreclosure of mortgage dated October 1, 1908 and recorded in said Registry of Deeds in Book 830, Page 20. Said premises are numbered 28-30 on said Fox Street according to city plans.

U.S.I.R.  
\$3.00  
A.F.Mc.  
8/18/24

**To Have and to Hold** the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Philomena and Giacinto D'Agostino, their heirs and assigns, to them and their use and behoof forever. And I do covenant with the said Grantees, ---- heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantee - to hold as aforesaid; and that I and my heirs, shall and will warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

**In Witness Whereof**, I the said Annie F. McDonald and Peter McDonald husband of the said Annie F. McDonald joining in this deed as Grantors, and relinquishing and conveying his rights by descent and all other rights in the above described premises

our hands and seal this eighteenth day of August have hereunto set one thousand nine hundred and twenty-four. in the year of our Lord

Signed, Sealed and Delivered in presence of

Richard E. Harvey  
Lillian M. Hagan

Annie F. McDonald Seal  
Peter McDonald Seal

**State of Maine**, CUMBERLAND, ss. Portland, Maine, August 18, 1924. Personally appeared the above named Annie F. McDonald

and acknowledged the above instrument to be her free act and deed. Before me, Richard E. Harvey Justice of the Peace.

Received August 18, 1924, at 10 o'clock 10 m. A. M., and recorded according to the original.

**Know All Men by These Presents,**

Feroci  
&  
to  
DiBiase  
--  
Q C

**That** we, Teresa M. Feroci, Elizabeth Paris and Frank/D'Agostino, all of  
Portland in the County of Cumberland and State of Maine,

in consideration of One dollar and other valuable considerations, total consideration being less than one hundred dollars,

paid by Amelia DiBiase of said Portland,

the receipt whereof we do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said

Amelia DiBiase, her

heirs and assigns forever,

a certain lot or parcel of land with the building thereon situated on the Southeasterly side of Fox Street in the City of Portland, County of Cumberland and State of Maine.

Beginning on said street seventy-(70) feet Southwesterly from the corner of Fox and Winthrop Streets; and running thence Southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs; thence Southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence Northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald; thence Northwesterly by said Kerrigan-McDonald land sixty-three (63) feet to the starting point. Being the same premises which were conveyed to Annie F. McDonald by deed of Mary Spofford and others dated March 1, 1913 and recorded in Cumberland County Registry of Deed in Book 909, Page 145. Said premises are numbered 32 on said Fox Street according to city plans.

Also a certain other lot or parcel of land, with the buildings thereon, situated on said Southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows: Beginning at a point thirty (30) feet westerly from the corner formed by the Westerly side of Winthrop Street and the Southerly side of Fox Street at the corner of land now or formerly of Thomas Carr; thence running sixty-three (63) feet Southeasterly along the line of said Carr land; thence Southwesterly about thirty-seven (37) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald; thence along the line of said Burke-McDonald land Northwesterly about sixty-three (63) feet to Fox Street; thence Northeasterly along the Southerly side of Fox Street about thirty-seven (37) feet to the point of beginning. Being the same premises acquired by Annie F. McDonald under foreclosure of mortgage dated Oct. 1, 1908 and recorded in said Registry in Book 830, Page 20. Said premises are numbered 28-30 on said Fox Street according to city plans.

The above described premises are conveyed subject to a mortgage now due Portland Savings Bank. These Grantors are the only legal heirs-at-law of the late Philomena D'Agostino and the purpose of this deed is to convey such interest as these Grantors may have to their sister, Amelia DiBiase.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said

Amelia DiBiase, her

heirs and assigns forever.

And we do covenant with the said Grantee, her heirs and assigns, that we will Warrant and Forever Defend the premises to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under us

In Witness Whereof, we, the said ~~Teresa M. Feroci~~ and Libero Feroci, husband of the said Teresa M. Feroci, and Elizabeth Paris and John S. Paris, husband of the said Elizabeth Paris, and Frank L. D'Agostino and Alice M. D'Agostino, wife of the said Frank L. D'Agostino, and Paul DiBiase, husband of the said Amelia DiBiase,

x witness ~~of the premises~~

joining in this deed as Grantor, and relinquishing and conveying all rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this twenty-eighth day of August in the year of our Lord one thousand nine hundred and fifty-nine.

Signed, Sealed and Delivered in presence of

Samuel D. Biase  
Samuel D. Biase

~~Teresa M. Feroci~~  
Libero Feroci  
Elizabeth Paris  
John S. Paris  
Frank L. D'Agostino  
Alice M. D'Agostino  
Paul DiBiase

State of Maine, Cumberland ss. Personally appeared the above named

September 8 1959  
Teresa M. Feroci

and acknowledged the above instrument to be her free act and deed.

Before me, Peter J. Rogers  
Justice of the Peace  
Notary Public

SEP 9 1959  
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE  
Received at 10 H 29 M A M, and recorded in  
BOOK 2498 PAGE 124 ~~Samuel D. Biase~~ Register

**Know All Men by These Presents,**

**That** I, Amelia DiBiase, of Portland, in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable consideration,

paid by Myron L. Brown, Jr. and Elizabeth A. Brown, both of said Portland,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Myron L. Brown, Jr. and Elizabeth A. Brown, as joint tenants and not as tenants in common, their

heirs and assigns forever, a certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Fox Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets; and running thence southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs; thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald; thence northwesterly by said Kerrigan-McDonald land sixty-three (63) feet to the starting point. Being the same premises which were conveyed to Annie F. McDonald by deed of Mary Spofford and others dated March 1, 1913 and recorded in Cumberland County Registry of Deeds in Book 909, Page 145. Said premises are numbered 32 on said Fox Street according to city plans.

Also a certain other lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows:

Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr; thence running sixty-three (63) feet southeasterly along the line of said Carr land; thence southwesterly about thirty-seven (37) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald; thence along the line of said Burke-McDonald land northwesterly about sixty-three (63) feet to Fox Street; thence northeasterly along the southerly side of Fox Street about thirty-seven (37) feet to the point of beginning. Being the same premises acquired by Annie F. McDonald under foreclosure of mortgage dated October 1, 1908 and recorded in said Registry in Book 830, Page 20. Said premises are numbered 28-30 on said Fox Street according to city plans.

Hereby conveying the same premises acquired by the Grantor herein as an heir at law of Philomena D'Agostino, late of said Portland, deceased, and by deed of Teresa M. Feroci et als dated August 28, 1959 and recorded in said Registry of Deeds in Book 2498, Page 124.



DiBiase  
to  
Brown  
Jr &  
--  
War

338

do have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Myron L. Brown, Jr. and Elizabeth A. Brown, as joint tenants and not as tenants in common, their

heirs and assigns, to them and their use and behoof forever.

And I do warrant with the said Grantees, as joint tenants and not as tenants in common, their heirs and assigns, that I am lawfully seized in fee of the premises, that they are free of all incumbrances;

that I have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the said Grantees, as joint tenants and not as tenants in common, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, the said Amelia DiBiase,

and I, S. Paul DiBiase,

wife- husband of the said Amelia DiBiase,

joining in this deed as Grantor, and relinquishing and conveying my right by descent and all other rights in the above described premises, have hereunto set our hands and seals this eleventh day of October, in the year of our Lord one thousand nine hundred and sixty-one.

Signed, Sealed and Delivered in presence of

David B. Moody  
to both

Amelia Di Biase  
S Paul Di Biase

State of Maine, Cumberland, ss. October 11, 1961.

Personally appeared the above named Amelia DiBiase

and acknowledged the foregoing instrument to be her free act and deed.

Before me, David B. Moody

Justice of the Peace  
~~Notary Public~~

OCT 11 1961

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 4 H 5 P.M. and recorded in

BOOK 2636 PAGE 337 David B. Moody Register

**Know All Men by these Presents,**

**That** we, Myron L. Brown, Jr. and Elizabeth A. Brown, both of Portland, in the County of Cumberland and State of Maine,

Brown  
Jr  
&

in consideration of one dollar and other valuable consideration,

to

paid by Joseph R. Falcone and Joanne R. Falcone, both of said Portland,

Falcone  
&



War

the receipt whereof we do hereby acknowledge, do hereby give, grant,

bargain, sell and convey, unto the said Joseph R. Falcone and Joanne R. Falcone,

as joint tenants and not as tenants in common,

their Heirs and Assigns forever,

the following described property:



A certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of Fox Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets; and running thence southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs; thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald; thence northwesterly by said Kerrigan-McDonald land sixty-three (63) feet to the starting point. Said premises are numbered 32 on said Fox Street according to city plans.



Also a certain other lot or parcel of land with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows: Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr; thence running sixty-three (63) feet southeasterly along the line of said Carr land; thence southwesterly about thirty-seven (37) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald; thence along the line of said Burke-McDonald land northwesterly about sixty-three (63) feet to Fox Street; thence northeasterly along the southerly side of Fox Street about thirty-seven (37) feet to the point of beginning. Said premises are numbered 28-30 on said Fox Street according to city plans.



Hereby conveying the same premises conveyed to the Grantors herein by Amelia DiBiase by deed dated October 11, 1961 and recorded in Cumberland County Registry of Deeds in Book 2636, Page 337.

The above described premises are conveyed subject to taxes to the City of Portland for the year 1963, which the Grantees herein assume and agree to pay as part of the consideration for this conveyance.

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To have and to hold the aforegranted and bargained premises, with all privileges and appurtenances thereof to the said Joseph R. Falcone and Joanne R. Falcone, as joint tenants and not as tenants in common,

their Heirs and Assigns, to them and their use and behoof forever.

And we do <sup>as joint tenants and not as tenants in common,</sup> covenant with the said Grantees, <sup>^</sup> their Heirs and Assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances, except as aforesaid; that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our Heirs, shall and will Warrant and Defend the same to the said Grantees, as joint tenants and not as tenants in common, their Heirs and Assigns forever, against the lawful claims and demands of all persons, except as aforesaid.

In Witness Whereof, we, the said Myron L. Brown, Jr.

and Elizabeth A. Brown, ~~wife of the said~~ husband and wife, each

Joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this twenty-eighth day of June, in the year of our Lord one thousand nine hundred and sixty-three.

Signed, Sealed and Delivered in presence of

*Edwin H. Smith*  
to attest

*Myron L. Brown, Jr.*  
*Elizabeth A. Brown*



State of Maine, }  
Cumberland, } ss.

June 28th, 1963

Personally appeared the above named

Myron L. Brown, Jr. and Elizabeth A. Brown

and acknowledged the above instrument to be their free act and deed.

Before me,

*Edwin H. Smith*

Justice of the Peace

JUN 28 1963

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE

Received at 3<sup>h</sup> 35<sup>m</sup> P. M., and recorded in

BOOK 2739 PAGE 197 *L. W. P. Thayer* Register

4894

## Know All Men By These Presents.

That I, VELMA CLARK of Portland, in the County of Cumberland and State of Maine,

*in consideration of one dollar and other valuable considerations, total considerations being less than one hundred dollars*

*paid by JANICE L. WEST of Portland, County of Cumberland and State of Maine, (the said Janice L. West, being my daughter)*

*the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Janice L. West, her*

*heirs and assigns forever,*

*a certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of Fox Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets; and running thence southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs; thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald; thence northwesterly by said Kerrigan - McDonald land sixty-three (63) feet to the starting point. Said premises are numbered 32 on said Fox Street according to City plans.*

*Also another certain lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows: Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr; thence running sixty-three (63) feet southeasterly along the line of said Carr land; thence southwesterly about thirty-seven (37) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald; thence along the line of said Burke - McDonald land northwesterly about sixty-three (63) feet to Fox Street; thence northeasterly along the southerly side of Fox Street about thirty-seven (37) feet to the point of beginning. Said premises are numbered 28 - 30 on said Fox Street according to City plans.*

*Being the same premises conveyed to the Grantor herein, by deed of Joseph R. Falcone and Joanne R. Falcone dated June 1, 1967 and recorded in Cumberland County Registry of Deeds in Book 2997, page 570.*

*This conveyance is made subject to a real estate mortgage given to Commercial Credit Corporation in the original amount of ten thousand dollars (\$10,000.00) dated July 20, 1978 and recorded in said Registry of Deeds in Book 4265, page 345, which mortgage the grantee agrees and assumes to pay.*

To Have and to Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Janice L. West, 315

her heirs and assigns, to her and their use and behoof forever.

And I do COVENANT with the said Grantee, her heirs and assigns, that I am lawfully seized in fee of the premises that they are free of all encumbrances: except as aforesaid

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will WARRANT and DEFEND the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I, VELMA CLARK, being an unmarried person,

~~joining in this deed as Grantor and relinquishing and conveying~~ xxxxxxxxxxxx ~~right~~  
x ~~to my descent and all other rights in the above described premises, have hereunto set~~

my hand and seal this sixth day of March, in the year of our Lord one thousand nine hundred and seventy-nine.

Signed, Sealed and Delivered

in presence of

*Horner [Signature]*

*Velma Clark*



State of Maine,  
Cumberland

} ss.

March 6, 1979

Personally appeared the above named

VELMA CLARK

and acknowledged the above

instrument to be her free act and deed.

MAR 7 1979

Before me,

*James G. Wallace*  
Justice of the Peace.

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE

Received at 9 H O 4 M A M. and recorded in

BOOK 4388

PAGE 314

*Leah S. Dobbins*

Deputy Register

Notary Public

053778

WARRANTY DEED  
KNOW ALL MEN BY THESE PRESENTS

THAT, I, JANICE L. WEST, of Portland, in the County of Cumberland, State of Maine in consideration of one dollar and other valuable considerations, paid by VELMA CLARK, of Portland, County of Cumberland, State of Maine, the receipt whereof, I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said VELMA CLARK, her heirs and assigns forever, as follows:

A certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of Fox Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets; and running thence southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs; thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake; thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald; thence northwesterly by said Kerrigan - McDonald land sixty-three (63) feet to the starting point. Said premises are numbered 32 on said Fox Street according to City plans.

Also another certain lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded as described as follows:

Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr; thence running sixty-three (63) feet southeasterly along the line of said Carr land; thence southwesterly about thirty-seven (37) feet to a stake or to land formerly of Matthew Burke later owned by Annie F. McDonald; thence along the line of said Burke - McDonald land northwesterly about sixty-three (63) feet to Fox Street; thence northeasterly along the southerly side of Fox Street about thirty-seven (37) feet to the point of beginning. Said premises are numbered 28 - 30 on said Fox Street according to City plans.

Being the same premises conveyed to Janice L. West by Velma Clark by deed dated March 6, 1979 recorded in said Registry of Deeds Book 4388, Page 314.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Velma Clark, her heirs and assigns, to her use and behoof forever.

AND I DO COVENANT with the said Grantee, her heirs and assigns, that I am lawfully seized in fee of the premises that they are free of all encumbrances, except as aforesaid, that I have good right to sell and convey the same to the said Grantee to hold as aforesaid, and that I and my heirs shall and will WARRANT and DEFEND the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I, JANICE L. WEST, relinquishing and conveying all rights in the above described premises have hereunto set my hand this 19 day of July, 1989.

STATE OF MAINE  
CUMBERLAND, ss.

*Janice West*  
Janice West  
July 19, 1989

Then personally appeared the above-named JANICE L. WEST, and acknowledged the foregoing instrument to be her free act and deed.

SEAL

Before me,

*Janice A. Vincent*  
Notary Public  
~~ATTORNEY AT LAW~~  
Janice A. Vincent

RECORDED  
1989 JUL 24 AM 11:44  
CUMBERLAND COUNTY

*[Signature]*

WARRANTY DEED

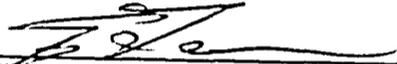
KNOW ALL MEN BY THESE PRESENTS

THAT, Velma Clark of 32 Fox Street, Portland, County of Cumberland, State of Maine for consideration paid, grants to Jaye A. Gilmore of 3 Brook Road, Falmouth, County of Cumberland, State of Maine, with WARRANTY COVENANTS, the land in Portland, County of Cumberland, State of Maine, described as follows:

See Exhibit A attached hereto and made a part hereof

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of August, 2001.

MAINE REAL ESTATE TAX PAID

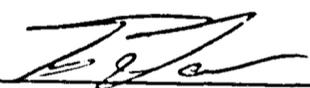
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Velma Clark

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF Maine  
COUNTY OF Cumberland

On this 24th day of August, 2001, personally appeared before me the above-named Velma Clark, and acknowledged the foregoing to be her free act and deed.

  
\_\_\_\_\_  
Notary Public/Attorney at Law

My Commission Expires:

BK 16676 PG069

**EXHIBIT A**

A certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of Fox Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on said street seventy ( 70 ) feet southwesterly from the corner of Fox and Winthrop Streets;

Thence running southwesterly on said Fox Street twenty-eight ( 28 ) feet to land formerly of Moses Gould and the Day heirs;

Thence southeasterly by said Gould and Day heirs' land sixty-three ( 63 ) feet to a stake;

Thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald;

Thence northwesterly by said Kerrigan-McDonald land sixty-three ( 63 ) feet to the starting point.  
Said premises are numbered 32 on said Fox Street according to City plans.

Also another certain lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows:

Beginning at a point thirty ( 30 ) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr;

Thence running sixty-three ( 63 ) feet southeasterly along the line of said Carr land;

Thence southwesterly about thirty-seven ( 37 ) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald;

Thence along the line of said Burke-McDonald land northwesterly about sixty-three ( 63 ) feet to Fox Street;

Thence northeasterly along the southerly side of Fox Street about thirty-seven ( 37 ) feet to the point of beginning.  
Said premises are numbered 28-30 on said Fox Street according to City plans.

Meaning and intending to convey the same premises described in a deed from Janice L. West to the Grantor herein dated July 19, 1989 and recorded in the Cumberland County Registry of Deeds in Book 8837, Page 98.

RECORDED  
INDEXED  
2001 AUG 27 10 51 AM

**RECEIVED**  
RECORDED REGISTRY OF DEEDS

2001 AUG 27 PM 3: 30

CUMBERLAND COUNTY

*John B O'Brien*

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, THAT, **JAYE A. GILMORE**, of Portland, County of Cumberland and State of Maine, FOR CONSIDERATION PAID, grants to **RYAN J. CROTEAU AND JASMINE C. BIRD**, both of Portland, County of Cumberland and State of Maine, as JOINT TENANTS and not as tenants in common, with WARRANTY COVENANTS, the following described real property located in the Portland, County of Cumberland and State of Maine:

A certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of Fox Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

] Beginning on said street seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets;

Thence running southwesterly on said Fox Street twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs;

Thence southeasterly by said Gould and Day heirs' land sixty-three (63) feet to a stake;

Thence northeasterly parallel with said Fox Street the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald;

Thence northwesterly by said Kerrigan-McDonald land sixty-three (63) feet to the starting point.

Said premises are numbered 32 on said Fox Street according to City Plans.

Also another certain lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above described, and bounded and described as follows:

Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr;

Thence running sixty-three (63) feet southeasterly along the line of said Carr land;

Thence southwesterly about thirty-seven (37) feet to a stake or to land formerly of Matthew Burke, later owned by Annie F. McDonald;

Thence along the line of said Burke-McDonald land northwesterly about sixty-three (63) feet to Fox Street;



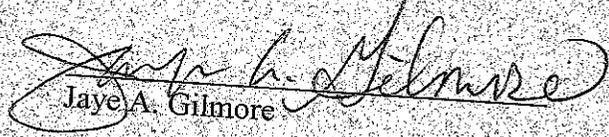
MAINE REAL ESTATE TAX PAID

Thence northeasterly along the southerly side of Fox Street about thirty-seven (37) feet to the point of beginning. Said premises are numbered 28-30 on said Fox Street according to City Plan.

Being the same premises as described in the deed from Velma Clark to Jaye A. Gilmore dated August 24, 2001 and recorded in Book 16676 Page 068 Cumberland County Registry of Deeds.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

WITNESS my hand(s) and seal(s) this 11th day of July, 2003

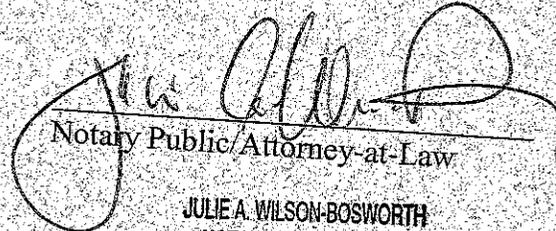
  
Jaye A. Gilmore

STATE OF MAINE  
COUNTY OF Cumberland, ss.

July 11, 2003

Personally appeared the above-named Jaye A. Gilmore, and acknowledged the foregoing instrument to be his/her free act and deed.

Before me,



Notary Public/Attorney-at-Law

JULIE A. WILSON-BOSWORTH  
NOTARY PUBLIC - MAINE  
MY COMMISSION EXPIRES 8/9/2005

Received  
Recorded Register of Deeds  
Jul 15 2003 02:22:25P  
Cumberland County  
John B. O'Brien

WARRANTY DEED  
MAINE STATUTORY SHORT FORM

**DLN: 1001740012249**

*KNOW ALL MEN BY THESE PRESENTS*, that we, **Ryan J. Croteau and Jasmine C. Bird**, of 32 Fox Street, Portland, ME 04101, for consideration paid, grant to **Simon Norwalk**, of 29 Kellogg Street, Portland, ME 04101, and **Jay Norwalk**, of 125 N Dyers Neck Road, Newcastle, ME 04553, as joint tenants, with **WARRANTY COVENANTS**, the following described real property:

A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Fox Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows;

Beginning on said street, seventy (70) feet southwesterly from the corner of Fox and Winthrop Streets;

Thence running southwesterly on said Fox Street, twenty-eight (28) feet to land formerly of Moses Gould and the Day heirs;

Thence southeasterly by said Gould and Day heirs' land, sixty-three (63) to a stake;

Thence northeasterly parallel with said Fox Street, the same length as the first line on said Fox Street to land formerly of Patrick Kerrigan, later owned by Annie F. McDonald;

Thence northwesterly by said Kerrigan-McDonald land, sixty-three (63) feet to the starting point.

Said premises are numbered 32 on Fox Street according to city Plans.

Also another certain lot or parcel of land, with the buildings thereon, situated on said southeasterly side of Fox Street, adjoining the lot above-described and bounded and described as follows:

Beginning at a point thirty (30) feet westerly from the corner formed by the westerly side of Winthrop Street and the southerly side of Fox Street at the corner of land now or formerly of Thomas Carr;

Thence running sixty-three (63) feet southeasterly along the line of said Carr land;

Thence southwesterly about thirty-seven (37) feet to a stake, or to land formerly of Matthew Burke, later owned by Annie F. McDonald;

Thence along the line of said Burke-McDonald land, northwesterly about sixty-three (63) feet to Fox Street;

MAINE REAL ESTATE TAX-Paid

Thence northeasterly along the southerly side of Fox Street, about thirty-seven (37) feet to the point of beginning. Said premises are numbered 28-30 on said Fox Street according to City Plans.

For title of Grantors, reference is hereby made to a deed of Jaye A. Gilmore dated July 11, 2003 recorded in Cumberland County Registry of Deeds in Book 19753, Page 146.

Title not searched by deed preparer, scrivener only.

Witness our hands and seals this 31<sup>st</sup> day of January, 2017.

Signed, sealed and delivered in the presence of:

Amanda Mondor  
Witness

Ryan J. Croteau  
Ryan J. Croteau

Amanda Mondor  
Witness

Jasmine C. Bird  
Jasmine C. Bird

STATE OF MAINE  
COUNTY OF Cumberland, ss

Date: January 31<sup>st</sup>, 2017

Personally appeared the above-named **Ryan J. Croteau and Jasmine C. Bird** and acknowledged the foregoing to be their free act and deed.

Before me, Amanda Mondor  
Notary Public

Print name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Amanda Mondor  
Notary Public, Maine  
My Commission Expires September 11, 2022



September 15, 2017

Simon B Norwalk  
29 Kellogg Street  
Portland, ME 04101

Dear Simon:

Based upon our review of the information you have provided to us, it appears that you will qualify for a Construction Loan to build a property located on Fox Street, Portland, ME 04101. Once you are ready to proceed to a full application, you will be subject to standard bank verifications, including verification of assets, income, property value, and any other relevant information.

We look forward to working with you. Please feel free to contact me directly if you have any questions.

Sincerely,

*Philip Ingraham*

Philip K Ingraham  
Senior Loan Officer  
Phone: 207-518-5663  
Fax: 207-518-5652  
pingraham@camdennational.com  
NMLS#362291

NOTICE: This letter represents an assessment made by Camden National Bank. If any other entity provides financing, this prequalification will be void. By use of this letter, the parties agree to hold Camden National Bank harmless for any negative outcome resulting from actions taken by others. In addition, we reserve the right to amend this assessment if a formal loan application is made with Camden National Bank. **While this is not a mortgage commitment, we expect to issue a commitment once a loan application has been submitted, fully processed and underwritten.**



# Compliance with Zoning

### Purpose:

The purpose of the R-6 is 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 the 30 Fox Street project proposes to provide 2-bedroom dwellings at a density of (3) units per 0.055 acre or 54 units per acre.

### Permitted Uses:

A multifamily dwelling is permitted in the R-6 zone, no open stairways are proposed, and no below-grade dwelling units are proposed. The project proposes (3) parking spaces, (3) are required.

### Dimensional Requirements:

The proposed 30 Fox Street project conforms to all dimensional standards as outlined below:

	Requirement	Proposed
Min. lot size	2,000sf	2,394sf
Min. lot area/dwelling unit	725sf	903sf (min. unit size)
Min. street frontage	20ft	38ft
Min. front yard setback	5ft (or average of adjacent yards) (adjacent yards are both 0ft)	3'-7"ft (average of adjacent yards)
Min. rear yard setback	10ft	10ft
Min. side yard setback	5ft	5ft
Structural stepbacks	Apply over 35ft	Roofline will step back at 31'-0" tall
Max. lot coverage	60%	46% (1,103sf)
Min. lot width	20ft	38ft
Max. structure height	45ft	45'ft
Min. landscaped open space	20%	34%

**HOUSEKEEPING PERFORMANCE STANDARDS  
FOR:  
30 FOX STREET  
PORTLAND, MAINE**

**Land Owner:** Dyer Neck Development, LLC  
29 Kellogg Street, #3  
Portland, ME 04101

**Project Developer:** Dyer Neck Development, LLC

**Responsible Party:** Dyer Neck Development, LLC

**Prepared By:** Plymouth Engineering, Inc.  
PO Box 46  
Plymouth, ME 04969  
Tel: 207-257-2071 email: info@plymouthengineering.com

**Introduction:**

The owner/developer's contractor shall be responsible for maintaining proper housekeeping standards throughout the construction phase of the project. After the construction phase has been completed, the owner and/or operator of the project will be responsible.

**Standards:**

In accordance with the housekeeping performance standards required by MDEP chapter 500 stormwater regulations, the following standards shall be met:

1. **Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.
2. **Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.
3. **Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems,

should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

4. **Debris and other materials.** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

5. **Excavation de-watering.** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.

6. **Authorized Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

- (a) Discharges from firefighting activity;
- (b) Fire hydrant flushings;
- (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
- (d) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
- (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;
- (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
- (g) Uncontaminated air conditioning or compressor condensate;
- (h) Uncontaminated groundwater or spring water;
- (i) Foundation or footer drain-water where flows are not contaminated;
- (j) Uncontaminated excavation dewatering (see requirements in Appendix C(5));

(k) Potable water sources including waterline flushings; and

(l) Landscape irrigation.

**7. Unauthorized non-stormwater discharges** . The Department's approval under this Chapter does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Appendix C (6). Specifically, the Department's approval does not authorize discharges of the following:

(a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;

(b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;

(c) Soaps, solvents, or detergents used in vehicle and equipment washing; and

(d) Toxic or hazardous substances from a spill or other release.

**8. Additional requirements.** Additional requirements may be applied on a site-specific basis.

**9. Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges.



# Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road  
Plymouth, Maine 04969  
info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

September 21, 2017

## **Traffic Generation and Maneuvering: 30 Fox Street, Portland, Maine**

The proposed project at 30 Fox Street in Portland, Maine includes a three (3) unit building with three (3) parking spaces on the first floor. Access to the parking will be via a 12-foot wide, paved driveway utilizing an existing curb cut on Fox Street.

The applicant is proposing 3 compact car sized parking spaces to maximize the salability of the units and provide convenient, off-street parking for all units. As with many parking areas within the City of Portland, the parking area has been designed to maximize the available area, while minimizing impervious area and allowing for safe access for the vehicles. This is the reason for proposing compact car spaces exclusively.

The average number of vehicle trips per day, per unit is expected to be 5.81 with an average rate of 0.44 trips per unit within the peak hour. Given these average rates from the Institute of Transportation Engineers, the estimated trip generation volume of the proposed development at 30 Fox Street is approximately 17.43 (18) trips per day and 1.32 (2) trips in the peak hour. The proposed single aisle entrance to the site (utilizing an existing curb cut) is expected to be adequate for these expected traffic volumes.

Prepared by:  
PLYMOUTH ENGINEERING, INC.

A handwritten signature in black ink, which appears to read "Jon H. Whitten, Jr.".

Jon H. Whitten, Jr., P.E.  
Senior Project Manager



Audra Wrigley <audra@bildarchitecture.com>

---

**RE: 30 Fox Street, Portland, New Development (SR:404451)**

1 message

---

**AMaP MEANS** <means@pwd.org>

Fri, Sep 22, 2017 at 7:52 AM

To: Jon Whitten <jon.whitten@plymouthengineering.com>, Brad Roland <brad@portlandmaine.gov>

Cc: Audra Wrigley <audra@bildarchitecture.com>

Jon,

Thank you for the information and your request for an Ability to Serve Letter for [30 Fox Street - Portland](#)

Portland Water District – MEANS Group will review the information and get back to you with any questions and/ or comments about the project.

Once all PWD requirements have been met an Ability to Serve Determination letter will be issued.

Have a great day,

Brian Johnson

**MEANS Group**

Main Extensions and New Services

***Portland Water District***

225 Douglass Street

Portland, ME 04104-3553

P:(207)774-5961 Ext. 3199

F:(207)761-8307

[MEANS@pwd.org](mailto:MEANS@pwd.org)

**Brian Johnson**  
**Asset Management Technician**  
Portland Water District  
Phone: 207-774-5961 x  
E-mail: [brianjohnson@pwd.org](mailto:brianjohnson@pwd.org)  
<http://www.pwd.org>

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**From:** Jon Whitten [mailto:[jon.whitten@plymouthengineering.com](mailto:jon.whitten@plymouthengineering.com)]  
**Sent:** Thursday, September 21, 2017 12:48 PM  
**To:** AMaP MEANS <[means@pwd.org](mailto:means@pwd.org)>; Brad Roland <[brad@portlandmaine.gov](mailto:brad@portlandmaine.gov)>  
**Cc:** Audra Wrigley <[audra@bildarchitecture.com](mailto:audra@bildarchitecture.com)>  
**Subject:** [30 Fox Street, Portland](#), New Development

Good afternoon,

Our client, Dyer Neck Development, LLC is currently filing for a Site/Subdivision Plan Application with the City of Portland and as part of that application would like to request letters of service from the Portland Water District and the City's Water Resources Department. The proposed development will include a 3-unit residential building at 30 Fox Street. The lot is currently undeveloped and has a paved driveway along the western property line. I have attached a Grading & Utility Plan, excel spreadsheet of fixture counts, wastewater capacity application and GIS exhibit of Fox Street (provided by Brad Roland).

Please let me know if you have any questions or need any further information.

Thanks,

Jon

**Jon H. Whitten, Jr., P.E.** | Senior Project Manager

**Plymouth Engineering, Inc.**

Land Development & Building Design Consultants

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# Plymouth Engineering, Inc.

P.O. Box 46 - 30 Lower Detroit Road  
Plymouth, Maine 04969  
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## STORMWATER MANAGEMENT PLAN

30 Fox Street  
Portland, Maine

The following Stormwater Management Plan has been prepared for Dyer Neck Development, LLC to evaluate stormwater runoff and erosion control for the proposed 3-unit residential building to be located at 30 Fox Street, Portland, Maine.

### Site Calculations

Total Property Area	2,394 S.F.
Existing Impervious Area	323 S.F.
New Impervious Area	1,577 S.F.
Total Landscaped Area	817 S.F.
Total Developed Area	2,394 S.F.
Total New Impervious Area	1,254 S.F.

### Existing Conditions

The development parcel is located on the southern side of Fox Street, near the intersection of Winthrop Street in Portland, Maine. The property is 2,394 square feet in area and currently includes a paved driveway and lawn area. There is a concrete sidewalk along the frontage of the lot and a street tree.

The lot gently slopes from south to north (back to front). Runoff is currently conveyed to Fox Street via overland flow. A catch basin collection system within the street collects stormwater runoff in a limited number of catchbasins.

### Proposed Development

The applicant is proposing to construct an approximately 46'x82', four story building with 12' wide, paved driveway and parking on the first floor of the building. The roof of the building will be pitched to the north and stormwater runoff will be collected and treated within a roof dripline filter system.

### Drainage Pattern

Runoff leaves the development area via overland flow to Fox Street. Runoff will continue to flow off the site via overland flow in the developed state. The entire roof area will drain to a roof dripline filter strip that will allow treatment of the first flush. First flush runoff will be collected within the filter layers of the dripline feature prior to being released into native soils and overflowing to the existing sidewalk at the front of the property. Once the sub-soil collection system is full, runoff will flow overland to Fox Street as it does today.

### Flooding

The development area is not located within an area of flood hazard according to the Federal Insurance Rate Map 2300510013 B. See attached map.

**Onsite & Offsite Soils**

The on-site soils are shown on the attached Medium Intensity Soil Survey and are categorized as follows:

Soil Type Summary Table		
Soil Symbol	Soil Name	HSG
HID	Hinckley Loamy Sand	A

**Water Quality (BMP Standard)**

The use of LID features, such as the roof dripline filter strip offers water quality treatment for runoff from the highest areas for potential contaminants. The use of the roof dripline filter strip meets the water quality requirements of MDEP's Chapter 500 regulations.

**Roof Dripline Filter Sizing**

We propose to provide treatment for the entire building area by constructing a Roof Dripline Filter Strip along the northerly side of the proposed building.

This Filter Strip will receive the runoff from approximately 1,397 s.f. of rooftop area. The reservoir course of the Filter Strip is required to provide storage volume for 1" of runoff from the contributing area. The bed sizing is as follows:

Area of Watershed: 1,397 SF

Treatment Volume Required: Area x runoff depth: 1,397 SF x 1/12 FT = **116.42 CF**

Treatment Volume Provided:

Porosity = 40%, Bed Area = 98 s.f., Bed Depth = 1.20', Total Volume Treated = **117.60 CF**

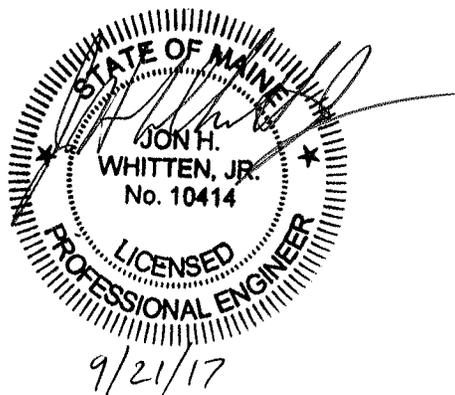
**Summary**

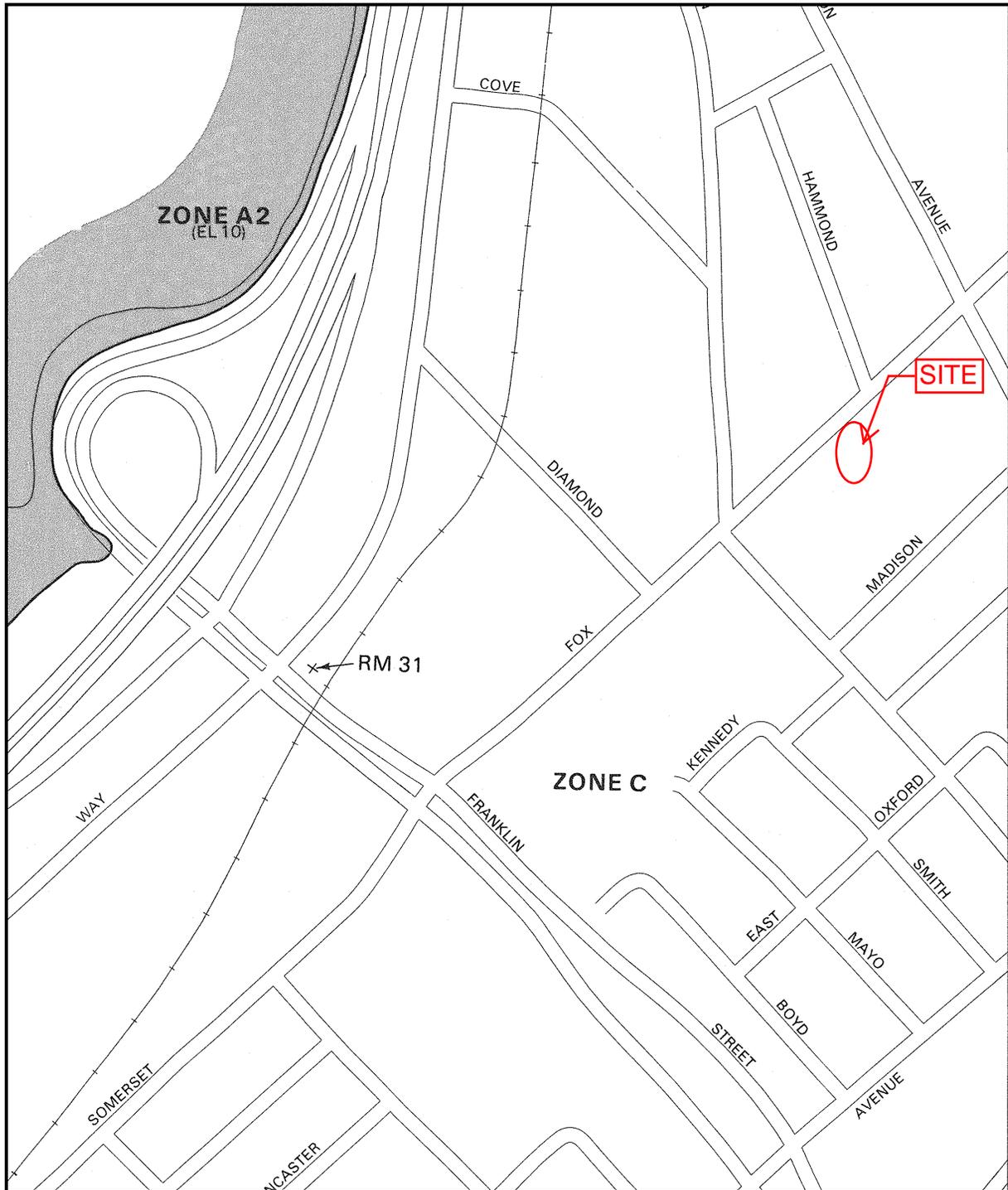
The utilization of proper erosion control methods during construction and construction and maintenance of the roof dripstrip filter strip, to collect and treat runoff from the proposed new impervious area on the site, it is expected that this project meets the Basic, General and Flooding Standards of Chapter 500. Furthermore, the proposed stormwater design is not expected to cause flooding, erosion or other significant adverse effects downstream of the site.

Prepared by:  
PLYMOUTH ENGINEERING, INC.



Jon H. Whitten, Jr., P.E.  
Senior Project Manager





APPROXIMATE SCALE

400 0 400 FEET

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY OF  
PORTLAND, MAINE  
CUMBERLAND COUNTY

PANEL 13 OF 17  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
230051 0013 B

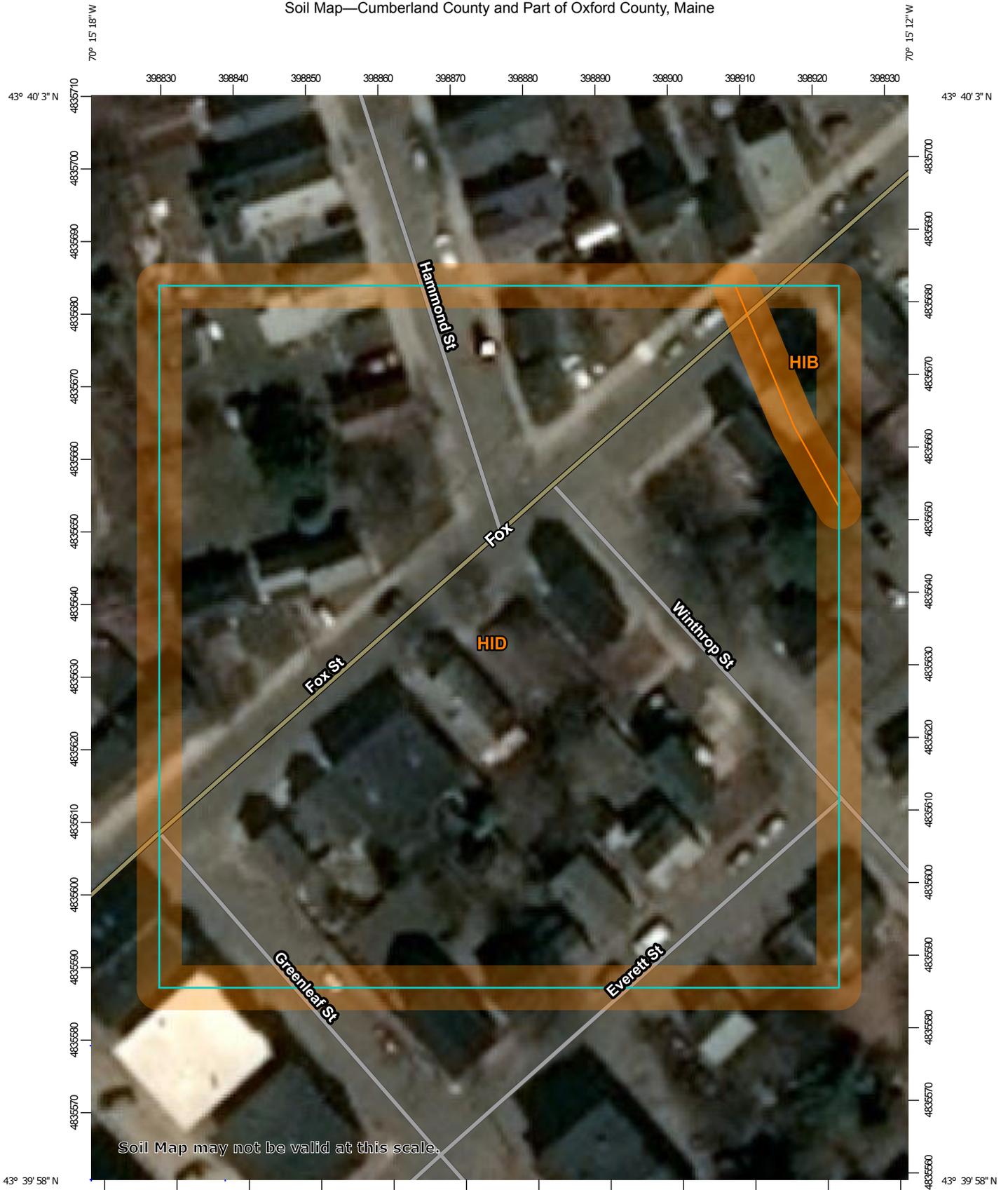
EFFECTIVE DATE:  
JULY 17, 1986



Federal Emergency Management Agency

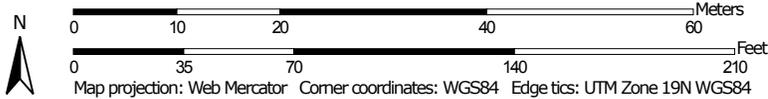
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

Soil Map—Cumberland County and Part of Oxford County, Maine



Soil Map may not be valid at this scale.

Map Scale: 1:728 if printed on A portrait (8.5" x 11") sheet.



## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine

Survey Area Data: Version 12, Sep 15, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	0.1	2.6%
HID	Hinckley loamy sand, 15 to 25 percent slopes	2.2	97.4%
<b>Totals for Area of Interest</b>		<b>2.3</b>	<b>100.0%</b>

**MAINTENANCE & OPERATIONS PLAN OF STORMWATER MANAGEMENT FACILITIES  
FOR:  
30 FOX STREET, 3-UNIT BUILDING  
PORTLAND, MAINE**

**Responsible Party:** Dyer Neck Development, LLC  
29 Kellogg Street, #3  
Portland, ME 04101

**Plan Prepared by:** Plymouth Engineering, Inc.  
PO Box 46  
Plymouth, ME 04969

**List of Stormwater Measures:**

Vegetated Areas  
Stone Roof Dripline Filter Strip

**Introduction:**

The owner or operator of the proposed project will be responsible for the maintenance of all stormwater management structures, the establishment of any contract services required to implement the program, and the keeping of records and maintenance log book. At a minimum, the appropriate and relevant activities for each of the stormwater management systems will be performed on the prescribed schedule.

**Inspection & Maintenance Tasks:**

NOTE: The following instructions are excerpts from the Maine Department of Environmental Protection's *Stormwater Management for Maine, Volume III BMPs Technical Design Manual*, dated January 2006.

**Vegetated Areas:**

1. **Routine Maintenance and Inspection:** The area should be inspected for failures following heavy rainfall and repaired as necessary for newly formed channels or gullies, reseeding/ sodding of bare spots, removal of trash, leaves and/or accumulated sediments, the control of woody or other undesirable vegetation and to check the condition and integrity of the check dams.
2. **Aeration:** Vegetated areas may require periodic mechanical aeration to restore infiltration capacity. This aeration must be done during a time when the area can be reseeded and mulched prior to any significant rainfall.
3. **Erosion:** It is important to install erosion and sediment control measures to stabilize this area as soon as possible and to retain any organic matter on the surface.
4. **Fertilization:** Routine fertilization and/or use of pesticides is strongly discouraged. If complete re-seeding is necessary, half the original recommended rate of fertilizer should be applied with a full rate of seed.

**Roof Dripline Filter:**

1. **Inspection:** Inspect filter semi-annually and following major storm events. Debris and sediment buildup should be removed from the forebay and basin as needed. Any bare area or erosion rills should be repaired with new filter media, seeded and mulched.
2. **Maintenance Agreement:** A legal entity should be established with responsibility for inspecting and maintaining any filter basin. The legal agreement establishing the entity

should list specific maintenance responsibilities (including timetables) and provide for the funding to cover long-term inspection and maintenance.

3. **Drainage:** The filter should be draining within 48 hours following a one-inch storm or greater. If the system drains too fast, an orifice may need to be added on the underdrain outlet or may need to be modified if already present. •
4. **Sediment Removal:** Sediment and plant debris should be removed from the structure at least annually.
5. **Soil Filter Replacement:** The mulch shall be replaced with fresh material on a yearly basis.
6. **Soil Filter Replacement:** The top several inches of the filter can be replaced with fresh material if water is ponding for more than 72 hours.

## Task Frequency:

<b>Table 11-1 Long-Term Inspection &amp; Maintenance Plan</b>				
	<b>Spring</b>	<b>Fall or Yearly</b>	<b>After a Major Storm</b>	<b>Every 2-5 Years</b>
<b>Vegetated Areas</b>				
Inspect all slopes and embankments	X		X	
Replant bare areas or areas with sparse growth	X		X	
Armor areas with rill erosion with an appropriate lining or divert the ero-sive flows to on-site areas able to withstand concentrated flows. See Appendix A(5) of Rule.	X		X	
<b>Stormwater Channels</b>				
Inspect ditches, swales and other open stormwater channels	X	X	X	
Remove any obstructions and accumulated sediments or debris	X	X		
Control vegetated growth and woody vegetation		X		
Repair any erosion of the ditch lining		X		
Mow vegetated ditches		X		
Remove woody vegetation growing through riprap		X		
Repair any slumping side slopes		X		
Replace riprap where underlying filter fabric or underdrain gravel is showing or where stones have dislodge		X		
<b>Culverts</b>				
Remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit	X	X	X	
Repair any erosion damage at the culvert's inlet and outlet	X	X	X	
<b>Roadways and Parking Surfaces</b>				
Clear accumulated winter sand in parking lots and along roadways	X			
Sweep pavement to remove sediment	X			
Grade road shoulders and remove excess sand either manually or by a front-end loader	X			
Grade gravel roads and gravel shoulders	X			
Clean-out the sediment within water bars or open-top culverts	X			
Ensure that stormwater is not impeded by accumulations of material or false ditches in the shoulder	X			

**Table 11-1  
Long-Term Inspection & Maintenance Plan**

	Spring	Fall or Yearly	After a Major Storm	Every 2-5 Years
<b>Roof Dripline Filters</b>				
Inspect and clean-out any surfaces that collect sediment and hydrocarbons entering an infiltration measure	X	X		
Provide for the removal and disposal of accumulated sediments within the infiltration area				X
Renew the infiltration measure if it fails to drain within 72 hours after a rainfall of one-half inch or more				X
<b>Green Roof System</b>				
Follow manufacturer's suggested maintenance requirements.				



## **STORMWATER DRAINAGE SYSTEM**

### **MAINTENANCE AGREEMENT**

#### **For SUBDIVISIONS**

**IN CONSIDERATION OF** the site plan and subdivision approval granted by the Planning Board of the City of Portland to the proposed \_\_\_\_\_ Condos at 30 Fox Street, Project ID 2017-\_\_\_\_ shown on the Subdivision Plat (Exhibit A) recorded in Cumberland Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ submitted by R.W. Eaton Associates, Inc. and associated Site Layout Plan, Grading & Utility Plan, Erosion & Sedimentation Control Details and Detail Sheet (Exhibit B) prepared by Jon H. Whitten, Jr., P.E. of Plymouth Engineering, Inc., PO Box 46, Plymouth, ME 04969 dated and pursuant to a condition thereof, Dyer Neck Development, LLC, a Maine limited liability company with a principal place of business in Portland, Maine, and having a mailing address of 29 Kellogg Street, #3, Portland, ME 04101, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the “Owner”), as follows:

#### Maintenance Agreement

That it, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the Roof Dripline Filter system, hereinafter collectively referred to as the “stormwater system”, as shown on the Plans in Exhibit B and in strict compliance with the approved Maintenance & Operations Plan of Stormwater Management Facilities prepared for the Owner by Plymouth Engineering, Inc. (copy attached in Exhibit C) and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance Log. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland and said persons in lawful possession may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the subdivision and/or site plan most recently and formally approved by the Planning Board of the City of Portland.

This agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear.

The Owner agrees to record a copy of this Agreement in the Cumberland County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the City's Department of Public Services and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. The real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax roles on file in the City Assessor's Office.

If the property has more than one owner on the tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

(name of company)

\_\_\_\_\_

(representative of owner, name and title)

STATE OF MAINE

CUMBERLAND, ss. Date: \_\_\_\_\_

Personally appeared the above-named \_\_\_\_\_(name and title), and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

\_\_\_\_\_

Notary Public/Attorney at Law

Print name: \_\_\_\_\_

Exhibit A: Subdivision Plat as recorded

Exhibit B: Approved Site Layout Plan, Grading & Utility Plan, Erosion & Sedimentation Control Details and Detail Sheet

Exhibit C: Approved Stormwater Maintenance and Inspection Agreement

## Project Consistency with City Master Plans

The proposed subdivision is precisely the type of development that is encouraged by Portland's Comprehensive Plan. It meets multiple comprehensive plan goals, including at least the following, each of which is discussed in more detail below:

### FUTURE LAND USE PLAN

- Encourage orderly growth and development in appropriate areas, making efficient use of public services and preventing development sprawl. (State Goal A, Comprehensive Plan, Vol. I, Portland's Goals and Policies for the Future, p. 21);
- In the R-6 zone, encourage the existing compact lot development pattern typically found on the peninsula. (Comprehensive Plan, Vol. II, Future Land Use Plan, p. 65)

### HOUSING POLICIES

- Advance the overall goal of maintaining a 25% share of Cumberland County's population, taking advantage of the City's capacity to accommodate more people (Comprehensive Plan, Vol. I, Portland's Goals and Policies for the Future, p. 21-22);
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing, (Comprehensive Plan, Vol I, Portland's Goals and Policies for the Future, pp. 21-22);
- Ensure that an adequate supply of housing is available to meet the needs and preferences of all Portland households, including a continuum of options across all income levels. (Comprehensive Plan, Vol I, Portland's Goals and Policies for the Future, p. 44);
- Promote residential densities that are consistent with past development patterns. (Housing: Sustaining Portland's Future, p. 27);

### SUSTAINABILITY

- Increase efficient use of transportation resources by avoiding decentralizing land use trends and supporting land use patterns that favor density and concentration. Comprehensive Plan. Vol I, Transportation Resources, T-7-8);
- Design housing to use new technologies and materials that reduce costs and increase energy efficiency. (Comprehensive Plan, Vol 1, Portland's Goals and Policies for the Future, p. 22)

## A. Future Land Use Plan

In accordance with the mandate of the State Growth Management policies, the City designated all properties zoned R-6 as part of the growth area, however, the Future Land Use Plan went beyond that simple designation to assert that Portland needs growth to sustain it as a healthy city and to maintain its role as the economic, cultural and residential center for the region. (p. 55). Ideally, that growth will "provide housing near employment centers, support public transportation, attract families with children, expand the tax base, and stabilize neighborhoods." (p. 55)

In looking at where that growth can be accommodated within Portland, it found that only 9.75% of land in all residential zones is vacant, and in the highest density residential zone, the R-6 zone, only 2.77% of the land is vacant. As a way to foster the growth necessary to a healthy future, the Future Land Use Plan specifically endorses the recommendation, first made in Housing: Sustaining Portland's Future, to "rewrite[e] the zoning ordinance to encourage new housing and eliminate[e] barriers to development by allowing greater housing density and more efficient use of vacant land, infill lots, and redevelopment opportunities."

## B. Housing Policies

Increased residential housing is viewed as a key to maintaining the health of the City. It is not sufficient for it merely to be an employment center for people to commute to by day, while living in and paying real estate taxes to suburban towns, The housing component of the comprehensive plan, Housing: Sustaining Portland's Future, calls for Portland to accommodate housing for more people so that the City increases to and then maintains a 25% share of the county's population. (p. 53)

One fundamental housing goal is to increase the supply of housing. To further that goal, the housing plan states the City should strive to ensure the construction of a diverse mix "that offers a continuum of options across all income levels." (p. 29) The City should also encourage higher density housing, "particularly located near services, such as schools, businesses, institutions, employers, and public transportation." (p. 30) Particular emphasis is placed on encouraging infill development, and housing within and adjacent to the downtown. In furtherance of the goal of developing a broad range of housing, it states the City should "[e]ncourage opportunities for the development of homes that are attractive to those households moving up in the real estate market, so Portland can remain competitive with surrounding suburban communities. (p. 32) Additional supply-based objectives include "identify[ing] vacant land and redevelopment opportunities throughout the city to facilitate the construction of new housing" and "[p]romot[ing] Portland as a Pro-Housing Community." (p. 33) While some parts of the housing plan emphasize affordable assisted housing, it states "the need for market rate housing for mid and higher income households is also critically important to Portland's future. Eliminating barriers to



housing development and supporting market rate projects through the approval process can assist in this." (p. 62b)

Another basic housing plan goal is to maintain neighborhood stability and integrity. The plan calls for the City to "[e]ncourage innovative new housing development which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood." (p. 44) The plan advocates "work[ing] with owners and developers to find productive uses for vacant and underutilized lots." (p. 45) The plan makes it clear that it is not trying to encourage suburban, single-story ranch house infill development that was typical of prior periods. Instead the 2002 plan values traditional patterns of development and residential density, and criticizes the fact that (particularly in the R-6 zone) the traditional development pattern cannot be replicated under the zoning then in effect. (p. 27) Since that date, the City has implemented the R-6 small lot provisions so that infill development can replicate the traditional character and pattern of development.

### **C. Sustainability**

The land use policy promoting infill development and increased housing stock in close proximity to downtown, discussed above, has been identified by the City as an important part of creating environmental and economic sustainability. ("Sustainable Portland", Final Report of the Mayor's Sustainable Portland Taskforce, November, 2007). The proposed development is consistent with these goals.

Similarly, the Sustainability Report identified green building as an important means for reducing pollution and our collective carbon footprint. (Id., p. 6) This building is designed to have numerous green features including: all landscaping requires no irrigation; roof water treated on site; building envelope sealed to prevent air leaks with insulation well above present construction standards; energy efficient windows located for cross natural ventilation, without air-conditioning systems; energy efficient systems and appliances, and air exchangers; low VOC paints, glues and sealants; light roof color to prevent heat buildup; and green building materials, flooring, siding, and recycled products.



ingenuity thoughtfulness empathy

## Solid Waste Management Plan: 30 Fox Street

Solid waste and recycling will be collected curbside by the city using pay per use purple bags and approved recycling bins. Appropriate trash containers will be placed in the parking garage for weekly storage.



# NFPA Code Summary

## Building Area Information

Building Footprint: 1,104 SF  
R-2 Net: 2,832 SF  
Parking Net: 893 SF  
Building Gross: 4,297 SF

## NFPA Code Overview

Use: New Residential Apartment Building & New Storage  
Construction: No minimum requirement  
Sprinkler: NFPA 13R (Supervised to meet standards set forth in Chapter 10 Article VIII of the City of Portland)  
Occupancy: 19 Occupants

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### NFPA 10

NFPA 10 6.2.1.1 Each floor shall have a single (2) unit Class A Fire Extinguisher

### NFPA 101

3.3.32.3 Apartment Building  
6.1.8.1.5 Residential Occupancy – Apartment Building (Chapter 30)  
6.1.13.1 Storage – Enclosed Parking Structure (Chapter 42)  
6.1.14.4.3 1 hour separation required in sprinkled building  
6.2.2.3 Ordinary Hazard Contents  
  
7.1.3.1 Exit access corridors shall have one-hour fire resistance rating  
7.1.3.2.1 Stairs three stories or fewer shall have one-hour fire rating  
7.1.5.1 Min headroom: 7'-6"  
7.1.6.3 Cross Slope limited to 1:48  
7.2.1.2.3.2 Egress door min clear width: 32"  
7.2.1.4 Door swing and force to open shall comply with this section  
7.2.1.5 Door locks, latches and alarms shall comply with this section  
7.2.2.2.1.1 Max riser height: 7"  
Min Tread depth: 11"  
Min headroom: 6'-8"  
7.2.2.2.1.2 Min stair width: 36" (for occupancy under 50)  
7.2.2.3.2.3 Min landing depth: stair width  
7.2.2.4.4.1 Handrail height: 36"  
7.2.2.4.4.6 Handrail shape: 1 1/2" circular cross section  
7.2.2.4.4.9 Handrails shall return to wall or newel post  
7.2.2.4.4.10 Handrails shall extend 12" at top of stair and one tread length at bottom  
7.2.2.4.5.2 Min guard height: 42"  
7.2.2.4.5.3 Open guards shall not allow the passage of a 4" sphere  
7.2.2.5.4 Stairway identification shall comply with this section.  
7.2.6.3 Stair discharge shall have a 1-hr fire resistance rating.



- 7.2.12.1.1 Sprinkler precludes need for area of refuge in stair.
- 7.3.1.2 Occupancy Load
  - Residential Apartment: 200 gross at 3,399 SF is 17 occupants
  - Storage: 500 gross at 893 SF is 2 occupants

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  - Total Occupant Load: 19 occupants**
- 7.3.4 Min Egress width: 36"
- 7.4.1.1 See 30.2.4.4
- 7.8 Egress Illumination shall be in accordance with this section.
- 7.9 Emergency Lighting shall be in accordance with this section.
- 7.10 Marking for means of egress shall comply with this section.
- 30.1.2.3 Dwelling units allowed over parking when either:
  - Parking is sprinkled with NFPA 13 system or
  - Uses are separated with a 1-hour fire resistance rating.
- 30.1.6 No minimum construction requirements
- 30.2.1.1 Means of Egress shall comply with Chapter 7 and Chapter 30
- 30.2.4.4 Single stair permitted from building given
  - Less than 3 stories
  - Less than 3 units/floor
  - No basement
  - No distance from unit door to stair
  - 1-hr rated stair
  - Self-closing doors
  - No corridors
  - ½ hr rating between units
- 30.2.5 Common Path Limit: 50'
- 30.2.5.4.2 Dead-End Limit: 50'
- 30.2.6.2 Max Travel Distance within unit (sprinkled): 125'
- 30.2.6.3.2 Max Travel Distance from unit door to exit (sprinkled): 200'
- 30.3.4 Fire detection and alarm system shall comply with this section.
- 30.3.4.5 Smoke alarms shall be installed:
  - In every sleeping area
  - Outside every sleeping area
  - At least one on each level
- 30.3.5.2 Sprinkler system NFPA 13R permitted for four or fewer stories.
- 30.3.6.1.2 Corridor walls (sprinkled): ½ hour
- 30.3.7.2 Dwelling unit separation (sprinkled): ½ hour
- 42.1.6 No minimum construction requirements
- 42.2.4.1 Single means of egress allowed within common path of travel limit.
- 42.2.5 Dead End Corridor: 100'
  - Common Path of Travel: 100'
- 42.2.6 Maximum Travel Distance: 400'

## Design Standards Assessment

### Overall Context

The building size and scale is comparable to the neighboring multifamily buildings on Fox Street and within the surrounding neighborhood. The building offers a one-story, (3) bedroom unit as well as (2) two-story, townhouse units with parking beneath at grade level; in the same tradition of newer multi-family condominiums found throughout Portland and Munjoy Hill.

Composition of principal facades is organized primarily through the relationship of building materials with emphasis on contrasting texture and color. The orientation of openings and rhythm of fenestration has also been carefully arranged to add proportionality to the building's massing and to highlight the ratio of solids to openings.

Like other buildings in the area, this building faces the street with a front door facing the sidewalk. The front door is highlighted with an awning, sidelight, and plantings to further enhance the feeling of an entry. Although the current rhythm of the block is slightly broken; the scale, form and relationship to the street of the proposed building helps strengthen the rhythm of the block to be more comparable to that of the surrounding neighborhoods.

### Massing

The proposed, four-story building has a massing that is harmonious in size, physical volume, scale, and shape with surrounding existing buildings. The building has a flat main roof with a projected, wrap-around deck providing a deep cornice line at the top of the third floor. The subsidiary roof on the fourth floor is mono-slope and is clearly subordinate to the primary roof form in scale and proportion. The edge of the shallow slope roof structure is emphasized by deep overhangs and exposed, decorative rafter tails.

The massing of the front façade is articulated by an inset balcony on the second floor, a covered main entry, and a railing system protecting the third floor deck. As is traditional for this building type, there is no garage door facing the street, and the parking is found beneath the building with garage doors angled along the southwest façade for ease of access.

### Orientation to the Street

The front of the building opens to the street via a single door sheltered by an awning. The front of the building is further enhanced by the use of intentional landscaping. Not only does this help create the feeling of the front entry, but it also helps create a transition space between the street and front door.

Off-street parking is concealed beneath the building, creating a transition space between the public realm of the street and the residential units on the second floor. The second floor occupants will also have visual privacy since the windows are greater than 48" from the adjoining sidewalk.



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### **Proportion and Scale**

Windows and doors are sized, scaled and arranged to have a strong and intentional relationship to the overall building massing as well as to the building's occupants. Fenestration on the front façade is intentionally greater than the side and rear facades, providing the appropriate welcome to the public street. The canopy over the front door is of a width that has a solid presence on the front façade.

### **Balance**

While the overall building is not symmetrical, local symmetry and several other techniques have been employed to achieve balance. Building forms have been grouped by massing and balanced with contrasting building materials. The window and door head heights all align along a common horizontal datum line at each floor. Windows and doors also align vertically on facades visible from the street.

### **Articulation**

Articulation is achieved through utilization of contemporary design details within a contextual framework. Articulated features include dimensional trim, contrasting extrusions at window perimeters, and exposed rafter trails highlighting the fourth-floor, mono-slope roof. Window types and patterns are limited, and variations in siding materials are arranged to enhance the visual interest of the building's massing. A visual cohesion of materials is achieved by using concrete at the foundation of the building with the siding material on top.

Delineation between floors is achieved between the first and second floors by a change in siding material; while the fourth floor is delineated from the floors below by setback exterior walls and an overhanging, wrap-around deck. The second floor balcony and fourth floor decks are architecturally integrated into the overall design of the building. The massing, material, and details of the porch and balcony railings act to reinforce the architectural vernacular of the overall building. Both the front and side entries are highlighted by entry canopies.

### **Materials**

Like other buildings in the area, the pallet of materials is limited to only a few. The predominate materials for the exterior walls of the building will include cast-in place concrete at the foundation walls; exposed fastener, fiber cement panels with aluminum flashing at the panel reveals; 4" exposure clapboard metal siding; and vertical corrugated metal siding. Concrete is used at the first floor walls not only to help articulate the building, but also to give a sense of permanence and functional protection from vehicular traffic. These building materials provide a harmoniously industrial palette while incorporating common materials found on Munjoy Hill.



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## Crime Prevention Through Environmental Design Narrative

Natural surveillance will be used to the maximum extent possible with parking located on the first floor. The units on the upper floors will have views of the entrance approach, side, and back of the building.

The front entrance and the shared parking entrance will be well lit, the back entry is not recessed, preventing the possibility of entrapment. The open parking area will be lit during night hours to discourage unwanted use.

The landscape plan clearly delineates public and private space, utilizing plantings.



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## Accessibility Narrative

The proposed project at 30 Fox Street will not meet Fair Housing Accessibility Standards as the building only provides (3) dwelling units.



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## Mechanical Systems Statement:

The HVAC design effort for the multi-family residential project at 30 Fox Street has not begun yet, but it will be specified that all HVAC equipment will meet any applicable State and Federal emissions requirements.

# AccuLite®

## MSL SERIES

### LED MINI SECURITY LIGHT 650 LUMENS

Project: \_\_\_\_\_

Fixture Type: \_\_\_\_\_

Location: \_\_\_\_\_

Contact/Phone: \_\_\_\_\_

Cat. No.: \_\_\_\_\_

#### PRODUCT DESCRIPTION

The MSL Series LED Security Light is a small and unobtrusive luminaire designed to replace small incandescent and CFL fixtures. With a shallow profile, the MSL blends in seamlessly with both architecture and nature. The wide light pattern makes this fixture a great choice for commercial applications where an economical LED security light is needed. The MSL Security Light is recommended for mounting heights of up to 10 feet, for installations above doors, balconies, garage and warehouse entrances, and other applications traditionally lighted with incandescent and CFL fixtures. The MSL Series is rated for outdoor or indoor use.

#### PRODUCT SPECIFICATIONS

**Optics** The MSL Series has a white reflector and micro-prism lens that significantly reduces glare, increases visual comfort and acts as an environmental seal, protecting the LED from rain, snow and dust.

**Dark Sky Compliance** The MSL Series is compliant with most Dark Sky ordinances.

**Construction** A die cast aluminum housing is sturdy and attractive. Powder coating seals and protects the fixture from the elements • The micro-prism lens is made of acrylic that has a strong resistance to UV rays – ideal for outdoor environments.

**Thermal Management** The LED light source is secured to the aluminum housing that acts as a heat sink • The driver is also mounted directly to the housing to help keep the electronics cool and ensure 100,000 hour L70 performance.

**Electrical** The LED driver is suitable for 120-277VAC 50/60 Hz • An optional daylight sensor is available.

**Daylight Sensors** The MSL Series can be ordered with an optional daylight sensor for automatic dusk to dawn operation • Option "PC" is a factory installed, button style photo sensor mounted on the front of the fixture. Fixtures with motion sensor option are automatically supplied with a photo sensor to prevent operation of the fixtures during daylight hours. Fixtures with emergency battery are not available in combination with a daylight sensor.

**Motion Sensor:** An optional motion sensor is also available to control operation of the fixture based on occupancy • All fixtures with the motion sensor option include a daylight sensor to prevent the fixture from operating during daytime hours • The sensor turns the fixture ON when it detects motion, and off after a user-established time • The time the fixture stays ON can be set from a few seconds to a total of 20 minutes.

**Emergency Battery:** When emergency lighting is required, the MSL fixtures can be ordered with an optional, integral emergency battery • The battery will operate the fixture for 90 minutes during a power outage • Fixtures with this option need an un-switched power source to make sure the battery stays charged • A second switched source can be used for the main power to the fixture • The battery option will operate in ambient temperatures of between -4°F and 122°F (-20°C and 50°C) • Not available in combination with photo sensor option.



Shown with daylight sensor



Standard

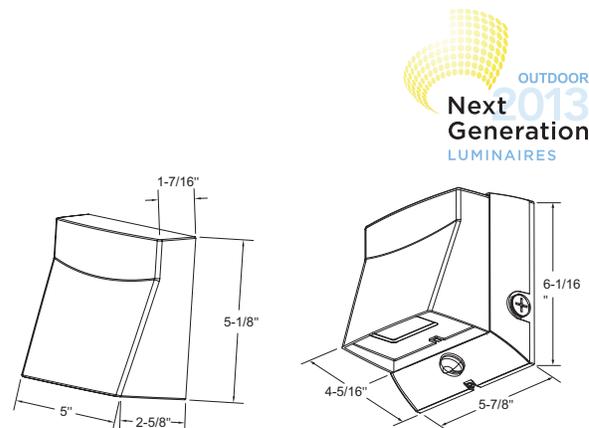


Shown with motion sensor



Shown with emergency battery

#### DIMENSIONS



**Mounting** Mounts directly to a junction box • The back plate includes knockouts to fit most junction boxes • The installation process takes less than 5 minutes, with a single screw securing the housing to the back plate • Alternatively, the MSL Series has a provision for rear entry of 1/2" conduit • Fixtures with optional motion sensor or battery backup also include two threaded and plugged holes for side entry with 1/2" conduit.

**Finish** Polyester powder coating protects the housing • Available in bronze or white finishes.

Specifications subject to change without notice.

Project: \_\_\_\_\_

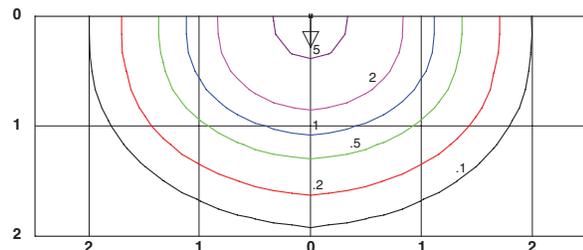
Fixture Type: \_\_\_\_\_

Location: \_\_\_\_\_

Contact/Phone: \_\_\_\_\_

Cat. No.: \_\_\_\_\_

### PHOTOMETRY



Mounting Height	Multiplier
10'	0.5
8'	0.8
7'	1.0
6'	1.3
5'	2.0

Total Delivered Lumens = 663

Distance shown as multiples of mounting height. Illumination values shown in footcandles at 7' mounting height. Illumination values shown are for fixtures running on normal power. For fixtures running on emergency battery apply a 0.5 multiplier.

**Certifications** Meets UL1598 and CSA C22.2-250 standards • Suitable for wet locations • Compliant with most Dark Sky ordinances • ADA compliant (except when ordered with motion sensor or battery backup)

### PRODUCT CODES

Catalog Number	Description	Input Volts	CCT	Delivered Lumens	Input Watts
MSL235KUNBZ	Mini Security Light, bronze	50/60 Hz	3500K	663	11W
MSL235KUNBZPC	Mini Security Light, bronze, with photo sensor	60 Hz	3500K	663	11W
MSL235KUNWH	Mini Security Light, white	50/60 Hz	3500K	663	11W
MSL235KUNWHPC	Mini Security Light, white, with photo sensor	60 Hz	3500K	663	11W
MSL235KUNBZMS	Mini Security Light, bronze with motion sensor	50/60 Hz	3500K	663	12W
MSL235KUNWHMS	Mini Security Light, white with motion sensor	50/60 Hz	3500K	663	12W
MSL235KUNBZEM	Mini Security Light, bronze with emergency battery	50/60 Hz	3500K	663	13W
MSL235KUNWHEM	Mini Security Light, white with emergency battery	50/60 Hz	3500K	663	13W

Delivered lumens shown are for fixtures running on normal power. Fixtures running on emergency battery deliver approximately 325 lumens.

**ENVIRONMENTALLY FRIENDLY, ENERGY EFFICIENT**

- Lumen packages suitable for ceiling heights ranging from 8' to in excess of 100'
- Efficacies up to 110 lm/w
- Superior-quality white LED light output using Chip on Board technology
- No harmful ultraviolet or infrared wavelengths • No lead or mercury



J7.1.1G3



**800 TO 9000 LUMEN 6" LED  
NEW CONSTRUCTION/REMODEL/FLUSH MOUNT  
HYPERBOLIC / PARABOLIC / WALLWASH  
L6 / LRM6 SERIES**

**PRODUCT SPECIFICATIONS**

**OPTICS**

**Hyperbolic:** Unique hyperbolic shape optimized for small, directional LED source, maximizes fixture efficiency while creating the "Silent Ceiling" appearance by reducing lamp image and aperture brightness • Geometry of hyperbolic curve provides unique aperture appearance and smoother light distribution • Narrow Flood, medium flood and wide flood distributions available

**Parabolic/Lens:** Computer-optimized parabolic reflector with frosted convex lens regressed into cone provides uniform distribution with no striations • Concealed LED array provides superior aesthetic appeal both on and off

**Wall Wash:** Available in Hyperbolic and Parabolic. Both are computer-optimized with an integral wall wash kicker and frosted bubble lens regressed into reflector, providing uniform distributions with no striations

**Finishes:** Low iridescent specular, semi-specular and diffuse Alzak® finishes available with integral flange of same finish • See reflector options for other colors and finishes

**Baffle:** White or black painted deep multi-groove aluminum baffle insert with integral white painted flange and frosted convex glass lens

**ELECTRICAL**

**LED Light Engine:** Compact light source delivers uniform illumination without pixilation, enabling excellent beam control • Consistent fixture-to-fixture color temperature within 3 SDCM • Replaceable light engine with quick connector mounts directly to heat sink and is easily replaceable • CRI> 80 standard, 90 & 97 CRI available, see options for compatibility

**Passive Cooling:** Aluminum heat sink integrated directly with housing provides superior thermal management to ensure the long life of LED

**LED Driver:** Power factor >0.9 • Easily replaceable from above or below the ceiling

**Dimming:** Dimmable via 0-10V protocol standard • Optional drivers available for use with eldoLED, Lutron EcoSystem, 2-wire dimmers, DMX, or DALI • For a list of compatible dimmers, see [LED-DIM](#).

**Life:** Rated for 60,000 hours at 70% lumen maintenance • Available with optional Lumen Depreciation Indicator (LDI)

**Emergency Battery Pack (Optional) output:** Provides a minimum of 600 (BR), or 1100 (HBR) lumens for a minimum duration of 90 minutes

**Warranty:** 5 years when used in accordance with manufacturing guidelines. Specifications subject to change without notice.

Type	Cat. No.
_____	_____
Project: _____	
Notes: _____	



**NEW CONSTRUCTION**



**REMODEL**



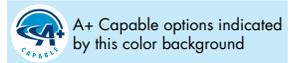
**FLUSH MOUNT**

**ORDERING INFORMATION: Complete Catalog# Example Includes (Rough-In, option, reflector, accessory): L6 08LM 27K 120 G3 80CRI ZT F HW CS PF HBTL**

ROUGH-IN							REFLECTOR*					
SERIES	LIGHT ENGINE LUMENS	COLOR TEMP.	VOLTAGE	GENERATION	CRI	DRIVER	ROUGH-IN OPTIONS	TRIM STYLE	FINISH	TRIM OPTIONS	MOUNTING	
<b>L6</b>				<b>G3</b>								
<b>L6</b>	<b>08LM</b> 800 Lumens	<b>27K</b> 2700K	<b>120</b> 120 Volt	<b>G3</b> Generation 3	<b>80CRI</b> 80+ CRI	<b>#FD</b> Forward or Reverse Phase Dimming Driver (120V only)	<b>F</b> Fuse and Fuse Holder <b>CP</b> Chicago Plenum <b>LDI</b> Lumen Depreciation Indicator (Cannot be used w/ BR or HBR options)	<b>HM</b> Hyperbolic - Medium <b>HN</b> Hyperbolic - Narrow <b>HW</b> Hyperbolic - Wide <b>HWS</b> Hyperbolic - Single Wall Wash <b>P</b> Parabolic Reflector Trim <b>WC</b> Corner Wall Wash <b>WD</b> Double Wall Wash <b>WS</b> Single Wall Wash <b>BAF</b> Baffle (Black or White)	<b>CD</b> Clear Diffuse <b>CS</b> Clear Specular <b>CSS</b> Clear Semi-Specular <b>BD</b> Black Diffuse <b>BL</b> Black (Baffle) <b>BS</b> Black Specular <b>BZD</b> Bronze Diffuse <b>BZS</b> Bronze Specular <b>GD</b> Gold Diffuse <b>GS</b> Gold Specular <b>PTD</b> Pewter Diffuse <b>PTS</b> Pewter Specular <b>WH</b> White <b>WTD</b> Wheat Diffuse <b>WTS</b> Wheat Specular	<b>PF</b> White Flange <b>WET</b> Wet Location (Only available w/ P & BAF options) <b>FM</b> Flanged (Not available w/ Remodel or Baffle)	<b>Blank</b> Flanged	
<b>6" L-Series New Construction Rough-in</b>	<b>13LM</b> 1300 Lumens <b>15LM</b> 1500 Lumens <b>17LM</b> 1700 Lumens <b>23LM</b> 2300 Lumens	<b>30K</b> 3000K <b>35K</b> 3500K	<b>277</b> 277 Volt <b>347</b> 347 Volt		<b>90CRI</b> 90+ CRI <b>97CRI</b> 97+ CRI	<b>•FDL</b> Forward Phase Dimming Lutron Driver (120V only) <b>•PD</b> Lutron EcoSystem Dimming Driver	<b>•BR</b> Emergency Battery Pack w/ Remote Test Switch <b>•HBR</b> High Lumen Emergency Battery Pack w/ Remote Test Switch <b>•NL</b> nLight® Dimming Pack Controls. (Not compatible with CP option). Only use w/ ZT, E21 and EZB drivers. <b>•NLER</b> nLight® dimming pack controls. ER controls fixtures on emergency circuit operation (Not compatible with CP option). Only use w/ ZT, E21 and EZB drivers.					
<b>LRM6 6" L-Series Remodel Rough-in</b>	<b>28LM</b> 2800 Lumens <b>33LM</b> 3300 Lumens <b>40LM</b> 4000 Lumens <b>45LM</b> 4500 Lumens <b>50LM</b> 5000 Lumens <b>55LM</b> 5500 Lumens <b>60LM</b> 6000 Lumens <b>65LM</b> 6500 Lumens <b>70LM</b> 7000 Lumens <b>75LM</b> 7500 Lumens <b>80LM</b> 8000 Lumens <b>85LM</b> 8500 Lumens <b>90LM</b> 9000 Lumens	<b>40K</b> 4000K <b>•MVOLT</b> Multi-Volt (120-277 Volt)	<b>347</b> 347 Volt			<b>ZT</b> 0-10V Dimming <b>DMXC</b> DMX/RDM Driver w/ Phoenix Connectors (Not compatible w/ CP option) <b>DMXR</b> DMX/RDM Driver <b>DALI</b> DALI Control Dimming <b>EZ1</b> eldoLED 0-10V ECO driver. Linear dimming to 1% min. (Not compatible with LDI option) Up to 5500 lumens max <b>EZB</b> eldoLED 0-10V Solo driver. Logarithmic dimming to <1% (Not compatible with LDI option) Up to 5500 lumens max						

■ Only 800, 1300, 1500 & 1700 lumen fixtures are universal voltage (120/277V), if using (F, NL or NLER) voltage must be specified  
 \* Not available for 4000 lumens and up  
 + Not available for 347V or CP  
 • 2000K & 3000K only  
 # Not available for 4500 lumens and up

\* To order reflector separately, use series and reflector option values. Ex: L6 HW CS PF FM



**ACCESSORIES**  
ACCESSORY OPTIONS

<b>IFMA6</b>	6" Flush mount adapter for drywall ceilings (Required)	<b>SCA6/05</b>	6" Sloped Ceiling Adapter, 5 Degree Angle
<b>HB28</b>	28" C-Channel Bar Hangers, Pair	<b>SCA6/10</b>	6" Sloped Ceiling Adapter, 10 Degree Angle
<b>HB52</b>	52" C-Channel Bar Hangers, Pair	<b>SCA6/15</b>	6" Sloped Ceiling Adapter, 15 Degree Angle
<b>HBTL</b>	25" Tri-Lock Grid Ceiling Bar Hangers, Pair	<b>SCA6/20</b>	6" Sloped Ceiling Adapter, 20 Degree Angle
<b>LB27</b>	27" Linear Bar Hangers, Pair	<b>SCA6/25</b>	6" Sloped Ceiling Adapter, 25 Degree Angle
		<b>SCA6/30</b>	6" Sloped Ceiling Adapter, 30 Degree Angle

**PRODUCT SPECIFICATIONS (cont.)**

**MECHANICAL**

**New Construction Housing:** Low profile, universal housing design installs in suspended grid, plaster or drywall • Integral heat sink conducts heat away from LED light engine • Driver is accessible from above and below ceiling and can be upgraded to accommodate future technology improvements

**Mounting Frame:** Heavy gauge steel lower housing ring accommodates ceilings up to 2" thick • For thicker ceilings; consult factory

**Mounting Bracket:** New Construction mounting brackets have 3" vertical adjustment and accepts most commercial bar hangers, including our proprietary Tru-Lock bar hangers • Our one-piece Tru-Lock bar hangers have integral T-bar locking screws and alignment notches for locating and locking fixture in the center of 1/4" tile increments

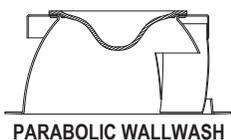
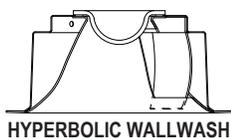
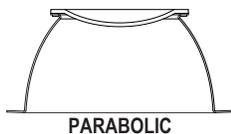
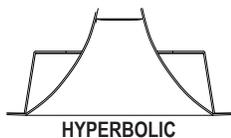
**Junction Box:** Over size 4" x 6" galvanized steel junction box with (6) 1/2" (2) 3/4" knockouts facilitate quick wiring • Junction box rated for four (4) No. 12 AWG 90° C branch circuit conductors (2-in, 2-out)

**Remodel Housing:** Housing installs from below ceiling in applications where above ceiling access is not available • Secured in place by factory installed remodel springs • Remodel springs accommodate ceilings from 1/2" to 1-1/8" thick • Integral heat sink conducts heat away from LED light engine • Driver is accessible from below the ceiling and can be upgraded to accommodate future technology improvements.

**Flush Mount Adapter:** Allows drywall to be finished flush with cone flange

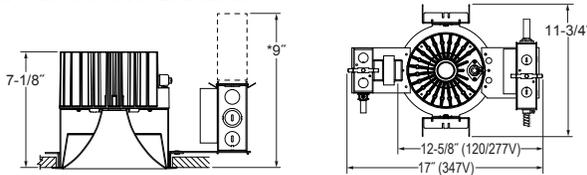
**Junction Box:** 4" x 4" galvanized steel junction box with (6) 1/2" (2) 3/4" knockouts facilitate quick wiring

**TRIMS:**

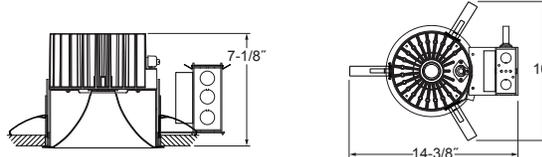


APERTURE: 6-1/8" Dia.  
 CEILING CUTOUT: 6-7/8" Dia.  
 OVERLAP TRIM: 7-3/8" Dia.

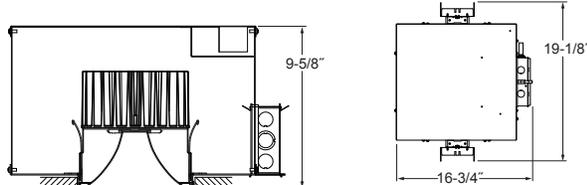
**NEW CONSTRUCTION & FLUSH MOUNT**



**REMODEL**



**FLUSH MOUNT - CHICAGO PLENUM**



**ENERGY STAR® Certified**

	PRODUCT#	FIXTURE CONFIGURATIONS = ENERGY STAR
	<b>MVOLT (120V-277V), 80 CRI</b> L6 (XXLM) (YYK) MVOLT G3 80CRI (ZZ) (CC) ▲	Lumen Package: XX = 08LM*, 13LM*, 15LM, 17LM CCT: YY = 27K, 30K, 35K, 40K Voltage: MVOLT (120V-277V) CRI: 80CRI Trim Type: ZZ = HN, HM, HW, P Trim Color/Finish: CC = CS, CSS, CD
	<b>120V/277V, 80 CRI</b> L6 (XXLM) (YYK) (V) G3 (80CRI) (ZZ) (CC) ▲	Lumen Package: XX = 23LM, 28LM, 33LM, 40LM, 45LM, 50LM, 55LM, 60LM, 65LM, 70LM, 75LM, 80LM, 85LM, 90LM CCT: YY = 27K, 30K, 35K, 40K Voltage: V = 1, 2 CRI: 80CRI Trim Type: ZZ = HN, HM, HW, P Trim Color/Finish: CC = CS, CSS, CD

▲ PD and FDL options are not ENERGY STAR® Certified.

\* Indicated lumen packages are not ENERGY STAR® Certified with -DMXR or -DALI options when used with 277 volts.

**LABELS AND LISTINGS**

• UL & cUL listed for feed through and damp locations • UL spacing requirement for 4000 lumen and above: minimum of 4' between fixture centers, 3" overhead clearance, 2' from fixture center to side wall • RoHS compliant • EMI complies with FCC 47, Part 15, Class A • ENERGY STAR® Certified, see back page for designated products • I.B.E.W. Union made • ARRA Compliant

**ENGINEERING DATA: 347 Volt available, consult factory**

<b>VOLTAGE 120</b>																		
<b>LIGHT ENGINE LUMENS</b>	<b>800</b>	<b>1300</b>	<b>1500</b>	<b>1700</b>	<b>2300</b>	<b>2800</b>	<b>3300</b>	<b>4000</b>	<b>4500</b>	<b>5000</b>	<b>5500</b>	<b>6000</b>	<b>6500</b>	<b>7000</b>	<b>7500</b>	<b>8000</b>	<b>8500</b>	<b>9000</b>
<b>CCT 2700K/3000K/3500K/4000K</b>																		
<b>INPUT CURRENT</b>	0.064	0.102	0.12	0.151	0.202	0.250	0.290	0.375	0.358	0.383	0.426	0.457	0.501	0.553	0.604	0.645	0.694	0.769
<b>INPUT WATTAGE</b>	7.7W	12.2W	14.4W	18.1W	24.1W	29.8W	34.6W	45.0W	42.3W	45.3W	50.4W	54.7W	59.9W	66.2W	72.2W	77.1W	82.9W	92.0W
<b>INPUT FREQUENCY</b>	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz
<b>THD%</b>	6.67	4.30	4.01	3.68	5.59	5.70	4.16	3.93	14.00	13.26	14.48	4.61	4.66	3.97	4.24	3.81	3.74	3.53
<b>POWER FACTOR</b>	0.991	0.993	0.993	0.995	0.994	0.995	0.997	0.998	0.996	0.996	0.996	0.996	0.996	0.997	0.996	0.996	0.996	0.996
<b>VOLTAGE 277</b>																		
<b>LIGHT ENGINE LUMENS</b>	<b>800</b>	<b>1300</b>	<b>1500</b>	<b>1700</b>	<b>2300</b>	<b>2800</b>	<b>3300</b>	<b>4000</b>	<b>4500</b>	<b>5000</b>	<b>5500</b>	<b>6000</b>	<b>6500</b>	<b>7000</b>	<b>7500</b>	<b>8000</b>	<b>8500</b>	<b>9000</b>
<b>CCT 2700K/3000K/3500K/4000K</b>																		
<b>INPUT CURRENT</b>	0.032	0.050	0.058	0.073	0.095	0.113	0.135	0.168	0.177	0.192	0.204	0.220	0.222	0.251	0.288	0.306	0.334	0.345
<b>INPUT WATTAGE</b>	8.2W	12.5W	14.6W	18.3W	24.3W	29.5W	35.0W	44.3W	42.8W	45.9W	50.8W	54.8W	61.1W	63.4W	72.7W	77.0W	83.7W	88.9W
<b>INPUT FREQUENCY</b>	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz	50/60Hz
<b>THD%</b>	11.15	10.45	10.99	11.11	10.06	8.38	8.48	7.98	21.91	19.95	21.30	22.02	23.02	21.97	20.07	19.57	17.10	14.74
<b>POWER FACTOR</b>	0.915	0.889	0.903	0.911	0.921	0.942	0.935	0.955	0.874	0.864	0.898	0.900	0.994	0.910	0.912	0.908	0.904	0.906

**HYPERBOLIC**

<b>DELIVERED LUMENS/LUMENS PER WATT (40K 80CRI)</b>																		
	<b>08LM 40K</b>		<b>13LM 40K</b>		<b>15LM 40K</b>		<b>17LM 40K</b>		<b>23LM 40K</b>		<b>28LM 40K</b>		<b>33LM 40K</b>		<b>40LM 40K</b>		<b>45LM 40K</b>	
<b>TRIM/FINISH</b>	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW
<b>HN CS</b>	781	104.1	1282	102.6	1481	102.1	1661	90.3	2196	91.1	2641	88.6	3036	87.7	3684	82.0	4049	97.6
<b>HN CSS</b>	736	98.1	1208	96.6	1395	96.2	1565	85.1	2068	85.8	2488	83.5	2859	82.6	3470	77.3	3840	92.5
<b>HN CD</b>	676	90.1	1109	88.8	1282	88.4	1438	78.1	1900	78.8	2286	76.7	2627	75.9	3188	71.0	3489	84.1
<b>HM CS</b>	814	108.5	1336	106.9	1543	106.4	1731	94.1	2288	94.9	2753	92.4	3163	91.4	3839	85.5	4295	103.5
<b>HM CSS</b>	791	105.5	1299	103.9	1501	103.5	1684	91.5	2225	92.3	2677	89.8	3076	88.9	3733	83.1	4138	99.7
<b>HM CD</b>	699	93.2	1147	91.8	1325	91.4	1487	80.8	1965	81.5	2364	79.3	2717	78.5	3297	73.4	3565	85.9
<b>HW CS</b>	830	110.7	1363	109.0	1574	108.6	1766	96.0	2334	96.8	2808	94.2	3227	93.2	3916	87.2	4315	104.0
<b>HW CSS</b>	802	106.9	1316	105.3	1520	104.9	1706	92.7	2254	93.5	2712	91.0	3116	90.1	3782	84.2	4152	100.0
<b>HW CD</b>	735	97.9	1206	96.5	1393	96.1	1563	84.9	2065	85.7	2484	83.4	2855	82.5	3465	77.2	3686	88.8
	<b>50LM 40K</b>		<b>55LM 40K</b>		<b>60LM 40K</b>		<b>65LM 40K</b>		<b>70LM 40K</b>		<b>75LM 40K</b>		<b>80LM 40K</b>		<b>85LM 40K</b>		<b>90LM 40K</b>	
<b>TRIM/FINISH</b>	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW
<b>HN CS</b>	4408	96.2	4926	94.0	5079	93.0	5567	94.2	6101	91.9	6452	90.0	6757	89.0	7199	87.5	7626	83.3
<b>HN CSS</b>	4180	91.3	4672	89.2	4816	88.2	5279	89.3	5786	87.1	6118	85.3	6408	84.4	6827	83.0	7232	
<b>HN CD</b>	3797	82.9	4244	81.0	4376	80.1	4796	81.2	5256	79.2	5558	77.5	5821	76.7	6202	75.4	6570	71.8
<b>HM CS</b>	4675	102.1	5225	99.7	5387	98.7	5904	99.9	6470	97.4	6842	95.4	7166	94.4	7635	92.8	8088	88.4
<b>HM CSS</b>	4504	98.3	5034	96.1	5189	95.0	5688	96.2	6234	93.9	6592	91.9	6904	91.0	7356	89.4	7792	85.2
<b>HM CD</b>	3880	84.7	4337	82.8	4471	81.9	4900	82.9	5370	80.9	5679	79.2	5948	78.4	6337	77.0	6713	73.4
<b>HW CS</b>	4697	102.6	5250	100.2	5413	99.1	5933	100.4	6502	97.9	6875	95.9	7201	94.9	7672	93.2	8127	88.8
<b>HW CSS</b>	4519	98.7	5051	96.4	5207	95.4	5708	96.6	6255	94.2	6615	92.3	6928	91.3	7381	89.7	7819	85.5
<b>HW CD</b>	4012	87.6	4484	85.6	4623	84.7	5067	85.7	5553	83.6	5872	81.9	6150	81.0	6552	79.6	6941	75.9

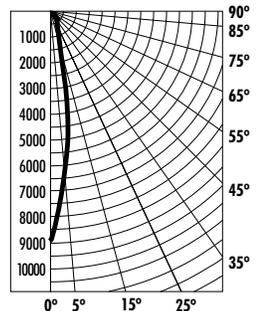
**PARABOLIC**

<b>DELIVERED LUMENS/LUMENS PER WATT (40K 80CRI)</b>																		
	<b>08LM 40K</b>		<b>13LM 40K</b>		<b>15LM 40K</b>		<b>17LM 40K</b>		<b>23LM 40K</b>		<b>28LM 40K</b>		<b>33LM 40K</b>		<b>40LM 40K</b>		<b>45LM 40K</b>	
<b>TRIM/FINISH</b>	Lumens	LPW																
<b>P CS</b>	657	87.7	1079	86.3	1247	86.0	1399	76.0	1848	76.7	2223	74.6	2555	73.9	3101	69.1	3497	84.3
<b>P CSS</b>	633	84.5	1040	83.2	1201	82.8	1348	73.2	1781	73.9	2142	71.9	2462	71.2	2988	66.5	3381	81.5
<b>P CD</b>	576	76.8	945	75.6	1092	75.3	1225	66.6	1619	67.2	1947	65.3	2238	64.7	2716	60.5	3140	75.7
	<b>50LM 40K</b>		<b>55LM 40K</b>		<b>60LM 40K</b>		<b>65LM 40K</b>		<b>70LM 40K</b>		<b>75LM 40K</b>		<b>80LM 40K</b>		<b>85LM 40K</b>		<b>90LM 40K</b>	
<b>TRIM/FINISH</b>	Lumens	LPW																
<b>P CS</b>	3806	83.1	4254	81.2	4386	80.3	4807	81.3	5268	79.3	5571	77.7	5834	76.9	6216	75.5	6585	72.0
<b>P CSS</b>	3680	80.4	4113	78.5	4240	77.7	4648	78.6	5094	76.7	5386	75.1	5641	74.3	6010	73.0	6367	69.6
<b>P CD</b>	3418	74.6	3820	72.9	3939	72.1	4317	73.0	4731	71.3	5003	69.8	5240	69.0	5583	67.8	5914	64.6

<b>BEAM SPREAD</b>		
<b>TRIM</b>	<b>800-4000 LUMEN</b>	<b>4500-9000 LUMEN</b>
L6 HN CS	16°	25°
L6 HN CSS	19°	30°
L6 HN CD	44°	55°
L6 H CS	53°	60°
L6 H CSS	53°	60°
L6 H CD	65°	65°
L6 HW CS	71°	73°
L6 HW CSS	71°	73°
L6 HW CD	71°	73°

<b>BEAM SPREAD</b>	
<b>TRIM</b>	<b>DEGREE</b>
L6 P CS	66°
L6 P CSS	63°
L6 P CD	72°
L6 B B	72°

**Catalog Number: L6 13LM 40K MVOLT G3 80CRI HN CS**  
**PHOTOMETRIC REPORT**  
**Test Number: PRO5152785**  
**Total Lumen Output: 1282**  
**Center Beam Candelpower: 8843**  
**Luminaire Efficacy: 102.6 lm/w (4K)**  
**Luminaire Spacing Criteria: 0.29**  
**Luminaire: Clear Specular Alzak®, Narrow Flood**  
**Hyperbolic Reflector.**  
**CIE-Type: Direct**



**CANDLEPOWER DISTRIBUTION (Candelas)**

Angle	Candela	Lumens
0°	8843	
5°	6199	592
15°	949	269
25°	495	229
35°	305	192
45°	0	0
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	245.6	119.6	1.6'
7'	180.5	87.9	1.9'
8'	138.2	67.3	2.1'
9'	109.2	53.2	2.4'
10'	88.4	43.1	2.7'
11'	73.1	35.6	2.9'
12'	61.4	29.9	3.2'
13'	52.3	25.5	3.5'
14'	45.1	22.0	3.7'
15'	39.3	19.1	4.0'

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	1090	85.0
0-40°	1282	100.0
0-60°	1282	100.0
0-90°	1282	100.0
90-180°	0	0
0-180°	1282	100.0

**CCT MULTIPLIER (3300-4000 Lumens)**

**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	58	50	44
6' x 6'	40	35	31
7' x 7'	30	26	23
8' x 8'	23	20	17
9' x 9'	18	16	14
10' x 10'	14	13	11
11' x 11'	12	10	9
12' x 12'	10	9	8

**LUMINANCE DATA**

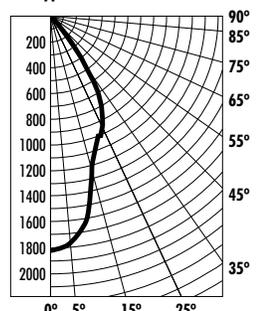
Angle in Degrees	Candela/M <sup>2</sup>
45°	0
55°	0
65°	0
75°	0
85°	0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	115	115	115	115	113	113	113	113	108	108	108	103	103	103	99	99	99	97
1	111	109	107	106	109	107	105	104	103	102	101	100	99	98	96	96	95	93
2	107	104	101	98	105	102	99	97	99	97	95	96	95	93	94	92	91	90
3	104	99	95	92	102	98	94	92	95	93	90	93	91	89	91	89	88	86
4	100	95	91	88	99	94	90	87	92	89	86	90	87	85	88	86	84	83
5	97	91	87	84	96	90	86	83	89	85	83	87	84	82	86	83	81	80
6	94	88	83	80	93	87	83	80	86	82	80	84	81	79	83	81	79	77
7	91	85	80	77	90	84	80	77	83	79	77	82	79	76	81	78	76	75
8	88	82	77	75	87	81	77	74	80	77	74	79	76	74	79	76	74	73
9	86	79	75	72	85	79	75	72	78	74	72	77	74	72	77	74	71	70
10	84	77	73	70	83	76	73	70	76	72	70	75	72	70	75	72	69	68

**Catalog Number: L6 13LM 40K MVOLT G3 80CRI HM CS**  
**PHOTOMETRIC REPORT**  
**Test Number: PRO5152681**  
**Total Lumen Output: 1336**  
**Center Beam Candelpower: 1818**  
**Luminaire Efficacy: 106.9 lm/w (4K)**  
**Luminaire Spacing Criteria: 0.73**  
**Luminaire: Clear Specular Alzak®, Medium Flood**  
**Hyperbolic Reflector.**  
**CIE-Type: Direct**



**CANDLEPOWER DISTRIBUTION (Candelas)**

Angle	Candela	Lumens
0°	1818	
5°	1733	165
15°	1226	348
25°	953	441
35°	513	322
45°	77	59
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	50.5	17.9	6.1'
7'	37.1	13.2	7.1'
8'	28.4	10.1	8.1'
9'	22.4	8.0	9.1'
10'	18.2	6.5	10.1'
11'	15.0	5.3	11.1'
12'	12.6	4.5	12.2'
13'	10.8	3.8	13.2'
14'	9.3	3.3	14.2'
15'	8.1	2.9	15.2'

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	954	71.4
0-40°	1276	95.5
0-60°	1336	100.0
0-90°	1336	100.0
90-180°	0	0
0-180°	1336	100.0

**CCT MULTIPLIER (3300-4000 Lumens)**

**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	59	49	38
6' x 6'	41	34	26
7' x 7'	30	25	19
8' x 8'	23	19	15
9' x 9'	18	15	12
10' x 10'	15	12	9
11' x 11'	12	10	8
12' x 12'	10	8	7

**LUMINANCE DATA**

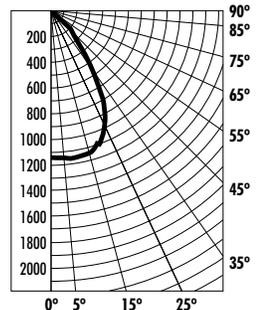
Angle in Degrees	Candela/M <sup>2</sup>
45°	5955
55°	0
65°	0
75°	0
85°	0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	118	118	118	118	115	115	115	115	110	110	110	105	105	105	101	101	101	99
1	113	110	108	105	110	108	106	104	104	102	101	100	99	98	97	96	95	93
2	107	103	99	95	105	101	97	94	98	95	92	95	92	90	92	90	88	87
3	102	96	91	87	100	94	90	86	92	88	85	89	86	84	87	85	82	81
4	97	90	84	80	95	89	84	80	86	82	79	84	81	78	83	80	77	76
5	92	84	78	74	91	83	78	74	81	77	73	80	76	73	78	75	72	71
6	88	79	73	69	86	78	73	69	77	72	68	75	71	68	74	70	67	66
7	83	74	69	64	82	74	68	64	72	68	64	71	67	64	70	66	63	62
8	79	70	64	60	78	70	64	60	68	64	60	67	63	60	67	62	59	58
9	76	66	61	57	75	66	60	57	65	60	56	64	59	56	63	59	56	55
10	72	63	57	53	71	62	57	53	62	57	53	61	56	53	60	56	53	52

**Catalog Number: L6 13LM 40K MVOLT G3 80CRI HW CS**  
**PHOTOMETRIC REPORT**  
**Test Number: PRO5152782**  
**Total Lumen Output: 1363**  
**Center Beam Candelpower: 1121**  
**Luminaire Efficacy: 109.0 lm/w (4K)**  
**Luminaire Spacing Criteria: 1.05**  
**Luminaire: Clear Specular Alzak®, Wide Flood**  
**Hyperbolic Reflector.**  
**CIE-Type: Direct**



**CANDLEPOWER DISTRIBUTION (Candelas)**

Angle	Candela	Lumens
0°	1095	
5°	1101	105
15°	1089	309
25°	947	438
35°	571	359
45°	195	151
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	30.4	8.5	8.5'
7'	22.3	6.2	9.9'
8'	17.1	4.8	11.3'
9'	13.5	3.8	12.7'
10'	10.9	3.1	14.1'
11'	9.0	2.5	15.5'
12'	7.6	2.1	16.9'
13'	6.5	1.8	18.3'
14'	5.6	1.6	19.7'
15'	4.9	1.4	21.2'

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	852	62.6
0-40°	1211	88.9
0-60°	1362	100.0
0-90°	1362	100.0
90-180°	0	0
0-180°	1362	100.0

**CCT MULTIPLIER (3300-4000 Lumens)**

**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	60	48	36
6' x 6'	42	33	25
7' x 7'	31	24	18
8' x 8'	23	19	14
9' x 9'	19	15	11
10' x 10'	15	12	9
11' x 11'	12	10	7
12' x 12'	10	8	6

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	15130
55°	0
65°	0
75°	0
85°	0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	115	115	115	115	113	113	113	113	108	108	108	103	103	103	99	99	99	97
1	110	107	104	102	107	105	103	101	101	99	98	97	96	95	94	93	92	90
2	104	99	95	92	102	97	94	91	94	91	89	91	89	87	89	87	85	83
3	98	92	87	83	96	91	86	82	88	84	81	86	82	80	83	81	78	77
4	93	85	80	76	91	84	79	75	82	78	74	80	76	73	78	75	72	71
5	88	80	74	69	86	79	73	69	77	72	68	75	71	68	74	70	67	66
6	83	74	68	64	82	73	68	63	72	67	63	70	66	63	69			

**Catalog Number: L6 45LM 40K 120 G3 80CRI HN CS**

**PHOTOMETRIC REPORT**

Test Number: PR04152185

Total Lumen Output: 4050

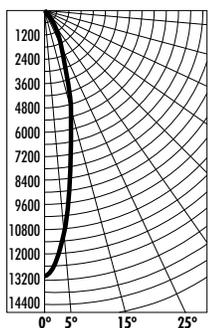
Center Beam Candlepower: 13,148

Luminaire Efficacy: 97.6 lm/w (4K)

Luminaire Spacing Criteria: 0.42

Luminaire: Clear Specular Alzak®, Narrow Flood Hyperbolic Reflector.

CIE-Type: Direct



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	13148	
5°	11555	1103
15°	4984	1413
25°	2090	968
35°	895	562
45°	3	2
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	365.2	169.9	2.7'
7'	268.3	124.8	3.1'
8'	205.4	95.6	3.6'
9'	162.3	75.5	4.0'
10'	131.5	61.2	4.4'
11'	108.7	50.5	4.9'
12'	91.3	42.5	5.3'
13'	77.8	36.2	5.8'
14'	67.1	31.2	6.2'
15'	58.4	27.2	6.7'

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	181	156	131
6' x 6'	126	108	91
7' x 7'	93	79	67
8' x 8'	71	61	51
9' x 9'	56	48	41
10' x 10'	45	39	33
11' x 11'	37	32	27
12' x 12'	32	27	23

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	187
55°	0
65°	0
75°	0
85°	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	3483	86.1
0-40°	4045	100.0
0-60°	4047	100.0
0-90°	4047	100.0
90-180°	0	0
0-180°	4047	100.0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	114	112	110	108	112	110	108	106	106	104	103	102	101	100	99	98	97	95
2	110	106	102	100	108	104	101	98	101	98	96	98	96	94	95	94	92	91
3	106	110	96	93	104	99	95	92	96	93	91	94	91	89	92	90	88	87
4	101	95	91	87	100	94	90	87	92	89	86	90	87	85	88	86	84	83
5	98	91	86	82	96	90	85	82	88	84	81	87	83	81	85	82	80	79
6	94	87	82	78	93	86	81	78	85	81	78	83	80	77	82	79	77	75
7	90	83	78	75	89	82	78	74	81	77	74	80	76	74	79	76	73	72
8	87	79	75	71	86	79	74	71	78	74	71	77	73	71	76	73	70	69
9	84	76	72	68	83	76	71	68	75	71	68	74	70	68	73	70	68	66
10	81	73	69	66	80	73	69	65	72	68	65	72	68	65	71	67	65	64

**CCT MULTIPLIER**

(3300-4000 Lumens)  
27K = 0.91 35K = 0.99  
30K = 0.96 40K = 1.00

**Catalog Number: L6 45LM 40K 120 G3 80CRI HM CS**

**PHOTOMETRIC REPORT**

Test Number: PR04152081

Total Lumen Output: 4295

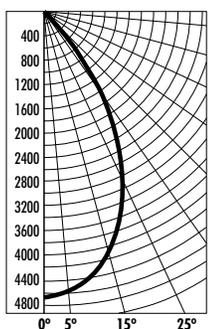
Center Beam Candlepower: 4655

Luminaire Efficacy: 103.5 lm/w (4K)

Luminaire Spacing Criteria: 0.93

Luminaire: Clear Specular Alzak®, Medium Flood Hyperbolic Reflector.

CIE-Type: Direct



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	4646	
5°	4608	440
15°	4156	1178
25°	3113	1441
35°	1657	1041
45°	248	192
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	129.1	41.1	7.1'
7'	94.8	30.2	8.3'
8'	72.6	23.1	9.5'
9'	57.4	18.3	10.7'
10'	46.5	14.8	11.9'
11'	38.4	12.2	13.0'
12'	32.3	10.3	14.2'
13'	27.5	8.8	15.4'
14'	23.7	7.6	16.6'
15'	20.6	6.6	17.8'

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	191	155	120
6' x 6'	132	107	84
7' x 7'	97	79	61
8' x 8'	74	60	47
9' x 9'	59	48	37
10' x 10'	48	39	30
11' x 11'	39	32	25
12' x 12'	33	27	21

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	18419
55°	0
65°	0
75°	0
85°	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	3059	71.3
0-40°	4100	95.5
0-60°	4291	100.0
0-90°	4291	100.0
90-180°	0	0
0-180°	4291	100.0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	113	111	108	106	111	109	106	104	105	103	101	101	99	98	97	96	95	94
2	108	103	99	96	106	101	98	95	98	95	93	95	93	91	92	90	89	87
3	103	96	91	87	101	95	90	87	92	88	85	90	87	84	87	85	83	81
4	97	90	84	80	96	89	84	80	87	82	79	85	81	78	83	80	77	75
5	92	84	78	74	91	83	78	74	81	77	73	80	76	72	78	75	72	70
6	88	79	73	69	86	78	72	68	77	72	68	75	71	67	74	70	67	66
7	83	74	68	64	82	73	68	64	72	67	63	71	66	63	70	66	63	61
8	79	70	64	60	78	69	63	60	68	63	59	67	62	59	66	62	59	57
9	75	66	60	56	74	65	60	56	64	59	56	63	59	55	63	58	55	54
10	72	62	56	52	71	62	56	52	61	56	52	60	55	52	59	55	52	51

**CCT MULTIPLIER**

(3300-4000 Lumens)  
27K = 0.91 35K = 0.99  
30K = 0.96 40K = 1.00

**Catalog Number: L6 45LM 40K 120 G3 80CRI HW CS**

**PHOTOMETRIC REPORT**

Test Number: PR04152084

Total Lumen Output: 4315

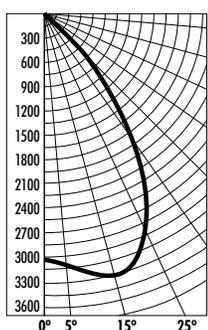
Center Beam Candlepower: 3304

Luminaire Efficacy: 103.9 lm/w (4K)

Luminaire Spacing Criteria: 1.12

Luminaire: Clear Specular Alzak®, Wide Flood Hyperbolic Reflector.

CIE-Type: Direct



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	3088	
5°	3123	298
15°	3302	936
25°	2964	1372
35°	1894	1190
45°	670	519
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	85.8	23.6	9.0'
7'	63.0	17.3	10.5'
8'	48.3	13.2	12.0'
9'	38.1	10.5	13.5'
10'	30.9	8.5	15.0'
11'	25.5	7.0	16.5'
12'	21.4	5.9	18.0'
13'	18.3	5.0	19.5'
14'	15.8	4.3	21.0'
15'	13.7	3.8	22.5'

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	190	150	114
6' x 6'	132	104	79
7' x 7'	97	77	58
8' x 8'	74	59	44
9' x 9'	59	46	35
10' x 10'	47	38	28
11' x 11'	39	31	24
12' x 12'	33	26	20

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	49811
55°	0
65°	0
75°	0
85°	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	2606	60.4
0-40°	3795	88.0
0-60°	4314	100.0
0-90°	4314	100.0
90-180°	0	0
0-180°	4314	100.0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	118	118	118	118	115	115	115	115	110	110	110							

**Catalog Number: L6 90LM 40K 120 G3 80CRI HN CS**

**PHOTOMETRIC REPORT**

Test Number: PR04152195

Total Lumen Output: 7626

Center Beam Candlepower: 24,761

Luminaire Efficacy: 83.3 lm/w (4K)

Luminaire Spacing Criteria: 0.42

Luminaire: Clear Specular Alzak®, Narrow Flood Hyperbolic Reflector.

CIE-Type: Direct



**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	687.8	319.9	2.7'
7'	505.3	235.1	3.1'
8'	386.9	180.0	3.6'
9'	305.7	142.2	4.0'
10'	247.6	115.2	4.4'
11'	204.6	95.2	4.9'
12'	171.9	80.0	5.3'
13'	146.5	68.2	5.8'
14'	126.3	58.8	6.2'
15'	110.0	51.2	6.7'

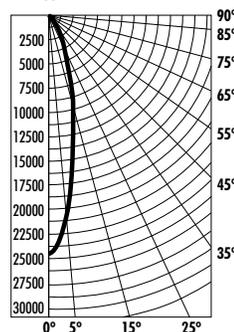
**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	342	293	247
6' x 6'	237	203	172
7' x 7'	174	149	126
8' x 8'	133	114	97
9' x 9'	105	90	76
10' x 10'	85	73	62
11' x 11'	71	61	51
12' x 12'	59	51	43

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	352
55°	201
65°	0
75°	0
85°	0



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	24761	
5°	21760	2077
15°	9385	2660
25°	3937	1822
35°	1686	1059
45°	5	4
55°	0	0
65°	0	0
75°	0	0
85°	0	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	6560	86.0
0-40°	7618	99.9
0-60°	7624	100.0
0-90°	7624	100.0
90-180°	0	0
0-180°	7624	100.0

**CCT MULTIPLIER**

(3300-4000 Lumens)  
**27K = 0.91 35K = 0.99**  
**3K = 0.96 4K = 1.00**

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0			
	PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10				
0	119	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	114	112	110	108	106	112	110	108	106	106	104	103	102	101	100	99	98	97	95
2	110	106	102	100	108	104	101	98	101	98	96	98	96	94	95	94	92	91	87
3	106	110	96	93	104	99	95	92	96	93	91	94	91	89	92	90	88	87	87
4	101	95	91	87	100	94	90	87	92	89	86	90	87	85	88	86	84	83	79
5	98	91	86	82	96	90	85	82	88	84	81	87	83	81	85	82	80	78	83
6	94	87	82	78	93	86	81	78	85	81	78	83	80	77	82	79	77	75	75
7	91	83	78	75	89	82	78	74	81	77	74	80	76	74	79	76	73	72	72
8	87	80	75	71	86	79	74	71	78	74	71	77	73	71	76	73	70	69	69
9	84	76	72	68	83	76	71	68	75	71	68	74	70	68	73	70	68	66	66
10	81	73	69	66	80	73	69	65	72	68	65	72	68	65	71	68	65	64	64

**Catalog Number: L6 90LM 40K 120 G3 80CRI HM CS**

**PHOTOMETRIC REPORT**

Test Number: PR04152091

Total Lumen Output: 8088

Center Beam Candlepower: 8767

Luminaire Efficacy: 88.4 lm/w (4K)

Luminaire Spacing Criteria: 0.93

Luminaire: Clear Specular Alzak®, Medium Flood Hyperbolic Reflector.

CIE-Type: Direct



**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	243.0	77.5	7.1'
7'	178.6	56.9	8.3'
8'	136.7	43.6	9.5'
9'	108.0	34.4	10.7'
10'	87.5	27.9	11.9'
11'	72.3	23.1	13.0'
12'	60.8	19.4	14.2'
13'	51.8	16.5	15.4'
14'	44.6	14.2	16.6'
15'	38.9	12.4	17.8'

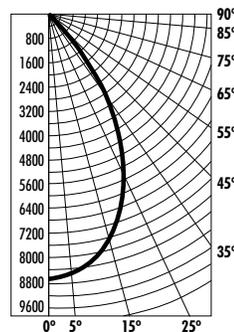
**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	359	291	226
6' x 6'	249	202	157
7' x 7'	183	149	116
8' x 8'	140	114	88
9' x 9'	111	90	70
10' x 10'	90	73	57
11' x 11'	74	60	47
12' x 12'	62	51	39

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	34688
55°	237
65°	0
75°	490
85°	0



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	8750	
5°	8679	828
15°	7826	2218
25°	5862	2713
35°	3121	1961
45°	466	361
55°	3	2
65°	0	0
75°	0	0
85°	0	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	5760	71.2
0-40°	7721	95.5
0-60°	8084	100.0
0-90°	8087	100.0
90-180°	0	0
0-180°	8087	100.0

**CCT MULTIPLIER**

(3300-4000 Lumens)  
**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0			
	PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10				
0	119	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	113	111	108	106	111	109	106	104	105	103	101	101	99	98	97	96	95	94	94
2	108	103	99	96	106	101	98	95	98	95	93	95	93	91	92	91	89	87	87
3	103	96	91	87	101	95	90	87	92	88	85	90	87	84	88	85	83	81	81
4	97	90	84	80	96	89	84	80	87	82	79	85	81	78	83	80	77	75	75
5	92	84	78	74	91	83	78	74	81	77	73	80	76	72	78	75	72	70	70
6	88	79	73	69	86	78	72	68	77	72	68	75	71	67	74	70	67	66	66
7	83	74	68	64	82	73	68	64	72	67	63	71	66	63	70	66	63	61	61
8	79	70	64	60	78	69	63	60	68	63	59	67	62	59	66	62	59	57	57
9	75	66	60	56	74	65	60	56	64	59	56	63	59	55	63	58	55	54	54
10	72	62	56	52	71	62	56	52	61	56	52	60	55	52	59	55	52	51	51

**Catalog Number: L6 90LM 40K 120 G3 80CRI HW CS**

**PHOTOMETRIC REPORT**

Test Number: PR04152094

Total Lumen Output: 8127

Center Beam Candlepower: 6223

Luminaire Efficacy: 88.8 lm/w (4K)

Luminaire Spacing Criteria: 1.12

Luminaire: Clear Specular Alzak®, Wide Flood Hyperbolic Reflector.

CIE-Type: Direct



**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	161.5	44.4	9.0'
7'	118.7	32.6	10.5'
8'	90.9	24.9	12.0'
9'	71.8	19.7	13.5'
10'	58.2	16.0	15.0'
11'	48.1	13.2	16.5'
12'	40.4	11.1	18.0'
13'	34.4	9.4	19.5'
14'	29.7	8.1	21.0'
15'	25.8	7.1	22.5'

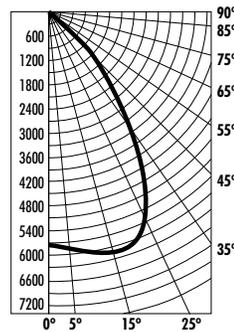
**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	364	283	215
6' x 6'	253	196	149
7' x 7'	186	144	109
8' x 8'	142	110	84
9' x 9'	112	87	66
10' x 10'	91	71	54
11' x 11'	75	58	44
12' x 12'	63	49	37

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	93807
55°	186
65°	0
75°	0
85°	0



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	5816	
5°	5881	561
15°	6219	1763
25°	5581	2583
35°	3566	2240
45°	1261	977
55°	2	2
65°	0	0
75°	0	0
85°	0	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	4907	60.4
0-40°	7148	88.0
0-60°	8126	100.0
0-90°	8126	100.0
90-180°	0	0
0-180°	8126	100.0

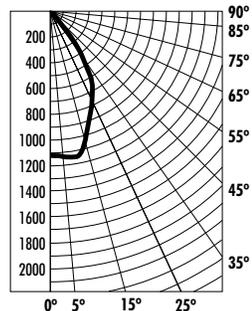
**CCT MULTIPLIER**

(3300-4000 Lumens)  
**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

**Catalog Number: L6 13LM 40K MVOLT G3 80CRI P CS**  
**PHOTOMETRIC REPORT**  
**Test Number: PRO152981**  
**Total Lumen Output: 1078**  
**Luminaire Efficacy: 86.2 lm/w (4K)**  
**Luminaire Spacing Criteria: 0.97**  
**Luminaire:** Clear Specular Alzak®, Parabolic Cone & Frosted Convex Glass.  
**CIE-Type:** Direct



**CANDLEPOWER DISTRIBUTION (Candelas)**

Angle	Candela	Lumens
0°	1082	
5°	1106	106
15°	1032	293
25°	764	354
35°	456	286
45°	48	38
55°	1	1
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	30.1	9.2	7.8'
7'	22.1	6.8	9.1'
8'	16.9	5.2	10.4'
9'	13.4	4.1	11.7'
10'	10.8	3.3	13.0'
11'	8.9	2.7	14.3'
12'	7.5	2.3	15.5'
13'	6.4	2.0	16.8'
14'	5.5	1.7	18.1'
15'	4.8	1.5	19.4'

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	752	69.8
0-40°	1038	96.4
0-60°	1077	100.0
0-90°	1077	100.0
90-180°	0	0
0-180°	1077	100.0

**CCT MULTIPLIER (3300-4000 Lumens)**

**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	48	39	30
6' x 6'	33	27	21
7' x 7'	24	20	15
8' x 8'	19	15	12
9' x 9'	15	12	9
10' x 10'	12	10	8
11' x 11'	10	8	6
12' x 12'	8	7	5

**LUMINANCE DATA**

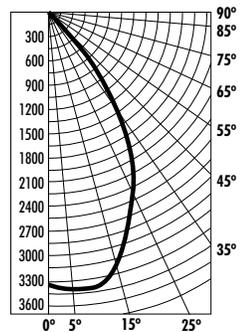
Angle in Degrees	Candela/M <sup>2</sup>
45°	3754
55°	96
65°	0
75°	0
85°	0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	0			
0	120	120	120	120	117	117	117	117	112	112	112	107	107	107	103	103	103	101
1	115	112	109	107	112	110	108	105	106	104	102	102	100	99	98	97	96	95
2	109	104	100	97	107	102	99	96	99	96	93	96	94	91	93	91	90	88
3	104	97	92	88	102	96	91	87	93	89	86	91	87	85	88	86	83	82
4	98	91	85	81	96	89	84	80	87	83	79	85	81	78	83	80	77	76
5	93	85	79	74	91	84	78	74	82	77	73	80	76	73	79	75	72	71
6	88	79	73	69	87	78	73	69	77	72	68	76	71	68	74	70	67	66
7	84	74	68	64	83	74	68	64	72	67	63	71	67	63	70	66	63	61
8	80	70	64	60	78	69	64	60	68	63	59	67	62	59	66	62	59	57
9	76	66	60	56	75	65	60	56	64	59	55	64	59	55	63	58	55	54
10	72	62	56	52	71	62	56	52	61	56	52	60	55	52	59	55	52	50

**Catalog Number: L6 45LM 40K 120 G3 80CRI P CS**  
**PHOTOMETRIC REPORT**  
**Test Number: PRO4152286**  
**Total Lumen Output: 3497**  
**Luminaire Efficacy: 84.3 lm/w (4K)**  
**Luminaire Spacing Criteria: 0.98**  
**Luminaire:** Clear Specular Alzak®, Parabolic Cone, Frosted Convex Glass Lens.  
**CIE-Type:** Direct



**CANDLEPOWER DISTRIBUTION (Candelas)**

Angle	Candela	Lumens
0°	3371	
5°	3434	328
15°	3272	927
25°	2463	1140
35°	1478	929
45°	211	164
55°	8	7
65°	0	0
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	93.6	28.3	7.8'
7'	68.8	20.8	9.1'
8'	52.7	15.9	10.4'
9'	41.6	12.6	11.7'
10'	33.7	10.2	13.0'
11'	27.9	8.4	14.3'
12'	23.4	7.1	15.6'
13'	19.9	6.0	16.9'
14'	17.2	5.2	18.2'
15'	15.0	4.5	19.5'

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	2395	68.5
0-40°	3324	95.1
0-60°	3495	100.0
0-90°	3495	100.0
90-180°	0	0
0-180°	3495	100.0

**CCT MULTIPLIER (3300-4000 Lumens)**

**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	155	126	96
6' x 6'	108	87	67
7' x 7'	79	64	49
8' x 8'	61	49	38
9' x 9'	48	39	30
10' x 10'	39	31	24
11' x 11'	32	26	20
12' x 12'	27	22	17

**LUMINANCE DATA**

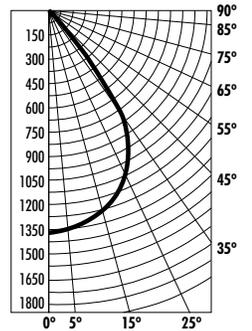
Angle in Degrees	Candela/M <sup>2</sup>
45°	16375
55°	767
65°	0
75°	0
85°	0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	0			
0	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	113	111	108	106	111	108	106	104	104	103	101	101	99	98	97	96	95	93
2	108	103	99	95	106	101	97	94	98	95	92	95	92	90	92	90	88	87
3	102	96	91	87	100	94	90	86	92	88	85	89	86	83	87	84	82	80
4	97	89	84	79	95	88	83	79	86	82	78	84	80	77	82	79	76	75
5	92	83	78	73	90	82	77	73	81	76	72	79	75	72	77	74	71	69
6	87	78	72	68	86	77	72	67	76	71	67	74	70	67	73	69	66	65
7	83	73	67	63	81	73	67	63	71	66	62	70	65	62	69	65	62	60
8	78	69	63	59	77	68	62	58	67	62	58	66	61	58	65	61	58	56
9	75	65	59	55	73	64	59	55	63	58	54	62	58	54	62	57	54	53
10	71	61	55	51	70	61	55	51	60	55	51	59	54	51	58	54	51	49

**Catalog Number: L6 45LM 40K 120 G3 80CRI BAF BL**  
**PHOTOMETRIC REPORT**  
**Test Number: PRO4152283**  
**Total Lumen Output: 1650**  
**Luminaire Efficacy: 39.7 lm/w (4K)**  
**Luminaire Spacing Criteria: 1.07**  
**Luminaire:** Black Multi-Groove Baffle, Frosted Convex Glass Lens.  
**CIE-Type:** Direct



**CANDLEPOWER DISTRIBUTION (Candelas)**

Angle	Candela	Lumens
0°	1364	
5°	1357	130
15°	1304	369
25°	1183	548
35°	772	485
45°	121	93
55°	17	15
65°	9	9
75°	0	0
85°	0	0

**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	37.9	10.0	8.8'
7'	27.8	7.3	10.2'
8'	21.3	5.6	11.7'
9'	16.8	4.4	13.1'
10'	13.6	3.6	14.6'
11'	11.3	3.0	16.1'
12'	9.5	2.5	17.5'
13'	8.1	2.1	19.0'
14'	7.0	1.8	20.4'
15'	6.1	1.6	21.9'

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	1047	63.5
0-40°	1532	92.9
0-60°	1640	99.5
0-90°	1649	100.0
90-180°	0	0
0-180°	1649	100.0

**CCT MULTIPLIER (3300-4000 Lumens)**

**27K = 0.91 35K = 0.99**  
**3K = 0.96 4K = 1.00**

**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	73	58	44
6' x 6'	51	40	31
7' x 7'	37	30	23
8' x 8'	29	23	17
9' x 9'	23	18	14
10' x 10'	18	15	11
11' x 11'	15	12	9
12' x 12'	13	10	8

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	11131
55°	1955
65°	1406
75°	0
85°	0

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	0			
0	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	113	110	108	105	111	108	106	104	104	102	100	100	99	97	97	96	95	93
2	107	102	98	94	105	100	96	93	97	94	91	94	91	89	91	89	87	86
3	101	95	89	85	99	93	88	84	91	86	83	88	85	82	86	83	81	79
4	96	88	82	78	94	87	81	77	84	80	76	82	78	75	81			

**Catalog Number: L6 90LM 40K 120 G3 80CRI P CS**

**PHOTOMETRIC REPORT**

**Test Number:** PR04152196

**Total Lumen Output:** 6585

**Luminaire Efficacy:** 72.0 lm/w (4K)

**Luminaire Spacing Criteria:** 0.98

**Luminaire:** Clear Specular Alzak®, Parabolic Cone,

Frosted Convex Glass Lens.

**CIE-Type:** Direct



**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	176.3	53.3	7.8'
7'	129.5	39.2	9.1'
8'	99.2	30.0	10.4'
9'	78.4	23.7	11.7'
10'	63.5	19.2	13.0'
11'	52.5	15.9	14.3'
12'	44.1	13.3	15.6'
13'	37.6	11.4	16.9'
14'	32.4	9.8	18.2'
15'	28.2	8.5	19.5'

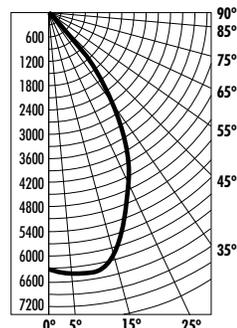
**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	292	237	182
6' x 6'	203	165	126
7' x 7'	149	121	93
8' x 8'	114	93	71
9' x 9'	90	73	56
10' x 10'	73	59	45
11' x 11'	60	49	38
12' x 12'	51	41	32

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	30839
55°	1445
65°	267
75°	0
85°	0



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	6348	
5°	6468	617
15°	6162	1747
25°	4639	2147
35°	2784	1749
45°	398	308
55°	15	14
65°	2	2
75°	0	0
85°	0	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	4511	68.5
0-40°	6260	95.1
0-60°	6582	100.0
0-90°	6584	100.0
90-180°	0	0
0-180°	6584	100.0

**CCT MULTIPLIER**

(3300-4000 Lumens)  
**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
	PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	0		
0	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	113	111	108	106	111	108	106	104	104	103	101	101	99	98	97	96	95	93
2	108	103	99	95	106	101	97	94	98	95	92	95	92	90	92	90	88	87
3	102	96	91	87	100	94	90	86	92	88	85	89	86	83	87	84	82	80
4	97	89	84	79	95	88	83	79	86	82	78	84	80	77	82	79	76	75
5	92	83	78	73	90	82	77	73	81	76	72	79	75	72	77	74	71	69
6	87	78	72	68	86	77	72	67	76	71	67	74	70	67	73	69	66	65
7	83	73	67	63	81	73	67	63	71	66	62	70	65	62	69	65	62	60
8	78	69	63	59	77	68	62	58	67	62	58	66	61	58	65	61	58	56
9	75	65	59	55	73	64	59	55	63	58	54	62	58	54	62	57	54	53
10	71	61	55	51	70	61	55	51	60	55	51	59	54	51	58	54	51	49

**Catalog Number: L6 90LM 40K 120 G3 80CRI BAF BL**

**PHOTOMETRIC REPORT**

**Test Number:** PR04152293

**Total Lumen Output:** 3108

**Luminaire Efficacy:** 34.0 lm/w (4K)

**Luminaire Spacing Criteria:** 1.07

**Luminaire:** Black Multi-Groove Baffle,

Frosted Convex Glass Lens.

**CIE-Type:** Direct



**INITIAL FOOTCANDLES**

Distance to Illuminated Plane (Feet)	Footcandles Beam Center	Footcandles Beam Edge	Beam Diameter
6'	71.4	18.8	8.8'
7'	52.4	13.8	10.2'
8'	40.1	10.6	11.7'
9'	31.7	8.4	13.1'
10'	25.7	6.8	14.6'
11'	21.2	5.6	16.1'
12'	17.8	4.7	17.5'
13'	15.2	4.0	19.0'
14'	13.1	3.5	20.4'
15'	11.4	3.0	21.9'

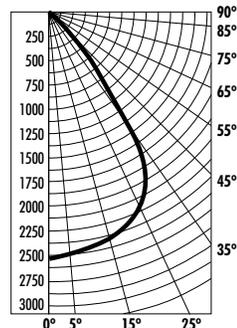
**AVERAGE INITIAL FOOTCANDLES**

Reflectances: 80% Ceiling, 50% Walls, 30% Floors

Luminaire Spacing	Room Cavity Ratio		
	RCR1	RCR4	RCR8
5' x 5'	137	109	83
6' x 6'	95	76	58
7' x 7'	70	56	42
8' x 8'	53	43	33
9' x 9'	42	34	26
10' x 10'	34	27	21
11' x 11'	28	23	17
12' x 12'	24	19	14

**LUMINANCE DATA**

Angle in Degrees	Candela/M <sup>2</sup>
45°	20963
55°	3682
65°	2648
75°	252
85°	0



**CANDLEPOWER DISTRIBUTION**  
(Candelas)

Angle	Candela	Lumens
0°	2569	
5°	2556	244
15°	2455	696
25°	2228	1031
35°	1453	913
45°	227	176
55°	32	29
65°	17	17
75°	1	1
85°	0	0

**ZONAL LUMEN SUMMARY**

Zone	Lumens%	%Fixtures
0-30°	1971	63.4
0-40°	2884	92.8
0-60°	3089	99.4
0-90°	3107	100.0
90-180°	0	0
0-180°	3107	100.0

**CCT MULTIPLIER**

(3300-4000 Lumens)  
**27K = 0.91 35K = 0.99**  
**30K = 0.96 40K = 1.00**

**COEFFICIENTS OF UTILIZATION - % (Zonal Cavity Method)**

Effective Floor Reflectance 20%

PCC	80			70			50			30			10			0		
	PW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	0		
0	119	119	119	119	116	116	116	116	111	111	111	106	106	106	102	102	102	100
1	113	110	108	105	111	108	106	104	104	102	100	100	99	97	97	96	95	93
2	107	102	98	94	105	100	96	93	97	94	91	94	91	89	91	89	87	86
3	101	95	89	85	99	93	88	84	91	86	83	88	85	82	86	83	81	79
4	96	88	82	77	94	87	81	77	84	80	76	82	78	75	81	77	74	73
5	90	82	75	71	89	81	75	71	79	74	70	77	73	69	76	72	69	67
6	85	76	70	65	84	75	69	65	74	68	64	72	68	64	71	67	64	62
7	81	71	65	60	79	70	64	60	69	64	60	68	63	59	67	62	59	58
8	77	66	60	56	75	66	60	56	65	59	55	64	59	55	63	58	55	53
9	72	62	56	52	71	62	56	52	61	55	51	60	55	51	59	54	51	50
10	69	58	52	48	68	58	52	48	57	52	48	56	51	48	56	51	48	46

Fixtures tested to IES recommended standard for solid state lighting per LM-79-08. Photometric performance on a single unit represents a baseline of performance for the fixture. Results may vary in the field.

**PERFORMANCE DATA**

**LUMINAIRES SPACED 2' FROM WALL**

Catalog Number: L6 9OLM 40K 120 G3 80CRI HWS CS Spread: Single Wall Test #: PR06151891

Single Unit						Lamp	Multiple Units On 2' Centers*			Multiple Units On 3' Centers*			Multiple Units On 4' Centers*		
Lateral Distance From Fixture 2' From Wall						BXRA N4000 4000K	Spaced 2' From Wall			Spaced 2' From Wall			Spaced 2' From Wall		
0'	1'	2'	3'	4'	5'	Distance From Ceiling	CL	CL	CL	CL	CL	CL	CL	CL	
84	61	28	11	6	5	1'	193	138	143	105	91	105	93	55	93
131	99	50	20	9	7	2'	239	233	239	171	153	171	146	101	146
102	80	44	21	11	8	3'	199	196	199	142	132	142	119	90	119
75	66	41	21	12	8	4'	166	168	166	115	117	115	93	83	93
46	50	37	21	13	9	5'	131	142	131	88	101	88	66	76	66
33	39	30	22	14	10	6'	110	120	110	75	87	75	56	65	56
26	31	26	19	14	11	7'	96	105	96	67	76	67	50	57	50
22	27	22	17	13	11	8'	83	91	83	59	67	59	45	48	45
16	21	18	14	11	9	9'	66	74	66	48	57	48	36	39	36
11	15	13	11	9	7	10'	49	55	49	37	43	37	26	32	26

**CCT MULTIPLIER**

27K = 0.91	35K = 0.99
30K = 0.96	40K = 1.00

**LUMINAIRES SPACED 3' FROM WALL**

Catalog Number: L6 9OLM 40K 120 G3 80CRI HWS CS Spread: Single Wall Test #: PR06151891

Single Unit						Lamp	Multiple Units On 3' Centers*			Multiple Units On 4' Centers*			Multiple Units On 6' Centers*		
Lateral Distance From Fixture 3' From Wall						BXRA N4000 4000K	Spaced 3' From Wall			Spaced 3' From Wall			Spaced 3' From Wall		
0'	1'	2'	3'	4'	5'	Distance From Ceiling	CL	CL	CL	CL	CL	CL	CL	CL	
29	26	18	11	7	6	1'	51	50	51	41	39	41	34	18	34
62	54	37	23	13	9	2'	108	104	108	86	80	86	68	40	68
62	55	40	26	16	11	3'	116	113	116	91	85	91	70	47	70
53	48	36	24	16	12	4'	102	100	102	80	76	80	61	44	61
47	42	32	23	16	12	5'	91	91	91	72	70	72	54	41	54
37	37	30	22	16	12	6'	81	85	81	63	67	63	45	41	45
28	31	27	21	16	13	7'	72	79	72	54	62	54	37	39	37
22	26	23	19	15	13	8'	64	72	64	48	57	48	32	35	32
17	20	19	16	13	11	9'	54	62	54	40	48	40	27	30	27
12	15	15	11	11	10	10'	43	47	43	31	37	31	21	24	21

**CCT MULTIPLIER**

27K = 0.91	35K = 0.99
30K = 0.96	40K = 1.00

**LUMINAIRES SPACED 4' FROM WALL**

Catalog Number: L6 9OLM 40K 120 G3 80CRI HWS CS Spread: Single Wall Test #: PR06151891

Single Unit						Lamp	Multiple Units On 3' Centers*			Multiple Units On 4' Centers*			Multiple Units On 6' Centers*		
Lateral Distance From Fixture 4' From Wall						BXRA N4000 4000K	Spaced 4' From Wall			Spaced 4' From Wall			Spaced 4' From Wall		
0'	1'	2'	3'	4'	5'	Distance From Ceiling	CL	CL	CL	CL	CL	CL	CL	CL	
16	15	12	9	7	7	1'	33	34	33	27	27	27	21	17	21
33	30	23	18	13	10	2'	70	69	70	56	53	56	41	34	41
42	39	31	24	18	13	3'	91	92	91	72	70	72	52	46	52
39	36	30	24	18	14	4'	89	90	89	70	69	70	50	45	50
35	33	27	22	17	13	5'	81	82	81	63	64	63	46	42	46
32	30	26	21	16	14	6'	77	77	77	61	60	61	43	40	43
30	28	24	20	16	13	7'	73	74	73	58	57	58	41	38	41
24	25	22	18	15	13	8'	66	70	66	52	55	52	36	35	36
18	20	19	16	13	12	9'	56	61	56	43	48	43	29	31	29
13	15	15	13	11	10	10'	44	46	44	33	37	33	22	26	22

**CCT MULTIPLIER**

27K = 0.91	35K = 0.99
30K = 0.96	40K = 1.00

\*Based on minimum of five luminaires. Reflectances: 80, 50, 20. Values are rounded to nearest whole footcandle.

Fixtures tested to IES recommended standard for solid state lighting per LM-79-08. Photometric performance on a single unit represents a baseline of performance for the fixture. Results may vary in the field.

**PERFORMANCE DATA**

**LUMINAIRES SPACED 2' FROM WALL**

Catalog Number: L6 90LM 40K 120 G3 80CRI WS CSS Spread: Single Wall Test #: PR04152492

Single Unit						Lamp	Multiple Units On 2' Centers*			Multiple Units On 3' Centers*			Multiple Units On 4' Centers*		
Lateral Distance From Fixture 2' From Wall						BXRC-40E1OK0-L-23 4000K	Spaced 2' From Wall			Spaced 2' From Wall			Spaced 2' From Wall		
0'	1'	2'	3'	4'	5'	Distance From Ceiling	CL	CL	CL	CL	CL	CL	CL	CL	CL
55	40	18	8	6	5	1'	93	88	93	71	58	71	63	35	63
109	79	39	16	8	7	2'	190	184	190	140	121	140	121	78	121
110	82	42	19	11	8	3'	198	195	198	146	129	146	126	85	126
81	74	46	22	13	9	4'	180	185	180	122	132	122	99	93	99
46	51	41	25	15	10	5'	141	149	141	94	107	94	68	85	68
33	37	32	25	16	12	6'	115	123	115	81	88	81	59	68	59
25	28	26	21	17	13	7'	97	103	97	69	76	69	53	57	53
20	24	21	18	15	13	8'	83	88	83	61	66	61	47	47	47
15	18	16	14	12	11	9'	66	70	66	49	54	49	38	38	38

CCT MULTIPLIER			
27K = 0.91	35K = 0.99		
30K = 0.96	40K = 1.00		

**LUMINAIRES SPACED 3' FROM WALL**

Catalog Number: L6 90LM 40K 120 G3 80CRI WS CSS Spread: Single Wall Test #: PR04152492

Single Unit						Lamp	Multiple Units On 3' Centers*			Multiple Units On 4' Centers*			Multiple Units On 6' Centers*		
Lateral Distance From Fixture 3' From Wall						BXRC-40E1OK0-L-23 4000K	Spaced 3' From Wall			Spaced 3' From Wall			Spaced 3' From Wall		
0'	1'	2'	3'	4'	5'	Distance From Ceiling	CL	CL	CL	CL	CL	CL	CL	CL	CL
19	16	12	8	6	6	1'	33	32	33	28	26	28	23	12	23
47	40	27	17	11	8	2'	80	76	80	64	58	64	53	28	53
54	47	34	22	14	10	3'	97	93	97	77	71	77	61	38	61
55	48	34	23	15	11	4'	98	96	98	79	73	79	62	41	62
52	47	35	24	16	12	5'	98	99	98	77	76	77	59	43	59
40	40	34	25	18	13	6'	88	93	88	68	75	68	48	46	48
28	31	29	24	19	14	7'	78	83	78	59	65	59	38	45	38
22	25	23	21	17	15	8'	68	74	68	52	58	52	34	39	34
17	19	18	17	15	13	9'	56	62	56	44	48	44	29	31	29

CCT MULTIPLIER			
27K = 0.91	35K = 0.99		
30K = 0.96	40K = 1.00		

**LUMINAIRES SPACED 4' FROM WALL**

Catalog Number: L6 90LM 40K 120 G3 80CRI WS CSS Spread: Single Wall Test #: PR04152492

Single Unit						Lamp	Multiple Units On 3' Centers*			Multiple Units On 4' Centers*			Multiple Units On 6' Centers*		
Lateral Distance From Fixture 4' From Wall						BXRC-40E1OK0-L-23 4000K	Spaced 4' From Wall			Spaced 4' From Wall			Spaced 4' From Wall		
0'	1'	2'	3'	4'	5'	Distance From Ceiling	CL	CL	CL	CL	CL	CL	CL	CL	CL
11	10	8	7	6	6	1'	23	23	23	20	19	20	15	12	15
25	22	18	13	11	9	2'	51	50	51	41	39	41	31	25	31
34	31	25	19	15	11	3'	71	71	71	57	55	57	42	36	42
35	32	26	21	16	13	4'	76	76	76	61	59	61	44	38	44
35	32	27	21	16	13	5'	77	77	77	62	61	62	45	40	45
36	33	28	22	17	14	6'	80	80	80	63	63	63	47	41	47
33	31	27	22	17	14	7'	80	80	80	61	63	61	44	42	44
25	26	25	20	17	15	8'	72	75	72	57	60	57	38	39	38
18	20	19	17	16	13	9'	60	64	60	47	51	47	31	34	31

CCT MULTIPLIER			
27K = 0.91	35K = 0.99		
30K = 0.96	40K = 1.00		

\*Based on minimum of five luminaires. Reflectances: 80, 50, 20. Values are rounded to nearest whole footcandle.

Fixtures tested to IES recommended standard for solid state lighting per LM-79-08. Photometric performance on a single unit represents a baseline of performance for the fixture. Results may vary in the field.

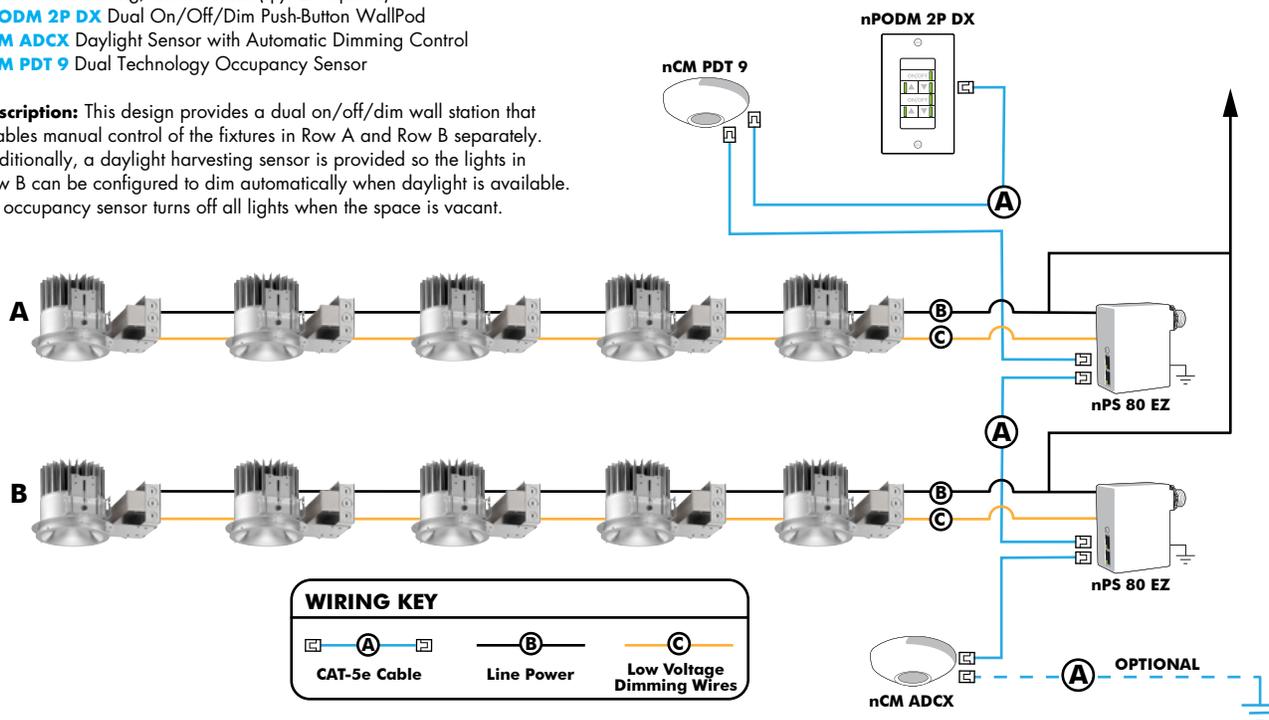
**EXAMPLE**

Group Fixture Control\*

\*Application diagram applies for fixtures with eldoLED drivers only.

- nPS 80 EZ Dimming/Control Pack (qty: 2 required)
- nPODM 2P DX Dual On/Off/Dim Push-Button WallPod
- nCM ADCX Daylight Sensor with Automatic Dimming Control
- nCM PDT 9 Dual Technology Occupancy Sensor

**Description:** This design provides a dual on/off/dim wall station that enables manual control of the fixtures in Row A and Row B separately. Additionally, a daylight harvesting sensor is provided so the lights in Row B can be configured to dim automatically when daylight is available. An occupancy sensor turns off all lights when the space is vacant.



**Choose Wall Controls**

nLight offers multiple styles of wall controls - each with varying features and user experience.



**Push-Button Wallpod**  
Traditional tactile buttons and LED user feedback

**Graphic Wallpod**  
Full color touch screen provides a sophisticated look and feel

nLight® Controls Accessories:			
Order as separate catalog number. Visit <a href="http://www.sensorswitch.com/nLight">www.sensorswitch.com/nLight</a> for complete listing of nLight controls.			
<b>WallPod Stations</b>	<b>Model number</b>	<b>Occupancy sensors</b>	<b>Model Number</b>
On/Off	nPODM (Color)	Small motion 360°, ceiling (PIR/dual Tech)	nCM 9 / nCM PDT 9
On/Off & Raise/Lower	nPOD DX (Color)	Large motion 360°, ceiling (PIR/dual tech)	nCM 10 / nCM PDT 10
Graphic Touchscreen	nPOD GFX (Color)	Wide View (PIR/dual tech)	nWV 16 / nWV PDT 16
<b>Photocell controls</b>	<b>Model Number</b>	Wall Switch w/ Raise/Lower (PIR/dual tech)	nWSX LV DX / nWSX PDT LV DX
Dimming	nCM ADCX	<b>Cat-5 cables (plenum rated)</b>	<b>Model Number</b>
		10', CAT5 10FT	CAT5 10FT J1
		15, CAT5 15FT	CAT5 15FT J1

**Capable Luminaire**

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and out-of-the-box control compatibility with simple commissioning.

- All configurations of this luminaire meet the Acuity Brand's specification for chromatic consistency.
- This luminaire is part of an A+ Certified solution for nLight control networks when ordered with drivers marked by a Shaded background\*
- This Luminaire is part of an A+ Certified solution for nLight control networks, providing advanced control functionality at the luminaire level, when selection includes driver and control options marked by a shaded background\*

To learn more about A+, visit [www.acuitybrands.com/aplus](http://www.acuitybrands.com/aplus).

\*See ordering tree for details



# Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road  
Plymouth, Maine 04969  
info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

September 21, 2017

## **Waiver Request: 30 Fox Street, Portland, Maine**

The proposed project at 30 Fox Street in Portland, Maine includes a three (3) unit building with three parking spaces on the first floor of the building and associated parking area. Due to the lot size, the parking spaces are all proposed to be sized for compact cars. Access to the parking spots will be via a 12-foot wide, paved driveway utilizing an existing curb cut on Fox Street.

The applicant is proposing three (3) parking spaces to maximize the salability of the units and meet the City's ordinances. As with many parking areas within the City of Portland, the parking area has been included within the building footprint to utilize the development potential of the property, while minimizing the impervious area on the site. This is the reason for proposing compact car spaces exclusively and proposing a 12-foot wide driveway.

Due to these circumstances, the applicant respectfully requests the following waivers:

1. A waiver of the parking standards to allow 100 percent of the proposed parking spaces to be compact car spaces.
2. A waiver of the access aisle width requirement for angled parking.

Prepared by:  
PLYMOUTH ENGINEERING, INC.

Jon H. Whitten, Jr., P.E.  
Senior Project Manager



## Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

October 5, 2017

Jon Whitten  
Plymouth Engineering  
30 Lower Detroit Road  
Plymouth, ME 04969

Re: 30 Fox Street, PO  
Ability to Serve with PWD Water

Dear Mr. Whitten:

The Portland Water District has received your request for an Ability to Serve Determination for the noted site submitted on September 21, 2017. Based on the information provided per plans dated September 21, 2017, we can confirm that the District will be able to serve the proposed project as further described in this letter. **Please note that this letter constitutes approval of the water system as currently designed. Any changes affecting the approved water system will require further review and approval by PWD.**

### Conditions of Service

The following conditions of service apply:

- A new 4-inch fire service with a 2-inch domestic service tapped off may be installed from the water main in Fox Street. The service should enter through the properties frontage on Fox Street at least 10-feet from any side property lines.

Prior to construction, the owner or contractor will need to make an appointment to complete a service application form and pay all necessary fees. The appointment shall be requested through [MEANS@pwd.org](mailto:MEANS@pwd.org) or by calling 207-774-5961 ext. 3199. Please allow (3) business days to process the service application paperwork. PWD will guide the applicant through the new development process during the appointment.

### Existing Site Service

According to District records, the project site does not currently have existing water service.

### Water System Characteristics

According to District records, there is an 20-inch diameter cast iron water main in Fox Street and a public fire hydrant located approximately 75 feet from the site. The most recent static pressure reading was 105 psi on July 26, 2017.



### Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

### Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

### Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact MEANS to request a hydrant flow test and we will work with you to get more complete data.

Should you disagree with this determination, you may request a review by the District's Internal Review Team. Your request for review must be in writing and state the reason for your disagreement with the determination. The request must be sent to MEANS@PWD.org or mailed to 225 Douglass Street, Portland Maine, 04104 c/o MEANS. The Internal Review Team will undertake review as requested within 2 weeks of receipt of a request for review.

If the District can be of further assistance in this matter, please let us know.

Sincerely,  
Portland Water District

A handwritten signature in black ink, appearing to read 'Robert A. Bartels', written in a cursive style.

Robert A. Bartels, P.E.  
Senior Project Engineer



December 18, 2017

Jean Fraser  
City of Portland  
jf@portlandmaine.gov  
(207) 874-8728

**RE: 30 Fox Street – Site Application Review Comment Responses**

Dear Jean,

Below are our responses in red to the City's preliminary staff review comments dated Wednesday, November 29, 2017.

*Traffic issues:*

The existing curb cut was previously discussed in the context of it serving a single family building and the expectation was that there would be one household using it. The concern is that the proposed development would be using the curb cut to provide access for three parking spaces used by three different households (more intense) and the cars would be backing out with difficult sightlines on both sides of the driveway and with drivers distracted by the narrow exit and need to avoid hitting the existing house. The proposal for the three parking spaces and their access is therefore under review in relation to a different set of standards than for a single family house, and its use would be under different site constraints.

The other question is what if the applicant sells the existing house and associated lot, and the new owner also wants a curb cut to serve that existing house.

I discussed the proposal with reviewers today and the Traffic Engineering reviewer has requested a meeting on site to see how a car (if possible a real car on the site) would be able to maneuver into the spaces (particularly the first space nearest Fox) AFTER you have marked on the site (cones/poles or similar) the location of the following:

- The three parking spaces
- All constraints that the new building, garage door surrounds etc would present to the cars accessing the parking spaces;
- The location of a guardrail or similar barrier to protect the existing house;
- Location of snow storage, as the area shown on the plan is impeded by the revised stoop design.

I will set up that meeting as soon as you can arrange for these to be marked on site.

On Friday, December 8, 2017, Bild Architecture conducted a field test of two different parking scenarios in the presence of Tom Errico, the Traffic Engineering Director for the City. The first parking scenario considered two angled parking spaces under the building that would require backing out onto Fox Street, with an additional drive out spot located at the rear most point of the driveway. The second scenario included two parking spaces under the building, adjacent to the driveway, with adequate clearance to allow the cars to back out onto the driveway and maneuver into a drive-out position onto Fox Street.



Based on the field study, it was determined that the first option provided the greatest ease of maneuverability despite allowing two parking spots to back out onto Fox Street. Updated floor plans have been uploaded to e-plan, and Tom Errico has provided his recommendation based on this physical demonstration.

*Design issues:*

This project is located in the R6 zone and is subject to the R6 Design standards. It has been reviewed by the City's urban Designer (Caitlin Cameron) and other planners and I attach the Design Review comments. **Please see our responses to the design comments in the Design Standards section below.**

*Stormwater:*

I was promised the review comments for this afternoon and will forward them as soon as received. **Please see our responses to the stormwater management system in the peer review section below.**

*Landscaping:*

It is noted that a large tree is being removed along the side boundary; please clarify the boundary treatment/planting along the rear and side boundaries as the chain link fence should be replaced or removed, protection for the existing house is required along the other side, and the rear boundary proposals should be clarified. The project requires 3 street trees that address the Technical Standards (attached) and please confirm how this requirement will be met. **The landscaping will be addressed in the next round of submittals. The intent is to pay a fee for two street trees and replace the one tree in the sidewalk.**

**Lighting:** The proposed lights do not meet the Technical Standards (copy attached) regarding trespass (as the applicant's property may be owned by another party in the future). **We are currently in the process of updating our photometric plan to address this comment. This drawing will be uploaded to e-plan within the next couple of days.**

**Design Review Comments dated Wednesday, November 22, 2017**

**A-1 Scale and Form:** The building type proposed is similar to a triple-decker with an additional mass on the 4th floor. Triple-deckers can be found in the surrounding context, however, the scale and form of those buildings are usually very simple with a single roof form and three stories. Additionally, this building shares a streetscape with mostly 1.5 and 2-story single-family homes. The project emphasizes the third story, vertical proportion massing with the balcony and recessed 4th floor. The fourth floor has been evaluated to be too prominent – more could be done to mitigate the scale and impact of that form. **Several strategies have been implemented to reduce the predominance of the fourth floor such as reducing the overall height of the building as well as the height of the fourth floor.**

**Principle B Massing – Met –** There are a limited number of buildings in the neighborhood with similar massing and proportion (triple deckers). Predominantly there are front-end gable single family homes surrounding this site with 1.5, 2, and 2.5 stories in height. The primary mass is the three-story, vertical proportioned portion of the building with the fourth floor being slightly recessive in footprint and setback. There is concern about the perceived mass from the downhill view and in relationship to the smaller existing buildings. **Several strategies have been implemented to reduce the predominance of the fourth floor. We have lowered the building into the site by two feet, we have reduced the height of the fourth floor by an additional two feet, and the materials and details have been reworked at the fourth floor to address how the scale of this mass is perceived.**

- *B-1 Massing:* The principal mass is reminiscent of a triple-decker found in the context. There is some concern about the prominence of the fourth story, especially as viewed from downhill and in relationship with the 1.5 and 2-story houses in the same streetscape. The pitch of the roof and solidity of the walls contribute to the perceived height and scale of this top story mass. This mass should be made more recessive. **We have lowered the overall height of the building by 4 feet. We have also changed the materials used on the fourth floor to eliminate contrast and to make the mass appear more recessive.**
- *B-2 Roof Forms:* The proposed 4th floor mass is centered and stepped back with a material change – these three actions make that fourth floor somewhat recessive and the flat roof form of the primary mass is dominant. Staff feel more could be done to mitigate the impact of the fourth floor.
- *B-3 Main Roofs and Subsidiary Roofs:* Staff consider the flat roof of the third story to be the primary roof form from the street. However, the fourth floor roof is very prominent from the downhill approach and contributes to the perceived scale of the overall building. Therefore, the distinction between primary and subsidiary roof forms is not clear as required by the standard.
- *B-4 Roof Pitch:* The roofs are monopitch / flat roofs.
- *B-5 Façade Articulation:* The project employs two of the required articulation elements – balcony, covered entry.
- *B-6 Garages:* The garage doors do not face the street and have living space above.

*Principle C Orientation to the Street – Met –* The project is oriented to the street with a street-facing door.

- *C-1 Entrances:* There is a street-facing entry emphasized with a canopy. However, the street-facing door leads to the garage – will this be a functional door? Where will the mail be delivered, front or side? Can a vestibule be added to the front entrance to make it more viable? **The front door now provides primary access to the building and leads to both the upper floors and parking levels.**
- *C-2 Visual Privacy:* Visual privacy is adequately addressed – there is no living space on the ground floor.
- *C-3 Transition Spaces:* The project uses a canopy at the entrance, the building is set back with plantings. The main entrance is setback from the street.

*Principle D Proportion and Scale – Partially Met –* The three-story mass and façade elements are proportionate and scaled to the overall building and have a vertical proportion similar to other multi-family buildings in the context. The fourth floor is tall in relationship to the rest of the building and very visible from the downhill vantage point increasing the perceived scale of the building on the street despite the mass being setback. **We have addressed the perceived mass of the fourth floor by reducing the overall structure height by 4 feet, and by reworking the materials and fenestration at this level.**

- *D-1 Windows:* The majority of windows are rectangular and have vertical proportion; window proportion is not a proportion found in the context, however.
- *D-2 Fenestration:* The project appears to meet the 12% fenestration requirement and appropriately scaled to the massing of the building. Staff review found that the uphill side elevation does not have adequate level of fenestration or openings near the street, especially at the lower portion of the building. **We have provided additional fenestration on the lower portion of the building on the uphill side.**
- *D-3 Porches:* The balconies included in this project are at least 48 sf.

*Principle F Articulation – Met –* The project employs visually interesting and well-composed facades.

- *F-1 Articulation:* Trim, canopy, and balcony details will create shadow lines on front façade; some of the windows are punched through to provide some dimension and shadow line on the panelized portions of the building.
- *F-2 Window Types:* Two window types at street façade.

- *F-3 Visual Cohesion:* Three materials in this context is excessive – consider changing the 4th floor to a clapboard material.
- *F-4 Delineation between Floors:* The floors are delineated by balconies and fenestration patterns.
- *F-5 Porches, etc.:* The canopy is well integrated into the overall design and highlights the entrance. Balcony railings are used to provide articulation and shadow lines to the front façade.
- *F-6 Main Entries:* The street-facing entry is emphasized with prominent placement facing the street, recessed, and the use of a canopy. However, functionally, this is not the main entrance as noted above. **The front door is now the main entrance.**
- *F-7 Articulation Elements:* The subsidiary roof of the 4th floor has an overhang of at least 6"; window trim is less than 4"; building face offset is less than 12"; 4th floor cornice includes exposed rafters, 3rd floor main roof form includes railing. **Window trim has been updated to be 4".**

*Principle G Materials – Not Met*– The material choices are industrial in character – this is a residential building surrounded by other residential buildings with traditional characteristics and materials – clapboard, brick, and shingle.

- *G-1 Materials:* The residential context is predominantly clapboards with occasional shingle or brick. The proposal uses fiber cement panels, metal clapboard, and corrugated metal. This combination is more industrial than the surrounding residential context. Staff recommend that the corrugated material be changed to a more residential material, perhaps clapboard. This can also help mitigate the visual/scale impact of the 4th floor. Why is the clapboard metal? **Metal siding has been eliminated from the project. The two main materials will be clapboard siding and fiber cement panels.**
- *G-2 Material and Façade Design:* The materials are appropriately placed according to their nature.

#### Peer Review Comments dated November 29, 2017

The peer review comments have been addressed in a memo provide by Plymouth Engineering, Inc. "Response to Comments – Fox Street Condominium, 30 Fox Street, Portland, Maine" dated December 18, 2017.

Sincerely,

A handwritten signature in blue ink that reads "Evan A. Carroll".

---

Evan Carroll, AIA, LEED AP BC+D



# Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road  
Plymouth, Maine 04969  
info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

December 18, 2017

## **Response to Comments – Fox Street Condominium, 30 Fox Street, Portland, Maine**

### Comments

#### 1) General Comments

a) *It appears that, based on the spot grades provided around the building that existing grades are being maintained. We suggest this be clearly represented on the plan, possibly by showing the existing contours as proposed within the site disturbance area.*

**We are intending to meet the existing grades at the property lines. The site grading has changed since these comments were crafted. We will clarify the grading on the plans once the workshop meeting has taken place.**

b) *The existing conditions plan shows two sanitary sewer lines in Fox Street. It is believed that one of these pipes (the one located north of centerline) is a separated stormdrain.*

**That is our understanding as well and we will be tying any stormdrain piping to this line.**

c) *An existing retaining wall is shown on the eastern property boundary in close proximity to the proposed work. The Applicant notes on their Construction Management Plan that a shoring system will be installed along this area. The integrity of the existing wall should be confirmed, and it should be adequately protected during construction.*

**We will confirm the condition of the retaining wall and be sure to include a protection plan for this area on the plans.**

d) *The project is located in a brick sidewalk district, and sidewalk and driveway apron replacement, as required by Public Works or necessitated by the project scope should meet the current sidewalk material policy standard.*

**The adjacent sidewalks to this project are concrete in material. It is proposed that the sidewalk remain concrete.**

e) *The area designated for snow storage appears relatively inaccessible in its current orientation. Further discussion of snow management procedures should be provided.*

**Snow will most likely need to be removed from the site.**

#### 2) Stormwater Management Standards - In accordance with Section 5 of the City of Portland Technical

*Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:*

a) *Basic Standard: Please provide the following information in accordance with Appendix A, B, & C of MaineDEP Chapter 500:*

- *Siltation barrier should be installed along all downgradient boundaries of the disturbed site.*

**We will add Siltation Fencing to the next round of plans. The majority of the site will be excavated, so the possibility of sediment leaving the site during a rain storm event is minimized by such a construction site.**

- *Please provide the location of the construction exit/entrance on the drawings.*

**The location of the construction entrance will be the driveway entrance. We will note this on the next set of plans.**

*b) General Standard: The Applicant is creating greater than 1,000 SF of new impervious surface, and is required to provide stormwater treatment in conformance with the General Standard. The Applicant has proposed to treat the roof runoff using a stone-lined drip strip. We have the following comments:*

- *The detail for the drip strip shows an underdrain pipe that corresponds to the foundation drain. This pipe is not shown on the grading and utility plan. This pipe should be shown connecting to the separated storm drain in Fox Street.*

**We will connect the foundation drain pipe to the larger drain pipe that will drain the driveway area.**

*c) Flooding Standard: The Applicant is creating greater than 1,000 SF of new impervious surface, and is required to manage stormwater in conformance with the Flooding Standard. We have the following comments:*

- *The Applicant should provide calculations documenting that the proposed development is maintaining flows at or below the pre-development condition. Additional storage within the roof dripline filter may be required.*

**We will conduct a pre- and post-development stormwater analysis and include those calculations for the next round of submittals.**

- *The Applicant notes that the roof dripline filter will store the treatment storm, and overflow in larger events. As noted above, there is a foundation drain within the dripline filter cross section. The Applicant should clarify the route of flow from the system. In the event that there is overland flow, the Applicant should clarify how this will reach the street, as grades appear to show a berm along the northwest property line. The Applicant should provide proposed grading to ensure that there is no ponding at the building front or on the sidewalk.*

**We will analyze this for the next round of submittals.**

Respectfully,  
PLYMOUTH ENGINEERING, INC.



Jon H. Whitten, Jr., P.E.  
Senior Project Manager





January 25, 2018

Jean Fraser, Planner  
City of Portland  
389 Congress Street  
Portland, ME 04101  
(207) 874-8728

**RE: Neighborhood Meeting Certification**

Dear Jean,

I, Evan Carroll, hereby certify that a neighborhood meeting was held on Wednesday, January 24, 2018 at the East End Community Center at 6:00pm.

I also certify that on Wednesday, January 9, 2018, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

A handwritten signature in blue ink that reads "Evan A. Carroll". The signature is written over a horizontal line.

1/25/2018

(date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



ingenuity thoughtfulness empathy

### Neighborhood Meeting Invitation

January 9, 2018

Dear Neighbor:

Please join us for a neighborhood meeting as we share plans for the construction of a 3-unit condominium at 30 Fox Street in Portland.

**Meeting Location:** East End Community Center, Community Room,  
195 North St, Portland, ME  
**Meeting Date:** Wednesday, January 24<sup>th</sup> 2018  
**Meeting Time:** 6:00pm

Although the City does not require a neighborhood meeting for subdivisions under five units, we would still like to invite the community to gather and provide feedback on the 30 Fox Street project. As we are choosing to follow the City's requirements for holding neighborhood meetings, property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list," have been invited to participate in the neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Evan Carroll at 207-408-0168. Or email at [evan@bildarchitecture.com](mailto:evan@bildarchitecture.com)

Sincerely,

A handwritten signature in blue ink that reads "Evan A. Carroll". The signature is fluid and cursive.

Evan Carroll  
Maine Licensed Architect

<u>Name</u>	<u>Address</u>	<u>Phone #</u>
Kerry MacDonald	- 32 Fox St	774 392 2865
Kelly Hrenko	- 32 Fox St	
Ellen Bailey	- 17 Hammond St.	(207) 899-6385
Jill MacDonald	29 Kellogg St	774 313 0558



January 25, 2018

Jean Fraser, Planner  
City of Portland  
389 Congress Street  
Portland, ME 04101  
(207) 874-8728

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Signed,

A handwritten signature in blue ink that reads "Evan A. Carroll". The signature is written in a cursive style and is positioned above a horizontal line.

1/25/2018

(date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

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## Re: Neighbor comments 30 fox Street

1 message

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**Simon Norwalk** <simon072889@gmail.com>

Sat, Feb 3, 2018 at 7:04 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: Audra Wrigley <audra@bildarchitecture.com>, Evan Carroll | Bild Architecture <evan@bildarchitecture.com>

Hi Jean,

We haven't had very much time to personally correspond regarding my project at 30 Fox St. I very much appreciate your detailed correspondence with Audra and Evan at Bild Architecture, and your effort corresponding with the owners of the neighboring properties. Nick & Mariah as well as Kelly and Kerry are the two neighbors in this case that are most impacted by this project. I can absolutely appreciate their concerns regarding the development of this property and I believe we have made great strides to change the design of the building to mitigate the impact that it may have on their lives once construction is complete. Although Nick and Mariah unfortunately were not able to make it to the meeting I felt that we had very productive and positive conversations with rest of the attendees. Audra and Evan have a more detailed account of what was discussed at the meeting and can draw up a more specific list regarding the concerns that we have addressed since the initial planning board workshop.

As the owner and developer of this project I wanted to weigh in on some of the changes that we have made, specifically to reduce the impact of the building on its neighbors and to address some of their concerns directly.

Our design that was reviewed at the workshop for the building initially showed two angled parking spots under the building and a third exterior spot backing out onto Fox St. We thought we would be allowed to do this based on similar projects around the city such as 62 Cumberland Ave. We realize that Fox St is much busier than that section of Cumberland Ave hence the opposition from the planning board and the neighbors. I am more than willing to take strides towards a better design and I have been very open to suggestions. We have created a new design where there will be only two covered parking spaces which means less traffic coming out of the drive aisle and the cars will be exiting the property frontward onto Fox St. I agree with staff and the neighbors that this is much safer for the drivers as well as pedestrians on the sidewalk. Pulling out frontward is much safer but is not the existing condition of either neighbor's parking or that of other houses on the street. Both neighbors have expressed that to them this project would be better if it didn't have parking. I just wanted to note that I spent 4 months working with public works and a contractor to have a curb cut installed so that Kelly and Kerry can have parking for their house and I think they are very appreciative. Kerry and Kelly have every right to be concerned about the wellbeing of their property.

We have designed a very sturdy bollard system that will keep cars on their side of the fence even when it is nudged. They mentioned at the neighborhood meeting that they would like to create a defined property line between their house and the new construction. We had a conversation about adding a tasteful fence to the bollard system so they would have a sense of maintaining their domain and it would look better. I am open to working with them to create something that we are both happy with and we will keep them in the loop about the design of such a fence when appropriate. There is some concern regarding the so called policing of the vehicle size. We are making efforts to mitigate the potential noncompliance of the future owners. We are installing a placard on the cantilever section that only allows cars of a certain height, we are also writing in the HOA documents the specifications of the cars that will be allowed to park in these two spaces. I appreciate your consideration when making the decision about granting these waivers.

In the most recent rendering we are now showing screening on all sides of the new construction, I know this is a concern of Nick and Mariah as well as Kelly and Kerry. We have added some tasteful fencing on both sides of the development to suit their needs. We will absolutely add some landscaping elements on the front of the building which is also in the most recent rendering. I agree with Nick that the Pear tree in front of the lot is beautiful and it would contrast the building nicely. I can discuss this with my contractor what it would take to work around it, but I believe if it gets in the way of the construction we might end up having to remove it and replace it with a new slightly smaller tree.

Nick mentioned in a letter that was read at the neighborhood meeting that he was concerned with the scale of the building and how it would not allow as much light into his new house. In the most recent design change we stepped back the top floor 14 feet from the front of the building and 17 feet from the street. That means that the impact of the top floor is much less for both of the neighbors and it allows much more sun into the front half of Nick and Mariah's home. The feel of the building height is drastically reduced in comparison to both neighboring houses and the view from the street. I might also add that there is another large tree in front of 32 Fox St that offers some cover and scale to the project from the downhill side of the street. This was a rather large concession to the project that I was willing to make to reduce the impact the building will have on the neighbors and the entire neighborhood.

I am very glad to be working with so many knowledgeable professionals throughout this process including you, the rest of the staff, the planning board the neighbors and of course my own team at Bild Architecture. I very much appreciate your time and consideration.

Sincerely,

Simon Norwalk  
Dyer Neck Development LLC



## Construction Management Plan 30 Fox Street

### Project Narrative

The applicant/developer is proposing a (3) unit condominium building on Fox Street in the City of Portland. The project sits on a 2,394 SF lot and work will include:

- Installation of street utilities
- Installation of erosion control measures
- Construction of new building
- Sidewalk reconstruction
- Construction of driveway area
- Construction of parking area underneath the building
- Installation of site landscaping

### Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

As a Level III Site Plan review, the developer of the project will be required to submit a performance guarantee for the proposed work. This performance guarantee and site development inspection fees will be based upon a cost estimate submitted and approved by the City. The form and of the guarantee will be a letter of credit from an approved bank or credit union, a deposit in a bank-held escrow account or a deposit in a City- held escrow account. These fees/guarantees will need to be paid/in place prior to scheduling the pre-construction meeting.

The contractor will be responsible for obtaining street opening and street occupancy permits from the Department of Public Works. All construction in the right-of-way shall conform to Chapter 25 and all sewer and stormwater construction/connections shall conform to Chapters 24 & 32 of the Land Use Code.

### Construction Administration and Communication

This project will be managed by a representation of the developer, Dyer Neck Development LLC along with a project manager from Yankee Restoration.

1. Contact Person and contact information  
Developer – Simon Norwalk, Dyer Neck Development LLC – 207-837-0799  
Contractor – Will Cheever, Yankee Restoration – 207-831-0486
2. Construction Signage will be posted on the site with Contact Information for Contractor
3. Construction Manager will work closely and inform adjacent abutters, businesses and all other parties, as far in advance as possible, of scheduled work
4. All construction site signage is temporary and shall be removed at project completion.

### Construction Schedule

Estimated Site Plan Approval: November 2017  
 Estimated Preconstruction Meeting: December 2018  
 Estimated Construction Time-----30 Weeks +/-  
 Erosion Control Measures Placed-----Week 1  
 Street Utilities-----Week 2  
 Foundation-----Week 2-3  
 Framing-----Week 4-8  
 Building Envelope Close In-----Week 8-12



Interior Work -----Week 13-27  
Sidewalks-----Week 28-29  
Site Landscaping-----Week 30

1. From September 1st to May 31st, no person shall engage in construction activities generating noise exceeding fifty (50) decibels, between the hours of 7:00 p.m. and 7:00 a.m., of the following day within five hundred (500) feet of any buildings. From June 1st to August 31st construction activity may continue until 8:00 p.m.
2. Extended Hours or Night Work: Pursuant to Section 17-18, this section does not apply to emergency utility work or "Situations where the public works authority or the office of building inspections determines that the construction activity is of a unique character which cannot reasonably be completed or performed during the permitted hours and which is not of a recurring nature, provided that prior to engaging in such activity the contractor or his representatives gives notice of the time and scope of such proposed activity, the notice to be given in a manner approved by the public works authority."
3. Pursuant to Section 25-129: "Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. To the fullest extent practicable, the permittee shall take appropriate measures to reduce noise, dust and unsightly debris in the performance of the excavation work. Excavation work, including the use of any tool, appliance, or equipment, shall be performed between the hours of 7:00 a.m. and 10:00 p.m. only, exclusive of emergency work. Time waiver requests may be submitted to the public works authority for work outside of this time period and will be subject to neighborhood concerns. Excavation work shall not occur on Sundays, holidays or on major holiday weekends, unless expressly authorized by the public works authority or as a result of emergency need.
4. If allowed, no construction activity shall begin before 8:00 a.m. on a Saturday, Sunday or legal holiday.
5. All deliveries for materials will comply with the noise requirements listed above or be restricted to the hours allowed for construction work.

### Security & Public Safety

1. Prior to commencing construction, site contractor shall install "Construction Ahead" sign to warn bicyclists and motorists of construction with the area.
2. Contractor shall be responsible for the setup of construction staging area before construction begins. Contractor may provide fencing for staging area at their discretion. Fenced in areas shall be provided with gates passable by emergency vehicles and equipped with a Knox locking device.
3. Contractor shall be responsible for the safe storage of materials or equipment on-site.
4. Contractor shall have weekly meetings which shall include discussions relative to security and public security.
5. Contractor shall develop a fire safety and emergency protocol and contact the nearest fire station to advise them of the ongoing construction project.
6. All excavations within the right-of-way shall be filled or plated at night. Excavations within the site shall be provided with adequate barricades or warnings (i.e. construction area tape around excavation) at night.
7. Any proposed temporary security lighting shall be shown on CMP and all fixtures shall be full cutoffs.

## Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets: Construction activity in the public right-of-way is controlled by Chapter 25 Article VII of the City Code of Ordinances. Required licenses and permits, restrictions on activity, and fees & area are outlined in that Chapter. Rules and Regulations for Excavation Activity are available through the Street Opening Clerk at the Department of Public Works. At no time can construction activity including delivery vehicles close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.
2. Sewer and Stormwater: Sewer and stormwater water system connections are controlled by Chapters 24 and 32 of the City Code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual.
3. Traffic Control Plans: Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public.
4. Use of public parking spaces or the blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

## Site Management and Controls

1. Building contractors will be responsible for the site management on individual lots.
2. Contractor will be responsible for providing and maintaining waste removal during construction.
3. Contractor will maintain the construction entrance as shown on the plans and will maintain Fox Street by including sweeping as necessary for removal of tracked materials.
4. Contractor shall be responsible for maintaining construction BMP's and executing good housekeeping measures as depicted on the approved plans and as included in the Inspection, Maintenance and Housekeeping Plan.
5. Dust controls: The construction shall comply with Portland's requirements under Section 25-129 on Noise, dust and debris.
6. Noise: The construction shall comply with Portland's requirements under Section 17-18 of the City Code and Section 25-129 on Noise, dust and debris. The Contractor and City will be responsible for adjusting work should noise become an issue.
7. Rodent Control is not expected for this project but should it become necessary, it will be provided, if applicable, by a professional exterminator and consistent with Chapter 22 of the City Code or City of Portland Public Works.
8. Snow Removal: Pursuant to Section 25-173 Contractors to ensure a safe means of travel within the work zone.
  - 1) Snow/ice removal or commence automatically from (1" of snow and up) or Ice
  - 2) Remove snow as needed within the work zone, including parking spaces & not to block any driveways or site lines with the piles of snow.
  - 3) Clear all walks & ramps with the work zone
  - 4) Sand or Salt as needed

- 5) Clear all basin or drainage to help snow melt
- 6) This would include Monday-Friday Sat/Sunday/Holidays.
9. Site management and controls shall be discussed at each tailgate meeting including maintenance of BMP's and good housekeeping measures.

### **Erosion Control and Preservation of Trees**

1. The site contractor shall install all erosion and sedimentation controls as depicted on the approved erosion and sedimentation control plan prior to the pre-construction meeting for inspection by the City. The contractor shall regularly inspect the control measures, no less than weekly and after significant storm events, and maintain any installed temporary or permanent stormwater management systems in working order. The contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection or the U.S. Environmental Protection Agency upon request.
2. The site contractor shall maintain storage and of materials and equipment away from or under trees.
3. The existing street trees shall be preserved, if feasible by construction.

### **Construction Staging Area**

1. The Construction Management Plan depicts the location of the material (open storage) and equipment storage area. The exact location of these areas shall be up to the contractor but will be in the general area depicted on the CMP.
2. Delivery Truck Holding Areas On-Site: The delivery holding area shall be adjacent to the site storage area shown on the plan and shall not be blocked during construction. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of the trucks until they can be unloaded. Once at the site all vehicles will be brought within the property and will make every attempt to avoid queueing on public streets.
3. Delivery Truck Holding Areas Off-Site: In the event that adequate on-site area for holding of trucks is not available, the contractor shall provide an area along the adjacent shoulder of Fox Street for offloading. This area shall be provided within the buffer area of a maintenance of traffic area with the appropriate cones, advanced warning signs and flaggers as necessary. All off-loading shall occur from the project side of the truck and not within the roadway.

### **Parking During Construction**

1. Construction Parking: Parking for construction workers shall be on the site as indicted on the Construction Management Plan.
2. Truck Routes and Volumes: All deliveries to and from site shall occur on the arterial roads to Fox Street and proceed up Fox Street to the site. Drivers for the contractor shall be advised weekly of the residential nature of Fox Street in the weekly tailgate meetings or by some other appropriate communication.



# Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road  
Plymouth, Maine 04969  
info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

## STORMWATER MANAGEMENT PLAN

**30 Fox Street  
Portland, Maine  
March 26, 2018**

The following Stormwater Management Plan has been prepared for Dyer Neck Development, LLC to evaluate stormwater runoff and erosion control for the proposed 3-unit residential building to be located at 30 Fox Street, Portland, Maine.

### **Site Calculations**

Total Property Area	2,394 S.F.
Existing Impervious Area	323 S.F.
New Impervious Area	1,577 S.F.
Total Landscaped Area	817 S.F.
Total Developed Area	2,394 S.F.
Total New Impervious Area	1,254 S.F.

### **Existing Conditions**

The development parcel is located on the southern side of Fox Street, near the intersection of Winthrop Street in Portland, Maine. The property is 2,394 square feet in area and currently includes a paved driveway and lawn area. There is a concrete sidewalk along the frontage of the lot and a street tree.

The lot gently slopes from south to north (back to front). Runoff is currently conveyed to Fox Street via overland flow. A catch basin collection system within the street collects stormwater runoff in a limited number of catchbasins.

### **Proposed Development**

The applicant is proposing to construct an approximately 46'x82', four story building with 12' wide, paved driveway and parking on the first floor of the building. The roof of the building will be pitched to the north and stormwater runoff will be collected and treated within a roof dripline filter system.

### **Drainage Pattern**

Runoff leaves the development area via overland flow to Fox Street. Runoff will continue to flow off the site via overland flow in the developed state. The entire roof area will drain to a roof dripline filter strip that will allow treatment of the first flush. First flush runoff will be collected within the filter layers of the dripline feature prior to being released into native soils and overflowing to the existing sidewalk at the front of the property. Once the sub-soil collection system is full, runoff will flow overland to Fox Street as it does today.

### **Flooding**

The development area is not located within an area of flood hazard according to the Federal Insurance Rate Map 2300510013 B. See attached map.

**Onsite & Offsite Soils**

The on-site soils are shown on the attached Medium Intensity Soil Survey and are categorized as follows:

<b>Soil Type Summary Table</b>		
Soil Symbol	Soil Name	HSG
HID	Hinckley Loamy Sand	A

**Water Quality (BMP Standard)**

The use of LID features, such as the roof dripline filter strip offers water quality treatment for runoff from the highest areas for potential contaminants. The use of the roof dripline filter strip meets the water quality requirements of MDEP’s Chapter 500 regulations.

***Roof Dripline Filter Sizing***

We propose to provide treatment for the entire building area by constructing a Roof Dripline Filter Strip along the northerly side of the proposed building.

This Filter Strip will receive the runoff from approximately 1,397 s.f. of rooftop area. The reservoir course of the Filter Strip is required to provide storage volume for 1” of runoff from the contributing area. The bed sizing is as follows:

Area of Watershed: 1,397 SF

Treatment Volume Required: Area x runoff depth: 1,397 SF x 1/12 FT = **116.42 CF**

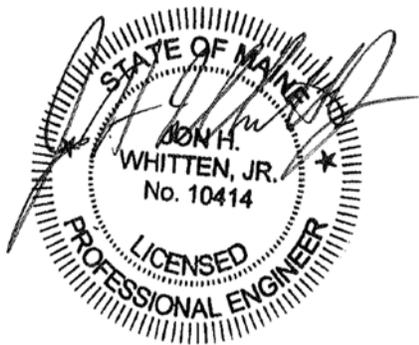
Treatment Volume Provided:

Porosity = 40%, Bed Area = 98 s.f., Bed Depth = 1.20’, Total Volume Treated = **117.60 CF**

**Summary**

The utilization of proper erosion control methods during construction and construction and maintenance of the roof dripline filter strip, to collect and treat runoff from the proposed new impervious area on the site, it is expected that this project meets the Basic, General and Flooding Standards of Chapter 500. Furthermore, the proposed stormwater design is not expected to cause flooding, erosion or other significant adverse effects downstream of the site.

Prepared by:  
PLYMOUTH ENGINEERING, INC.



Jon H. Whitten, Jr., P.E.  
Senior Project Manager



# Plymouth Engineering, Inc.

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March 26, 2018

## **Waiver Request – Drive Aisle Width: 30 Fox Street, Portland, Maine**

The proposed project at 30 Fox Street in Portland, Maine includes a three (3) unit building with two (2) parking spaces on the first floor. Access to the parking will be via an approximately 11-foot wide, paved driveway utilizing an existing curb cut on Fox Street.

The applicant is proposing 2 compact car sized parking spaces to maximize the salability of the units and provide convenient, off-street parking. As with many parking areas within the City of Portland, the parking area has been designed to maximize the available area, while minimizing impervious area and allowing for safe access for the vehicles. This is the reason for proposing compact car spaces exclusively. It is our understanding that a waiver is required for a drive aisle of less than 12-feet wide. Given the space limitations of the site and the fact that the parking spaces have been designed so vehicles can turn around on the property and not have to back onto Fox Street, the applicant would like to request a waiver of the aisle width for this project.

Prepared by:  
PLYMOUTH ENGINEERING, INC.

Jon H. Whitten, Jr., P.E.  
Senior Project Manager



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info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

March 26, 2018

## **Waiver Request – Concrete Sidewalk Construction: 30 Fox Street, Portland, Maine**

The proposed project at 30 Fox Street in Portland, Maine includes a three (3) unit building with two (2) parking spaces on the first floor. Access to the parking will be via an approximately 11-foot wide, paved driveway utilizing an existing curb cut on Fox Street.

The access driveway apron and utility connections will require the removal of much of the existing concrete sidewalk in front of the lot. From initial City Staff reviews, it has been noted that the sidewalk will need to be re-constructed along the entire frontage of the property. Apparently, this property is within a Brick Sidewalk Zone. The applicant is requesting a waiver of the requirement to build a brick sidewalk along his frontage due to the fact that there are existing concrete sidewalks along the east side of Fox Street now that are in usable shape and appear to meet current City construction standards. The construction of approximately 38 linear feet of brick sidewalk amongst an entire block of concrete sidewalk, in our opinion, would not accomplish an aesthetically appealing final product.

We look forward to discussing this waiver request with City Staff and the Planning Board.

Prepared by:  
PLYMOUTH ENGINEERING, INC.

Jon H. Whitten, Jr., P.E.  
Senior Project Manager



# Plymouth Engineering, Inc.

P.O. Box 46 – 30 Lower Detroit Road  
Plymouth, Maine 04969  
info@plymouthengineering.com  
Tel: (207) 257-2071 fax: (207) 257-2130

March 26, 2018

## **Waiver Request – Overhead Electrical, Telephone & Cable Utility Connection: 30 Fox Street, Portland, Maine**

The proposed project at 30 Fox Street in Portland, Maine includes a new, four (4) story, three (3) unit building with access drive. The applicant is requesting a waiver of the City's standard that electrical, telephone and cable utility connections be underground. The applicant is proposing to connect overhead lines to an existing utility pole at the corner of Hammond and Fox Streets. From site inspections, it appears that this pole services existing buildings to the north of the site through overhead connections. Additionally, many, if not all, surrounding buildings on the block are serviced with overhead wires from the west side of Fox Street. In our opinion, the addition of a new service to this building will not pose a significant impact on the street scape.

We look forward to discussing this waiver request with City Staff and the Planning Board.

Prepared by:  
PLYMOUTH ENGINEERING, INC.

Jon H. Whitten, Jr., P.E.  
Senior Project Manager



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

Date: March 20, 2018

Re: Wastewater Capacity Authorization

Address: 30 Fox Street  
Applicant: Dyer Neck Development, LLC.

Planner: Jean Fraser

Anticipated Wastewater Flow:

Estimate of Anticipated Design Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
<b>Proposed flow</b>				
Multiple Family Dwelling Units	2-Bedroom	3	180	540
<b>Net Change</b>				<b>+ 540</b>
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition				

Comments:

The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

If the City can be of further assistance, please contact me at all 874-8840 or [brad@portlandmaine.gov](mailto:brad@portlandmaine.gov)

Sincerely,  
CITY OF PORTLAND

Bradley A. Roland, P.E.  
Senior Project Engineer

CC:

Jeffrey Levine, Director, Department of Planning and Urban Development, City of Portland  
Stuart O'Brien, Planning Director, Department of Planning and Urban Development, City of Portland  
Barbara Barhydt, Development Review Services Mgr., Dep't. of Planning and Urban Development, City of Portland

Keith Gray, City Engineer/Engineering Manager, Portland Department of Public Works

Nancy Gallinaro, Water Resources Manager, Portland Department of Public Works  
Ben Pearson, Compliance Coordinator, Portland Department of Public Works

John Emerson, Wastewater Coordinator, Portland Department of Public Works

Lauren Swett, Woodard & Curran, DPW Development Review

Scott Firmin, Director of Wastewater, Portland Water District

Charlene Poulin, Wastewater Chief Operator – Systems

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## 30 Fox Street condominiums

1 message

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**Nicholas Sichterman** <nicholas.sichterman@gmail.com>

Fri, Dec 1, 2017 at 1:25 PM

To: Jean Fraser <jf@portlandmaine.gov>

Hello Ms. Fraser,

My wife and I are property owners abutting a proposal for a three unit condominium development at 30 Fox Street.

We may be a bit tardy in sending you some of our questions and concerns about this project, but we never received a post-card notification from the Planning Department. We've been anticipating that notification ever since we met Mr. Norwalk in October. We heard from our neighbor across the street -- Mrs. Maloney-- that she had received a notice and since that time we've visited City Hall to view the development plans.

We were, and are, supporters of the most recent changes to the R-6 zone, but we no doubt have a slightly different slant on the opportunities the changes present, different, I would assume than developers such as Mr. Norwalk. Our lot at 28 Winthrop was, prior to the changes in the R-6, a non-conforming lot. It is -- at 2,010 s.f.) -- now a conforming lot, and we have built a two story, peaked roof, single family home.

While we've spent some time reading about the changes to the R-6, you'll be able to quickly answer some of our questions:

The current project for the condominiums at 30 Fox Street began with the purchase by Mr. Norwalk of our neighbor's property at 32 Fox Street. 32 Fox Street is a single family home that, under the previous ownership, sat on two lots under common ownership -- the total lot size was apparently 4,095 s.f. The attached carport at 32 Fox St. was demolished by Mr. Norwalk, the house was quickly sold, and he retained ownership, after surveying work, of the 2,394 s.f. noted on his application for his condominium development.

What was a single family home on a conforming lot of 4,095 s.f. is now a single family home on a non-conforming lot of 1,701 s.f. and five feet from a development pushing the limits for its lot size --three units with on site ground floor parking. It was our assumption that the house he flipped would at least need to be transferred to the new owners with a conforming lot of 2,000 s.f. instead of creating a non-conforming lot solely for the purpose of maximizing profits on the retained property. We had hoped for a single family house on that lot--the predominate building type in our three block neighborhood--but fully expected a two-unit project of some kind.

Have there been variances granted for this project? If so, is there a list of those granted that we can access? Are abutters routinely notified of variances?

During our visit to your offices to see the plans we noticed that the 30 foot pear tree the City had planted 15-20 years ago is slated for removal and replaced by a 15 foot maple. There are only 4 of these trees on Fox Street from Washington Ave. to Anderson. I've attached a photo of this tree -- which is fully leaved and is just now turning color in December as it stands centered before the narrow lot planned for condominiums. For comparison, I've also included a photo of a 15' tree planted in the sidewalk two houses down the street. Fox Street is a street in need of some softening and scale, the kinds of concerns that are hardly footnotes on paper plans, yet are so important in the daily lives lived in a neighborhood.



Thanks for your time today and please let us know of all meetings concerning this project. We have received many notices these past few years for applications for all sorts of developments from Washington Ave. to Anderson Street and it was

disheartening, to say the least, not to receive the one notice with the greatest impact to us personally.

Sincerely,

Nicholas Sichterman  
Mariah Hughs

---

**Re: 30 fox street**

1 message

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**Kelly Hrenko** <kelly.hrenko@maine.edu>  
To: Jean Fraser <jf@portlandmaine.gov>  
Cc: Kerry MacDonald <kmace04@msn.com>

Wed, Dec 27, 2017 at 2:27 AM

Hello Jean-

Thank you for your willingness to meet and discuss the 30 fox project. We very much appreciate your time.

First, we wanted to confirm both the upper and lower level rooms with a window (and skylight) on the side facing the vacant lot to be developed, are bathrooms. The upper level on that side also contains two bedrooms with windows facing the street and back yard.

Thank you for the updated plans. We have a few questions/concerns:

1. The plans indicate attaching a metal guard rail to the side of our home. We have not given permission for this. However, we definitely agree there should be something installed to protect cars from colliding...a free-standing barrier, perhaps something like concrete/metal bollards. We feel the extremely tight parking situation is a real matter of safety, especially when driving in slippery and/or dark conditions. Our kitchen (with gas appliances), living room, and bathroom all run along that side of our home.
2. Along with the fear of cars maneuvering so closely to our home - the tight quarters appear to severely limit our access to that side of our home for regular maintenance and repair. Our only exterior water connection is on that side as well as gutters etc - of which may need attention multiple times a year. The plans also seem to indicate that snow storage will lean into our fence, thus blocking a newly installed gate. In general, we can't help but feel the project is uncomfortably encroaching upon that side of our property.
3. We have questions about the applicants request to allow parking- based on a compact car size. Namely, how would we or the city ensure that only compact cars are maneuvering in that area and therefore not in jeopardy of collision with each other and us.
4. Lastly, we would like to confirm that the upper levels of the new building will remain >5feet from our property.

In closing, we do not oppose the project but really want to be sure we are aware of the details and fully understand the aspects of this project that may impact our property. We are first-time home owners in Portland and have worked very hard to purchase our home - and look forward to a long and happy life there. So of course, we want to be sure we are safe and that our property is protected. Is there any additional information on these concerns or other key issues that may be helpful for us to consider?

We are available to meet this week on Friday 12/29 any time after 3pm, and various times on Monday 1/1 and Tuesday 1/2 although an earlier time on those days is ideal. If meeting in person is not possible this week or next, we can also plan a phone call.

Sincerely,  
Kelly and Kerry

On Thu, Dec 21, 2017 at 10:02 AM, Jean Fraser <jf@portlandmaine.gov> wrote:

Kelly and Kerry

I would be happy to meet you almost anytime - I am out of the office Dec 25th and 28th but otherwise around next week; the week after I am around every afternoon. Let me know what would be convenient for you.

One of the questions we asked the applicant is what rooms with windows were on the side facing the vacant lot to be developed, on the upper floor- and I was sent photos showing this was a bathroom. The Fire Department wanted to be sure there were no bedrooms with windows on that side at the upper level - as if there were then the building would need to allow for ladders to reach the windows. So I would like to double check that with you.





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*Jean Fraser, Planner  
City of Portland  
874 8728*

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.

--

Kelly Hrenko, Ph.D.  
Associate Professor, Art Education

USM Art Department  
109 Robie Andrews Hall, Gorham  
Office: [207.780.5364](tel:207.780.5364)  
Cell: [612.423.6832](tel:612.423.6832)

[USM Art Education Program Website](#)  
[USM Art Department Website](#)

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## 30 Fox St. condo project

1 message

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**Nicholas Sichterman** <nicholas.sichterman@gmail.com>

Fri, Jan 5, 2018 at 11:05 AM

To: Jean Fraser <jf@portlandmaine.gov>

Dear Ms. Fraser,

Thank you for your note of 12/19/17.

My wife and I still have concerns about the project being considered at 30 Fox Street. Those concerns begin with the size of the project for a lot this size located where it is on Fox Street and the effort to maximize profits by providing off-street parking by using the five foot buffer on the downhill side as a fully integrated, paved component of the development. We hope some red flags went up when the applicant included this note on his site plan drawing..."Install a metal guardrail on abutting building to protect against vehicle collision." Not only using the buffer, but appropriating the use of private property abutting the development.

Small protection against the obvious -- the house at 32 Fox Street *will be* hit by cars using that parking design. The two cars that are paying for their garage will *always* be backing out across first, the sidewalk (which they will not be able to see until they have blocked it with their car) and then, because of street parking, will be blindly backing out into the traffic of Fox Street.

We also have trouble trying to reconcile the site plan drawings with recent survey work.

We are planing on being at the meeting on Tuesday, the 9th, and would appreciate a confirmation that it is indeed still on the schedule and what **time** and **where** in City Hall we will be meeting.

Thanks for you time on this,

Nicholas Sichterman  
Mariah Hughs

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## 30 Fox St. neighborhood meeting 24 January

1 message

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**Nicholas Sichterman** <nicholas.sichterman@gmail.com> Thu, Jan 18, 2018 at 2:06 PM  
To: Jean Fraser <jf@portlandmaine.gov>

Hi Jean,

Below is a letter I would have read at the upcoming neighborhood meeting organized by Bild Architecture concerning the condo proposal at 30 Fox Street if Mariah and I could have been able to be present.

Cynthia Cochran will be reading it in my stead.

Please keep me informed of upcoming meetings about the project.

Thanks,  
Nick

Nicholas Sichterman  
Mariah Hughs  
28 Winthrop

From Nick & Mariah to be read aloud at 24 January meeting organized by Bild Architecture:

Thank you for arranging this neighborhood meeting to talk about your condominium proposal at 30 Fox Street.

Mariah and I have recently gone through the process of building a single family home on a lot next to yours of about the same size and we realize that a building project of *any* size in our small neighborhood can have a large impact...in most cases a negative one during the actual building, and hopefully a positive one upon completion.

In an effort to keep this letter short, we will highlight our main concerns about your project and divide those concerns between what we see as things affecting the general public and those we see as things affecting us personally.

We believe the overriding public issue concerning this proposal is the desire to sell deeded on-site parking as part of a residential package. Clearly, this is an issue that affects anyone walking the sidewalks or driving a car on Fox Street. Keeping in mind that any residential development of three units or less are **not** required to provide on-site parking, the parking designs of this project made public so far, would need ***waivers to deviate from the required technical standards as to size of the spaces as well as the width of the parking drive aisle.***

It matters not, really, if the cars leave the site forwards or backwards. It's easier driving forward, but either way, the driver will enter the sidewalk blind to any foot traffic until getting beyond the house at 32 Fox street. This sidewalk is a school walking route and during the good weather months a group of elementary kids daily make their way up the sidewalk under the watch of a couple of volunteer parents, who are effectively trying to herd cats. The kids are walking, running, and playing, but *not* thinking about cars emerging from a parking garage.

Once in the sidewalk, the next nearly blind hurdle to overcome, is making one's way out into the traffic of Fox Street from between the parked cars. In a nutshell, you might be able to whittle the plan down to one or two cars who theoretically, on paper, could get in and out of the waived small spaces and navigate the too narrow driveway, but in reality, over the course of weeks and months, it just doesn't work. The closest neighbors *will* have their home hit by their new neighbors, and more likely than not, there will be accidents at the mouth of that driveway.

The mass and scale of the proposed building is a concern of the designers at the Planning Board, and will be noted by the neighbors and anyone else who isn't focused on driving their car on Fox Street. About the only thing giving the building a sense of scale is the mature 15" diameter pear tree growing on the sidewalk in front of this lot. It is one of 4 such trees on the street, and arguably the most handsome. We can see no reason to have it cut down since it would not interfere in the building process and has been included in all the photos that show how the building would look on the street after it was built. It helps minimize the height of the building. The last thing Fox Street needs is to lose one of its four more mature trees.

The major concerns about this proposal would disappear if the parking structure upon which the three residential units sit was removed from the plan. The building would at that point become truly grounded, the front door would no longer be an access to a parking garage, the visual problems of the 6 foot overhang would be eliminated, the building would be 7 1/2 feet shorter, the neighborhood would gain what looks more like a modern, Portland home.

Our personal concerns, things that might only affect us, can be summed up in a couple of sentences: We think the building is too tall. Instead of sunlight coming in our upstairs windows we will be facing a wall of grey cement/fiber board. The eastern elevation of the project is primarily a cement facade-- as is the back elevation. The large Norway maple which is only inches over our property line is going to be cut down by the applicant leaving no relief from the cement board expanse. In addition, there is no indication on the site plan of fencing and/or landscaping on *either* the side running along our property line *or* on the other side of the building running along the border of the house at 32 Fox Street. We believe there are requirements for such screening.

Thank you for your time tonight,

Nick & Mariah

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## Post Neighborhood Meeting Email

1 message

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**Kerry MacDonald** <kmace04@msn.com>  
To: Jean Fraser <jf@portlandmaine.gov>  
Cc: Kelly Hrenko <kelly.hrenko@maine.edu>

Mon, Jan 29, 2018 at 7:26 PM

Hello Jean,

As you know we recently had our neighborhood meeting with Bild and the Applicant for the project at 30 Fox Street. Based on the updated plans that were shared at the meeting, we write to express our ongoing concerns. Kelly and I do not feel that the Applicant has adequately addressed what has been our primary concern since first viewing the plans: that vehicles maneuvering mere inches from our home is both unsafe and unnecessary. There is simply not enough space for parking, as currently designed. Following is an expanded list of concerns:

- 1. Inadequate space for parking. Waivers required:** Section 1.14 of the City of Portland Technical Manual; Transportation Systems and Street Design Standards specifies that any parking lot with 10 or fewer spaces shall contain standard sized parking spaces. The applicant is requesting a waiver for 100% compact car spaces, due to inadequate space.
- 2. Lack of waiver enforceability:** There is no way to control the condo bylaws from being amended in the future to allow full size vehicles to park, nor would there be a way to prevent the turn-around space from being used as overflow parking for the 3<sup>rd</sup> condo unit or for visitors to the property. Elimination of the turn-around space altogether would force cars to back onto Fox street. Under either scenario, with or without the turn-around space, there are significant safety and feasibility concerns.
- 3. Parking is not required:** Base zoning for this three-unit project does not require deeded on-site parking. While the benefit to the Applicant of marketing for sale units with parking is obvious, the cost of this decision is being borne by the project's neighbors.
- 4. Fox is a busy thoroughway and sight lines are limited:** Cars entering Fox Street from the drive at 30 Fox Street are essentially entering a 4-way intersection with Hammond and Winthrop. As previously stated by the Planning Board, if in fact we are considering a "compact car only" scenario it will be nearly impossible to see pedestrians and oncoming traffic, over the parked cars and adjacent homes, before actually entering into Fox Street.

The complications surrounding the applicant's request for off street parking are many. Where there are questions about the future enforceability of waivers under subsequent condominium associations, coupled with the danger posed by the close proximity of cars to our home, we cannot help but feel that because parking is not required for this project, salability is being prioritized by the Applicant over our concerns, neighborhood safety, and City regulations.

We hope this email will be placed on record as an ongoing objection to the parking configuration as it stands.

Once again, we thank you and the Planning Board for your time and careful consideration.

Regards,

Kerry MacDonald and Kelly Hrenko

32 Fox Stre

et

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 **MacDonald Hrenko Concerns 30 Fox St.pdf**  
26K

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## Revised/abutter coments/30 Fox St. condos

1 message

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**Nicholas Sichterman** <nicholas.sichterman@gmail.com> Tue, Jan 30, 2018 at 6:31 PM  
To: Jean Fraser <jf@portlandmaine.gov>

Dear Jean,

Please discard the e-mail I-sentto you earlier earlier today. Mariah and I are on vacation and I'm using her iPad to compose this letter...my fingers are too big and the screen too small. I've cleaned up the spelling and syntax a bit.

Thanks,  
Nick

The following are Mariah's and my current thoughts concerning the proposed condo project at 30 Fox Street.

### **Parking / Design Waiver:**

Our main concern remains that the applicant is trying to design on-site parking in too small of a space. We contend that waiving the standards required for on-site parking in order to create a design solely for compact cars is unworkable and unenforceable going forward, and if the parking garage were to be eliminated from the design the applicant could build a three unit residence with a much smaller visual impact and with plenty of room left for appropriate landscaping and screening.

A development this size does not require off-street parking, and if pursued, the City of Portland Technical Manual for Transportation systems (1.14) requires that "any parking lot with 10 or fewer spaces **shall contain standard sized parking spaces.**"

Furthermore, in the same technical standards (1.7.2.6 Maneuvering) : "The area within the site...shall be of sufficient size to allow all necessary functions for loading, unloading, and parking maneuvers to be carried out on-site and completely off the street right-of-way. **Backing out of vehicles from the driveway is prohibited. The design vehicle used in the analysis shall be the predominant vehicle type and approved by the reviewing authority.**

These citations would indicate that the **standards require on-site parking be designed for the predominant, standard size cars.** Deviation from these standards can happen with a 20% allowance of spaces being designated as compact spaces in lots of 10+ spaces, but nowhere do I see that these standards can, or should, be waived *in total* in order to create an entire parking system — spaces and drive aisle — exclusively for

compact and sub-compact cars. All parking lots built in Portland would seem to have the **standard size car as its required design base**. The number of compact spaces in those lots can fluctuate to some degree, but for maneuverability and safety sake, all lots are to be designed for a larger car.

Tom Errico's review (attachment #5 for the 9 January public meeting) was thorough — bullet point by bullet point — in conveying his misgivings about sight distance, roadway geometry, and site layout constraints for this application.

Any waiver on the design of the parking system for this project, on a lot of this size, seems to be creating a whole new breed of parking lot. One that would be impossible to enforce as to car size allowed— people are going to drive what they drive, one person's compact being another's limo — and in the end, only a few select small cars, and drivers with a certain set of driving skills, would be able to maneuver in that space.

### **Removal of street tree:**

The mass and scale of the proposed building is a concern of the designers at the Planning Board, and is cited as the only required design principle that was not fully met. Besides removing the parking structure upon which the residential units sit, the only thing giving the building a sense of scale is the mature 15" diameter pear tree growing on the sidewalk in front of the proposed building. It's one of only four such trees on Fox Street and arguably the most handsome. We can see no reason to have it cut down since it would not unduly interfere in the building process. Ironically the tree has been included in all the photos and drawings that show how the building would look on the street after it was built. It helps, beautifully, to minimize the height of the proposed building and is one of the very few examples of a green streetscape on the entirety of Fox Street.

We've read both of Jeff Tarling's e-mails reviewing the initial site plan and do not read attachment #6 as an endorsement to cut down the tree, but rather a statement of the obvious — that "the visual impact of replacing with a small tree will take years to catch up to the existing one."

Rather, the memo speaks to the difficulty of these small projects in being able to **maintain** the streetscape. In this specific instance the streetscape is lovely and *should* be maintained. I hope that the Planning Board members have seen the two photos I took last month from across Fox Street of the tree in question...the tree blooms in April and stays fully leafed with a bit of fall color into December. For comparison, I turned the camera a few degrees to show a small maple planted two houses down from the project. We hope the Planning Board will see the value in maintenance.

### **Screening:**

The site plan that was used at the January 9th work public work session shows no screening between us and the project or between the project and our downhill neighbors at 32 Fox Street.

Along our border, the 5 foot buffer only shows a drawing of a 2 foot wide stone drip strip for the roof stormwater, and the removal of a fifty foot Norway maple that is inches away from the property line. Our neighbors at 32 Fox Street receive the same no screening treatment as well, only worse—on that side of the project the 5 foot “buffer” would be entirely paved for the use of the undersized drive aisle and some sort of metal guardrail installed to protect their home.

Jeff Tarling’s January 3rd e-mail (attachment #7) recommends that the entire project be screened with decorative wood fencing with pockets of landscape along both of the side neighbors’ property lines as well as the backyard property line “which is consistent with similar projects on Munjoy Hill and off York Street, and **helps meet the landscape site plan standards. This should be a condition of approval.**”

We agree with Jeff Tarling’s assessment and would be pleased to work with the applicant and his architect to finalize a screening design that meets the required standards.

Thank you for your continued work with us concerning this application. We hope this letter is included in the working record and that the members of the Planning Board both read and consider the public’s/neighbor’s views concerning this application. After all, we’re all in this together in trying to maintain and create an exciting and livable City of Portland.

Sincerely,

Nicholas Sichterman and Mariah Hughs  
28 Winthrop Street

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## Re: Revised/abutter coments/30 Fox St. condos

1 message

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**Nicholas Sichterman** <nicholas.sichterman@gmail.com> Tue, Feb 27, 2018 at 9:34 AM  
To: Jean Fraser <jf@portlandmaine.gov>

Hi Jean,

Thanks for the 24 hour notice on this, but we seem to be getting mixed messages about the "invitation" for today's simulation. It seemed to be pretty clear -- after Kelly and I watched the dry run on Friday -- that in fact no one outside of the principals involved were "invited" to today's event. Mariah and I acted on that information and we are in Blue Hill this morning.

So, if I may, I'd appreciate a few moments of your time by e-mail instead to make a couple of comments:

Friday's dry run of this test was about as low keyed as possible. 1/4 inch driveway snow markers to mark the two garage openings and a length of string to roughly delineate where a guardrail would be along Kelly & Kerry's property line. That string, by the way, did not extend beyond the end of their house -- the guardrail/fencing structure would need to extend to the back property line.

Since it was school vacation week, the Fox Street traffic was light and there was no one parked on either side of the drive cut to the property. There was no snow in the street or on the sidewalk, and no snow "stored" in or around the drive aisle.

The car Evan used last week was a Nissan Rogue, that has a length of 184.5 inches. It's considered a compact sport utility vehicle. The average length of the most popular **mid-size** cars (Honda Accord, Toyota Camry, Ford Fusion, Subaru Legacy, Kia Optima for example) average 192.5 inches in length.

Despite the fact that there was no building to enter or back out of, or a structural support column between the garages, from where I was standing looking down the "guardrail" string, the Nissan Rogue backed across the string two times for each "garage" tested.

I was told that the fence/guardrail construction will be only 4" deep --narrowing the 12' aisle by only 4". The standard galvanized steel guardrail has a 6" steel post with the galvanized rail attached and presents a total depth of 10".

Is this guardrail construction on our neighbor's property line actually considered a "buffer" as required in the regulations? What happened to the notion of the 5' buffer?

This paved drive aisle and guardrail construction seems to me to be an integral part of the building...built right to the property line.

Thanks again for your continued work on this application.

Best,  
Nick

Nicholas Sichterman  
Mariah Hughs  
28 Winthrop Steet

On Mon, Feb 26, 2018 at 12:23 PM, Jean Fraser <[jf@portlandmaine.gov](mailto:jf@portlandmaine.gov)> wrote:  
Nicholas and Moriah

I just wanted to confirm that you are welcome to join the meeting tomorrow (2/27) at 11am on the 30 Fox Street site when the Traffic Engineer reviewer will view the "simulation" of the vehicles entering/parking/exiting the site using the 11-12 foot wide access aisle.

I understand you saw it on Friday so you may not be interested in a re-run - but I had intended to include you in the invite.

Thank you  
Jean

On Tue, Jan 30, 2018 at 6:31 PM, Nicholas Sichterman  
<[nicholas.sichterman@gmail.com](mailto:nicholas.sichterman@gmail.com)> wrote:

Dear Jean,

Please discard the e-mail I-sentto you earlier earlier today. Mariah and I are on vacation and I'm using her iPad to compose this letter...my fingers are too big and the screen too small. I've cleaned up the spelling and syntax a bit.

Thanks,  
Nick

The following are Mariah's and my current thoughts concerning the proposed condo project at 30 Fox Street.

**Parking / Design Waiver:**

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## Fwd: 30 Fox St

1 message

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**Jean Fraser** <jf@portlandmaine.gov>  
To: "Fraser, Jean" <jf@portlandmaine.gov>

Fri, Apr 6, 2018 at 10:12 AM

From: **Nicholas Sichterman** <nicholas.sichterman@gmail.com>  
Date: Wed, Apr 4, 2018 at 3:25 PM  
Subject: Re: 30 Fox St  
To: Jean Fraser <jf@portlandmaine.gov>

Thanks Jean.

No, I hadn't seen these.

So far, I just watched the first few and the last few to sample...what ongoing mess this will be for the neighborhood if parking is allowed on-site.

I noticed a couple of things right off the top...in each case they had a string standing in for the barrier. Was the string set at the property line of Kerry and Kelly's house? If so, not taken into account is the thickness of the the barrier ....which is 10" for a standard galvanized road barrier and I would think in this case would be larger since there is a fence involved as well. Also, the "larger car" used in the final round of videos is an old model Subaru Outback, which is 3 1/2" longer than the original test car length, but 4 to 5 inches shorter than any popular "**mid-sized**" cars.

I can't tell from the various site plans if their drive aisle is measured from the property line or not, the current C1 site plan the aisle has two measurements -- 12' and another at 11.07'.

That C1 site plan also shows a measurement of **3.57'** from the building to the property line on the Fox Street sidewalk, despite showing in the General Notes Key that the requirements are for a 5' setback and **they say that they have provided the required 5'**

The waiver requests are alarming, and are based, as far as I can tell, on nothing other than the developer not wanting to pay for certain requirements -- for example the waiver request to allow for overhead utility lines coming from the far northwest corner of Hammond and Fox intersection. I'm sure the underground utilities requirements were thought out carefully -- this multi-unit construction would be an extreme use of overhead

utility lines stretching diagonally across an intersection. The brick sidewalk requirement, for another example of waiving away a required expense.

Not much about this application inspires confidence. I started reading the storm water management plan (17024-(11)) from Plymouth Engineering and found it hard to read past the line that describes the proposed development as being a 46' x 82' four story building.

I was interested in the report, however, because in the comment memo from Woodard & Curran 11/29/2017 they speak about an under drain pipe shown in the detail of the drip strip for the roof as being needing to be hooked up to the "separated storm drain in Fox Street." Is that still a concern in the latest version of things?

Thanks again for sending the videos.

--Nick

Dear Jean-

The parking plan for 30 Fox street continues to concern us.

- The City's Technical Standards Manual requires a 24' wide drive aisle for all 90-degree parking configurations. The applicant is requesting a drive aisle waiver for a space less than half this standard (and mere inches from our home). There have already been two failed field tests on site. Yet, we are to believe that the most recent parking configuration, which is untested, is acceptable.
- There are many variables that must exist at once in order to make this a potentially maneuverable and safe space: the garage cannot contain structural support beams, no garage doors, no snow/debris in the driveway, only two cars can park, compact/midsize cars only, a vacant parking space is required at all times for backing into, cars must always enter Fox street forward.
- There is no recourse for when the 3-unit condo association changes their bylaws to include a third parking spot. Or when weather limits access, or a car is too large or a driver unskilled. The focal point of this test should not to be whether a vehicle can feasibly maneuver under optimal conditions by a skilled driver, but rather whether a vehicle can navigate under less than ideal conditions. The answer is clearly no. This scenario is only approved if specific guidelines are in place- and yet there is no way to require or uphold these guidelines.

The City's requirement of a drive aisle space being at least 24' wide- for purposes of maneuvering and turning around is clearly necessary in this situation. There are reasons for this code and we must trust the City to uphold their standards.

We have additional concerns unrelated to parking, which we will express at the Planning Board meeting on Tuesday, April 10<sup>th</sup>.

Kelly Hrenko and Kerry MacDonald  
32 Fox Street

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## Fwd: 30 Fox Street

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Jean Fraser <jf@portlandmaine.gov>  
To: Jennifer Munson <jmy@portlandmaine.gov>

Fri, Apr 6, 2018 at 3:09 PM

Can you add this PC to 30 fox Street - its PC10

----- Forwarded message -----

From: **Nicholas Sichterman** <nicholas.sichterman@gmail.com>  
Date: Fri, Apr 6, 2018 at 2:59 PM  
Subject: 30 Fox Street  
To: Jean Fraser <jf@portlandmaine.gov>

Dear Jean,

I wanted to send you a note before the upcoming Planning Board meeting on Tuesday the 10th when the 30 Fox Street Condominium project is on the agenda.

The off-street parking scheme the applicant keeps insisting he wants as part of this development will, if the waivers he is applying for are granted, remain a problem and liability for the future occupants of 30 Fox Street, for our neighbors Kelly and Kerry, for all pedestrians walking on this school-route dedicated sidewalk, and all drivers using Fox Street. The lot is simply too small for a parking garage, and trying to design for one has created a compromised design for the three unit residence that is to sit on top of the parking structure.

The other two waivers -- from the standards requiring underground utility service and brick sidewalks-- seem motivated simply by the desire not to pay for the more expensive required standards. I would hope that the City would deny these waivers off hand. My wife and I take strong exception the the final line in the waiver request for the overhead utilities, which reads..."In our opinion, the addition of a new service to this building will not pose a significant impact on the streetscape." A long run of bundled utilities running diagonally across the intersection of Hammond Street and Fox Street would pose a highly significant impact, and frankly, would be odd looking. Again, this shouldn't even be a conversation. The standard is for underground utilities, he should build to the standards.

Looking at the various site plan drawings I cannot tell what the applicant will be doing for water services -- both sewer and storm-water. I assume he will be digging to the middle of Fox Street to access the sewer drain, and, from an earlier comment by City reviewers, I'm thinking he'll need to hook up the underdrains to the dedicated storm water drain on the opposite side of the street. True?

I also don't see that the applicant has even provided the proper 5' of required front setback. I still see 3.57' drawn on the site plan.

And as an aside, but, we feel an important fact: Other than a short e-mail from the applicant on 8/30/17 telling us that he would be building on his lot next year and would start by removing the large Norway maple on the edge of his property and incorrectly claiming ownership of more of the fence he'll be removing, and formally introducing himself a few weeks later, there has been no effort made on his part to discuss any aspect of this project with us along the way. This, despite the fact that there are issues that a conversation would help: the kind and quality of the fencing he'll be putting up between our properties, the fact that there is more than a 2-foot difference in grade at our property line...some with a retaining wall. What's the plan?

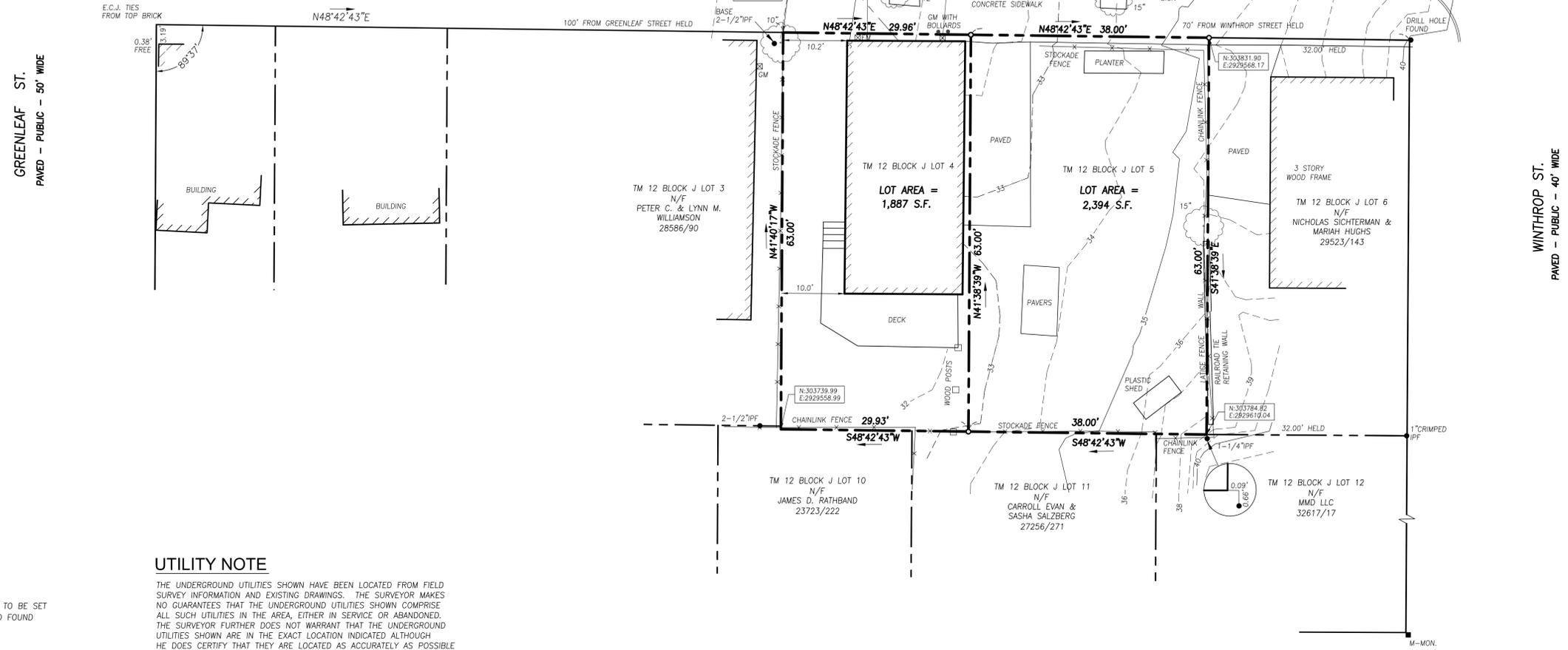
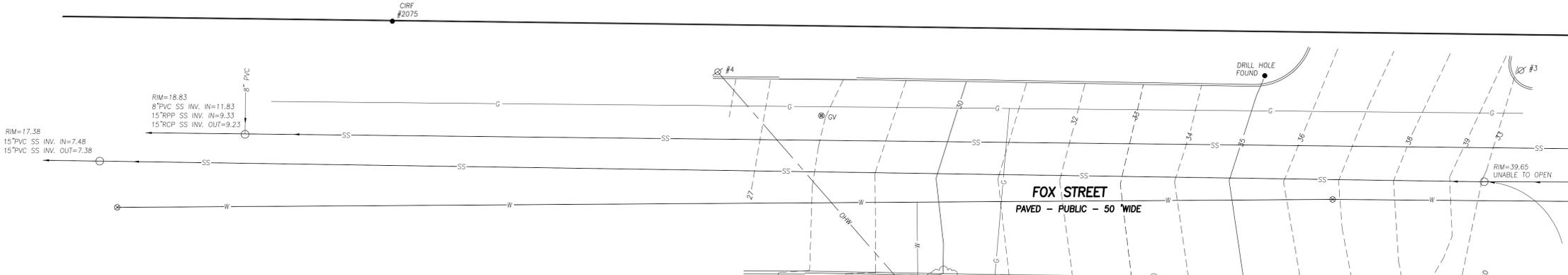
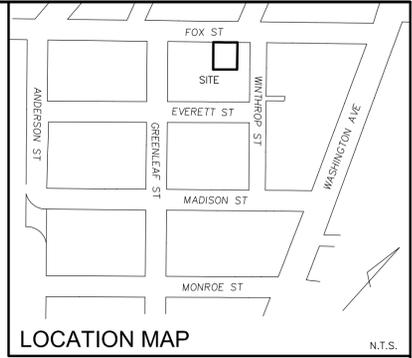
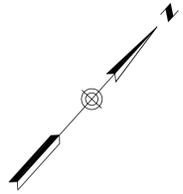
The upshot for us at this point is that we have very little confidence that this application will produce a quality project that enhances the neighborhood.

Respectfully,

Nicholas Sichterman  
Mariah Hughs

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*Jean Fraser, Planner*  
*City of Portland*  
*874 8728*



- LEGEND**
- CAPPED IRON ROD TO BE SET
  - IRON PIPE OR ROD FOUND
  - MONUMENT FOUND
  - UTILITY POLE
  - ⊗ EM/GM
  - ⊕ ELECTRIC/GAS METER
  - ⊖ SIGN
  - ⊗ WATER VALVE OR SHUTOFF
  - ⊕ GAS VALVE
  - DECIDUOUS TREE
  - FENCE
  - CURB
  - OHW
  - OVERHEAD WIRES
  - TM TAX MAP
  - N/F NOW OR FORMERLY
  - 000/000 DEED BOOK / PAGE
  - 30 1' CONTOUR
  - G GAS LINE
  - SS SANITARY SEWER
  - W WATER LINE

**UTILITY NOTE**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

- PLAN REFERENCES**
- PORTLAND ENGINEERING DEPARTMENT RIGHT OF WAY WORKING PLANS OF STREETS IN THIS AREA.
  - "PLAN AND PROFILE OF WASHINGTON AVE. AND FOX ST. PORTLAND, MAINE MADE FOR THE CITY OF PORTLAND" BY OWEN HASKELL, INC. DATED JULY 2000.
  - H.I. & E.C. JORDAN FILES AND WORKING DRAWINGS IN THIS AREA.
  - "ALTA/ACSM LAND TITLE AS-BUILT SURVEY AT 134 WASHINGTON AVENUE, PORTLAND, CUMBERLAND COUNTY, MAINE BY OWEN HASKELL, INC. FOR AVESTA WASHINGTON AVE. LP" DATED DECEMBER 17, 2015, REVISED THROUGH MARCH 8, 2016.
  - "BOUNDARY & TOPOGRAPHIC SURVEY AT 13 & 15 EVERETT STREET, PORTLAND, MAINE MADE FOR PORTLAND RENOVATIONS" APRIL 3, 2013 REVISED APRIL 6, 2017 BY OWEN HASKELL, INC.

- GENERAL NOTES**
- OWNER OF RECORD: TM 12-J-4 KELLY HRENKO  
C.C.R.D. 33963/72  
TM 12-J-5 DYER NECK DEVELOPMENT, LLC  
C.C.R.D. 33955/62
  - PARCELS ARE SHOWN AS LOTS 4 & 5 BLOCK J ON CITY OF PORTLAND'S ASSESSORS MAP 12.
  - BEARINGS ARE BASED ON THE MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD 1983 PER CITY POINTS T102-77-02 N:303502.3570 E:2929187.9000 & L749-76-3000 N:305080.3090 E:2929308.2410.
  - ELEVATIONS ARE BASED ON NGVD 1929 PER BENCHMARK SHOWN ON PLAN REFERENCE 2, PK IN POLE #11 CORNER OF ANDERSON AND EVERETT STREET ELEVATION 12.42 CITY LEVEL BOOK 737 PAGE 77.
  - THE SUBJECT PARCELS ARE IN ZONE RESIDENTIAL 6 (R-6) PER THE CITY OF PORTLAND ZONING MAP. FOR ADDITIONAL ZONING INFORMATION SEE THE CITY OF PORTLAND CODE OF ORDINANCES.

**CERTIFICATE**

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE, WITH THE EXCEPTION OF MARKERS NOT SET AT ALL CORNERS.

JUNE 28, 2017  
DATE

*Randy R. Loubier*  
RANDY R. LOUBIER, PLS NO. 2407

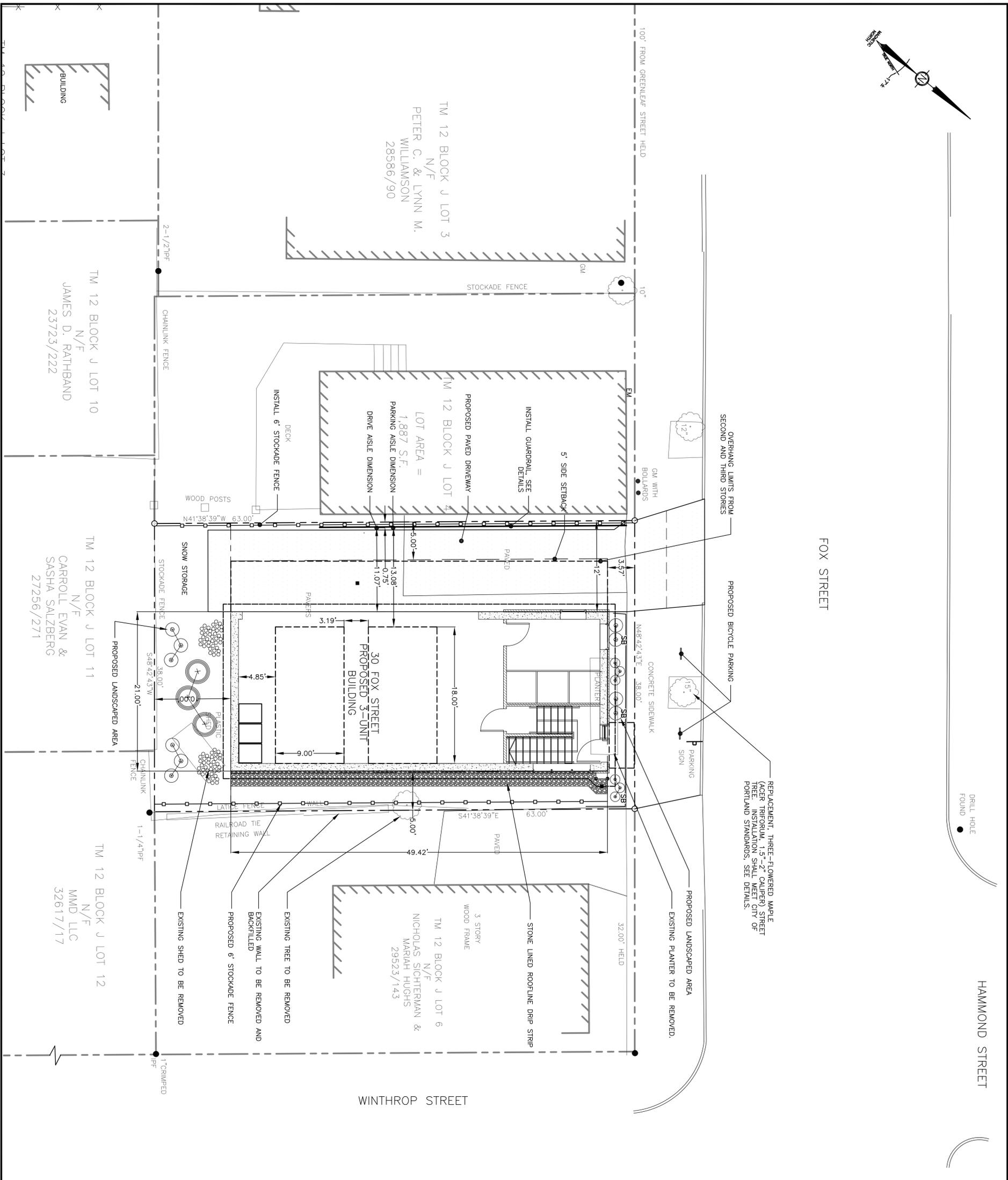


REV. 1 06/26/17 ADD TOPOGRAPHY

**BOUNDARY SURVEY**  
AT  
32 FOX STREET, PORTLAND, MAINE  
MADE FOR  
**SIMON NORWALK**  
32 FOX STREET, PORTLAND, MAINE  
OWNER OF RECORD: DYER NECK DEVELOPMENT, LLC

**OWEN HASKELL, INC.**  
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424  
PROFESSIONAL LAND SURVEYORS

Drwn By	RRL	Date	JUNE 18, 2017	Job No.	2017-132P
Trace By	JLW	Scale	1" = 10'	Drwg. No.	1
Check By	RRL				
Book No.	FILE				



FOX STREET

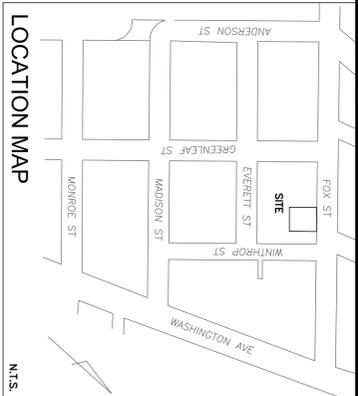
HAMMOND STREET

WINTHROP STREET

GENERAL NOTES:

1. THE APPLICANT AND RECORD OWNER IS SIMON NORWALK OF DYER NECK DEVELOPMENT, LLC, WHOSE ADDRESS IS 29 KELLOGG STREET, #3 PORTLAND, ME 04101.
2. THE PROPERTY IS LOCATED AT 30 FOX STREET, PORTLAND, ME AND IS DESCRIBED AS A PORTION OF LOT 03 ON THE CITY OF PORTLAND ASSESSOR'S TAX MAP 012, BLOCK J.
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4. THE SITE IS LOCATED WITHIN THE R-6 RESIDENTIAL ZONE.
5. TOTAL AREA OF PARCEL: 2,394 S.F.  
 TOTAL LANDSCAPED AREA: 323 S.F. (13%)  
 EXISTING IMPERVIOUS AREA: 1,321 S.F.  
 NEW IMPERVIOUS AREA: 1,321 S.F.
6. SPACE AND BULK INFORMATION FOR R-6 ZONE:  

MIN. LOT AREA:	2,000 S.F.	PROVIDED	2,394 S.F.
MIN. LOT WIDTH:	20 FT.	PROVIDED	38 FT.
MIN. FRONT SETBACK:	5 FT.	PROVIDED	5 FT.
MIN. SIDE SETBACK:	5 FT.	PROVIDED	5 FT.
MIN. REAR SETBACK:	5 FT.	PROVIDED	5 FT.
LANDSCAPED OPEN AREA:	20%	PROVIDED	31%
7. EXISTING CONDITIONS AND SURVEY INFORMATION BASED ON PLAN ENTITLED 'BOUNDARY SURVEY OF 32 FOX STREET' PROVIDED BY OWEN HASKELL, INC., DATED JUNE 28, 2017.
8. SITE ENGINEERING PROVIDED BY JON H. WHITTEN, JR., P.E. #10414 OF PLYMOUTH ENGINEERING, INC., WHOSE ADDRESS IS PO BOX 46, PLYMOUTH, ME 04969.
9. ARCHITECTURAL DESIGN PROVIDED BY EVAN CARROLL, AIA OF BLDG ARCHITECTURE, PORTLAND, MAINE.



APPROVAL -  
 CITY OF PORTLAND  
 PLANNING BOARD

DATE \_\_\_\_\_  
 CHAIRPERSON \_\_\_\_\_

GRAPHIC SCALE  
 (IN FEET)  
 1 inch = 6 ft.

SHEET 1 OF 1	<b>Plymouth Engineering, Inc.</b> P.O. Box 46 30 Lower Detroit Road Plymouth, Maine 04969 Tel: (207) 257-2071 Fax: (207) 257-2130 info@plymouthengineering.com www.plymouthengineering.com	DESIGNED: JHW DRAWN: JHW CHECKED: JHW APPROVED: JHW PLAN DATE: 04-05-18 CLIENT & OWNER: SIMON NORWALK DYER NECK DEVELOPMENT, LLC 29 KELLOGG STREET, #3 PORTLAND, ME 04101	PROJECT NO.: 17178 DRAWING NO.: 17178 092117 B FIELDBOOK: SCALE: DATE ISSUED: 04-05-18	PROJECT NAME: <b>30 FOX STREET</b> PORTLAND MAINE SHEET NAME: <b>DRAFT SUBDIVISION PLAN</b>	REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>DRAWN</th> <th>APPD.</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION	DRAWN	APPD.					
		NO.	DATE	DESCRIPTION	DRAWN	APPD.									
SHEET NO. 1 OF 1	PLYMOUTH ENGINEERING, INC. 30 LOWER DETROIT ROAD PLYMOUTH, MAINE 04969 TEL: (207) 257-2071 FAX: (207) 257-2130 WWW.PLYMOUTHENGINEERING.COM	PROJECT NO. 17178 DRAWING NO. 17178 092117 B FIELDBOOK: SCALE: DATE ISSUED: 04-05-18	PROJECT NAME: <b>30 FOX STREET</b> PORTLAND MAINE SHEET NAME: <b>DRAFT SUBDIVISION PLAN</b>	REVISIONS <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>DRAWN</th> <th>APPD.</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION	DRAWN	APPD.						
NO.	DATE	DESCRIPTION	DRAWN	APPD.											

# 30 FOX STREET

PORTLAND, MAINE 04101

## SITE APPLICATION

3/26/2018

### GENERAL NOTES

- ALL MATERIALS, COMPONENTS, AND WORK ARE NEW AND SHALL BE PROVIDED IN THIS CONTRACT BY THE CONTRACTOR UNLESS NOTED OTHERWISE.
- ALL WORK INCLUDED IN THIS CONTRACT SHALL CONFORM TO ALL STATE, NATIONAL AND OTHER CODES AND ORDINANCES WHICH APPLY TO THIS PROJECT.
- IT IS THE INTENT AND MEANING OF THESE DRAWINGS THAT THE CONTRACTOR AND EACH SUBCONTRACTOR PROVIDE ALL LABOR, MATERIALS, TRANSPORTATION, SUPPLIES, EQUIPMENT, ETC. TO OBTAIN A COMPLETE JOB TO INDUSTRY STANDARD IN A PROFESSIONAL WORKMANLIKE MANNER.
  - CONTRACTORS AND SUBCONTRACTORS SHALL REVIEW THE DRAWINGS AND SPECIFICATIONS PRIOR TO PERFORMANCE OF ANY WORK.
  - CONTRACTORS AND SUBCONTRACTORS SHALL INSTALL ALL MATERIALS AS PER THE CONSTRUCTION DOCUMENTS AND THE MANUFACTURER'S INSTALLATION RECOMMENDATIONS.
  - INSTALLERS MUST BE TRAINED AND EXPERIENCED IN THE APPLICATION/INSTALLATION OF THE PRODUCTS/MATERIALS THAT THEY ARE INSTALLING.
  - PRODUCTS/MATERIALS MUST BE APPLIED/INSTALLED/USED IN CONDITIONS AS ALLOWED BY THE MANUFACTURER.
  - PRODUCTS/MATERIALS MUST BE APPLIED/INSTALLED/USED IN COORDINATION WITH ALL OTHER WORK CONDUCTED ON SITE.
- THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCY(IES) IMMEDIATELY TO THE ARCHITECT.
- ANY DEVIATIONS WHATSOEVER FROM THE DRAWINGS AND/OR SPECIFICATIONS ARE NOT ALLOWED WITHOUT THE OWNER'S WRITTEN PERMISSION. FAILURE TO PROCURE SUCH WRITTEN AUTHORIZATION PLACES ALL RESPONSIBILITY FOR THE VARIATION ON THE CONTRACTOR.
- AT THE END OF EACH WORKING DAY, THE CONSTRUCTION SITE SHALL BE LEFT IN A NEAT AND CLEAN MANNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS WHICH ARE REQUIRED FOR THE SATISFACTORY COMPLETION OF THE WORK AND THE OWNER SHALL BE RESPONSIBLE FOR PAYING ALL FEES, HOOK UP CHARGES, ETC. EXCEPTION: THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR THE SITE AND BUILDING PERMITS.
- THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE OWNER FOR THE SEQUENCE AND TIMING OF OPERATIONS PRIOR TO COMMENCING WORK. AREAS FOR STAGING ETC. MUST BE APPROVED BY THE OWNER.
- THE CONTRACTOR SHALL DISPOSE OF AND / OR RECYCLE ANY CONSTRUCTION DEBRIS FROM THE PROJECT SITE AS REQUIRED BY REGULATING AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING DISPOSAL PERMITS WHICH ARE REQUIRED. CONSTRUCTION DEBRIS FROM THE PROJECT SITE SHALL BE DISPOSED OF IN AN APPROVED AND LEGAL MANNER.
- DUTY OF COOPERATION: RELEASE OF THESE PLANS CONTEMPLATES FURTHER COOPERATION AMONG THE OWNER, THE CONTRACTOR, THE ARCHITECT AND THE ARCHITECT'S CONSULTANTS. DESIGN AND CONSTRUCTION ARE COMPLEX. ALTHOUGH THE ARCHITECT AND HIS CONSULTANTS HAVE PERFORMED THEIR SERVICES WITH DUE CARE AND DILIGENCE, THEY CANNOT GUARANTEE PERFECTION. COMMUNICATION IS IMPERFECT, AND EVERY CONTINGENCY CANNOT BE ANTICIPATED. ANY AMBIGUITY OR DISCREPANCY DISCOVERED BY THE USE OF THESE PLANS SHALL BE REPORTED IMMEDIATELY TO THE OWNER. FAILURE TO NOTIFY THE OWNER COMPOUNDS MISUNDERSTANDING AND MAY INCREASE CONSTRUCTION COSTS. A FAILURE TO COOPERATE BY A SIMPLE NOTICE TO THE OWNER SHALL RELIEVE THE OWNER AND THE ARCHITECT FROM RESPONSIBILITY FROM ALL COSTS.
- THESE DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. THE GENERAL CONTRACTOR SHALL PROVIDE FOR THE SAFETY, CARE OF UTILITIES AND ADJACENT PROPERTIES DURING CONSTRUCTION, AND SHALL COMPLY WITH STATE AND FEDERAL SAFETY REGULATIONS.
- ALL MATERIALS AND WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE YEAR FROM THE DATE OF FINAL PAYMENT.
- COORDINATE ALL MECHANICAL & ELECTRICAL DEVICES SO THEY DO NOT CONFLICT W/ ARCHITECTURAL FEATURES.
- DIMENSIONS SHOWN ON DRAWINGS ARE TAKEN FROM FACE OF GYPSUM WALLBOARD UNLESS OTHERWISE NOTED
- COORDINATE ALL MECHANICAL & ELECTRICAL DEVICES SO THEY DO NOT CONFLICT W/ ARCHITECTURAL FEATURES.
- ELECTRICAL WORK TO BE DESIGNED, PERMITTED AND INSTALLED BY CONTRACTOR.
- EXISTING ELECTRICAL SYSTEM TO BE PRESERVED TO THE MAXIMUM EXTENT ALLOWABLE BY CODE.
- PLUMBING WORK TO BE DESIGNED, PERMITTED AND INSTALLED BY CONTRACTOR.
- HVAC WORK TO BE DESIGNED, PERMITTED AND INSTALLED BY CONTRACTOR.

### ABBREVIATIONS

AV	AIR/VAPOR
AFF	ABOVE FINISH FLOOR
B.O.	BOTTOM OF
CONC.	CONCRETE
E	EXISTING
ELEVS.	ELEVATIONS
FFE	FINISH FLOOR ELEVATION
FRP	FIBERGLASS REINFORCED PANELS
GWB	GYPSUM WALL BOARD
GYP BD	GYPSUM WALL BOARD
INSUL	INSULATION
O.C.	ON CENTER
P&S	BRACKET W/ CLOTHES POLE & SHELF
PT	PRESSURE TREATED/PAINTED
RCP	REFLECTED CEILING PLAN
SAT	SUSPENDED ACOUSTICAL TILE
SIM	SIMILAR
STRUCT	STRUCTURAL DRAWINGS OR STRUCTURAL ENGINEER
T.B.D.	TO BE DETERMINED
T.O.	TOP OF
TYP	TYPICAL
UNO	UNLESS NOTED OTHERWISE
VCT	VINYL COMPOSITE TILE



### PROJECT CONTACTS

**OWNER**  
SIMON NORWALK  
29 KELLOGG ST, #3  
PORTLAND, ME 04101  
207-837-0799  
SIMON072889@GMAIL.COM

**ARCHITECT**  
EVAN CARROLL, ARCHITECT  
BILD ARCHITECTURE  
PO BOX 8235  
PORTLAND, ME 04104  
P: (207) 408-0168  
EVAN@BILDARCHITECTURE.COM

**CIVIL ENGINEER**  
JON WHITTEN, PE  
PLYMOUTH ENGINEERING  
30 LOWER DETROIT ROAD  
PO BOX 46  
PLYMOUTH, ME 04969  
P:207-257-2071

**STRUCTURAL ENGINEER**  
KEITH EWING, PE  
PLYMOUTH ENGINEERING  
30 LOWER DETROIT ROAD  
PO BOX 46  
PLYMOUTH, ME 04969  
P:207-257-2071

### DRAWING LIST

G1.1	COVER SHEET	X
000	SURVEY	X
C1	SITE PLAN	X
C2	GRADING AND UTILITY PLAN	X
C3	EROSION & SEDIMENTATION CONTROL DETAILS	X
C4	DETAILS	X
TT	TURNING TEMPLATE	X
000	PARKING LOT LIGHTING	X
A1.0	PARKING LAYOUT	X
A1.1	FIRST & 2ND FLOOR PLANS	X
A1.3	3RD & 4TH FLOOR PLANS	X
A2.1	ELEVATIONS	X
A2.2	ELEVATIONS	X
A2.3	RENDERING	X
A2.4	RENDERING	X
A3.1	BUILDING SECTION	X
CM1.1	CONSTRUCTION MANAGEMENT PLAN	X

SITE APP  
3/26/2018

**Bild Architecture**  
PO Box 8235  
Portland, ME  
04104  
207.408.0168  
evan@bildarchitecture.com



PROJECT NO.  
**17024**  
PROJECT NAME  
**30 FOX STREET**  
PORTLAND, MAINE 04101

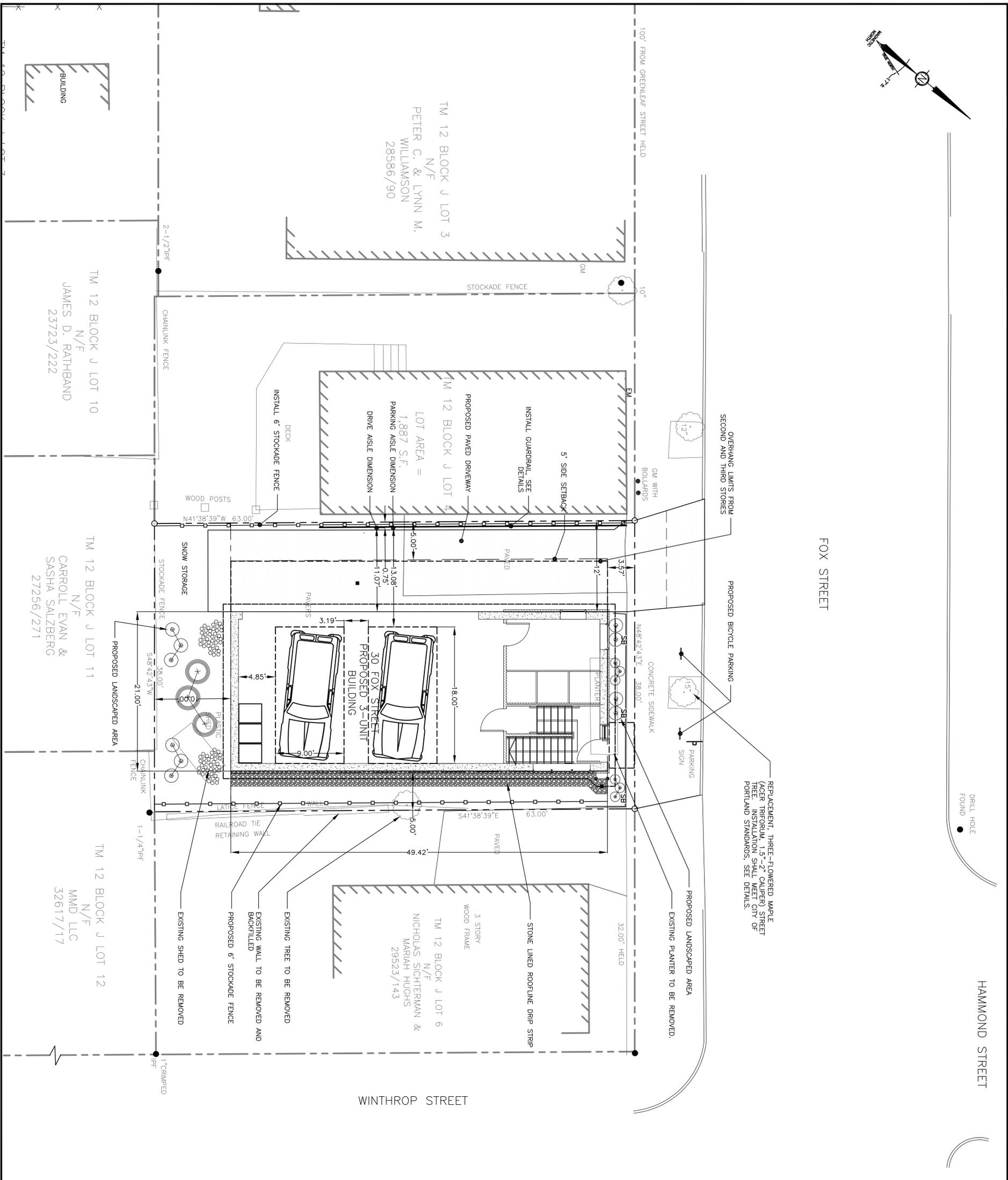
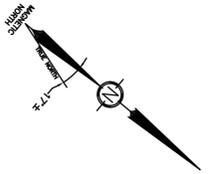
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	4	-
	5	-

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**  
DRAWN BY  
**AEW**  
SHEET TITLE  
**COVER SHEET**

ISSUE DATE  
**3.26.18**  
SHEET SCALE  
N.T.S.

**G**

1.1



FOX STREET

HAMMOND STREET

WINTHROP STREET

REPLACEMENT, THREE-FLOWERED MAPLE (ACER TRIFLORUM, 1.5"-2" CALIPER) STREET TREE. INSTALLATION SHALL MEET CITY OF PORTLAND STANDARDS, SEE DETAILS.

OVERHANG LIMITS FROM SECOND AND THIRD STORIES

EXISTING LANDSCAPED AREA

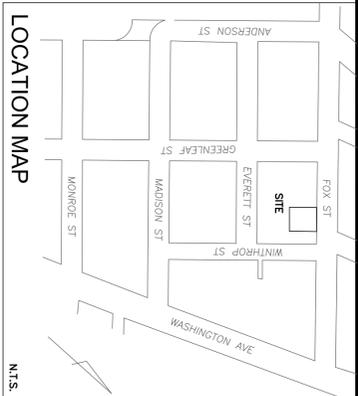
PROPOSED LANDSCAPED AREA

EXISTING LANDSCAPED AREA

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REVISIONS				
NO.	DATE	DESCRIPTION	DRAWN	APPR.



DESIGNED: JHW  
 DRAWN: JHW  
 CHECKED: JHW  
 APPROVED: JHW  
 PLAN DATE: 03-26-18  
 CLIENT & OWNER: SIMON NORWALK, DYER NECK DEVELOPMENT, LLC, 29 KELLOGG STREET, #3 PORTLAND, ME 04101

PROJECT NO.: 17178  
 DRAWING NO.: 17178 092117 B  
 FIELDBOOK:  
 SCALE:  
 DATE ISSUED: 03-26-18

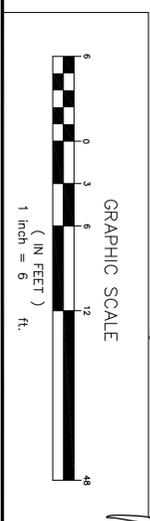
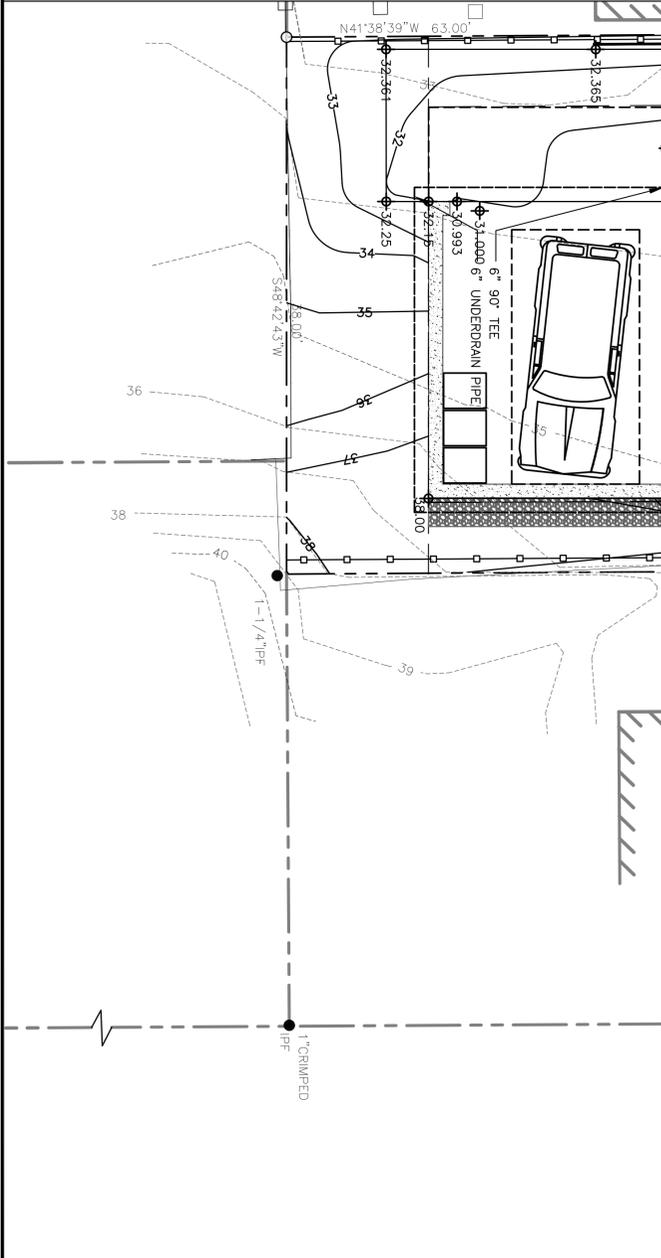
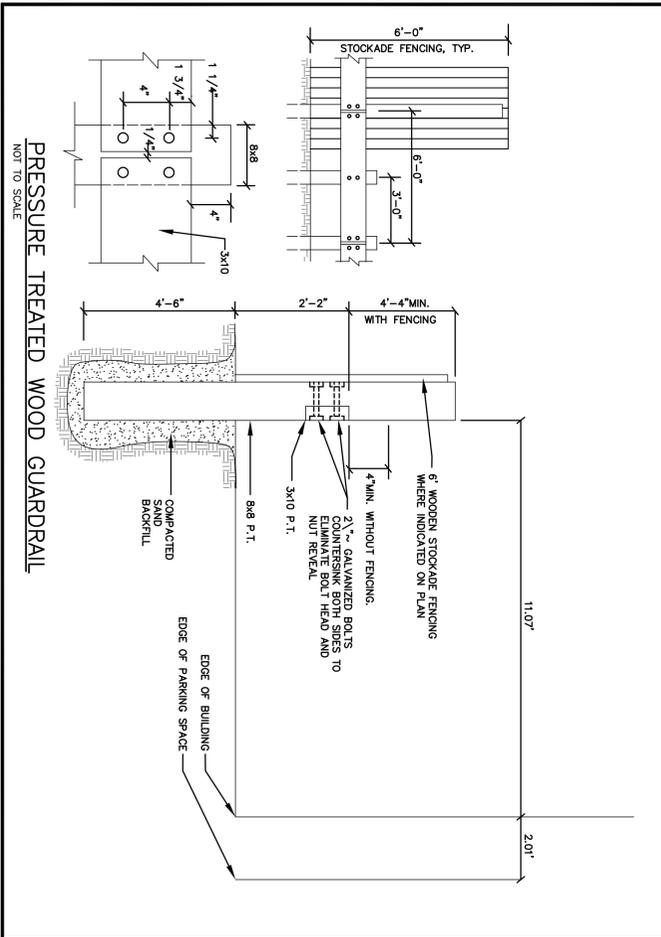
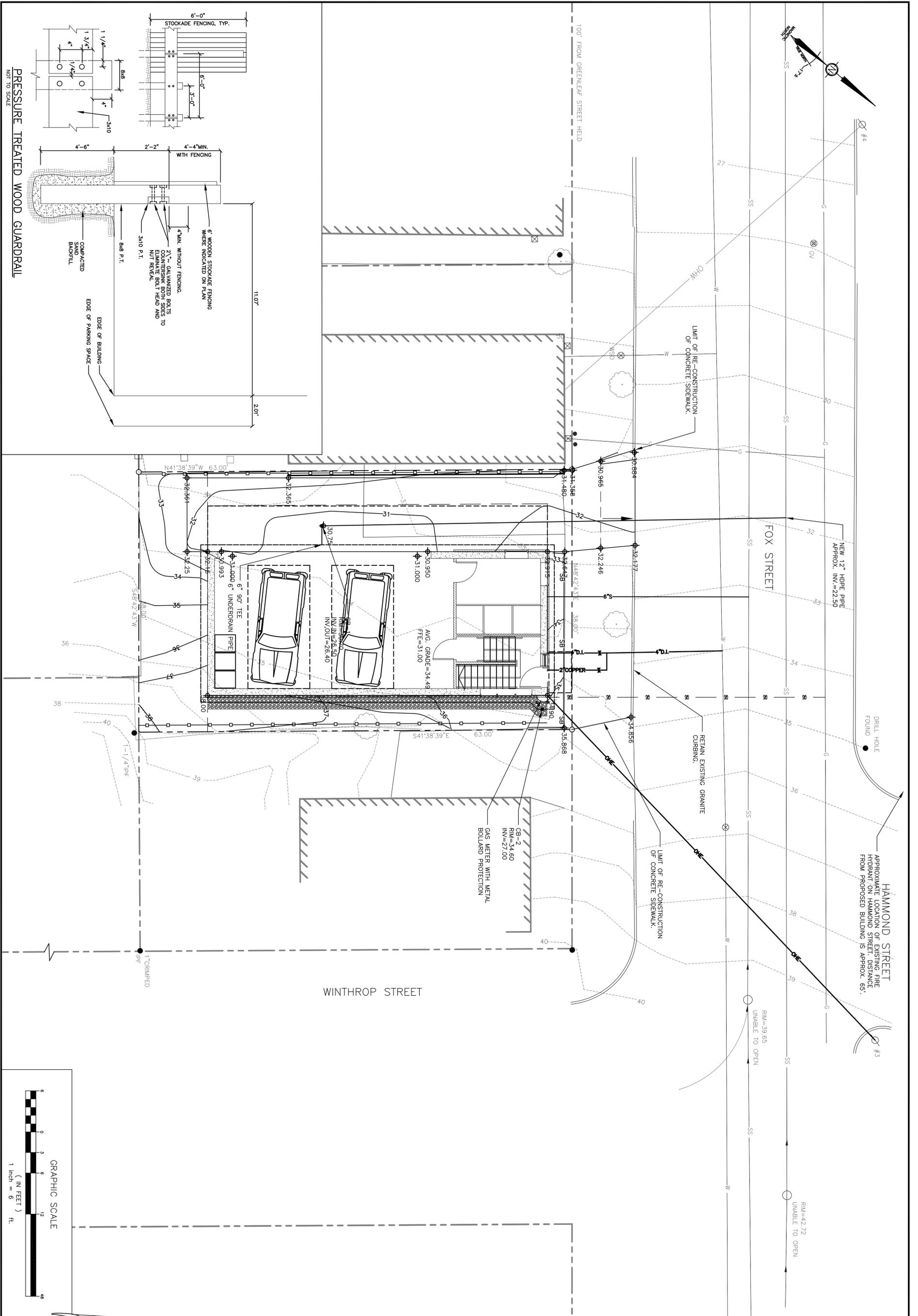
PROJECT NAME:  
 PORTLAND  
 SHEET NAME:  
 MAINE  
 SITE LAYOUT PLAN

**Plymouth Engineering, Inc.**  
 P.O. Box 46 30 Lower Detroit Road  
 Plymouth, Maine 04969  
 Tel: (207) 267-2071 Fax: (207) 267-2130  
 info@plymouthengineering.com  
 www.plymouthengineering.com

STATE OF MAINE  
 REGISTERED PROFESSIONAL ENGINEER  
 EVAN CARROLL  
 No. 17178  
 EXPIRES 03/26/2019

30 FOX STREET  
 MAINE  
 SITE LAYOUT PLAN

SHEET 1 OF 2  
 PRELIMINARY  
 THIS DRAWING IS THE PROPERTY OF PLYMOUTH ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PLYMOUTH ENGINEERING, INC.



STATE OF MAINE  
 REGISTERED PROFESSIONAL ENGINEER  
 PLYMOUTH ENGINEERING, INC.  
 PLYMOUTH, MAINE

**Plymouth Engineering, Inc.**  
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 Plymouth, Maine 04969  
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 info@plymouthengineering.com  
 www.plymouthengineering.com

DESIGNED: JHW	PROJECT NO. 17178
DRAWN: JHW	DRAWING NO. 17178 0921 B
CHECKED: JHW	FIELDBOOK:
APPROVED: JHW	SCALE: 1"=6'
PLAN DATE: 03-26-18	DATE ISSUED: 03-26-18
CLIENT & OWNER: SIMON NORWALK DYER NECK DEVELOPMENT, LLC 29 KELLOGG STREET, #3 PORTLAND, ME 04101	

PROJECT NAME:  
**30 FOX STREET**  
 PORTLAND MAINE  
 SHEET NAME:  
**GRADING & UTILITY PLAN**

REVISIONS		NO.	DATE	DESCRIPTION	DRAWN	APPD.





**SITE PLAN**  
 SCALE: 1/4" = 1'-0"

ISSUE DATE  
**3.26.18**  
 SHEET SCALE  
 1/4" = 1'-0"

DRAWN BY  
**AEW**  
 SHEET TITLE  
**CONSTRUCTION MANAGEMENT PLAN**

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**

REVISIONS

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4	-
5	-

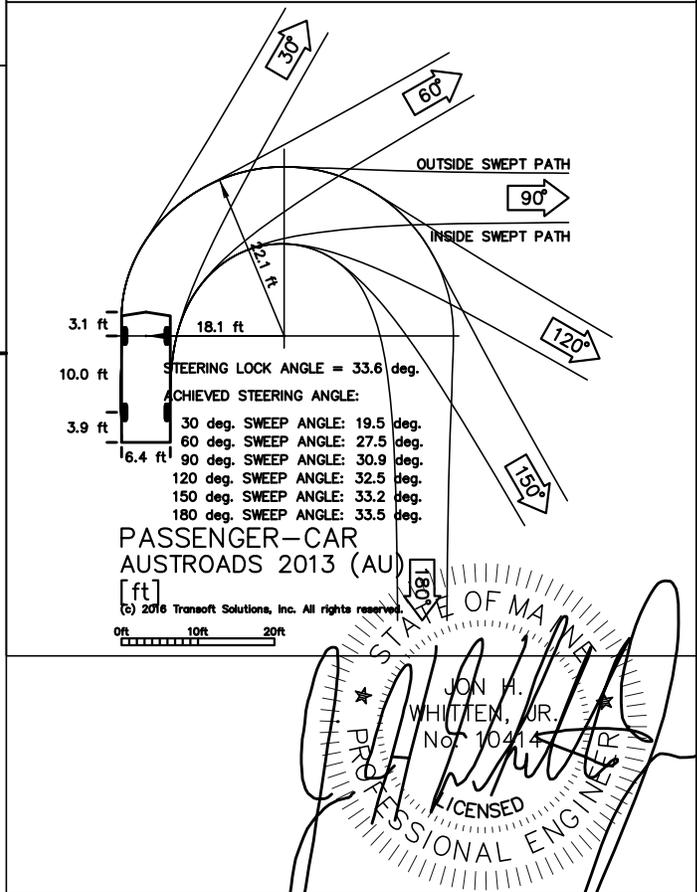
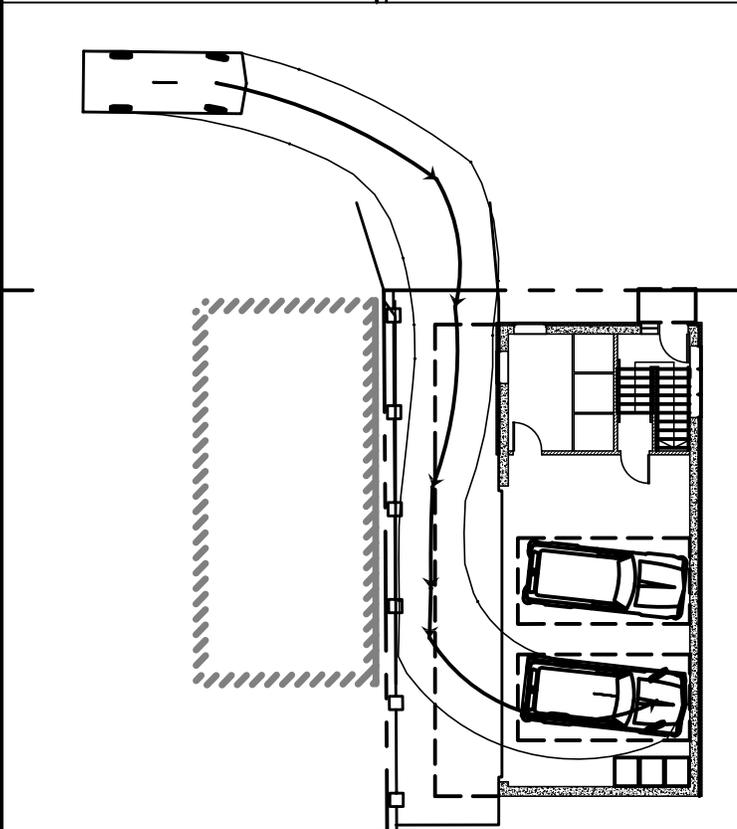
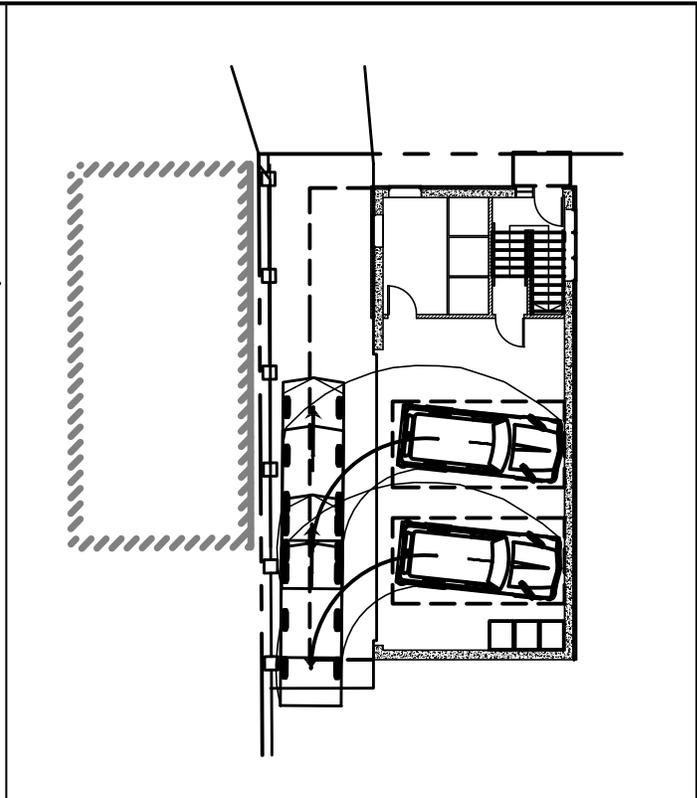
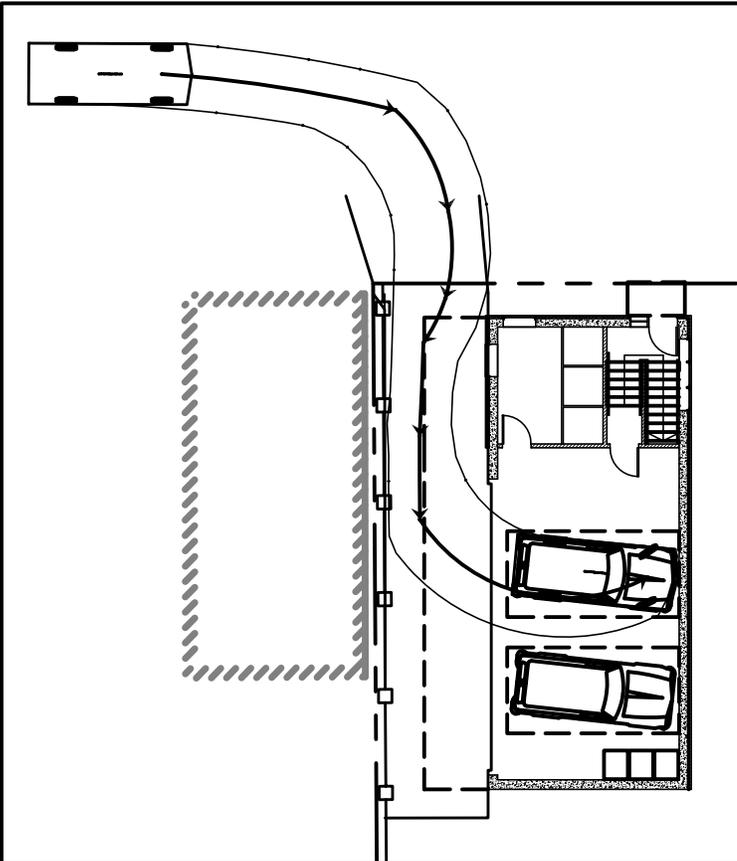
PROJECT NO.  
**17024**  
 PROJECT NAME  
**30 FOX STREET**  
 PORTLAND, MAINE 04101



**Bild Architecture**  
 PO Box 8235  
 Portland, ME  
 04104  
 207.408.0168  
 evan@bildarchitecture.com

**CM**

1.1



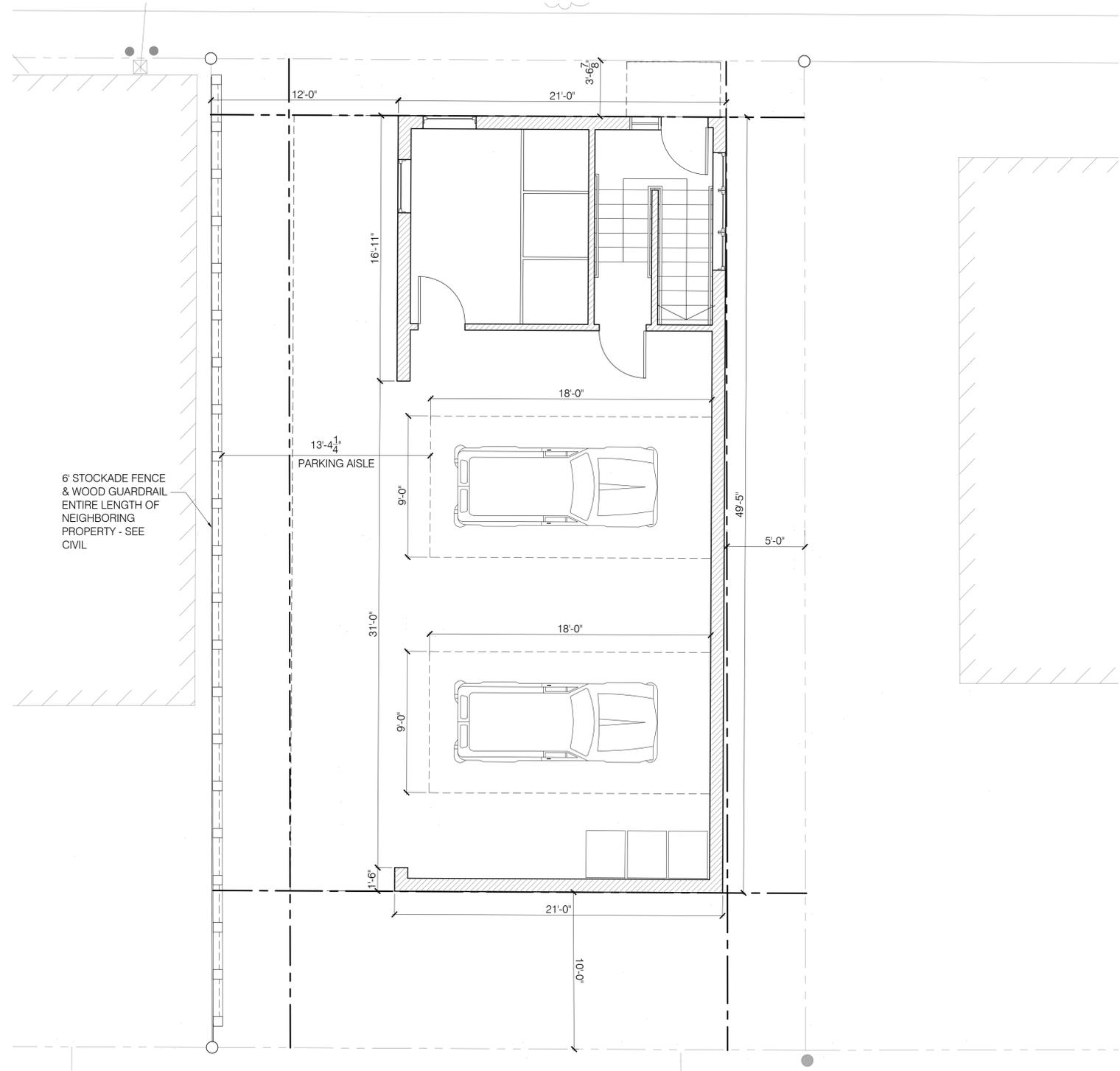
**Plymouth Engineering, Inc.**  
P.O. Box 46 Detroit Road  
Plymouth, Maine 04969  
Fax: (207) 257-2130 Tel: (207) 257-2071  
engineering@midmaine.com

DESIGNED: bild ARCH	PROJECT NO. 17178
DRAWN: JHW	DRAWING NO. 17178 B
CHECKED: JHW	FIELDBOOK: N/A
APPROVED: JHW	SCALE: 1"=20'
PLAN DATE: 03-26-18	DATE ISSUED: 03-26-18
CLIENT: BILD ARCHITECTURE PO BOX 8235 PORTLAND, ME 04104	

PROJECT NAME: <b>30 FOX STREET BUILDING</b>
PORTLAND MAINE
SHEET NAME: AUTOTURN EXHIBIT 1
SHEET: <b>AT1</b>







1

PROPOSED PARKING LAYOUT

0 4'-0" SCALE: 1/4" = 1'-0"

ISSUE DATE  
**3.26.18**  
SHEET SCALE  
1/4" = 1'-0"

DRAWN BY  
**AEW**  
SHEET TITLE

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**  
**PROPOSED PARKING LAYOUTS**

REVISIONS  
1 -  
2 -  
3 -  
4 -  
5 -

PROJECT NO.  
**17024**

PROJECT NAME  
**30 FOX STREET**

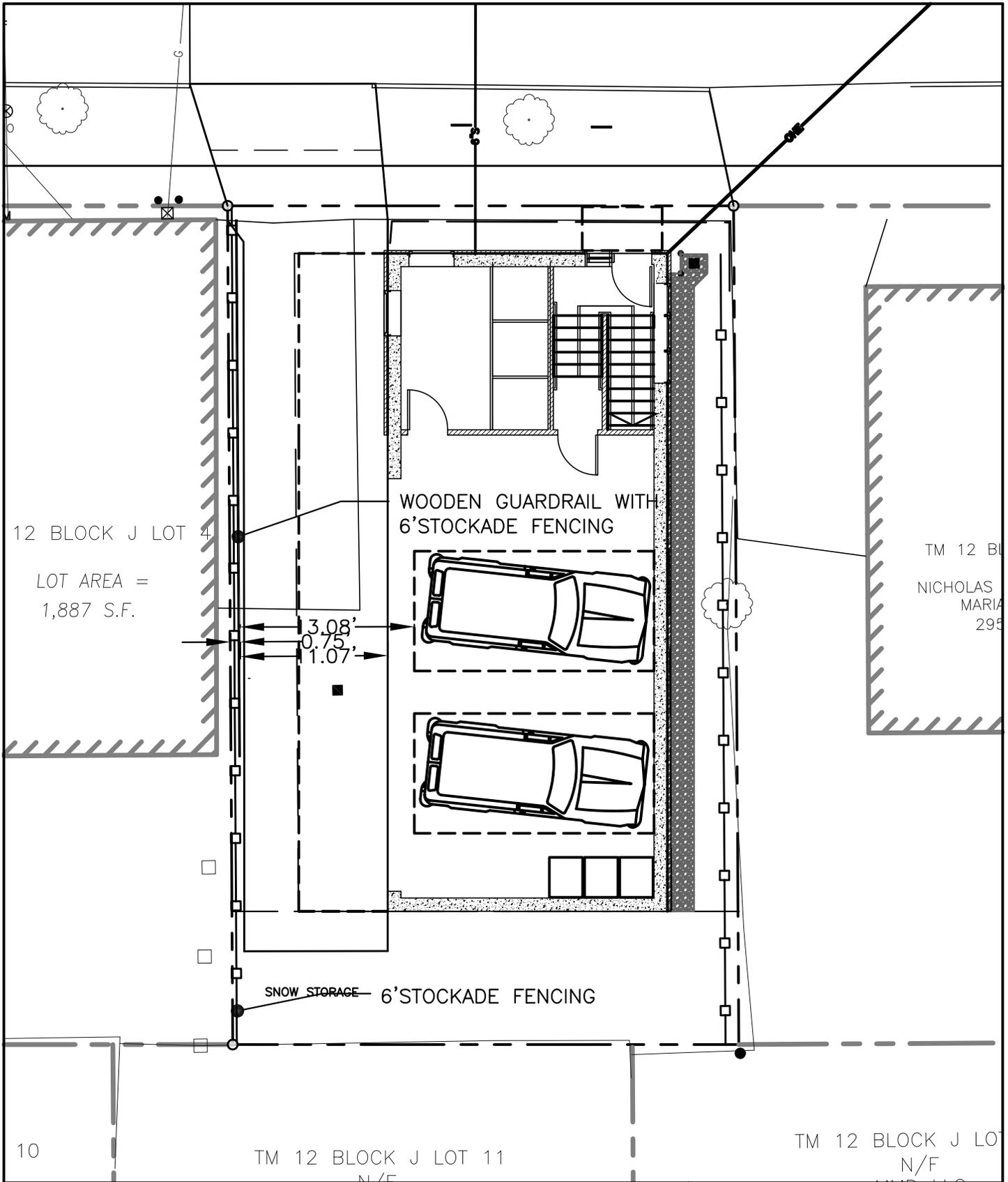
PORTLAND, MAINE 04101



**Bild Architecture**  
PO Box 8235  
Portland, ME  
04104  
207.408.0168  
evan@bildarchitecture.com

**A**

1.0



12 BLOCK J LOT 4

LOT AREA =  
1,887 S.F.

WOODEN GUARDRAIL WITH  
6' STOCKADE FENCING

TM 12 BL  
NICHOLAS  
MARIA  
295

SNOW STORAGE 6' STOCKADE FENCING

10

TM 12 BLOCK J LOT 11  
N/F

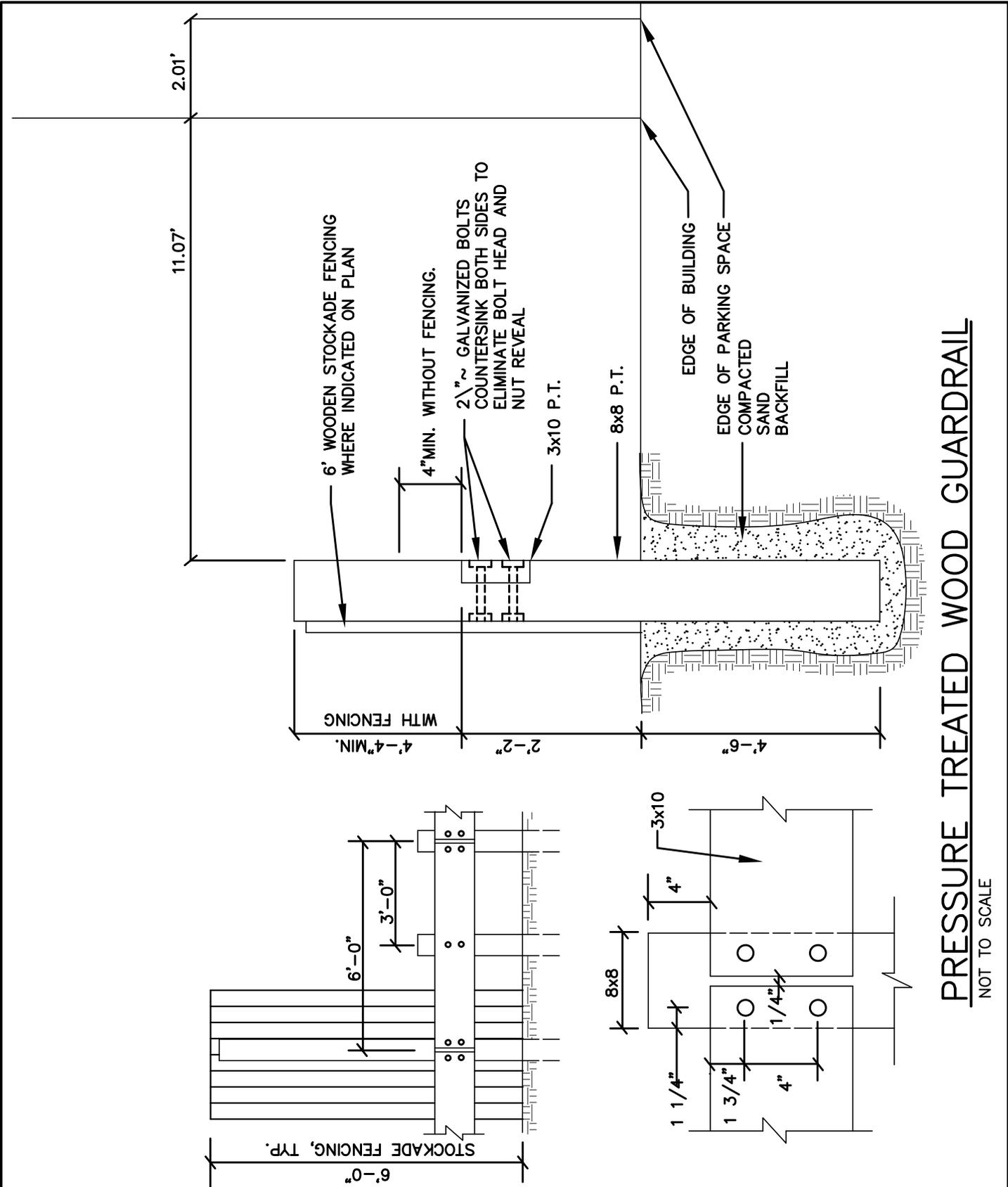
TM 12 BLOCK J LO  
N/F



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CLIENT: BILD ARCHITECTURE PO BOX 8235 PORTLAND, ME 04104	

PROJECT NAME: <b>30 FOX STREET BUILDING</b>	
PORTLAND	MAINE
SHEET NAME: GUARDRAIL EXHIBIT 1	SHEET: <b>GRI</b>



**PRESSURE TREATED WOOD GUARDRAIL**

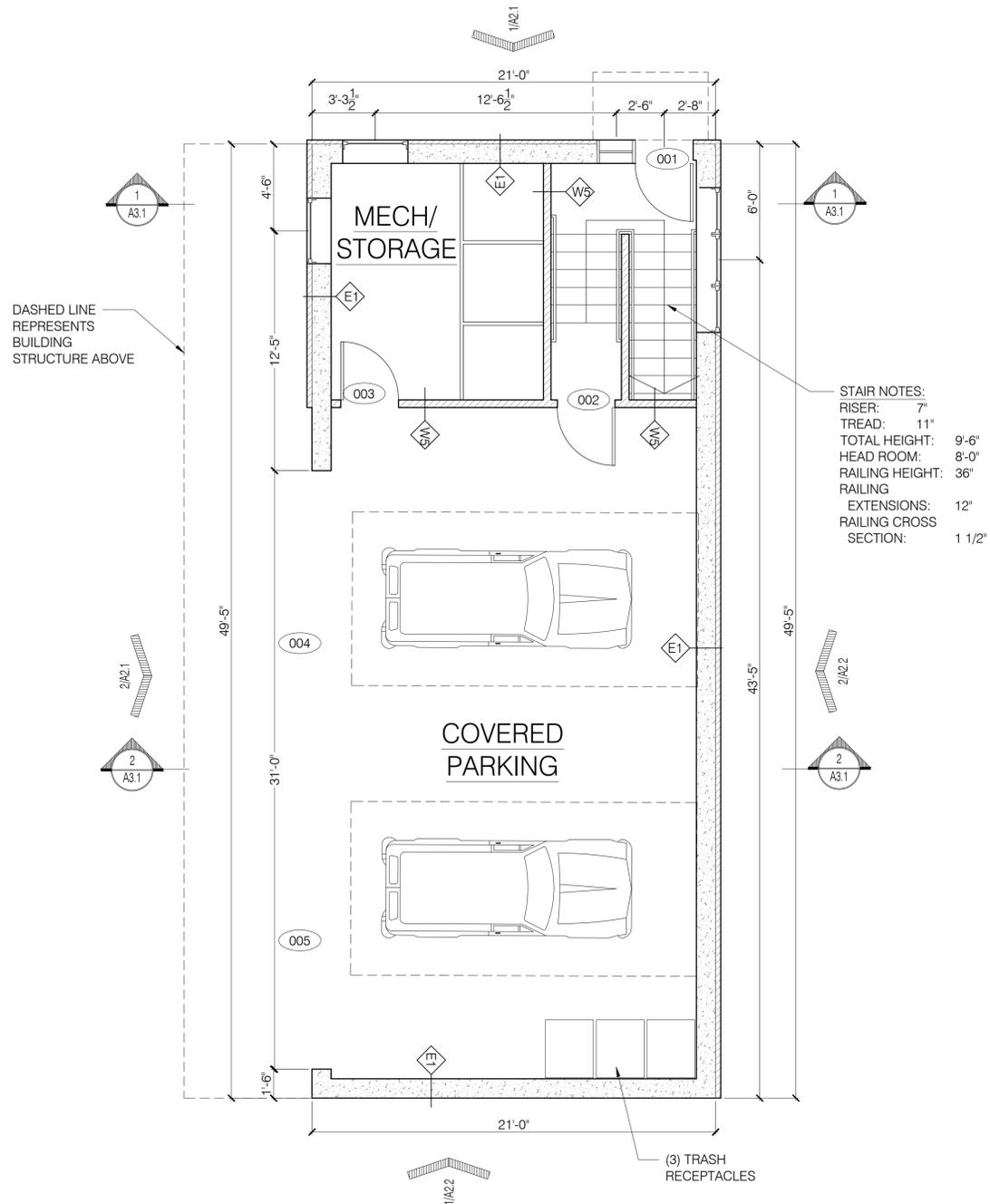
NOT TO SCALE



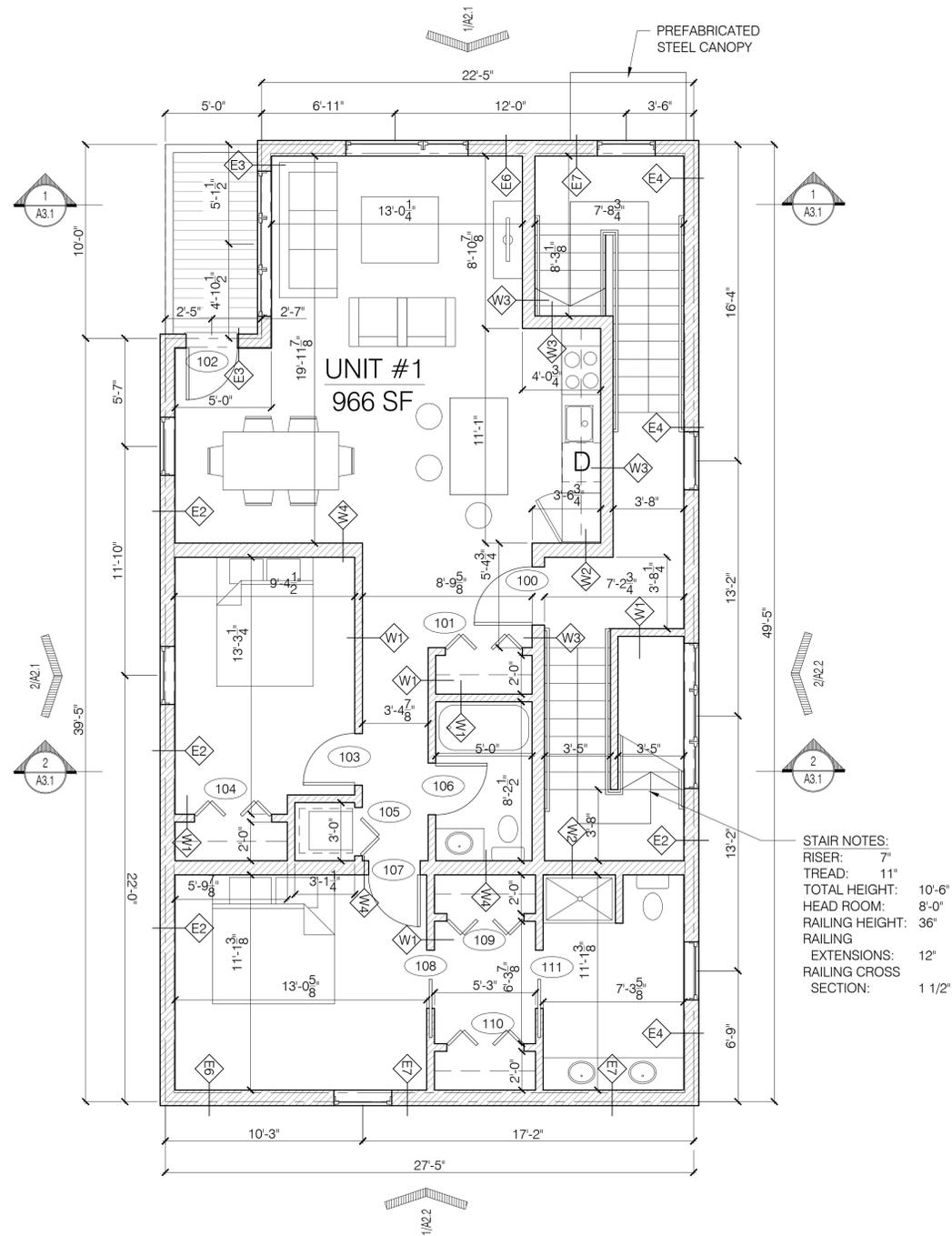
**Plymouth Engineering, Inc.**  
 P.O. Box 46 Detroit Road  
 Plymouth, Maine 04969  
 Fax: (207) 257-2130 Tel: (207) 257-2071  
 engineering@midmaine.com

DESIGNED: bild ARCH	PROJECT NO. 17178
DRAWN: JHW	DRAWING NO. 17178 B
CHECKED: JHW	FIELDBOOK: N/A
APPROVED: JHW	SCALE: 1"=10'
PLAN DATE: 03-26-18	DATE ISSUED: 03-26-18
CLIENT: BILD ARCHITECTURE PO BOX 8235 PORTLAND, ME 04104	

PROJECT NAME: <b>30 FOX STREET BUILDING</b>	
PORTLAND	MAINE
SHEET NAME: GUARDRAIL EXHIBIT 2	SHEET: <b>GR2</b>



**1** BASEMENT FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



**2** 1ST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

ISSUE DATE  
**3.26.18**  
 SHEET SCALE  
 1/4" = 1'-0"

DRAWN BY  
**AEW**  
 SHEET TITLE  
**BASEMENT & 1ST FLR PLANS**

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**

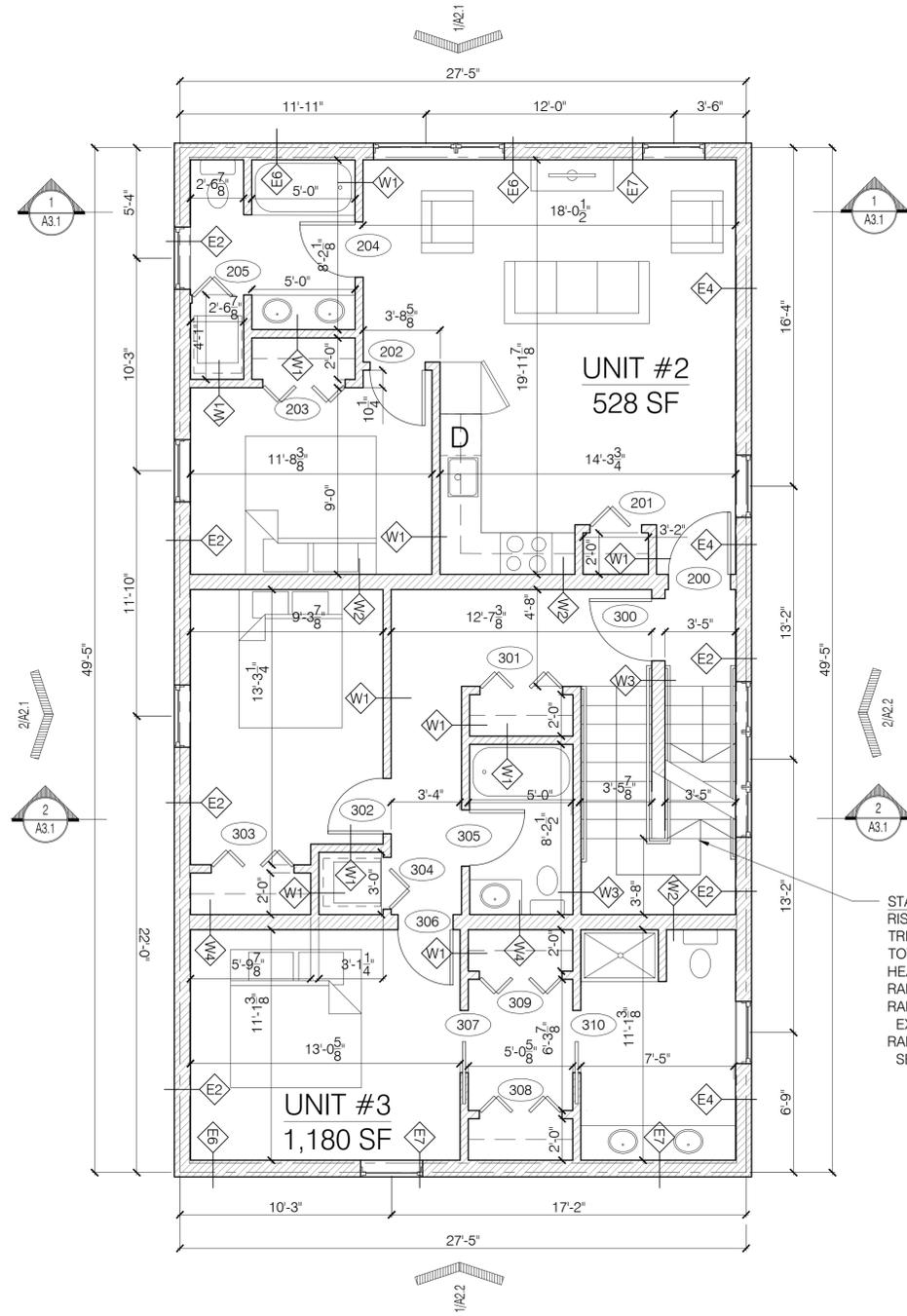
REVISIONS

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PROJECT NO.  
**17024**  
 PROJECT NAME  
**30 FOX STREET**  
 PORTLAND, MAINE 04101

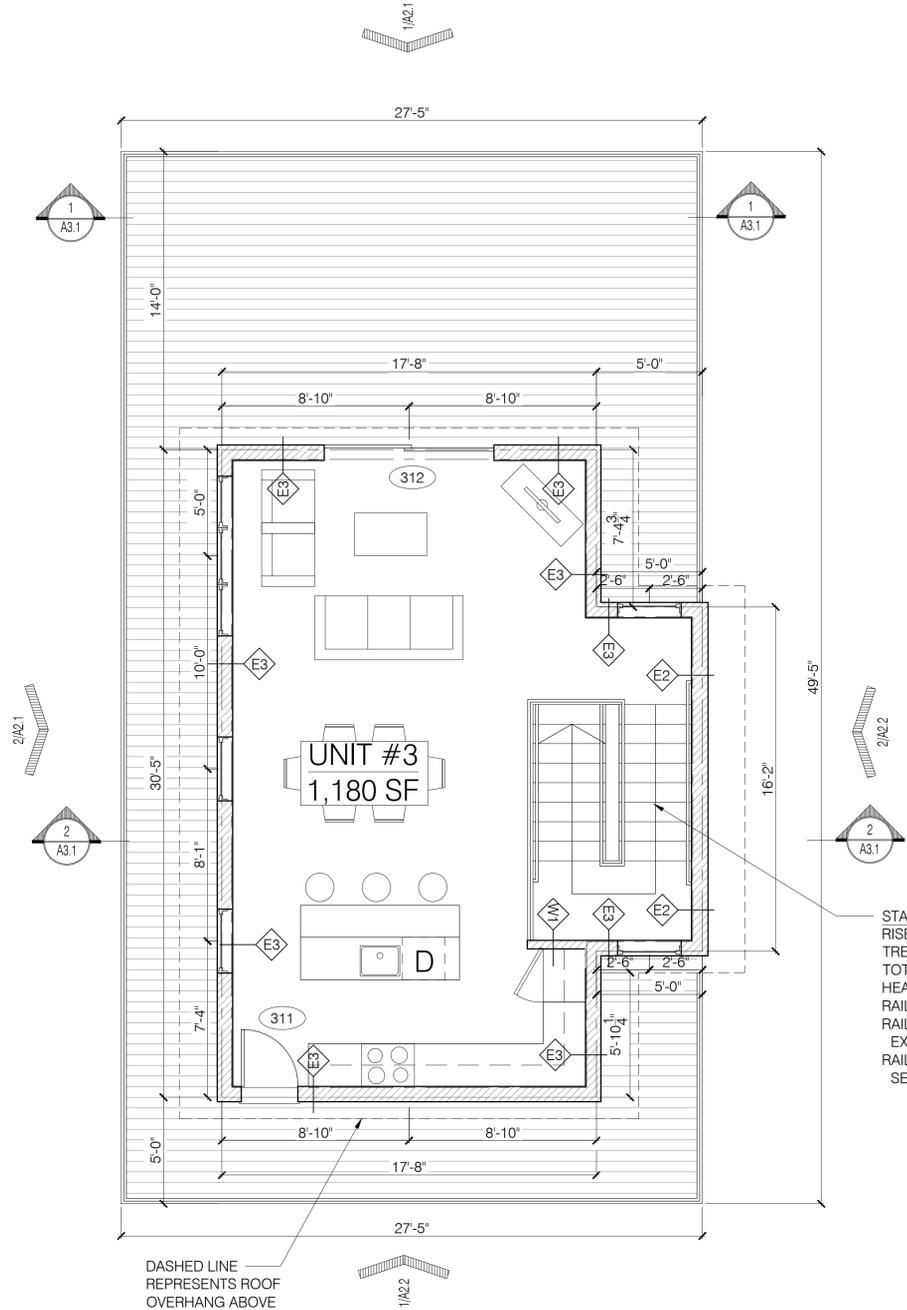


**Bild Architecture**  
 PO Box 8235  
 Portland, ME  
 04104  
 207.408.0168  
 evan@bildarchitecture.com



1 2ND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

STAIR NOTES:  
 RISER: 7"  
 TREAD: 11"  
 TOTAL HEIGHT: 10'-6"  
 HEAD ROOM: 8'-0"  
 RAILING HEIGHT: 36"  
 RAILING  
 EXTENSIONS: 12"  
 RAILING CROSS SECTION: 1 1/2"



2 3RD FLOOR PLAN  
SCALE: 1/4" = 1'-0"

STAIR NOTES:  
 RISER: 7"  
 TREAD: 11"  
 TOTAL HEIGHT: 10'-6"  
 HEAD ROOM: 8'-0"  
 RAILING HEIGHT: 36"  
 RAILING  
 EXTENSIONS: 12"  
 RAILING CROSS SECTION: 1 1/2"

DASHED LINE REPRESENTS ROOF OVERHANG ABOVE

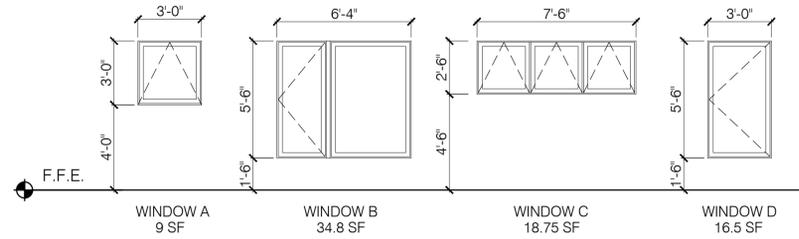
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Elevation	Separation Distance	Elevation Exposure	Floor Level	Sprinkler	Protected Openings	Allowable Opening Area	Total Wall Area of Floor	Opening Area per Floor	Meets 708.3.1 Exception 2	% of Opening Area
Northwest	30 ≥	Public Way	First	NFPA 13R	No	No Limit	199.5	35.0	Yes	17.5%
Northwest	30 ≥	Public Way	Second	NFPA 13R	No	No Limit	248.5	51.3	Yes	20.7%
Northwest	30 ≥	Public Way	Second	NFPA 13R	No	No Limit	42.0	18.7	Yes	44.4%
Northwest	30 ≥	Public Way	Third	NFPA 13R	No	No Limit	290.5	51.3	Yes	17.7%
Northwest	30 ≥	Public Way	Fourth	NFPA 13R	No	No Limit	178.8	53.3	Yes	29.8%
Northwest	30 ≥	Public Way	Fourth	NFPA 13R	No	No Limit	43.5	16.5	Yes	37.9%
Northeast	5 ≤ 10	Side Yard	First	NFPA 13R	No	10%	469.5	18.8	No	4.0%
Northeast	5 ≤ 10	Side Yard	Second	NFPA 13R	No	10%	518.9	51.8	No	10.0%
Northeast	5 ≤ 10	Side Yard	Third	NFPA 13R	No	10%	518.9	51.8	No	10.0%
Northeast	10 ≤ 15	Side Yard	Fourth	NFPA 13R	No	15%	128.2	0.0	Yes	0.0%
Northeast	5 ≤ 10	Side Yard	Fourth	NFPA 13R	No	10%	134.7	0.0	No	0.0%
Southeast	10 ≤ 15	Rear Yard	First	NFPA 13R	No	15%	262.8	0.0	Yes	0.0%
Southeast	10 ≤ 15	Rear Yard	Second	NFPA 13R	No	15%	290.5	16.5	Yes	5.7%
Southeast	10 ≤ 15	Rear Yard	Third	NFPA 13R	No	15%	290.5	16.5	Yes	5.7%
Southeast	10 ≤ 15	Rear Yard	Fourth	NFPA 13R	No	15%	178.8	18.7	Yes	10.4%
Southeast	15 ≤ 20	Rear Yard	Fourth	NFPA 13R	No	25%	43.5	16.5	Yes	37.9%
Southwest	5 ≤ 10	Side Yard	First	NFPA 13R	No	10%	469.5	205.0	Yes	43.7%
Southwest	5 ≤ 10	Side Yard	Second	NFPA 13R	No	10%	413.9	33.0	No	8.0%
Southwest	10 ≤ 15	Side Yard	Second	NFPA 13R	No	15%	105.0	18.8	Yes	17.9%
Southwest	5 ≤ 10	Side Yard	Third	NFPA 13R	No	10%	518.9	42.0	No	8.1%
Southwest	10 ≤ 15	Side Yard	Fourth	NFPA 13R	No	15%	340.3	51.8	Yes	15.2%

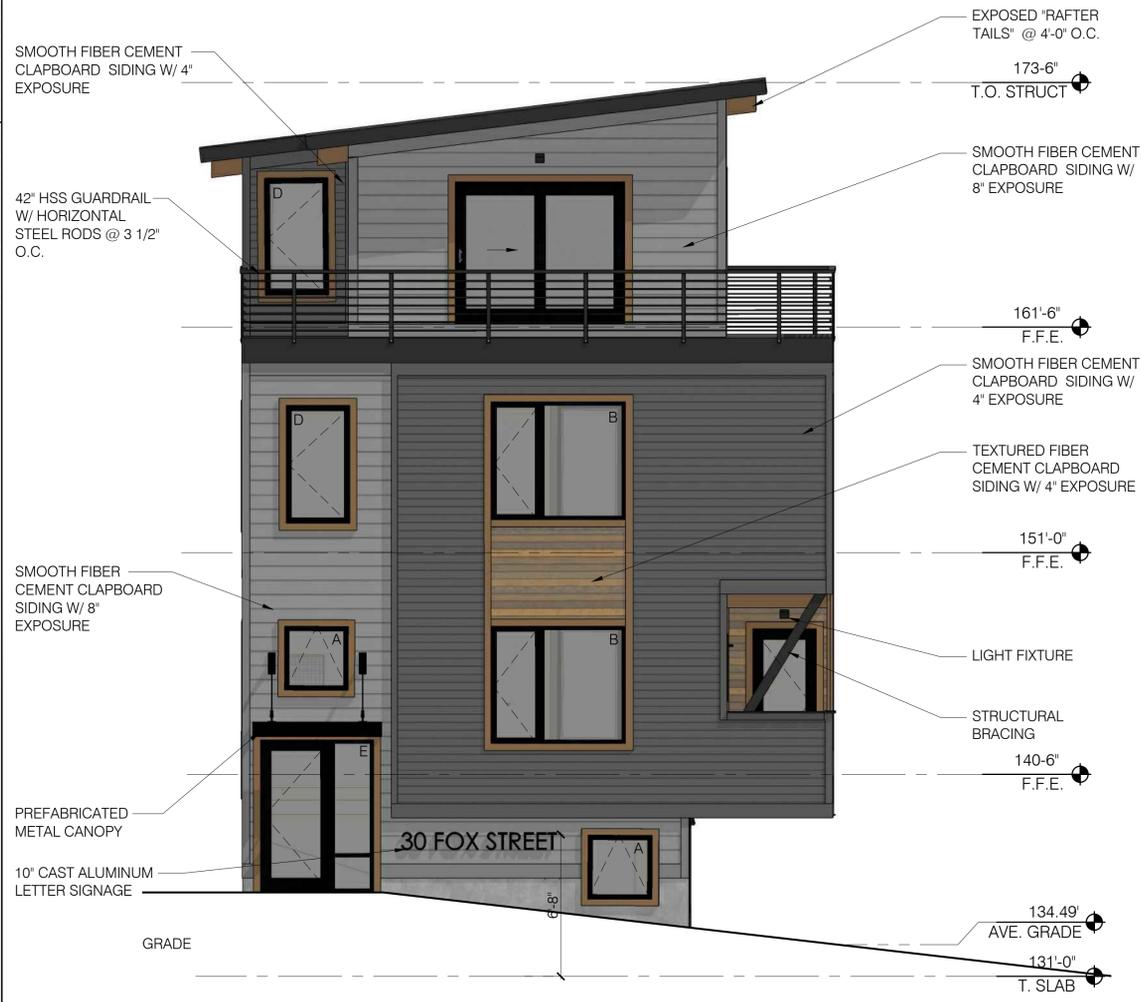
WINDOW SCHEDULE				
TYPE	SIZE (ROUGH OPENING)	MATERIAL	OPERATION	NOTES
A	3'-0" X 3'-0"	uPVC	AWNING	1, 2, 4
B	6'-4" X 5'-6"	uPVC	PICTURE/CASEMENT	1, 2, 3, 4
C	7'-6" X 2'-6"	uPVC	AWNING	1, 2, 4
D	3'-0" X 5'-6"	uPVC	CASEMENT	1, 2, 3, 4

NOTES:

- SAFETY GLAZING MAY BE REQUIRED.
- ALL WINDOWS TO HAVE A MAXIMUM U-FACTOR OF 0.35.
- EGRESS WINDOWS SHALL COMPLY WITH IBC 2015.
- WINDOWS AND GLAZED DOOR SHALL BE THERMALLY BROKEN.



- WINDOW SPECIFICATIONS:**
- Size and window configuration. See Window Schedule
  - Color options. To be selected
  - Factory Mulling Capability. Preferred
  - Design Pressure Rating. 25
  - U Factor. 0.35 or lower
  - Material. To be selected
  - Glazing Type. To be selected
  - Hardware type. To be selected
  - Exterior Washing Capability. Washing from interior preferred
  - Warranty (Window & glazing units). 10 years
  - Insect Screens. Standard Insect Screens



1 NORTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"



2 SOUTHWEST ELEVATION  
SCALE: 1/4" = 1'-0"

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PROJECT NO. **17024**  
PROJECT NAME **30 FOX STREET**  
PORTLAND, MAINE 04101

REVISIONS

1	-
2	-
3	-
4	-
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**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**  
DRAWN BY **AEW**  
SHEET TITLE **ELEVATIONS**

ISSUE DATE **3.26.18**  
SHEET SCALE **1/4" = 1'-0"**

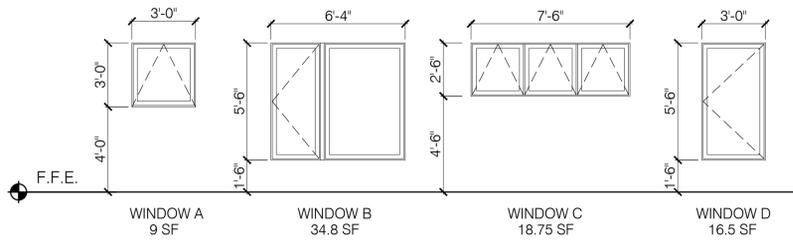
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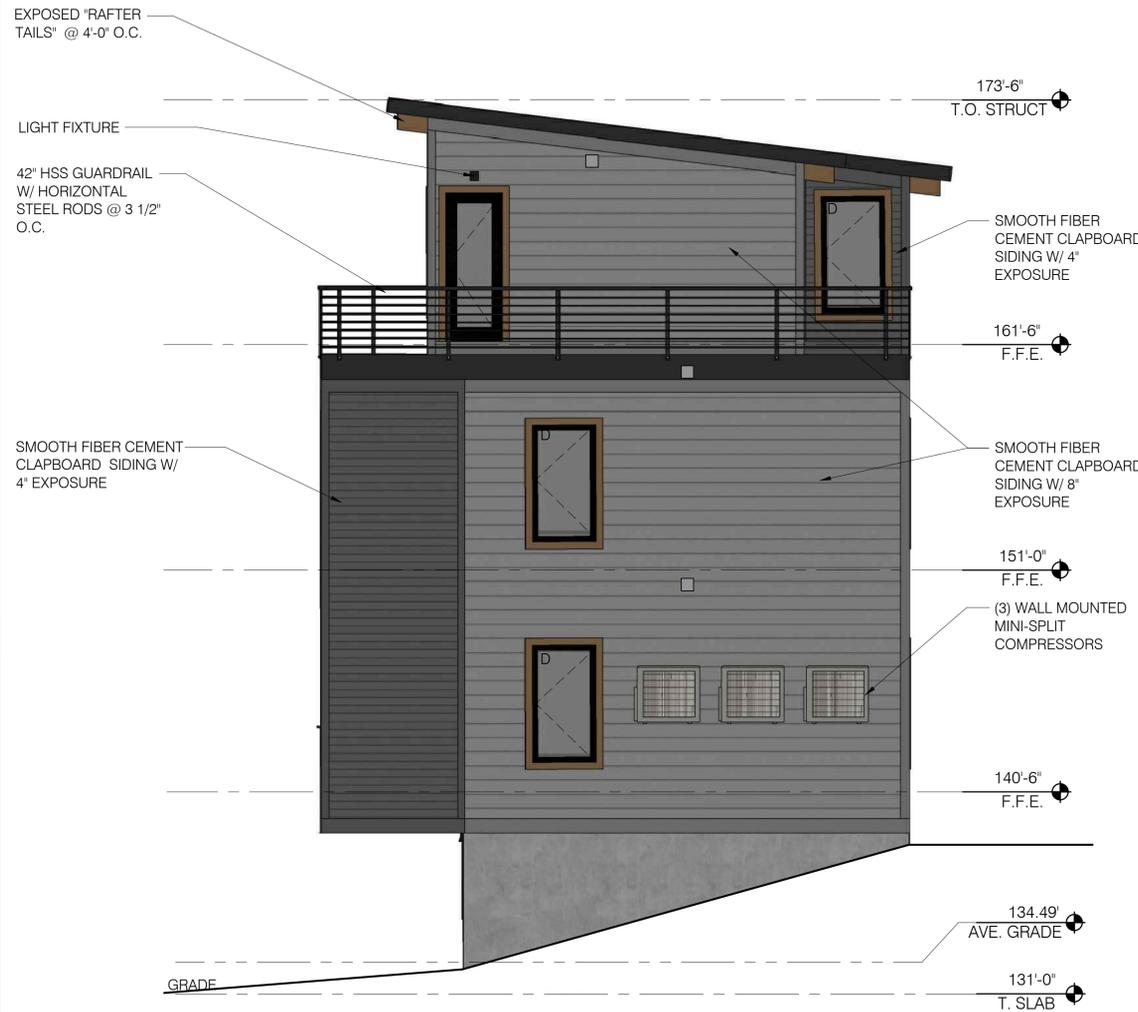
WINDOW SCHEDULE				
TYPE	SIZE (ROUGH OPENING)	MATERIAL	OPERATION	NOTES
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B	6'-4" X 5'-6"	uPVC	PICTURE/CASEMENT	1, 2, 3, 4
C	7'-6" X 2'-6"	uPVC	AWNING	1, 2, 4
D	3'-0" X 5'-6"	uPVC	CASEMENT	1, 2, 3, 4

NOTES:

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- WINDOWS AND GLAZED DOOR SHALL BE THERMALLY BROKEN.



- WINDOW SPECIFICATIONS:**
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  - Color options. To be selected
  - Factory Mulling Capability. Preferred
  - Design Pressure Rating. 25
  - U Factor. 0.35 or lower
  - Material. To be selected
  - Glazing Type. To be selected
  - Hardware type. To be selected
  - Exterior Washing Capability. Washing from interior preferred
  - Warranty (Window & glazing units). 10 years
  - Insect Screens. Standard Insect Screens



1 **SOUTHEAST ELEVATION**  
SCALE: 1/4" = 1'-0"



2 **NORTHEAST ELEVATION**  
SCALE: 1/4" = 1'-0"

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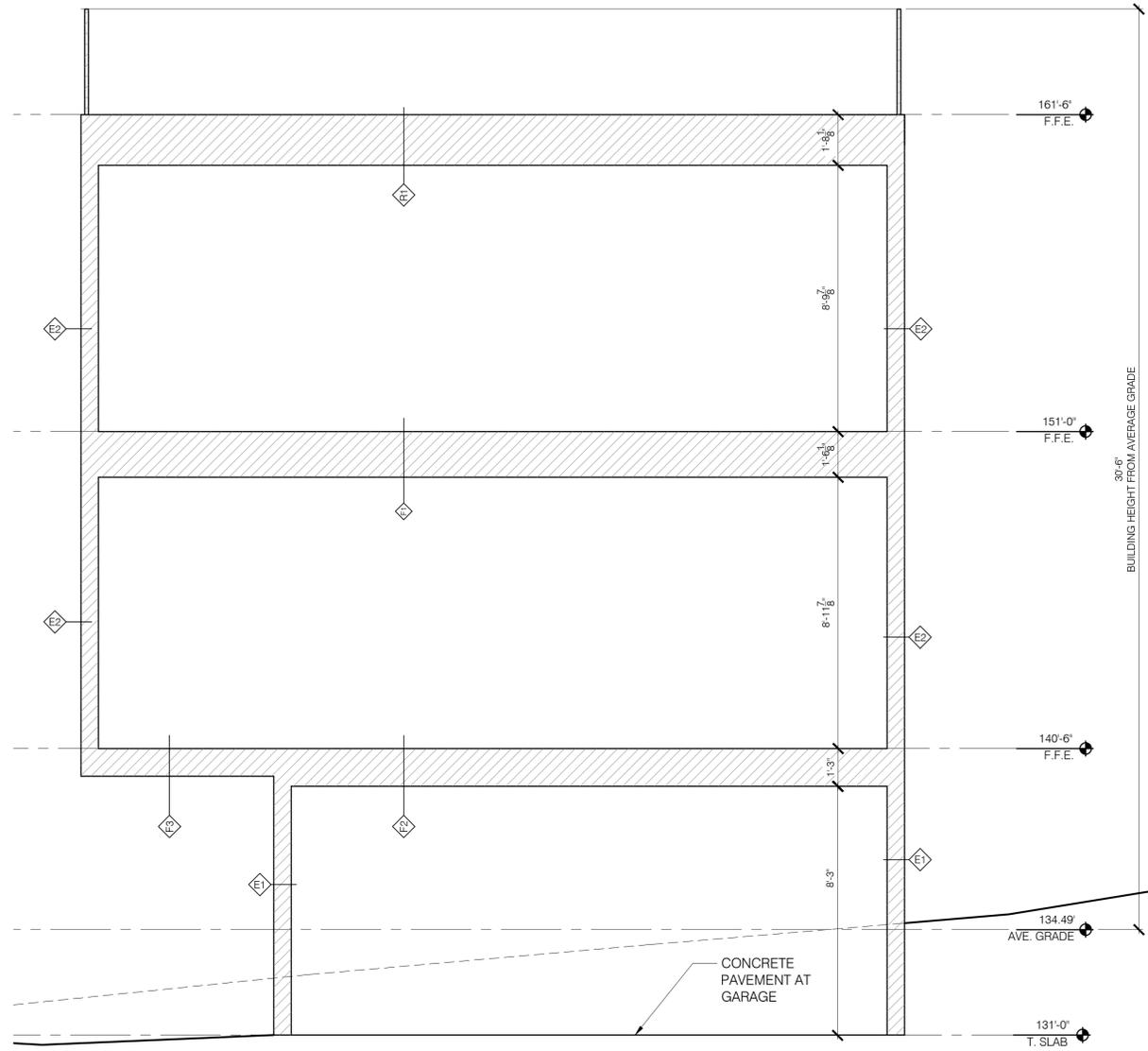
PROJECT NO. **17024**  
PROJECT NAME **30 FOX STREET**  
PORTLAND, MAINE 04101

REVISIONS

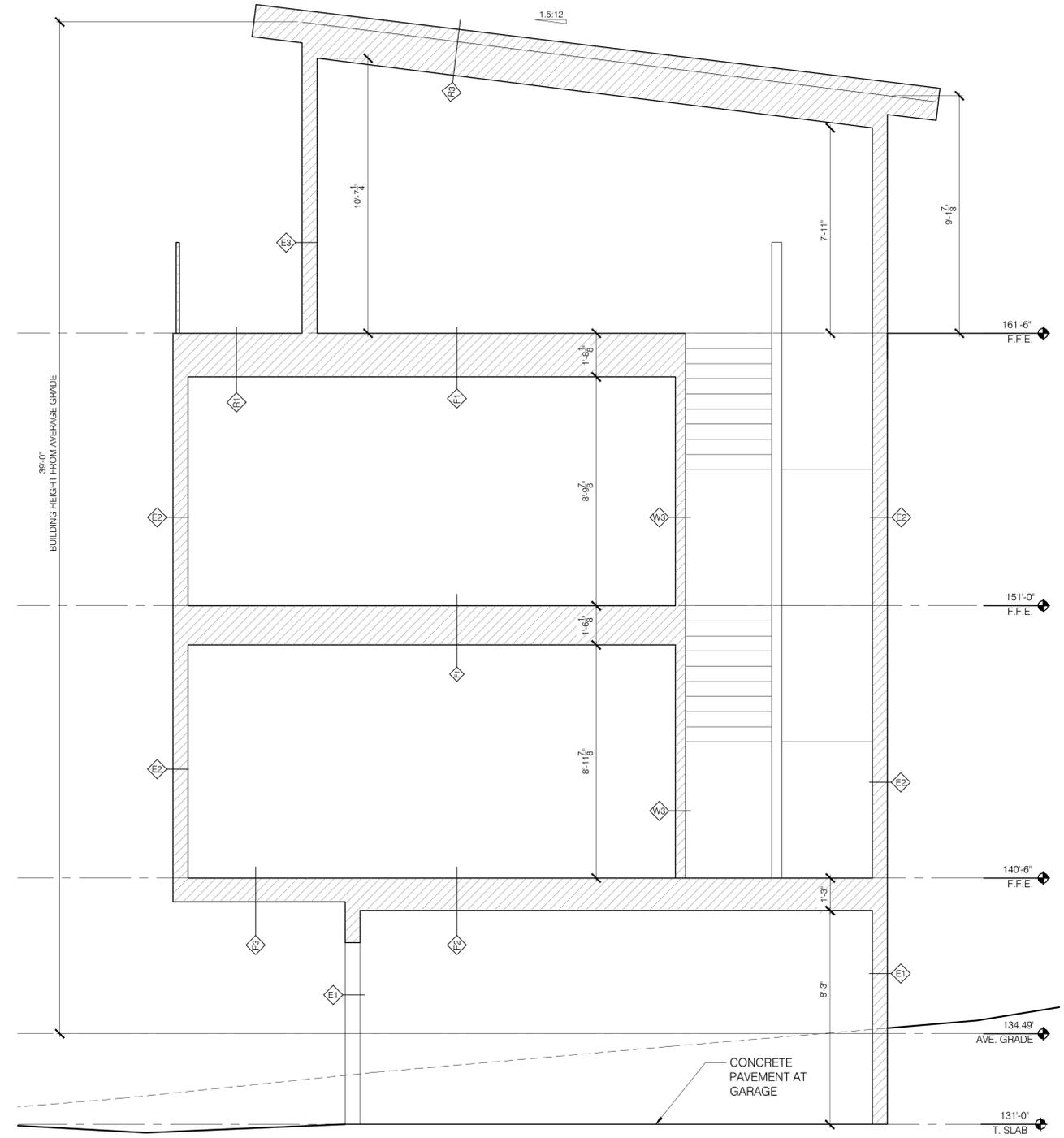
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**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**  
DRAWN BY **AEW**  
SHEET TITLE **ELEVATIONS**

ISSUE DATE **3.26.18**  
SHEET SCALE **1/4" = 1'-0"**



**1** BUILDING SECTION  
 0 3'-0" SCALE: 3/8" = 1'-0"



**2** BUILDING SECTION  
 0 3'-0" SCALE: 3/8" = 1'-0"

ISSUE DATE  
**3.26.18**  
 SHEET SCALE  
 3/8" = 1'-0"

DRAWN BY  
**AEW**  
 SHEET TITLE

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**  
**BUILDING SECTIONS**

REVISIONS

1	-
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PROJECT NO.  
**17024**

PROJECT NAME

**30 FOX STREET**

PORTLAND, MAINE 04101



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 04104  
 207.408.0168  
 evan@bildarchitecture.com



1 RENDERING  
0 N.T.S. SCALE: N.T.S.

ISSUE DATE  
**3.26.18**  
SHEET SCALE  
N.T.S.

DRAWN BY  
**AEW**  
SHEET TITLE  
**RENDERING**

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**

REVISIONS
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PROJECT NO.  
**17024**  
PROJECT NAME  
**30 FOX STREET**  
PORTLAND, MAINE 04101



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1 RENDERING  
0 N.T.S. SCALE: N.T.S.

ISSUE DATE  
**3.26.18**  
SHEET SCALE  
N.T.S.

DRAWN BY  
**AEW**  
SHEET TITLE  
**RENDERING**

**SITE APPLICATION SET**  
**NOT FOR CONSTRUCTION**

REVISIONS	
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PROJECT NO.  
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**30 FOX STREET**  
PORTLAND, MAINE 04101



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## **VIDEOS OF VEHICLES MANEUVERING 30 FOX STREET**

BASED ON 11 FT WIDE PARKING AISLE

2.27.18 Video of Fox Street; 14 FT wide garage doors and Nissen SUV and Toyota Highlander:

<https://www.dropbox.com/sh/7nd0es7mqjcuwqg/AABBUmKq-X11kGsApO9Gdlr5a?dl=0>

2.28.18 taken by applicant with the garage doors widened to 15 feet (keeping distance from guardrail at 11ft).

<https://drive.google.com/file/d/1E0zNPTRoEAk80zHwOjbsCCMJMktioyOS/view?usp=sharing>

3.1.18 taken by applicant with the garage doors widened to 15 feet and using larger vehicles (11 ft width unchanged):

[https://drive.google.com/open?id=18xUOUJOXfgeNF\\_shj8LKV\\_5YRf-5lhUc](https://drive.google.com/open?id=18xUOUJOXfgeNF_shj8LKV_5YRf-5lhUc)