1. UPDATED Agenda
   Documents:
   
   PB AGENDA 1-24-17.PDF

2. Legal Ad
   Documents:
   
   PB LEGAL AD 1-24-17.DOCX

3. WPDZ Zone

4. B-2 Text Amendments
   4.1. Tabling Memo
   Documents:
   
   TABLING MEMO.PDF

5. Sumner Park Height Overlay Zone
   5.1. Attachments
   Documents:
   
   ATT. 1 - PROPOSED OVERLAY ZONE.PDF
   ATT. 2. - ORDER 73-1617.PDF
   ATT. 3 - PUBLIC COMMENTS.PDF
   ATT. 4 - NEIGHBORHOOD MEETING PACKET.PDF
The Portland Planning Board will hold a meeting on **Tuesday, January 24, 2017**, Council Chambers, 2nd 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

**WORKSHOP – 4:30 p.m.**

1. Text Amendments to the WPDZ Zone: Americold for Maine Port Authority; City of Portland Economic Development Department, Applicant. (4:30 p.m.). The Board will hold a second workshop to consider potential text amendments regarding dimensional standards and performance standards in the Waterfront Port Development (WPDZ).

**PUBLIC HEARING – 7:00 p.m.**

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETING HELD ON JANUARY 17, 2017:**
4. **REPORT OF DECISIONS AT THE MEETING HELD ON JANUARY 17, 2017:**
5. **NEW BUSINESS**
   1. B-2 Text Amendments, Maine Craft Distilling, Applicant (7:00 - 7:30 p.m. estimated time) This item is being tabled to the February 14, 2017 Planning Board Meeting at 7:00 p.m.
   2. Sumner Park Height Overlay Zone in R-6 Zone and ROS Map Amendment; City of Portland, Applicant. (7:30 p.m. - estimated time). The Board will consider a proposed map and text amendments that would create a new height overlay zone within the R-6 zone near Sumner Park. The height overlay sets an apex point in Fort Sumner and requires structures within the overlay to not exceed 160.27 of elevation from mean tide elevation and then reduce 1 foot for each 25 feet from the apex. Building setbacks from the park shall be 15 feet. Rezoning Sumner Park from R-6 to Recreation Open Space (ROS) is proposed.
The Portland Planning Board will hold a meeting on Tuesday, January 24, 2017, Council Chambers, 2nd 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

Workshop – 4:30 p.m.

i. Text Amendments to the WPDZ Zone; Americold for Maine Port Authority; City of Portland Economic Development Department, Applicant. (4:30 p.m.). The Board will hold a second workshop to consider potential text amendments regarding dimensional standards and performance standards in the Waterfront Port Development (WPDZ).

Public Hearing – 7:00 p.m.

i. B-2 Text Amendments, Maine Craft Distilling, Applicant (7:00 – 7:30 p.m. estimated time) The Board will consider a proposed text amendments that add distillery and tasting rooms, as defined by the Maine bureau of Alcohol and Lottery as a permitted use in the B-2, B-2b and B-2c zones and create a chart of permitted uses.

ii. Sumner Park Height Overlay Zone in R-6 Zone and ROS Map Amendment; City of Portland, Applicant (7:30 p.m.- estimated time). The Board will consider a proposed map and text amendments that would create a new height overlay zone within the R-6 zone near Sumner Park. The height overlay sets an apex point in Fort Sumner and requires structures within the overlay to not exceed 160.27 of elevation from mean tide elevation and then reduce 1 foot for each 25 feet from the apex. Building setbacks from the park shall be 15 feet. Rezoning Sumner Park from R-6 to Recreation Open Space (ROS) is proposed.

ELIZABETH BOEPPLE, CHAIR - PORTLAND PLANNING BOARD
The item, B-2 Text Amendments, is being tabled to the February 14, 2017 Planning Board meeting at 7:00 p.m.
Munjoy residents seek to protect Fort Sumner Park’s panoramic views

A group requests landmark status for the park on North Street to force the city to consider how any proposed development would affect the views.

BY PETER MCGUIRE  STAFF WRITER
Munjoy Hill residents are working on multiple fronts to protect the sweeping view of the city from Fort Sumner Park on North Street that could be obstructed by a planned condo building.

On Monday, residents delivered two petitions to the City Council asking it to ensure a planned development on Sheridan Street would not have an adverse effect on the view. One of the petitions, submitted by Carolyn Young, had almost 300 signatures, according to the Facebook group Save Fort Sumner Park.

On Wednesday night, activists asked the city’s historic preservation board to start the process of designating the park a local landmark. A designation would require the Planning Board to consider the impact of proposed development on the park’s historic characteristics, namely the view.

David Cowie, who lives about a block away from the park on North Street, said residents will use any means possible to prevent construction that would block the park vista.
“There is something not right in workings of city hall when a group of citizens has to take the steps we have had to take to simply preserve what is an integral part of our neighborhood,” Cowie said.

People are worried that a six-story condo complex at 155 Sheridan St., below the park’s steep bank, floated by developer Bernie Saulnier will block part of the view over Back Cove and into the western foothills and Mount Washington. In an interview last week, Saulnier said no plans have been submitted to the city and his company is changing the design so it will not block the view.

In a presentation to the preservation board, Cowie and Willis Street resident Nini McManamy said the park has been an important part of the neighborhood since the 18th century, first as a fortification, then for recreation. Local historians Herb Adams and Ken Thompson presented a history of the fort to the board.

An earth and timber citadel was built on the site of the park in 1794 as part of the first federal coastal defense system. It was a recruiting station for the War of 1812, but was decommissioned and eventually torn down. Portland acquired the property in 1890 and it was listed as a city park in 1934, according to research done by the group. The park’s vista has been its most important characteristic throughout its history, first for soldiers to keep watch for an approaching enemy, and later as a treasured public resource and a place for quiet reflection, Cowie said.
Portland's individual landmarks are buildings and a number of neighborhoods, like the Old Port, are local historic districts. Public parks like the Eastern and Western proms and Deering Oaks are on the National Register of Historic Places.

But Fort Sumner Park is a “different animal,” said Deb Andrews, manager of Portland’s historic preservation program. It was likely passed over when other parks were put on the national register in the late 1980s because it didn’t have the same type of designed landscape, or was simply overlooked.

“It was probably omitted for a variety of reasons,” she said.

To move the process forward, at least two board members have to formally nominate the park for landmark designation. Then, it will need to make sure the park meets the city’s requirements for landmark status before making a recommendation to the City Council.

If the park is given landmark designation, the Planning Board would have to consider how its character would be affected by proposed development within 100 feet, Andrews added.

Landmark designation could be complicated since no evidence of the fort remains. It’s not even clear exactly where it was located and no archaeological work has been undertaken. In order to recommend landmark status, the preservation board has to determine if the property is historically significant, but also if it has sufficient integrity to make it worthy of preservation or restoration.

Board member John Turk questioned whether the board would need to turn to its possible archaeological value as a basis for the integrity of the site. If petitioners think the site’s long history as a public space is also part of its historic significance, then the board would have to determine why the city purchased it in the 19th century, said board member Ted Oldham. It would be interesting to find out if it was bought to be a park, or as part of the land for the adjacent Shailer School, he said.

Cowie acknowledged the site had its complications, but hoped board members would still nominate it and work with residents to prove its historic importance.

“It is unfortunate that the evidence has vanished, but the boundaries of the fort are were the park is now, and I don’t think it would be a stretch for anyone to nominate the park for what it used to be,” Cowie said.
Correction: This story was revised at 10:38 a.m., Sept. 22, 2016, to correct the spelling of Shailer School.

Were you interviewed for this story? If so, please fill out our accuracy form

Send questions/comments to the editors.

MORE LIKE THIS

LETTERS
Letter to the editor: Show support for protecting views at Fort Sumner Park

LETTERS
Letter to the editor: Out of military necessity came a spiritual space

LOCAL & STATE
Portland councilor wants to delay Munjoy Hill condo project
Order 73-16/17
Postponed to 11/21/2016; 9-0 on 11/7/2016
Amended to extend the Moratorium till February 6, 2016: 9-0 on 11/22/2016
Passage as amended as an emergency: 9-0 on 11/21/2016

CITY OF PORTLAND
IN THE CITY COUNCIL

Moratorium
Re: City Parks and Public Grounds in the R-6 Zone on the Portland Peninsula

WHEREAS, the Comprehensive Plan for the City of Portland acknowledges that “Being virtually encircled by water, Portland owes much of its beauty to the surrounding water bodies including freshwater rivers, the ocean, a working harbor and an enclosed cove”; and

WHEREAS, the Comprehensive Plan further describes the importance of “Vistas from Promenades and High Points,” stating that City parks were established on the Eastern and Western Promenades “precisely because of the scenic views they afforded of Casco Bay, the Fore River, the surrounding countryside, and the White Mountains”; and

WHEREAS, Fort Sumner, which was first listed as a City park in 1934, offers unparalleled views not only of the cityscape but also of the Back Cove and Mount Washington while also providing Portland residents and visitors with the ability to experience open space, a view of the shoreline, long sightlines, and a feeling of expansiveness not often achieved in a public space in an urban environment; and

WHEREAS, a City master plan for Fort Sumner completed in 2006 includes elements designed to highlight the park’s most valued asset: its view; and

WHEREAS, at present there is a lack of regulation in City Code to ensure that developments on parcels abutting City parks and public grounds as defined in City Code, Chapter 18, section 18-11 in the R-6 Zone of the 1st Council District (hereinafter “District 1”) on the City of Portland Peninsula (hereinafter referred to as “City parks and public grounds”) in Portland do not infringe upon the natural beauty or compromise the quality of open space provided by such City parks and public grounds; and

WHEREAS, development pressure concentrated in District 1 on the Portland Peninsula, which contains many public parks, has resulted in two (2) recent citizen initiative petitions to address and preserve parks and view corridors; and

WHEREAS, this development pressure has not been adequately accounted for in the existing Portland City Code; and
WHEREAS, there is a strong likelihood that District 1 on the Portland Peninsula, and specifically the R-6 zone located in that District, will continue to be subjected to this development pressure; and

WHEREAS, pursuant to 30-A M.R.S. § 4356(1)(A), the continued development of projects directly abutting City parks and public grounds in the R-6 Zone of District 1 on the Portland Peninsula pursuant to the existing City Code requirements could pose serious threats to the public health, safety and welfare of the residents of the City of Portland through the overdevelopment of and overburdening of the City’s public facility (i.e. public parks and grounds) which is reasonably foreseeable as a result of the development pressure; and

WHEREAS, pursuant to 30-A M.R.S. § 4356(1)(B), since the application of existing Portland City Code provisions or regulations or other applicable laws are inadequate to address the development pressure and prevent the public harm from the potential residential, commercial and/or industrial development in the R-6 zone of District 1 of the City of Portland on the Portland Peninsula; and

WHEREAS, after sufficient notice and a public hearing, there is strong support for this Moratorium on the City Council; and

WHEREAS, the City will need at least ninety (90) days to develop and implement the necessary amendments to the City Code to address these development pressures through-out the City of Portland; and

WHEREAS, in the judgment of the Portland City Council, these facts create an emergency within the meaning of 30-A M.R.S. § 4356(1) and the City Charter, and require the following Moratorium as immediately necessary for the preservation of the public health, safety and welfare;

NOW THEREFORE, pursuant to its authority in 30-A M.R.S. §§ 3001 and 4356, the Portland City Council hereby ordains that a Moratorium is imposed on any and all site plan or subdivision proposals for property located in the R-6 zone in District 1 on the Portland Peninsula [see map attached hereto as Exhibit A] which directly abuts a City park or public ground [i.e. directly touches a City park or public ground, and specifically does not include properties located across the street from a City park or public ground]; and

BE IT ORDERED, that no site plan or subdivision application shall be accepted or processed and no site plan or subdivision approval shall be issued or granted by the Planning Authority or the Planning Board for any and all property located in the R-6 zone of District 1 on the Portland Peninsula which directly abuts a City park and/or public ground, from and after October 5, 2016 to and including February 6, 2017; and

BE IT FURTHER ORDERED, that this Moratorium shall go into effect on October 5, 2016 and shall remain in effect until February 6, 2017, unless extended, repealed, or modified by the Portland City Council; and
BE IT FURTHER ORDERED, that notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall only apply to any site plan or subdivision proposal or application to develop property, excluding applications for building permits, located in the R-6 zone in District 1 on the Portland Peninsula which directly abuts [i.e. touches a City park or public ground, and specifically does not include properties located across the street from a City park or public ground] a City park and/or public ground, whether or not an application or proceeding to establish said development proposal would be deemed a pending proceeding under 1 M.R.S. § 302; and

BE IT FURTHER ORDERED, that to the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium that shall remain shall be considered valid; and

BE IT FURTHER ORDERED, that in view of the emergency cited in the preamble above, that it is hereby found and determined by the Portland City Council that it is necessary that this Moratorium take effect immediately as an emergency pursuant to Article II, Section 8 of the City of Portland Charter.
Dear Elizabeth Boepple, Chair, and Members of the Portland City Planning Board,

I write to express my strong support of efforts to limit development near Munjoy Hill’s Fort Sumner Park in order to preserve the park’s spectacular aesthetic value known most powerfully through the view the park provides of our great city, and of the natural magnificence of the Back Bay landscape. It is the only place in Portland that affords such a view for the public and for all those who will continue into the future to call Portland home. It would be a travesty to block access to the beauty the park provides by allowing a single developer and a few tenants to claim for themselves what is now enjoyed by all.

Please find a solution that allows the developer to provide needed housing without stealing away from all of us the pleasure, appreciation, and solace that beautiful landscapes afford.

Sincerely,

Dr. Richard Peterson
93 Winding Way
Portland, ME 04102

This e-mail may contain information that is privileged and confidential. If you suspect that you were not the intended recipient, please delete it and notify the sender as soon as possible.
Hello Planning Board Members!

I'm new to the Munjoy Hill neighborhood. I'm at the Ft Sumner Park every morning and evening, with my dog, Tyrus. We visit with neighbors and check out the vista. Not a day goes by where I don't meander over to the park to soak-up the lighting over the bluff. I fear the new development plan. It is far too close to the park and I believe will completely downgrade the view.

I see people on the park benches, enjoying the morning or nighttime scene. It would be a shame for us to not have this park and the extraordinary view, to enjoy in the future.

Thanks for allowing me in your IN box!

Paula
--

Paula F Hill
72 Melbourne Street #1
Portland, ME 04101

Sorted Affairs/Encore Life
http://paulafhill.com/
207-332-6197 (note the new number!!)
LinkedIn member
Facebook
Attn: Elizabeth Boepple, Chair, and Members of the Planning Board,

Dear Ms. Boepple,

I am a homeowner at 81 Quebec Street on Munjoy Hill, almost directly across from Ft. Sumner Park. The unrestricted views that the park provides are a rare find in a city like Portland. People go there daily to peacefully sit, watch the sunset, and enjoy the outdoor space. The proximity of the park, its beautiful views, and the chance to be near some green space, were a major factor in my family’s decision to buy our home. I am very concerned that a proposed development will undermine the historic park and its view.

Thank you for taking the time to consider this message.

Best,

Kate

Kate M. Lawrence, Esq.
81 Quebec St. 2
Portland, ME 04101
(845) 544 4088
Ft. Sumner Park
1 message

'Dbird34' via Planning Board <planningboard@portlandmaine.gov>  Thu, Jan 5, 2017 at 9:46 AM
Reply-To: Dbird34 <dbird34@protonmail.com>
To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>

Dear Elizabeth Boepple, Chair,
and Members of the Planning Board—

My wife and I moved to Portland three years ago, and our only regret is that we didn't do it ten years earlier. We love this city, not least the views over Casco Bay from the Eastern Prom and over downtown from Ft. Sumner Park. These views must be preserved. We recognize the need for new housing, and support most of the development that seeks to supply it. But, surely, this development can proceed without compromising the views from Ft. Sumner Park and elsewhere. It is the board's job to insist on that compromise. I urge you to do so, thus preserving Portland's unique esthetic.

Sincerely,
Richard Pollak

28 Melbourne Street
Portland, ME 04101
917-848-5843
Jennifer Munson <jmy@portlandmaine.gov>

Please preserve the view from Fort Sumner Park
1 message

Joyce Walworth <joycewalworth@gmail.com>  Thu, Jan 5, 2017 at 9:47 AM
To: planningboard@portlandmaine.gov

Dear Ms. Boepple and members of the Planning Board:

Having recently turned 70, I reflect daily on the urgency of what to preserve for future generations. Change is inevitable, but some changes are mistakes and cannot be undone. I believe it would be a mistake to block the view from Fort Sumner Park. The view - available to one and all - is spectacular. It's a spot for reflection and wonder but also appreciation for a thriving city below. I hope that tomorrow's children will not lose this view because of a developer's lack of concern for the historic value of Fort Sumner Park and the residents of Munjoy Hill.

Sincerely,

Joyce Walworth
135 Sheridan St
Portland, ME 04101
To: Elizabeth Boepple, Chair and Members of the Planning Board

The Friends of Fort Sumner Park is extremely grateful for the work done by staff to preserve the views from Fort Sumner Park. We heartily endorse the concept of the overlay zone, keeping in mind that in 1983 the state legislature protected the park "solely for park and recreational purposes in perpetuity". We are also supportive of the establishment of a view cone which defines the panoramic view from the park, and also the graduated protection from foreground clutter in the proposed overlay.

While we would prefer a greater setback from the property line to preserve the quiet and tranquility of the park, we think the addition of vegetative screening in the "no build" area can provide additional visual and noise protection from air handling systems and all manner of HVAC equipment and systems on the building roofs.

With respect to the height limit, we would like to set this established at the historic altitude for the park lookout, which can be seen in an early twentieth century postcard, which was at the level of what we believe to have been the parade ground for Fort Sumner. The current bumped-up observation deck was added during the 1991 renovation of the park and we would like to see the original topography restored at some point, without the visual and noise intrusion of roof appliances and structures such as heat pumps or elevator shafts.

Finally, we would like to see the height limits to include landscaping. One new American elm could spoil the sunset view very quickly.

We urge you to endorse the staff recommendations, with the amendments suggested above. The view from Fort Sumner Park is unique and extraordinary, so much so that area hotels regularly send visitors up to the park in the summer to enjoy the sunset. We believe the McCarthy family, owners of the land at 155 and 165 Sheridan Street, as well as a developer, can make a good profit building on the land within the overlay zone. We look forward to working with city staff to enhance the recreational and historic value of Fort Sumner Park so that future generations will get to enjoy it as much as we do today.

Mayor Baxter, in his 1905 report, *The Park System of Portland*, made it clear that the view was the central defining feature of this park, established and designed in 1891:

"Some years ago, when the Mayor of Cork visited Portland, I took him to the Eastern Promenade, pausing at Fort Sumner Park, and while he was admiring the charming view of the city, which that lofty outlook affords, I ventured to outline to him some of the improvements which I was then considering and which Mr. Olmsted has so admirably embodied into his plans. "But why don't you do it?" asked the Mayor with the little brogue which made him most engaging. "Because," I replied, "our people are rather shy of taxes". "Taxes!" he exclaimed. "Why should they bother about that if they get their money's worth? What's money for but to get the good of it?" (Park System of Portland, City of Portland, 1911)

Respectfully yours,

Carolyn Young, President
Friends of Fort Sumner Park
207-899-2276
Elizabeth Boepple, Chair, and Members of the Planning Board,

I apologize for the two unfinished messages I've sent to you, my computer is being problematic. I am writing in support of Fort Sumner Park, and asking that nothing be done that would obstruct the park's view or degrade its ambience. I am an 18-year-old student at Casco Bay High School, and I have lived on Munjoy Hill for almost ten years. Fort Sumner Park was the first place where I spent time outside in Portland, and it has been a significant location for me every year since. I have spent countless hours climbing its trees, playing hacky sack in it, resting on the grass, and enjoying its glorious view; in these ways it has become an important part of the city to me - just the way it is. I would be greatly saddened to see a building constructed very close to it, as this would detract from the park's aesthetic value. It would also make the park feel much more cramped and awkward, for I feel that it should maintain its wide-open quality and be surrounded by as much forest and nature as possible. I recognize that there are many incentives at play in this situation, but I plead that you take my concerns into consideration. Thank you very much.

Sincerely,
Kobi Eng
kobieng47@gmail.com
39 North Street
Portland, Maine 04101

On Thu, Jan 5, 2017 at 5:54 PM, Kobi Eng <kobieng47@gmail.com> wrote:
   Elizabeth Boepple, Chair, and Members of the Planning Board,

On Thu, Jan 5, 2017 at 5:53 PM, Kobi Eng <kobieng47@gmail.com> wrote:
   Elizabeth Boepple, Chair, and Members of the Planning Board,
Please save Fort Sumner, Portland need this beautiful place for us Portland natives and others.
Thank you,
Ada Mathews
beloada@yahoo.com
January 5, 2017

Portland Planning Board
389 Congress Street
Portland, ME 04101

Re: Proposed Sumner Park Overlay Ordinance

Dear Members of the Board:

I have lived in Portland for 43 years and learned early on that its wonderful network of parks and open spaces is a defining feature of our fabulous city. I chaired the Parks Commission for two years while serving on the City Council in the early 1990s and have been a vocal park advocate ever since.

That said, I must confess that until recently I was not fully aware of Fort Sumner Park and the truly exceptional public asset it represents. Anyone who visits, as I have done several times recently, can attest that the view is spectacular and unique in its scope. It is fully on par with the magnificent vistas seen from the historic Eastern and Western Promenades. It must be protected from encroachment!

I believe the proposed Sumner Park Overlay projects this unique public asset and urge the Planning Board to unanimously recommend it for adoption by the Portland City Council.

Very truly yours,

[Signature]
As a resident of Munjoy Hill, as well as longtime resident of both Portland and Peaks Island, I am writing to implore you to do what you possibly can to save Fort Sumner Park from becoming an embarrassment to the City. I'm referring here to that of the historic Union Station which no longer exists due to bad judgment by city managers.

PLEASE DO NOT TAKE THE JOY OUT OF MUNJOY HILL by allowing money hungry developers to ruin forever the magnificent view enjoyed by countless visitors who return again and again, year in and year out, to Fort Sumner Park. In 2014 my husband and I decided to move in order to live our senior years on Munjoy Hill. We love it here. Since then I have taken countless silhouette pictures (sample attached) of people all ages enjoying the peace and beauty of the park. Personally I am able to walk only a certain distance each day. I am sure I'm not the only 'senior person' with similar concern. Fort Sumner Park, or "Sunset Park" as we call it, has become our daily walk of joy. The very thought of losing the Park with its view is heart breaking, to say the least.

PLEASE DO EVERYTHING YOU CAN TO KEEP MUNJOY HILL FROM BECOMING A FUTURE "MUNSORROW HILL".

Thanking you,

Sincerely,

Gunnel Larsdotter
46 Cumberland Avenue
Portland ME 04102
207-272-2076

Our grandson, Noah age 6, lives in Texas. He and his mother visit us on Munjoy Hill every year. The first thing he says when they arrive is -
"Can we go to Sunset Park?"
Sent from my iPhone

3 attachments

IMG_1756.JPG
102K

IMG_1729.JPG
88K

IMG_1727.JPG
52K
I implore you to keep the vista at this park. Portland’s scenery and our sense of place is very important to the vibrancy of our city. We don’t need to look like the canyons of large cities. Our open spaces and green spaces are an integral part of why we live here and so many people are moving here.

E. Jones...Portland native

Sent from my iPad
Dear Chair Boepple and members of the Planning Board:

I am writing to you as a neighbor and user of Fort Sumner Park. I have watched that park come back from a drug dealing haven three years ago to a much visited gathering spot, thanks to the vigilance of neighbors and the Portland Police. The view is, as you know, a defining feature of the park, and has been since the park’s establishment in 1891. Enclosed is a postcard from the early 1900’s showing the landscape at the time. While we, as a band of neighbors, came together originally to save the view, our research into the park has uncovered an unappreciated gem on North St: Fort Sumner Park was the site of a revolutionary era fortification, a citadel built as part of the coastal defense system in 1794 under George Washington, and finally an early piece of the city’s park system in 1891.

Preservation of this view—the city, with glimpses of the harbor, back cove, the sunset, and Mount Washington—is the cornerstone to future enhancement of the park’s historic and recreational value.

I believe that two amendments to the staff recommendations would make a difference in the visitor experience: a requirement for buffer plantings in the “no-build” zone between the setback and property line, and a lowering of the plane of the height limit in the new overlay zone to the level of the original parade ground—a difference of 2 or 3 feet. It would be nice to be able to restore the original topography of the site without intrusion of elevator shafts or solar panels into the view. This would open up the vista to visitors entering the park; it is now quite hidden until you approach the bumped-up observation deck (added in 1991).

Thank you.

Sincerely,
Nini McManamy
10 Willis St.
Portland, Maine, The Lookout, Fort Sumner Park.
Overlay for Fort Sumner Park

Douglas <jimdoog@gmail.com>
To: mgrooms@portlandmaine.gov

Mr Grooms:
Our house is at 32 North St, so we're very close to Fort Sumner Park and we go there often. If you've been there you know it provides the unique spectacular view of the Peninsula and Maine and NH mountains, including Mt Washington.

Btw, what is an "overlay"?

Lastly, I have two suggestions for board:

ALL Portland residents have a stake in in the overlay issue, not just Munjoy Hill residents, and thus they should have received the notice for the meeting on Jan 10.

It is not Sumner Park, it is Fort Sumner Park.

Thank you,

James Douglas Cowie
Tel 321-8615
Make Portland a model for livability by maintaining historically significant height limitations.

Carol Parker <carolaparker@earthlink.net>  
Posted in group: Planning Board  
Jan 3, 2017 3:19 PM

Dear Elizabeth Boepple, Chair, and Members of the Planning Board:

Please restrict the height of new buildings so that it will be more in keeping with the Historical nature of Portland. It is also critical to the most stunning view of the sunset from Ft. Sumner Park. People gather there every night to watch the spectacular sunset over Portland. High rise buildings near Munjoy Hill would ruin one of the most beautiful community resources.

I know you must consider that the building would create jobs that would help employ many people. Lowering the height could still provide employment, but without destroying the view and historical nature of one of the most beautiful cities on the East Coast. Developers need to create livable cities that fit into the historical character of Portland.

Washington DC years ago placed a height limit so that one can see the Washington Monument and the Capitol from all over the city. When you come into Washington, it still is a welcoming, soothing city surrounded by green parks and trees. Let that be a model for Portland as well.

Please stand tough to create buildings and spaces that promote livability over profits for the few. You have the opportunity to create jobs, improve the tax base, while creating a strong precedence to integrate new buildings to enhance the community’s beauty and historical significance to make the City of Portland a model jewel for others to follow.

Carol Parker  
carolaparker@earthlink.net

18 North Street  
Portland, ME 04101  
703-405-2486 c
Hello Elizabeth and Planning Board members,

Thank you all for the work you do on behalf of our wonderful community and city.

As a 12 year resident of Munjoy Hill, a renter and recently semi-retired on a fixed income, I realize how blessed I am to be living in such a beautiful location with a vibrant community of folks who care deeply about one another as well as the life of the precious earth we share; green spaces, trees and the sky and water which is, in reality, our shared home.

There's a lot of development happening very quickly in Portland. I am not against development, only development that is pushed through without enough foresight for the long term values of everyone, not just those whose narrow focus is real estate development and profit margins in a hot market. It is difficult to quantify on paper the values of a qualitative nature.

If we lose our green spaces and parks to ever increasing, fast paced encroachments for (mostly) high end condominiums (built ever higher), what does that do to quality of life for everyone? There may be a few folks who enjoy a better quality (those who can afford the new residences and those who profit from selling and building them) but what about the greater number of all the citizens of Portland?

Please take these questions and considerations into your heart as well your minds as you make decisions that affect the quality of life for a great number of people.

Thank you again for good work and taking a moment to listen to these words.

Judith Tierney
10 Willis Street, #1
Portland, Maine 04101
judy.tierney@gmail.com
207 899-5238

Tue, Jan 10, 2017 at 2:45 PM
Patrick Venne  
Redwood Development Consulting, LLC  
15 Monument Square  
Portland, ME 04101

January 19, 2017

Via Email  
Jeff Levine,  
Director of Planning & Development  
City of Portland

RE:  R-6 Height Overlay Proposal;

Dear Mr. Levine:

I am writing on behalf of BD Sheridan, LLC, as contract purchaser and prospective developer of real property located at and around 155 Sheridan Street in Portland (the “Project”).

The Project’s development team appreciates your distribution of planning board materials related to the Fort Sumner Park Overlay ordinance proposed in response to the City’s recent and related enactment of a 90-day development moratorium. This letter sets forth our response to the same, which we hope will be fully considered by staff, the Board, and Council prior to any formal action.

**Rooftop Appurtenances** –

While not without its complications or expense, the Project team is prepared to pursue design approaches which meet the spirit of the height limitations by incorporating traditional mechanical rooftop units into the body of the proposed Project. However, the rooftop elevator override penthouse represents an exception to this general point anchored in impracticality. In order for the Project to be ADA compliant, it must have an elevator. In order for the elevator to allow for safe maintenance, it must have an override. Without an exception for the elevator override, the Project will be forced to eliminate an entire floor of housing.

As such, we would respectfully ask the Board consider, and staff to support, a modification to the proposed ordinance language which allows rooftop elevator overrides alone to be exempt from the overlay restrictions otherwise applicable. While I know there has been discussion of this in the past, it bears emphasizing that such an allowance would still be subject to the ‘no undue adverse impact’ requirements of the existing subdivision ordinance. The proposal would neither permit as of right, nor completely prohibit, the enclosure. Instead, it would merely permit an opportunity to explore the options by allowing the eminently qualified Board to exercise its discretion in line with the intent of the overlay in order to reach a reasonable outcome that meets City expectations and works for the Project team as well.
Apex Point -

Our Project team notes that the proposed apex point appears to be tied to ground level. Further, it has reflected that if the intent of the proposed apex point is principally to preserve the cherished viewshed, it should be considered from the perspective of the viewing public. The lowest point at which someone visiting Fort Sumner Park would normally perceive the view, without lying down, is from a seated position while sitting on a park bench. This would call for an apex at eye level from that perspective, or approximately 163.77 (3 ½ feet above the proposed apex point). This apex point would also permit children old enough to appreciate the view to enjoy the same from a standing position.

From a Project benefits perspective, the increased height of the apex point reference would provide additional ceiling height (and thus bear upon the marketability of Project units), in addition to extending the extent to which the Project may remain four as opposed to three stories in height. As such, it would have a positive impact on marketability and may even increase the total number of housing units (by up to two additional residences).

It is important to stress that we understand and appreciate the public interest driving the proposed regulations, and in this letter have attempted to propose only such modifications which result in increased Project flexibility without impinging on that interest.

Thank you for your time and attention to these matters. Please let me know if I can answer any questions or clarify anything herein in advance of the public hearing next week.

Very Sincerely,

Patrick Venne

Enclosures: Exhibit A: Requested modification to proposed Sec. 14-139(d)

CC: Stuart O’Brien, Planning Director, City of Portland
    Matthew Grooms, Planner, City of Portland
    planningboard@portlandmaine.gov
    Bernard Saulnier, BD Sheridan, LLC
    William Savage, Acorn Engineering
    Ryan Senatore, Ryan Senatore Architecture
Exhibit A
Requested modification to proposed Sec. 14-139(d)

R-6 Height Overlay Ordinance Amendment (Fort Sumner Park)
Add a new section as follows:

14-139 (d) Fort Sumner Park Overlay: This Overlay is established to protect the public interest by limiting the impact of development on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park. There is established a key apex point in Fort Sumner Park at 43° 40’ 2.3349”N. 70° 15’ 4.3687”W. The Fort Sumner Park Overlay includes all land within 200 feet, or the R-6 zone boundary, whichever is closer, of this key apex point that is located closer to the middle line of Sheridan Street than said apex point.

Notwithstanding any other section of this Ordinance, development in the Overlay shall be subject to the following additional provisions:

- The top of structure, including rooftop appurtenances, within the Overlay shall not exceed the baseline vertical height of the apex point (163.77’ +60.27” City of Portland Datum (Mean Tide)). For each 25’ radially away from the apex point, the vertical height permitted in the Overlay is reduced by 1 foot (see Figure 4 below). Notwithstanding anything within this Section to the contrary, rooftop elevator equipment enclosures are permissible above the baseline vertical height of the apex point where the same are necessary for a building which is otherwise compliant with this Section to satisfy State or federal law, so long as they shall not cause any undue adverse impact on the quintessential views of natural resources and the changing Portland skyline from Fort Sumner Park.
- The minimum building setback from the park property shall be 15 feet.

Any project within this Overlay shall go to the Parks Commission for a recommendation to the Planning Board regarding potential impacts on Sumner Park.
Hello Elizabeth and Planning Board members,

Thank you all for the work you do on behalf of our wonderful community and city.

As a 12 year resident of Munjoy Hill, a renter and recently semi-retired on a fixed income, I realize how blessed I am to be living in such a beautiful location with a vibrant community of folks who care deeply about one another as well as the life of the precious earth we share; green spaces, trees and the sky and water which is, in reality, our shared home.

There’s a lot of development happening very quickly in Portland. I am not against development, only development that is pushed through without enough foresight for the long term values of everyone, not just those whose narrow focus is real estate development and profit margins in a hot market. It is difficult to quantify on paper the values of a qualitative nature.

If we lose our green spaces and parks to ever increasing, fast paced encroachments for (mostly) high end condominiums (built ever higher), what does that do to quality of life for everyone? There may be a few folks who enjoy a better quality (those who can afford the new residences and those who profit from selling and building them) but what about the greater number of all the citizens of Portland?

Please take these questions and considerations into your heart as well your minds as you make decisions that affect the quality of life for a great number of people.

Thank you again for good work and taking a moment to listen to these words.

Judith Tierney
10 Willis Street, #1
Portland, Maine 04101
judy.tierney@gmail.com
207 899-5238
Spoke with the city this am regarding the cryptic plan view drawings on the recent flyer sent out regarding ‘Fort Sumner Park Overlay Zone Amendment’. I reminded them that humans are not drones or seagulls and do not look at the world in a plan view but in elevation. Therefore, I suggested that someone simply take a pano photo of the view standing on the outer edge of the viewing deck. Simply superimpose a bright line that boxes out what the new proposed maximum allowable structure is. Print it out approx 4ft x 8 ft and post it in the ground on the down hill slope approx 10 feet from the edge of the existing viewing deck. In addition to planting this sign for visitors, demand that the city post it online and in the local newspaper. Ultimate goal is to insure that the entire shoreline of Back Cove will continue to be visible from the EXISTING LANDING (not a foolish built up monstrosity). This appears to have become a very time sensitive concern.
Logical to me.
You?
Neighborhood Meeting Certification

Fort Sumner Park Height Overlay Zone and Rezone from R-6 to ROS

I, Barbara Barhydt, Development Review Services Manager, hereby certify that a neighborhood meeting was held on January 18, 2017 at the East End School at 5:30 p.m.

I also certify that the notice was mailed on January 9, 2017, invitation 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.
2. Residents on the “interested parties” list.
3. A digital copy of the notice was provided to the Planning Division (jym@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list.

Signed,

Barbara Barhydt

Attached to this certification are:

1. Copy of the invitation sent
2. Sign in Sheets
3. Meeting Minutes
4. Copy of Power Point Presentation
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<tr>
<th>Name</th>
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<tr>
<td>Thomas Leonardt</td>
<td>340 E. Prom</td>
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<td>Brent Adler</td>
<td>67 Madison 19/Walnut</td>
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<td>Kevin Schacht</td>
<td>215 Sheridan St</td>
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<td>David Cowie</td>
<td>32 North Street #3 Portland</td>
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<td>CAROL McRADDEN</td>
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<td>Douglas Cowie</td>
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<tr>
<td>Kelley Erickson</td>
<td>156 Sheridan St, #2A, Portland 0410</td>
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<td>Rhonda Green</td>
<td>156 Sheridan St, #1 A Portland 0410</td>
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<td>Tim Baehr</td>
<td>105 North St #2</td>
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<td>Ann Landsberg</td>
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<td>Neil Rouda</td>
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<td>Vause Carmone</td>
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<td>Rose Olmsted</td>
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<td>Cynthia Cochran</td>
<td>17 Hammond St.</td>
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<td>Herb Adams</td>
<td>231 State St.</td>
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<td>Carolyn Young</td>
<td>135 Sheridan St #201</td>
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<td>Nick Grimaldi</td>
<td>135 Sheridan St.</td>
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<td>L.J. McManamy</td>
<td>10 Willis St 04101</td>
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<td>Judy Tierney</td>
<td>10 Willis St 04101</td>
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<td>Martin Steingesser</td>
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<td>Kate Connolly</td>
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<td>Jake Edwards</td>
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<td>Jon Edwards</td>
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<td>RM GAN</td>
<td>202 Washington</td>
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<td>Louise Little</td>
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Matthew Grooms, Planner, presented the zoning amendments proposed by the city to regulate the heights of buildings near Sumner Park and to rezone the park from Residential R-6 to ROS (power point presentation attached). The proposed height overlay zone sets an elevation above sea level of 160.27 feet at the apex point in the park and extends in an arc 200 feet from this point within the R-6 zone or to the extent of the R-6 and B-2b line. Building heights and all appurtenances would need to be under the sight line as shown on the graphic and the allowable building height is decreased by 1 foot for every 15 feet from the apex point. The overlay zone establishes a 15 foot building setback from the park and development proposals will go to the Park Commission for a recommendation to be submitted to the Planning Board’s project review.

The Planning Board public hearing will be on January 24, 2017 at 7:00 p.m. and the Board’s recommendation will be considered by the City Council on February 6, 2017.

Questions and Comments from the Public:
- Explain how the underlying zone with the 45-foot height limit and the overlay zone will work? The 45 foot building height is too high. What is the elevation of Sheridan Street? Want to see a virtual image of what will be looking at the maximum height. Show us what we will see.
- D. Cowie stated the purpose of the sloped line is to retain the sight line, so that building heights will not obstruct the vista. The proposal doesn’t keep the shoreline near Marginal Way in view, but the water and the land on the far shore will be visible. The higher land and views of Mount Washington will be preserved.
- Is the newest house across the street from this site the highest that can be built in the B-2 zone along Sheridan Street? Discussion: The house is at the maximum height.
- Does the developer have to be in agreement with this proposal? Discussion: If adopted by the City Council, then this becomes part of the zoning ordinance and would regulate building height in this area. There is no pending application for the adjoining site.
- When does the moratorium end? Discussion Feb 6, 2017
- Will the B-2b zone be restricted by the height overlay? Discussion: The height overlay applies to the R-6 zone and does not extend into the B-2b.
- N. McManamy clarified that the steep slope between Sheridan Street and the park is owned by the City and would not be developed. The overlay zone sweeps to the right and will effect what is built. From the observation point in the park, there are views of Mount Washington. The building height
within the overlay zone would be roughly 8 to 10 feet lower than this point. Screening and landscaping can be used to buffer development. Convinced views of Mount Washington will be preserved.

- C. Cochran asked what is the height of Sheridan Street and where is it in relationship to the figure showing sight lines. **Discussion:** The planning staff will look into getting this information.

- Using the height overlay slide, B. Adler asked where the view lines are for the sunset and Mount Washington. **Discussion:** N. McManamy indicated on the slide the general sight lines for sunsets and views of Mount Washington.

- Why are the three lots beyond the overlay zone not included? **Discussion:** Due to the grades of the land in the B-2b zone, the maximum building height would not impact the sight lines.

- Concerned that building up the hill will be the problem and that the 45 foot height will block views. **Discussion:** The proposed overlay is based upon the sea level and not the grade of the street. The overlay zone will supersede the underlying R-6 height limit.

- Why not have overlay in B-2b zone? **Discussion:** Current zoning would apply and the buildings would not block the view.

- C. Cochran shared concern about the overlay zone not extending over B-2b because the zoning could change. What is the hesitation of extending the overlay zone?

- Putting a compass on the plan would help.

- R. Gan asked for clarification of the height in the B-2b zone, which is 45 feet and not 65 feet as had been stated earlier. He noted that building height is measured with the median height, but that the overlay zone and the sloping land will lower the building heights.

- P. Murray asked why the overlay zone did not go to the end of Sheridan Street to protect the views?

- C. Young asked to include the lot adjoining the park and held by the Land Trust to be included within the ROS. **Discussion:** The parcel has been included in the proposal.

- What is the significance of the 200 feet for the arc? **Discussion:** Beyond that there are no view impacts due to the slope of the land.

- C. Cochran asked what will happen with the elevation figure with sea level rise. **Discussion:** The ordinance could include a specific Portland datum of a particular date.

- Is it possible that the developer cannot build with this overlay zone. **Discussion:** Development will be possible on the parcel, but the height could not block the view.

- D. Cowie, representing Friends of Fort Sumner Park, is encouraged by the proposal and encourages residents to participate in the Planning Board public hearing on Feb. 24th and the City Council hearing on Feb 6th.
Introduction

• Provides Publicly Accessible ‘Panorama’
• Lacks Sufficient Protection Under Zoning/Applicable Design Standards
• Recent Development Discussions Have Highlighted Vulnerability
• City Council Order 73-16/17
Zoning Context

- Three parcels totaling 1.2027 acres
- Zoned R-6 Residential
- Permissible Heights within R6: 45 Feet
- Zoning Districts in the Immediate Vicinity:
  - R-6: Residential
  - B-2b: Neighborhood Business
  - B-4: Commercial Business
  - C46: Contract
Proposed Map Amendment: Overlay Zone

Parallel to middle line of Sheridan Street

"Apex Point" at center of viewing platform
(43° 40' 2.3359"N, 70° 15' 4.3687" W)

200' radius
Proposed Overlay Ordinance Graphic

For every 25′ away from the Key Apex Point, vertical height permitted is reduced by 1′

Key Apex Point 160.27′

25′

1′

8′

Vertical Height Permitted slope = 1′:25′

Diagram not to scale
Proposed Map Amendment: ROS
Approach Justification

- Comprehensive Plan Calls For:
  - Preservation of Vistas From High Places
  - Celebration of Portland’s Water Resources
  - Recreation/Open Space Opportunities that Address Scenic Needs
  - Public Access to Surface Water
  - Downtown Height Study Highlights Fort Sumner Park Views for Preservation
Next Steps

- January 24\textsuperscript{th}: Planning Board Public Hearing
- February 6\textsuperscript{th}: City Council

QUESTIONS?