

December 3, 2014

Deborah G. Andrews, Manager
Historic Preservation Program
Department of Planning and Urban Development
City of Portland
Fourth Floor, City Hall
389 Congress Street
Portland, Maine 04101

Re: 147 Congress Street, parking project

Dear Ms. Andrews:

This firm represents Congress 127 Apartments, LLC, which is proposing changes (the “Project”) to property it recently purchased at 147 Congress Street (the “Property”). The Property is currently under consideration by the City for designation as a landmark. The primary focus of the Project is to change the current parking situation at the Property. In doing so, we hope to clean up the current street views and create six parking spaces, while also restoring the rear of the building on the Property to its past configuration.

In addition to this letter and the completed application, we have also provided a full sized site plan, consisting of two sheets and a book of Exhibits, labeled A through O. The Exhibits include photographs and conceptual drawings to assist the Board in understanding both the current conditions on the Property and the changes that are proposed as part of the Project.

I. Current conditions on the Property

The Property currently consists of a brick house located on a 5890 square foot lot. The brick house is one of the few buildings to survive the Portland fire. Although the house was originally a single-family structure, its more recent use has been as multi-family housing, including as a boarding house. Currently, the house is home to four tenants.

The house is located on the right side of the Property a short distance back from the sidewalk. The house extends across approximately two-thirds of the front lot line on

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Congress Street. The Project proposes no changes to the exterior of the house facing or visible from the street.

Off street parking for the house is located within a small gravel area to the left of the brick house. This area takes up approximately a third of the frontage on Congress Street. The gravel parking area extends beyond the left boundary line of the Property pursuant to a recorded easement. The rear of the parking area is delineated by a lattice fence that has four trees behind it. Attached as Exhibits A and B are two photos showing a portion of the brick house, along with the parking area and the existing trees. As you can see from Exhibit A, although the gravel area is not particularly large, it sees heavy use. Exhibit A shows three parked cars, though it is also common for a fourth car to be parked within the gravel parking area. Further, as you can see from both Exhibits A and B, any car parked within that area must reverse out of the parking area into Congress Street.

The rear of the Property is currently un-landscaped grounds. In addition, there is a shed in the northern corner of the lot. That shed and grounds can be seen in Exhibit C. The rear of the brick house is mostly in its original condition. However, at some point in the relatively recent past, a wooden stairway and addition was added onto the back of the house. The stairway/addition can be seen in Exhibit D. Although we do not know exactly when the stairway/addition was added, it appears relatively recent. In fact, its construction caused a significant alteration to the brick wall at the rear of the house. As you can see from the picture, the stairway/addition covers approximately one-half of that rear brick wall. On the ground floor, the stairway/addition covers a door. Currently, there is also a door on the second floor leading out to that stairway/addition. However, the construction indicates that the second floor door was originally a window in the same shape as the window you can see next to the wooden addition on Exhibit D. The window was enlarged into a door as part of the construction of the stairway/addition.

II. The work proposed as part of the Project

The primary focus of the Project is to move the off street parking to the rear of the Property, while also expanding the number of spaces from four to six.¹ In doing so, our goal is to clean up the view from the front of the building while improving traffic flow leaving the Property. Attached as Exhibit E is an artist rendering of an aerial view of the Project showing the Property after all of the changes have been made.

¹ Four of the new parking spaces will be designated for use by the owners of a condominium down the street, while the remaining two will be for the use of the owners of the Property. The current plan is to scale back the occupation of the Property from its current use with four tenants to a single family property.

From the front of the Property, the Project proposes the removal of the current gravel parking area, the existing fence, and three of the five existing trees behind that fence. The front portion of the brick house will not be altered as part of this Project.² After the gravel is removed, a new driveway will be added. The driveway will begin at the brick sidewalk and be approximately 12 feet wide. It will then narrow down to a 10 foot wide opening at the location of the current fence. All of this portion of the driveway will be surfaced with pavers in accordance with the City's specifications. In addition, those portions of the existing gravel area that will not be paved will instead be loamed and landscaped to provide a small green space around the driveway.

The existing fence will be replaced with a new wooden fence. The new wooden fence will be six feet high and painted white. The fence will have a ten-foot wide sliding automatic door, along with a pedestrian gate located on the existing sidewalk next to the house. That sidewalk will not be disturbed as part of the Project. Attached as Exhibit F is an artist rendering that shows the new driveway, fence and plantings as viewed from Congress Street.³ That Exhibit also illustrates the design of the new fence. We have also provided as Exhibit H an artist rendering showing the new driveway with the gate open. However, it is the applicant's intention for the gate to close automatically after each use for security reasons. Thus it will also provide nearly continuous screening of the parking area from the street. Finally, Exhibits G and I repeat the artist renderings, but provide an inset of current conditions for ease of comparison.

After passing the new fence, the paving surface will change from pavers to asphalt. Both the angle of the ground and the fence will minimize the visual impact of this change. The driveway will then expand out to form the parking and turnaround area. These areas have been laid out in accordance with the City's site plan standards. As you can see from the attached site plan and Exhibit E, four spaces will be created at the rear of the Property next to the existing nine-foot tall brick wall,⁴ while two spaces will be

² When the Board visits the Property, they will probably notice that the side porch near the existing parking area has experienced some slight decay. Although this is not part of this application, the owners are planning on repairing that damage.

³ The pedestrian gate is not visible in these renderings because it is behind the side porch.

⁴ The nine-foot tall brick wall is on the Property. The applicant intends to keep that wall in place.

along the right side of the Property and directly behind the house.⁵ Exhibit J is an artist rendering that shows the parking area from the location of the new fence.

As part of the changes to the rear of the Property, the existing shed shown in Exhibit C will be removed. The shed will be replaced by green space with plantings. Exhibit K provides a comparison between the proposed changes and the existing conditions at the site. The shed appears to be a fairly recent addition to the Property and is of a character that does not add to the historic significance.

Finally, the Project proposes the removal of the stairway/addition shown in Exhibit D. Like the shed, the stairway/addition is of relatively recent vintage and does not share the historic significance of the remainder of the house. As part of the removal, the rear of the house will be restored to its original condition. The most significant portion of that restoration will be to return the second floor door to its original use as a window. In doing so, the new window will match the style and construction of the existing second floor window next to it. In addition, there is some damage to the brick above the stairway/addition that will require repointing and other masonry repair.

Once the stairway/addition is removed, a portion of its footprint will be used for parking, while the remaining portion next to the house will be turned into a small patio. The patio will be surfaced with the same pavers used in the driveway at the front of the house. Attached as Exhibit L is an artist rendering showing the new rear of the building along with the parking spaces. Exhibit N is a proposed rear elevation showing the changes to be made to restore the rear of the building following removal of the stairway/addition.

III. Conclusion

In proposing this Project, the applicant has tried to maintain and preserve the historic features of the Property as much as possible while still creating off street parking within a highly developed location and that complies with the City's site plan standards. The current off street parking at the site is not ideal for anyone and certainly does not add to the historic beauty of the Property. By moving the parking into the rear, the Project cleans up the front of the building. It also removes some newer structures and restores the rear of the building to its historic state. Indeed, the last Exhibit in the book, Exhibit O, shows the property from Congress Street and shows how it will be improved by the

⁵ The two parking spaces on the right side of the Property and directly behind the house will be used by the occupants of the Property. The remaining four spaces will be deeded for the use of a condominium located at 137 Congress Street.

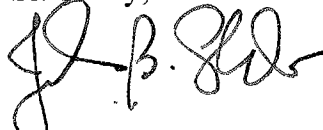
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removal of parked cars in the front. The Applicant respectfully requests that the Board vote to grant a certificate of appropriateness for the Project.

In addition to the present application, the Applicant will also be applying for Site Plan and Conditional Use approval for the Project. The Applicant will also apply for all necessary building and demolition permits.

Thank you for your attention. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "J.B. Shumadine". The signature is fluid and cursive, with the initials "J.B." being prominent.

John B. Shumadine

JBS/kpm
Enclosures
cc: Congress 127 Apartments, LLC



Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

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. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

- Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.
- I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

J. B. Eldr agent for Congress 127 Apartments, LLC Dec 3, 2014
 Applicant Signature: Date:

J. B. Eldr Dec 3, 2014
 I have provided digital copies and sent them on: Date:

Dec 3, 2014

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

CITY OF PORTLAND, MAINE

HISTORIC PRESERVATION PROGRAM

Dear Applicant for Historic Preservation Review:

To receive a Certificate of Appropriateness for exterior or site alterations to a designated historic property, it is necessary for you to complete the enclosed application form and return it with a copy of proposed plans, drawings, specifications and application fee to the Department of Building Inspections, Portland City Hall, 389 Congress Street, Room 315, 3rd Floor, Portland, Maine, 04101.

Following a preliminary review of your application, historic preservation staff will determine whether the project requires Historic Preservation Board review or whether an administrative review is appropriate. (Routine or minor projects, such as sign or awning installations, are typically reviewed at the staff level.) If necessary, you may be asked to submit additional information.

For projects requiring Board review, the application should be submitted at least two weeks prior to the desired meeting date of the Historic Preservation Board—see attached meeting schedule. The Board meets on the first and third Wednesdays of each month. **Twelve (12) paper copies as well as one (1) digital copy of the application and supporting materials are required for Board reviews.**

Building and site alterations are reviewed for the conformance with the review standards of the historic preservation ordinance (attached). If your project involves new construction, a copy of the ordinance's new construction standards and guidelines is available upon request.

If you have questions about the application or would like guidance in meeting the ordinance review standards, feel free to contact me at 874-8726 or by e-mail at dga@portlandmaine.gov

Sincerely,



Deborah G. Andrews
Historic Preservation Program Manager

The Historic Preservation Ordinance and Review Standards as well as other information is available on the City's web site at <http://www.portlandmaine.gov/planning/historic.asp>

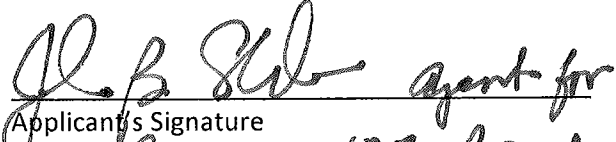
Historic Preservation Program
Department of Planning and Urban Development
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

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


Note: Your project may also require a building permit. Please call Building Inspections (874-8703) to make this determination.

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: Congress 127 Apartments, LLC</p> <p>Business Name, if applicable: % John B. Shumadine, Esq.</p> <p>Address: Murray, Plumb & Murray 75 Pearl Street</p> <p>City/State : Portland, Maine Zip Code: 04101</p>	<p>Applicant Contact Information</p> <p>Work # (207) 773-5651</p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail: jshumadine@mpmlaw.com</p>
<p>Owner – (if different from Applicant)</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Owner Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail:</p>
<p>Billing Information</p> <p>Name: See above</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Billing Contact Information</p> <p>Work #</p> <p>Cell # Fax#</p> <p>e-mail:</p>
<p>Architect /Engineer</p> <p>Name: Nancy St. Clair St. Clair Associates</p> <p>Address: 34 Forest Lane</p> <p>City/State : Zip Code: 04021 Cumberland, Maine</p>	<p>Architect Contact information</p> <p>Work # (207) 829-5558</p> <p>Home#</p> <p>Cell # (207) 615-8586 Fax#</p> <p>e-mail:</p>
<p>Contractor</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Contractor Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail:</p>



 Applicant's Signature _____ Owner's Signature (if different) _____



APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

<input type="checkbox"/> Administrative Review (for minor or standard alterations)	\$50.00
<input checked="" type="checkbox"/> HP Board Review	\$100.00
<input type="checkbox"/> HP Board Review for major projects involving new construction or building addition exceeding 1000 sq. ft. or comprehensive rehabilitation/redesign of existing structures	\$750.00
<input type="checkbox"/> After-the-fact Review (for work commenced without advance approval)	\$1000.00
<input type="checkbox"/> Sign Review for signs in historic districts	\$75.00

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)

Activities Requiring Approval in Historic Districts

If your property is located within a historic district or is an individually designated historic structure, it is necessary to receive approval before proceeding with any exterior alteration, construction activity or site improvement that will be visible from a public way. Following is a list of activities requiring review.

Please check all those activities that apply to your proposed project.

Alterations and Repair

- Window and door replacement, including storms/screens
- Removal and/or replacement of architectural detailing (for example porch spindles and columns, railings, window moldings, and cornices)
- Porch replacement or construction of new porches
- Installation or replacement of siding
- Masonry work, including repointing, sandblasting, chemical cleaning, painting where the masonry has never been painted, or conversely, removal of paint where the masonry historically has been painted
- Installation or replacement of either roofing or gutters when they are a significant and integral feature of the structure
- Alteration of accessory structures such as garages

Additions and New Construction

- New Construction
- Building additions, including rooftop additions, dormers or decks
- Construction of accessory structures
- Installation of exterior access stairs or fire escapes
- Installation of antennas and satellite receiving dishes
- Installation of solar collectors
- Rooftop mechanicals

Signage and Exterior Utilities

- Installation or alteration of any exterior sign, awning, or related lighting
- Exterior lighting where proposed in conjunction with commercial and institutional signage or awnings
- Exterior utilities, including mechanical, plumbing, and electrical, where placed on or near clearly visible facades

Site Alterations

- Installation or modification of site features other than vegetation, including fencing, retaining walls, driveways, paving, and re-grading

Moving and Demolition

- Moving of structures or objects on the same site or to another site
- Any demolition or relocation of a landmark contributing and/or contributing structure within a district

Note: Your project may also require a building permit. Please call Building Inspections (874-8703) to make this determination.

ATTACHMENTS

To supplement your application, please submit the following items, *as applicable to your project*. Keep in mind that the information you provide the Historic Preservation Board and staff is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s).

Exterior photographs (required for all applications.) Include general streetscape view, view of entire building & close-ups of affected area.

Sketches or elevation drawings at a minimum 1/4" scale. Please label relevant dimensions. All plans shall be submitted in 11" x 17" format except for major projects, where 22" x 34" plans are requested. Applicants for major projects should submit one (1) 11" x 17" copy for scanning purposes.

Details or sections, where applicable.

Floor plans, where applicable.

Site plan showing relative location of adjoining structures.

Catalog cuts or product information (e.g. proposed windows, doors, lighting fixtures)

Materials - list all visible exterior materials. Samples are helpful.

Other (explain) See attached letter

If you have any questions or need assistance in completing this form, please contact Historic Preservation staff:

Deb Andrews (874-8726) or by e-mail at dga@portlandmaine.gov
Rob Wiener (756-8023) or by e-mail at rwiener@portlandmaine.gov

Application Deadlines for Historic Preservation Board Review

The Historic Preservation Board meets on the first and third Wednesday of each month. (Only 1 meeting is held in the months of August and December.) Meetings generally begin at 5:00 and are held in Room 209 of City Hall.

In order for your proposal to be scheduled for a Historic Preservation Board meeting, a **complete** application must be received by the Planning Division **at least 2 weeks in advance of the desired meeting. The application fee is also due at that time.** Applications received after the deadline will be considered at a subsequent meeting.

Application Deadlines	2014 Meeting Dates
December 25 January 8	January 8 January 22
January 22 February 5	February 5 February 19
February 19 March 5	March 5 March 19
March 19 April 2	April 2 April 16
April 23 May 7	May 7 May 21
May 21 June 4	June 4 June 18
June 18 July 2	July 2 July 16
July 23	August 6
August 20 September 3	September 3 September 17
September 17 October 1	October 1 October 15
October 22 November 5	November 5 November 19
November 19	December 3

***Note:** Submission of an application by the deadline does not guarantee that you will be on the next meeting agenda. If the Planning Office receives more applications than can be reasonably reviewed in one meeting, staff reserves the option of postponing some items to the following meeting.*

Standards for Review of Alterations to Historic Buildings

In considering an application for a Certificate of Appropriateness involving alterations, the Historic Preservation Board and Staff the following review standards, as provided in the City's historic preservation ordinance:

- (1) Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right, shall not be destroyed.
- (5) Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.
- (6) Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.
- (7) The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.