

32-S-3

2000-0160

161 Commercial St.

Building addition

John & Sonia Robertson

added to Spreadsheet

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

20000160

I. D. Number

John & Sonia Robertson

Applicant

336 Danforth Street, Portland, ME 04102

Applicant's Mailing Address

TFH Architects

Consultant/Agent

775-6141 **773-0194**

Applicant or Agent Daytime Telephone, Fax

7/31/00

Application Date

Commercial Street

Project Name/Description

161 Commercial St, Portland Maine 04101

Address of Proposed Site

032-S-003

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

22,396 **.14** **B3**

Proposed Building square Feet or # of Units **22,396** Acreage of Site **.14** Zoning **B3**

Check Review Required:

- Site Plan (major/minor)
- Flood Hazard
- Zoning Conditional Use (ZBA/PB)
- Subdivision # of lots _____
- Shoreland
- Zoning Variance
- PAD Review
- Historic Preservation
- 14-403 Streets Review
- DEP Local Certification
- Other _____

Fees Paid: Site Plan **\$500.00** Subdivision _____ Engineer Review _____ Date: **7/31/00**

Planning Approval Status:

- Approved
- Approved w/Conditions See Attached
- Denied

Reviewer _____

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issued	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	
	date		
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date

PLANNING BOARD REPORT #51-00

RENOVATION AND ADDITION TO THE WILLIAM MOULTON BLOCK

161 COMMERCIAL STREET

JOHN AND SONIA ROBERTSON, APPLICANTS

Submitted to:

Portland Planning Board
Portland, Maine

September 26, 2000

I. Introduction

John and Sonia Robertson propose to construct 4,317 square feet of building additions including a two-story front dormer on the William Moulton Block (the Whip and Spoon building) at the corner of Commercial and Market Streets. The proposal is part of a comprehensive rehabilitation of the entire building six story building. The project is being reviewed for change of use for top five floors of the building from mixed storage, office and vacant space to commercial office use. The first floor will remain retail. Both the change of use and the addition will be reviewed under the Site Plan and Historic Preservation City Codes.

The project is in the B-3 zone and the Waterfront Historic District and is proposed for retail and office use. This is the first workshop for this development.

In addition to the B-3 zone, the project falls within the Pedestrian Activities District (PAD) along Commercial Street. Other requirements and standards that apply to this proposal include the Downtown Urban Design Guidelines [14-221(1)], and because of its location within the Waterfront Historic District, the standards of review for alterations under section 14-615.

The Planning Board has held two workshops on the project, in addition to Historic preservation review. The Historic Preservation Committee provided positive recommendations regarding the rear additions and alterations to the existing structure, and the Committee provided a negative recommendation regarding a previous design of the proposed two story front dormer. As recommended by the Planning Board, the applicant held an additional workshop with the Committee on September 20, 2000 to discuss the updated dormer design. A summary of the September 20th Historic Preservation Committee informal workshop is provided below. Additionally, a representative of the Historic Preservation Committee will be available at the Public Hearing to answer questions regarding the September 20th meeting and the Historic Preservation Review process.

Site Description:

The subject parcel fronts on Commercial Street, Market Street, and an alley behind the Mariner's Church building and contains approximately 3900 square feet. The addition on the rear of the building proposes to occupy property currently providing rear access to residential apartments which front on Moulton Street. The Moulton Street building is under the same ownership as the subject building and access to the apartments will be retained through a courtyard entry to the proposed addition.

The site is currently fully developed and totally impervious to stormwater.

The existing building is the 1851 William Moulton Block which is purported to be the oldest warehouse structure constructed on Commercial Street. Built in the Greek Revival style, the building has retained its original form with a steeply pitched gabled roof with the roof plane facing Commercial Street. The proposed alterations to the structure represent the first major changes to the form of building since its construction. The building is well know as the location of the Whip and Spoon retail store.

Project Description:

The underlying interest of this proposal is to rehabilitate the structure and gain usable floor space on the now vacant fifth and sixth floors. Due to the steep pitch of the roof, the floor plates of the upper most stories are confined and difficult to access. The proposed design utilizes a six story rear addition with a five story stair tower to provide adequate access to the entire building and provide an entrance lobby on the first floor off Market Street. The proposal includes a two story dormer to serve the fifth and sixth floors of the structure. The dormer provides light, ventilation and highly marketable views to the upper floors.

The style of the alterations are highly contemporary, attempting to clearly distinguish the additions from the form and style of the original structure. Utilizing curtain wall glass, for the dormer and the bulk of the rear addition, and split granite veneer for the prominent Market Street stair tower, the design is a bold departure from the brick and granite composition of the original structure.

The design of the two story front dormer has proved to be problematic in terms of its compatibility with the review standards of the Historic Preservation Code. As now submitted, the dormer is two stories tall and occupies approximately 27% of the roof plane on the primary facade of the building. Utilizing both inverted and projecting elements, the dormer provides exterior deck space for the fifth floor and additional floor space and a window wall on the sixth floor. The shape of the dormer is that of a large radius curve with glass and aluminum window partitions to be colored to match a restored slate roof. The sixth floor (the projecting section) is approximately 27 feet wide, while the fifth floor (the inverted section) is approximately 15 feet wide. Skylights benefitting the fifth floor flank the deck section of the dormer. See the Historic Preservation section below and previous memos included for further discussion of the project design.

II. Findings

Zoning:	B-3 Downtown Business Zone
Districts:	Waterfront Historic District PAD
Land Area:	3,900 +/- square feet
Total floor area:	18,079 square feet of Existing Building 4,317 square feet of Addition 14,582 square feet of Change of Use 22,396 square feet of Gross Area
Developer:	John and Sonia Robertson
Architect:	Scott Teas, TFH Architects
Noticing:	391 area property owners were noticed for this hearing

III. Site Plan Standards

1. Traffic/Circulation/Parking:

Traffic: A traffic study by Casey & Godfrey engineers states that the project will generate 18 more peak hour trips and will not negatively impact the existing street system.

Pedestrian Circulation: The site is currently surrounded on two sides by public streets and the

condition of sidewalks varies considerably. The Commercial Street sidewalk has been recently reconstructed and is in excellent condition. The Market Street sidewalk is narrow and pedestrian flow is restricted by an existing loading ramp. The applicant indicates that the sidewalk will be reconstructed in brick with new granite curbing and that the existing ramp will be eliminated. The sidewalk currently contains three granite cellar wells (with brick in-fill) which are typical for the Commercial Street area. The applicant indicates that the granite well frames will be re-installed in the new sidewalk with granite paver in-fills which integrate with the new rear lobby area.

Access to the rear of the building and to the Moulton Street Apartments will be through a narrow alley to a rear court yard. Public Safety representatives from the Police Department suggest that a security management plan be devised and implemented for this area due to troubles that have occurred in the Old Port where visibility from the Street is restricted. A security gate near Market Street is proposed

Loading: The applicant indicates that there will be retail space on the first floor. Loading for the retail will need to occur from Market Street, either from the existing side entry, or through the courtyard entry in the rear.

Off street Parking: The change of use for the existing structure is exempt from parking requirements under B-3 Section 14-221(2). The additions proposed are largely service and hall areas which are exempt from the parking calculations, but approximately 3 spaces will be needed for new usable space. The applicant has provided evidence that 18 spaces will be made available to the project at the Bill's Pizza lot (+/- 250 feet by the sidewalk from the proposed lobby area.) Zoning Officer, Marge Schmuckal, indicates that the proposed parking plan meets existing regulations

2. Utilities

All utilities are available to the project from existing infrastructure. Water and sewer capacity letters have been requested by the applicant, but have not yet been received. A suggested condition of approval has been included

Electricity, cable and telephone will be provided from an existing pole at the corner of Commercial and Market Street. The lines will drop from the pole and will access the building under-ground

3. Landscaping

Landscaping is not proposed for this site.

4. Drainage

The site currently sheet flows from the roof drains onto the sidewalk and into the rear courtyard. The applicant proposes to add two catch basins, one in the rear courtyard which accesses a second at the edge of Market Street. Storm water will route from the courtyard, to Market Street, and southerly along Market Street in a proposed pipe to an existing catchbasin at the corner of Commercial Street. The DRC and Public Works have indicated that the proposed stormwater system is acceptable.

5. Lighting

Low wattage lighting is proposed for the courtyard with details included in Attachment 8.

6. Fire Safety

Fire Safety has approved the site layout of the project. The alley will serve as access to the Moulton Street Apartments as well as the subject building, and while gating is needed, free emergency egress must be accounted for.

IV. Historic Preservation Review

Prior to Planning Board public hearing review of this project, the Historic Preservation Committee held workshops and a Public Hearing to make their recommendation on the Certificate of Appropriateness. Additionally, the Planning Board held a September 12th workshop on this project which dealt with historic preservation issues in detail, and the Historic Preservation Committee held an informal workshop on September 20th to discuss revisions to the front dormer design.

As the Board will recall, the original proposal received a negative recommendation from the Historic Preservation Committee for the front dormer design (with a positive recommendation for the balance of the project.) The findings and analysis for this recommendation are discussed in detail in the September 12th memo which is included at the end of this report. Subsequent to the Committee recommendation, the Planning Board received an updated design of the front dormer for review on September 12th. At the September 12th workshop, several Board members suggested that the applicant go back to the Historic Preservation Committee for review of the updated design.

As requested by the Planning Board, the Historic Preservation Committee reviewed the latest design revisions at its September 20th meeting. Due to the lack of time to provide legal notice of the workshop, the Committee's deliberations were strictly informal and no vote was taken on the revised plan. Following a lengthy presentation by Mr. Teas in which he provided his analysis of the intent of the applicable review standards, Committee members provided their individual comments on the changes. Four of the five Committee members who originally voted on the plan were present at the meeting. The fifth, architect Cordelia Pitman, was absent due to illness, but had called the chair in advance of the meeting to convey her response.

The conclusion of all five members was that the new dormer proposal, while realigned and reduced somewhat in scale, still failed to meet Standards # 1,2, and 9 of the ordinance's Standards for Review of Alterations. While recognizing that the overall percentage of the roof being affected had been reduced, the matter was not simply one of percentages. Committee members stated that the size of the revised dormer was still too large, particularly in terms of its height, for this particular building and served to "overpower and confuse the Commercial Street facade." In response to Mr. Teas' representation of the intent of the applicable standards, Committee members also commented that their interpretation differed in some critical respects.

V. B-3 Standards Site Plan Standard 14-526(16) relate to development in the B-3 zone.

1. Relationship to the Pedestrian Environment

14-526(16)a.1 encourages the exterior design of the lower stories of buildings to enhance the pedestrian environment. Issues to consider relevant to this development are storefront design, building entrances, avoidance of blank facades.

Additionally, 14-526(16)a.3., Pedestrian Activities District encouragement areas, applies to this area along Commercial Street. This provision dictates that development in this area should be convertible to pedestrian friendly uses. As retail is the proposed first floor use (as is encouraged in the PAD district), this development adheres to this section of the standard.

The Urban Design Guidelines suggest that blank walls be avoided along streets within the B-3, with linear limits set at 30 feet for B-3, and 15 feet for PAD areas. This project presents no difficulties with these guidelines

2. Relationship to Existing Development

The B-3 site plan standards require that "proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and street scape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following patterns: (a) Street walls and building setbacks; (b) Open Space; (c) Building form, scale, and massing; (d) Facade proportion and composition; (e) Pedestrian circulation and building entrances; and (f) parking." [14-526(b)1 (a)-(f)]

Zoning Officer, Marge Schmuckal, has indicated that there is a 5 foot maximum set back line for development in the B-3 and that the rear addition is slightly in conflict with this dimensional requirement. The rear addition is set back from the street at an angle to the right of way line. The nearest point of the addition sets 4 feet from Market Street and the farthest point sets 6 feet back. The Historic Preservation Committee specifically encouraged the separation of the addition from the historic structure, and the set backs provided are intended to reflect preservation issues. The Board has the ability to waive set back requirements in the B-3 under City Code 14-220(3). In order to increase the setback beyond 5 feet, the Board will review according to four criteria outlined in 14-526(16)b.2. The applicable sections of the standards for waiving the setbacks are summarized as follows.

The introduction of street level setbacks will:

- a. Provide substantial and viable publicly accessible open space or other amenity at the street level that supports pedestrian activity. Such amenities may include wider sidewalk circulation areas in location of substantial pedestrian congestion;
- b. Does not substantially detract from the prevailing street wall;
- c. Does not detract from existing publicly accessible space; and,
- d. The area is of high quality and character of design.

See Attachment 12, Zoning E-mail and Code references, for the complete text of the B-3 standards for increasing setback beyond the build to line.

VII. Motions for the Board to Consider

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Board Report # 51-00 and Historic Preservation Report #10-00, the Planning Board finds:

1. That the plan **(is/is not)** in conformance with the site plan standards of the land use code. Subject to the following (potential) Conditions of Approval:
 - i. That the applicant supply letters of utility capacity for planning authority review and approval.
2. That the alterations to the William Moulton Block **(meet/fail to meet)** the Standards for Review of Alterations of the Historic Preservation Ordinance.
3. That the design of the addition along Market Street **(meets/fails to meet)** the Standards for Increasing Setback Beyond the Street Build-to Line in the B-3 Zone.

Attachments

1. Applicant's Written Statement
2. Deed Information
3. Technical and Financial Capability
4. Parking Statement
5. Traffic Report
6. Geotechnical Information
7. Utility Capacity Request
8. Lighting
9. Square footage Table
10. Greater Portland Landmarks Letter
11. Letters of Support
12. Zoning E-mail and Code references
13. Plans and Details
14. Floor Plans and Section
15. Elevations and Renderings

AH 111

Site Review Pre-Application
Multi-Family/Attached Single Family Dwellings/Two-Family Dwelling
or Commercial Structures and Additions Thereto

In the interest of processing your application in the quickest possible manner, please complete the Information below for Site Plan Review

NOTE**If you or the property owner owes real estate or personal property taxes or user charges on ANY PROPERTY within the City, payment arrangements must be made before permits of any kind are accepted.

Applicant
John & Sonia Robertson

Application Date
July 28, 2000

Applicant's Mailing Address
336 Danforth St., Portland, ME 04102

Project Name/Description
William Moulton Block, Renovations & Addition

Consultant/Agent
TFH Architects

Address Of Proposed Site
161 Commercial St.
Tax Map 32, Block S, Lots 3 & 4
Assessor's Reference, Chart#, Block, Lot#

Applicant/Agent Daytime telephone and FAX 775-6141; 773-0194

Proposed Development (Check all that apply) New Building Building Addition Change of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Other(Specify)

22,396 sf

.14

B-3

Proposed Building Square Footage and /or # of Units

Acreage of Site

Zoning

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) 7 sets of Site Plan packages containing the information found in the attached sample plans and checklist. *2 extra Site Plans*

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

I hereby certify that I am the Owner of record of the named property, or that the proposed work is authorized by the owner of record 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 an approval for the proposed project or use described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this approval at any reasonable hour to enforce the provisions of the codes applicable to this approval.

Signature of applicant:

Date:

7.27.00

Site Review Fee: Major \$500.00 Minor 400.00

This application is for site review ONLY, a Building Permit application and associated fees will be required prior to construction.

Application Narrative
The William Moulton Block I Renovation and Addition

The following is in response to items requested in the zoning ordinance and on the City of Portland Site Plan Checklist. To facilitate the review process, our responses use the checklist's item numbering system. Information not included herein can be found on the accompanying drawings.

- (9) The location of water courses, marshes, rock outcroppings and wooded areas is not applicable to this submission.
- (18) The parking requirements are based on an addition of 1,205 square feet; accordingly, three off-site parking spaces are to be provided at the parking lot adjacent to Bill's Pizza. Refer to the site plan and the attached letter for more information.
- (19) A formal loading dock is not required for this project as the office space is less than 100,000 square feet and the retail space is existing. It should be noted that the size of the existing retail space will be somewhat reduced by the renovations.
- (20) There will be no curb cut for this project and, therefore, ingress and egress of vehicles to public streets will not be an issue.
- (22, 23, 24, 25, 26, 27, 28, 29) The structure occupies the entire site except for a small courtyard accessed through a 4-foot-wide walkway. Because of the nature of the small urban site and the already narrow sidewalk, the designers feel it is not possible to provide additional landscaping. There does exist one 20-foot-high +/- tree in front of the southeast face of the building on Commercial Street.
- (30) No fencing or screening is proposed; however, there will be a 42-inch-wide security gate constructed of ornamental iron work with limited access provided by a touch pad entry system. This control point will provide access as well as security to the four apartment units on 7 - 9 Moulton Street, access to the trash storage room, access to bicycle storage, access to the Mariners' Church trash and utility rooms as well as providing egress from the rear stair tower.
- (31) There presently exist wall-mounted light fixtures on the brick in-fill panels on both Commercial and Market Streets. We propose to eliminate this lighting as it does not appear to be necessary with regard to safety and it is inconsistent with the applicant's historic preservation intentions. Refer to the "Proposed Lighting" page, attached.

- (34) This project falls within two use groups: mercantile on the ground floor and commercial or office on the upper five floors. The building is located on .14 acres. The total floor area of the project is 22,396 square feet with a ground floor ground coverage of 3,947 square feet.
- (38) There presently exists an access easement with legal covenants providing ingress and egress to the Mariners' Church property and to 7-9 Moulton Street (see survey).
- (39) Solid waste disposal will be handled through the engagement of a professional waste removal company. An interior trash storage and recycling center of over 62 square feet has been constructed to the rear of the elevator shaft and accessible from the aforementioned right-of-way. Building cleaning crews will collect paper goods in plastic bags and temporarily store them in this structure. Access will be through the aforementioned ornamental iron gateway security gate to a parked curb-side vehicle. Collection times typically are off hours. This collection system will also hold true for the ground floor retail tenant. At present the bulk of this trash consists of broken down cardboard containers.
- (40) Preliminary indications suggest that the existing utility entrances, water, sewer and gas, will be maintained. It is the applicant's intent, however, to install underground electrical service originating at the power pole located on the corner of Commercial and Market Streets and thereto extend conduit down the pole underground to an electrical room located within the existing structure's basement below the new Market Street entrance
- (41) Currently the site is 100% impervious surfaces of building and paving. All stormwater is directed off site by gutters or surface drainage to the City's stormwater sewer system on Market and Commercial streets. The renovated building will continue to direct the stormwater to the City's system via roof drains, surface drainage, a catch basin in the courtyard, and gutters. No change in the flow characteristics should occur.
- (42) It is anticipated that construction will begin in October 2000 with a completion date estimated to be early summer of 2001.
- (43) The architects have presented this project to the Maine State Fire Marshall for review of compliance with Life Safety NFPA 101 and for compliance with the Americans with Disabilities Act and the accessibility requirements of the Maine State Human Rights Commission.
- (44) A final set of construction documents will be submitted upon completion in late September, 2000 with (45) a Certificate of Compliance issued within two weeks of this submission.
- (47) TFH Architects has 30 years of experience in restoration/ adaptive re-use projects throughout New England. Notable projects include the Thomas Block at 100 Commercial Street; the Store Brothers Building on Middle Street; North School on Congress Street; Academy Park in Presque Isle; Milford Mill in Milford, New

Hampshire. TFH Architects has the support of experienced consultants in all major disciplines, all of whom have had extensive experience working in the City of Portland on historically significant structures. They include: Pinkham and Greer, Falmouth, Maine (civil); Swift Engineering, Norway, Maine (structural); Hendry Engineering, Gray, Maine (mechanical); Bartlett Design, Bath, Maine (electrical).

That DOWNEAST MOVING AND STORAGE CORP.

AH 2.1

a corporation organized and existing under the laws of the State of Maine

and located at Portland

in the County of Cumberland and State of Maine

in consideration of One (\$1.00) Dollar and other good and valuable consideration

paid by JOHN O. ROBERTSON and SONIA B. ROBERTSON, of Gray, Maine, County of Cumberland and State of Maine

the receipt whereof it does hereby acknowledge, does hereby

give, grant, bargain, sell and convey unto the said John O. Robertson and Sonia B. Robertson as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever, ~~the receipt whereof it does hereby acknowledge, does hereby~~ a certain lot or parcel of land and bounded and described as follows:

Beginning at the intersection of the westerly side line of Market Street with the northerly side line of Commercial Street; thence westerly by said Commercial Street forty-nine and twelve hundredths (49.12) feet to the center of the division wall between the building on the lot under description and that of the building next westerly sold by William H. Moulton et al to Charles H. Robinson by deed recorded in the Cumberland County Registry of Deeds, Book 867, Page 387; thence north-westerly by the center of said division wall seventy-five and eight-tenths (75.8) feet to land now or formerly belonging to the estate of the late Mary J. E. Clapp; thence northeasterly by land now or formerly belonging to the estate of said Clapp, forty-seven (47) feet, more or less, to Market Street; thence south-easterly by said Market Street seventy-six and fifty-five one hundredths (76.55) feet, more or less, to said Commercial Street and the point of beginning. Together with all of its rights to the maintenance of eaves on the northerly end of said building if they are not within the limits of the above description said building and eaves having been in existence during the past one hundred and seventeen (17) years.

Being the same premises conveyed to the Grantor herein by deed of Earl W. Noyes, Jr. and Shirley E. Noyes dated April 5, 1971 and recorded in the Cumberland County Registry of Deeds in Book 3224, Page 307.

157-
161
Commercial
Deed

their heirs and assigns, to them and their use and behoof forever.

And does COVENANT with the said Grantees, their heirs and assigns, that it is lawfully seized in fee of the premises that they are free of all encumbrances:

that it does have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that it and its successors and assigns 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, the said DOWNEAST MOVING AND STORAGE CORP.

has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Earle W. Noyes, Jr.

thereunto duly authorized, this 21st day of February, its President in the year one thousand nine hundred and seventy four.

Signed, Sealed and Delivered in presence of

Robert D. Plumb

DOWNEAST MOVING AND STORAGE CORP.

By

Earle W. Noyes, Jr.

(Corporate Seal)

State of Maine, CUMBERLAND

} in.

February 21 / 1974

Then personally appeared the above named Earle W. Noyes, Jr. President of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me, *Robert D. Plumb*

Justice of the Peace Notary Public

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL BY THESE PRESENTS, that we, HOLLY S. FARRALLY-
FLOURDE of Portland, County of Cumberland and State of Maine, and
PAYSON S. ADAMS of Windham, County of Cumberland and State of
Maine, ("Grantors"), for consideration paid, GRANT to JOHN O.
ROBERTSON of Portland, County of Cumberland, and State of Maine,
whose mailing address is: 336 Danforth Street, Portland, Maine
04102, with WARRANTY covenants, the land in Portland, County of
Cumberland, and State of Maine, which is more particularly
described as follows:

MAINE REAL ESTATE TAX PAID

A certain parcel of land, with the buildings
thereon, situated between Moulton and Market Streets,
in Portland, County of Cumberland and State of Maine,
bounded and described as follows:

Beginning at the northwesterly corner of land
conveyed to Charles H. Robinson by William H. Moulton
and another by Deed dated November 21, 1910 and
recorded in the Cumberland County Registry of Deeds in
Book 867, Page 387; thence northwesterly by said
Moulton Street about forty (40) feet to the
southwesterly corner of the old Mariner's or Bethel
Church building, so-called; thence northeasterly by
said building and continuing the same course to Market
Street; thence southeasterly by said Market Street
about thirty and one-half (30-1/2) feet to the
northeasterly corner of land now or formerly of William
H. Moulton and another; thence southwesterly by said
Moulton land and by said Robinson land to said Moulton
Street at the point of beginning; containing about
three thousand one hundred and sixty-seven (3,167)
square feet.

7-9 Moulton
+ plat

Grantee, his heirs and assigns, shall have the
right to use the chimney now in the southerly wall of
said Mariner's or Bethel Church building and to
maintain in said wall the timbers of the wooden
building now on the premises hereby conveyed, so long
as said wooden building remains upon the premises or
until Robert J. Levine, Trustee under the Levine Real
Estate Trust, created by Declaration of Trust dated
April 29, 1976, recorded in the Cumberland County
Registry of Deeds in Book 3836, Page 147, his heirs or
assigns, remove or materially alter said wall.

This conveyance is made subject to and with the
benefit of a conveyance by Nancy B. Akers of a portion

BK 12072PG083

of the above-described premises to Portland Grog Shop dated January 26, 1976, and recorded in the Cumberland County Registry of Deeds in Book 3799, Page 23.

This conveyance is also made subject to those rights granted by Nancy B. Akers to Earl W. Noyes, Jr., et al. to maintain eaves as set forth in a deed dated April 5, 1971, recorded in said Registry of Deeds in Book 3164, Page 818.

WHIPBUDS

Meaning and intending to convey the same premises conveyed to Holly S. Farrally-Plourde by deed from Yana Farrally-Plourde dated March 6, 1992 and recorded in said Registry of Deeds in Book 9952, Page 261 and the same premises conveyed to Payson S. Adams by deed from Holly S. Farrally-Plourde dated August 3, 1992 and recorded in said Registry of Deeds in Book 10213, Page 75.

WITNESS our hand and seal this 16 day of August, 1995.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

[Signature]
Trinity Bennett

Holly S. Farrally-Plourde
Holly S. Farrally-Plourde
[Signature]
Payson S. Adams

STATE OF MAINE
CUMBERLAND, SS

August 16, 1995

Then personally appeared the above-named HOLLY S. FARRALLY-
PLOURDE and acknowledged the foregoing instrument to be her free
act and deed.

Before me,

Trinity Bennett
Notary Public/Attorney-at-Law
Printed Name: Trinity Bennett

STATE OF MAINE
CUMBERLAND, SS.

August 16, 1995

Then personally appeared the above-named PAYSON S. ADAMS and
acknowledged the foregoing instrument to be his free act and
deed.

Before me,

RECEIVED
RECORDED REGISTRY OF DEEDS
95 AUG 23 AM 10:33
Trinity Bennett
Notary Public/Attorney-at-Law
Printed Name: Trinity Bennett

032/11/AB3/MARR

CUMBERLAND COUNTY -2-

John B O'Brien

July 28, 2000

Mr. Joseph Gray, Jr.
Director Planning and Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

Dear Joe:

Item # 47 – “Evidence of financial and technical capability...” – will be added to our submittal about the middle of next week. Our accountant is getting information to Jim Robbins at Key Bank who will get the letter to you as soon as he possibly can. The delay is caused only by logistics.

Mark Woodward of Benchmark is our construction manager and is providing the “technical capability”.

I spoke with Rick in your office this morning and he assured me that getting the financial letter to you next week would be acceptable.

If you have any questions or if I may be of help in any way, please leave me a message at 774-1288 and I will call you on Wednesday, August 2.

Best regards,



Sonia B. Robertson



AH 3.2

PrivateBank

KeyBank National Association
One Canal Plaza
Portland, ME 04101-4035

(207) 874-7387
(800) 452-8762
(207) 874-7287 Fax

July 31, 2000

Mr. Joseph Gray Jr.
Director Planning and Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

Reference: Moulton Block Renovation, Jock and Sonia Robertson

Dear Mr. Gray:

This letter is intended to comply with the City of Portland's requirement for evidence of financial capacity and likelihood of the bank's participation.

I have reviewed John and Sonia Robertson's Personal Financial Statement and preliminary plans for the renovation and expansion of real estate located in the Moulton Block in Portland. Further, I find the scope and quality of the project as well as the financial capacity of the principals to be within the credit risk guidelines of the bank.

The Robertson's are clients in excellent standing with Key PrivateBank. Should you have questions or need further information please call me at 207-874-7082.

This letter does not constitute a commitment for financing.

Sincerely,

James E. Robbins
Vice President
Private Banking and Investing

At 11:4
A44.1

July 27, 2000

Mr. Joseph Gray, Jr.
Director Planning and Urban Development
City Hall
389 Congress Street
Portland, Maine 04101

Dear Joe:

Attached please find a survey of our parking lot on Commercial Street. The only reason it is stamped preliminary is that we are in a dispute with CMP.

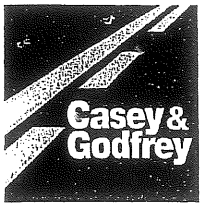
As of April 1, 2001 there will be 18 spaces available in this lot for tenants of the Moulton Block.

Because we are minor (12%) owners of the Casco Bay Garage, we also have approximately 20 spaces there we could make available to tenants of the Moulton Block.

Best Regards,



Sonia B. Robertson



Consulting
Engineers

263 Water Street
Gardiner, ME 04345
(207) 582-4526
FAX (207) 582-8526
E-mail: cge@ime.net

RECEIVED

JUL 27 2000

TFH ARCHITECTS, P.A.

1711 5.1
AH 5.1

SUMMARY MEMORANDUM

TO: Mr. Will Tinkelenberg
TFH Architects, P.A.
100 Commercial Street
Portland, Maine 04101

DATE: July 26, 2000

RE: Off-Site Traffic Impact for Proposed Moulton Block Renovation and Addition

INTRODUCTION

The purpose of this summary memorandum is to assess the level of traffic that will be generated, and any associated off-site traffic impacts, of a proposed renovation and expansion of the Moulton Block building in Portland, Maine. The building is located in the southwest quadrant of the intersection of Market Street and Commercial Street in the historic Old Port. The six story building is currently occupied by the Whip & Spoon. The first floor is currently used for the retail store while the second floor contains offices, workrooms and storage. Floors three through six are currently used for warehousing and storage purposes.

The proposed addition will not significantly increase the net square footage of floors one through four. Since the use will remain the same for the first floor, with a similar square footage, no significant change in trip making is projected. The second floor use is expected to change to all office use. The fifth and six floors will be enlarged to allow for increased use. Future uses for floors three through six will be office use, as opposed to the current warehousing/storage use.

TRIP GENERATION

The number of new trips which will be generated by the proposed renovation and expansion, and associated change in use, was estimated based upon the 1997 Institute of Transportation Engineers (ITE) "Trip Generation" report. Land use codes (LUCs) 150- Warehousing and 710 - General Office were used as the basis of the estimates to determine the increase in trips due to the change from storage to office use. As previously noted, the retail use on the first floor is assumed to remain unchanged in regard to trip making.

Att 3.2

The calculations were performed for the PM peak hour period since that is the typical design hour period since adjacent street volumes are generally at their highest and this type of development generates a peak amount of traffic. The calculations, obtained using average rates based upon square footage and use, for existing and proposed conditions are summarized in the following table:

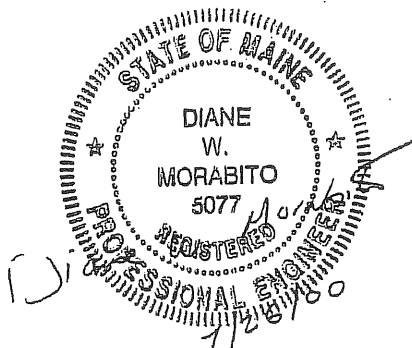
PM Peak Hour Trip Generation

<u>Floor</u>	<u>Existing Use and Trips</u>	<u>Proposed Use and Trips</u>	<u>New Trips</u>
Two	1,500 Office, 2,000 WH 3 trips exiting	4,000 Office - 6 Trips 1 entering, 5 exiting	1 entering 2 exiting
Three	3,500 WH - 2 Trips 1 entering, 1 exiting	4,000 Office - 6 Trips 1 entering, 5 exiting	4 exiting
Four	3,500 WH - 2 Trips 1 entering, 1 exiting	4,000 Office - 6 Trips 1 entering, 5 exiting	4 exiting
Five	2,600 WH - 1 Trip exiting	3,400 Office - 5 Trips 1 entering, 4 exiting	1 entering 3 exiting
Six	1,500 WH - 1 Trip exiting	3,000 Office - 4 Trips 1 entering, 3 exiting	1 entering 2 exiting
Totals Trips	9, 2 entering, 7 exiting	27, 5 entering 22 exiting	18, 3 entering 15 exiting

As can be seen above, the addition and conversion from storage space to office space is projected to generate 18 new one-way PM peak hour trips, 3 entering and 15 exiting. A similar increase in overall trips would be expected for the peak AM period, with a greater percentage of trips entering and fewer trips exiting. Since the expansion and renovation will generate far fewer than 100 trips in any hour, a Traffic Movement Permit will not be required from the Maine Department of Transportation.

This level of traffic, 18 one-way trips per hour, does not have any significant impact on off-site operations, assuming that there is adequate sight distance at the associated drives and/or parking lot accesses. No field review has been conducted of any associated parking lot accesses to determine if the sight distances are adequate.

If you or the City of Portland have any questions regarding these findings, please do not hesitate to call me.



Sincerely,

Diane W. Morabito

Diane W. Morabito, P.E.

6.1

PETERSON-RABASCA GEOENGINEERS Consulting Geotechnical Engineers		Project: Moulton Block Addition		Boring No.: <u>B-1</u>
		Location: Portland, Maine		
Contractor: Great Works Test Boring Inc.		Client: TFI Architects		Definitions: S = Split Spoon Sample U = Thin Wall Tube Sample R = Rock Core Sample V = In-situ Vane Shear Test q_u = Uncorrected Compressive Strength (psf) S_u = In-situ Field Vane Shear Strength (psf) T_c = Pocket Torvane Shear Strength (psf) w_{60} = weight of 140 lb. hammer w_{60} = weight of mass w_c = Water Content, percent
Operator: Sean		Drilling Method: Cased Wash Boring		
Logged By: SJR		Bore Hole ID/OD: 4.0/4.5		
Date Start/Finish: 6/14/00		Auger ID/OD: NA		
Boring Location: See Figure 1		Sampler: Std Split Spoon-24 inches		
Ref. Elevation ¹ : 11.5 R MSL		Hammer Wt./ Fall: 140# / 30 inches		
		Water Level ² : 3 to 4 ft. below ground surface		

Depth	Sample Information						Sample Description and Classification	Unified Class.	Remarks	Equipment Installed	Elevation
	Sample No.	Pen/Rec (in.)	Depth (ft.)	Blows (6")	Shear Strength (psf)	or RQD (%)					
5	S1	24/10	0.0-2.0	8/5/4/3			Brown fine to coarse SAND, little to trace fine gravel and brick pieces, trace silt. Loose, moist. (Fill)	SW		None Installed	
	S2	24/3	2.0-4.0	2/1/3/2			Similar to S1, but no brick pieces. Moist.			Note 2	
	S3	24/8	4.0-6.0	2/3/2/3			Gray brown fine to coarse SAND, some silt, some fine gravel, containing zones of dark brown organic sandy silt. Loose, wet. (Fill)	SM			6.5
	S4	24/12	6.0-8.0	2/2/4/8			Gray organic sandy, gravelly SILT. Loose, wet. (Fill)	OL			
	S5	24/16	8.0-9.5	5/5/5/4			top 4" - similar to S4. bottom 12" - Dark gray SANDY SILT, with organic fibers and trace brick fragments. Loose, wet. (Fill)	ML	3		1.5
10											
15											-3.5
20											-8.5
25											-13.5
30											-18.5

Bottom of Exploration at 10.0 feet below ground surface. Casing Could Not Penetrate Wood Encountered at 9.5 ft.

DRAFT

Notes

- Reference elevation estimated based on ground surface topography shown on site plan provided by TFI Architects.
- Static water levels were not achieved during the course of the investigation. The water level indicated is based on an interpretation from soil moisture in samples recovered, and open borehole measurements after completion.
- Spoon sample was driven to 10.0 ft. depth, but subsequent advancement with casing could not penetrate wood at approximately 9.5 ft. Boring location was abandoned, and H 2 was drilled 4 ft. east.

PETERSON-RABASCA GEOENGINEERS Consulting Geotechnical Engineers	Project: Moulton Block Addition Location: Portland, Maine Client: TFH Architects Portland, ME	Boring No.: <u>B-2</u> File No.: <u>10010</u>
---	--	--

Contractor: Great Works Test Boring Inc. Operator: Sean Logged By: SJR Date Start/Finish: 6/14/00 Boring Location: See Figure 1 Ref. Elevation ¹ : 11.5 ft MSL	Drilling Method: Cased Wash Boring Bore Hole ID/OD: 4.0/4.5 Auger ID/OD: NA Sampler: Sid Split Spoon-24 inches Hammer Wt./ Fall: 140# / 30 inches Water Level ² :	Definitions: S = Split Spoon Sample U = Thin Wall Tube Sample R = Rock Core Sample V = Insitu Vane Shear Test q _c = Uncorrected Compressive Strength (psf) S _v = Insitu Field Vane Shear Strength (psf) T _v = Pocket Torvane Shear Strength (psf) w _{oh} = weight of 140 lb. hammer w _{or} = weight of rods wc = water Content, percent
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Depth	Sample Information						Sample Description and Classification	Unified Class.	Remarks	Equipment Installed	Elevation
	Sample No.	Pen/Rec (in.)	Depth (Ft.)	Blows (/6")	Shear Strength (psf) or RQD (%)	q _p (psf) ²					
5											
									2	None Installed	
							drive casing without sampling from 0' to 10'				8.5
10											
	S1	24/6	10-12	2/3/3/4			10.0 Dark gray SANDY, GRAVELLY SILT. trace brick fragments. Loose, wet. (Fill)	MI.			1.5
15											
	S2	24/6	15-17	22/29/57/25			17.0 Brown fine to coarse SAND, little silt, little fine to coarse gravel. Dense, wet. (Fill)	SM			-3.5
20							20.0 ruler cone in wood from 17' to 20'. very slow drilling.		3		-8.5
25							Bottom of Exploration at 20.0 feet below ground surface. Bedrock Surface Not Encountered.				-13.5
30											-18.5

Notes

- Reference elevation estimated based on ground surface topography shown on site plan provided by TFH Architects.
- Casing was driven to 10 ft. without sampling to approximate the depth at which the adjacent boring B-1 (4 ft. away) had to be terminated. Pieces of wood were noted in the wash water at 10 ft.
- Boring was terminated at 20 ft. after advancing 3 ft. into wood due to extremely slow drilling progress.

PETERSON-RABASCA GEOENGINEERS Consulting Geotechnical Engineers		Project: Moulton Block Addition	Boring No.: <u>B-3</u> File No.: <u>10010</u>
		Location: Portland, Maine	
Contractor: Great Works Test Boring Inc.		Client: TPH Architects	Definitions: S = Split Spoon Sample U = Thin Wall Tube Sample R = Rock Core Sample V = Insitu Vane Shear Test q_p = Inclined Compressive Strength (psf) S_v = In situ Field Vane Shear Strength (psf) T _v = Pocket Torvane Shear Strength (psf) w ₉₀ = weight of 140 lb. Hammer w ₆₀ = weight of rods wc = Water Content, percent
Operator: Sean		Drilling Method: Solid Stem Auger Probe	
Logged By: SJR		Bore Hole ID/OD: 4.0/4.5	
Date Start/Finish: 6/14/00		Auger ID/OD: NA	
Boring Location: See Figure 1		Sampler: Std Split Spoon-24 inches	
Ref. Elevation: 11.5 ft MSL		Hammer Wt./ Fall: 140#/ 30 inches	
		Water Level:	

Depth	Sample Information							Sample Description and Classification	Unified Class.	Remarks	Equipment Installed	Elevation	
	Sample No.	Pen/Rec (in.)	Depth (ft.)	Blows (16")	Shear Strength (psf) or RQD (%)	q_p (psf)							
5										2	None Installed	6.5	
10							drill auger probe without sampling from 0' to refusal on wood encountered at 16.5'					1.5	
15													-3.5
20							16.5					Bottom of Exploration at 16.5 feet below ground surface. Bedrock Surface Not Encountered.	-8.5
25													-13.5
30													-18.5

Notes

- Reference elevation estimated based on ground surface topography shown on site plan provided by TPH Architects.
- 11.3 located about 5 east of 11-2 and 10 ft. east of 11-1, and represented the third attempt to penetrate wood obstructions in fill materials at the site. A solid stem auger probe was used in an attempt to rapidly drill a hole without soil sampling.
- Boring was terminated at 16.5 ft. after encountering wood with the solid-stem auger.

PETERSON-RABASCA GEO ENGINEERS Consulting Geotechnical Engineers		Project: Moulton Block Addition	Boring No.: <u>B-4</u> File No.: <u>10010</u>
		Location: Portland, Maine	
Contractor: Great Works Test Doring Inc.		Client: TFH Architects	
Operator: Sean		Portland, ME	
Logged By: SJR		Drilling Method: Solid Stem Auger Probe	Definitions: S = Split Spoon Sample U = Thin Wall Tube Sample R = Rock Core Sample V = In situ Vane Shear Test q _u = Uncollected Compressive Strength (psf) S _v = In situ Field Vane Shear Strength (psf) T _v = Pocket Torvane Shear Strength (psf) w _{oh} = weight of 140 lb hammer w _{or} = weight of rods w _c = Water Content, percent
Date Start/Finish: 6/14/00		Bore Hole ID/OD: 4.0/4.5	
Boring Location: See Figure 1		Auger ID/OD: NA	
Ref. Elevation ¹ : 11.5 ft MSL		Sampler: Std Split Spoon-24 inches	
		Hammer Wt./ Fall: 140# / 30 inches	
		Water Level ² :	

Depth	Sample Information								Sample Description and Classification	Unfiled Class.	Remarks	Equipment Installed	Elevation
	Sample No.	Pen/Rec (in.)	Depth (ft.)	Blows (/6")	Shear Strength (psf)	h or RQD (%)	q _p (psf) ²						
5											None Installed	6.5	
10								(drill auger probe without sampling from 0' to surface of weathered rock at 18.0').				1.5	
15													-3.5
20									18.0				
									19.9	Weathered Bedrock	3		
25								23.5		4			-13.5
30									Bottom of Exploration at 23.5 feet below ground surface. Bedrock Surface Encountered 18.0 ft. below ground surface			-18.5	

Notes

- Reference elevation estimated based on ground surface topography shown on site plan provided by TFH Architects.
- B-4 located about 5' east of B-3 and 1.5 ft. east of B-1, and represented the fourth attempt to penetrate wood obstructions in fill materials at the site. A solid-stem auger probe was used in an attempt to rapidly drill a hole without soil sampling.
- After encountering firm resistance at 18.0 ft. (interpreted to be weathered rock), the solid stem auger was advanced to refusal at 19.5 ft. (interpreted to be the surface of competent rock).
- An NX sized double-tube wire barrel was used to sample the bedrock.

PINKHAM & GREER

CONSULTING ENGINEERS, INC.

170 U.S. Route One
Falmouth, Maine 04105
Tel: 207.781.5242
Fax: 207.781.4245

A# 7

July 27, 2000
File: 00167

Mr. James Pandiscio
PORTLAND WATER DISTRICT
P.O. Box 3553
Portland, ME 04101-3553

RE: WATER SERVICE FOR THE MOLTON BLOCK, COMMERCIAL ST.

Dear Jim:

On behalf of John and Sonia Robertson, we are requesting a letter on the ability of Portland Water District to provide water service to 165 Commercial Street to the City's Planning Department. The building is being renovated and expanded. The expected water use will be 600 gallons per day. The building will have a sprinkler system for fire protection as well.

Please send the letter to

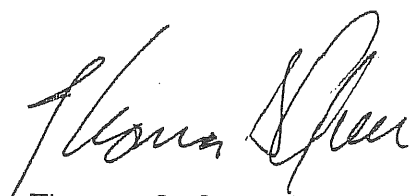
Mr. Alex Jaegerman
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101-3503

with a copy to me.

Thank you very much for your assistance with this project.

Sincerely,

PINKHAM & GREER

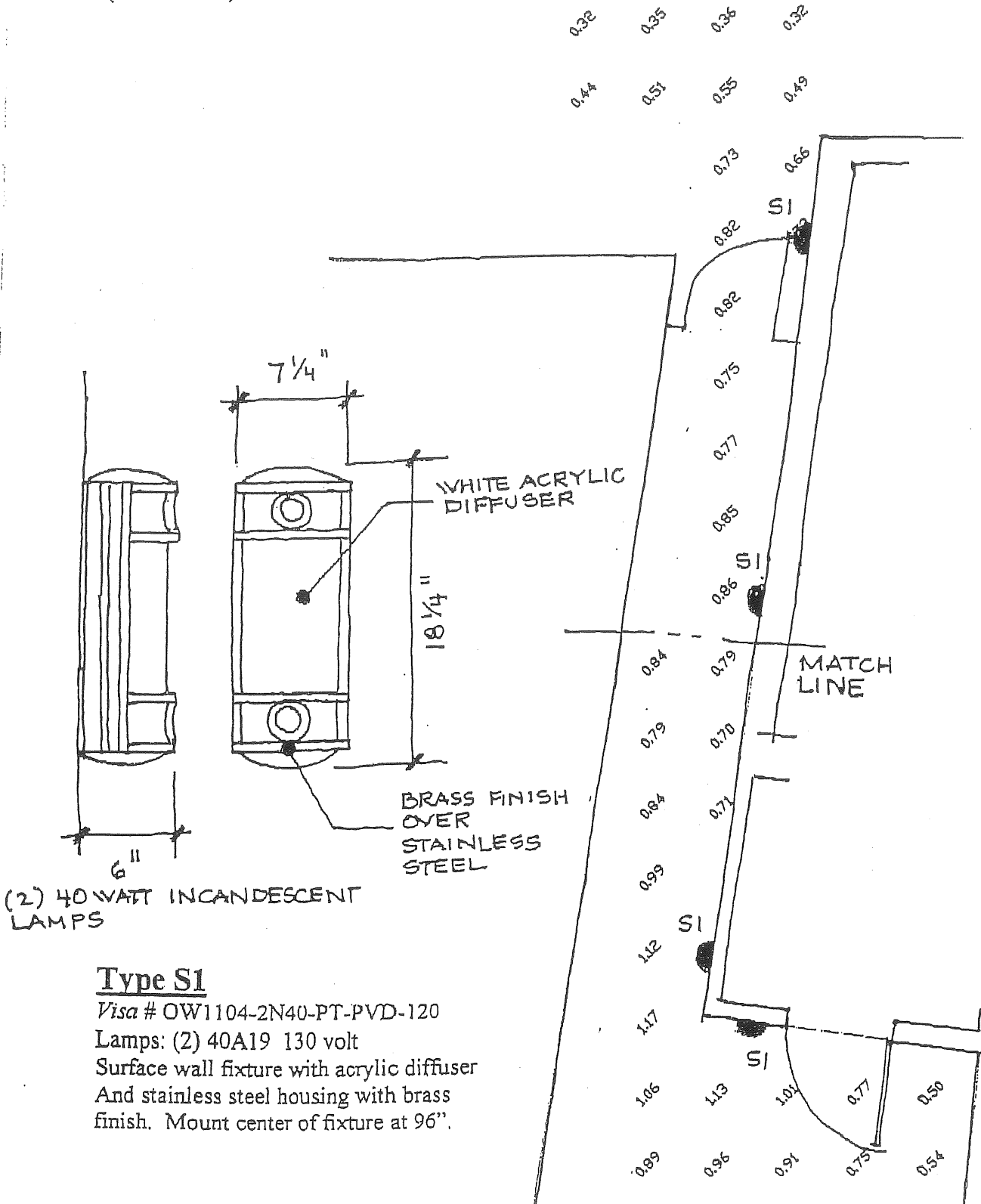


Thomas S. Greer, P.E.

TSG/lh

The Moulton Block
Portland, Maine
 Proposed Renovation and Addition
 Jock and Sonia Robertson
 July 26, 2000

Calculated Illuminance at Grade
 (Footcandles)



The Moulton Block
Portland, Maine
Proposed Renovation and Addition
Jock and Sonia Robertson
July 26, 2000

Calculated Illuminance at Grade
(Footcandles)



A# 0.2

MOULTON BLOCK
Square Footage Compilation

	Existing	New	Gross	Net	Efficiency	Parking
Ground Floor	3,497	450	3,947	3,226	81.73%	0
Second Floor	3,500	532	4,032	3,589	89.01%	0
Third Floor	3,500	532	4,032	3,589	89.01%	0
Fourth Floor	3,500	532	4,032	3,589	89.01%	0
Fifth Floor	2,566	818	3,384	2,872	84.87%	337
Sixth Floor	1,516	1,453	2,969	2,602	87.64%	868
TOTALS	18,079	4,317	22,396	19,467	86.92%	1,205

NOTES:

General

- Measurements taken to face of glass, etc., as indicated on Area Calculation drawings.
- Spaces with ceiling height lower than 5' not included in calculation.
- Recessed entrances not included in calculation.

New

- Additional gross square footage.

Gross

- Includes net, vertical circulation, common lobbies and common mechanical.

Net

- Rentable area including tenant lobbies, restrooms and tenant mechanical spaces.

Parking

- Additional space added excluding lobbies, mechanical and bulk storage.

AH 9

Greater Portland Landmarks
Comments on Proposed Additions to 157-163 Commercial Street
(Whip & Spoon building)

8/2/00

Greater Portland Landmarks appreciates the opportunity to comment on the proposed additions to and rehabilitation of 157-163 Commercial Street, of 1851, the Whip and Spoon Building. This building retains much of its historic character, as documented in early photographs. We commend the building owners for employing a highly-qualified architect, for participating in two Historic Preservation Committee workshops, and for developing design modifications in response to suggestions raised by the Committee. We also appreciate the opportunity the owner and architect provided to the Landmarks public issues committee to review project plans and answer questions.

After extensive thought and discussion, Landmarks has comments in three areas: (a) the rehabilitation and reuse of the core building, (b) the addition of a stair tower and entrance at the rear of the structure, and (c) the addition of a two-story dormer at the roof of the principal facade.

First, the rehabilitation of the building beyond the first floor is welcome news, part of the exciting and ongoing revitalization of Commercial Street. The return of the windows to their documented six-over-six double-hung sash, the restoration of storefronts, and replacement of roof slates are thoughtful and significant steps in reasserting the overall historic character of the building. While not the province of this review process, we are pleased to learn that many of the character-defining interior features -- beams, floors, etc. -- will be retained as well.

Second, we believe that the proposed stair tower and entrance at the rear of the Market Street facade, clad in granite and glass, successfully addresses the need for increased access to upper level office space. Set back and clearly differentiated from the historic building, this addition allows the Market Street facade to retain its distinctive historic shape and character. By lowering the tower to five levels from six, the architect has significantly reduced the impact of this addition.

Third, it is our opinion that the scale of the proposed two-story rooftop dormer is too large for the scale of the building. While the current design is an improvement on the original proposal -- smaller and set back farther -- it still overwhelms the front facade and significantly alters the character-defining, steeply pitched gable roof. Review standards 1, 2 and 9 clearly discourage alterations to a building that radically change original, character-defining historic features, such as in this case, the roof. While a smaller-scale, one-story dormer might be acceptable, in our view, the proposed two-story dormer simply asks this historically significant structure to do too much.

Landmarks focuses its advocacy on the long term, to preserve the historic character that gives Portland its unique identity. In this project, the building owners and the architect have worked very hard to match the programmatic demands of a potential tenant with the needs of a historic building -- a process that is extremely challenging, and often must address conflicting interests. We deeply respect their efforts. While the proposed project offers creative solutions to most of its challenges, the proposed design for the dormer detracts too much from the historic character of the building.

Thank you for the opportunity to comment.

AH 11.1

Fore River Company 5 Milk Street P.O. Box 7525 Portland, ME 04112 (207) 772-6404

July 26, 2000


Joe Gray, Director
Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Re: Historic Preservation Committee—Jock & Sonia Robinson

Dear Joe,

We received a notice that Jock and Sonia Robinson will be coming before the Historic Preservation Committee next week for review of their proposed renovation of the Whip & Spoon building on Commercial Street. We own several buildings in the historic district. I have looked at Scott Teas' plans dated July 25 and have the following comments, which I ask that you include in the Committee's handout package.

We are confident Scott Teas' proposed design will be a welcome addition to the heart of the Old Port. The proposed roof addition is responsive to the City's guidelines that the new should declare itself as new, rather than mimic the old, while also being compatible with the existing building. Taken together with its immediate neighbors—Winton Scott's newer building, 5 Moulton with its older addition, and Eric Ciancette's new building—this part of Commercial Street will present excellent examples of adaptive reuse and new construction which honors the past, while also meeting present and future needs. The proposed design, with its stairs and elevator at the rear does an excellent job of providing the functional larger floor plates which the Old Port increasingly needs to remain competitive with other locations. Differences of opinion on the proposed design would have to be characterized as "design review" rather than "appropriateness" review. Overall, this is a very well balanced development proposal which we support. We urge the Historic Preservation Committee to do the same.

Sincerely,

Peter W. Quesada

11.2

July 26, 2000

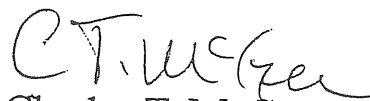
Dear Mr. Gray,

My name is Charles McGee and I am part owner of the Mariner's Church building situated on the land surrounded by Moulton and Market and Fore Streets in Portland, Maine. My building abuts the building owned by Jock and Sonia Robertson located on the corner of Commercial and Market Streets.

Yesterday I had a visit with Sonia and she showed me her plans for the revitalization and modernization of her building. I am usually happy whenever anyone tries to improve or even preserve their property, especially when it close to mine. In this case I am very happy. I believe her design is in keeping with the architectural feeling of the Old Port even as it addresses the need for diversity in a neighborhood that at times can seem repetitive.

I wish her project well and I hope others do also.

Thank you,


Charles T. McGee

**Bakehouse Cafe
205 Commercial Street
Portland, ME 04101**

Mr. Joseph Gray, Jr.
Director of Planning and Urban Development
City Hall
389 Congress Street
Portland, ME 04101

July 27, 2000

Dear Mr. Gray:

I am writing as a neighbor and as a citizen who cares about the architectural heritage of the city. The plans and architectural renderings I have seen for the renovation of 161 Commercial Street, proposed by the owners, Jock and Sonja Robertson, seem to work very effectively.

The proposed window treatment is certainly a great improvement over what exists presently and is an honest effort to conform to historic precedent.

The elevator/stairwell tower appears to be well thought out, with its setback from the present corner of the building. The exterior cladding and moderate height, surmounted by a glazed area, tend to minimize its presence. The necessity for the addition is obvious. The placement and design does not mar the appearance of the building; it is clearly acknowledged as a modern alteration.

The dormer proposed for the roof is large, but does not overwhelm the building when viewed from street level. Many of the other buildings on Commercial street have had additional stories, fronts or dormers added. The most successful are a bit of a dramatic addition to an historic facade. This dormer, in being an obviously modern addition, follows a path I have thought to have been encouraged by preservation groups. Although the shape is hardly traditional, this is a point in its favor.

A row of steel or aluminium framed windows, which has been commonly used in the more conventional upper story alterations, is really just a fudging and a cheaper solution. Had those developers used historically appropriate materials in these more traditional alterations, the additions would blend in more pleasingly with the rest of the building. In short, either approaching the renovations with some degree of historical accuracy or stating an addition in an obviously modern idiom is preferable to an economically driven mess of both.

I encourage the city and the Historic Preservation Committee to endorse the plans as they stand. Would you please see that the Historic Preservation Committee gets a copy of this letter? Thanks for your taking the time to consider my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Burnett', with a long horizontal line extending to the right.

Nicholas Burnett, prop. Bakehouse Cafe

July 30, 2000

Joe Gray
Director of Planning
City of Portland

Dear Mr. Gray,

After reviewing the Robertson's plans for remodeling The Moulton Block, I walked away with not only a positive response, but clearly an enthusiastic one. It's apparent that the Robertsons have gone to considerable lengths to ensure that this project is in sync (not the pop group) with the distinctive textural design that is the Old Port.

How refreshing to see a model that, if implemented, should reenergize the neighborhood. It's a far cry from the degradation that has plagued Fore Street and lower Exchange Street the last 10 years. Enough said.

This is precisely the type of renovation that the city should not only welcome, but nurture at this critical juncture. I don't know much about landmarks (I don't even own a bowtie). I just know what I like. And after 23 years in the area, that should count for something.

I'm on board. It's time to put down the mutiny and set a new course. Boy, is it ever!

Sincerely,



Eddie Adelman
CD exchange
2 Exchange St
Portland, Me.

H.H. SAWYER REALTY COMPANY & DAUGHTERS

Harrison H. Sawyer, Broker

395 Fore Street, P.O. Box 7225, Portland, ME 04112

Office: 207.772.6579 Fax: 207.773.0680

July 31, 2000

The Historic Preservation Committee

C/o Deb Andrews

Planning Department

389 Congress Street

Portland, ME 04101

Dear Mr. Hobler and Members of the Committee:

As a member of the Old Port community and as a member of Portland's real estate community, I am writing to urge you to approve the renovation plans of the William Moulton Block as Jock and Sonia Robertson have submitted them to you.

The architect, Scott Teas, has done a masterful job of developing a design that honors and respects the historic character of the building. I applaud his return to the original six over six windows on the upper floors as well as the use of large windows on the ground level which echo the original doorways. The dormer, which rises from the roof rather than appearing to be deposited upon it, is a graceful contemporary addition. Being in the business, I understand the value of the view from the upper floors. It would have been easy to overwhelm the building with a larger dormer. Scott's addition is sensitive, creative and in scale to this building as well as to the surrounding ones. The core tower at the rear of the building preserves the building's interior integrity and provides handsome housing for utilitarian purposes. The fact that it is pushed back from the building line on Market Street keeps the viewer's eye focused on the Moulton Block.

For years Market Street has been more of an alley than a street. With Eric's new building on the right and the newly renovated Moulton Block on the left, the Old Port will be given a truly user friendly street. These two new projects together will beckon pedestrians either towards Commercial Street or up towards the shops on Market Street.

I fully support the Robertson's project as presented and hope you will approve it as is.

Sincerely,

A handwritten signature in black ink, appearing to read "Harrison Sawyer", with a long horizontal flourish extending to the right.

Harrison Sawyer

11.7

From: "liz kalleem" <steinglass@ime.net>
To: Portland.CityHall(JEG)
Date: Wed, Aug 2, 2000 4:34 PM
Subject: moulton block

hi joe,

just some quick thoughts on the proposed renovations on the moulton block.

some obvious, but important upsides to the project:

- . bottom of market street currently looks and feels like an alley, and is a visual roadblock to pedestrian traffic. restoring the sidewalk to market street is an important benefit.
- . restores underutilized upper floors of a prominent old port building, while maintaining retail on the street level.
- . adding ~18000 sq ft of class a office space to the area adds to the vitality and viability of the neighborhood.

obviously, the only controversial piece of the proposed renovation is the design of the dormer for the top two floors. the proposed glass dormer adds a contemporary flavor, while the street level retains the warehouse feel of its neighbors. it is not out of scale with the neighboring buildings, nor will it be an overpowering visual impact. more importantly, the dormer will allow conversion to a more contemporary and practical usage for the space. warehouse space, the original use, was designed to be dark, airless, mostly windowless. office space needs windows, light, air.

one of portland's strengths is that it honors its history without becoming a slave to it. that allows the city to evolve and grow.

thanks for letting me air my thoughts.

anne stein
the stein gallery contemporary glass

AH 12.1

From: Marge Schmuckal
To: William Needleman
Date: Thu, Sep 21, 2000 9:53 AM
Subject: 161 Commercial St - Whip & Spoon

Bill, I have reviewed the latest plan submitted to me at the 9/20/00 site plan meeting for this project.

This property is located in the B-3 business zone. The use of offices and retail is allowable. The support uses of stairways and elevators are allowable.

Section 14-220(3) Street wall build-to line requires 5 feet unless the Planning Board gives an ok. Presently the plans are showing 4' and 6' setbacks. Either that part of the building would have to be brought forward one foot to meet the 5 foot requirement or the Planning Board would have to approve the 6 foot.

Previously I reviewed the parking that was shown at their other location and it met the regulations.

pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection 2 of this section.

4. *Sidewalk areas and open space:* The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform with special City of Portland streetscape programs described in the Technical and Design Standards and Guidelines, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:

- (a) Sidewalk, crosswalk, and street paving materials;
- (b) Landscaping, planters, irrigation, and tree guards and grates;
- (c) Lighting;
- (d) Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and
- (e) Sidewalk vendors and sidewalk cafes.

b. *Relationship to existing development:*

1. *General:* Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following existing patterns:

- (a) Street walls and building setbacks;
- (b) Open space;
- (c) Building form, scale and massing;
- (d) Facade proportion and composition;
- (e) Pedestrian circulation and building entrances;
- (f) Parking.

2. *Standards for increasing setback beyond street build-to line:* A proposed development may exceed maximum setbacks as required in section 14-220(3) only where the applicant demonstrates to the planning board that the introduction of increased building setbacks at the street level:

- (a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;