

To: Chair Romano and Members of the Portland Historic Preservation Board

From: Stephen and Elise Smith, 13 Deering St., Portland

Date: April 17, 2013

Re: 15 Avon Street

We are the owners of 13 Deering Street, which is in close proximity to the Bayside Maine LLC property bounded by Deering Street, Avon Street, Congress Street and Henry Street. We also have a direct view of the 15 Avon Street structure.

Unfortunately we can't attend the workshop today. However, we'd like to express the following views to the board.

First, we want to commend Mr. Shinberg and the other owners of the Bayside Maine property for their handling of the landbanked portion of the property which lies within the Deering Street Historic District. When Mr. Shinberg stated to the board in 2009 that he had decided to hold that section of the property for future development we expected it would soon resemble other stalled-development sites in town: a chainlink fence and a weed-strewn lot. However, the site has been tastefully landscaped and carefully maintained, lit and patrolled. This is highly appreciated.

Second, with respect to the proposed relocation of 15 Avon Street: we assume that Mr. Shinberg wishes to remove the structure to improve the prospects of further development on the site. Without giving blank-check approval to any future development, our view is that if removing the 15 Avon St structure improves the prospect of appropriate development of the landbanked property we support the move. Restoration of the continuity of the Deering Street fabric by way of the construction of appropriate structure in the open area would be immensely valuable to the integrity of the Deering Street Historic District.

**HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE**

**WORKSHOP
15 AVON STREET**

TO: Chair Romano and Members of the Historic Preservation Board

FROM: Deborah Andrews, Historic Preservation Program Manager

DATE: April 10, 2013

RE: April 17, 2013 Workshop –Preliminary Discussion regarding Potential Relocation of Existing Structure

Address: 15 Avon Street

Applicant: Greg Shinberg

Introduction

Greg Shinberg is requesting a preliminary workshop to determine the Board's receptivity to relocating an existing single family residential structure at 15 Avon Street. The building is identified as a "Contributing" structure within the Congress Street Historic District. While Mr. Shinberg has no immediate plans for the property, it adjoins other open parcels he owns, which he will likely develop in the future. He has put 15 Avon Street under contract and is looking for early feedback from the Board as to whether relocating the building would be acceptable within the provisions of the historic preservation ordinance.

As the Board will recall, Mr. Shinberg was the developer responsible for the conversion of the former motel-turned USM dorm at 645 Congress Street into market rate apartments. In conjunction with that project, a wing of the former hotel that fronted on Danforth Street was demolished and a large parking lot was created within the interior of the block. The land immediately adjacent to Deering Street was set aside as temporary green space until such time that a proposal for redevelopment was put forward.

Subject Structure

The modest 1 ½ story wood frame residence at 15 Avon Street was built circa 1860. Stylistically, it is considered a transitional Greek Revival/Italianate structure as it exhibits the classic vernacular Greek Revival gable-end-to-the-street form with Italianate details

such as brackets and box bay. Except for the application of vinyl siding that obscures some of the original trim detail and the replacement of some of the sash with diamond-pattern glazing, the building retains much of its historic character. (See 1924 photo and current views.)

Although the building was once typical of the development that once characterized this area, its surrounding context is now greatly changed. Immediately abutting the house is the Trelawney Building, an eight-story commercial structure facing Congress Street. The balance of the block bounded by Avon, Deering, Henry and Congress Streets is now a surface parking lot or open space reserved for future redevelopment.

Applicable Provisions of Historic Preservation Ordinance

Sec. 14-634 of the ordinance (see enclosed) lists the activities for which a Certificate of Appropriateness is required. Note that the list includes “any relocation of a landmark or contributing structure within a district”. Given that relocation is anticipated as a potential request to be evaluated, it is not expressly prohibited in the ordinance. In fact, the ordinance includes specific review standards by which proposed relocations are to be evaluated—see Sec. 14-652. *Standards for Review of Relocation*, enclosed. In considering this preliminary request for consideration, the Board should be guided by these standards.

Staff Comments

Although the subject structure remains as evidence of the type and scale of building that once populated this area, it now stands alone as a rather odd orphan structure and is not readily visible from any major streets in the area. Given its circumstances, perhaps relocation is acceptable. In staff’s view, however, it is important that the building not be relocated before a redevelopment proposal for the parcel and its surrounding context is before the HP Board for consideration. Also, it is important that the building be moved to an appropriate location on the Portland peninsula--see Standard (d).

Attachments

1. Letter from Shinberg Consulting
2. 1924 view of building
3. Current views
4. Aerial view of context
5. Site plan of current conditions within the block
6. Applicable excerpts from historic preservation ordinance



To: Deb Andrews, City of Portland Maine & City of Portland Historic Preservation Board
From: Greg Shinberg, Owner's Representative
Re: 15 Avon Street, Portland, Maine
Date: April 9, 2013

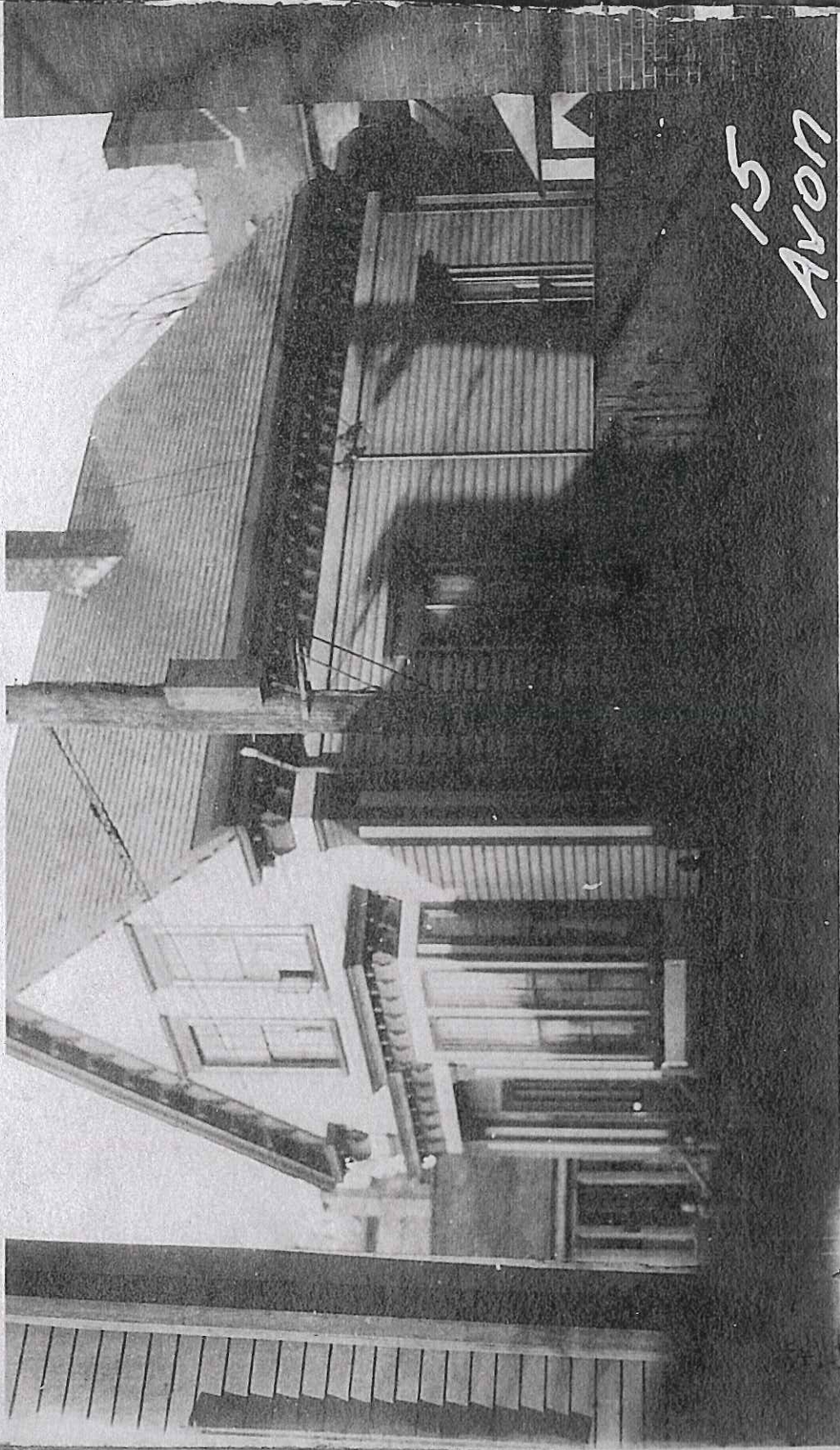
The purpose of this submission is to discuss the possibility of relocating the house at 15 Avon Street in Portland, Maine.

Greg Shinberg has entered into a Purchase & Sale Agreement with the current Owners Quinn and Losneck to purchase the property.

At present the house is a single family, 3 bedroom, 2 storey building constructed in 1920.

The house is bordered by The Trelawny Building on the south and east sides. It is bordered on the north by the property owned by Bayside Maine LLC, Owner of 645 Congress Street. The property is located entirely within the B-3 Zone. (See attached Site Plan by Mitchell & Associates dated December 15, 2008.) It should be noted that Greg Shinberg is a part owner of Bayside Maine LLC.

The issue presented is whether this house can be relocated within the City of Portland in order to adjoin that parcel at 15 Avon Street with the property currently owned by Bayside Maine LLC.



15
Avon

46-D-0

Surveyed by

(Remarks on other Side)

Att. 2

10/2

AH.3





Aerial View of Context

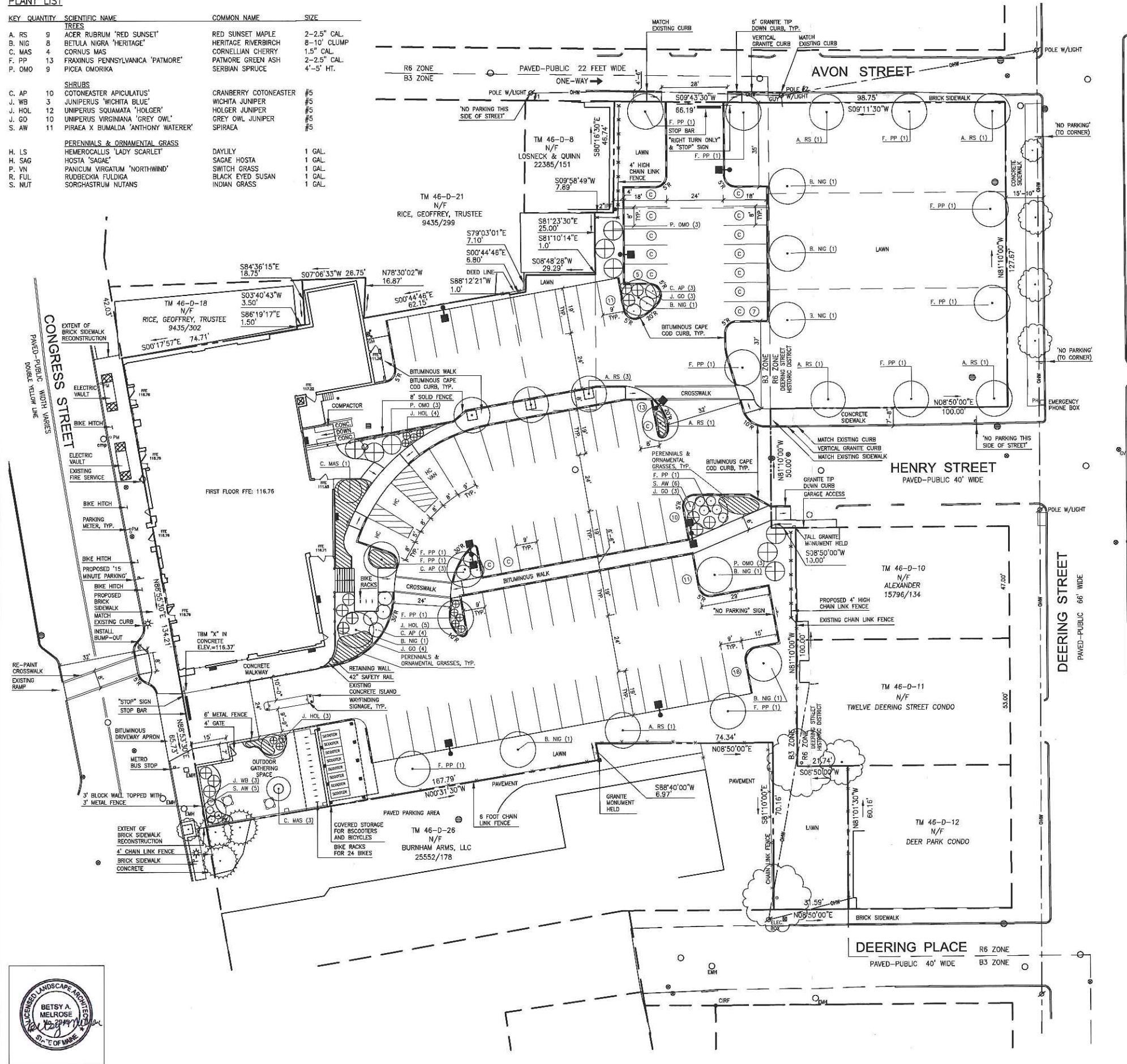


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AH.4

PLANT LIST

KEY	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE
TREES				
A. RS	9	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2-2.5" CAL.
B. NIC	8	BETULA NIGRA 'HERITAGE'	HERITAGE RIVERBIRCH	8-10' CLUMP
C. MAS	4	CORNUS MAS	CORNELLIAN CHERRY	1.5" CAL.
F. PP	13	FRAXINUS PENNSYLVANICA 'PATMORE'	PATMORE GREEN ASH	2-2.5" CAL.
P. OMO	9	PICEA OMORICA	SERBIAN SPRUCE	4'-5" HT.
SHRUBS				
C. AP	10	COTONEASTER APICULATUS'	CRANBERRY COTONEASTER	#5
J. WB	3	JUNIPERUS WICHTA BLUE'	WICHITA JUNIPER	#5
J. HOL	12	UNIFERUS SQUIAMATA 'HOLGER'	HOLGER JUNIPER	#5
J. GO	10	UNIFERUS VIRGINIANA 'GREY OWL'	GREY OWL JUNIPER	#5
S. AW	11	PIRAEA X BUMALDA 'ANTHONY WATERER'	SPIRAEA	#5
PERENNIALS & ORNAMENTAL GRASS				
H. LS		HEMEROCALLIS 'LADY SCARLET'	DAYLILY	1 GAL.
H. SAG		HOSTA 'SAGAE'	SAGAE HOSTA	1 GAL.
P. VN		PANICUM VIRGATUM 'NORTHWIND'	SWITCH GRASS	1 GAL.
R. FUL		RUDBECKIA FULIDA	BLACK EYED SUSAN	1 GAL.
S. NUT		SORGHASTRUM NUTANS	INDIAN GRASS	1 GAL.



GENERAL NOTES:

- SITE AREA: 72,569 SF OR 1.67 ACRES
- OWNER: BAYSIDE MAINE LLC
477 CONGRESS STREET, SUITE 1012
PORTLAND, MAINE 04101
Tel: (207) 772-7070
Contact: Greg Shinberg
- ZONING DISTRICTS: ALONG CONGRESS STREET, "B3" - DOWNTOWN BUSINESS WITH "DEOZ" DOWNTOWN ENTERTAINMENT ZONE OVERLAY AND "PAD" PEDESTRIAN ACTIVITIES DISTRICT. ALONG DEERING STREET: "R6" - RESIDENTIAL.
- SPACE AND BULK STANDARDS:

	REQUIRED	PROPOSED
B3 - DOWNTOWN BUSINESS ZONE		
MINIMUM LOT SIZE:	NONE	59,770 SF
MINIMUM STREET FRONTAGE:	15 FEET	134 FEET
STREET WALL BUILT-TO LINE:	WITHIN 5 FEET	0 FEET
MINIMUM YARD DIMENSIONS:	NONE	NONE
MINIMUM LOT WIDTH:	NONE	134 FEET
MAXIMUM LENGTH UNDIFFERENTIATED WALL:	15 FEET	16 FEET *
MAXIMUM LOT COVERAGE:	100%	18%
MINIMUM BUILDING HEIGHT:	35 FEET	70 FEET
MAXIMUM HEIGHT OF STRUCTURES:	85 FEET	70 FEET
* UNDIFFERENTIATED WALL DUE TO EXISTING UTILITIES & WALL STRUCTURE		
R6 - RESIDENTIAL ZONE		
MINIMUM LOT SIZE (RESIDENTIAL):	4,500 SF	12,799 SF
MINIMUM AREA PER DWELLING UNIT:	1,000 SF (1ST 3)	N/A
	1,200 SF (OVER 4)	
MINIMUM STREET FRONTAGE:	40 FEET	327 FEET
MINIMUM FRONT YARD SETBACK:	10 FEET	N/A
MINIMUM REAR YARD SETBACK:	20 FEET	N/A
MINIMUM SIDE YARD SETBACK:	10 FEET (3 STORES)	N/A
MINIMUM SIDE YARD ON STREET SETBACK:	10 FEET	N/A
MAXIMUM LOT COVERAGE:	40% (20+ UNITS)	N/A
MINIMUM LOT WIDTH:	50 FEET	127 FEET
MAXIMUM STRUCTURE HEIGHT:	45 FEET	N/A
OPEN SPACE RATIO:	30% (20+ UNITS)	N/A
	20% (LESS THAN 20 UNITS)	
- OFF-STREET PARKING REQUIREMENTS:

REQUIRED: NO OFF-STREET PARKING REQUIRED FOR CHANGES IN USE.

RESIDENTIAL-ONE (1) SPACE/DWELLING UNIT. RETAIL STORES-ONE (1) SPACE FOR EACH TWO HUNDRED (200) SF OF FIRST FLOOR AREA IN EXCESS OF TWO THOUSAND (2,000) SF NOT USED FOR BULK STORAGE.

REQUIRED:

DWELLING UNITS (56 DWELLING UNITS)		
30% PUBLIC TRANSPORTATION USERS (16 UNITS) =	0 SPACES	
70% HAVE VEHICLE (40 UNITS) =	40 SPACES	
RETAIL (11,820 SF-2,820 SF STORAGE=9,000 SF)		
(9,000 SF-2,000 SF=7,000 SF/200 SF) =	35 SPACES	
TOTAL =	75 SPACES	

PROPOSED: 75 SPACES (15 COMPACT, 3 ACCESSIBLE) & 8 SCOOTER
- OFF-STREET LOADING:

REQUIRED: 1 BAY (5,000-40,000 SF GROSS FLOOR AREA)

PROPOSED: 1 BAY
- BICYCLE PARKING:

REQUIRED: RESIDENTIAL: 2 SPACES/5 DWELLING UNITS = 24 BICYCLE SPACES. RETAIL: 2 SPACES/10 VEHICLE SPACES UP TO 100 = 8 BICYCLE SPACES

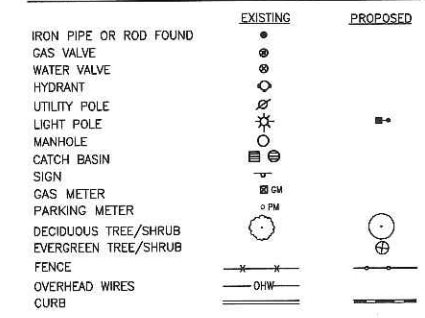
PROPOSED: 30 SPACES (ON SITE), 8 SPACES (ON CONGRESS STREET)
- SITE LIGHTING TO BE MANUFACTURED BY KIM LIGHTING. SITE FIXTURES ARE SMALL ARCHITYPE (SAR) 150 WATT METAL HALIDE. 20 FOOT MOUNTING HEIGHT. BUILDING MOUNTED FIXTURES TO BE WALL DIRECTOR (WD) 150 WATT METAL HALIDE. COLOR TO BE DARK BRONZE (DB-P).
- EXISTING IMPERVIOUS: 70,906 SF (98% OF SITE)
PROPOSED IMPERVIOUS: 48,330 SF (67% OF SITE)

SURVEY NOTES:

- BOUNDARY AND TOPOGRAPHIC SURVEY OF 645 CONGRESS STREET MADE FOR BAYSIDE, MAINE LLC, C/O SHINBERG CONSULTING, LLC BY OWEN HASKELL, INC., 390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424. PRELIMINARY SURVEY DATED NOVEMBER 21, 2008.
- BEARINGS ARE BASED ON PLAN REFERENCE 1, MAGNETIC IN THE YEAR 1928.
- SUBJECT PROPERTY IS SHOWN AS LOT 22, BLOCK D ON MAP 46 OF THE CITY OF PORTLAND'S ASSESSOR'S MAPS.
- ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE MAP (FIRM) FOR THE CITY OF PORTLAND, MAINE, IN CUMBERLAND COUNTY, MAP NUMBER 230051 0013 B, PANEL 13 OF 17, WITH AN EFFECTIVE DATE OF JULY 17, 1986, THIS PROPERTY LIES IN ZONE C, AN AREA OF MINIMAL FLOODING.
- ELEVATIONS ARE BASED ON CITY OF PORTLAND DATUM, TAKEN FROM THE TOP OF A GRANITE "M" MONUMENT AT THE WESTERLY CORNER OF FOREST AND CUMBERLAND AVENUES. ELEVATION IS 80.57'.
- ADDITIONAL EASEMENTS EXIST AND ARE IN THE PROCESS OF BEING RESEARCHED.

ALL REFERENCES:

LEGEND:



Prepared for Owner:
BAYSIDE MAINE, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101
Tel: (207) 772-7070
Contact: Greg Shinberg

Prepared By:
Mitchell & Associates
LANDSCAPE ARCHITECTS

CWS ARCHITECTS

shinberg CONSULTING, LLC

CASCO BAY ENGINEERING

645 CONGRESS STREET
Portland, Maine
645 Congress Street

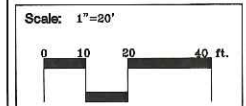
Date: DECEMBER 15, 2008

Issued For:
PLANNING BOARD AND HISTORIC PRESERVATION BOARD REVIEW

Revisions:
January 20, 2009 - Per Planning Staff Comment
February 2, 2009 - Per Planning Staff & Historic Preservation Board Comment
March 17, 2009 - Per Planning Staff & Historic Preservation Board Comment
March 24, 2009
April 7, 2009

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Title:
LAYOUT, LIGHTING AND LANDSCAPING PLAN



Magnetic North: Sheet No: 2



determined shall also be subject to the provisions of division 10 until a final decision by the council on designation becomes effective. If the council rejects designation or fails to designate a structure which has been determined to be eligible under the terms of this section, that structure shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 5, 5-17-93)

Att. 6

Sec. 14-633. Reserved.

DIVISION 6. CERTIFICATES OF APPROPRIATENESS AND NONAPPLICABILITY

Sec. 14-634. Certificate of appropriateness required.

(a) Except as provided in sections 14-635 and 14-636, a certificate of appropriateness shall be required before the following actions affecting any landmark, contributing or noncontributing structures, objects, sites or property in a district may be undertaken and shall be a condition precedent to the issuance of any permit authorizing such work:

- (1) Any exterior alteration or new construction requiring a building permit from the City of Portland, including, but not limited to the following:
 - a. Removal and replacement of architectural detailing including, but not limited to, porch spindles and columns, railings, window moldings and cornices;
 - b. Moving of structures or objects on the same site or to another site;
 - c. Construction of rooftop additions or decks;
 - d. Alteration of accessory structures such as garages;
 - e. Porch replacement or new construction of porches;
 - f. Installation of exterior access stairs;
 - g. Window or door replacement requiring enlargement of openings;
 - h. Installation of antennas and satellite receiving dishes;

- i. Installation of solar collectors.
- (2) Any exterior alteration that does not require a building permit but which involves any one (1) of the following activities:
- a. Installation or replacement of either roofing or gutters where the roofing or gutters are a significant and integral feature of the structure including, but not limited to, mansard roofs, cupola roofs, ornamental slate roof features, and built-in gutter systems and the installation or replacement of siding;
 - b. Window and door replacement whether or not it requires enlargement of openings;
 - c. Masonry work including, without limitation, tuckpointing, sandblasting, chemical cleaning;
 - d. Site features other than vegetation including, without limitation, fencing, walls, paving and grading. However, required review for alterations to cemeteries designated under this article shall not include review of alterations to headstones made for the purpose of recognition of additional decedents or installation of grave markers and/or tombs;
 - e. Landscaping within an historic landscape district;
 - f. Exterior lighting where proposed in conjunction with commercial and institutional signage or awnings, where placed on street-fronting facades of designated structures;
 - g. Exterior utilities including mechanical, plumbing and electrical, where placed on street-fronting facades.
- (3) Installation or alteration of any exterior sign.
- (4) Any relocation of a landmark or contributing structure within a district.

(b) There shall be a rebuttable presumption that any structure within a district shall be noncontributing unless the design manual expressly identifies it as such. Where the department or the owner

Sec. 14-651.5. Standards for review of alternations to or redesign of noncontributing structures.

(a) In considering an application for a certificate of appropriateness involving alteration(s) to a noncontributing structure the standards for review of alterations set forth in section 14-650 shall apply as applicable. The intent of the review shall be to ensure no further erosion of any existing architectural character of the subject structure determined to be significant by the historic preservation board and, where practicable, to guide projects toward a more compatible relationship with the surrounding context.

(b) In considering an application for a certificate of appropriateness involving comprehensive redesign of a noncontributing structure, the standards for review of construction set forth in section 14-651 shall apply.

(Ord. No. 165-08/09, 3-16-09)

Sec. 14-652. Standards for review of relocation.

In acting upon an application for a certificate of appropriateness involving relocation, the historic preservation board and the planning board shall apply the following general standards and any design guidelines in the ordinance designating the landmark or district:

- (a) Whether the historic or urban design character and aesthetic interest of the structure or object contribute to its present setting.
- (b) If located within a district, whether there are definite plans for the area to be vacated and what the effect of those plans is on the character of the surrounding area. In such cases, consideration of additional design guidelines for construction to be imposed as a condition of approval is appropriate.
- (c) Whether the relocation of the structure or object can be accomplished without significant damage to its physical integrity.
- (d) Whether the proposed relocation area is compatible with the cultural, historical or architectural character of the structure or object.

(Ord. No. 235-90, 2-26-90)

Sec. 14-652.5. Standards for review of signage.

Supplement 2009-1

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 2013-092	Applicant:
Project Name: Building Relocation	Location: 15- AVON ST
CBL: 046 D008001	Development Type: Historic Preservation Project
Invoice Date: 04/10/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$244.97		\$0.00		\$50.00		\$50.00		\$244.97	On Receipt

First Billing

Previous Balance	\$244.97
-------------------------	-----------------

<u>Fee Description</u>	<u>Qty</u>	<u>Fee/Deposit Charge</u>
HP Administrative Review	1	\$50.00
		<u>\$50.00</u>
	Total Current Fees:	+ \$50.00
	Total Current Payments:	- \$50.00
	Amount Due Now:	\$0.00

 Detach and remit with payment

CBL 046 D008001
Bill to: Shinberg Consulting
 477 Congress St.
 Portland, ME 04101

Application No: 2013092
Invoice Date: 04/10/2013
Invoice No: 40698
Total Amt Due: \$244.97
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.