

Ensure an Adequate and Diverse Supply of Housing for All

**Policy #1:** Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

*Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied.*

Zoning: Encourage all types of high quality and compatible housing to enhance neighborhoods.

Building Code: Flexible provisions to encourage a variety of quality housing types.

Incentives: Develop financial incentives, partnerships, and zoning incentives to increase the diversity of housing.

Neighborhood Plans: Encourage neighborhood plans to address a diverse mix of housing and city needs.

*A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.*

20% Target for Subsidized Housing: Maintain Portland's current proportion of subsidized units. Establish a target of at least 20% of the total number of new housing units will be subsidized for households earning 80% or less of the region's median income.

Portland Housing Authority: Encourage and support PHA to become active in development of more housing.

Creative collaborations: Seek incentives and partnerships to increase affordable housing options for moderate-income households.

Legislation: Support state and federal legislation for new incentives to develop housing, such as tax increment financing, employer assisted housing and housing trust funds.

Financial Incentives: Employ a range of financial incentives to create housing.

Annual HUD Funding: Significantly increase share of City's annual HUD funding used for affordable housing. Support programs that assist with land acquisition, construction, mortgages, infrastructure, and conversion of non-residential buildings to housing.

Non-profit Developers: Use a portion of HUD funding to build capacity of non-profit developers to build and manage housing.

PILOT: Establish a policy on paying taxes or a PILOT (Payment in Lieu of Taxes) Program for non-profit housing developers.

*Encourage higher density housing located near services, such as schools, businesses, institutions, employers, and public transportation.*

Higher Density Housing: Encourage higher density multi-family developments and mixed-use projects with housing, along major public transportation routes, near service areas, and in redevelopment or infill areas.

Small Lot Subdivisions: Support development of higher density

subdivisions with smaller lots and a variety of housing types.

Housing Downtown: Encourage varied housing options downtown by updating zoning.

Parking: Encourage innovative approaches to address residential parking needs.

Housing in Business zones: Combine housing and economic development strategies to create high-density housing and mixed-use developments in business zones.

*Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.*

Implement Bayside Plan: Create 300 units within 5 years and 500 additional units in 25 years, a significant portion of which will be rental units.

Rental & Accessory Units: Remove zoning barriers to rental housing and accessory units in single-family homes & accessory structures, where compatible with existing neighborhood character.

Large Units: Encourage construction of 3 or more bedroom units for large families.

Fair Market Rents: Monitor FMR's and seek exception rents from HUD when needed.

Senior Citizen Rental Options: Support a variety of affordable rental options for senior citizens.

*Increase home ownership opportunities for all types of households and all income levels.*

Implement Bayside Plan: Create 300 units within 5 years and 500 additional units in 25 years, a significant portion of which will be owner-occupied units.

200 Home Ownership Units: Facilitate development of 200 affordable owner-occupied units in Portland, with an emphasis on starter homes for families with children.

Move-up Market: Encourage the development of units for those moving up in the real estate market, so Portland can remain competitive with suburban communities.

Affordable Home Ownership: Strengthen and expand opportunities for home ownership assistance through City programs, such as New Neighbors and Homeport.

Senior Citizen Housing: Support affordable home ownership options for senior citizens.

*Ensure that a continuum of housing is available for people with special needs and circumstances ranging from emergency shelters and transitional housing to permanent housing (rental and homeownership), which offer appropriate supportive services.*

Supportive Housing: Increase quantity of supportive housing for persons with special needs who desire and need to live in an urban area where services are available.

10% Handicapped Accessible: Ensure in total, at least ten percent (10%) of all new housing will be designed as handicapped accessible units. Encourage universal design standards for handicapped accessibility in new housing.

Beds for the Homeless: Create enough beds to ensure that no one is forced to sleep outside due to a lack of beds in emergency shelters.

Supportive Housing: Support funding proposals for new supportive housing facilities.

Senior Citizen Options: Promote creation of assisted and congregate living facilities for low-income senior citizens.

Transitional Housing: Ensure an adequate supply of transitional housing facilities.

Transition to Permanent Housing: Encourage proposals to transition homeless families and individuals out of emergency shelters and transitional facilities into permanent housing, including single room occupancy (SRO) units.

*Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.*

Real Estate Inventory: Coordinate with Land Bank Commission to create a real estate inventory where housing can be developed in each neighborhood.

Property Disposition: Develop disposition policy for City-owned and tax-acquired property that is in keeping with the City's adopted housing plan.

Pilot Projects: Develop a pilot housing project with a neighborhood, a developer and the City as partners, which utilizes City property and other incentives (i.e. Unity Village).

*Promote Portland as a Pro-Housing Community.*

One Stop Housing Office: Create a "one stop housing office" to assist developers.

- Integrate neighborhood based planning and neighborhood interaction
- Information about City's development review rules and procedures
- Financial Resources, Land Inventory, and Demographic Data

Workforce Housing: Assist new or expanding businesses to create or locate housing for new employees.

Public Relations: Develop a campaign to promote the benefits of living in Portland for the public and real estate industry.

Public Education: Develop an educational campaign to inform the public of housing needs and de-stigmatize perceptions about affordable housing.

## Preserve a Quality Housing Stock

**Policy #2: Maintain, rehabilitate, and restore the existing housing stock as a safe and important physical, economic and architectural resource for the community.**

*Assist with the restoration and rehabilitation of architecturally significant residential properties within and outside Portland's historic districts.*

Building Codes: Update local codes to allow historically accurate and sensitive rehabilitation/maintenance of residential properties. Create a balance in codes between accurate restoration and the need for compatible but affordable preservation alternatives.

Financial Incentives: Provide incentives to rehabilitate and restore historic and architecturally significant homes without using resources designated for creation of new low and moderate-income housing.

Historic Districts: Evaluate where historic districts should be expanded or created.

Public Education: Develop brochures to answer frequently asked questions regarding minor repairs and the options to sensitively restore and rehabilitate older homes.

Tax Credits: Evaluate option of a local tax credit for historic preservation properties.

*Foster safe and high quality housing through appropriate building codes and financial assistance.*

Safe Codes: Update housing codes to adequately protect the health and safety of residents in existing buildings.

Enforcement: Ensure adequate staffing to aggressively enforce local code inspections of multi-family housing at least once every five years for safe housing and consider incentives and disincentives to improve compliance.

Code Education: Increase public education efforts to improve overall code compliance.

Rehabilitation: Use HUD funds for rehabilitation of all types of housing units, including energy conservation:

Collaborations: Create partnerships for joint rehabilitation projects.

Remain in Homes: Assist elderly and disabled homeowners to stay in their homes with HUD funds for rehabilitation and handicapped accessibility improvements.

Public Education: Provide educational programs on topics such as:

- Landlord and Tenant Education, Homebuyer Training, and Condominium and Homeowner Association Information

*Target vacant buildings for maintenance, rehabilitation and reuse.*

Inventory: Inventory vacant and underutilized buildings suitable for more housing.

Inspect Vacant Buildings: Inspect all vacant residential buildings at least annually.

Maintenance: Require owners to repair vacant residential buildings with structural problems.

Reuse: Seek creative and architecturally compatible reuse of buildings for housing or mixed-use projects with housing using financial incentives and partnerships.

*Improve the safety of Portland's housing stock by eliminating public health hazards from single and multi-family residential properties.*

Lead Paint: Use HUD funds to help eliminate lead paint from housing, with a priority for households with young children.

Education: Offer preventive actions and outreach to protect against health hazards found in housing through public health programs.

*Establish a standard of "no net loss of housing" for all proposed development.*

Replacement Housing: Amend zoning to encourage or require a one for one replacement of any housing units lost as part of a development proposal.

Housing Linkage Fund: Evaluate creating a housing linkage fund, so developers can contribute funding for housing, rather than replace demolished units on their own.

Preserve Housing: Find alternatives to the proposed demolition of housing.

## Neighborhood Stability and Integrity

**Policy #3:** Maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

*While accommodating needed services and facilities, protect the stability of Portland's residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.*

Housing Along Arterials: Maintain residential zoning along arterials and encourage increased residential densities and mixed uses within business zones.

Demolition: Discourage demolition or conversion of residential properties for non-residential uses.

Compatible Development: Encourage well-planned developments and uses to enhance compatibility between residential and non-residential uses.

Student Housing: Encourage construction of affordable student housing to meet current and future needs.

*Support Portland's livable neighborhoods by encouraging a mix of uses that provide needed goods and services, within walking distance of most residents.*

Neighborhood Livability: Promote through City policies a mix of housing types, retail and service businesses, community services, and open space/recreation opportunities of appropriate size, scale and type within neighborhoods.

Uphold Zoning: Enforce approved density regulations in the Zoning Ordinance.

*Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of the City's residential neighborhoods.*

Municipal Regulations: Update codes to encourage new residential development that:

- Offers diverse and quality living options.
- Encourages traditional neighborhood elements.
- Promotes a walkable city.
- Are compatible with Portland's existing neighborhoods.

Design Guidelines: Adopt design guidelines for new housing and rehabilitation that are compatible with the character and patterns of development in each neighborhood.

*Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.*

Assets: Inventory neighborhood assets, such as open space, recreation facilities, schools, services and public transportation.

Suitable Housing Sites: Use asset inventories and agreed upon neighborhood priorities to select potential housing sites as part of the Neighborhood Based Planning Process.

Walkable neighborhoods: Give preference to projects that are located within a walkable distance to neighborhood assets, particularly when seeking City funds.

*Ensure the integrity and economic value of Portland's neighborhoods.*

Enforcement: Aggressively enforce codes that require owners to maintain properties.

Maintain Property: Ensure all properties are kept clear of debris and derelict vehicles.

Redevelopment: Work to find productive uses for vacant and underutilized lots.

Public Improvements: Ensure neighborhood improvements are safe, attractive and well maintained.

Public Safety: The Portland Police Department will continue to work with neighborhoods on community policing, crime watch and other public safety programs to ensure neighborhoods remain safe for residents and visitors.

Traffic: Work with neighborhoods to address traffic issues and enforce traffic laws.

Public Parks: Preserve public amenities, such as trails, athletic fields, and parks.

Open Space: Work with neighborhoods to update, "Green Spaces/Blue Edges".

*Encourage Portland's neighborhoods to address the City's housing issues through the Neighborhood Based Planning Process.*

*Encourage neighborhood populations that are economically, socially, culturally and ethnically diverse.*

Housing Programs: Obtain resources and implement programs to enable residents to remain in their neighborhoods, such as rental housing vouchers.

Housing Solutions: Involve each neighborhood in creating housing solutions.

Mix of Housing: Encourage a mix of housing types for all ages, household sizes, and incomes, so neighborhoods are socially, culturally, ethnically, and economically diverse.

Retain Assisted Housing: Preserve Portland's existing affordable housing units as assisted developments.

Public Education: Support outreach efforts to discuss the benefits, issues, and potential design solutions for increased densities in residential neighborhoods.

Displacement: Discourage displacement through enforcement of municipal ordinances, and adoption of long-term affordability restrictions on City assisted housing.

Higher Density: Increase density where appropriate to achieve neighborhood diversity.

**Housing is a Regional Issue**

**Policy #4: Seek opportunities for economic and social integration throughout the Greater Portland region by encouraging the development of a range of housing options that are available and affordable to all income levels in the region.**

*Educate the public, neighboring municipalities, the State legislature, and our Congressional delegation on the need for affordable housing throughout the Greater Portland area.*

*Seek innovative solutions and collaborations with municipalities, regional organizations, housing authorities and developers to implement the regional housing plan.*

Public Education: Work with regional organizations to develop a public education campaign on the need for affordable housing throughout the region.

Regional Housing Administration: Create regional cooperation agreements for the planning and administration of housing development programs.

Leadership: Portland will be a leader within the region and State to change policies that limit an adequate supply of affordable housing.

Regional Funding Consortium: Investigate establishing a consortium of municipalities to apply for and administer state and federal funding for affordable housing development.

*Initiate the development of a regional housing plan.*

Regional Cooperation: Support developer and municipal proposals to obtain resources and develop affordable housing throughout Greater Portland.

Regional Housing Plan: Initiate and lead efforts with municipalities and regional organizations to develop a regional housing strategy that will strive to create a wide range of affordable housing options in each municipality.

Housing and Transportation: With efforts to develop more affordable housing, create viable public transportation options.

## Sustainable Development

**Policy #5:** Portland's Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve our shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

*Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.*

Target to grow: Achieve and maintain a 25% share of Cumberland County's population.

Public relations: Analyze and promote the public benefits of growth.

Incentives: Integrate housing and economic development incentives to encourage growth and take advantage of the City's capacity to accommodate more people.

Monitor: Assess the impacts of growth on infrastructure and adjust policies accordingly.

*Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.*

Transit Oriented Development: Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

Infill Development: Encourage development on vacant lots along accepted city streets.

Proximity to Services: Encourage housing near schools, parks and athletic facilities.

Denser Development: Encourage higher density housing along arterial and in or near downtown, particularly the redevelopment of Bayside according to the Bayside Plan.

*Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.*

Work Force Housing: Encourage major institutions and employers to invest in housing in proximity to work places.

Incentives for Mixed-Use: Combine housing and economic development initiatives for mixed-use developments near employment centers.

Build Streets: Explore building streets to encourage infill housing near existing infrastructure and neighborhood centers.

*Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.*

Neighborhood Centers: Build neighborhood centers with small-scale retail and service businesses at appropriate locations within neighborhoods.

Pedestrian Links: Encourage pedestrian links between residential and business areas.

Innovative Development: Encourage higher density development, which incorporates housing above businesses through flexible reviews and shared parking options.

Redevelopment: Encourage redevelopment of underutilized land, such as surface parking lots, to more efficiently use available land.

*Locate and design housing to reduce impacts on environmentally sensitive areas.*

Open Space: Support Land Bank Commission's work to preserve sensitive natural areas.

Environmentally Sensitive Development: Encourage development that minimizes environmental impacts and encourages stormwater

management through natural means.  
Environmentally Sensitive Zoning:  
Explore zoning and regulatory tools for environmentally friendly development.

*Design housing to use new technologies and materials that reduce costs and increase energy efficiency.*

Public Education: Collaborate with construction industry and environmental organizations to develop educational outreach efforts to encourage the design, construction, and rehabilitation of energy efficient homes.

Energy Efficient: Encourage energy efficient rehabilitation & construction for City assisted housing.

Update Codes: Periodically review codes to minimize conflicts for emerging or new cost efficient technology.

### Freedom of Choice

**Policy #6:** Strive to ensure freedom of choice in housing type, tenure, and neighborhood for all, regardless of race, color, age, gender, familial status, sexual orientation, religion, national origin, source of income or disability.

*Increase and ensure equal access to housing opportunities for minorities, low-income people and persons with disabilities and special needs.*

Development: Create programs and resources to increase housing opportunities for minorities, low-income people and persons with disabilities and special needs.

Financial: Encourage equitable lending.

Homeownership: Foster partnerships and programs with financial institutions that enable low and moderate-income households to become homeowners.

*Work to prohibit discrimination in selling and renting of all types of housing.*

Lending practices: Monitor mortgage lending practices to ensure equal opportunity.

Education: Educate public on housing discrimination and process for filing a complaint.

Fair Housing Report: Update the HUD report "Analysis of Impediments to Fair Housing".

*Ensure that an adequate supply of new and existing housing is accessible to persons with physical disabilities.*

Accessible Design: Develop designs, rules and procedures for the construction of accessible housing.

Building Codes: Ensure local codes are consistent with federal laws governing handicapped accessible construction.

Remain home: Develop strategies to enable people with physical limitations and disabilities to remain and/or age in place.

*Work to educate the public about housing laws and opportunities.*

Homebuyer Education: Create and maintain homebuyer education programs.

Landlord Education: Encourage landlord education classes on fair housing laws and practices for managing rental property.

Tenant Services: Evaluate the need for a tenant services office to assist in mediating and resolving conflicts between landlords and tenants.

Public Education: Develop brochures and public service announcements on their rights and obligations under local, state and federal fair housing laws

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

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Rick Romano, Chair  
Martha Deprez, Vice-Chair  
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Michael Hammen  
Ted Oldham  
John Turk

To: Chair Silk and Members of the Planning Board

From: Rick Romano, Chair, Historic Preservation Board

Date: October 23, 2009

Re: Historic Preservation Board analysis of Proposed Waynflete School Overlay Zone

On October 7<sup>th</sup>, representatives of Waynflete School presented their proposal for a Waynflete School Overlay Zone to the Historic Preservation Board. Review of the proposal continued on October 21<sup>st</sup>, at which time the HP Board conducted a site visit of the campus to review existing conditions and help members assess how specific elements of the Overlay Zone might affect the prevailing development pattern and historic character of this portion of the West End Historic District. The site visit was followed by a public hearing and Board deliberations at City Hall. This memo is intended to provide the Planning Board with comments, concerns and suggestions raised by the Historic Preservation Board during its formal deliberations.

The Historic Preservation Board's review of the Waynflete proposal was done at the suggestion of Planning Staff and with the consent of Waynflete School. Although the HP Board has no formal role in the approval of the proposed Overlay Zone, given the fact that the existing Waynflete campus, as well as the surrounding properties identified for inclusion with the proposed Overlay Zone, fall within the boundaries of the West End Historic District and that any future development activity in the zone will require Historic Preservation review and approval, it seemed appropriate to identify any potential conflicts between the provisions of the proposed Overlay Zone and the goals and standards of Portland's historic preservation ordinance.

The Historic Preservation Board was asked to consider:

- 1) whether the intensity, scale and general character of anticipated development illustrated on the "Conceptual Overlay Zone Analysis" plan and "Zoning Subdistricts" map and as provided for within the Overlay Zone text appear to be generally compatible with the prevailing development pattern in this portion of the West End Historic District;



- 2) whether there are specific aspects of the Overlay Zone proposal that raise potential conflicts with the review standards of the historic preservation ordinance; and
- 3) whether there are additional or alternative opportunities for infill development within the confines of the existing campus boundaries that might help meet Waynflete's projected space needs and thereby avoid the challenges often associated with converting residential properties to institutional use.

Following extensive discussion and debate, Board members voted to forward a series of comments for the Planning Board's consideration. As you will note, on some issues, there was clear unanimity and on others, no clear consensus. Also note that, given the conceptual nature of Waynflete's plan showing potential building additions and new construction, the Historic Preservation Board was not in a position to provide a definitive assessment as to the compatibility of these roughly diagrammed elements. This was clearly acknowledged by all those involved in the review process, including the applicant and interested public. Accordingly, the Historic Preservation Board's comments are necessarily general in nature. The Board also refrained from voicing unequivocal opposition to specific aspects of the plan, even when they had significant concerns.

Following are the Historic Preservation Board's specific comments, concerns and suggestions relative to the draft Waynflete School Overlay Zone:

- The Board supported the increased density allowances as provided by the Overlay Zone, including the relaxation of setbacks and lot coverage requirements within the core of the campus. That said, the frontyard setback from all streets—including Storer—should remain consistent with existing building setbacks in order to preserve the prevailing development pattern in the area (as viewed from the street.)
- The Board was unanimous in its concern about the potential negative impact of increasing the allowable height limit to 50 feet for that portion of the Campus Core Subdistrict west of Storer Street. The Board also expressed the view that the existing height limits (35' in the R4 zone and 45' in the R6 zone) are appropriate to the scale of existing development in their respective areas. Board members noted that the recently completed Performing Arts Center, which extends the full 35' height allowed by current zoning, is reasonably compatible with the surrounding context, in part because the building steps down in height as it approaches Danforth Street. Having the advantage of observing the scale of the Performing Arts Center and its visual relationship to its context, the Board felt it was highly unlikely that a taller building would be found visually compatible, particularly in the block bounded by Fletcher and Storer. The Board also noted that the pronounced change in grade across the Waynflete campus has a significant effect on the allowable height for new construction, given the way height is calculated under Portland's zoning ordinance. The fact that much of the campus sits well above the sidewalk grade also affects the perceived height of buildings.

That said, some members of the Board felt that the open parcel on the east side of Storer Street (the site of the former Storer House), might be the one location within the Campus Core Subdistrict that could accommodate a 50' building, particularly where it would be located adjacent to the Upper School building (former Home for Aged Women), which is quite tall. Obviously, the massing of a 50' tall building would need to be carefully considered in order for it to be successfully integrated with the neighborhood, but a taller building in this location might not be out of the question in terms of meeting the historic preservation ordinance's height standards for new construction.

- The Board was unanimous in its view that the Campus Core Subdistrict should not extend to the street edges on Danforth Street or Fletcher Street. These frontages should be included in the "Campus Edge Subdistrict." The Board cited Fletcher Street as a particularly sensitive edge of the campus, where building scale is essential to preserving neighborhood character.
- Board members expressed the view that it is likely there are additional or alternative areas/ways to construct buildings within the existing campus that might provide some of the additional programmatic space required by Waynflete while avoiding taller buildings and/or conversion of residential properties. For example, the Board suggested that the area at the corner of Danforth and Fletcher Streets, which is now a small appendage of the School's playing field, be considered for development. By constructing a building on this site, the prevailing development pattern along Danforth would be reinforced and Waynflete could gain some of its needed square footage.

The Board also felt that additional square footage could likely be gained on the former Storer House site. Although Waynflete's concept plan showing two discrete building masses on top of a below-grade parking garage is one possible design approach, a single building with a larger floor plate and more square footage might also be acceptable, as the site is located within the interior of the campus. The Board also noted that there is precedent for larger footprint buildings elsewhere on campus.

- The Board did not support the relocation of the house at 11 Fletcher Street, which is identified as a possibility in the Overlay Zone text. Also, the Board did not support the relocation of the house at 3 Storer Street, which had been suggested by WPNA. While the historic preservation ordinance allows for the relocation of historic structures in some instances, the Board felt that in the case of the subject structures, each was carefully sited and designed for its specific lot and that the buildings were important contributing elements to their respective streetscapes.
- The Board was unanimous in its view that Storer Street should remain an integral part of the public street network—both visually and functionally. While some traffic calming treatments might be acceptable, Storer Street should read and function as part of the traditional street grid.

- Regarding the potential acquisition and conversion of the residential structures at 25-27 Storer and 10-12 Greyhurst Park, the Board recognized that the question of converting residential structures for institutional use is a policy issue outside the purview of the Historic Preservation Board and is more appropriately decided by the Planning Board and Council. That said, the conversions and associated proposal to remove the brick wall currently separating these structures from the campus do have potential implications for the visual character of this immediate area. Standard # 1 of the historic preservation ordinance addresses the visual impacts associated with changes in use:

*Standard # 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.*

Some Board members expressed significant concern about the proposed conversions, noting that the existing residential use of these structures appears successful and viable, and that the exteriors remain in largely original condition. They pointed out that if the structures were converted to institutional use, accessibility and other code requirements would likely necessitate alterations that would affect their residential character. They also noted that Waynflete's concept plan shows a sizeable addition on the south side of 25-27 Storer which appears to be driven by a desire to orient the building towards the proposed new campus quad. This type of alteration has the potential to materially alter the original character of the building. They also expressed concern that the setting around the two double houses would be changed significantly with the proposed removal of the brick wall now separating Greyhurst Park from the campus. In their view, the private lane and brick wall define the Greyhurst Park environment and provide a clear delineation between the campus and the neighborhood. Finally, they noted that the wall itself is a remnant of the original Storer House property and that the ordinance discourages the removal of historic site features.

Other members of the Board stated that they could accept the potential conversion of these residential properties. They expressed the view that any proposed additions, alterations or site changes would be addressed during the historic preservation review process and that the Board could work to ensure that the impact on the properties' original residential character would be minimized. They also felt that if accommodating some of the School's programmatic needs in these residential properties helped avoid the need to build taller structures, this might be an acceptable trade-off.

- The Board was unanimous in its view that if Waynflete were permitted under the Overlay Zone provisions to acquire the rear yards of 320 Spring Street and 72 Emery Street, the area should be maintained as open space, as shown on the concept plan. The Board did not support development on this site.

In closing, the Historic Preservation Board wants to make clear that future development proposals will be reviewed by the Board on a case-by-case basis, evaluating the compatibility of the proposed alteration or construction with both its

immediate and general context and according to the historic preservation ordinance standards. Given the conceptual nature of the plans provided, the Board is not in a position at this time to guarantee that specific aspects of the plan are approvable as shown or, conversely, that they clearly would not meet ordinance standards.

# MEMO

To: City of Portland Planning Board  
cc: Gary Wood, Corporation Counsel  
From: Danielle P. West-Chuhta, Associate Corporation Counsel  
Date: October 8, 2009  
Re: Waynflete School Overlay Zone Application

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Given the competing Waynflete School Overlay Zone proposals, you have asked me to address what proposal the Planning Board (the “Board”) should be (and is) able to recommend to the City Council. You have also asked me to review the standard under which the overlay proposals must be reviewed.

## I. Planning Board Jurisdiction

First, under section 14-30 of the City’s Land Use Code (the “Code”) the Board has jurisdiction and authority “[t]o hear, review and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the zoning ordinance, and to initiate recommendations for zoning changes and amendments to, or revisions of the zoning ordinance.”

This language clearly allows the Board to review Waynflete School’s overlay zone application and make a recommendation to the City Council on said proposal. This section does not, however, entitle the Board to recommend the competing proposal offered by the Western Promenade Association to the City Council since the Association is not the applicant for the proposed zone change.

It is important to note, however, that this section also allows the Board to initiate its own recommendation regarding the proposed overlay zone (which could potentially incorporate elements of the Waynflete School proposal and/or the competing proposal offered by the Western Promenade Association).

## II. Standard for Review

When reviewing the proposed overlay zone it is essential for the Board to ensure that the proposed zoning text is pursuant to and consistent with the City’s comprehensive plan and other related land use policy documents (including, but not limited to, the purpose sections of the R-4 and R-6 zones, the section in the comprehensive plan on the

regulation of institutional uses in residential zones and Housing Sustaining Portland's Future). See 30-M.R.S. § 4352(2);<sup>1</sup> LaBonta, 528 A.2d at 1263-1265.<sup>2</sup>

Under Maine law consistency means "in basic harmony with . . ." a comprehensive plan. The Law Court has held that consistency does not mean, however, that a proposal or project has to be the "best possible use" for the site in question. Vella v. Town of Camden, 677 A.2d 1051, 1053 (Me. 1996) (citing LaBonta v. City of Waterville, 528 A.2d 1262, 1265 (Me. 1987)); City of Old Town v. Dimoulas, 2002 ME 133, ¶ 20, 803 A.2d 1018, 1024.

Overall, since Portland's comprehensive plan contains a number of policy statements, goals and standards (that, at times, may not be compatible with one another) it is essential for the Board to read the plan as a whole when determining whether or not the proposal is in "basic harmony" with the plan's provisions. See La Bonta, 528 A.2d at 1265 (citations omitted); see also McMillan et al. v. City of Portland et al., CV-04-784 (Me. Superior Ct., Cumberland Cty., November 22, 2005) (Crowley, J.) (citations omitted).<sup>3</sup>

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<sup>1</sup> Section 4352(2) provides that "[a] zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body . . ."

<sup>2</sup> It is important to note that a court reviewing whether an ordinance amendment is valid will review whether or not it is consistent with the comprehensive plan and whether or not the ordinance is constitutional. See F.S. Plummer Co. v. Town of Cape Elizabeth, 612 A.2d 856, 860 (citations omitted). "The ordinance itself is presumed to be constitutional. The burden is on [the person/entity challenging the ordinance] to show by clear and irrefutable evidence that it infringes on paramount law, and to establish the complete absence of any state of facts that would support . . . the ordinance. In order for the ordinance to be a valid exercise of the [City's] police power it must 1) provide for the public welfare, 2) use means appropriate to the desired ends, and 3) must not be exercised in an arbitrary or capricious manner." Id. (citations and quotations omitted).

<sup>3</sup> Of course, it is ultimately the job of the City Council to weigh any competing provisions of the plan in order to determine whether or not the proposed overlay zone is consistent. See LaBonta, 528 A.2d at 1265; see Adelman et al. v. Town of Baldwin, 2000 ME 91, ¶¶ 22, 23 and 24, 750 A.2d 577, 585.

# MEMO

To: City of Portland Planning Board  
 cc: Gary Wood, Corporation Counsel  
 From: Danielle P. West-Chuhta, Associate Corporation Counsel  
 Date: October 22, 2009  
 Re: Waynflete School Overlay Zone Application

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You have asked me to review whether or not (1) the Board can consider other properties owned by Waynflete during its review of the overlay zone proposal and (2) the overlay zone can include property not owned by Waynflete.

**I. Other Property Owned by Waynflete**

As I stated in my prior memorandum (dated October 8, 2009), it is necessary for the Board to review Waynflete’s overlay zone proposal and either recommend or not recommend it to the Council based on whether or not it is consistent with the City’s comprehensive plan. See 30-M.R.S. § 4352(2);<sup>1</sup> see also LaBonta v. City of Waterville, 528 A.2d 1262, 1263-1265 (Me. 1987).

Portland’s comprehensive plan contains a number of policy statements, goals and standards. Most notably, the plan provides as follows:

1. Institutional uses, where they are to be allowed in residential zones, should be designated conditional uses with review before the Planning Board.
2. Any new institutional use should be required to have a lot size of sufficient area to accommodate all activities, including parking and to absorb impacts and growth needs of the institution.
3. Reasonable expansion of existing institutions should be accommodated, but effective use of the existing lot area should be required.

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<sup>1</sup> Section 4352(2) provides that “[a] zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body . . .”

- 4. For both new development and expansion of existing institutions, the displacement or conversion of existing dwelling should be avoided, and that an institutional development proposal that causes significant residential displacement should be cause for denial of conditional use approval.

Portland Comprehensive Plan, p. 48.

Based on the policies outlined above (and the other policies outlined in Rick Knowland's memorandum), as the Board reviews this proposal and determines whether or not it is consistent with the comprehensive plan, it would be appropriate for it to evaluate (among other things) the way in which Waynflete is using its existing lot area (including property owned by Waynflete outside of the proposed overlay zone).

**II. Can the Overlay Include Property Not Owned by Waynflete?**

Municipalities have the authority to zone property as they deem appropriate so long as it is consistent with a comprehensive plan. See 30-A M.R.S.A. § 4352 (providing municipalities with the authority to develop zoning ordinances); see also F.S. Plummer Co. v. Town of Cape Elizabeth, 612 A.2d 856, 859 and 861 (Me. 1992) (“[z]oning is a legislative act, and the adoption of a zoning amendment, like the enactment of the original zoning ordinance is also a legislative act[,]” and such acts are entitled to great deference) (citations and quotations omitted); see also Gorham v. Cape Elizabeth, 625 A.2d 898, 900 (holding that “[t]he constitutionality of a zoning ordinance is presumed . . .”) (citations omitted).

Since the City has the power to zone property (including the land owned and not owned by Waynflete), it is only necessary for the Board to review the proposed overlay zone and determine whether or not its provisions and the proposed inclusion of property not owned by Waynflete are consistent with the comprehensive plan.<sup>2</sup>

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<sup>2</sup> Please note that during my research I reviewed the University of Southern Maine (“USM”) overlay zone proposal. In that case, the proposed zone primarily included lands owned by USM. There was only one parcel not owned by USM (that housed necessary electrical items and was to be owned by USM in the near future) that was included in the overlay zone.



CITY OF PORTLAND, MAINE  
MEMORANDUM

**TO:** Chair Carroll and Members of the Portland Planning Board

**FROM:** Deborah Andrews, Senior Planner

**DATE:** April 13, 1999

**RE:** Master Plan Update, Waynflete School, 360 Spring Street

**Introduction**

Waynflete School is currently developing plans for two concurrent construction projects which will affect three of the school's existing campus buildings. These projects include a ~10,000 square foot addition to 64 Emery Street (the former Home for Aged Women which houses Waynflete's Upper School) and an addition which will connect the Ruth Cook Hyde and Morrill Houses on Spring Street. The Emery Street project will house a science center for the Upper School and the connector planned for Cook Hyde and Morrill Houses which will effectively bring Waynflete's Middle School program under one roof. While these projects are scheduled to be reviewed in detail at the Board's next meeting, it was suggested that Waynflete first provide the Board with an update on the status of its 1994 campus master plan and describe how these projects fit within the plan's original implementation priorities.

Enclosed for the Board's review are excerpts from Waynflete's 1994 Campus Master Plan, including the introduction, site plan showing future building and site projects, and parking plan. Also included for comparison purposes is an updated campus site plan, which incorporates the school's revised plans for the Middle and Upper School programs (see Attachment 5). Preliminary site plans and building elevations for the two proposed construction projects are also enclosed, however the focus of Wednesday's workshop will be a review of the general context for these projects.

Some Board members might recall that at the time Waynflete was developing its master plan, there was concern about the issue of parking and circulation around the school, particularly during drop-off and pick-up times. Waynflete's parking plan included a variety of management techniques to help address the problem, but also proposed that actual site improvements be undertaken which would alleviate the identified traffic and safety issues. A variety of options for locating a loop drive or turn-off were identified in the parking plan, with the expectation that one of the options would be presented for final review and approval by the Board. Board members will note that while an expanded loop drive behind Thomas House is still shown on the revised campus plan, it is the position of Waynflete at this time that the management measures which have been implemented have proven effective and that an infrastructure solution might not be needed. The issue of parking and circulation is raised here not because the proposed projects will bring additional cars to the campus (Waynflete does not anticipate an increase in its student body or staff in the foreseeable future), but because the Board might wish to revisit the question of whether there is a need for infrastructure changes and if so, the timing for this work relative to other campus improvements.

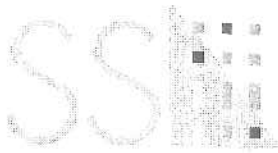
Regarding the proposed construction projects themselves, Board members will note that the current proposals vary somewhat from what was anticipated in the 1994 campus site plan. It was originally expected that the Upper School complex would be expanded by building on top of the single-story ells at the rear of the Emery Building. Project architects, Harriman Associates, have proposed instead a building addition that would infill the existing open courtyard behind the main structure and project beyond it with a 4-story square tower form. The final proposal for the Middle School buildings is also different from that suggested in the 1994 master plan. HKTA Architects' connector proposal is much smaller than originally envisioned, but may have a more significant impact on the Spring Street streetscape, as it is closer to the sidewalk and connects two architecturally distinct structures.

As the Board evaluates the proposed projects for conformance with the site plan and conditional use standards, it should also be aware of a recent site alteration which was not included in any previously-approved site plan for the school. Waynflete has added approximately 600 square feet of asphalt paving to an existing driveway off Storer Street, between Morrill House and Hurd House. The paving was done to accommodate a basketball hoop and tetherball pole in this location for use by the Middle School students. Apparently this area has become an important part of Waynflete's recreational amenities and is in frequent use by students. The location of this recreational facility, in close proximity to residential structures on Storer Street and Greyhurst Park, has raised opposition from several neighbors. Because this site alteration has been determined to be an amendment to previously approved site plans, the Board should consider whether this change meets the institutional conditional use standards of the Land Use Code.

To recap, in anticipation of imminent building projects, Waynflete is presenting at an informational workshop an update of their campus master plan. No formal Planning Board action is required for the master plan. At the next workshop (April 27) the Board will begin review of the site plan and institutional conditional use applications for the two building projects and any incidental site issues (e.g. the basketball hoop). Waynflete is hoping for final approval of these projects on May 25.

**Attachments:**

1. Letter from Scott Simons Architects re: implementation status of 1994 Campus Master Plan
2. Introduction from master plan
3. Excerpts from parking plan included in master plan
4. 1994 campus site plan showing proposed build-out
5. Updated campus site plan
6. Preliminary plans and elevations for Emery Building addition
7. Sketch elevations for Cook Hyde/Morrill House connector
8. Floor plans for connector



Scott Simons Architects

MEMORANDUM

15 Franklin St. Art  
Portland, ME 04101-4169

(207) 772-4656

(207) 828-4656 FAX

E MAIL: scott@simonsarchitects.com

Date: April 2, 1999  
 Project name/number: Waynflete Master Plan Update, SSA #99112.00  
 Re: Update Completed Projects 1994-1999  
 From: Scott Simons  
 To: Deborah Andrews  
 Cc: H. Gulak, L. Shaffer, Jobfile 3.1

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Since the original presentation to the Planning Board of the Waynflete Campus Master Plan in 1994, a series of building improvements projects have been completed. They range in scale from modest improvements to small additions to existing buildings. The primary goals of these improvements have been to improve the safety of the campus facilities, make the existing buildings physically sound, and provide new facilities to support the School's mission.

The following is a partial list of improvement projects completed since 1994:

1. Renovations to approximately 2,000 SF of existing space on the lower level of the Hewes Building (Lower School) to provide additional classroom space.
2. Renovations to approximately 1,000 SF of existing space and addition of approximately 1,400 SF of new space to the gymnasium to provide additional locker room, bathroom, office and exercise room space.
3. Renovations to approximately 900 SF of existing space in the daylight basement of the Thomas House building to provide additional administrative and faculty workroom space.
4. Renovations to approximately 1,200 SF of existing space in the daylight basement of the Davies Art Building to provide additional music classrooms and office space.
5. Reconfiguration of the Lower School quadrangle, approximately as outlined in the Master Plan.
6. Renovations to approximately 800 SF of existing space in the Maintenance Garage to provide space for Middle School student lockers.
7. Renovations to approximately 800 SF of existing space in the daylight basement of the Emery Building to provide expanded and improved space for the café.
8. Addition of a handicap accessible lift to the rear entrance of Hurd House.
9. Exterior renovations to windows, trim, roofing, brickwork, steps, etc. at Thomas House, Morrill House, Ruth Cook Hyde, Hurd House, Daveis Hall, the Emery Building.

# CAMPUS MASTER PLAN

for

**WAYNFLETE SCHOOL**  
**PORTLAND, MAINE**

Submitted to the Board of Trustees by  
The Campus Master Plan Committee of  
The Buildings and Grounds Committee  
June 21, 1994

Campus Master Plan Committee:

Lynn Shaffer, Chair

Jim Amoroso

Roger Berle

Santo Cimino

Joe Gray

Ted Haffenreffer

Buell Hemirway

Scott Simons

Scott Teas

## CAMPUS PLAN IMPLEMENTATION PRIORITIES

The following list prioritizes major recommendations made for the individual schools and departments in the pages that follow. In addition, careful attention should be paid to recommendations listed as "Immediate" and "short term" for each program. Clearly, if dedicated moneys are received, development may occur in a different order.

1. Move all administrative offices into Thomas House. (This move is underway and should be complete by September, 1994.)
2. Build locker room additions to the gym so that lockers can be moved out of Hewes Wing. Complete recommendations for Lower School facilitated by removing lockers from Hewes.
3. Relocate Middle School classes from Hurd House into Ruth Cook Hyde; move appropriate Art Department classes into Hurd House.
4. Develop Spring Street entrance loop and parking; develop Emery Street parking as necessary to cover parking lost behind Thomas House.
5. Develop large Storer Street parking lot and build maintenance garage. Convert existing Storer Street parking to green space.
6. Build classroom/rehearsal space/backstage addition to Sills.
7. Build Art Gallery/Lobby addition to Sills.
8. Build Middle School addition.
9. Build new gym, tennis courts and baseball or softball field at Osgood Street playing fields.
10. Re-configure Upper School science classrooms; build Upper School addition.
11. Build Lower School addition.

## INTRODUCTION

The Campus Master Plan has been created to develop a vision for the growth and use of the Waynflete School's facilities for the next 10 years. It assumes that Waynflete has reached its optimal size and will not increase its student population, and that it will remain on its Spring Street campus with playing fields on Osgood Street. It has been developed following extensive research using questionnaires and personal interviews with administrators, faculty, staff, students, alumni, parents and neighbors. It presents a guideline for both campus site development and development of individual buildings and programs.

The Plan has been developed with six objectives:

- to improve safety on and around campus
- to increase the efficiency of the campus
- to rationalize the organization of the campus
- to improve pedestrian circulation on campus
- to establish clear campus entrances
- to reduce our impact on our neighborhood.

Situated on an urban campus, Waynflete encounters typical urban complexities. Implementation of recommendations of the Plan would help the school deal with these complexities and with internal needs as follows: Waynflete would develop a main entrance on Spring St. with student drop off and pickup scattered to dilute the impact of these activities on the neighborhood. The campus would be organized around green spaces relating to the Lower, Middle and Upper schools. Parking would be relegated to the perimeter of the campus to separate children from vehicles. Buildings would be repaired and remodeled to better accommodate their programs, and additions would be built to relieve pressure on overused and inadequate space. Trim on buildings would be painted a uniform color. Well lighted and drained paths would crisscross green spaces connecting buildings; clear signage would direct campus visitors. Landscaping would hide parking, soften edges, and reinforce the site plan.

The impact of these changes will be greatly influenced by the ongoing maintenance and repair of the campus. Given the age of Waynflete's buildings, maintenance and repair costs will remain relatively high. For the Plan to succeed in elevating Waynflete's physical image, it is important that maintenance and repair receive adequate budgetary priority.

## PARKING AND TRAFFIC CONTROL

### BACKGROUND

Located in an urban residential neighborhood, Waynflete has struggled for years to balance the traffic and parking needs of the institution with the needs of its neighborhood. In 1988, T. Y. Lin International/Hunter-Ballew Associates was commissioned to prepare a traffic and parking study for the school. A copy of this report is included in the Appendices. Since 1988/89, the school population has increased approximately 9%, and no further growth is anticipated or desired. The TYLI/HBA report found adequate parking available in the neighborhood to support the school's needs and recommended control of how that parking is used. A survey of neighbors completed for this report seems to support this, indicating that the biggest problems are the concentration of parked cars in certain areas, cars parked so as to block driveways and visibility at intersections, and traffic on Spring Street during drop-off and pickup periods.

### RECOMMENDATIONS

#### Pick-up and Drop-off

To relieve pressure on Spring Street and to increase the safety of drop-off and pickup procedures (the greatest problems occur during afternoon pickup) the following options are being considered:

Bus drop-off and pick up:

Option A: Drop-off on Spring Street, pickup on Danforth.

Advantages:

- Separates cars and buses.
- Gets buses off Spring Street during afternoon pickup, freeing Thomas House loop for car pickup (buses would still use Thomas House loop for morning drop off and for PE and field trip pickups during school day).
- May help slow traffic on Danforth during afternoon pickup.

Disadvantages:

- Sidewalk on Danforth St. is about 3' above street level and would have to be regraded to accommodate bus loading.
- New steps would have to be built in stone wall from sidewalk to playing field at end of field.
- Buses might block visibility for cars on Fletcher and Storer attempting to turn onto Danforth.

# WAYNFLETE SCHOOL

360 Spring Street • Portland, Maine 04102  
(207)774-5721 • Fax (207)772-4782

February 20, 1997

Attachment 2

Mr. Cyrus Hagge, Chair  
Portland Planning Board  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Dear Mr. Hagge:

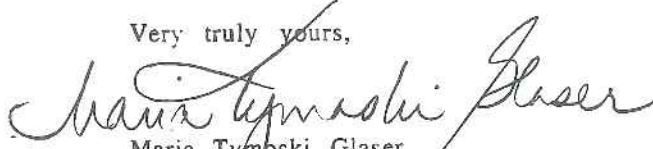
I am writing in response to the Planning Board's request for information about the Waynflete School Campus Master Plan. The Waynflete Board of Trustees is grateful for the continued opportunity to work with members of the Planning Board regarding our ongoing plans. We were pleased to add to the process of informing new Planning Board members about our master plan.

After extensive research and careful study, we created the Campus Master Plan to develop a vision for the development and use of Waynflete's facilities for the next ten years. As you probably already know, the Plan was formulated over several years. A guideline for both campus site development and improvement of individual buildings and programs, it assumes that the School will not grow beyond the current maximum of 550 students. The Campus Master Plan addresses general campus needs, as well as specific requirements for each level and department of the School. In addition, it takes into account criteria for maintenance and compliance with all applicable codes. The final draft of the Campus Master Plan was presented to the Waynflete Board of Trustees in June of 1994 and accepted the following fall.

The School has continually worked in collaboration with members of the neighborhood on suggestions for improving safety, landscaping, and parking. We are delighted to be residential neighbors in the West End following our purchase last year of 305 Danforth Street as our Headmaster's residence. He and his family enjoy living in the city and we, as a school, are pleased to have him on campus.

The Waynflete Board will continue to be guided by the assumptions and recommendations of the Campus Master Plan as we proceed in our work of governance. The trustees are pleased with the careful work that went into the formulation of the Master Plan and believe that we are fortunate in having the benefit of such a document for the years ahead.

Very truly yours,

  
Maria Tymoski Glaser  
President, Board of Trustees



*Attachment 1*

February 7, 1997

To: Cyrus Hagge, President  
Portland Planning Board

From: Lynn Shaffer, Chair  
Waynflete Campus Master Plan Committee

Re: Conditional use of Ruth Cook Hyde building

Since it has been over a year since Waynflete presented its Master Plan to the Planning Board, Deb Andrews suggested that we write to you, putting our request for conditional use of Ruth Cook Hyde as academic space into the context of the Master Plan. We realize that there are new members of the Board who have not seen our Master Plan presentation.

The Master Plan accepts the Waynflete Board's direction that the school will not grow beyond the current maximum enrollment of 550 students. The school is, however, still dealing with growth that took place in the past. The Master Plan identifies space needs in all areas of the school, leading to recommendations for developing additional space. In order to minimize the need for new built space, the Plan seeks to identify existing space available for reuse.

Ruth Cook Hyde, of all campus buildings, has the greatest area not currently used for academic or administrative purposes. The school currently uses the first floor of Ruth Cook Hyde building for administrative space, but use of the second and third floors is restricted to residential use. The school would like to develop the second and third floors as academic space, relieving pressures on the Middle School and Art Department.

We hope the Planning Board will approve such use. Reuse of existing space not only reduces the need for new construction, but provides more immediate solutions to urgent space needs.

Thank you for your consideration.

**Additional Text Changes  
to Accompany Waynflete School Overlay Zone**

Amend section 14-103 (conditional uses in the R-4 district), subsection (b), paragraph 1, by adding the text shown in boldfaced type below:

1. Elementary, middle and secondary school **(except that no school which owns or occupies property in the Waynflete School Overlay Zone may expand onto any lot outside the boundaries of that overlay zone that was occupied by a residential use or structure on or after [the date of enactment of the Waynflete School Overlay Zone]);**

Amend section 14-137 (conditional uses in the R-6 district), subsection (c), paragraph 1, by adding the text shown in boldfaced type below:

1. Elementary, middle and secondary school **(except that no school which owns or occupies property in the Waynflete School Overlay Zone may expand onto any lot outside the boundaries of that overlay zone that was occupied by a residential use or structure on or after [the date of enactment of the Waynflete School Overlay Zone]);**

- (a) The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.
- (b) Shared use of a single loading facility by two or more buildings.
- (c) Impacts of the loading area on adjacent uses outside the Waynflete School Overlay Zone.

**Sec. 14-276.8. Signage.**

Signs shall comply with the requirements of Division 22.

**Sec. 14-276.6. Parking.**

The parking requirements of section 14-332 shall not apply to buildings in the Waynflete School Overlay Zone. Instead, the amount of parking required for any new building or building addition within the zone shall be determined by the planning board during site plan review, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide management plan, and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the planning board may take into account such factors as:

- (a) The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.
- (b) Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.
- (c) Development and implementation of a parking management plan which discourages on-street parking.
- (d) Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

**Sec. 14-276.7. Loading.**

The requirements of section 14-351 shall not apply to buildings within the Waynflete School Overlay Zone. Instead, the amount of loading area required for any building within the zone shall be determined by the planning board during site plan review, based on a campus-wide analysis, treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of loading space required for any building within the Waynflete School Overlay Zone, the planning board may take into account such factors as:

Sec. 14-276.5. Dimensional requirements.

Buildings and structures in the Waynflete School Overlay Zone shall be subject to the applicable dimensional requirements of the underlying zoning districts, except as follows:

- (a) *Minimum yard dimensions* shall be the same as in the underlying zone, except that side and rear yards shall not be required between buildings on contiguous lots owned or occupied by Waynflete School on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.
- (b) *Maximum building height* shall be the same as in the underlying zone, except that buildings in the Campus Core sub-district may be constructed to a maximum building height of 50 feet provided they are set back at least 50 feet from any street.
- (c) *Maximum impervious surface ratio* shall be the same as in the underlying zone, except that in the Campus Core sub-district the maximum impervious surface ratio shall be 50% and all the land within the Campus Core sub-district owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating impervious surface ratio.
- (d) *Maximum coverage by buildings* shall be the same as in the underlying zone, except that in the Campus Core sub-district the maximum coverage by buildings shall be 40% and all the land within the Campus Core sub-district owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.
- (e) If a lot of record improved with a principal building at the time of enactment of this Waynflete School Overlay Zone is transected by the overlay zone boundary, such lot may be divided along the overlay zone boundary, and the portion of the lot located outside the overlay zone and any existing buildings thereon shall be deemed to comply with the minimum lot size, lot coverage, impervious surface and rear yard setback requirements for the underlying zoning district and shall not be considered a nonconforming lot/structure as a result.

- (b) Within the Campus Edge sub-district, residential conversions are limited as follows:
1. The building at 305 Danforth Street (used by Waynflete School as the Head of School's house at the time of enactment of this Overlay Zone) must remain exclusively residential (which can include faculty or staff housing).
  2. If the existing house at 11 Fletcher Street is acquired by Waynflete School, its use must remain exclusively residential (which can include faculty or staff housing). This paragraph does not preclude school uses in attached, semi-attached or detached buildings located on the same lot as the existing house, provided the house remains residential.
  3. The building at 3 Storer Street can be used for the school uses identified in section 14-276.3(a) above, only if one or more dwelling units containing, in the aggregate, living space equal to at least 40% of the total living space in the building prior to the conversion to school use is retained within the building.
  4. If the existing house at 11 Fletcher Street is relocated to another location within the Waynflete School Overlay Zone or to another lot within 1,000 feet of the perimeter of the Waynflete School Overlay Zone, the lot from which the building is removed can be used for any of the school uses allowed under section 14-276.3(a).
  5. At no time shall the number of dwelling units within the Campus Edge sub-district plus dwelling units within any building relocated in accordance with subparagraph (4) above be reduced below three (the number existing at the time of enactment of this Overlay Zone).
- (c) As used in this section 14-276.4, the term living space means interior floor area exclusive of common hallways and storage in basements or attics.

16. Maintenance facilities;
17. Utility buildings;
18. Student health services;
19. Bookstores;
20. Other buildings, structures and uses customarily incidental to a private day school.

(b) *Residential Uses.*

1. Faculty or staff housing, which shall be considered a residential use subject to the use provisions of the underlying zoning district applicable to residential uses.

**Sec. 14-276.4. Residential conversions limited.**

(a) Within the Campus Core sub-district, except as limited in subparagraphs 2 and 3 below, existing residential structures may be converted to any of the school uses identified in section 14-276.3(a) above, provided that for each dwelling unit that is replaced with a school use, one or more new dwelling units must be created within a building or buildings (new or existing) located in the Waynflete School Overlay Zone and not containing any dwelling units at the time of the conversion and replacement.

1. The aggregate living space of the replacement dwelling units must equal at least 40% of the living space in the dwelling unit being replaced.
2. Where two dwellings existing within the Campus Core sub-district at the time of enactment of this Waynflete School Overlay Zone are separated by a party wall, neither dwelling may be converted in whole or in part to a school use unless the dwellings on both sides of the party wall are owned by Waynflete School.
3. The dwelling located at 27 Storer Street (being the dwelling on the northwesterly side of the party wall) must remain exclusively residential (which can include faculty or staff housing).

frontages. The space and bulk regulations of the R-4 district continue to apply.

Except where otherwise specified in this division, all provisions of this Waynflete School Overlay Zone apply in both sub-districts.

**Sec. 14-276.3. Permitted uses.**

In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary in the use regulations for the underlying zoning districts, the following uses are permitted uses in the Waynflete School Overlay Zone.

(a) *School Uses.* Elementary, middle and secondary school uses including, but not limited to, the following:

1. Classrooms;
2. Laboratory facilities;
3. Dining halls;
4. Auditoriums;
5. Concert halls;
6. Lecture halls;
7. Gymnasiums;
8. Libraries;
9. Outdoor use areas, such as "quads", greens, parks, gardens, art installations, and other active and passive recreation spaces;
10. Parking lots;
11. Parking structures;
12. Community meeting spaces;
13. Administrative offices;
14. Faculty offices;
15. Transportation facilities;



DIVISION 16 WAYNFLETE SCHOOL OVERLAY ZONE

**Sec. 14-276. Purpose.**

The intention of this division is to establish an overlay zone which protects the value and integrity of established residential neighborhoods, establishes clearly defined boundaries beyond which residential conversions cannot occur and results in no net loss of dwelling units, while allowing Waynflete School, an existing private day school, to continue and reasonably augment its existing uses and programs, thereby maintaining compatible development at medium densities appropriate to the existing neighborhood patterns. As used in this division, the term "Waynflete School" includes any successor institution that operates as a private day school.

**Sec. 14-276.1. Location and applicability of Waynflete School Overlay Zone.**

The Waynflete School Overlay Zone, as shown on the zoning map, is intended to encompass and define Waynflete School's principal campus on the Portland peninsula. Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying zoning districts except as specifically modified by this division.

**Sec. 14-276.2. Overlay Zone sub-districts.**

The Waynflete School Overlay Zone consists of two sub-districts, as shown on the Waynflete School Overlay Zone sub-district map, incorporated herein by reference, as follows:

- (a) The Campus Core sub-district defines the interior core of the campus and is intended to allow compact development of school uses, with specific space and bulk regulations designed to accommodate school uses.
- (b) The Campus Edge sub-district is intended to preserve residential character along the streets bordering the campus, by limiting the number of residential buildings which can be converted to school uses, by maintaining a number of dwelling units within or in close proximity to the sub-district which equals the number of dwelling units existing in the sub-district at the time of enactment of this Overlay Zone and by encouraging mixed use buildings along the street



**Additional Text Changes  
to Accompany Waynflete School Overlay Zone**

Amend section 14-103 (conditional uses in the R-4 district), subsection (b), paragraph 1, by adding the text shown in boldfaced type below:

1. Elementary, middle and secondary school  
**(except as otherwise provided in  
section 14-276.10);**

Amend section 14-137 (conditional uses in the R-6 district), subsection (b), paragraph 1, by adding the text shown in boldfaced type below:

1. Elementary, middle and secondary school  
**(except as otherwise provided in  
section 14-276.10);**



- (b) Shared use of a single loading facility by two or more buildings.
- (c) Impacts of the loading area on adjacent uses outside the Waynflete School Overlay Zone.

**Sec. 14-276.9. Signage.**

Signs shall comply with the requirements of Division 22.

**Sec. 14-276.10. Restrictions outside the Waynflete School Overlay Zone.**

Notwithstanding the provisions of section 14-103(b)(1) or section 14-137(b)(1), Waynflete School cannot locate a school use listed in section 14.276.3(a) on any lot in the R-4 or R-6 Districts outside the boundaries of the Waynflete School Overlay Zone that was occupied by a residential use or structure on or after [the date of enactment of the Waynflete School Overlay Zone]. This restriction does not prevent Waynflete School from seeking a conditional use permit for a school use, where otherwise allowed by the zoning district regulations, on lots outside the Waynflete School Overlay Zone that were not occupied by a residential use or structure on or after [the date of enactment of the Waynflete School Overlay Zone].



amount of parking required for any new building or building addition within the zone shall be determined by the planning board during site plan review, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide transportation management plan, and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the planning board may take into account such factors as:

- (a) The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.
- (b) Shared use of a single parking facility by two or more buildings when the peak parking demand periods for such buildings do not overlap.
- (c) Development and implementation of a parking management plan which discourages on-street parking.
- (d) Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

**Sec. 14-276.8. Loading.**

The requirements of section 14-351 shall not apply to buildings within the Waynflete School Overlay Zone. Instead, the amount of loading area required for any building within the zone shall be determined by the planning board during site plan review, based on a campus-wide analysis, treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. In determining the amount of loading space required for any building within the Waynflete School Overlay Zone, the planning board may take into account such factors as:

- (a) The use of centrally located on-campus loading facilities so situated that vehicles making deliveries can load and unload in the central facilities, provided no single location is overburdened with loading facilities.

- (b) If the existing house at 11 Fletcher Street is relocated to another location within the Waynflete School Overlay Zone or to another lot within 1,000 feet of the perimeter of the Waynflete School Overlay Zone, the lot from which the building is removed can be used for any of the school uses allowed under section 14-276.3(a).
- (c) At no time shall the number of dwelling units within the Waynflete School Overlay Zone plus dwelling units within any building relocated in accordance with subparagraph (b) above be reduced below four (the number existing at the time of enactment of this Overlay Zone).

**Sec. 14-276.6. Dimensional requirements.**

Buildings and structures in the Waynflete School Overlay Zone shall be subject to the applicable dimensional requirements of the underlying zoning districts, except as follows:

- (a) *Minimum yard dimensions* shall be the same as in the underlying zone, except that side and rear yards shall not be required between buildings on contiguous lots owned or occupied by Waynflete School on the condition that such contiguous lots shall be considered merged and shall not be separately conveyed unless required yard dimensions in the underlying zones are provided.
- (b) *Minimum street frontage* shall be the same as in the underlying zone, except that all the land within the Waynflete School Overlay Zone owned or occupied by Waynflete School shall be considered a single lot for the purpose of complying with minimum street frontage.
- (c) *Maximum coverage by buildings* shall be the same as in the underlying zone, except that in the Campus Core sub-district the maximum coverage by buildings shall be 40% and all the land within the Campus Core sub-district owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.

**Sec. 14-276.7. Parking.**

The parking requirements of section 14-332 shall not apply to buildings in the Waynflete School Overlay Zone. Instead, the



- (b) If the existing house at 11 Fletcher Street is relocated to another location within the Waynflete School Overlay Zone or to another lot within 1,000 feet of the perimeter of the Waynflete School Overlay Zone, the lot from which the building is removed can be used for any of the school uses allowed under section 14-276.3(a).
- (c) At no time shall the number of dwelling units within the Waynflete School Overlay Zone plus dwelling units within any building relocated in accordance with subparagraph (b) above be reduced below four (the number existing at the time of enactment of this Overlay Zone).

**Sec. 14-276.6. Dimensional requirements.**

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- (b) *Minimum street frontage* shall be the same as in the underlying zone, except that all the land within the Waynflete School Overlay Zone owned or occupied by Waynflete School shall be considered a single lot for the purpose of complying with minimum street frontage.
- (c) *Maximum coverage by buildings* shall be the same as in the underlying zone, except that in the Campus Core sub-district the maximum coverage by buildings shall be 40% and all the land within the Campus Core sub-district owned or occupied by Waynflete School shall be considered a single lot for the purpose of calculating maximum coverage by buildings.

**Sec. 14-276.7. Parking.**

The parking requirements of section 14-332 shall not apply to buildings in the Waynflete School Overlay Zone. Instead, the



16. Maintenance facilities;
17. Utility buildings;
18. Student health services;
19. Bookstores;
20. Other buildings, structures and uses customarily incidental to a private day school.

(b) *Residential Uses.*

1. Faculty or staff housing, which shall be considered a residential use, and not a school use, for all purposes under this Overlay Zone.

**Sec. 14-276.4. Prohibited uses.**

- (a) Boarding schools
- (b) Dormitories

**Sec. 14-276.5. Residential conversions limited.**

Residential conversions within the Waynflete School Overlay Zone are limited as follows:

- (a) Each of the following buildings can be used for the school uses identified in section 14-276.3(a) above, only if one or more dwelling units containing, in the aggregate, living space equal to at least 40% of the total living space in the building prior to the conversion to school use is retained within the building:

<i>Street Address</i>	<i>Assessor's Chart, Block and Lot Number</i>
11 Fletcher Street	61-F-9
3 Storer Street	61-G-4
305 Danforth Street	61-G-9
299 Danforth Street	61-G-17

As used in this section 14-276.5(a), the term living space means interior floor area exclusive of common hallways and storage in basements or attics.

**CHRONOLOGY OF WAYNFLETE CONDITIONAL USE AND SITE PLAN REVIEW APPLICATIONS**  
 (Note: Historic Preservation files were also checked but all minor) [UPDATED OCT 8, 2008]

**Note: Listed by property, then date order**

<i>Address</i>	<i>Proposal</i>	<i>Hearing Date</i>	<i>Decision</i>	<i>Conditions</i>	<i>Comments</i>	<i>PB Report # reviewed</i>
<b>Ruth Cook Hyde House</b>						
Vic. 340 Spring St; "Hyde House"	Conversion of first floor into school administrative offices	Oct 6, 1987	Approved subject to condition	That the duration of the conditional use permit be limited to 3 years	Related to temporary need resulting from fire at Storer House; a later report mentions that Board requested a Master Plan prior to considering other applications	#79-87
"Cook Hyde House"	Conditional use of the first floor of Cook Hyde House for administrative offices.	May 11, 1993	Approved	none		#16-93
"Ruth Cook Hyde House"	Conditional use request for RCH House to make permanent the conditional use of the first floor and authorizes the expansion of the conditional use to the second and third floors of the building	Feb. 25, 1997	Approved	"based on submitted application, campus master plan, and testimony provided at the meeting".	Updated Master Plan was requested at the Workshop; Waynflete submitted letter from Board of Trustees confirming that it has no plans at this time for further property acquisitions in the W. Promenade neighborhood	#7-97
<b>Morrill House</b>						
338 and 342 Spring Street	Cond use, SPR and HP for construction of a 3 story building addition which will connect the Cook Hyde and Morrill houses	June 22, 1999	Approved subject to conditions	that a sample mock up of the brickwork and final window detail be reviewed and approved by HP staff; tree to be planted in front of addition; re fixture of light fixtures.	Does not result in loss of Res. Use; makes more efficient use of existing facilities; issues largely to do with impact of the building on Spring Street	#24-99
<b>Library</b>						
64 Emery Street	Conditional use & SP approval for the library expansion project	May 11, 1993	Approved			#16-93

Address	Proposal	Hearing Date	Decision	Conditions	Comments	PB Report # reviewed
64 Emery Street; Building Addition	Conditional Use, Site Plan and Historic Preservation Review to construct 9064 sq ft building addition to 64 Emery Street	July 27, 1999	Approved subject to conditions	<p><i>That the rear property line of 305 Danforth Street be relocated to meet all required setbacks. A copy of the recorded deed shall be submitted to Planning staff.</i></p> <p><i>That the existing hedge along the southern edge of the Emery building property adjacent to Emery Street be preserved or replaced in kind.</i></p>	<p>Heading in report: "PROJECTS CONFORMANCE WITH CAMPUS MASTER PLAN"</p> <p>"In 1995, Waynflete completed a campus master plan based on projected programmatic and infrastructure needs. The campus master plan was undertaken at the urging of the Planning Board, which informed the school that no further conditional use requests, building or infrastructure projects would be considered until Waynflete addressed its campus needs in a comprehensive planning effort"</p>	#34-99
<b>Parking Lots and Access roadways</b>						
Loop Road Project; Thomas Ho. 360 Spring St	Cond Use & SPR for construction of loop road surrounding Thomas House (to address safety concerns for children getting on/off school buses)	July 8, 2003	Approved subject to conditions: <i>That prior to the commencement of site work, the applicant shall submit a plan for review and approval by the City Arborist for the planting of up to 4 additional street trees along the Spring Street frontage of the campus.</i>  <i>That prior to commencement of site work, the applicant shall submit lighting specifications for Planning staff review and approval.</i>  <i>That prior to commencement of site work, the applicant shall amend the plans and details as outlined in Mr. Lombardo's comments of 5/9/03 and as outlined in James Seymour's memo of June 16, 2003.</i>  <i>That the removable basketball hoop shall be installed no earlier than 7:30 am nor later than 5:30pm Monday through Friday and not during summer recess.</i>		<p>The last condition was added by the PB; Waynflete requested reconsideration of this condition and to substitute:</p> <p><i>That the removable basketball hoop shall be installed no earlier than 7:30 am nor later than 5:30pm Monday through Friday while school is in session, and during that portion of the summer in which summer program activities are conducted.</i></p>	#27-03 and #27A-03
<b>3 Storer Street (Pratt House)</b>						
3 Storer Street (Pratt House)	Rev. approved site plan & cond use (for arts center) to accommodate displaced uses: A. Allow temp. classroom & storage space in Pratt House; OR B. Allow a modular classroom and storage trailer	July 10, 2001			<p>"the Portland Planning Board voted 3-1 (Delogu opposed; Krichels, Hage and Rodriguez absent) on a motion to approve cond. Use/site plan for the temporary modular. Failing four votes the item was tabled to the next meeting (however, the applicant has subsequently withdrawn the application)."</p> <p>Tape is not audible for parts. Option A seemed 'unpalatable' to most of Board; Housing Committee policies mentioned re loss of housing.</p>	#18-01A

Address	Proposal	Hearing Date	Decision	Conditions	Comments	PB Report # reviewed
3 Storer Street (Pratt House)	Cond. Use and Site Plan Review of proposal for institutional use of the first floor	Sept 12, 2006	DECISION LETTER: On September 12, 2006 the Planning Board voted 5-0 (Odokara recused; Patterson absent) to table consideration of the above application. This motion resulted from votes on the two following motions: 1. The Portland Planning Board voted 2-3 (Odokara recused; Patterson absent) that the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is in conformance with the Conditional Use Standards of the Land Use Code. Potential Conditions of Approval: 1. The institutional use shall be limited to 1500 sq feet, predominantly on the first floor, and the remaining area must be maintained as a single viable residential unit with independent access; and 2. The institutional use shall be limited to between the hours of 7:30am and 10:00pm on weekdays only; 3. That the applicant shall not create any additional parking areas to serve the institutional uses at 3 Storer Street or adjacent to it (on the land between the property and the Head's house on Danforth Street); and 4. The access for the institutional use shall be limited to Storer Street with the exception of handicap access. 2. The Portland Planning Board voted 3-2 (Odokara recused; Patterson absent) that the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is denied.	1. The institutional use shall be limited to 1500 sq feet, predominantly on the first floor, and the remaining area must be maintained as a single viable residential unit with independent access; and 2. The institutional use shall be limited to between the hours of 7:30am and 10:00pm on weekdays only; 3. That the applicant shall not create any additional parking areas to serve the institutional uses at 3 Storer Street or adjacent to it (on the land between the property and the Head's house on Danforth Street); and 4. The access for the institutional use shall be limited to Storer Street with the exception of handicap access. 2. The Portland Planning Board voted 3-2 (Odokara recused; Patterson absent) that the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is denied. In order for the Portland Planning Board to take a final decision there must be four votes either for or against the motion. In respect of both of the motions the four votes were not achieved and therefore the item must be tabled. You are entitled to request a further Hearing to consider the proposal, which would be scheduled into the Planning Board agenda at a mutually convenient time.	1. The institutional use shall be limited to 1500 sq feet, predominantly on the first floor, and the remaining area must be maintained as a single viable residential unit with independent access; and 2. The institutional use shall be limited to between the hours of 7:30am and 10:00pm on weekdays only; 3. That the applicant shall not create any additional parking areas to serve the institutional uses at 3 Storer Street or adjacent to it (on the land between the property and the Head's house on Danforth Street); and 4. The access for the institutional use shall be limited to Storer Street with the exception of handicap access. 2. The Portland Planning Board voted 3-2 (Odokara recused; Patterson absent) that the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is denied. In order for the Portland Planning Board to take a final decision there must be four votes either for or against the motion. In respect of both of the motions the four votes were not achieved and therefore the item must be tabled. You are entitled to request a further Hearing to consider the proposal, which would be scheduled into the Planning Board agenda at a mutually convenient time.	#45-06
Arts Center (phased) Arts Center, Storer Street/Danforth St.	Cond Use, HP and SPR for Art Center addition of 23,000 sq ft (Phase 1: 3-story addition to Davies Bldg; 1 story addition to same bldg; 5 parking spaces); Phase 2: construction of auditorium, its attached 2-story addition and new 24 space parking lot. (17 parking spaces to be removed)	May 22, 2001	Approved subject to Site Plan conditions: The applicant will provide staff with catalog cuts for wall and pole mounted fixtures that are in compliance with the lighting standards. The applicant will coordinate and satisfactorily determine the function of the existing 8" pipes that will be impacted by the project. If they are determined to be pipes that carry combined flows of sewer and storm water, then the Public Works Dept. must be contacted and any possible removal or other remedial measures made to offset any new flows introduced into the system. The applicant and their contractor must contact the DRC during construction to inspect the trench drain and storm drain installation with specific emphasis on the gradation of materials. The Stormwater report contains specific statements regarding the required materials and evidence of material acceptance should be required during construction. The applicant will maintain all streets free and clear of mud and debris and shall be responsibility to sweep or clean the streets immediately upon notice from the Public Works or Planning Departments. The applicant, upon completing a realignment of the proposed parking lot requiring minimal tree removal, shall meet with staff and have staff approve the proposed changes. Tree protection methods for all trees must be demonstrated and no re-grading, site work or storage of materials should occur within the drip-line.	Approved subject to Site Plan conditions: The applicant will provide staff with catalog cuts for wall and pole mounted fixtures that are in compliance with the lighting standards. The applicant will coordinate and satisfactorily determine the function of the existing 8" pipes that will be impacted by the project. If they are determined to be pipes that carry combined flows of sewer and storm water, then the Public Works Dept. must be contacted and any possible removal or other remedial measures made to offset any new flows introduced into the system. The applicant and their contractor must contact the DRC during construction to inspect the trench drain and storm drain installation with specific emphasis on the gradation of materials. The Stormwater report contains specific statements regarding the required materials and evidence of material acceptance should be required during construction. The applicant will maintain all streets free and clear of mud and debris and shall be responsibility to sweep or clean the streets immediately upon notice from the Public Works or Planning Departments. The applicant, upon completing a realignment of the proposed parking lot requiring minimal tree removal, shall meet with staff and have staff approve the proposed changes. Tree protection methods for all trees must be demonstrated and no re-grading, site work or storage of materials should occur within the drip-line.	Approved subject to Site Plan conditions: The applicant will provide staff with catalog cuts for wall and pole mounted fixtures that are in compliance with the lighting standards. The applicant will coordinate and satisfactorily determine the function of the existing 8" pipes that will be impacted by the project. If they are determined to be pipes that carry combined flows of sewer and storm water, then the Public Works Dept. must be contacted and any possible removal or other remedial measures made to offset any new flows introduced into the system. The applicant and their contractor must contact the DRC during construction to inspect the trench drain and storm drain installation with specific emphasis on the gradation of materials. The Stormwater report contains specific statements regarding the required materials and evidence of material acceptance should be required during construction. The applicant will maintain all streets free and clear of mud and debris and shall be responsibility to sweep or clean the streets immediately upon notice from the Public Works or Planning Departments. The applicant, upon completing a realignment of the proposed parking lot requiring minimal tree removal, shall meet with staff and have staff approve the proposed changes. Tree protection methods for all trees must be demonstrated and no re-grading, site work or storage of materials should occur within the drip-line.	#18-01

<p>The existing crabtrees or comparable plantings will be transplanted or planted to screen the proposed parking area.</p> <p>Eight additional 5-6' high evergreens be planted within the remaining pine grove.</p> <p>If the Hemlock trees cannot be saved in the area between the proposed parking area and the building on Emery Street, additional trees will be planted at a ratio of 3:1 in the area to assist in the screening of the parking area.</p>			
<p>Arts Center, Storer Street/Danforth Street</p>	<p>Re-consideration of the Arts Center Phase II proposal; parking lot is 1.1 spaces.</p>	<p>August 14, 2008</p>	<p>#36-07</p> <p><u>Conditions as follows:</u> The Planning Board voted 5-1 (Beal oppose, Tevanian absent) that the proposed plans are in conformance with the Conditional Use Regulations of the Land Use Code, subject to the following condition: 1. The Planning Board finds the proposed conditional use for an expansion of institutional use does meet the standards of Section 14-474 and 14-88. <u>Waivers</u> The Planning Board voted unanimously (6-0, Tevanian absent) to waive Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 20 feet clear width at the building line on Storer Street as shown on the plan Attachment 3d. <u>Site Plan</u> The Planning Board voted unanimously (6-0, Tevanian absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval: 1. A construction mobilization plan must be submitted for review and approval by the City prior to the issuance of a building permit or any site work taking place on the project. 2. The revised site plan drawings shall show the required sidewalk and curbing, which shall be in compliance with City's Sidewalk Policy. 3. At the time of the next Waynflete project subject to Planning Board review, the parking lot to the south side of the facility may be required to be relocated based upon the conditions presented at that time. 4. The applicant may use the Arts Center for non-Waynflete events that are noncommercial and which shall not exceed six (6) events during the calendar year. 5. The applicant shall revise the plans in accordance with Dan Goyette's memorandum dated 08.08.2007. Mr. Goyette shall evaluate and determine that proposed development will not exacerbate the surcharging problems of the combined sewers. 6. Every measure recommended by the City Arborist shall be taken to save the existing Norway maple. If saving the tree is unsuccessful, then the applicant shall plant a 3" 'Autumn Blaze' Maple in the same vicinity along with additional 'Dwarf Korean' Lilacs, as found along the Danforth Street frontage, to continue around the corner of Storer and Danforth Streets. The bituminous 'Cape Cod' curbing shall then be replaced with granite curbing at the access to the parking lot. 7. The lighting pole fixtures shall have an upper lens shield to be in compliance with the City's lighting standards. 8. The effectiveness of the headlights shield post construction shall be assessed and if for not suitable then appropriate increases to screen the headlights will be taken. 9. With respect to the event parking, the applicant will provide a written parking management plan prior to issuance of Certificate of Occupancy and a performance report no less than 18 months to 2 years following Certificate of Occupancy to evaluate effectiveness of the parking management plan. Any identified deficiencies in parking will be rectified by an amendment to the parking management plan subject to approval by the Planning Authority. Prior to the Planning Authority approval, Waynflete shall provide a copy of the plan to the Western Promenade Neighborhood Association for input.</p>

**Master Plan (note: 3 Storer Street was purchased by Waynflete in 2000 and is not included in these Master Plans)**

Master Plan	Initial version submitted to Planning board Workshop	N/A	N/A	N/A	Large part of the Master Plan is about the control of parking; copy will be available at Hearing	Copies of all these are in PB Report #45-06
Master Plan July 11, 1995	Initial version submitted to Planning board Workshop	N/A	N/A	N/A	Large part of the Master Plan is about the control of parking; copy will be available at Hearing	Copies of all these are in PB Report #45-06
Master Plan Update April 13, 1999	Updated version	N/A	N/A	N/A		
Master Plan Update January 10, 2001					Includes 3 Storer for first time (acq in 2000) and describes it as "Exist. 2 story wood frame residence".	
Master Plan Update May 9, 2006	Updated and submitted in support of the 2006 application for cond use-institutional use of first floor	Sept 12, 2006	N/A	N/A	3 Storer referred to as "Administrative offices with residence", Fletcher St. property S. of gym annotated as "Property of interest" for first time.	



# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Kevin Beal, Chair  
Michael Patterson, Vice Chair  
Bill Hall  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

September 19, 2006

Mark W. Segar  
Head of School  
Waynflete School  
360 Spring Street  
Portland, ME. 04102

Scott Simons  
Scott Simons Architects  
75 York Street  
Portland, ME. 04101

Re: 3 Storer Street (Pratt House)  
Chart 61 Block G Lot 4  
Zoning Application # 922

Dear Mr. Segar and Mr. Simons:

On September 12, 2006 the Planning Board voted 5-0 (Odokara recused; Patterson absent) to table consideration of the above application. This motion resulted from votes on the two following motions:

1. The Portland Planning Board voted 2-3 (Odokara recused; Patterson absent) that the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is in conformance with the Conditional Use Standards of the Land Use Code.

Potential Conditions of Approval:

- i. *The institutional use shall be limited to 1500 sq feet, predominantly on the first floor, and the remaining area must be maintained as a single viable residential unit with independent access; and*
  - ii. *The institutional use shall be limited to between the hours of 7:30am and 10:00pm on weekdays only; and*
  - iii. *That the applicant shall not create any additional parking areas to serve the institutional uses at 3 Storer Street or adjacent to it (on the land between the property and the Head's house on Danforth Street); and*
  - iv. *The access for the institutional use shall be limited to Storer Street with the exception of handicap access.*
2. The Portland Planning Board voted 3-2 (Odokara recused; Patterson absent) that the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is denied.

In order for the Portland Planning Board to take a final decision there must be four votes either for or against the motion. In respect of both of the motions the four votes were not achieved and therefore the item must be tabled.

You are entitled to request a further Hearing to consider the proposal, which would be scheduled into the Planning Board agenda at a mutually convenient time.

If there are any questions, please contact Sarah Hopkins at 874-8720 or SH@portlandmaine.gov.

Sincerely,

Kevin Beal, Chair  
Portland Planning Board

Enclosure: Planning Board Report #45-06

cc: Lee Urban, Director of Economic Development  
Alexander Jaegerman, Planning Director  
Sarah Hopkins, Development Review Program Manager  
Jean Fraser, Planner  
Deborah Andrews, Historic Preservation Program Manager  
Marge Schmuckal, Zoning Administrator  
Penny Littell, Associate Corporation Counsel  
Jay Reynolds, Development Review Coordinator  
Greg Cass, Fire Prevention, Fire Department  
Inspections  
Assessor's Office  
Approval Letter File

**CONDITIONAL USE and SITE PLAN REVIEW  
INSTITUTIONAL USE OF FIRST FLOOR  
3 STORER STREET (PRATT RESIDENTIAL HOUSE)  
WAYNFLETE SCHOOL, APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

September 12, 2006

Submitted by:

Jean Fraser  
September 9, 2006

## I. INTRODUCTION

The Waynflete School has requested conditional use approval for the change in use of the first floor of the single family dwelling at 3 Storer Street. The proposed use is for administrative/admissions offices and related seminar/meeting rooms; these constitute a conditional institutional use within the R-4 residential zone. A ramp for handicap access to the first floor is also proposed.

Early submissions (Attachments 1 and 3) indicate that the residential component will remain as an apartment and occupy about half of the total floor space ie 1500-1600 square feet floorspace for each of the two uses. However, since the application was lodged, the applicant has revised the request to relate to "an application for a conditional use permit to allow a portion of the building located at 3 Storer Street to function as administrative offices". This "portion" has not been defined or confirmed.

The proposed institutional use and associated works will be reviewed by the Planning Board as a Conditional Use in the R-4 zone for conformance with the Land Use Code Section 14-103 (R-4 Conditional Uses), 14-474 (Conditional Uses) and 14-483 (Preservation and Replacement of Housing Units), and also will be reviewed in relation to Site Plan requirements (14-526 (Site Plan).

The ramp proposal will require Historic Preservation Review as the property is within the bounds of the Western Promenade Historic District.

The applicant has submitted a letter dated 8.28.2006 (Attachment 10) and plans (Attachments 16 and 17) that address the following Board requests made at the Workshop on June 13, 2006:

1. Plan delineating the permitted use of all spaces shown on the Master Plan including the area between 3 Storer St. and the Headmaster's House;
2. Plan identifying the neighborhood uses on the opposite side of Danforth Street showing what kinds of uses are there eg single family home, commercial etc.;
3. Details of what constitutes administrative/admissions use and the intensity of that use, including what is meant by "occasional use at other times" ie outside the times mentioned in the submissions;
4. What will Waynflete School actively do to prevent the "creep" of institutional use into the remainder of 3 Storer Street if part is allowed for institutional use.

In addition staff were requested to provide information on the Waynflete proposals to document (if possible) the issues that prompted the original request for a *Master Plan* in the early 1990's and clarify the nature of previous Planning Board concerns about "institutional creep". This research has been limited by the absence of written minutes of meetings, but is summarized in Attachment 6 and discussed in the report.

### Master Plan

The proposal was accompanied by the submission of an updated *Master Plan Update* dated may, 2006 (Attachment 15) which was explained at the Planning Board Workshop on June 13, 2006. Waynflete School has informally updated the Planning Board every two to three years on the Schools *Master Plan* which was originally prepared in 1994; it is not the subject of a formal Planning Board review.

Since the Summary in Attachment 6 was prepared, the *Master Plans* presented to Planning Boards in 1995, 1999 and 2001 have been located and all three are included in Attachment 18. In the 1995 and 1999

plans 3 Storer Street is excluded from the campus and not annotated as the property was not in Waynflete ownership at that time. File notes and letters also suggest that the *Master Plan* discussions were dominated by concerns about the impact of parking on the neighborhood.

The 2001 Master Plan shows 3 Storer Street in tone (ie one of the Waynflete properties; it is understood to have been acquired in 2000) and annotated: "EXIST. 2 STORY WOOD FRAME RESIDENCE". The updated Master Plan (2006, in [Attachment 15](#)) annotates 3 Storer Street as "ADMINISTRATIVE OFFICES WITH RESIDENCE" and provides more detail of intended future renovations for other existing institutional buildings.

### Proposal Site

Pratt House at 3 Storer Street is a single family dwelling at the northeast corner of Storer Street and Danforth Street (see plan extract in [Attachment 14](#)). It was built as a single family house by the John Calvin Stevens firm in 1913 as a suburban scale Dutch Colonial with gambrel roof and a number of unique elements of design. The house is small scale totaling approximately 3,135 square feet, with the first floor footprint about 1695 square feet.

It is located on a prominent corner and considered to make a contribution to the Western Promenade Historic District. Historic Preservation Approval was given in August, 2005 for a roof replacement (which has not yet been implemented) and Historic Preservation is in discussion with the applicant regarding the ramp ([Attachment 12](#)).

The property is and has been in single family residential use. It was sold by the Pratts to Waynflete in 2000 and is currently occupied by a faculty member.

## II. PUBLIC OUTREACH AND COMMENT

Notices of the Hearing were sent to 243 addresses, including property owners within 500 feet and interested citizens. The Board was previously informed of the objection of Jocelyn Pollard of 320 Danforth Street (facing 3 Storer Street) who had telephoned to object to the gradual conversion of this building to institutional use. Two members of the public also spoke at the Workshop: Sonia Robertson (of 336 Danforth Street) expressing support for the schools proposal; and Mara Ubans ( Thomas Street) expressing concern that this residential property will be "nibbled away" as other residential properties have been in the past, and asking why this space can not be found within new floorspace.

A Neighborhood Meeting was arranged for July 18, 2006 ([Attachment 9](#)) and attended by three people; due to a mix-up over the labels the noticing was less than 7 days so Waynflete organized another Neighborhood Meeting on September 5, 2006. This meeting was attended by six people, though none of the attendees were from Danforth Street; the details are included in [Attachment 11](#).

Since the Workshop a five written representations have been received in the Planning Department and all are included in [Attachment 8](#); in summary they are:

- a. An e-mail from Mara Ubans confirming the points made at the Planning Board Workshop
- b. Three letters from private residents at 350 (Elizabeth Dilworth), 361 Danforth Street (Nancy Prince), and Susan C. Wroth, (19 Thomas Street) objecting to the intrusion of the institutional use into a historic and residential area and suggesting other ways for Waynflete to address their need for more office space
- c. A letter from the Chair of the Institutional Impact Committee of the Western Promenade Neighborhood Association (Elizabeth W. Begin) suggesting there is a better solution to Waynflete's expansion needs than converting adjoining homes; attached is their letter of July 10, 2001 which

relates to the earlier proposal for temporary use of this property for temporary classrooms and sets out their concerns at establishing a precedent for residential properties to be acquired/used for school use.

### III. STAFF REVIEW

The proposal has been reviewed by the Planning Department for compliance with the R-4 Residential Zone / Conditional Use Standards, Preservation and Replacement of Housing Ordinance, and Site Plan Ordinance of the Land Use Code.

### IV. CONDITIONAL USE REVIEW

#### Sec. 14-103 (2)(a) (R-4 Conditional Uses)

*In the case of expansion of existing such uses [onto] land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or building, and will not cause significant physical encroachment into established residential areas.*

The property is located on a lot other than the location of the principal use and the applicant was requested (letter of 5.1.06 in Attachment 2) to demonstrate why this relatively small area of institutional use could not be accommodated within existing institutional buildings.

The original application (Attachment 1) stated that the first floor uses would comprise meeting and seminar rooms, but the proposed use has been updated to include administrative / admissions offices for 4-7 staff with occasional meetings (letter from Scott Simons of 5.30.06 in Attachment 3 and e-mail of 6.7.06 in Attachment 5. Since the Workshop the applicant has submitted a further explanation (letter of 8.28.2006 in Attachment 11) which further updates the proposal to refer a portion of the building to be used for administrative offices, which could be Head of School, Admissions Office, Development Office or Business Office.

The submitted letter outlines why the proposed use(s) can not be reasonably accommodated within existing school buildings that are in institutional use because the Schools' administrative staff are currently overcrowded and that there are no immediately available spaces left within the existing school properties.

The case for a permanent conditional use permit to allow institutional use for a portion of this single family house to meet a short term and small scale (1500-1600 sq ft) need has not been demonstrated because all of the options for meeting this need have not been explored. It seems possible that future developments identified in the *Master Plan* could address the need more permanently in the medium term, and rental of nearby office space is an option to meet the immediate need.

Regarding an assessment of whether the use of this residential property for institutional use constitutes "an encroachment into established residential areas", the submitted *Master Plan Update* (Attachment 15) illustrates that the property at 3 Storer Street is within the broad envelope of the Waynflete Campus and abuts institutional uses on 2 sides, but falls within a residential frontage (between Storer Street and Emery Street) that faces onto the residential frontage of Danforth Street.

The applicant has submitted Attachment 16 showing the extent of the legally permitted institutional use which comprises the Waynflete campus, along with Attachment 17 which illustrates the distribution of residential uses in the Waynflete neighborhood, although not specifying whether single family dwellings. It is clear that the block between Storer Street and Emery Street (on the side of Danforth Street adjacent to Waynflete School) is predominantly residential and provides a residential "buffer" between the School and the solidly residential block on the opposite side of Danforth Street. By increasing the extent of institutional use along this frontage, the proposal does encroach on the established residential area.

The encroachment into the residential frontage onto Danforth Street may be reinforced by the numbers and

timing of staff and visitors and where they choose to park. The letter from Waynflete of 8.28.2006 gives an indication of the likely intensity of the institutional use, though the applicant is not bound by this letter and could use the property for any school-related use (including classrooms) without further approvals.

The issue of institutional encroachment was a major point of discussion when the applicant sought approval (July 2001, in connection with the Arts Center proposal- see Attachment 6) for temporary use of the Pratt House at 3 Storer Street. At that time the proposal was for the first floor to be used for individual and group music classes and other performing groups with the upper floor, basement and garage used for storage. This proposal was one of two options (the other being a modular classroom and storage trailer) and the Board implicitly rejected the Pratt House option (see minute of the July 10, 2001 Hearing in Attachment 6). The tapes of the meeting indicate that many Board members considered the proposal “unpalatable” and did not support further loss of residential space, referring to City Housing policies and scope for finding this small amount of space in other Waynflete buildings.

Waynflete presented its first *Master Plan* to the Planning Board in 1995 (the plan is included in Attachment 18; the text will be available at the Hearing) following a request by the Planning Board that was believed to have been triggered by the application to convert the first floor of Ruth Cook Hyde House to offices (1987/1993).

It has not been possible to verify the precise comments of the Planning Board at the time the Master Plan was presented and there is no documentation except what was written in subsequent reports (eg #34-99 for 64 Emery Street – see Attachment 6). Staff present at the 1995 Planning Board meeting recall that the Board took a strong position that Waynflete should develop within the confines of its present campus and avoid further encroachment in the neighborhood. Since that time, Waynflete purchased two more residential structures in the neighborhood. In 1999, they acquired 305 Danforth Street, which is used as the headmaster’s residence. In 2000, they purchased the subject property and indicated in the 2001 *Master Plan* that it would be residential (see para re **Master Plan** above and Attachment 18).

*The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter.*

The proposal results in the conversion of approximately half of the residential floorspace of this single family property but retains residential use in the property, albeit at a smaller scale. Clearly there is a loss of residential floorspace and of a single family home, but not a loss of a residential unit.

The precise division of the building as between institutional and residential has not been confirmed by the applicant, so it is not possible to confirm the scale or type of residential use that would remain although it appears it will be a 2-story apartment. In response to the concerns raised over how the School would avoid the institutional use creeping into the remainder of the building, the applicants have stated (third page of Attachment 10) that they are seeking a conditional use permit to use a portion of the building for administrative use and would seek approval for any further use. For this argument to apply, any approval would need to define or limit the “portion” of the building converted to institutional use and a suggested condition is included.

*In the case of a use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.*

This requirement does not apply where the expansion of the institutional use is into an abutting lot.



Sec. 14-474 (Conditional Uses generally)

*There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

The proposed use, understood to be administrative/admissions offices for up to seven staff, is unlikely to have any unique or distinctive characteristics, while the use of meeting rooms for seminar rooms could be characterized by groups of 10-20 people arriving and leaving the property.

*There will be an adverse impact up on health, safety or welfare of the public or surrounding are.*

The arrival/departure of groups of people from this property on a regular basis could be considered inappropriate on Danforth Street where the remainder of the properties are in residential use and face the side of 3 Storer Street and its side access and driveway.

Restricting the institutional access to the Storer Street façade and the residential access to the Danforth Street façade would minimize any disturbance for Danforth Street neighbors. However, the proposed external ramped access is located where it would be accessed from Danforth Street and presumably may require additional parking on Danforth Street for those using the handicap access.

While Waynflete suggest that students would only rarely use the property, once approval for institutional use is given the property could be used by students in the future and this would potentially increase the level of disturbance for nearby residents.

The suggested hours of the institutional use are between 7:30am/8:00am and 4:30pm/5:00pm and occasionally at other times. The applicant has submitted some additional information as to the meaning of "occasional use at other times" in the 8.28.2006 letter ([Attachment 10](#)) though these also could change in the future unless conditions are included in any approval (a suggested condition is included if approval is determined).

*Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

The impact of this proposal on this property differs substantially from the impact that would occur from the institutional use if it were proposed for a commercial or other non-residential property, in that it permanently removes a single family home from the area and replaces it with a mixture of residential and institutional uses. The proposal would have less impact if it were located within an office or retail property within the R-4 zone, where it would be more in keeping with the existing character of the property (eg in terms of the number of people /cars coming/going to the property) and not result in the loss of a single family home.

Sec. 14-483 (Preservation and Replacement of Housing Units)

The City through its Housing Committee has long been concerned at the loss of residential units to other uses or to demolition and this City Ordinance was has been enacted to limit the net loss of housing units. There has been some questions from residents as to whether this Section applies to the application under consideration.

As the proposal relates to a single residential unit, retains a residential unit within the building, and is the

subject of a Conditional Use and Site Plan application, staff consider that the Ordinance would not apply. Section 14-483 is included in its entirety in Attachment 7 for information.

## V. COMPREHENSIVE PLAN POLICIES

There are two explicit references in Portland's Comprehensive Plan that apply to the proposal:

1. An adopted Comprehensive Plan Goal includes under State (of Maine) Goal D: *"To encourage and promote affordable, decent housing opportunities for all Maine citizens"*; the related adopted goals are set out in five Portland documents. One of the adopted Portland goals is *"For both new development and expansion of existing institutions, the displacement or conversion of existing dwellings should be avoided, and that an institutional development proposal that causes significant residential displacement should be cause for denial of conditional use approval"* (under "V. Regulation of Institutional Uses in Residential Zones-1983", p. 48 of "Portland's Comprehensive Plan, Compilation of Adopted Documents, Goals and Policies, November 2002, Updated 2005 Volume 1").
2. An adopted Housing Policy under "Portland's Future: Building on Neighborhood Stability and Integrity" is Policy #3: *Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity*". The Objectives of Policy #3 include Objective 3.a: *"While accommodating needed services and facilities, protect the stability of Portland residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental and other non-residential uses"*.

In turn this Objective has 4 "actions", of which the second is: Action 3.a.2: *"Evaluate and update, as needed, the current residential zoning to discourage the demolition or conversion of residential properties for non-residential uses"* (from "Housing: Sustaining Portland's Future, Housing Component of the Comprehensive Plan, Current Conditions and Housing Policies, p. 43, adopted November 18, 2002.)

## VI. SITE PLAN REVIEW

### 1. Traffic and Parking

The property has two pedestrian access points with the main access off Storer Street and a secondary access off Danforth Street. The existing driveway is off of Danforth Street. The proposal does not include the creation of a parking lot (as some of the neighbors suggested) as the administrative/admissions staff would use parking lots on campus, as confirmed in Attachment 3, para 5).

It is possible that prospective students/parents may park on Danforth Street as they may not be aware of the School parking lots elsewhere. Depending on the design and path leading to the handicap access, some additional parking may be generated on Danforth Street.

Some local residents expressed concern re the possible creation of parking areas in connection with this proposal, and if the Board moves to approve the proposal then a possible condition could be to require that no additional parking space be introduced on the property or adjacent to it (on the land between the property and the Head's house) on Danforth Street.

### 2. Bulk, Location, Height of Building

The Steven's firm constructed the existing residential building, located on the northeast corner of Danforth and Storer Streets, in 1913. It is a gambrel roofed, suburban-scale Dutch Colonial exhibiting high elements of design, indicative of its period, but also unique. The home is considered a contributing structure to the Western Promenade Historic District and is widely visible being at the corner of Storer and Danforth

streets.

Approval was given in August, 2005 by the Historic Preservation Board for replacement of the roofing material.

The only exterior works comprise the construction of a ramp structure for handicap access which will be located on the east elevation (elevation facing the garage) of the property to access one of the doors to the property. The applicant's architect met with the Historic Preservation Program Manager on September 5, 2006 and Memorandum from the Historic Preservation Office (9.7.2006, in Attachment 12) confirms that the proposed ramp would be on a widely visible elevation and therefore there are Historic Preservation concerns over the ramp design.

Following that meeting, detailed ramp proposals were submitted on 9.7.2006 and are included in Attachment 19; these plans have not been submitted to or reviewed by Historic Preservation and the impact of the works/railing on the exterior of this John Calvin Stevens house will be considered by the Historic Preservation Board in due course.

### 3. Utilities/Easements/Solid Wastes

It is the intent of the applicant to utilize the existing utilities serving the Pratt House to accommodate the new use. It is not known whether they will have capacity, particularly in view of the uncertainty over the likely use. A potential condition of approval could include one which makes the conditional use permit conditional on adequate utilities being in place.

### 4. Landscaping / Landscaping and Existing Vegetation

The property is landscaped as appropriate to a residential property and has been maintained. A suggested condition of approval has been included that requires the applicant to maintain the property in a groomed fashion and avoid exterior storage.

### 5. Drainage / Sewers, Stormdrains, Water

There is a question over whether the existing utilities (eg plumbing) can accommodate the single family unit, the administrative/admissions staff (up to seven people) and the use as a meeting space. Otherwise the proposal does not appear to overburden public facilities and utilities.

### 6. Lighting

If the applicant proposes to alter the existing lighting fixtures, or add new fixtures, both pole and wall mounted, they must meet the City of Portland's Lighting Standards and may require Historic Preservation review.

### 7. Fire Safety

The proposed use would be reviewed by the Fire Department at the Building Permit stage, and a potential condition could be "*The conversion plan shall be approved by the Fire Department prior to the proposed conversion of the Pratt House at 3 Storer Street.*"

## VII. RECOMMENDATION

Staff have considered the proposals in relation to the City Ordinances and recommend **denial** on the following grounds;

- a. That a case has not been made as to the need for this property to be brought into partial institutional use rather than finding the small area of space needed within the existing campus or renting more suitable space until a permanent solution can be implemented; and
- b. That the proposal represents an encroachment into the existing neighborhood; and
- c. That the proposal unnecessarily results in the loss of a domestic scale single family dwelling which, unlike some of the other properties now occupied by Waynflete, is not particularly suitable for institutional use; and
- d. That its approval would set a precedent that would adversely affect other neighborhoods abutting institutional uses.

## VIII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #45-06 relevant to standards for site plan and conditional use review, the Board finds:

- i. That the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is/is not in conformance with the Conditional Use Standards of the Land Use Code.

Potential Conditions of Approval:

1. *The institutional use shall be limited to 1500 sq feet, predominantly on the first floor, and the remaining area must be maintained as a single viable residential unit with independent access; and*
2. *The institutional use shall be limited to between the hours of 7:30am and 10:00pm on weekdays only; and*
3. *That the applicant shall not create any additional parking areas to serve the institutional uses at 3 Storer Street or adjacent to it (on the land between the property and the Head's house on Danforth Street); and*
4. *The access for the institutional use shall be limited to Storer Street with the exception of handicap access.*

- ii. That the proposal to use the first floor/portion of Pratt House at 3 Storer Street for institutional use is/is not in conformance with the Site Plan Standards of the Land Use Code.

Potential Conditions of Approval:

1. *That the applicant shall obtain Historic Preservation approval for the ramped access prior to submission for a building permit for the ramped access; and*

2. *That the applicant shall undertake improvement works as necessary and maintain the yard and plantings in a groomed fashion, and refrain from utilizing the grounds for any exterior storage; and*
3. *That the applicant shall not make any internal or external modifications to the Pratt House that alter, in any way, its residential character; and*
4. *That the applicant shall arrange inspection of the existing residential utilities by the City's Inspector to determine adequacy for the proposed use. If the inspector finds that any system is inadequate, the required upgrades shall be in place before the issuance of a Certificate of Occupancy; and*
5. *That the applicant shall submit any proposals for external lighting, whether free standing or attached to the building, to the Planning Authority for review and approval; and*
6. *The conversion plan shall be approved by the Fire Department prior to the proposed conversion of the Pratt House at 3 Storer Street.*

Attachments:

A. As submitted at the Planning Board Workshop on June 13, 2006

1. Conditional Use Application dated March 14, 2006, including:
  - a. Right, Title and Interest documents
  - b. Cover memo from Scott Simons (Scott Simons Architects) of March 1, 2006
2. Jean Fraser, City letter dated May 1, 2006
3. Scott Simons letter dated May 30, 2006
4. Jean Fraser fax of June 5, 2006
5. Scott Simons e-mail of June 7, 2006 as supplemented by Anne Hagstrom of Waynflete School

B. As submitted since the Planning Board Workshop

6. Summary of Planning Board and Historic Preservation approvals 1987 to date (created by City staff)
7. City Ordinance 14-483 Preservation and Replacement of Housing Units
8. Letters and e-mails from neighbors
  - a. Letter from the Western Promenade Neighborhood Association of July 14, 2006, with letter of July 10, 2001 attached
  - b. Nancy Prince, 361 Danforth Street
  - c. Elizabeth Dilworth, 350 Danforth Street
  - d. Mara Ubans, 1 Thomas Street
  - e. Susan C. Wroth, 19 Thomas Street
9. Neighborhood Meeting Certification for Neighborhood Meeting held July 18, 2006
10. Waynflete School letter (from Mark W. Segar, Head of School) dated August 28, 2006
11. Neighborhood Meeting Certification for Neighborhood Meeting held September 5, 2006
12. City Historic Preservation Office, Memorandum dated September 7, 2006 (re ramp)
13. Boundary Survey (previously included in P B Memo for June 13, 2006)
14. Extract from untitled plan submitted with application (previously included in PB Memo for June 13, 2006)
15. Waynflete School *Master Plan Update* (dated May 09, 2006 and previously included in Planning Board Memo for June 13, 2006)

16. Waynflete School Zoning Boundaries (from applicants)
17. Non-Residential Uses in Waynflete Neighborhood (from applicants)
18. Previous Master Plans: 1995, 1999 and 2001
19. Ramp design and photographs

Email from Councilor David Marshall, 4/23/09

Here is my proposal:

- A change to the R-4 and R-6 Zones to prohibit the conversion of residential use to institutional use.
- Create a Waynflete School Overlay Zone that allows the School to potentially purchase or rent two existing institutional properties: Williston West Church and the St. Louis Church.
- Two additional adjacent residential structures will be included in the Overlay Zone and could be purchased by Waynflete without conversion to institutional use and with the potential of adding structures for institutional use.
- Existing residential structures owned by Waynflete will not be converted to institutional use and will also have the potential of adding institutional structures to the property, including a new structure between the Pratt House and Headmaster's House.



Proposed Overlay Zone Comparison – 9/22/09  
**Key differences in bold face**

WPNA

Wavynflete

Campus	Existing campus plus 11 Fletcher and 299 Danforth ( <b>two more homes</b> ).	Existing campus plus potential acquisition of 25-27 Storer and 10-12 Grayhurst ( <b>five more homes plus two back yards</b> )
	New buildings, building additions allowed <b>3 Storer 100% residential.</b>	New buildings, building additions allowed <b>3 Storer from single-family to mixed use.</b>
Residential Con-versions Limited	No school use of 11 Fletcher, 3 Storer, 305 Danforth, and 299 Danforth.	<b>Can convert to institutional use all or part of 25 Storer, 10 and 12 Grayhurst, if apartments of at least 40% of displaced sq. ft. are created within Core Campus. Can convert 3 Storer to institutional use if at least one apartment is created within the structure.</b>
	<b>No other residential purchases allowed</b>	<b>Single-family owner-occupied units replaced by smaller rental units</b>
	<b>Residential properties outside of zone cannot be converted to school use.</b>	
	<b>No loss of single-family sq. footage</b>	<b>Net Loss of 7,120 of single-family sq. footage</b>
Permitted Uses	Same as existing zoning	Same, except add: utility buildings, transportation facilities, and faculty and staff housing

**Prohibited Uses**  
Student housing or dormitories  
Retail or commercial uses not incidental to permitted uses

None specified

**Maximum Height**

**35 feet, throughout zone**  
**50 feet in Core Campus Subdistrict, set back at least 50 feet from street**

**Lot Coverage**

40%  
Same as underlying zone, except 40% in Campus Core

**ImperVIOUS Surface Ratio**

None specified  
50% in Campus Core (removed from submission - why?)

**Parking**  
Determined by Planning Board, taking into Account: Waynflete efforts to reduce traffic to the campus; reduce parking demand, use of satellite lots and shuttle service, annual City review of the success of Waynflete's comprehensive traffic and parking management plan

Determined by Planning Board, taking into account: centrally-located on-campus parking, development and implementation of a parking management plan, development and implementation of initiatives to reduce traffic to the campus.

**On-street parking shall not be used to satisfy School parking demand**

- Impacts**
- No flat roofs** within 50 feet of a street boundary
  - Interior and exterior lighting fixtures compatible with surrounding neighborhood
  - No uniform paint color for all buildings
  - Certain design standards specified (materials, building scale, etc.)
  - Construction/maintenance noise limitations**

None

## Potential Waynflete Expanded Boundary

### Currently Owned Residential:

	<u>Square Feet</u>	<u>Assessed Value</u>
3 Storer Street (Pratt House)	2,796 sq.ft.	\$496,500
305 Danforth Street (Headmaster's)	<u>3,367</u>	<u>578,900</u>
<b>TOTAL CURRENTLY HELD</b>	<b>6,163</b>	<b>\$1,075,400</b>

### Potential Acquisitions:

11 Fletcher Street (Webber)	2,430	\$520,200
27 Storer Street (Engholm)	4,131	525,400
25 Storer Street (MacVane)	3,367	530,800
10 Grayhurst Street (Skwire)	2,832	441,800
12 Grayhurst Street (Welch/Gutheil)	2,684	443,000
72 Emery Street (residential rear yard)	not known	not known
320 Spring Street (residential rear yard)	<u>not known</u>	<u>not known</u>

**TOTAL POTENTIAL ACQUISITIONS ~ 15,444 SQ FT ~ \$2,461,200**

### Future Potential Use:

3 Storer Street	2,796	60% Institutional
305 Danforth Street	3,367	Multifamily
11 Fletcher Street	2,430	Multifamily
27 Storer Street	4,131	Multifamily
25 Storer Street	3,367	100% Institutional
10 Grayhurst Street	2,832	60% up to 100% institutional
12 Grayhurst Street	2,684	60% up to 100% institutional
72 Emery Street rear yard	N/A	100% institutional
320 Spring Street rear yard	N/A	100% institutional

## WPNA Alternative Overlay Zone Expanded Boundary

### Currently School Owned Residential

	<u>Square Feet</u>	<u>Assessed Value</u>
3 Storer Street (Pratt House)	2,796	\$496,500
305 Danforth Street (Headmaster's)	3,367	578,900
Total	6,163	\$1,075,400

### Potential School Acquisitions Under WPNA Plan

11 Fletcher Street	2,430	\$520,200
299 Danforth Street	2,160	\$337,600 *

\*(Sold in March, 2009 for \$510,000)

### Potential for Conversion to Non Residential use – WPNA Plan

3 Storer Street	0% would remain single family
305 Danforth Street	0% would remain single family
11 Fletcher Street	0% would remain single family
299 Danforth Street	0% would remain single family

### New Residential Replacement Housing Required

None

The integrating of the residential properties with the existing campus would allow more flexibility for construction with out concern for current setback requirements. Additions connected to the rear of the residences would be allowed as long as the homes and garages remained under single family use.

This plan would substantially increase a construction envelope while maintain current housing permitted in the zone.

There would be no loss of housing stock, no loss of reduction in real estate taxes and no need to build apartments.

## Proposed Waynflete School Overlay Zone - City Policy Issues

### 1) The primary purpose of residential zoning is to protect and enhance residential uses

--Each residential zone focuses on its density and mix of housing in that particular zone.

--The stated Purpose of the R-4 Zone is "to preserve the **unique character** of the Western Promenade area of the city by **controlling residential conversions** and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities."

--The Western Prom neighborhood is listed on the National Register of Historic Places and is also a Local Historic District, comprised predominately of large, brick, single-family owner-occupied homes. That is the essential character of the neighborhood.

--The R-4 zoning structure recognizes this unique character by limiting, based on lot size per unit, the ability of owners to convert their properties to multiples units, including condos or apartments.

**Policy Question:** Why should Waynflete School, a conditional use in a unique residential zone, be allowed to acquire large owner-occupied, single-family homes and, acting essentially as a real estate developer, potentially convert them into smaller rental units, when owner-occupants cannot do so under current zoning?

**Policy Question:** Does the city's housing policy really intend to promote conversion of single-family owner-occupied housing vs. encouraging affordable infill new construction? If the conversion to apartments changes the "**unique character**" of the Western Prom neighborhood, isn't that inconsistent with the intent of the City's housing policy (Policy #1: Rental and Accessory Units)?

### 2) The zoning ordinance requires conditional uses to demonstrate why expansion cannot be met "through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas".

--A plan dated July 1 and left with City staff (see attached) indicates that Waynflete can meet **all but 3,600 sq. ft.** of its **self-declared needs** without acquiring the properties at 25-27 Storer Street and 10-12 Greyhurst Street, which total 13,014 sq. ft. This 3,600 sq. ft. is 7% of its identified interior space needs. Surely, this modest amount of space can be found elsewhere on the existing campus, without removing single-family homes from the neighborhood mix.

--Indeed, at the very last CCC meeting, at which, unaccountably, no minutes were taken except by some participants, WPNA suggested that two frame properties, 11 Fletcher Street and 3 Storer Street, be relocated to provide better development sites for well-designed program- and cost-efficient new buildings, rather than acquire expensive (\$1.94 million total assessed value) single-family structures for potential school use.

--Waynflete's architect himself constructively suggested that moving 3 Storer Street to the corner of Danforth and Fletcher would square off that street line and maintain 3 Storer Street's elevated position from the street level.

--This creative relocation would allow compatible new construction along Danforth Street, with more expansion to the rear on the site of the old Storer Mansion, without the need to acquire the four Storer and Grayhurst single-family properties.

--Waynflete owns 40 underutilized acres on the Fore River, which it prefers not to use for other than athletic facilities.

--Interestingly, the recently-renovated former Sweetser building on lower Danforth Street, with 5,535 sq. ft and 32 parking spaces, is currently on the market at only \$675,000. Only 3/10 of a mile from the campus, it would appear that this is the perfect solution to some of Waynflete's needs, including storage: see attached listing.

**Policy Question:** Should a conditional use's self-declared "needs" be allowed override the City's underlying public policy structure?

**Policy Questions:** How does the City evaluate the reasonableness of such self-identified needs? What if Waynflete had proposed a need of 200,000 square feet? Should the City override its underlying policy to seek to accommodate those needs, without challenge?

**Policy Question:** Shouldn't the issue of "significant physical encroachment into established residential areas" be evaluated on a cumulative basis rather than allowing "institutional creep" that cumulatively amounts to significant physical encroachment?

**Policy Question:** When an applicant owns significant other real estate (in Waynflete's case, 40 acres on the Fore River), but chooses not to utilize it for expansion purposes, is the City bound by that unilateral decision?

**Policy Question** Should the School's "present together" concept trump neighborhood integrity, especially when other convenient non-residential properties are available?

3) **There should be limitations on the expansion potential of conditional uses in established residential areas, due to the demonstrated cumulative impacts of such uses, especially traffic and parking, which are acknowledged in the City's conditional use standards.**

-- Project-by-project review of expansion does not take into account the "carrying capacity" of a residential neighborhood to accept the growing impact of such expansion. Waynflete has significantly expanded both its campus footprint and student body in the last forty years, creating significant impacts on the surrounding neighborhoods.

-- Waynflete's stated current goal is to "aim for" an average enrollment of 552 students, but this "goal" is not binding. It can be increased at any time by subsequent Boards of the School. Only City control of expansion, through a set boundary, lot coverage ratios, etc., can limit the future impact on neighbors.

-- Waynflete's "Guiding Assumptions and Principles" clearly state that the size of each of the School's three divisions is "subject to demographic and market conditions". Projected declining school enrollment could, as is the case with an increasing number of other Maine schools, lead to solicitation of foreign boarding students, who provide a rich revenue source in the face of declining domestic enrollments. Waynflete has repeatedly denied any interest in boarding students, but again, future Boards can override this "promise", just as many prior promises have been broken in the past.

-- Waynflete currently has approximately 565 students (April 2009 information provided by Waynflete) and 161 faculty and staff (now represented as 130 faculty and staff - why the decline?). Per the 2008 Transportation Demand Management Plan, 650 people come to and from the campus daily. The number traveling by car is not known, but at a conservative 75%, that equates to 489 cars traveling on neighborhood streets twice a day, with 128 seeking parking. This is a **major impact** on the neighborhood and could grow if the school population were to grow beyond the current stated goal. See attached winter view of Waynflete parking on Vaughan Street, which is narrows dramatically due to snow banks, and is a concern to many residents.

--Waynflete's emphasis on the need for "flexibility", made in the context of a long history of "broken promises", causes concern for the neighborhood, especially among many long-term immediate neighbors.

**Policy Question:** How can the City effectively limit the potential future growth of conditional uses in residential neighborhoods?

4) **In recent years, the City has established a clear pattern of limiting "institutional creep" into residential areas by contract and overlay zones (MMC and USM).**

--In the case of MMC, the then-existing campus (which had also grown, just like Waynflete, on a project-by-project basis without evaluation of cumulative impacts) was reduced, with the requirement that previously-purchased residential structures be divested by MMC, according to a stated schedule.

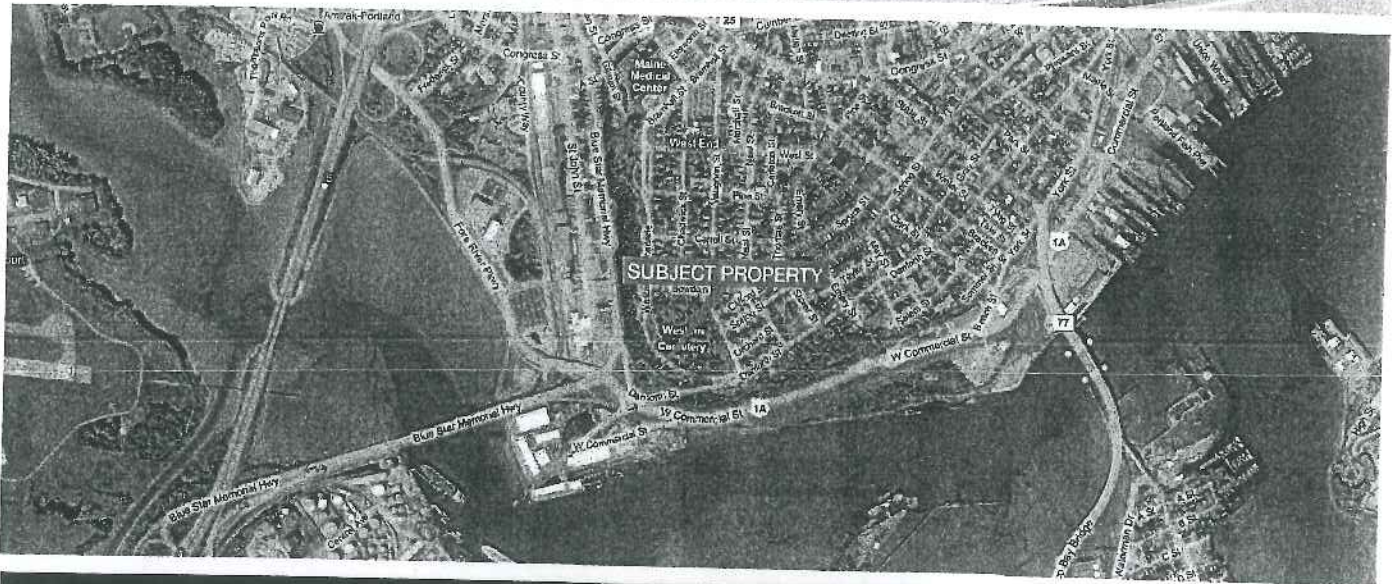
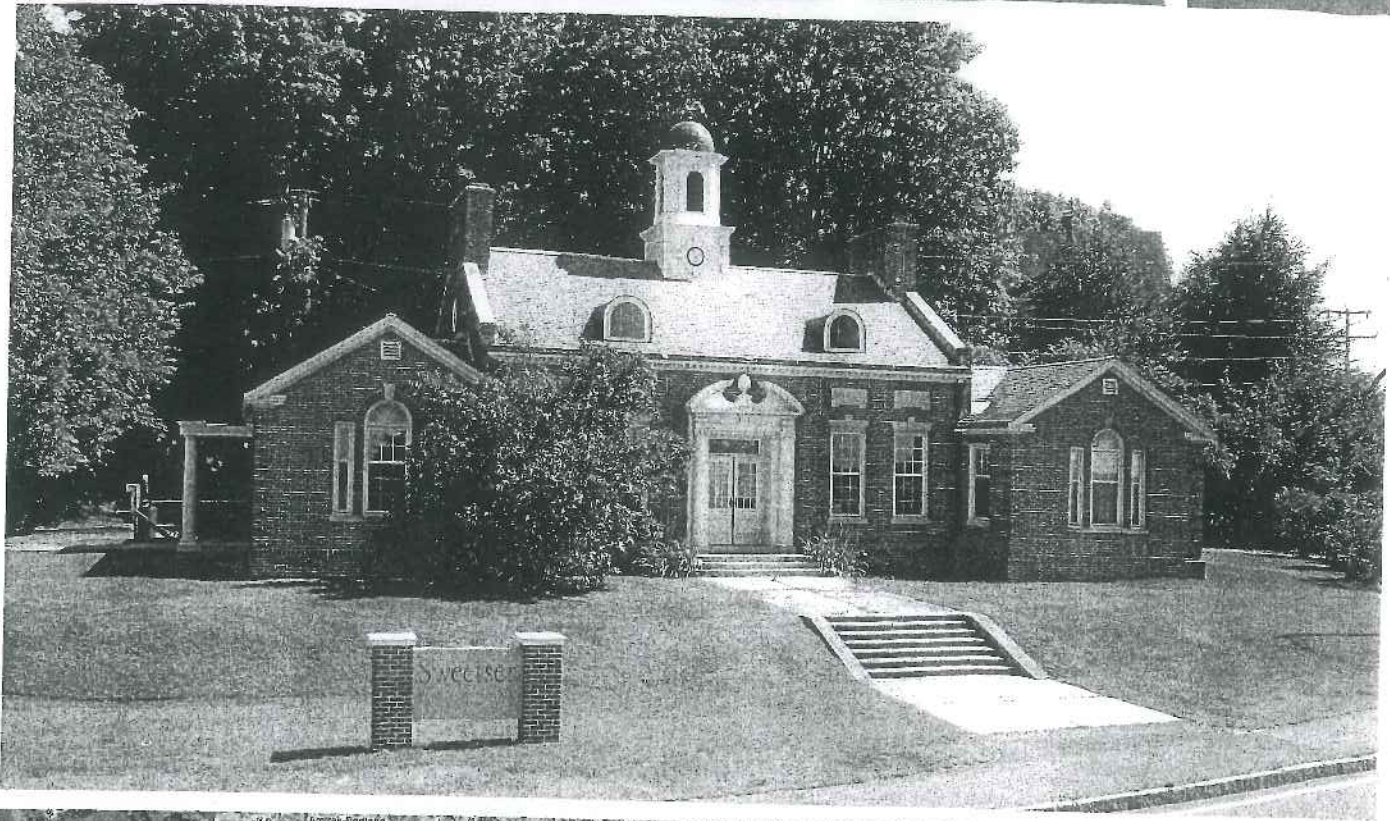
--In the case of USM, further encroachment was constrained by a defined boundary, beyond which USM could not acquire residential properties.

--In the face of repeated neighborhood opposition to plans to expand onto its existing State Street parking lot, Mercy Hospital abandoned further encroachment into the neighborhood and expanded on the Fore River.

**Policy Question:** Doesn't an overlay zone allowing Waynflete to further encroach into a residential neighborhood reverse the City's policy direction of recent years and establish a City-wide precedent that other conditional uses could then seek to apply to their self-declared expansion "needs"?



# 501 Danforth Street Portland, Maine



**NAI** The Dunham Group  
Commercial Real Estate Services, Worldwide.

CONTACT INFORMATION  
**CHRIS CRAIG**  
207.773.7100

[chriscraig@dunham-group.com](mailto:chriscraig@dunham-group.com)  
[www.dunham-group.com](http://www.dunham-group.com)

The information contained herein has been given to us by the owner of the property or other sources we deem reliable. We have no reason to doubt its accuracy, but we do not guarantee it. All information should be verified prior to purchase or lease.

**Owner:** Sweetser

**Address:** 501 Danforth Street, Portland ME

**Total Building Size:** 5,535±SF

**Space Breakdown:** 2,740± - 1<sup>st</sup> Floor  
855± SF - 2<sup>nd</sup> Floor  
1,940± - Basement

**Architectural Style:** Colonial Revival

**Designed By:** John P. Thomas

**Lot Size:** 1.249± acres

**Assessor's Reference:** Map 70 / Lot C-1

**Taxes (Estimated 2010):** \$6,500.00

**Zoning:** B2b

**Building Age:** Constructed 1936  
(completely rehabbed in 1997)

**Construction:** Brick/Stone

**Roof:** Slate

**Floor:** Carpet/Tile

**Heat:** Central HVAC, oil fired

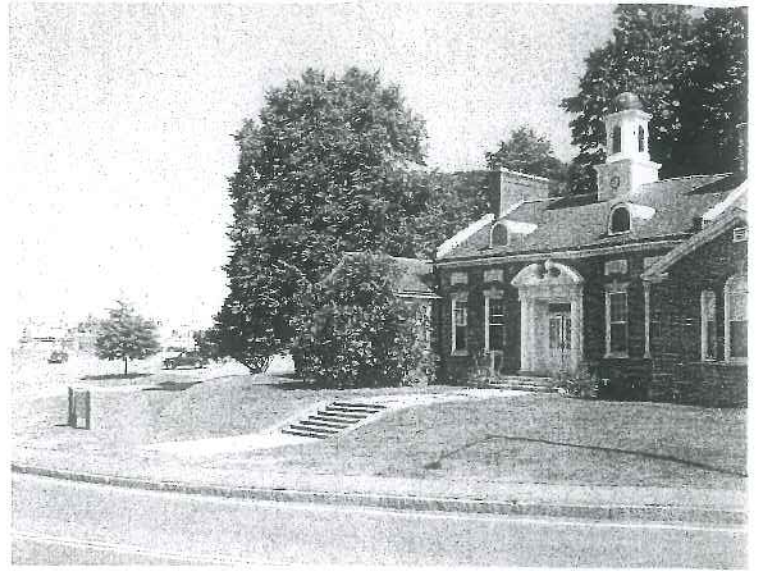
**Utilities:** Water and Sewer

**ADA:** Yes

**Restrooms:** Four

**Sprinklers:** Yes - wet system tied to  
alarm company

**Parking:** 32± spaces



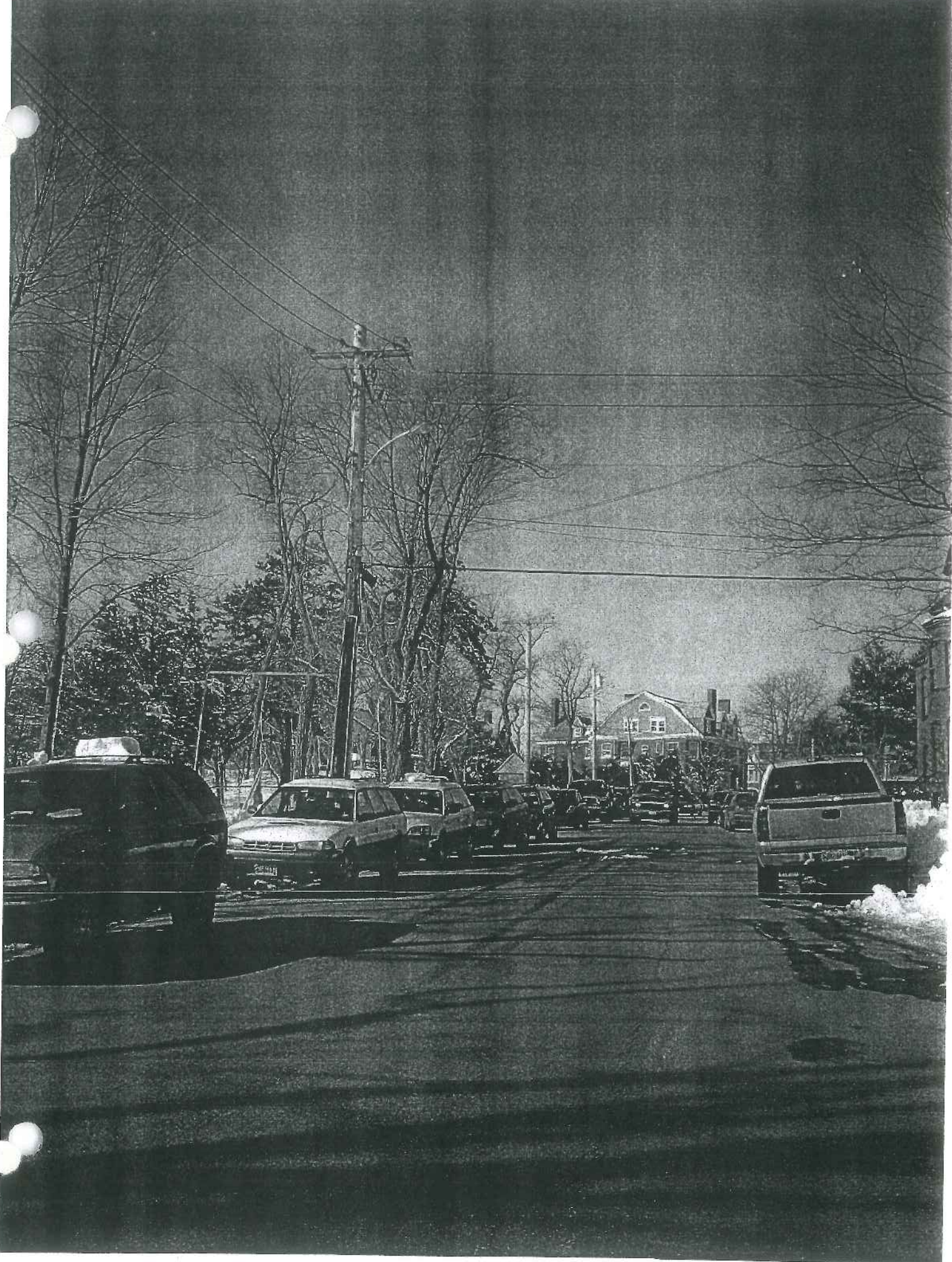
**Historic gateway building listed in the  
National Register of Historic Places.  
Fully rehabbed in 1997.**

**SALE PRICE: \$675,000  
LEASE PRICE: \$18.00/SF NNN**



**NAI The Dunham Group**

Commercial Real Estate Services, Worldwide.



## WHAT IF.....

So what if... that has been a question rolling around in my head for over a year. I am not an architect or a planner. I am just someone who wants to find a way to meet the School's needs on their existing campus.

At present, Waynflete's campus on Spring St is over 5 acres and has a coverage ratio of less than 30%. Over the past 35 years the Waynflete Board has voted on at least two occasions to remain in the West End. The most recent affirmation of an urban campus was in their Guiding Principle Document which was approved in November, 2008.

A commitment to maintaining an urban school, demands an urban solution for growth. This means accepting greater density, well defined outdoor space, and including the option of some off site development for back office operations. The School presently has over 40 acres off Congress St where their athletic fields and tennis courts are located. The school fair and graduation are held here. The concept of activity and program taking place off the Spring St campus is not new. Over the past 20 years the gym at the Portland Police Headquarters and the Parish Hall and Sanctuary of Williston West Church on Thomas St. has been used for Physical Education classes, concerts and dance classes.

What the commitment to remain an urban school does not allow, is the acquisition and conversion of neighboring homes to meet growth. As we have seen with Mercy, Maine Medical Center and University of Southern Maine, those days are over.

Fact – Waynflete identifies the need for 49,999 sq ft of interior space and 12,000 sq feet of exterior space.

While the non school members of the CCC were not part of that needs planning process, we accept the figures as the school has presented them.

Fact- The WPNA has absolutely no issues around the presence of the school in the neighborhood. The school has been a great asset to us and the City for decades. They do an outstanding job of educating and nurturing their students.

Fact –The WPNA does not oppose an Overlay Zone for Waynflete School. As a matter of fact, the WPNA approached Waynflete in September of 2007 and asked them to work with the WPNA to establish a mutually agreeable overlay zone plan.

Fact- The only material issue that the Western Promenade Neighborhood Association and the West End Neighborhood Association oppose in the Waynflete Plan, is the acquisition of four homes at 25 – 27 Storer St. and 10 – 12 Grayhurst and concern about the need to acquire 11 Fletcher St. Waynflete has referred to the Storer Street and Grayhurst Park properties in terms of two buildings, but they are in fact 4 historic townhouse, individually owned and assessed and

taxed. They appear as separate entities on the tax roles. To simply refer to them as "2 buildings" is misleading.

Fact – There has been comment at public forums that it was nice when more people lived on the campus and that is probably true. But the Overlay Zone that Waynflete is presenting will not put more people living on the campus. In fact it will do the opposite. The 5 homes they have included are presently single family owner occupied homes. With the School's plan, 2 homes would become multi units, and the remaining would be mixed use or, converted entirely to institutional use. The complicated housing plan proposed in the Waynflete Overlay Zone dilutes the mission of the school and is contrary to allowable residential conversion in the R4 Zone.

There is really only one core issue here. Can the school meet their stated needs on the existing campus?

In using their own plan the answer is yes, with the exception of 3,600 square feet. And 3,600 square feet is certainly able to be incorporated into future planning through building or appropriately zoned acquisition.

So the question is how?

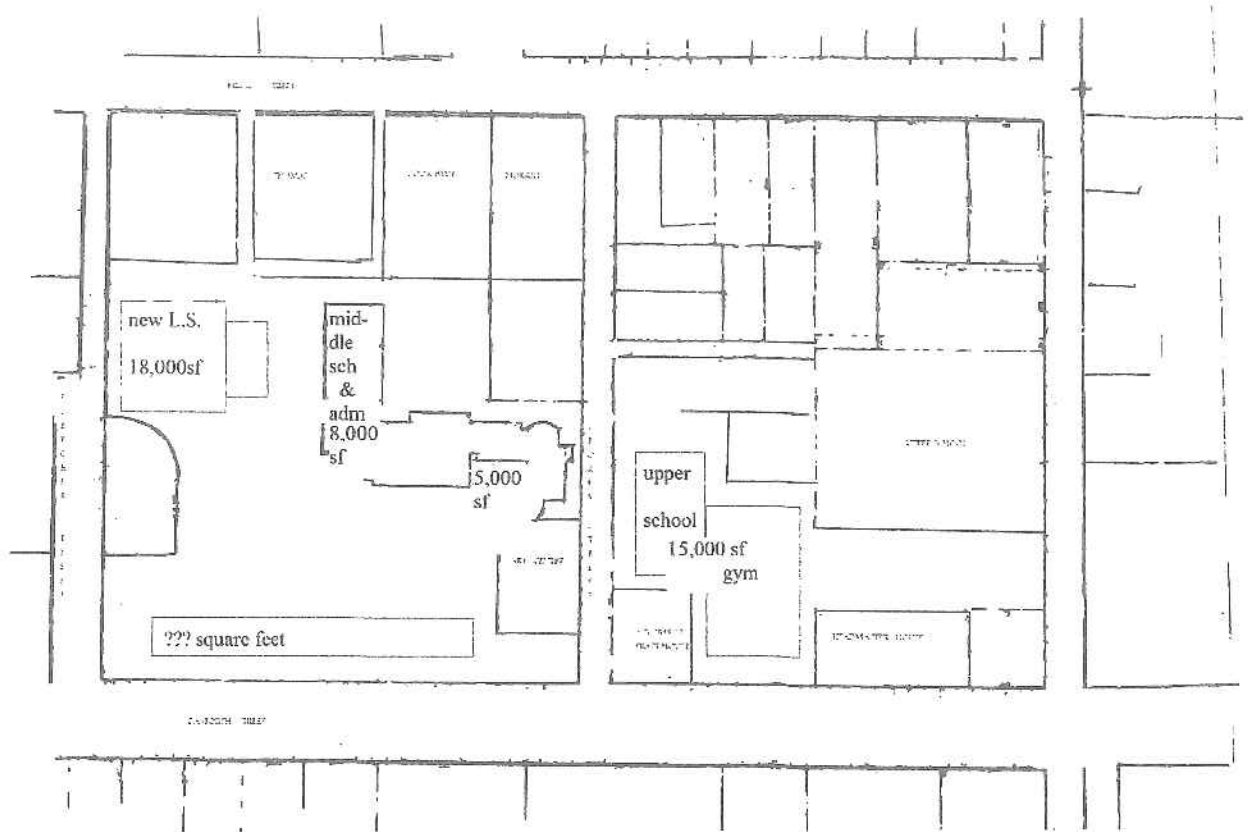
Well, a plan for future building, which was left in the Planning Office, dated July 1, 2009 shows you how. The total amount of space required for school use, in the combined square footage of 25-27 Storer, plus 10 – 12 Grayhurst is 3,600 square feet. Four homes totaling 13,000 square feet and all they need out of that is 3,600 square feet?

The building at 501 Danforth St, formerly the Sweetser Building, is currently on the market. It has over 5,000 square feet, 32 parking spaces, is appropriately zoned and is .3 of a mile up Danforth to the campus. The school is currently leasing spaces at the Christian Science Church on Neal St which is .2 of a mile from the school.

I have two plans for you to add to your material. They are the July 1 plan developed by Scott Simons and my 'what if design' presented at several public forums.

Waynflete must develop a plan other than the old idea of residential conversion. They should concentrate on elegant and creative growth on their existing campus. Designs that would meet the needs of the school and be in keeping with modern green technology, instead of trying to squeeze a robotics lab into an old dining room, or a conference room in a bedroom. The school has an excellent architect. I know they can design an overlay zone that meets the needs of the school and protects a old and vital urban neighborhood.

WPNA 'What If Visioning' presented at the West End Neighborhood Association Forum



- Replace Existing Gym on Fletcher St with an 18,000 sq ft elementary school building.
- Renovate former elementary space of approximately 8,000 sq ft in Founders Hall for Middle School and Administration.
- Build an addition multi story addition on Hewes for an additional 7,500 square feet.
- Build a multi story Upper School Space and a new gym on the site of the former Storer House, and land between 3 Storer and 305 Danforth for additional 15,000 sq ft.
- Look at land along the Danforth St side of the field for future appropriately sized growth.

Total Interior Space: Approximately 48,500 square feet without using Danforth St field.

# the West End NEWS

## The 10th VOICE

**ORLANDO DELOGU  
WAYNFLETE**

*The School That Kept  
Growing, and Growing,  
and Growing—Until it  
Swallowed the Whole  
Neighborhood*

This might be the title of an amusing children's book, but to many of those living in close proximity to *Waynflete School*, it is a painful reality that produces noise, traffic jams, parking problems, sometimes angry encounters, and a sense of wondering where it will all end—it's not amusing. Over the last 40 years, the

school has grown from a facility that served fewer than 100 students, faculty, and staff (and that occupied a limited land area bounded by Storer and Danforth Streets, a part of Fletcher Street, and the rear lot lines of all but one Spring Street property) to a facility that now serves more than 650 students, faculty and staff, and occupies neighborhood land areas that more than double the size of the original campus area. And today (May, 2009), with the latest round of new construction barely complete, there is talk of even more neighborhood houses and land areas becoming a part of the school's campus.

Beyond the growth, Waynflete has (for a very long time) seemed peculiarly insensitive to the problems - and neighborhood hostility - caused by its growth. And over the years, it has been more than a little disingenuous with respect to promises made:

"We're aiming for 300 students..."

"We're acquiring just this one more...one more.... one more property..."

"We plan to cap enrollment at 500..." etc. etc.

The City, for its part has, until quite recently, been unduly tolerant of one high-value property after another being taken off the tax rolls and assimilated into the school's campus. But times change—the school may finally have over-played its hand. And the City, not wanting to lose any more housing, and having used its overlay zoning powers to limit institutional creep into the neighborhoods surrounding USM, Mercy Hospital, and Maine Medical Center, now seems ready to use these same zoning techniques to put necessary

parameters on Waynflete's propensity to grow, and grow, and grow. The neighborhood, better organized than it has been in the past, can hardly wait.

District 2 City Councilor David Marshall has taken the lead in these efforts to use overlay zoning to limit Waynflete's future acquisition of neighborhood properties. He deserves credit for jumping into a difficult, and probably thankless task. He has initiated, and moderated, meetings between City staff, Waynflete School representatives, and representatives of the neighborhood associations - particularly those living in close proximity to the school. Though cordial, these meetings have made clear that Waynflete wants another bite or two or three at the land acquisition apple. They see, they want, they (in their mind) need, several properties on Fletcher Street, Danforth Street, Spring Street, Storer Street, Grayhurst Park, Thomas Street, and on the other side of Emery Street. Their shopping list is ambitious—though they concede they can't have (and probably don't need) them all, they want the door left open to their acquiring any (perhaps a large number) of the properties on their list.

The neighborhood wants a tighter line drawn *NOW*—that's the purpose of the overlay zone as they see it. They would agree that one or two of the properties on Waynflete's list are a logical fit into the existing campus - but anything more

simply continues the policies of the last forty years, i.e., the conversion/assimilation of taxable housing and land into a Waynflete campus and school program that has no bounds.

So, there are the battle lines. Good luck, Mr. Marshall, and good luck to the Planning Board, and City Council who must ultimately make recommendations and decide the questions that are on the table.

In sum, it's clear that institutions like USM, the two hospitals, and Waynflete School are valuable parts of the large community—but that said, the institutions cannot be allowed to grow without bounds, to destroy the fabric of the neighborhoods that they are a part of. Overlay zoning is a tool capable of limiting growth, of striking necessary and useful balances. Given the past 40 years of unabated Waynflete campus growth, the neighborhood position—adding one or two more parcels to round out the present campus - seems the fairer or the more overlay zoning proposals being discussed. One can only hope the Council will agree—*that's my view*.

**May 15-27, 2009**

WATER BUS ROUTE  
8/19/2009

# The

# 10th

# VOICE

## ORLANDO DELOGU *Waynflete's Next Round of Expansion— An Alternative Strategy*

Future Waynflete growth should not be allowed to snap up the Williston Church annex property, nor the St. Louis Church property, nor the three, five, seven, or eight strategically-placed, high-value houses on the edge of the school's present holdings in the West End that have all been targeted for acquisition at one time or another. These include 25, 27, and 33 Storer Street, the two Grayhurst Park houses, 11 Fletcher Street, 299 Danforth Street, and 364 Spring Street.

*INSTEAD, (are you using Waynflete, Planning Board, City Council) let Waynflete do what Mercy Hospital has successfully done—let them augment their future space needs (not in a crowded in-town setting) but by building off-peninsula on the 35 acres of land Waynflete already owns on the Fore River close to Westgate.*

This land is presently under-utilized; it is easily accessible off Congress Street; it is a bucolic setting, and presently accommodates the school's athletic fields. Waynflete already has the capacity (and utilizes it daily) to move students back and forth between their in-town campus and these ballfields.

Nothing but Waynflete's present mindset (i.e., that their academic programs must remain in-town - separated from their athletic facilities) prevents the presently unused portion of this 35 acre tract from also being used to meet future library, classroom, or other academic needs. The present configurations of both public and private schools in the area—Deering, Cheverus, North Yarmouth Academy, Catherine McAuley all suggest that such a separation is not needed—these successful schools all have academic facilities and athletic facilities in close proximity to one another. Waynflete should be encouraged/ permitted to do likewise on their 35 acre Fore River parcel.

The present overlay zoning discussions between Waynflete, neighborhood groups, and the Planning Board have been going on for nearly a year. These discussions are designed to produce an overlay zone that limits further Waynflete acquisition of high-value properties in the densely settled West End neighborhood—a zone and limitations similar to those placed on

USM, Mercy Hospital and the Maine Medical Center. These discussions have revealed that some of the school's future academic needs can be met by more creatively utilizing land that is already a part of their West End campus. Additional in-town land could be made available by relocating one house they already own on that campus (3 Storer Street), and by permitting them to acquire one house that juts into the existing campus (11 Fletcher Street) which would also be relocated.

This in-town capacity to meet a portion of the school's future growth needs, when coupled with a broadened, more imaginative use of the presently-unused portions of Waynflete's 35 acre Fore River parcel, would allow all of Waynflete's future growth needs to be met without taking one additional house off the tax rolls of the city. As noted, two existing in-town houses would simply be relocated.

In sum, this combined expansion strategy (in-town and on the 35 acre tract) is a fair and sensible alternative to any/all presently proposed (and/or rumored) land acquisitions by the school in the West End of the city. It fully meets Waynflete's growth needs; it protects the tax base and the housing policies of the city; it preserves the existing fabric of the West End neighborhood—a win, win, win strategy—what more could we ask for? That's my view.





# Waynflete

Waynflete School  
360 Spring Street  
Portland, Maine 04102-3643  
207.774.5721  
Fax: 207.772.4782  
[www.waynflete.org](http://www.waynflete.org)

October 2, 2009

Dear Neighbor,

I am writing to invite you to join us for a neighborhood meeting to discuss Waynflete's application to the City of Portland Planning Board for an overlay zone.

Meeting date: Wednesday, October 14  
Meeting time: 6:00-7:00 p.m.  
Meeting location: Waynflete Campus, Music Room, 1st Floor of Daveis Hall, located on Storer Street between Spring & Danforth.  
Please see the campus map on the reverse side.

The Portland City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. We have also invited neighbors from a wider radius who might not be on the lists provided by the City. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

The idea of an overlay zone (something that has already been created for U.S.M.'s Portland campus) is to establish clear guidelines and boundaries for possible improvements to school facilities, and to look far into the future so that both the institution and the surrounding neighborhood will be able to anticipate with confidence what changes might or might not be possible.

The entire overlay zone proposal is posted on our web site for any interested person to review ([www.waynflete.org](http://www.waynflete.org), under the heading Mission & History: Looking Ahead). Briefly, it aims to provide opportunities for improvements to facilities (both buildings and open space) with limited expansion of campus boundaries (and only if properties became available at some future time). One key premise is that any growth would be for program improvement, not for any significant increase in enrollment.

The proposed overlay zone stipulates that the number of housing units would have to remain the same (or increase), and commits the School to maintaining the current number of taxable properties in the proposed zone. These two provisions recognize the importance of preserving housing options on the Portland peninsula and avoiding significant losses of property tax revenue for the City.

I hope you can join us on the 14th. If you have any questions please call my assistant, Carrie Branson, at 774-7863 ext. 201. We hope to see you there.

Sincerely,

Mark W. Segar  
Head of School

Note: Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/ units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Department of Planning and Development, Planning Division 4<sup>th</sup> Floor, 389 Congress Street Portland, ME 04101 or by email to [bab@portlandinmaine.gov](mailto:bab@portlandinmaine.gov).



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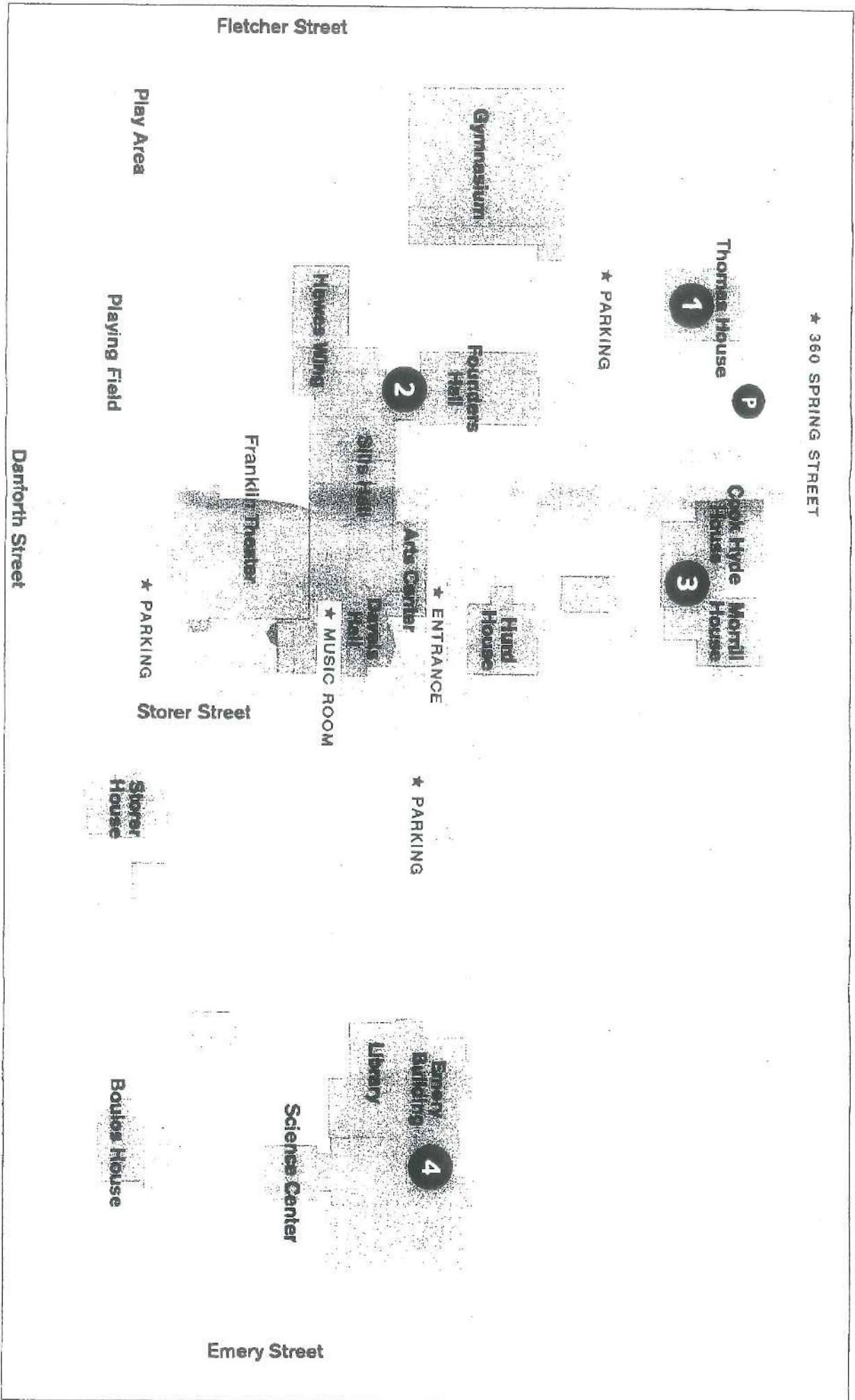
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Fletcher Street

★ 360 SPRING STREET

Thomas House

1

P

★ PARKING

Gymnasium

Founders Hall

2

Hives Wing

Arts Center

★ ENTRANCE

Hand House

3

Cook Hyde Morrill House

Davis Hall

★ MUSIC ROOM

Franklin Theater

★ PARKING

Storer Street

Storer House

★ PARKING

Emery Building  
Library

4

Science Center

Boulos House

Playing Field

Play Area

Damforth Street

Emery Street

Planning Report #46-83

Regulation of Institutional Uses  
in Residential Zones

Planning Board Report  
Submitted to the  
Portland City Council

July 18, 1983

I. INTRODUCTION

The Portland Planning Board, in review of residential policies for zoning revision, has focused its attention first on the issue of institutional uses in residential zones. Institutions serve a variety of important functions within the community, fulfilling health, education and other social welfare needs. It has become increasingly evident, however, that institutional uses in residential zones, due to their different physical characteristics and activity patterns, can have a detrimental impact upon surrounding residential neighborhoods. The concurrent expansion projects underway in the three major hospitals within the City have dramatized the potential conflicts that can arise between institutional and residential uses.

The term "institution" covers a number of uses including medical, educational, religious, custodial, and governmental facilities, among others. These uses are generally of a non-profit, public or quasi-public nature, or serve a public purpose. Such activities have traditionally been considered appropriate in, and are generally permitted in Portland's residential zoning districts. The Planning Board has responded to the need to re-evaluate institutional uses, however, to formulate appropriate new zoning regulations for such uses in the residential zones.

II. UNDERLYING ASSUMPTIONS

In considering this issue, the Board was guided by nine basic assumptions pertaining to the mixing of residential and institutional land uses. These assumptions are as follows:

1. Residential environments, generally free from intrusion by land uses with different physical characteristics and activity patterns, are a valuable resource critical to the wellbeing of the City. They must be protected, unrestricted institutional expansion should be checked and the adverse impacts of the expansion which does occur should be minimized.
2. Institutions in Portland play a vital role in the economic, intellectual and social health of the City and region. Some of these institutions constitute one of Portland's basic industries. Like any basic industry, a certain amount of growth is to be expected and is reasonable. For the health of those institutions and the City, some growth should be accommodated.
3. Institutional and neighborhood interest should be balanced.
4. The full range of religious, educational, governmental, social service, health care and charitable/benevolent institutions should be considered in formulating the new zoning regulations. New controls should be applicable to all those institutions.
5. Small scale institutions, as well as large scale ones can have adverse impacts on neighborhoods.
6. Regulatory distinctions among institutional activities should be based on their physical land use attributes, not on the type, size, tenents or membership of the organization.

- 7. New institutional growth management controls should apply both to conversion of existing buildings and to new construction.
- 8. High density neighborhoods are more able to accommodate a mix of uses than lower density ones. However, the intensity of institutional development in residential neighborhood areas within each class of zoning district should not exceed the overall average intensity for the district except for locations where institutional uses are already dominant.
- 9. All else being equal, concentration of new institutional activity in areas of existing institutional development is preferable to dispersion or scattered growth of those new activities.

III. CATEGORIES OF INSTITUTIONAL USES

For the purpose of the Zoning Ordinance review, several categories of institutional uses have been identified. The character and potential impacts of such uses vary by type. Categories are as follows, including definitions, and where appropriate, examples of such uses in Portland.

- 1. Hospital - An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

- Examples in Portland -
  - Maine Medical Center
  - Mercy Hospital
  - Osteopathic Hospital

- 2. Extended <sup>In residential or</sup> Long Term Care Facility - A facility such as a nursing home licensed or approved to provide full-time (24 or more consecutive hours), convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, or other disablement, are unable to care for themselves.

- Examples in Portland -
  - Jewish Home for the Aged
  - Devonshire Manor
  - St. Joseph's Manor

- 3. School-Elementary, Middle, Secondary - Any school licensed by the State or which meets State requirements for primary or secondary education, whether public, private, or parochial.
- 4. College, University, Vocational School or Business College - An educational institution authorized by the State to award baccalaureate or higher degrees; or a higher education facility primarily teaching useful skills that prepare students for jobs in a trade or in business.

- Examples in Portland -
  - University of Southern Maine
  - Westbrook College
  - Portland School of Art
  - Portland Regional Vocational Technical Institute
  - Andover College

5. Church or other Place of Worship - A building or structure which is primarily intended for the conducting of organized religious services and associated accessory uses.
6. Fraternal Organizations - A group of people formally organized for a common purpose, usually cultural, religious, or entertainment, with regular meetings and written membership requirements..

- Examples in Portland -
  - Veterans of Foreign Wars
  - Elks Club
  - Moose Club
  - Cumberland Club
  - Portland Club
  - Rotary Club

7. Municipal Services - Municipal uses and buildings primarily providing a public service or convenience, such as libraries, health stations, police and fire stations.

#### IV. POTENTIAL LAND USE IMPACTS

Any zoning regulations for institutional uses in residential zones must be related to the land use impacts that can be expected to occur around the institutional use. Generally, neighborhoods in Portland that have institutional uses nearby have experienced a variety of land use impacts ranging from adverse environmental effects (noise, glare, traffic, etc.) to displacement of residences for institutional expansion.

In research on the institutional use issues, it was found that other New England cities, notably Boston, and Cambridge, Massachusetts, have had similar or more severe problems from the expansion of institutional uses into residential neighborhoods. Both cities have developed a regulatory response to the problem through their zoning ordinances, solutions which, while not directly transferable to Portland, do offer guidance for developing a system for appropriate regulation here.

In Cambridge, for example, continued expansion of educational institutions among other institutions has resulted in significant residential displacement. Cambridge responded by adopting an "Institutional Growth Management Plan" that weighs the neighborhood impacts of different institutions in order to arrive at the appropriate regulatory policy. Exhibit A presents six categories of land use characteristics which can be used to gauge the impacts of an institutional use proposal within a residential area.

EXHIBIT A  
Cambridge Institutional Growth Management Plan  
Potential Land Use Impacts of Institutional Uses

- A. Intensity of Use
1. Peak instant population
  2. Total daily population
  3. Average daily population
  4. Daily auto generation
- B. Nature of Use
1. Hours of use
  2. Temporal use pattern
  3. Degree of outdoor activity
  4. Existing use restrictions
- C. User Characteristics
1. Age characteristics
  2. Diversity
  3. Residential living arrangements
- D. Parcel Physical Characteristics
1. Existing zoning restrictions
  2. Customary building form
  3. Site plan compatibility with residential setting
  4. Signs
  5. External lighting
- E. Activity Impacts
1. Noise generation
  2. Communications interference
  3. Hazardous activities/controlled substances
  4. External lighting
  5. Inducement to loitering
  6. Other nuisance
  7. Off-street parking demand
  8. Waste disposal requirements
  9. Special property maintenance requirements
  10. Special security needs
  11. Delivery/disbursement demands
  12. Activity likely to occupy and displace existing residential units
- F. General Implications for Neighborhood Change
1. Impact on residential property values
  2. Propensity for attracting other non-residential uses or activities
  3. Accessibility to neighborhood residents
  4. Enhancement of residential desirability



## V. ASSESSMENT OF INSTITUTIONAL USE CATEGORIES

1. Hospitals: Analysis of hospital uses has shown that a variety of land use impacts are likely to occur. Intensity of use \* is high both in population and auto generation. The nature of uses involves some 24 hour activity. Parcel physical characteristics include massive building form, significant signage and lighting, and potential compatibility problems with surrounding residences. A variety of activity impacts can be expected, including noise, lighting, parking, delivery, and residential displacement. Implications for neighborhood change include a propensity for attracting other non-residential uses.
2. Nursing Home or Other Long-Term or Extended Care Facility: Intensity of use is likely to be higher than surrounding residences, in population and traffic. User Characteristics will differ in age for nursing homes, and in other ways for other care facilities depending upon the client population group. Physical characteristics often involves a larger building scale than surrounding uses. Activity impacts should be relatively minor for nursing homes, but could increase for facilities oriented to other special needs populations. Implications for neighborhood change would also depend on client group.
3. School-Elementary, Middle, Secondary: Intensity of use is high in population, and also auto generation over the relatively short periods of morning opening and afternoon release of population. Nature of use involves some outdoor activity. User characteristics are predominantly youth oriented. Activity impacts could include noise generation and a possibility of displacing residential units when such institutions undergo expansion.
4. College or University and Vocational School or Business College: Most of the impacts of this use category depend on the size of the facility, which can vary significantly. Intensity of use for larger facilities will be high in population with significant auto generation. Larger institutions will have physical characteristics impacts, such as relatively massive building form. Activity impacts involve primarily parking problems, with some potential for displacement of existing residences. Implications for neighborhood change include a propensity for attracting other non-residential uses. Facilities can be made available to neighborhood residents - a potential positive impact.
5. Place of Worship: By itself, a church or other place of worship creates few negative impacts. Often, however, there are a variety of ancillary activities connected to a church that increase the intensity of use significantly. Intensity of use would be high on regular worship days and especially so on religious holidays. Where significant school or other activity functions are included, all types of impacts are possible, such as activity impacts, physical and user characteristics, and the nature of use.

\* Underlined terms refer to Exhibit A, Land Use Characteristics of Institutional Uses.

6. Fraternal Organizations: Intensity of use could tend to be quite high in terms of both population and auto generation, due to special events and meetings commonly associated with this use. Nature of use could involve some late night activities. Physical characteristics involve massive building form and extensive parking lots for the larger examples of this use. Activity impacts might in some cases generate externalities in the form of noise or other nuisance conditions.
7. Municipal Service Centers: These uses would tend to create neighborhood impacts, with greater impacts associated with emergency services (police, and fire) than for such services as libraries and health centers. The nature of use for emergency services would involve some round-the-clock activities, and the physical characteristics of such uses would typically include building form at variance with residential structures. Activity impacts include noise generation as well.

## VI. PROPOSED ZONING AMENDMENTS

The Planning Board, upon consideration of the impacts and benefits of institutional uses, has developed the following recommendations for zoning text amendments to be considered by the City Council.

1. Institutional uses, where they are to be allowed in residential zones, should be designated conditional uses with review before the Planning Board.
2. Any new institutional use should be required to have a lot size of sufficient area to accommodate all activities, including parking and to absorb impacts and growth needs of the institution.
3. Reasonable expansion of existing institutions should be accommodated, but effective use of existing lot area should be required.
4. For both new development and expansion of existing institutions, the displacement or conversion of existing dwellings should be avoided, and that an institutional development proposal that causes significant residential displacement should be cause for denial of conditional use approval.

These elements generally describe the thrust of the proposed zoning amendments. The amendments themselves which accompany this report, involve all of the residential zones. The institutional uses that are proposed to be allowed in each zone are listed under a conditional use heading that specifies the Planning Board as the reviewing authority. Following the list of institutional uses are three standards that must be met for any new or expanded institutional use, as follows:

- "i. In the case of off-site expansion of existing such uses, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, or will not cause significant physical encroachment into established residential area;

- ii. The proposed use will not cause significant displacement or conversion of residential uses;
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the specified minimum lot sizes shall be cumulative."

Each zone then lists the lot size requirements for each institutional use. These lot size requirements are summarized in Exhibit B. Following the lot size specifications are four provisions that provide exemptions for existing institutions or institutional expansions from the minimum lot size requirements, as follows:

- "1. Uses existing on June 1, 1983;
- 2. Off-site expansion onto abutting land;
- 3. Off-site expansion to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in non-residential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- 4. Off-site expansion of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period."

#### VII. PLANNING BOARD PUBLIC HEARING

The Planning Board held a duly advertised public hearing on July 12, 1983. Notices were mailed to representatives of institutions and neighborhood organizations. Most of the comments expressed were requests for clarification and explanation as to how the proposed zoning differs from the current zoning. It was explained that the Planning Board will have a forum in which to consider the neighborhood impacts before granting a conditional use permit, and that a development proposal could be denied on the basis of residential displacement.

Other comments focused on the lot size requirements and the opinion was expressed that the church and fraternal organization requirements were excessive in the R-6 zone. The Planning Board believes that such requirements are reasonable for the protection of residential neighborhoods.

The Board voted unanimously to forward these zoning amendment proposals to the City Council.

EXHIB.

RESIDENTIAL ZONING REVISION  
PROPOSED INSTITUTIONAL LOT  
SIZE REQUIREMENTS

	R-1	R-2	R-3	R-4	R-5	R-6
Hospitals	-	-	10 acres	-	5 acres	2 acres
Long term, extended, and Intermediate care Facilities	3 acres	3 acres	2 acres	-	2 acres	10,000 S.F.*
School	2 acres	2 acres	2 acres	30,000SF	30,000SF	30,000SF
College, University, Trade School	-	-	-	-	2 acres	2 acres
Place of Worship	2 acres	2 acres	2 acres	30,000SF	1 acre	30,000SF
Fraternal Organization	10 acres	10 acres	5 acres	-	1 acre	20,000SF
Library, Health Center, or Municipal Emergency Service	20,000SF	10,000SF	6,500SF	6,000SF	6,000SF	4,500SF

\*This use category in the R-6 zone is proposed to have a variable lot size requirement based upon resident capacity as follows: 10,000 square feet for the first 9 residents plus 750 square feet for each additional resident.

## BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main  
207 774-1127 facsimile  
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100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

Christopher L. Vaniotis  
207 228-7205 direct  
cvaniotis@bernsteinshur.com

October 23, 2009

David Silk, Chair  
Portland Planning Board  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Waynflete School Overlay Zone

Dear Chairman Silk:

Because of time constraints at the two Planning Board workshops, Waynflete School has not had a real opportunity to engage in any interactive discussion with the Planning Board about the overlay zone proposal. We would like to be able to address any concerns of Board members, as well as those of the general public, before the Board makes its recommendation to the City Council.

To that end, we have two requests. One is that we be given an opportunity to respond after the public has commented at the public hearing on the 27<sup>th</sup>. The second is that the Board not take a vote on its recommendation to the City Council until we can have a dialogue with the Board and, if appropriate, consider adjustments to the overlay zone proposal. That could occur at a meeting or meetings subsequent to the public hearing, giving us all time to proceed deliberately toward the goal of bringing the best proposal possible to the City Council.

Thank you for your attention to these requests.

Sincerely,



Christopher L. Vaniotis

CLV/lc

cc: Mark Segar, Head of School

**Rick Knowland - Waynflete School's Proposed Overlay Zone**

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**From:** Laura Fecych Sprague <ssprag1@maine.rr.com>  
**To:** Richard Knowland <rwk@portlandmaine.gov>  
**Date:** 10/27/2009 1:05 PM  
**Subject:** Waynflete School's Proposed Overlay Zone  
**CC:** Seth Sprague <sethsprague@blackpointcorporation.com>

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Tuesday, October 27, 2009

To: Planning Board, City of Portland  
C/o Richard Knowland, Senior Planner

Dear Mr. Knowland,

Since April we have been following the discussions and attending meetings regarding Waynflete School's proposed Overlay Zone. We have appreciated the opportunity to learn about this important issue. Having reflected on what we've heard, we are writing to express our opinion.

We have lived at 28 Orchard Street, just four doors down from the Waynflete campus, since 1981. Our daughter graduated from Waynflete in 2008, having attended since preschool. The presence of the School was an important positive factor in our decision to move to the West End. The School is a vital part of our neighborhood, and we know many other residents who have chosen to live here because of the School.

We have not been actively involved in either the Western Prom Neighborhood Association or Waynflete affairs and were surprised to witness the level of animosity the leadership of the Association holds for the School. It got us thinking about recent history when the Association opposed noise at the Merrill Marine Terminal, smells at Barber Food, noise from the Jetport, emergency helicopter noise at Maine Med, and now loss of residences at Waynflete. When each of these issues arose, we instinctively sided with the "institutional" neighbor whose existence was being threatened by stands of the Association. All of these institutions are important contributors to our neighborhood and the City. We need them to be able to thrive and coexist comfortably with their residential neighbors. With its significant annual budget, Waynflete School contributes dynamically to the City's economic vitality. In today's world of lost companies, institutions, and jobs, the School's existence in the City should be encouraged, not maligned. Waynflete's continuing substantial economic, educational, and cultural contributions to city life, in our opinion, far outweigh the concerns voiced by the Association.

It strikes us that the School's willingness to create an Overlay Zone that would effectively limit the growth of its footprint is a significant concession to the concerns about continuing loss of residences, yet the Association's unwillingness to give the School any credit for that compromise leaves the impression that its goal is not to be a good neighbor but to squeeze the School out. We support the slightly expanded footprint as a reasonable compromise. It would set to rest fears about unchecked future expansion, cause little, if any, detrimental change to the feel of the neighborhood, and provide a better chance for the long-term success of an essential asset in our community. We urge the Planning Board to recommend Waynflete School's Overlay Zone to the City Council.

Thank you for your consideration.

Sincerely,

Seth and Laura F. Sprague  
28 Orchard Street  
Portland, ME 04102  
(207) 773-6068



Jenny P. Scheu  
381 Spring Street  
Portland ME 04102

22 October 2009

David Silk, Chair  
City of Portland Planning Board  
Portland City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland ME 04101

Re : A Letter in Support of the Waynflete School's Proposed Overlay Zone

Dear Chairman Silk and members of the Planning Board,

I am writing to strongly support the adoption of Waynflete School's proposed Overlay Zone. I have read through their entire application, seen the maps & graphic presentations, and have attended several neighborhood and Planning Board meetings about this important issue.

The adoption of the Overlay Zone will make future planning reviews easier and clearer for all parties. Much planning work has been done- and great care taken- to propose a Zone which will allow some growth AND maintain the urban residential scale that is characteristic of the West End neighborhood.

Waynflete School has made it very clear that they will continue to be an urban neighborhood school, with a mission to connect their students of all ages. The land which they own near the Fore River is to only be used for outdoor gatherings and athletic practice and competition. The school has also made it very clear that while they do not expect their student population to grow, they do need to plan for some facilities' expansions. Even if their proposed expansions come to pass, their facilities will still be well under mandated state standard square footages for public schools of similar size.

I do not agree with the negative stance of of the West End neighborhood organizations which oppose this Overlay Zone. I submit that if they had the responsibility to plan for the school's future, they would make a proposal for conservative and thoughtful growth, very similar to that which the school has proposed.

I continue to be impressed by the care and consideration that Waynflete School shows their West End neighbors, and applaud their excellent efforts at long term planning. As one of their closest neighbors, I am delighted by the presence of the school institution in my daily life!

Sincerely,

A handwritten signature in blue ink, appearing to read "J.P. Scheu", with a long, sweeping underline that extends to the right.

Jenny P. Scheu

## Rick Knowland - Waynflete Overlay

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**From:** "Gail Landry" <glandry@townandshore.com>  
**To:** <rwk@portlandmaine.gov>  
**Date:** 10/26/2009 5:48 PM  
**Subject:** Waynflete Overlay

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Dear Mr. Knowland,

As a resident of Portland who currently resides at 315 Spring St., I am writing to let you know that I am supportive of the overlay that Waynflete has proposed. I feel it is sufficient to meet the needs of the school and in fact over the long term will serve to enhance the values of properties in the area. I have watched as the school strives to be a "good neighbor" and feel that they are conscientious in this regard.

I firmly believe that are an asset to the neighborhood.

Sincerely,

Gail Landry



**From:** <bvino@myfairpoint.net>  
**To:** <RWK@portlandmaine.gov>  
**Date:** 10/23/2009 10:39:23 AM  
**Subject:** Waynflete overlay plan

I am writing to you to express my support of the Waynflete overlay plan. I am a resident of the West End and, after careful review, I have found the plan to be quite reasonable and respectful of the neighborhood and its historical character.

I often enjoy walking through the Waynflete campus after school hours and feel it is very important for both the students and nearby residents to maintain the green space that the campus provides.

Thank you for your consideration.

Barbara Berger  
50 West Street  
Portland

## To The Planning Board

I wish to register a public comment on the "Waynflete Overlay Plan", which is of the utmost importance to us. Two years ago we, the Morrills, purchased an historic home (33 Carroll Street) in the West End. The home was in quite poor condition, nearly untouched for forty years, e.g., the roof was made of asbestos! We have spent the past two years spending hard earned funds bringing the house back to its deserved condition. Why did we do this? Simple answer: we wanted our family to be close to Waynflete, where two of our three kids' spirits ((Niklas, 14 and Annika, 12) are flourishing. Soon, our third (Jenny, nearly 3) will join the school.

We never had any interest in living in the city until we became involved with Waynflete. Our investment should benefit everyone in our fun community. For people to suggest that Waynflete, a world class educational institution, is not an immense asset to our neighborhood is frankly absurd. The neighborhood would be a shadow of itself without Waynflete. Note the condition of the housing stock declines as one gets further away from Waynflete. The real estate value (tax base) of the neighborhood would decline hugely without this fine school.

I write to you with the request that you look at Waynflete not as "the enemy" but as a treasured asset in our neighborhood – a friend. In this spirit, we should be able to find a long term overlay plan that is a win-win for our community. I feel Waynflete's current plan shows sensitivity to our community, and yet allows itself to continue to improve its offering to the kids – who should be one of, if not the, primary concern. Make no mistake if the community chooses to hurt Waynflete, this will have long term repercussions in many unintended ways. I know for one we will think twice about any charitable giving in the city at large if this school is not given a fair shake. Let us approach this as friends with a shared goal of making the West End even greater. There are no enemies here, only friends. Please do not let the personally disgruntled divide us; we hope to be in this neighborhood twenty years from now. Thank you for your time and effort. John and Eva Morrill

Cc: Mark Segar, Deb Andrews

27 October 2009

Mr. Richard Knowland  
Senior Planner, Planning Division  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

Dear Mr. Knowland,

I write in support of approval of the overlay zone proposed by the Waynflete School.

My family has lived at 15 Thomas Street, adjacent to the school campus, for six years. We moved to the neighborhood when my daughter started at Waynflete, to be near to her school community. We think this is a very special neighborhood, with its lovely historic homes, wonderful location, and many interesting and committed residents. Waynflete School is one of the important vital elements of the neighborhood.

I greatly appreciate the school's meticulous upkeep of its buildings and grounds. I feel that the efforts we've made to upgrade our 120-year old house with sensitivity to its historic character are mirrored in the school's commitment to maintain their historic structures.

Like many other neighbors, we walk our dog on the sidewalks surrounding the campus. The campus is well lit at night, and there is a consistent security presence. During the winter months, the Waynflete maintenance crew kindly plows the sidewalks across the street on Thomas. When parking issues at school pickup time on our street arose last spring, the school responded by providing staff on site to remind drivers to follow traffic rules.

Waynflete has been open and honest with neighbors in developing the overlay zone. I've attended two of the series of neighborhood meetings on the subject to learn about the plan. I applaud the school's intention to incorporate more residential sites on campus and their commitment to "green" and responsible practices

I believe that Waynflete is committed to listening to neighbors' concerns and to working with them now and in the future to be a positive presence in the community.

Thank you for this opportunity to express my support.

Deborah S. Shinn  
15 Thomas Street  
Portland, ME 04102  
dshinn@maine.rr.com



# Waynflete

ATTAINMENT B-1-1

Waynflete School  
360 Spring Street  
Portland, Maine 04102-3643  
207.774.5721  
Fax: 207.772.4782  
[www.waynflete.org](http://www.waynflete.org)

November 19, 2009

David Silk, Chair  
Portland Planning Board  
4<sup>th</sup> Floor, Portland City Hall  
389 Congress Street  
Portland, ME 04101

Dear Chairman Silk:

Please find attached revisions to Waynflete's proposal for a school overlay zone. The proposal has been substantially revised. Most notably, Waynflete's Board of Trustees recently made the difficult decision to remove from the proposal the four private homes and two backyards in the northeastern portion of the overlay zone. Following the October 22<sup>nd</sup> public hearing, we reviewed the Planning Board members' comments and suggestions as well as the testimony from both supporters and critics of the original proposal. After much deliberation and analysis, we concluded that the significant sacrifice of major aspects of our initial proposal was required in order to move forward and preserve the most critical options for future programmatic development.

Given the very limited options left to consider, Scott Simons and his colleagues helped us examine the remaining alternatives to meet our most urgent priorities. The proposed revisions are as follows:

- The four houses and two open spaces (yards) on or abutting Grayhurst Park/Storer Street have been removed from the proposed zone.
- The number of properties in the proposed zone not currently owned by Waynflete has been reduced from seven (7) to two (2), 11 Fletcher St. and 299 Danforth Street.
- 11 Fletcher St., 299 Danforth St and the two School-owned houses at 3 Storer St. and 305 Danforth St. could include school uses, provided a dwelling unit is retained in each.
- No existing residential buildings could be converted entirely to school use.
- The "campus edge" designation has been extended along Danforth and Emery Streets.
- The underlying height restrictions in both the R4 and R6 areas of the campus (35' and 45' ft. respectively) have been maintained.

Please note that this revised proposal does not allow Waynflete to fully accommodate all of the needs identified in the School's long-range assessment process. Therefore, the designation of mixed use in the four remaining residential properties within the proposed zone is critically important. The revised proposal eliminates entirely any prospect of expansion of the School's footprint into the Grayhurst area as suggested by many at the last Planning Board hearing. Furthermore, it addresses concerns about height limitations for any future construction as suggested by the Historic Preservation Board. To address these two major restrictions as expressed to us by the respective boards, the mixed-use provision for the four remaining residential properties within the proposed zone is essential to address future program needs. Please note that this approach also would ensure continued residential uses, character and, consequently, continued property tax revenues along the southern perimeter.

This amended proposal considerably reduces Waynflete's original request. We recognize and accept the political realities and neighborhood sensitivities of perceived impacts on the Grayhurst Park neighborhood and surrounding area in particular. Waynflete offers this amended proposal as a good faith effort to help balance possibilities for the future growth of School facilities while minimizing neighborhood impacts. We sincerely hope it will be received as an acceptable compromise and a reasonable approach that the Planning Board will ultimately recommend to the City Council for final approval.

Thank you once again for your consideration. We look forward to our discussion with the Board on December 8<sup>th</sup>.

Respectfully submitted,



Mark W. Segar, Head of School  
Waynflete School

DIVISION 16 WAYNFLETE SCHOOL OVERLAY ZONE

**Sec. 14-276. Purpose.**

The intention of this division is to establish an overlay zone which protects the value and integrity of established residential neighborhoods, establishes clearly defined boundaries beyond which residential conversions cannot occur and results in no net loss of dwelling units, while allowing Waynflete School, an existing private day school, to continue and reasonably augment its existing uses and programs, thereby maintaining compatible development at medium densities appropriate to the existing neighborhood patterns. As used in this division, the term "Waynflete School" includes any successor institution that operates as a private day school.

**Sec. 14-276.1. Location and applicability of Waynflete School Overlay Zone.**

The Waynflete School Overlay Zone, as shown on the zoning map, is intended to encompass and define Waynflete School's principal campus on the Portland peninsula. Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying zoning districts except as specifically modified by this division.

**Sec. 14-276.2. Overlay Zone sub-districts.**

The Waynflete School Overlay Zone consists of two sub-districts, as shown on the Waynflete School Overlay Zone sub-district map, incorporated herein by reference, as follows:

- (a) The Campus Core sub-district defines the interior core of the campus and is intended to allow compact development of school uses, with specific space and bulk regulations designed to accommodate school uses.
- (b) The Campus Edge sub-district is intended to preserve residential character along the streets bordering the campus, by limiting the amount of residential space which can be converted to school uses, by maintaining a number of dwelling units within or in close proximity to the sub-district which equals the number of dwelling units existing in the sub-district at the time of enactment of this Overlay Zone and by encouraging mixed use buildings along the street frontages. The space and bulk regulations of the R-4

district continue to apply within the Campus Edge sub-district.

Except where otherwise specified in this division, all provisions of this Waynflete School Overlay Zone apply in both sub-districts.

**Sec. 14-276.3. Permitted uses.**

In addition to the permitted uses allowed in the underlying zoning districts and notwithstanding anything to the contrary in the use regulations for the underlying zoning districts, the following uses are permitted uses in the Waynflete School Overlay Zone.

(a) *School Uses.* Elementary, middle and secondary school uses including, but not limited to, the following:

1. Classrooms;
2. Laboratory facilities;
3. Dining halls;
4. Auditoriums;
5. Concert halls;
6. Lecture halls;
7. Gymnasiums;
8. Libraries;
9. Outdoor use areas, such as "quads", greens, parks, gardens, art installations, and other active and passive recreation spaces;
10. Parking lots;
11. Parking structures;
12. Community meeting spaces;
13. Administrative offices;
14. Faculty offices;
15. Transportation facilities;

32 Orchard Street  
Portland, ME 04102

October 18, 2009

Richard Knowland  
Senior Planner, Planning Division  
City Hall, 4th Floor  
389 Congress Street  
Portland, Maine 04101

Re : Waynflete School's Overlay Zone Application

Dear Mr. Knowland,

My family and I live in close proximity to Waynflete School.

I have been involved with Waynflete as a parent and as a volunteer for many years. Fifteen years ago we moved into the neighborhood because of the School; and we have found that many of our neighbors and friends moved to this area for the same reason. We continue to enjoy living near Waynflete even though our children have graduated, and have always found the School to be a considerate neighbor and an asset to the neighborhood.

I write in strong support of the School's Overlay Zone proposal, which is currently before the Planning Board. I believe the proposal is a sensible and credible compromise which provides the School with realistic guidelines for possible future development while at the same time providing the neighborhood and the City with predictability in terms of a firm campus / neighborhood boundary. I believe, too, that it is sensitive to the overall preservation of the historic character of the neighborhood.

Waynflete School is a valuable asset to the neighborhood, to the City of Portland (and, indeed, to the whole of Southern Maine). Its contributions extend far beyond the exceptional educational experience it offers to



hundreds of students living in southern Maine. It strengthens property values by attracting homeowners to the area as well as by maintaining its own buildings and grounds to a high standard. Its community service focus benefits many West End residents and neighboring non-profit organizations such as Reiche School, LearningWorks, Ronald McDonald House, Parkside Neighborhood Center and many others. It quietly performs numerous neighborly acts including plowing the snow from the walks and drives of nearby residents and opening its playgrounds for use by neighborhood children.

It is important that Waynflete remain an institution of excellence. Inadequate facilities will undermine the quality of the education provided and ultimately the strength of the institution. It is vital that Waynflete be given strong consideration in this regard, in balance of course with the needs and interests of the neighborhood and the City. A failing Waynflete School at some future date would be a disaster not only for the school community but also for the neighborhood as well as for the City.

Sincerely,

Nancy R. Brain

cc: Deb Andrews  
Historic Preservation Planning Division

**Rosa W. Scarcelli & Thomas H. Rhoads**

71 Bowdoin Street Portland, Maine 04102 (207) 773-2541

November 6, 2009

Richard Knowland, Senior Planner  
City of Portland  
Planning Division  
389 Congress Street  
Portland, Maine 04101  
VIA EMAIL [rwk@portlandmaine.gov](mailto:rwk@portlandmaine.gov)

Dear Mr. Knowland,

We are writing in support of Waynflete School's Overlay Zone proposal now before the City.

Our views are expressed here not as members of the school community, although we proudly consider ourselves as such. Rather, we write as owners of property in the immediate vicinity of the school for seventeen years and hopefully many more to come.

It has been our experience that Waynflete has consistently been a most thoughtful neighbor, responsive to all concerns and ever mindful of any impact its activities have on the surrounding properties. We are certain that the school makes a positive contribution to the quality and desirability of our community. Proximity to one of the region's top private schools significantly enhances the value of our properties. We have always thought of Waynflete School as one of the best parts of the neighborhood. Equally as important, we think having the opportunity to attend school in the midst of one of the most historic and appealing urban neighborhoods in New England has made an indelible mark on the lives of countless bright young minds.

There could be no better example of high regard for Waynflete than the school's high quality and collaborative approach to this proposal. It offers both the City and neighbors a clear roadmap of the school's future footprint, and gives assurances that the interests of the City and neighbors are reasonably protected. As a neighbor, the predictability and certainty of an overlay zone is key to preserving the value we feel the school adds.

We urge your favorable action on the proposal.

Thank you,

Rosa Scarcelli & Thomas Rhoads

Cc: Deb Andrews  
Carrie Branson

## MEMO

From: Orlando E. Delogu, and Peter L. Murray  
To: Portland Planning Board  
Subject: A Response To Substantive Issues Raised At The October 27, 2009 Public Hearing  
in re Waynflete School's Application For An Overlay Zone  
Date: December 2, 2009

After the applicant's presentation, and after public testimony, there was lengthy and informative Board discussion of the application. It became clear that some Board members were not prepared to recommend Board approval of the applicant's overlay zone because they regarded the 40 acre Fore River parcel as available to accommodate at least some portion of the applicant's future space needs thereby avoiding the need to expand the school's West-End campus (by acquiring five existing houses and two additional properties) as the overlay zone would allow. Other Board members seemed sympathetic to Waynflete's proposed overlay zone, but they studiously avoided any comment on, or discussion of, the school's 40 acre Fore River parcel. One Board member said very little, did not indicate a leaning, and did not comment on the 40 acre parcel.

Prior to the public hearing, the Board received a memo from Associate Corporation Counsel, Ms. West-Chuhta that laid out provisions in the comprehensive plan relative to institutional expansions into residential zones. Based on policies outlined in the plan, Counsel concluded by stating: "...it would be appropriate for [the Board] to evaluate (among other things) the way in which Waynflete is using its existing lot area (*including property owned by Waynflete outside of the proposed overlay zone*)." (emphasis added). Counsel's memo takes the position that both neighborhood associations have advanced, i.e., that the 40 acre Fore River parcel should be considered in determining whether the school's future space needs can be met without encroaching on existing residential neighborhoods. Once this parcel is considered, it seems obvious that these future space needs will be amply met, thereby obviating the need for the overlay zone proposed by Waynflete School. Put more succinctly, the availability of this site to meet (at least in part) future space needs of the school dictates that Waynflete's presently proposed overlay zone should not be recommended by the Planning Board.

In justifying its overlay zoning proposal Waynflete ignores the 40 acre Fore River property altogether – this area is dedicated to ballfields/recreational facilities and programs of the school. Waynflete asserts that all K-12 academic programs, can only be located on the West-End neighborhood campus. They offer no pedagogic reasoning as to why this sharp division of activity between the two sites must exist today. Moreover, there has been no showing by Waynflete that the Fore River property is totally unsuited to any/all school functions and programs other than the ballfield/athletic uses assigned to it. In sum, the rigid dichotomy of uses and activities between the two sites is self-imposed and unexplained.

But even if one accepts Waynflete's premise that all its academic activities must be in one place, the spatial assumptions that Scott Simon (the school's architect) operated under become critical. For example, if Mr. Simon is instructed by his employer (as in fact he was) to increase square footage of space per student, to increase the area allocated to open space, to retain all existing on-site parking spaces, to retain the gymnasium building as a gymnasium, one can certainly

arrive at a conclusion that future academic space needs of the school cannot be met on the remaining/unbuilt portion of the West-End campus. Based on the assumptions given him, this was in fact Mr. Simon's conclusion— space needs exceeded available (un-built upon) land by a narrow margin, some 2,965 feet.

If these assumptions are altered even slightly— for example, if square footage per student is reduced (to more nearly reflect state recommended levels); if open space on the West End campus is not expanded; if some portion of present on-site parking is moved to off-site parking areas (as is common for many developments); and most important, if the indoor sports activity is moved completely to the Fore River property (the area Waynflete has designated for such facilities) thereby freeing up the gymnasium or the land it is built on for academic needs, then a different conclusion of the adequacy of un-built upon land on the West End campus to meet future space needs would almost certainly be reached.

Fine tuning the assumptions was precisely the approach taken by Senior Planner Richard Knowland in his October 23, 2009 Staff report to the Board (see § VIII. 2. pgs. 13-15). He saw that the school's asserted future space need (approx. 50,000 sq. ft.) and Mr. Simon's conclusion as to what could be done on the un-built upon portion of the West-End campus (approx. 47,000 sq. ft.) differed by less than 3,000 square feet. Knowland's report (on the cited pages) made a number of suggestions/recommendations to find the necessary 3,000 square feet of academic space. Acceptance of one, or some combination, of these recommendations would meet the school's assessment of future space needs on presently owned West End campus land and the overlay zone would not be needed or justified.

Mr. Simon's conclusion is undoubtedly accurate given the assumptions he worked with. But both Mr. Knowland's staff report and this Memo have offered a series of very plausible, and completely realistic alternative assumptions and recommendations. Adopting some combination of these recommendations/alternative assumptions, will almost certainly find the needed 3,000 square feet. Certainly adoption of the major alternative, namely reconfiguration or relocation of the gymnasium, would enable all future academic space needs of the school (as Waynflete has defined them) to be met by utilizing areas on the present West-End campus.

In sum, the spatial assumptions and recommendations offered by the neighborhood associations, and by Mr. Knowland in the staff report meet the letter and the spirit of Portland's housing and comprehensive plan policies and requirements. The school's assumptions do not. Thus, even if the focus is on the activities that Waynflete says must be maintained together, the school's burden of justification is not met, the proposed overlay is not needed.

The record is clear. Waynflete has a long history of student enrollment and staff growth (from under 100 students in the mid-60's to some 550 students and 150 staff today). They have a similar history of West-End neighborhood property acquisition. The notion that acquisitions before the mid-80's somehow don't count because the school was a permitted use then does not change this. In law, a conditional use is a permitted use once the conditions are met, and intrusions into an existing residential neighborhood are just as real in either case. This memo will not repeat the record of property acquisition from the mid-60's to the present— the Board already has this information. We will only point out that 8 properties (with approx. 75,000 sq. ft. of floor space and land area nearly doubling the size of the West-End campus) were acquired

during this period of time. The overlay zone proposed at the October 27<sup>th</sup> hearing sought to acquire 7 additional properties (five with structures having approx. 15,000 sq. ft. of floor space, and 2 parcels of land encompassing approx. 4,000 sq. ft.). Faced with growing opposition to these plans Waynflete has now scaled down its overlay zone proposal; it would acquire only two residential properties (11 Fletcher Street and 299 Danforth Street), but it also seeks mixed use (school/residential) designation for what would be four West-End campus residential holdings-- the two properties/structures it would acquire, and two already owned, 3 Storer Street and 305 Danforth Street. For all of the reasons previously stated, this further (albeit more limited) encroachment on the residential housing stock of the West End is not needed to meet school needs, and accordingly, is not warranted.

In short, Waynflete's modified overlay zone proposal simply bears out a 40-year pattern of intrusion into a largely residential neighborhood. Acquired properties are then converted to school use. During this period the school's interest in property acquisition has at varying times included the 8 properties already acquired, the properties in its original (October 27<sup>th</sup>) overlay zone proposal, and the modified proposal now on the table, as well as the Williston Church Annex, the St. Louis church property, 33 Storer Street, and 364 Spring Street. This pattern speaks for itself; the school's appetite for acquiring neighboring residential/institutional properties has been continuous and unrelenting from the mid-60's to the present. At some point it must end.

What these patterns of student, staff, and property growth suggest-- a suggestion echoed in the October 23, 2009 staff report (see pgs. 5-6), is that an overlay zone, to protect the residential character and integrity of the west-end neighborhood, is definitely needed-- not the overlay zone proposed by Waynflete School (which contemplates still more neighborhood land acquisition and conversion to school use) but one proposed by the two neighborhood associations. What is needed is an overlay zone that halts the 40-year progression of Waynflete School growth by assimilating more and more of one of the most viable residential neighborhoods in the city.

Finally, whatever overlay zone emerges from this process, we strongly urge that *all of the promises made by the school be specifically included in the textual language of the new zone*. The staff report contains a similar recommendation (see pgs. 5-9) and has identified most (if not all) of these commitments. We reiterate in this memo some of the more important school promises that really should be memorialized in the language of the ordinance:

1. the capping of student enrollment at 550 students;
2. limiting the school to a K-12 day school program;
3. barring the construction of dormitory facilities;
4. limiting the height of buildings on the West-End campus;
5. maintaining the tax obligation of the school with respect to its residential properties;
6. compliance with historic district ordinances and guidelines in all future construction.

This listing is not meant to be exclusive. We leave it to the staff and Board to examine the record and hold Waynflete (within the body of the ordinance) to any and all promises made.

Respectfully Submitted,



Exhibit # 2

Jenny P. Scheu  
381 Spring Street  
Portland ME 04102

22 October 2009

David Silk, Chair  
City of Portland Planning Board  
Portland City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland ME 04101

Re : A Letter in Support of the Waynflete School's Proposed Overlay Zone

Dear Chairman Silk and members of the Planning Board,

I am writing to strongly support the adoption of Waynflete School's proposed Overlay Zone. I have read through their entire application, seen the maps & graphic presentations, and have attended several neighborhood and Planning Board meetings about this important issue.

The adoption of the Overlay Zone will make future planning reviews easier and clearer for all parties. Much planning work has been done- and great care taken- to propose a Zone which will allow some growth AND maintain the urban residential scale that is characteristic of the West End neighborhood.

Waynflete School has made it very clear that they will continue to be an urban neighborhood school, with a mission to connect their students of all ages. The land which they own near the Fore River is to only be used for outdoor gatherings and athletic practice and competition. The school has also made it very clear that while they do not expect their student population to grow, they do need to plan for some facilities' expansions. Even if their proposed expansions come to pass, their facilities will still be well under mandated state standard square footages for public schools of similar size.

I do not agree with the negative stance of of the West End neighborhood organizations which oppose this Overlay Zone. I submit that if they had the responsibility to plan for the school's future, they would make a proposal for conservative and thoughtful growth, very similar to that which the school has proposed.

I continue to be impressed by the care and consideration that Waynflete School shows their West End neighbors, and applaud their excellent efforts at long term planning. As one of their closest neighbors, I am delighted by the presence of the school institution in my daily life!

Sincerely,



Jenny P. Scheu

Rick Knowland - Waynflete Overlay

Exhibit #3

**From:** "Gail Landry" <glandry@townandshore.com>  
**To:** <rwk@portlandmaine.gov>  
**Date:** 10/26/2009 5:48 PM  
**Subject:** Waynflete Overlay

Dear Mr. Knowland,

As a resident of Portland who currently resides at 315 Spring St., I am writing to let you know that I am supportive of the overlay that Waynflete has proposed. I feel it is sufficient to meet the needs of the school and in fact over the long term will serve to enhance the values of properties in the area. I have watched as the school strives to be a "good neighbor" and feel that they are conscientious in this regard.

I firmly believe that are an asset to the neighborhood.

Sincerely,

Gail Landry

Exhibit 4

**From:** <bvino@myfairpoint.net>  
**To:** <RWK@portlandmaine.gov>  
**Date:** 10/23/2009 10:39:23 AM  
**Subject:** Waynflete overlay plan

I am writing to you to express my support of the Waynflete overlay plan. I am a resident of the West End and, after careful review, I have found the plan to be quite reasonable and respectful of the neighborhood and its historical character.

I often enjoy walking through the Waynflete campus after school hours and feel it is very important for both the students and nearby residents to maintain the green space that the campus provides.

Thank you for your consideration.

Barbara Berger  
50 West Street  
Portland



To The Planning Board

I wish to register a public comment on the "Waynflete Overlay Plan", which is of the utmost importance to us. Two years ago we, the Morrills, purchased an historic home (33 Carroll Street) in the West End. The home was in quite poor condition, nearly untouched for forty years, e.g., the roof was made of asbestos! We have spent the past two years spending hard earned funds bringing the house back to its deserved condition. Why did we do this? Simple answer: we wanted our family to be close to Waynflete, where two of our three kids' spirits ((Niklas, 14 and Annika, 12) are flourishing. Soon, our third (Jenny, nearly 3) will join the school.

We never had any interest in living in the city until we became involved with Waynflete. Our investment should benefit everyone in our fun community. For people to suggest that Waynflete, a world class educational institution, is not an immense asset to our neighborhood is frankly absurd. The neighborhood would be a shadow of itself without Waynflete. Note the condition of the housing stock declines as one gets further away from Waynflete. The real estate value (tax base) of the neighborhood would decline hugely without this fine school.

I write to you with the request that you look at Waynflete not as "the enemy" but as a treasured asset in our neighborhood – a friend. In this spirit, we should be able to find a long term overlay plan that is a win-win for our community. I feel Waynflete's current plan shows sensitivity to our community, and yet allows itself to continue to improve its offering to the kids – who should be one of, if not the, primary concern. Make no mistake if the community chooses to hurt Waynflete, this will have long term repercussions in many unintended ways. I know for one we will think twice about any charitable giving in the city at large if this school is not given a fair shake. Let us approach this as friends with a shared goal of making the West End even greater. There are no enemies here, only friends. Please do not let the personally disgruntled divide us; we hope to be in this neighborhood twenty years from now. Thank you for your time and effort. John and Eva Morrill

Cc: Mark Segar, Deb Andrews

27 October 2009

Mr. Richard Knowland  
Senior Planner, Planning Division  
City Hall, 4<sup>th</sup> Floor  
389 Congress Street  
Portland, ME 04101

Dear Mr. Knowland,

I write in support of approval of the overlay zone proposed by the Waynflete School.

My family has lived at 15 Thomas Street, adjacent to the school campus, for six years. We moved to the neighborhood when my daughter started at Waynflete, to be near to her school community. We think this is a very special neighborhood, with its lovely historic homes, wonderful location, and many interesting and committed residents. Waynflete School is one of the important vital elements of the neighborhood.

I greatly appreciate the school's meticulous upkeep of its buildings and grounds. I feel that the efforts we've made to upgrade our 120-year old house with sensitivity to its historic character are mirrored in the school's commitment to maintain their historic structures.

Like many other neighbors, we walk our dog on the sidewalks surrounding the campus. The campus is well lit at night, and there is a consistent security presence. During the winter months, the Waynflete maintenance crew kindly plows the sidewalks across the street on Thomas. When parking issues at school pickup time on our street arose last spring, the school responded by providing staff on site to remind drivers to follow traffic rules.

Waynflete has been open and honest with neighbors in developing the overlay zone. I've attended two of the series of neighborhood meetings on the subject to learn about the plan. I applaud the school's intention to incorporate more residential sites on campus and their commitment to "green" and responsible practices

I believe that Waynflete is committed to listening to neighbors' concerns and to working with them now and in the future to be a positive presence in the community.

Thank you for this opportunity to express my support.

Deborah S. Shinn  
15 Thomas Street  
Portland, ME 04102  
dshinn@maine.rr.com

Exhibit #

**Rick Knowland - Waynflete School's Proposed Overlay Zone**

**From:** Laura Fecych Sprague <ssprag1@maine.rr.com>  
**To:** Richard Knowland <rwk@portlandmaine.gov>  
**Date:** 10/27/2009 1:05 PM  
**Subject:** Waynflete School's Proposed Overlay Zone  
**CC:** Seth Sprague <sethsprague@blackpointcorporation.com>

Tuesday, October 27, 2009

To: Planning Board, City of Portland  
C/o Richard Knowland, Senior Planner

Dear Mr. Knowland,

Since April we have been following the discussions and attending meetings regarding Waynflete School's proposed Overlay Zone. We have appreciated the opportunity to learn about this important issue. Having reflected on what we've heard, we are writing to express our opinion.

We have lived at 28 Orchard Street, just four doors down from the Waynflete campus, since 1981. Our daughter graduated from Waynflete in 2008, having attended since preschool. The presence of the School was an important positive factor in our decision to move to the West End. The School is a vital part of our neighborhood, and we know many other residents who have chosen to live here because of the School.

We have not been actively involved in either the Western Prom Neighborhood Association or Waynflete affairs and were surprised to witness the level of animosity the leadership of the Association holds for the School. It got us thinking about recent history when the Association opposed noise at the Merrill Marine Terminal, smells at Barber Food, noise from the Jetport, emergency helicopter noise at Maine Med, and now loss of residences at Waynflete. When each of these issues arose, we instinctively sided with the "institutional" neighbor whose existence was being threatened by stands of the Association. All of these institutions are important contributors to our neighborhood and the City. We need them to be able to thrive and coexist comfortably with their residential neighbors. With its significant annual budget, Waynflete School contributes dynamically to the City's economic vitality. In today's world of lost companies, institutions, and jobs, the School's existence in the City should be encouraged, not maligned. Waynflete's continuing substantial economic, educational, and cultural contributions to city life, in our opinion, far outweigh the concerns voiced by the Association.

It strikes us that the School's willingness to create an Overlay Zone that would effectively limit the growth of its footprint is a significant concession to the concerns about continuing loss of residences, yet the Association's unwillingness to give the School any credit for that compromise leaves the impression that its goal is not to be a good neighbor but to squeeze the School out. We support the slightly expanded footprint as a reasonable compromise. It would set to rest fears about unchecked future expansion, cause little, if any, detrimental change to the feel of the neighborhood, and provide a better chance for the long-term success of an essential asset in our community. We urge the Planning Board to recommend Waynflete School's Overlay Zone to the City Council.

Thank you for your consideration.

Sincerely,

Seth and Laura F. Sprague  
28 Orchard Street  
Portland, ME 04102  
(207) 773-6068

## MEMO

To: Portland Planning Board

From: Orlando E. Delogu (west end neighborhood resident/ 22 Carroll St. #8)

Date: October 27, 2009

Subject: A Proposed Overlay Zone for Waynflete School

1. Waynflete's growth in the neighborhood (both in student/faculty/staff population and land acquisition) from the mid-60's to the present has been continuous/relentless— there is no end in sight. (The student body has grown from fewer than 100 to over 550/; faculty and staff from a few dozen now number close to 130; the west end campus has nearly doubled in size). All of these people come with cars (or other transportation modes), parents, friends, etc. The neighborhood bears an array of burdens.
2. Waynflete proposes an overlay zone that would only exacerbate this 40-45 year pattern of growth— the overlay seeks to legitimize further intrusions into the neighborhood. The proposed overlay #1 is contrary to the housing policies of the city; #2 is contrary to the letter and spirit of the historic district ordinance – historic structures would be altered/displaced by future Waynflete acquisitions; #3 will significantly reduce the property tax base of the city; #4 will exacerbate already difficult parking and traffic movement problems in the neighborhood; and #5 ignores guidelines for the expansion of institutional uses into adjacent residential neighborhoods.

For any/all of these reasons Waynflete's proposed overly zone should be rejected. Moreover, these conclusions seem fully borne out by the Staff's October 23, 2009 report to the Board.

3. But given the schools pattern of growth over the last 40+ years, it is not enough for the Board to simply reject the school's proposed overlay zone. As the staff report correctly notes (see pg. 5): "...an overlay zone... provides predictability and certainty for the school and neighborhood residents in terms of where and how the school may grow and expand in the future." The overlay zone I would urge this Board recommend to the City Council is much smaller than the school's proposed overlay zone— it is an overlay zone limited to the present boundaries of the in-town campus (with the possible exception of adding one property, (the 11 Fletcher street parcel).
4. It has been demonstrated as part of the discussion of proposed overlay alternatives that there is sufficient land within this more limited in-town campus/overlay zone to accommodate the space needs of the present (and projected) student population. And if these space needs, for presently unforeseeable reasons, expand in the future, Waynflete owns within the city (in addition to its in-town campus) a 40 acre parcel of land(a large portion of which is unbuilt upon) which lends itself to a wide variety of academic as well as athletic uses. In short, there is no need now, or in the future to expand the boundaries of Waynflete's in-town campus. The geographic dimensions of that campus should be defined by city council adoption of a legally binding overlay zone along the lines suggested in para. #3.

Respectfully Submitted,  
O. E. Delogu

**PB Public Hearing 10/27/09 – Anne B. Pringle  
Western Promenade Neighborhood Association**

**“Common Ground”**

- Both Waynflete and the neighborhoods benefit from a defined boundary that assures predictability
- Enrollment should not exceed 552, plus or minus 5%
- Waynflete should remain a day school
- Additions and new buildings should respect and reflect the residential context – scale, materials, articulation, setbacks, etc.
- Waynflete should continue efforts to reduce traffic and parking in the neighborhoods, subject to City review
- 305 Danforth should remain 100% residential in perpetuity

**Where we Disagree...**

- Waynflete should not acquire any more houses
- Waynflete should not convert 3 Storer Street, in whole or in part – it should remain 100% residential in perpetuity

**Why we disagree...**

Waynflete has NOT met the burden of proof that its proposed overlay zone boundary and text is consistent with the City’s Comprehensive Plan. Why??

**Waynflete “Needs”**

- Waynflete has not substantiated its projected program “needs” as true needs vs. wants. A 50% increase in program space with no increase in students does not meet the straight face test.
- If this were a public school, there would be a robust dialogue about space needs, not a decision by a private Board of Trustees.
- The City is not obligated to accommodate this unsubstantiated self-declared need.

**But, even if you accept the “need”...**

### **More efficient use of existing campus**

- Waynflete has not made the case that it cannot more efficiently use the existing campus.
- In fact, City staff, WPNA, and members of the HPB have made suggestions as to how this might be done.
- An urban context requires creative urban solutions. If Scott Simons were allowed to look for creative solutions, we are confident he could find them.
- And, as Corporation Counsel has opined, the “existing lot” should be read to include the opportunity to use the Fore River location to meet some of its needs.

### **Encroachment**

- Waynflete should not be allowed to further encroach into an established viable, residential neighborhood.
- Its encroachment is already significant (see Exhibit) and should be constrained by a defined boundary limited to its existing campus.
- Neighborhood backyards should not be sacrificed for open areas for Waynflete students, reducing home values and market appeal.
- High school students congregate and do not need 8,000 sq. ft or more open space.
- The desire to create a the aesthetic feel of a suburban campus in an urban setting is driving the open space “needs”.

### **Conversion/Displacement**

- Waynflete has not demonstrated why additional single family owner-occupied homes and backyards must be acquired to meet its needs.
- Three large single family homes could be converted 100% to school use and part of another, with only 4,672 new sq. feet of rental space substituted, a net loss of 7,000 sq. ft.?
- It is not good public policy to displace to provide four small apartment for Waynflete faculty and staff.

### **“Flexibility to Grow”**

- Waynflete has stated that it needs “flexibility to grow”.

- But the extent of the flexibility the text of their proposal would allow does not provide predictability to the neighborhood.
- Indeed, a cloud would hang over the residential properties in the overlay zone, affecting not only those homeowners but their abutters, and depressing property values.

**Text is important!**

Representations have been made repeatedly and should be incorporated in the text:

- Waynflete is committed to remain a day school.
- Waynflete will limit its average enrollment of 552 students, recognizing the normal fluctuation of enrollment (approximately  $\pm 5\%$ ).
- If displacement and replacement housing is allowed, Waynflete has stated that it will likely be incorporated in the existing buildings on Spring Street and that the buildings will be fully taxable. This representation should be explicitly stated in the text and The opportunity to create new building to house rental units should be stricken from the text.
- Assuming the Storer and Grayhurst properties remain in private ownership, the setback for new development should be 50 feet from the wall on Grayhurst Park, to protect the abutters.
- Student housing and dormitories should be stated as prohibited uses, consistent with the representation that Waynflete will remain a day school.

Furthermore:

- As the side-by-side comparison shows, the WPNA Alternative Overlay Zone text contains more explicit language regarding building standards and parking/traffic controls, to provide predictability for the neighborhood, and those provisions should be included in the overlay zone text.
- In order to allow opportunity for neighborhood comment, Planning Board review should be triggered by any proposed addition exceeding 5,000 sq. ft.
- The text for the underlying zone (and all residential zones) should be revised (Sec. 14-103(b)) should be revised to provide that expansion of conditional institutional uses should be allowed only if consideration of their cumulative expansion demonstrates that there has not been or will be significant encroachment into an established residential area, to prevent future institutional "creep" on a project-by-project basis.





## History of Waynflete Acquisitions/Encroachment

	Square Feet	Valuation
<b>1960s</b>		
1963 Morrill House	4,648	703,600
1964 Hurd House	3,788	621,000
1968 Thomas House	6,646	825,200
Storer House?	???	-----
<b>1980s</b>		
1986 Ruth Cook Hyde House	7,394	501,600
1984 Home for Aged Women	35,000??	2,486,000
<b>1990s</b>		
1997 Pratt House	2,196	496,600
1995 Headmaster House	<u>3,467</u>	<u>578,900</u>
7 single-family owner-occupied homes Plus multi-unit residence	63,139±	6,212,900
<b>Proposed Acquisitions</b>		
11 Fletcher Street (Webber)	2,430	520,200
27 Storer Street (Engholm)	4,131	525,400
25 Storer Street (MacVane) (same sq. footage as 27?)	3,367	530,800
10 Grayhurst Street (Skwire)	2,832	441,800
12 Grayhurst Street (Welch/Gutheil)	<u>2,684</u>	<u>443,000</u>
5 single-family owner-occupied homes	15,444	2,461,200
<b><u>TOTAL</u></b>	<b>78,583</b>	<b>8,674,100</b>
<b>Taxes lost</b>		<b>\$ 153,877</b>
<b>New Construction/Renovation</b>		
2007 Arts Center	25,611	3,230,000
Hewes and Founders Renov.	<u>18,741</u>	<u>included?</u>
	44,352	3,210,000



Exhibit # 2

Jenny P. Scheu  
381 Spring Street  
Portland ME 04102

22 October 2009

David Silk, Chair  
City of Portland Planning Board  
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389 Congress Street  
Portland ME 04101

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Sincerely,



Jenny P. Scheu

**Rick Knowland - Waynflete Overlay**

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Thank you for this opportunity to express my support.

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15 Thomas Street  
Portland, ME 04102  
dshinn@maine.rr.com

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Since April we have been following the discussions and attending meetings regarding Waynflete School's proposed Overlay Zone. We have appreciated the opportunity to learn about this important issue. Having reflected on what we've heard, we are writing to express our opinion.

We have lived at 28 Orchard Street, just four doors down from the Waynflete campus, since 1981. Our daughter graduated from Waynflete in 2008, having attended since preschool. The presence of the School was an important positive factor in our decision to move to the West End. The School is a vital part of our neighborhood, and we know many other residents who have chosen to live here because of the School.

We have not been actively involved in either the Western Prom Neighborhood Association or Waynflete affairs and were surprised to witness the level of animosity the leadership of the Association holds for the School. It got us thinking about recent history when the Association opposed noise at the Merrill Marine Terminal, smells at Barber Food, noise from the Jetport, emergency helicopter noise at Maine Med, and now loss of residences at Waynflete. When each of these issues arose, we instinctively sided with the "institutional" neighbor whose existence was being threatened by stands of the Association. All of these institutions are important contributors to our neighborhood and the City. We need them to be able to thrive and coexist comfortably with their residential neighbors. With its significant annual budget, Waynflete School contributes dynamically to the City's economic vitality. In today's world of lost companies, institutions, and jobs, the School's existence in the City should be encouraged, not maligned. Waynflete's continuing substantial economic, educational, and cultural contributions to city life, in our opinion, far outweigh the concerns voiced by the Association.

It strikes us that the School's willingness to create an Overlay Zone that would effectively limit the growth of its footprint is a significant concession to the concerns about continuing loss of residences, yet the Association's unwillingness to give the School any credit for that compromise leaves the impression that its goal is not to be a good neighbor but to squeeze the School out. We support the slightly expanded footprint as a reasonable compromise. It would set to rest fears about unchecked future expansion, cause little, if any, detrimental change to the feel of the neighborhood, and provide a better chance for the long-term success of an essential asset in our community. We urge the Planning Board to recommend Waynflete School's Overlay Zone to the City Council.

Thank you for your consideration.

Sincerely,

Seth and Laura F. Sprague  
28 Orchard Street  
Portland, ME 04102  
(207) 773-6068

**PB Public Hearing 10/27/09 – Anne B. Pringle  
Western Promenade Neighborhood Association**

**“Common Ground”**

- Both Waynflete and the neighborhoods benefit from a defined boundary that assures predictability
- Enrollment should not exceed 552, plus or minus 5%
- Waynflete should remain a day school
- Additions and new buildings should respect and reflect the residential context – scale, materials, articulation, setbacks, etc.
- Waynflete should continue efforts to reduce traffic and parking in the neighborhoods, subject to City review
- 305 Danforth should remain 100% residential in perpetuity

**Where we Disagree...**

- Waynflete should not acquire any more houses
- Waynflete should not convert 3 Storer Street, in whole or in part – it should remain 100% residential in perpetuity

**Why we disagree...**

Waynflete has NOT met the burden of proof that its proposed overlay zone boundary and text is consistent with the City's Comprehensive Plan. Why??

**Waynflete “Needs”**

- Waynflete has not substantiated its projected program “needs” as true needs vs. wants. A 50% increase in program space with no increase in students does not meet the straight face test.
- If this were a public school, there would be a robust dialogue about space needs, not a decision by a private Board of Trustees.
- The City is not obligated to accommodate this unsubstantiated self-declared need.

**But, even if you accept the “need”...**



### **More efficient use of existing campus**

- Waynflete has not made the case that it cannot more efficiently use the existing campus.
- In fact, City staff, WPNA, and members of the HPB have made suggestions as to how this might be done.
- An urban context requires creative urban solutions. If Scott Simons were allowed to look for creative solutions, we are confident he could find them.
- And, as Corporation Counsel has opined, the “existing lot” should be read to include the opportunity to use the Fore River location to meet some of its needs.

### **Encroachment**

- Waynflete should not be allowed to further encroach into an established viable, residential neighborhood.
- Its encroachment is already significant (see Exhibit) and should be constrained by a defined boundary limited to its existing campus.
- Neighborhood backyards should not be sacrificed for open areas for Waynflete students, reducing home values and market appeal.
- High school students congregate and do not need 8,000 sq. ft or more open space.
- The desire to create a the aesthetic feel of a suburban campus in an urban setting is driving the open space “needs”.

### **Conversion/Displacement**

- Waynflete has not demonstrated why additional single family owner-occupied homes and backyards must be acquired to meet its needs.
- Three large single family homes could be converted 100% to school use and part of another, with only 4,672 new sq. feet of rental space substituted, a net loss of 7,000 sq. ft.?
- It is not good public policy to displace to provide four small apartment for Waynflete faculty and staff.

### **“Flexibility to Grow”**

- Waynflete has stated that it needs “flexibility to grow”.

- But the extent of the flexibility the text of their proposal would allow does not provide predictability to the neighborhood.
- Indeed, a cloud would hang over the residential properties in the overlay zone, affecting not only those homeowners but their abutters, and depressing property values.

**Text is important!**

Representations have been made repeatedly and should be incorporated in the text:

- Waynflete is committed to remain a day school.
- Waynflete will limit its average enrollment of 552 students, recognizing the normal fluctuation of enrollment (approximately  $\pm 5\%$ ).
- If displacement and replacement housing is allowed, Waynflete has stated that it will likely be incorporated in the existing buildings on Spring Street and that the buildings will be fully taxable. This representation should be explicitly stated in the text and the opportunity to create new building to house rental units should be stricken from the text.
- Assuming the Storer and Grayhurst properties remain in private ownership, the setback for new development should be 50 feet from the wall on Grayhurst Park, to protect the abutters.
- Student housing and dormitories should be stated as prohibited uses, consistent with the representation that Waynflete will remain a day school.

Furthermore:

- As the side-by-side comparison shows, the WPNA Alternative Overlay Zone text contains more explicit language regarding building standards and parking/traffic controls, to provide predictability for the neighborhood, and those provisions should be included in the overlay zone text.
- In order to allow opportunity for neighborhood comment, Planning Board review should be triggered by any proposed addition exceeding 5,000 sq. ft.
- The text for the underlying zone (and all residential zones) should be revised (Sec. 14-103(b)) should be revised to provide that expansion of conditional institutional uses should be allowed only if consideration of their cumulative expansion demonstrates that there has not been or will be significant encroachment into an established residential area, to prevent future institutional "creep" on a project-by-project basis.



## History of Waynflete Acquisitions/Encroachment

	Square Feet	Valuation
<b>1960s</b>		
1963 Morrill House	4,648	703,600
1964 Hurd House	3,788	621,000
1968 Thomas House	6,646	825,200
Storer House?	???	-----
<b>1980s</b>		
1986 Ruth Cook Hyde House	7,394	501,600
1984 Home for Aged Women	35,000??	2,486,000
<b>1990s</b>		
1997 Pratt House	2,196	496,600
1995 Headmaster House	<u>3,467</u>	<u>578,900</u>
7 single-family owner-occupied homes Plus multi-unit residence	63,139±	6,212,900
<b>Proposed Acquisitions</b>		
11 Fletcher Street (Webber)	2,430	520,200
27 Storer Street (Engholm)	4,131	525,400
25 Storer Street (MacVane) (same sq. footage as 27?)	3,367	530,800
10 Grayhurst Street (Skwire)	2,832	441,800
12 Grayhurst Street (Welch/Gutheil)	<u>2,684</u>	<u>443,000</u>
5 single-family owner-occupied homes	15,444	2,461,200
<b><u>TOTAL</u></b>	<b>78,583</b>	<b>8,674,100</b>
<b>Taxes lost</b>		<b>\$ 153,877</b>
<b>New Construction/Renovation</b>		
2007 Arts Center	25,611	3,230,000
Hewes and Founders Renov.	<u>18,741</u>	<u>included?</u>
	44,352	3,210,000

Email from Councilor David Marshall, 4/23/09

Here is my proposal:

- A change to the R-4 and R-6 Zones to prohibit the conversion of residential use to institutional use.
- Create a Waynflete School Overlay Zone that allows the School to potentially purchase or rent two existing institutional properties: Williston West Church and the St. Louis Church.
- Two additional adjacent residential structures will be included in the Overlay Zone and could be purchased by Waynflete without conversion to institutional use and with the potential of adding structures for institutional use.
- Existing residential structures owned by Waynflete will not be converted to institutional use and will also have the potential of adding institutional structures to the property, including a new structure between the Pratt House and Headmaster's House.