

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

	WPNA	Waynflete
Campus	Existing campus plus 11 Fletcher and 299 Danforth (two more homes). New buildings, building additions allowed 3 Storer 100 % residential.	Existing campus plus potential acquisition of 25-27 Storer and 10-12 Grayhurst (five more homes plus two back yards) New buildings, building additions allowed 3 Storer from single-family to mixed use.
Residential Conversions Limited	No school use of 11 Fletcher, 3 Storer, 305 Danforth, and 299 Danforth.	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.
	No other residential purchases allowed	Single-family owner-occupied units replaced by smaller rental units
	Residential properties outside of zone cannot be converted to school use.	
	No loss of single-family sq. footage	Net Loss of 7,120 of single-family sq. footage
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	<u>35 feet</u> , throughout zone	<u>50 feet</u> in Core Campus Subdistrict, set back at least <u>50 feet</u> 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.
Impacts	<p>On-street parking shall not be used to satisfy School parking demand</p> <ul style="list-style-type: none"> -<u>No flat roofs</u> 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>
TOTAL CURRENTLY HELD	6,163	\$1,075,400

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
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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 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).**

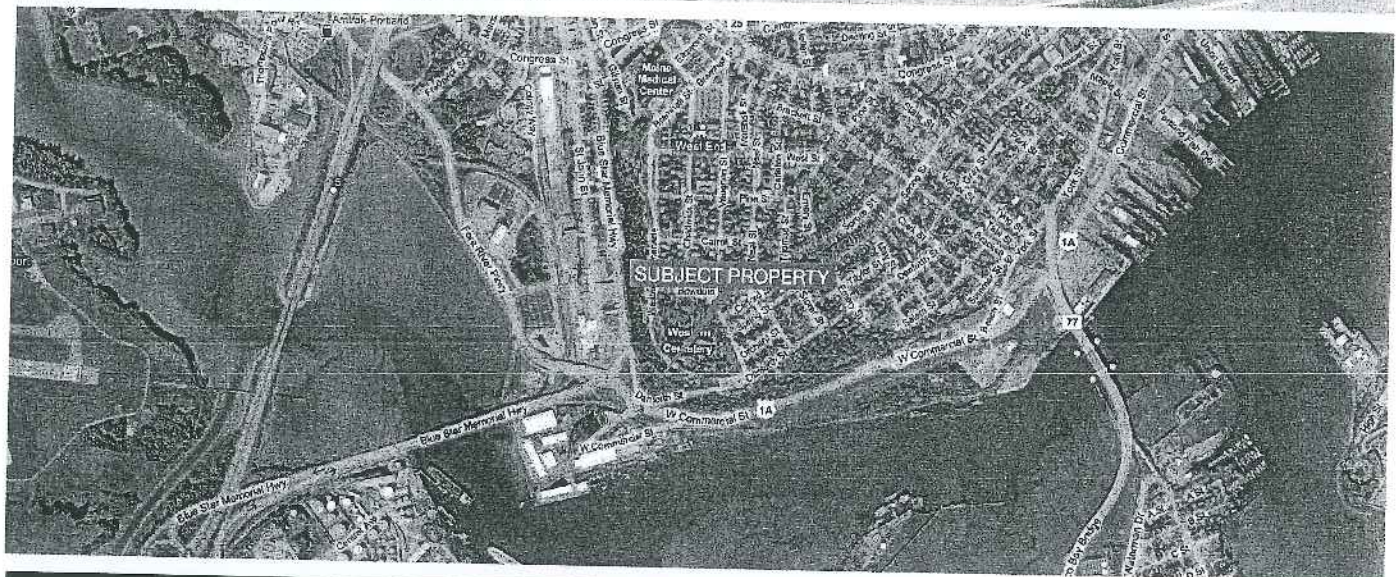
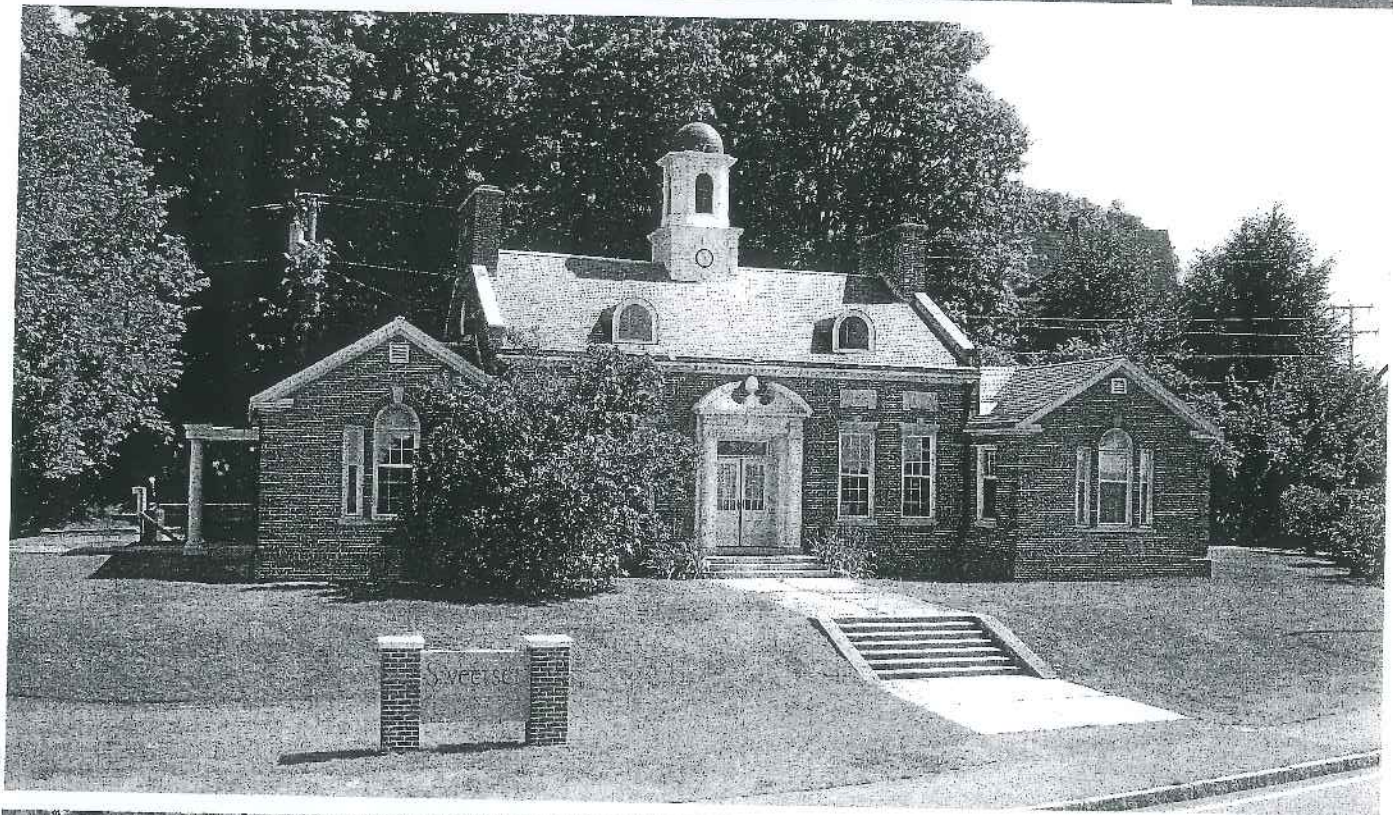
--In the case of MMC, the then-existing campus (which had also grown, just like Waynflete, on a project-by-project basis without evaluation of cumulative impacts) was reduced, with the requirement that previously-purchased residential structures be divested by MMC, according to a stated schedule.

--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.

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.

CONTACT INFORMATION

CHRIS CRAIG

207.773.7100

chriscraig@dunham-group.com

www.dunham-group.com

Owner: Sweetser

Address: 501 Danforth Street, Portland ME

Total Building Size: 5,535±SF

Space Breakdown: 2,740± - 1st Floor
855± SF - 2nd 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

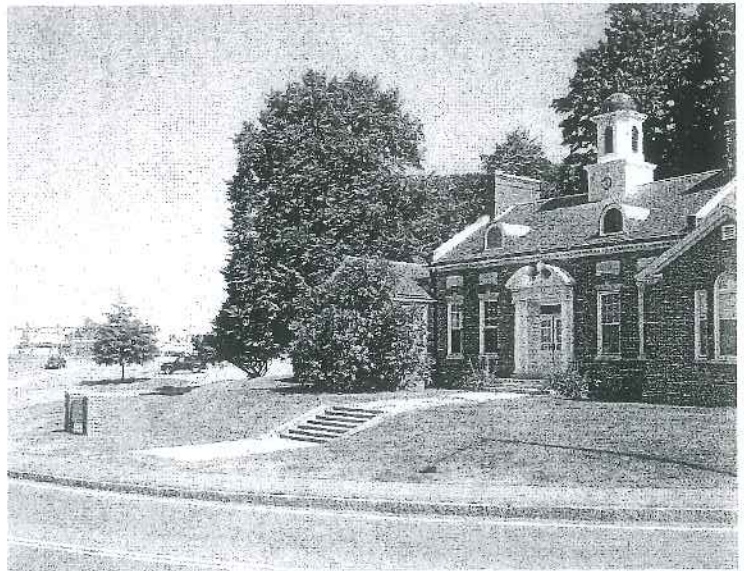
Utilities: Water and Sewer

ADA: Yes

Restrooms: Four

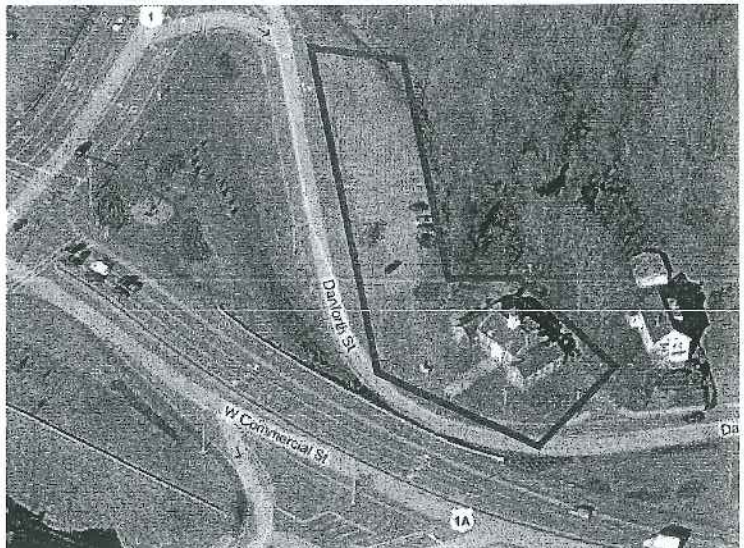
Sprinklers: Yes - wet system tied to
alarm company

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**



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WHAT IF.....

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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.

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

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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?

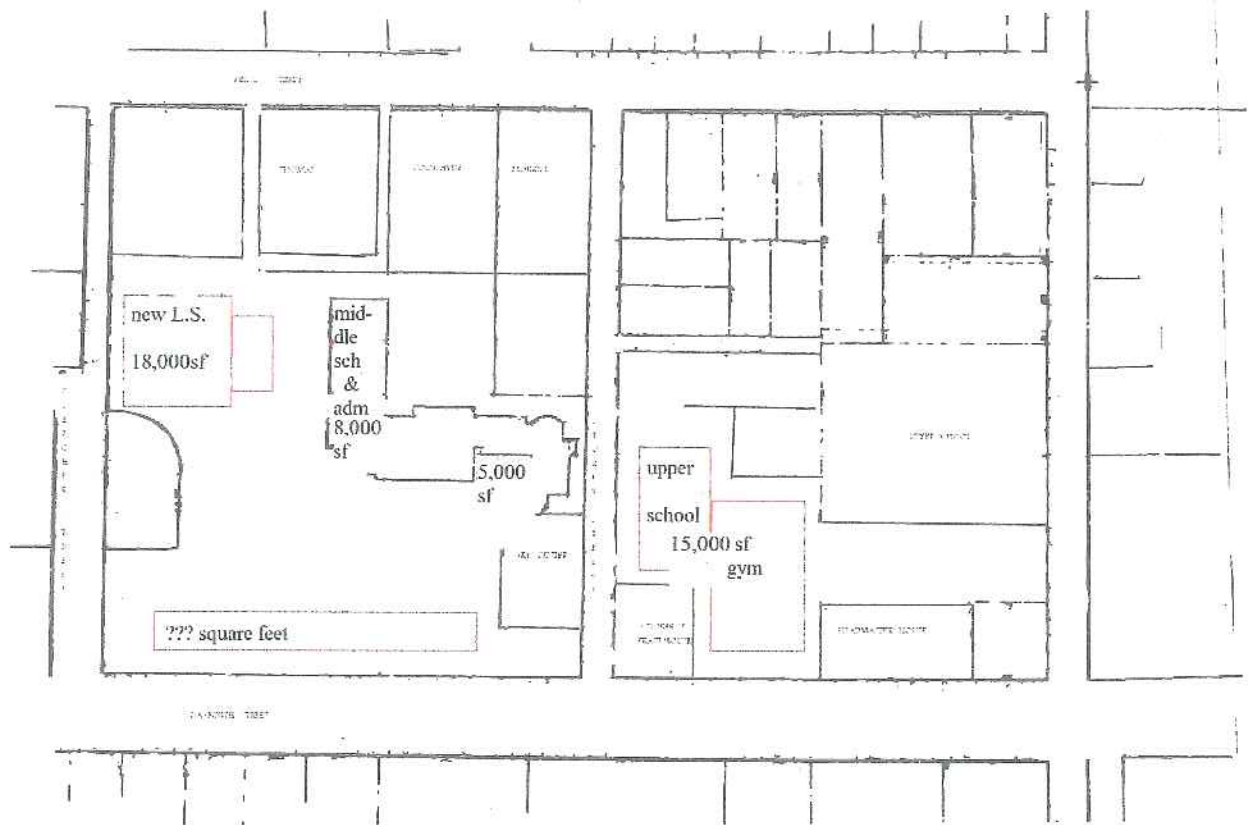
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The building at 501 Danforth St, formerly the Sweetser Building, is currently on the market. It has over 5,000 square feet, 32 parking spaces, is appropriately zoned and is .3 of a mile up Danforth to the campus. The school is currently leasing spaces 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 Councillor 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 which 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 larger community - but that said, these 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 two overlay zoning proposals being discussed. One can only hope the Council will agree—*that's my view*.

May 15-27, 2009

WELLS, BOB ROYCE
8/19/2003

The

10th

Voice

ORLANDO DELOEU 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 listening 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.

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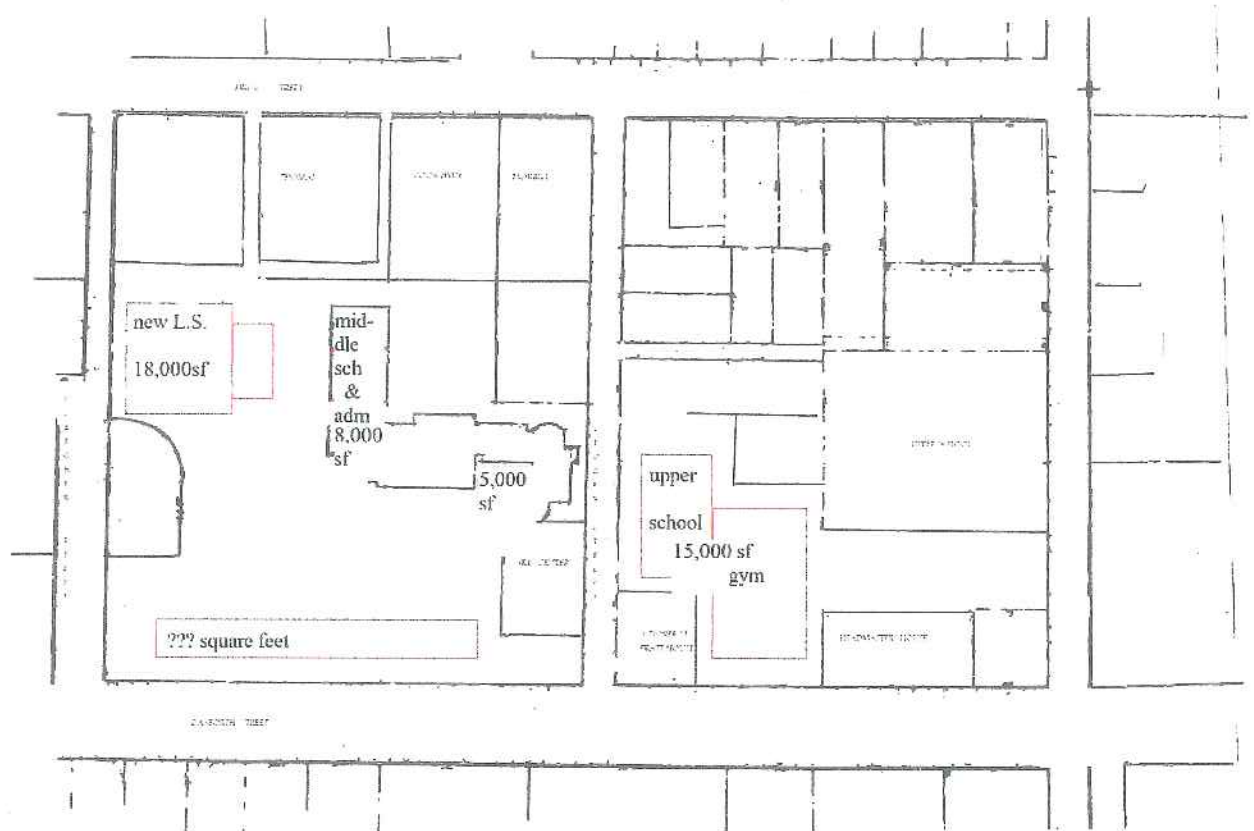
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The building at 501 Danforth St, formerly the Sweetser Building, is currently on the market. It has over 5,000 square feet, 32 parking spaces, is appropriately zoned and is .3 of a mile up Danforth to the campus. The school is currently leasing spaces 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 which 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 larger community— but that said, these 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 two overlay zoning proposals being discussed. One can only hope the Council will agree— *that's my view*.

May 15-27, 2009

ALLEN. BUS. REV. 8/19/2003

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 listening 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.

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	Waynflete
Campus	Existing campus plus 11 Fletcher and 299 Danforth (two more homes). New buildings, building additions allowed 3 Storer 100% residential.	Existing campus plus potential acquisition of 25-27 Storer and 10-12 Grayhurst (five more homes plus two back yards) New buildings, building additions allowed 3 Storer from single-family to mixed use.
Residential Conversions Limited	No school use of 11 Fletcher, 3 Storer, 305 Danforth, and 299 Danforth.	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.
	No other residential purchases allowed	Single-family owner-occupied units replaced by smaller rental units
	Residential properties outside of zone cannot be converted to school use.	
	No loss of single-family sq. footage	Net Loss of 7,120 of single-family sq. footage
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	<u>35 feet</u> , throughout zone	<u>50 feet</u> 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.
Impacts	<p>On-street parking shall not be used to satisfy School parking demand</p> <ul style="list-style-type: none"> -<u>No flat roofs</u> 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>
TOTAL CURRENTLY HELD	6,163	\$1,075,400

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)	<u>3,367</u>	<u>578,900</u>
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).**

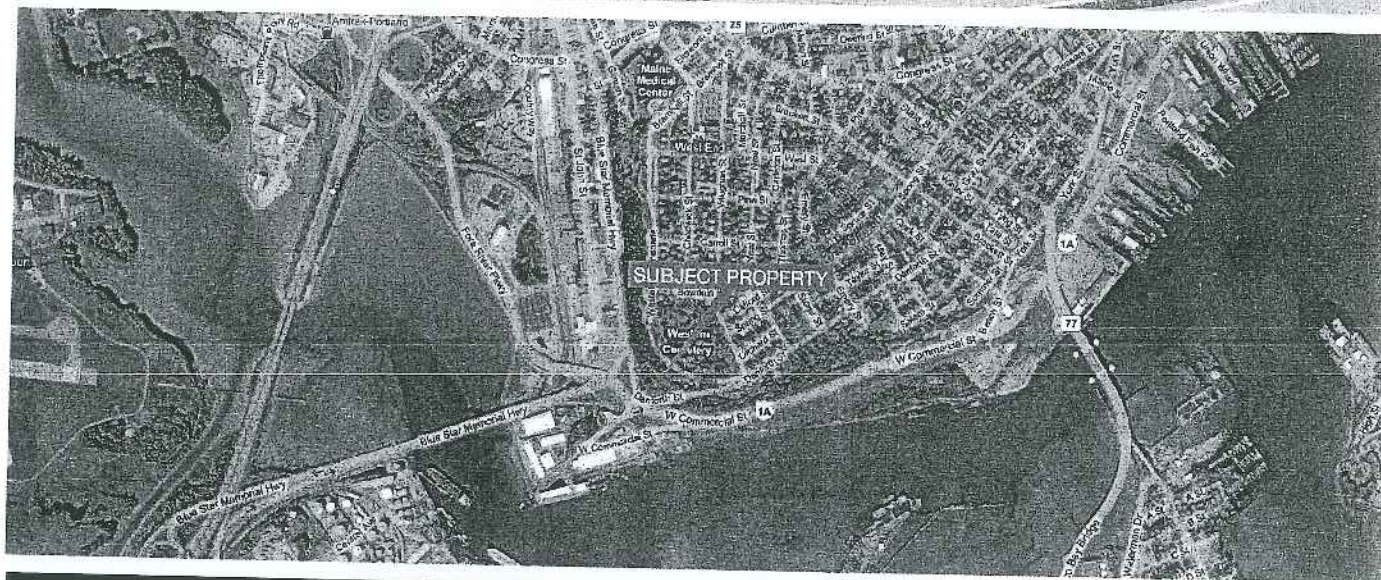
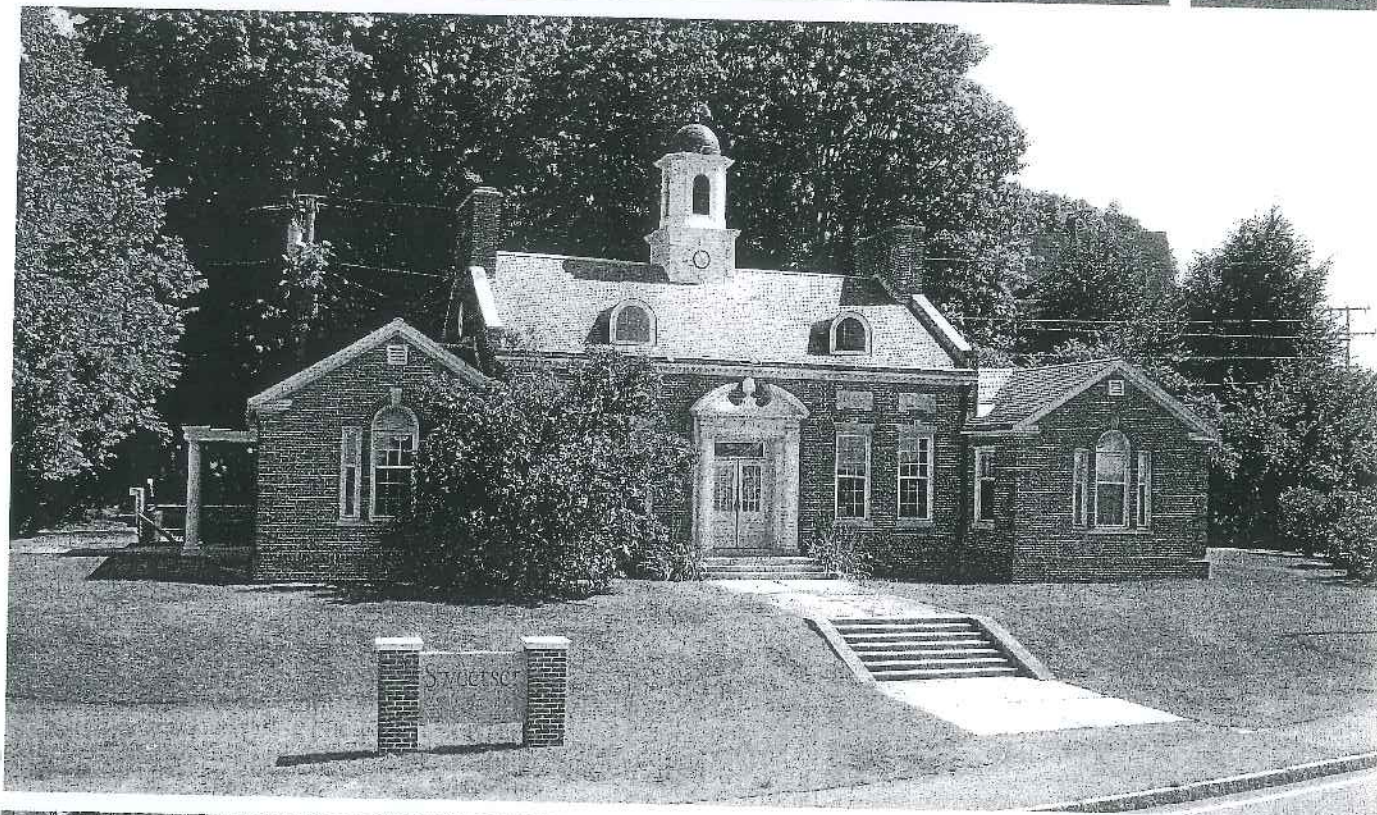
--In the case of MMC, the then-existing campus (which had also grown, just like Waynflete, on a project-by-project basis without evaluation of cumulative impacts) was reduced, with the requirement that previously-purchased residential structures be divested by MMC, according to a stated schedule.

--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.

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.

CONTACT INFORMATION

CHRIS CRAIG

207.773.7100

chriscraig@dunham-group.com

www.dunham-group.com

Owner: Sweetser

Address: 501 Danforth Street, Portland ME

Total Building Size: 5,535±SF

Space Breakdown: 2,740± - 1st Floor
855± SF - 2nd 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

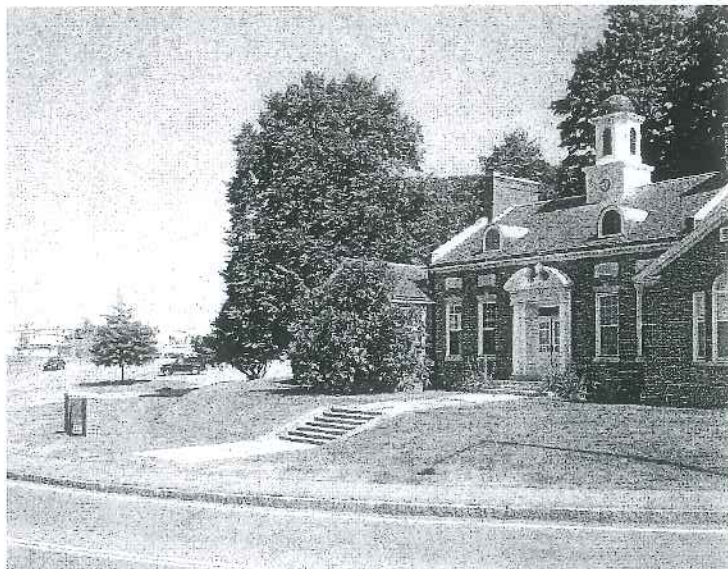
Utilities: Water and Sewer

ADA: Yes

Restrooms: Four

Sprinklers: Yes - wet system tied to
alarm company

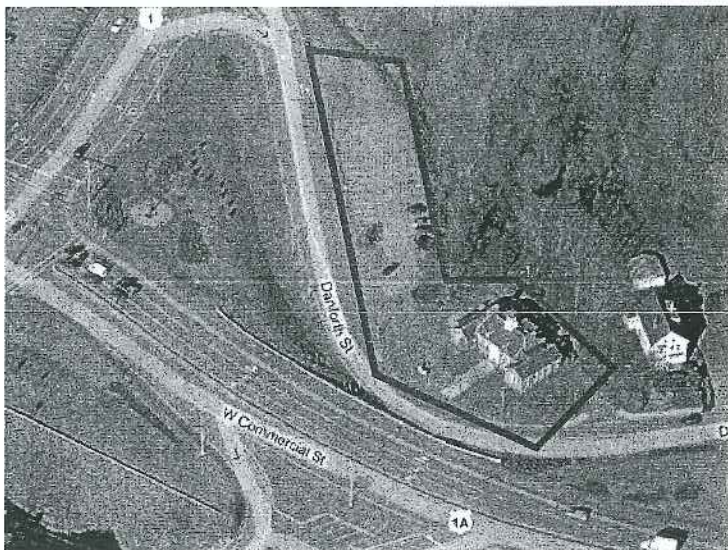
Parking: 32± spaces



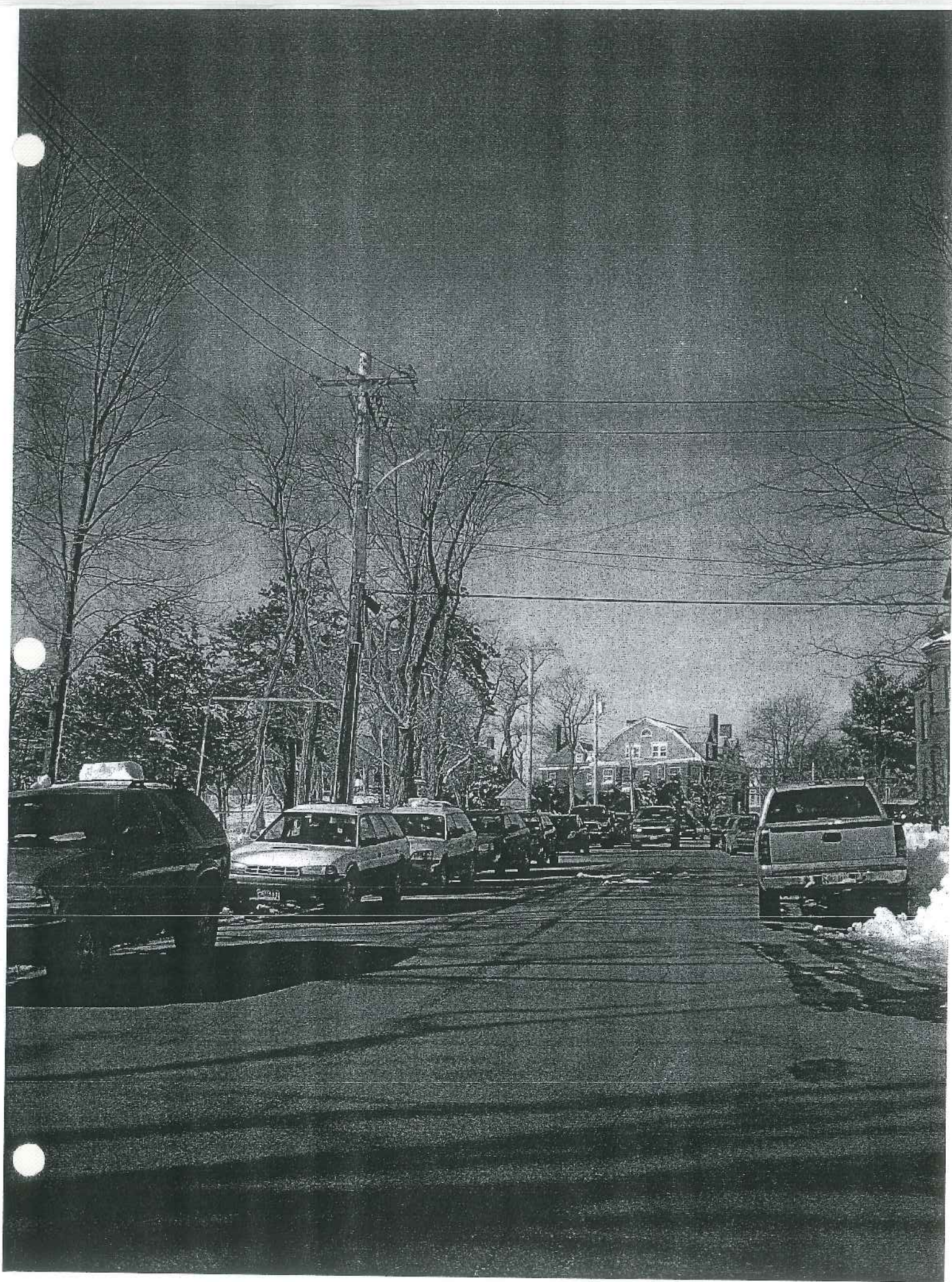
***Historic gateway building listed in the
National Register of Historic Places.
Fully rehabbed in 1997.***

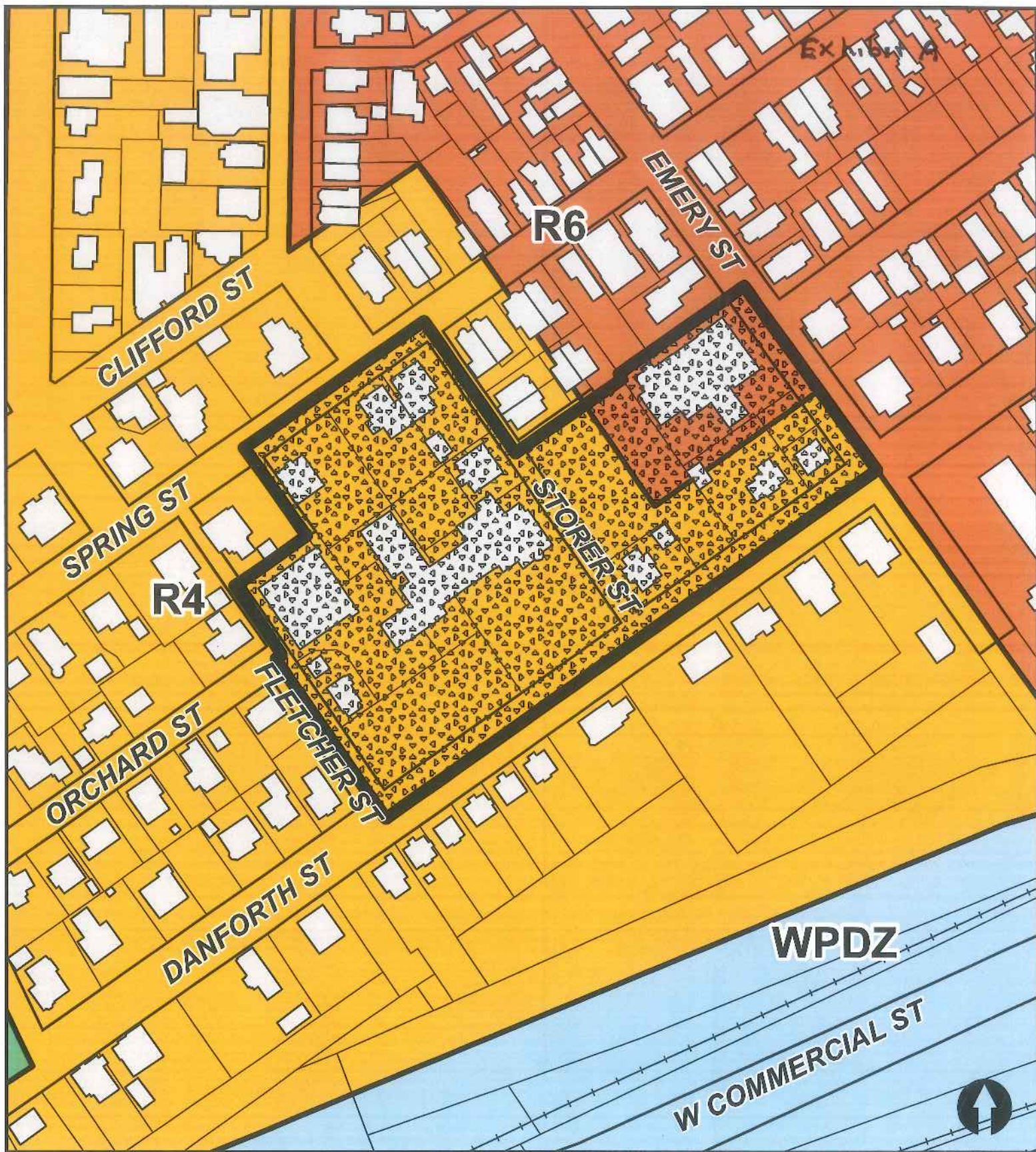
SALE PRICE: \$675,000

LEASE PRICE: \$18.00/SF NNN



NAI The Dunham Group
Commercial Real Estate Services, Worldwide.





Proposed Waynflete School Overlay Zone in the vicinity of 360 Spring Street

0 100 200 400
Feet

**City of Portland, Maine
City Council Agenda Request Form**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Alexander Jaegerman, Director of Planning Division
DATE: December 17, 2009

- 1) Council meeting at which action is requested:

1st reading: January 4, 2010
Final action: January 20, 2010
- 2) Can action be taken at a later date: _____ YES X NO
If not, why not: Both the applicant and neighborhood organizations have informed of these dates.
- 3) This item is sponsored by: David Silk, Chair of the Planning Board

If a memorandum addresses the following issues you may attach and reference the memorandum but please highlight it so staff can easily answer I-V.

I. SUMMARY OF ISSUE

The Planning Board is forwarding a recommendation to the City Council recommending approval of an overlay zone for the Waynflete School campus and several adjacent properties in the vicinity of 360 Spring Street. The amendments involve a proposed zoning text and an accompanying overlay zoning map. The Waynflete School Overlay Zone concept is similar in concept to the University of Southern Maine Overlay Zone.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The overlay zone has been proposed by Waynflete in order "to establish a clear understanding between the school, the City and the neighborhood of the School's potential plans regarding future development of their campus facilities in the R-4 and R-6 zones and to clearly define its boundary in the neighborhood". The overlay zone limits Waynflete's future growth and expansion to a specific campus footprint which provides certainty in terms of what nearby residential properties may or may not be included in the school's future expansion plans.

Under the present system Waynflete requests approval (site plan and conditional use review) for school expansion plans on a property by property basis that tends to address

short term needs but not necessarily the long term planning issues of the institution and the surrounding residential neighborhood. Rather than a limited review of an individual school project, the Planning Board's overlay zoning process has required an in depth analysis of long term plans for the entire campus within the context of the City comprehensive plan resulting in a more complete and informed planning process.

The end result is a campus plan that has been reviewed under the lens of the City's comprehensive plan providing a tightly defined school campus boundary that accommodates Waynflete's future facility needs while protecting the character and integrity of the surrounding neighborhood.

III. INTENDED RESULT (How does it resolve the issue/problem?)

The proposed overlay zone establishes a specific boundary for the future expansion of the Waynflete School campus which provides predictability for the school, the neighborhood and the city. The overlay zone allows the school to upgrade and improve their facilities in addressing school program needs. The recommended zoning text includes some flexible dimensional requirements so the school may more efficiently use campus space than allowed under the present zoning.

The recommendation is one of balance of interests and policies to preserve and protect the residential neighborhood and homes while accommodating the need of an institution to reasonably improve and upgrade their facilities.

III. FINANCIAL IMPACT

There are no anticipated financial impacts associated with this zone change. The overlay zone permit school uses within four existing residences but require that a minimum 40 percent of the building be retained for residential use which means Waynflete would be assessed and taxed at the full residential rate.

V. STAFF ANALYSIS & RECOMMENDATION

At a public hearing held on December 8, 2009, the Planning Board voted 5 to 2 (Hall and Patterson) to recommend to the City Council the attached Waynflete School Overlay Zone text and map amendments.

Attachments:

Council Order

Planning Board Report

Order 138-09/10
Feb 20 1-4-10

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
ARTICLE III. ZONING
RE: WAYNFLETE SCHOOL OVERLAY ZONE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Division 16 of the Portland City Code is hereby enacted as follows:

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 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;
16. Maintenance facilities;
17. Utility buildings;
18. Student health services;
19. Bookstores;
20. Accessory uses which are customarily incidental and subordinate to the location, function and operation of 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.

- (c) Boarding schools;
- (d) Dormitories.

Sec. 14-276.5. Residential conversions limited.

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

- (a) Each of the buildings listed below can be used for the school uses identified in section 14-276.3(a) above, only if one (1) or more dwelling units containing, in the aggregate, living space equal to at least 40% of the total residential living space in the building prior to the conversion to school use is retained within the building. Such living space shall be located in portions of the building previously used as living space. As used in this section 14-276.5(a), the term living space means interior floor area exclusive of unfinished basements or attics as of [the date of enactment of Waynflete School Overlay Zone].

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

- (b) The existing houses at 11 Fletcher Street, 3 Storer Street, 305 Danforth Street and 299 Danforth Street shall not be relocated from their locations existing as of [the date of enactment of Waynflete School Overlay Zone]. This provision shall not apply to garages.
- (c) At no time shall the number of dwelling units within the Waynflete School Overlay Zone 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 amount of parking required for any change of use, new building or building addition within the zone shall be determined during site plan review, based on an analysis of school-wide demand and supply, pursuant to a comprehensive school-wide Transportation Demand Management plan (TDM), and treating all land owned by Waynflete School within the Waynflete School Overlay Zone as one lot. Any existing parking management or TDM plan approved as part of a previous approval shall remain in effect until revised or updated pursuant to this section. In determining the amount of parking required for any building within the Waynflete School Overlay Zone, the planning authority or 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 a TDM plan subject to the review and approval of the planning authority or the planning board. The TDM plan shall employ elements such as public transit initiatives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters and alternative transportation information sharing and other such strategies that reduce single occupancy vehicle trips to and from Waynflete School. Waynflete School shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland Technical and Design Standards and Guidelines.

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) 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].

Sec. 14-276.11. Major and minor development in the Waynflete overlay zone.

Notwithstanding the provisions of Article V (Site Plan), any change in use of a total floor area of less than five thousand (5,000) square feet in any existing building shall be reviewed as a minor development, and construction of any new structures, building additions, or change of use of five thousand (5,000) square feet or greater shall be reviewed as a major development, and shall conform to the applicable requirements of Article V (Site Plan).

BE IT FURTHER ORDERED that sections 14-103 and 14-137 be amended as follows:

Sec. 14-103. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

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

. . .

Sec. 14-137. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(b) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

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

. . .

BE IT FURTHER ORDERED that the zoning map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect the Waynflete School Overlay Zone as depicted on Exhibit A, attached hereto.



PLANNING BOARD REPORT PORTLAND, MAINE

PROPOSED WAYNFLETE SCHOOL OVERLAY ZONE
360 SPRING STREET
WAYNFLETE SCHOOL, APPLICANT

Submitted to: Portland Planning Board Public Hearing Date: December 8, 2009 Planning Board Report #44-09	Prepared by: Richard Knowland, Senior Planner Date: December 4, 2009
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I. INTRODUCTION

At the Planning Board's October 27, 2009 public hearing on the Waynflete School Overlay Zone (WSOZ) proposal, the Board voted 6-1 (Lewis opposed) to table consideration of the application to the December 8th meeting. Since that time Waynflete has made some significant changes to the proposal. Given the breadth of these changes it is appropriate that the content of this new material be subject to a second public hearing.

By way of background Waynflete School is proposing an overlay zone that incorporates the School's existing landholdings and several off-site residential properties adjacent to their campus in the vicinity of 360 Spring Street. The amendments involve a proposed overlay zone text and an accompanying overlay zone map for the site. The Planning Board is being asked for a recommendation to the City Council on the proposed map and zoning text amendments.

The revised zoning proposal submitted by the applicant is shown starting on Attachment B. Public comments on the new proposal and an alternative overlay zone proposal by the Western Promenade Neighborhood Association (WPNA) is shown on Attachment C.

Public notice consisted of 317 notices sent to area property owners and an advertisement appearing in the November 23rd and November 30th editions of the Portland Press Herald.

The October 27th Planning Staff Report is attached and should be reviewed by the Board for background information including comprehensive and land use policy considerations. See Attachment AA-1.

II. SUMMARY OF CHANGES TO OVERLAY ZONE PROPOSAL

Since the October 27th public hearing the applicant has submitted a cover letter (dated November 19th) and a revised zoning text and map (dated November 18th). A summary of the proposal is shown below followed by a more detailed explanation of the changes.

- The four houses and two rear yards on or abutting Grayhurst Park/Storer Street have been removed from the overlay zone. These properties include 25 and 27 Storer Street; 10 and 12 Grayhurst Street; 72 Emery Street (rear yard) and 320 Spring Street (rear yard).
- The number of properties in the proposed overlay 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 Street and the two School-owned houses at 3 Storer Street and 305 Danforth Street could include school uses, provided a dwelling unit is retained in each and if a minimum 40 percent of the total living space is reserved for residential use.
- The "campus edge" designation has been extended along Danforth and Emery Streets.
- The underlying height restrictions in both the R-4 and R-6 areas of the campus (35' and 45' respectively) have been maintained.

Overlay Zoning Map Revisions

The overlay zoning map has been decreased in size from the original proposal. See Attachment A-1. Although 299 Danforth Street has been added to the map (residence at the corner of Danforth Street and Emery Street), six properties have been removed from the map including 25 and 27 Storer Street, 10 and 12 Grayhurst Street; rear yards of 72 Emery Street and 320 Spring Street. The total land area of the zone change has decreased from 264,892 sq. ft. to about 250,000 sq. ft.

Overlay Zoning Text Revisions

The following zoning text revisions have been proposed by the applicant amending their original proposal.

Sec. 14-276.4 Prohibited Uses...See Attachment B-2-3

A prohibited uses section was added with boarding schools and dormitories listed as prohibited uses.

Sec. 14-276.5. Residential conversions limited...See Attachment B-2-3

This section has been reorganized and simplified since the number of residential properties that may be converted to school use has been reduced.

Six residential properties have been **removed** from the overlay zone thus eliminating future conversion possibilities to school use. These properties include:

25 and 27 Storer Street
10 and 12 Grayhurst Street
Rear yards of 72 Emery Street and 320 Spring Street

Residential properties that may be converted to school use or mixed use now total 4. The headmasters house (305 Danforth Street) and 299 Danforth Street were added as properties that may be used for school use joining 3 Storer Street which was previously proposed as a mixed use building. The 4th property is 11 Fletcher Street which previously was designated as residential except that an attached or detached school building could be (and still can be) built on the lot. Each of these buildings may be used for school use provided at least 40% of the total living space of each building is reserved for residential use.

If the existing house at 11 Fletcher Street is relocated to another lot within 1,000 feet of the perimeter of the overlay zone, the Fletcher Street lot can be used to develop a new building for school uses (no change).

The number of dwelling units within the overlay zone plus 11 Fletcher Street (if relocated) may not be reduced to less than 4 dwelling units.

Sec. 14-276.6 Dimensional requirements...See Attachment B-2-5

Paragraph D (maximum building height) has been eliminated. This would have allowed building height in the Campus Core sub-district to be a maximum 50 feet high. The zoning text will now follow the underlying zone building height of the R-4 zone (35 feet) and R-6 zone (45 feet).

Sec. 14-276.10 Restrictions outside the Waynflete Overlay Zone...See Attachment B-2-7

This is a new section that reorganizes the last section of the text. Previously the text included a reference in the conditional use section of the R-4 zone (sec. 14-103) and R-6 zone (sec. 14-137) about the WSOZ. The reference indicates that “no school which owns or occupies property in the WSOZ) 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 the enactment of the WSOZ]”.

As revised, the R-4 and R-6 zone school conditional use section now references the WSOZ but doesn't include the language of the previous sentence. This language has now been shifted to a newly created section of the WSOZ text (sec. 14-276.10). In addition the following sentence has been added: “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 WSOZ that were not occupied by a residential use or structure on or after [date of the WSOZ].

This new language doesn't change the intent of the original text language rather it states more explicitly that Waynflete may as a conditional use expand onto a property outside the WSOZ if said property was not occupied by a residential use or structure on or after the enactment date of the overlay zone.

III. OVERLAY ZONE POLICY ISSUES

Planning Report #41-09 outlines in detail comprehensive plan and land use policies on page 9 to 12 of the report. See Attachment AA-1. In the Overlay Zone and Policy Questions and Issues section (pages 12 to 16), Staff raised a number of issues whether the overlay zone (as submitted) addressed the policies of the comprehensive plan. These comments were focused primarily on the inclusion of 25 and 27 Storer Street, 10 and 12 Grayhurst Park, and the rear yards of 320 Spring Street and 72 Emery Street in the overlay zone. With the elimination of these properties from the overlay zone, staff comments regarding these properties are no longer relevant, and the concerns expressed about encroachment into that neighborhood (Greyhurst to Spring, Storer to Emery Streets) are alleviated.

In reviewing the revised overlay proposal the Board will need to determine whether the overlay zone map and text amendments are in conformance with the City's comprehensive plan. We will not repeat the comprehensive plan and land use policies nor the overlay zone policy questions and issues from the previous report but the Board should review this material in formulating a recommendation. While the four residential properties listed in the overlay zone may be converted to school use (mixed use), the zoning text requires a minimum 40 percent of the living space within individual buildings be reserved as residential space which provides a residential presence within the buildings. Although the residential use is likely to be on the upper floor it does represent occupied residential living space. As the applicant has previously indicated, the use of residences is not necessarily efficient in terms of school use but Waynflete feels that the buildings are essential to address future program needs particularly in light of the reduction in the size of the overlay zone from the elimination of the Grayhurst vicinity properties.

Below is a comparison of the treatment of the four residences from the previous zoning text to the current proposal.

	<u>Previous Proposal</u>	<u>Current Proposal</u>
305 Danforth Street (head of school residence)	Must remain residential	School use allowed but 40% of living space must remain residential.
11 Fletcher Street	Must remain residential	School use allowed but 40% of living space must remain residential.
3 Storer Street	School use allowed but 40%	No change

of living space must remain
residential.

299 Danforth Street

Not part of original proposal

School use allowed but 40%
of living space must remain
residential.

IV. TECHNICAL ISSUES RELATING TO ZONING AMENDMENTS

As discussed in the previous report there are some technical details that should be addressed in the proposed zoning amendments. Several of these issues were resolved with elimination of the "rear yard" properties from the overlay zone. Attachment A-2 includes suggested revisions to the overlay zone text. The revisions are summarized below.

Permitted Uses...See Attachment A-2-3

Sec. 14-276.3(20) "other buildings, structures and uses customarily incidental to a private day school." There is a concern this language could be construed as being inconsistent with the "accessory use" language of the zoning ordinance. To address this concern it is suggested that the following language be incorporated into the text to replace the above language.

"Accessory uses which are customarily incidental and subordinate to the location, function and operation of a private day school."

Parking...See Attachment A-2-5

We are suggesting that the parking section be revised to specifically reference development and implementation of a transportation demand management plan (TDM). Although the previous text alluded to components of a TDM, it wasn't specific about its inclusion. Given the number of students and employees associated with the school, a TDM is an appropriate measure to address transportation and parking related issues.

Clarification of Planning Board Review Role...See Attachment A-2-7

Presently all site development qualifying for site plan review is reviewed by the Planning Board since schools are a conditional use in the R-4 and R-6 zone. If the zone change were to be enacted, Waynflete School would become a permitted use and thus buildings up to 10,000 sq. ft. in size would qualify for administrative review rather than Planning Board review. Also, changes of use of less than 5,000 square feet do not require any site plan review, even at the administrative (minor site plan) level. If the Board is concerned with this issue we have drafted language to address this issue. The amendment would require minor site plan review of changes of use of existing buildings of less than 5,000 sq. ft. of floor area and major development (Planning Board) review of building additions, changes of use and new construction of 5,000 sq. ft. or greater of floor area.

V. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The Board is charged with evaluating and making a determination on the current proposal's consistency with the Comprehensive Plan, and an associated recommendation to the City Council regarding the zoning proposal on that basis. An extensive discussion of comprehensive plan policy issues was provided for the original proposal in the October 27 report, which will not be repeated here. A policy discussion of the current proposal appears in section III of this report.

The policy issues remain focused on the balance between the accommodation of an important educational resource within the community, and its presence within and impacts upon the surrounding residential neighborhood. The current proposal represents a compromise, in the view of the applicant, in that a portion of the expansion potential has been cut back in the vicinity of the Grayhurst properties no longer included, offset by some additional residential properties to be included in the overlay zone, and the allowance for three additional houses (compared with the previous proposal) to go from 100% residential to a mix of 40% residential and up to 60% institutional. The question is one of balance of interests and policies to preserve and protect residential neighborhood and homes, and the reasonableness of the expansion of the institution into additional buildings and properties.

Compared with the previous proposal, this revised proposal strikes a closer balance between the competing policy objectives. The properties now envisioned for institutional expansion are less extensive, and do not create as substantial of a new inroad into an established residential neighborhood, compared to the previous proposal. There remains concern expressed by the WPNA that the degree of residential incursion is still too high. It rests with the Planning Boards to evaluate this and other policy considerations in making a judgment and finding about consistency with the comprehensive plan, and formulating a recommendation to the City Council.

VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and information submitted by the applicant and the information contained in Planning Report #44-09, and testimony presented at the Planning Board public hearings on October 27th and December 8th, the Board finds:

The proposed Waynflete School Overlay Zone map and text amendment (is or is not) in conformance with the City of Portland Comprehensive Plan and therefore (recommends or does not recommend) approval of the proposed overlay zoning map and text amendment to the City Council.

Planning Report #44-09 (Waynflete School Overlay Zone) List of Attachments

Attachments

Staff Submissions

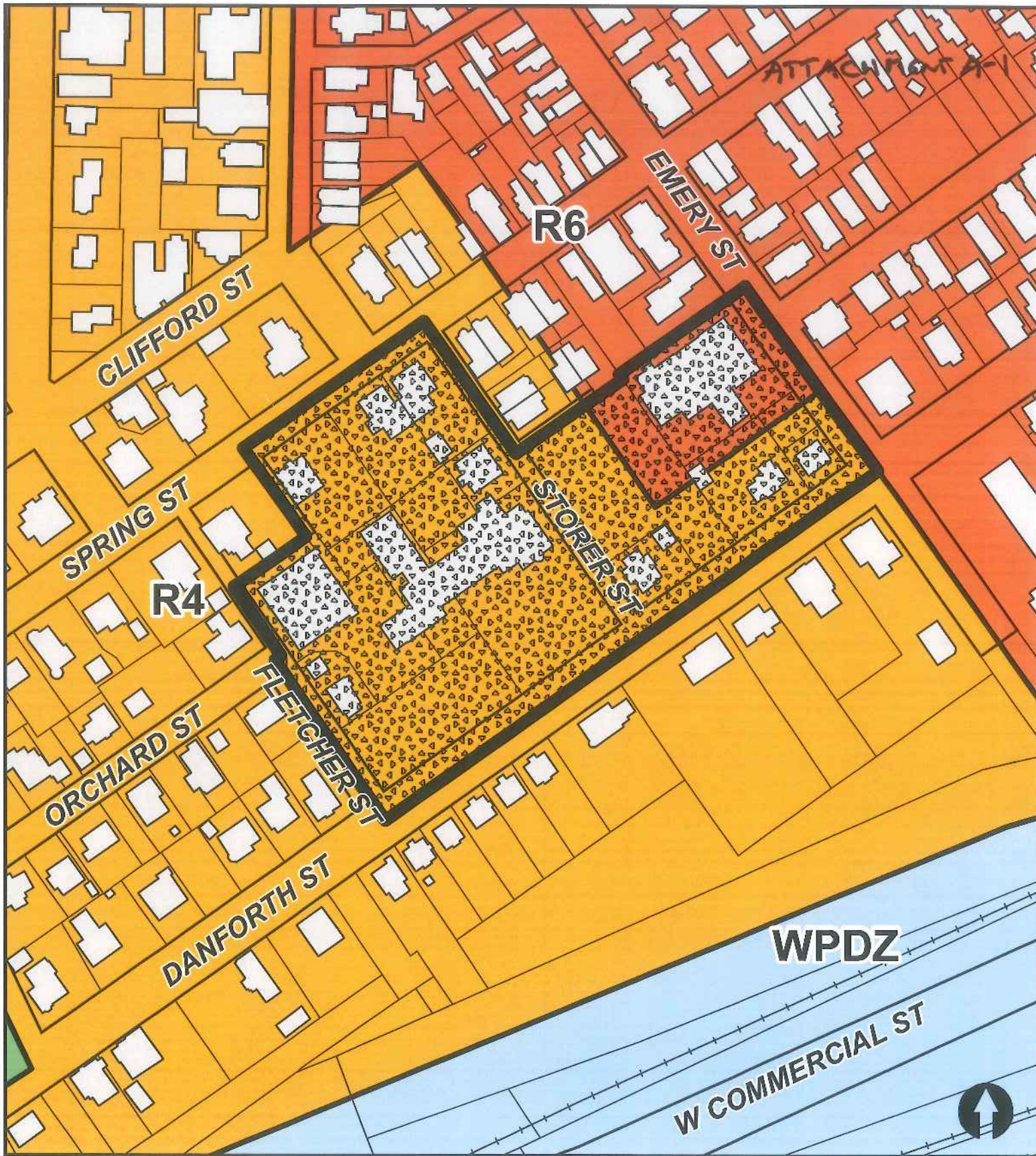
- A-1 Revised Overlay Zone Map
- A-2 Staff Recommended Revisions to Overlay Zone Text
- AA-1 Planning Report #41-09 (10-27-09)

Applicant Submissions

- B-1 Waynflete Letter Outlining Overlay Zone Revisions (11-19-09)
- B-2 Revised Overlay Zone Text Proposed by Waynflete School (11-18-09)
- B-3 Revised Campus Plan and Overlay Zone Map Proposed by Waynflete School (11-19-09)

Public Comment

- C-1 Western Promenade Neighborhood Association Alternative Overlay Zone (12-8-09)
- C-2 Other Public Comment



Proposed Waynflete School Overlay Zone in the vicinity of 360 Spring Street

0 100 200 400 Feet

CITY STAFF RECOMMENDATION REVISION

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;

- 16. Maintenance facilities;
- 17. Utility buildings;
- 18. Student health services;
- 19. Bookstores;
- 20. Accessory uses which are customarily incidental and subordinate to the location, function and operation of a private day school.

~~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.

- (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 amount of parking required for any change of use, 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 Demand Management plan (TDM), 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 authority or 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 a TDM plan subject to the review and approval of the planning authority or the planning board. The TDM plan shall employ elements such as public transit initiatives, parking cash-out, car sharing, car and van pooling incentives, provision of bicycle and pedestrian commuting accommodations, guaranteed ride home programs, employee surveys, newsletters and alternative transportation information sharing and other such strategies that reduce single occupancy vehicle trips to and from Waynflete School. Waynflete School shall follow the standards and guidelines for developing a TDM plan found in the TDM section of the City of Portland Technical and Design Standards and Guidelines. ~~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) 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].

Sec. 14-276.11. Major and minor development in the Waynflete overlay zone.

Notwithstanding the provisions of Article V (Site Plan), any change in use of a total floor area of less than five thousand (5,000) square feet in any existing building shall be reviewed as a minor development, and construction of any new structures or building additions, of five thousand (5,000) square feet or greater shall be reviewed as a major development, in the Waynflete School Overlay Zone, and shall conform to the applicable requirements of Article V (Site Plan).

OR
↓
~~or~~ changed use

— 10,000 → construction

of any new
structure
of 10,000 or more
major dev.

— 5000 → 10

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);**



Waynflete

ATTACHMENT B-1-1

Waynflete School
360 Spring Street
Portland, Maine 04102-3643
207.774.5721
Fax: 207.772.4782
www.waynflete.org

November 19, 2009

David Silk, Chair
Portland Planning Board
4th 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 22nd 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 8th.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark W. Segar', with a long horizontal flourish extending to the right.

Mark W. Segar, Head of School
Waynflete School

WAYNFLETS SCHOOL PROPOSED ZONING TEXT
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-amount~~ of residential ~~buildings-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;

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. 14-276.4.~~ Sec. 14-276.5. 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 allowed under section 14-276.3(a), 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).~~

~~(b) Within the Campus Edge sub-district,~~ Residential conversions within the Waynflete School Overlay Zone 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 leased to or 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 in whole or in part on the same lot as the existing house, provided the house remains residential.~~

- 3.(a) Each of the following buildings 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-:

Street Address

Assessor's Chart, Block
and Lot Number

<u>11 Fletcher Street</u>	<u>61-F-9</u>
<u>3 Storer Street</u>	<u>61-G-4</u>
<u>305 Danforth Street</u>	<u>61-G-9</u>
<u>299 Danforth Street</u>	<u>61-G-17</u>

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.

4.(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).

5.(c) At no time shall the number of dwelling units within the ~~Campus Edge sub-district~~ Waynflete School Overlay Zone plus dwelling units within any building relocated in accordance with subparagraph ~~(4)~~ (b) above be reduced below ~~three~~ four (the number existing at the time of enactment of this Overlay Zone).

~~(e) 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.~~

~~Sec. 14-276.5.~~ 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) 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.~~

~~(e)~~ (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.

~~(d)~~ (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. 14-276.6.~~ 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 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. 14-276.7.~~ 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) 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.~~ 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].

**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])~~ **(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 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])~~ **(except as otherwise provided in section 14-276.10) ;**

Att. C-1

WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

Submission to Planning Board 12/8/09

- 1) Cover Letter
- 2) Comparison of Waynflete Conceptual Overlay Zone Analyses
- 3) Proposed Overlay Zone text edits
- 4) Waynflete 2005 Master Plan, highlighted

Att. 1

THE WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

December 2, 2009

Portland Planning Board
389 Congress Street
Portland, ME 04102

Dear Chair Silk and Members of the Board:

The WPNA appreciates that Waynflete has dropped its efforts to acquire the four residential properties on Storer Street and Grayhurst Park and the two backyards, but is very concerned that the school now seeks to convert four single-family homes to mixed use, representing again that this is "essential to address future program needs". We disagree, for the reasons stated in Sec. A, below.

Additionally, WPNA is pleased to submit its redlined version of the form of an Overlay Zone that we hope the Board will consider recommending to the Council. An explanation of our proposed changes is noted in Sec. B, below. Our draft is more detailed than the Waynflete proposal and the USM overlay zone language because we believe that more detailed language will result in more clarity of what is intended.

A. Conversion of Single-Family Homes to Mixed Use

- ☐ Once again, the threshold issue is that City policy discourages such conversions.
- ☐ A review of the assessor's records indicates that the first floor of these four homes will provide the school with only approximately 6,000 sq. feet of space. Clearly, 6,000 sq. ft. could be found on the existing campus without taking four more homes.
- ☐ As the attached comparison of the different space analyses presented by the Waynflete's architect shows, the two new library/classroom structures seem to have the most design flexibility to accommodate additional space. If the two building can accommodate 14,250, a well-designed two 1/2-story connection could accommodate another 6,000 square feet.

But another significant option exists. Waynflete's 2005 Master Plan for both its Fore River and peninsula campuses (attached for those who wish to review the detail with several sections highlighted) noted that even after the Theater/Gymnasium project, "the current gym will still not meet the needs of competitive athletics for students in grades 7-12", detailing its inadequacies. Indeed, the Plan calls for a new field house on the Fore River to address this deficiency (also cited in the 2001 accreditation report). It is disappointing that Waynflete has made no mention of this significant development in the Overlay Zone narrative submitted to the City as part of this process. As Assistant Corporation Counsel West-Chuhta noted in her memo dated October 22, "...it would be appropriate for it (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).

- ☐ As WPNA has noted in prior testimony, relocation of the gym to the Fore River would

allow the school to redevelop the significant 9,000 sq. ft. footprint on which the present gym sits. A well-designed 2 1/2 story building with a pitched roof and materials/articulation compatible with its residential abutters would enhance the neighborhood, provide a large, flexible interior gathering space for Waynflete and provide even more than 6,000 square feet on the second and third floor for school use.

- ❑ Finally, the 2005 Master Plan noted that "A new building would, however, have a ripple effect across the campus in opening up additional space in Emery and Ruth Cook Hyde".

In sum, Waynflete has not demonstrated that mixed use of the four properties Waynflete has targeted is in fact necessary. Waynflete's proposal should be rejected as contrary to City policy which discourages conversion of single-family homes.

B. WPNA's Proposed Overlay Zone Edits

Sec. 14-275 Purpose Our language more explicitly describes the character of the residential neighborhoods to be preserved and states the existing City policy framework.

Sec. 14-276.1 Location and Applicability WPNA believes that it is essential to establish an enrollment limit for the peninsula campus. This is the key to assuring the predictability that the neighborhood seeks. Waynflete has stated repeatedly, in writing and in testimony that they have "no plans" to expand beyond the current enrollment target of 552, plus or minus 5%, which they represent has been their enrollment for 20 years. Therefore, there should be no problem with incorporating that expectation in the language of the overlay zone.

Sec. 14-276.2 Overlay Zone sub-districts Any residential housing created by Waynflete to address its staff or faculty needs should be developed on the campus defined by the Overlay Zone boundary, not allowed to filter into the neighborhoods and displace single-family uses. The emphasis should be on preserving single-family uses NOT, as Waynflete suggests, on encouraging mixed uses, which is inconsistent with City policy.

Sec. 14-276.3 Permitted Uses Faculty or staff housing should be considered a school-related use within the Overlay Zone and subject to full payment of property taxes.

Sec. 14-276.5 Residential conversions limited The two buildings proposed to be acquired should not be converted to mixed use but must be preserved for single-family use, consistent with City policy. Allowing acquisition of the properties conveys a significant development benefit to Waynflete by defeating the setback requirement that would otherwise apply. Conversion of two Waynflete-owned residential structures to mixed use should not be allowed, as it is not necessary, as noted above. No residential properties should be relocated, given the feedback from the Historic Preservation Board – or, since this was guidance and not a ruling, the language should allow mention of the potential to move 3 Storer Street as well as 11 Fletcher.

Sec. 14-276.6 Property Acquisition (new) WPNA suggests language to allow Waynflete to accept donated residential properties outside of the zone with the clear stipulation that they must be sold for single-family residential use, with the proceeds used to further the school's needs

Sec. 14-276.7 Standards and Review WPNA believes that, while Waynflete's activities within the Overlay Zone will become permitted uses, they should also be subject to the opportunity for public review and comment, regardless of the size of the project, because of the potential impacts.

Sec. 14-276.8 Dimensional and other requirements While the site plan ordinance and historic preservation ordinance set forth design review standards, the neighborhood feels strongly that it is important to call attention to particular design elements (such as roof pitch, setbacks, building materials, dumpsters construction hours, etc.) that protect the neighborhood, while giving guidance to Waynflete's development plans. This list was developed from neighborhood comments made over the years on the school's projects.

Sec. 14-276.9 Parking WPNA believes that this language is far superior to that submitted by Waynflete: 1) it sets forth the basis for neighborhood concerns regarding the significant impacts of traffic and parking; 2) it states that on-street parking cannot be used to satisfy Waynflete parking needs; and 3) it requires annual review of progress made in curtailing the impact of traffic and parking on the neighborhoods. Traffic and parking are among THE most significant impacts of Waynflete on the neighborhoods and annual review is essential to provide the impetus for continuing improvement.

Many thanks to the Board for its careful attention to issues raised by WPNA and neighbors during this process. Notwithstanding our frustration with some of what Waynflete has in the past and is proposing, WPNA believes that what it suggests above is a reasonable framework for future development and meets the terms of the compromise, accepted by WPNA, that Councilor Dave Marshall proposed after a very well-attended public meeting in April 2009. We hope that you will agree.

Very truly yours,



Anne B. Pringle
WPNA City Liaison

Waynflete Conceptual Overlay Zone Analysis

1-Jul-09

in square feet

	OZ 2005 Master Plan 3/15/05	OZ Version 1 7/1/09	OZ Version 2 7/1/09 Rev.	OZ Version 3 10/7/09	OZ Version 4 10/27/09
Lower School Addition (1 floor)		2,000	2,000	2,000	2,000
Lower School Addition (2 floors)	11,550	11,500	11,585	11,585	11,585
Arts Center-3rd Phase (2 floors)		7,800	7,800	7,800	7,800
New Library/Classrooms (2 - 21/2 floors)	12,000	12,000	14,250	10,000	12,765
3 Storer Street (mixed use)		1,400	1,400	1,400	1,400
New Infill Building on Danforth (2 floors)		3,000	3,000	3,000	3,000
New Garage on Emery St. (2 floors)		0	2,000	2,000	2,000
27 Storer, 10-12 Grayhurst (mixed use)		3,600	4,450	4,450	4,450
Middle School Addition on Storer St. (2 floors)		5,000	4,990	4,990	4,990
Front Door/Admin.		4,865			

28,415 46,300 51,475 47,225 49,990

Fieldhouses

73,300

101,715

Att. 2)

Att. 3)

Draft 11/19/2009

DIVISION 16 WAYNFLETE SCHOOL OVERLAY ZONE
CHANGES PROPOSED BY WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION
12/2/09

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, establish clearly defined boundaries beyond which residential conversion 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 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.~~

The purpose of this overlay zone is to preserve and support two existing land uses in the West End of the City of Portland and to provide predictability for both uses:

Residential Uses. The West End includes two well-established neighborhoods: The West End neighborhood, a diverse neighborhood of single-family and multi-family residences, and the Western Promenade neighborhood, listed on both the National Register of Historic Places and a designated local Historic District. The residential character of the neighborhoods shall be preserved by controlling residential conversions to institutional use and by allowing a continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.

Waynflete School. The existing Waynflete School, a day school for Pre-kindergarten to 12th grade students, may continue to operate and its programs reasonably expanded within the boundaries defined in the Waynflete School Overlay Zone. 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. In recognition of the impacts on the surrounding residential neighborhoods, the enrollment on the principal campus shall not exceed the current student body goal (552 day students, plus or minus 5%). Waynflete will restrict any further expansion of its uses to the property specifically included in the defined Waynflete School Overlay Zone. "Future expansion of its uses" shall mean new construction of building(s) and/or additions to existing structures to accommodate school uses, including school-related housing for faculty or staff.

Properties in the Waynflete School Overlay Zone shall continue to be governed by the regulations applicable to the underlying R-4 and R-6 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 equal 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 preserving existing single-family residential uses~~ 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 district and notwithstanding anything to the contrary in the use regulations for the underlying zoning district, the following uses are permitted uses in the Waynflete School Overlay Zone.

- a) *School Uses.* Elementary, middle and secondary ~~day~~ 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;
 16. Maintenance facilities;
 17. Utility buildings;

18. Student health services;
19. Bookstores;
20. Other building structures and uses customarily incidental to a private day school.

b) *Residential Uses.*

1. Faculty or staff housing shall be located within the Waynflete School Overlay Zone and, which shall be considered a school-related residential use, and not a property tax-exempt school use, for all purposes under this Overlay Zone.

Sec. 14-276.4 Prohibited Uses.

- a) Boarding schools
- b) Student housing, including dormitories
- c) Retail or commercial uses not incidental to a permitted use

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; may be acquired by Waynflete School, but must remain in single family residential use and not converted, in whole or in part, to school use:

Street Address	Assessor's Chart, Block And Lot Number
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.

- 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 school use 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).

- c) Each of the following residential buildings, currently owned by Waynflete, shall remain in single family residential use:

<u>Street Address</u>	<u>Assessor's Chart, Block And Lot Number</u>
<u>3 Storer Street</u>	<u>61-G-4</u>
<u>305 Danforth Street</u>	<u>61-G-9</u>

Sec. 14-276.6 Property Acquisition

Waynflete School may accept donation of a residential property outside of the Waynflete School Overlay Zone boundary, except that any such property may not be used for any school use, including school-related housing, and must be sold for residential uses permitted in the R-4 and R-6 zones in order to produce revenue that may be used to support permitted School uses within the defined Waynflete School Overlay Zone.

Sec. 14-276.7 Standards and Review

1) Except as noted below, all minor and major development in the Waynflete School Overlay Zone must conform to the requirements of Chapter 14, Article V (site plan review) and the requirements contained within the planning and development design manual, which is incorporated herein by reference.

a) In the case of properties fronting Spring, Fletcher, Danforth, Storer and Emery Streets, Planning Board review shall be required of all building additions and renovations affecting an area equivalent to 25% or more of the existing floor area of a structure, unless major site plan review is otherwise required under chapter 14, article V.

b) In the case of new construction, Planning Board review shall be required of all buildings in excess of 5,000 square feet.

2) Any alteration or new construction within the overlay zone is subject to review and approval under Article IX of the Historic Preservation Ordinance, as the Waynflete School Overlay Zone is within the Western Promenade Historic District. Buildings fronting on Spring, Fletcher, Danforth, Storer and Emery Streets shall complement the residential character and pattern of the street, as required by City Code and the Historic Preservation Ordinance.

Sec. 14-276.68 Dimensional, **design and other** requirements.

Buildings and structures in the Waynflete School Overlay Zone shall be subject to the applicable dimensional **and design** requirements of the underlying zoning district, 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.
- d) *Roofs* Within fifty feet of Spring, Fletcher, Danforth, and Emery Streets and Grayhurst Park flat roofs are not allowed and roof structures should be visually compatible with residential structures in the neighborhood. Roof appurtenances (especially HVAC) shall be fully enclosed and include noise buffering to reduce impact on residential neighbors.
- e) *Setbacks* The minimum setbacks in the R-4 and R-6 underlying zones shall apply. In addition, there shall be a minimum setback of fifty feet from the southern edge of Grayhurst Park.
- f) *Sidewalks.* Waynflete shall comply with the City's Brick District Policy Plan.
- g) *Lighting.* Light fixtures and lighting intensity (both exterior and interior) shall be compatible with the surrounding residential neighborhoods.
- h) *Signage.* Building and signage design and materials shall be compatible with the surrounding historic residential context.
- i) *Paint Color.* Buildings within the overlay zone shall be painted in a several colors, respecting the residential pattern of the neighborhoods.
- j) *Building Materials.* Building materials shall be visually compatible with the predominant materials used in the structures to which they are visually related
- k) *Building Scale and Articulation.* The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.
- l) *Dumpsters.* Any required permanent dumpsters shall be located outside of the view of abutting residential neighbors and shielded by a material appropriate to the neighborhood and approved by Historic Preservation program staff. Dumpsters may not be emptied or moved between the hours of 6:00PM and 8:00AM.
- m) *Construction Hours.* Any City-approved construction may take place only during the work week, between the hours of 8:00M and 6:00PM. No work may take place on weekends or holidays.

Sec. 14-276.9. 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 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 is situated so 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) a) 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;~~

1) As Waynflete School's student body, faculty, and staff has grown over the years, traffic and parking has become a significant issue for the West End and Western Prom neighborhoods. In connection with any future applications under the Site Plan Ordinance, Waynflete will include among its written statements a report on the success of its Transportation and Parking Demand Management Plan in reducing single-occupant automobile trips to the School and School-related on-street parking.

2) Waynflete School will encourage its faculty and employees, students, parents and visitors to use alternatives to single-occupant automobiles when traveling to and from the School. Strategies to reduce traffic shall include, but not be limited to, subsidies and other incentives for employees, students, parent, and visitors to use local and regional mass transportation, share rides (carpools and vanpools), ride bicycles and walk. The Planning Board will include the Transportation and Parking Demand Management Plan in its consideration of Sections 14-526(a)(1) and (2) of the City Code. In addition, an analysis of effectiveness and functioning of the Transportation and Parking Demand Management Plan shall be provided to the City Council's Transportation Committee on an annual basis.

(3) The parking requirements of section 14-332 shall not apply to Waynflete buildings. Instead, the amount of parking required for any Waynflete building or building addition shall be determined by the Planning Board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to Waynflete's comprehensive Transportation and Parking Demand Management Plan, as amended from time-to-time, and treating all contiguous land owned by the School as one lot.

4) On-street parking shall not be used to satisfy the School's parking demand.

5) In determining the amount of parking required for any School building project, the Planning Board shall take into account such factors as:

a) Development, implementation, and updating of an effective parking management plan which discourages on-street parking.

b) Development and implementation of successful 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.

c) Development of off-campus satellite parking and shuttle transportation to and from such off-campus facilities.

d) The degree to which Waynflete's efforts have succeeded in reducing traffic and on-street parking.

e) Ongoing communication to Waynflete constituencies, with the objective of demonstrably reducing neighborhood traffic and parking demand.

6) Nothing in this overlay zoning amendment shall be construed as barring Waynflete School from negotiating with the owners of existing off-street parking facilities in the neighborhoods (or beyond) for the shared day- or night-time use of these facilities to meet the parking needs of members of the Waynflete community.

7) At the request of the city or the West End or Western Promenade Neighborhood Associations, Waynflete School, will hold public meetings at a suitable site within the neighborhood to review any/all parking-related issues; these meetings may be called as needed.

Sec. 14-276.810. Loading.

The requirements of section 14-361 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) 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.~~

AH-4)

WAYNFLETE SCHOOL

Campus Master Plan

Approved by the Board of Trustees
March 15, 2005

The Campus Master Plan Committee

David Brown
Taffy Field
Anne Hagstrom
Peter Hamblin
Cinda Joyce
Mark Lickus
Alan McIlhenny, chair
Cynthia Orcutt
Scott Simons

With the assistance of:

Jane Begert
Peter Brewitt
Molly MacAuslan
John Orcutt
Mark Segar

Waynflete School

Campus Master Plan

Achievements of the past decade:

Waynflete invested millions of dollars to improve its facilities over the past decade, and the improvements are evident everywhere.

Upper School:

- Construction of the Science Wing
- Complete renovation of the Emery building
- Improvements to the café and basement work and storage areas

Middle School:

- Construction of the addition linking Morrill and Cook-Hyde
- Complete renovation of Morrill, Cook-Hyde and Hurd
- Creation of the Academic Support Center in Hurd
- Creation of the archives space in Morrill
- Locker room created in the garage building
- Play area improvement

Lower School:

- Creation of the 2-3 classroom in Hewes
- Renovation of the Early Childhood classrooms
- Lower playground improvements and expansion

The Arts Center:

- Completion of Phase 1 the gallery and studios
- Renovation of Daveis House

Gymnasium:

- Construction of the locker room addition

Administration:

- Creation of the faculty workroom and mailroom
- Office renovations

Outdoors:

- Improved pathways and lighting
- The Loop Road around Thomas House
- Fore River Fields:
 - tennis courts
 - baseball diamond

New Properties:

- 305 Danforth Street – The Headmaster's House
- 3 Storer Street
- Several small parcels adjacent to the Fore River Fields

Maintenance:

- Everywhere, with more always needed

Guiding Assumptions and Principles

Several important assumptions underlie the 2005 Campus Master Plan:

- Waynflete will remain on its campus in Portland's West End, and its athletic facilities will remain at the Fore River Fields off Osgood Street
- The size of the school will remain at its current level of approximately 540 students
- The relative sizes and age-ranges of the three school divisions will remain the same: Lower School EC (3 and 4 year olds) – 5th grade (165 students); Middle School 6th – 8th grades (140 students); Upper School 9th – 12th (235 students)
- Continuity will be maintained in the School's mission and programs

CURRENT TARGET
552

NOW
542?

And several guiding principles underlie our deliberations and recommendations:

- Enhance safety
- Promote accessibility
- Preserve open space
- Preserve the historic character and distinctive appeal of the school campus and buildings
- Consider environmental issues of energy efficiency and green design
- Create welcoming points of access to the campus and to the school divisions
- Invest in the maintenance of all of the buildings – endow this if possible

Methodology

This is an updating of the 1994 Campus Master Plan rather than an attempt to start from scratch. Where the earlier document relied on extensive interviews with stakeholders throughout the school, we have relied on interviews with the heads of the school's three divisions – Lower, Middle and Upper – and with those in charge of specific facilities or functions, such as the library, the café and the athletic department. An extensive questionnaire was prepared by the committee to help those interviewed assess their respective facility needs, and many used the questionnaire to solicit the input of their division faculty or co-workers. The principal respondents were asked to dream – a little – with the understanding that their dreams would face stiff competition for limited financial resources. The committee thanks all who helped us gather the information that went into this report.

The process we followed included the following elements:

- Establishment of our Guiding Principles
- Identification of Existing Conditions on the Campus
 - Site
 - Building Use
 - Open Space and Landscape
 - Circulation and Parking
 - Buildings
 - Useable square footage
 - Identification of storage areas and condition
- Identification of future physical needs through the interview and questionnaire process described above
- Charrettes to explore alternative ideas for future improvements
- Refinement of a preferred Final Plan to be used as a starting point by decision makers preparing funding and construction plans

Waynflete School Campus Master Plan

Priorities and Recommendations for Future Planning

March 15, 2005

The Board of Trustees established the Campus Master Planning Committee (CMP) in the fall of 2003 as a subcommittee of Buildings and Grounds to recommend revisions to the 1994 Waynflete Campus Master Plan. The revised Plan summarized below also addresses the fourth goal of the 2002 Strategic Plan to "improve facilities to meet program needs". The subcommittee consisted of trustees, faculty, staff, parents, and architects.

In June of 2004, the Board of Trustees approved fundraising and construction design for the Theater and Gymnasium Project which is the School's first priority for current new construction. The proposed revisions to the Campus Master Plan assume that this facility will be built. COMPLETED

The CMP recommended that the next priorities for Waynflete should be a New Lower School and an Athletic Fieldhouse & Additional Playing Fields in that order. Other projects considered as having a high level of importance, and which would greatly enhance the program and campus are listed in Tier II in alphabetical order; these have not been prioritized. The third section is a list of other important needs and considerations identified in the planning process, some of which could be addressed through the completion of other projects.

I. Tier I Campus Master Plan Priorities.

1. New Lower School. The first priority for future investment is the creation of a New Lower School. While this would not involve the construction of a new building, the addition of new spaces and renovation of existing areas would result in a transformation so complete that, in effect, the Lower School would seem entirely new. Although there have been some improvements to the Lower School as part of the prior Campus Master Plan (creation of the 2-3 classroom, renovation of Early Childhood spaces, and playground improvements and expansion), classrooms for K-1, 2-3, and 4-5 continue to be overcrowded, there is little quiet space anywhere in the building, no entry or central gathering place, no library space, a crowded art studio space, no space for academic tutorials, no dedicated space for the Afterschool Program¹, an inadequate and out-of-date playground for the youngest children, and no handicapped access to the 2-3 program.² Further, storage for curriculum materials is

¹ One possibility for creating dedicated space for Afterschool as well as additional meeting rooms and storage areas would be to purchase and renovate the house at 11 Fletcher Street, known as the Webber House. There would be many factors to consider (cost of purchase and renovations, availability for actual use given zoning and land use restrictions), but its location within the natural footprint of the Waynflete campus and proximity to the Lower School suggest that it could be a viable solution.

² Handicapped access to the 2-3 classroom will be addressed in the spring of 2005 at least as a temporary solution. A long-term solution may also be possible with the completion of the Theater and Gymnasium Project.

consigned to damp and markedly substandard basement areas and the heating system is old, unreliable, and inefficiently zoned.

Since the original Campus Master Plan was adopted by the Board, the Middle and Upper Schools have each undergone a transformation involving both the addition of new spaces and renovations. The effect of these transformations on the students, faculty and program cannot be overstated. A similar transformation of the Lower School is long overdue. Lower School should be housed in a state-of-the-art facility that better supports its already excellent programs.

* 2. Athletic Fieldhouse & Fields. The second priority for future investment is the construction of a Fieldhouse and the addition of more playing fields at the Fore River Fields Complex. A Fieldhouse and new fields would greatly expand Waynflete's capability to meet the athletic needs of its middle and upper school students and could contain many attractive features depending on cost and available resources. Preliminary designs reviewed by the Committee suggested at least two possibilities for siting of a Fieldhouse that could contain up to three basketball courts, suspended track, weight room and fitness center, aerobic exercise room, training room, locker rooms, offices as well as ample parking and storage. A Fieldhouse would address many of the scheduling and use limitations that currently exist with only one gym on campus, and would provide an admissions advantage for middle and upper school students considering Waynflete. Although some of these limitations will be addressed with the conversion of Waldron Auditorium to lower and middle school recreational space as part of the Theater and Gymnasium Project, the current gym will still not meet the needs of competitive athletics for students in grades 7-12; it has only one playing surface, limited spectator seating, inadequate locker room space, an inadequate weight room, and no storage. Other uses for a fieldhouse could include an environmental classroom and meeting spaces.

Additional soccer and lacrosse fields and a softball field could be created depending on the siting of a fieldhouse and the possible acquisition of additional properties adjoining the Fore River Fields. With up to ten teams vying for two fields in the fall and spring, additional playing fields are sorely needed. A field with an artificial surface would allow teams to begin practices earlier in mud season.

As the area at the Fore River Fields is further developed, it will be important to preserve undeveloped space in the woods and along the waterfront for outdoor classrooms and environmental studies.

Tier II. Campus Master Plan Projects (in alphabetical order)

➤ Completion of Arts Center. The Arts Center was originally conceived as being built in three phases, the last of which would include large music classrooms and art studio space. The Theater and Gymnasium Project which currently (2005) is the primary focus for fundraising and construction will add a state-of-the-art auditorium and recreational space for lower and middle schools. The project, originally Phase II, was re-designed to provide additional spaces to support the music and theater and programs including a Jazz room, set building areas, dressing rooms and storage. However, it does not complete the original

vision of the Arts Center and there will still be a need for larger classrooms and art studio spaces in the future.

➤ Library and Technology Center. The existing Library in the Emery Building is an active, bright and welcoming space, typically crowded with students. Although used most intensively by Upper School students, it serves the library needs of the whole school. The offices for technology staff are currently located in Cook-Hyde and storage for equipment (CD's, slides, computers, DVD's, tapes, etc.) is in various places across campus. Both Middle and Upper schools have a computer room for student use, although the Middle School would benefit from having a larger classroom that could hold more computers.

Additional space for books, research, work areas for library staff and students, and storage is increasingly necessary. Storage for technology equipment should be centralized and offices for technology staff should be in closer proximity to the Library. There could also be spaces dedicated to more advanced technology uses such as a media center.

The Committee looked at the possibility of adding a floor to the top of the current library, expanding the library down the eastern slope or building a new building on campus. A new building could possibly be located in the area of the current Storer parking lot, but this siting would reduce the amount of play/open space on campus which, as noted below is also a significant need. A new building would, however, have a ripple effect across the campus in opening up additional space in Emery and Ruth Cook Hyde. A two-story building in either location or an expansion of the current facility could have exciting possibilities for library services by providing browsing/fiction on one level with a centralized open circulation desk and a second level for reference/quiet study and computer work stations. Technology staff could be housed in that building along with storage. The possibility of demonstration classrooms or a media center could also be explored.

➤ Play Space and Open Space. Play space on campus is severely limited for all three schools. Although Middle School play areas improved dramatically with the completion of the Loop Road/MS Playground Project, there is still limited space for games involving throwing or distance such as football and lacrosse. The Sanctuary is an area reserved for quiet conversations or reflection and is not used for active games. The Lower School field along Danforth Street is limited in size due to construction activity, parking, and is used heavily by Lower School students. Any new construction on campus should keep in mind the importance of maintaining or adding to play space.

Preservation of open space is important both for the School and the neighborhood. The School has improved the feeling of open space on campus with the completion of the Loop Road Project and the creation of pathways linking Emery, Daveis, Hurd House, and the sanctuary.

➤ Waynflete Front Door. The "Front Door" refers to the first impression that visitors have when they come to Waynflete, whether in Thomas House or Lower, Middle or Upper School. This impression is important for current and prospective families, alumni, candidates for employment, and other visitors. The goal is for the School to be physically organized and staffed in a way that it is warm, welcoming, and easy to navigate for everyone who comes.

The current offices for Administration (Admissions, Business, Development and Head of School) do not meet those goals due to the layout of Thomas House which has limited waiting areas, separation of departments on more than one floor or in more than one building, no handicapped access, and a lack of gathering/meeting spaces for parent volunteers and alumni. The entry areas of each School are also not designed in a way that welcomes students or families. One solution would be to create spaces which serve as central reception areas located on a ground floor or with handicap access, with administrators located near the central area. The Campus Master Plan Committee was confident that there are several options to create a better "Front Door" for the Admissions, Business Office, Development, and Head of School using existing buildings including the possible renovation and use of the Storer Street House (if allowed by the City).

III. Ongoing Projects, Needs, and Considerations. This section identifies additional space needs, some of which could be accomplished through completion of projects listed above. The creation of new library/technology space, for example, could result in additional classroom space in Middle School. Also listed in this section are considerations that should be taken into account in any project – accessibility, storage, and parking.

➤ Academic Support. The current space in the basement of Hurd House provides little privacy and quiet for academic support faculty to work with students. The space is also dark and too hot in the winter months. Ideally, Academic Support would have a large central office, private rooms for tutors to work with students, a director's office and a gathering space.

➤ Accessibility. Accessibility is an issue in several areas of the School – Thomas House, 3rd floor of Ruth Cook Hyde and Morrill Houses, and the 2-3 classroom.

➤ Adjoining Properties. There are several properties adjoining the main campus and the athletic fields that could be of future use by the School. The "Webber House" located on Fletcher Street borders the Lower School and is within the natural footprint of the School. Students walk in to school daily along the north side of the house and play along the south side of the house. There is nearly constant activity around 3/4 of the property. Conversion of this property (if the building were purchased by the School and a partial change of use permitted by the City) could significantly alleviate Lower School needs for dedicated space for Afterschool, storage, and meeting areas. Several properties adjacent to the Fore River Fields could also be purchased to expand playing fields and parking.

➤ Middle School: The Middle School would benefit from at least three more spacious classrooms for up to 16 students, a larger computer room space, and gathering spaces to accommodate each grade and advising faculty. A larger and more accessible location for student lockers would be a significant improvement.

➤ College Counseling. College counseling is currently run by three people out of the Dean of Studies office and other spaces in the Middle School. A dedicated space, with private offices for counselors to meet with students, a small library of college catalogs,

materials and tables for students to use to research opportunities would provide welcome support for this important aspect of the Upper School.

➤ Faculty Housing. Short or long term faculty housing could assist new faculty/staff moving to the Portland area and other faculty/staff faced with high housing costs. The availability of on-campus or near-campus housing could also help alleviate the housing shortage in Portland.

➤ Parking. The possibility of additional on-campus parking should be considered whenever possible as part of the School's ongoing efforts to improve safety and reduce the impact of parking in the neighborhood.

➤ Storage. The need for more storage across the School is critical. Some of the projects in Tiers I and II include a storage component as well. Any current storage space that is converted to other uses should have an accompanying storage plan elsewhere on campus.

➤ Upper School: The primary unmet need in the Upper School is for gathering spaces for large groups of up to 65 people.

FIRST FLOOR OF EXISTING LYH

P r o g r a m S u m m a r y

Project: Waynflete Master Plan - Programming

Re: Summary of Programming Interview Sheets for Tier I and II
Projects

Waynflete School Program			
Space Name	Existing SF	Proposed SF	Remarks
Lower School	11,100 SF	3,050 SF	Classroom space
	0 SF	1,350 SF	Lower School Library
	600 SF	800 SF	Art Studio
	0 SF	1,250 SF	First Floor of Webber House
	500 SF	800 SF	Offices
	<u>3,800 SF</u>	<u>4,300 SF</u>	Storage, Lobby, 30% planning factor
	16,000 SF	11,550 SF	Sub-total for Lower School
Fieldhouse	9,500 SF	30,000 SF	Option #1 - 2-court Gym
		43,300 SF	Option #2 - 3-court mini Field House
Library/Technology	2,800 SF	2,800 SF	Note: Proposed Library for LS is included in the LS proposed SF Technology
	270 SF	800 SF	
Front Door/Administration	1,200 SF	540 SF	Headmaster and Admissions
	2,100 SF	175 SF	Development and Business
	500 SF	500 SF	College Counseling/Registrar
	1,000 SF	200 SF	Maintenance
	<u>1,800 SF</u>	<u>650 SF</u>	Storage/Garage
	8,700 SF	4,865 SF	Sub-total for Administration

Cost Summary

Project: Waynflete Master Plan - Programming

Re: Summary of Cost Estimates for Selected Projects as of January, 2005³

Waynflete School Program			
Space Name	Proposed SF	Costs	Remarks
Lower School			
Classrooms	3,050 SF	Renovation 3850 SF @ \$95/SF = \$370,000	Assume 1/3 of projec Assume 2/3 of projec
Library	1,350 SF	New Construction 7700 SF @ \$125/SF = \$965,000	
Art Studio	800 SF	Total Construction \$1,335,000	
Afterschool	1,250 SF		
Offices	800 SF	15% Equipment (FF & E) \$1,540,000	
Storage, Lobby, 30% planning	4,300 SF	15% Soft Costs \$1,770,000	
	11,550 SF	10% Contingency \$1,950,000	
		Endowment @? %	
Fieldhouse	30,000 SF	Building & Site Construction (\$100/SF) \$3,000,000	2-court Gym
		15% Soft Costs \$3,450,000	
		10% Contingency \$3,800,000	
	43,300 SF	Building & Site Construction (\$100/SF) \$4,300,000	3-court mini Field Hc
		15% Soft Costs \$4,950,000	
		10% Contingency \$5,500,000	
		Endowment @? %	
ew Library/Technology	12,000 SF	Building & Site Construction (\$130/SF) \$1,560,000	
Library - MS & US		15% Equipment (FF & E) \$1,800,000	
Technology dept./classes		15% Soft Costs \$2,070,000	
Storage		10% Contingency \$2,300,000	
		Endowment @? %	

³ Costs have been estimated only on the basis of square footage and are very rough estimates.

Rosa W. Scarcelli & Thomas H. Rhoads

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

December 3, 2009

Richard Knowland, Senior Planner
City of Portland
Planning Division
389 Congress Street
Portland, Maine 04101
VIA EMAIL 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 27th 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 27th) 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,

From: <DickandLiz@aol.com>
To: <RWK@portlandmaine.gov>
Date: 12/3/2009 11:04:47 AM
Subject: Waynflete

Rick:

Per the many meetings on the Overlay Zone subject I hope the Board rejects this proposal from Waynflete !!

After talking with the realtor of the Sweetser property at the bottom of Danforth Street; they mentioned that the school turned down any offers on this property on the weak excuse that it was too far from the campus ?? Is TWO BLOCKS -- TOO FAR ????

This property had + 32 parking spaces/ + 5,000 square feet (which could have been increased)/ and at the cost of approx. \$ 600,000 would have met Waynflete's needs for the next ten plus years.

I know the planning board will reject this proposal and urge them to build on their "existing grounds"

many thanks, r. davy

Richard Davy
WRD Associates
418 Danforth St., Portland, ME 04102
(207) 871-7820 FAX: (207) 871-7820

CC: <Oldmayor@maine.rr.com>, <duggan.betty@gmail.com>, <jeanbearor@maine.rr.com>

Jenny P. Scheu
381 Spring Street
Portland ME 04102

22 October 2009

David Silk, Chair
City of Portland Planning Board
Portland City Hall, 4th 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

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, 4th 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 1

Rick Knowland - Waynflete School's Proposed Overlay Zone

From: Laura Fecych Sprague <sspragul@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 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
1960s		
1963 Morrill House	4,648	703,600
1964 Hurd House	3,788	621,000
1968 Thomas House	6,646	825,200
Storer House?	???	-----

1980s

1986 Ruth Cook Hyde House	7,394	501,600
1984 Home for Aged Women	35,000??	2,486,000

1990s

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

Proposed 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
(same sq. footage as 27?)		
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
<u>TOTAL</u>	<u>78,583</u>	<u>8,674,100</u>
Taxes lost		\$ 153,877

New Construction/Renovation

2007 Arts Center	25,611	3,230,000
Hewes and Founders Renov.	<u>18,741</u>	<u>included?</u>
	44,352	3,210,000

Rick Knowland - Upcoming Waynflete Overlay Zone Hearing

From: john holverson <jhholverson@yahoo.com>
To: <RWK@portlandmaine.gov>
Date: 12/4/2009 1:45 PM
Subject: Upcoming Waynflete Overlay Zone Hearing

Dear Members of the Portland, Maine, City Council:

I am writing to voice my strong disapproval of the revised Waynflete School Overlay Zone proposal before you.

Conversion of ANY portion of present and/or additional West End houses, inside or outside a Wangled Overlay Zone is not consistent with Portland City policy and should not be approved.

Waynflete's current unlimited enrollment policies create a bottomless hunger for physical expansion.

No mixed use of West End residential properties should be allowed.
Such use erodes and degrades the historic West End.

No homes outside an Overlay Zone should be consumed by an ever expanding Wanyflete.

Following the development of defined standards for assessment by concerned West End neighborhood groups, with enforcement by the City, an annual review of Waynflete related traffic and parking impact on the domestic patterns of the surrounding neighborhood should be instituted.

Your decisions tonight have FAR REACHING IMPACT on the quality and nature of Portland's historic West End. Please do not approve the revised Waynflete proposal.

Sincerely,

John Holverson

292 Spring Street
Portland, Maine, 04102
207-615-7053

From: Tom Renner <flaminggourmet@yahoo.com>
To: <RWK@portlandmaine.gov>
Date: 12/7/2009 10:42:56 PM
Subject: Upcoming Waynflete Hearing

Mr. Rick Knowland:
I hope this is not too late to send to you.

To Whom It May Concern:

My name is Thomas Underhill Renner and I live at 292 Spring Street, Portland, Maine. I have owned and operated several stores under this e-mail name plus one several years ago on Fore Street, Portland, by the name of Gifted Gourmet.

I care a great deal about what happens to the health of the historic West End district. I have been involved with historic preservation in Maine and several other states where my family has lived for many years. As my mother's family, the Underhills of Glenn Head, Long Island, have witnessed before me, I too now witness an all too familiar scenario play out under the guise of modern advancement.

I see in Portland apparent kowtowing to ever increasing pressure from a supposedly well intended institution, Waynflete School, which says it is helping a struggling historic area make good use of what otherwise would become distressed structures with no more potential than targets for the wrecking ball. This argument is unreal and distorts the real intent of grabbing historic properties to feed the school's bottomless appetite for expansion into a residential area. My West End is a viable, living healthy residential neighborhood. My West End has already given up too much to Waynflete creating silent, not breathing, and yes DARK buildings every day after school and every weekend.

Yet each year the City gives a little more to the schools slippery arguments of we need this now, we need this soon, we need this before long, and we need this, NEED THIS NOW to grow. The City seems to think that in giving giving giving, it is placating a good cause but in fact, this giving is deepening domestic erosion of an historic neighborhood and deepening community hostility as residents see another GRAND EXPANSION PLAN gobble up more homes, more yards, MORE of the living neighborhood.

The School now wants to gobble up 3 entire contiguous blocks....citing the need to mix the use of private homes, citing financial hardship, citing unbearable pressures, citing no other way to grow....

The answer to Waynflete's grabbing of more property in the West End is one simple word. NO. They have done enough here. Let them expand elsewhere on property they own.

If my comments are accepted by you for reading, I thank you sincerely and remain,

THOMAS UNDERHILL RENNER

From: Jesse Deupree <jdeupree@maine.rr.com>
To: <rwk@portlandmaine.gov>
Date: 12/8/2009 6:59:51 AM
Subject: Waynflete School Overlay Zone Hearing

These comments are directed to the Planning Board.

My name is Jesse Deupree and I live at 314 Danforth Street, directly across from Waynflete, close to Storer Street. My family has lived here since 1989.

I am writing in support of the proposal for a overlay zone as it is currently configured. I believe both the school and the neighborhood would be served by a clear understanding and outline of what the school could and could not do in the future, rather than the incremental changes and applications that we have been part of.

I think Waynflete is an important asset to our neighborhood, and that the school has been a critical component of what makes the west end a wonderful place to live. I recognize that for the school to serve our city, it needs to change and adapt to education requirements in ways that are different from the ways houses change to adapt to new owners, and I think this overlay zone will be a helpful step in this process.

Thank you,

Jesse Deupree

Rick Knowland - Comments for 12/8/09 Planning Board Meeting

From: <dan.skwire@milliman.com>
To: <RWK@portlandmaine.gov>
Date: 12/7/2009 1:11 PM
Subject: Comments for 12/8/09 Planning Board Meeting
CC: <dwelch@mita.org>, <cgutheil@maine.rr.com>

Dear Mr. Knowlton:

My name is Dan Skwire, and I am a resident of 10 Grayhurst Park in Portland. I wish to submit some brief comments pertaining to the revised Waynflete Overlay Zone proposal that will be discussed by the Planning Board at its 12/8/09 meeting.

1. I very much appreciate the school's decision to remove 10-12 Grayhurst Park and 25-27 Storer Street from the proposed overlay zone. This resolves the concerns I expressed in my previous written comments and my spoken comments at prior meetings.
2. With some reluctance, I support the school's request to permit mixed insitutional and residential use in 3 Storer Street, 305 Danforth Street, and 299 Danforth Street. As a neighborhood resident, my first preference would be to see these buildings remain entirely residential, but I recognize the school's space constraints, and I believe that mixed use in these properties will ultimately prove a more acceptable solution for the neighborhood than the construction of larger-scale new buildings elsewhere on campus. Furthermore, since these buildings all front a busy street (Danforth) and are not abutted by other private residences, I think the impact of mixed use is less severe than in other properties.
3. I am less comfortable with permitting mixed use at 11 Fletcher Street, due to the fact that it is on such a small and quiet street and in such close proximity to other private homes. If mixed use is permitted, perhaps the impact could be minimized by requiring insitutional access points to be on the interior of campus rather than along Fletcher Street.
4. My one specific request is that the school be asked to include an appropriate minimum setback for any new construction from the southern edge of Grayhurst Park. The WPNA has suggested a required 50-foot setback, which seems reasonable and which is consistent with all of the school's own submitted drawing and conceptual plans (including those that illustrated possible development of the campus if the Grayhurst properties were not included). Although Grayhurst Park is a private drive, rather than a public street, it contains three private homes (25 Storer and 10-12 Grayhurst) and some such setack is essential to protect the residential character of the neighborhood and the privacy of the homeowners who live along Grayhurst Park.

Thank you your consideration.

Dan Skwire
 10 Grayhurst Pk.
 Portland, ME

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Rick Knowland - Re: Comments for 12/8/09 Planning Board Meeting

From: Doug Welch <dwelch@mita.org>
To: <RWK@portlandmaine.gov>
Date: 12/8/2009 8:09 AM
Subject: Re: Comments for 12/8/09 Planning Board Meeting
CC: <cgutheil@maine.rr.com>, <dan.skwire@milliman.com>

Dear Mr. Knowlton --

I am writing on behalf of myself and my wife, Caitlin Gutheil of 12 Grayhurst Park. We had hoped to be able to attend the Planning Board meeting on Tuesday evening but are unable. Understanding our comments are coming late, we wanted to echo the very cogent thoughts of our neighbor Dan Skwire of 10 Grayhurst Park.

We appreciate Waynflete School's decision to remove 10-12 Grayhurst and 25-27 Storer Street and abutting yards from the proposed Overlay Zone. We have even less reluctance than Dan concerning institutional/mixed use of 3 Storer Street, 305 Danforth Street, and 299 Danforth Street. All else equal, a contiguous institutional campus where there are no residential neighbors makes inherent sense so long as a clear need is demonstrated and the rights of neighbors are upheld. We believe 11 Fletcher makes similar sense assuming the current owner agrees.

Like Dan, we believe a 50-foot setback of any new buildings from the Grayhurst Park boundary is an important buffer between the residential north half of the block (Spring Street) from the institutional southern half (Danforth Street).

We respectfully thank the Planning Board and the many neighbors who have spent extraordinary energy reaching a plan that hopefully meets the needs of as many parties as possible.

Sincerely,
 Doug Welch

On Mon, Dec 7, 2009 at 1:09 PM, <dan.skwire@milliman.com> wrote:

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These comments are directed to the Planning Board.

My name is Jesse Deupree and I live at 314 Danforth Street, directly across from Waynflete, close to Storer Street. My family has lived here since 1989.

I am writing in support of the proposal for a overlay zone as it is currently configured. I believe both the school and the neighborhood would be served by a clear understanding and outline of what the school could and could not do in the future, rather than the incremental changes and applications that we have been part of.

I think Waynflete is an important asset to our neighborhood, and that the school has been a critical component of what makes the west end a wonderful place to live. I recognize that for the school to serve our city, it needs to change and adapt to education requirements in ways that are different from the ways houses change to adapt to new owners, and I think this overlay zone will be a helpful step in this process.

Thank you,

Jesse Deupree

Greater Portland Landmarks, Planning Board Dec. 8, 2009

Statement on the Proposed Overlay Zone for Waynflete School

My name is Hilary Bassett, Executive Director of Greater Portland Landmarks.

We appreciate the opportunity to comment on the revised proposal for the Overlay zone proposed by Waynflete School. We would like to recognize the extensive work on this proposal undertaken by the school, city planning staff, councilor David Marshall, and both the Western Promenade and West End Neighborhood Associations.

While the scope of the proposed overlay encompasses many public policy issues, our role is to focus on the impacts of the proposal as it relates to the exterior appearance of the historic district. We recognize that the proposed overlay zone plans are conceptual at this point, and that specific proposals will be subject to discussion, review and approval at such time as they are presented.

- (1) GPL supports the efforts of the School to engage in a community discussion process, to create a vision for a future development of the campus, and to plan to make the best use of their campus area, including increasing the density at the center of the campus.
- (2) As part of an historic district, GPL believes it is essential that the streetscape and the landscape elements retain the residential character of the historic neighborhood. In this regard, we recommend that:

- a. the buildings at 3 Storer Street and 11 Fletcher Street should not be moved from their current locations. These structures define the corner and street edge, respond to their sites, and reflect neighborhood history and context.
- b. Storer Street needs to retain its identity and use as part of the city's streetscape, not an internal campus street. We support Waynflete's removal of the Storer Street and Greyhurst Park properties and two rear yards from the proposed overlay zone.
- c. Heights and massing should be in scale with the surrounding residential development. The rear of the upper school could take additional height and massing. The campus edges are a very important interface with the neighborhood.
- d. We welcome Waynflete's vision to accommodate strong new designs within the campus, as demonstrated by the recently constructed campus arts center.

(3) GPL supports the School's agreement to comply with the underlying zoning heights for the R-4 and R-6 zones at 35 and 45 feet respectively, to extend the edge zoning along all of the Fletcher and Danforth Street edges of the proposed campus overlay. We think these stipulations should be adopted irrespective of the acquisition of additional properties. We commend Waynflete's responsiveness to the input from the historic preservation board.

Thank you very much for the opportunity to present our views for your consideration.

A handwritten signature in dark ink, appearing to read "Mary Smith", is written below the text. The signature is fluid and cursive, with the first name "Mary" being more legible than the last name "Smith".