



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Prof. Frank Monsour
NAME

32 Thomas St LLC
BUSINESS NAME

32 Thomas St
BUSINESS ADDRESS
(207) 774-4060
32thomas@majellaenterprises.com
BUSINESS TELEPHONE & E-MAIL

Owner (Deed attached)
APPLICANT'S RIGHT/TITLE/INTEREST

Conditional Rezoning Agreement (attached) & R4
CURRENT ZONING DESIGNATION

Subject Property Information:

32 Thomas Street
PROPERTY ADDRESS

62-E-005
CHART/BLOCK/LOT (CBL)

same
PROPERTY OWNER (If Different)

same
ADDRESS (If Different)

same
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 103 (a) 2

EXISTING USE OF THE PROPERTY:

Religious assembly, daycare, community and social service programs.

RECEIVED

TYPE OF CONDITIONAL USE PROPOSED:

5-Unit residential sub-division (apartments) of existing Parish House structure.

AUG 14 2015

Dept. of Building Inspections
City of Portland Maine

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

August 14, 2015

DATE

GARRISON CONSULTING

August 14, 2015

Portland Zoning Board of Appeals
389 Congress Street
Portland Maine, 04101

Re: Submission for Conditional Use Appeal
32 Thomas St – Williston West Church

Dear Chair Moppin and Members of the Zoning Board of Appeals,

On behalf of 32 Thomas Street LLC please accept and consider this submission for conditional use appeal for the sub-division of the parish house at 32 Thomas Street to 5 residential dwelling units. The work proposed meets the requirements of the conditional rezoning agreement for the property as well as the underlying requirements for the R4 Zone, which in part are applicable to this submission.

This submission includes:

- o A completed application and fee.
- o A narrative of the proposed work and compliance with the Standards
- o Deed for the property
- o Existing site plan and existing conditions analysis
- o Illustrative landscape plan and exterior elevation.

Along with this submittal, we are concurrently submitting to the Planning Board for Site Plan Review and Subdivision Review as required for subdivisions of this size. In addition we are submitting to Historic Preservation for approval of the proposed modifications to the courtyard per the requirements of the historic designation of the property.

We appreciate your consideration of this appeal and look forward to a future presentation to the zoning board of appeals

Sincerely,



Matthew G Winch, Architect
Principal

A Maine Licensed Architect

41 Edgewood Avenue Portland, ME 04103
(207) 450-0750
matthewwinch@earthlink.net

Brief History of the Subject Site

Located on the Western Promenade, 32 Thomas Street is the location of the historic Williston West Church and Parish House. A cornerstone to the neighborhood the church sanctuary, designed by renowned Architect Francis Fassett, was constructed in the 1870's. At this time Fassett was a mentor to a young John Calvin Stevens. Williston West Church celebrated its first service on September 1, 1878.

That service was led by Reverend Francis E Clarke, whose role in the church can not be taken lightly. Williston West Church is credited as the birthplace of and Reverend Clarke the founder of the Young People's Society of Christian Endeavor, later known as Christian Endeavor Society. It is with that amazing legacy that the future history of the church would be built.

That legacy also led to the design and construction of the parish house, the focus of this current submission to the Zoning Board of Appeals. Designed by the then established Architect John Calvin Stevens the parish house fully transformed the church from a place of worship to a home for related activities of the church that served community as well as religious mores.

The church was added to the National Register of Historic Places in 1980 however the result of a declining congregation the church property was sold to a private entity (32 Thomas St LLC) in 2011 and the church merged with Emmanuelle Church. Known today as Williston Emmanuelle United Church and located in the Emmanuelle Church on High Street.

After the property was purchased, 32 Thomas St LLC requested and was granted a Conditional Zoning designation for the property. While not going into full detail this designation allowed for the conversion of up to 2800 SF of space in the Parish House for use as office space with a maximum of 14 staff and private off street parking for the staff that commuted via automobile. The agreement for this office use included the completion of an agreed to Rehabilitation Work Schedule (Exhibit B of the Conditional Zoning Agreement). While creating specific zoning language for the subject site the agreement preserved the underlying residential language of the R4 Zone for the subject site in the event it was redeveloped with a residential component.

Written Description of Project

The proposed scope of work associated with this submission for Zoning Board of Appeals approval is for the conversion of a portion of the Parish House to a 5-unit residential subdivision. The existing 11,000SF Parish House structure was previously used as church offices, a toddler daycare, a yoga studio and for various church related social support programs. Today the structure along with the adjacent sanctuary is unoccupied.

Preliminary plans for the Parish House have been developed showing an approximately 2,500 SF office use on the ground floor with a 2-bedroom caretaker's residence and circulation space making up the remaining space of the ground floor. On the upper two floors of the structure plans have been developed for an additional 4 residential dwelling units. Specifically three units with three bedrooms and an additional two bedroom unit. A breakdown of the proposed size of each dwelling unit is below.

- Unit #1: Ground floor caretakers unit (2-bedrooms, 1-bath) - 1,115 SF
- Unit #2: Front of building overlooking Thomas (3-bedrooms 3.5-baths) - 2,161 SF
- Unit #3: Center of building (2-bedrooms 2.5-baths) - 1,768 SF
- Unit #4: Southwest corner (3-bedrooms 2.5-baths) - 1,627 SF
- Unit #5: Rear northwest corner (3-bedrooms 2.5-baths) - 1,507 SF

The proposed use is allowable per the Conditional Zoning Agreement for the property and by the Conditionally Allowable Uses of the underlying R4 Zone. To help in reaching that conclusion, an analysis of the technical requirements of the Conditional Zoning Agreement is provided in a separate section of this submittal. Below is an analysis that evaluates each of the required Standards individually.

1. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone;*

The volume and type of traffic for this 5-unit residential subdivision would be fully consistent with that of the surrounding R4 zone. By converting the parish house to a residential subdivision, the traffic impact on the neighborhood is reduced over that of the current approved uses for the building. The existing surrounding uses include but are not limited to single family residences, multi-unit apartment and condominium buildings and duplexes. All share a similar use and type of vehicle traffic to the subdivision proposed.

The same can be said of the parking requirements and the expanse of paving. On-site parking has been proposed for the development and will be reviewed by the Historic Preservation Board. The concept site plan which is attached shows a parking arrangement on site that minimizes the addition bituminous paving, providing Belgian block and red brick pavers to help reduce the impact of bituminous paving on-site.

2. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter;*

The proposed subdivision will not have a negative environmental impact to the surrounding neighborhood. The proposed 5-unit subdivision will be accomplished within the existing structure of the Parish House. Exterior site impact will be minimal and contained at the courtyard where a new parking area is proposed and in the rear of the property where a fenced in service yard will be created for contained waste storage and small condensing units that will be providing cooling to the building during warm summer months. Noise levels from the condensing units would be similar to those used at other properties in the neighborhood.

Trash and recyclables will be contained in roll-away waste barrels stored in the fenced in service area and collected on a weekly basis by private waste collection. This waste removal service would be similar to the one used at the McClellan Schoolhouse residences directly behind the property. This service area would be opaque in its design to visually contain the condensing units or waste/recycling barrels. The fenced area would also minimize potential for litter.

Heating of the residential units in the winter and hot water will be accomplished through an existing natural gas service and a new sanitary waste line is proposed on Thomas Street. The buildings are currently heated by natural gas. The proposed subdivision would not increase any emissions, which would remain constant or likely be reduced by the project.

Site lighting for the proposed subdivision would be minimal given the historic designation of the property. Any site lighting of the courtyard or fenced service area would be proposed at levels consistent with a residential neighborhood while providing safety and security to those accessing them.

3. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding*

properties than those associated with surrounding uses of other allowable uses in the zone.

As a residential sub-division in the R4 neighborhood that is reusing an existing historic structure, there is little to no negative effect or impact on the neighborhood. There would not be any recurring loading deliveries and the trash and waste generation would all be equal or consistent with the similar residential uses surrounding the property.

Landscaping and screening as shown on the attached concept site plan provides appropriate site screening at a residential scale at the courtyard and proposed service area while also being appropriately reduced or scaled back to highlight this important historic structure in the Western Promenade neighborhood. As an example; by redesigning the courtyard so the curb cut of the courtyard is closer to the sanctuary, vehicle parking and the less important architecture of the portico can be screened at the street view. With the curb cut and driveway on axis with the historically significant stained glass in the transept of the sanctuary, site lines would be shifted to this dramatic and significant building feature.

Compliance with Applicable Zoning

A copy of the Conditional Rezoning Agreement has been attached as Appendix A and is referred to along with the R4 Zoning in the evaluation of the the proposed project's compliance with the applicable zoning for this site.

Permitted uses:

- a. All uses in the R-4 Zone
- b. Professional offices, including computer software programming and marketing, and excluding personal services, retail services and veterinarians subject to the following limitations:
 1. Professional offices shall be located on the first floor of the Parish House and shall occupy no more than 2,800 SF of floor area
 2. The total number of individuals working in the professional offices shall not exceed fourteen (14) non-resident employees regularly scheduled to occupy the premises at any one time.
 3. The business utilizing the office space shall be a single tenant office user owned by or affiliated with the owner of the building complex
 4. The office use shall not generate frequent daily visitation by clients customers, or the general public.
 5. The owner or operator of the business shall secure and provide to its employees one (1) off street parking space for each employee who commutes to the office by his or her automobile.

The underlying dimensional requirements for the underlying R4 Zone apply but for the following modifications as per the Conditional Rezoning Agreement. These individual requirements are listed below along with the established compliance to those requirements in this submittal.

- a. Minimum Lot Size for places of assembly and professional office uses combined 17,500 SF. The lot size of the subject property is 17,998SF and is documented as such on the attached existing site survey.
- b. Minimum Yard Dimensions
 1. Front yard: 3 feet. The existing Front yard of Parish House is 4'-0", the Sanctuary is 6'-10" at Thomas Street and 6'-9" at Carroll St.
 2. Rear Yard: 3 feet. The existing structure of Sanctuary is 2'-9" and at the existing structure at the rear of the Parish House is 3'-9".
 3. Side Yard: 4 feet. The side of the existing Parish House structure at the side yard is 5'-0".
 4. Side Yard on Side Streets: 8 feet.
- c. Maximum Lot Coverage: 90%. The existing footprint of the structures on the property is approximately 12,000 SF providing a lot coverage of 67%.
- d. Maximum Structure height (Sanctuary): 37 feet. The existing height of the Sanctuary is approximately 37 feet.
- e. Maximum Structure height (Parish House): 47 feet. The existing height of the Parish House is approximately 47 feet.
- f. Maximum Structure height (Bell Tower): 70 feet. The existing height of the Bell Tower is approximately 70 feet.
- g. Maximum Floor Area for Places of Assembly: 6,000SF. This submission does not include any provision or consideration for the use of the Sanctuary as a Community Hall at this time.
- h. Residential dwellings within the existing structures shall be governed by the provisions of Section 14-103(a)(2) of the underlying R-4 Zone. Density calculations for residential use shall be based on the lot size of the parcel without land area deductions for other

non-residential uses on the site. The owner of the property is proposing 5 residential dwelling units within the existing structure of the Parish House. The R-4 Zone requires a minimum lot area of 3,000SF per unit. And a minimum floor area of 700SF per unit. The proposal of 5 units requires 15,000SF of land area. As noted in previous sections of this submittal the existing land area of the site is 17,998 SF. The smallest unit of the 5 proposed is approximately 1,100 SF.

The Conditional Rezoning Agreement prohibits the increase in volume or footprint of either the Parish House or the Sanctuary. The submission includes the renovation of the existing portico connector between the Parish House and the transept of the Sanctuary as the main entrance to the residences in the Parish House. These modifications will not increase the footprint or the volume of the primary structures on the property.

As noted in other sections of this submission, the Conditional Rezoning Agreement included a Rehabilitation Schedule (Exhibit B of the attached Appendix A). That work has commenced and is underway as noted. The owner does not intend to seek a certificate of occupancy for the office use in the Parish House until all of the work on the Rehabilitation Schedule has been completed.

In addition to the requirements above, the conversion to 5 residential dwelling units is considered a sub-division and is conditionally allowable in the R4 Zone. Conditionally allowable uses shall be presented to the Zoning Board of Appeals and meet. The subdivision will also ultimately require a recording plat be submitted for the completed residential dwelling units.

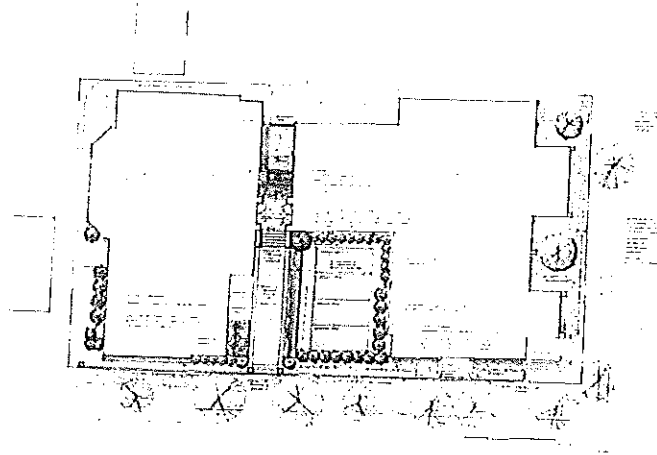
On site parking for the residential use is not required because of the historic designation of the property, however a preliminary site plan has been submitted indicating parking for up to four (4) vehicles on site. The exterior site plan and courtyard design are presently being reviewed with Historic Preservation staff and will be submitted for review by Historic Preservation Board shortly.

Proposed Site Plan and Preliminary Landscape Plan

On the attached plans we have shown a proposed redevelopment of the principal courtyard on the property. The courtyard of the property has an existing curb cut and two in-line parking spaces. An existing entry to the Parish House is at the southwest corner of the courtyard. An old ramp and side entrance to the church sanctuary lies to the eastern corner. Several overgrown plantings surround the perimeter of the courtyard with a single tree at the center.

A preliminary site plan was developed showing a renovated courtyard with 4 proposed parking spaces and a new primary entrance to the residential units in a renovated portico. The photo below shows that original scheme.

We met informally with Historic Preservation Manager Deb Andrews to review this scheme and to get her preliminary feedback on it. We shared the idea of pulling cars in and to the right of the existing driveway, creating a visual corridor with an unobstructed (by car bumpers) view of the building. A hedgerow along the sidewalk to help screen the parked cars and we shared some very preliminary thoughts on how the portico could be re-imagined as a front door to the new apartments and a new entrance to the transept of the sanctuary. Four cars parked in the courtyard with proper drainage a cobblestone driveway and very minimal to no planting in front of the transept and south facade of the main sanctuary structure and finally removal of the ramp leading up to the sanctuary.



Deb was somewhat concerned with the notion that vehicles would be parked in front of the historic stained glass in the transept. A feature that Deb also would not like to see heavily screened by the hedgerow, which while screening the cars acts as a foil to the important architecture of the sanctuary.

Where this ultimately led us was to talk about the possibility of moving the curb cut to the opposite side of the courtyard and closer to the sanctuary. If we moved the curb cut we would then turn into the courtyard and park to the left toward the parish house. This would accomplish a number of possible positive outcomes. It provides a more dramatic and unobstructed view of the stained glass of the transept and the south face of the sanctuary. It also serves to take the focus off the portico.

We also discussed some thoughts about creating a small walk leading up to the offices, again taking some focus off the portico. Deb would ultimately hope that we could come up with some further thoughts and ideas that transforms the portico, perhaps makes a more modern statement to better connect the parish house and the sanctuary.

With that feedback from Deb it led us to redesign the courtyard and try to strike a balance for the demands for the functional re-use of the site and the concerns of Historic Preservation. This new plan builds on that feedback. With the entrance to the courtyard flipped the site access to the courtyard is now adjacent to the sanctuary. If approved, this new location will provide for a better unobstructed view of the historic stained glass windows in the transept. The main entrance remains at the portico, but the proposed stair leading up to it has been rotated 90° to allow for closer parking to the Parish House and to increase the views line of the stained glass. New materials in the courtyard include brick pavers, cobblestones and grass pavers (if required to mitigate impervious increases). A hedgerow would still block the view of cars parked in the courtyard, but again view of the stained glass would be maintained from the new driveway.

Finally the existing entrance to the parish house would now be accessed from the sidewalk at Thomas Street. A hedgerow is proposed to screen the parking area and provides a modest but strong view corridor to the parish house entrance and the existing masonry and wood timber frame that frames the opening.

WARRANTY DEED
Maine Statutory Short Form

MAINE REAL ESTATE TAX PAID

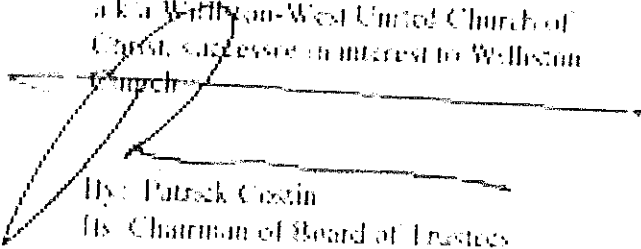
KNOW ALL BY THESE PRESENTS, that WILLISTON-WEST CHURCH, a/k/a Williston-West United Church of Christ, successor in interest to Williston Church, a Maine non-profit corporation having a place of business at Portland, County of Cumberland, and State of Maine, for consideration paid grants to 32 THOMAS STREET, LLC, a Maine limited liability with a place of business in Portland, County of Cumberland and State of Maine, whose mailing address is 477 Congress Street, Suite 601, Portland, Maine 04101, with WARRANTY COVENANTS, the land, together with any improvements thereon, located in the City of Portland, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, said WILLISTON-WEST CHURCH has caused this instrument to be signed and sealed by Patrick Costin, its duly-authorized Chairman of the Board of Trustees this 19TH day of December, 2011.

WITNESS:



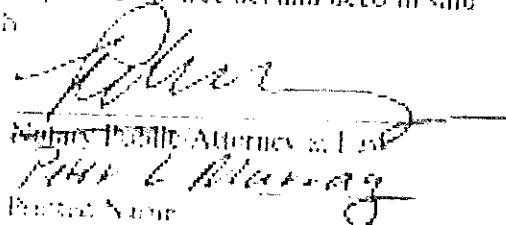
WILLISTON-WEST CHURCH,
a/k/a Williston-West United Church of
Christ, successor in interest to Williston
Church


By: Patrick Costin
His Chairman of Board of Trustees

STATE OF MAINE
COUNTY OF CUMBERLAND

December 19, 2011

Personally appeared before me the above-stated Patrick Costin, Chairman of the Board of Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said church.


Notary Public, Attorney at Law
Patrick Name

**EXHIBIT A
TO
WARRANTY DEED**

Two certain lots or parcels of land, together with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine and further described as follows:

PARCEL 1: A certain parcel of land located in said Portland bounded as follows. Beginning at the corner made by the intersection of the Westerly side of Thomas Street into the Southerly side of Carroll Street, thence Southerly by said Westerly side of Thomas Street one hundred and five (105) feet to a point; thence Westerly on a line parallel with said Southerly side of Carroll Street one hundred (100) feet to a point; thence Northerly on a line parallel with said Westerly side of Thomas Street one hundred and five (105) feet to said Carroll Street; thence Easterly by said Carroll Street to the point begun at. Being the same premises described in two certain agreements between Abby A. Steele and John H. True. Being the premises described in a deed from Abby A. Steele to Williston Church dated April 13, 1886 and recorded in the Cumberland County Registry of Deeds in Book 525, Page 221.

PARCEL 2: Property located in said Portland, being the premises described in a deed from Edward P. Chase to Williston Church dated September 9, 1897 and recorded in the Cumberland County Registry of Deeds in Book 652, Page 460.

Also hereby conveying all of the Grantor's right, title and interest in and to the fee underlying all public or private rights-of-way, easements, streets and alleys over, contiguous, benefitting or appurtenant to the premises.

The above described property is conveyed subject to an Easement from Williston Church to Central Maine Power and New England Telephone and Telegraph dated November 11, 1970 and recorded in said Registry of Deeds in Book 3157, Page 51.

By acceptance of this deed, Grantee agrees, for itself and its successors and assigns, that should the Grantee, its successors or assigns, at any time desire to demolish or alter the building on the property conveyed herein as to result in material damage to or removal of the stained glass windows, pipe organ and church bell, the Grantor shall have the right to remove and repossess the affected stained glass windows, pipe organ and church bell, without charge, but at its own expense, for preservation, recycling and/or re-use by Grantor, its successors and assigns, at Grantor's other location or elsewhere; provided, however, that Grantee, its successors or assigns, shall at its own expense reasonably restore any portion of the property disturbed by such removal activities.

Meaning and intending to describe the same property as described in a deed from Abby Steele to Williston Church, dated April 13, 1886 and recorded in said Registry of Deeds in Book 525, Page 221 and in a deed from Edward Chase to Williston Church, dated September 9, 1897 and recorded in said Registry of Deeds in Book 652, Page 460

The above-described premises were surveyed by Northeast Civil Solutions as shown on a "Boundary Survey of 26 Thomas Street, Portland, Maine" dated December 13, 2011, and the Grantee conveys all right, title and interest in and to the metes and bounds description as follows:

A certain lot or parcel of land, together with any improvements thereon, located on the southerly side of Carroll Street and on the westerly side of Thomas Street, in the City of Portland, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a #5 rebar w/ cap stamped "NCS, INC PLS 1314" at the intersection of the southerly right-of-way line of Carroll Street and the westerly right-of-way line of Thomas Street. Said rebar being shown on a plan entitled "Boundary Survey of 26 Thomas Street, Portland, Maine" by Northeast Civil Solutions, dated December 13, 2011;

THENCE S 17°49'20" W along the westerly right-of-way line of said Thomas Street 180.00 to a #5 rebar w/ cap stamped "NCS, INC PLS 1314". Said rebar being the northeasterly corner of land now or formerly of McKee Associates LLC as recorded in a deed recorded in the Cumberland County Registry of Deeds in Book 15262, Page 140;

THENCE N 72°38'37" W along the northerly line of land now or formerly of said McKee Associates LLC, 100.00 to a #5 rebar w/ cap stamped "NCS, INC PLS 1314";

THENCE N 17°46'20" E along the easterly line of said McKee Associates LLC, land now or formerly of Stanley Trapp as recorded in a deed recorded in said Registry of Deeds in Book 15671, Page 307 and land now or formerly of McLean School Houses Condominiums 180.00 to a #5 rebar w/ cap stamped "NCS, INC PLS 1314". Said rebar being on the southerly right-of-way line of Carroll Street;

THENCE S 72°38'37" E along the southerly right-of-way line of said Carroll Street 100.00 to the POINT OF BEGINNING.

The above described parcel contains 17,998 square feet, more or less.

The basis of bearing for the above described parcel is Magnetic 1980.

05118-6428213-100-135

Entered
Register of Deeds
Dec 20 2011 02:21:26
Carter Road Office
Portland, ME 04103