

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

PBM1

Meeting notes
Needelman

Memorandum
Planning and Urban Development
Planning Division



To: Chair Tevanian and Members of the Planning Board
From: Bill Needelman, Senior Planner
Date: September 16, 2008
Re: Proposed zoning exception for Public Art from building height restrictions

Introduction:

The City of Portland requests a workshop with the Planning Board to discuss a potential amendment to the land use code to create an exception for Public Art from building height restrictions. The proposal has been prompted by an on-going process to identify a site and design a sculpture commemorating the life and work of P.D. Merrill. During the course of this process, zoning building height restrictions have presented unexpected challenges to the design artist and the oversight committee. The Merrill Memorial process brings to light a policy question regarding the role of zoning as a regulatory tool in the Public Art process. The City Manager, on behalf of the Merrill Memorial Committee, has asked that Planning Staff generate a zoning text amendment for the Planning Board's and City Council's consideration. The intent of the text change is to allow the physical height of Public Art to be regulated by the Public Art Ordinance in all but residential zones.

Public Art Policy:

The City's Public Art program was developed to implement recommendations from the *Downtown Vision* and *Celebrating Community: A Cultural Plan for Portland, Maine* components of the Comprehensive Plan. The Public Art program identifies the process by which objects of art are acquired, sited, and maintained by the City. The Portland Public Art Committee oversees the program with their work being presented annually to the City Council for review and acceptance. The City's Comprehensive Plan cites the following components of the Committee's role in the Public Art Process:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for allocating the public art percentage of the CIP; administration of the program; conservation of the collection; and initiation of new projects;
- Review potential gifts of art to the City's public art collection, and make recommendations to the City Council on whether to accept or not accept the gifts;
- Seek donations for preserving, restoring and/or expanding the art collection;
- Recommend appropriate locations for the installation of public art.

Attachment 1 of this document is the text of the Comprehensive Plan component underlying the Public Art program, *Celebrating Community: A Cultural Plan for Portland, Maine*.

Public Art Acquisition Process:

In implementing the Public Art Program, the City catalogues, maintains and acquires works of art for inclusion in the Public Art Collection. The City acquires Public Art by one of two methods:

- Art is donated to the City.

Prior to acceptance of a piece into the Public Art collection, the Public Art Committee reviews the design according to criteria and makes a recommendation to the City Council for adoption prior to installation.

- Art is acquired or commissioned by the Public Art Committee.

The Public Art Committee identifies the acquisition or commission in the Public Art Committee's Annual Art Plan. The Annual Art Plan is provided for review and approval by the City Council. After Council approval, Committee commissions the piece and oversees installation.

Attached to this memo are applicable portions of the Public Art Committee Guidelines that inform Gifts of Art, Selecting Artwork, and Design Documentation. These documents are provided to give the Board an understanding of the process that an art piece receives prior to being presented to the City Council for acceptance.

The Merrill Memorial Process:

The Merrill Memorial Committee has been working closely with the Public Art Committee and the City Council will make the final determination on the approval of the design and acceptance of the object as a piece of the City's Public Art Collection. The proposed sculpture, titled "Boom," is an aggregation of radiating industrial crane booms mounted on a steel or concrete monopole (a photo of the project model and elevation sketch are provided in Attachment 4). The intention of the piece is to celebrate PD Merrill's contributions to the working waterfront and to provide a gateway statement about the City's commitment to the waterfront economy.

The Committee has selected the triangular portion of open space located at the Veteran's Bridge intersection with the Fore River Parkway. The site is a wide space in a gateway location lying below the Western Promenade and is currently home to the anchor that once resided in the center of Veteran's Circle. The artist and the oversight committee agree that the site is suitable for a tall structure without causing negative impacts to residences or neighboring businesses. However, the existing "building height" restrictions in the underlying zone (WPDZ) are capped at 45 feet. The WPDZ allows for taller cranes and other industrial installations, but as an art piece, the memorial could not take advantage of these exceptions to the building height maximum.

The Planning Board and City Council are not currently being asked to opine on the specific merits of the Merrill Memorial design, but are asked to evaluate the appropriate regulatory process to dictate the maximum height of public sculpture. A brief project narrative with written rationale describing the need for the amendment is provided in Attachment 3.

Zoning Exceptions for Public Art:

Planning Staff is recommending an amendment to the Bulk and Height exceptions (section 14-430) to exempt accepted public art from building height requirements outside of residential zones.

Current Exceptions

The zoning “building height requirements” are the current method by which structures are limited by height. There are, however, exceptions for this regulation. Certain built features, such as flag poles and some telecommunication towers, are not interpreted as “structures” and are therefore not regulated for height. Other structures, such as roof top appurtenances, are specifically exempted from the building height restriction. Other structures, such as cranes, gantries and ramps, are exempted specifically in certain zones – including the WPDZ.

Proposed Text Amendment

The code amendment approach recommended by the Planning Staff is to add Public Art to the category of zoning exceptions that includes “roof structure(s)” with certain conditions. Public Art would still be reviewed in a public setting with the design, scale and size of art proposals being subject to a case-by-case review by the Public Art Committee and the City Council.

The amendment language suggested is shown in underlined text for the Board’s consideration:

Sec. 14-430. Height limits.

(a) Roof structure. Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples, roof signs, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings.

(b) Public Art. Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the Public Art Collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14 852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

Attachments:

1. *Celebrating Community*, text only
2. Public Art Committee Guidelines, excerpts
3. Merrill Marine Gateway, project narrative
4. “Boom” model photo, elevation sketch

PREFACE

Celebrating Community, Portland's Community Cultural Plan, is the result of a community-wide process of fact finding and consensus building; Celebrating Community identifies cultural needs and aspirations of Portland's neighborhoods, and proposes policies and actions in response. This is the third phase of an effort that began with the Downtown Vision plan, continued with A Plan for Portland's Art District, and finishes (or marks a beginning) with this project. The Portland Arts and Cultural Alliance (PACA), along with the City of Portland Planning Office, began the planning process for Celebrating Community in 1996. This cultural plan builds on Downtown Vision and the Arts District Plan, taking those works another step. Celebrating Community considers the role of arts and culture in creating vital neighborhoods, and plans links between the goals of the Arts District to the neighborhoods of Portland.

The process was guided by a citizen Steering Committee consisting of representatives from PACA, the Planning Office, arts and cultural institutions, education, and the artists' community.

The cultural planning process began with personal interviews of 63 Portland leaders who represent various ethnic, religious, cultural, political, and neighborhood groups. Interviews explored the range of community constituents, their cultural lives, and their cultural needs. The first of a series of Public Forums was held in the spring of 1997. Teachers, school officials, artists, and arts organizations were surveyed to learn the needs and opportunities to link education and the arts. A revised version of Kid's Cultural Horizons was produced within this effort; the updated version, entitled Cultural Horizons, is a catalogue of arts and cultural offerings available to schools and community groups. More surveys were taken at the Community Development meetings in the fall of '97, asking residents about the cultural life of their neighborhood. The Steering Committee distilled the information and ideas from all sources and developed a draft report. The draft report contained over seventy action ideas, grouped under ten different focus areas. This draft was presented before the PACA membership with facilitated discussions and interactive exercises for refinement. Finally, during the spring of '98, the Steering Committee held four community forums to review the draft report. These community forums were advertized through direct mailings to 1800 citizens, through press releases, and through ads in the Portland Press Herald. Sixty people participated in the forums, using interactive exercises and facilitated discussions to set priorities and refine the ideas in the plan. New ideas were collected from participants at the forums and folded into the mix for discussion and consideration. The Steering Committee met during late spring/summer of '98 to quantify and analyze the results of the spring meetings. This final process formed the mission, principles, seven goals, and twenty-two main action ideas of Celebrating Community.

As a companion piece to Celebrating Community five professional photographers were commissioned to find and capture images of cultural expression within a distinct Portland community of their choosing. In this project, entitled Expressions of Culture, the photographers were given broad discretion in interpreting what forms a community and its culture. Expressions of Culture is a case in point, that the arts are uniquely capable of revealing the soul of a community. The images in Expressions of Culture speak as much as all the printed words about the people and place that make the Portland community.

This book presents some images from the Expressions of Culture project, along with the findings, goals and recommendations of Celebrating Community. Although not every city includes a cultural plan in the comprehensive plan, Portland has recognized the importance of cultural vitality to the community. Typically comprehensive plans inform policy of city government and are the basis for decision making on things like ordinances, programming, and capital investments. A Plan for Portland's Art District, for example, helped the city understand the "arts' industry" and motivated the City to support PACA. The Arts District and the Celebrating Community plans will serve as a blueprint for PACA's work and help PACA's members fulfill the cultural and creative aspirations of Portlanders.

The ideas contained in Celebrating Community are not prescriptive, exhaustive or final. Rather, the plan sets a framework for fostering grassroots initiative, provides a compass for establishing policy and priorities, and marks a commitment to secure resources to respond. The plan is flexible and adaptable, and should be viewed as the next step to linking the diversity of our people, the identity of our neighborhoods, and the expressions of our cultures to the strengthening of our community.

INTRODUCTION: CULTURE AND COMMUNITY

Two key words that are frequently used, abused and misconstrued, *community* and *culture*, are concepts that require some boundaries as we consider their prominence in the cultural plan. Portland is itself a community, but so is Stroudwater, the Waterfront or the kitchen staff at the Village Cafe. Many people think of culture as the stuff that resides in Greek Revival museums and opera houses, the elite arts of 18th and 19th century Europe, a realm that few millennial Americans occupy.

For the framers of this report, community and culture are assumed to have the broadest possible readings, which may also allow for highly specific contextual usage. Community and culture are characteristics of social existence which we all share, and interact in the complex and multi-layered dance which makes Portland, Maine a dynamic and exciting environment.

What is a community? Any grouping of individuals who share something, anything, in common, and consider themselves to have some allegiance to each other as a result is a community. We all begin life within the community of our own families, but quickly become part of other participatory communities as well: second graders, baseball players, dancers, college students, workers, parents, senior citizens. Some communities, such as nationality, ethnicity or religion, we are born into. Others we select for ourselves: political affiliation, occupation, place of residence, pursuit of interests. Within each of these spheres, we share with the other members of the group a set of common experiences and assumptions about what is valued, how it is to be cherished and how to interact with each other and the world. Each of us is part of many different communities, effortlessly shifting conceptual gears as we move among them. The internal rules which govern what is proper and what is unacceptable will vary substantially between the dance hall on Saturday night and the church on Sunday morning; still, many people participate in both communities without committing social gaffes or feeling any sort of conflict.

It is this complex matrix of coexisting and overlapping community allegiances which forms the core of personal and social identity, and which this report addresses. The larger idea of *Portland* contains within it myriad diverse communities, each of which contributes to the greater civic community. Each of these communities within our community is worth celebrating, because each embodies its own culture.

Culture is the enactment of community. It is the forms which communities select to express themselves, the glue that binds them together internally, and the displays that represent them to the world. Culture is expressed in what we wear, what we eat, how we dance, who we revere, how we worship. It is an Indian woman's sari, Italians making pasta, fishermen's knowledge of how to read the weather signs, the etiquette of a society wedding, French people dancing *Lady of the Lake*, and the stories refugees tell their children about their homelands. Every community has its own culture that interacts with and influences every other culture with which it coexists. This ongoing process of cross-fertilization is part of what keeps cultures and communities dynamic and healthy.

This conception of culture is inclusive of the performing and visual arts. It contains the classical and traditional art forms of dance, music and craft, as well as contemporary painting, free jazz and avant-garden theater -- all of which are expressions of a community-based aesthetic. But it is not restricted to the domains usually associated with "the arts." Our definition of culture is broader, extending from the fabric of personal interactions to the rituals which signal our participation in community. Far from any notion of elite culture, our aim has been to thoroughly democratize our cultural perspective and to empower communities that have previously been absent from public cultural discourse. At its core, this planning process has been an attempt to take a measure of our entire community and its constituent cultures, and to devise a set of mechanisms through which our representative civic government might address their needs and aspirations. In so doing, *Celebrating Community* intends to enrich and enliven Portland's civic life and spirit. As we celebrate the diversity of Portland's people, we nurture the unique and positive spirit of the whole community.

MISSION, PRINCIPLES, GOALS

Celebrating Community is based on the **Mission**:

- To celebrate Portland's shared history and to instill pride in our cultural diversity;
- To promote greater awareness of and access to arts and culture for all of Portland's citizens, both individually and collectively;
- To encourage greater community participation in arts and cultural activities and increase the sustainability of Portland's arts and cultural life; and
- To strengthen community through our arts and culture.

The Mission is based on the following **Principles**:

- People in the community are enriched by the exchange and interconnection of cultural expression.
- Intergenerational transfer of culture and tradition is valuable.
- Every individual deserves an opportunity to explore and develop his/her creative and expressive potential.
- Arts enhance learning.
- The public school system should set the highest standard of arts access and education.
- Active participation and engagement in the cultural life of the community increases the connection and commitment of the citizenry.
- Arts and culture contributes to the economic vitality of Portland.
- Arts and cultural organizations have an obligation to stay abreast of the changing interests and needs of its community, and concurrently, they have a responsibility to communicate and disseminate art and cultural traditions.

To achieve this Mission and based on the Principles, Celebrating Community has these **7 Goals**:

1. Promote discovery, appreciation, understanding, and pride in Portland and the diverse cultures found within the City.
2. Develop and enhance opportunities for students of all ages to engage, create and perform with the local arts community.
3. Build, expand and sustain audiences.
4. Encourage and safeguard artists' continuing presence in the community.
5. Improve the vitality and civic support of arts and culture throughout the City.
6. Apply arts and cultural solutions to the community's social issues.
7. Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

The following pages elaborate these seven goals, summarize findings from community participants, and present ideas for action. These findings, goals and ideas for action form the basis for future initiatives by the city and cultural community. Participants offered many specific suggestions, some of which are presented here to illustrate the range of potential activities that could come from this plan.

GOALS, FINDINGS, IDEAS FOR ACTION

A. Promote discovery, appreciation and pride in Portland and the diverse cultures found within the City.

Findings

Portland has a rich history as a maritime center and urban community. Historically Portland's population was white Anglo-Saxon, with a substantial minority of Irish, Italians, Jews, Greeks, Armenians, and other immigrants. In the 1980's Portland was designated a Refugee Resettlement community. Today 42 languages are spoken in the Portland public schools with most of the recent immigrants coming from Cambodia, Vietnam, Eastern Europe, Africa and Islamic nations.

Currently there is a community desire for more cultural programs that reflect the heritage of Portland and highlight the multiple cultures represented in the City. Many respondents cited a need for a community center, serving all ethnic communities and residents, which would promote broad artistic expression and cultural understanding. Opportunities are sought for traditional and emerging artists to develop their work, to broaden audience appreciation of heritage arts, and to include new cultural arts within the whole arts' community.

Many artists, community leaders, and religious leaders expressed feelings of alienation and lack of acknowledgment, respect and understanding for their work and cultural traditions. As one religious leader stated, "It always feels incumbent on the minority to reach out; it is always hard to say, 'Oh, you forgot us.'" The arts can bridge across language, religious and cultural differences. Cultural outreach is a means to create connections and build trust in every aspect of community.

Ideas for Action

1. **Increase opportunities for programs, festivals, and collaborative series that reflect and celebrate the history, cultures, heritages, religions, and interests of all Portland citizens.**
 - Encourage opportunities for local artists of diverse heritages to develop, present, perform, and record their work.
 - Establish exhibit space to present Portland's history and to document current aspects of the community so that a wider variety of Portland's population can see their interests presented.
 - Create traveling photography exhibits of historic neighborhood photographs, and other photo documentaries such as *Expressions of Culture*, to exhibit in Portland neighborhoods.
 - Create opportunities for the continuation of ceremony, custom, music and art forms between generations.

2. **Commission work from visual, performing and heritage artists to advance Portland's reputation as a creative center.**
 - Exhibit art, crafts, and collections in City Hall and other public buildings.
 - Support an ongoing Maine Artist's exhibition program in Portland.
 - Hold an annual competition for local authors and publish the winners in a collection of short stories, essays, and poetry.
 - Support opportunities for interactive theater focused on diversity issues and indigenous theater performed in the native language.

3. **Create connections between the City's schools and traditional and ethnic artists.**
 - Connect students and emerging artists with master artists to learn traditional arts.

4. **Enable people, particularly those who have been left out, to participate in cultural events and encourage a "feeling of belonging to that world."**
 - Establish a mentoring or outreach component within community art programs.
 - Make more exhibits hands-on and performances approachable for individuals who are visually or hearing impaired, or face mobility challenges.

5. **Support a community center in the Arts District for performing and visual arts which serves all citizens and is accessible to the broadest range of artistic expression. The Center could provide space for workshops, exhibitions, performances, residencies, master classes, and mentoring programs.**

B. Develop and enhance opportunities for students of all ages to engage, create and perform with the local arts community.

Findings

"It would be great if there were more opportunities to educate adults that making art isn't just for kids," stated one respondent. Many citizens cited a need for affordable space to accommodate a range of uses, such as studios, classrooms, exhibit space, performance areas, and community kitchens. Organizations and institutions offering educational opportunities to adults frequently identified a need for teachers and mentors to teach their programs.

Educators in the public schools offer arts and culture to students in many creative ways, and teachers are using outside resources to enhance learning in their classrooms with a high degree of satisfaction. Limitations to incorporating local artists and programs into schools include inadequate funding levels for visiting artists, transportation expenses, schedule conflicts, and lack of information of local opportunities. Based on survey responses, public school teachers list the following six priorities to achieve their objectives for arts and cultural education in the classrooms: Funding, 88%; Resource Materials, 50%; Available Time, 51%; Adequate Transportation, 46%; Support for Arts and Cultural Education, 42%; and Access to Artists and Resources, 42%. Artists and cultural representatives express a desire to share their talents, arts, and knowledge in the schools and to seek assistance in forging these connections. The greatest needs are to expand funding for arts and cultural education, to share information on available arts and cultural programs, and to integrate local arts and cultural resources into the curriculum.

Ideas for Action

1. **Expand the arts' curriculum (K-12) to ensure comprehensive and multi-cultural arts education in every classroom with related after-school/Saturday/summer season activities.**
2. **Combine efforts of the Arts & Education Committee of Portland Partnership and PACA to increase and coordinate support for arts education in Portland's public schools.**
 - Create sponsorships and scholarships for young artists to pursue their arts and cultural education.
 - Update, publish and distribute Cultural Horizons.
 - Hold an open house event in the schools to introduce teachers to artists and organizations that are offering arts and cultural programs for students.
 - Develop connections with local businesses engaged in the arts to serve as mentors and as destinations for "Art to Work" field trips.
 - Integrate the Maine Center for the Blind & Visually Impaired, and the Governor Baxter School for the Deaf into the City's the arts and educational life.
 - Establish an awards program in the schools to recognize outstanding achievements in using the arts as a learning resource.
3. **Coordinate exhibits, performances and resources available at community institutions with the school curriculum.**
 - Create collaborations between museums, colleges, arts' organizations, and local schools to offer joint modules on themes such as Portland's heritage and development, the history and language of Native Americans, immigration to Portland over the centuries, or other topics using shared resources.
 - Bring more artists into the classrooms to perform, demonstrate, create, and discuss their

work.

- Coordinate the use of resources, staff and equipment between schools and use "block booking" for artists.
- Create an "arts bus" dedicated to transporting students to local arts and cultural resources.

4. Support lifelong learning and participation in the arts for all citizens.

- Offer more studio art classes through adult education and support the acquisition of needed equipment, such as pottery wheels and metal smithing materials.
- Inventory facilities and list physical upgrades required for the success of the arts and cultural curriculum. Match educational needs with existing local resources where possible.
- Offer recent immigrants and other interested citizens training and support to develop businesses employing their traditional arts.
- Promote and develop neighborhood mural projects, theater groups, writing groups and other creative ventures.

C. Build, sustain and expand audiences.

Findings

The relationship between artists, audiences, and arts and cultural institutions is often portrayed as a triangular model that is successful when the sides and angles of the triangle are equal. Currently, a healthy relationship exists in Portland. According to the market study conducted for A Plan for Portland's Arts District, 50% of Portland's primary market area attended a live performing arts or entertainment event within the year and 49% had attended a museum or art gallery. The study also found that 70% of the attenders are considered heavy attenders, having participated in seven or more events. Participation levels continue to increase with the Museum of Art logging its largest number of visitors during 1997, and record audiences are attending performances at Merrill Auditorium. Nonetheless, many reported limitations to participation including high ticket prices, time constraints, lack of transportation, and language and cultural barriers. Arts providers seek to improve community awareness about events, organizations and artists through clear advertising of arts offerings. Increased access and outreach will sustain these relationships and broaden Portland's audience base.

Ideas for Action

1. **Encourage broad audience participation by leveraging connections within the community.**
 - Include diverse membership in the design and presentation of community programs.
 - Build upon the creative relationship that existed for generations between the arts and religious communities, and create collaborative efforts for networking and presenting.
 - Collaborate on joint advertising and marketing, using concepts of market segmentation and person-to-person marketing, and securing free or low-cost advertising.
2. **Increase opportunities for low-income individuals, students, and families to attend museums, concerts, and arts events.**
 - Provide free tickets (expand the neighborhood access program), group discounts to community groups, discounted passes for families, and cheaper same night tickets.
 - Provide access to child care during performances.
3. **Assess the need for a 150 to 400 seat performance facility designed for traditional and contemporary performances.**
4. **Cultivate media connections to accurately inform and support positive coverage of the arts.**
 - Develop a close relationship between the arts community and the local media, including the Public Access Station, to increase exposure of local arts.
 - Community arts reporting could include a calendar of events, storytelling, art criticism, poetry, writers, record reviews, local arts news, school events, close-ups of artists and art businesses, and other programs highlighting local art and cultural activities.

D. Encourage and safeguard artists' continuing presence in the community.**Findings**

A Plan for Portland's Art District documented the presence of many individual artists, representing many arts disciplines, who expressed great interest in the City's cultural planning process. The primary interest of artists is to perform or show their work, particularly for emerging and ethnic artists. Artists interviewed or surveyed for Celebrating Community and the second edition of Cultural Horizons also seek affordable spaces to produce their work, practice, perform and live. Networking, feeling connected within the arts community, and learning from other artists are objectives of many artists.

Ideas for Action

1. **Encourage and develop live/work and work spaces for artists, controlled by artists.**
2. **Support more activity on the street and in the public realm, such as street musicians, public art, community murals, and festivals.**
3. **Provide technical assistance to artists and organizations.**
 - Help develop promotional and marketing materials, business planning, copyright law, and networking.
 - Develop a training program for the business activities of artists.
 - Support more opportunities for employment and training.

E. Improve the vitality and civic support of arts and culture throughout the city.

Findings

Portland is rich with diverse and outstanding arts and cultural organizations. The arts' industry is a major economic force as documented in A Plan for Portland's Arts District. Total direct impact of cultural spending in Portland is over \$33 million annually. Arts and cultural organizations alone spend \$21 million, including \$9.8 million in payroll each year. There are over 2,000 events annually, of which more than half are free, and the total audience exceeds 900,000 people. The Arts District is the central location for the City's cultural life; over 96% of the free events and 76% of paid admissions occur within the District. Portland's arts industry needs and deserves financial support and up-to-date information.

Ideas for Action

1. **Establish a PACA funding program to secure or to commission arts and cultural programs, created by local artists and organizations, which address identified public objectives.**
2. **Create an information clearinghouse in PACA. The clearinghouse would be a centralized and coordinated source of information for artists, cultural community representatives, teachers, citizens, neighborhoods, social service agencies, and arts and cultural organizations. The potential information to be maintained includes:**
 - Unified way of listing and accessing resources;
 - Grants information;
 - Develop an on-going referral network of arts, heritage, and cultural programs available for community groups, businesses, and schools;
 - Census of local artists, performers, musicians, and heritage artists: names, description of work, and how to contact;
 - Master calendar of upcoming events;
 - Calendar of religious and other holidays;
 - Opportunities for potential collaborations among community organizations, schools, artists, and cultural institutions;
 - Models of creative and successful projects for promoting arts and culture in communities.
 - Develop a web site/cultural map as a virtual marketplace/arts exchange tied to PACA's central clearinghouse of data, the cultural census, and Cultural Horizons.
3. **Advocate for State financial involvement in supporting arts and culture in Portland.**
4. **Expand support for Portland's Public Art Program. Educate citizens to the value of public art and offer a venue for artists and students to make and exhibit public art.**
 - Designate site(s) for continuous installations of temporary and experimental sculpture.
 - Create a master plan for public art, identifying and prioritizing key locations for potential public art projects.

F. Apply arts and cultural solutions to the community's social issues.**Findings**

Many of Portland's community service agencies offer arts and cultural programs for their clients. There are unmet needs and opportunities for enrichment of these programs. Sometimes agencies have program ideas to carry out, resources and space to be used, and client issues to be addressed through arts and cultural programming. A teen center and programs/activities for youth were recommended by neighborhood leaders and social service organizations. These findings correspond with the recommendations of City's Task Force on Youth Activities, which has resulted in Portland's Park and Recreation Department securing City funding for a teen center and a skateboard park. Creative expression can provide an appropriate outlet for youth to process the stress and tensions of urban life, and can help them develop self confidence and respect for others.

Ideas for Action

1. **Develop more opportunities outside school for youth, particularly low-income students and children with special needs, to see, experience, and participate in visual, performance, and heritage arts.**
 - Create programs to actively engage youth in the arts through opportunities to sing in a chorus, to take music lessons, to learn a craft, to write a play, or to participate in other arts and cultural endeavors.
 - Provide programmatic support for a teen center.
 - Establish a community arts center in the St. Lawrence Church to reach out to youth at risk and engage them in arts and cultural programs and skill building.

2. **Work with human services/social service agencies to expand arts programs for all and to address community issues and special needs of citizens.**
 - Expand volunteer opportunities for art students to work with various groups in the community using the arts as a learning tool.
 - Use community service newsletters to distribute information regarding arts and cultural events, potential collaborations, and programs/services.
 - Book a monthly art activity or program that travels to local social service agencies.
 - Use the arts as a bridge to connect new and established racial and ethnic groups, and as a safe expressive outlet for the stresses and tensions inherent in a changing social fabric.

G. Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

Findings

A survey distributed at the City's neighborhood meetings revealed that the sense of community and level of neighborhood activities are well defined in particular neighborhoods and islands, but lacking in other neighborhoods. Community leaders seek arts and cultural programming to address cultural needs and to build a sense of community in neighborhoods. Transportation is a limiting factor for many neighborhoods, community groups, and public school classes. Full participation in the City's arts and cultural life also requires overcoming the obstacles of cost, availability, scheduling and fear of the unfamiliar.

Ideas for Action

1. **Create a City-wide approach where both neighborhoods and the Arts District are venues for heritage, performing, visual, and public art projects.**
 - Develop arts and cultural centers in every neighborhood by creating partnerships with existing facilities (schools, public buildings, churches, parks, storefronts, etc.).
 - Expand the hours of the public libraries, and increase the use the schools and parks for community events and art programs.
 - Identify opportunities to merge neighborhood activities with arts and cultural events in the Arts District.
 - Organize an
 - Artmobile (like a bookmobile) to take art programs into new locations.
 - Sponsor arts and cultural activities, performances, concerts and exhibits in the neighborhoods.
 - Encourage arts and cultural organizations in the Arts District to develop activities in the neighborhoods.
2. **Improve transportation access to arts and cultural venues throughout the City.**
 - Coordinate METRO's schedules with events to meet the particular needs of youth, families, and elderly citizens.
 -
 -
 - Collaborate between cultural institutions and METRO to create a fare and ticket program targeted to students and their families (e.g., Saturday matinee package deal for family of three or more).
 - Improve transportation access from the ferry to the Arts District.
 - Provide an art bus or trolley to take people to the locations where arts and cultural events take place.

NEXT STEPS

Celebrating Community is filled with exciting and imaginative ideas for action; it is an ambitious blueprint for dramatically increasing the variety and number of arts and cultural activities and projects throughout Portland. The question, of course, is WHO will do this? Some of the potential players include:

Portland Arts and Cultural Alliance:

PACA will take the lead in implementing this plan. Its members include arts and cultural organizations, educational groups, businesses, and individual artists. Established as Portland's local arts agency in 1997, PACA has already undertaken an ambitious agenda to strengthen and support arts and cultural organizations and activities in the city. With this plan, PACA can move forward in developing community arts programs.

City of Portland:

The City has shown true leadership in the conception and development of the Arts District Plan and this Community Cultural Plan, and has supported these efforts generously. The City will continue to play an important role in implementing this plan. Particular areas of city government which can play a significant role in this plan include the Planning Department; Parks and Recreation; Economic Development; Community Policing; Housing and Community Development; Portland Housing Authority.

The Portland Partnership and the Portland School Department:

The Portland Partnership, and its Arts in Education Committee has the important role of linking the arts community to the schools. It sponsors an annual arts mini-grant program to support innovative arts projects in the classrooms and works with PACA on several joint projects. The Portland School Department will continue to be involved in community arts through the Portland Partnership as well as through PTO groups, school administrators and, or course, the teachers themselves.

The Portland Public Arts Committee:

The Public Arts Committee, a volunteer citizen committee appointed by the City Council, has the charge of overseeing Portland's Percent for Art program in the city, and developing a public arts plan. Recently reinvigorated, the committee will take an active role in implementing aspects of the cultural plan.

The Community:

PACA and its partners can not implement Celebrating Community alone. While taking the lead in some areas, PACA will work to foster collaborations and partnerships with other interested groups. These collaborations can share resources to create projects suited of the needs and desires of communities. PACA will also provide technical assistance and advice, developing an information clearinghouse that will serve all constituencies. Just as this planning process relied on a grassroots approach to gathering ideas, so too will the implementation depend heavily on the participation of the many formal and informal community groups in the city.

Everyone is invited to get on board and get things going: neighborhoods organizations; community, cultural and heritage groups; religious organizations of all kinds; social service providers; youth organizations; informal groups of neighbors! We ask you to read this plan, see what excites you, talk with other interested people, come up with new ideas. Community arts need to spring out of the communities themselves. Come to PACA for information, advice, and assistance. Together we can make Portland one of the liveliest arts and cultural cities in America!

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

I. Review Criteria for Proposed Gifts of Art to the City Public Art Collection

Introduction:

From time to time, the City of Portland receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These are generous and much appreciated gestures to the citizens of Portland, and they often represent substantial investments of time, resources, and effort on the part of donors. However, installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Portland's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Portland, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Portland Public Art Committee is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review committees may also need to render a subsequent recommendation. After reviewing a proposal of artwork, the Portland Public Art Committee makes a recommendation to the City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in these guidelines limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Portland Public Art Committee, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Portland Public Art Committee will review potential gifts of art with regard to:

- Appropriateness of the gift to the City's Public Art Collection,
- Quality of design, materials and construction of the proposed gift, and
- Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.

Summary of the Review Process:

1. Potential donor discusses with the Planning Office at the inception of the idea of donating artwork to the City's Public Art Collection. A staff person from the Planning Office will be designated to work with the potential donor throughout the review process.

2. Potential donor works with Planning staff and the Public Art Committee to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.

3. Once the Portland Public Art Committee has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.

4. The Portland Public Art Committee reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Committee will schedule a Workshop at its next regularly scheduled meeting, or as requested by the potential donor.

- a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., the Friends of the Parks for park sites, or the Historic Preservation Committee for sites in an historic district), the Planning Office will assist the potential donor in scheduling a review by the other review bodies. After recommendations are received from other review bodies, if any, the Planning Office will forward the recommendations from those review bodies back to the Portland Public Art Committee for consideration.

5. If the application is determined to be complete at the Workshop, and once other appropriate review bodies, if any, have rendered a recommendation, then a Public Hearing will be held at the next regularly scheduled meeting. At the Public Hearing, the Portland Public Art Committee will vote to make a recommendation to the City Council as to whether to accept or not accept a proposed gift. Potential Donor's offer to the City Council for review and acceptance. The submission to the City Council will include designs, plans and supporting documents reviewed by the Portland Public Art Committee, as well as the recommendation from the Portland Public Art Committee and recommendation(s) from other appropriate review bodies, if any.

Criteria for Review:

1. The potential donor will meet with the Public Art Committee to review the appropriateness of the gift. The proposed donation of artwork must be of appropriate theme, character, and design for public display, and must be consistent with the objectives of the Portland Public Art Collection. The Portland Public Art Committee will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Committee that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.

2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively

low maintenance. It should retain its intended appearance and function over a substantial period of time.

3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising.
5. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.
6. The Portland Public Art Committee will work with the donor and/or the artist to integrate a Portland Public Art plaque into the site
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Portland Public Art Committee, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.

Glossary of Terms

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

Memorial - A commemorative monument established to preserve the memory of a person, place or event.

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service.

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artists or collaborative design teams occasionally design functional objects or site amenities.

Theme - The subject or message of an artistic work.

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

II. Guidelines for Selecting Artwork for the Public Art Program, and Guidelines for Selection of Artists for Commissioned Artwork for the Public Art Program

Introduction:

The Portland Public Art Committee presents an Annual Art Plan to the City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commissioning of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Committee will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Committee. The Public Art Committee will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Committee will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

Summary of Artwork Selection Process:

1. A project is identified in the Public Art Committee's Annual Art Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Committee appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Committee regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Committee and planning staff will manage the project through installation.

Artist/Artwork Selection Procedure:

A. ESTABLISHMENT OF THE ARTISTS/ARTWORK SELECTION PANEL

1. The Public Art Committee will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
2. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Portland Public Art Committee. The number of voting panelists and composition of the panel may be different depending upon the size and

complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by the Public Art Committee can participate on the panel. The Public Art Committee member will chair the Panel. If the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.

3. Community involvement is encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.

4. Before the first meeting of the Artist/Artwork Selection Panel, the Public Art Committee shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Committee for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Committee has taken final vote.

B. ARTISTS/ARTWORK SELECTION METHODS

The Public Art Committee will identify in the Annual Art Plan one of the three following methods or combination of methods in selecting a public art project:

1. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:
 - a. No more than five slides each of four different pieces. Slides must be submitted in a clear plastic slide display sheet. Each slide should be numbered and marked with the artist's name and the title of the work.
 - b. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.
 - c. Resume and references from previous similar projects.
2. Open Competition: The project and request for qualifications shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter. Artists will be required to submit the following qualifications:
 - a. Resume and work history
 - b. Slides of previous work
 - c. Conceptual approach statement (1 page max)
 - d. References from similar previous projects
3. Invitations or Limited Competition
 - a. A limited number of artists are chosen directly from the Maine Arts Commission's Artists Registry or some other source and are invited to prepare proposals in the same manner as the Open Competition method.

C. ARTIST/ARTWORK SELECTION RULES

1. The Artist/Artwork Selection Panel and/or the Public Art Committee may ask for

additional information before selecting finalists. Artists selected as finalists are generally paid a design fee for submission of a final proposal, which may include a model, drawings, photographs or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.

2. Conflicts of Interest: Public Art Committee members or Artist/Artwork Selection Panel members shall abstain from voting when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.

3. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non-selected artists will be informed of the final artist/artwork selected when entry materials are returned

D. ARTIST/ARTWORK SELECTION CRITERIA

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

1. Artwork

- a. Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, placement, and appropriateness in theme and character as determined by the Public Art Committee.
- b. Elements of Design: The Artist/Artwork Selection Panel and the Public Art Committee will take into account the fact that, as differentiated from works in a museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.
- c. Style and Nature: Work of any style or nature which are appropriate for the public art collection and responsive in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
- d. Media: All forms allowed by ordinance may be considered.
- e. Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.

2. Artists

- a. Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Committee, staff, and community.
- b. Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition the ability to develop specific drawings of the artwork placed at the site will be required. (See Guidelines III)
- c. Technical Feasibility: The artist must be able to demonstrate his technical ability to complete the project proposed.

Glossary of Terms:

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

III. Requirements for Design Documentation for Review of an Art Project, and Requirements for Project Records

Introduction:

The Portland Public Art Committee must review all permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to insure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Committee and staff are responsible for developing and maintaining permanent records regarding the public art collection. These Guidelines outline the requirements of documentation to be provided by an artist, his representative(s), and/or their collaborator(s) in order to insure a thorough review.

Requirements of Documentation for Review, and Project Records:

1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, it Public Art Committee may require that the artist retain the assistance of a professional architect, landscape architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Committee's archives. The Public Art Committee will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.

- A. Conceptual Design:
 - 1. Concept drawing(s) at an appropriate scale
 - 2. Site context drawing(s) at 1" = 20' or other scale as appropriate
 - 3. Working model, perspective sketches, and section and/or elevation drawings as appropriate

- B. Existing Conditions Site Survey for Location of Proposed Art:
 - 1. Proposed site or site alternatives
 - 2. Existing topography, context, vegetation
 - 3. Spatial and scale relationships
 - 4. Historic context

- C. Design Development
 - 1. Response to context and historic character of the site
 - 2. Proposed grading, site work, and proposed restoration of same
 - 3. Proposed construction and site materials including details/amenities
 - 4. Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
 - 5. Review of liability issues (public health, safety, welfare)
 - 6. Review of safety/security issues

7. Review of ADA accessibility standards
 - D. Construction Drawings and Specifications:
 1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site
 2. Planting plan and plant list, and
 3. Lighting plan, and plans of electrical and mechanical elements
 4. Installation details, catalog cuts, and specifications for all additional amenities
 5. Written Specifications
 - E. Proposed Schedule (all elements to be coordinated with City staff):
 1. Design documentation and review schedule
 2. Fabrication and installation schedule
 3. Maintenance schedule
 - F. Additional Documentation:
 1. Artist's statement and/or interpretative narrative regarding proposed public art project
 2. Artist's resume
 3. Photographic documentation of process and/or product through and including final installation
2. In addition to the documentation listed above, the Public Art Committee shall maintain record files on each project that shall include, but not limited to, the following:
- A. Contract(s) with the artist(s) engaged in the project.
 - B. Record of the Committee hearing on the project.
 - C. Interdepartmental agreements relating to the siting and/or implementation of the project.
 - D. Correspondence and memoranda relating to the project including media coverage.
 - E. Record of all billing made in connection to the project

MERRILL MARINE GATEWAY, INC.
C/O CIANBRO CORPORATION
60 CASSIDY POINT DRIVE
PORTLAND, ME 04102

Proposed Zoning Change for Public Art Height

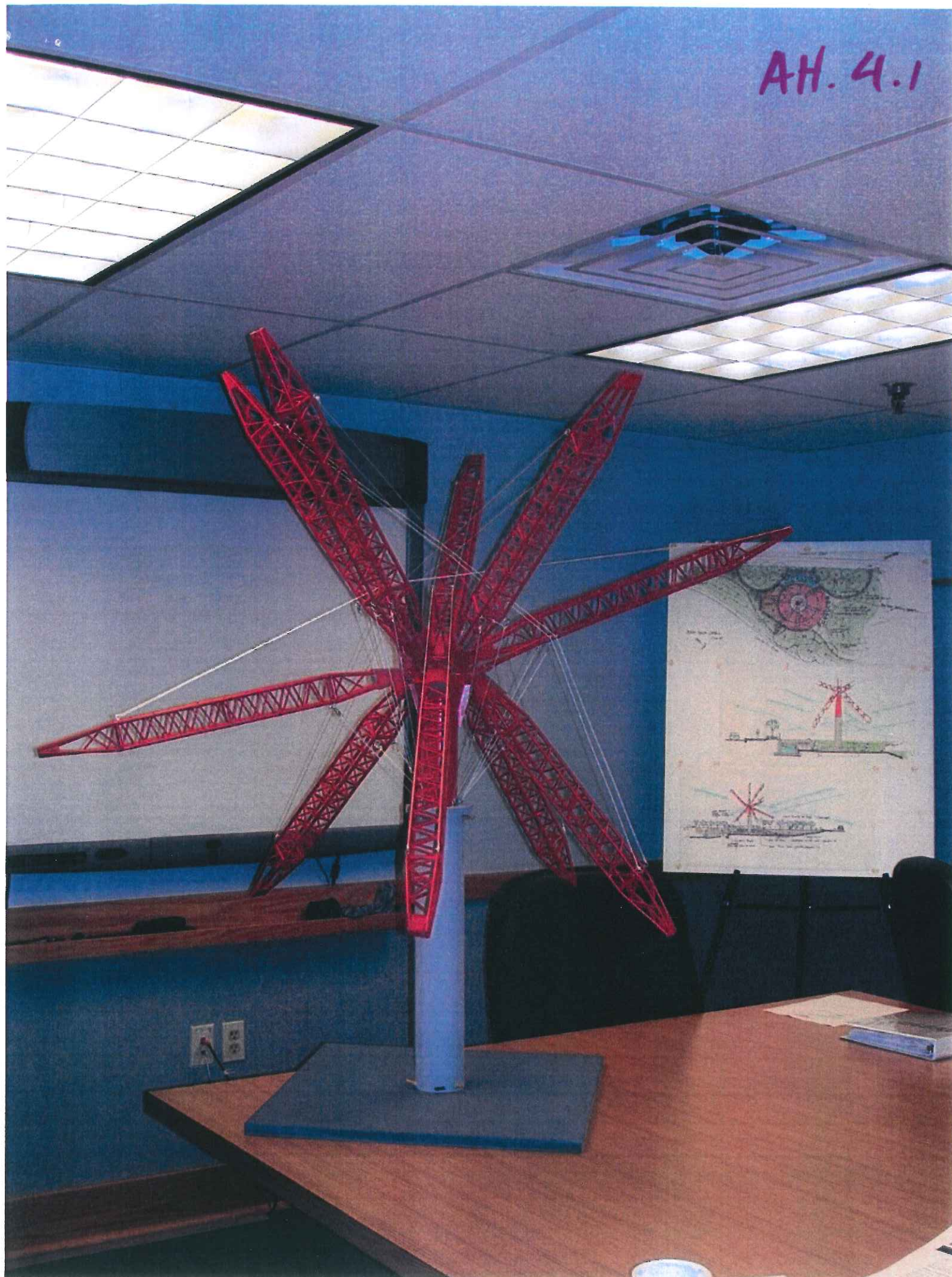
September 16, 2008

Background Prominent Portland businessman, P.D. Merrill died unexpectedly in February, 2007. A group of friends and associates came together to develop a project to honor his many contributions to the Portland community and conceived a public art project to be located at the end of the Veteran's bridge, near Merrill's Marine Terminal. The group approached the City Council in September, 2007 for its support for this project, to be placed on public land. The Council gave its support and Merrill Marine Gateway (MMG) has been working actively on the project since that time, including several workshop meetings with the Public Art Committee to be sure that MMG understands and can meet the City's guidelines for Public Art.

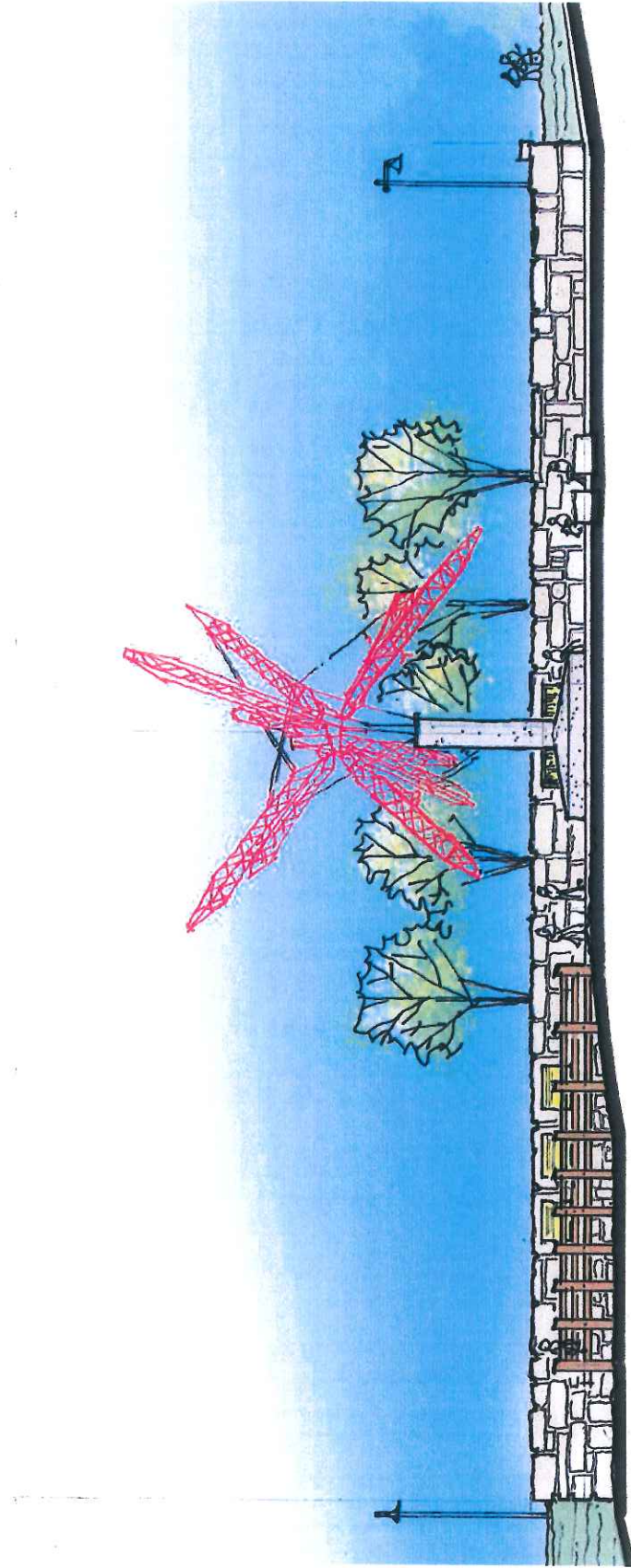
Design The site is a major gateway to the City and it is also a major challenge, due to the complicated traffic pattern and the speed and volume of traffic through the area. As he has addressed these factors, the artist Aaron Stephan's creativity has been constrained by the existing zoning height limitation of 45 feet. He has proposed, and the project's sponsors believe, that a greater height for his sculpture would better suit the site. This can be considered, however, only if the City Council, with the benefit of a recommendation from the Public Art Committee, has the ability to weigh a greater height than allowed by the underlying zoning.

Policy In considering this specific problem, it raises the policy issue of the benefits of flexibility on height limitations for public art in non-residential zones. Public art, especially in gateway locations, could respond creatively to the site context and allow consideration by the Council, through public process, of a proposed project not constrained by zoning height limitations. We propose that a zoning text change, as drafted by Planning Staff, provide the opportunity for the Council to consider and approve public art projects which demonstrate a positive contribution to their context, notwithstanding zoning height limitations

AH. 4.1



Interior Site Elevation (View from Valley Street)



AH.4.2

PBR1

**PROPOSED ZONING EXCEPTION
FOR
PUBLIC ART FROM BUILDING HEIGHT RESTRICTIONS
CITY OF PORTLAND, APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine

October 7, 2008

For the
October 14, 2008
Public Hearing

Submitted By:
Bill Needelman, Senior Planner

I. INTRODUCTION

The City of Portland requests a Public Hearing with the Planning Board to discuss a potential amendment to the land use code to create an exception for Public Art from building height restrictions. The intent of the text change is to allow the physical height of Public Art to be regulated by the Public Art Ordinance in all but residential zones.

The Planning Board held a workshop on this item on September 23, 2008. This Public Hearing was advertised in the October 6 and 7, 2008 issues of the Portland Press Herald.

II. BACKGROUND

The proposal has been prompted by an on-going process to identify a site and design a sculpture commemorating the life and work of P.D. Merrill. During the course of this process, zoning building height restrictions have presented unexpected challenges to the design artist and the oversight committee. The Merrill Memorial process brings to light a policy question regarding the role of zoning as a regulatory tool in the Public Art process. The City Manager, on behalf of the Merrill Memorial Committee, has asked that Planning Staff generate a zoning text amendment for the Planning Board's and City Council's consideration.

III. PUBLIC ART POLICY

The City's Public Art program was developed to implement recommendations from the *Downtown Vision* and *Celebrating Community: A Cultural Plan for Portland, Maine* components of the Comprehensive Plan. The Public Art program identifies the process by which objects of art are acquired, sited, and maintained by the City. The Portland Public Art Committee oversees the program with their work being presented annually to the City Council for review and acceptance. The City's Comprehensive Plan cites the following components of the Committee's role in the Public Art Process:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for allocating the public art percentage of the CIP; administration of the program; conservation of the collection; and initiation of new projects;
- Review potential gifts of art to the City's public art collection, and make recommendations to the City Council on whether to accept or not accept the gifts;
- Seek donations for preserving, restoring and/or expanding the art collection;
- Recommend appropriate locations for the installation of public art.

Attachment 1 of this document is the text of the Comprehensive Plan component underlying the Public Art program, *Celebrating Community: A Cultural Plan for Portland, Maine*.

IV. PUBLIC ART ACQUISITION PROCESS

In implementing the Public Art Program, the City catalogues, maintains and acquires works of art for inclusion in the Public Art Collection. The City acquires Public Art by one of two methods:

- Art is donated to the City.

Prior to acceptance of a piece into the Public Art collection, the Public Art Committee reviews the design according to criteria and makes a recommendation to the City Council for adoption prior to installation.

- Art is acquired or commissioned by the Public Art Committee.

The Public Art Committee identifies the acquisition or commission in the Public Art Committee's Annual Art Plan. The Annual Art Plan is provided for review and approval by the City Council. After Council approval, Committee commissions the piece and oversees installation.

Attached to this memo are applicable portions of the Public Art Committee Guidelines that inform Gifts of Art, Selecting Artwork, and Design Documentation. These documents are provided to give the Board an understanding of the process that an art piece receives prior to being presented to the City Council for acceptance.

V. THE MERRILL MEMORIAL PROCESS

The Merrill Memorial Committee has been working closely with the Public Art Committee and the City Council will make the final determination on the approval of the design and acceptance of the object as a piece of the City's Public Art Collection. The proposed sculpture, titled "Boom," is an aggregation of radiating industrial crane booms mounted on a steel or concrete monopole (a photo of the project model and elevation sketch are provided in Attachment 4). The intention of the piece is to celebrate PD Merrill's contributions to the working waterfront and to provide a gateway statement about the City's commitment to the waterfront economy.

The Committee has selected the triangular portion of open space located at the Veteran's Bridge intersection with the Fore River Parkway. The site is a wide space in a gateway location lying below the Western Promenade and is currently home to the anchor that once resided in the center of Veteran's Circle. The artist and the oversight committee agree that the site is suitable for a tall structure without causing negative impacts to residences or neighboring businesses. However, the existing "building height" restrictions in the underlying zone (WPDZ) are capped at 45 feet. The WPDZ allows for taller cranes and other industrial installations, but as an art piece, the memorial could not take advantage of these exceptions to the building height maximum.

The Planning Board and City Council are not currently being asked to opine on the specific merits of the Merrill Memorial design, but are asked to evaluate the appropriate regulatory process to dictate the maximum height of public sculpture. A brief project narrative with written rationale describing the need for the amendment is provided in Attachment 3.

VI ZONING EXCEPTIONS FOR PUBLIC ART

Planning Staff is recommending an amendment to the Bulk and Height exceptions (section 14-430) to exempt accepted public art from building height requirements outside of residential zones.

Current Exceptions

The zoning “building height requirements” are the current method by which structures are limited by height. There are, however, exceptions for this regulation. Certain built features, such as flag poles and some telecommunication towers, are not interpreted as “structures” and are therefore not regulated for height. Other structures, such as roof top appurtenances, are specifically exempted from the building height restriction. Other structures, such as cranes, gantries and ramps, are exempted specifically in certain zones – including the WPDZ.

Proposed Text Amendment

The code amendment approach recommended by the Planning Staff is to add Public Art to the category of zoning exceptions that includes “roof structure(s)” with certain conditions. Public Art would still be reviewed in a public setting with the design, scale and size of art proposals being subject to a case-by-case review by the Public Art Committee and the City Council.

The amendment language suggested is shown in underlined text for the Board’s consideration:

Sec. 14-430. Height limits.

(a) Roof structure. Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples, roof signs, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings.

(b) Public Art. Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the Public Art Collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14 852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

VII. STAFF RECOMMENDATION

Given that any art object applying this exception would receive a thorough review in a public setting and that final approval lies with the City Council, Planning Staff recommends the implementation of an exception from building height requirements for Public Art in non-residential zones.

VIII. SUGGESTED MOTION

Based on the materials included in Planning Report # 52-08 and material and testimony presented at public hearing, the Planning Board finds that the proposed text amendments to the Bulk and Height Exceptions portion of the Land Use Code are consistent with the City's Comprehensive Plan and recommends their passage to the City Council.

Attachments:

1. *Celebrating Community*, text only
2. Public Art Committee Guidelines, excerpts
3. Merrill Marine Gateway, project narrative
4. "Boom" model photo, elevation sketch

PREFACE

Celebrating Community, Portland's Community Cultural Plan, is the result of a community-wide process of fact finding and consensus building; Celebrating Community identifies cultural needs and aspirations of Portland's neighborhoods, and proposes policies and actions in response. This is the third phase of an effort that began with the Downtown Vision plan, continued with A Plan for Portland's Art District, and finishes (or marks a beginning) with this project. The Portland Arts and Cultural Alliance (PACA), along with the City of Portland Planning Office, began the planning process for Celebrating Community in 1996. This cultural plan builds on Downtown Vision and the Arts District Plan, taking those works another step. Celebrating Community considers the role of arts and culture in creating vital neighborhoods, and plans links between the goals of the Arts District to the neighborhoods of Portland.

The process was guided by a citizen Steering Committee consisting of representatives from PACA, the Planning Office, arts and cultural institutions, education, and the artists' community.

The cultural planning process began with personal interviews of 63 Portland leaders who represent various ethnic, religious, cultural, political, and neighborhood groups. Interviews explored the range of community constituents, their cultural lives, and their cultural needs. The first of a series of Public Forums was held in the spring of 1997. Teachers, school officials, artists, and arts organizations were surveyed to learn the needs and opportunities to link education and the arts. A revised version of Kid's Cultural Horizons was produced within this effort; the updated version, entitled Cultural Horizons, is a catalogue of arts and cultural offerings available to schools and community groups. More surveys were taken at the Community Development meetings in the fall of '97, asking residents about the cultural life of their neighborhood. The Steering Committee distilled the information and ideas from all sources and developed a draft report. The draft report contained over seventy action ideas, grouped under ten different focus areas. This draft was presented before the PACA membership with facilitated discussions and interactive exercises for refinement. Finally, during the spring of '98, the Steering Committee held four community forums to review the draft report. These community forums were advertised through direct mailings to 1800 citizens, through press releases, and through ads in the Portland Press Herald. Sixty people participated in the forums, using interactive exercises and facilitated discussions to set priorities and refine the ideas in the plan. New ideas were collected from participants at the forums and folded into the mix for discussion and consideration. The Steering Committee met during late spring/summer of '98 to quantify and analyze the results of the spring meetings. This final process formed the mission, principles, seven goals, and twenty-two main action ideas of Celebrating Community.

As a companion piece to Celebrating Community five professional photographers were commissioned to find and capture images of cultural expression within a distinct Portland community of their choosing. In this project, entitled Expressions of Culture, the photographers were given broad discretion in interpreting what forms a community and its culture. Expressions of Culture is a case in point, that the arts are uniquely capable of revealing the soul of a community. The images in Expressions of Culture speak as much as all the printed words about the people and place that make the Portland community.

This book presents some images from the Expressions of Culture project, along with the findings, goals and recommendations of Celebrating Community. Although not every city includes a cultural plan in the comprehensive plan, Portland has recognized the importance of cultural vitality to the community. Typically comprehensive plans inform policy of city government and are the basis for decision making on things like ordinances, programming, and capital investments. A Plan for Portland's Art District, for example, helped the city understand the "arts' industry" and motivated the City to support PACA. The Arts District and the Celebrating Community plans will serve as a blueprint for PACA's work and help PACA's members fulfill the cultural and creative aspirations of Portlanders.

The ideas contained in Celebrating Community are not prescriptive, exhaustive or final. Rather, the plan sets a framework for fostering grassroots initiative, provides a compass for establishing policy and priorities, and marks a commitment to secure resources to respond. The plan is flexible and adaptable, and should be viewed as the next step to linking the diversity of our people, the identity of our neighborhoods, and the expressions of our cultures to the strengthening of our community.

INTRODUCTION: CULTURE AND COMMUNITY

Two key words that are frequently used, abused and misconstrued, *community* and *culture*, are concepts that require some boundaries as we consider their prominence in the cultural plan. Portland is itself a community, but so is Stroudwater, the Waterfront or the kitchen staff at the Village Cafe. Many people think of culture as the stuff that resides in Greek Revival museums and opera houses, the elite arts of 18th and 19th century Europe, a realm that few millennial Americans occupy.

For the framers of this report, community and culture are assumed to have the broadest possible readings, which may also allow for highly specific contextual usage. Community and culture are characteristics of social existence which we all share, and interact in the complex and multi-layered dance which makes Portland, Maine a dynamic and exciting environment.

What is a community? Any grouping of individuals who share something, anything, in common, and consider themselves to have some allegiance to each other as a result is a community. We all begin life within the community of our own families, but quickly become part of other participatory communities as well: second graders, baseball players, dancers, college students, workers, parents, senior citizens. Some communities, such as nationality, ethnicity or religion, we are born into. Others we select for ourselves: political affiliation, occupation, place of residence, pursuit of interests. Within each of these spheres, we share with the other members of the group a set of common experiences and assumptions about what is valued, how it is to be cherished and how to interact with each other and the world. Each of us is part of many different communities, effortlessly shifting conceptual gears as we move among them. The internal rules which govern what is proper and what is unacceptable will vary substantially between the dance hall on Saturday night and the church on Sunday morning; still, many people participate in both communities without committing social gaffes or feeling any sort of conflict.

It is this complex matrix of coexisting and overlapping community allegiances which forms the core of personal and social identity, and which this report addresses. The larger idea of *Portland* contains within it myriad diverse communities, each of which contributes to the greater civic community. Each of these communities within our community is worth celebrating, because each embodies its own culture.

Culture is the enactment of community. It is the forms which communities select to express themselves, the glue that binds them together internally, and the displays that represent them to the world. Culture is expressed in what we wear, what we eat, how we dance, who we revere, how we worship. It is an Indian woman's sari, Italians making pasta, fishermen's knowledge of how to read the weather signs, the etiquette of a society wedding, French people dancing *Lady of the Lake*, and the stories refugees tell their children about their homelands. Every community has its own culture that interacts with and influences every other culture with which it coexists. This ongoing process of cross-fertilization is part of what keeps cultures and communities dynamic and healthy.

This conception of culture is inclusive of the performing and visual arts. It contains the classical and traditional art forms of dance, music and craft, as well as contemporary painting, free jazz and avant-garden theater -- all of which are expressions of a community-based aesthetic. But it is not restricted to the domains usually associated with "the arts." Our definition of culture is broader, extending from the fabric of personal interactions to the rituals which signal our participation in community. Far from any notion of elite culture, our aim has been to thoroughly democratize our cultural perspective and to empower communities that have previously been absent from public cultural discourse. At its core, this planning process has been an attempt to take a measure of our entire community and its constituent cultures, and to devise a set of mechanisms through which our representative civic government might address their needs and aspirations. In so doing, *Celebrating Community* intends to enrich and enliven Portland's civic life and spirit. As we celebrate the diversity of Portland's people, we nurture the unique and positive spirit of the whole community.

MISSION, PRINCIPLES, GOALS

Celebrating Community is based on the **Mission**:

- To celebrate Portland's shared history and to instill pride in our cultural diversity;
- To promote greater awareness of and access to arts and culture for all of Portland's citizens, both individually and collectively;
- To encourage greater community participation in arts and cultural activities and increase the sustainability of Portland's arts and cultural life; and
- To strengthen community through our arts and culture.

The Mission is based on the following **Principles**:

- People in the community are enriched by the exchange and interconnection of cultural expression.
- Intergenerational transfer of culture and tradition is valuable.
- Every individual deserves an opportunity to explore and develop his/her creative and expressive potential.
- Arts enhance learning.
- The public school system should set the highest standard of arts access and education.
- Active participation and engagement in the cultural life of the community increases the connection and commitment of the citizenry.
- Arts and culture contributes to the economic vitality of Portland.
- Arts and cultural organizations have an obligation to stay abreast of the changing interests and needs of its community, and concurrently, they have a responsibility to communicate and disseminate art and cultural traditions.

To achieve this Mission and based on the Principles, Celebrating Community has these **7 Goals**:

1. Promote discovery, appreciation, understanding, and pride in Portland and the diverse cultures found within the City.
2. Develop and enhance opportunities for students of all ages to engage, create and perform with the local arts community.
3. Build, expand and sustain audiences.
4. Encourage and safeguard artists' continuing presence in the community.
5. Improve the vitality and civic support of arts and culture throughout the City.
6. Apply arts and cultural solutions to the community's social issues.
7. Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

The following pages elaborate these seven goals, summarize findings from community participants, and present ideas for action. These findings, goals and ideas for action form the basis for future initiatives by the city and cultural community. Participants offered many specific suggestions, some of which are presented here to illustrate the range of potential activities that could come from this plan.

GOALS, FINDINGS, IDEAS FOR ACTION

A. **Promote discovery, appreciation and pride in Portland and the diverse cultures found within the City.**

Findings

Portland has a rich history as a maritime center and urban community. Historically Portland's population was white Anglo-Saxon, with a substantial minority of Irish, Italians, Jews, Greeks, Armenians, and other immigrants. In the 1980's Portland was designated a Refugee Resettlement community. Today 42 languages are spoken in the Portland public schools with most of the recent immigrants coming from Cambodia, Vietnam, Eastern Europe, Africa and Islamic nations.

Currently there is a community desire for more cultural programs that reflect the heritage of Portland and highlight the multiple cultures represented in the City. Many respondents cited a need for a community center, serving all ethnic communities and residents, which would promote broad artistic expression and cultural understanding. Opportunities are sought for traditional and emerging artists to develop their work, to broaden audience appreciation of heritage arts, and to include new cultural arts within the whole arts' community.

Many artists, community leaders, and religious leaders expressed feelings of alienation and lack of acknowledgment, respect and understanding for their work and cultural traditions. As one religious leader stated, "It always feels incumbent on the minority to reach out; it is always hard to say, 'Oh, you forgot us.'" The arts can bridge across language, religious and cultural differences. Cultural outreach is a means to create connections and build trust in every aspect of community.

Ideas for Action

1. **Increase opportunities for programs, festivals, and collaborative series that reflect and celebrate the history, cultures, heritages, religions, and interests of all Portland citizens.**
 - Encourage opportunities for local artists of diverse heritages to develop, present, perform, and record their work.
 - Establish exhibit space to present Portland's history and to document current aspects of the community so that a wider variety of Portland's population can see their interests presented.
 - Create traveling photography exhibits of historic neighborhood photographs, and other photo documentaries such as *Expressions of Culture*, to exhibit in Portland neighborhoods.
 - Create opportunities for the continuation of ceremony, custom, music and art forms between generations.

2. **Commission work from visual, performing and heritage artists to advance Portland's reputation as a creative center.**
 - Exhibit art, crafts, and collections in City Hall and other public buildings.
 - Support an ongoing Maine Artist's exhibition program in Portland.
 - Hold an annual competition for local authors and publish the winners in a collection of short stories, essays, and poetry.
 - Support opportunities for interactive theater focused on diversity issues and indigenous theater performed in the native language.

3. **Create connections between the City's schools and traditional and ethnic artists.**
 - Connect students and emerging artists with master artists to learn traditional arts.

4. **Enable people, particularly those who have been left out, to participate in cultural events and encourage a "feeling of belonging to that world."**
 - Establish a mentoring or outreach component within community art programs.
 - Make more exhibits hands-on and performances approachable for individuals who are visually or hearing impaired, or face mobility challenges.

5. **Support a community center in the Arts District for performing and visual arts which serves all citizens and is accessible to the broadest range of artistic expression. The Center could provide space for workshops, exhibitions, performances, residencies, master classes, and mentoring programs.**

B. Develop and enhance opportunities for students of all ages to engage, create and perform with the local arts community.

Findings

"It would be great if there were more opportunities to educate adults that making art isn't just for kids," stated one respondent. Many citizens cited a need for affordable space to accommodate a range of uses, such as studios, classrooms, exhibit space, performance areas, and community kitchens. Organizations and institutions offering educational opportunities to adults frequently identified a need for teachers and mentors to teach their programs.

Educators in the public schools offer arts and culture to students in many creative ways, and teachers are using outside resources to enhance learning in their classrooms with a high degree of satisfaction. Limitations to incorporating local artists and programs into schools include inadequate funding levels for visiting artists, transportation expenses, schedule conflicts, and lack of information of local opportunities. Based on survey responses, public school teachers list the following six priorities to achieve their objectives for arts and cultural education in the classrooms: Funding, 88%; Resource Materials, 50%; Available Time, 51%; Adequate Transportation, 46%; Support for Arts and Cultural Education, 42%; and Access to Artists and Resources, 42%. Artists and cultural representatives express a desire to share their talents, arts, and knowledge in the schools and to seek assistance in forging these connections. The greatest needs are to expand funding for arts and cultural education, to share information on available arts and cultural programs, and to integrate local arts and cultural resources into the curriculum.

Ideas for Action

1. **Expand the arts' curriculum (K-12) to ensure comprehensive and multi-cultural arts education in every classroom with related after-school/Saturday/summer season activities.**
2. **Combine efforts of the Arts & Education Committee of Portland Partnership and PACA to increase and coordinate support for arts education in Portland's public schools.**
 - Create sponsorships and scholarships for young artists to pursue their arts and cultural education.
 - Update, publish and distribute Cultural Horizons.
 - Hold an open house event in the schools to introduce teachers to artists and organizations that are offering arts and cultural programs for students.
 - Develop connections with local businesses engaged in the arts to serve as mentors and as destinations for "Art to Work" field trips.
 - Integrate the Maine Center for the Blind & Visually Impaired, and the Governor Baxter School for the Deaf into the City's the arts and educational life.
 - Establish an awards program in the schools to recognize outstanding achievements in using the arts as a learning resource.
3. **Coordinate exhibits, performances and resources available at community institutions with the school curriculum.**
 - Create collaborations between museums, colleges, arts' organizations, and local schools to offer joint modules on themes such as Portland's heritage and development, the history and language of Native Americans, immigration to Portland over the centuries, or other topics using shared resources.
 - Bring more artists into the classrooms to perform, demonstrate, create, and discuss their

work.

- Coordinate the use of resources, staff and equipment between schools and use "block booking" for artists.
- Create an "arts bus" dedicated to transporting students to local arts and cultural resources.

4. **Support lifelong learning and participation in the arts for all citizens.**

- Offer more studio art classes through adult education and support the acquisition of needed equipment, such as pottery wheels and metal smithing materials.
- Inventory facilities and list physical upgrades required for the success of the arts and cultural curriculum. Match educational needs with existing local resources where possible.
- Offer recent immigrants and other interested citizens training and support to develop businesses employing their traditional arts.
- Promote and develop neighborhood mural projects, theater groups, writing groups and other creative ventures.

C. Build, sustain and expand audiences.

Findings

The relationship between artists, audiences, and arts and cultural institutions is often portrayed as a triangular model that is successful when the sides and angles of the triangle are equal. Currently, a healthy relationship exists in Portland. According to the market study conducted for A Plan for Portland's Arts District, 50% of Portland's primary market area attended a live performing arts or entertainment event within the year and 49% had attended a museum or art gallery. The study also found that 70% of the attenders are considered heavy attenders, having participated in seven or more events. Participation levels continue to increase with the Museum of Art logging its largest number of visitors during 1997, and record audiences are attending performances at Merrill Auditorium. Nonetheless, many reported limitations to participation including high ticket prices, time constraints, lack of transportation, and language and cultural barriers. Arts providers seek to improve community awareness about events, organizations and artists through clear advertising of arts offerings. Increased access and outreach will sustain these relationships and broaden Portland's audience base.

Ideas for Action

1. **Encourage broad audience participation by leveraging connections within the community.**
 - Include diverse membership in the design and presentation of community programs.
 - Build upon the creative relationship that existed for generations between the arts and religious communities, and create collaborative efforts for networking and presenting.
 - Collaborate on joint advertising and marketing, using concepts of market segmentation and person-to-person marketing, and securing free or low-cost advertising.
2. **Increase opportunities for low-income individuals, students, and families to attend museums, concerts, and arts events.**
 - Provide free tickets (expand the neighborhood access program), group discounts to community groups, discounted passes for families, and cheaper same night tickets.
 - Provide access to child care during performances.
3. **Assess the need for a 150 to 400 seat performance facility designed for traditional and contemporary performances.**
4. **Cultivate media connections to accurately inform and support positive coverage of the arts.**
 - Develop a close relationship between the arts community and the local media, including the Public Access Station, to increase exposure of local arts.
 - Community arts reporting could include a calendar of events, storytelling, art criticism, poetry, writers, record reviews, local arts news, school events, close-ups of artists and art businesses, and other programs highlighting local art and cultural activities.

D. Encourage and safeguard artists' continuing presence in the community.**Findings**

A Plan for Portland's Art District documented the presence of many individual artists, representing many arts disciplines, who expressed great interest in the City's cultural planning process. The primary interest of artists is to perform or show their work, particularly for emerging and ethnic artists. Artists interviewed or surveyed for Celebrating Community and the second edition of Cultural Horizons also seek affordable spaces to produce their work, practice, perform and live. Networking, feeling connected within the arts community, and learning from other artists are objectives of many artists.

Ideas for Action

1. **Encourage and develop live/work and work spaces for artists, controlled by artists.**
2. **Support more activity on the street and in the public realm, such as street musicians, public art, community murals, and festivals.**
3. **Provide technical assistance to artists and organizations.**
 - Help develop promotional and marketing materials, business planning, copyright law, and networking.
 - Develop a training program for the business activities of artists.
 - Support more opportunities for employment and training.

E. Improve the vitality and civic support of arts and culture throughout the city.

Findings

Portland is rich with diverse and outstanding arts and cultural organizations. The arts' industry is a major economic force as documented in A Plan for Portland's Arts District. Total direct impact of cultural spending in Portland is over \$33 million annually. Arts and cultural organizations alone spend \$21 million, including \$9.8 million in payroll each year. There are over 2,000 events annually, of which more than half are free, and the total audience exceeds 900,000 people. The Arts District is the central location for the City's cultural life; over 96% of the free events and 76% of paid admissions occur within the District. Portland's arts industry needs and deserves financial support and up-to-date information.

Ideas for Action

1. **Establish a PACA funding program to secure or to commission arts and cultural programs, created by local artists and organizations, which address identified public objectives.**
2. **Create an information clearinghouse in PACA. The clearinghouse would be a centralized and coordinated source of information for artists, cultural community representatives, teachers, citizens, neighborhoods, social service agencies, and arts and cultural organizations. The potential information to be maintained includes:**
 - Unified way of listing and accessing resources;
 - Grants information;
 - Develop an on-going referral network of arts, heritage, and cultural programs available for community groups, businesses, and schools;
 - Census of local artists, performers, musicians, and heritage artists: names, description of work, and how to contact;
 - Master calendar of upcoming events;
 - Calendar of religious and other holidays;
 - Opportunities for potential collaborations among community organizations, schools, artists, and cultural institutions;
 - Models of creative and successful projects for promoting arts and culture in communities.
 - Develop a web site/cultural map as a virtual marketplace/arts exchange tied to PACA's central clearinghouse of data, the cultural census, and Cultural Horizons.
3. **Advocate for State financial involvement in supporting arts and culture in Portland.**
4. **Expand support for Portland's Public Art Program. Educate citizens to the value of public art and offer a venue for artists and students to make and exhibit public art.**
 - Designate site(s) for continuous installations of temporary and experimental sculpture.
 - Create a master plan for public art, identifying and prioritizing key locations for potential public art projects.

F. Apply arts and cultural solutions to the community's social issues.

Findings

Many of Portland's community service agencies offer arts and cultural programs for their clients. There are unmet needs and opportunities for enrichment of these programs. Sometimes agencies have program ideas to carry out, resources and space to be used, and client issues to be addressed through arts and cultural programming. A teen center and programs/activities for youth were recommended by neighborhood leaders and social service organizations. These findings correspond with the recommendations of City's Task Force on Youth Activities, which has resulted in Portland's Park and Recreation Department securing City funding for a teen center and a skateboard park. Creative expression can provide an appropriate outlet for youth to process the stress and tensions of urban life, and can help them develop self confidence and respect for others.

Ideas for Action

1. **Develop more opportunities outside school for youth, particularly low-income students and children with special needs, to see, experience, and participate in visual, performance, and heritage arts.**
 - Create programs to actively engage youth in the arts through opportunities to sing in a chorus, to take music lessons, to learn a craft, to write a play, or to participate in other arts and cultural endeavors.
 - Provide programmatic support for a teen center.
 - Establish a community arts center in the St. Lawrence Church to reach out to youth at risk and engage them in arts and cultural programs and skill building.

2. **Work with human services/social service agencies to expand arts programs for all and to address community issues and special needs of citizens.**
 - Expand volunteer opportunities for art students to work with various groups in the community using the arts as a learning tool.
 - Use community service newsletters to distribute information regarding arts and cultural events, potential collaborations, and programs/services.
 - Book a monthly art activity or program that travels to local social service agencies.
 - Use the arts as a bridge to connect new and established racial and ethnic groups, and as a safe expressive outlet for the stresses and tensions inherent in a changing social fabric.

G. Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

Findings

A survey distributed at the City's neighborhood meetings revealed that the sense of community and level of neighborhood activities are well defined in particular neighborhoods and islands, but lacking in other neighborhoods. Community leaders seek arts and cultural programming to address cultural needs and to build a sense of community in neighborhoods. Transportation is a limiting factor for many neighborhoods, community groups, and public school classes. Full participation in the City's arts and cultural life also requires overcoming the obstacles of cost, availability, scheduling and fear of the unfamiliar.

Ideas for Action

1. **Create a City-wide approach where both neighborhoods and the Arts District are venues for heritage, performing, visual, and public art projects.**
 - Develop arts and cultural centers in every neighborhood by creating partnerships with existing facilities (schools, public buildings, churches, parks, storefronts, etc.).
 - Expand the hours of the public libraries, and increase the use the schools and parks for community events and art programs.
 - Identify opportunities to merge neighborhood activities with arts and cultural events in the Arts District.
 - Organize an
 - Artmobile (like a bookmobile) to take art programs into new locations.
 - Sponsor arts and cultural activities, performances, concerts and exhibits in the neighborhoods.
 - Encourage arts and cultural organizations in the Arts District to develop activities in the neighborhoods.

2. **Improve transportation access to arts and cultural venues throughout the City.**
 - Coordinate METRO's schedules with events to meet the particular needs of youth, families, and elderly citizens.
 -
 -
 - Collaborate between cultural institutions and METRO to create a fare and ticket program targeted to students and their families (e.g., Saturday matinee package deal for family of three or more).
 - Improve transportation access from the ferry to the Arts District.
 - Provide an art bus or trolley to take people to the locations where arts and cultural events take place.

NEXT STEPS

Celebrating Community is filled with exciting and imaginative ideas for action; it is an ambitious blueprint for dramatically increasing the variety and number of arts and cultural activities and projects throughout Portland. The question, of course, is WHO will do this? Some of the potential players include:

Portland Arts and Cultural Alliance:

PACA will take the lead in implementing this plan. Its members include arts and cultural organizations, educational groups, businesses, and individual artists. Established as Portland's local arts agency in 1997, PACA has already undertaken an ambitious agenda to strengthen and support arts and cultural organizations and activities in the city. With this plan, PACA can move forward in developing community arts programs.

City of Portland:

The City has shown true leadership in the conception and development of the Arts District Plan and this Community Cultural Plan, and has supported these efforts generously. The City will continue to play an important role in implementing this plan. Particular areas of city government which can play a significant role in this plan include the Planning Department; Parks and Recreation; Economic Development; Community Policing; Housing and Community Development; Portland Housing Authority.

The Portland Partnership and the Portland School Department:

The Portland Partnership, and its Arts in Education Committee has the important role of linking the arts community to the schools. It sponsors an annual arts mini-grant program to support innovative arts projects in the classrooms and works with PACA on several joint projects. The Portland School Department will continue to be involved in community arts through the Portland Partnership as well as through PTO groups, school administrators and, or course, the teachers themselves.

The Portland Public Arts Committee:

The Public Arts Committee, a volunteer citizen committee appointed by the City Council, has the charge of overseeing Portland's Percent for Art program in the city, and developing a public arts plan. Recently reinvigorated, the committee will take an active role in implementing aspects of the cultural plan.

The Community:

PACA and its partners can not implement Celebrating Community alone. While taking the lead in some areas, PACA will work to foster collaborations and partnerships with other interested groups. These collaborations can share resources to create projects suited of the needs and desires of communities. PACA will also provide technical assistance and advice, developing an information clearinghouse that will serve all constituencies. Just as this planning process relied on a grassroots approach to gathering ideas, so too will the implementation depend heavily on the participation of the many formal and informal community groups in the city.

Everyone is invited to get on board and get things going: neighborhoods organizations; community, cultural and heritage groups; religious organizations of all kinds; social service providers; youth organizations; informal groups of neighbors! We ask you to read this plan, see what excites you, talk with other interested people, come up with new ideas. Community arts need to spring out of the communities themselves. Come to PACA for information, advice, and assistance. Together we can make Portland one of the liveliest arts and cultural cities in America!

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

I. Review Criteria for Proposed Gifts of Art to the City Public Art Collection

Introduction:

From time to time, the City of Portland receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These are generous and much appreciated gestures to the citizens of Portland, and they often represent substantial investments of time, resources, and effort on the part of donors. However, installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Portland's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Portland, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Portland Public Art Committee is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review committees may also need to render a subsequent recommendation. After reviewing a proposal of artwork, the Portland Public Art Committee makes a recommendation to the City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in these guidelines limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Portland Public Art Committee, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Portland Public Art Committee will review potential gifts of art with regard to:

- Appropriateness of the gift to the City's Public Art Collection,
- Quality of design, materials and construction of the proposed gift, and
- Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.

Summary of the Review Process:

1. Potential donor discusses with the Planning Office at the inception of the idea of donating artwork to the City's Public Art Collection. A staff person from the Planning Office will be designated to work with the potential donor throughout the review process.

2. Potential donor works with Planning staff and the Public Art Committee to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.

3. Once the Portland Public Art Committee has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.

4. The Portland Public Art Committee reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Committee will schedule a Workshop at its next regularly scheduled meeting, or as requested by the potential donor.

- a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., the Friends of the Parks for park sites, or the Historic Preservation Committee for sites in an historic district), the Planning Office will assist the potential donor in scheduling a review by the other review bodies. After recommendations are received from other review bodies, if any, the Planning Office will forward the recommendations from those review bodies back to the Portland Public Art Committee for consideration.

5. If the application is determined to be complete at the Workshop, and once other appropriate review bodies, if any, have rendered a recommendation, then a Public Hearing will be held at the next regularly scheduled meeting. At the Public Hearing, the Portland Public Art Committee will vote to make a recommendation to the City Council as to whether to accept or not accept a proposed gift. Potential Donor's offer to the City Council for review and acceptance. The submission to the City Council will include designs, plans and supporting documents reviewed by the Portland Public Art Committee, as well as the recommendation from the Portland Public Art Committee and recommendation(s) from other appropriate review bodies, if any.

Criteria for Review:

1. The potential donor will meet with the Public Art Committee to review the appropriateness of the gift. The proposed donation of artwork must be of appropriate theme, character, and design for public display, and must be consistent with the objectives of the Portland Public Art Collection. The Portland Public Art Committee will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Committee that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.

2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively

low maintenance. It should retain its intended appearance and function over a substantial period of time.

3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising.
5. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.
6. The Portland Public Art Committee will work with the donor and/or the artist to integrate a Portland Public Art plaque into the site
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Portland Public Art Committee, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.

Glossary of Terms

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

Memorial - A commemorative monument established to preserve the memory of a person, place or event.

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service.

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artists or collaborative design teams occasionally design functional objects or site amenities.

Theme - The subject or message of an artistic work.

11.2.4

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

II. Guidelines for Selecting Artwork for the Public Art Program, and Guidelines for Selection of Artists for Commissioned Artwork for the Public Art Program

Introduction:

The Portland Public Art Committee presents an Annual Art Plan to the City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commissioning of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Committee will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Committee. The Public Art Committee will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Committee will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

Summary of Artwork Selection Process:

1. A project is identified in the Public Art Committee's Annual Art Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Committee appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Committee regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Committee and planning staff will manage the project through installation.

Artist/Artwork Selection Procedure:

A. ESTABLISHMENT OF THE ARTISTS/ARTWORK SELECTION PANEL

1. The Public Art Committee will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
2. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Portland Public Art Committee. The number of voting panelists and composition of the panel may be different depending upon the size and

complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by the Public Art Committee can participate on the panel. The Public Art Committee member will chair the Panel. If the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.

3. Community involvement is encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.

4. Before the first meeting of the Artist/Artwork Selection Panel, the Public Art Committee shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Committee for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Committee has taken final vote.

B. ARTISTS/ARTWORK SELECTION METHODS

The Public Art Committee will identify in the Annual Art Plan one of the three following methods or combination of methods in selecting a public art project:

1. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:
 - a. No more than five slides each of four different pieces. Slides must be submitted in a clear plastic slide display sheet. Each slide should be numbered and marked with the artist's name and the title of the work.
 - b. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.
 - c. Resume and references from previous similar projects.
2. Open Competition: The project and request for qualifications shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter. Artists will be required to submit the following qualifications:
 - a. Resume and work history
 - b. Slides of previous work
 - c. Conceptual approach statement (1 page max)
 - d. References from similar previous projects
3. Invitations or Limited Competition
 - a. A limited number of artists are chosen directly from the Maine Arts Commission's Artists Registry or some other source and are invited to prepare proposals in the same manner as the Open Competition method.

C. ARTIST/ARTWORK SELECTION RULES

1. The Artist/Artwork Selection Panel and/or the Public Art Committee may ask for

additional information before selecting finalists. Artists selected as finalists are generally paid a design fee for submission of a final proposal, which may include a model, drawings, photographs or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.

2. Conflicts of Interest: Public Art Committee members or Artist/Artwork Selection Panel members shall abstain from voting when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.

3. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non-selected artists will be informed of the final artist/artwork selected when entry materials are returned

D. ARTIST/ARTWORK SELECTION CRITERIA

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

1. Artwork

- a. Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, placement, and appropriateness in theme and character as determined by the Public Art Committee.
- b. Elements of Design: The Artist/Artwork Selection Panel and the Public Art Committee will take into account the fact that, as differentiated from works in a museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.
- c. Style and Nature: Work of any style or nature which are appropriate for the public art collection and responsive in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
- d. Media: All forms allowed by ordinance may be considered.
- e. Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.

2. Artists

- a. Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Committee, staff, and community.
- b. Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition the ability to develop specific drawings of the artwork placed at the site will be required. (See Guidelines III)
- c. Technical Feasibility: The artist must be able to demonstrate his technical ability to complete the project proposed.

Glossary of Terms:

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

III. Requirements for Design Documentation for Review of an Art Project, and Requirements for Project Records

Introduction:

The Portland Public Art Committee must review all permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to insure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Committee and staff are responsible for developing and maintaining permanent records regarding the public art collection. These Guidelines outline the requirements of documentation to be provided by an artist, his representative(s), and/or their collaborator(s) in order to insure a thorough review.

Requirements of Documentation for Review, and Project Records:

1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, it Public Art Committee may require that the artist retain the assistance of a professional architect, landscape architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Committee's archives. The Public Art Committee will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.

- A. Conceptual Design:
 - 1. Concept drawing(s) at an appropriate scale
 - 2. Site context drawing(s) at 1" = 20' or other scale as appropriate
 - 3. Working model, perspective sketches, and section and/or elevation drawings as appropriate

- B. Existing Conditions Site Survey for Location of Proposed Art:
 - 1. Proposed site or site alternatives
 - 2. Existing topography, context, vegetation
 - 3. Spatial and scale relationships
 - 4. Historic context

- C. Design Development
 - 1. Response to context and historic character of the site
 - 2. Proposed grading, site work, and proposed restoration of same
 - 3. Proposed construction and site materials including details/amenities
 - 4. Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
 - 5. Review of liability issues (public health, safety, welfare)
 - 6. Review of safety/security issues

1/17/08

7. Review of ADA accessibility standards

- D. Construction Drawings and Specifications:
 - 1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site
 - 2. Planting plan and plant list, and
 - 3. Lighting plan, and plans of electrical and mechanical elements
 - 4. Installation details, catalog cuts, and specifications for all additional amenities
 - 5. Written Specifications

- E. Proposed Schedule (all elements to be coordinated with City staff):
 - 1. Design documentation and review schedule
 - 2. Fabrication and installation schedule
 - 3. Maintenance schedule

- F. Additional Documentation:
 - 1. Artist's statement and/or interpretative narrative regarding proposed public art project
 - 2. Artist's resume
 - 3. Photographic documentation of process and/or product through and including final installation

2. In addition to the documentation listed above, the Public Art Committee shall maintain record files on each project that shall include, but not limited to, the following:

- A. Contract(s) with the artist(s) engaged in the project.
- B. Record of the Committee hearing on the project.
- C. Interdepartmental agreements relating to the siting and/or implementation of the project.
- D. Correspondence and memoranda relating to the project including media coverage.
- E. Record of all billing made in connection to the project

MERRILL MARINE GATEWAY, INC.
C/O DIANBRD CORPORATION
60 CASSIDY POINT DRIVE
PORTLAND, ME 04102

Proposed Zoning Change for Public Art Height

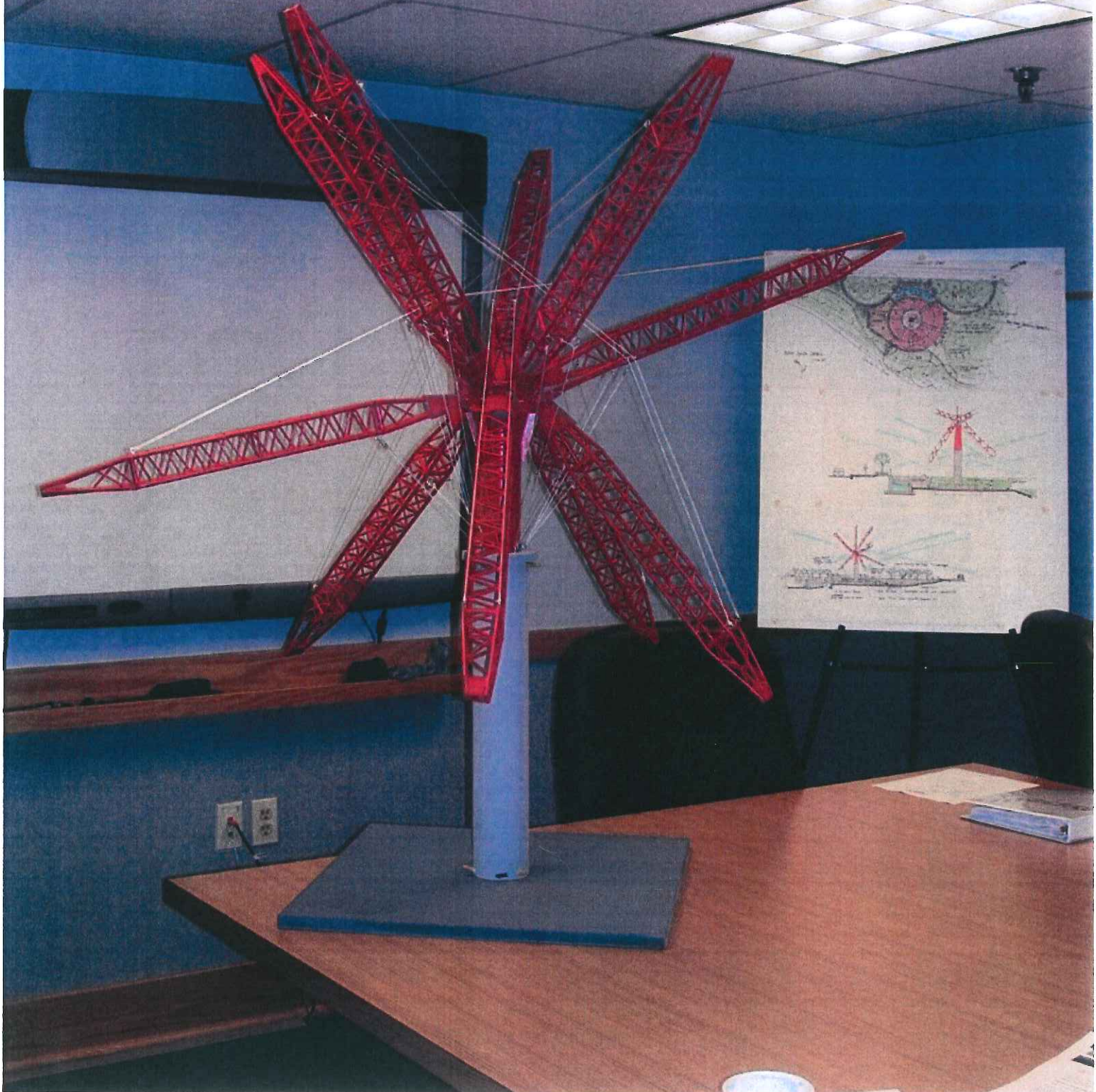
September 16, 2008

Background Prominent Portland businessman, P.D. Merrill died unexpectedly in February, 2007. A group of friends and associates came together to develop a project to honor his many contributions to the Portland community and conceived a public art project to be located at the end of the Veteran's bridge, near Merrill's Marine Terminal. The group approached the City Council in September, 2007 for its support for this project, to be placed on public land. The Council gave its support and Merrill Marine Gateway (MMG) has been working actively on the project since that time, including several workshop meetings with the Public Art Committee to be sure that MMG understands and can meet the City's guidelines for Public Art.

Design The site is a major gateway to the City and it is also a major challenge, due to the complicated traffic pattern and the speed and volume of traffic through the area. As he has addressed these factors, the artist Aaron Stephan's creativity has been constrained by the existing zoning height limitation of 45 feet. He has proposed, and the project's sponsors believe, that a greater height for his sculpture would better suit the site. This can be considered, however, only if the City Council, with the benefit of a recommendation from the Public Art Committee, has the ability to weigh a greater height than allowed by the underlying zoning.

Policy In considering this specific problem, it raises the policy issue of the benefits of flexibility on height limitations for public art in non-residential zones. Public art, especially in gateway locations, could respond creatively to the site context and allow consideration by the Council, through public process, of a proposed project not constrained by zoning height limitations. We propose that a zoning text change, as drafted by Planning Staff, provide the opportunity for the Council to consider and approve public art projects which demonstrate a positive contribution to their context, notwithstanding zoning height limitations

AH. 4.1





STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0016

cc: KENNY LITTLE
 Kathi Earle
 Bill Clark

JOHN ELIAS BALDACCI
 GOVERNOR

September 11, 2008

DAVID A. COLE
 COMMISSIONER

Mr. Joseph E. Gray, Jr., City Manager
 Portland City Hall
 389 Congress Street
 Portland, ME 04101

Dear Mr. ^{Joe} Gray:

I am replying to your letter dated February 21, 2008 concerning P.D. Merrill Monument. It is nice to be able to pay tribute to community members who serve their communities well.

I understand that since your last letter, the group has decided to relocate the monument to the triangular island between West Commercial Street/Valley Street and Danforth Street. My staff thinks this location is much better suited for the location of the monument and with that being said, the Department can commit to transferring this parcel to the City.

The Department believes it will be able transfer upon resolution of the following issues:

- 1) The monument is located in a position where if the structure were to fail, would not fall into the roadway (MaineDOT to approve location)
- 2) In addition to the triangular parcel, MaineDOT will also transfer Danforth St. to the City. This will provide for monument parking off of a City street and prevent the triangular parcel from being landlocked between three state highways.
- 3) The design of the monument is stamped by a professional engineer
- 4) The transfer will occur before construction, but after fund raising efforts are substantially complete so as to avoid needless legal work.

To further facilitate this project, MaineDOT will agree to provide boundary survey and the legal work for the real estate transfer.

Good luck with the design and fundraising. If you have any questions regarding this issue, please contact Stephen Landry, Assistant State Traffic Engineer by phone at 207-624-3632 or via e-mail at Stephen.landry@maine.gov.

Sincerely,

David A. Cole
 Commissioner

RECEIVED

SEP 19 2008

City of Portland
 Planning Division



PRINTED ON RECYCLED PAPER

DAC/SRL/sas
 844997-DAC

P.D. Merrill Marine Gateway

September 17, 2008





August 13, 2008

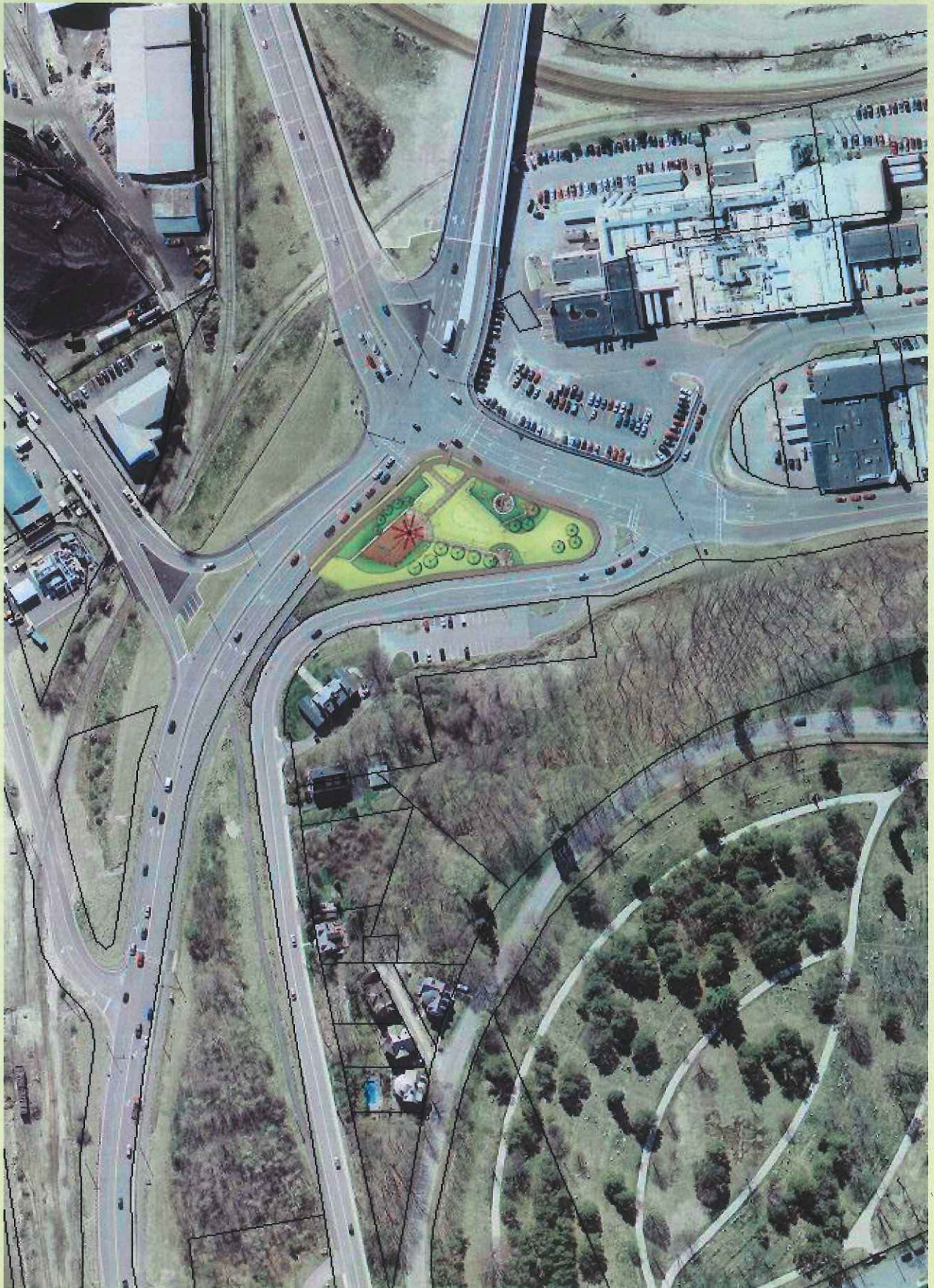


Created by:
 Sebago Technics, Inc.
 One Chabot Street
 Westbrook, ME 04098

PD Merrill Memorial Site and Vicinity Portland, Maine

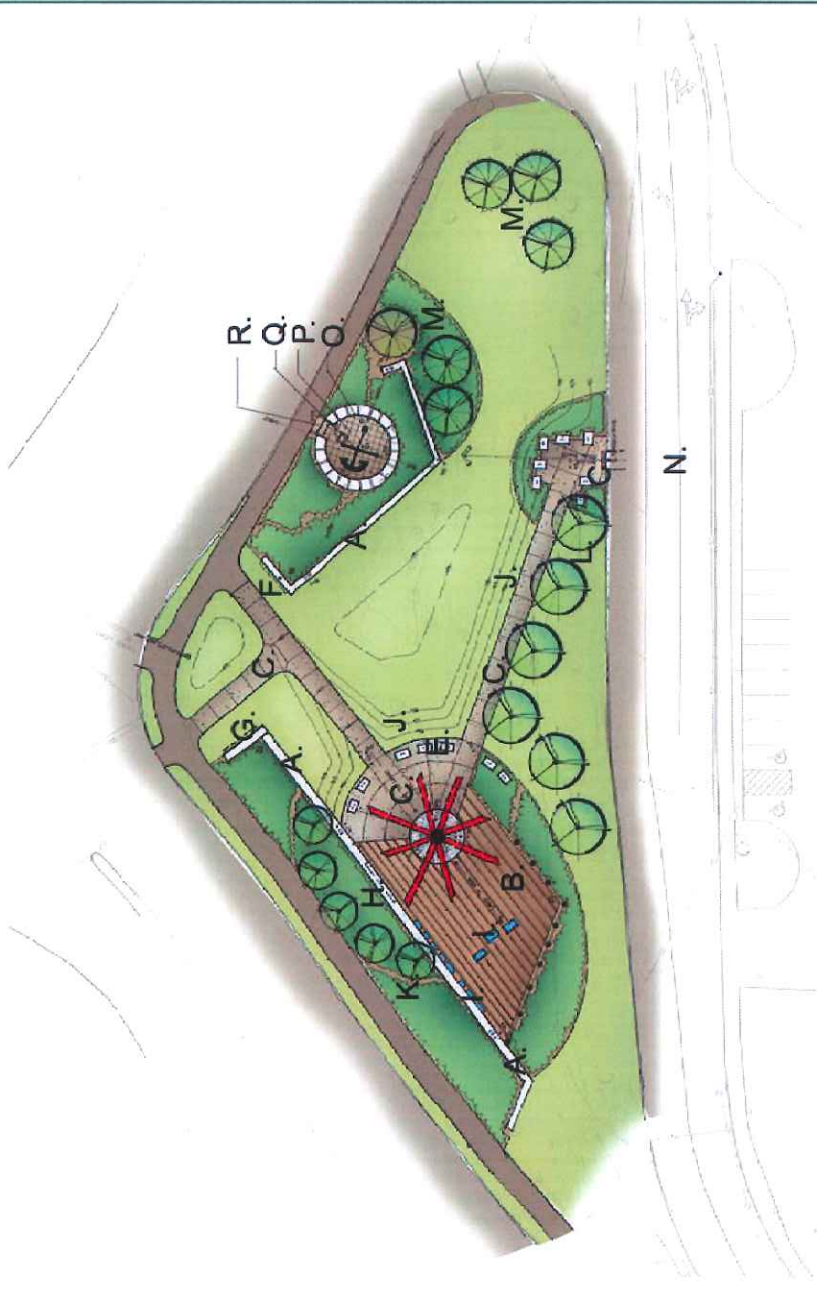
Source: City of Portland Department of Public Works
 Orthoreimagery, Spring 2006
 Parcel Mapping, April 2008
 Contour Composite, 1991 to 2003

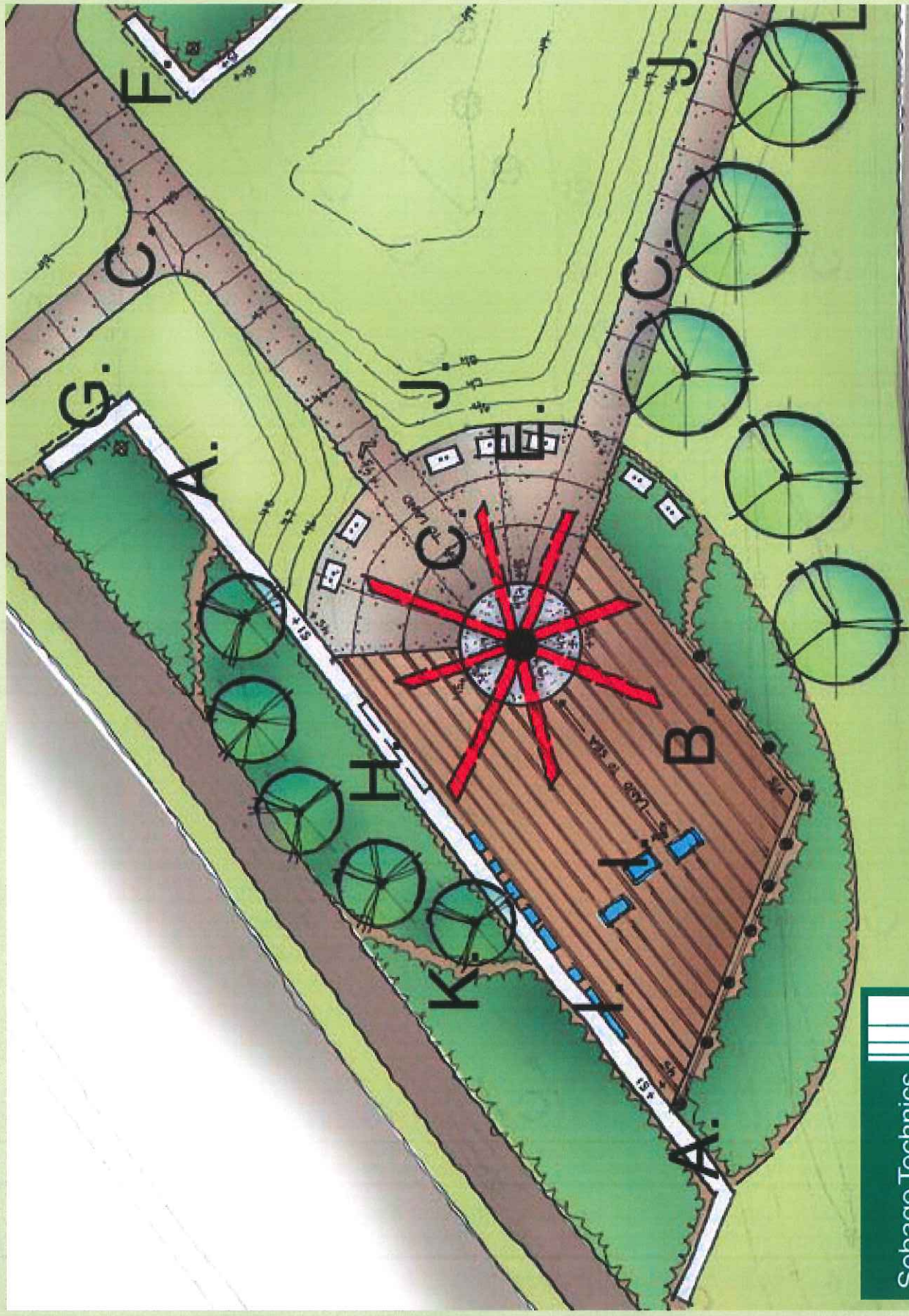
Feet
 0 200 400 800
 1 inch equals 400 feet



Legend:

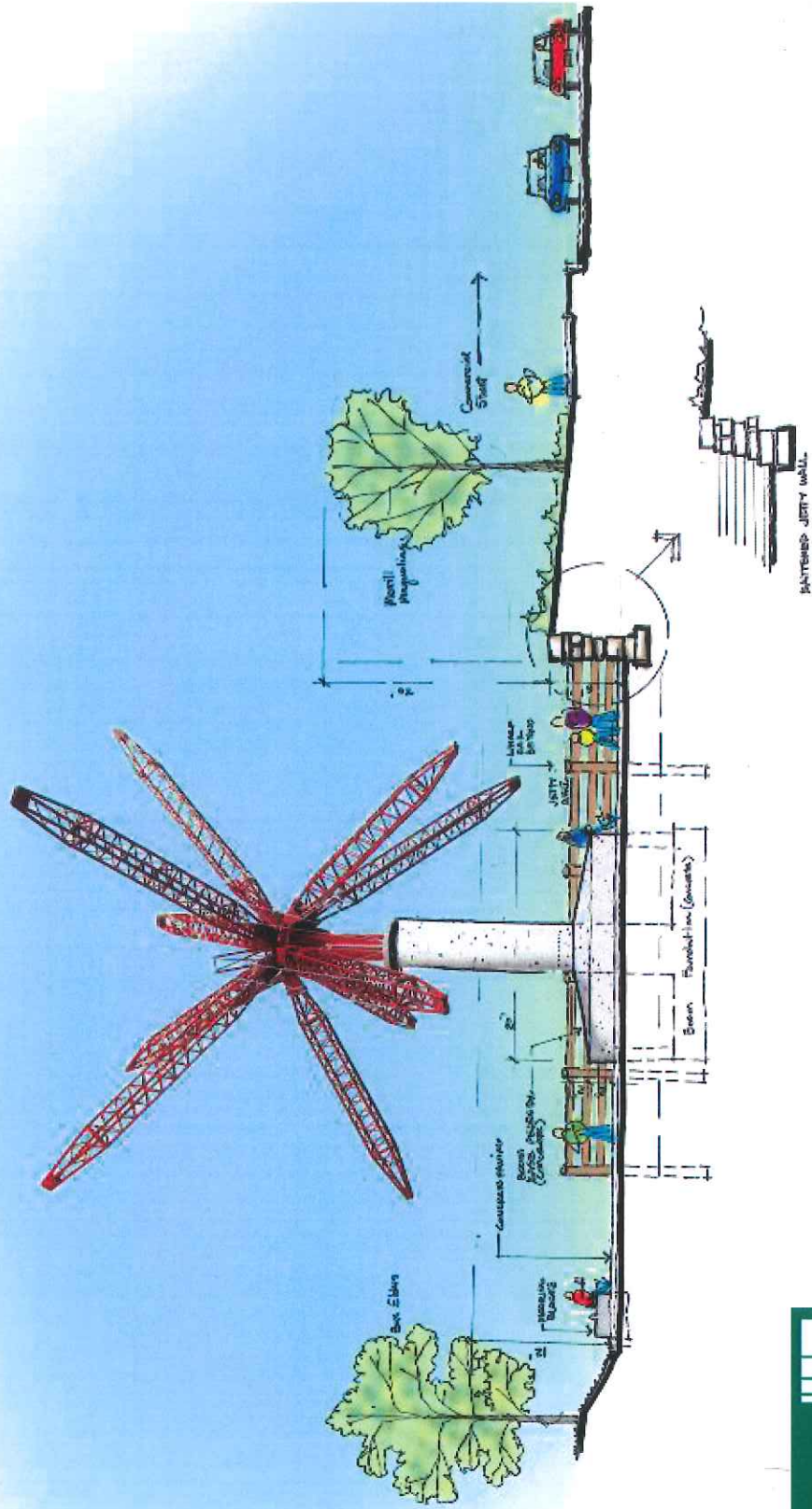
- A. Granite Jetty Walls
- B. Heavy Timber Walls
- C. Concrete Paving (Radial Pattern Under Boom)
- D. Raised Concrete Pedestal at Boom
- E. Mooring Blocks
- F. 'Welcome to Portland' Sign
- G. 'P.D. Merrill Manne Gateway Sign
- H. Water Wall
- I. Legacy/Donor Option
- J. Landform Embraces Boom Plaza & Approach Pathways
- K. Merrill Magnolias Embrace Boom
- L. Box Elders Embrace Boom and Approach from Danforth
- M. Pines Afford Backdrop for Anchor and Park Corner
- N. Anchor is Focal Point at Danforth Approach
- O. Granite Plinths, Set at Angle, Elevate Anchor
- P. Granite Cobble Pavers, Elevated Toward Center
- Q. Anchor Set East-West-South-North (Compass)
- R. Granite Steps to Anchor Platform



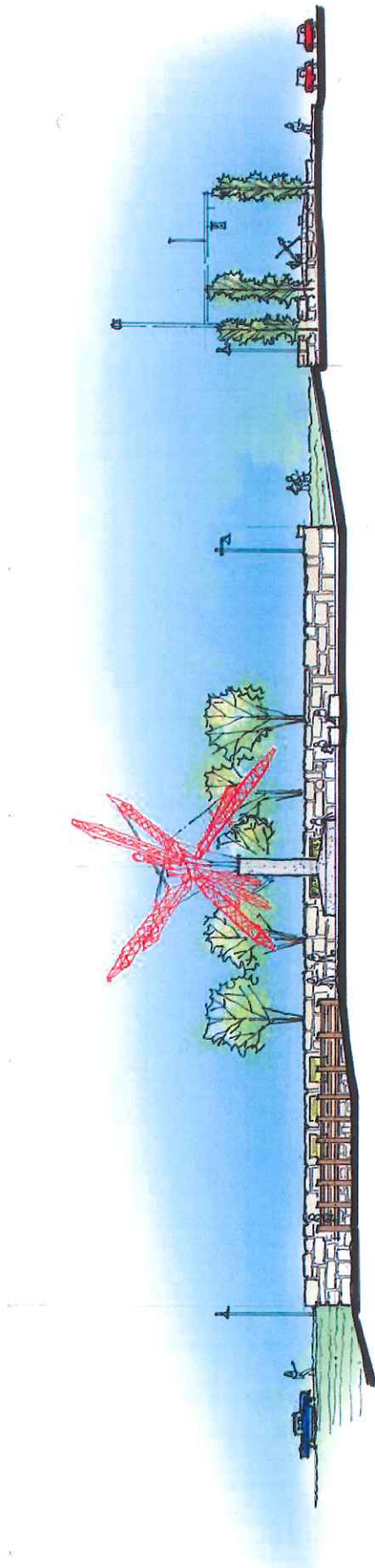




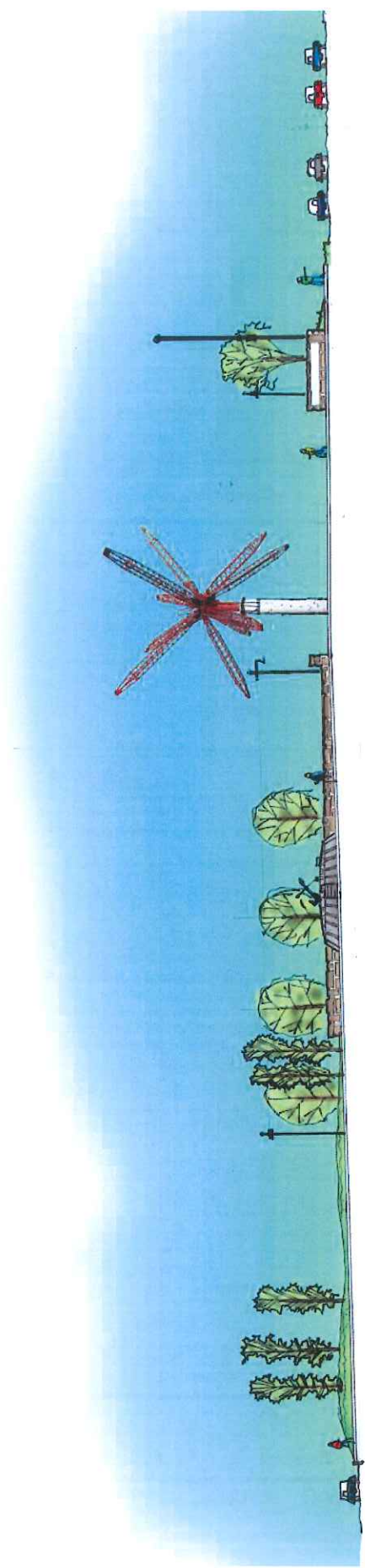
Cross-Section at Boom Plaza



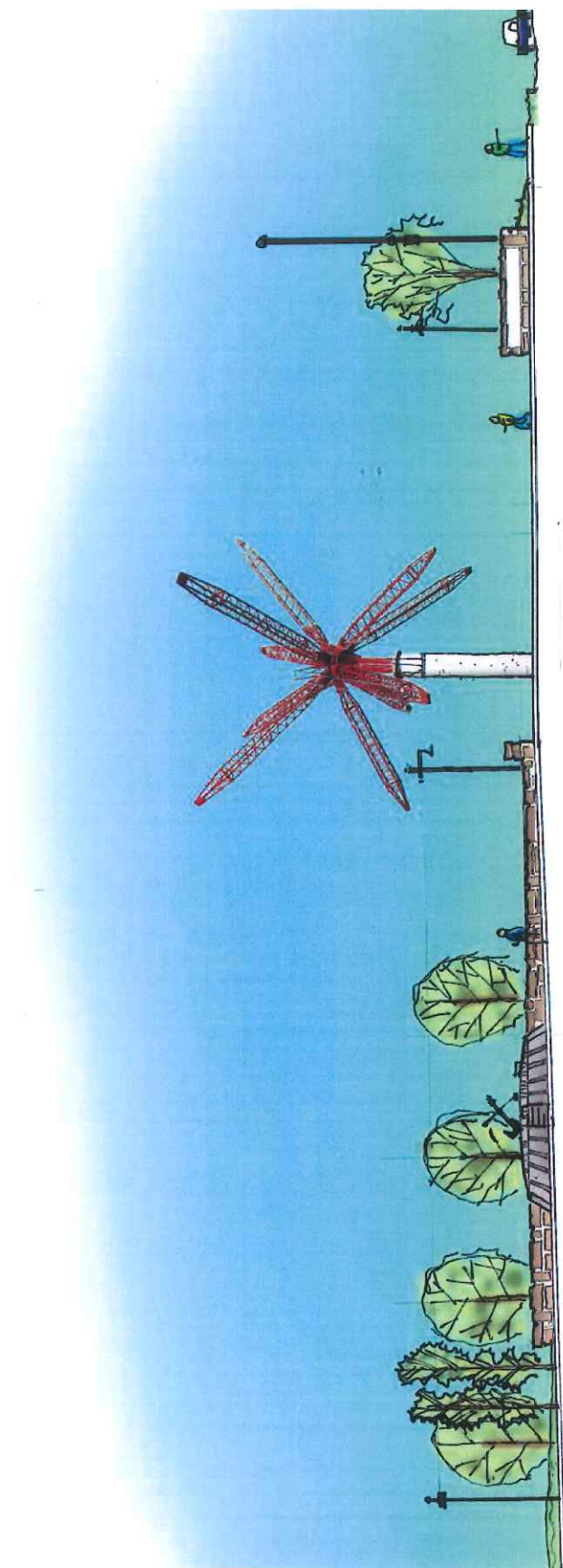
Interior Site Elevation (View from Valley Street)



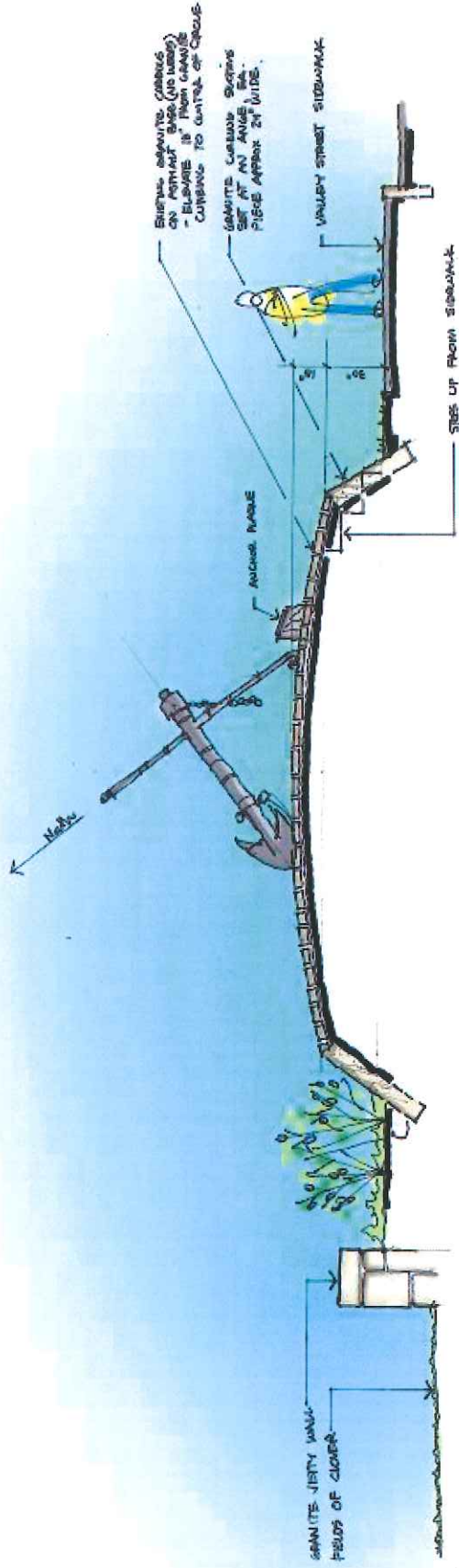
Exterior Site Elevation (View from Fore River Parkway)



Exterior Site Elevation (View from Fore River Parkway)



Cross-Section at Anchor Cairn



Granite Jetty

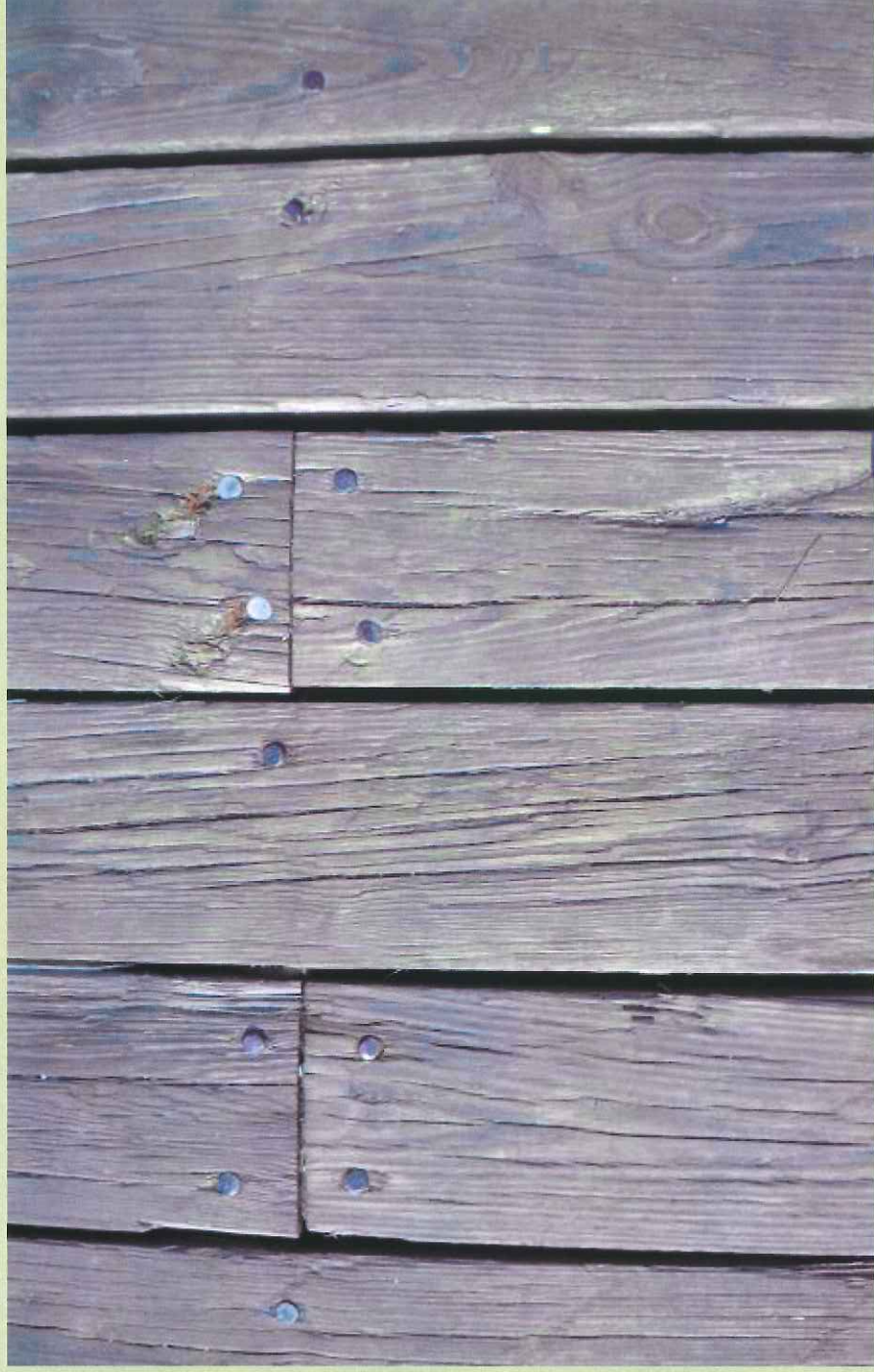


Sebago Technics
Engineering Expertise You Can Build On

Heavy Timber Wharf



Heavy Timber Wharf



Mooring Blocks



Water Wall



Planting Concepts



**Morning Light
Maiden Grass**



Karl Foerster



Coneflower



Merrill Magnolia



**Arnold Sentinel
Austrian Black
Pine**



New England Aster

CC1

Passel
11/17/08

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Bill Needelman, Senior Planner
DATE: November 3, 2008
SUBJECT: Agenda Request Re: Accepting the Merrill Memorial sculpture for inclusion within the City's Public Art collection.

Sponsored by: Public Art Committee

1) Council Meeting at which action is requested:

Final Action: November 17, 2008

Submission Deadlines:

- 1 electronic copy of packet due 2 weeks prior to Council meeting date for the agenda meeting
- 5 hard copies due the Thursday before the Council meeting

2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

The Council is asked to consider accepting the proposed PD Merrill Memorial sculpture, "Boom" into the City's Public Art Collection. The memorial has been proposed by a group of private business and property interests active in the Western Waterfront and has been reviewed for conformance with the guideline for accepting public art by the Public Art Committee.

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

Prominent Portland businessman, P.D. Merrill died unexpectedly in February, 2007. A group of friends and associates came together to develop a project to honor his many contributions to the Portland community and conceived a public art project to be located at the end of the Veteran's bridge, near Merrill's Marine Terminal. The group approached the City Council in September, 2007 for its support for this project, to be placed on public land. The Council gave its support and Merrill Marine Gateway (MMG) has been working actively on the project since that time, including several workshops and a public hearing with the Public Art Committee to be sure that MMG understands and can meet the City's guidelines for Public Art.

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

The proposed sculpture, titled "Boom," is an aggregation of radiating industrial crane booms mounted on a steel or concrete monopole (project details are provided in the attachments). The project artist is Aaron T. Stephan, who was selected by the MMG committee through a competitive process. The intention of the piece is to celebrate PD Merrill's contributions to the working waterfront and to provide a gateway statement about the City's commitment to the waterfront economy.

The Committee has selected the triangular portion of open space located at the Veteran's

Bridge intersection with the Fore River Parkway. The site is a wide space in a gateway location lying below the Western Promenade and is currently home to the anchor that once resided in the center of Veteran's Circle. The artist and the oversight committee agree that the site is suitable for a tall structure without causing negative impacts to residences or neighboring businesses. (A separate related item on the November 17 Council Agenda would amend the zoning code to allow a structure of this height.)

The project includes a significant re-design of the site to include a permanent location for the anchor, landscaping, and a potential water feature.

The site is currently owned by Maine Department of Transportation (MDOT). MDOT has agreed to transfer ownership of the site to the City with certain conditions.

IV. FINANCIAL IMPACT

The MDOT owned land will be transferred to the City at no cost and the design and installation of the sculpture is to be privately funded. The City will be asked to take on the long-term maintenance of the piece and the site as with all objects in the City's Public Art Collection. To defray costs to the City, the MMG group has agreed to set up an endowment for the long-term maintenance of the sculpture.

V. STAFF ANALYSIS & RECOMMENDATION

With the benefit of several workshops and the formal presentations from the Merrill Marine Gateway committee and artist, on October 15, 2008, the Committee voted unanimously to recommend to the Portland City Council to accept "Boom" into the City's Public Art Collection as proposed, subject to further Committee review of the detailed lighting design, the water feature details, and the planting plan after further review by the staff of Public Services.

VI. SPONSOR

Public Art Committee

Attachments:

1. Project Narrative
2. Photo Simulation of "Boom"
3. Minutes from the Public Art Committee meeting recommending the sculpture for inclusion in the Public Art Collection.
4. Project graphics, including site plan, landscaping, elevation drawings, and details.
5. Letter from MDOT agreeing to transfer property
6. FAA approval letter

cc: Elizabeth Boynton, Associate Corporation Counsel

MERRILL MARINE GATEWAY, INC.
C/O CIANBRO CORPORATION
60 CASSIDY POINT DRIVE
PORTLAND, ME 04102

Proposed Zoning Change for Public Art Height

September 16, 2008

Background Prominent Portland businessman, P.D. Merrill died unexpectedly in February, 2007. A group of friends and associates came together to develop a project to honor his many contributions to the Portland community and conceived a public art project to be located at the end of the Veteran’s bridge, near Merrill’s Marine Terminal. The group approached the City Council in September, 2007 for its support for this project, to be placed on public land. The Council gave its support and Merrill Marine Gateway (MMG) has been working actively on the project since that time, including several workshop meetings with the Public Art Committee to be sure that MMG understands and can meet the City’s guidelines for Public Art.

Design The site is a major gateway to the City and it is also a major challenge, due to the complicated traffic pattern and the speed and volume of traffic through the area. As he has addressed these factors, the artist Aaron Stephan’s creativity has been constrained by the existing zoning height limitation of 45 feet. He has proposed, and the project’s sponsors believe, that a greater height for his sculpture would better suit the site. This can be considered, however, only if the City Council, with the benefit of a recommendation from the Public Art Committee, has the ability to weigh a greater height than allowed by the underlying zoning.

Policy In considering this specific problem, it raises the policy issue of the benefits of flexibility on height limitations for public art in non-residential zones. Public art, especially in gateway locations, could respond creatively to the site context and allow consideration by the Council, through public process, of a proposed project not constrained by zoning height limitations. We propose that a zoning text change, as drafted by Planning Staff, provide the opportunity for the Council to consider and approve public art projects which demonstrate a positive contribution to their context, notwithstanding zoning height limitations



MINUTES

Public Art Committee P.D. Merrill Marine Gateway Project October 15, , 2008

Present: Jack Soley, Dave Wade, Alice Spencer, Hadley Schmoyer, Peggy Golden, Steve Halpert, Rick Renner, Anne Pringle, Aaron Stephan, Will Conway, Alex Jaegerman

Minutes of Prior Meeting Will Conway noted that he had taken some notes for the prior workshop. At the Committee's request, he will forward the notes to the Chair, for the record.

Summary of the Project Anne Pringle, representing Merrill Marine Gateway, Inc., reviewed a written summary of the project (attached and made part of these Minutes), including detail on the proposed sculpture "Boom" and the landscape design. The summary was further described by artist, Aaron Stephan, and landscape architect, Will Conway.

Lighting Several questions and comments were made about the proposed lighting. The Committee generally likes the proposed lighting design for the Boom sections, narrow, focused light along the cranes. Concern was expressed that light pollution and spillover impact on the adjacent neighborhood should be minimized. Aaron noted that he plans to build a mock-up in his studio and test the lighting scheme. It was suggested that there should be a light sensor so that the lighting goes on at night and off in the morning. How much electricity will the display draw? Solar power for the lighting should also be explored, with the collector located in an unobtrusive area of the site.

Height The Committee appreciates that a proposed zoning change will give it the flexibility to recommend works of public art that exceed the underlying height maximum in non-residential zones, assuming the proposed work and its height is fully considered in the surrounding context. The Committee had reviewed in workshop photo-simulations showing the proposed Boom sculpture in its context from several viewpoints. A question was raised about the height of the lowest crane (12 feet above grade) in relation to an individual standing under it. The six-foot separations seem adequate to assure that the cranes cannot easily be scaled. The crane sections near the jetty wall will be placed so as to discourage scaling the piece from the wall.

Walkways A question was raised about the materials for the walkways within the site and how they would transition from the asphalt walkways along the roadway. Will Conway noted that the interior walkways will be textured concrete of a light natural color, poured in place. The transitions points will come at the edge near the signage wall, as one enters the site from the sidewalk.

Engineering A question of wind tolerance was raised. Anne Pringle assured the Committee that the piece will be designed by a licensed professional engineer and that structural stability in all conditions will be taken into account. She noted that this will be a non-working crane, so not subject to the unique stresses of a piece of commercial equipment. Rick Renner noted that he suspected, in light of its setting and prominence, it is likely that the sculpture will be over-designed to avoid any liability. Re a question about insurance, Alex Jaegerman stated that once a piece is accepted into the City's public art collection, it is insured by the City.

Site Design Will Conway noted that the Merrill group is not proposing a formal, manicured look, but rather a more natural design, using plant materials that will suit the harsh site conditions and that will require minimal maintenance. He reviewed the design concept (attached and made part of these Minutes) and plant materials. Anne Pringle noted that there had already been one meeting with City staff to discuss the plan and come to agreement on site design and maintenance requirements; other meetings will follow. Jack Soley noted his personal experience with plantings that did not grow as planned, including emergence of invasive weeds, etc. He asked if there was a contingency plan in case the design did not work as planned and if there would be an endowment for maintenance of the landscape. Anne Pringle responded that she had been assured by Kylie Mason, the designer, that the plants would grow together by the end of one year, not allowing for weed intrusion afterwards. There is no plan for an endowment for landscape maintenance. The Merrill group is very focused on assuring that the landscape will look great at this important gateway to the City.

Crosswalk A question was raised about the location of the crosswalk between the parking in the Sweetser lot to the site. Anne Pringle responded that this had been discussed preliminarily with Public Services Traffic Staff and it will be sited to assure maximum safety for pedestrians. It was suggested that the crosswalk be boldly defined so that it can be easily be seen by motorists.

Topography A question was raised about any potential for trapping water. What was the drainage design? Will Conway responded that drainage would follow the natural topography and the site design will assure no pooling of water.

The Anchor The Anchor will be relocated to the left side of the site, to be reviewed with the Propeller Club, which has already expressed enthusiasm for the project. The evergreens behind the anchor were seen as possibly blocking views from some locations. Will Conway responded that they are placed apart, so that there will be views between the individual trees.

Endowment A question was raised as to how the endowment for Boom will work. Anne Pringle noted that Merrill Marine Gateway will develop a projected cost for repainting Boom in 30 years or so and place an amount with the Maine Community Foundation that, assuming their historical rate of return, will produce the necessary amount, to be drawn by the City at its request. The terms of the endowment and other long-term provisions

will be the subject of a contract between the City, Merrill Marine Gateway and Aaron Stephan.

Public Comment The Chair recognized Nancy Paige Akers who noted some concern about the height variance, that the large sculpture may draw provoke to violence transients who have come into the community in recent years and who are exhibit threatening to some.

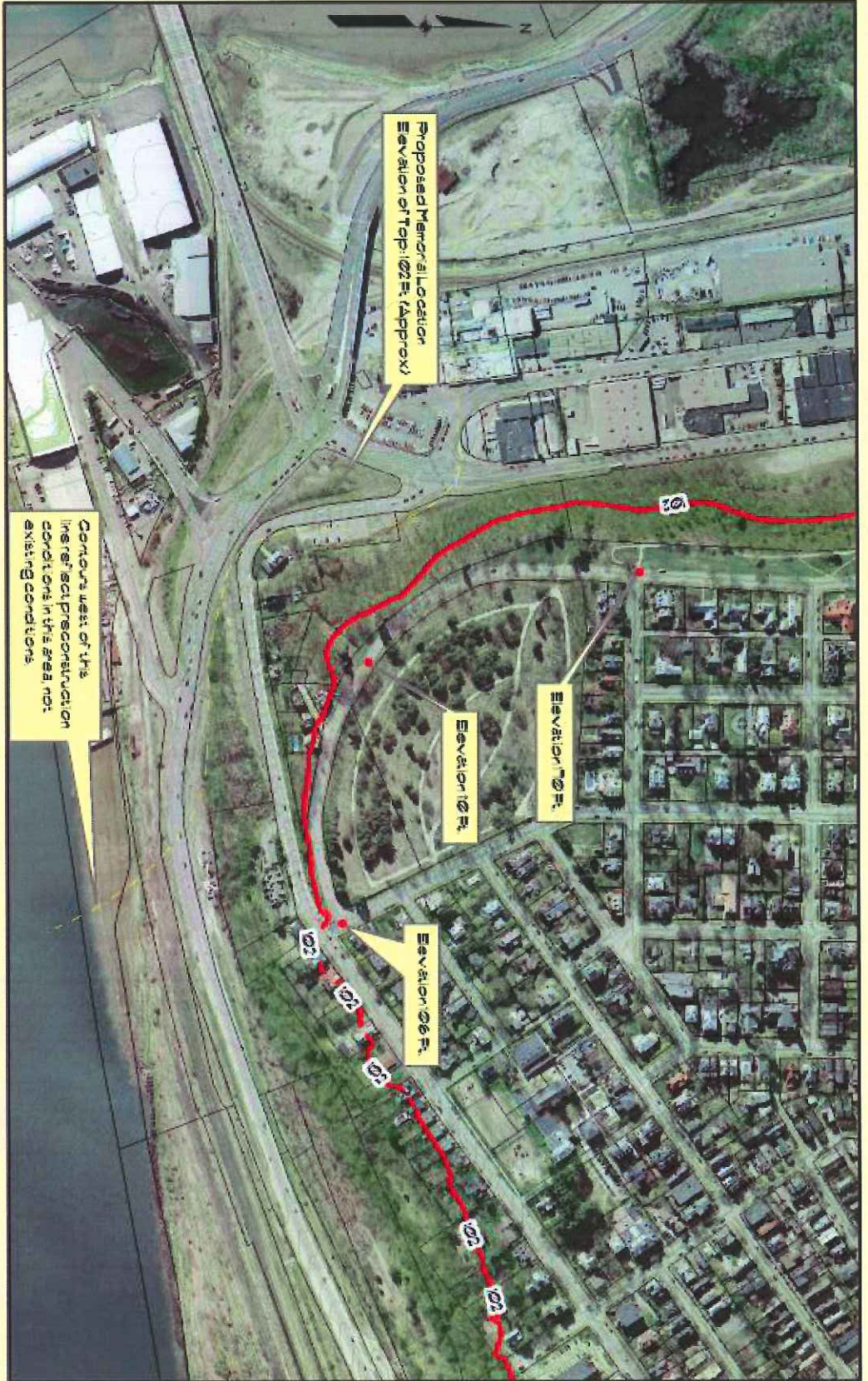
Vote With the benefit of several workshops and the formal presentation at the meeting, the Committee voted unanimously to recommend to the Portland City Council to accept Boom into the City's Public Art Collection as proposed, subject to further Committee review of the detailed lighting design, the water feature details, and the planting plan after further review by the staff of Public Services.

P.D. Merrill Marine Gateway

September 17, 2008

Sebago Technics
Engineering Expertise You Can Build On





Source: City of Portland Department of Public Works
 Orthoregistry, Spring 2006
 Parcel Mapping, April 2008
 Contour Composite, 1991 to 2003

PD Merrill Memorial Site and Vicinity Portland, Maine

August 13, 2008

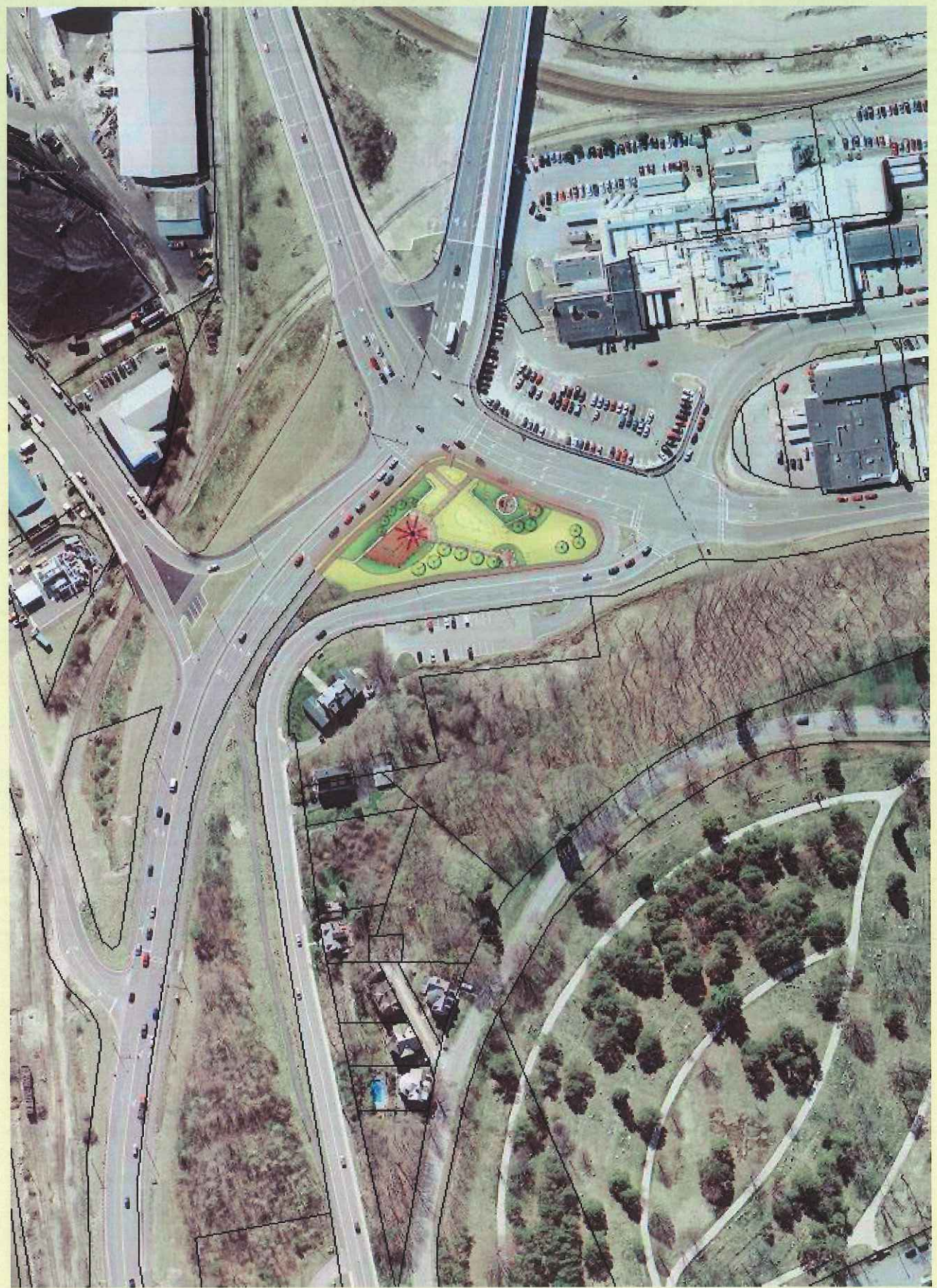
0 200 400 800 Feet

1 inch equals 400 feet

Created by:
 Sebago Technics, Inc.
 One Chabot Street
 Westbrook, ME 04096

Sebago Technics
 Engineering, Surveying, Test Services, etc.

Att. 4.3





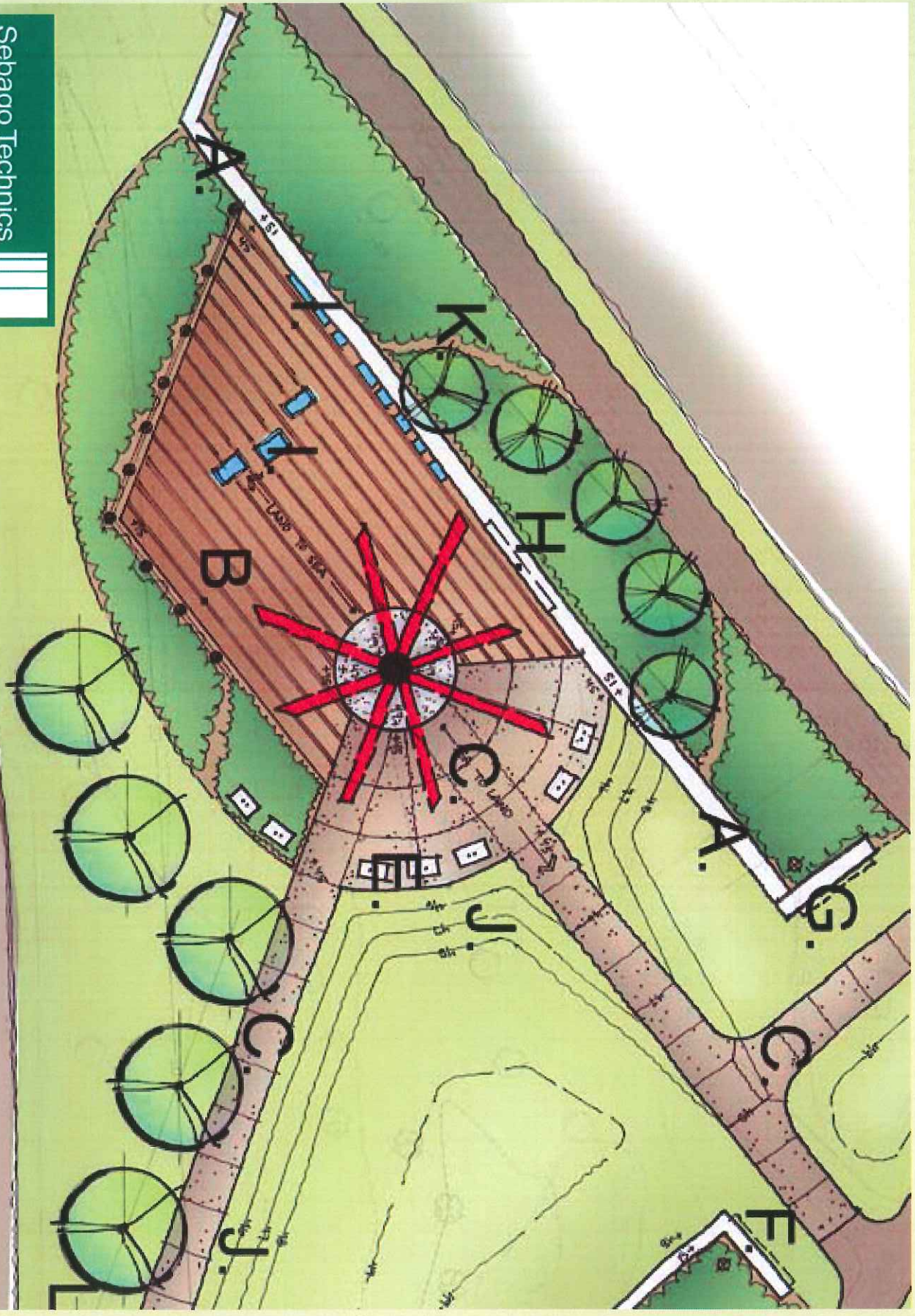
**P.D. Merrill Marine Gateway
Masterplan**

Sebago Technics
Engineering Experience You Can Build On

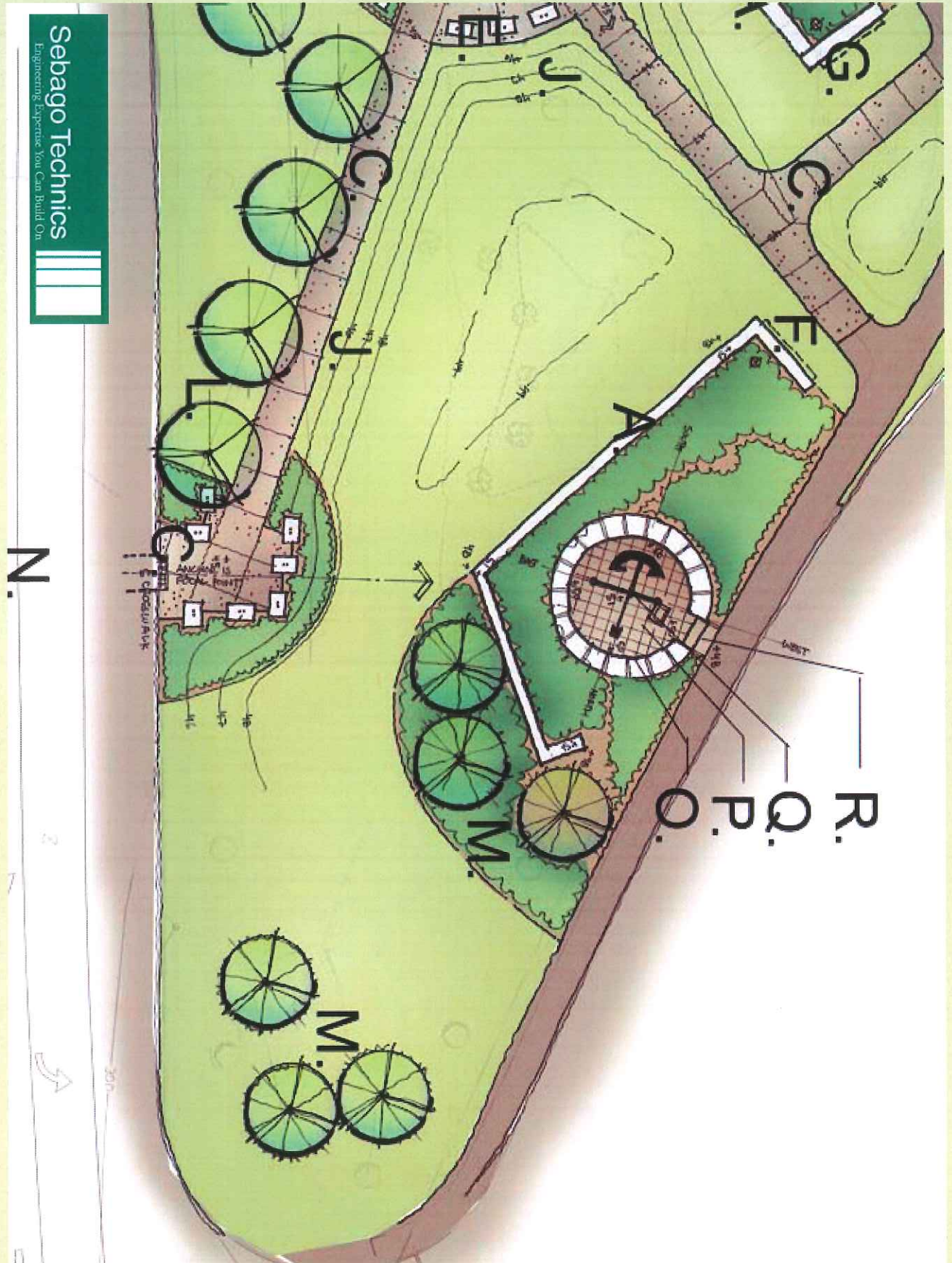
Legend:

- A. Granite Jetty Walls
- B. Heavy Timber Walls
- C. Concrete Paving (Radial Pattern Under Boom)
- D. Raised Concrete Pedestal at Boom
- E. Mooring Blocks
- F. 'Welcome to Portland' Sign
- G. 'P.D. Merrill Marine Gateway' Sign
- H. Water Wall
- I. Legacy/Donor Option
- J. Landform Embraces Boom Plaza & Approach Pathways
- K. Merrill Magnolias Embrace Boom
- L. Box Elders Embrace Boom and Approach from Danforth
- M. Pines Afford Backdrop for Anchor and Park Corner
- N. Anchor is Focal Point at Danforth Approach
- O. Granite Plinths, Set at Angle, Elevate Anchor
- P. Granite Cobble Pavers, Elevated Toward Center
- Q. Anchor Set East-West-South-North (Compass)
- R. Granite Steps to Anchor Platform

Sebago Technics
Engineering Expertise You Can Build On



Att. 4.6



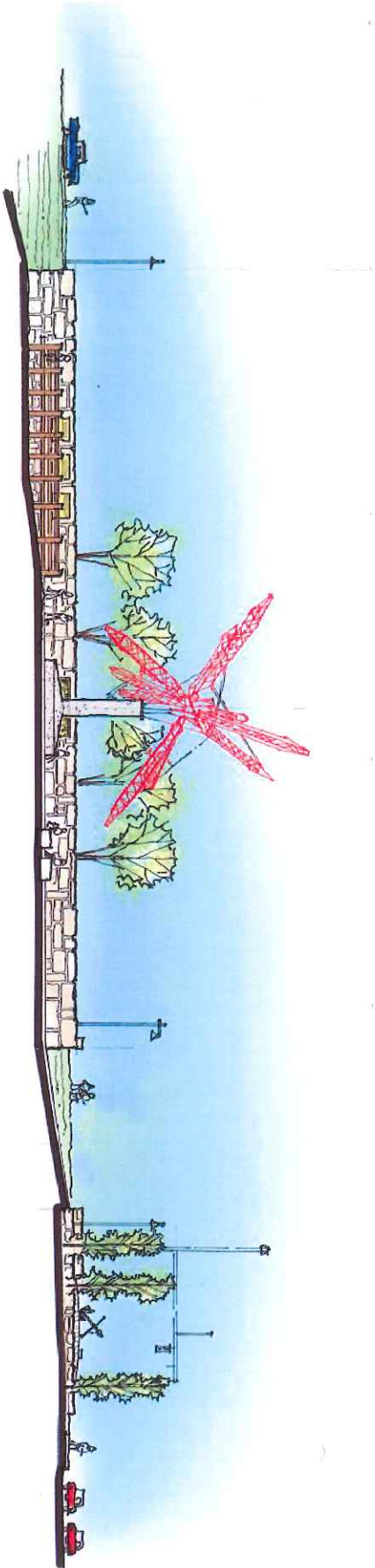
Sebago Technics
Engineering Expertise You Can Build On

N.

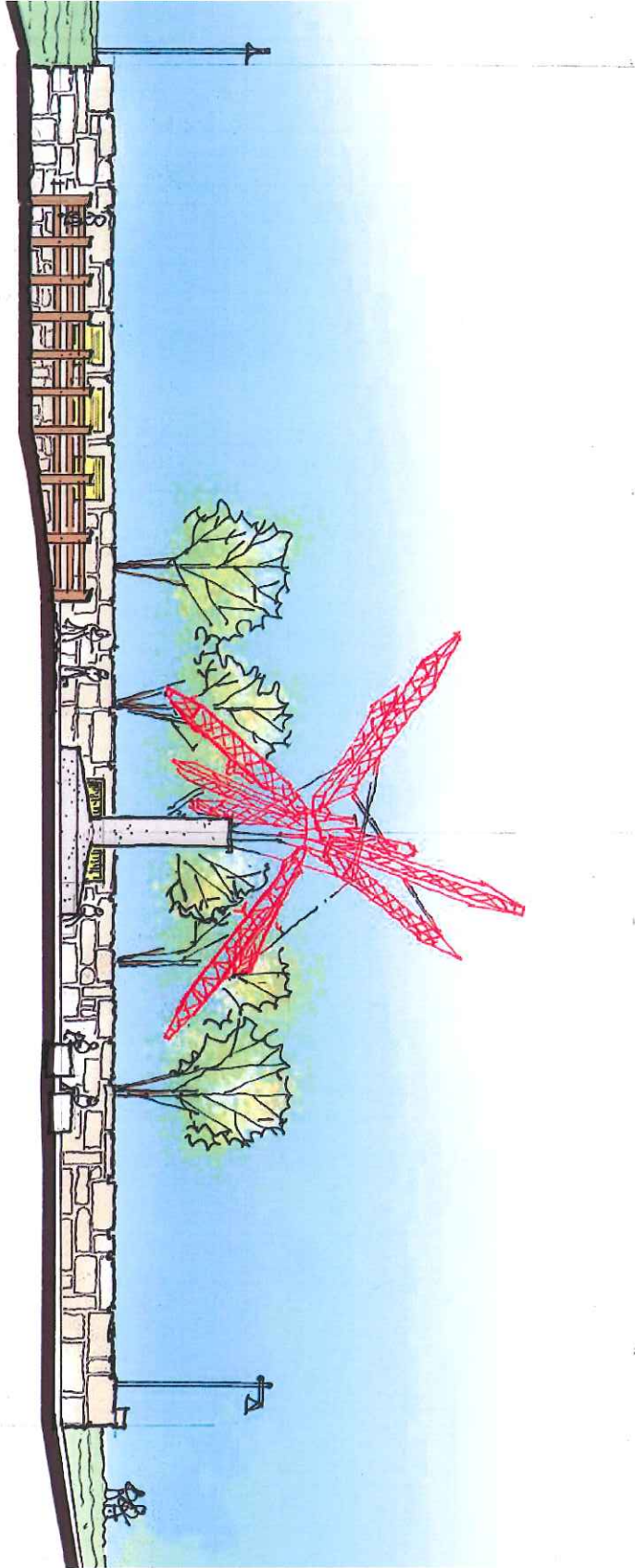
2

AH. 4.7

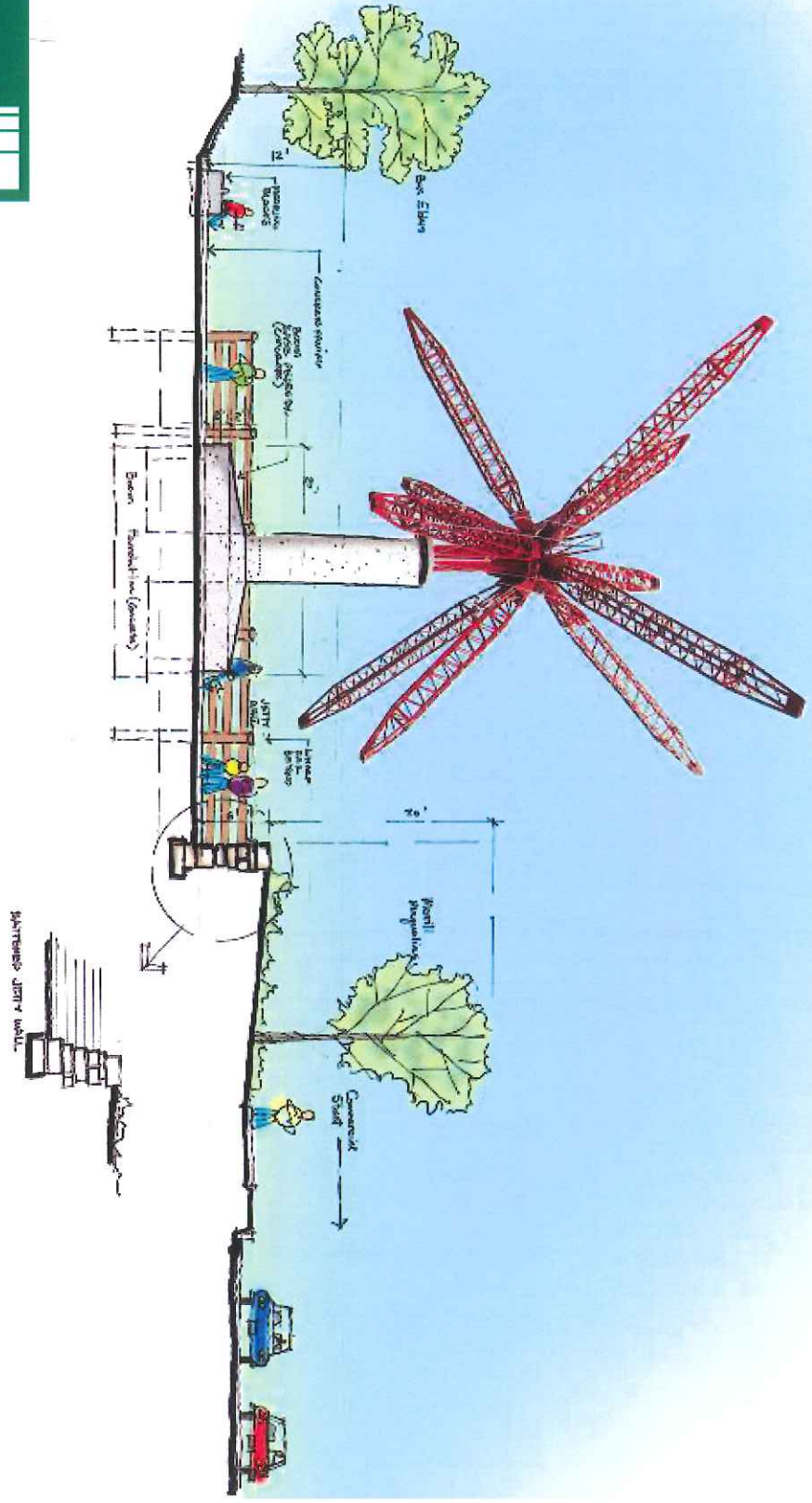
Interior Site Elevation (View from Valley Street)



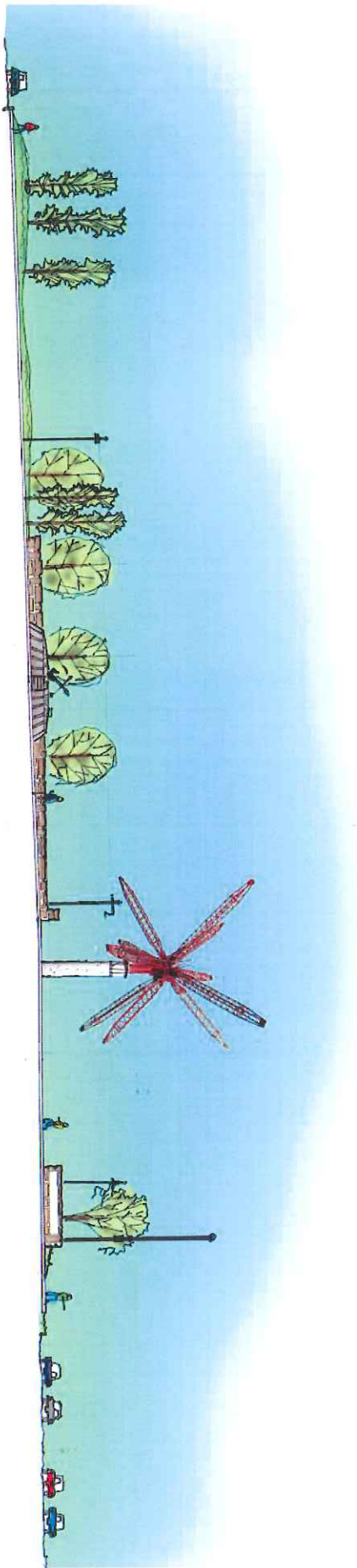
Interior Site Elevation (View from Valley Street)



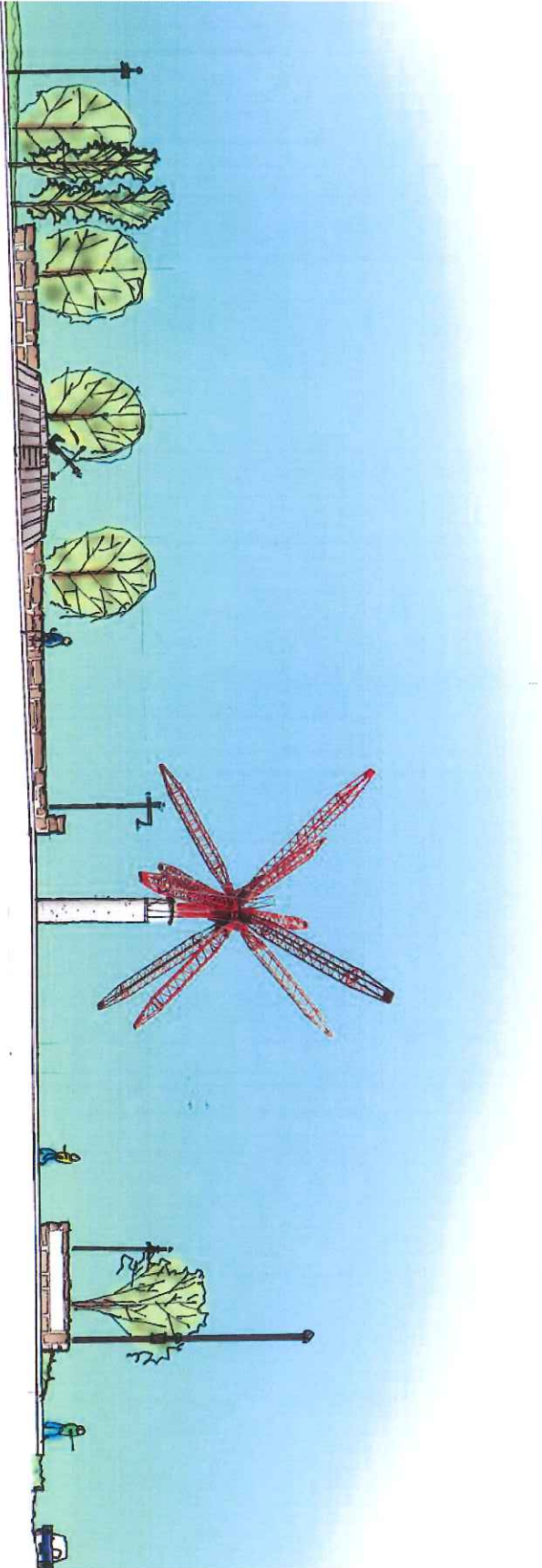
Cross-Section at Boom Plaza



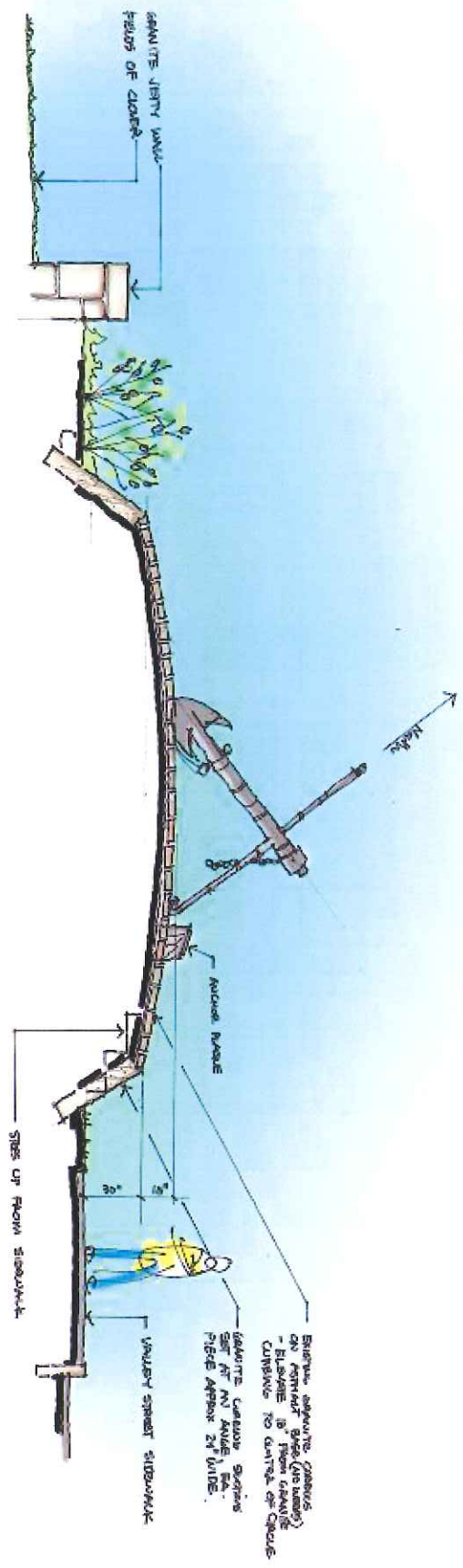
Exterior Site Elevation (View from Fore River Parkway)



Exterior Site Elevation (View from Fore River Parkway)



Cross-Section at Anchor Cairn



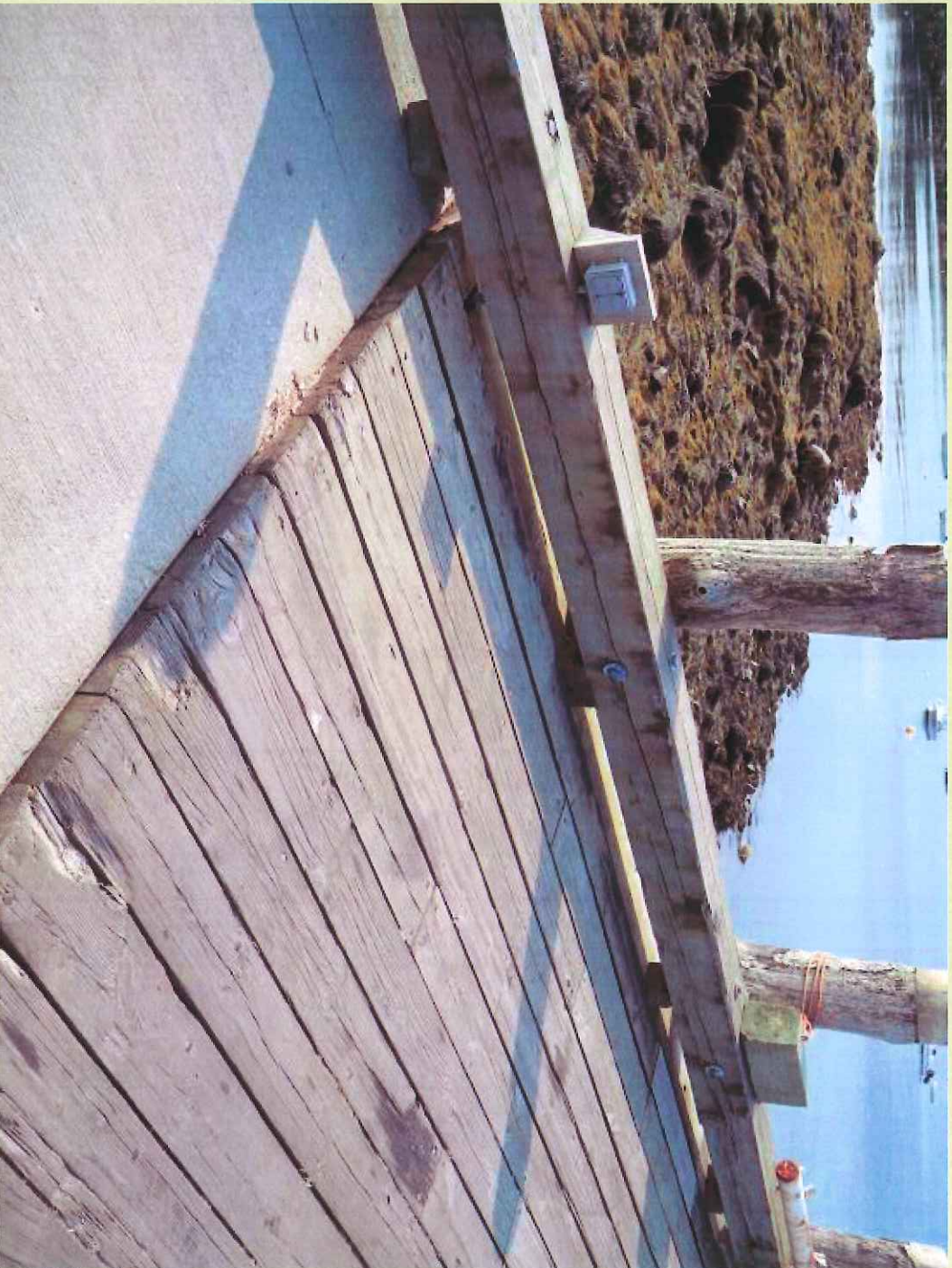
Granite Jetty



Sebago Technics
Engineering Expertise You Can Build On



Heavy Timber Wharf



Sebago Technics
Engineering Expertise You Can Build On



Heavy Timber Wharf



Mooring Blocks



AH.4.15

Water Wall



Sebago Technics
Engineering Expertise You Can Build On



Planting Concepts



**Morning Light
Maiden Grass**



Coneflower



Karl Foerster



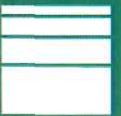
**Arnold Sentinel
Austrian Black
Pine**



Merrill Magnolia



New England Aster





STATE OF MAINE
 DEPARTMENT OF TRANSPORTATION
 16 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0016

Att. 5

cc: Kenny Little ✓
 Kathi Easley
 Bill Clark

JOHN ELIAS BALDACCI
 GOVERNOR

September 11, 2008

DAVID A. COLE
 COMMISSIONER

Mr. Joseph E. Gray, Jr., City Manager
 Portland City Hall
 389 Congress Street
 Portland, ME 04101

Dear Mr. ^{Joe} Gray:

I am replying to your letter dated February 21, 2008 concerning P.D. Merrill Monument. It is nice to be able to pay tribute to community members who serve their communities well.

I understand that since your last letter, the group has decided to relocate the monument to the triangular island between West Commercial Street/Valley Street and Danforth Street. My staff thinks this location is much better suited for the location of the monument and with that being said, the Department can commit to transferring this parcel to the City.

The Department believes it will be able transfer upon resolution of the following issues:

- 1) The monument is located in a position where if the structure were to fail, would not fall into the roadway (MaineDOT to approve location)
- 2) In addition to the triangular parcel, MaineDOT will also transfer Danforth St. to the City. This will provide for monument parking off of a City street and prevent the triangular parcel from being landlocked between three state highways.
- 3) The design of the monument is stamped by a professional engineer
- 4) The transfer will occur before construction, but after fund raising efforts are substantially complete so as to avoid needless legal work.

To further facilitate this project, MaineDOT will agree to provide boundary survey and the legal work for the real estate transfer.

Good luck with the design and fundraising. If you have any questions regarding this issue, please contact Stephen Landry, Assistant State Traffic Engineer by phone at 207-624-3632 or via e-mail at Stephen.landry@maine.gov.

Sincerely,

David A. Cole
 Commissioner

RECEIVED

SEP 19 2008

City of Portland
 Planning Division



PRINTED ON RECYCLED PAPER

DAC/SRL/sas
 844997-DAC

Att. 6.1



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2008-ANE-1044-OE

Issued Date: 10/24/2008

Louis F. Campbell
Cianbro Corporation
60 Cassidy Point Drive
Portland, ME 04102

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Crane Crane Boom Sculpture
Location:	Portland, ME
Latitude:	43-38-39.08N NAD 83
Longitude:	70-16-36.85W
Heights:	62 feet above ground level (AGL) 107 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 04/24/2010 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

Att. 6:2

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (781) 238-7522. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-ANE-1044-OE.

Signature Control No: 595457-103476271

Suzanne Dempsey
Technician

(DNE)

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

Order 96-08/09
~~Tab 18-10-20-08~~
Tab 11-17-08

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

Approved 11/17/08

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14, ZONING
(SPACE AND BULK REGULATIONS AND EXCEPTIONS)
RE: PUBLIC ART HEIGHT LIMITATIONS**

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

1. That Section 14-430, subsection (b), of the Portland City Code is hereby amended to read as follows:

Sec. 14-430. Height limits.

. . . .

(b) Reserved-Public Art. Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the Public Art Collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14-852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Sonia Bean, Senior Administrative Assistant
FROM: Bill Needelman, Senior Planner
DATE: October 14, 2008
SUBJECT: Agenda Request Re: Amendment to the land use code to create an exception for Public Art from building height restrictions.

Sponsored by: Planning Board

1) Council Meeting at which action is requested:

1st Reading: October 20, 2008
Final Action: November 17, 2008

Submission Deadlines:

- 1 electronic copy of packet due 2 weeks prior to Council meeting date for the agenda meeting
- 5 hard copies due the Thursday before the Council meeting

2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

The Council is asked to consider an amendment to the land use code to create an exception for Public Art from building height restrictions. The intent of the text change is to allow the physical height of Public Art to be regulated by the Public Art Ordinance in all but residential zones.

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

The proposal has been prompted by an on-going process to identify a site and design a sculpture commemorating the life and work of P.D. Merrill. During the course of this process, zoning building height restrictions have presented unexpected challenges to the design artist and the oversight committee. The Merrill Memorial process brings to light a policy question regarding the role of zoning as a regulatory tool in the Public Art process.

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

The code amendment approach recommended is to add Public Art to the category of zoning exceptions that includes "roof structure(s)" with certain conditions. Public Art would be still be reviewed in a public setting with the design, scale and size of art proposals being subject to a case-by- case review by the Public Art Committee and the City Council.

IV. FINANCIAL IMPACT

There will be no financial impact to the City resulting from this amendment.

V. STAFF ANALYSIS & RECOMMENDATION

Given that any art object applying this exception would receive a thorough review in a public setting and that final approval lies with the City Council, Planning Staff recommends the implementation of an exception from building height requirements for Public Art in non-residential zones. The Planning Board's recommendation will be provided prior to the Council's Public Hearing.

VI. SPONSOR

Planning Board

Attachments:

- 1. Proposed amendment text**
- 2. Report from the Planning Board to the City Council, to be provided.**

cc: Elizabeth Boynton, Associate Corporation Counsel

**PROPOSED ZONING EXCEPTION
FOR
PUBLIC ART FROM BUILDING HEIGHT RESTRICTIONS
CITY OF PORTLAND, APPLICANT**

Submitted to:
City Council
Portland, Maine
October 15, 2008

For the meeting on:
October 20, 2008
First Reading

Submitted By:
Bill Needelman, Senior Planner

I. INTRODUCTION

The City of Portland administration requests a Public Hearing with the City Council to discuss a potential amendment to the land use code to create an exception for Public Art from building height restrictions. The intent of the text change is to allow the physical height of Public Art to be regulated by the Public Art Ordinance in all but residential zones.

The Planning Board held a workshop on this item on September 23, 2008 and a Public Hearing on October 14. The Planning Board's recommendation of the proposed text change is provided below in Section VII of this report.

The Council Order asking the Council to accept the proposed sculpture as a piece of Public Art is to be provided separately.

II. BACKGROUND

The text change proposal has been prompted by an on-going process to identify a site and design a sculpture commemorating the life and work of P.D. Merrill. During the course of this process, zoning building height restrictions have presented unexpected challenges to the design artist and the oversight committee. The Merrill Memorial process brings to light a policy question regarding the role of zoning as a regulatory tool in the Public Art process. The City Manager, on behalf of the Merrill Memorial Committee, has asked that Planning Staff generate a zoning text amendment for the Planning Board's and City Council's consideration.

III. PUBLIC ART POLICY

The City's Public Art program was developed to implement recommendations from the *Downtown Vision* and *Celebrating Community: A Cultural Plan for Portland, Maine* components of the Comprehensive Plan. The Public Art program identifies the process by which objects of art are acquired, sited, and maintained by the City. The Portland Public Art Committee oversees the program with their work being presented annually to the City Council for review and acceptance. The City's Comprehensive Plan cites the following components of the Committee's role in the Public Art Process:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for allocating the public art percentage of the CIP; administration of the program; conservation of the collection; and initiation of new projects;
- Review potential gifts of art to the City's public art collection, and make recommendations to the City Council on whether to accept or not accept the gifts;
- Seek donations for preserving, restoring and/or expanding the art collection;
- Recommend appropriate locations for the installation of public art.

Attachment I of this document is the text of the Comprehensive Plan component underlying the Public Art program, *Celebrating Community: A Cultural Plan for Portland, Maine*.

IV. PUBLIC ART ACQUISITION PROCESS

In implementing the Public Art Program, the City catalogues, maintains and acquires works of art for inclusion in the Public Art Collection. The City acquires Public Art by one of two methods:

- Art is donated to the City.

Prior to acceptance of a piece into the Public Art collection, the Public Art Committee reviews the design according to criteria and makes a recommendation to the City Council for adoption prior to installation.

- Art is acquired or commissioned by the Public Art Committee.

The Public Art Committee identifies the acquisition or commission in the Public Art Committee's Annual Art Plan. The Annual Art Plan is provided for review and approval by the City Council. After Council approval, Committee commissions the piece and oversees installation.

Attached to this memo are applicable portions of the Public Art Committee Guidelines that inform Gifts of Art, Selecting Artwork, and Design Documentation. These documents are provided to give an understanding of the process that an art piece receives prior to being presented to the City Council for acceptance.

V. THE MERRILL MEMORIAL PROCESS

The Merrill Memorial Committee has been working closely with the Public Art Committee and the City Council will make the final determination on the approval of the design and acceptance of the object as a piece of the City's Public Art Collection. The proposed sculpture, titled "Boom," is an aggregation of radiating industrial crane booms mounted on a steel or concrete monopole (a photo of the project model and elevation sketch are provided in Attachment 4). The intention of the piece is to celebrate PD Merrill's contributions to the working waterfront and to provide a gateway statement about the City's commitment to the waterfront economy.

The Committee has selected the triangular portion of open space located at the Veteran's Bridge intersection with the Fore River Parkway. The site is a wide space in a gateway location lying below the Western Promenade and is currently home to the anchor that once resided in the center of Veteran's Circle. The artist and the oversight committee agree that the site is suitable for a tall structure without causing negative impacts to residences or neighboring businesses. However, the existing "building height" restrictions in the underlying zone (WPDZ) are capped at 45 feet. The WPDZ allows for taller cranes and other industrial installations, but as an art piece, the memorial could not take advantage of these exceptions to the building height maximum.

Councilors should note that for their recommendation of the proposed text change, Planning Board members were not asked to opine on the specific merits of the Merrill Memorial design, but were asked to evaluate the appropriate regulatory process to dictate the maximum height of public sculpture.

A brief project narrative with written rationale describing the need for the amendment is provided in Attachment 3.

VI ZONING EXCEPTIONS FOR PUBLIC ART

Based on the Merrill Memorial Gateway Committee's work and a staff recommendation presentation, the Planning Board is recommending an amendment to the Bulk and Height exceptions (section 14-430) to exempt accepted public art from building height requirements outside of residential zones.

Current Exceptions

The zoning "building height requirements" are the current method by which structures are limited by height. There are, however, exceptions for this regulation. Certain built features, such as flag poles and some telecommunication towers, are not interpreted as "structures" and are therefore not regulated for height. Other structures, such as roof top appurtenances, are specifically exempted from the building height restriction. Other structures, such as cranes, gantries and ramps, are exempted specifically in certain zones – including the WPDZ.

Proposed Text Amendment

The code amendment approach recommended by the Planning Staff is to add Public Art to the category of zoning exceptions that includes "roof structure(s)" with certain conditions. Public Art would be still be reviewed in a public setting with the design, scale and size of art proposals being subject to a case-by- case review by the Public Art Committee and the City Council.

The amendment language suggested is shown in underlined text for the Council's consideration:

Sec. 14-430. Height limits.

(a) Roof structure. Roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy, skylights, steeples, roof signs, flag poles, chimneys, smokestacks, radio or television masts, water tanks, or silos may be erected above the height limitation herein prescribed for buildings.

(b) Public Art. Except in residential zones, public art that has been individually accepted by the City Council for inclusion within the Public Art Collection, pursuant to Article XI, Public Art Program of the Land Use Code, (Section 14 852(c)), shall not be subject to the height limitations for buildings within the underlying zone.

VII. PLANNING BOARD'S RECOMMENDATION

Given that any art object applying this exception would receive a thorough review in a public setting and that final approval lies with the City Council, Planning Staff recommended to the Board that the implementation of an exception from building height requirements for Public Art in non-residential zones.

After workshop and public hearing review, the Planning Board voted 6-0 (Lowry absent) to approve the following motion:

Based on the materials included in Planning Report # 52-08 and material and testimony presented at public hearing, the Planning Board finds that the proposed text amendment to the Bulk and Height Exceptions portion of the Land Use Code is consistent with the City's Comprehensive Plan and recommends its passage to the City Council.

Attachments:

1. *Celebrating Community*, text only
2. Public Art Committee Guidelines, excerpts
3. Merrill Marine Gateway, project narrative
4. "Boom" model photo, elevation sketch

PREFACE

Celebrating Community, Portland's Community Cultural Plan, is the result of a community-wide process of fact finding and consensus building; Celebrating Community identifies cultural needs and aspirations of Portland's neighborhoods, and proposes policies and actions in response. This is the third phase of an effort that began with the Downtown Vision plan, continued with A Plan for Portland's Art District, and finishes (or marks a beginning) with this project. The Portland Arts and Cultural Alliance (PACA), along with the City of Portland Planning Office, began the planning process for Celebrating Community in 1996. This cultural plan builds on Downtown Vision and the Arts District Plan, taking those works another step. Celebrating Community considers the role of arts and culture in creating vital neighborhoods, and plans links between the goals of the Arts District to the neighborhoods of Portland.

The process was guided by a citizen Steering Committee consisting of representatives from PACA, the Planning Office, arts and cultural institutions, education, and the artists' community.

The cultural planning process began with personal interviews of 63 Portland leaders who represent various ethnic, religious, cultural, political, and neighborhood groups. Interviews explored the range of community constituents, their cultural lives, and their cultural needs. The first of a series of Public Forums was held in the spring of 1997. Teachers, school officials, artists, and arts organizations were surveyed to learn the needs and opportunities to link education and the arts. A revised version of Kid's Cultural Horizons was produced within this effort; the updated version, entitled Cultural Horizons, is a catalogue of arts and cultural offerings available to schools and community groups. More surveys were taken at the Community Development meetings in the fall of '97, asking residents about the cultural life of their neighborhood. The Steering Committee distilled the information and ideas from all sources and developed a draft report. The draft report contained over seventy action ideas, grouped under ten different focus areas. This draft was presented before the PACA membership with facilitated discussions and interactive exercises for refinement. Finally, during the spring of '98, the Steering Committee held four community forums to review the draft report. These community forums were advertised through direct mailings to 1800 citizens, through press releases, and through ads in the Portland Press Herald. Sixty people participated in the forums, using interactive exercises and facilitated discussions to set priorities and refine the ideas in the plan. New ideas were collected from participants at the forums and folded into the mix for discussion and consideration. The Steering Committee met during late spring/summer of '98 to quantify and analyze the results of the spring meetings. This final process formed the mission, principles, seven goals, and twenty-two main action ideas of Celebrating Community.

As a companion piece to Celebrating Community five professional photographers were commissioned to find and capture images of cultural expression within a distinct Portland community of their choosing. In this project, entitled Expressions of Culture, the photographers were given broad discretion in interpreting what forms a community and its culture. Expressions of Culture is a case in point, that the arts are uniquely capable of revealing the soul of a community. The images in Expressions of Culture speak as much as all the printed words about the people and place that make the Portland community.

This book presents some images from the Expressions of Culture project, along with the findings, goals and recommendations of Celebrating Community. Although not every city includes a cultural plan in the comprehensive plan, Portland has recognized the importance of cultural vitality to the community. Typically comprehensive plans inform policy of city government and are the basis for decision making on things like ordinances, programming, and capital investments. A Plan for Portland's Art District, for example, helped the city understand the "arts' industry" and motivated the City to support PACA. The Arts District and the Celebrating Community plans will serve as a blueprint for PACA's work and help PACA's members fulfill the cultural and creative aspirations of Portlanders.

The ideas contained in Celebrating Community are not prescriptive, exhaustive or final. Rather, the plan sets a framework for fostering grassroots initiative, provides a compass for establishing policy and priorities, and marks a commitment to secure resources to respond. The plan is flexible and adaptable, and should be viewed as the next step to linking the diversity of our people, the identity of our neighborhoods, and the expressions of our cultures to the strengthening of our community.

INTRODUCTION: CULTURE AND COMMUNITY

Two key words that are frequently used, abused and misconstrued, *community* and *culture*, are concepts that require some boundaries as we consider their prominence in the cultural plan. Portland is itself a community, but so is Stroudwater, the Waterfront or the kitchen staff at the Village Cafe. Many people think of culture as the stuff that resides in Greek Revival museums and opera houses, the elite arts of 18th and 19th century Europe, a realm that few millennial Americans occupy.

For the framers of this report, community and culture are assumed to have the broadest possible readings, which may also allow for highly specific contextual usage. Community and culture are characteristics of social existence which we all share, and interact in the complex and multi-layered dance which makes Portland, Maine a dynamic and exciting environment.

What is a community? Any grouping of individuals who share something, anything, in common, and consider themselves to have some allegiance to each other as a result is a community. We all begin life within the community of our own families, but quickly become part of other participatory communities as well: second graders, baseball players, dancers, college students, workers, parents, senior citizens. Some communities, such as nationality, ethnicity or religion, we are born into. Others we select for ourselves: political affiliation, occupation, place of residence, pursuit of interests. Within each of these spheres, we share with the other members of the group a set of common experiences and assumptions about what is valued, how it is to be cherished and how to interact with each other and the world. Each of us is part of many different communities, effortlessly shifting conceptual gears as we move among them. The internal rules which govern what is proper and what is unacceptable will vary substantially between the dance hall on Saturday night and the church on Sunday morning; still, many people participate in both communities without committing social gaffes or feeling any sort of conflict.

It is this complex matrix of coexisting and overlapping community allegiances which forms the core of personal and social identity, and which this report addresses. The larger idea of *Portland* contains within it myriad diverse communities, each of which contributes to the greater civic community. Each of these communities within our community is worth celebrating, because each embodies its own culture.

Culture is the enactment of community. It is the forms which communities select to express themselves, the glue that binds them together internally, and the displays that represent them to the world. Culture is expressed in what we wear, what we eat, how we dance, who we revere, how we worship. It is an Indian woman's sari, Italians making pasta, fishermen's knowledge of how to read the weather signs, the etiquette of a society wedding, French people dancing *Lady of the Lake*, and the stories refugees tell their children about their homelands. Every community has its own culture that interacts with and influences every other culture with which it coexists. This ongoing process of cross-fertilization is part of what keeps cultures and communities dynamic and healthy.

This conception of culture is inclusive of the performing and visual arts: It contains the classical and traditional art forms of dance, music and craft, as well as contemporary painting, free jazz and avant-garden theater -- all of which are expressions of a community-based aesthetic. But it is not restricted to the domains usually associated with "the arts." Our definition of culture is broader, extending from the fabric of personal interactions to the rituals which signal our participation in community. Far from any notion of elite culture, our aim has been to thoroughly democratize our cultural perspective and to empower communities that have previously been absent from public cultural discourse. At its core, this planning process has been an attempt to take a measure of our entire community and its constituent cultures, and to devise a set of mechanisms through which our representative civic government might address their needs and aspirations. In so doing, *Celebrating Community* intends to enrich and enliven Portland's civic life and spirit. As we celebrate the diversity of Portland's people, we nurture the unique and positive spirit of the whole community.

MISSION, PRINCIPLES, GOALS

Celebrating Community is based on the **Mission:**

- To celebrate Portland's shared history and to instill pride in our cultural diversity;
- To promote greater awareness of and access to arts and culture for all of Portland's citizens, both individually and collectively;
- To encourage greater community participation in arts and cultural activities and increase the sustainability of Portland's arts and cultural life; and
- To strengthen community through our arts and culture.

The Mission is based on the following **Principles:**

- People in the community are enriched by the exchange and interconnection of cultural expression.
- Intergenerational transfer of culture and tradition is valuable.
- Every individual deserves an opportunity to explore and develop his/her creative and expressive potential.
- Arts enhance learning.
- The public school system should set the highest standard of arts access and education.
- Active participation and engagement in the cultural life of the community increases the connection and commitment of the citizenry.
- Arts and culture contributes to the economic vitality of Portland.
- Arts and cultural organizations have an obligation to stay abreast of the changing interests and needs of its community, and concurrently, they have a responsibility to communicate and disseminate art and cultural traditions.

To achieve this Mission and based on the Principles, Celebrating Community has these **7 Goals:**

1. Promote discovery, appreciation, understanding, and pride in Portland and the diverse cultures found within the City.
2. Develop and enhance opportunities for students of all ages to engage, create and perform with the local arts community.
3. Build, expand and sustain audiences.
4. Encourage and safeguard artists' continuing presence in the community.
5. Improve the vitality and civic support of arts and culture throughout the City.
6. Apply arts and cultural solutions to the community's social issues.
7. Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

The following pages elaborate these seven goals, summarize findings from community participants, and present ideas for action. These findings, goals and ideas for action form the basis for future initiatives by the city and cultural community. Participants offered many specific suggestions, some of which are presented here to illustrate the range of potential activities that could come from this plan.

GOALS, FINDINGS, IDEAS FOR ACTION

A. **Promote discovery, appreciation and pride in Portland and the diverse cultures found within the City.**

Findings

Portland has a rich history as a maritime center and urban community. Historically Portland's population was white Anglo-Saxon, with a substantial minority of Irish, Italians, Jews, Greeks, Armenians, and other immigrants. In the 1980's Portland was designated a Refugee Resettlement community. Today 42 languages are spoken in the Portland public schools with most of the recent immigrants coming from Cambodia, Vietnam, Eastern Europe, Africa and Islamic nations.

Currently there is a community desire for more cultural programs that reflect the heritage of Portland and highlight the multiple cultures represented in the City. Many respondents cited a need for a community center, serving all ethnic communities and residents, which would promote broad artistic expression and cultural understanding. Opportunities are sought for traditional and emerging artists to develop their work, to broaden audience appreciation of heritage arts, and to include new cultural arts within the whole arts' community.

Many artists, community leaders, and religious leaders expressed feelings of alienation and lack of acknowledgment, respect and understanding for their work and cultural traditions. As one religious leader stated, "It always feels incumbent on the minority to reach out; it is always hard to say, 'Oh, you forgot us.'" The arts can bridge across language, religious and cultural differences. Cultural outreach is a means to create connections and build trust in every aspect of community.

Ideas for Action

1. **Increase opportunities for programs, festivals, and collaborative series that reflect and celebrate the history, cultures, heritages, religions, and interests of all Portland citizens.**
 - Encourage opportunities for local artists of diverse heritages to develop, present, perform, and record their work.
 - Establish exhibit space to present Portland's history and to document current aspects of the community so that a wider variety of Portland's population can see their interests presented.
 - Create traveling photography exhibits of historic neighborhood photographs, and other photo documentaries such as *Expressions of Culture*, to exhibit in Portland neighborhoods.
 - Create opportunities for the continuation of ceremony, custom, music and art forms between generations.

2. **Commission work from visual, performing and heritage artists to advance Portland's reputation as a creative center.**
 - Exhibit art, crafts, and collections in City Hall and other public buildings.
 - Support an ongoing Maine Artist's exhibition program in Portland.
 - Hold an annual competition for local authors and publish the winners in a collection of short stories, essays, and poetry.
 - Support opportunities for interactive theater focused on diversity issues and indigenous theater performed in the native language.

3. **Create connections between the City's schools and traditional and ethnic artists.**
 - Connect students and emerging artists with master artists to learn traditional arts.

4. **Enable people, particularly those who have been left out, to participate in cultural events and encourage a "feeling of belonging to that world."**
 - Establish a mentoring or outreach component within community art programs.
 - Make more exhibits hands-on and performances approachable for individuals who are visually or hearing impaired, or face mobility challenges.

5. **Support a community center in the Arts District for performing and visual arts which serves all citizens and is accessible to the broadest range of artistic expression. The Center could provide space for workshops, exhibitions, performances, residencies, master classes, and mentoring programs.**

B. Develop and enhance opportunities for students of all ages to engage, create and perform with the local arts community.

Findings

"It would be great if there were more opportunities to educate adults that making art isn't just for kids," stated one respondent. Many citizens cited a need for affordable space to accommodate a range of uses, such as studios, classrooms, exhibit space, performance areas, and community kitchens. Organizations and institutions offering educational opportunities to adults frequently identified a need for teachers and mentors to teach their programs.

Educators in the public schools offer arts and culture to students in many creative ways, and teachers are using outside resources to enhance learning in their classrooms with a high degree of satisfaction. Limitations to incorporating local artists and programs into schools include inadequate funding levels for visiting artists, transportation expenses, schedule conflicts, and lack of information of local opportunities. Based on survey responses, public school teachers list the following six priorities to achieve their objectives for arts and cultural education in the classrooms: Funding, 88%; Resource Materials, 50%; Available Time, 51%; Adequate Transportation, 46%; Support for Arts and Cultural Education, 42%; and Access to Artists and Resources, 42%. Artists and cultural representatives express a desire to share their talents, arts, and knowledge in the schools and to seek assistance in forging these connections. The greatest needs are to expand funding for arts and cultural education, to share information on available arts and cultural programs, and to integrate local arts and cultural resources into the curriculum.

Ideas for Action

1. **Expand the arts' curriculum (K-12) to ensure comprehensive and multi-cultural arts education in every classroom with related after-school/Saturday/summer season activities.**
2. **Combine efforts of the Arts & Education Committee of Portland Partnership and PACA to increase and coordinate support for arts education in Portland's public schools.**
 - Create sponsorships and scholarships for young artists to pursue their arts and cultural education.
 - Update, publish and distribute Cultural Horizons.
 - Hold an open house event in the schools to introduce teachers to artists and organizations that are offering arts and cultural programs for students.
 - Develop connections with local businesses engaged in the arts to serve as mentors and as destinations for "Art to Work" field trips.
 - Integrate the Maine Center for the Blind & Visually Impaired, and the Governor Baxter School for the Deaf into the City's the arts and educational life.
 - Establish an awards program in the schools to recognize outstanding achievements in using the arts as a learning resource.
3. **Coordinate exhibits, performances and resources available at community institutions with the school curriculum.**
 - Create collaborations between museums, colleges, arts' organizations, and local schools to offer joint modules on themes such as Portland's heritage and development, the history and language of Native Americans, immigration to Portland over the centuries, or other topics using shared resources.
 - Bring more artists into the classrooms to perform, demonstrate, create, and discuss their

work.

- Coordinate the use of resources, staff and equipment between schools and use "block booking" for artists.
- Create an "arts bus" dedicated to transporting students to local arts and cultural resources.

4. **Support lifelong learning and participation in the arts for all citizens.**

- Offer more studio art classes through adult education and support the acquisition of needed equipment, such as pottery wheels and metal smithing materials.
- Inventory facilities and list physical upgrades required for the success of the arts and cultural curriculum. Match educational needs with existing local resources where possible.
- Offer recent immigrants and other interested citizens training and support to develop businesses employing their traditional arts.
- Promote and develop neighborhood mural projects, theater groups, writing groups and other creative ventures.

C. Build, sustain and expand audiences.

Findings

The relationship between artists, audiences, and arts and cultural institutions is often portrayed as a triangular model that is successful when the sides and angles of the triangle are equal. Currently, a healthy relationship exists in Portland. According to the market study conducted for A Plan for Portland's Arts District, 50% of Portland's primary market area attended a live performing arts or entertainment event within the year and 49% had attended a museum or art gallery. The study also found that 70% of the attendees are considered heavy attenders, having participated in seven or more events. Participation levels continue to increase with the Museum of Art logging its largest number of visitors during 1997, and record audiences are attending performances at Merrill Auditorium. Nonetheless, many reported limitations to participation including high ticket prices, time constraints, lack of transportation, and language and cultural barriers. Arts providers seek to improve community awareness about events, organizations and artists through clear advertising of arts offerings. Increased access and outreach will sustain these relationships and broaden Portland's audience base.

Ideas for Action

1. **Encourage broad audience participation by leveraging connections within the community.**
 - Include diverse membership in the design and presentation of community programs.
 - Build upon the creative relationship that existed for generations between the arts and religious communities, and create collaborative efforts for networking and presenting.
 - Collaborate on joint advertising and marketing, using concepts of market segmentation and person-to-person marketing, and securing free or low-cost advertising.
2. **Increase opportunities for low-income individuals, students, and families to attend museums, concerts, and arts events.**
 - Provide free tickets (expand the neighborhood access program), group discounts to community groups, discounted passes for families, and cheaper same night tickets.
 - Provide access to child care during performances.
3. **Assess the need for a 150 to 400 seat performance facility designed for traditional and contemporary performances.**
4. **Cultivate media connections to accurately inform and support positive coverage of the arts.**
 - Develop a close relationship between the arts community and the local media, including the Public Access Station, to increase exposure of local arts.
 - Community arts reporting could include a calendar of events, storytelling, art criticism, poetry, writers, record reviews, local arts news, school events, close-ups of artists and art businesses, and other programs highlighting local art and cultural activities.

D. Encourage and safeguard artists' continuing presence in the community.**Findings**

A Plan for Portland's Art District documented the presence of many individual artists, representing many arts disciplines, who expressed great interest in the City's cultural planning process. The primary interest of artists is to perform or show their work, particularly for emerging and ethnic artists. Artists interviewed or surveyed for Celebrating Community and the second edition of Cultural Horizons also seek affordable spaces to produce their work, practice, perform and live. Networking, feeling connected within the arts community, and learning from other artists are objectives of many artists.

Ideas for Action

1. **Encourage and develop live/work and work spaces for artists, controlled by artists.**
2. **Support more activity on the street and in the public realm, such as street musicians, public art, community murals, and festivals.**
3. **Provide technical assistance to artists and organizations.**
 - Help develop promotional and marketing materials, business planning, copyright law, and networking.
 - Develop a training program for the business activities of artists.
 - Support more opportunities for employment and training.

E. Improve the vitality and civic support of arts and culture throughout the city.

Findings

Portland is rich with diverse and outstanding arts and cultural organizations. The arts' industry is a major economic force as documented in A Plan for Portland's Arts District. Total direct impact of cultural spending in Portland is over \$33 million annually. Arts and cultural organizations alone spend \$21 million, including \$9.8 million in payroll each year. There are over 2,000 events annually, of which more than half are free, and the total audience exceeds 900,000 people. The Arts District is the central location for the City's cultural life; over 96% of the free events and 76% of paid admissions occur within the District. Portland's arts industry needs and deserves financial support and up-to-date information.

Ideas for Action

1. **Establish a PACA funding program to secure or to commission arts and cultural programs, created by local artists and organizations, which address identified public objectives.**
2. **Create an information clearinghouse in PACA. The clearinghouse would be a centralized and coordinated source of information for artists, cultural community representatives, teachers, citizens, neighborhoods, social service agencies, and arts and cultural organizations. The potential information to be maintained includes:**
 - Unified way of listing and accessing resources;
 - Grants information;
 - Develop an on-going referral network of arts, heritage, and cultural programs available for community groups, businesses, and schools;
 - Census of local artists, performers, musicians, and heritage artists: names, description of work, and how to contact;
 - Master calendar of upcoming events;
 - Calendar of religious and other holidays;
 - Opportunities for potential collaborations among community organizations, schools, artists, and cultural institutions;
 - Models of creative and successful projects for promoting arts and culture in communities.
 - Develop a web site/cultural map as a virtual marketplace/arts exchange tied to PACA's central clearinghouse of data, the cultural census, and Cultural Horizons.
3. **Advocate for State financial involvement in supporting arts and culture in Portland.**
4. **Expand support for Portland's Public Art Program. Educate citizens to the value of public art and offer a venue for artists and students to make and exhibit public art.**
 - Designate site(s) for continuous installations of temporary and experimental sculpture.
 - Create a master plan for public art, identifying and prioritizing key locations for potential public art projects.

F. Apply arts and cultural solutions to the community's social issues.

Findings

Many of Portland's community service agencies offer arts and cultural programs for their clients. There are unmet needs and opportunities for enrichment of these programs. Sometimes agencies have program ideas to carry out, resources and space to be used, and client issues to be addressed through arts and cultural programming. A teen center and programs/activities for youth were recommended by neighborhood leaders and social service organizations. These findings correspond with the recommendations of City's Task Force on Youth Activities, which has resulted in Portland's Park and Recreation Department securing City funding for a teen center and a skateboard park. Creative expression can provide an appropriate outlet for youth to process the stress and tensions of urban life, and can help them develop self confidence and respect for others.

Ideas for Action

1. **Develop more opportunities outside school for youth, particularly low-income students and children with special needs, to see, experience, and participate in visual, performance, and heritage arts.**
 - Create programs to actively engage youth in the arts through opportunities to sing in a chorus, to take music lessons, to learn a craft, to write a play, or to participate in other arts and cultural endeavors.
 - Provide programmatic support for a teen center.
 - Establish a community arts center in the St. Lawrence Church to reach out to youth at risk and engage them in arts and cultural programs and skill building.

2. **Work with human services/social service agencies to expand arts programs for all and to address community issues and special needs of citizens.**
 - Expand volunteer opportunities for art students to work with various groups in the community using the arts as a learning tool.
 - Use community service newsletters to distribute information regarding arts and cultural events, potential collaborations, and programs/services.
 - Book a monthly art activity or program that travels to local social service agencies.
 - Use the arts as a bridge to connect new and established racial and ethnic groups, and as a safe expressive outlet for the stresses and tensions inherent in a changing social fabric.

G. Strengthen neighborhood identity through cultural programming and create connections between neighborhoods and the Arts District.

Findings

A survey distributed at the City's neighborhood meetings revealed that the sense of community and level of neighborhood activities are well defined in particular neighborhoods and islands, but lacking in other neighborhoods. Community leaders seek arts and cultural programming to address cultural needs and to build a sense of community in neighborhoods. Transportation is a limiting factor for many neighborhoods, community groups, and public school classes. Full participation in the City's arts and cultural life also requires overcoming the obstacles of cost, availability, scheduling and fear of the unfamiliar.

Ideas for Action

1. **Create a City-wide approach where both neighborhoods and the Arts District are venues for heritage, performing, visual, and public art projects.**
 - Develop arts and cultural centers in every neighborhood by creating partnerships with existing facilities (schools, public buildings, churches, parks, storefronts, etc.).
 - Expand the hours of the public libraries, and increase the use the schools and parks for community events and art programs.
 - Identify opportunities to merge neighborhood activities with arts and cultural events in the Arts District.
 - Organize an
 - Artmobile (like a bookmobile) to take art programs into new locations.
 - Sponsor arts and cultural activities, performances, concerts and exhibits in the neighborhoods.
 - Encourage arts and cultural organizations in the Arts District to develop activities in the neighborhoods.
2. **Improve transportation access to arts and cultural venues throughout the City.**
 - Coordinate METRO's schedules with events to meet the particular needs of youth, families, and elderly citizens.
 -
 - Collaborate between cultural institutions and METRO to create a fare and ticket program targeted to students and their families (e.g., Saturday matinee package deal for family of three or more).
 - Improve transportation access from the ferry to the Arts District.
 - Provide an art bus or trolley to take people to the locations where arts and cultural events take place.

NEXT STEPS

Celebrating Community is filled with exciting and imaginative ideas for action; it is an ambitious blueprint for dramatically increasing the variety and number of arts and cultural activities and projects throughout Portland. The question, of course, is WHO will do this? Some of the potential players include:

Portland Arts and Cultural Alliance:

PACA will take the lead in implementing this plan. Its members include arts and cultural organizations, educational groups, businesses, and individual artists. Established as Portland's local arts agency in 1997, PACA has already undertaken an ambitious agenda to strengthen and support arts and cultural organizations and activities in the city. With this plan, PACA can move forward in developing community arts programs.

City of Portland:

The City has shown true leadership in the conception and development of the Arts District Plan and this Community Cultural Plan, and has supported these efforts generously. The City will continue to play an important role in implementing this plan. Particular areas of city government which can play a significant role in this plan include the Planning Department; Parks and Recreation; Economic Development; Community Policing; Housing and Community Development; Portland Housing Authority.

The Portland Partnership and the Portland School Department:

The Portland Partnership, and its Arts in Education Committee has the important role of linking the arts community to the schools. It sponsors an annual arts mini-grant program to support innovative arts projects in the classrooms and works with PACA on several joint projects. The Portland School Department will continue to be involved in community arts through the Portland Partnership as well as through PTO groups, school administrators and, of course, the teachers themselves.

The Portland Public Arts Committee:

The Public Arts Committee, a volunteer citizen committee appointed by the City Council, has the charge of overseeing Portland's Percent for Art program in the city, and developing a public arts plan. Recently reinigorated, the committee will take an active role in implementing aspects of the cultural plan.

The Community:

PACA and its partners can not implement Celebrating Community alone. While taking the lead in some areas, PACA will work to foster collaborations and partnerships with other interested groups. These collaborations can share resources to create projects suited of the needs and desires of communities. PACA will also provide technical assistance and advice, developing an information clearinghouse that will serve all constituencies. Just as this planning process relied on a grassroots approach to gathering ideas, so too will the implementation depend heavily on the participation of the many formal and informal community groups in the city.

Everyone is invited to get on board and get things going: neighborhoods organizations; community, cultural and heritage groups; religious organizations of all kinds; social service providers; youth organizations; informal groups of neighbors! We ask you to read this plan, see what excites you, talk with other interested people, come up with new ideas. Community arts need to spring out of the communities themselves. Come to PACA for information, advice, and assistance. Together we can make Portland one of the liveliest arts and cultural cities in America!

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

I. Review Criteria for Proposed Gifts of Art to the City Public Art Collection

Introduction:

From time to time, the City of Portland receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These are generous and much appreciated gestures to the citizens of Portland, and they often represent substantial investments of time, resources, and effort on the part of donors. However, installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Portland's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Portland, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Portland Public Art Committee is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review committees may also need to render a subsequent recommendation. After reviewing a proposal of artwork, the Portland Public Art Committee makes a recommendation to the City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in these guidelines limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Portland Public Art Committee, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Portland Public Art Committee will review potential gifts of art with regard to:

- Appropriateness of the gift to the City's Public Art Collection,
- Quality of design, materials and construction of the proposed gift, and
- Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.

Summary of the Review Process:

1. Potential donor discusses with the Planning Office at the inception of the idea of donating artwork to the City's Public Art Collection. A staff person from the Planning Office will be designated to work with the potential donor throughout the review process.

2. Potential donor works with Planning staff and the Public Art Committee to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.
3. Once the Portland Public Art Committee has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.
4. The Portland Public Art Committee reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Committee will schedule a Workshop at its next regularly scheduled meeting, or as requested by the potential donor.
 - a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., the Friends of the Parks for park sites, or the Historic Preservation Committee for sites in an historic district), the Planning Office will assist the potential donor in scheduling a review by the other review bodies. After recommendations are received from other review bodies, if any, the Planning Office will forward the recommendations from those review bodies back to the Portland Public Art Committee for consideration.
5. If the application is determined to be complete at the Workshop, and once other appropriate review bodies, if any, have rendered a recommendation, then a Public Hearing will be held at the next regularly scheduled meeting. At the Public Hearing, the Portland Public Art Committee will vote to make a recommendation to the City Council as to whether to accept or not accept a proposed gift. Potential Donor's offer to the City Council for review and acceptance. The submission to the City Council will include designs, plans and supporting documents reviewed by the Portland Public Art Committee, as well as the recommendation from the Portland Public Art Committee and recommendation(s) from other appropriate review bodies, if any.

Criteria for Review:

1. The potential donor will meet with the Public Art Committee to review the appropriateness of the gift. The proposed donation of artwork must be of appropriate theme, character, and design for public display, and must be consistent with the objectives of the Portland Public Art Collection. The Portland Public Art Committee will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Committee that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.
2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively

low maintenance. It should retain its intended appearance and function over a substantial period of time.

3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising.
5. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.
6. The Portland Public Art Committee will work with the donor and/or the artist to integrate a Portland Public Art plaque into the site
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Portland Public Art Committee, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.

Glossary of Terms

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

Memorial - A commemorative monument established to preserve the memory of a person, place or event.

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service.

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artists or collaborative design teams occasionally design functional objects or site amenities:

Theme - The subject or message of an artistic work.

AH.2.4

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

II. Guidelines for Selecting Artwork for the Public Art Program, and Guidelines for Selection of Artists for Commissioned Artwork for the Public Art Program

Introduction:

The Portland Public Art Committee presents an Annual Art Plan to the City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commissioning of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Committee will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Committee. The Public Art Committee will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Committee will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

Summary of Artwork Selection Process:

1. A project is identified in the Public Art Committee's Annual Art Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Committee appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Committee regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Committee and planning staff will manage the project through installation.

Artist/Artwork Selection Procedure:

A. ESTABLISHMENT OF THE ARTISTS/ARTWORK SELECTION PANEL

1. The Public Art Committee will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
2. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Portland Public Art Committee. The number of voting panelists and composition of the panel may be different depending upon the size and

complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by the Public Art Committee can participate on the panel. The Public Art Committee member will chair the Panel. If the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.

- 3. Community involvement is encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.
- 4. Before the first meeting of the Artist/Artwork Selection Panel, the Public Art Committee shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Committee for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Committee has taken final vote.

B. ARTISTS/ARTWORK SELECTION METHODS

The Public Art Committee will identify in the Annual Art Plan one of the three following methods or combination of methods in selecting a public art project:

- 1. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:
 - a. No more than five slides each of four different pieces. Slides must be submitted in a clear plastic slide display sheet. Each slide should be numbered and marked with the artist's name and the title of the work.
 - b. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.
 - c. Resume and references from previous similar projects.
- 2. Open Competition: The project and request for qualifications shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter. Artists will be required to submit the following qualifications:
 - a. Resume and work history
 - b. Slides of previous work
 - c. Conceptual approach statement (1 page max)
 - d. References from similar previous projects
- 3. Invitations or Limited Competition
 - a. A limited number of artists are chosen directly from the Maine Arts Commission's Artists Registry or some other source and are invited to prepare proposals in the same manner as the Open Competition method.

C. ARTIST/ARTWORK SELECTION RULES

- 1. The Artist/Artwork Selection Panel and/or the Public Art Committee may ask for

additional information before selecting finalists. Artists selected as finalists are generally paid a design fee for submission of a final proposal, which may include a model, drawings, photographs or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.

2. Conflicts of Interest: Public Art Committee members or Artist/Artwork Selection Panel members shall abstain from voting when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.

3. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non-selected artists will be informed of the final artist/artwork selected when entry materials are returned

D. ARTIST/ARTWORK SELECTION CRITERIA

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

1. Artwork

- a. Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, placement, and appropriateness in theme and character as determined by the Public Art Committee.
- b. Elements of Design: The Artist/Artwork Selection Panel and the Public Art Committee will take into account the fact that, as differentiated from works in a museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.
- c. Style and Nature: Work of any style or nature which are appropriate for the public art collection and responsive in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
- d. Media: All forms allowed by ordinance may be considered.
- e. Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.

2. Artists

- a. Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Committee, staff, and community.
- b. Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition the ability to develop specific drawings of the artwork placed at the site will be required. (See Guidelines III)
- c. Technical Feasibility: The artist must be able to demonstrate his technical ability to complete the project proposed.

Glossary of Terms:

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

**City of Portland, Maine
Portland Public Art Committee
GUIDELINES**

III. Requirements for Design Documentation for Review of an Art Project, and Requirements for Project Records

Introduction:

The Portland Public Art Committee must review all permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to insure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Committee and staff are responsible for developing and maintaining permanent records regarding the public art collection. These Guidelines outline the requirements of documentation to be provided by an artist, his representative(s), and/or their collaborator(s) in order to insure a thorough review.

Requirements of Documentation for Review, and Project Records:

1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, it Public Art Committee may require that the artist retain the assistance of a professional architect, landscape architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Committee's archives. The Public Art Committee will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.

- A. Conceptual Design:
 - 1. Concept drawing(s) at an appropriate scale
 - 2. Site context drawing(s) at 1" = 20' or other scale as appropriate
 - 3. Working model, perspective sketches, and section and/or elevation drawings as appropriate

- B. Existing Conditions Site Survey for Location of Proposed Art:
 - 1. Proposed site or site alternatives
 - 2. Existing topography, context, vegetation
 - 3. Spatial and scale relationships
 - 4. Historic context

- C. Design Development
 - 1. Response to context and historic character of the site
 - 2. Proposed grading, site work, and proposed restoration of same
 - 3. Proposed construction and site materials including details/amenities
 - 4. Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
 - 5. Review of liability issues (public health, safety, welfare)
 - 6. Review of safety/security issues

7. Review of ADA accessibility standards

- D. Construction Drawings and Specifications:
 - 1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site
 - 2. Planting plan and plant list, and
 - 3. Lighting plan, and plans of electrical and mechanical elements
 - 4. Installation details, catalog cuts, and specifications for all additional amenities
 - 5. Written Specifications
- E. Proposed Schedule (all elements to be coordinated with City staff:
 - 1. Design documentation and review schedule
 - 2. Fabrication and installation schedule
 - 3. Maintenance schedule
- F. Additional Documentation:
 - 1. Artist's statement and/or interpretative narrative regarding proposed public art project
 - 2. Artist's resume
 - 3. Photographic documentation of process and/or product through and including final installation

2. In addition to the documentation listed above, the Public Art Committee shall maintain record files on each project that shall include, but not limited to, the following:

- A. Contract(s) with the artist(s) engaged in the project.
- B. Record of the Committee hearing on the project.
- C. Interdepartmental agreements relating to the siting and/or implementation of the project.
- D. Correspondence and memoranda relating to the project including media coverage.
- E. Record of all billing made in connection to the project

MERRILL MARINE GATEWAY, INC.
C/O GIANBRO CORPORATION
60 CASSIDY POINT DRIVE
PORTLAND, ME 04102

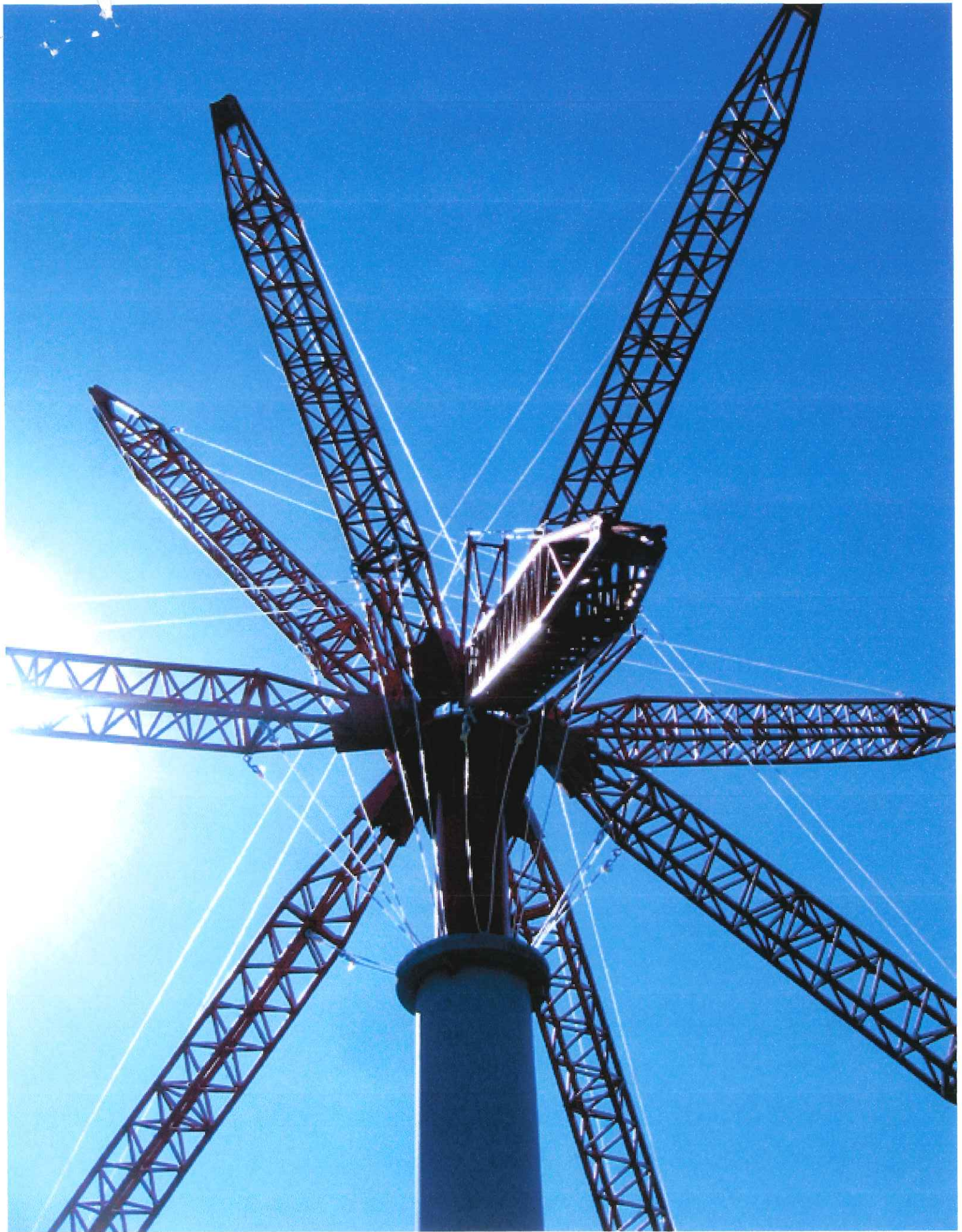
Proposed Zoning Change for Public Art Height

September 16, 2008

Background Prominent Portland businessman, P.D. Merrill died unexpectedly in February, 2007. A group of friends and associates came together to develop a project to honor his many contributions to the Portland community and conceived a public art project to be located at the end of the Veteran's bridge, near Merrill's Marine Terminal. The group approached the City Council in September, 2007 for its support for this project, to be placed on public land. The Council gave its support and Merrill Marine Gateway (MMG) has been working actively on the project since that time, including several workshop meetings with the Public Art Committee to be sure that MMG understands and can meet the City's guidelines for Public Art.

Design The site is a major gateway to the City and it is also a major challenge, due to the complicated traffic pattern and the speed and volume of traffic through the area. As he has addressed these factors, the artist Aaron Stephan's creativity has been constrained by the existing zoning height limitation of 45 feet. He has proposed, and the project's sponsors believe, that a greater height for his sculpture would better suit the site. This can be considered, however, only if the City Council, with the benefit of a recommendation from the Public Art Committee, has the ability to weigh a greater height than allowed by the underlying zoning.

Policy In considering this specific problem, it raises the policy issue of the benefits of flexibility on height limitations for public art in non-residential zones. Public art, especially in gateway locations, could respond creatively to the site context and allow consideration by the Council, through public process, of a proposed project not constrained by zoning height limitations. We propose that a zoning text change, as drafted by Planning Staff, provide the opportunity for the Council to consider and approve public art projects which demonstrate a positive contribution to their context, notwithstanding zoning height limitations



MISC1



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

cc: Kenny Little ✓
Kathie Earley
Bill Clark

JOHN ELIAS BALDACCI
GOVERNOR

September 11, 2008

DAVID A. COLE
COMMISSIONER

Mr. Joseph E. Gray, Jr., City Manager
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear ~~Mr.~~ ^{Joe} Gray:

I am replying to your letter dated February 21, 2008 concerning P.D. Merrill Monument. It is nice to be able to pay tribute to community members who serve their communities well.

I understand that since your last letter, the group has decided to relocate the monument to the triangular island between West Commercial Street/Valley Street and Danforth Street. My staff thinks this location is much better suited for the location of the monument and with that being said, the Department can commit to transferring this parcel to the City.

The Department believes it will be able transfer upon resolution of the following issues:

- 1) The monument is located in a position where if the structure were to fail, would not fall into the roadway (MaineDOT to approve location)
- 2) In addition to the triangular parcel, MaineDOT will also transfer Danforth St. to the City. This will provide for monument parking off of a City street and prevent the triangular parcel from being landlocked between three state highways.
- 3) The design of the monument is stamped by a professional engineer
- 4) The transfer will occur before construction, but after fund raising efforts are substantially complete so as to avoid needless legal work.

To further facilitate this project, MaineDOT will agree to provide boundary survey and the legal work for the real estate transfer.

Good luck with the design and fundraising. If you have any questions regarding this issue, please contact Stephen Landry, Assistant State Traffic Engineer by phone at 207-624-3632 or via e-mail at Stephen.landry@maine.gov.

Sincerely,

David A. Cole
Commissioner

RECEIVED

SEP 19 2008

City of Portland
Planning Division

DAC/SRL/sas
844997-DAC



PRINTED ON RECYCLED PAPER



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

MIKE ROBBIN

JOHN ELIAS BALDACCI
GOVERNOR

DAVID A. COLE
COMMISSIONER

September 12, 2008

City of Portland
Attn: Joseph Gray – City Manager
389 Congress Street
Portland, Maine 04101-3503

RE: Portland – Project #STP-1054(400)x, Pin #010544.00

This is to advise you that the Maine Department of Transportation awarded a project for the above referenced project. The Contractor on this project is Maietta Construction, Inc., 154 Pleasant Hill Road, Scarborough, Maine 04074.

The Resident representing the State of Maine, Department of Transportation is John Mayol, who will have a field office at this site, but can be reached thru his cell phone #415-6603.

Residents and property owners adjacent to this project may contact John Mayol regarding construction activities, or for obtaining information in connection with this project.

In the event that our Resident cannot be contacted at the project site, you may contact me, Shawn Smith, Project Manager, at 624-3504.

Sincerely,

Shawn Smith
Project Manager
Highway Program

cc: John Mayol, Resident
Jeff Tweedie, Assistant Project Manager
Project File

F5b.doc



PRINTED ON RECYCLED PAPER

BOOM Q&A

Scale/Size

- ▶ What are FAA height limitations for this area?

We have contacted the FAA. The work is well below their 125 ft. height limitation for the area.

- ▶ Is the model to scale?

No, it is a "concept" model. After further development of engineering specifications I will develop a scale model to refine issues of aesthetics and function.

- ▶ Is the height measured from the bottom of the base?

With the new height, the highest point of the work measures 60 foot from ground level. — base is flush w/ ground - possibly... Greg Day

Concrete base

- ▶ What are the materials for the circular base?

Concrete

- ▶ Will the large concrete base will be under or above ground?

The foundation will be below grade (underground) with only the circular column showing above ground

- ▶ Will the concrete be colored?

No. The work needs the contrast of the concrete's neutral tone to help it remain pristine, clean, and simple.

- ▶ The lowest crane element needs to be raised to remove any possibility that it can be climbed.

The lowest element will be twelve feet from the ground (see diagram).

- ▶ Will it be conducive for skateboarding?

This will be considered during the designing of the landscape. Surfaces can be notched to discourage skateboarding.

Lighting

- ▶ What are the needs for lighting? Does up-lighting contribute to light pollution?

We will be consulting with a lighting specialist. There are many lighting options that can address light pollution and problems with vandalism. (Greg Day lights cons. (1/24))

- ▶ Could the piece be illuminated in some other way, perhaps by stringing the cables with LEDs (possibly with changing colors), to be lit at night?

*115 as proposed.
200' above sea level*

No. It must remain clean and pristine. Anything addition to the work that pushed it closer to a theme park or advertisement will diminish the work and its impact – I believe the work can rely on its own beauty and form.

Maintenance

- ▶ How well will it stand up over time?

If the maintenance plan is followed, the work will last for hundreds of years.

- ▶ A conservator should be involved as soon as possible, to assure that maintenance considerations are given full attention.

We will look into this.

- ▶ Repainting is seen as the largest maintenance issue.

Yes - and checking cables for safety and replacing them if necessary. The major advantage is that there is precedence for all of this. There are industry standards and standardized maintenance schedules used in bridge and crane maintenance (with safety and longevity being the biggest concerns) that we can easily apply to this project. Additionally, there is no-one in Portland more able to address these concerns than Cianbro and Merrill Corp.

- ▶ If the cables and bolts are stainless steel, they will require less maintenance.

There will be practically no bolts. The cable materials will be chosen by the engineers. Stainless is not as strong as steel and does degrade quickly near the ocean, but might be a possibility. Once again, there is precedence for this.

- ▶ Special attention must be paid to areas that can catch water and rust.

The entire work will be constructed from tubular steel and welded rather than bolted. This is the most efficient way to shed water to avoid undue deterioration.

- ▶ Benches around sculpture seem superfluous, as the best impression of the piece is from a distance.

It is important to have a distant relationship to the work (the over-all picture) while also having an intimate and personal relationship to the piece. This way the work maintains two distinct aspects – one that represents Portland and its community and the other allowing this community to develop a personal relationship with the work. In this way there are two pieces – the iconic and the personal. Benches are important in this schema allowing members of the community to have a relationship with the work in a more casual environment.

- ▶ Should benches be added to the Anchor area?

A possibility that we will take into consideration as the landscape design is developed.

Public interaction

- ▶ Will it really draw pedestrians?

The goal is to do this – so, once again, there can be an intimate relationship with the work and create a new gathering place in the city. The entire landscape design will be geared to provide a safe, inviting, and relaxing environment to make it welcoming for visitors.

- ▶ How can safe crossing be assured?

The new location for the sculpture and additional parking will provide easier and safer access to the site. In this plan, pedestrians can approach via the existing sidewalk from the West End Neighborhood and Commercial Street. Approaching from the St John Street area will require crossing on Danforth Street which is off of the major intersection point with much less traffic.

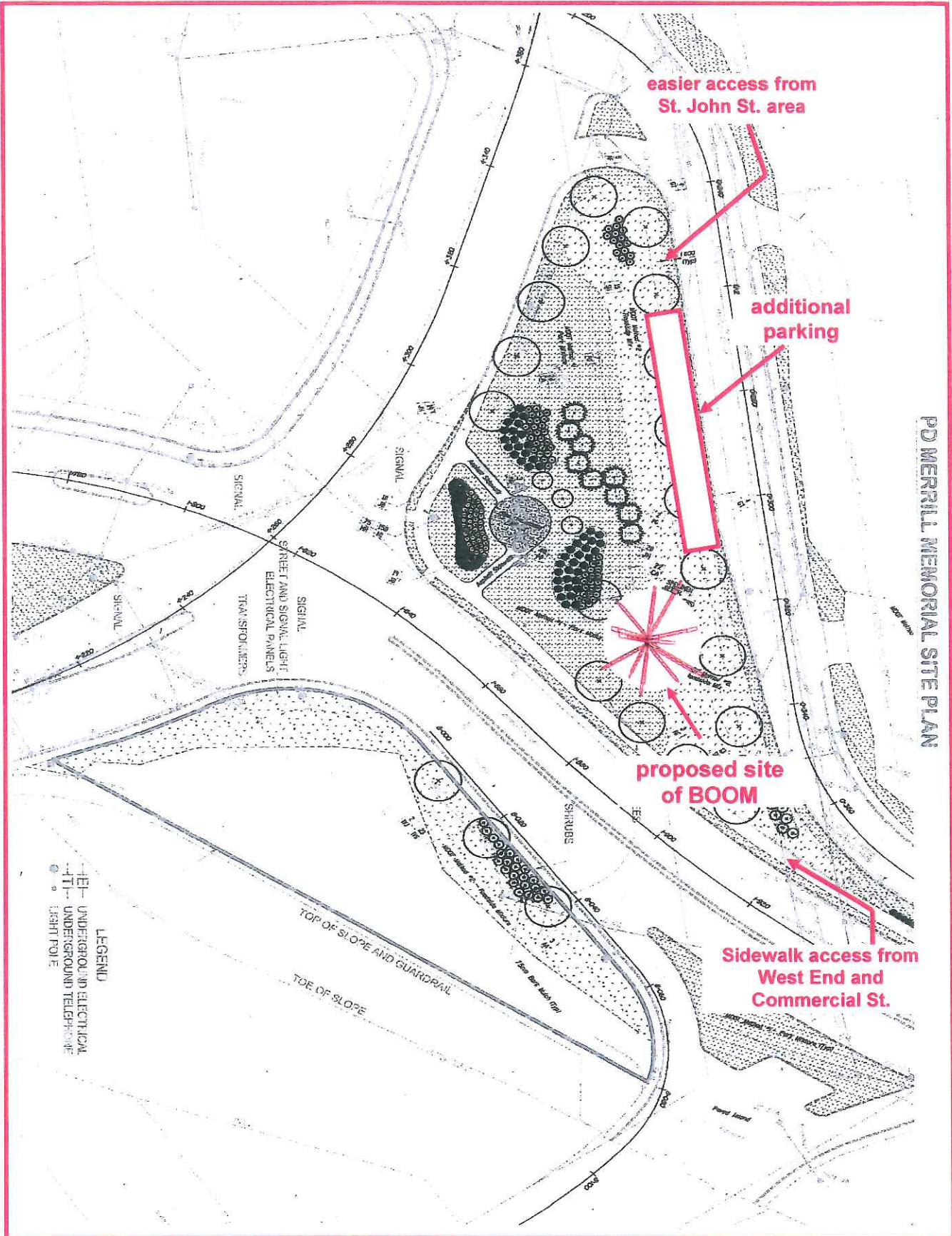
- ▶ Will the four trees shown at the edge of the site obscure view of the sculpture when coming from West Commercial Street?

The landscape plan strategically separates experiencing the piece as a whole (from far away), and developing an intimate relationship with the work (from up close). We will use the same strategy in developing the new landscape plan.

- ▶ What kind of trees are proposed?

- ▶ How tall will they grow?

T.B.D.



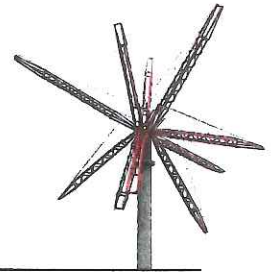
BOOM revised site plan



BOOM scale image - 60 ft. version

BOOM

AT PD MERRILL MEMORIAL PARK



Specifications (revised 7/14/08 for 60 ft. height)

Foundation

- Reinforced underground concrete foundation
- 72 in. dia. concrete base above-ground rising to 26 ft. tapering to 60 in.
 - base to be topped with a concrete ridge to prevent vandalism
- 24 in. dia. structural steel cylinder will attach to concrete base extending 10 ft. to the centerpiece of cranes.
- Cranes will extend from a steel reinforced disc three foot in diameter and reinforced around the edges.

Crane Components

- Main crane frames : 3 1/2 in. dia. O.D. steel structural tube
 - Length of each crane will vary from 23 – 30 ft.
- Crane cross bars: 2 in. dia. O.D steel structural tube
- Fabricated end supports and mounts: ¼ inch steel sheet
- All joints will be welded (pivot on base mounting plate will be locked in place via bolts)
- Cable: ½ dia. galvanized steel cable (poss. stainless steel)

Completed Work

- Height: 60 ft.
- Width: 50 ft.
- Lowest distance from grade: 12ft.
- Finish: Red Fluoropolymer Urethane (sprayed)

Specifications are estimates only. In the event that the proposal is accepted, the artist will consult with an engineer to supply specific structural specifications for the artwork.

Maintenance

The work will last indefinitely. The surface will need to be repainted every twenty years. Cables and joints should periodically be checked for safety and repaired when necessary.



BOOM

Lighting

P.D. Merrill Marine Gateway
Aaron T Stephan
April 2008

Boom Lighting Scheme

- The light source is a long-life halogen narrow spot easily obtained through most electrical distributors.
- The lights will be on dimmers. Dimming 20% will, on average, double the life of the light source giving us more than 12,000 hours - better than a fluorescent lamp (averaging 8 hours per evening, 365 days per year would give 4 years of life).
- Locating all or most of the lights at the base will make maintenance easier.
- If the light of a particular "boom" causes problematic glare we have the option of putting the light at the other end - since we are controlling the light in such a careful way this shouldn't be necessary.
- Dimming also gives us great flexibility to adjust the light intensity to give the best balance between seeing the sculpture and keeping any excess brightness to a minimum.

THAN DRAWING
OF STRUCTURAL DESIGN

MINIMAL LIGHT
ESCAPES

SLIGHTLY
LARGER END
PLATES ACT AS
LIGHT CONTAINERS

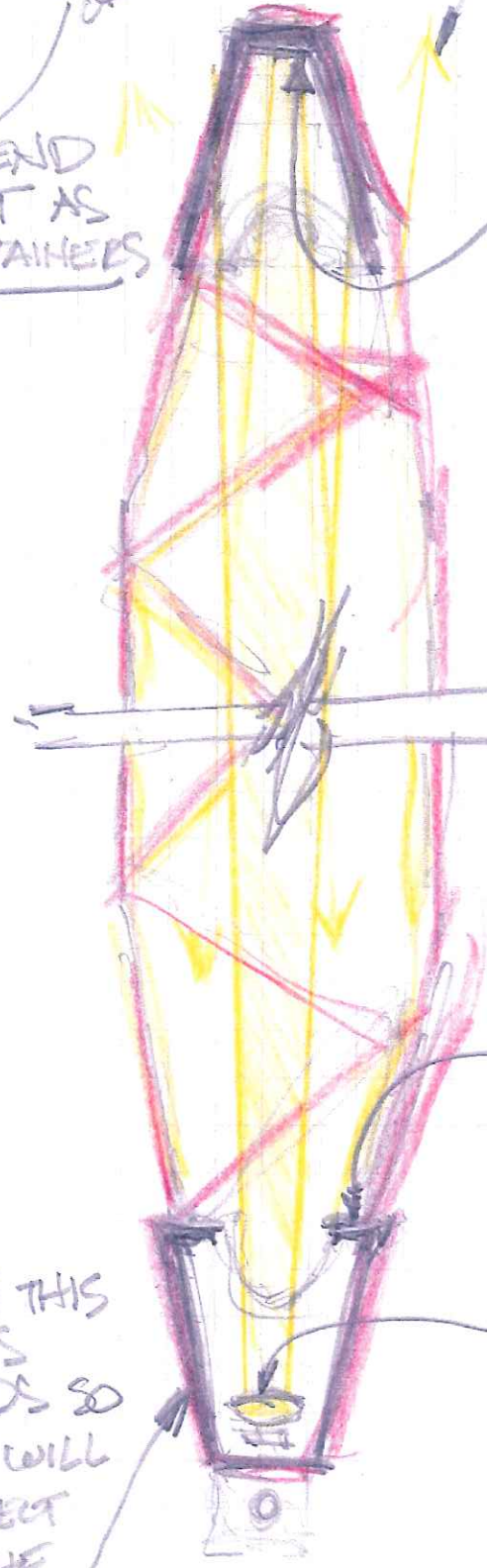
POLISHED STAINLESS
STEEL OR ALUMINUM
PLATE REFLECTS
LIGHT BACK TOWARD
SOURCE

I LOVE THE "POETRY"
OF THE LIGHT
BEING CONTAINED
WITHIN THE BOOMS
& CONTINUOUSLY
BOUNCING BACK
UPON ITSELF.

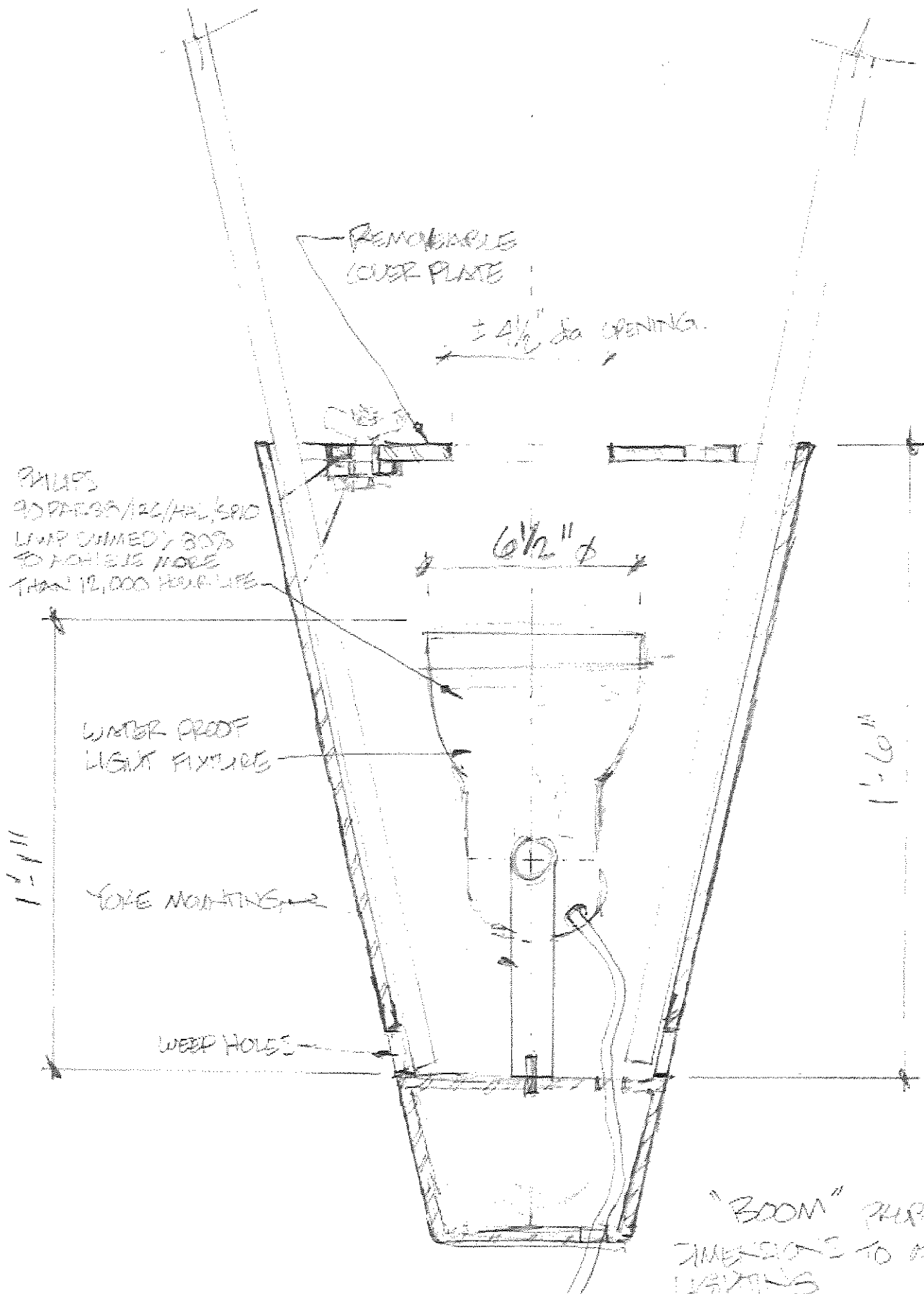
POSSIBLE SHEET STEEL
RETURNS TO FURTHER
SHIELD LAMP

END PLATES THIS
SIDE ACT AS
LAMP SHIELDS SO
THAT NO ONE WILL
SEE THE DIRECT
GLARE OF THE
LAMP

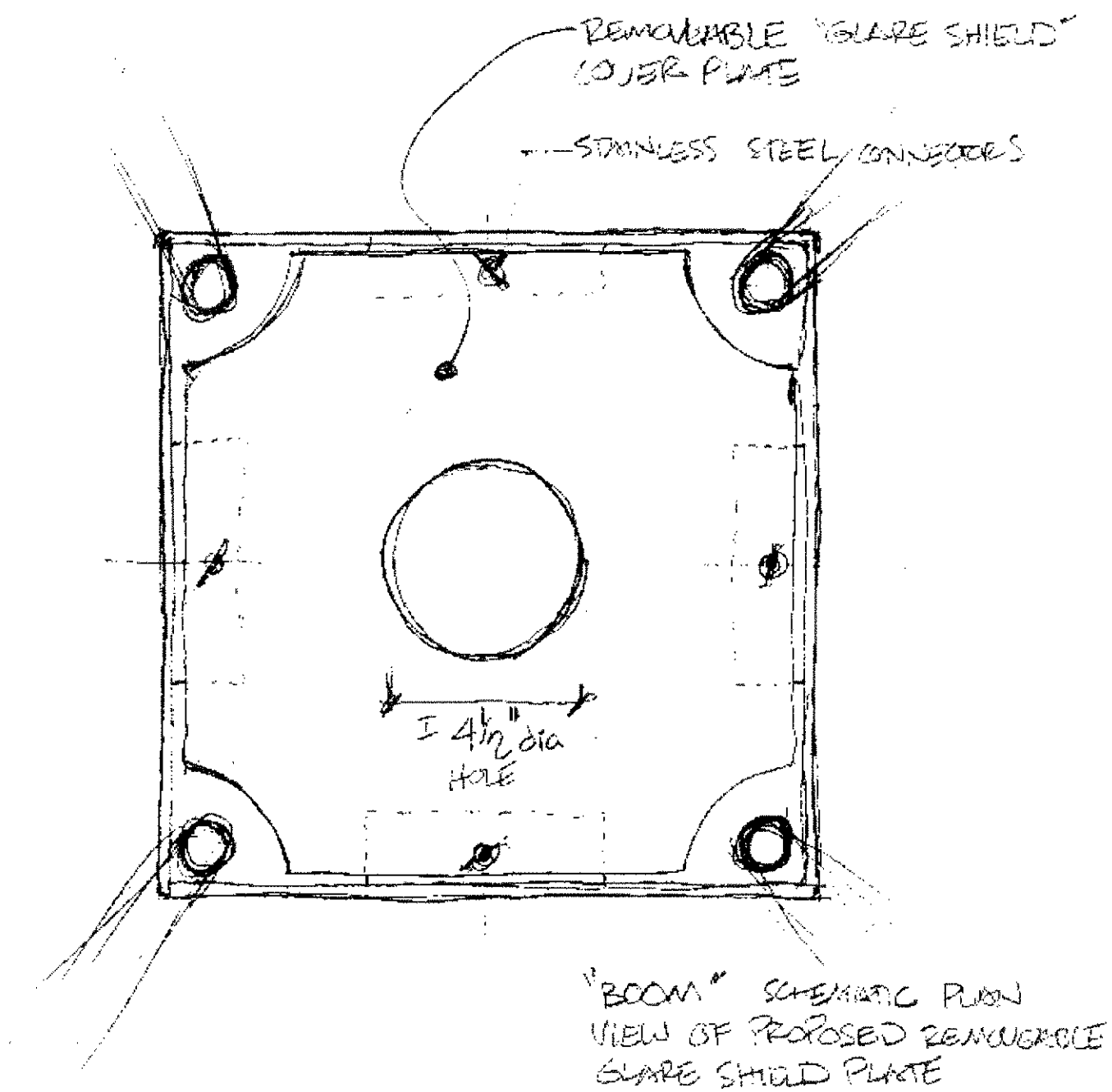
INCANDESCENT OR
METAL HALIDE
VERY NARROW
SPOT LAMP.
THE LOWEST
WATTAGE POSSIBLE.



[Signature] 17 JULY 08



"BOOM" PURPOSE DIMENSIONS TO ACCOMMODATE LIGHTING



REMOVABLE "GLARE SHIELD"
COVER PLATE

---STAINLESS STEEL CONNECTORS

1 4 1/2" dia
HOLE

"BOOM" SCHEMATIC PUNCH
VIEW OF PROPOSED REMOVABLE
GLARE SHIELD PLATE

CREG DAY 21 MAR 08



BOOM

PD MERRILL MARINE GATEWAY PROJECT



Specifications

Foundation

- Reinforced underground concrete foundation

Central Support Column

- 48 in. dia. x 264 in. concrete column topped with a 56 in. dia. 6 inch thick concrete ridge. (this could also be made from steel)
- 32 in. dia. x 126 in. structural steel cylinder attached to top of concrete column via a bolted flange.
- All booms will extend from a steel mounting plate. The 72 in. dia. mounting plate will be constructed from 1 in. steel plate.
- Mounting plate will be reinforced with 10 steel support brackets. Each bracket will be constructed from ½ in. steel plate.
- All boom mounts will be constructed from ½ in. steel plate (reinforced as necessary).

Boom Components

- Main boom frames : 3 1/2 in. dia. O.D. steel structural tube
- There will be ten booms in total. Four will measure 26 feet in length, four will measure 30 feet in length, and Two will measure 32 feet in length.
- Boom cross lattice: 2 in. dia. O.D steel structural tube
- All pipe joints will be notched to fit and welded.
- All open pipe ends will be capped and welded

Cable

- Cable: ½ dia. galvanized steel cable

Completed Work

- Height: 63 ft.
- Width: 60 ft.
- Lowest distance from grade: 12ft.
- Color: red

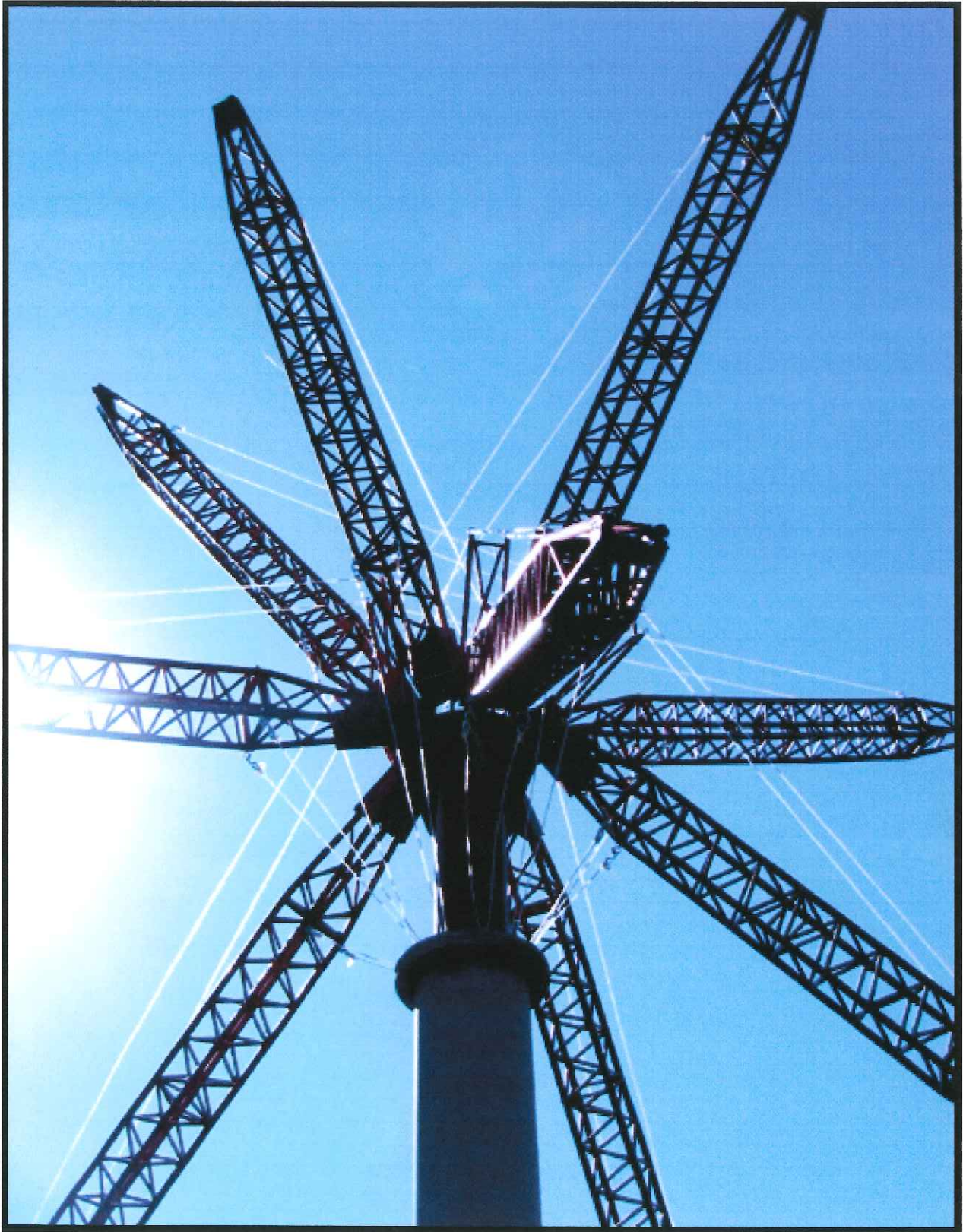
Lighting

- low watt halogen (on dimmer)
- located inside central end of each boom

Other

- A sonic bird deterrent will be located on the central column









P.D. Merrill Planting Concept

Sebago Technics
Engineering Expertise You Can Build On

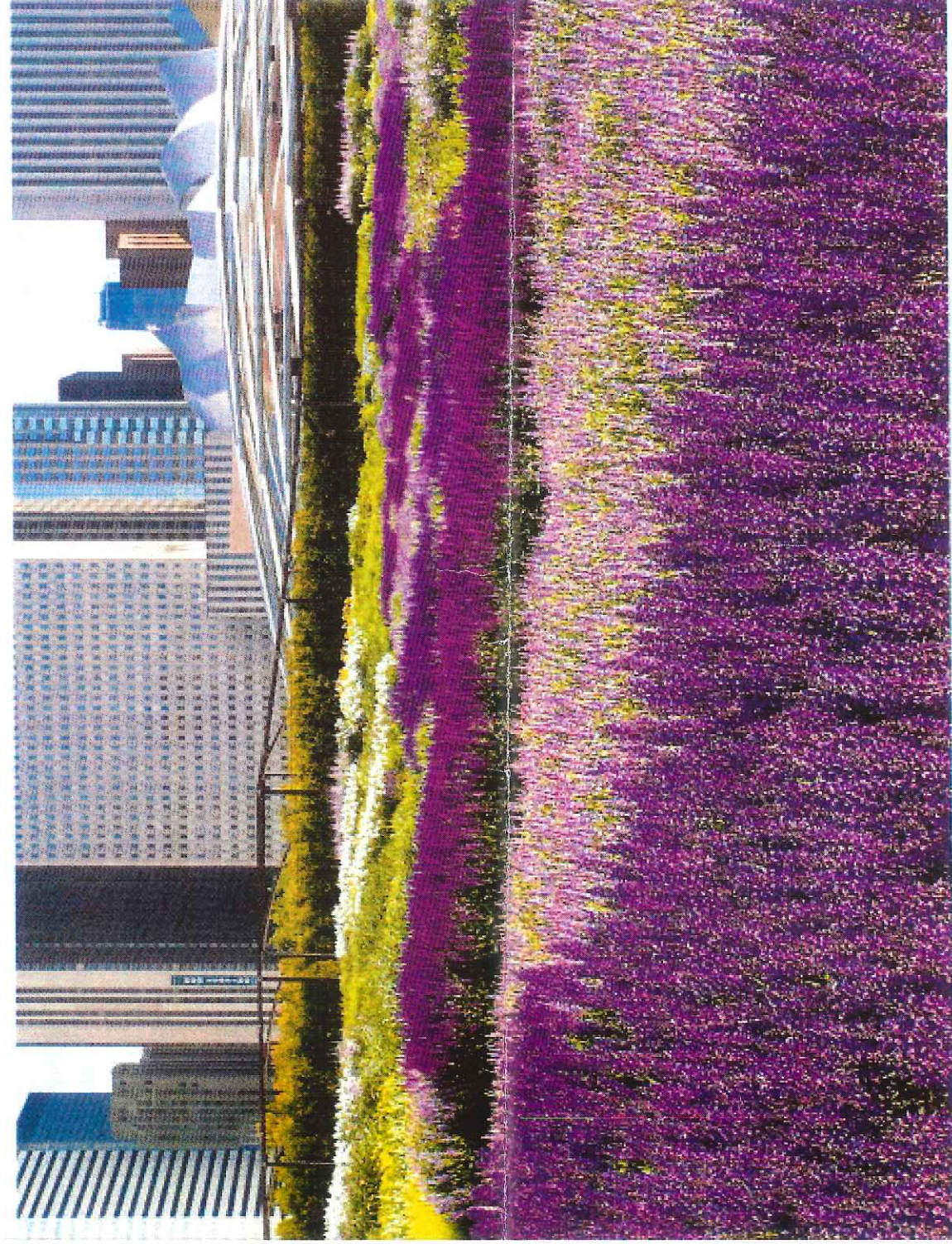


groundbreaker

LANDSCAPES BORN OF CLAY

KATHRYN GUSTAFSON: THE ORGANIC FORMALIST

STORY BY WADE GRAHAM



Left: Gustafson's Seattle-based firm Gustafson Guthrie Nichol Ltd. designed the Lurie Garden at Chicago's Millennium Park. The Lurie is the winner of the 2008 ASLA Award of Excellence in the General Design Category. **Above:** Gustafson herself is the recipient of this year's ASLA Design Medal, in recognition of her more than 25 years of accomplishments.

THE FIRST THING THAT STRIKES YOU ABOUT A KATHRYN

Gustafson garden is the liveliness of the ground: It swoops, folds and falls in mounds, banks, crevices and sinuous curves. Covered in close-cut grass or billows of perennials, her landforms feel like nature, like walking through a landscape of undulating meadows, seamed with slowly flowing water. But you're likely to be walking over a concrete parking garage, artfully concealed, since many of her landscapes mask huge urban infrastructure projects.

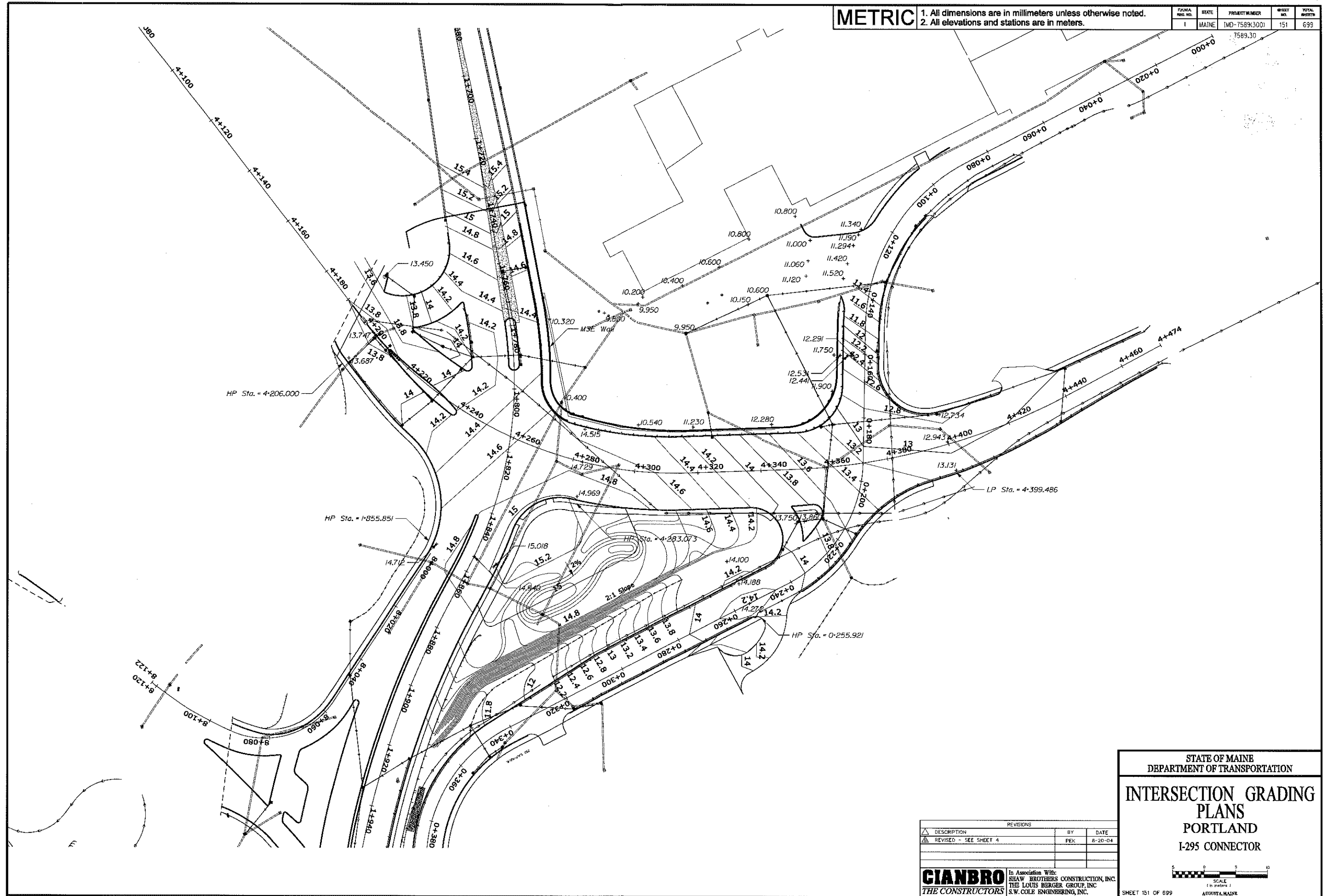
Best known for such publicly acclaimed projects as the Lurie Garden in Chicago's Millennium Park, the Diana, Princess of Wales Memorial Fountain in London's Hyde Park and Square of Human Rights in Evry, France, the work of Gustafson and her collaborators

is the perfect synthesis of post-post-modernist public-landscape architecture: the shaped ground planes, the sophisticated plans with intersections of panels of water, grass and stone with trees and paths laid out in carefully calibrated curves.

But for all the ambition and scale, Gustafson routinely achieves something most of her contemporaries miss: a certain paradoxical modesty and human scale, no matter the size and expense of the project. Her design moves are rarely heroic, or rhetorical, but rather are meant to wow with technical prowess. The garden-ness of her landscapes is simpler, more convincing and more naturalistic, and because of this, they can provide more satisfying and personal experiences of outdoor space. And experience is at the heart of Gustafson's design philosophy.

PROJECT DESIGN ENGINEER	BY	DATE
DESIGN-DETAILED	PEK	2-27-04
CHECKED	J.M.	2-27-04
REVISIONS		
FIELD CHANGES		

PLANS



METRIC 1. All dimensions are in millimeters unless otherwise noted.
2. All elevations and stations are in meters.

FED. AID PROJ. NO.	STATE	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
I	MAINE	IMD-7589.3001	151	699

REVISIONS		BY	DATE
Δ	DESCRIPTION		
Δ	REVISED - SEE SHEET 4	PEK	8-20-04

CIANBRO
THE CONSTRUCTORS

In Association With:
SEAW BROTHERS CONSTRUCTION, INC.
THE LOUIS BERGER GROUP, INC.
S.W. COLE ENGINEERING, INC.

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION

**INTERSECTION GRADING
PLANS**
PORTLAND
I-295 CONNECTOR

SCALE
1" = 20'-0"

SHEET 151 OF 699
AUGUSTA, MAINE