PLANNING BOARD REPORT
PORTLAND, MAINE

Recommendation of Historic Preservation Board to Designate Munjoy Hill Historic District

Submitted to: Portland Planning Board
Public Hearing Date: March 10, 2020

Date: March 4, 2020

I. INTRODUCTION
The Planning Board will hold a public hearing and final deliberations on a recommendation by the Historic Preservation Board to designate an area within the Munjoy Hill neighborhood (see map on following page) as a local historic district subject to the provisions of Article IX (Historic Preservation) of the Land Use Code. The Planning Board's role in this matter is to determine whether the nominated Munjoy Hill Historic District meets applicable designation criteria in Division 3 of the historic preservation ordinance, specifically the criteria identified in Sec. 14-610 (a) and (b). Additionally, the Planning Board shall consider the effect of such designation on other aspects of the Comprehensive Plan. Based on its findings, the Planning Board will vote on a recommendation to the City Council for a decision regarding the proposed designation.

The Historic Preservation Board’s formal historic district recommendation is accompanied by the following supporting documents, as required under Sec. 14-617 of the historic preservation ordinance:

- Historic Context Statement describing the development history of Munjoy Hill and its place in the history of Portland, the architectural and cultural significance of the proposed district, a description of predominant architectural styles and a description of the district’s visual character. (ATTACHMENT 2)
- Map showing the proposed district boundary, with every property within it color-coded to indicate its preservation classification (Landmark, Contributing, Non-Contributing). (ATTACHMENT 1)
- List of every property within the proposed district, with its classification. (The proposed district encompasses 427 properties.) (ATTACHMENT 3)
- Historic Resources Inventory including a description of every structure in the proposed district together with its date of construction and assigned classification. Each inventory
form includes a current and 1924 view of the building (where available), an architectural description of the building and a summary of alterations since its documentation in 1924. (Sample inventory forms enclosed as ATTACHMENT 4. The full building inventory is available here: [https://www.portlandmaine.gov/2453/Munjoy-Hill-Historic-District](https://www.portlandmaine.gov/2453/Munjoy-Hill-Historic-District)

The appearance of the final district map shown above differs somewhat from the maps provided for preliminary workshops, though substantively, the district boundary and major parcel classifications remain unchanged. Distinctions between types of noncontributing parcels have been consolidated into a single category of noncontributing. Previous versions of the map were presented during workshops to provide a more detailed breakdown of noncontributing properties: buildings of recent construction, buildings that had lost integrity due to extensive alteration, and undeveloped parcels. (See ATTACHMENT 5.) The final map reflects how parcels will be represented in final documentation. It should also be noted that some parcels within the district include more than one building. If the principal building on site is contributing, but a second building (typically a secondary structure) on the parcel is noncontributing, the parcel is classified as contributing and the noncontributing status of the second building is noted in the Munjoy Hill Historic District Building Inventory.

The proposed district is comprised of 427 parcels within the larger Munjoy Hill neighborhood, representing approximately 49% of the Hill’s building stock. Most of the properties are located
within the R-6 residential zone, however the proposed district includes ten buildings within the neighborhood’s B-1 or B-1b business zones. (Two of the ten buildings are previously-designated Landmarks.) Eighty-eight percent of the parcels (376) within the proposed district are classified as “contributing”, and twelve percent (51 parcels) are classified as “noncontributing”. Below is a map showing the boundaries of the proposed historic district in relation to the overall area of Munjoy Hill’s R-6 zone.

The Historic Preservation Board has also recommended that six historic structures outside the boundaries of the proposed district be designated as individual Landmarks under the provisions of the preservation ordinance. These include 103 Congress, 7 Lafayette, 12 Montreal, 51 Monument, 21 Sheridan and 28 Waterville Street and are identified on the district map. Unlike recommendations for district designations, however, recommendations for individual landmark designations are forwarded directly to the City Council for consideration, per the provisions of Portland’s historic preservation ordinance.

II. PLANNING BOARD PROCESS TO DATE
The Planning Board has held two preliminary workshops on the proposed historic district designation. On December 10th, Historic Preservation Board Chair Julia Sheridan presented the Historic Preservation Board’s formal recommendation, described the Board’s review process and the basis for their recommendation. Following Ms. Sheridan’s introduction, staff made a detailed presentation, summarizing information included in the staff report. Topics included:

- Role of the Planning Board in the review of historic district nominations
- Context of designation initiative—what prompted this evaluation?
- Requirements of historic preservation ordinance in considering a potential historic district
• Summary of documentation and preliminary analysis, including detailed architectural survey, research and documentation of Munjoy Hill’s development history, identification of area’s “period of significance”, etc.
• Delineation of the district’s boundary--factors considered, input from consultant
• Summary of Historic Preservation Board review process
• Explanation of the historic preservation ordinance’s designation criteria
• Findings of the Historic Preservation Board and basis for district recommendation
• Analysis of proposed designation in relation to other Comprehensive Plan goals, including Housing and Sustainability
• Relationship of proposed historic district designation to existing MHNCD measures

For a detailed discussion on each of these topics, the December 10, 2019 staff report can be accessed here: https://portlandme.civicclerk.com/Web/Player.aspx?id=571&key=-1&mod=-1&mk=-1&nov=0

At the request of the Planning Board, a second workshop was held on February 11th to address questions raised by members of the Board and public during the initial review session and to provide additional information and data to aid in the Board’s deliberations. As requested, staff reviewed all of the public comment received to date and attempted to address in the staff report the major themes and issues identified in the compilation of Board and public comment. A second analysis of the relationship of district designation to the goals of the Comprehensive Plan was prepared by Planning & Urban Development Director, Christine Grimando.

In addition to the Comp Plan analysis, the second workshop provided information on the following topics:
• Construction and demolition trends on Munjoy Hill. Data was provided for the period between adoption of R-6 zoning amendments in 2015 and the start of the Munjoy Hill moratorium and also from passage of the MHNCD to present.
• Reports, studies and articles consulted regarding the impact of historic districts on housing, property values, taxes, maintenance costs, etc.
• Comparison of existing MHNCD regulations and historic preservation ordinance regulations
• Interaction of the two sets of regulations, should a Munjoy Hill Historic District be established
• Interaction of historic preservation regulations with other code and life safety regulations
• Clarification regarding determination of a historic district’s “period of significance”. The period of significance for other historic districts in Portland was also provided.
• Availability of state and federal historic tax credits for the rehabilitation of income-producing properties
• Time implications for historic preservation review--in relation to building permit and site plan review
• Process for revisiting or amending historic districts once established
• Effect of site plan ordinance’s “100-foot rule” on buildings outside the proposed district boundary
• Effect of historic district designation on opportunity to add additional dwelling units to existing contributing properties
• Impact of designation on existing tools for incentivizing affordable housing
• Effect of historic district designation on tax rate.
• Effect of historic designation on achieving sustainability goals
• Reiteration of purpose/intent of designating portion of Munjoy Hill as a historic district
• Case studies of recent new construction within existing historic districts

For a detailed discussion on each of these topics, the February 11, 2020 staff report can be accessed here: https://portlandme.civicclerk.com/Web/Player.aspx?id=1207&key=-1&mod=-1&mk=-1&nov=0

Staff presentations and other supporting materials for the full process can be found on the project webpage: https://www.portlandmaine.gov/2451/Munjoy-Hill-Historic-District

III. OUTSTANDING QUESTIONS

Previous memos and workshops have addressed questions presented in public comment, as well as questions raised by the Planning Board. Below is an overview of outstanding questions since the February workshop.

Given existing regulatory measures, why is designation of a Munjoy Hill historic district warranted? A question was raised as to why a historic district is necessary considering the zoning and design standards already in place, in particular the Munjoy Hill Neighborhood Conservation Overlay District (MHNCD). The existing MHNCND regulations, while appropriate and effective for portions of the Hill where the historic building fabric is more eclectic and/or fragmented, do not ensure that the 19th and early 20th century buildings that make up the neighborhood’s identifiable historic character will be preserved over time. Under the MHNCND, demolition is delayed, but not prohibited and there is no review of alterations and additions to historic properties. There are numerous examples on Munjoy Hill and elsewhere where a major renovation project or addition has had the effect of dramatically altering or diminishing the character a historic building. Far less obvious, but of equal impact in the long run, are Incremental alterations that gradually rob a building. After a few rounds of such changes, it becomes difficult to see the value or potential of the structure. The image that follows, from a 1990 study Vulnerable Vermont that documented historic buildings in selected towns over a fifteen-year period, illustrates a common trend.
Historic district designation puts in place regulations that manage the full range of construction activities that affect the long-term stability and appeal of a traditional neighborhood—demolition, alterations, additions as well as new construction. Managing the full range of construction activities does not equate to preventing change. As was illustrated through a number of project case studies at the February 11 workshop, designation does not eliminate the possibility of creating new housing in a historic district, building to the maximum height allowed by zoning, increasing the number of units within existing structures, adding dormers and/or additions, introducing solar panels, building a clearly contemporary new structure, or any number of other changes to existing conditions. Designation puts in place a mechanism to review such changes to ensure that the overall historic character of the neighborhood is preserved and enhanced over time.

As noted elsewhere in this report, historic district designation has been proposed for a portion of Munjoy Hill, not the entire neighborhood. Historic designation is proposed only for the area exhibiting the strongest concentration of historic structures that retain a sufficient degree of integrity and therefore continue to convey the history of Munjoy Hill.

How is a district’s “period of significance” determined and why has the period 1850-1925 been selected as the proposed district’s period of significance?

A historic district’s “period of significance” is identified by researching the buildings that populate a given area and determining the time frame within which the vast majority of extant buildings were constructed. In the case of Munjoy Hill, the neighborhood was largely developed between 1850 and 1925 to house middle-class and working-class residents and was spurred by a series of specific events and demographic trends. Until 1845, Munjoy Hill was largely undeveloped. It was the establishment of the Atlantic & St. Lawrence Railroad and related Portland Company at the base of Munjoy Hill that led to the first significant residential development on the south slope of the Hill. The founders of the railroad and Portland Company laid out several streets and city directories from 1850 into the twentieth century document that many of the residents of these streets and others on Munjoy Hill worked for one of these two entities.

While the Great Fire of 1866 barely reached the Hill, it greatly influenced the development of neighborhood, as 10,000 Portland residents were made homeless by the fire that destroyed the historic core of the city. Large areas of Munjoy Hill that had previously been open fields were
subdivided and built upon. Given the number of buildings constructed shortly after the Fire, the architectural character of the Hill is shaped in large part by the architectural styles that were popular during this particular period—the Italianate and Second Empire styles.

The next major impetus for development on the Hill was the influx of immigrants from southern and central Europe in the late nineteenth and early twentieth century. Triple deckers and apartment buildings were constructed in the areas not developed until this time period, such as Morning and Vesper streets. It was during this same period (1890-1920) that the larger, grander residential houses on the Eastern Promenade were built. Their late development reveals the fact that there was relatively little appreciation for scenic views prior to that period.

By 1925, the developed pattern of Munjoy Hill was in place and most of the neighborhood had been built out. Though there are buildings that represent other development periods, their numbers are relatively insignificant and they do not appear in sufficient concentration to affect the predominant character of the neighborhood.

As staff explained at the February 11 workshop, the period of significance varies widely from one district to another. In some districts, like Stroudwater or the Old Port, the period is relatively short because most of the extant buildings were constructed during a very finite period. The Congress Street Historic District, on the other hand, includes buildings from virtually every era of Portland’s history.
Would it be possible to designate individual structures or create smaller districts in lieu of the current proposal?

Although it might be technically possible to limit historic designation on Munjoy Hill to a collection of individually-designated landmark structures, this approach was not pursued for a variety of reasons. First and foremost, Munjoy Hill derives its significance as a neighborhood, whose building fabric reflects not only key development periods in Portland’s history but also a rich social/cultural history as a working-class neighborhood with strong associations to major Portland industries and events. Munjoy Hill is not noteworthy for individual structures that stand out as architectural or historical landmarks, but rather for its overall building fabric, scale, density, consistent pattern of development, and architectural/visual character. To select individual buildings for landmark designation would not capture what the proposed district seeks to preserve. On Munjoy Hill, as in most historic districts, the “whole is greater than the sum of its parts” and therefore designation of a contiguous area is considered the appropriate approach. The intent behind creating a historic district is to steward the area’s building fabric and thereby preserve the neighborhood’s overall sense of place.

Given the fact that are few sharp transitions or visual breaks within the overall Munjoy Hill neighborhood that serve to distinguish one portion of the neighborhood from another, a reasonable argument could have been made for proposing a historic district that encompasses the entire Hill. That option was not pursued for a number of reasons. First and foremost, staff and consultants committed to delineating a historic district that was conservative, not overreaching and fully defensible under the criteria of the historic preservation ordinance. The blocks included within the proposed district represent the neighborhood’s period of significance, are visually cohesive and include a high percentage of historic structures that retain their historic/architectural integrity. The blocks not included within the proposed district feature a more fractured development pattern or a higher percentage of buildings that have been significantly altered so as to lose their overall integrity. Notwithstanding the fact that a number of these blocks also include some well-preserved historic structures, the required “integrity test” was not met and they were not included in the district proposal. In staff’s view, the provisions of the Munjoy Hill Neighborhood Conservation District are likely adequate and more appropriate for this portion of the Hill. As noted above, 51% of Munjoy Hill’s building stock is outside the boundaries of the proposed historic district.

In the event the Planning Board were to favor designation of individual historic structures over historic district designation, the designation process would need to begin again. Selection criteria would need to be developed for choosing among a collection of very similar structures those to designate and a justification for individual designation over district designation made. Individual designations for the quantity of contributing structures in this area would also be administratively laborious, and ultimately not a more streamlined process. Also, individual local designation would
not guarantee owners of designated properties access to state or federal historic tax credits. Tax credits are available only to income-producing contributing properties within a certified local historic district or individual buildings listed in the National Register of Historic Places.

How does this initiative relate to the ReCode initiative?
ReCode will look at zoning requirements citywide, including dimensional standards, permitted uses, performance standards, and to design to the extent that design is addressed in Chapter 14 of the City’s Code/the Land Use Code. Planning is also evaluating changes to the City’s Design Manual, as a related initiative, but distinct from the changes that may be proposed to the Land Use Code. This is an incredibly important initiative with implications for all of Portland’s built environment. However, zoning and preservation are not mutually exclusive tools - as is always the case with any historic designation, there is underlying zoning and other regulations that continue to influence the form and character of what can be built or redeveloped. The ReCode process doesn’t supplant the appropriateness of some exceptional areas of the city being designated historic districts or landmarks.

IV. PUBLIC COMMENT
As of this writing, a total of 256 individuals have submitted written comment, provided public testimony and/or signed petitions related to the possible designation of a Munjoy Hill Historic District for and against the district, or wrote to ask questions and concerns (ATTACHMENTS 7 and 8). Responses to previously raised questions have been addressed in previous memos, and in III above. Comments received after the completion of this report are not reflected in the tabulation.

V. FINDINGS AND RECOMMENDATION OF THE HISTORIC PRESERVATION BOARD
In considering the designation of individual buildings as local landmarks and/or the designation of a contiguous area as a historic district, the Historic Preservation Board must find that the proposed landmark or district meets at least one of the six minimum criteria for designation outlined in the historic preservation ordinance (Article IX of the Land Use Code, Sec. 14. 610 a.). In the case of a nominated historic district, the Board must also find that the district meets the criterion for district designations as described in Sec. 14-610 b. Separate from the above criteria, which address the question of significance, the Board must also find that the nominated landmark and/or district exhibits sufficient integrity to warrant the building’s or district’s preservation (Sec. 14-611).

Following are the historic preservation ordinance’s designation criteria:
Sec. 14-610. Minimum criteria for designation.
(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;
2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or

6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

Sec. 14-611. Integrity of landmarks and historic districts.
Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

On November 20, 2019, the Historic Preservation Board held a public hearing on the historic district proposal and voted on a recommendation to be forwarded to the Planning Board and Council. Formal deliberations followed four preliminary workshops and two site walks, review of detailed documentation and analysis of the Munjoy Hill neighborhood’s development history and significance, evaluation of the condition of the Hill’s existing building stock, the recommendation of consultants and staff regarding boundary delineation, input from area property owners and residents, and consideration of the historic preservation ordinance’s minimum criteria for designation.

Following the public hearing, the Historic Preservation Board found that the area delineated on the map shown on ATTACHMENT 1 meets Sec. 14-610 Minimum criteria for designation (a)1 and (b) and Sec. 14-611 Integrity of Landmarks and Districts. Based on these findings, the Historic Preservation Board voted unanimously (Jacob absent) to recommend to the Planning Board and Council that the area shown on
ATTACHMENT 1 be designated a local historic district subject to the provisions of Article IX of the Land Use Code.

VI. PLANNING BOARD CONSIDERATIONS – COMPREHENSIVE PLAN GOALS

In addition to confirming that the Historic Preservation Board’s district recommendation is in conformance with the historic preservation ordinance’s designation Criteria (Division 3, Sec. 610 and 611), the Planning Board considers the proposed designation as it relates to the stated goals of the Comprehensive Plan, Portland’s Plan 2030. Consideration shall include not only the Plan’s historic preservation goals, but also other goals applicable to the Munjoy Hill neighborhood. Under Sec. 14-610 (d), “the Planning Board and Council...shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.”

The Board has received two separate analyses of the proposed designation’s relationship to goals identified in Portland’s Plan 2030. Planning & Urban Development Director Christine Grimando provided the most recent analysis, which was included as part of the February 11, 2020 staff report. See ATTACHMENT 6.

VII. MOTION

Based upon the November 20, 2019 recommendation of the Historic Preservation Board; documentation and analysis prepared by staff and consultants; information included in staff reports for the 12/10/19, 2/11/20 and 3/10/20 meetings and public comment, the Planning Board

A. Finds:
   a. that the proposed Munjoy Hill Historic District [meets fails to meet] the historic preservation ordinance’s minimum criteria for designation as set forth in Sec. 14-610 (a) (1) and (b), as well as the integrity criterion in Sec. 14-611; and
   b. that designation of the Munjoy Hill Historic District [is/is not] consistent with other goals of Portland’s Plan 2030; and therefore

B. [Recommends/does not recommend] to the City Council that the proposed Munjoy Hill Historic District be designated a local historic district subject to the provisions of Article IX of the Land Use Code.

ATTACHMENTS

1. Map of Proposed Munjoy Hill Historic District
2. Historic Context Statement
3. List of properties within proposed district, with assigned classification
4. Sample building descriptions from Munjoy Hill Historic Resources Inventory
5. District map showing detailed breakdown of noncontributing properties
6. Analysis of district designation to Comprehensive Plan goals
7. Public comment received since February 11 workshop
8. Previous public comment
LINKS TO PREVIOUS REPORTS AND PRESENTATIONS

1. Link to 12/10/19 staff report, attachments and live-stream of meeting:
   https://portlandme.civicclerk.com/Web/Player.aspx?id=571&key=-1&mod=-1&mk=-1&nov=0

2. Link to 2/11/20 staff report, attachments and live-stream of meeting:
   https://portlandme.civicclerk.com/Web/Player.aspx?id=1207&key=-1&mod=-1&mk=-1&nov=0

3. Staff presentations and other supporting materials for the full process can be found on the project webpage: https://www.portlandmaine.gov/2451/Munjoy-Hill-Historic-District