

From: Dee,Shara
To: Dee,Shara
Subject: FW: EXTERNAL: FW: Fishing Shacks/South Portland
Date: Thursday, February 15, 2024 8:00:48 PM

From: Morelli,Scott <smorelli@southportland.org>
Sent: Thursday, February 15, 2024 5:43:59 PM
To: Elyse Tipton (etipton@southportland.org) <etipton@southportland.org>; Linda Cohen (lcohen@southportland.org) <lcohen@southportland.org>; Misha Pride (mpride@southportland.org) <mpride@southportland.org>; Natalie West (nwest@southportland.org) <nwest@southportland.org>; Rachael Coleman (rcoleman@southportland.org) <rcoleman@southportland.org>; Richard Matthews (rmatthews@southportland.org) <rmatthews@southportland.org>; Steven Riley (sriley@southportland.org) <sriley@southportland.org>
Cc: Reny,Joshua <jreny@southportland.org>
Subject: FW: EXTERNAL: FW: Fishing Shacks/South Portland

Councilors – FYI. Shacks are not historic per Michael Goebel-Bain, head of Maine Historic Preservation and the same person Kathy and Ed quoted during Tuesday night’s meeting.

Scott T. Morelli, CMM, ICMA-CM
City Manager

From: Morelli,Scott
Sent: Thursday, February 15, 2024 5:42 PM
To: 'South Portland Historical Society' <sphistory04106@gmail.com>; 'edrowe@hvacproductsinc.com' <edrowe@hvacproductsinc.com>
Cc: Skelton,Barbara <bskelton@southportland.org>; Coughlin,Karl <kcoughlin@southportland.org>; Dee,Shara <sdee@southportland.org>; Baker, Sue <Sue.Baker@maine.gov>
Subject: FW: EXTERNAL: FW: Fishing Shacks/South Portland

Kathy/Ed –

Please see below. Without a historic designation/exemption, we become more limited in what we can do with the shacks in order to comply with our ordinance and the floodplain/NFIP requirements. We are paying to have the property surveyed so we have accurate information and can ultimately provide Council and the public more details on what is/is not possible. The Council will then ultimately decide how to proceed.

Scott

Scott T. Morelli, CMM, ICMA-CM
City Manager

From: Goebel-Bain, Michael W <Michael.W.Goebel-Bain@maine.gov>

Sent: Thursday, February 15, 2024 5:00 PM

To: Morelli,Scott <smorelli@southportland.org>; Chapman-Mitchell, Christi <Christi.Chapman-Mitchell@maine.gov>

Cc: Baker, Sue <Sue.Baker@maine.gov>; Skelton,Barbara <bskelton@southportland.org>; Coughlin,Karl <kcoughlin@southportland.org>

Subject: RE: EXTERNAL: FW: Fishing Shacks/South Portland

Scott,

My letters and email communications regarding the Willard Beach Fishing Shacks National Register status which you referenced in your email

[a letter from Michael indicating the shacks, while not on the Historic Register, they were on Maine's historic resources inventory which "will provide the same protection as if it were already listed in the National Register."]

were made prior to their demolition by storm. Because the fishing shacks which were present when I made those statements are no longer extant, those destroyed fishing shacks are no longer eligible for and cannot be listed in the National Register. When a building is destroyed and thereby loses the historic character defining features that made it eligible for or caused it to be listed in the National Register, the building also loses its National Register status. As Christi's email accurately explains, reconstructions of the Willard Beach fishing shacks are not eligible for listing and cannot be listed in the National Register.

Please advise if additional information is needed,
Michael

Michael Goebel-Bain

National Register and Survey Coordinator

55 Capitol Street

State House Station 65

Augusta, Maine 04333-0065

(207) 287-5435

fax: (207) 287-2335

michael.w.goebel-bain@maine.gov

www.maine.gov/mhpc

From: Morelli,Scott <smorelli@southportland.org>

Sent: Thursday, February 15, 2024 3:48 PM

To: Goebel-Bain, Michael W <Michael.W.Goebel-Bain@maine.gov>; Chapman-Mitchell, Christi <Christi.Chapman-Mitchell@maine.gov>

Cc: Baker, Sue <Sue.Baker@maine.gov>; bskelton <bskelton@southportland.org>; Coughlin,Karl <kcoughlin@southportland.org>

Subject: FW: EXTERNAL: FW: Fishing Shacks/South Portland

Importance: High

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Michael and Christi –

As you may know South Portland lost our fishing shacks in the recent January storms. In our recovering process, we are working to see what options might be available related to rebuilding these shacks. Some in our community – including a couple who have contacted you – wish to see these shacks rebuilt as is. Others believe it is folly to rebuild as is and in the same location as these storms are becoming more common and will likely wipe away anything we rebuild there.

The City had a workshop this past Tuesday on the topic of storm damage/coastal resiliency. Although the discussion was broad, part of it was focused on the shacks and what our options were going forward. At that meeting, in conjunction with Sue Baker, we presented info suggesting it would be difficult to rebuild the shacks, because they were not eligible for the Historic Register and thus not exempt from floodplain/NFIP standards, which would severely limit or eliminate the possibility of a rebuilt either as is or in that flood-prone location. Part of this assertion was made possible because of the email received below from Christi to Sue, which indicates the shacks fail at least 1 of 3 criteria for being considered historic. We were, therefore, caught off guard, when two local residents claimed they had received a letter from Michael indicating the shacks, while not on the Historic Register, they were on Maine’s historic resources inventory which ““will provide the same protection as if it were already listed in the National Register.”

Even if the shacks are deemed historic, I am unsure whether the City Council will vote to rebuild. However, in order to give them the best information and proper options, we need a final and unified determination from Maine Historic as to whether the shacks can be considered historic and thus essentially exempt from floodplain/NFIP regulations.

Thank you for your help!!

Scott T. Morelli, CMM, ICMA-CM
City Manager

From: Chapman-Mitchell, Christi <Christi.Chapman-Mitchell@maine.gov>
Sent: Friday, February 9, 2024 2:39 PM
To: Baker, Sue <Sue.Baker@maine.gov>
Subject: RE: Fishing Shacks/South Portland

Sue,

We do not believe that any reconstructed shacks at Willard Beach would be eligible for listing in the National Register.

https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

In the Bulletin above, “How to Apply the National Register Criteria for Evaluation”, on pages 37 and 38 there is a Criterion Consideration for Reconstructed Properties. It states: A reconstructed property is eligible when it is accurately executed in a suitable environment *and* presented in a

dignified manner as part of a restoration master plan *and* when no other building or structure with the same associations has survived. All three of these requirements must be met”.

In the case of the Willard Shacks (which were eligible before they were destroyed) the first clause is possible, and the third clause is true. However, the second clause cannot be met. There is nothing to restore, no other resources, no master plan.

Let me give you an example. A school at Norlands in Livermore burned some years ago. Norlands is a historic district consisting of a couple of houses, a church, a library, and barns, all on a family estate. The school could be reconstructed and listed in the National Register because there was a master plan to preserve or restore all the extant buildings, and because it was the only example in this context of an educational facility, and it was key to interpreting the significance of the district. But if no other buildings existed, you could not reconstruct them and list them.

Or, said another way – you can put a single implant into a set of teeth to restore a full set of teeth, but if you put an implant in a mouth with no teeth there is just one lone implant.

Feel free to call if you have any other questions.

Sincerely,
Christi A. Chapman-Mitchell
Assistant Director
Maine Historic Preservation Commission
55 Capitol Street, SHS 65
Augusta, Maine 04333-0065
(207) 287-1453

From: Baker, Sue <Sue.Baker@maine.gov>
Sent: Friday, February 9, 2024 10:50 AM
To: Chapman-Mitchell, Christi <Christi.Chapman-Mitchell@maine.gov>
Subject: RE: Fishing Shacks/South Portland

Thanks, Christi, that'd be great.

Sue
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Sue Baker, CFM  
NFIP State Coordinator  
Maine Floodplain Management Program  
Dept. of Agriculture, Conservation & Forestry  
93 SHS, 17 Elkins Lane  
Augusta, ME 04333-0093  
Direct Phone: 207-287-8063  
Fax: 207-287-2353  
[www.maine.gov/dacf/flood/](http://www.maine.gov/dacf/flood/)

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**From:** Chapman-Mitchell, Christi <[Christi.Chapman-Mitchell@maine.gov](mailto:Christi.Chapman-Mitchell@maine.gov)>

**Sent:** Friday, February 9, 2024 10:44 AM

**To:** Baker, Sue <[Sue.Baker@maine.gov](mailto:Sue.Baker@maine.gov)>

**Subject:** RE: Fishing Shacks/South Portland

Hi Sue,

Let me confer with my colleagues. There is a provision in the National Historic Preservation Act for listing *reconstructed* properties in the National Register of Historic Places under certain, very strict and detailed conditions. I hope to have an answer to you today.

As to these qualifiers:

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;  
*An eligible district including the former shacks has not been identified.*
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,  
*We do not have a State register, but they had been determined eligible for NR listing previously.*
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the Secretary of the Interior, or,  
*South Portland does not have a certified historic preservation program (Certified Local Government status)*
  - 2. Directly by the Secretary of the Interior in states without approved programs.  
*N/A*

Christi A. Chapman-Mitchell  
Assistant Director  
Maine Historic Preservation Commission  
55 Capitol Street, SHS 65  
Augusta, Maine 04333-0065  
(207) 287-1453

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**From:** Baker, Sue <[Sue.Baker@maine.gov](mailto:Sue.Baker@maine.gov)>  
**Sent:** Friday, February 9, 2024 10:33 AM  
**To:** Chapman-Mitchell, Christi <[Christi.Chapman-Mitchell@maine.gov](mailto:Christi.Chapman-Mitchell@maine.gov)>  
**Subject:** Fishing Shacks/South Portland  
**Importance:** High

Hi Christi –

I've been invited to speak at a public meeting in South Portland next Tuesday evening and the City would like me to address whether they can rebuild the iconic fishing shacks that were lost in the December storm. The big question I have is if the City wants to rebuild exact replicas of these shacks in the same location, would they qualify as Historic Structures as defined under the National Flood Insurance Program definition:

**Historic Structure** - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or,
  2. Directly by the Secretary of the Interior in states without approved programs.

My gut reaction is that once they are lost, new structures would not be eligible to be designated as Historic. Can you please confirm this?

I just want to be sure I'm correct before I say it publicly.

Your assistance is much appreciated,

Sue

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Sue Baker, CFM
NFIP State Coordinator
Maine Floodplain Management Program
Dept. of Agriculture, Conservation & Forestry
93 SHS, 17 Elkins Lane
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