

City Council Workshop
June 22, 2015
6:30 P.M.
City Council Chambers

Councilors Present

Linda Cohen, Mayor
Brad Fox
Thomas Blake
Patricia Smith
Maxine Beecher
Melissa Linscott
Claude Morgan

Staff Present

Jim Gailey, City Manager

MINUTES

Mayor Cohen opened the meeting and welcomed all in attendance. She reminded folks that members of the public are invited to comment on each item as it comes before the Council for a period of no more than two (2) minutes. All questions or concerns would be made through the Chair and if they wished to address the City Council they would be asked to please raise their hand and upon being recognized would state their name and address for the records.

- 1. Mill Creek Master Plan**
- 2. Acquisition and Reclamation of Old Joe's Pond**
- 3. Executive Session**

A motion may be made to go into executive session pursuant to 1 M.R.S.A., &405 (6)(a), mid-year evaluation of City Clerk.

1. Mill Creek Master Plan: Jim Gailey, City Manager explained that for many years, there has been discussion and planning regarding the development of the Mill Creek area. The Comprehensive Plan Committee has been working on this effort and has established a proposed Mill Creek Master Plan. The purpose of this plan is to provide guidelines to transform Mill Creek into a more traditional downtown with a mix of commercial, residential, governmental and cultural uses. The following six objectives are included in the plan to bring this concept into fruition:
Objective #1 Make Mill Creek more of a pedestrian-focused neighborhood by enhancing the ability of residents, shoppers, visitors, and employees to easily and safely move around the neighborhood on foot while improving the ability of people who live outside off Mill Creek to easily and safely walk and bike to the neighborhood.
Objective #2 Establish Mill Creek as a distinct and special place with a clear identity, attractive gateways, and a high-quality visual environment so Mill Creek becomes a destination and a place where people want to spend time and live.

Objective #3 Make Mill Creek “greener” in both a physical and environmental sense with more greenspaces, trees, landscaping, and flowers; better connections between parks; and upgraded environmental conditions such as green, energy-efficient buildings and improved stormwater management.

Objective #4 Increase the diversity and intensity of uses and activities in Mill Creek so that, over time, it becomes a true mixed-use downtown neighborhood with a variety of both commercial and residential uses and a focus on encouraging the development of multi-story, mixed-use buildings within a more pedestrian focused, urban environment.

Objective #5 Create a transition between Mill Creek and Knightville to protect the Knightville residential neighborhood (the “letter streets”) from the potential impacts of redevelopment of Mill Creek.

Objective #6 Minimize the potential impacts of increased flooding from storms and sea level rise on Mill Creek so that it can remain a viable and attractive area in which people want to live, visit and invest. The Mill Creek Master Plan also includes illustration of redevelopment opportunities in the following focus areas:

Focus Area #1 The Mill Creek Roundabout Area

Focus Area #2 The Broadway Corridor

Focus Area #3a The Erskine-Waterman Parcel

Focus Area #3b E Street between Waterman Drive and Ocean Street

Focus Area #3c The Finard Shopping Center Parcel

Focus Area #3d The Hinckley-Thomas Block

Focus Area #4 The Broadway-Cottage Corner

The Planning Board held a public hearing on June 9, 2015 and made some changes to the plan that was presented. By a vote of 5-0 (E. Giles absent, District 3 vacant), the Planning Board recommended the City Council adopt the Mill Creek Master Plan with revisions through May 21, 2015 and revisions as discussed at the June 9, 2015 Planning Board Public Hearing.

The changes made at the Planning Board meeting were then discussed at the Comprehensive Plan Committee at its meeting on June 18, 2015. Attached is a memo from Tex Haeuser regarding the Planning Board and Comp Plan Committee changes? A presentation will be made to discuss the final plan.

The City Council was given a copy of the Master Plan at its meeting on June 15, 2015, as well as a report from Tex Haeuser which outlined the Planning Board and Comprehensive Plan Implementation Committee Recommendations regarding the Proposed Mill Creek Master Plan. (enclosed)

Craig Piper Millcreek Master Plan Committee gave an over view of the group’s work, what they have accomplished, the limitations with transportation issues as well as looking ahead. He recognized the committee members in attendance that included Councilor Beecher, Councilor Morgan, Peter Stanton, Code Enforcement Director Pat Doucette, Bob Foster, A. Falconer, City Manager Jim Gailey, Planning Decisions Mark Eyerman and Planning Director Tex Haeuser.

Mark Eyerman, Planning Decisions has worked with the committee and the City on a proposed plan for Millcreek which includes 5 ½ sections. He discussed the following areas:

- Purpose
- Vision
- Objections
- Action Plan
- Focus Areas #1- 4 (see enclosed)

- Approach to Millcreek area
- Green space to increase
- Waterman Drive – Help to become a City Street that is used
- Regulatory changes – recommendations – parking requirements
- Character areas/Village extension
- Millcreek core – different approach to zoning (two zoning approach), flexible planned development, green roof, stormwater impacts
- Implementation – over arching municipal strategy
- Let folks know what we are doing, education, etc.
- Key actions/downtown TIF – offers funding balances public/private

Tex Haeuser, Planning Director discussed revisions to the plan that have been made since the last updates as follows:

- Erskine Drive area (change lights)
- Affordable housing discussion
- Broadway set-backs
- Pratt Abbott re-development
- Red Light areas – (passing, turning)

Public Comment Opened:

Russell Lunt Brigham Street liked the new ideas presented, liked the bridge idea and the light at Ge Erskine Drive, happy to see that issue looked at. He felt that these were positive changes.

Patricia White 7 Orchard Street agreed that this was a great proposal with better improvements, she asked about the funding for the different sections and how that would be done and was not clear on how it will be paid for. She felt that vision is lovely but wondered how this will work and how do we fix old rundown places etc.?

Chris Kessler 45 Cottage Road felt that this was a wonderful area of South Portland and he was happy to live in this neighborhood. He asked about affordable housing, and if TIF funds would be available to use for this area.

Dan Hogan E Street discussed the signal at Erskine Drive and getting a bike through this area can be scary at times and urged the Council to take a closer look at this.

Public Comment Closed

Tex Haeuser, Planning Director discussed the question regarding funding, a downtown TIF, new zoning, new investment and new regulatory changes. He added that they would work with folks on proposals for new developments. He added that TIF funds could be used for housing however that is not the first choice and also understood the issue with the light at Ge Erskine Drive.

Councilor Morgan felt that this plan has great insight, vision and lots of thought out goals. He asked what does this mean or what would be the record of intent for the City on what they can do. People look at the City's record of intent which is wonderful as well as having a vision of development. He discussed the issue of the bridge being up several times a day, traffic and harnessing this areas issues related to this. He discussed asking for changes, Broadway being a state road and agreed with the plan as he felt it was well done. He asked about affordable housing and how this would work into the proposal and was in support of moving ahead with this proposal.

Councilor Beecher felt that it is easier to work on and build a plan but the hard part is to implement it. She added that she has had calls for all of these items and felt that the plan would work these out and that nothing gets done without a plan, and encouraged all to become part of this.

Councilor Blake thanked all who have been involved with this committee and planning process as well. He felt that they have tried in this area many times and gave a little history about what he has seen in the Millcreek area, from a dirt road to a dump, and a park. He was pleased with this plan and felt that it was not too soon for it to happen but would require work, tweaking, planning ahead, etc. He liked the ideas of the green roof, Leeds certification and having our own. He discussed Broadway Crossing and creating a template for the future, setbacks, affordable housing being a regional issue, funding, development driven, bikes (discuss at Bike/Ped Committee), impact fees, and vehicle access. He was in support of this proposal and felt that it was great work.

Councilor Smith agreed on the bike issue and felt that this would be part of ongoing discussions. She asked about Form Base Zoning? She thanked the committee for all of the work that has been done and felt that this was a big goal and dream and felt the need to make a real conscious decision to include the community in this process. She was in support of the plan but cautioned on the housing item and would like to look at the workforce development of this area by recognizing the needs. She felt that this was a wonderful plan that included mass transit, cyclists, pedestrians and blended transportation into the process. She felt these changes would be much better for the future and appreciate the work that has become part of the City that people look at.

Councilor Linscott thanked all the folks who have helped out and worked on this committee. She discussed the zoning, sidewalks, road issues and the possibility of having under-ground utility lines and what you need to be able to do this.

Tex Haeuser discussed the accommodation of space and cost when it comes to the underground utility lines, he further discussed the re-development of Pratt Abbott and the pending contamination issue on this sight from years ago and has not been all taken care of as of yet, therefore they could not look into housing in that areas until that happen.

Councilor Linscott discussed issues further down on Broadway regarding traffic, she felt that there are nice areas for people to get to and visit but does not like the piecemeal buildings, zoning, etc. She loved the plan and was excited to see the process move along.

Councilor Fox liked the ideas presented and felt that this was great work being done. He liked looking ahead and planning for the area changes. He added that his side of town, the west end would love to see this type of planned work.

Mayor Cohen discussed revitalization process and how the Millcreek area has come to the time of great need. She felt that the ideas being presented were very nice, pretty and thanked the committee as well as staff for the work being done on this. She added that the best part of zoning is right here in the plan which will be developed. She further discussed a plan for the future, the need for sidewalks, work done in the alleys and mazes and moving together in carrying out this plan. She was in support to move forward to a public hearing.

2. Acquisition and Reclamation of Old Joe's Pond: Jim Gailey, City Manager explained that on Monday the City Council took up the discussion on ways of preserving Old Joe's Pond. Old Joe's Pond is an historic and valuable wetland in our City. The majority of Old Joe's Pond is described as Map 9, Lots 231X, 254, 267E and is transected by Paper Streets Oak, First and Second. On the periphery additional un-built smaller lots exists at the end of Oak Street and described as Map 8, Lots 53, 55C, and 55D.

Old Joe's Pond is thousands of years old and was used by Native Americans and early settlers for trout fishing, bathing and cloths cleaning. For generations children skated on the pond up until the

early 1980's. Over the past 30 years there has been considerable filling in and around the pond with perimeter building of family homes. The pond has shrunk to a fraction of its original size and is plagued with a variety of problems. The pond and its immediate area are overrun by Phragmites and other undesirable species. The pond as the neighborhood once knew of it is now overgrown and no visible standing water exists. The loss of standing water, which for years served as a recreational area for the neighborhood and a wildlife habitat, has been attributed to two point sources. The edges of the wetland area have seen tremendous development over the years and some contribute the loss of standing water to the new development. Others believe the pond drained slowly over time as a result of a sewer line installed back in the 1980's, which serviced the neighborhood collection system, but also provided a "French drain" of stone, resulting in redirection of ground water in the area.

The neighborhood has come forward with the following supportive documents:

- A resident has found official municipal comments from the 1930's stating that Old Joe's should be protected and possibly even acquired by the city.
- The City's Open Space Plan of 2001 identified Old Joe's as the #7 priority for protection.
- The 2002 Ferry Village Master Plan, approved by the Council and referenced in the Comprehensive Plan, calls for pond protection, reclamation and even City purchase.
- The City's 2012 Comprehensive Plan calls for the protection and improvement to the area.
- Documents dating back 20 years indicate the Ferry Village Neighborhood Conservation has tried repeatedly, and unsuccessfully, to correct the problems with the City and the current majority property owner.

The purpose of the Council workshop is to discuss the possibilities of acquisition of the area known as Old Joe's Pond through the use of the Land Bank Account. Through the purchase, permanent protection of the parcel(s) would be achieved allowing for a step two in the process. The property needs to be reclaimed back to a desired condition. The Conservation Commission controls the Wetland Compensation Account that can be used for projects exactly like this one. It is a perfect fit. Additional funding would be needed, and will be explored at the appropriate time. Over the last six months, staff has met with Ralph Sama (Home Construction Finance as referred to on the attached map), the owner of the majority of the properties that make up Old Joe's Pond. The conversations with Mr. Sama have been two-fold. First, staff worked with Mr. Sama to secure a license allowing the cutting of the invasive tall grass Phragmites abutting the residential homes. During the early summer of 2014, the field of dried Phragmites was set on fire and the fire threatened many homes and damaged a few. Staff has also discussed with Mr. Sama the possibilities of acquiring the Old Joe's Pond area. Those talks have not gone anywhere to date, as Mr. Sama was exploring what he has for buildable parcels in the area. Staff has reviewed the Shoreland and Stream Protection Districts and finds that neither designation falls within the Old Joe's area. Staff does have a wetlands map, created by Deluca-Hoffman, dating back to the early 1990's. There is an uncertainty of how valid this map is based on the length of time between the creation and today. Upon receiving knowledge of this workshop item, Mr. Sama has reached out to Planning and Development staff and will be meeting with them on Friday to discuss the property. An update was provided to the Council at Monday's meeting.

Ralph Sama 72 Harriett Street explained that he purchased the property in 1991 and had built for a while but has not recently developed any property but would like to further discuss the donation of property back to the city and possibly name a park after his Dad. He further discussed building on his properties and has since dropped this and looked forward to working with the city on the land use.

Public Comment Opened:

Russell Lunt Brigham Road felt that this was a great idea for this area, the houses, etc. all good.

Glen Murback N. Mariner Street added that this was nice pond years ago but now, it is not and is in need of work. He felt that there are safety and environmental issues to be worked on and agreed that it is important to work on these issues and make some permanent fixes to the area before it is too late.

Public Comment Closed:

Councilor Morgan would like to see this brought forward and to be able to take care of this issue working with Mr. Sama and work on negotiations with him and to work on regarding this area. He further discussed the public safety issues and the issue of phragmites in this area. He would like to entertain funding to work on acquiring this area and move into negotiating.

Councilor Blake thanked the City Manager and staff for bringing this item to workshop. He felt that there are environmental, recreational and safety issues with this area. He added that the pond is very old and has mostly disappeared at times. He felt that it will either go away or we save it and possibly bring it back. He further discussed funding and the use of the Land Bank account which is what could be used in this case for purchase of dire straits property from the City as well as the Conservation Commission which has a wetland account as well. He felt the need to act quickly as there are health and safety issues and our Open Space Book lists this pond for one to be worked on. He further discussed not using the City to mow the invasive species as it makes it grow faster and thicker which is not good. He discussed the need to make a plan and reclaim.

Councilor Beecher did not disagree with this item and felt the need to act fast on this or it will be lost forever and was in favor of moving forward on this, to be able to offer a deal before it is too late.

Councilor Fox felt that Councilors Blake plan made sense to him and was ok with moving ahead. Asked about the care of someone else's land and commented on the phragmites as well.

Jim Gailey discussed prevention (keeping the area cleaned up) to make sure that another fire would not happen in this area.

Councilor Linscott was happy to hear this proposal and from the property owner as well as others. She was ok with the Land Bank and understood that it is a big job to get rid of the phragmites and asked about the use of CDBG funds in the future to possibly help with this, she as ok with moving forward on this.

Councilor Smith liked the direction this was taking and asked how they would go about removal of phragmites and what do you put in its place. She further discussed a 3-5 year plan to be put back to where it was as well as the cap on the Land Bank fund and being conscious of what, where and how we use this fund. She asked about the current cost of mowing and how doing so will make it grow more. She felt there are more questions to be answered and felt that it would be great to have a wetland expert to answer some questions to gain a clear understanding. She was very pleased about this proposal.

Councilor Morgan felt the need to get to a place to negotiate properly as this is someone else's property and not the City's.

Councilor Linscott discussed a possible contingency being put in the agreement regarding a wetland study, etc. and felt that it is important to move forward with this soon.

Councilor Blake added that it is hard to deal with phragmites, it is not a simple task and with lots of help from different City committees and groups, the State, etc. which would be a great project for them to become involved with. He further discussed the lots and what can be done with them which he felt the safety needs would be first.

Councilor Beecher asked the City Manager what step one might be, answering more questions, costs, etc.

Mayor Cohen added that she has not ever seen phragmites and recalls skating in this area years ago, she is in support of the changes but would like the questions answered including the funding questions. She agreed to move forward, talk to professionals and learn about the property's history.

Ralph Sama discussed the Earth Day clean-ups that they have had on the property and that he was the only buyer on this property. He has been cooperative with the City and was very sorry about the fire that occurred. He further added that the State had plans to update the Wetland Maps as well.

Jim Gailey added that he understands the concerns and issues regarding the wetlands but added that this is private property so they cannot do evaluations, etc. unless the owner is ok with that.

The City Council Workshop Adjourned at 8:55 p.m.