

# Open Space Strategic Plan

**NOT AN ADOPTED "PLAN" BY THE CITY OF SOUTH PORTLAND**

2001

City of  
South Portland, Maine

# Open Space Strategic Plan

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## Open Space Committee Mission Statement

As directed by the City Council in accordance with the third highest action priority of the Project PLAN report (1999), the mission of the Open Space Strategic Plan Committee is to:

- **Develop long-term strategies for the protection of open space land<sup>1</sup>**
- **Create a process for the on-going evaluation of potential open space parcels**
- **Adhere to the principle of voluntary landowner participation.**

The protection of open space land in the City of South Portland by acquisition, easements, or other methods is needed in order to:

- **Deal proactively with development pressure on the finite amount of land left in South Portland**
- **Achieve long-term property tax savings compared with residential development**
- **Moderate increases in traffic resulting from development**
- **Protect the City's last remaining agriculture**
- **Preserve habitat for birds and other wildlife**
- **Preserve forests and native flora**
- **Preserve scenic views**
- **Relieve pressure on City parks by providing low-maintenance, publicly-accessible green areas and a system of recreational trails**
- **Preserve wetlands and create the possibility for alternative, natural stormwater treatment to improve water quality**
- **Enhance residents' quality of life.**

The list of undeveloped parcels in South Portland is relatively short and is growing shorter with each passing year. This is the case in South Portland even more than in most of the other communities in the region that have already addressed open space issues. The City needs to act decisively to provide the public and private procedures, strategies, and funding necessary to protect—on an on-going, long-term basis—the remaining open space lands that for the reasons indicated above our community cannot afford to lose.

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<sup>1</sup> **Open Space:** As used here, "open space" refers to any essentially unimproved parcel or area of land or water, the preservation of which would accomplish any of the following: (1) conserve and enhance natural or scenic resources; (2) protect water quality; (3) promote conservation of soils, wetlands, beaches, or tidal marshes; (4) enhance the value to the public of abutting or neighboring parks, trails, forests, or nature preserves; (5) enhance passive recreation opportunities.

**Summary of Recommended Actions**

<b>City Council</b>			
<b>Action</b>		<b>When</b>	<b>Key Staff Person</b>
1	Elevate the function and resources of the Conservation Commission. <ol style="list-style-type: none"> <li>1. Temporarily use Planning intern as budget permits</li> <li>2. Strengthen the ordinance establishing the Commission.</li> <li>3. Fund new staff position</li> <li>4. Provide office space/supplies/equipment</li> </ol>	Now – 6/30/02 Summer 2001 FY 2002/03 FY 2002/03	Planning Director Planning Director City Manager City Manager
2	Include in the FY 2001/02 Capital Improvements Budget a \$1M bond issue request to the voters to fund open space protection.	Immediate	City Manager
3	Dedicate 3¢ in the property tax rate to fund open space protection; one-third to Land Bank fund; two-thirds to a part-time or full-time Conservation Commission staff position.	FY 2002/03 and each year thereafter	City Manager
4	Authorize City departments to work with SPLT, neighborhood associations, and volunteer attorneys to help neighborhoods in the purchase of private neighborhood commons.	Immediate	Assistant City Manager Corporation Counsel
<b>Conservation Commission</b>			
<b>Action</b>		<b>When</b>	<b>Key Staff Person</b>
1	Prepare grant applications, with SPLT and neighboring land trusts/municipalities as appropriate, e.g., Land for Maine's Future grant. <ol style="list-style-type: none"> <li>1. Negotiate with owners and select best available parcel</li> <li>2. Prepare application</li> </ol>	Fall 2001 Winter 2001/02	Planning Intern Planning Intern
2	Strengthen relationships with environmental permitting agencies to promote wetland mitigation in South Portland.	Summer 2001	Planning Director
3	Develop City ordinance amendments to direct funds from sale or lease of City-owned land to the Land Bank fund and clarify the management of the account.	Summer 2001	Planning Director
4	Develop amendments to the City's land use regulations to provide greater protection to environmentally sensitive areas.	Fall 2001	Site Planner
5	With SPLT, obtain conservation easements and land donations and pursue other non-acquisition strategies where appropriate and feasible.	Ongoing	New staff person
6	Work with Pollution Abatement, Casco Bay Estuary Project, and SPLT in getting a grant to perform a comprehensive conceptual study of the City's watersheds for strategies that also protect open space.	Fall 2001	Planning Director
7	Continue the Open Space Planning Process, with partners: <ol style="list-style-type: none"> <li>1. Keep current the inventory of potential open space parcels.</li> <li>2. Perform appropriate level of due diligence for each parcel.</li> <li>3. Develop an action plan for each parcel.</li> <li>4. Stay in contact with landowners.</li> <li>5. Educate the public about open space protection.</li> </ol>	Ongoing	New staff person
8	Hold two joint meetings between the Conservation Commission and the Open Space Committee before March, 2002.	9/19/01; 7:00 PM 2/20/02; 7:00 PM	Open Space Committee

## Recommended Actions for the City Council

### 1. Elevate the function and resources of the Conservation Commission.

Despite exemplary contributions over the years from citizens who have volunteered to serve on the Conservation Commission, the decision made at the establishment of the Commission not to provide staff and other resources has resulted in an inability of the Commission to effectively address the increasingly significant open space challenges facing the City. The lack of staff and office space, for example, contributed several years ago in the loss of many hours of work on the part of several commission members when the Commission's file cabinet disappeared from the basement of City Hall during one of the periodic office reorganizations.

***The recommendations contained in this plan cannot be carried out without the provision of staff and resources to the Conservation Commission.***

Due to the current tight budget situation, it is recommended for the coming fiscal year that existing Planning Department staff, particularly the part-time intern, attend the Conservation Commission meetings, take minutes, prepare agendas, and assist the Commission members in implementing their respective recommendations below. This is understood to be a necessary but temporary situation ending on July 1, 2002 when the new staff person would be hired.

The details of fitting the staff person into the City organization are up to the City Manager as long as at least 20 hours per week are devoted to the work of the Conservation Commission's implementation of this plan. Adequate office space, supplies, equipment, and secretarial support also need to be provided.

In addition to the above, the Committee recommends that the City Council review the ordinance language establishing the Conservation Commission (Chapter 2, Article III) for the purpose of making amendments that will further strengthen the Commission in its ability to implement the relevant recommendations of the Open Space Strategic Plan. The recommended changes include:

- Eliminate the Associate positions on the Commission.
- Add a third At-Large voting seat on the Commission, the appointment for which would be recommended to the Council by the City Manager.
- Add a voting seat on the Commission for a South Portland Land Trust Board member.
- Select members of the Commission based on their knowledge of conservation, environmental science, or other fields related to the Commission's responsibilities.
- Authorize the Commission to seek easements, donations, etc., as well as to negotiate with landowners for the acquisition of open space parcels.

### 2. Send a \$1M bond issue request to the voters to fund open space protection.

The Open Space Committee unanimously recommends that the community pass a \$1,000,000 bond issue this November (2001) and that the funds be placed in the City's existing (but nearly empty) Land Bank Fund. The City needs to have funds on hand to "level the playing field" with developers, who otherwise can move much more quickly than the municipality in acquiring undeveloped land that becomes available. It is also critical to increase the City's competitiveness when applying for grants like the Land for Maine's Future Program; the funds on hand demonstrate conclusively that the City has a commitment to land conservation and is able to raise the required matching funds.

The amount of the bond issue was determined on the basis of needing to be able to respond to several possible scenarios, such as obtaining: a large piece of land with only private funds to help reduce the municipal payment; several smaller or less expensive parcels with just private matching funds; or one or more parcels of land or easements with grant monies as well as private funds.

While the recommendation does not require that use of the City's bond dollars be matched by private or grant funds, there is a strong expectation that such would be the case. The experience of other communities convinced the Committee that it was more important to keep flexible the ability to spend open space protection funds than to be tied down to a set percentage or amount of non-municipal financial participation. The City Council will have the final say on all proposals to spend municipal open space funds.

**3. Dedicate and maintain 3¢ in the property tax rate for open space protection.**

Three cents on the current valuation of \$1,805,000,000 would yield \$54,150 per year. Two-thirds of this money would be used first to pay the salary and related expenses for a new part-time or full-time position providing staff support for the Conservation Commission. One-third would go into the Land Bank fund for open space acquisition and/or protection. This recommendation is based on an assumption that the Land Bank fund will be sufficiently funded for the next 5 years from the bond issue (City Council Recommendation #2) and the earmarking funds from the sale of City-owned property (Conservation Commission Recommendation #3). After that time period, or if these other funding mechanisms are not approved, the amount of the annual portion of the tax rate dedicated to open space protection would need to be reexamined.

**In keeping with the Open Space Committee's mission and direction from the City Council to develop long-term strategies, it is essential that the City make a definite on-going investment in open space protection.**

**4. Authorize the City administration to work with South Portland Land Trust (SPLT), neighborhood associations, and volunteer attorneys to assist neighborhoods in the purchase of private neighborhood commons.**

Private open space initiatives are an important component of this plan. One such method is for a relatively large group of people in a neighborhood to pool their resources and purchase a desired piece of open space—in effect creating a true “neighborhood commons.” Such a commons exists in the Danforth Cove neighborhood, for example, where approximately fifty property owners share the property tax and maintenance costs for an open area that includes a tennis court and that is used for many neighborhood activities as well as adding greenery to the area.

One impediment to other neighborhoods following some form of the Danforth Cove example is the need to form a corporation and undertake related legal and organizational matters. The City and its partners, therefore, should put out a call for a volunteer attorney and should direct City staff to research examples, compile model documents, contact neighborhood associations and neighborhood leaders, and be available to lend assistance where desired.

Private fund-raising for acquisition of parcels to then be given to the City or SPLT is one of the possible variations of this approach.

## Recommended Actions for the Conservation Commission

### 1. Prepare grant applications, most immediately for a Land for Maine's Future Grant.

There are a number of public and private organizations that provide grants for open space protection, such as the Libra Foundation, the MDOT Enhancement Program (trails), and the Land & Water Conservation Fund. (The Open Space Committee research on grant programs is on file in the Planning Department.) One of the best possibilities at present in terms of size of award is the state's Land for Maine's Future (LMF) program, and the Open Space Committee recommends that the Commission proceed to select from among its top-ranked parcels, negotiate with the landowners, and submit an application for the parcel that best meets such secondary selection criteria as availability and cost as well as the environmental and other primary evaluation criteria (see Appendix B).

The LMF Program is currently starting its second year of allocating funds from a \$50 million land bond approved in 1999. Ten million dollars is planned to be allocated for each of the five years of the program (\$12 million was devoted to the first round of projects). Up to \$1 million of this is earmarked each year for agricultural land preservation and \$1 million for waterfront access lands. The largest request in the last round of proposals was \$2 million. Aside from the funds set aside for the agricultural lands and water access categories, funds are not earmarked for a particular category, such as local versus regional projects.

After this summer there will likely be three more rounds of funding as long as the LMF Board is able to more or less maintain the spending limit for each round.

The LMF program used to focus only on state-significant, state-owned lands. While statewide significance is still a priority, regionally and locally significant lands now are also considered. Projects compete only within their local, regional, or state-significant category.

There is no preference for the type of legal interest in the land, as long as the state's interests are secure. This allows flexibility in the land acquisition process. For example, if the City holds the development rights to a farmland parcel, the Board could recommend that the Department of Agriculture act as a third party enforcer, ensuring that the City upholds the terms of the agreement.

All projects must be sponsored by a state agency, such as the Department of Agriculture, which would be named in the legal agreement (i.e. deed restriction, title, etc). Therefore, knowing the sponsoring agency's philosophy toward land conservation, ownership of rights, and other related issues is critical to this relationship. The State Planning Office can help determine which agency to approach and will facilitate first contact with this agency.

The LMF Board expects that any proposal will have a one-third match based on total project costs including all work needed to take the property to closing, such as the title or survey. The Board will cover all the due diligence expenses.

If the Board decides the project is a finalist, an appraisal of the property's value must be performed following the Program guidelines. The Board will not pay more than fair market value for any land.

The deadline for the second round of grants is sometime this summer (2001). Given the time needed to select a parcel, negotiate with the landowner, and prepare an application, it is anticipated that the City would not be able to apply until the third round.

The LMF Board favors proposals having municipal funds allocated to them, since this indicates official approval and community support. Funding by local land trusts and other private funding is highly regarded, but is not given the same weight as municipal funding. An active land bank and acquisition program are also a plus.

Other features that make applications competitive include: proposals involving multiple values (environmental protection, buffering, connection to other open space, etc.); projects funded by a variety of sources as this indicates broad-based support; partnerships, such as between local municipalities or between a municipality and a Land Trust; and, ties to goals, objectives, and other aspects of a Comprehensive Plan, this open space plan, and other planning efforts (e. g. Project PLAN).

## **2. Strengthen relationships with environmental permitting agencies to promote wetland mitigation in South Portland.**

Environmental permitting agencies sometimes will allow a developer to fill wetlands if the developer obtains land in another area for the purpose of creating new wetlands or for protecting and improving wetlands already located there. By strengthening relationships with the staff of the Maine Dept. of Environmental Protection and the Army Corps of Engineers, and becoming more involved in the early stages of the development review process at the state and federal level, the City may be able to increase wetland mitigation in South Portland and to influence the choice of parcels thus protected.

Another possibility, though less likely, is that a developer would be allowed to make a cash payment in lieu of actual wetland mitigation. This would go into a state-wide, DEP-sponsored wetland mitigation “bank” whose Board, if appropriate criteria were met, could make funds available to open space protection programs like South Portland’s. The Conservation Commission should encourage our legislative delegation to support the establishment of such a mitigation bank.

## **3. Develop City ordinance amendments to direct funds from the sale of City-owned property to the Land Bank fund, and clarify the management of the account.**

The ordinance establishing the Land Bank fund, Article VII of Chapter 18, is included in this plan as **Appendix C**. It directs how the funds in the account can be spent, but it does not require that any particular type or source of revenue be deposited into the account. In order to provide an on-going, if sporadic, source of funds for open space protection, the Open Space Committee recommends that the City amend Sec. 2-171 and 2-172 (**Appendix D**) so that proceeds from the sale of City-owned land be placed in the Land Bank fund in their entirety—without, for example, any deduction to offset unpaid taxes when selling tax-acquired properties.

Rather than using the Land Bank fund, it may be possible upon occasion to do a direct “swap” of City-owned land for desired open space property. Otherwise, the Land Bank fund can be used over time to use the funds from the sale of lands the City does not need for the purchase of those it does.

In addition, the Land Bank fund ordinance should be amended to reflect the assigning of primary responsibility for open space protection to the Conservation Commission recommended by this plan.

## **4. Develop amendments to the City’s land use regulations to provide greater protection to environmentally sensitive areas.**

This plan adheres to the principle, stated in the Open Space Committee’s mission statement, of voluntary landowner participation. This includes providing fair market value for land and development rights, unless the owner is willing for tax purposes, altruism, or any other reason to make some level

of donation. However, some land, such as streams, wetlands, and other environmentally sensitive features should not be developed and are appropriate to be protected through regulation.

To the extent that South Portland is not on a level playing field in terms of environmental regulations compared with other Greater Portland communities—and thus faces greater development pressure on sensitive areas—the Open Space Committee recommends that the City review and upgrade its Comprehensive Plan as well as the Zoning, Shoreland Zoning, Subdivision, and other ordinances that contain such regulations.

**5. In conjunction with the South Portland Land Trust, obtain conservation easements, land donations, and pursue other non-acquisition strategies where appropriate and feasible.**

In addition to protecting open space through fair-market value purchases to acquire land in fee, it is also possible to achieve open space objectives by obtaining conservation easements (purchasing or obtaining development rights without acquiring ownership) or by accepting land donations. Some of the types of conservation easements are: forever wild; resource management; and, limited development. Donations can include such mechanisms as: donation by devise (will); life or reserved estate; remainder interest; charitable gift annuity; and, charitable remainder unitrust.

There are other methods of open space protection in addition to the above. Joint tenancy, involving multiple ownership with equal rights with the City eventually becoming the sole owner, requires a deed or will and reduces taxes for the owner. Property leasing can be used to prevent development and provide an opportunity for future purchase. Management agreements protect conservation values for a specified period of time, can include management technical support for the landowner, and can be terminated with appropriate notice. Rights of first refusal are another way, short of immediate acquisition, to protect open space.

It is recommended that the City work with the South Portland Land Trust in pursuing these alternative methods where possible and appropriate.

The South Portland Land Trust already has accomplished a great deal, and the importance of partnering among all groups interested in effective open space protection cannot be overstated. In 1999, the SPLT noticed a growing concern from its members and neighborhood associations over the steady development of areas traditionally used and appreciated by residents. The SPLT subsequently submitted and was awarded an EPA Livable Communities Grant to fund its Neighborhood Commons Project crafted to identify and prioritize open space parcels across the city, including informal parks, natural areas, wetlands, stream corridors, and traditional trail routes, as well as other undeveloped parcels that provide stormwater infiltration, pollutant filtration, and/or wildlife habitat. The project also sought to develop strategies for the ultimate protection of the most valuable of these open spaces. The project hoped to best meet this challenge by uniting the open space efforts of the SPLT, the City of South Portland, and the Conservation Commission.

The resulting partnerships have been the key to the swift and successful development of this Open Space Strategic Plan. The City of South Portland saw the SPLT initiative as a natural fit in pursuing the land use recommendations of the Project PLAN Committee. It began assisting the SPLT in an outreach campaign that eventually gathered information on the open spaces of value to neighborhoods from 175 local residents during nine neighborhood meetings and a community forum. The City used its administrative capability to form and coordinate the citizen-led Open Space Strategic Plan Committee. The SPLT was deemed best suited for raising awareness and support within the community, writing certain key grants and actively contacting landowners in the pursuit of voluntary donation, first right of refusal, or conservation easements on all privately owned priority open space

parcels. The Conservation Commission by virtue of its mission and its official city designation was identified as the perfect body to act as the prime administrator of the resulting Open Space Plan.

Because natural systems, greenways and trails do not follow political boundaries, the City, Conservation Commission and SPLT will next seek to expand its partnership beyond our city borders. As they explore grant sources, negotiate with landowners, and plan trails and greenways of regional significance, these groups will need to partner with the Scarborough, Cape Elizabeth and the Maine Coast Heritage Land Trusts. As the city and the SPLT begin to view our landscape as watersheds and plan for new stormwater and pollution reduction techniques accordingly, they will be employing the expertise of the Department of Environmental Protection, the Cumberland County Soil and Water Conservation District and groups like the Casco Bay Estuary Project. These new partners will save time and money by lessening the learning curve and preventing the recreation of strategies that have already successfully been employed.

**6. [Work with Pollution Abatement, SPLT, and the Casco Bay Estuary Project in getting a grant to perform a comprehensive conceptual study of the City's watersheds \(including for stormwater quality strategies that also protect open space\).](#)**

South Portland is governed by the Environmental Protection Agency's new National Pollution Discharge Elimination System Phase II stormwater rules. These recently mandated federal regulations require communities like ours to take a variety of actions to reduce stormwater pollution. Given the different ways open space can naturally and through engineering help to improve stormwater quality, there is an excellent opportunity to combine stormwater management planning with open space planning. For example, stormwater collected from a portion of the street system could potentially be diverted to an open space parcel that contains a wet pond—which would serve to remove sediments and other pollutants. This would substantially reduce the amount of pollution entering South Portland water bodies and/or Casco Bay, and at the same time it would provide a neighborhood with an attractive green space.

In setting the stage for future stormwater ordinance work and more detailed studies, the Open Space Committee recommends that the City seek a grant to do a comprehensive conceptual study of the City's watersheds in relation to the municipal stormwater system that would generate watershed-specific ideas for stormwater management techniques in South Portland (including but not limited to easements and acquisitions of land for both stormwater treatment and open space protection).

In general, it would be desirable to be able to see a base map of the City showing such features as the stormwater system—lines, intakes, outfalls, etc.—with the watersheds, water bodies, wetlands, and public land on which would be superimposed an overlay showing conceptual opportunities for integrated wet ponds, infiltration areas, retrofitting, filtering, and other natural and man-made facilities for stormwater treatment. The Conservation Commission and the Land Trust would then be able to use this information in selecting parcels for protection and in tapping into other sources of funds, such as EPA watershed programs, for their protection. The Land Trust has already applied, for example, for a watershed protection grant for the Trout Brook system. Extending such work to a comprehensive study for the City will ensure that linked stormwater and open space protection efforts and resources are directed most effectively.

## 7. Continue the Open Space Planning Process.

One of the chief roles of the Conservation Commission as envisioned in this plan is to continue the open space planning process initiated by the Open Space Strategic Plan Committee. That will involve:

- Keeping current the inventory of potential open space parcels.
- Performing an appropriate level of due diligence for each parcel.
- Developing an action plan for each parcel.
- Staying in contact with the parcels' landowners.
- Educating the public about open space protection.
- Meeting twice with the Open Space Committee to ensure continuity.

**It bears repeating that it will not be possible for the Conservation Commission to carry out this recommendation without implementation of the other recommendations, particularly the first, providing staff support and resources for the Commission.**



# **APPENDICES**

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## Appendix A

### Activities Leading to the Formation of the Open Space Committee

#### Winter/Spring, 2000

- a) **Project PLAN Recommendation:** The Open Space Strategic Plan evolved in response to one of the five Project PLAN Action Priorities in which the City was recommended to “Develop a long-range strategy for the acquisition of open space/green space land.” Further, the Conservation Commission had compiled a list of undeveloped parcels that it considered particularly important to include in this process. The Project PLAN Committee concluded that the City should “pursue [the] Conservation Commission report recommendations.”
- b) **Staff Inventory of Parcels:** Based on Project PLAN’s recommendations, the Conservation Commission began inventorying undeveloped parcels within the City, with the assistance of the Planning Department and the Land Trust. Undeveloped parcels were divided into those owned by the City and those under private ownership. Subsequently, a map was produced representing essentially all of the undeveloped land within the City.
- c) **Neighborhood Meetings:** To gain a better understanding of the open space needs within the City, the Land Trust, in cooperation with the Planning Department, held a series of five neighborhood meetings, including Knightville, Ferry Village, Ocean Street-Trout Brook, Hinckley Park Area, and Willard. Representatives from the Sunset Park Neighborhood were also asked for input. This information was used when developing a priority list of undeveloped parcels for evaluation.
- d) **Neighborhood Commons Project:** Determining that there was definitely a need for open space protection, particularly within specific neighborhoods, the Land Trust applied for and obtained an EPA Livable Communities Grant for its “Neighborhood Commons” project. This project was designed to identify and prioritize open space parcels throughout the City based on a number of values including water quality protection, wildlife habitat, and contribution to traditional neighborhood character. It also sought to develop strategies for the ultimate protection of the most valuable of these parcels. It envisioned uniting the open space efforts of the Land Trust, the City Planning Department, and the Conservation Commission.

#### Summer, 2000

- a) **Open Space Petition:** At the City Council workshop on July 24, 2000 the Planning Department presented its preliminary findings on the status of open space within the South Portland and proposed that the City pursue preservation of open space. A citizen petition asking the City to authorize a \$500,000 bond issue on the November 2000 ballot for use in open space preservation was also presented at this meeting. It was intended to show support and convey the sense of urgency residents felt regarding the need for protection of the few remaining open spaces having significant value to the community. It included an equal match from other sources, including private donations. Over 900 signatures were obtained in support of this petition.
- b) **Council Suggests Need to Develop a Plan:** While the City Council recognized the need for protecting open space and acknowledged the public support, they did not feel that they had enough information to authorize a bond issue at that time. They requested that the Planning Department

develop a plan detailing the process by which undeveloped parcels would be identified and evaluated, as well as which were considered most important. They also wanted to know what strategies would be used for acquiring these parcels, including the financial obligation of the City. It was indicated that this information would help them determine if public funds should be allocated for open space protection.

- c) **CIP Designation:** Subsequently, in recognition of the importance of open space protection and the fact that a number of significant parcels were under imminent development pressure, the City Manager designated \$500,000 for this purpose in the 2003 Capital Improvement Plan.
- d) **City/SPLT Partnership:** The relationship between the Planning Department, Conservation Commission, and the Land Trust which developed during the early stages of open space planning served to further their separate objectives. However it was obvious, particularly in lieu of the EPA award for the Land Trust's Neighborhood Commons project, that most of these objectives overlapped. Therefore, the City and the Land Trust agreed that it would be mutually-beneficial to pool resources. This set the stage for further public outreach and strategic planning.
- e) **Charter Amendment for Bonds:** the City Council put forward a charter change, subsequently adopted by the voters in the fall, that lengthened to five years the period after which a bond is approved that the City can wait to issue and begin payment on the debt. This charter changes makes it possible for the community to approve an open space protection bond issue (see City Council Recommendation #2) ahead of the time when it would be needed or used, thus increasing the City's ability to get a grant and/or to react in a timely way to a priority open space parcel that comes onto the market.

## Fall, 2000

- a) **Open Space Week:** September 17 - 23 was declared Open Space Week by the City Council in support of several events related to open space. The week's events included the Land Trust's annual meeting and culminated in the Open Space Public Forum at SMTC.
- b) **SPLT Annual Meeting:** At the Land Trust's annual meeting, held at the Spring Point Museum, members had much to celebrate based on the year's accomplishments, including the EPA grant for the Neighborhood Commons project and the partnership with the City. Former South Portland Planning Director and current State Planning Director, Evan Richert, attended the meeting. He spoke about the need for reintroducing the traditional neighborhood design in planning and how this could work to preserve open space and curb sprawl development. A resident of South Portland, he described how much of the City's special character related to these issues.
- c) **Public Forum:** On September 23, 2000 the City sponsored an Open Space Public Forum at SMTC to formally introduce the idea of open space planning. Presentations included a brief review of the process to date and a slide show highlighting some of the major open spaces identified, as well as the important values open space serves. The participants were divided into two smaller groups and were asked to identify any undeveloped parcels they felt should be considered in the process. They were also asked to evaluate the list of open space values and criteria compiled by the Planning Department and Land Trust, that would be used in screening parcels for protection. In the final portion of the forum, each group presented the results of their small group session, identifying the parcels they chose on the large open space map. Not surprisingly, there was a great deal of overlap between the findings of each group, indicating similar values and a high degree of familiarity with the City. The results of this forum would later form the basis for the Open Space Strategic Plan.
- d) **Committee Appointed:** Taking the next step, Mayor Bowring appointed an Open Space Strategic Plan Committee and charged them with the task of preparing an open space plan for the City. This

group was composed of some twenty individuals representing a variety of interests including the business community, landowners, developers, environmental scientists, interested residents, members of the Planning Board and Conservation Commission, Planning Department staff, as well as representatives from the South Portland Land Trust and the land trusts of neighboring communities.

### Winter/Spring, 2001

- a) **Open Space Strategic Plan Committee:** During this period the Committee was divided into two subcommittees, one to focus on the parcel selection process and to evaluate those parcels identified through the public participation process and the other to research and develop strategies for protecting open space. The full Committee met monthly to discuss the progress of the subcommittees.
- b) **Neighborhood Meetings:** Three more neighborhood meetings were held during the Spring to garner further input from neighborhoods in the central and western part of the City. These covered Pleasantdale, the Outer Highland/Stanwood Park Area, and the Main Street-West Area, including Cash Corner, Country Gardens, Ligonias, Meadowbrook, Redbank, and Thornton Heights. The results of these sessions were incorporated into the developing Open Space Strategic Plan.



## Appendix B

### Selection of Parcels

One of the activities of the Open Space Committee was to inventory potential open space parcels in the City and to develop an evaluation system that could be used to rank them. This was done to provide an objective way, in terms of selecting parcels for acquisition or other open space protection, for the City's decision-makers to choose from among both currently available parcels and other parcels that may become available in the future.

As further described in **Appendix A**, the list of potential open space parcels was developed by staff from the South Portland Land Trust and the South Portland Planning Department with input from residents collected at an initial community-wide forum at SMTC and eight neighborhood meetings. This list was then trimmed as a result of contacting the affected property owners to see if it was acceptable to them for the properties to be considered in this planning process. The refined list is contained in **Table 2**, page 16.

The next step was for the Open Space Committee's Selection Subcommittee to develop the criteria for evaluating parcels. The criteria, as subsequently adopted by the Committee as a whole, are as follows:

- **Quality of Life/Neighborhood Need** - Degree to which there are opportunities for improved physical and psychological health and for related social and community services. Degree to which the neighborhood in question already has protected open space.
- **Natural System** - Degree to which the site provides for ground water recharge and storage, climate moderation, flood control and storm damage prevention, air and water pollution abatement, etc.
- **Wildlife Habitat** - Degree to which the parcel provides feeding, breeding, migratory corridors, and wintering places for game and non-game animal species.
- **Scenic/Aesthetic** - Degree to which the site contributes to the beauty and character of the landscape making the area a more pleasant and desirable place to live; an essential element of urban design.
- **Recreation** - Degree to which there are recreational opportunities ranging from fishing, bow-hunting, cross-country skiing, snowmobiling, and boating to more passive activities such as walking, reading, and nature observation.
- **Open Space Connections** - Degree to which the parcel provides a link in an existing or potential chain of parks, walkways, or open spaces.
- **Buffer** - Degree to which the open space would provide a buffer between residential neighborhoods, parks, or other sensitive areas and such more intensive land uses as commercial and industrial areas, major roadways, rail yards, and airports in terms of views, noise, or other objectionable emissions or impacts.
- **Historic/Cultural** - Degree to which the open space fosters a sense of place and community due to its historic significance or traditional role in the community.
- **Regional** - Degree to which the open space would provide benefits to more than one community.
- **Education** - Degree to which the site provides opportunities for learning about nature, history, and local interests.
- **Production** - Degree to which natural resources are provided that are important to the local economy such as timberland, farmland, pastureland, and fisheries (including shellfish and lobster production).

In addition to these primary criteria, the Committee also generated a set of secondary (second tier) criteria that decision-makers should use when deciding which of the top-ranked parcels to protect. These are:

- **Cost and availability** – Is the owner ready to negotiate, and what is the asking price?

- **Management requirements** – How expensive will it be to manage the property? Is there a neighborhood stewardship program in place?
- **Economic value** – Is this a site that could accommodate a type of land use needed by the City, or would it be better as open space?
- **Development pressure** – If the City does not act now, how likely is it that the parcel will be developed?

Having developed the criteria and arrived at a refined list of possible parcels, the Selection Subcommittee took the entire day of December 18, 2000 to visit the candidate parcels and to score them according to the criteria. They repeated this process on May 1, 2001 for a number of additional parcels generated from several neighborhood meetings. The table below shows the weighting system used for the criteria (residents at the kick-off forum clearly felt some criteria were more important than others) and how parcel scores were arrived at based on an average of the scores of the eight members of the Selection Subcommittee:

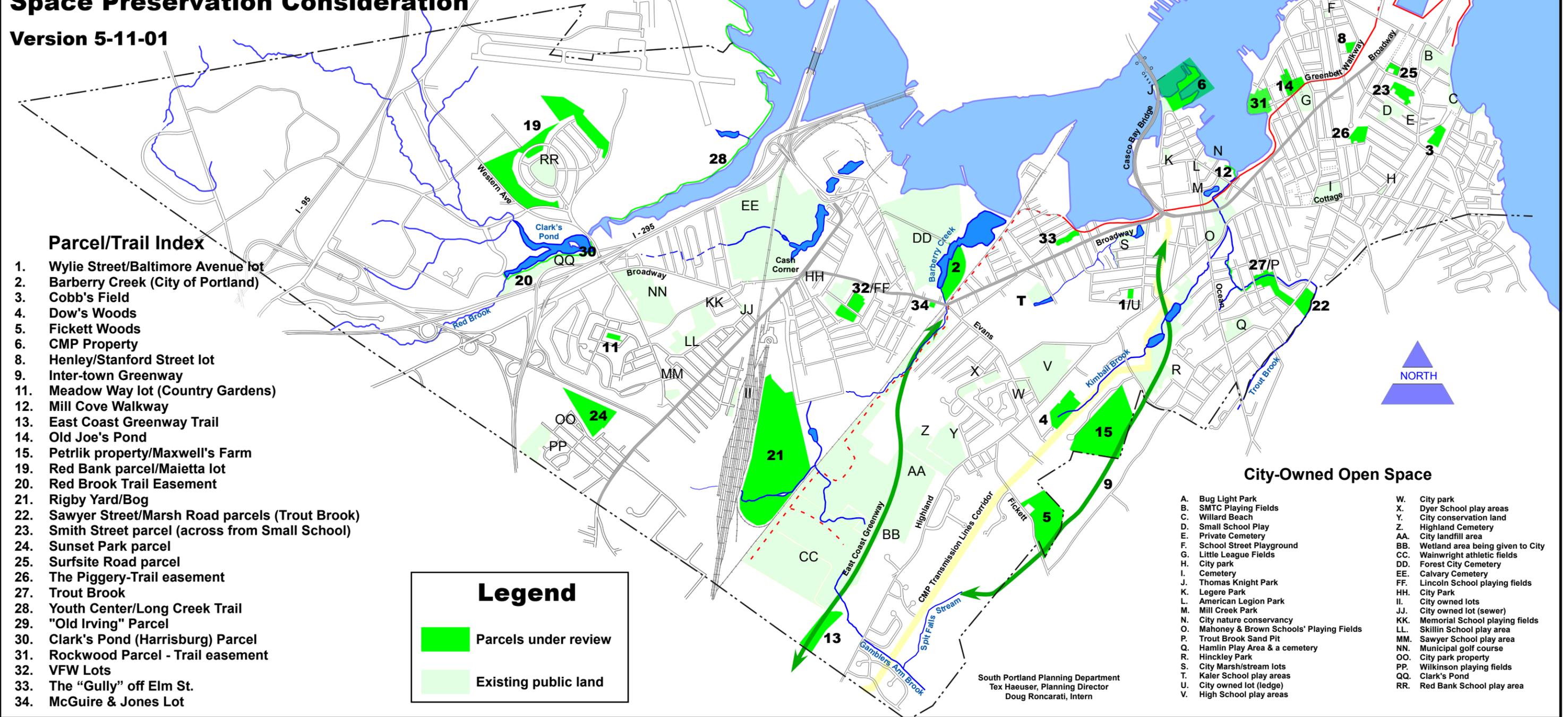
**Table 1**

Sample Parcel Scoring Sheet										
Petrlik Parcel	Points	Scorer #1	Scorer #2	Scorer #3	Scorer #4	Scorer #5	Scorer #6	Scorer #7	Scorer #8	Average
Quality/Need	0 - 40	20	40	35	20	40	30	30	35	31
Natural System	0 - 40	30	40	35	40	40	40	30	35	36
Wildlife Habitat	0 - 30	30	30	30	30	30	30	25	30	29
Scenic/Aesthetic	0 - 30	25	30	30	30	30	30	28	25	29
Recreation	0 - 30	30	20	30	20	30	30	28	25	27
Open Space Connection	0 - 20	20	20	20	20	20	20	15	18	19
Buffer	0 - 20	15	10	10	0	0	0	15	5	7
Historic/Cultural	0 - 10	5	10	10	10	10	10	5	10	9
Regional	0 - 10	5	10	10	10	0	10	10	5	8
Education	0 - 10	5	10	8	5	10	5	5	10	7
Production	0 - 10	10	0	8	10	10	10	10	10	9
<b>TOTALS</b>	250 max.	195	220	226	195	220	215	201	208	210

# PARCEL INDEX

## Parcels Permitted By Owners For Open Space Preservation Consideration

Version 5-11-01



### Parcel/Trail Index

1. Wylie Street/Baltimore Avenue lot
2. Barberry Creek (City of Portland)
3. Cobb's Field
4. Dow's Woods
5. Fickett Woods
6. CMP Property
8. Henley/Stanford Street lot
9. Inter-town Greenway
11. Meadow Way lot (Country Gardens)
12. Mill Cove Walkway
13. East Coast Greenway Trail
14. Old Joe's Pond
15. Petrlik property/Maxwell's Farm
19. Red Bank parcel/Maietta lot
20. Red Brook Trail Easement
21. Rigby Yard/Bog
22. Sawyer Street/Marsh Road parcels (Trout Brook)
23. Smith Street parcel (across from Small School)
24. Sunset Park parcel
25. Surfsite Road parcel
26. The Piggery-Trail easement
27. Trout Brook
28. Youth Center/Long Creek Trail
29. "Old Irving" Parcel
30. Clark's Pond (Harrisburg) Parcel
31. Rockwood Parcel - Trail easement
32. VFW Lots
33. The "Gully" off Elm St.
34. McGuire & Jones Lot

### Legend

- Parcels under review
- Existing public land

### City-Owned Open Space

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>A. Bug Light Park</li> <li>B. SMTC Playing Fields</li> <li>C. Willard Beach</li> <li>D. Small School Play</li> <li>E. Private Cemetery</li> <li>F. School Street Playground</li> <li>G. Little League Fields</li> <li>H. City park</li> <li>I. Cemetery</li> <li>J. Thomas Knight Park</li> <li>K. Legere Park</li> <li>L. American Legion Park</li> <li>M. Mill Creek Park</li> <li>N. City nature conservancy</li> <li>O. Mahoney &amp; Brown Schools' Playing Fields</li> <li>P. Trout Brook Sand Pit</li> <li>Q. Hamlin Play Area &amp; a cemetery</li> <li>R. Hinckley Park</li> <li>S. City Marsh/stream lots</li> <li>T. Kaler School play areas</li> <li>U. City owned lot (ledge)</li> <li>V. High School play areas</li> </ul> | <ul style="list-style-type: none"> <li>W. City park</li> <li>X. Dyer School play areas</li> <li>Y. City conservation land</li> <li>Z. Highland Cemetery</li> <li>AA. City landfill area</li> <li>BB. Wetland area being given to City</li> <li>CC. Wainwright athletic fields</li> <li>DD. Forest City Cemetery</li> <li>EE. Calvary Cemetery</li> <li>FF. Lincoln School playing fields</li> <li>HH. City Park</li> <li>II. City owned lots</li> <li>JJ. City owned lot (sewer)</li> <li>KK. Memorial School playing fields</li> <li>LL. Skillin School play area</li> <li>MM. Sawyer School play area</li> <li>NN. Municipal golf course</li> <li>OO. City park property</li> <li>PP. Wilkinson playing fields</li> <li>QQ. Clark's Pond</li> <li>RR. Red Bank School play area</li> </ul> |
|---|--|

South Portland Planning Department  
 Tex Haeuser, Planning Director  
 Doug Roncarati, Intern



Using the method indicated above, Open Space Committee developed the following ranking of parcels as potential open space properties (see also the enclosed **map**):

**Table 2**

<b>Parcel Rankings Based on Primary Evaluation Criteria with Secondary Evaluation Comments</b>				
<b>Rank</b>	<b>Map Index #</b>	<b>Parcel Name</b>	<b>Score</b>	<b>Comments (Including development pressure, cost, management requirement, economic value, etc.)</b>
1	15	Petrluk Property	210	Has potential to connect with adjacent parcels in Cape Elizabeth and South Portland to create a greenway and/or trail system. Landowner not interested in selling at the moment, but interested, someday, in talking about allowing an easement connecting to Hinckley Park. Cape Elizabeth might consider a joint project if it is associated with Maxwell's Farm.
2	27	Trout Brook	208	Most of these parcels are owned by the City or are tax-acquired. Provides an opportunity for the City to protect this sensitive water habitat w/o the need to purchase much land. Shoreland Zoning could be used to increase the level of protection.
3	2	Barberry Creek	194	Owned by the City of Portland and not under imminent threat of development.
4	5	Fickett Woods	185	Has potential to connect with adjacent parcels to create a greenway and/or trail system. Site plan application has expired, but it remains under contract and is not currently available. Potentially very expensive to purchase.
5	22	Sawyer St./Trout Brook	182	Parcels that could provide a buffer for Trout Brook. Shoreland Zoning could be used to increase the level of protection for these parcels.
6	4	Dow's Woods	169	Not under imminent development pressure. Landowner agreeable to discussing open space options in the future.
7	14	Old Joe's Pond	167	Neighborhood group working with the developer to preserve part of these wetlands (deadline for negotiations is August 2001). City owns one tax-acquired lot.

(continues)

8	24	Sunset Park	150	Currently only Mr. Ruotolo's parcel, which is not adjacent to Wilkinson Park, is available for consideration. This limits its usefulness as the wooded buffer around Wilkinson Park that was initially envisioned for the area. This parcel is not under development pressure.
9	6	CMP Property	148	Could provide access to the Fore River and link to Thomas Knight Park. The trolley building stations may have historic significance. Parts of the property are currently under lease to two entities. Potential for development in the future.
10	21	Rigby Yard/Bog	138	Due to its location and the fact it is very wet, this parcel is not under heavy development pressure. However, its quality may be degraded by activities on adjacent parcels. Has Shoreland Zoning protection.
11	3	Cobb's Field	131	Preliminary subdivision approved for ten condominium units on this lot. Purchase price could be expensive.
12	32	VFW Lots	129	The lot across from the Greater Portland Christian School is owned by the City. The other two lots are owned by the VFW and used as ball fields. Serves an important role in the Cash Corner and Ligonía neighborhoods.
13	33	The "Gully" off Elm Street	123	Essentially a small coastal wetland that provides habitat for migratory birds. Highly visible from the Greenbelt Walkway. Being degraded through gradual filling and development, as well as invasive plant species.
14	19	Red Bank Parcels	110	Area abutting Western Avenue has recently received subdivision approval for commercial development. High purchase prices anticipated.
15	25	Surfsite Road Parcel	106	Potential area of expansion for SMTC. Owned by the State of Maine. Low development pressure at this time.
16	8	Henley St./Stanford St.	104	Only lot 5/51A is currently available.
17	29	Old Irving Parcel	99	Extremely expensive to purchase. Would expand Bug Light park and the City Boat Ramp facilities.
18	23	Smith Street Parcel	97	Wet area in the interior of a block. May have development potential.

(continues)

19	30	Harrisburg lot (Clark's Pond)	90	Essentially not developable due to lack of access and is tax-acquired by the City. Consider approaching the owner for a quit-claim deed. Would provide a link for the trail system proposed in the Clark's Pond Plan.
20	26	The Piggery	89	Ledge area in back of Summit Terrace Apartments. Could be developed with extensive blasting.
21	1	Wylie St. Parcel	53	Not under development pressure, because the site is essentially "ledge." Tax-acquired by the City.
22	11	Country Gardens Parcel	32	Location and lack of frontage makes this parcel "impossible" to develop. Tax-acquired by the City. There is the potential that residents of Country Gardens could purchase this "common."
23	34	McGuire & Jones Lot	27	A small vacant lot more suitable for development due to its size and location.

While not included in the list of potential open space parcels, the Committee strongly recommends that any school property for which the school use is discontinued should not lose any of its green space.

Also not included in the list are parcels associated with potential trail extensions (some of which are shown on the map). These include the:

- Inter-Town Greenway
- Mill Cove Walkway
- East Coast Greenway
- Red Brook Trail Easement
- Rockwood Trail
- Youth Center/Long Creek Trail

It should be emphasized that this table reflects a snapshot in time and that the real purpose of the ranking exercise by the Committee was to develop a process which the Conservation Commission could use in an on-going fashion to make open space recommendations.



## Appendix C

### South Portland Land Bank Ordinance

#### ARTICLE VII: ESTABLISHMENT OF SOUTH PORTLAND LAND BANK

##### Sec. 18-72. Purpose.

The City of South Portland recognizes that open space, parks and recreation areas are desirable and beneficial to its citizens. To further the acquisition and creation of such land and land uses, the City hereby establishes the City of South Portland Land Bank, which shall consist of voluntary donations of funds and/or property interests and the acquisition of property interests through voluntary negotiations to be used in accordance with this Article. Property and funds held by the Land Bank are not intended to supplant budgetary appropriations to the Parks and Recreation Department.

(Ord. 13-91/92, 3-16-92)

##### Sec. 18-73. Management of the Land Bank.

In managing the Land Bank, the City may:

- (a) Purchase and acquire fee simple interests and any lesser interests, including conservation restrictions, development rights or easements, in any real property situated within the borders of the municipality, of the types set forth in Sec. 18-74, including any improvements on that real property, provided that all purchases or acquisitions are consistent with the purpose of this Article;
- (b) Accept gifts, including real or personal property interests or funds to further the purposes of this Article;
- (c) Dispose of all or any portion of the real or personal property interests held by it, subject to the Constitution and laws of the State of Maine and this Article. Any such disposition of property interest shall be in furtherance of the purposes of this Article. Any proceeds from such disposition shall be deposited into the Land Bank fund established in Sec. 18-76;
- (d) Maintain, manage and improve land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land, including planting, pruning and cutting of trees and shrubs to manage and enhance natural systems and constructing nature trails, bird nest boxes and nature identification signs. Expenditure of land bank funds for maintenance, management and limited capital improvement of Land Bank conservation lands and improvements thereon shall not exceed 10% of the average total annual revenues to the land bank, unless this limitation is waived by the City Council to further the purposes of this Article. Any conditional gift or donation specifying a particular use or expenditure shall not be included in this calculation.

Any proposed acquisition or sale of any real property interest(s) and any proposed use of land pursuant to this article shall be referred to the Planning Board for review and recommendation(s).

(Ord. 13-91/92, 3-16-92)

##### Sec. 18-74. Types of land which may be acquired.

Land, interests in land and other real property interests to be acquired and held as part of the land bank must be situated within the boundaries of the municipality and may consist of any of the following types of land and interest in land:

1. Ocean, harbor, river, stream, lake or pond frontage and adjoining backlands;
2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
3. Islands;
4. Land for future active or passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view or other visual corridors, and open space;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or which are otherwise important to the community's cultural welfare;
7. Farmland or wildlife habitat;
8. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for open space or park land.

(Ord. 13-91/92, 3-16-92)

**Sec. 18-75. Maintenance of real property.**

The City shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition, except as otherwise provided in this Article. The City shall not allow:

1. Construction or placing of buildings; roads, other than paths for pedestrian or bicycle use; signs; billboards; or other advertising utilities or other structures on or above the surface, except in furtherance of the purposes of this Article;
2. Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste or unsightly or offensive material;
3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;
4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;
5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation; or
7. Use of motorized vehicles, including recreational vehicles (RVs) and all-terrain vehicles (ATVs), except where used for appropriate maintenance purposes; or

8. Other acts or uses detrimental to the natural, scenic or open condition of the land or water areas.

The above restrictions may be waived by the City Council if the otherwise prohibited use is in the interest of conservation.

**Sec. 18-76. Land bank fund.**

The City shall meet the financial obligations of the Land Bank by drawing upon a municipal land bank fund to be set up as a separate revolving or sinking account within the City. Deposits into the fund shall include:

1. Any funds appropriated to be deposited into the fund by vote of the City Council;
2. Voluntary contributions of money or other liquid assets to the fund;
3. Interest from deposits and investments of the fund; and
4. Proceeds from disposal of real or personal property interests pursuant to 18-73(c).
5. Any grant funds received on behalf of the Land Bank.

All expenses lawfully incurred in carrying out this Article must be evidenced by proper vouchers and accounting practices. The City shall prudently invest available assets of the fund and all income from any investment shall accrue to the fund.



## Appendix D

### Ordinance Sections Governing the Sale of City-Owned Property

**Sec. 2-171. Sale of real property.**

- (1) *General policy.* The sale of all real property owned by the city, including any interests therein, shall be governed by this ordinance. As a general rule, the city shall charge fair market value for the conveyance of any interest in real property, except as specifically provided below, and convey its interest by quit claim deed.
- (2) *Classification of property interest.* For the purpose of this division, real property interests owned by the city shall be classified and the disposition of those interests shall be as follows:
  - (a) Tax acquired.
    1. The director of finance shall maintain a list of all tax acquired property and shall send a list of the most recent tax acquired property to the planning board each year for its recommendation as to the disposition thereof.
    2. The planning board shall review said annual list and forward its written recommendation to the city council indicating whether said properties should be retained by the city. The city council shall then review the planning board's recommendation and determine which properties, if any, to offer for public sale. Residential properties which are occupied by the prior owner and for which regularly scheduled payments are being made shall not be offered for sale.
    3. Each property to be offered for public sale shall then first be offered to the previous owner for a price to be determined by the city council; provided, however, that in no event shall such price be less than the total of all back taxes, interest, costs, and any and all other charges properly assessed thereon by the city.
    4. Thereafter those properties to be offered for sale shall be put out to public bid for sale to the highest bidder; provided, however, the city shall reserve the right to establish a minimum bid, to reject any bid less than the stated minimum bid, and to establish such other conditions or restrictions on the bid or subsequent use of the property as it deems in the best interest of the city.
    5. The city council shall then make an award of bid determination.
  - (b) City owned.
    1. The sale of all real property interests not classified as "Tax Acquired" or "Streets and Rights-of-Way" shall be governed by this paragraph.
    2. Any proposed sale of "city-owned" property shall first be referred to the planning board for its recommendation as to the disposition thereof.
    3. After review of the planning board's written report, the city council shall decide whether to sell such property and any property to be sold shall then be put out to public bid for sale to the highest bidder, except as noted in subsection (2)(c) below; provided,

however, the city may reserve the right to establish a minimum bid, to reject any bid which fails to meet the minimum bid requirement, and to establish such other conditions or restrictions on the bid or subsequent use of the property as it deems in the best interest of the city.

4. The city council shall then evaluate the bids and make an award of bid determination.

(c) Streets and rights-of-way.

1. The sale or discontinuation/vacation of property interests in streets and rights-of-way shall be governed by this paragraph and the requirements of state law.
2. The city's property interest in streets and rights-of-way shall not be sold or discontinued/vacated until the planning board has reviewed the matter and issued a written recommendation thereon to the city council.
3. The city council shall then decide whether to sell or discontinue/vacate such interests. The assessment of damages shall be left to the discretion of the city council.

- (3) *Miscellaneous considerations.* The city council may waive any of the above requirements where the public interest so requires and where i) An abutting property owner has a unique interest in the property; ii) in the case of a street or right-of-way, a replacement of equal quality is given; or iii) a charitable, nonprofit, or other governmental agency offers to purchase property to be used for a charitable, nonprofit, or governmental purpose. The city council may authorize such a waiver only upon full public disclosure and an affirmative vote of not less than six (6) councilors.

(Ord. No. 22-89/90, 6-4-90, Ord. No. 17-91/92, 6-15-92)

**Sec. 2-172. Lease or rental of city property.**

- (a) The city manager may, on behalf of the city, enter into agreements for the lease or rental of city property, except as otherwise provided in subsection (b), for such purposes as will benefit the city. Any such agreement which is for a term of more than one (1) year, or can extend beyond a period of one (1) year, shall require city council approval.
- (b) The school board may enter into arrangements to lease school buildings as authorized by general law.



## Appendix E

### Conservation Commission Ordinance Section

#### DIVISION 2. CONSERVATION COMMISSION

**Sec. 2-76. Commission established.**

A conservation commission is hereby established to consist of seven (7) members appointed by the city council, all of whom shall be residents of the city, one from each of the five (5) voting districts of the city who shall be a resident of the district for which he is appointed and two (2) members from the city at-large, and who shall serve without pay. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this article shall be such that the terms of no more than three (3) members shall expire in any single year.

Upon recommendation of the commission, the city council may appoint seven associate members to the commission. Associate members shall be residents of the city, one from each of the five (5) voting districts and two (2) at large. Associate members shall serve for terms of three (3) years from the date of appointment. Associate members shall advise the commission and shall be nonvoting members.

All members, including associate members, shall satisfy the attendance requirements for all boards and commissions in the City of South Portland as established in Sec. 2-121(d).  
(Ord. No. 4-89/90, 8-21-89; Ord. No. 22-96/97, 6/16/97, Fiscal note: less than \$1000)

**Sec. 2-77. Purpose.**

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the city.

(Ord. No. 4-89/90, 8-21-89)

**Sec. 2-78. Qualifications.**

All members of the commission shall be selected upon the basis of their knowledge of conservation, environmental science or related fields.

(Ord. No. 4-89/90, 8-21-89)

**Sec. 2-79. Powers and duties.**

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the city council;
- (b) Shall conduct research in conjunction with the planning board into local land areas;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;

- (d) Shall keep an index of all open areas within the city, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the city council or to any board of the city or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;
- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary;
- (f) Shall assist the city in promotion of its open space and park plans, including the Greenbelt Master Plan, the Clarks Pond Study and the Recreational Area/Open Space Study and Linkage Plan; and
- (g) Shall undertake any other conservation or environmental activity referred to it by the city council.

(Ord. No. 4-89/90, 8-21-89)

**Sec. 2-80. Officers, meetings and records.**

- (a) The members shall annually elect from their membership a chairman, a vice-chairman and a secretary.
- (b) All meetings of the commission shall be open to the public. Notice of each meeting shall comply with the city's notice policies.
- (c) Minutes shall be kept of all meetings with a copy filed with the city clerk. An annual report of the commission's activities shall be submitted to the city council in January of each year.

(Ord. No. 4-89/90, 8-21-89; Ord. No. 22-96/97, 6/16/97, Fiscal note: less than \$1000)

**Sec. 2-81. Limits of authority.**

Nothing contained within this section shall supersede the provisions of the City Charter, the Code of Ordinances, Chapter 2, Article IV, Tree Ordinance, or Chapter 18, Parks and Recreation. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.



## Appendix F

## Glossary

<b>Buffer</b>	Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
<b>DEP</b>	Maine Department of Environmental Protection
<b>Development right</b>	The right to develop property. Fee simple ownership of property involves a bundle of rights, including but not limited to mineral rights, air rights, easements, and so on. These may be sold, dedicated, or transferred in their entirety or in part. Purchase of development rights has become a method to preserve farmland, open space, or historic structures. Usually a governmental agency purchases the development rights to the property at a fair appraisal price. The owner keeps title to the property and may continue to farm the land and live on the property. Development rights can also be transferred.
<b>Easement</b>	A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
<b>EPA</b>	United States Environmental Protection Agency
<b>Fair market value</b>	The price of a building or land that would be agreed upon voluntarily in fair negotiations between a knowledgeable owner willing, but not forced, to sell and a knowledgeable buyer willing, but not forced, to buy.
<b>Land Bank fund</b>	A separate revolving or sinking account set up by the City according to Sec. 18-76 to be used in connection with the City's Land Bank to fund open space protection. <i>See Appendix C.</i>
<b>LMF</b>	Land for Maine's Future Program
<b>MDOT</b>	Maine Department of Transportation
<b>Mitigation</b>	Methods used to alleviate or lessen the impact of development.
<b>Neighborhood commons</b>	As used here, the corporate ownership by various property owners in a neighborhood of a piece of land to be used for such purposes as open space, recreation, and neighborhood events.
<b>NPDES</b>	National Pollution Discharge Elimination System
<b>Open space</b>	As used here, any essentially unimproved parcel or area of land or water, the preservation of which would accomplish any of the following: (1) conserve and enhance natural or scenic resources; (2) protect water quality; (3) promote conservation of soils, wetlands, beaches, or tidal marshes; (4) enhance the value to the public of abutting or neighboring parks, trails, forests, or nature preserves; (5) enhance passive recreation opportunities.
<b>SMTC</b>	Southern Maine Technical College
<b>SPLT</b>	South Portland Land Trust