

# *Knightsville Fore and Aft*

Minutes  
August 16, 2018

## **Comprehensive Plan Implementation Committee**

### **Present**

|                         |                 |                |
|-------------------------|-----------------|----------------|
| Peter Stanton, Chair    | Justin Barker   | Camila Atkins  |
| Councilor Sue Henderson | Melanie Wiker   | Steven Edelman |
| Mitchell Sturgeon       | Barbara Psichos | Chase Hewitt   |
| Bob Foster              | Bland Banwell   | Tom Falby      |
| Tom Ainsworth           | Tony Grande     | Eva Goetz      |
| Bill Mann               | Caroline Hendry | Buzzy Trusiani |
| Troy Chase              | Phil Notis      | Lloyd Reynolds |
| Barbara Psichos         | Barry Lucier    | Tex Haeuser    |
| Adele Edelman           | Susanne Conley  | Bill Mann      |

### **1. Welcome**

The following documents were provided: the agenda, minutes from the 7/19/2018 meeting, notes from the 7/26/18 Public Forum, a memo on Provisional VR Zoning Amendments, a memo from Justin Barker with AHPC thoughts on historic preservation and design standards, and an email from Buzzy to Tex regarding zoning language, handout of the business survey, handout of the suggested survey script

**Chairperson Peter Stanton** welcomed everyone to the meeting and the group introduced themselves.

### **2. Adoption of Minutes**

**Barry Lucier motioned to adopt the July 19, 2018, minutes. Bob Foster seconded. Unanimous approval.**

### **3. Review of Notes from the 7/26/18 Public Forum**

**Tex** said this is a chance to discuss the Public Forum notes and make any revisions, comments, or additions. There were no changes.

### **4. Business Retention and Attraction Update**

**Tex** said that this is a planning component on the list of tasks for the group. They want to see if they can improve the mix of businesses and services for everyone's benefit. The Committee is encouraged to look through and make suggestions. There is also a Knightsville business survey script that goes with it; the intent is to go directly to businesses, say something along the lines of what's written, ask two or three key questions, and follow-up afterwards.

**Bill** said the survey is fairly general in nature and is intended to start a conversation. The key is to start a relationship and gather some data.

**Tex** said essentially, this is the first time they've had a single-job Economic Development Director. One of his first activities is outreach to businesses. They are starting with Knightsville because of this project.

**Bill** said it seemed like a logical place to start. They intend to go out in pairs: city staff and someone from the Economic Development Committee. People from this group may be able to as well. He's done this

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before and you need to do a good number of them. What they're proposing is keeping it simple—to go in and develop a relationship and to follow up with an e-mail link to a survey. They need to do enough to do it systematically and you need to have consistency. He always thinks it's good to go in a pairs so that you get different perspectives.

**Caroline** asked how many businesses will be surveyed. **Bill** said they will try to hit each one. They have a database of business licenses and an assessment records of every business property. He estimates 80 businesses in this area. This does not include businesses in the home because they are not required to be licensed. If you have a residence without a business license, they probably won't capture that and he's not sure how they would.

**Steven** said it's well done. He wondered if you need to tell people how and by whom this information will be used; they're asking personal questions. **Bill** said they should indicate this; there are provisions to keep information confidential. They will edit the survey to add this.

**Peter** asked if it's anonymous. **Bill** said it can be if you don't fill out the last question.

**Tex** asked for a tentative schedule. **Bill** said they will begin around the week after Labor Day. It will take four or five weeks depending on how many people help and their schedules.

**Barry** suggested to distinguish the two surveys. He's afraid of an oversaturating of surveys and the respondent skipping a second survey from the Committee because they thought they already did it. **Bill** said the distinction is each business will have been visited in person with his survey. If they are not, they will not get the follow up e-mail or business card.

**Melanie** finds it difficult to navigate the City's website in general. The Committee discussed a potential Knightsville Fore & Aft link on the front page or in several places.

**Peter** asked if they want to practice on Committee members who are business members. **Bill** said yes.

**Tom F.** asked if they considered putting anything in about City tax rates, how the Assessor's office interacts with businesses, or things where businesses' dollars are being taxed by the town to try to work out different rates. They could ask if they are happy or not with the rate. **Bill** said no; the intent is to keep it streamlined. There are open-ended questions where this could be discussed. If someone has an issue you want to take the concern, let them know they've been heard, and follow up. Most people will do this part time and are not City employees and that is not their specialty. He doesn't want to invite "getting into the weeds."

**Tex** said he agrees with Tom. At some point they will have interviewed most or all businesses in the City. To have the ability to show Councilors how businesses feel about the tax rate may be a good piece of information to have. **Bill** welcomes feedback on ways to improve but it's the beginning of a conversation. **Tex** and **Tom F.** clarified that it should be a survey question.

**Tom F.** said as a business owner, he cares about zoning and taxes. As a City, you want the money coming in. It seemed like the two most pertinent questions from the business standpoint.

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**Barry** said #8 could identify taxes as a difficulty but not anything else regarding feelings about taxes. They may want a separate question.

**Bill** asked what everyone thinks about taxes. **Melanie** said you're opening up a hornet's nest. **Tex** said he may want to see how the average answer is as a councilor.

**Phil N.** said they're trying to move forward in Knightsville and make changes to freshen up the neighborhood. He sees developers building 30+ unit developments all over the place. They get a tax break and get a return of what they would ordinarily fork over to the city for taxes back into their pocket to invest and build the project. He'd like to see collectively, as a neighborhood, creating a TIF district or if there is interest in it.

**Tex** said Knightsville is in the downtown TIF district, as well as Mill Creek. It's a transparent TIF. It captures some of the taxes from new buildings and puts it in a fund used for City infrastructure improvements like those made to Ocean Street. He doesn't know the balance. They've talked about amending the TIF more in the context of how to get the owner of the Shaw's shopping center to make it more attractive. You can build there with more height and density, and they've put in a flexible planned development procedure. This hasn't brought them to the table; what's next is Bill and the crew going to Boston and talking to them.

**Bill** said every community has a different sensibility about how they want to use economic development centers. Some are willing to do that for housing projects, some only for affordable housing, and some depending on number of jobs created. Some have fairly detailed annual reporting so the more you do, the more you benefit. What Tex alluded to with Mill Creek is that there is rezoning to allow redevelopment, leading to greater activity in Knightsville. They will ask what it would take to consider it and how can the City help. Business-savvy developers play towns against each other.

**Tom A.** said that a way of addressing this is to send a stalking horse in. He spoke about a collaborative partnership with design that Mill Creek, Knightsville, and the City are behind. They've talked about examples of centers for youth or seniors and parking. The biggest undeveloped piece in these areas is the Finard property. They have an opportunity to make the shopping center a town center that's cutting edge. He spoke to parking, residential, and offices. It would be a grand scheme, which is what the Committee is supposed to be doing. In that fashion, he thinks the City would not be in the position in offering. Avesta is another classic example that could partner in with Southern Maine Agency on Aging. They could enlist the Water District to give land for parking. They need to get a bigger scope of what they might accomplish. Then look at TIF and financing at a bank that wants to make a statement and possibly become an anchor.

**Caroline** said Mill Creek is not in their purview. **Tex** said they shouldn't close conversation yet.

**Peter** said when the Mill Creek study and zoning changes were made, he thought they did tweak the TIF and it was set up to entice Finard and a couple other property holders to make changes. **Tex** said they got calls from architects contacted by Finard to see what they could come up with but they haven't heard since.

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**Peter** said his thought is they're playing poker—you have something out there, when do you say that wasn't good enough? Is a couple years too long? **Tom A.** said he thinks they're on a down slope but it could be a good time to launch. He spoke about a grand scale building with parking in the Finard shopping center. Parking could be shared, which is a current trend in parking. The revenue might support an argument for a TIF to support greater building of residential properties. He's not looking at Finard as a sole player, it would be a collaborative approach. He sees parking, commercial property, and residential property enhancements because it's so close to Portland.

**Buzzy** suggested burying power lines to make it more attractive here and in the letter streets. **Tex** said he can report that they have CMP doing the Brightline project and with the substation issue. CMP separately submitted an application to the Planning Board to replace the second tower south, in the water, with a monopole tower because the lattice tower is rusting. Kip, Lloyd's son, said tower replacement is expensive and you might as well bury the lines. He brought it to the City Manager and he contacted Brightline consulting and they have someone coming to meet with City officials.

**Tom A.** said they shouldn't let the conversation be too narrow. They could partner with CMP as part of the process—get new substation in another location, bury the lines, and to put it into a 5, 10, or 15-year plan. He hopes talking to CMP about one issue is an opportunity to raise other collaborative approaches. Once you have their attention you have to get something.

**Eva** loves the idea of burying lines but wonders about environmental concerns as a peninsula and with the encroaching water. **Tex** said they're safer and more protected underground than overhead.

**Councilor Henderson** likes what Tom said about a long term vision and doing something to make the community better and something people will buy in to. She spoke to walkability, decreasing traffic, and increased sociability.

**Tom A.** said Baltimore had a terrible situation; they worked with developers for a grand redo and caught the attention of Boston, who used the same developer for Faneuil Hall. He suggested drawing attention to the City for other businesses. Do something to stand out.

**Councilor Henderson** likes what he's saying—asking us to take charge and not just ask what they will do or what we can get out of it. What will community get out of it? She mentioned that the City paid for trees on E Street and Lucas has butchered them to protect the power lines.

**Tex** said the connection is that if they can take pressure off Knightville as manifested in the Housing Authority proposal by creating substantial housing and mixed use opportunities in Mill Creek, could make things a little calmer in Knightville. They're close enough that they relate. It is almost really a single neighborhood. He wonders if anyone else wants a subcommittee. He could speak to Bill and Josh Reny and carry conversation forward.

**Buzzy** asked if they can push Knightville to Broadway. Knightville sounds better than Mill Creek.

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**Phil N.** appreciates that they're talking about Mill Creek, but he doesn't think they should make it part of this Committee's work. He's been waiting ten years to get rezoning on a lot they want to build a four-unit on. He doesn't want to wait longer. Time and energy went into the Mill Creek plan and zones were adopted. They could have been part of that discussion but they weren't. This Committee should focus on the roundabout down and the composition and division of lots. It's not close to being Mill Creek; there are different needs and issues. He suggested coming back to Mill Creek after Knightsville.

**Peter** wouldn't mind a subcommittee. He doesn't want to derail the Knightsville progress. Mill Creek didn't have people living in it—there's more energy here. He would like to be able to harness Knightsville energy for a Mill Creek subcommittee.

**Tom A.** said it should be easier to get zoning change if there's clarity of a whole region and services for parking, different types of businesses, and levels of housing. Someday people will figure out this isn't the best place for City Hall. They wrap people into the Baltimore vision and get the City on board for swapping this out for Mahoney, which frees this up for another piece. He would rather not compete with Mill Creek.

**Phil N.** asked what he should do with half acre of land that has nothing to do with what happens in Mill Creek. He doesn't think anything below the roundabout should be tied to Mill Creek. **Tom A.** said he would like to use Phil's example to say this is why we need to do the work for Knightsville but recognize some work will have spillover to the rest of the City as well as Knightsville and Mill Creek. He would like to use his example to say no one should have to wait ten years to do something with a vacant lot in an area that's crying for housing.

**Caroline** asked if zone changes come up as part of the planning process. If he put something in, would they look at zoning in Planning? **Phil N.** said it's not just him. He knew eventually they would get around to zoning. He doesn't want any further delay—the subcommittee is making progress. They've talked about all of the zones but zoning relating to vacant property they have.

**Melanie** agrees with Tex. She's intrigued in keeping Mill Creek somehow to take pressure off of Knightsville. She's not sure why it's taken ten years. She feels the zoning subcommittee is for him and Buzzy.

**Buzzy** said the current insane zoning in Knightsville says you have to have 7500 SF and only one lot that is 7500 SF or larger.

**Tom F.** said he likes a lot of Tom A.'s ideas. In regard to Bill's comment about cities playing against each other, South Portland will have to compete with Scarborough soon. If they're willing to come back to Knight/Creek, combine the two. He agrees that you start off by looking at Knightsville; there's a lot to consider in getting it done. If the group still feels passionately about Mill Creek, everyone can keep meeting. It's easy to spill over into places beyond the scope of what this was defined as. If the ideas for what could happen in Mill Creek could be integrated into possibilities into how Knightsville can be done, it should be a conversation but doesn't necessitate a subcommittee.

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**Tex** said they could commit to proceeding with Knightsville zoning. They are ahead in terms of the Gantt chart. The subcommittee has done good work and is making progress. They could decide when zoning is ready, even if they're not done with other aspects on the list, to bring it forward to Council with the idea that it's an interim step; it's been a need here for a long time. Continuing interesting discussions, they are committed to zoning and don't think the larger issues will change much. Sometime later this fall, they could get zoning adopted. At the same time, they could have a subcommittee to explore options. The stars are aligning—the substation, tower, and the school. It may be possible to pull together a waterfront/South Portland downtown larger vision.

**Tony** thinks that's a great suggestion. His understanding of the subcommittee is taking existing conditions and making them legal. They could put a plan together with a schedule and if certain things are ready early and pushed forward to be adopted, that would help Knightsville move forward while this is happening.

**Councilor Henderson** said her concern is that they want to be clear with a vision. She likes 2005 Comprehensive Plan vision. Thinking about zoning, they have to look about what they want the area to be. As long as there's a vision, they can decide on zoning. The most important thing is that the vision comes first.

**Eva** differs—they can do zoning and they have talked about design as well in the subcommittee. She thinks they can have a general map of zoning what looks like and bring it here. She thinks they can do both and they can happen hand-in-hand.

**Barry** asked for a show of hands for a recommendation to agree that after the zoning subcommittee is wrapped up, they will form a subcommittee for integration with Mill Creek. The majority of members were in favor.

**Tex** said he thinks some things could happen this fall while they work on zoning that may be nice to have the subcommittee involved in.

**Peter** clarified that this is not to derail what happens now. **Buzzy** said subcommittees forming take time and the new one would just be getting off ground as zoning wraps up. They may overlap a little.

**Barry Lucier** motioned to form a subcommittee for integration with Mill Creek. **Eva Goetz** seconded. Motion passed.

## **5. Input from Arts & Historic Preservation**

**Tex** said he and Justin attended the Arts & Historic Preservation (AHPC) meeting and Justin wrote the memo that's been provided. When talking about zoning, they mostly think of rules for kinds of uses, how tall buildings can be, but another important aspect are design standards for businesses fronting on Ocean. This is to prevent the worst design of buildings. To review design is an important aspect as well as height and bulk. Two buildings of the same size might be very different in terms of architecture. A subset of design is the historic preservation aspect. This is a neighborhood with roots to the 1800s and some homes and buildings reflect parts of this. To what extent do they want to preserve that or bring it back? He asked AHPC make suggestions to this group.

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**Justin** reviewed his memo.

**Troy** asked about historic districts and the value of homes. If your home is encompassed, what would happen? He's heard it increases value but makes it more difficult to sell. **Justin** said it depends on the program you fall under.

**Caroline** asked about buildings that have been compromised. Some have been changed so dramatically you'd never know it was an 1860 building. You lose character. **Justin** said nothing specific was talked about at length. That is an item in the staff-level review.

**Caroline** said there was money available to help people at one point. **Tex** said it was a grant; started in Ferry Village that moved to Knightville.

**Phil N.** said where Caroline lives was an empty lot and it was a ravine to be filled. Now they are side-by-side houses. The AHPC memo says horizontal arrangements would be barred. He asked if anyone from the neighborhood is on the AHPC. If not, there should be. The two groups may not have same visions.

**Peter** asked what happens with the recommendations. **Tex** said they're not internally driven to try to affect how things happen in Knightville. The AHPC is responding to a request for suggestions given the fact they're doing zoning work. They've seen what happened with the Housing Authority and think residents would want more of a traditional design style. They could ask the AHPC to go further or not.

**Phil N.** doesn't think they need to go any further.

**Camila** introduced herself—she is an architect involved with the Portland Society for Architecture. She has worked in residential single-family, multi-family and commercial. She thinks it's good for feedback but the windows comment stood out to her. It's tricky to use the word mimic. There are different ways to accomplish that.

**Caroline** said the buildings put up should be contemporary with references to the past but they can't recreate 1860.

**Buzzy** said there are three houses on B Street that are classic examples. He's not sure what their style is called—do they represent architecture to be preserved or are they “cute”? Do they need a critical mass? He struggles with finding the critical mass. Do they prevent replacing vinyl siding?

**Tony** agrees; he spent time today walking the area. There is a variance of styles with their own value. With regard to historic preservation, having worked on the transportation engineering side of things, there is a certain definition of historic. If there's a group of buildings that are kept up well over time, they will hold value but there are some older homes that have been not kept up well. He's not sure he would call them historic in the sense the historic commission applied. It's in the eyes of the beholder.

**Phil N.** said review standards for properties in VC were implemented in the 90s. Building design and sidings have changed. What's included as a permissible siding in design criteria is vinyl siding,

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clapboards, metal, all in traditional style. Also excluded is corrugated steel, which you can do nice things with.

**Melanie** thinks 65 D is the oldest in the area and it just sold. She likes how Knightsville is eclectic. It works for her. She appreciates the historic piece, but she's not sure they should be strict.

**Buzzy** said when you single them out—those three on B are great together. H spoke about tyranny in zoning.

**Peter** asked with what they have, where do they want to go? **Tex** said this has been useful discussion for zoning subcommittee as they proceed.

## **6. Zoning Subcommittee Update**

**Tex** said they've chosen to focus first on zoning on letter streets. There is a strong aspect of wanting to have zoning fit more traditional size of lots and how things were originally laid out. Therefore the proposal is to allow the minimum lot size be 2500 SF. Residential density has been interesting because this is recognized as an urban neighborhood and should have some density allowed, but the subcommittee is conscious of not wanting to incentivize developers to buy lots and merge them. He explained the related memo. One thing they see is that many households have fewer cars and the City has restrictions on parking in the winter. People with more cars than spaces will have to find another situation.

**Susanne** doesn't know a lot about zoning and is trying to understand. She agrees with some of this but the setback from the side is concerning. She has an older home with water in the cellar. Where does the water go? Her concern is also if a place burns down. She's not sure how rebuilding works.

**Phil N.** said any house can burn down; vinyl siding is dangerous. They bought a house and wanted to tear it down and move it, but couldn't do it because of zoning. This is why there's six feet for more room. Some lots have a high water table and some don't. They had to accommodate for water when they built. He suggested building without a basement.

**Camila** said if house got demolished, the burden is on the new property. A lot of times there is a stormwater requirement.

**Tex** said they require for any building permit and a surface drainage plan by an engineer, which they have their engineer review. In some cases it could be a connection to City storm sewer.

**Peter** said when you have a 50 foot wide lot and 15 foot setbacks, you only have 20 feet to build a house in. It makes houses long and deep. Their idea was houses closer to road and opening up space behind.

**Councilor Henderson** asked why Phil can't build. Her house is right on the property line and others are close together. Does current zoning prohibit rebuilding because houses were built before zoning happened? **Tex** said there are restrictions on what you can do. You're limited in what you can do to add on when you're nonconforming.

**Councilor Henderson** asked what the law is. **Tex** said you can rebuild exactly as it was as long as it's within two years.



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**Buzzy** said if you have big setbacks and a house on the property line, you create an incentive to build a house right on prop line again. You're better off with a rule of six feet because they will move it over. They are trying to bring reasonable urban planning that works.

**Councilor Henderson** said some houses have nice yards because there's one on each property, between houses. If you allow the new building to come within six feet it will infringe on those who live there already. **Peter** said they felt the best thing to do is to have houses closer to the street and to create bigger backyards rather than have yards between.

**Phil** showed an example of a house built to the current setbacks. They propose the building to move forward so the yards have sun and are open. Parking could be on the side.

**Caroline** thinks the standard for nonconforming lots of record is that an architect looks at other houses on the street and says the new homes has to be compatible. Those rules were put up so if you built a house on a nonconforming lot, it fits in. She thinks that's a good way to go.

**Susanne** asked Camila if she's been around Knightsville and what her thoughts are. **Camila** said she lives in Knightsville. She thinks the diversity is great; there are different characters. Too many restrictions becomes "cookie cutter."

**Melanie** asked if they could tier up like in in Mill Creek. **Peter** wouldn't like to open that tonight.

**Buzzy** said there's another home on C Street that has two-car garage with a room above it. This is an example of something constructed because of a rule that was not a favorable zoning situation. There are examples of things that don't match. Someone could modify it so that it will match the neighborhood. A second unit is a modest incentive to modify the property.

**Councilor Henderson** said people were allowed to have an apartment in the house to help fund making changes. The existing density is probably far more than allowed; most houses have apartments.

**Buzzy** said they are trying to be consistent and fair to single-family homes.

**Tex** said Councilor Henderson is right, the six-unit example would still be nonconforming. It would have more units than otherwise allowed on a piece of land on that size. It might allow some single-families to become two units without the restrictions of having ADUs. On the other hand, it doesn't make everyone conforming.

## **7. Survey #2 before Next Public Forum (9/27/18)?**

The Committee decided to talk about this item when Luke is available.

## **8. Comments from the Public**

None

## **9. Round Robin**

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**Susanne** asked about Wendy's/Tim Hortons. **Tex** said he can't say what is happening yet.

**Troy** asked when the City steps in on dilapidated properties. **Tex** said if it's unsafe for habitation. There needs to be solid evidence of serious health and safety issues with photos.

**Lloyd** said Southport Marine is strongly committed to ensure CMP gets rid of its tower. It's a danger and eyesore.

**Camila** is excited to join the Committee.

**Tex** is bothered by fact that there wasn't enough space at the tables. He will look into getting more.

**Tom A.** will miss the next meeting.

**Caroline** asked if Big Babe's will be on the September 12<sup>th</sup> Planning Board agenda. She read about it in the paper.

**Buzzy** said if they push for community garden in Legere park it may prevent the skate park.

## **10. Adjournment**

**Bob Foster motioned to adjourn. Susanne Conley seconded; unanimous approval.**

Respectfully submitted,  
Dana Bettez 8/19/2018