

**Minutes**  
**February 16, 2017**  
**Comprehensive Plan Implementation Committee**

Present

Craig Gorris, Vice-Chairman  
Tex Haeuser  
Robert Foster  
Stephanie Carver  
Lee Jay Feldman  
Councilor Brad Fox  
Nick Kjeldgaard, Avesta Housing

Tom Falby  
Quang Nguyen  
Josh Reny  
Councilor Eben Rose  
Peter Stanton  
Kathleen Phillips

**1. Welcome**

The following documents were provided:

- The agenda and minutes from the January 19, 2017, meeting
- Existing Conditions maps
- West End Zoning Outline of Revised Zoning Provisions
- Proposed Amendments to the Suburban Commercial District (CS)
- Proposed CS Zoning Additions map

**Vice-Chairman Craig Gorris** welcomed everyone to the meeting. Everyone in attendance introduced themselves.

**2. Adoption of the Minutes**

**Brad Fox moved to adopt the January 19, 2017, minutes. Bob Foster seconded. Unanimous approval.**

**3. Update on Public Engagement Activities**

**Stephanie** began with open office hours. She said that Nick has helped coordinate these at Brickhill and they've had a few sessions. They've decided to branch out since the majority of people who have come live in Brickhill. The next open office hours will be in Osprey Circle in early March. They have also reached out to the Redbank manager to set up hours there.

On Saturday, the South Portland West End Neighborhood Association will meet and Zoe Miller will attend, bring surveys, and give updates. They will circulate hard copies of the surveys around the neighborhood soon. They've sent something to be posted on the City's website but also will try to have it on the West End Neighborhood Association's Facebook page and a few other social media sites.

Tomorrow they will try to get the visualization piece started. They will meet at the triangle properties with the landscape architects to talk about possibilities and recommendations.

They have begun setting up municipal meetings, where she will focus her efforts, while Zoe will work on reaching out to residents and surveys.

**Craig** asked for takeaways. **Stephanie** said they have a giant poster with comments that she didn't bring. There is a lot of conversation about recreational areas and outdoor activities. They've talked at the Community Connections dinner and get a wider ranging group of residents there. They got a lot of interaction, feedback, and enthusiasm at the first one and will attend the next in mid-March. They also intend to get surveys out, which Merrie Allen and Nick have helped with. They approached this project differently than others because they felt it was important to do on-the-ground public engagement versus forums, which they will also do. She thinks they're on the right track.

**Craig** asked how they balance what they're asking for versus reality and actual deliverables. **Stephanie** said the majority of comments don't seem out of the realm of possibility, except for the pool and ice cream station. Many comments have been constructive and within the realm of possibility. These conversations have been valuable not knowing a lot about the neighborhood going in.

#### **4. Progress on the Existing Conditions Plan**

**Stephanie** said that this is ongoing and will continue to evolve. They have received additional data files from Steve Puleo about utilities but have to take those and convert them so they can go onto the map. They are also looking at natural resources to see if there's important data there. They have broadband data.

**Tex** asked if Steve talked about trails. If you walk or drive down the driveway into the sewage pump station, there is a built trail to the pond. From there they hope to get an easement across Olde English Village to connect to Brickhill. **Stephanie** said she will talk to him. She has reached out to Tex's contact, Dugan Murphy, but he is currently unavailable. Tom Blake is also on her list.

**Craig** asked if this is South Portland Land Trust. **Stephanie** said yes for the trails and sidewalk. They will go out when there's less snow and look at sidewalks to see how accurate it is. She's hoping to get USM students on board and also reached out to the high school without much luck.

**Tex** asked if anything jumps out as far as demographics. **Stephanie** said there is a limitation to what they can get out of the census data. She likes the concept of it because there are important and unique characteristics. **Tex** said they got down to block level, which is good. **Stephanie** said it's interesting and worth keeping; it's interesting to compare to the rest of the City. She finds demographics misleading sometimes.

#### **5. Introduction to Zoning Discussion**

**Stephanie** said she and Lee Jay have approached this in such a way that they want the first discussion to establish a baseline structure for zoning. They incorporated as much of what's there in the existing regulations into three different zones. They aren't advocating for all regulations to be what they are but wanted to create a document with the least amount of nonconforming structures. They have special permits and exceptions, so they've simplified some uses. As part of the simplification, they tried to incorporate some documentation in the special permits and exceptions into performance standards.

**Lee Jay** said he took the initial crack and looked at the existing land uses. It was basic: residential, office, commercial, retail. Looking at the map, remove the brown in CPLC area and the white. Looking at Western Ave., it splits the area. The westerly side is consolidated. The next is mostly retail. The rest is residential.

Looking at zoning, there is a multitude. To begin, he took and zones and highlighted every use that was identical to one in another zone to look at compatibility and differences. He realized that can bring this from seven or eight zones to three, and many performance standards for contract zoning should be carried forward for anyone developing in the future without having to develop more contract zones. He didn't want to change the context of the zoning ordinance so this area was different from another in town. He followed the same process for the Planning Board and look and feel from a zoning standpoint. He explained that he's blended many ordinances into three and he thinks they are compatible. He sent this to Stephanie to look at and make adjustments. There are some incentives for less parking and having low impact development standards. This could help stimulate alternative modes of transportation. He thinks this is in good shape.

**Stephanie** said it would be helpful to get a larger picture idea now. They dove into this to get started and getting a better concept of the vision for these areas, how the group feels about simplification and the visual aspect, would be the most valuable takeaway.

**Lee Jay** said another thing that's buried is in the West Ave. Commercial Corridor. They wanted incentives to put the buildings facing Western Ave. but to open themselves up to pedestrian/bike access so people from the Redbank area would be able to easily access them from the back.

**Tex** gave a brief, basic overview of zoning. Zoning regulates what kinds of uses are allowed in different parts of a city. Historically, it was to prevent nuisances. Rather than dealing with lawsuits after a factory moves into a residential area, there is zoning that keeps the factory to one part and residential to another. Post WWII, it was strictly differentiated. In modern times, it's coming back to the feeling that the cities that we like—Boston, for example—have more mixed uses, keeping residential from industrial for the most part.

When looking at uses in our ordinance, they talk about uses allowed by right—getting a building permit—and others that are special exception—presumed to be acceptable but go to Planning Board to demonstrate that they wouldn't have more impacts for that type of use. There is a part that if something is allowed in a zone, there are regulations for height, how close it can be to side property lines, how much can be covered by asphalt versus green, etc. Then, there are other standards sometimes included in the district themselves and sometimes in a performance standard section. They get into more detail about landscaping, etc. In a zone like Sable Oaks, with the headquarter buildings, there are extensive performance standards to ensure the development is high-class.

Contract zoning/conditional zoning is allowed by Maine statute whereby the decision makers for the city can establish more specified standards for the particular site. For affordable housing, where they need a lot of units and greater residential density, the zone is designed specially for them but in exchange you get some conditions from the developer—in exchange for that, we will provide this. You have to be careful here that you don't get into spot zoning; you want to treat people equally. There are conditional zones as Lee Jay mentioned—Brickhill is one large conditional zone.

**Tex** likes the corridor concept.

**Lee Jay** said they took all of the zones and matched them up. If they're abutting and allowing different uses even though they're different, let's make them one zone and make the use special exceptions. He asked if Mill Creek used form based code. This is a newer type of zoning but he didn't feel this area was right for it. Relevant to performance standards, he went the other way and looked at zones to see which is the most liberal and went with that. For parking, it was more of an incentive: low impact development standards could have less parking requirements.

**Stephanie** said one thing missing that they can add is planned development. She asked what the general feel from developers is in regard to parking along Western Ave. and Westbrook St.—maximize parking or having an incentive to maximize building and reduce parking. **Tex** said they generally want parking. If they have a density requirement, then a density or height bonus might work.

**Craig** asked if they thought about extending the panhandle all the way down. **Lee Jay** said yes but they have residential there now. Part of the conversation will be the long term outlook for Jetport Rd.—do you want to extend commercial, strip-type development to Jetport Rd. or keep it residential, with office uses allowed because of the Brickhill area? He tried to keep it lower impact.

**Craig** said not so much strip development but more “mom and pop,” almost like Mill Creek having first floor retail/restaurant. If you are in this area, it's calmer, more inviting to eat, dine, on Westbrook St. versus Western Ave.

**Brad** said that is how they feel. They have been advocating for this.

**Stephanie** said mixed use isn't there now but it could be added.

**Lee Jay** read the proposed uses and special exceptions for this area. There is a fair mix but they can create an incentive for mixed-use developments.

**Tex** said they have two different design standards sections in the performance standards of the ordinance and he is leaning on the more recent one for newer zones. He thinks it's good to send all zones to that and bring it in as a requirement because it has good submission materials and good standards.

**Lee Jay** understands that they are only making recommendations to what it should look like, not creating a final ordinance. They may adopt other things so they can suggest other performance standards, etc.

**Tex** said they have the chance to get a draft ready to try to pull off adoption at the same time.

**Josh** said that would be more efficient and **Lee Jay** said they can do that. **Tex** said he can help with drafts and review.

**Tex** asked which allow residential and at what densities.

**Stephanie** said Clark's Pond first zone does not, but the Western Ave Commercial Corridor has a mixed use component along with the other zone.

**Lee Jay** said they carried through the highest densities allowed in those zones previously. In the West End Residential (WR) zone, the minimum lot area was 7500 SF and residential density was none. **Stephanie** said this was consistent with G3.

**Josh** pointed out typos under Basic Development Standards on page 9. The wording and numbers in parenthesis don't match.

**Eben** said this is great work. He asked what the developable space is within West End Residential. **Stephanie** said they are still evaluating. They have a couple ideas of parcels. She pointed out the wetland preserve and stated that they still need to look at the topography.

**Eben** was contacted by a couple interested in a tiny home eco-village. If it's set up as sewer and energy independent, it could be a model. If there is any land along Long Creek, it could be a commitment to be stewards of Long Creek. This is a chance for ownership and discourages parking.

**Lee Jay** said another interesting area is off the backside of Redbank, but he's not sure if it's wetland. **Tex** said that is the developable area—the individual smaller lots versus the apartment complexes. It's a fairly small area.

**Stephanie** went back to the purposes paragraphs and asked if everyone likes the concept of three zones. Does it encompass what they need?

The group said yes. **Tex** said it's just one of many ways to create more of a unification of neighborhoods. There will have to be thinking how to change Brickhill to Brickhill Conditional Zone and continuing the conditions and requirements.

**Lee Jay** asked if there are long term conditions and requirements that have not been fulfilled and are they things to be included as a performance standard? **Tex** said there's probably a creative way to do it. **Lee Jay** said they can put something in to indicate that any current developments under conditional zoning continue to abide by agreements with the City.

**Eben** pointed to wording on page 8: “predominantly more affordable multifamily residential with limited locally-owned retail...” Has “locally owned” been tested in courts? **Stephanie** said not to her knowledge but she's seen it before.

**Lee Jay** spoke about an issue he ran into on another project with similar wording. **Stephanie** said that this language, although a good description, is a little dangerous. If you want to put an Otto in there, it may be an issue.

**Brad** said he would be careful. The group decided to fix this language.

**Eben** said restaurants should be added as an allowed use. **Lee Jay** asked if that's wanted.

**Josh** asked if it requires a new zone or just saying certain uses are allowed that have frontage on Westbrook St. **Stephanie** said yes to the wording, and **Tex** said it was done in Mill Creek.

**Josh** said this should also reference the design standards.

**Eben** said another use could be cottage industries—sewing shops, loft spaces—similar to Mill Creek.

**Josh** mentioned “live/work units.” **Tex** said spoke about “live/work” in regard to overcoming residential on a first floor so they could have a business part facing the street and live in the back.

**Lee Jay** said he understands, but effectively residentially you have two owners: Redbank development rental and Brickhill, which is mostly rental. Do either ownership allow those types of uses?

**Quang** talked about shared office space. **Lee Jay** explained it as a large open office area with Wi-Fi and conference rooms. People pay a small fee and work from there.

**Tex** suggested consideration of extending the orange zone. There is a state office property that could change into something else.

**Stephanie** said they will work on the changes for the next meeting.

**Tex** spoke about the Suburban Commercial District (CS). It was originally thought for congregate housing where Home Depot currently is. Over time, it was extended. It worked for WEX and Sable Lodge congregate care facility. Now, there are two fairly large apartment projects: one is on a site on Clark's Pond and the other on Sable Oaks golf course. The zoning now doesn't work and he's been working on proposing to rezone the two areas into the CS zone. With the City's discussion about affordable housing, it would be good to get inclusionary zoning like Portland and Cape Elizabeth have, which requires making a certain percentage of housing affordable if you exceed a certain threshold. In Portland they are called "workforce units." They got this passed in Portland because they are for people who are teachers, police, or firefighters who keep the city functioning but are being priced out. The CS zone amendment to the text and the proposal for inclusionary zoning are coming to the next City Council workshop.

The CS zone has the density requirement removed. This was one basic problem; they've had a hard time interpreting densities over time. He's suggested a fairly massive height bonus for properties that do inclusionary zoning. How does this relate, if at all, to the West End Residential zone? If you're trying to reduce the number of zones in the area, is it an issue that they're doing CS but talking about WR in another place? He wanted to bring it to their attention. He thinks they are pretty different and doesn't think it's a problem to have the CS in another area.

**Lee Jay** asked where the line is and where they want to develop. He doesn't think that's a problem but the question is where the project area is and changing the zone. He thinks they need to make an adjustment. **Stephanie** said there may some adjustments to their zone and **Lee Jay** said it's more of a map adjustment than textual.

**Josh** said there's no need for it to jut out into Westbrook St. They're talking about the land around Clark's Pond: Home Depot and southerly. **Tex** agreed.

**Lee Jay** showed what they could do on his map.

**Craig** asked if this is on the golf course. **Tex** said yes. **Craig** said there's a lot of undeveloped land there not part of the course.

**Eben** asked if there are ideas for more pedestrian crossings on Western Ave. in the more easterly CS zones. **Tex** said yes, it will be central to this process. If you change what it is out here, there are things that go along with it that will have to change as well and pedestrian is a big one.

The group spoke about pedestrian crossings and connectivity.

**Stephanie** said there was feedback during one-on-ones with kids getting to the mall; they never walk.

**Quang** asked if there's a direct bus from Redbank to the mall. **Stephanie** said yes, it runs every hour from Redbank. It is limited.

**Nick** spoke about a drive share at one Avesta property. It's used often and anyone in the neighborhood can use it. Many more residents use it than thought in the development phase.

## **6. Comments from the Public**

None

## **7. Round Robin**

**Brad** is concerned about the properties next to Q's store. The City plans to refurbish the pier but they have an urgent need to prevent something awful being developed on this land. The City needs to take action to prevent something bad from happening. He is wondering what the City may try to do to get the property out of the hands of those who own it.

**Quang** said the City can loan him money to buy the property. **Brad** said this will affect the entire community. The City needs to do something about it now. They don't want a dump over there. This is urgent.

**Josh** doesn't disagree. If the political will is there, they can move on it quickly. He thinks the City should acquire it or loan money to acquire it. He thinks this property could be a catalyst.

**Eben** said he would second this if it needs to be on a workshop. They need to know the fair market value.

**Stephanie** said they will be asking everyone to help circulate the survey. She will send links out. They also have paper copies.

**Peter** asked about an update on the pipeline and Cacoulidis properties. **Tex** said nothing on the Cacoulidis properties but he's not sure about the pipeline. **Josh** said they have a long way to go. **Eben** said there is no news since last time.

**Quang** said they can drop surveys off at his store.

**Craig** will be sad if he can't play Sable Oaks.

**Tex** thanked GPCOG for going to community activities.

## **8. Adjournment**

**7:40 pm Bob Foster motioned to adjourn. Brad Fox seconded. Unanimous approval.**