SOUTH PORTLAND OPEN SPACE
COMMITTEE MEETING NOTES
September 27, 2018

Attendance: Barbara Dee, Richard Rottkov, Dan Hogan, Kate Lewis, Max Wibby, Susan Chase, Kat Taylor, Tex Haeuser.

Absent: Kathi Perkins, Ashley Krulik, Victoria Morales, Kevin Adams, Tom Blake, Jane Eberle, Fred Dillon, Patti Smith, Kate Gatti, Sharon Newman

Consultants: Jessica Kimball, Maggie Burns.

The three subcommittees presented an update and the group discussed the ideas presented.

PROTECTION

Dan Hogan presented the material from the Subcommittee Meeting.

Tiered Protection System. The subcommittee would like to establish a mechanism of protection for properties currently used as open space. The current proposal is a three-tiered system of protection. Different city-owned properties require different levels of protection based on their use and value to the community. An initial proposal of this tiered system includes the following three levels:

1. Highest Protection Level. These properties should be protected by an easement held by the South Portland Land Trust because an easement is the strongest means of protection. If the City ever wished to sell the property, they would have the easement in place by the Land Trust to protect it. A potential sale of this property would require both the City Council to agree to sell as well as the release of the easement. Examples of properties that might fall into this category would include Bug Light Park, Hinkley Park, Mill Creek Park.

2. Medium Protection Level. A mechanism for protecting these property types has not yet been determined. They will not require an easement to be in place, but another means of protection that might be slightly less restrictive should be enacted for the second-tier properties. Examples of properties that might fall into this category would include O’Neil Street, Hamlin School, and Mahoney Middle School.

3. Low Protection Level. The city owned parcels that are not currently used as managed open space, such as abandoned utility corridors and paper streets would be included in the third tier of protection. The protection of these would be left to City staff. Staff would have the power to recommend a determination in regards to potential sale or preservation.

LAWCON Properties. Existing open space properties that were acquired with Maine Land and Water Conservation (LAWCON) funds should be mapped and included in the Open Space Plan, if possible. These lands can be changed if land swapped is of equal size. In order to protect these properties, they should have the highest tier of protection (with an easement on the land to protect the property as open space). These properties should also be labeled with signage so the residents are aware of the program that funded their acquisition. The Ball Field on Pine Street and the SMCC Softball Field may be part of this program. Consultant, Maggie Burns offered to follow up with Kevin Adams in looking into this program and identifying these lands.
Open Space Zoning. A zoning district would be a nice compliment to the Easement protection strategy outlined in the first-tier of the open space protection strategy. A “Park Zone”, “Open Space Zone”, or “Wildlife Habitat Zone” would help further define and protect important open spaces. For example, parks currently in a residential zone could be put in a new zone that does not allow anything but open space. Zoning changes are difficult to make – requiring a super-majority of the City Council – so once in place, this would be a strong component of the protection system. This zoning change would be limited to existing city-owned parks to protect the development rights of private landowners.

Additional Ordinance Protections. There are several sections of the ordinance that assist in preserving open space. Ordinances that address this include subdivision, site plan, wetland, stormwater, and shoreland zoning all play a roll in protecting open space. Strategies to strengthen these ordinance sections should be considered in the Plan. Tex mentioned the current stormwater and wetland regulations are good, however the shoreland zoning could be looked at more closely.

ACQUISITION

Richard Rottkov presented the material from the Subcommittee Meeting.

Evaluation System for Acquisition. The 2001 plan was a very good at rating potential properties, but the process developed was somewhat cumbersome. There are both qualitative ways of evaluating properties (Aukland, NZ) and quantitative methods (Falmouth, ME and the 2001 plan). Some discussion was had as to whether or not the system for evaluating properties should be the same for acquisition as it is for protection of existing properties.

Incentives for private property owners. It was suggested that there should be a financial incentive program for private property owners to sell their open space to the City. Perhaps this includes some kind of tax incentive, right of first refusal, or a purchase price that is competitive with a private sale for development.

Potential List of Private Undeveloped Properties. There was a conversation about whether to include a list of private properties for potential acquisition in the Open Space Plan; this is a sensitive issue. Some have described the list include in the 2001 Open Space Plan as a “road map for developers” and many of those properties have been developed since the publication of the plan.

The Conservation Commission is required by ordinance section 2-79(d) to keep a list of all open spaces, private or public. It was suggested that instead of this list being included in the Open Space Plan, it was something the Conservation Commission would be responsible for. The Plan could provide guidance to the Conservation Commission on how to do this.

Sec. 2-79. Powers and duties. (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.
In making a list of private undeveloped properties, the Committee should approach land owners to get their permission to have their property included in the Plan as potential future open space. In this outreach, we may learn what the landowners would like in return for preserving their land as open space. We can learn what land owners want and potential include their suggestions in the Plan’s strategies.

It was suggested that if a list is included, it does not need to be a complete list. It may be a short list with the top priority properties.

**Alternative Strategies to outright acquisition.** There are ways to preserve open spaces and improve connectivity that do not include outright purchase of an entire property. There are situations where there may be development of a property that maintains a strategic portion of open space for the public. These types of strategies allow the City to be nimble and create “win-win” agreements that include both development and conservation (an example is the Sawyer Marsh land swap is an example of this). The Plan should provide direction on how to improve this type of strategy for open space preservation. There was some concern that a map of privately held undeveloped lands that are not agreed upon by the willing land owners might hinder future agreements between developers and the City.

**Mapping vs. Descriptive Goals.** It was suggested that maps be included in the Plan showing significant environmental features and proposed corridor connections to drive the plan of future open space. Some were concerned that a map showing pre-determined future corridors may be too specific without the ability to adapt and change over time. As an alternative to a map, general statements about desired connectivity goals between specific points may be enough to guide future open space development.

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**LAND BANK**

Andrew Gagnon presented the material from the Subcommittee Meeting.

The landbank is the cash the City has on hand to purchase open space properties.

**The following considerations should be made in evaluating the future of the land bank:**

- The introduction to the land bank ordinance should be shortened/simplified.
- Increasing or removing the $1 million cap on the land bank fund.
- Increase the annual municipal contribution amount (current annual contribution is 36k).
- Add different strategies for acquiring money (i.e.: City Council could add additional money to the fund from additional taxes after adjustments).
- Evaluate the money kept from the sale of City properties (currently a 30% or 60% of city property sales go to land bank).
- Determine if maintenance should a function of the land bank – or maintain a strict adherence to the purchase of properties.
- A public record should be kept of purchases from the land bank showing what was purchased, how much was spent, why the land qualified for purchase, anticipated benefits of purchasing the property.
The Subcommittee plans to:
- Document the past five projects used by the land bank.
- Determine the current balance in the land bank.
- Determine how much cash is needed to make desired purchases.

Conservation Commission Support. Implementation of the Open Space Plan is going to require support staff. Tex suggested adding a staff person to the Conservation Commission. This person may be the second planner or the sustainability coordinator. The material presented in the Open Space Plan will need to be maintained and implemented by City staff. There was agreement that this was a good idea to ensure plan execution.

OTHER MATTERS

- Next Meeting: October 25, 2018 at 6:30pm
- The subcommittees agreed to meet again prior to the next meeting.
- A site visit to various open space properties is planned for Sunday, September 30 11am-1pm.
- In preparation for the next meeting, the consultant group will develop a guidance document to direct the conversation at the next meeting and draft an initial report outline for the Open Space Plan.