

Knightville Fore and Aft

Public Forum #2
November 15, 2018

In attendance: Bob Foster, Rob Morris, Kathleen Egan, Troy Chase, Hewett S., Adele Edelman, Donna Allen, Ayn Allmendinger, Steve Fabricius, Bill Flahive Sr., Mark Licari, William Flahive Jr., William Amaral, Caroline Hendry, John Ely, Cristos Lianides-Chin, Colin Haley, Melanie Wiker, Marty Macisso, Phil Notis, Eva Goetz, Buzzy Trusiani, William Mann, Jim & Kate Mellow, Camila Atkins, Mike Hale, Liz Wasulewski, Barry Lucier, Peter Stanton, Justin Barker, Tex Haeuser

The following documents were provided: Provisional Amendments Proposed for the VR Zoning District, Provisional Village Commercial Zoning Amendments, a Knightville Zoning map, and a Knightville Land Use map.

Chairperson Peter Stanton opened the meeting and introduced himself. **Tex** gave an overview of the Comprehensive Plan Implementation Committee (CPIC) and had current members raise their hands. He explained that City Council first got this effort going because of questions surrounding zoning and development where the future of the Knightville mixed-use neighborhood did not feel settled. He spoke about how the South Portland Housing Authority proposal for the former Martin's Point building, which included 50 affordable residential units, the fact that it came up at all caused concern in the neighborhood. Previous plans by the CPIC included Mill Creek and the West End. Council asked the CPIC to work with people in the area, so first the Committee created a survey looking at business attraction/retention. Business people in this area, and eventually across the City, may get a visit from an Economic Development Committee team doing a listening campaign to find out what's important and needed. The CPIC is also looking at historic preservation, architectural design standards, and zoning regulations, which is taking up more time and effort than others and is what will be discussed tonight. Tonight there will be proposals from the CPIC for adjustments to Village Commercial (VC) and Village Residential (VR) zones. They will also talk about parking and infrastructure throughout the course of things.

He noted the Committee's process, which is an open process with no limit on the number of people on the Committee. If you want to participate, you can come sit at the table. They hope people will come and stay. They need the third Thursday of every month from 6-8 p.m. in Council Chambers. For those who cannot attend, information can be obtained through him and you can be put on an e-mail list. He set his business cards out for those who want it. He thinks the process will go through June of next year. After this meeting, the Committee will see what needs to be revised with zoning. They are scheduled to go to a City Council workshop on Thursday, December 13th.

With infrastructure as a future topic area, Colin Haley from GWI is in attendance to talk about the fiber optic network. When you talk about infrastructure, access to high speed, high bandwidth internet seems to be a good idea and the Committee process could help this move along. After the GWI presentation, they will discuss zoning. Justin created a 3D presentation they will use in connection with the handouts. There will be time at the end for discussion.

Colin Haley, GWI, gave an overview of the company stating that they were the first in the state to bring dial up and broadband. They are involved in many communities. They have been involved with this process since 2014, when the City's IT director looked at the money spent annually to connect municipal buildings to the internet. They put out an RFP in hopes of saving money and getting a network built for the City. GWI was chosen because they were the least expensive and they looked at the project as spread out over the City—they would have a closed network for the municipal buildings but also sell to

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residential customers along the route. They would also make it open access, meaning GWI would own the network but offer it to other service providers that want to use it. For example, if Spectrum wants to sign people up, they would lease through GWI. This promotes competition and lowers prices for those in the community. The final reason was revenue share—every sale they make, they give back 5% to the City. Since 2014, they've connected some buildings and have added new phases. He showed a map of where it exists now, explaining that not a lot of municipalities have access to this network. It's a huge economic development driver for the City.

As for the network, fiber optics are “future proof” with a 20-30 year life expectancy. There is little maintenance and few upgrades needed; the network was designed and built for expansion so that a few people are on each node so the bandwidth isn't drained. He showed examples of current pricing, ranging from \$60-75 per month and with options and combinations for internet, wifi, and phone. There is also pricing for businesses. He explained that this is one package but they can work with people based on their needs.

In Knightsville, there is roughly 1.7 strand miles and it's estimated to cost \$87,000 (including labor, make ready, pole licensing, and equipment). They are looking to continue to grow the network throughout the City and will go street by street. They are working on a demand aggregate system that will launch soon where interested customers put their name and contact information in. This will create dots on a map and the places that have the most dots is where they will build first. This would be the first metropolitan, universally service fiber optic network—it doesn't exist anywhere else in the state and only a couple places in Massachusetts. It will drive business and retain the population.

Questions and comments can be directed to www.gwi.net/south-portland

Would they share poles with CMP and is there a diagram showing which poles might be affected?

They don't share—it's a monthly fee. They will likely use CMP poles. If they get to the next step, they will send an engineer out and poles would be marked so they would have a layout of who owns which pole.

Does the neighborhood need to make the dots or is the City telling them that Knightsville is interested? They have been in talks for six weeks about funding. If they know someone is interested, they should put in their address. If they get a certain take rate, it makes it easier to spend the money to build out, much like the natural gas model.

Spectrum gives internet, phone, and TV. Does GWI offer TV? They don't offer it and never have. In the current trajectory, they don't believe TV is a good option. In the last few years, internet over TV options are so vast. With the internet option you can get the stations you want without paying for the stations you don't want.

Phone is an option; how many people still use home phones? There is a steady decline of phones. Depending on location, there are a fair amount of people who still use landlines. It is age associated.

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Are there different prices and where is the project now? This is what they sell now. It's available along the red lines on the map and is currently in City Hall. It's on E Street; that's as far into the neighborhood it goes.

How does funding work? It's dependent upon the municipality. Islesboro had a vote to see who wanted universal service. The vote was for an increase in taxes that covers an annual fee for internet. It passed, so they spend about \$200 more per year in taxes but have fiber connected to them. In Sanford, they used federal funds and hired them to manage and operate it. In Rockport, they used a TIF and a contribution from GWI and an anchor tenant. It's dependent upon what's available and who is willing to do what.

What is the timeline? What are the factors and what can they do to help speed it up? They can get people to sign up online. He looks at the City and the dots; they don't want to spend money to build where people don't want to buy.

How many months does it take to seeing the dots to breaking ground? Make ready and pole licensing is something they can't affect. If you're close to the run, it is around three months.

How often can you bury lines? 95% of Maine is aerial. Conduit is more expensive to build and maintain. It's also weather related.

What is the total project cost so far? Hundreds of thousands, but he's not sure specifically. It's a combination from the City and their capital. There is a 20-year contract; the City didn't pay for the open side.

How do you notify people when it's available? The demand aggregate includes email and phone numbers. They will contact those who pre-sign up. For those who haven't signed up, they can sign up whenever it's built. The thresholds are all different—one neighborhood may take less people than another. They don't let neighbors know if they don't have the contact info. Mailings were suggested but they can be inaccurate.

Tex showed the zoning map and explained the Committee's process in updating the zoning. It was generally characterized that they did not want to make big changes. They thought about replacing VC, extending VE, and there were thoughts about lots that are stuck between two zones and moving zone lines to follow lot lines. In the end, the group wanted to keep what they had and make some adjustments.

The guiding thought with VC is to provide more investment and improvement opportunities for existing lot owners, not those who would buy lots and aggregate them. It would be improvement ground up locally. He noted a mistake that 3500 SF should be 2500 SF for the minimum lot size. For both VC and VR, they've proposed to reduce this to be more in line with the initial lot sizes and in keeping with the idea of being a small urban village versus a small residential neighborhood.

Justin showed his 3D presentation. He began with the current VR, showing a 50' by 100' lot and its setbacks, giving it a narrow building area. Setbacks allow for accessory structures. Maximum lot coverage is 33%. An example building was shown—a long, narrow building with lots of side yard and not

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much backyard. One unit fits on the lot. With the proposed changes, setbacks are alleviated and give more room for variety. The rear setback was kept at 15' so that residents can have backyards. Accessory building setbacks were reduced to give more room to develop. The lot coverage stays the same and gives an option of where to locate on the property. He showed an example building with a larger backyard and two units. He noted that not many lots go about 10,000 SF—maybe two or three. The height restrictions remain the same.

He reviewed the existing zoning in VC. There is a 50' height limit and you can build up to 24 units/acre. The revisions have the same buildable area and setbacks have changed slightly. The main change is the height is restricted to 40' if it's within 50' of the VR zone line. The same uses are allowed. Another main difference is eight units on the lot. He explained that they are restricted by the amount of parking required as well as setbacks and the height limit, so there's no guarantee of eight units. For lots with frontage on Ocean Street, the primary entrance has to face the commercial street to focus activity along Ocean and not down the letter streets. There is a frontage requirement that a building/buildings shall fill at least 80% of their Ocean Street frontage. Examples were shown.

For split zoning lots, currently a split lot can use the larger portion for the smaller portion up to 30' in depth. This allows for all of the same VC setbacks, uses, and height. You end up with a larger, high density, commercial use building. Split lots go down some letter streets. With the revisions, they will treat these like VR lots governed with the setbacks and height and use limits of VR. They will get something that looks like a house. The main difference is that they can develop VC density of eight units if they can meet setbacks and coverage. Examples were shown.

For Ocean Street split zoning, the buildable area gets complicated—a large building that occupies a lot of the property with commercial uses and 50' high. The VR portion could have a structure like a large single-family home. The revisions clean it up, all portions within the VC zoned area is VC and everything in VR is residential. The differences were shown. There is a maximum footprint of 10,500 SF. This keeps the size of the development constrained. Since all VC restrictions apply, they still have the stepdown of 40' within 50' of the split zone line, they have the VC uses, and can have at least eight units. This keeps the scale down in the commercial area. They could put something on the residential portion—eight units, a larger building, not on the whole lot. It's a one or the other scenario. Examples were shown.

How does the entrance on Ocean Street relate to Big Babe's? This zoning doesn't apply to any new construction until it's adopted, maybe sometime this spring. Buildings that exist or are already approved won't follow this. Developed under these rules, the entrance would need to be on the Ocean Street side.

When they illustrate examples, is it taken into account that property lines are set back from the street? The illustrations are wonderful but it's confusing where the lots begin and end. The ROW line—the pavement sits within a wider ownership area called the ROW. That line is the front property line. In many cases in Knightsville, the back of the sidewalk is the ROW line. They show the property line in the illustrations; the street is out more and there would be a sidewalk in the area as well. The buildings are set back further than it appears. They can modify where the lots begin and end.

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If the goal is a walkable urban village, what are they planning to ensure sidewalks are clear and snowbanks don't eat up the area? They will get to this further down the road. Walkability is a main thing they're aiming for; this should be addressed so that the sidewalks are traversable and safe.

How many buildings in VC are currently 50' high? Just the Masonic building. The building across from Smaha's is around 40'. 100 Waterman is four stories, between 40-50'. The original Big Babe's design would have been close to 50' but it's backed off to two stories now. They're aiming to keep the scale in the area comparable.

Looking at the illustrations, where would people park? They park where it will fit. Instead of extra backyard it could be a narrower building with side parking. The illustrations do not represent any parking. It will be one car per unit. Because there is no on-street winter parking, someone renting units will have to take this into consideration and these are decisions made by the owner, not the City. They are also reducing the minimum parking requirements from 1.5 to 1. They are thinking to the future and how younger people and seniors may not use cars. Rather than put a parking standard that may not be reasonable in 20 years into Code, this allows developers to figure it out and meet the market.

Are they proposing to eliminate parking requirements? No, parking is one per unit in residential. Same in commercial. If you have a studio or one-bedroom you can have less.

What is the side yard setback for a non-residential structure? It's unclear—referring to the skate park proposal for Legere Park, one-third owned by CMP and two-thirds owned by the City, on the slim chance it goes here, it would be a design approved by City Council. They could write in a special setback but it seems so specific when there are so many other factors.

What is the handout of a map with different colors? This is a land use map. Yellow shows single-families, orange shows duplexes, and red shows multi-families with the number of units indicated. There is a label along Ocean that is the ground floor use and the color is the use above it. The legend isn't shown but the entire map is available on the CPIC website, accessed from the City's website. You can find out what the use of your building is by talking to the Planning Department.

If there's an eight-unit in VR that's grandfathered as commercial, can short-term rentals be run out of it? It's a question of if a zone allows hosted or un-hosted short-term rentals. He doesn't think it could happen in this scenario.

Would the design review on Ocean Street continue? Yes, on the map they show the Knightville Design District as the hatched area. In the VC proposal there are many places that remove references to this. It doesn't go away; it's still there and any building that goes through the Planning Board will need to meet the standards. With the new rules on bisected lots and the fact that VC is shorter, they don't need to refer to it in the VC zoning.

Justin reviewed the cluster provision and showed examples of what can happen on a lot such as the one on E and D Streets. This is about reusing an existing building to allow for a higher density. In this example he rounded to 14,000 SF, showing four residential units in the VR zone as proposed. The lot could be subdivided meeting the minimum lot size and four buildings with two units each for a total of

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eight units could happen on the same lot. The concept is clustered—whatever density you could achieve with the new lots you could use in a building on the lot. So, the building could have eight total units. The incentive is to retain the existing building and convert to a residential use or add additional units. The building couldn't get larger unless they add a deck or covered entryway—the living area cannot be increased to increase density. This seems to be the only lot where this situation applies but could be a model for other areas of the City.

With the concept of not allowing enlarging the building—if you take this provision to other neighborhoods it could eliminate the option of what they can do and could force the owner to subdivide. Tex will think about this.

The lot two over from is an example of a little lot that could be carved off on E Street. This could be split as long as it has the frontage and both lots have the minimum square footage. This property owner was in attendance and stated they bought the lot when the bridge was moved because they know it was a special spot. He appreciates the work everyone has been doing and thinks it will be wonderful.

Melanie began a discussion about the proposal for a skate park at Legere Park. She and several others went to the Skate Park Committee meeting the night before and Knightsville is still on their radar. They've removed Thomas Knight Park and the power plant from their potential sites. There is no feasibility study going on so they don't know the criteria—now it's about TIF funds and proximity to Willard. This is not part of the Knightsville vision. She would like language put into the Comprehensive Plan so that they won't have to deal with something like this again. She's against it and they are pushing hard.

Troy said Legere Park is still on the list. The other lot in Knightsville has been incorrectly referred to as 77 Waterman Drive. It's the lot in front of the sewer plant and he's not sure how it could go here. Legere is one-third owned by CMP and two-thirds owned by the City. Within a portion of the proposal are utility poles and guide wires. He's done research and contacted CMP—there is a 25' protected zone where you cannot dig. Also, Waterman Drive was built to alleviate traffic to Mill Creek and the history of it and Legere Park is that it was filled in because the park was partially underwater. Adding a park here would upset a balance. There is also a public utility easement on a portion of the park. They have gone to meetings and they are brushing this off and ignoring the fact that there's a public utility easement.

Tex said in any case, an attorney needs to look at it.

Troy spoke with CMP and with moving the poles you end up moving more than one because of tension in the wires. It's expensive to do that and the cost falls on the City. They also have transmission lines and these could be impacted. He reminded them of the Brightline Initiative and no one knows what CMP will do with the lines. **Tex** said this is a good point—they are trying to get the lines underground and they don't want to preclude their options in that regard.

Troy said they moved to disrupting the balance and spoke about soil types, sloping, and trees in the area. This is part of the Maine DOT construction plan to stop erosion because Waterman Drive needed to be built up. Standing at McDonalds, you can see the park sloping. They use a lot of scrub pines in this area and he believes it's because it's a sandy area. Some would have to come down and their needles help stop erosion. The park was built in a specific way for erosion and drainage and the committee said they can work around it. It got contentious last night and they are brushing off important things. They are asking

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for support now because the committee seems unwilling to listen. On December 4th they will ask for funding of \$300,000, possibly CIP money.

Kathleen asked if the committee is a group of citizens. **Tex** said it's a group brought together by the Parks Department. **Peter** said it's chaired by Councilor Kate Lewis.

Kathleen said anything that's going to be built would have to go before City Council, Planning Board, and have engineering studies. Because they ignore it doesn't mean they would be able to pass it. It seems like it won't fly.

Troy said Melanie asked for minutes because they're not posted. There is no transparency.

Councilor Henderson said she thinks it's true that there's CBDG money to use in Knightville. **Tex** said there are places in the City that CBDG funds could be used and Knightville is one area.

Councilor Henderson heard it was available and wonders why Legere is so popular. She said Adele asked her why not use the CBDG money for GWI? To put lines underground probably seems more important. \$300,000 for a skate park is too much money.

Troy said their point is they are disrupting a fine balance. **Councilor Henderson** said she thinks money should be used for underground lines or GWI.

Peter said another consideration is that these things don't work well when there aren't eyes on them. They like this area because it's visible. They're asking Knightville to babysit a skate park and this seems unfair.

Councilor Henderson her son was a skateboarder and skated all through Knightville. He and his friends were good kids. The City Manager said these are pre-middle school aged kids and they need to be in a place where eyes are on them. Trouble comes to the kids. There must be another place in the City.

Troy said they are on record in *Sentry* and *Forecaster* at the first meeting as supporting the park but against the location in Knightville. It is not appropriate with everything going on.

Tex said that Melanie raised the idea of amending Comprehensive Plan relative to a skate park. This is a many months long process, involving the group taking over this current process. There are state rules on how you amend the Comprehensive Plan and it's not simple. It's not going to happen the way you hope it would. He thinks they need Councilor Henderson to make an inquiry to find out why there isn't a better public participation process for the committee. Have they had a public forum or hearing? It doesn't sound like they're listening.

Caroline said Council said they didn't want anyone from Knightville on the committee because they were biased. **Peter** said you need a political process. They can line up at the podium to talk about why this isn't the right place. This could be the most expedient way to do it. Go to meetings, build arguments, and organize. Look at it from positive standpoint and places that are appropriate too.

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Kathleen asked if they're at the point where it's going to City Council. **Peter** said soon and their argument needs to be tight.

Melanie doesn't understand why they need to fight when there's no feasibility study.

Tex said based on what Troy said, it's a stopper. Chances are good. They have a process where they kept going in the face of this and kept everyone in the neighborhood concerned—that is the question to raise from the podium. There is an unnecessary thing going on.

Peter said from the CPIC, they have infrastructure things and he would like to see the TIF money directed differently.

Respectfully submitted,
Dana Bettez 11/16/18