1. Agenda

    Documents: 06.06.13 AGENDA.PDF

2. Minutes

    Documents: 020713LANDBANKMEETING.PDF

3. Warren Ave. Former Waxler 4.29.13 Redux

    Documents: WARRENAVEFORMERWAXLER04292013REDUX.PDF

4. Rules

    Documents: RULESOFTHELANDBANKCOMMISSION2.PDF

5. Letter To Land Bank Commission, June 2013 Agenda Item, Warren Ave.

    Documents: LETTERTOLANDBANKCOMMISSION062013AWARRENAVE.PDF

CITY OF PORTLAND, MAINE
Land Bank Commission

Landbank Commission

DATE: 6/6/2013
TIME: 5:00 PM
LOCATION: Room 24 - City Hall Basement

AGENDA

1. Approval of February 7, 2013 Minutes (1 minute)
   Action: Motion to Approve Minutes
2. Updatae on Canco Woods Re-Zoning Request - Larry Walden (5 minutes)
3. Review of Updated "Rules" of the Land Bank - Larry Walden (15 minutes)
   Action: Motion to Adopt Land Bank Rules
4. Review Updated Map Showing Current Holdings and Properties of Interest - Doug Roncarati (30 minutes)
   Action: Motion to Approve Updated Map
5. Discussion of Warren Avenue Property (Warren Green/Waxler Property - Doug Roncarati/Larry Walden (15 minutes)
6. Adjourn Meeting
   Next Meeting Date: September 5, 2013

LAND BANK COMMISSION MEETING
Thursday, February 7, 2013
Room 24 – City Hall Basement
5:00 p.m.

ATTENDANCE: Colin Apse, Tom Jewell, co-chair; Councilor Cheryl Leeman, co-chair; Meri Lowry, Bill Mann, Colleen Tucker, Bryan Wenzell, Commission members; Michael Bobinsky, Doug Roncarati, Judith Rosen, Larry Walden, City Staff.

ROLL CALL AND DECLARATION OF A QUORUM

The meeting was called to order at 5:05 p.m. Bryan Wentzell made a motion to accept the minutes from the January 3, 2013 meeting – second by Meri Lowry. PASSED unanimously.

OLD BUSINESS

Rules of the Land Bank: Larry Walden gave an update on the current rules of the Land bank. Discussion followed. A motion was made by William Mann to table this item until the April meeting to allow staff time to edit the rules; second by Colin Apse. PASSED.

Inclusion of Canco Road/Murray Street Property (HP-15) into the Land Bank Inventory: Mike Bobinsky gave an overview of the property. After discussion, Commission members recommended classifying this property as Land Bank property for conservation and preservation of open space.

Ifley Street Property Donation: Mike Bobinsky told Commission members the owner of three small lots at the end of Iffley Street (CBL301-G-1 to 3) has offered to donate these lots to the City. Commission members recommended acceptance of this land donation to be acquired by the City for open space, stream buffer protection and access to municipal infrastructures.

Tax-Acquired Properties List: Tom Jewell and Doug Roncarati have been working with the Tax-Acquired Properties Committee in reviewing properties of interest and have created a list to forward to the committee. A motion was made by Meri Lowry to accept the report of the sub-committee and forward the list to the Tax-Acquired Property Committee. It was also recommended that in future years two lists be created to give to TAPC: 1) A list of properties identified by the Land Bank Commission as Land Bank status and 2) properties that deserve consideration for Land Bank status. Second by Colleen Tucker. PASSED.

Executive Session: William Mann made a motion to go into Executive Session, second by Rene Perry at 6:10 p.m. PASSED.

A motion was made to go out of Executive Session at 6:40 p.m. by William Mann, second by Meri Lowry.

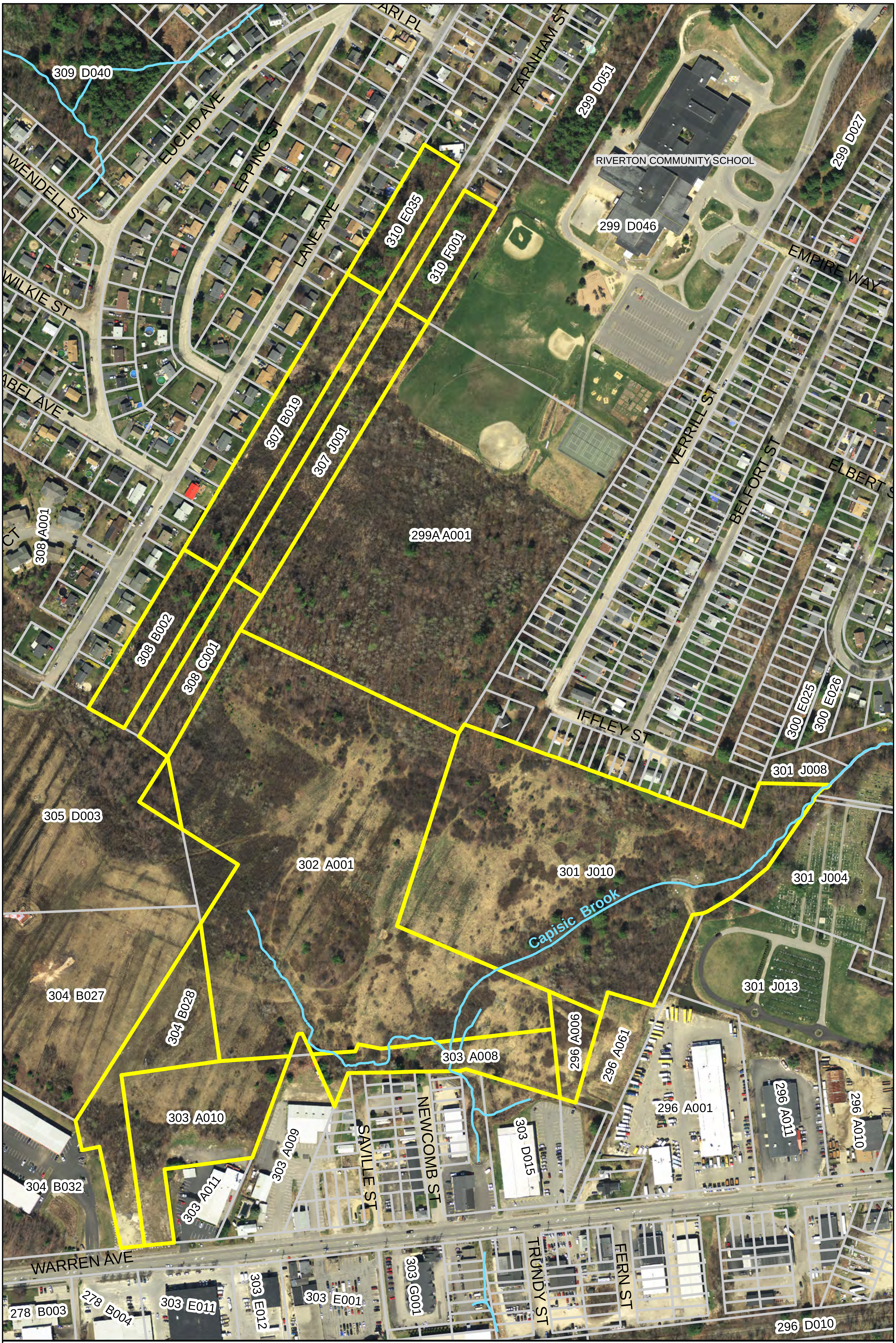
NEXT MEETING

The next meeting of the Land Bank Commission will be on Thursday, April 4, 2013 at 5:00 p.m. in Room 24, City Hall Basement.

Meeting adjourned at 6:45 p.m.

Respectfully submitted

Judith Rosen



Warren Avenue Property Adjacent Capisic Brook

0 125 250 500 Feet

1 Inch = 250 Feet

City of Portland
Department of Public Services
4-29-2013

N

Property for Sale

Brook

Rules of the Portland Land Bank Commission

Article 1. General Provision.

Section 1. These rules are supplementary to the provisions of Chapter (2), Article III-A of the Municipal Code as it relates to the procedures of the Landbank Commission and are adopted pursuant to the authority granted in Section 2-42(g) of said Code.

Section 2. Roberts Rules of order shall supplement these rules and shall control procedures not covered by these rules.

Article II. Officers and Duties.

Section 1. The officers of the Commission shall be the Chair, Secretary and Treasurer as provided in Section 2-42(g) of the Municipal Code.

Section 2. The Chair, Secretary and Treasurer shall be elected annually by the voting members at the first regular meeting in January.

Section 3. The Chair shall appoint chairs and members for those committees as may be appropriate. Chairs of committees shall be appointed from voting members of the Commission.

Article III. Meetings.

Section 1. Regular meetings shall be held on the 1st Thursday every other month (except July and August) at 5:00 p.m. in City Hall or at such other time and location of which notice is given. Where a regular meeting day falls on a recognized holiday, the regular meeting shall be held on the following Thursday.

Section 2. Special meetings may be called by the Chair at the Chair's discretion or upon request of three or more Commission members, provided that a twenty-four hour notice is given each member.

Section 3. Meetings of any committee of the Commission shall be held at the call of the Commission or the committee chair or by agreement of at least two sub-committee members.

Section 4. The Chair shall set the agenda for regular meetings of the Commission, workshops, public hearing and other meetings.

Section 5. The Commission may, by a majority vote, specify a date for an agenda item.

Article IV. Order of Business.

Section 1. All regular meetings of the Commission shall proceed as follows:

a. Roll call and declaration of quorum
b. Reading and approval of minutes of the previous meeting
c. Communications
d. Unfinished Business
e. New Business
f. Adjournment

Article V. Notice.

Notice shall be given in the same manner as for City Council standing committees; i.e. by listing in the City calendar, which is distributed to the public, except that in the event of an emergency meeting, best practicable notice will be given through direct notice to the local newspaper and other media, as appropriate.

Article VI. Conduct of Public Hearings

Section l. The public will be given an opportunity to comment on any item under consideration by the Commission prior to a final Commission action on that item. Rules governing the procedure for such public comment shall be determined by the Commission.

Article VII. Deliberations, Voting, Decisions.

Section 1. The Commission may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. Five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the City Council the disposition of, any property interest acquired or disposed of hereunder, pursuant to Section 2-42(g).

Section 3. Recommendations to the City Council shall include findings of fact and the reason or reasons for such recommendation and shall contain a separate statement setting forth the recommendation of the Commission.

Section 4. The Commission will take no final or binding vote on a recommendation to *the City Council unless it shall first have stated its findings, reasons and conclusions at a meeting* open to the public.

Section 5. When a vote is completed it shall be in order for any member who voted in the majority, in the negative, in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless two-thirds of voting members consent to such reconsideration.

Section 6. Any item finally acted upon and not thereafter reconsidered shall not again be considered for a period of one year next succeeding the Commission's final action on the original item if the Commission determines it to be in the same or substantially the same form, unless two-thirds of the voting members consent to such reconsideration.

Section 7. In the event of a tie vote, the matter shall be postponed until the next meeting, where it shall be considered as unfinished business.

Section 8. Any member with an interest, or an appearance of an interest, in a question before the Commission may abstain from participation in deliberations on the question under discussion and from voting on such question, or said member may be excused from such participation and from voting on the question by majority vote of the commission. Any member with an interest, or the appearance of an interest, must disclose that interest, or appearance of an interest, in a question prior to the Commission's deliberations on that question.

Article VII. Amendment of Rules

Section 1. These rules may be amended, or suspended, by a two-thirds affirmative vote of the members of the Commission.

Section 2. The proposed amendment must be presented in writing at a regular or special Commission meeting preceding the meeting at which the vote is taken.

Article IX. Annual Report

Section 1. The Commission shall annually file a report with the City Council and City Manager consisting of, at least, these two items which are required by the City Code provisions related to the Land Bank Commission:

1) The Registry of all open spaces to be filed annually by the Commission under the City Code Section 2-42(h)(1). That Section of the Code specifies that the Registry shall list all open space "of the types in Code Section 2-43(a), publicly or privately owned, located within the city or abutting the City as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests held by the city at any time during the year preceding each filing. The Commission shall determine and list in the registry the open space lands which meet the criteria in section 2-43(a) and which have significant value for preservation through the Land Bank, and those which are of lesser or no value for preservation and those which are more appropriate for other uses. The foregoing determinations shall include a prioritized list of any recommended acquisitions for the Land Bank, as well as the Commission's rationale for its determinations. The Commission shall actively seek comments on the proposed registry from the Planning Board, Friends of the Parks, City departments and the general public at a public hearing prior to adopting the registry or revision to the registry and forwarding it to the Council for review. Said registry or revision thereto shall be subject to the approval of the City Council." The types of land and interests specified in Section 2-43(a) are the following:
    - Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
    - Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
    - Islands;
    - Land for future passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
    - Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
    - Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
    - Woods or forest land;
    - Farmland or wildlife habitat;
    - Open spaces which help to shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;
    - Vacant parcels of land, vacant building and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas of conservation and opens pace land; or
    - Conservation or trail easements and other similar interests in land.

2) The operating and Capital budget for all expenses and projects of the Commission required to be submitted to the City Manager annually by Code Section 2-429H)(9).

That section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank Fund, which expenditures will be limited to the purposes for which this fund is dedicated.”

PORTLAND MAINE

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Public Services Department
Michael J. Bobinsky

To: Councilor Cheryl Leeman, Tom Jewell, Co-Chairs Land Bank Commission and Members of the Commission
From: Michael J. Bobinsky, Director of Public Services
Date: June 5, 2013
Subject: 421 Warren Avenue (former Waxler Property)

City staff has been investigating the possibility of acquiring the former Waxler Property located at 421 Warren Avenue for land conservation, water quality improvement and some limited site development to include possible recreation and affordable housing opportunities. Department staff learned recently that the property was approved for a short sale by Key Bank which holds the mortgage on the property, following discussions with officials of Lux Reality Group. This property has been identified as a key parcel for protection from intense development as it is located at the headwaters of the Capisic Brook, which is one of five (5) impaired streams in the City we are required to address as part of our MS4 Storm Water Permit obligations. Acquiring this property and controlling any development will go a long way toward the City meeting its obligations with respect to the clean-up of Capisic Brook. We have also had recent discussions with the Trust for Public Lands on the possibility that the Trust acquires this property and returns all or a portion of the property for land conservation, passive recreation purposes for City use via conservation easements. There is a possibility of recommending use of the Sewer fund and Land Bank funds for completing the purchase as well.

In addition, this property has been the subject of possible acquisition by the City to satisfy an older Land Water and Conservation Fund (LWCF) grant the City obtained in a mid-1990's property swap requirement. The Hadlock Field facility was developed in part with a LWCF grant which stipulated that the facility must not be operated for private use. The development and expansion of the Sea Dog franchise in the mid-1990's and use of Hadlock Field as their home base has resulted in the City being out of compliance with the former grant. Our Recreation and Facility Management Director and Corporation Counsel are working with the State to address this issue and there is a possibility that the Warren Avenue property could serve as this land swap to satisfy the State grant.

As we have discussed general interest with this property with the Land Bank Commission in the past, we plan to present further background information to you on the Warren Avenue property at your June 6, Land Bank Commission meeting. This may be a unique opportunity to obtain this property, satisfy a former State Grant requirement that must be maintain or subject the City to certainly penalties and provide needed protection from development that will work toward our clean up goals of the Capisic Brook.

Doug Roncarati and Larry Walden will be presenting additional background information on this potential property acquisition.