

1. Land Bank Commission

Documents: [AGENDA 6 9 16.PDF](#), [LAND BANK MINUTES 5 12 16.PDF](#), [MENARIO-LAND BANK.PDF](#), [BAXTER 001.PDF](#), [BAXTER OUTFALL.PDF](#), [BAXTER WOODS 2016-06-07 LAND BANK COMMISSION WRITE UP.PDF](#), [POND DESIGN.PDF](#), [DRAFT PORTLAND LAND BANK REPORT 2016.PDF](#)



Commission Members: Simon Rucker, Tom Jewell, Patricia Bailey, Meri Lowry, William Mann, Rene Perry, Colleen Tucker, Bryan Wentzell and Councilor Justin Costa.

Land Bank Commission Agenda

June 9, 2016

5 PM

City Hall

**389 Congress Street ~ Room 24
(Basement)**

- I. Citizen Comment Period (5 min)
- II. Agenda Items
 - A. Acceptance of Meeting Minutes- May, 2016 (5 min)
 - B. New Business (20 min)
 - Lobsterman Park
 - Officer Elections
 - Baxter Woods Project
 - C. Old Business (30 min)
 - Update on HP-19 (Inter-urban Line) - Colleen
 - Annual report progress
 - Redlon Park update – Pat
 - Oatnuts Park update
 - Riverton Rail update – Colleen
 - Top Projects - Tom

The Land Bank Commission is responsible for identifying and protecting open space resources within the City of Portland. The commission seeks to preserve a balance between development and conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values.

LAND BANK COMMISSION

Thursday May 12, 2016

City Hall ~ Room 24

5:00 p.m.

Attendees: Doug Roncarati, Pat Bailey, Simon Rucker, Ethan Hipple, Bryan Wentzell, Tom Jewell, Renee Perry, Laurie Mondor, Meri Lowry, Colleen Perry.

April Meeting Minutes approval - Meri had questions regarding the notes of 471 Danforth St. and why that information would be brought to the Parks Commission. She is concerned about distinction, is there any Park Commission interest? She was told that it was the lower part of Western Prom. Meri just wanted clarification about why and it was discussed that it was truly park. Land Bank had to have a recommendation on it. Motioned to accept by Simon, seconded by Bryan all in favor with Meri abstaining.

Annual Report – Doug believes that we need to decide how we will be doing this and finding out all the rules and requirements. When are we supposed to have it done? Summary over the last year, come up with budget and come up what would like to do this year. Also parcel review should be done before we do the annual report. Pat volunteered to do the writing as she feels that it is important endeavor. Doug can provide digital copies for her. Last report was done in 2014 and it is supposed to be annually. Tom will help with suggestions and edits. Revision to the tax acquired properties is a very important progress we have accomplished.

Regarding the tax acquired property list, Doug said there is not a lot on the list. They are taking the ones that are already in land bank on it, off so that we are getting just the new properties or Oak Nuts Park properties that are privately owned. He proposed to have a subcommittee meet before the next meeting to discuss the new properties on this list; there about two dozen properties on this list. Tom volunteered to join the effort. Pat asked about the new TAPC regulations and how this process worked. The Land Bank should review these properties and then we inform the city that we are interested in the property is how the new regulation works. Then the Land Bank committee makes a report and reports it to TAPC. If we say we want a property it goes to TAPC and it goes into a report. Historically we have done well when we have given input as long as we have made our case.

Redlon Park Update: Pat discussed which parcels are being appraised for fair market value and a letter has been sent to homeowners. We have had communication with another land owner who stated they would consider donating; we have also sent a letter to her. Yet another landowner would like to donate two parcels and we are appraising those two parcels for him to donate to us. The city has about 12 parcels that are being foreclosed and are on TAPC list. (Dyer property – city foreclosed a year ago). Meri asked if there was a risk of this property going to back to owner but with new TAPC guidelines there is not a risk of this since we have expressed interest in this property. The new guidelines of TAPC state if a property is foreclosed it then goes to committee for input. Redlon Park Neighborhood Association wants to help us with raising money in acquiring these properties and is raising money but they have asked us to hold the money. Michael Goldman is looking into this for us. They want to donate this money just for preservation of Redlon. Colleen mentioned that they should have an attorney to help them. Pat does not believe they are since they are looking to us for help. Tom wondered if Trust for Public Land might be interested in helping with this like they did with Canco Woods. Simon said that he would ask about this. Simon's initial thought it was too small for them but he would talk to them. Maine Community Foundation might be another option. It was agreed that we need to take the lead on this. The appraisals have been requested; estimate and time line has been requested by Doug. Pat will draft a letter for Doug to review and Tom to sign saying that we are interested in these two parcels. A portion of Berry's land was foreclosed upon but she managed to work out the loan with the lenders and get more time. Redlon Park is concerned about the parcel on Pomeroy St. as it has potential to be developed but they would like to keep it open space. The other parcel is owned by a developer which he could potentially get access for so Pat was curious if we could block it.

Tom believes that putting in a road would exceed the cost so we could send him a letter. Tom said he could send him a letter; Pine Tree Acres. Redlon Park Neighborhood Association is reaching out to people who are not part of Redlon Park for donations. TPL would not be interested because there is not enough value but they might be able to help with the mechanics.

Tom would like to focus some land bank monies on improvements. Tom has asked Jaime Parker to come up with his top five projects. Meri is concerned that he will be focused solely on Portland Trails. The hope is for at least one project for 2016 and then figuring out how this process will work. Will be put on for discussion at June meeting as there is a lot to understand on this process. Meri concerned in spending whatever amount we are looking at only Portland trails and would Portland Trails have some responsibility of spending money on improvements. Tom stated that Portland Trails has no obligation and not all of our money necessarily would be spent on trails. Tom stated that there are a bunch of issues which we need to get into. Meri is concerned about some properties not being considered and asked for a list of our properties and size of them. Doug will get her an electronic list of our catalog.

Parcel Review: Pat, Simon, Roger and Doug are the subcommittee for the priority list. The subcommittee has met and has finished the inventory of all park properties. There were 39 and they eliminated 8 for sure and 1 additional one that Doug is doing additional research on, HP21, as it is mostly wetland. It is a nice habitat and very scenic. He believes the Jetport had to put that into some sort of protection. He is following up on that and if it is the case there should be no need for the Land Bank. Doug lobbied that we just call all properties a priority and then concentrate on a few on high priority list each year. It was noted that HP1, HP14, HP17 and HP18 can be crossed off the list. It was asked for the commission to take time and look over please and bring up questions/concerns at the next meeting. Waynflete HP7 – approached years ago but they demurred. Roger said he would contact them. The thought is to create a little bridge to make connection. A question was brought up about ordinance between Land Bank and Parks on the inventory list. Which properties are city parks? Open spaces? There is no definition of park in city ordinance. Land bank properties defined by those on registry. Meri is concerned that now that parks are on our registry.

Motion was made to adjourn; all in favor.

**Memorandum**

TO: Land Bank Commission
FROM: Michael Murray, Assistant to the City Manager
SUBJECT: Menario Plaza
DATE: June 1, 2016

OBJECTIVE:

The objective is to name the urban plaza adjacent to the Temple Street Garage, bordered by Federal Street, Temple Street, and Middle Street for former City Manager John E. Menario.

BACKGROUND:

The City of Portland wants to acknowledge the many accomplishments of John E. Menario, who served as Portland City Manager from 1967 – 1975. During Mr. Menario's tenure, Portland exhibited extraordinary growth and transformation citywide. From the construction of new public facilities to the creation of new housing, all areas of Portland benefited from Mr. Menario's guidance. Downtown Portland and the Old Port were not exempt from his influence. In particular, the area where Middle Street, Spring Street, Temple Street and Union Street intersect is defining example of Mr. Menario's lasting effect on the city. The sale of the former Falmouth Hotel site for the Canal Plaza development, the approval to construct a municipal parking garage on Temple Street, and the selection of City property for the Cumberland County Civic Center on Spring Street all happened during this time (see attachment 1).

Appropriately, next to the Temple Street Parking Garage, there is a plaza area that extends from Federal Street to Middle Street, bisected by the entrance to the parking garage. Assessor's records indicate it is a single parcel 032 X002. The majority of the plaza is an urban hardscape, with some raised planting areas. The southern end of the plaza is the site of the Lobsterman Statue, and has been locally known as Lobsterman Park. The majority of the plaza is zoned B3, with the southern tip being zoned ROS (see attachment 2). It is the request of the City of Portland to re-name the entire plaza area Menario Plaza, in honor of Mr. Menario, with the Lobsterman Park area an inclusive part of the plaza.

SUPPORTING DOCUMENTS:

There is a precedent of urban parks contained within a larger, single parcel in the City of Portland. Bell Buoy Park is such an area, as it is a part of the Maine State Pier. Moon Tide Park at Ocean Gateway is another example.



Staff has researched the history of the plaza, and has determined that the plaza was born from a re-alignment of Temple Street. (See attachment 3).

The Lobsterman Statue, originally located in the rotunda at Portland City Hall, was re-dedicated on July 22, 1977, when it was relocated to the plaza. A plaque at the base of the statue reads:

The Maine Lobsterman
by Victor Kahill
For the World's Fair A.D. 1939
Placed in this Public Square
By the Portland City Council A.D. 1977

Since that time, the southernmost end of the plaza has been referred to as Lobsterman Park or Lobsterman Plaza.

In 2014, Sec. 2-44 of Portland City Code was revised to add 35 parks and open spaces to the Land Bank Commission included the southernmost end of the plaza:

...Lobsterman Park (032 X002 - only including land south of the entrance to parking garage) (urban open public space)... (see attachment 4).

Additionally, in 2014, the Portland City Council amended Sec. 18-11 of Portland City Code and specifically added the Lobsterman Park area to the review of the Parks Commission, along with 51 other parks and open spaces (see attachment 5).

OUTCOME:

After the reviews conducted by the Portland Parks Commission and the Portland Land Bank Commission, and following the adoption of a future City Council Order, a dedication ceremony for John E. Menario Plaza will be planned for later this summer. Currently, private donations are being raised to pay for the purchase and installation costs associated with a commemorative plaque and base. The plaque and base will be in the style similar to the plaque and base associated with the Portland Freedom Trail (see attachment 6), and will be reviewed by the Portland Public Art Committee for appropriateness.

City of Portland
Summary of Major Accomplishments and Activities
June 1967 - December 1975

Public Properties -

- .New Terminal Building - International Jetport
- .New Parking Lot - International Jetport
- .New Access Road - International Jetport
- .Relocation of North-South Runway - International Jetport
- .Extension of East-West Runway - International Jetport
- .Installation of Instrument Landing System - International Jetport
- .New Maintenance Building - International Jetport
- .New Access Road to Maintenance Building
- .New 9-hole Golf Course
- .Major Renovation of City Hall Auditorium including rebuilding and relocating Kotzschmar Memorial Organ
- .Established a Major Building Repairs Account and Priority Procedure for systematic renovation of all major public buildings
- .New Municipal Parking Garage - Spring Street
- .Acquired Open Space Land on Peaks Island
- .Expansion and Renovations of Portland City Hospital
- .New City Greenhouse
- .Expansion of Hall School
- .New International Ferry Terminal
- .New Riverton Fire Station
- .Expansion of Rosemont Fire Station - Stevens Avenue
- .New Public Safety Building and East End Neighborhood Center
- .Major Renovations of Deering High School
- .Land Purchase for future construction of Central Public Works Garage

Public Properties -

- .New West-End Elementary School (Reiche School)
- .New Vocational School
- .Demolition of Jackson School for Parking
- .Demolition of Woolson School for Parking
- .New Crash Station - International Jetport
- .New Riverton Elementary School
- .Approval and Financing to Construct New Munjoy Hill Fire Station and Neighborhood Facility
- .New Riverside Recreational Facility Building
- *.Approval to Construct Second Municipal Parking Garage on Temple Street
- .Sale of Land to Maine Medical Center for Construction of Diagnostic Center
- *.Selection of City Property for new Cumberland County Civic Center
- .Acquisition of former Marine Hospital for \$1.00
- .Expansion of Terminal Apron and Taxiways - International Jetport
- .Sale of Gulliver's Field to Westbrook College
- .New Warehouse at International Ferry Terminal
- .Leased land to FAA for construction on New Control Tower
- .Lease of land for new Delta Airline Cargo Building - International Jetport
- .Sale of Downtown #1 for Telephone Company Expansion
- .Lease of Butler School for Housing Units
- .Renovations of former Arber Street Fire Station for Sewer Division Headquarters
- .Sale of Dyer flats for nursing home construction
- *.Sale of former Falmouth Hotel Site for Canal Plaza Development
- .Sale of "Baby Bayside" to Commercial Distributors, Inc. and C. H. Robinson Paper Co. and E. W. Noyes & Sons
- .Purchase of Cushman Garage for Public Works use
- .Sale of Exchange Street Property to St. Joseph the Provider

Public Properties -

- .Sale of Front Street Property to P.H.A. for housing
- .Demolition of Lee Recreation Center
- .Sale of land on Riverside Street for Skating Rink
- .Sale of Brighton Avenue property for private motel
- .Sale of Portion of Rocky Hill site for expansion of Brockway-Smith Co.

Housing and Neighborhood Development -

- .Bramhall Code Enforcement Program
- .Deering Center Code Enforcement Program
- .Longfellow Code Enforcement Program
- .Danforth Street Neighborhood Development Program
- .Bayside Neighborhood Development Program
- *.Old Port Exchange Area
- ."Baby Bayside" - City's first unassisted Urban Renewal Program
- ."Golden Triangle" - City's second unassisted Urban Renewal Program
- .Munjoy Hill Neighborhood Conservation
- .Front Street Public Housing (50 units)
- .Riverton Housing Project (150 units)
- .Scattered Sites Housing Project (100 units)
- .Franklin Towers Housing Project (200 units)
- .Harbor Terrace Housing Project (150 units)
- .Washington Gardens Housing Project (100 units)
- .Maine Way Program (Comprehensive Central Business District Renewal)
- .Housing Demolition Program (Removed 150 isolated dilapidated structures)
- .Modified Taxing Policy on Federally subsidized private housing construction making possible Auburn Terrace (164 units), Codman Project on Danforth Street (166 units), Deering Pavilion (200 units)

Housing and Neighborhood Development -

- .Established City-Wide Housing Rehabilitation Loan and Grant Program
- .Dedication of Eastern & Western Proms as Parkland

Environmental Efforts -

- ."Operation Junklift" followed by a Junk Car Ordinance eliminating the proliferation of abandoned vehicles.
- .Amendments to the Rodent and Vermin Ordinance to improve enforcement.
- .Construction of Sewage Treatment Plant on outer Congress Street.
- .Amendment to Municipal Code requiring sanitary facilities in all dwelling units
- .Virginia-Carter Street Interceptor
- .Completion of a 6-year master plan to provide sewer facilities to all areas of the City
- .Implementation of the 1st year of the Sewer Master Plan
- .Participation with Portland Water District for a Regional Sewage Treatment Program.
- .Leased land and rights-of-way to Water District for Regional System
- .Implemented a study to determine "sewer rate charges"
- .Closed the "open burning dump" in the West End
- .Opened Land Reclamation Project on Riverside Street (controlled disposal)
- .Comprehensive Dutch Elm Diseased Trees Removal Program
- .Adoption of Oil Pollution Control Ordinance
- .Adoption of Ordinance Limiting Hours of Construction
- .Contribution and Participation in Solid Waste Sanitary Landfill System
- .New Subdivision Ordinance improving quality of residential areas

Transportation Network -

- .Franklin Street Arterial
- .Spring Street Arterial

City Services -

- .Downtown Sidewalk Snow Removal financed from assessments
- .Contractual agreement with Maine Medical Center for public use of hospital garage.
- .Controlling sources of Lead Poisoning
- .Opening of V.D. Clinic
- .Embracing Federal Flood Insurance Program

Organization and Administration -

- .Model Cities Organization & Procedure in 5-year Comprehensive Demonstration
- .Comprehensive Wage and Classification Survey
- .Major Computer Installation with numerous applications
- .Systematic review of all licenses and permit fees
- .Establishing position of Deputy Police Chief
- .Comprehensive reorganization of Police Department
- .Elimination of Civil Defense as a Department and reorganized as Division in Fire Department
- .Contribution and Participation in Council of Governments
- .Consolidation of School Nursing with Health Department's Nursing Division
- .Substantial improvement of employee fringe benefits, e.g., medical insurance, life insurance, sick leave, vacation schedules, in-service training, educational incentives, pensions, etc.
- .Established Council Committee on Housing
- .Adoption of BOCA Building Code
- .Contribution and Participation in Greater Portland Transit District
- .Expanding Civil Service Commission from 3 to 5 members
- .New Land Development Plan
- .Initial Phases of new Zoning Ordinance
- .Adoption of National Fire Prevention Code
- .Establishing Data Processing Division in Finance Department

Organization and Administration -

- .Contracting Health Services with South Portland and Falmouth
- .Established position of Police Legal Advisor
- .Revaluation
- .Adoption of an Affirmative Action Plan
- .Tax Sharing Contract with the Town of Sanford on NEECO Development
- .Increasing Board of Appeals from 5 to 7 members
- .Establishing Welfare Guidelines
- .Consolidation of Health Department and Welfare Department into the Department of Health and Social Services
- .Elimination of sidewalk assessments when "ordered in" by the City
- .Negotiated 35 labor contracts without a work stoppage
- .Established full-time Corporation Counsel position

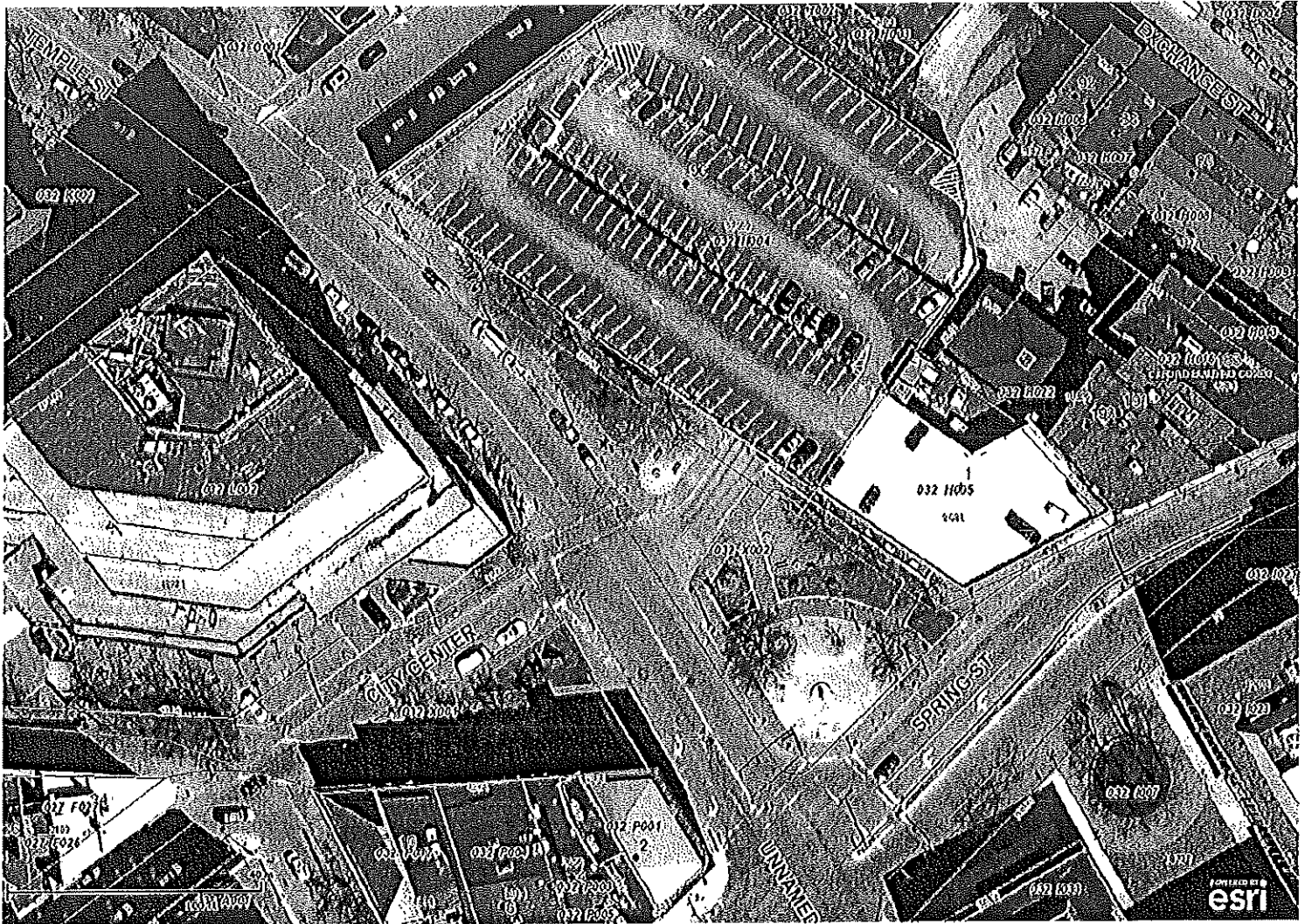
Department Head Appointments -

- .Robert D. Curley, Personnel Director (June, 1967)
- .Deane S. Stevens, Director of Finance (August, 1967)
- .William M. Dow, Code Enforcement Director (August, 1967)
- .Robert R. Hawkin, Model Cities Director (December, 1967)
- .Douglas W. Steele, Police Chief (March, 1968)
- .Clark M. Neily, Economic Development Director (July, 1968)
- .F. Worth Landers, Director of Public Works (July, 1968)
- .Robert L. Brown, Building Inspection Director (June, 1968)
- .John G. DePalma, Finance Director (January, 1969)
- .John S. Dexter, Jr., Assistant City Manager (January, 1969)
- .Richard E. Anderson, Sr., Parks and Recreation Director (May, 1969)
- .Donald E. Megathlin, Jr., Planning Director (May, 1969)
- .Arthur A. Hughson, Public Health Director (February, 1970)
- .John S. Dexter, Jr., Model Cities Director (May, 1970)
- .Harold F. Parks, Assistant City Manager (June, 1970)
- .Jadine R. O'Brien, Model Cities Director (August, 1971)
- .Donald E. Whitman, Aviation & Public Buildings (April, 1972)
- .William B. McClaran, Police Chief (June, 1972)
- .Louis J. Hannigan, Personnel Director (August, 1972)
- .George A. Flaherty, Assistant City Manager (May, 1973)
- .David C. Bittenbender, Welfare Director (July, 1974)
- .Merle R. Mahany, Hospital Administrator (September, 1974)
- .William J. O'Brien, Jr., Corporation Counsel (April, 1974)
- .Alan J. Munroe, Director of Aviation and Public Buildings (April, 1974)
- .David C. Bittenbender, Health and Social Services Director (October, 1975)
- .George A. Flaherty, Public Works Director (October, 1975)
- .Neal W. Allen, III, Assistant City Manager (November, 1975)

Parcel 032 X002

ATTACHMENT 2

Aerial Photo



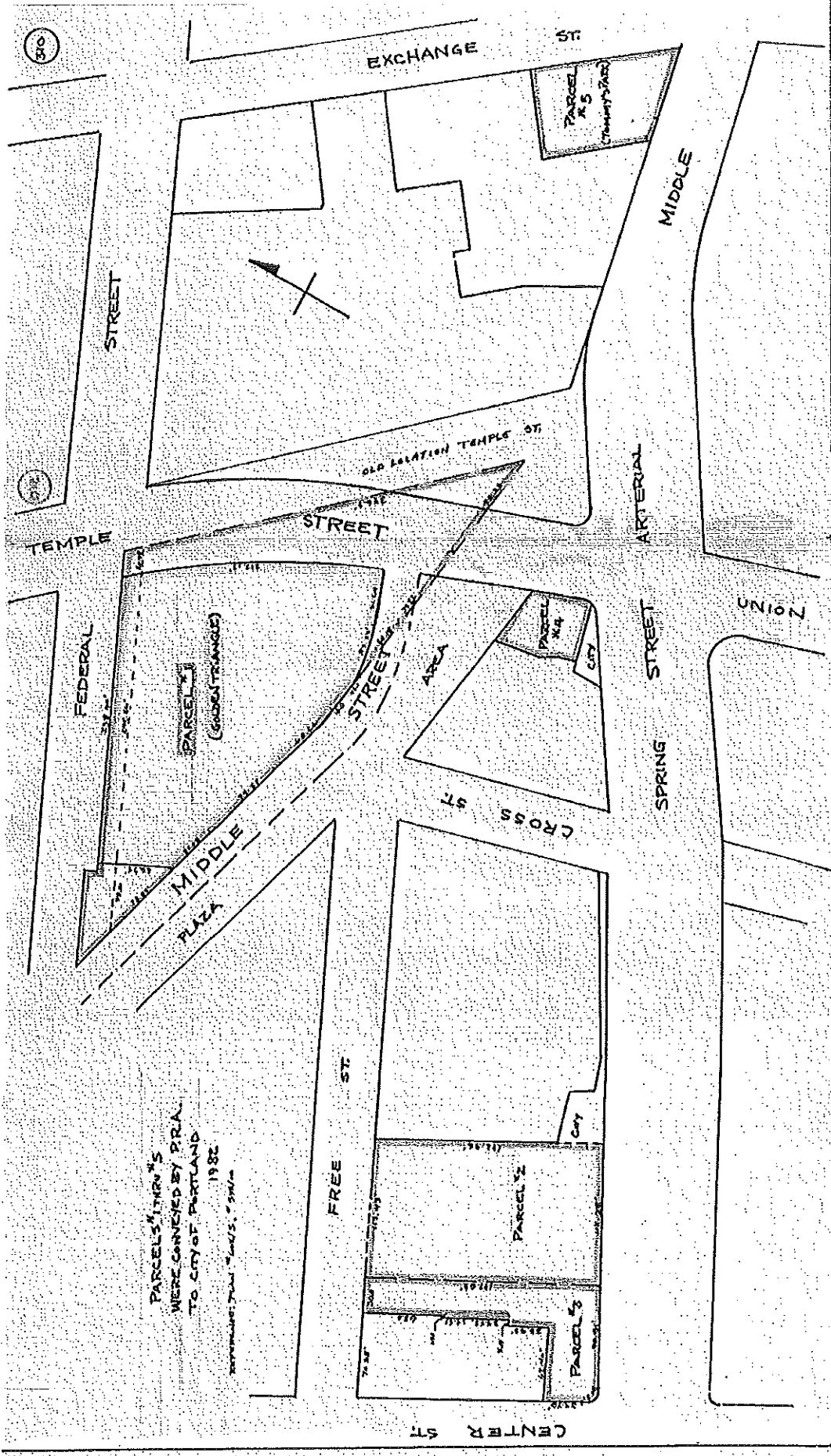
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Parcel 032 X002



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-- LANDBANK
DESIGNATION



City of Portland
Code of Ordinances
Sec. 2-42

Administration
Chapter 2
Rev. 5-28-2014

~~Each Director of the board of the Greater Portland Transit District representing the City of Portland on the effective date of this amendment, or thereafter, shall be appointed annually for a term of one (1) year and until his or her successor is appointed. Each Director so appointed shall serve at the pleasure of the City Council. (Ord. No. 659-86, § 1, 6-16-86)~~

ARTICLE III-A. PORTLAND LAND BANK COMMISSION; FUND

Sec. 2-41. Definitions.

As used in this article, unless the context indicates otherwise, the following terms have the following meanings:

Commission means the Portland Land Bank commission established pursuant to section 2-42.

Land Bank means property interests of the types provided in section 2-43(a) which are purchased, acquired or dedicated for the conservation and open space purposes hereunder.

Land Bank fund means the fund established hereunder for the purchase of property interests for the conservation and open space purposes hereunder or for making grants or loans for such purposes.

Property interest means any fee simple interest in real property and any lesser interest therein, including without limitation, conservation restrictions and easements.
(Substitute Ord. No. 233, § 1, 4-5-99)

Sec. 2-42. Commission Established.

(a) *Findings.* The City Council hereby finds that:

1. There is a need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreational values;
2. there are insufficient financial resources currently in place to plan for, and acquire significant open space lands or easements which are or may become available within the municipality or in adjoining buffer areas; and
3. there is a need to supplement the city's open space conservation efforts, without duplicating the efforts of other public and private groups including the Portland Planning Board, Portland Trails and the Portland Parks Commission.

Therefore, in order to ensure the conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values, there is hereby established a Portland Land Bank Commission, Portland Land Bank and a Portland Land Bank Fund.

(b) *Purposes.* It shall be the purpose of the commission to:

1. work for the acquisition and conservation of open space within the City, as defined in §2-43(a) below;
2. cooperate with other agencies and parties on wetlands mitigation projects;
3. recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goals of this article;
4. accept gifts and funds from both private and public sources and to disburse such funds in accordance with the commission's approved budget for the purposes hereunder;
5. act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of conservation and open space land within the municipality; and
6. recommend an annual budget to the City Manager and City Council to carry out its purposes.

(c) *Appointment of commission.* The Portland Land Bank Commission shall consist of and be administered by nine (9) persons appointed by the City Council for staggered three-year terms. Except as provided below for non-voting members, the members must be legal residents of the municipality and shall serve without compensation. One member of the commission shall be appointed from the City Council. Neither a municipal employee nor member of the Planning Board or Board of Appeals may be a member of the commission. To the extent feasible, representation on the board shall be diversified, including without limitation, members representing environmental or conservation interests, the Parks Commission, economic development, business and financial interests, and the public generally. There shall be a resident from each of the City Council districts on the commission.

(d) *Non-voting members.* In addition to the nine voting members, the Board of Directors of Portland Trails and of Maine Audubon Society shall each appoint one person from each of their memberships to serve as non-voting members of the commission for three (3) year terms. The only eligibility requirement for appointment to the non-voting positions shall be membership in the respective group which they represent. Such non-voting members shall serve at the pleasure of their

appointing Board of Directors.

(e) *Vacancies.* In the event of a permanent vacancy in the voting members, the City Council shall, within 120 days of its occurrence, appoint a person to serve for the unexpired term.

(f) *Removal.* Voting members of the commission may be removed by the City Council for cause, after notice and hearing. Without limiting the foregoing, excessive absences from regularly scheduled meetings shall be considered cause for removal.

(g) *Organization of commission.* The commission shall annually elect a chair, a secretary and a treasurer from among its voting members and shall adopt reasonable rules for the conduct of its meetings, which rules shall include provisions for public comment substantially the same as those provided by City Council rules for standing council committees. The decisions of the commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the voting members present; provided, however, five (5) votes shall always be required to authorize a grant or loan for acquisition of, or to recommend to the council the disposition of, any property interest acquired or disposed of hereunder. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the City Manager.

(h) *Powers and duties of commission.* The Commission:

1. Shall file annually with the City Council a registry of all open space of the types in 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;

2. May solicit and recommend to the City Council the acceptance of gifts of any real property interests or of funds to further the conservation and open space goals of this article;
3. May recommend to the City Council the disposition of all or any portion of the property interests listed in the registry and held by the city; shall review any request to use, improve or permanently dispose of a property interest prior to review by a council committee or the city council; and may review any proposed disposition of city tax-acquired property interests and make its own recommendations thereon to the City's tax acquired property committee, council committees and/or the City Council;
4. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's registry, provided, however, to the extent possible, City staff shall assist the Commission;
5. May act as a liaison for the activities of public and private conservation bodies organized for similar purposes;
6. May make recommendations to, and participate with, the city and other agencies and parties in regard to wetlands mitigation plans and projects;
7. May apply for federal, state and local funds for which it may be eligible, subject to the approval of the City Council;
8. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary; and
9. Shall submit to the City Manager annually an operating and capital budget for all expenses and projects of the Commission, which 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. Commission expenditures shall not exceed its annual operating and capital budget, unless otherwise amended by the City Council.

(Substitute Ord. No. 233-99, §1, 4-5-99; Ord. No. 204-13/14, 4/28/2014; By Referendum, 6-10-14)

Sec. 2-43. Establishment of Land Bank.

(a) *Acquisition of property interests.* Property interests acquired and held for the purposes hereunder shall be considered as the land bank and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
3. Islands;
4. Land for future passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
7. Woods or forest land;
8. Farmland or wildlife habitat;
9. Open spaces which help to shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;
10. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land;
11. Conservation or trail easements and other similar interests in land; or
12. "Urban open public spaces" such as parks, plazas and squares where people have the opportunity to recreate and hold events.

Said Land Bank property interests may be held in the name of the city or in the name of a private nonprofit organization when acquired from the City or with the assistance of a grant or loan from the land bank fund. All acquisitions of property interests under this article shall be subject to the approval of the City Council, unless previously approved through adoption of the Commission's annual budget.

(b) *Maintenance of land.* The Commission and the City government shall retain any Land Bank property interest acquired pursuant to this article and maintained in the Land Bank predominantly in its natural, scenic or open condition, except as otherwise provided in this article. Except upon the approval, in accordance with section 2-43(c), of the

commission, the City Council, and, where applicable, the voters in a municipal election, or where required by state or federal law, and where appropriate, subject to the Constitution of Maine or state law, the commission or the City government shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the conservation, open space, and recreation purposes of this article. Notwithstanding the foregoing, this provision shall not prohibit any of the following within any predominantly improved or non-forested areas of a Land Bank property interest: recreational structures, outdoor restaurant seating, outdoor markets, outdoor performance spaces, signs, and other advertising. Furthermore, predominantly unimproved or forested Land Bank property interests, or portions thereof, shall remain in their existing unimproved and forested condition. For the purposes of this subsection, a golf course shall be deemed a predominantly improved and non-forested area;
2. Dumping or placing of trash, waste or unsightly or offensive material;
3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;
4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;
5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural or recreational values for which it was acquired;
6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, except as may be necessary or convenient in urban open public spaces described in section 2-43(a)(12); or
7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

(c) *Disposition of property interests.*

- (1) Except as set forth in section 2-43(c)(2), any request to sell or otherwise dispose of, or the City's lease, use or improvement in a manner otherwise prohibited by this article, of any property interest in the Land Bank, or the removal of

any property interest from Land Bank designation or dedication, shall become effective only after review and recommendation thereon by the commission, and either (i) the approval of seven (7) members of the City Council and the approval of the majority of votes cast in a municipal election through the process set forth for an ordinance initiated by the City Council in section 9-45; or (ii) the approval of eight (8) members of the City Council; provided, however, such use, improvement or disposition must be legally consistent with the terms of any gift or grant of funds or property which was used for the acquisition of that property interest. Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the sale or development of all or a portion of any property interest purchased with land bank funds to the extent legally consistent with the terms of its acquisition and approved by seven (7) members of the City Council; provided, however, that the fund shall be reimbursed all of its costs and expenses for such purchase from such sale or development, including without limitation the purchase price, or pro rata share thereof, of the property interest. Further provided, however, that no voter approval in a municipal election shall be required in the event of a sale or disposition to a nonprofit corporation having a primary purpose of land conservation, or for a transaction in which there is no net loss of land to the entire contiguous area of the Land Bank Property interest.

- (2) Notwithstanding the requirements set forth in section 2-43(c)(1), for any request to lease, use or improve a Land Bank property interest, in a manner otherwise prohibited by this article, which, in isolation or when aggregated with other such actions within the previous five (5) years, comprises less than five thousand (5,000) square feet or less than ten percent (10%) of the total area of the Land Bank property interest, whichever is smaller, shall become effective only after review and recommendation thereon by the commission and the approval of six (6) members of the City Council, and shall not require voter approval in a municipal election. For the purpose of this subsection, the total area of the property interest shall be the entire contiguous area of that Land Bank Property interest, as measured by the City's tax assessor office.

(Substitute Ord. No. 233-99, §1, 4-5-99; Ord. No. 204-13/14, 4/28/2014; By Referendum, 6-10-14)

Sec. 2-44. Specific Properties Dedicated as Land Bank Property Interests.

In addition to those properties currently designated or dedicated as Land Bank property interests, the following properties are hereby dedicated as Land Bank property interests:

- (a) Back Cove Park and Trail (429 K001, 166 X001, 165 X001, 158 X001, 157 X001, 139 X001, 128 X001, 440 A001, 442 B001, 442 X001, 441 X001, 009 X001, 008 X001, 440 X001)
- (b) Barrow's Park/Baxter Sundial (128 F001)
- (c) Bayside Park (026 H001, 026 H002, 026 H008)
- (d) Baxter Pines (133 A001-A017, 133 B001-B013, 133 B016-B020)
- (e) Baxter Woods (137 E012, 136 D004, 135 A005)
- (f) Bell Buoy Park (444 A001) (including only the existing brick and grass area around bell buoy) (urban open public space)
- (g) Belmeade Park (111 A001)
- (h) Capisic Pond Park (224A X001, 224A E016, 224 X001, 192 C001 192 H018, 192 H019, 192 H020, 192 H029, 223 A002, 223 A003)
- (i) Clark Street Park (057 K010)
- (j) Congress Square Park (037 E001) (urban open public space)
- (k) Deering Oaks Park (050 A001, 049 B001, 035 I001, 035 G001, 035 F001)
- (l) Dougherty Field (080 L001, 079 B001, 066 A002)
- (m) Eastern Promenade Park, East End Beach, Fort Allen Park (008 A003, 008 A007, 010 B006, 015 G001, 006 A001, 006 A002, 006 A006, 006 B003, 005 E004, 005 E001, 005 E002, 006 B001, 005 E008, 004 C002, 004 C001, 004 A001, 001 A001, 001 A003, 001 C007, 001 C006, 001 C005, 001 C004, 001 C001, 002 A014)
- (n) Fessenden Park (081 C006)
- (o) Fort Gorges (110 A010)
- (p) Fort Sumner Park (012 Q015, 013 K015)
- (q) Fox Field/Kennedy Park (023 B001)
- (r) Harbor View Park and Tate-Tyng Park (043 A001, 043 A002, 043 A003, 043 A004, 043 A005, 043 A006, 043 A007, 043 A008, 043 A009, 043 A010, 043 A011, 043 A013, 044 D001)
- (s) Heseltine Park (129 C001)
- (t) Lincoln Park (028 B001) (urban open public space)

- (u) Lobsterman Park (032 X002 - only including land south of the entrance to parking garage) (urban open public space)
- (v) Longfellow Square (no separate tax parcel) (only including statue and circular grassy area immediately surrounding statue) (urban open public space)
- (w) Monument Square (027 G001) (urban open public space)
- (x) Munjoy South Playground (017 G008)
- (y) Payson Park (159 G001, 163 L006, 164 A001, 165 A001, 166 A001, 166 A009, 167 B009, 167 B010)
- (z) Peppermint Park (021 F002)
- (aa) Pleasant Street Park (039 F025)
- (bb) Post Office Park (032 D005) (urban open public space)
- (cc) Riverside Golf Course (but excluding land on or within three hundred (300) feet of the parking lots and land on and within three hundred (300) feet of the existing clubhouse (building 1158) and three other buildings (buildings 1140, 1200, and 1260) and excluding any land on or within three hundred (300) feet of the Riverside Recycling Facility) (361 A002, 360 A001, 362 A001, 363 A001, 359 A001, 358, A001, 364 A001, 357 A001, 365 A001, 366 A001, 367 A001)
- (dd) Riverton Park (325 C008, 361 A001)
- (ee) Stroudwater Park (213 E003, 213 E004)
- (ff) Taylor Street Park (057 A006, 057 A009, 057 A010, 057 A018)
- (gg) Tommy's Park (032 H009) (urban open public space)
- (hh) University Park (436 B001, 438 B001) and
- (ii) Western Promenade Park (064 E024, 068 E001, 070 C001, 071 A011, 071 A002, 071 A007).

Dedication of the above-listed properties as Land Bank property interests shall not affect any rights and interests of record held by third parties existing on the effective date of this ordinance. The above-listed properties may be removed from such dedication by the same process set forth in section 2-43(c).
(By Referendum, 6-10-14)

Sec. 2-45. Land Bank Fund.

- (a) ~~Establishment of Fund.~~ The City shall establish a municipal

City of Portland
Code of Ordinances
Sec. 18-10

Parks, Recreation and Public Buildings and Grounds
Chapter 18
Rev. 5-28-14

making specific recommendations therein about suggested goals and improvements for the parks and public grounds;

(5) Encouraging educational programs, through the schools or otherwise, in forestry education or other relevant subjects it determines to be beneficial to the parks programs of the city;

(6) Undertaking such other activities as to enhance the parks, trails and open space programs of the city as it deems appropriate from time to time; and

(7) Conducting an annual meeting of all parks, trails and open space advocacy groups to discuss annual projects and to recommend goals and priorities for capital improvement projects to the city council.

(Ord. No. 50-83, 6-20-83; Ord. No. 70-09/10, 10-5-09; Order 203-13/14, 5-28-2014)

Cross reference(s)--City boards, commissions, committees, etc., § 2-31 et seq.

ARTICLE 1B. DEDICATION OF PARKS AND PUBLIC GROUNDS

Sec. 18-11. Parks and Public Grounds Dedicated. The following parks and public grounds are hereby subject to the provisions within this Article:

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Bedford Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;

Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park (including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;
Fort Gorges;
Fort Sumner Park;
Fox Field/Kennedy Park;
Harborview View and Tate-Tyng Park and Playground;
Heseltine Park;
Lincoln Park;
Longfellow Park;
Longfellow Square;
Lobsterman Park;
Marada Adams Playground;
Martin's Point Park;
Monument Square;
Munjoy South Playground;
Nason's Corner Park;
Payson Park;
Peppermint Park;
Pedro Field;
Pleasant Street Park and Playground;
Post Office Park;
Quaker Park;
Riverside Golf Course;
Riverton Trolley Park;
South Street Playground;
Stroudwater Park (Waldo Street and Westbrook Street);
Taylor Street Park;
Tommy's Park;
Trinity Park;
Western Promenade Park; and
Winslow Park.

Sec. 18-12. Use and Maintenance of Parks and Public Grounds. The City shall retain all parks and public grounds dedicated in section 18-11 predominantly in their natural, scenic, open and/or intended condition. Notwithstanding the foregoing, this provision shall not prevent the City from the following:

(a) Improving or maintaining dedicated parks and public grounds in a manner consistent with the design of the park or public ground or approved master plan;

(b) Using dedicated parks or public grounds for any of the

following:

- (1) Athletic contests;
- (2) Playgrounds and/or recreational structures;
- (3) Outdoor restaurant seating;
- (4) Outdoor markets;
- (5) Outdoor performance spaces or performances;
- (6) Signs and other advertising;
- (7) Food trucks or vendors; and/or
- (8) Festivals; or

(c) Granting permits, licenses or leases (no more than one (1) year or less in length) for the use, maintenance and/or improvement of dedicated parks or public grounds.

Sec. 18-13. Inalienability of Parks and Public Grounds. Except as authorized in sections 18-12 and 18-14, dedicated parks and public grounds may not be removed from the list in section 18-11, or used, sold and/or permanently disposed of for non-recreational purposes.

Sec. 18-14. Disposition of Parks and Public Grounds. Any request to a council committee or the city council to add or remove a dedicated park or public ground from the list in section 18-11, sell or otherwise permanently dispose of a dedicated park or public ground for non-recreational purposes, or establish a use and/or improvement other than those listed in 18-12, shall be reviewed by the parks commission who shall provide an advisory opinion on any such request prior to review by the council committee and the city council, and shall only become effective upon review and approval by seven (7) members of the city council.
(Order 203-13/14, 5-28-2014)

Sec. 18-15. Reserved.

ARTICLE 18. REGULATIONS FOR PARKS AND PUBLIC GROUNDS

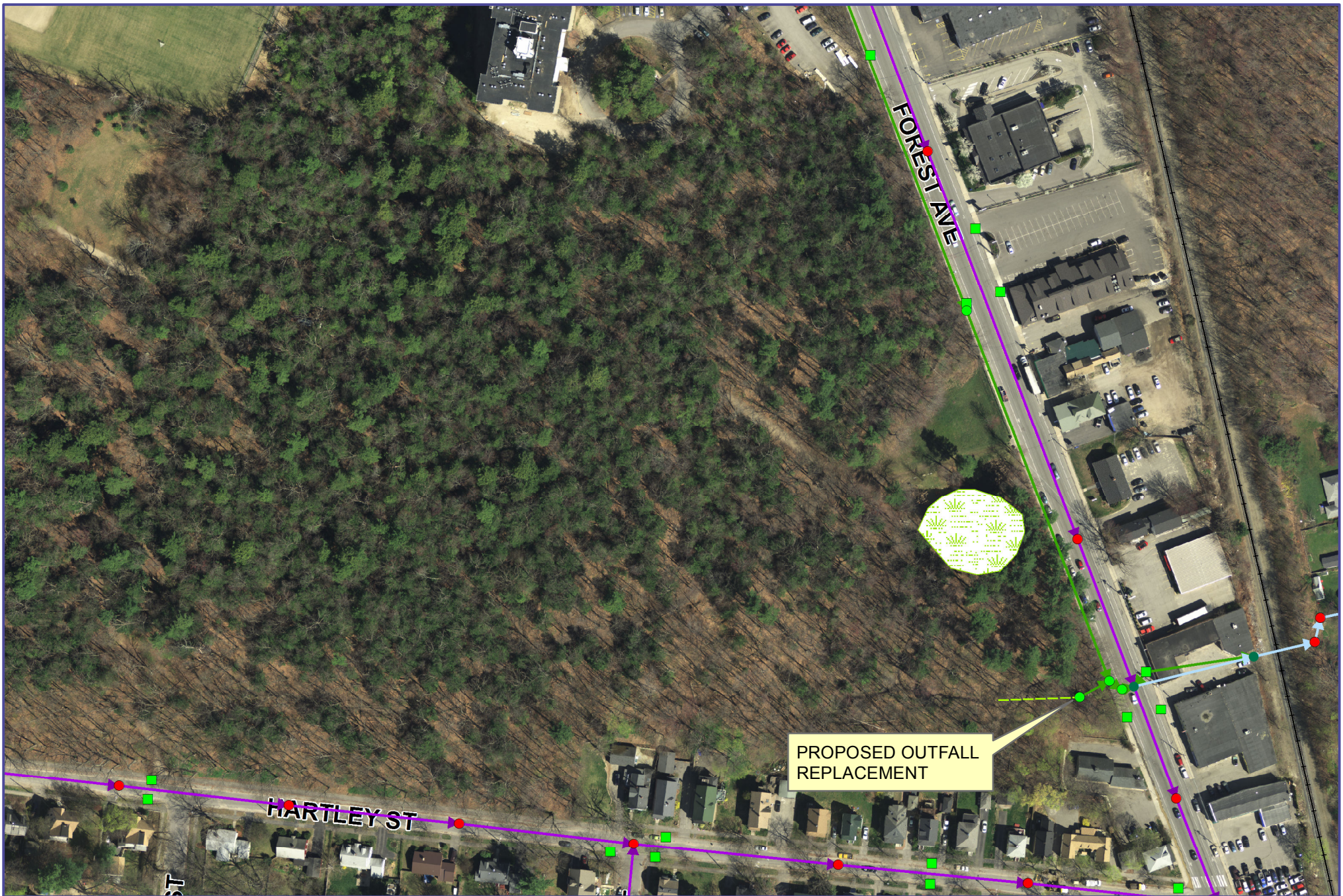
Sec. 18-16. Scope.

The provisions of this article shall apply to any of the parks or public grounds belonging to or under the control of the city.
(Code 1968, § 501.1)

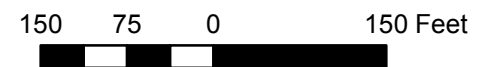
Sec. 18-17. Trucks prohibited.







BAXTER WOODS EXISTING OUTFALL REPLACEMENT



BAXTER WOODS POND PROJECT OVERVIEW

BACKGROUND AND HISTORY

The water resources division is currently working on a project that would convert an old dry stormwater detention basin into a Maine DEP approved stormwater quality wet pond. The proposed wet pond will provide stormwater treatment and have flood control features to detain stormwater flows that run down Baxter woods towards Forest Avenue. The existing dry detention basin is located in south east corner of Baxter Woods. The existing pond location is located just south of an existing wet pond, and the location also abuts Forest Avenue.

In 1986, a detention basin and outlet structure was created within Baxter Woods. The outlet structure is an eyesore for the city and currently discharges into the combined sewer system.

The detention basin is a dry pond and does not hold any water for extended periods of time in its existing condition. It's your typical older flood control detention basin and structure. The existing outfall does not seem to be performing to its proposed design conditions. This pond currently drains into Forest Avenue Sewer which is a combined sewer system. Once it enters the sewer it flows downstream towards Back Cove and directly affects CSO #10 Mackworth. Whenever the city receives heavy rainfall Mackworth CSO overflows and is now one of our largest contributors to overflows in the city. Replacing this outlet structure and converting the detention pond to a wet pond will help detain storm water within Baxter Woods and treat it before it enters into the sewer system. This would help slow the water down from entering the sewer system and help reduce overflows at CSO #10. Future CSO projects will eventually remove the pond from the sewer system. Once separated this treatment will be fully utilized.

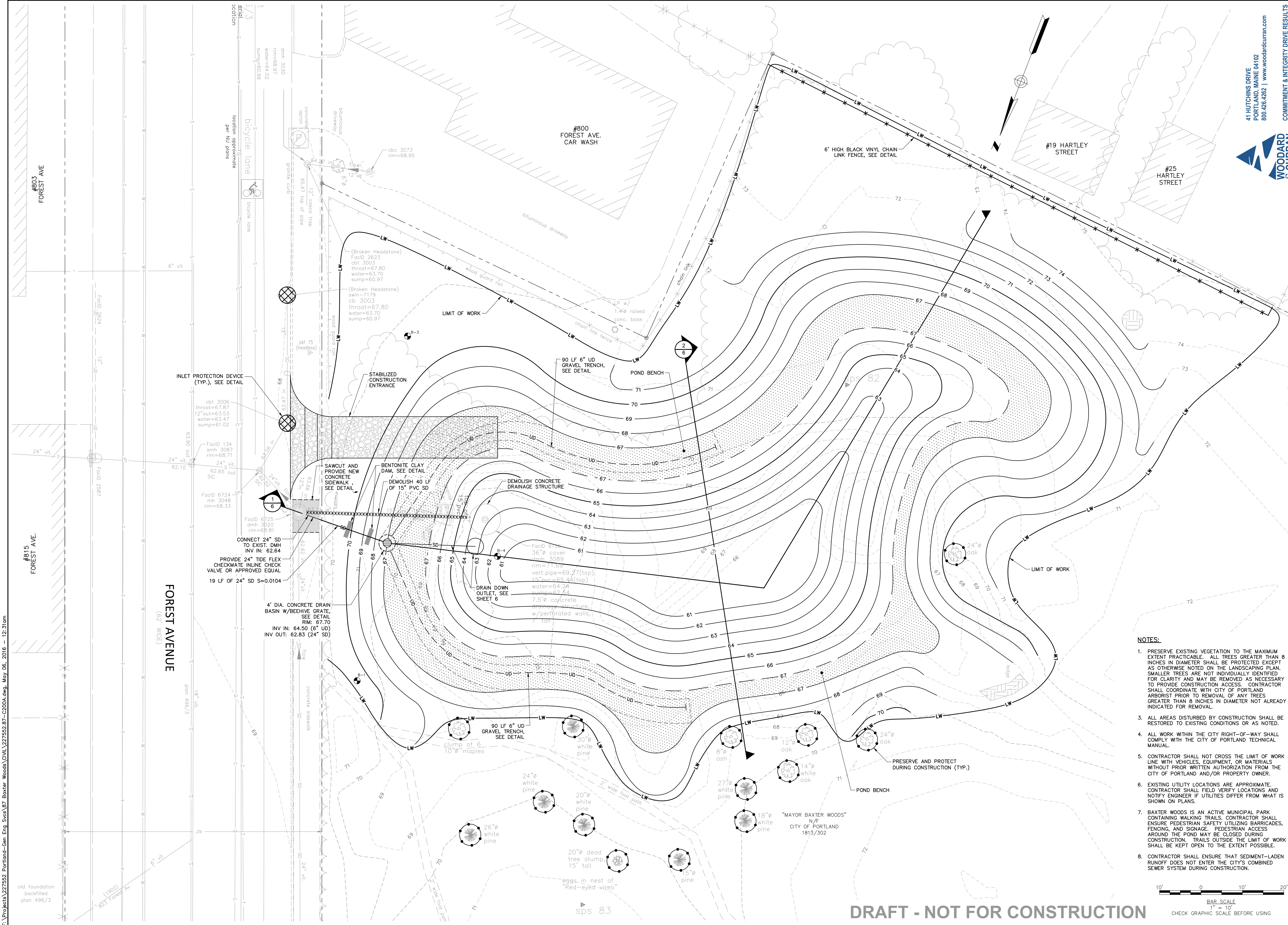
During the design of the project another stormwater inlet from Baxter Woods to the Combined Sewer in Forest Avenue was discovered. Public Works is currently seeking a drainage easement in this area as the inlet area is on private property. The city plans to modify the inlet in order to hold back more flows that go directly into the combined sewer system.

Also, the City wants to enhance this area of Baxter Woods to make it a more pleasant area to visit and have it less of an eyesore. We currently have approximately \$200,000 within the Baxter Trust Fund to do landscaping and beautification of the pond after the pond and structure is replaced. We will use those funds to remove all of the invasive plants that has plagued the existing pond and also replant it with new vegetation.

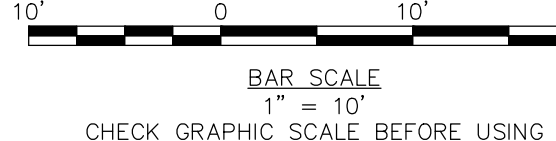
Jeff Tarling currently also has local school science students visiting Baxter Woods to perform water quality testing at another wet pond within Baxter Woods. By doing this project and converting this pond to a wet pond the students would have another location which they could perform testing at and compare their results. This project would both

help reduce overflows and create an area within Baxter Woods which people can visit and enjoy the enhanced space.

The current design for the pond is at 75%, with the design scheduled to be complete by mid-August. Public Works would like to start construction on the pond sometime in September.



- NOTES:**
1. PRESERVE EXISTING VEGETATION TO THE MAXIMUM EXTENT PRACTICABLE. ALL TREES GREATER THAN 8 INCHES IN DIAMETER SHALL BE PROTECTED EXCEPT AS OTHERWISE NOTED ON THE LANDSCAPING PLAN. SMALLER TREES ARE NOT INDIVIDUALLY IDENTIFIED FOR CLARITY AND MAY BE REMOVED AS NECESSARY TO PROVIDE CONSTRUCTION ACCESS. CONTRACTOR SHALL COORDINATE WITH CITY OF PORTLAND ARBORIST PRIOR TO REMOVAL OF ANY TREES GREATER THAN 8 INCHES IN DIAMETER NOT ALREADY INDICATED FOR REMOVAL.
 3. ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE RESTORED TO EXISTING CONDITIONS OR AS NOTED.
 4. ALL WORK WITHIN THE CITY RIGHT-OF-WAY SHALL COMPLY WITH THE CITY OF PORTLAND TECHNICAL MANUAL.
 5. CONTRACTOR SHALL NOT CROSS THE LIMIT OF WORK LINE WITH VEHICLES, EQUIPMENT, OR MATERIALS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE CITY OF PORTLAND AND/OR PROPERTY OWNER.
 6. EXISTING UTILITY LOCATIONS ARE APPROXIMATE. CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND NOTIFY ENGINEER IF UTILITIES DIFFER FROM WHAT IS SHOWN ON PLANS.
 7. BAXTER WOODS IS AN ACTIVE MUNICIPAL PARK CONTAINING WALKING TRAILS. CONTRACTOR SHALL ENSURE PEDESTRIAN SAFETY UTILIZING BARRICADES, FENCING, AND SIGNAGE. PEDESTRIAN ACCESS AROUND THE POND MAY BE CLOSED DURING CONSTRUCTION. TRAILS OUTSIDE THE LIMIT OF WORK SHALL BE KEPT OPEN TO THE EXTENT POSSIBLE.
 8. CONTRACTOR SHALL ENSURE THAT SEDIMENT-LADEN RUNOFF DOES NOT ENTER THE CITY'S COMBINED SEWER SYSTEM DURING CONSTRUCTION.

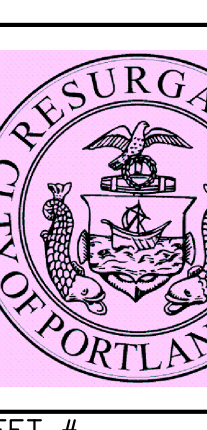


DRAFT - NOT FOR CONSTRUCTION

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800.426.4262 | www.woodardcurran.com

WOODARD & CURRAN

COMMITMENT & INTEGRITY DRIVE RESULTS

		CITY OF PORTLAND, MAINE PUBLIC SERVICES DEPARTMENT ENGINEERING SECTION		BAXTER WOODS POND & OUTLET DESIGN		DESIGNED BY: AEA		LDD PROJECT NAME: N/A	
						DRAWN BY: JBC		DRAWING NAME: 227552.87-C200A.DWG	
						CHECKED BY: DAS		FIELD BOOK USED: N/A	
						SCALE: 1" = 10'			
						DATE: 04/28/2016			
				REFERENCES: 1043 Portland CSO.dwg					
SHEET # 5 OF 9		PLAN NUMBER							

DRAFT- **Portland Land Bank Commission**

2016 Annual Report



June 2016

Overview

The Land Bank Commission is charged with with the responsibility of submitting an annual report to the City Manager and recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year.

The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City's annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status. The Commission has other methods to acquire open space property which include personal property donations, direct purchases, land trades, grants and developer agreements.

Current Members of the Land Bank Commission (2016):

Co-Chair, Tom Jewell (District 4) and
City Councilor Justin Costa (Council Appointee)
Simon Rucker (District 1)
Bryan Wentzell (District 2)
Colleen Tucker (District 3)
William Mann (District 5)
Meri Lowry (District At-large)
Rene Perry (District At-large)
Patrizia Bailey (District At-large)
Roger Berle representing Portland Trails

Staff Support:

Ethan Hipple, Parks and Recreation
Doug Roncarati, Stormwater Program Coordinator
Michael Goldman, Corporation Counsel
Laurie Monder, Office Associate

Accomplishments

Reviewed the Tax Acquired Properties listing to determine if the City should retain any of the parcels for open space conservation and provided the Tax Acquired Properties Committee with initial recommendations. Several parcels have been identified to be retained in the Land Bank.

Reviewed and voted to support the City of Portland's proposal to install a 648kw solar array on the landfill near Ocean Avenue.

Reviewed the proposal to acquire land near Stroudwater Dam. At the request of the City, this proposal was not pursued by the Land Bank Commission

Reviewed the request by city residents, Mr and Mrs Marshall to purchase land bank land near 471 Danforth St. It was decided that the land would remain in the Land Bank.

Consider a proposal for a donation of several lots in Oak Nuts Park as donations.
Status.....

Consider a proposal to acquire several lots in Oak Nuts Park. An appraiser has been engaged to determine value.

Develop transaction opportunities for the 1. purchase of; 2. receipt by TAPC foreclosure and 3. donations for several parcels in Redlon Park. Redlon Park consists of several acres of open space surrounded by Brighton Ave, Stevens Ave, Capisic St and Bancroft St.

Program Budget and Project Initiatives for 2016/2017

The City allocates one half of 1% of the annual Capital Improvements Project (CIP) budget for the acquisition of periphery for open space conservation purposes. Available funding as of December 31, 2015 for the planned work activity by the Land Bank Commission is \$_____.

Revenues:

Current Account Balance: \$_____

Expenditures:

Acquisition Expenditures: \$_____

Non-Acquisition Expenditures: \$_____

Project Initiatives

Pursue the acquisition of parcels in Redlon Park.

Pursue the acquisitions of parcels in Oak Nuts Park.

Review and assess Land Bank Parcels.

Consider Non-acquisition expenditures to various trails on Land Bank parcels.