

## **CITY OF PORTLAND, MAINE**

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

Minutes February 27, 2019

**Members Present:** Councilor Thibodeau, Councilor Ray, Councilor Duson

**Staff Present:** Jon Jennings, Troy Moon, Ashley Krulik, Bruce Hyman, Jen Thompson

Meeting was called to order at 5:34 PM. Councilor Ray moves to approve the minutes from January. Councilor Duson, seconded. All those in favor 3-0.

### **Sustainability Program Updates**

Troy Moon reviewed the items on the Sustainability Program Update memo

Councilor Duson:

- Energy Benchmarking - does "City buildings" include school buildings? Mr. Moon responded that yes it does.
- Flower Show - are we going to have a booth or a panel? Mr. Moon responded that we are leading a panel discussion with land care professionals and South Portland representatives.

Councilor Ray:

- Energy Benchmarking - are you feeling hopeful that we will get the information we need from CMP? Mr. Moon responded that yes, they have been more responsive and appear to be trying to help.

Councilor Thibodeau:

- Pesticide Ordinance - is there a postcard? Mr. Moon responded, yes, it is being distributed. We are also developing a brochure and continuing with social media.

### **Martin Luther King Jr. Recognition**

City Manager Jon Jennings presented and reviewed memo. Thanked the taskforce and Councilor Ali for his leadership on this project. Recommendation of location of memorial has been determined to be the plaza area of Bayside Trail. City has developed draft RFQ to move into design phase of memorial. Budget for this effort is \$100,000, from sale of land on Thames Street. There are potentially other funding sources if needed. Councilor Duson and Reverend Ken Lewis to co-chair selection committee to select members of design selection committee.

Councilor Duson - honored to serve as co-chair. Suggestion to reference Abyssinian Meeting House and Freedom Trail.

Steps for next month: Work with two Chairs to finalize design selection committee. Bring back final RFQ for the committee to approve. Committee to narrow down list of memorials. Will need to fund artists to vet designs. Suggested process: design selection committee to review all respondents, narrow down, and then provide financial support to build out larger design for selection. There are no preconceived ideas around what the memorial should be.

Councilor Ray:

- Clarified that it will be the design selection committee reviewing designs. Once final design is determined, Sustainability and Transportation Committee to review and approve.
- Where will selection committee meet? Mr. Jennings responded: anywhere they would like. Meetings will be open to the public. There will be notifications of these meetings on the City website.

Councilor Duson:

- Will work with Reverend Lewis to determine design selection committee.

### **Green Building Ordinance**

Discuss whether elementary school construction projects are required to follow green building code.

Jen Thompson, Corporation Council presented. Not providing opinion on whether it applies to a specific project, reviewing the guidelines of the ordinance. The language of the ordinance says it “applied to all new construction and renovation projects.” “Renovation project” is defined as total renovation cost is greater than or equal to the value of the property per the tax assessor. How are we valuing projects? In the case of the school, the cost of the renovation is less than the value of the school (\$11 million renovation, \$16 million value of that school). Therefore there was no exemption, but this project did not fall within the “renovation” requirement.

Councilor Thibodeau:

- “New construction” vs. “Renovation” definitions - is a building addition new construction or a renovation? “New construction” is not defined in the ordinance, but is often considered a new building on an undeveloped piece of land. Councilor Thibodeau feels that something new that doesn’t affect existing structure would be considered “new construction.”

Councilor Duson:

- Not looking to have dueling legal opinions between City and School definitions of the ordinance
- City sees itself as being concerned about sustainability. We have a longstanding sustainability plan. Talk about sustainability in new comp plan. We encourage students/young people to be more sustainable.
- Surprised that whether or not the schools follow the green building code would be a matter of controversy.
- School board developed memo that school buildings are not City buildings for purposes of compliance of the green building code.

- Not going to challenge school board, but hope that through review we do determine that new construction should be green building code certified, using LEED certified engineers.
- Even if renovated parts of buildings do not need to be LEED certified, new construction should fall within the ordinance. Feels that this school project involves new construction.
- Need to be consistent with what we are teaching students and our actions.
- Portions of project that are new construction, should meet City green building code.
- Asking Committee to consider drafting language with Corporation Counsel to clarify green building code standards for next 3 school projects.
- Jen Thompson responded that she would work with the Committee to draft this language.
- As a member of this building committee, has felt in conflict. Need to construct building and be able to pay for it. Asked architects/engineers about LEED certification analysis, waiting to receive. Provided to DABC but not BLAC committee. Bottom line is that understanding is that the cost difference is about \$1 million but feels that it is important that we comply with our own standards.
- Are there prior projects that have been completed that would have been green building certified if definitions had been clarified/amendment was made sooner? Feels that the definition may not have been the same for prior projects as it is being used for this project. Jen Thompson will look into prior projects.
- This line of inquiry will not come as a surprise to schools as Councilor Duson has informed them that this Committee is looking into the ordinance.
- Agree with Councilor Ray that she does not want to pull the rug out from the current school project. The amendment would not apply to this project, but would apply to future projects.

Councilor Thibodeau:

- Do we need to amend and define “new construction”?
- Do we need to define “municipal buildings”?
- Revise the definition of “renovation”?
- Jen Thompson responded that amendment would not need to go to the planning board and could therefore move more quickly.
- Think through how to assess the value of the building.
- Jen Thompson: value of work that is being done, separate building from the land, look into how to get most accurate assessment.
- Confirmed that “municipal buildings” includes schools. Jen Thompson replied, yes.

Councilor Ray:

- Is land and building included in assessed value? Jen Thompson responded, yes. This greatly increases the value of the property. Councilor Ray believes assessed value should be building-only.
- Do we separate construction cost from engineering, and other costs involved? Costs in memo were separated. Jen Thompson to review school board memo. Skirting our own ordinance is shameful.

- Is there still a chance that this school project may need to meet green building code?  
Jen Thompson responded that she is unsure but does not believe that there has been a final determination on this, and will check with Jeff Levine. There is a general understanding that this project will not need to meet the green building code.

Jen Thompson:

- There are separate entities - the schools (the applicant) and the City (regulatory review). The applicant (the schools) determined that the schools do not need to comply, but the City (regulatory review) still needs to determine whether the school needs to comply.
- Need to have conversations with Public Works and School Department before making amendment to ordinance

Councilor Thibodeau:

Next Steps:

- Create and/or fix definitions in green building ordinance - "municipal buildings", "new construction," "renovation"
- Determine is assessed value should include land and building, or just building value
- Have amendment ready to be review during March meeting
- Outline potential impact amendment will have on near future municipal projects
- Amendment to go to full Council at April meeting

Councilor Ray: when we look at green building code, determine whether LEED is still the correct certification to use.

Councilor Thibodeau: Current IBC code is from 2007.

### **Housekeeping Items:**

Close loop with Greg Jordan on funding for bus every 15 minutes goal - March meeting

Large Scale Fossil Fuel ordinance - being tabled to focus on other issues

Single use plastics - possibly meeting twice a month for a few months to work on single use plastics issue

### **Forest / Dartmouth Sidewalks & Ramps**

Bruce Hyman, Transportation Program Manager, presented: Reviewed memo submitted to committee. Applied for project in 2012. MDOT approved in 2015. Council approved project in 2018. This intersection has ADA compliance issues. It provides important access to commercial and residential areas. Sewer project from Baxter Boulevard will be impacting this intersection, so this project focuses on west side of intersection. Add two ramps per corner, new push buttons and signal heads. Move fire infrastructure as needed. Final design and construction anticipated for 2020.

Councilor Ray:

- What are push buttons affixed to? Mr. Hyman responded - on some existing traffic signal poles, some new poles. Will be easily accessible.
- When the sewer separation project is done, is there money to do the other side? Mr. Hyman: if sewer project disturbs curbs, they will be required to construct ADA curb

ramps. If not, could be money within capital improvement plan or savings from this project.

Councilor Duson:

- Are sidewalks priority and cleared by the city? Mr. Hyman: Commercial abutments are required to clear sidewalks, do not believe it's part of the City plowed area. Will need to monitor once the project is done to ensure people can access push button.

Councilor Thibodeau: another exciting project that the Council approved last year is Andrews Square. There is a meeting on March 6th at Reiche to review project.

### **Portland/South Portland Smart Corridor Study**

Bruce Hyman presented: PACTS funded study part of 2016-2017 work plan. Joint study conducted by Cities of Portland and South Portland.

- Compliment land use and development within activity centers
- Project overseen by Advisory group from Portland, South Portland, MDOT
- Robust public engagement process
- Completed mostly in late winter 2018

Ned Codd, WSP Planning and Environmental Lead

- Presented PPT - goals, objectives,
  - Forest Ave should not be a barrier but act as a desirable Main Street
  - Recommendations do not involve reconstructing roadway but making improvements to existing corridor

Councilor Duson

- Pedestrians coming down Allen cannot get over snowbank - will crossings be shortened? Mr. Codd responded, yes.
- Pedestrian traffic is often students leaving Casco Bay High School walking to bus stop

Councilor Ray

- Have recommended Alternatives already been selected? Mr. Hyman responded that MDOT has preferences but final Alternatives have not been determined. Need to take into account recent changes - intelligent traffic signals.
- Encouraged to hear that traffic won't always be prioritized over other modes of transportation
- How would we accomplish queue jump? Mr. Codd responded: use curbside lanes that are also shared bus/bike lanes, that allow buses to get in front of queued traffic. Transit signal priority will allow bus to go first.
- Queue jumps creating any conflict between bus/bike? Mr. Codd responded, yes if the bus is coming every 5 minutes or so. Bus should not travel faster than 25 mph in shared lane.
- Where are we in process? Mr. Hyman responded: based on Committee thoughts, full Council workshop in the next month or so.
- Would like to select plan before workshop. Adopt vision that prioritizes pedestrians. Mr. Hyman responded that we'd need to negotiate vision with MDOT.

Councilor Thibodeau

- Is bike lane shielded by parking? Mr. Codd responded, yes, from State Street to Park Avenue.
- Ok with this going to the full Council workshop, and then circling back to this Committee for final comments
- How realistic is reconstructing ramps to Forest Ave from 295? Mr. Hyman responded that MDOT was comfortable with this idea being included in the report. City Manager is very enthusiastic about concept. Called a Single Point Urban Interchange.

Next step: Put plan out to full Council workshop with caveat that this Committee gets to review and comment again afterward.

### **Libbytown Study**

Mr. Hyman presented PPT.

- Added that Libbytown Neighborhood Association has done a lot of work to find solutions and visualize improvements

Councilor Ray

- Are traffic counts current? Mr. Hyman - traffic counts include projections with full Thompson's Point build out, Maine Med garage, and increase in traffic.
- What role did MDOT play in analysis? Mr Hyman: Included in every step of the analysis and baseline data. Analysis includes tweaks from MDOT.
- Is MDOT still opposed to removing ramps? Mr. Hyman: In 2017 they still insisted on including ramps, this may change with City Manager pressure and new administration. MDOT has exclusive control over the ramps and a lot of say over the roadway because it connects to interstate.
- Would MDOT provide some funding to complete the plan? Mr Hyman, yes - from PACTS or MDOT.
- Outcome seems to be to move to 2-way traffic on both Park and Congress Streets.

Councilor Duson

- There are interconnected things we want from MDOT - including land for West School
- Making Park Street 2-way would make a huge difference for pedestrians
- Success would be greenlight for C2P2 plan, but need to negotiate with MDOT and determine funding. Should not be C2P2 or nothing - keep C1P2 option open depending on negotiations.

Councilor Thibodeau

- Consensus around C2P2 plan - move forward to workshop with full Council

Public Comment

- Channing Capuchino - St. John Valley and Libbytown Organizations
  - St. John Valley neighborhood association unanimously voted against C2P2 plan - concerns around train and hospital traffic, currently goes past 295
  - Think people will only use Congress and not Park Ave
  - In support of 2-way conversion of Park Ave
  - C2P2 would create same problems that outer Forest faces

- Zach - Hunter Street
  - Strongly supports C2P2

Next Steps:

- Workshop with full Council
- Public hearings/comment session during upcoming Committee meeting
- Vote

Add link to Libbytown Study on Sustainability Webpage

**March 20 Meeting:**

- Placeholder to write letter to CMP if we are not receiving the information that we need.
- Review green building code standards with Jesse Thompson and others
- Make amendment to green building code as it relates to City buildings
- Greg Jordan - Metro - bus every 15 minutes

**April 17 Meeting:**

- Focus on solar - historic districts (Jeff Levine), invite Casco Bay High students to talk about SolaRise project
- Earth Day celebration - pesticide ordinance educational event
- Potentially do two meetings to focus on solar and single use plastics

Motion was made by Councilor Duson to adjourn the meeting at 8:04 pm. Motion was seconded by Councilor Ray. All in favor. 3-0.