



Commission Members:

Chair Pat Bailey, Jayne Foley, Daniel Herzlinger, Jennifer Fox, Robert Foster, Jon Kachmar, Kara Wooldrik, Simon Rucker, Baxter Miatke, and City Counselor Anna Trevorrow

City of Portland
Land Bank Commission Agenda

October 12, 2022

5:00 PM

On the second Wednesday of the month at 5:00 pm, the Portland Land Bank Commission will hold a meeting remotely using Zoom.

The Land Bank Commission will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Land Bank Commission. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please use the link below to join the webinar:

<https://zoom.us/j/98497248698?pwd=QjJlOUdoaitxMHZsb1V4RzRZbE50QT09>

Passcode: LandB8nk!3

Or Telephone:

**US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592
or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782**

Webinar ID: 984 9724 8698

- I. Call to Order
- II. Citizen Comment Period
 - i. E-mailed citizen comments - Please see attached
- III. Agenda Items
 - i. Acceptance of Meeting Minutes: September 12, 2022
 - ii. New Business

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.



- a. Secretary's Report
 - b. Treasurer's Report
 - c. Updated scorecard for the Coolidge/Davenport parcels
 - iii. Old Business
 - iv. Communications and Parcel Updates
 - a. Parks Report
 - b. Land Bank Commission Report
 - c. Davis Family Pines property
 - d. Tax Acquired Property Committee update
 - v. Commissioner requests for Agenda Items
- IV. Adjournment

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.

TRAIL EASEMENT

THIS TRAIL EASEMENT is made as of the 24th day of January, 2005 by and between BALLPARK DRIVE DEVELOPMENT, LLC, a Maine limited liability company with a place of business in Portland, Maine and a mailing address of 67 Havertys Way, Portland, Maine 04103 (hereinafter referred to as "Grantor"), and PORTLAND TRAILS, a Maine non-profit corporation with a place of business in Portland, Maine and a mailing address of One India Street, Portland, Maine 04101 (hereinafter referred to as "Grantee").

WITNESSETH

WHEREAS, Grantor is the owner of Lot 18 shown on a plan entitled "Plan of Division of Land, The Haverty Estate Property, Ballpark Drive Subdivision" by URS Corporation, Portland, Maine, dated November 22, 2004, recorded in the Cumberland County Registry of Deeds in Plan Book 204, Page 855 (hereinafter referred to as the "Plan"), being a portion of the premises described in a deed from Mary Margaret I. Haverty to Grantor dated December 8, 2004 and recorded in the Cumberland County Registry of Deeds in Book 22100, Page 73; and

WHEREAS, in connection with obtaining the Portland Planning Board's approval of Ballpark Drive Subdivision, Grantor agreed to grant Grantee or other qualified holder a trail easement over a portion of Lot 18 as more particularly described herein.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants herein contained, the parties hereto agree as follows:

1. Grant of Easement. Grantor hereby grants to Grantee a non-exclusive easement for the purpose of constructing, maintaining, repairing, using and replacing an unpaved foot path or walking trail (hereinafter referred to as the "Trail") within that portion of Lot 18 labeled "G" on the Plan (hereinafter referred to as the "Easement Area"), together with stonewalls and/or fences delineating such foot path or walking trail, footbridges and directional signs, for use by the general public, subject to the conditions and limitations set forth herein.

2. Location; Approval of Design. The Trail shall be no more than ten (10) feet in width and, together with the improvements associated therewith, shall be located no closer than twenty (20) feet from the boundary line of Lot 9 shown on the Plan. The design of the Trail and all improvements associated therewith shall be subject to the prior review and approval of Grantor for compliance with this Easement, which approval shall not be unreasonably withheld. Provided, however, and notwithstanding anything to the contrary contained herein, Grantor reserves the right to relocate all or any portions of the Trail and associated improvements provided that all costs and expenses associated with such relocation shall be borne by Grantor. In no event, however, shall the Trail be relocated closer than twenty (20) feet from Lot 9 shown on the Plan and fifty (50) feet from the remainder of the northwest boundary line of Lot 18.

3. Approvals. Grantee shall obtain any and all necessary federal, State or local permits and approvals required in connection with the construction of the Trail at its sole cost and expense.

4. Use. The Trail shall be used solely for passive recreational uses during daylight hours limited to pedestrian and non-motorized bicycle traffic and shall exclude any and all motorized/mechanized wheeled/track recreational vehicles of any kind. Wheelchairs or other similar non-recreational vehicles shall be permitted.

(a) Grantor reserves all other rights not inconsistent or incompatible with the rights granted herein.

(b) Grantor further reserves the right to extend Ballpark Drive and associated improvements therewith through Lot 18 in a general southeasterly direction to Lot 17 thereby eliminating any portion of the Trail and associated improvements located within that portion of the Easement Area. In such event, Grantor shall be responsible for all reasonable costs and expenses incurred by Grantee associated with the creation of a new Trail head, relocation of any Trail signs and any Trail related improvements resulting from said extension of Ballpark Drive and associated improvements. The portion of Lot 18 through which Ballpark Drive may be extended is described as follows:

Commencing at a monument located at the southeasterly corner of Ballpark Drive and thence running along the following courses and distances:

S 59° 36' 14" E a distance of 88 feet to an iron pipe;

N 30° 23' 46" E a distance of 50 feet to a point;

N 59° 36' 14" W a distance of 88 feet to a monument at the northeasterly corner of Ballpark Drive;

S 30° 23' 46" W a distance of 50 feet to the point of beginning.

(c) Grantee shall have no other rights in and to the Easement Area except as set forth herein.

5. Signs. Grantee hereby agrees to install and maintain at its sole cost and expense at least two signs, one at each end of the Trail. The signs will indicate that public access is limited to the Trail. The signs will request that users of the Trail respect abutters' privacy by staying within the Trail.

6. Duration. This Easement shall terminate and be of no further force and effect in the event that it shall pass from Grantee to any third party by grant, operation of law or otherwise without the prior written consent of Grantor, its successors or assigns. In the event of the termination of this Easement, Grantee shall restore the Trail to its prior natural state and shall remove all improvements associated therewith at its sole cost and expense. Notwithstanding the

foregoing, this Easement shall not terminate in the event of an unconsented to assignment thereof by Grantee to the City of Portland.

7. Indemnification. Grantee agrees to indemnify and hold harmless Grantor, its successors and assigns, from and against any loss, claim, damage, liability, expense or damage (including reasonable attorney fees) resulting from the exercise of rights granted in this Easement. Liability under this paragraph shall not apply personally to any director, officer, trustee, member or employee of Grantee or to any assets of Grantee and shall apply solely to Grantee's rights to insurance proceeds for and against any of the foregoing. Grantee agrees to provide insurance coverage for construction, maintenance, repair, use and replacement of the Trail and associated improvements, which insurance shall name Grantor as an additional insured. This indemnification and hold harmless agreement shall survive any termination of this Easement but shall apply solely to loss, claim, damage, liability, expense or damage arising out of acts or omissions occurring prior to the termination of this License.

8. Assignment. Grantee may not assign this Easement without the prior written consent of Grantor, which consent may be withheld in Grantor's sole and exclusive discretion, and any unconsented to assignment shall result in the automatic termination hereof. Notwithstanding the foregoing, however, Grantee shall have the right to assign this Easement to the City of Portland without the prior consent of Grantor provided Grantee provides Grantor with prior notice of such assignment.

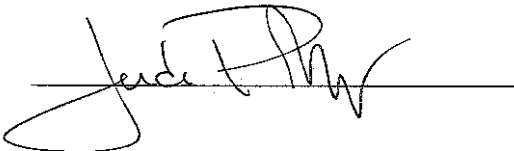
9. Governing Law. This Easement shall be governed by the laws of the State of Maine. This Easement is intended to be a trail easement as defined under 33 M.R.S.A. §1581, et seq. Grantor, by its delivery of this Easement, and Grantee, by its acceptance hereof, acknowledge and agree that this Easement is being granted to Grantee without charge for the purpose of recreational activities by the general public pursuant to and in accordance with 14 M.R.S.A. §159-A and that Grantor shall have the benefit of the terms and provisions thereof.

10. Amendment. No amendment to this Easement shall be effective unless it is in writing and signed by both parties and duly recorded in the Cumberland County Registry of Deeds.

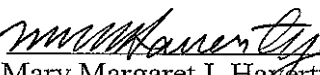
11. Declaration of Restrictions. The Easement Area is subject to the terms and provisions of a certain Declaration of Covenants and Restrictions by Grantor of even date relating to Lot 18 and recorded herewith.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective officers, thereunto duly authorized, as of the date first set forth above.

WITNESS:



BALLPARK DRIVE DEVELOPMENT,
LLC

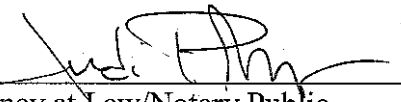
By: 
Mary Margaret I. Harty, its Chief
Executive Officer and Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

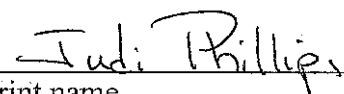
January 24, 2005

Then personally appeared the above-named Mary Margaret I. Haverty, Chief Executive Officer and Manager of Ballpark Drive Development, LLC, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said limited liability company.

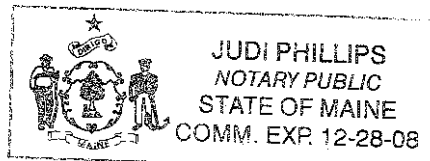
Before me,



Attorney at Law/Notary Public



Print name



WITNESS:

PORTLAND TRAILS

Julie A. Gervais

By:

Jeffrey B. Sommer
Its PresidentSTATE OF MAINE
COUNTY OF CUMBERLAND, ss.FEBRUARY
January 1, 2005

Then personally appeared the above-named JEFFREY B. SOMMER,
PRESIDENT of Portland Trails, and acknowledged the foregoing instrument to be
his/~~her~~ free act and deed in his/~~her~~ said capacity and the free act and deed of said corporation.

Before me,

Julie A. Gervais
Attorney at Law/Notary Public**JULIE A. GERVAIS**

Notary Public, Maine

My Commission Expires January 25, 2008

Received
Recorded Register of Deeds
Feb 01, 2005 01:45:13P
Cumberland County
John B O'Brien



Thomas Nickerson <tnickerson@portlandmaine.gov>

North Deering's Existing 5+ Acre Open Space Conservation Land (circa 2005)

2 messages

George Rheault <george.rheault@gmail.com>

Tue, Sep 13, 2022 at 11:24 AM

Reply-To: george.rheault@gmail.com

To: landbank@portlandmaine.gov

Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorrow <atrevorrow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>

Why did the City of Portland and the Trust for Public Land make material misrepresentations to the federal government regarding the existence of currently available and publicly-accessible passive open space in the North Deering neighborhood?

Portland Trails negotiated this non-extinguishable public trails easement in early 2005 as part of the Ballpark Drive subdivision.

Portland Trails also has a unilateral right to transfer the easement at any time to the City of Portland.



Portland Trails - North Deering - 2005 Ballpark Drive Conservation Easement.pdf

328K

George Rheault <george.rheault@gmail.com>

Wed, Oct 12, 2022 at 1:19 PM

Reply-To: george.rheault@gmail.com

To: landbank@portlandmaine.gov, Danielle West-Chuhta <dwest@portlandmaine.gov>, Anna Trevorrow

<atrevorrow@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, "Hipple, Ethan"

<EHIPPLE@portlandmaine.gov>, Jennifer Thompson <jlt@portlandmaine.gov>

Cc: Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez

<rrodriguez@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Andrew Zarro

<Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>

My written comment (with attachment) to the Land Bank Commission for its September meeting has ONCE AGAIN been excluded from the most recent meeting packet (for today's meeting), at least as of the time of the writing of this email.

FYI - The Parks Commission recently included in its October meeting packet a raft of emails from August that were apparently left out (presumably innocently) from inclusion in their September meeting packet - ostensibly to correct their initial and hopefully inadvertent omission.

Why, generously assuming my September email was also innocently overlooked in time for the Land Bank's September meeting, was my email (with attachment) not then included in the October packet for the Land Bank as was done similarly with the Parks Commission's written submissions?

I also have an on-camera promise from the City Manager (video from the 2nd September 2022 City Council meeting) that an inquiry would be made to look into the exclusion of my September Land Bank comments (which I mentioned in my general public comment at that Council meeting). To date, I have not heard anything back on that effort, but seeing my written comment excluded from the subsequent Land Bank meeting packet suggests this promise was lip service only - meant to give the appearance of responsiveness without any intent to meaningfully follow up.

If the City of Portland is going to engage in viewpoint discrimination and censor things it does not want to be seen or discussed in public, then that is a real problem. Especially in the context of city officials using open space preservation pretexts as a way to block desperately needed housing opportunities in our community. Affirmatively furthering housing opportunity in our city takes real work and the City of Portland unfortunately has been mostly doing the opposite of that on many levels (unless of course it can help its friends and also sit nicely within the NIMBY guardrails long established in our

land use regime), with the Land Bank's activities being a key component of failing to affirmatively further housing opportunity.

People forget that while Jon Jennings is gone, his often deployed "7 Ds" management style ("Delay, Deter, Distract, Deny, Dissemble, Deflect & Deceive") was not invented by him nor was he the only leader in Portland to utilize its advantages before his tenure began and he certainly won't be the last.

FYI - Below is the automated acknowledgement I received from the Land Bank Commission's email address. Proof that I did everything correctly on my end.

----- Forwarded message -----

From: **LandBank** <landbank+noreply@portlandmaine.gov>

Date: Tue, Sep 13, 2022 at 11:24 AM

Subject: Re: North Deering's Existing 5+ Acre Open Space Conservation Land (circa 2005)

To: <george.rheault@gmail.com>

Thank you for your public comment. All comments received by 12:00 PM the day before a Land Bank meeting will be added to the agenda backup materials.

Agendas and agenda packets can be viewed by visiting www.portlandmaine.gov/agendas. These documents are typically published two (2) days prior to a scheduled Land Bank meeting, and republished once prior to the meeting to include new material.

If you do not see your comment included immediately but you did submit it by the deadline, please check the agenda packet again a couple hours prior to the scheduled meeting.

Commission Members:

Chair Pat Bailey, Jayne Foley, Daniel Herzlinger, Jennifer Fox, Robert Foster, Jon Kachmar, Kara Wooldrik, Simon Rucker, Baxter Miatke, Brian Wasser and City Counselor Anna Trevorrow

City of Portland **Land Bank Commission Agenda** **September 14th, 2022**

I. Call to Order

II. Citizen Comment Period

III. Agenda Items

i. Acceptance of Meeting Minutes: July 13th, 2022 - approved

ii. New Business

- A. Coolidge Parcel Review - Pat requested for the opinion of the commissioners, as to why these lots would be good additions to the Land Bank. Simon expressed that the land connects well with current land bank properties. Doug provided insight as to why the stream on sight is important. Additional research needed. Daniel H volunteered to do a commission scorecard. Kara expressed that IF the property is not suitable for housing, it would be a good candidate. Baxter asked about where the trails are on the lots. Doug provided additional details about the waterline and where the trails are located. Pictures provided. Pat advised that the abutting property would be ideal for the landbank. Laure Paulette revised the map with Doug, and the city should review.

Doug advised a new map has been provided, small change, a parcel was a tax-acquired space. This is a stream, which means this area is wetlands and a watershed, additionally the sloping is quite steep. Development would be complicated and not ideal, sewage is that area has been a known issue. Protecting the lots would be ideal to protect the city's water quality. Long term benefits would help keep the tax-payer cost down. Pat advised this should be discussed again next time once the scorecard is done and city review is completed.

Closed on Redlon and Trolley Park, also discussing with the City about the Commission's due-diligence process. This is scheduled for next month.

Alagash is moving to Scarborough.

- B. North Deering Park - Grant provided from Land for Maine's Future! Funding is going well. Dubbed 'The Forbidden Forest' Phil Dube called and asked if we would increase the award from \$80k to \$160k, this was initially denied as funding is not plentiful. TFPL should get ample funding. Discussed total pricing and fund sources, Simon expressed the

Land Bank has made a commitment already. Additional funds should not be provided at this time. Kara - we should look at our priority list, particularly from a finance and long term budget perspective. Baxter confirmed that they are working on that. Simon and Baxter would like to make sure that the Land Bank assisted with this project, as opposed to the City Council. Doug believes that Land Bank should be added as well, for visibility and exposure. Pat would love to see signs go up! Commission needs exposure.

- C. Review High Priority Parcels in regards to future action - Pat advised that this would be ideal, some parcels honestly are not good candidates. Simon advised that some have been removed. Additional information is provided via the google drive. Pat is looking for volunteers to help Simon with going over this information. Kara volunteered to assist. Please review the sub-committee actions. Doug advised that parcel mapping needs to implement updates to the maps. Looking for a small group to make sure that the GIS team can get out there and assist with this. Baxter advised that the list was last updated in Feb 2022. Pat would like the historic details recorded for the current parcels, to ensure that this information is taken into consideration when determining if they are candidates still. Kara - is this a public document? Yes.
- D. Secretary's Report - Simon asked, who would like to work on the annual report? Jennifer Fox, Brian Wasser, Jayne Foley volunteered to assist. Baxter will help with finance.
- E. Treasurer's Report - No updates, waiting for closed properties and updated budget. Tom Jewel has been handling the escrow donations from the public, public shout out to him and his support.

iii. Old Business

- a. High Priority Parcel Committee Update - NA

iv. Communications and Parcel Updates

- a. Parks Report - Tater is wonderful!
- b. Redlon Woods Update

v. Commissioner requests for Agenda Items - Hemlock Woolly Adelbid - insect invasive species.

Baxter mentioned the Hobart lot, he felt it should be genuinely considered for development. As we only have so many resources, we might need to find a partner to help with the improvements: IE a boat launch on the property.

IV. Adjournment - Meeting adjourned

Coolidge & Davenport Lots

Date: 10/6/22

Originally prepared by Simon Rucker (?) and updated by Dan Herzlinger based on a site visit:

Parcel IDS: 348-C-1-13 & 349-C-13-21 (Northern Parcels bordering Northwood Drive) and 349-C-13-22 (Southern Parcel bordering Northwood Drive)

Summary: Coolidge & Davenport properties are two clusters of TAPC parcels in the Dole Brook wetlands abutting the northern parcels. The northern parcels have greater ecological value than the upland forest & most importantly, they provide a riparian buffer to a tributary of Dole Brook. The parcels are free of invasive species & do not have a clear surface hydrologic connection with the tributary to Dole Brook. Therefore, the parcels are not subject to the same regulatory setbacks/buffers as the Dole Brook wetlands, streams and associated regulatory setbacks/buffers. In addition, the parcels have

Priorities for Land Bank activities	YES	MAYBE	NO
Does the property have, or contribute to, healthy forest ecosystem?	X		
Does the property have, or contribute to, healthy wetlands, streams, river, ocean, aquifers or other water bodies?	X		
Does the property help mitigate or adapt to climate change impacts? (CO2 storage, storm impacts, tidal impacts)	X		
Does the property provide an opportunity to protect or improve an ecosystem?	X		
Does the property create a connection or link between nearby Parks, Land Bank, or conserved properties?	X		

Does protecting the property support Portland's desired sustainable land use pattern of a dense core with developed corridors and nodes?	X		
Does protecting the property support Portland's desire for equal access to undeveloped natural space in every neighborhood? (all residents within a 10 minute walk)		X	
Does the property provide water access for the fishing industry OR for recreation?			X
Does the property provide passive recreation opportunities?	X		

Other considerations

Is this a time-limited opportunity? **These are TAPC properties. Not time sensitive.**

Cost - **Needs further investigation.**

Maintenance needs, short or long term - **Needs further investigation.**

Are there opportunities for leveraging collaboration (in purchase, programming and/

Is there significant stakeholder support/opposition? **Unknown**

Are there other competing land uses? **Sewer easement running from Northwood & H**

Are there opportunities to achieve multiple goals of Land Bank &/or other City entities

Are there underserved areas where geography is a priority for ecological health or human wel

Historical significance (humans) - **unknown, would need to investigate cultural resour**

Geologic significance - **unlikely**

Is there potential for urban agricultural use - **none**

s on 9/16/22 & 10/6/22

8-B-1-8 (Southern Parcels bordering Coolidge Ave)

ook watershed. Parcels are forested, with a tributary to Dole Brook and associated because they have been less impacted by invasive species, have some stands of mature k. The southern parcels are less ecologically valuable. They are heavily colonized by ole Brook. The parcels have limited housing development potential due presence of no frontage on existing roads.

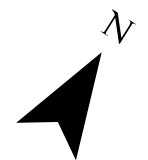
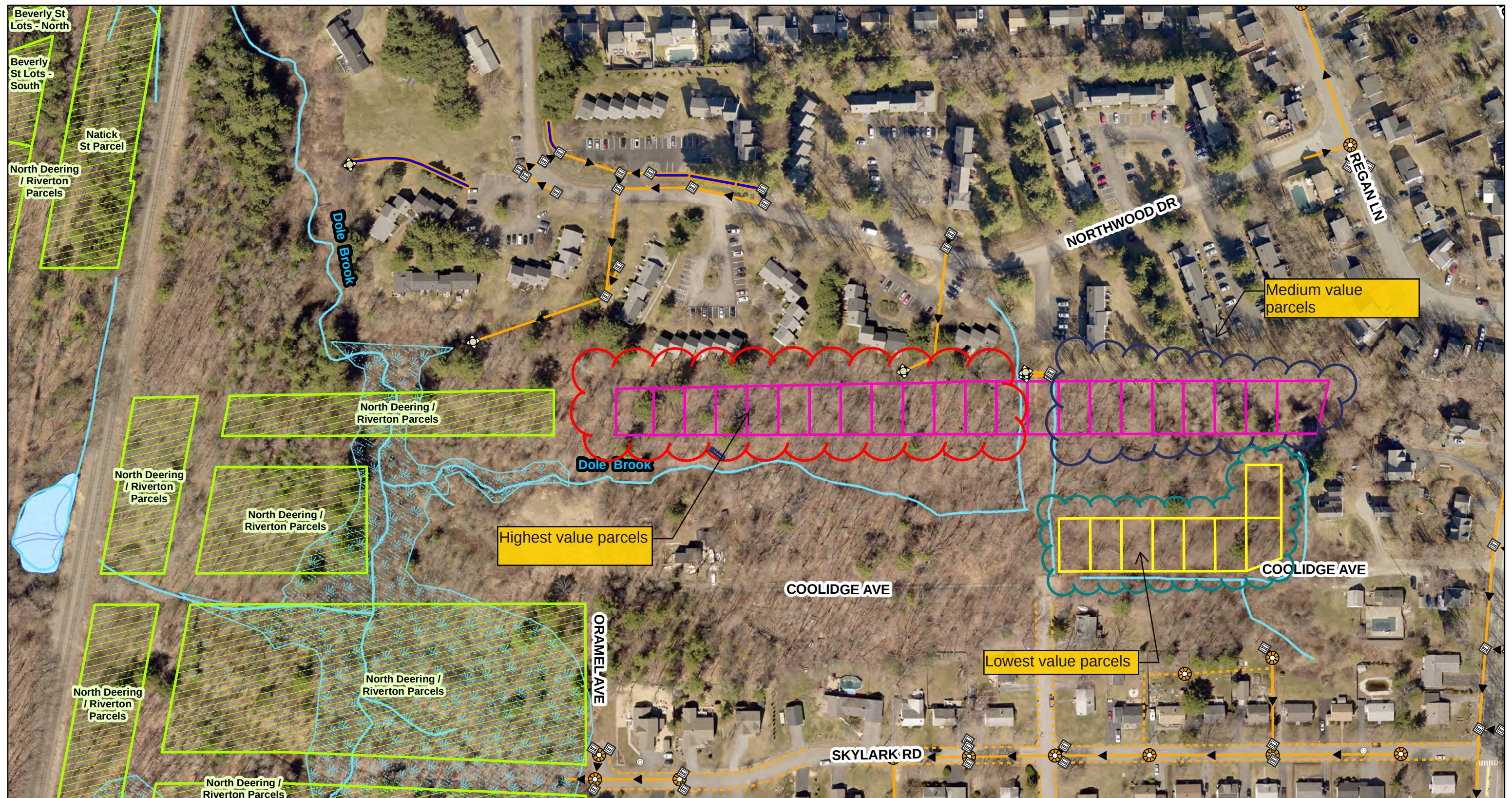
Notes/Comments
These parcels are adjacent to forested conserved lands and would contribute to the healthy function of this ecosystem. The northern parcels have some small stands of mature upland forest (white pine, oak, hickory) with relatively few invasives and open understory. The southern parcels are more heavily colonized by invasive shrub & vine species, with less mature forest. Appears to be greater signs off of recent disturbance on the southern lots. Southern lots have some areas of shrub wetland.
Dole Brook is located to the west of the parcels & portions of its associated tributary streams and wetlands may be located on these parcels. A wetland delineation & site survey would be needed to confirm. There is a high value riparian wetland bordering the tributary to Dole Brook near the northern parcels. Some of the wetland extends onto the northern parcels. The wetland is vegetated with a variety of emergent species that provide important ecological services that protect water quality and reduce stormwater runoff. There is a berm that runs between Hennessey Drive and Northwood Drive. The berm cuts off any significant surface hydrological connection between the southern parcels and the tributary to Dole Brook.
This area is noted as a location for carbon storage due to the forest, and carbon mitigation due to the tree cover.
This will increase protection for the Dole Brook and PATHS area. The riparian wetlands bordering the tributary to Dole Brook will help with downstream water quality and slow down runoff following storms.
PATHS LBC parcels nearby. May be possible to create a trail network link to these other open space areas.

Conserving these parcels via the LBC will not impact sustainable land use. Affordable housing is a major concern for the city & region right now; therefore, the potential for housing development should be considered. From a environmental permitting & regulatory perspective, most of the parcels will fall within wetland or stream setbacks and/or buffers. The southern parcels have some areas of wetlands on the parcels themselves. The northern parcels have some areas of shallow bedrock. None of the parcels have frontage on existing roads. To develop the lots, paper streets that are shown on parcel maps would need to be built. All of these factors would make these parcels less suitable for housing development.
The maps showing income levels and people of color should be further examined. There is dense residential townhouse development along Northwood Drive. This would provide very close access to open space for these residents.
No water access. The tributary to Dole Brook looks to be intermittent with no opportunity for recreational fishing.
There is the potential for trails to connect to the PATHS system.

or maintenance) - **Neighborhood association? PATHS school?**

lennessey Drive
s - **Needs further investigation**
Illness? **Needs further investigation**
rces





0 75 150 300 Feet
Scale: 1 Inch = 150 Feet

Coolidge Ave & Davenport Ave Lots

Map by City of Portland DPW 3/31/2022

Legend

- 348-B-1-8
- 348-C-1-13 & 349-C-13-21

- Brook; Drainage
- Mapped Wetlands*
- LandBank

*Only applies to the area west of Oramel Ave. Wetland mapping data for Davenport & Coolidge avenues is not available.



CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Alex Marshall, Parks Director

Memorandum

TO: Parks Commission and Land Bank Commission

FROM: Alex Marshall, Parks Director, Parks, Recreation and Facilities Department

SUBJECT: Parks Division Update

DATE: October 2022

Parks Division Staffing

- Vacancy: Athletic Facilities Maintenance Worker III
- Vacancy: Athletic Facilities Maintenance Worker I
- Vacancy: Lead Park Ranger

In September of 2022, we welcomed our second Parks Project Manager to our team. Tatyana Vashchenko joins us with years of experience as a landscape architect and project manager working with very distinguished firms and universities throughout the country. She joins our existing project manager Bob Massengale who is also a licensed and experienced landscape architect with many years of park projects under his belt, and who has been diligently completing park projects throughout the city since 2020. Together, the two of them will be executing funded projects in our parks and open space system, from new trails, to playground replacements, to new park designs, to ADA access improvements, skatepark expansion, and the new Kiwanis pool replacement.

Deering Oaks

Earlier this Summer Deering Oaks was designated as an Emphasis Area within the new City policy surrounding campsites and campsite removals. With the Emphasis Area designation, camping within Deering Oaks is not permissible even if the shelters are full. Overnight camping is only allowable on City property when shelters are full and individuals are on city property not designated as an Emphasis Area. Staff from Parks, Public Works, Police and Health and Human Services are coordinating regular cleanup efforts in Deering Oaks to uphold this designation and maintain the integrity of the Park.

Riverton Trolley Park

In the Fall of 2021, the Parks Conservancy and Parks Division worked through the submission process for a Land and Water Conservation Fund (LWCF) Grant through the State and Federal Government. This grant is for \$250,000 of a \$500,000 Recreation Improvement Plan for the Park that consists of mountain bike trails, improved walking trails, interpretive signage, small pavilion, entrance and parking improvements and meadow and food forest expansion. Less than one week ago we learned that the Federal Government approved our project. Over the Winter our Project Management Team will be working to execute some of those projects.

Food Truck Pilot Program

The 2022 Food Truck Pilot Program has concluded and Staff are now in the evaluation stage to present a

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Ethan Hipple, Director

CITY OF PORTLAND
Parks, Recreation & Facilities Department
Alex Marshall, Parks Director

recommendation for 2023 to the City Manager. This past Monday the 3rd, a public survey went out for folks to take and help inform us of how things went in 2022 and how they could be improved for 2023. All of the data gathered this season is being compiled to present to the Parks Commission, Sustainability & Transportation Committee and Housing & Economic Development Committee before bringing it to the City Manager for a decision on the path forward for 2023. The presentation to the Parks Commission will be at the November 3rd meeting.

Emerald Ash Borer

Over the last 3 years staff have been monitoring the existence of the pest Emerald Ash Borer. It has been discovered in Payson Park, the area of District Road, the Western Promenade and more recently Riverton Trolley Park. This insect, once discovered in an area, can wipe out the Ash Tree canopy within 10 years. The larvae disrupt the flow of nutrients and water to the leaves by boring around the trunk under the bark. Staff are working with the Maine Forest Service on plans to protect a percentage of our 600 Ash Trees citywide.

CIP Update

We have received all feedback from the Parks Commission so Staff are now working through the process and refining recommendations based on guidance from Council and the Finance Department. The Parks Commission will be presented with the Department recommendations at the November 3rd meeting.

Park Projects and Department Updates

Staff are working on the following Park Improvement projects:

- Park Walkway improvements: Phase 1 of the Deering Oaks ADA walkways has been completed. Phase 2 of 3 will begin over the next week
- Fitzpatrick Drainage Improvements: Drawings are complete. An RFP is ready to be advertised.
- Talbot School Basketball Court Reconstruction: Additional funding has been secured and the bid will be advertised again as staff time allows.
- Skate Park Expansion Phase II: A design/build firm has been selected and the contract has been signed. The design and outreach portion of the project will begin shortly.
<https://portland.civilspace.io/en/projects/22>
- Stroudwater Bridge: City Parks and Planning staff are working with Portland Trails and the Stroudwater Preserve Development Team to develop the plan for installation of the bridge that sits on the side of Westbrook Street before the I-95 bridge. Grant funding will be essential as City funds are limited. With volunteer help, the parks division submitted a recreational trails program grant in September.
- Preble Street Field & Stormwater Project: Final design and landscaping plans are being finalized. Fall of 2022 is when the field is anticipated to return with Spring of 2023 as the first playable season.
- Riverton Preserve: Recreation improvement plans are in progress and will consist primarily of a



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Ethan Hipple, Director

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Alex Marshall, Parks Director

trail network with other improvements. This project is intended to fulfill LWCF conversion requirements, and final approval of the improvement plan rests with the state and National Park Service, which has a public engagement process.

- Riverton Trolley Park: The LWCF grant has been submitted. We are still waiting for federal approval of the grant. The City Council has approved the \$125,000 portion of the required match and the Parks Conservancy has also concluded their fundraising efforts of the additional \$125,000+
- Western Promenade Welcome Signs: Three new historic Welcome Signs are being installed in the coming weeks
- Lower Western Prom Park Improvements: Final design improvements have been made and we are now waiting to secure additional funding to execute the entire project in the Fall of 2022 or Spring of 2023.
- Community Garden Fence and Gate Installations: We will be replacing 6 Community Garden fences and 4 sheds. We only received one bid that was substantially higher than our budget so we are revisiting funding sources and scope of work. Sheds will be replaced in tandem with the fencing work when that is to happen.



Thomas Nickerson <tnickerson@portlandmaine.gov>

Land Bank Agenda Items

Doug Roncarati <dar@portlandmaine.gov>

Tue, Oct 11, 2022 at 8:43 AM

To: "Herzlinger, Daniel" <DHerzlinger@trccompanies.com>

Cc: Thomas Nickerson <tnickerson@portlandmaine.gov>, Ethan Hipple <ehipple@portlandmaine.gov>, Pat Bailey <locustrdpat@gmail.com>, Dan <d_herzlinger@yahoo.com>

Hi Daniel,

Feel free to include any of these comments, many of which were made to the Tax Acquired Properties Committee:

Dole Brook, which flows to the Presumpscot River, does not currently meet state water quality standards (Class B) due to the impacts of urban development and is therefore designated as an "Urban Impaired Stream" under state regulations. It is subject to an Impervious Cover TMDL that requires the City to address the existing impacts of stormwater pollution caused by development in the watershed and prevent additional impairments from new development. The brook will be a focus of Portland's new 5-year MS4 (Stormwater) permit and will require the City to conduct hydrology studies, complete wetland and watercourse mapping (probably at a higher level, not at a site by site level as would be required for development) and to develop a watershed management plan. These lots are at the fragile headwaters of the watershed where the woods, fields and wetlands help to absorb precipitation and runoff from developed areas and slowly feed it into the stream. These processes help to reduce pollution and downstream flooding, two issues of growing concern as development continues to expand in this watershed. Retention of these lots would help to protect the brook and any associated wetlands, preserving the water quality and other benefits they provide, thereby reducing some of the long term burden on the City. The limitations imposed by the stream, wetlands and areas of shallow bedrock, along with steep topography to the west, would significantly increase the cost of mitigation, stormwater management and sewer utilities (e.g.: A sewer pump station might be required for some parcels). The cost of mitigating these impacts, after the fact, has consistently exceeded the short term costs of encouraging residential development growth and increased density where development currently exists, particularly where redevelopment opportunities arise in underutilized residential, commercial & industrial areas. All we have to do is look at the price tag of our CSO abatement, wastewater and stormwater programs, past, current and future, to see that truth.

Doug

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Doug Roncarati

Stormwater Program Coordinator

City of Portland, Department of Public Works, Water Resources

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