



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

March 8, 2023

5:00 PM

The Land Bank has adopted an updated Remote Participation Policy (PDF) on February 6, 2023, in accordance with State law and the requirements of 1 M.R.S. section 403-B. Any meetings that are held remotely will have the Zoom log-in information on each agenda. Hybrid (in-person and remote) meetings will also have Zoom information included on the agenda for remote participation. Zoom offers the ability to watch the meeting and participate in public comment.

On the second Wednesday of the month at 5:00 pm, the Portland Land Bank Commission will hold a hybrid style meeting at City Hall, Kippy Room 24. Commission members are asked to attend in person whenever possible. Members of the public are welcome to attend in person or via Zoom.

If attending via Zoom: 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. Emailed Citizen Comment
- III. Agenda Items

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.



- i. Acceptance of Meeting Minutes: Feb 8, 2022
 - ii. New Business
 - a. Stroudwater Bridge Project
 - b. Davis Family Pines property
 - c. Aligning Land Bank Priorities with Council Priorities - 10 mins - Ethan Hipple
 - d. Aopting a new remote meeting policy, congruent with City Council
 - iii. Old Business
 - iv. Communications and Parcel Updates
 - a. Parks Report
 - b. Land Bank Commission Report
 - c. North Deering Park - 5 mins - Ethan Hipple
 - d. Coolidge & Davenport Lots Updates
 - 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.



Thomas Nickerson <tnickerson@portlandmaine.gov>

Land Bank Public Comment - "Warren Green" Case Study on Land Bank Legacy re Equity, Housing & Climate Change

George Rheault <george.rheault@gmail.com>

Fri, Mar 3, 2023 at 10:49 AM

To: landbank@portlandmaine.gov, Thomas Nickerson <tnickerson@portlandmaine.gov>, "Hipple, Ethan" <EHIPPLE@portlandmaine.gov>

In light of this week's Planning Board approval of the "Lambert Woods" project in North Deering (estimated completion date is 2025), now is a good time to reflect back on the blocking of 180 duplex style homes back in 2007.

The Land Bank would learn a lot from reviewing the evolution of this saga (and indeed the whole neighborhood) and how anti-housing policy choices (shrouded in greenwashing rhetoric) keep getting made to exclude families who wish to call Portland home.

History:

Since 2015 this has been rebranded as the "Riverton Preserve" (which remains incomplete). I attach some but not all background materials below so the Land Bank has some context.

To begin with, the City spent \$800,000+ (plus significant staff time) to acquire the land under discussion in November 2015. Since this acquisition, the City has of course not received any property tax revenue from the land to support City operations.

<http://www.theforecaster.net/portland-poised-to-acquire-43-acres-to-protect-capisic-brook/>

Here is an overview of how inviting the SeaDogs to Portland scrambled the City's federal conservation funding pipeline: https://www.pressherald.com/2013/08/09/hadlock-field-legal-issue-resurfaces_2013-08-10/

Additional attachments:

- 2007 housing proposal
- 2007 wetlands survey
- 2007 zoning map
- 2013 Bobinsky memo citing "affordable housing" as a component of land purchase consideration
- 2015 updated Bobinsky memo omitting any reference to housing as a component of land purchase consideration
- 2018 Hipple memo to Maine Bureau of Parks & Lands

The bowels of City Hall contain much more information that should be gathered together to complete the history here including the recent development of a portion of the original 2007 housing proposal (which fortunately does produce tax revenue for the City). It says a lot that the City was happy to facilitate that commercial redevelopment while completely blocking any housing options says everything about the City's anti-housing ideology (unless of course favored developers with City Hall connections are involved)).

6 attachments



2007 Warren Green Housing Plan.pdf
1444K



7-10-2015 Bobinsky Memo re Warren Ave land purchase with parcel map.pdf
5397K



6-5-2013 Bobinsky Memo re Warren Avenue land purchase with parcel map.pdf
5579K



421 Warren Av 4-4-07 Zoning Map.pdf
278K

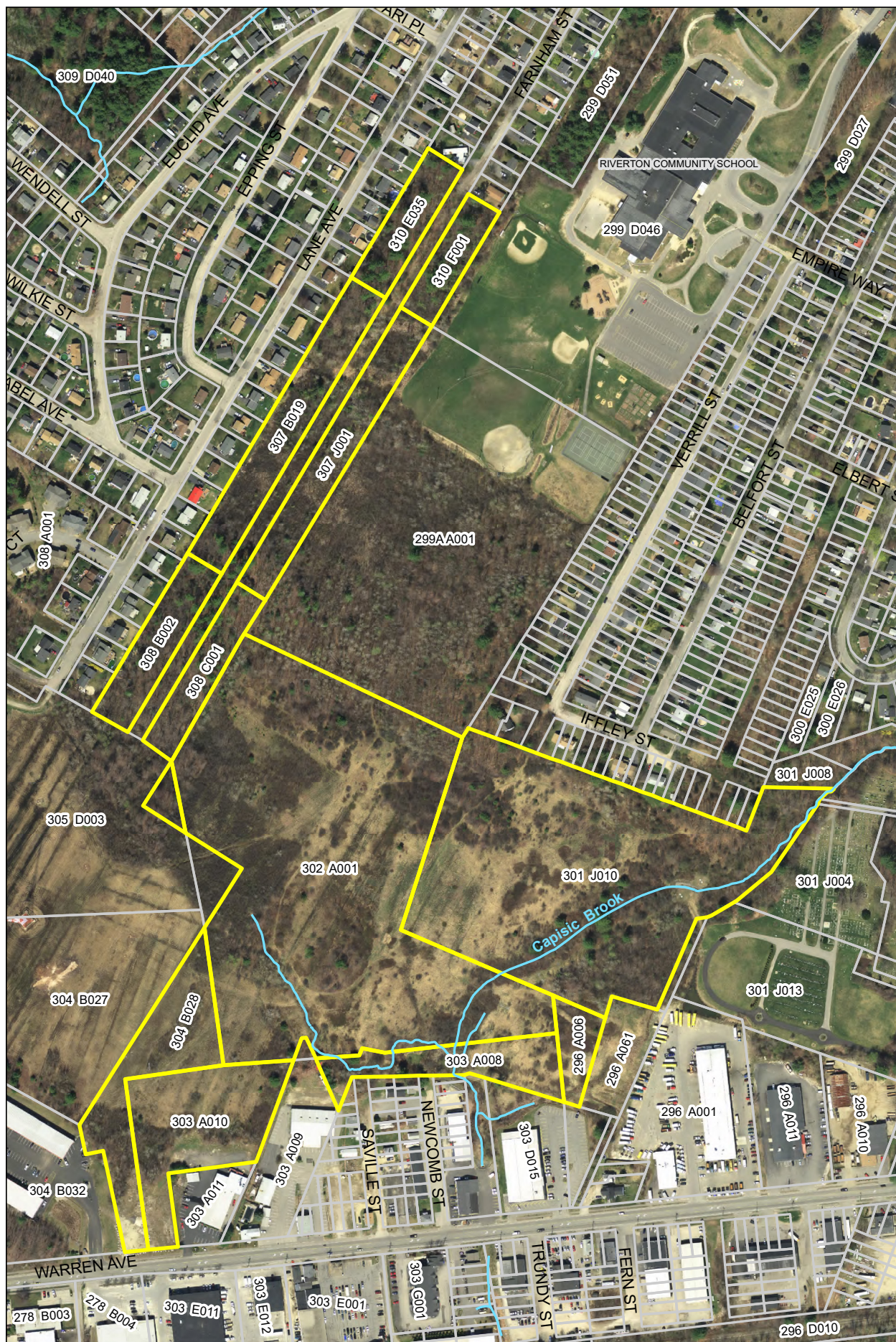


2007 Warren Green wetlands survey.PDF
514K



7-9-18 Hipple Memo re Warren Avenue land swap.pdf

34K



Warren Avenue Property Adjacent Capisic Brook

0 125 250 500 Feet
1 Inch = 250 Feet

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



Property for Sale
~ Brook



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Public Services Department

Michael J. Bobinsky

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

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

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

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

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



Sally L. DeLuca
Director
Department of Parks, Recreation & Facilities

Ethan Hipple
Deputy Director
Department of Parks, Recreation & Facilities

7/9/2018

Mr Doug Beck
Outdoor Recreation Supervisor
DACF, Bureau of Parks & Lands
54 Independence Drive, SHS 124
Augusta, ME 04333-0124

To Doug,

I am writing to give you an update on the progress of our Land and Water Conservation Fund (LWCF) conversion of Hadlock Field.

As you know, a 45 acre property on Warren Ave was purchased by the City of Portland in November 2015 in order to replace the recreation values lost when 6.5 acres Hadlock Field ceased to be available for public use, as well as protection of the Capisic Brook Watershed, including the headwater wetlands.

The Warren Ave Property is located at 421 Warren Ave and consists of parcels CBL 307 B019001, CBL 307 J001001, and CBL 296 A006001 in the City of Portland Assessors database.

Since the Warren Ave property was purchased, the following steps have been taken to move towards a conversion:

- Appraisal of the Hadlock Field 6.5 acre property was conducted in June 2015. The conversion was not completed within a year of this appraisal, so another appraisal update will have to be completed.
- An Environmental Site Assessment was conducted and delivered to the city on August 2015 (attached)
- A wetland survey was completed in July 2017 (attached).

It is our belief that the Warren Avenue site meets the criteria for LWCF conversion based on the open space and recreational values. The site is ripe for trail development, and its proximity to the the Riverton School and Community Center, Riverton Library and large Public Housing developments make it a great location that will likely be used by hundreds of trail users of diverse backgrounds.

Once the State and National Park Service conclude that the Warren Ave property is a suitable conversion property candidate, we will proceed with obtaining updated appraisals on both Warren Avenue and Hadlock Field, as well as completing necessary conversion paperwork to permanently protect the Warren Ave property as outdoor recreation space.

Take care,

Ethan Hipple, CPRP
Deputy Director
Department of Parks, Recreation and Facilities
City of Portland
212 Canco Rd.
Portland, Maine 04103
207.808-5400
ehipple@portlandmaine.gov



Michael J. Bobinsky
Director of Public Services

To: Transportation Sustainability and Energy Committee
From: Michael J. Bobinsky, Director of Public Services
Date: July 10, 2015
Subject: Warren Avenue Land Purchase

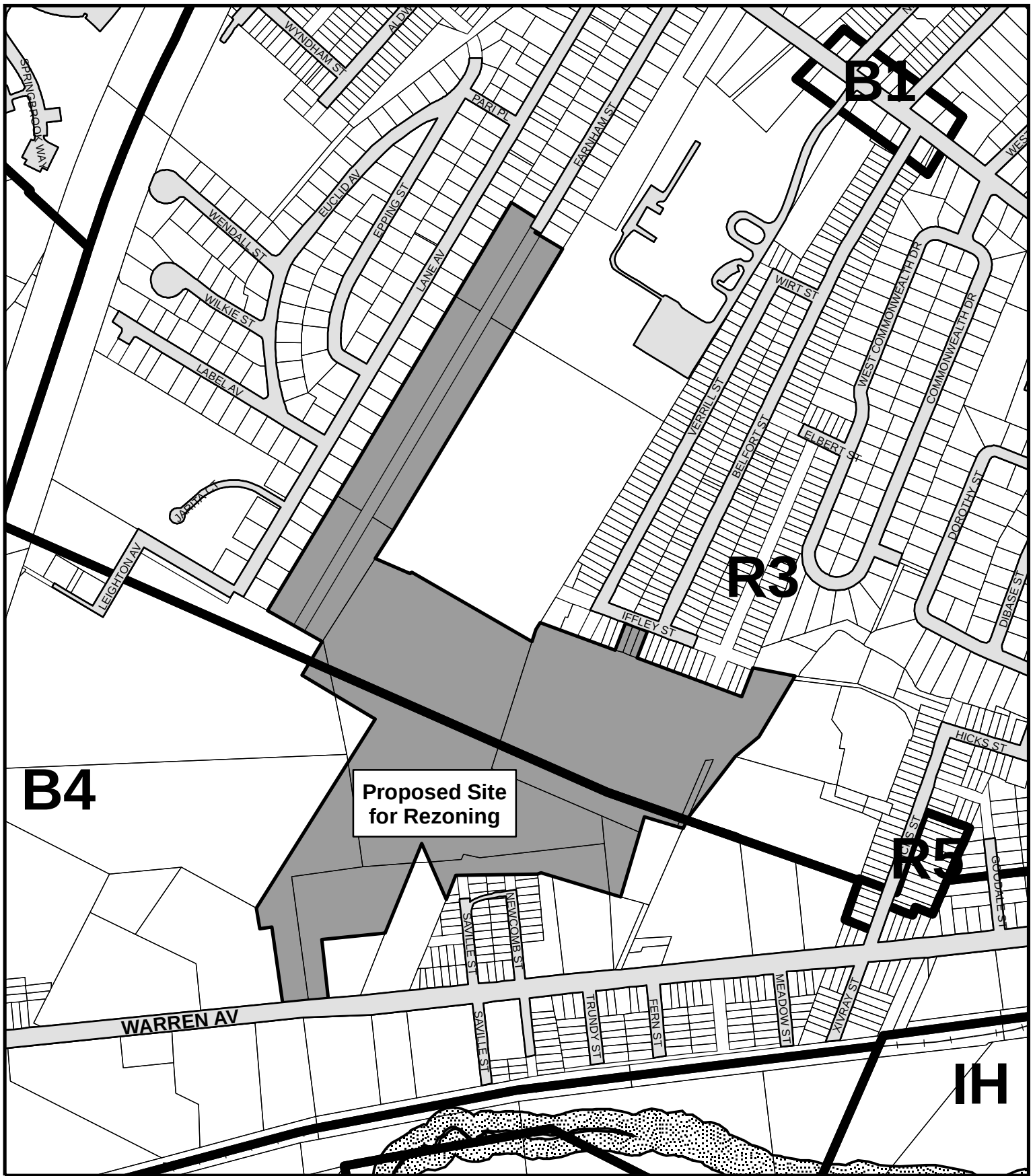
City staff has been in negotiations with the seller of the property located off of Warren Avenue for the purposes of protecting a large area of critical headwater wetlands within the Capisic Brook Watershed and for constructing important water quality improvements. Capisic Brook is one of five (5) impaired streams in the City of Portland, is our highest priority stream under the Municipal Separate Storm Sewer System (MS4) General Permit and continues to be a major focus of our water quality improvement efforts. Acquisition of the property will enable staff to complete the design and construction of a stormwater treatment system recommended in the Capisic Brook Watershed Management Plan, which was adopted by the City Council in 2012.

Our negotiations have been on going over the past year and we have now reached agreement on the purchase price for the property. Funds for the purchase of the property were approved in the FY14 CIP Sewer Fund. Staff arranged to have an appraisal for the property which came in at \$790,000. Following negotiations with the seller and recognizing the value expectations of the seller, the City agreed to a purchase price of \$800,000.

The property may also serve as a substitute open space-recreation parcel for the Hadlock Field property improvement that was funded nearly 20 years ago with a Land and Water Conservation Fund Grant from the State of Maine; the City received notice from the State that the City was out of compliance with the terms and conditions of the former grant for the Hadlock Field improvements, since the ball park is used more exclusively by the professional baseball team and no longer a "public park". The Warren Avenue property has a similar appraised value and the State has indicated that this substitution of property, with the pledge that the Warren Ave property would be made available to the public either through passive or active recreation use, would be acceptable and allow the City to return to compliance with the former grant.

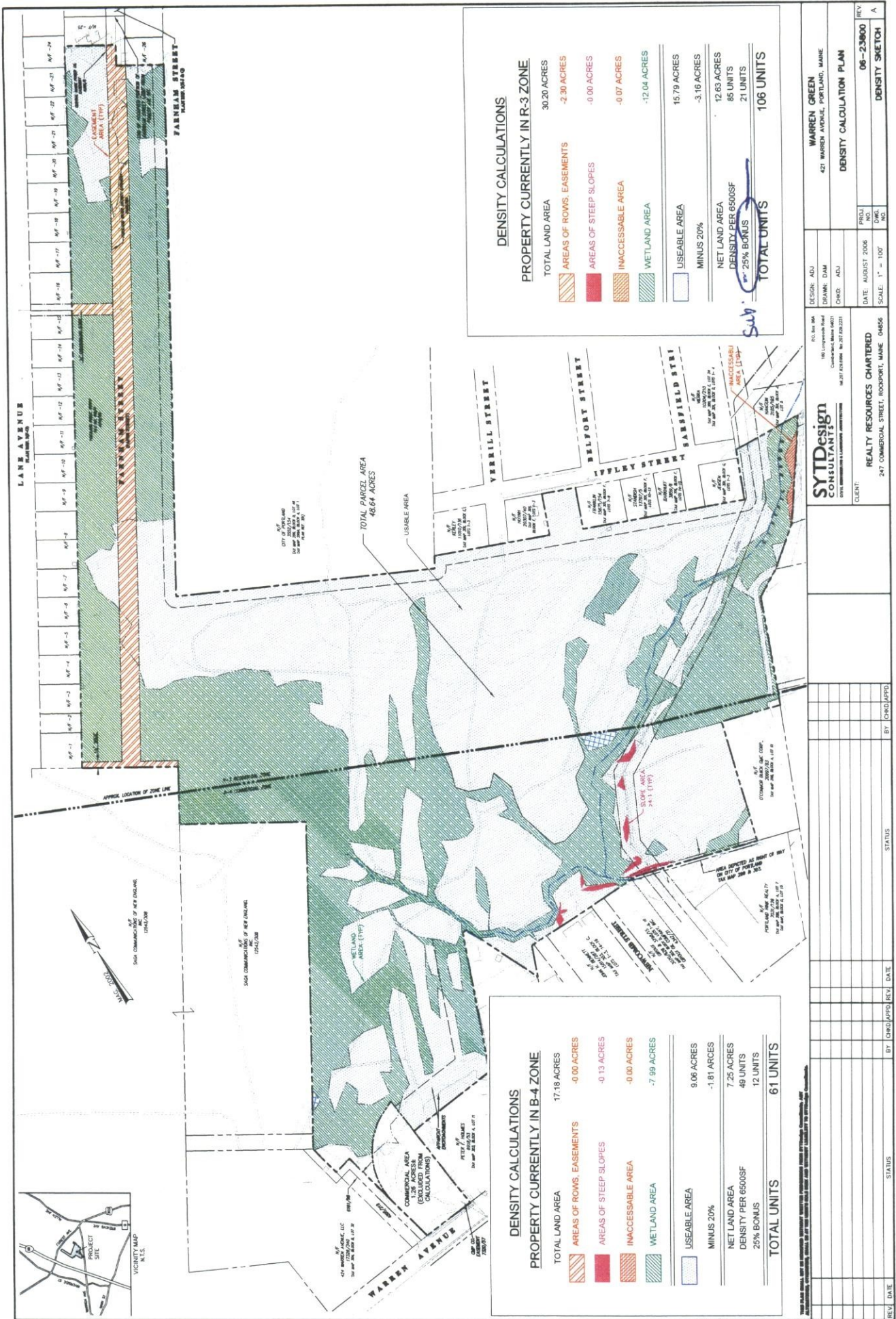
Staff recommends approval of the purchase and sales agreement for the Warren Avenue property and the TSE endorsement to the City Council. Attached are a copy of the purchase and sales agreement and a parcel map of the property for your information.





City of Portland Proposed Rezoning for 421 Warren Ave from R3 and B4 to Conditional Zone

0 125 250 500 750 1,000
Feet



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

Not in attendance: Jayne, Brian Wasser, Anna Trevorrow

City of Portland **Land Bank Commission Agenda** **February 8th, 2023**

I. Call to Order

II. Citizen Comment Period:

III. Agenda Items

I. Acceptance of Meeting Minutes: December 14th, 2022

Pat Bailey - y

Jayne Foley - a

Daniel Herzlinger - y

Jennifer Fox - y

Robert Foster - y

Jon Kachmar - y

Simon Rucker - y

Baxter Miatke - y

Brian Wasser - a

Anna Trevorrow - a

ii. New Business

- A. Robyn Saunders of Westbrook Economic Development and Loren Joyce of Ferguson - Westbrook Hand Carry Boat Launch Presentation - **Actions taken:** Baxter Miatke and Simon Rucker volunteered to head up the potential funding of the Hand-Carry boat launch at the Fore River. Ethan will review the legal question on Land Bank funding.
 - In relation to the Fore River property potential boat launch, we have asked Robyn and Loren to join us to discuss how they designed and implemented their own boat launch.

- i. Discussed challenges and their solutions to those challenges.
- ii. Funding was assisted by a CDBG grant.
- iii. Discussed parking lot improvements, invasive plant removal and surface stabilization improvements. Discussed materials used: permeable pavers, Articulating Concrete Blocks.
- iv. Once you reach the water, an Army Corps permit is needed.
- v. Clarified why boulders were used to prevent vehicle access to the launch. The City of Westbrook wanted to keep it hand-carry only.
- vi. Commissioners asked questions about safety, parking concerns, equipment needs for installation, and how funding was provided.
- vii. Commissioners discussed how this could apply to the Fore River Preserve. The Hobart street space is a CDBG eligible neighborhood.

iii. Old Business

- A. Land Bank Finance report - Presenting on Feb 27th, presenters Jon Kachmar and Simon Rucker.
 - a. Added screen captures to the North Deering portion.
 - b. No treasury updates

iv. Communications and Parcel Updates

- A. North Deering Park update - Ethan Hipple
 - a. Purchase and sale agreement will be on the City Council agenda 2/27. Closing will be April 30, 2023.
- B. In person/hybrid meeting update -
 - a. Hybrid meetings are possible starting March 8th, 2023, Room 24.
- C. Pheasant Hill Drive - **Actions taken:** Jon and Pat to discuss if street access is needed.
 - a. A resident has offered to buy the open space, but she was refused. Still developing. Street access is still a gray area, but is it needed?
- D. Parks Report/Land Bank Commission report -
 - a. Winter Activities: tree pruning, signage (featuring Wabinaki stories/history), sidewalk clearing. Harbor Commons. Retirement of Jeff Tarling. Large scale events and Parks Commission advising.
 - b. Many large scale projects are in the works, with additional funding coming in. Stroudwater Bridge fundraising and connection to a future land bank property.
- E. Recognizing Jon Kackmar and Ethan, Keith Forest, for their recent media attention.
- F. Coolidge Parcel updates -

v. Commissioner requests for Agenda Items

Jon Kackmar - is working on getting more information on the Davis Family Pines property, will have more updated information soon.

Pat - would like to discuss the Stroudwater Bridge project.

REMOTE PARTICIPATION POLICY
OF THE
LAND BANK COMMISSION

ADOPTED on _____, 2023

Pursuant to 1 M.R.S. § 403-B, and after public notice and a hearing, the Land Bank Commission hereby adopts the following policy to govern remote methods of participation in public proceedings or meetings (collectively, “meetings”) of the Land Bank Commission (hereinafter collectively referred to as the “Commission”).

In addition to conducting meetings with in-person participation, the Commission conducts meetings with two other types of participation: remote and hybrid.

Remote meetings allow Commission members and the public to participate only by telephonic or video technology allowing simultaneous reception of information, but may include other means necessary to accommodate disabled persons (referred to herein as “remote methods of participation”). Remote meetings will not be by text-only means such as e-mail, text messages, or chat functions.

Hybrid meetings allow Commission members and the public to participate in-person or by remote methods of participation. Members of the Commission are encouraged to participate in-person for hybrid meetings.

Prior to each meeting, the Chair or other presiding officer, in consultation with other members of the Commission if appropriate and possible, will determine whether participation at a meeting will be in person, remote, or hybrid in as timely a manner as possible under the circumstances. Any Commission member who is unable to attend a meeting in-person will notify the Chair or other presiding officer as far in advance as possible.

The public, City staff and applicants before the Commission will be provided a meaningful opportunity to attend a meeting via remote methods of participation when any member of the Commission participates via remote methods or when remote methods are available and operational at a given Commission meeting. If public input via remote methods is allowed or required at a meeting, an effective means of communication between the Commission and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent situation that requires the entire Commission to meet only by remote methods.

Notice of all Commission meetings will be provided in accordance with 1 M.R.S. § 406, and the City Charter, City Code or policy, if applicable. When the public may attend via remote methods, the notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. The notice will also identify the location where the public may attend the meeting in person. The Commission will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires it to meet using remote methods of attendance.

The Commission will make all documents and materials to be considered by it during a

meeting available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred.

All votes taken during a Commission meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the Commission and the public. A member of the Commission who participates remotely will be considered present for purposes of establishing a quorum and voting.

This policy will remain in force indefinitely unless amended by the Commission.



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: March 2023

Parks Division Staffing

- Total Budgeted positions in Parks Division: 33
- Vacancy: City Arborist
- Vacancy: Parks Maintainer
- Seasonal Positions: Park Maintenance, Horticulture, Forestry, Ballfields, Playgrounds, Park Rangers

Community Garden Fence and Shed Replacements

Starting in late March there will be some activity around a select few gardens that will have their fences and sheds replaced. North Street, Boyd Street, Clark Street, Valley Street, Riverton and Payson Park will all be receiving new fencing with North Street, Clark Street, Valley Street and Riverton Gardens receiving new sheds. The community has long desired these improvements and we are very excited to finally bring them to fruition after multiple attempts of sending the project out to bid and insufficient funds in the initial process. CDBG funds are being utilized to fund this project.

North Deering Park

On 2/27/23, but the City Council approved the purchase and sale contract to acquire the largest park in Portland in a generation. The park will be known as North Deering Park and consists of 24 acres of forested wetland, walking trails, ponds, and a large athletic field known as Haverty Field. The project has been a collaboration between the Parks, Recreation and Facilities Department, Portland Parks Conservancy, and The Trust for Public Land. Funding is provided through the Portland Land Bank, National Park Service, Land for Maine's Future, and philanthropic funds.

Dougherty Field Skatepark Expansion

The long anticipated skate park expansion is just a short month away from ground breaking. Parks Staff have been working diligently with the skating community and Artisan Pillar contractors to design and plan out a 9,000 +/- square foot expansion planned for April construction. This improvement will almost double the existing surface area and add some much needed and desired elements that users have longed for over the past 15 years.

Public Bathrooms in 2023

Parks Staff are reviewing existing public restrooms and planning for the installation of new ones. In 2022, Parks and Public Buildings installed 9 new public restrooms (4 in-ground vaults and 5 surface tank units).



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

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

The first iterations of both types have worked really well but improvements were made as the second round was completed. This year, Staff are looking at new locations in Deering Oaks, Riverton Trolley Park, Peak Island and Talbot Elementary School. These installations will bring us to almost 14 public restroom structures citywide in just one and a half years.

Park Projects and Department Updates

Staff are working on the following Park Improvement projects:

- Park Walkway improvements: Phase 2 of the Deering Oaks ADA walkways has been completed. Phase 3 of 3 is beginning once the weather cooperates and the contractor can get their equipment in the space.
- 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 in the next few weeks for a Spring/Summer 2023 completion.
- Preble Street Field & Stormwater Project: Final design and landscaping plans are being finalized. There have been some construction delays that will push the installation of the field back to the Fall of 2023 with field play to begin in the late Spring or Summer of 2024.
- Riverton Preserve: Recreation improvement plans are in progress and will consist primarily of a 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: Our project team is working through finalizing the contract with the state for this grant and defining the RFP for the site work to commence in 2023 and 2024.
- Lower Western Prom Park Improvements: Final design improvements have been made and we have secured the additional funding via CDBG to execute the project later in 2023 or beginning of 2024