



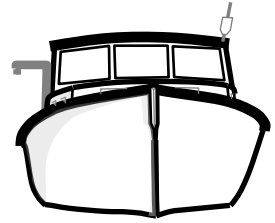
## **Waterfront Working Group**

13th Meeting Agenda

May 30, 2019

Room 24, City Hall

3:00pm to 5:00pm



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- 1. Welcome and Introductions**
- 2. Review Meeting Notes from Meeting 12, 5-16-19.**
  - a. Meeting Notes attached
- 3. Berthing Inventory Results**
  - a. Berthing Supply
- 4. Working Group discussion on Work Plan and Schedule moving forward. A revised work plan will be distributed at the meeting**

City of Portland  
Waterfront Working Group

Meeting #12  
Thursday, May 16, 2019 -- 3:00 - 5:00 p.m.

Attendance:

PWWG: Mike Alfiero, Togue Brawn, Bill Coopersmith, Steve DiMillo, Cyrus Hagge, Keith Lane, Charlie Poole, Willis Spear, Becky Rand, Dory Waxman

Staff: Jon Jennings, Bill Needleman, Matthew Grooms, Christine Grimando, Ethan Strimling

**Meeting Summary:**

The focus of this meeting was a debriefing on the results of the Planning Board recommendations to the City Council regarding the PWWG proposed zoning amendments and a “process check-in” for members of the PWWG to air their reactions to the Planning Board vote(s).

As the group is aware, the Planning Board did accept the proposed restrictions on new restaurants and stores (and more) as recommended by the PWWG, but did not recommend shrinking the NMOUZ from 150 feet to 125 feet.

Jon Jennings has met with City Councilor Ray to draft a proposed amendment to the Planning Board recommendation to reinstate the recommendations that the PWWG worked to craft, but that the Planning Board did not approve -- specifically the shrinking of the NMOUZ to 125 feet (with the exception of 300 feet for Long Wharf pier). This amendment proposal will be submitted to the City Council prior to the Council debate on June 3. Mr. Jennings made clear that he, and City staff, will strongly encourage the approval of this amendment change by the Council, based on the work of the PWWG showing that this compromise that will help both fishermen and pier owners protect their future interests.

A slide showing the results of the recommendations put forth by the Planning Board (including its decision to not recommend shrinking the NMOUZ) is available on the PWWG website.

There are now 2 orders in front of the City Council: 1) Zoning, and 2) Replacement studies for inventory. Matthew Groom and Bill Needelman are working on a summary of these orders; the Council has already received materials from the Planning Board on these orders. At the Council meeting on June 3, City staff will be there to advocate for the recommendations of the PWWG; members of the Planning Board will also be there to present their recommendations.

There is also a longer list of zoning amendments that will be debated at the June 3 meeting.

Mr. Alfiero asked for clarification of “no seafood” in the no new retail portion of the proposed amendments. Matthew Grooms clarified that retail does not have to be paired with production

and Mr. Needleman added that allowance for seafood processing is how it is worded in the text of the amendment, assuring Mr. Alfiero that his seafood processing business is ok now and in the future, if the amendments pass. Mr. Alfiero questioned what would happen if his (or anyone's) business splits and whether a split portion of the business would be considered retail. Christine Grimaldo stated that "from a regulatory point of view" it can't be split up -- if you have already been doing business, you will be ok. On this issue, the question of grandfathering vs. being allowed through zoning was pointed out, with Mr. Alfiero confirming that he wants to be allowed through zoning to operate his businesses, rather than being grandfathered. Mr. Needleman offered to create clarifying language on this issue before the June 3 Council meeting, possibly creating a single line that states "seafood retail." Mr. Needleman and City staff will consult with a zoning administrator on this issue.

Mr. Dimillo wondered if the Council should be informed about the 50 feet of recreational boating not being allowed commercial berthing (which is atypical and good for fisherman). It was agreed that the Council should be informed.

The remaining Work Plan Issues (as identified in the PWWG Jan. 3 meeting) include:

- Berthing and access -- good topic for next meeting on May 30
- Berthing inventory, alley behind 100 Commercial St., options for access expansion

- Zoning compliance and parking - June 13  
(before expiration of moratorium)

- Traffic Plan (way behind due to staffing issues with consulting company)
- Wrap up of issues brought forth in previous meetings and discussions with pier owners about conforming/nonconforming etc., so pier owners know what is supposed to happen

- Traffic and boarding at ferry terminal

The remainder of the meeting provided an opportunity for PWWG members to express their views on the successes and frustrations of their collaborative work and on the results of the Planning Board recommendations to the City Council. Mr. Jennings again affirmed that the packet they are preparing for the City Council includes the work of the PWWG and strongly recommends that the Council accept the amendment proposals of City staff that is based on the work of the PWWG. Mr. Jennings made clear that the work of the PWWG was good and essential and that the Council will be urged to take it seriously.

Mr. Jennings did express his disappointment in "the letter" that was sent to the Planning Board from some pier owners, agreeing with some members of the PWWG that he felt it betrayed the very, very good work of the PWWG.

The next meeting of the PWWG will be May 30.

The remaining notes contain the dialog of PWWG members regarding their views and feelings on the Planning Board meeting last week and where they believe the PWWG can go from here.

**Dialog:**

DW: I think the Planning Board meeting was a big disappointment; the letter was a big disappointment coming in at the 11th hour and I feel betrayed -- that needed to be said so I can sleep -- for the Planning Board to complain about lack of info was disingenuous -- the Planning Board did not do justice to work of PWWG -- "that" letter is not good.

TB: I have mixed feelings about the letter and the Planning Board meeting -- I don't feel the NMOUZ (restriction) is the best tool to accomplish what you (fishermen) want to accomplish.

SD: I don't want it to be said it was an 11th hour thing -- I've always said both parties compromised and both parties got something and both parties lost something (pier owners and fishermen).

CP: What is the impact of moving that line? I kept hearing that question at the workshop. Our intent was to show the impact since that is what was being questioned.

JJ: I had a problem with the "letter" questioning the process of PWWG and felt it undermined the process that seemed to be going very well.

WS: We felt as fishermen -- as a group -- we felt we needed to help wharf owners as they have helped us -- we felt the 125 was the compromise -- being protected from non-marine development is a real thing and what we thought we could get from wharf owners. We're just asking for a little protection. We need some assurance from wharf owners -- we need help -- we are affected by commercial use and we need protection.

BC: Cutting from 150 to 125 was giving to the fishermen -- wharf owners need to realize that their property pays for itself. Changing the nmouz doesn't affect owners at all. We already compromised with 125 (300 at Steve's). We'll look at a referendum again if we don't get that (shrinkage of the nmouz).

BR: As a non fishermen -I can say that everyone in Portland will be affected if Commercial Street becomes what I fear it will -- this is the moment to stop that -- I don't want to see a big hotel, etc. on any pier. This is for EVERYBODY.

KL: I'm the zero nmouz guy. I compromised at 125 (300 for Steve). I'm still here I'm still willing to talk.

CH: What is unfortunate is that we allowed 1 (one) property to have 300 ft and not others. This could show up in future litigation. The problem we have is that we have created an inherent unfairness in the overlay. I think we've done great work --- at the end of the day we've done great work. A lot to feel good about, some things to be disappointed in. Now we enter the political arena.

MA: I'm in Switzerland again -- I straddle both sides -- the business community is not here (at the table) and they will be affected by what we do here. The other part that is a bit uncomfortable is the whole idea that the fishing community has been pushed out. They left because the ground fish are gone. We want them back.

Here the PWWG fishermen contingent confirmed that they will go back to a referendum if Council rejects plan

JJ: I think there has been a very, very good result out of this PWWG. Thank all of you. I also want to mention that a lot of other people and groups in the state are watching what we're doing as a bellwether. We have a unique responsibility. We're talking about the entire state of Maine -- other communities are looking at our waterfront to see what they might do with their waterfronts.

We've met with South Portland on the dredge issue so we can move forward and we're all on the same page for the CAD cell. Additionally, the DOT commissioner has said he would be amenable to a build grant of thirty million, which means we have much fundraising to do.

MA: (to fishermen) Do you feel that some of the decisions that were made are going to help what you hope to accomplish?

BC/WS: Yes

MA: Will a form of this group continue?

JJ: Yes -- we're not done yet.

Next steps -- Remaining Work Plan Issues:

From Jan. 3 meeting what we said we were going to do

(see slide at PWWG website) this is what we have done

What is next (left over):

-- Berthing and access -- good topic for next meeting on May 30

Berthing inventory, alley behind 100 Commercial St., options for access expansion

-- zoning compliance and parking - June 13

(before expiration of moratorium)

Wrap up issues brought forth in previous meetings and have discussions with pier owners about conforming/nonconforming etc., so pier owners know what is supposed to happen

Traffic Plan Consultants -- it's way behind (staffing issue - lost lead project manager) not ready for prime time (late June)

JJ: we're adding a piece on traffic and boarding at ferry terminal

BN: Meet next on May 30

JJ: we are going to seek the passage of this as an emergency so as to avoid overlap with moratorium

BN: Once zoning is passed by council, because it's shoreland it still has to pass at a State level (this is a statewide regulation). Shouldn't be a problem...

May 20 is just a reading (not a debate)

CP: berth available -- vessel leaving -- 200 ft (get specs)

# Waterfront Working Group

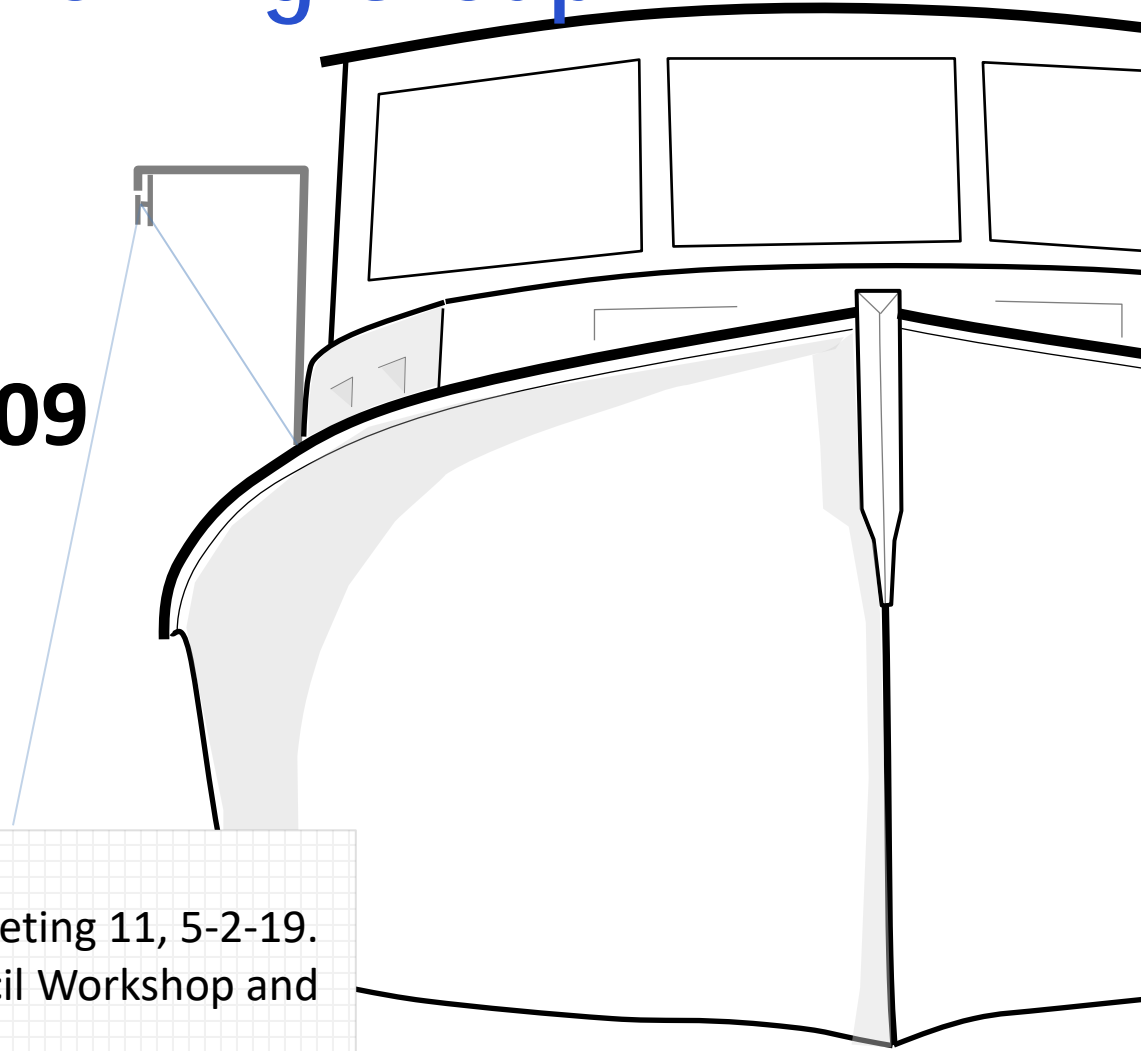
## Meeting # 12

*May 16, 2019*

**City Hall Room 209**

**3:00- 5:00pm**

1. Welcome and Introductions
2. Review Meeting Notes from Meeting 11, 5-2-19.
3. Debrief on Results of City Council Workshop and Planning Board Public Hearing
4. Working Group discussion on Work Plan and Schedule moving forward



# Recommendations to Planning Board

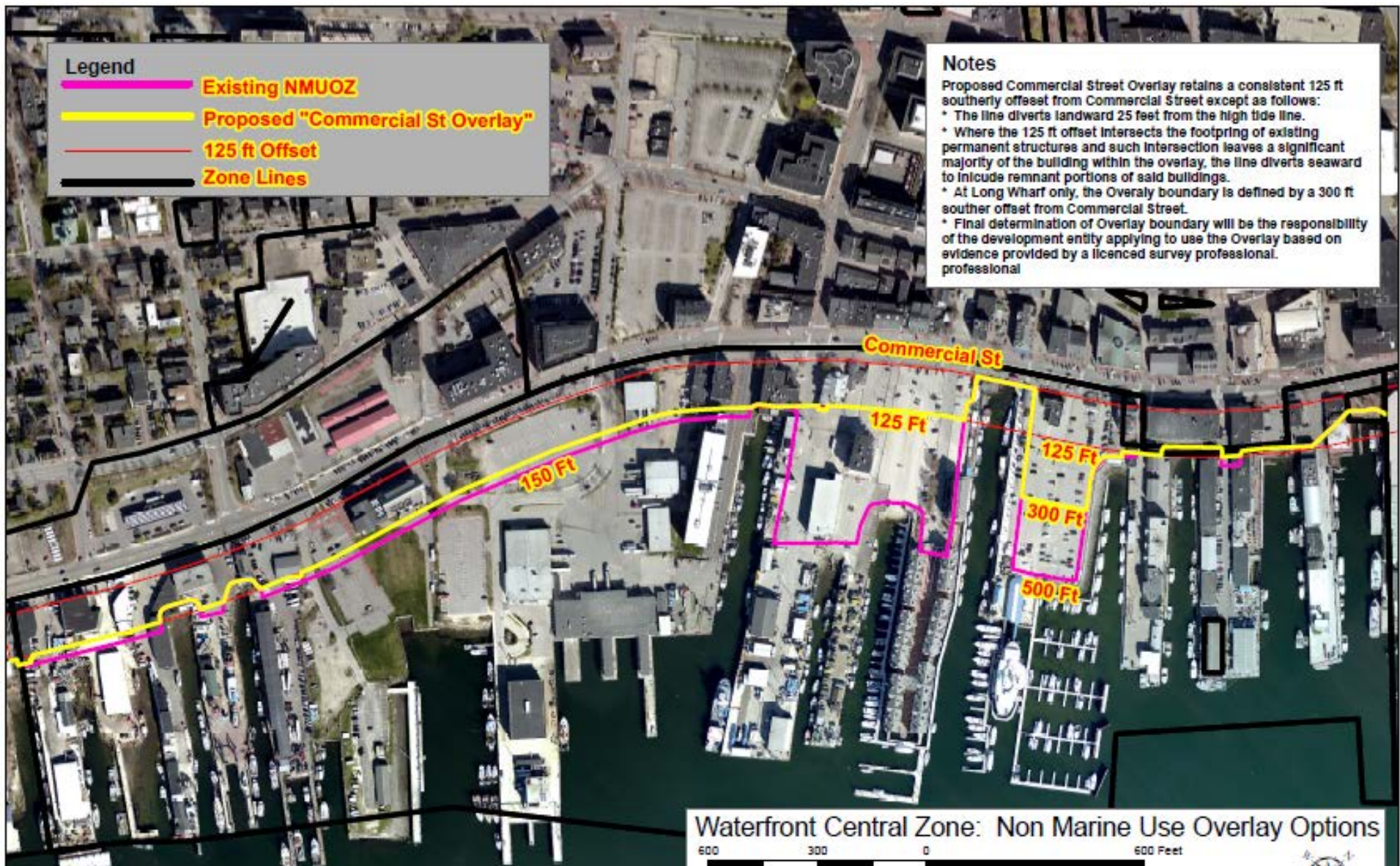
- **Contract and Conditional Rezoning** – *remove as a tool in the WCZ*
- **Non-marine use Overlay** – *Shrink its geographic extent*  
*Not recommended by Planning Board*
- **Permitted Uses** – *Restrict restaurant and retail uses to Commercial Street (to within the Overlay)*
- **Development and Performance Standards:**  
*Make them clear, Improve enforcement, Encourage compatibility, Protect Water Dependent Use*

**Legend**

-  Existing NMUOZ
-  Proposed "Commercial St Overlay"
-  125 ft Offset
-  Zone Lines

**Notes**

- Proposed Commercial Street Overlay retains a constant 125 ft southerly offset from Commercial Street except as follows:
- \* The line diverts landward 25 feet from the high tide line.
  - \* Where the 125 ft offset intersects the footprint of existing permanent structures and such intersection leaves a significant majority of the building within the overlay, the line diverts seaward to include remnant portions of said buildings.
  - \* At Long Wharf only, the Overlay boundary is defined by a 300 ft southerly offset from Commercial Street.
  - \* Final determination of Overlay boundary will be the responsibility of the development entity applying to use the Overlay based on evidence provided by a licenced survey professional.



**Waterfront Central Zone: Non Marine Use Overlay Options**

600 300 0 600 Feet

Map Produced by the City of Portland Economic Development Department.  
All locations are approximate. For discussion purposes only. March 2019



## Proposed Scope of Work (From January 3 meeting)

- Evaluate the current physical, functional, and business conditions within the Central Waterfront: 2018 WCZ Marine Use Inventory Update. *January 3, 2019*
- Provide recommendations on early deliverables and areas of general agreement. *January 17, 2019*
- Make recommendations on prioritization of short-term Waterfront TIF funding allocations and recommend structure and process for long-term Waterfront TIF funding decisions. *February 7, 2019*
- Discuss land use recommendations on areas of concern. *February 21, 2019*
- Provide formative contribution to the ongoing Commercial Street Operations and Master Plan process. *Ongoing*
- Evaluate berthing and marine access conditions and recommend potential improvements, as needed. *TBD*

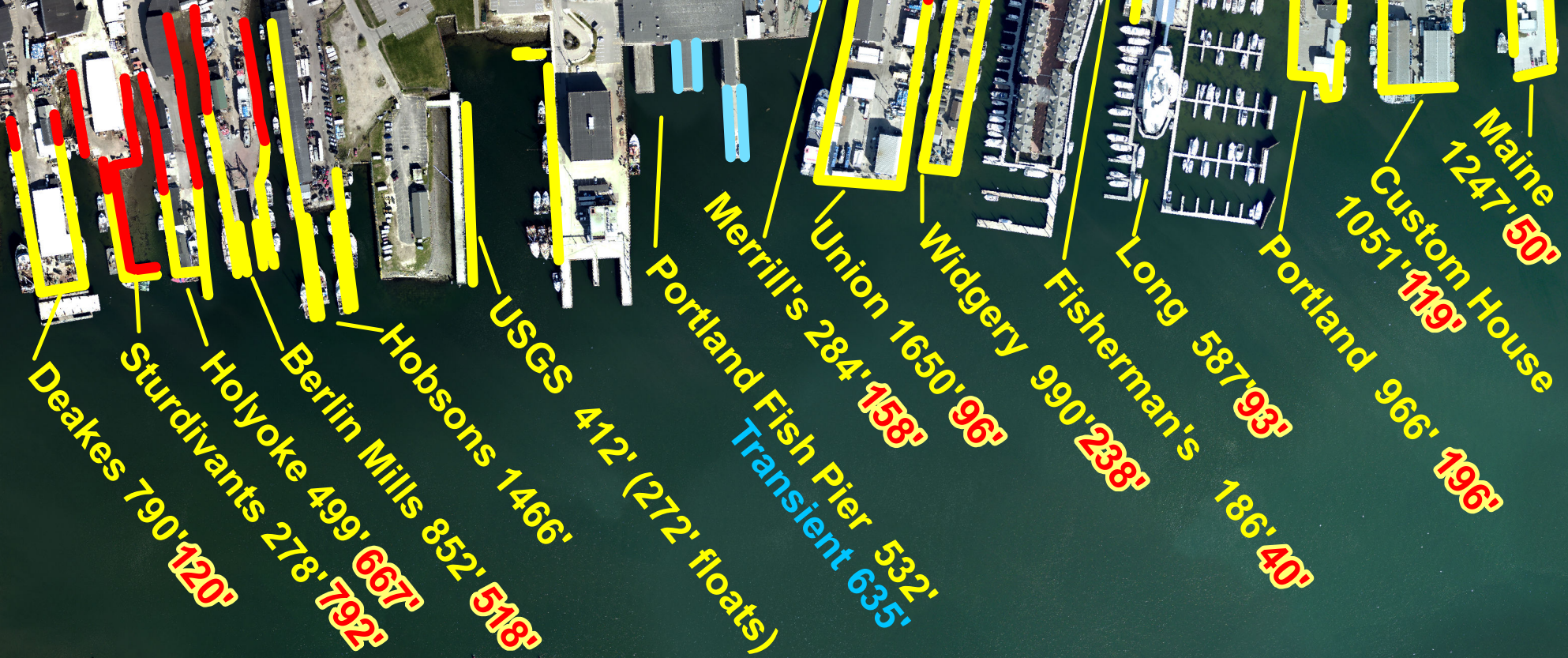
## Accomplishments Scope of Work (From January 3 meeting)

- Evaluate the current physical, functional, and business conditions within the Central Waterfront: 2018 WCZ Marine Use Inventory Update. *January 3, 2019*
- Provide recommendations on early deliverables and areas of general agreement. *January 17, 2019*
- Make recommendations on prioritization of short-term Waterfront TIF funding allocations and recommend structure and process for long-term Waterfront TIF funding decisions. *February 7, 2019*
- Discuss land use recommendations on areas of concern. *February 21, 2019*
- Parking: *First Discussion, also included in Land Use Discussions*

## Remaining Work Plan Issues

- Evaluate berthing and marine access conditions and recommend potential improvements, as needed. *May 30*
  - Berthing Inventory*
  - Alley behind 100 Commercial (how to address?)*
  - Options for Access Expansion*
- Zoning Compliance and Parking *June 13*
  - Documenting Legal Non-conformity*
  - Applying Performance Standards during new Construction*
  - Complete Parking Discussion*
- Provide formative contribution to the ongoing Commercial Street Operations and Master Plan process. *Late June*

**+/-26%  
loss  
to  
sedimentation**



**11,790' In Current Use  
3,087' Potential  
(from dredging)**

**WCZ Commerical Berthing  
Existing and Potential**

