

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

SPECIAL CITY COUNCIL MEETING - FEBRUARY 26, 2024 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please join via Zoom at <https://portlandmaine-gov.zoom.us/j/81228590486?pwd=WXlQVG1qdWhvMUpxcTNndUdid2Z2UT09> or visit <https://portlandme.portal.civicclerk.com/event/6497/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes-February 5, 2024

PROCLAMATIONS:

**Proclamation 16-23/24 Recognizing James Beard Foundation Award Nominees -
Sponsored by Mark Dion, Mayor**

APPOINTMENTS:

**Order 123-23/24 Appointing Troy Moon to the Landcare Management Advisory
Committee - Sponsored by Danielle P. West, City Manager**

This order appoints Sustainability Director Troy Moon to the Landcare Management Advisory Committee (formally named Pesticide) as the City Manager's appointee. This is an annual appointment.

Five affirmative votes are required for passage after public comment.

**Order 124-23/24 Appointing Members to Various Boards & Committees -
Sponsored by the Legislative/Nominating Committee, Mayor Mark Dion, Chair**

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
+*Wendy Harmon	CDBG	9/30/2025
+*Stephen Charles Von Vogt	Harbor Commission	12/31/2025
+Avery Kamila	Landcare Management Advisory Commission	3/31/2027
+Michael Scrameyer	Landbank Commission	6/30/2027
David Silk	Planning Board	2/28/2027
Austin Smith	Planning Board	2/28/2027
Timothy Smith	Police Citizen Review Subcommittee	3/31/2027
Anne Hardcastle	Police Citizen Review Subcommittee	3/31/2027
+*Allison Gibbs	Portland Public Art	6/30/2025
+Kristen Carreras	Rent Board	3/31/2027
+*Matthew Lax	Rent Board	3/31/2025
+Christopher Moore (District 3)	Rent Board	3/31/2027
+*Caleb Roebuck (District 4)	Rent Board	3/31/2026
+*Anne-Laure Razat (At- Large)	Rent Board	3/31/2026
+*Erika Connolly	Fair Hearing Officer	11/30/2024
+*Laura Burden	Zoning Board of Appeals	12/31/2025
+*Rob Keefe	Zoning Board of Appeals	12/31/2024

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

Order 125-23/24 Declaring June 9, 2024 the Resurgam Music Festival - Sponsored by Danielle P. West, City Manager

The Maine Academy of Modern Music will present its third annual Resurgam Music Festival on Portland's waterfront, Amethyst Park, Moon Tide Park, Ocean gateway and Ocean Gateway Parking lot and a small portion of the queuing lanes on Sunday June 9th 2024. Resurgam is an inclusive community minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

Order 126-23/24 Declaring July 11 to August 3, 2024 the Shakespeare in the Park Festival - Sponsored by Danielle P. West, City Manager

The Fenix Theatre Company has requested use of Deering Oaks Park so that they may bring back their annual summer performances to Portland for the 16th season. This summer's production will be Shakespeare's "Love Labour's Lost." The City's Parks, Recreation & Facilities Management Department is a co-sponsor of the

performances. The performances will run Thursday, Friday & Saturday evenings from July 11th through August 3rd 2024 (*performance will be held on Wednesday July 24th to accommodate Festival of Nations on Saturday, July 27th 2024).

Five affirmative votes are required for passage of the consent calendar after public comment.

LICENSES:

Order 127-23/24 Granting Municipal Officers' Approval of Highroller LLC, dba Highroller Lobster Co. Application for Extension of On-Premise License Privileges at 104/106 Exchange Street - Sponsored by Danielle P. West, City Manager

Application was filed on 1/26/24. This is an existing establishment that is expanding their dining/drinking space into 106 Exchange St. Establishment currently holds Class I FSE. New State application. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 128-23/24 Granting Municipal Officers' Approval of Blue Lobster Urban Winery LLC, dba Blue Lobster Urban Winery. Application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1 - Sponsored by Danielle P. West, City Manager

Application was filed on 1/29/24. This is an existing establishment upgrading classification. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City and State application.

Five affirmative votes are required for passage after public comment.

Order 129-23/24 Granting Municipal Officers' Approval of Argenta Brewing Company LLC, dba Argenta Brewing Company. Application for Outdoor Dining on Private Property at 82 Hanover Street, Suite 6- Sponsored by Danielle P. West, City Manager

Application was filed on 1/26/24. This is an existing establishment adding outdoor dining. Establishment currently holds B/W/D On-Premise Consumption. New City and State applications.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

In October 2022, the City Council approved the establishment of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement for the project located on a portion of city-owned property at 43 and 91 Douglass Street. MaineHousing issued a Certificate of Approval for the district in March 2023. The project, known as 45 Dougherty, will consist of 63 units of rental housing, all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the

project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

As the developers moved through the process of securing funding, finalizing construction plans and obtaining construction bids, they ran into significant pricing related issues which resulted in a \$2.4 million gap in the project budget. After an extension review of the project, which included value engineering reductions, they identified a \$1.2 million funding gap. The developer contacted the other project funding partners, MaineHousing and Evernorth (equity investor), who indicated that it was unlikely that they would be able to provide additional funding for the project. If the developer is able to locate other funding sources, through programs such as Efficiency Maine, the amount of city financing would be reduced.

City funding in an amount up to \$1,200,000 would be provided through an allocation of funds from the American Rescue Plan Act (ARPA) through the Jill C. Dusen Housing Trust Fund. The terms will be a 30-year payable loan, paid through a percentage of available annual cash flow. Details of the terms are noted in the Background section of the memo to the city council.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process. Similar to the master plan, this project will also look at the entire length of Franklin Street from Exit 7/Marginal Way to Commercial Street. The project will bring the design to a 20% design level, allowing for applications for federal funding for final design and construction.

MaineDOT has significant interest in the future transportation design and function of Franklin Street and has offered to participate financially in this phase of work, matching our funds at the 50% level (up to \$150,000) through its Village Partnership Initiative (VPI) program. Following execution of the VPI agreement, staff will issue a Request for Qualifications for consultant services.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor

This amendment to City Code Chapter 18 adds two new parks to Section 18-11, the section of the City Code that lists all of the city parks. Staff is asking that North Deering

Park be included. It has already been added to the Land Bank in a different section. This order is a companion order to the item below.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 130-23/24 Naming City Land at Lowell, Congress, and Burnham Streets Thomas Park - Sponsored by Dannielle P. West, City Manager

If approved, this order would name a parcel of city land bounded by Lowell St., Congress St., and Burnham St. Thomas Park. This order is a companion order to the item above.

Five affirmative votes are required for passage after public comment.

Order 131-23/24 Accepting the Portland Public Art Committee Fiscal Year 2023 Annual Report and Fiscal Year 2024 Budget Plan - Sponsored by Danielle P. West, City Manager

At its monthly meeting on November 15, 2023, the Portland Public Art Committee recommended the FY23 Annual Report and FY24 Budget Plan to the Portland City Council.

Five affirmative votes are required for passage after public comment.

Order 132-23/24 Accepting the 2023 Annual Land Bank Report - Sponsored by Danielle P. West, City Manager

The Portland Land Bank Commission is required by City Ordinance to submit an annual report that details the commission's activity over the past year, its yearly budget, and a registry of conservation properties.

Five affirmative votes are required for passage after public comment.

Order 133-23/24 Accepting the 2023 Annual Parks Commission Report - Sponsored by Danielle P. West, City Manager

The Parks Commission is responsible for submitting an annual report to the city council regarding the state of the city's parks and public grounds.

Five affirmative votes are required for passage after public comment.

Order 134-23/24 Approving the City's Resignation as Trustee of the Kotschmar Memorial Trust and the Appointment of Friends of Kotschmar Organ as Successor Trustee - Sponsored by Michael Goldman, Corporation Counsel

The City currently serves as Trustee of the Hermann Kotzchmar Memorial Trust Fund. The purpose of the Trust is to provide music scholarships to eligible young musicians in Portland. Friends of Kotzchmar Organ is a Maine nonprofit corporation organized for the purpose of maintaining and presenting the Kotzchmar Memorial Organ, which is installed in Merrill Auditorium. If approved, this Order would allow the City to resign as Trustee and assent to the appointment of Friends of Kotschmar Organ as Successor Trustee of the Trust. It would further authorize the Office of Corporation Counsel to file the appropriate petition in Cumberland County Probate Court to achieve this result.

Five affirmative votes are required for passage after public comment.

Order 135-23/24 Accepting and Appropriating a \$50,000 Bequest from the Franklin Lawrence II Estate for Evergreen Cemetery Maintenance - Sponsored by Danielle P. West, City Manager

In his last will and testament, Franklin Lawrence II, left Evergreen Cemetery of Portland, Maine a sum of \$50,000 to be used for its maintenance fund.

This item must be read on two separate days. This is its first reading.

Order 136-23/24 Accepting and Appropriating a \$25,000 Grant from the Maine Community Foundation for Western Cemetery Improvements - Sponsored by Danielle P. West, City Manager

The Stewards of Western Cemetery, acting in the interest of the cemetery, have applied for and been awarded a \$25,000 grant from the Maine Community Fund. The grant and subsequent, privately raised funds are intended to fund several improvements to Western Cemetery including but not limited to:

- Construction of a tool house on a location approved by the Parks, Recreation, and Facilities Department and the Historic Preservation Board.
- Installation of a water source to aid in ongoing restoration efforts.
- Relocation of an existing flag pole to make way for the proposed tool house.
- Efforts to bring access to the cemetery into compliance with ADA standards.
- A historically appropriate fence along the Western Prom boundary of the cemetery.

This item must be read on two separate days. This is its first reading.

AMENDMENTS:

Order 137-23/24 Amendment to Portland City Code Chapter 9 Re: Peaks Island Council Nomination Petition Deadlines - Sponsored by Ashley Rand, City Clerk

This item will align the filing of nomination petitions and acceptance of nomination for Peaks Island Council to the Charter Changes that were made to Article IV. Elections, Section 6. The Charter amendment was sent to voters in November 2023 and approved. This ordinance amendment will allow the Peaks Island nomination petitions to be the same.

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please visit <https://portlandmaine-gov.zoom.us/j/89039692425?pwd=aC9xRXk0cTVnZnQzV0w1SUgwcZlE0Zz09>

PLEDGE OF ALLEGIANCE:

Mayor Dion led all those present in the Pledge of Allegiance.

ROLL CALL:

Mayor Dion called the meeting to order at 5:00pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Sykes, Councilor Ali, Councilor Bullett, Councilor Pelletier, Councilor Phillips, Mayor Dion

Councilors Absent: Councilor Trevorrow

*Councilor Trevorrow joined at 5:04pm

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Dion opened the floor for public comment. The following individuals spoke:

Zack Barowitz (Huntress Street)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes- January 17, 2024

Motion was made by Councilor Phillips and seconded by Councilor Rodriguez for passage. Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

APPOINTMENTS:

Order 107-23/24 Appointing Kelly Hrenko, PhD to the Public Art Committee - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

Order 121-23/24 Appointing Portland Housing Authority Constables for 2024 - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Phillips and seconded by Councilor Fournier for passage. Passage 9-0

Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharff (Brackett Street)

LICENSES:

Order 108-23/24 Granting Municipal Officers' Approval of Freedom's Edge LLC, dba Freedom's Edge Tasting Room. Application for Class III & IV FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.
Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

Order 109-23/24 Granting Municipal Officers' Approval of Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined Entertainment at 31 Diamond Street, Suite D - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier for passage. Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

Order 110-23/24 Granting Municipal Officers' Approval of Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 Forest Avenue - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.
Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

Order 111-23/24 Granting Municipal Officers' Approval of Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson Street - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Sykes for passage.
Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

Order 112-23/24 Granting Municipal Officers' Approval of Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Sykes and seconded by Councilor Rodriguez for passage.
Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

Order 113-23/24 Granting Municipal Officers' Approval of Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of On-Premise License Privileges at 5 Commercial Street - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage.
Passage 9-0

Mayor Dion opened the floor for public comment. No one spoke.

COMMUNICATIONS:

Communication 28-23/24 Annual Report of the Clean Elections Program - Ashley Rand, City Clerk

Ashley Rand (City Clerk) gave a communication regarding the Annual Report of the Clean Elections Program

The following Councilors provided comment: Councilor Ali, Councilor Bullett, Councilor Trevorrow

Communication 29-23/24 Portland Harbor Common Update - Ethan Hipple, Director of Parks, Recreation, and Facilities Department

Ethan Hipple (Director of Parks, Recreation, and Facilities Department) gave communication regarding the Portland Harbor Common Update

The following Councilors provided comment: Councilor Phillips, Councilor Trevorrow, Councilor Rodriguez

Communication 30-23/24 Memo on Rent Control Editorial - Jessica Blais Hanscombe, Director of Permitting and Inspections

Jessica Hanscombe (Director of Permitting and Inspections) gave a communication on Rent Control Editorial

The following Councilors provided comment: Councilor Sykes, Councilor Phillips

UNFINISHED BUSINESS:

Order 120-23/24 Extending the Declaration of a State of Limited Emergency at 654 Riverside Street - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage as emergency. Passage 9-0 as emergency

Danielle West (City Manager) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Cheryl Harkins (Advocate for Homeless Voices for Justice), Terrance Miller (Prebble Street), Cullen Ryan (Community Housing of Maine), Councilor Rodriguez, Councilor Bullett, Shaza Stevnson (Deputy Director of Health and Human Services), Councilor Sykes, Councilor Phillips

*Item passed as an emergency, will go into effect immediately.

Order 103-23/24 Accepting and Appropriating a \$10,613.31 Donation from the Portland Rotary Charitable Fund for Bayside Tree Plantings - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage. Passage 9-0

Ethan Hipple (Director of Parks and Recreation) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Sarah Michniewicz (Bayside), Jim Hall (bayside), Ethan Hipple (Director of Parks and Recreation), Councilor Rodriguez, Councilor Trevorrow

Order 104-23/24 Accepting and Appropriating a Donation of \$58,587.23 from Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Sykes and seconded by Councilor Ali for passage. Passage 9-0

Ethan Hipple (Director of Parks and Recreation) gave an overview of this item.
Mayor Dion opened the floor for public comment. The following individuals spoke:
Councilor Ali, Councilor Bullett

Order 105-23/24 Accepting and Appropriating a Grant and Donations for the Stroudwater River Bridge and Connector Project - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage.
Passage 9-0

Ethan Hipple (Director of Parks and Recreation) gave an overview of this item.
Mayor Dion opened the floor for public comment. No one spoke.

Order 106-23/24 Approving the Memorandum of Understanding and Accepting and Appropriating \$235,550 in grant funding from Cumberland County Emergency Management Agency - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage.
Passage 9-0

Danielle West (City Manager) gave an overview of this item.
Mayor Dion opened the floor for public comment. The following individuals spoke:
Councilor Fournier, Councilor Bullett

ORDERS:

Order 114-23/24 Approving the First Amendment to the Memorandum of Understanding Between the City of Portland and the Portland Parks Conservancy - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage.
Passage 9-0

Ethan Hipple (Director of Parks, Recreation, and Facilities Department) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Jack Phillips (Executive Director of Parks Conservancy), Seven Scharff (Brackett Street), Danielle West (City Manager), Councilor Fournier

Order 115-23/24 Reallocating \$229,385 of American Rescue Plan Act Funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments Program - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage as emergency. Passage 9-0, as emergency.

Ethan Hipple (Director of Parks and Recreation) gave an overview of this item.

Motion was made by Councilor Ali and seconded by Councilor Phillips to waive second read on Order 115-23-24. Passage 9-0 *Second reading waived.

*Public Comment on Orders 115-23-24 and 116-23-24 were taken together

Mayor Dion opened the floor for public comment. The following individuals spoke: Terrance Miller (Prebble Street), Jim Hall (District 1), Cullen Ryan (Community Housing of Maine), Sarah Michniewicz (District 1)

*Item goes into effect immediately.

Order 116-23/24 Accepting and Appropriating \$465,722 Grant from the Maine State Housing Authority for the Housing Opportunities for People in Encampments Pilot Program - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage as an emergency. Passage 9-0, as an emergency.

Ethan Hipple (Director of Parks and Recreation) gave an overview of this item.

Motion was made by Councilor Ali and seconded by Councilor Phillips to waive second read on Order 116-23-24. Passage 9-0 *Second reading waived.

*Public Comment on Orders 115-23-24 and 116-23-24 were taken together

Mayor Dion opened the floor for public comment. The following individuals spoke:

Terrance Miller (Prebble Street), Jim Hall (District 1), Cullen Ryan (Community Housing of Maine), Sarah Michniewicz (District 1)

*Item passed as emergency, goes into effect immediately.

Order 117-23/24 Accepting and Appropriating a \$364,000 Grant from the Maine State Housing Authority for the Resettlement Program - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Ali and seconded by Councilor Rodriguez for passage as an emergency. Passage 9-0, as an emergency.

Danielle West (City Manager) gave an overview of this item.

Motion was made by Councilor Fournier and seconded by Councilor Bullett to waive second read on Order 117-23-24. Passage 9-0 *Second reading waived.

Mayor Dion opened the floor for public comment. The following individuals spoke:

Terrance Miller (Prebble Street), Charles Mugabe (Director of Migration-Catholic Charities Maine), Cullen Ryan (Community Housing of Maine), Councilor Phillips, Councilor Bullett, Councilor Ali

*Item passed as emergency, goes into effect immediately.

Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The is first Reading.

Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

This is First Reading.

AMENDMENTS:

Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor

This is First Reading.

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Bullett and seconded by Councilor Fournier to adjourn. Passage 9-0 at 7:45pm.

A TRUE RECORD

Ashley Rand, City Clerk

P R O C L A M A T I O N

CELEBRATING PORTLAND'S JAMES BEARD RESTAURANT NOMINEES

WHEREAS, on January 24, 2024, the James Beard Foundation announced the names of 10 semi finalists from the state of Maine for the prestigious James Beard Awards, many of which are located in the City of Portland; and

WHEREAS, these nominees, consisting of outstanding restaurants and food professionals and establishments, include Cara and Cecile Stadler of BaoBao Dumpling House, Atsuko Fujimoto of Norimoto Bakery, Celia Bruns of Artemisia Cafe, Ian Driscoll of Bar Futo, Valerie Goldmand of the Honey Paw, Jake Stevens of Leeward, Woodford Food and Beverage, and Zu Bakery; and

WHEREAS, the City extends its congratulations to all the semifinalists, recognizing their contributions to the vitality of the City of Portland's culinary arts community and hospitality industry; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby celebrate the nominees of the James Beard Foundation Awards for their contributions to our City's vitality and economy, and we wish them continued success in their endeavors.

Signed and sealed this 26th day of February, 2024



**Mark Dion, Mayor
City of Portland**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 31, 2024

SUBJECT: Order 123-23/24 Appointing Troy Moon to the Landcare Management Advisory Committee - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

This order appoints Sustainability Director Troy Moon to the Landcare Management Advisory Committee (formally named Pesticide) as the City Manager's appointee. This is an annual appointment.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointing Troy Moon to Landcare Management Advisory Committee 2.26.2024

Prepared by:

Date: 01/31/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPOINTING TROY MOON TO THE
LANDCARE MANAGEMENT ADVISORY COMMITTEE**

ORDERED, that Troy Moon is hereby appointed to the Landcare Management Advisory Committee.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 2, 2024

SUBJECT: Order 124-23/24 Appointing Members to Various Boards & Committees -
Sponsored by the Legislative/Nominating Committee, Mayor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

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COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

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PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
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+*Stephen Charles Von Vogt	Harbor Commission	12/31/2025
+Avery Kamila	Landcare Management Advisory Commission	3/31/2027
+Michael Scrameyer	Landbank Commission	6/30/2027
David Silk	Planning Board	2/28/2027
Austin Smith	Planning Board	2/28/2027
Timothy Smith	Police Citizen Review Subcommittee	3/31/2027
Anne Hardcastle	Police Citizen Review Subcommittee	3/31/2027
+*Allison Gibbs	Portland Public Art	6/30/2025
+Kristen Carreras	Rent Board	3/31/2027
+*Matthew Lax	Rent Board	3/31/2025
+Christopher Moore (District 3)	Rent Board	3/31/2027
+*Caleb Roebuck (District 4)	Rent Board	3/31/2026
+*Anne-Laure Razat (At-Large)	Rent Board	3/31/2026
+*Erika Connolly	Fair Hearing Officer	11/30/2024

+*Laura Burden

Zoning Board of Appeals

12/31/2025

+*Rob Keefe

Zoning Board of Appeals

12/31/2024

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointments to Boards and Committees-2024.02.12
2. Appointing Various Boards and Committees 2.26.2024

Prepared by:

Date: 02/02/2024

City of Portland | City Clerk's Office
Ashley Rand, *City Clerk*



To: Mayor and City Councilors
From: Ashley Rand, City Clerk
Date: February 12, 2024
Re: Appointments to Various Boards & Commissions

The Nominating Committee is making the following recommendations to the Various Boards and Committees.

If passed, this order would appoint the following individuals to various boards and commissions:

Name	Board and Committee	Expiration
------	---------------------	------------

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
+*Wendy Harmon	CDBG	9/30/2025
+*Stephen Charles Von Vogt	Harbor Commission	12/31/2025
+Avery Kamila	Landcare Management Advisory Committee	3/31/2027
+Michael Scrameyer	Landbank Commission	6/30/2027
David Silk	Planning Board	2/29/2027
Austin Smith	Planning Board	2/29/2027
Timothy Smith	Police Citizen Review Subcommittee	3/31/2027
Anne Hardcastle	Police Citizen Review Subcommittee	3/31/2027
+*Allison Gibbs	Portland Public Art	6/30/2025
+Kirsten Carreras (At-Large)	Rent Board	3/31/2027

+*Matthew Lax (District 1)	Rent Board	3/31/2025
+Christopher “Buddy” Moore (District 3)	Rent Board	3/31/2027
+*Caleb Roebuck (District 4)	Rent Board	3/31/2026
+*Anne-Laure Razat (At-Large)	Rent Board	3/31/2026
+*Erika Connolly	Fair Hearing Officer	11/30/2024
+*Laura Burden	Zoning Board of Appeals	12/31/2025
+*Rob Keefe	Zoning Board of Appeals	12/31/2024

+Indicates New Board Member

* Indicates filing an expired term

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER APPOINTING MEMBERS TO VARIOUS BOARDS & COMMITTEES

ORDERED, that the following people are hereby appointed to the Boards and Committees indicated for the stated term:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Wendy Harmon	CDBG	9/30/2025
Stephen Charles Von Vogt	Harbor Commission	12/31/2025
Avery Kamila	Landcare Management Advisory Committee	3/31/2027
Michael Scrameyer	Landbank Commission	6/30/2027
David Silk	Planning Board	2/29/2027
Austin Smith	Planning Board	2/29/2027
Timothy Smith	Police Citizen Review Subcommittee	3/31/2027
Anne Hardcastle	Police Citizen Review Subcommittee	3/31/2027
Allison Gibbs	Portland Public Art	6/30/2025
Kirsten Carreras (At-Large)	Rent Board	3/31/2027
Matthew Lax (District 1)	Rent Board	3/31/2025

Christopher "Buddy" Moore (District 3)	Rent Board	3/31/2027
Caleb Roebuck (District 4)	Rent Board	3/31/2026
Anne-Laure Razat (At- Large)	Rent Board	3/31/2026
Erika Connolly	Fair Hearing Officer	11/30/2024
Laura Burden	Zoning Board of Appeals	12/31/2025
Rob Keefe	Zoning Board of Appeals	12/31/2024

BE IT FURTHER ORDERED, that these appointments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make them effective immediately.

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: February 1, 2024
SUBJECT: Order 125-23/24 Declaring June 9, 2024 the Resurgam Music Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: City Manager Danielle West
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 2/26/2024

Final
Action 2/26/2024

Can action be taken at a later date: No Organizers need event approval in order to plan their events.

Does this item involve a new contract with the City: No

PRESENTATION: A representative from Maine Academy of Modern Music and Public Assembly Facilities Division will be available to answer any questions at the meeting.

I. SUMMARY

Order Declaring Sunday June 9th 2024 as Resurgam Music Festival.

II. AGENDA DESCRIPTION

The Maine Academy of Modern Music will present its third annual Resurgam Music Festival on Portland's waterfront, Amethyst Park, Moon Tide Park, Ocean gateway and Ocean Gateway Parking lot and a small portion of the queuing lanes on Sunday June 9th 2024. Resurgam is an inclusive community minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

III. BACKGROUND

This will be the third annual Resurgam Music Festival, second year held on Portland's waterfront.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council declaring Resurgam Music Festival on June 9th 2024 on Portland's waterfront as a festival.

V. FINANCIAL IMPACT

All permit, impact, staffing cost and license fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on various events in our parks and public spaces and we are confident in their ability to host the festival.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. 2024 Reusrgam City Council Memo
2. MAMM_Tier III Parks and Spaces Special Event Application(3) (1)
3. Resurgam Map 2024
4. Resurgam Music Festival on the Waterfront 1.17.2024
5. Resurgam Music Festival on the Waterfront 2.26.2024

Prepared by:
Rusty Groh
Date: 02/01/2024



Ethan Hipple
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

TO: Danielle West, City Manager
FROM: Andrew Downs, Director of Public Assembly Facilities Division
DATE: January 13, 2024
RE: RESURGAM Festival

I am requesting that the following order be placed on the next City Council agenda:

**Order authorizing and declaring RESURGAM 2024
to be held Sunday, June 9, 2024 as a Festival.**

Date: June 9, 2024

The Maine Academy of Modern Music will present its third annual Resurgam Music Festival in Portland's waterfront, Amethyst Lot, Moon Tide Park, Ocean Gateway and Ocean Gateway Parking Lot and a small portion of the queuing lanes, on Sunday June 9, 2024. Resurgam is an inclusive community-minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

6:00am - Site Build

11:00am - 7:00pm - Festival run time

11:00pm - Site Cleared

EVENT DESCRIPTION This will be a one day event with four small stages, all outside and inside Ocean Gateway for voice, acoustic music, theatrics and amplified music organized by the Maine Academy Of Modern Music (MAMM). It will highlight the participants and graduates from MAMM. This will be an event that is open to the public and anticipates between 2500-3000 attendees throughout the day. It is proposed to have three contained beer gardens, two outside (Moontide Park and Queuing lanes) and one inside Ocean Gateway, staffed by the City's Parks, Recreation, and Facilities Department. A Ferris wheel will be located in the queuing lanes and food trucks will be positioned in the Visitor's Information Center parking lot and Amethyst Lot. A maker's market will be set in various locations within the festival foot print for the sale of handmade crafts.

OPERATIONS

Street Closures: N/A. Public Works has been notified.

Parking: Attendees are encouraged to walk, bike and use public transportation. Parking will be available on city streets and utilizing nearby business parking lots is in the process.



Ethan Hipple
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

Trash Plan: MAMM will provide trash and recycling containers and will be responsible for the removal and site clean.

Security: Portland Police Department will be hired. Staff will consist of one Sergeant and four Patrol Officers. Beer gardens will be staffed with staff hired from the Parks, Recreation, and Facilities Department and two Event Managers for the event.

Emergency Medical Service: Portland Fire Department will be hired. Assets will consist of an on site staffed ambulance, a Gator and two staff for a total of four onsite staff.

Power: The majority of the power will use existing sources around the site. Possible use of a small portable generator associated with the Amethyst Park stage.

Stages: The **main stage, 24 ft X 20 ft**, will be in the parking lot to the south west of Ocean Gateway and will be facing SW. The **second stage, 20 ft X 16 ft**, will be located along the waterfront in Amethyst Park and will be facing N. The **third stage 10 ft X 20 ft** will be facing Moon Tide Park under the Visitor's Center Awning. EMS access to Sail Maine has been reviewed by the Portland Fire Department. Stage permits will go through the Building Department.

Food Services: Food trucks will be placed in the parking lot of the Visitor's Center, Amethyst Park and on private property. Foodtrucks are required to be licensed by the City of Portland. A Temporary Food Service License application has been filed at the Business Licensing Office by MAMM.

Alcohol: One beer garden will be located inside the Ocean gateway and will be monitored by staff from the Parks, Recreation, and Facilities Department with alcohol to remain inside the building. One beer garden will be a **30 ft X 70 ft tent** in the parking lot by the main stage and one in Moon Tide Park **with bike rack enclosure**. The two outdoor beer gardens will have a secure entry/exit and will be staffed by Parks, Recreation, and Facilities Department staff.

Maker's Market: Moon Tide Park and Amethyst Park will be used as a Maker's Market selling goods. Vendors will also line portions of the walkways in and around the site including some in Visitor's Center and the Main stage area. A Street Goods Vender's License has been applied for with the Business Licensing Office. Nothing larger than a 10X10 pop up tent will be used.

Amplified Sound: An Entertainment License has been submitted for Amplified Sound. Event will run from 11:00am - 7:00pm. The smaller performances in front of the Visitor's Center will use a small PA system with the other two outside stages using a sound system.



Ethan Hipple
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

Portable Restrooms: MAMM will provide a bank of up to 10 portable restrooms placed throughout in the food truck area and by both beer gardens outside. The Visitor's center and Ocean Gateway building will be available for use of indoor public restrooms.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Resurgam 2024 organizer, for the use of the above-described area for said events, subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council – taking place in designated areas in Ocean Gateway and two beer gardens as designated.
- PA Systems will be used at each stage (voice & music). Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained under 85 dB A's and be configured by the event organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;
- Organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in a contract and permit issued from the Public Assembly Facilities Division, shall be adhered to;
- Organizer shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festival;
- City permit fees, license fees, and costs for city staff assistance will be paid by the organizer (organizer will hire Police Officers and Medical Officers to assist with the festival and hire Public Assembly Facilities staff to oversee Festival);
- Times are subject to change depending on weather etc.

The City Manager is also authorized to issue such other temporary licenses and temporary permits, including licenses for food service establishments and permits for sales of non-food related items, as may be required by the Portland City Code, provided that all applicable requirements of said code have been met regarding the operation of said Festival.

Document prepared by Andrew Ransom-Keyek, PAFD Event Manager



**TIER III / SPECIAL EVENT
PUBLIC PARK AND SPACE**
City of Portland, Public Assembly Facilities Division
221 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov



**TIER III APPLICATION FEE \$50.00
EXPECTED ATTENDANCE 2000+**

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$50.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, 3) insurance required and 4) Area Impact Study. There may be fees due and applications required from other City Departments.

TODAY'S DATE	11/8/23	ORGANIZATION NAME	Maine Academy of Modern Music		
ADDRESS (Street/City/State/Zip)	125 Presumpscot St #14, Portland, ME 04103				
CONTACT NAME(S)	Jeff Shaw, Aviva Shaw		TITLE(S)	ED, Director of Communications	
PHONE	207-831-0990	PHONE	207-553-0903	PHONE	
EMAIL	jshaw@mammusic.org	EMAIL	ashaw@mammusic.org	EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	amethyst park, visitors center and parking lot, moontide park, ocean gateway, queing lanes		
EVENT DAY(S) & DATE(S)	June 9, 2024	RAIN DAY(S) & DATE(S) (50% added fee)	n/a
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	6am-11pm	EVENT START & END TIME	11am-7pm

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival	EXPECTED ATTENDANCE
Resurgam Music & Arts Festival	Arts Festival	3000

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit and please describe the event in detail using the **AREA IMPACT STUDY(AIS) CHECKLIST**. [\(add link to guide.\)](#)

AVIS CHECKLIST

COMPLETED

1. Description of event. Brief description of event and event history so that all departments may better understand your event request. (Downloadable format)	
2. Permits. Include all applicable permits from all pertinent city departments. (Fire, Police, City clerk...)	
3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)	
4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services. (Downloadable format)	

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: _____ FEE _____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$

	STUDENT FEE	\$
--	-------------	----

PLEASE CHECK OFF AND ANSWER:

Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
		X-YES	X-NO	AIS
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X, 75		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X, 7 stages		Permit Required Include on Site Plan
*	Will you be setting up tables and/or chairs ? How many tables: chairs:	X, 75, 75		Include on Site Plan
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	Include on Site Plan
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (207-874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X, food trucks		License Required Include on Site Plan
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 2 week notice. List items you wish to sell:	X		License Required Include on Site Plan
*	Do you wish to sell or provide Alcohol ? If yes, you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov .	X		License Required
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		License Required Include on Site Plan & Event Components
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).	X		
*	Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event")		X	Include on Event Components

*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://portlandmaine-portal.app.transform.civicplus.com/forms/26740	X		Required
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.	X		Required
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.		X	
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	X		Include on Site Plan
*	Will your event require waste management and recycling? What is the waste management plan? we hire garbage to garden	X		Include on Site Plan & Event Components
	For events where more than two thousand (2,000) individuals anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such a bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.			Required

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		Required
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to

call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, the organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department. Please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, marijuana, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund. If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION
Please keep a copy of your event permit on site at all times. City staff may require proof of permit. If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.. You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event. Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place. Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION
Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with Parks Rec and Facilities..

REVOCABLE PERMIT
◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property. ◆ The City reserves the unconditional right to revoke or revise an issued permit. ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	JS	DATE	11/8/23
--	---------------	----	------	---------

ASSUMPTION OF RISK & LIABILITY					
Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.					
<table border="1"> <tbody> <tr> <td>I have read the Assumption of Risk & Liability Agreement</td> <td>TYPE INITIALS</td> <td>JS</td> <td>DATE</td> <td>11/8/23</td> </tr> </tbody> </table>	I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	JS	DATE	11/8/23
I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	JS	DATE	11/8/23	

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.
--

PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:
◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: raroh@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019	
Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.	
Simple Event (no registration fee): \$75/hour Event with registration or pledges & attendance 25 - 300: \$125/hr Event with registration or pledges & attendance 301+: \$225/hr Film/Photo Shoot: \$150/day Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee (on site event support): \$37/hour Administrative Fee (event coordination support): \$40/hour or more Reserved Parking: \$25 each space Cancellation Fee: \$75	Electricity (activation/deactivation) Fee: \$40/flat Porta Restroom User Fee (if attendance is 150+): \$25 Entertainment License: \$50 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/deactivation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT
Checks should be made payable to City of Portland There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)
<https://content.civicplus.com/api/assets/9ef5d795-ac26-4794-9e38-c2f0bb9c9f04?cache=1800>

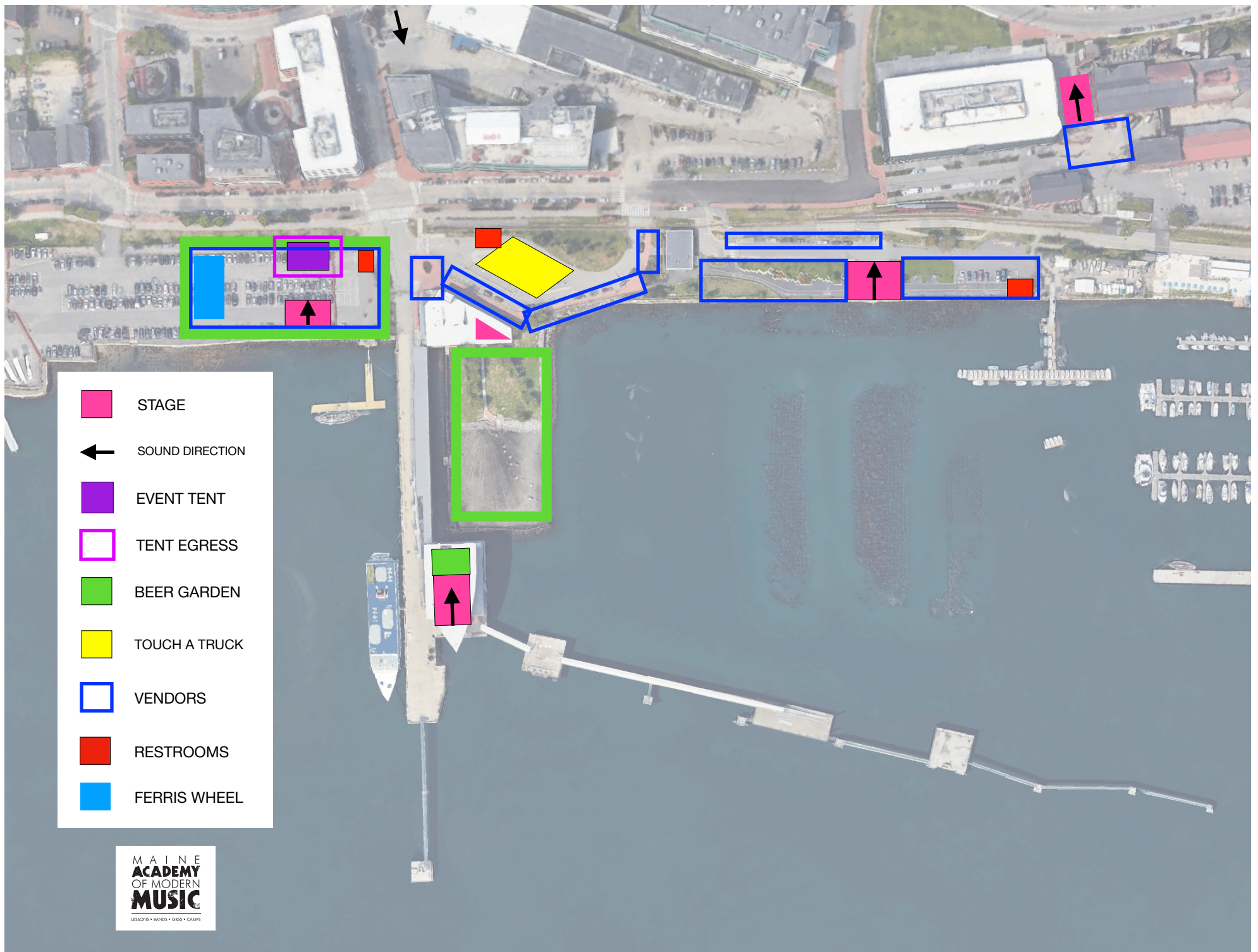
Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections
<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email-MaineLiquor@maine.gov. <https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office.
<https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

Police - Will your event require **Police** assistance?
<https://portlandmaine-portal.app.transform.civicplus.com/forms/26740>

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov



MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING JUNE 9, 2024
THE RESURGAM MUSIC FESTIVAL**

ORDERED, that June 9, 2024 is hereby declared to be the Resurgam Music Festival, sponsored by the Maine Academy of Modern Music; and

BE IT FURTHER ORDERED, that the Resurgam Music Festival area shall be the Amethyst Lot, Moon Tide Park, Ocean Gateway and Ocean Gateway Parking Lot and a portion of the queuing lanes; and

BE IT FURTHER ORDERED, that some parking areas on adjacent streets may be posted No Parking on Festival days; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Resurgam Music Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Maine Academy of Modern Music under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Maine Academy of Modern Music shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The Maine Academy of Modern Music shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area except in the three 21-years-old and older only beer gardens overseen by staff from Facilities Management in Ocean Gateway, in the parking lot by the main stage, and in Moon Tide Park;
3. The Maine Academy of Modern Music shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and all Public Assembly Facilities Division fees will apply;
4. The Maine Academy of Modern Music shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Resurgam Music Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Maine Academy of Modern Music has agreed shall participate;
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;
7. The Organizer shall have the authority to control the festival grounds, including authority to request police assistance if necessary, in order to maintain the festival area in the best interests of the festival; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
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2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area except in the three 21-years-old and older only beer gardens overseen by staff from Facilities Management in Ocean Gateway, in the parking lot by the main stage, and in Amethyst Park;
3. The Maine Academy of Modern Music shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and all Public Assembly Facilities Division fees will apply;
4. The Maine Academy of Modern Music shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Resurgam Music Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Maine Academy of Modern Music has agreed shall participate;
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 85 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;
7. The Organizer shall have the authority to control the festival grounds, including authority to request police assistance if necessary, in order to maintain the festival area in the best interests of the festival; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: February 1, 2024
SUBJECT: Order 126-23/24 Declaring July 11 to August 3, 2024 the Shakespeare in the Park Festival - Sponsored by Danielle P. West, City Manager
SPONSOR: City Manager Danielle West
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/26/2024

Final Action 2/26/2024

Can action be taken at a later date: No Organizer will need time to plan their event.

Does this item involve a new contract with the City: No

PRESENTATION: A representative from Fenix Theater and Public Assembly Facilities Division will be available to any questions at the meeting.

I. SUMMARY

Order declaring Fenix Theatre Company's "Shakespeare in the Park" performance series from July 11th - August 3rd 2024 in Deering Oaks Park as a festival.

II. AGENDA DESCRIPTION

The Fenix Theatre Company has requested use of Deering Oaks Park so that they may bring back their annual summer performances to Portland for the 16th season. This summer's production will be Shakespeare's "Love Labour's Lost." The City's Parks, Recreation & Facilities Management Department is a co-sponsor of the performances. The performances will run Thursday, Friday & Saturday evenings from July 11th through August 3rd 2024 (*performance will be held on Wednesday July 24th to accommodate Festival of Nations on Saturday, July 27th 2024).

Five affirmative votes are required for passage of the consent calendar after public comment.

III. BACKGROUND

This will be the 16th year Fenix Theater has hosted Shakespeare in the Park in Deering Oaks Park.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council declaring Fenix Theatre Company's "Shakespeare in the Park" performance series from July 11th - August 3rd 2024 in Deering Oaks Park as a festival.

V. FINANCIAL IMPACT

The City's Parks, Recreation & Facilities Management Department is a co-sponsor of the performances.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on this yearly event and we are confident in their ability to host the festival.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Fenix Theatre Company - 2024 Council Agenda Memo

2. Fenix Theatre Company - 2024 Park Use Application
3. Shakespeare in the Park 2.26.2024

Prepared by:

Rusty Groh

Date: 02/01/2024

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Andy Downs

Public Assembly Facilities Director

January 29, 2024



TO: Danielle West, City Manager
FROM: Andrew J. Downs, Director of Public Assembly Facilities Division
DATE: January 29, 2024
RE: **Council Agenda Item – Fenix Theatre Company’s 2024
“Shakespeare in the Park” Performance Series**

I am requesting that the following order be placed on
the next City Council agenda:

Order declaring Fenix Theatre Company's "Shakespeare in the Park" performance series,
running Thursday, Friday & Saturday evenings from July 11 through August 3, 2024
(*performances held Wednesday, Thursday & Friday, July 24-26 to accommodate Festival of
Nations on Saturday, July 27)
at Deering Oaks Park, **as a festival.**

The Fenix Theatre Company has requested use of Deering Oaks Park so that they may bring back their annual summer performances to Portland for the 16th season. This summer’s production will be Shakespeare’s “Love’s Labour’s Lost”. The City’s Parks, Recreation & Facilities Management Department is a co-sponsor of the performances.

EVENT DESCRIPTION: These will be family-friendly performances, scheduled as follows: Thursdays, Fridays & Saturdays, 6:30-8pm (except July 24-26 when performances will take place Wednesday, Thursday & Friday to accommodate Festival of Nations in Deering Oaks Park on Saturday, July 27). These performances are to be staged at the Bandstand & adjacent asphalt area. There is no admission fee charged, but donations will be accepted. Approximately 150 People are expected at each performance. Rehearsals are scheduled for July 7-10.

A simple set will be used. A public address system will be used.

Friends of Deering Oaks has endorsed the festival. The Parks Commission has also endorsed the festival.

(continued)

The festival zone for the performance series is Deering Oaks Bandstand area, grass areas bordering the bandstand, and Farmers Market Roadway. This festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of festival organizers for the purpose of conducting the “Shakespeare in the Park” performance series, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Fenix Theatre Company for the use of the above-described area for said Festival subject to the following conditions:

Fenix Theatre Company shall indemnify the city and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the performances and activities;

Under no circumstances may alcoholic beverages be consumed or sold on the streets or park areas of said area during said festival;

Fenix Theatre Company shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the festival;

Any and all amplified music/public announcements shall be maintained at a reasonable level (A-weighted 85 decibels / C-weighted 95 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring businesses, limiting any sound impacts in the area;

Public Assembly Facility Division permit fees for use of the area are waived (Parks, Recreation & Facilities Management Dept. is a co-sponsor of the event); and

Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division, shall be adhered to.

The City Manager is also authorized to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable requirements of said Code have been met regarding the operation of said Festival/Event.

Document prepared by Rusty Groh, Booking Coordinator
Public Assembly Facilities Division



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5400 x0
 Clare Norton clare@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required. There may be fees due and applications required from other City Departments.

TODAY'S DATE		1/17/2024		ORGANIZATION NAME		Fenix Theatre Company	
ADDRESS (Street/City/State/Zip)		23 May Street #3, Portland, ME 04102					
CONTACT NAME(S)		Peter Brown/Shane Van Vliet			TITLE(S)		Artistic Director/Production Manager
PHONE	(207) 615-4020- Peter			PHONE	(207) 332-8415- Shane		PHONE
EMAIL	fenix@fenixtheatre.com			EMAIL	svanvliet78@gmail.com		EMAIL

PARK AREA / PUBLIC SPACE REQUESTED		Deering Oaks Park	
EVENT DAY(S) & DATE(S)		Dress Rehearsals: Sun-Wed July 7-10, 2024 Performances: Thu/Fri/Sat July 11-20 & Aug 1-3; W/Th/Fri July 24-26 (FON)	RAIN DAY(S) & DATE(S) (50% added fee) Sunday July 21 & Sunday Aug 4
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)		5:00-8:30pm	EVENT START & END TIME 6:30-8:00pm

EVENT NAME	EXPECTED ATTENDANCE
Fenix Theatre Company/Shakespeare in Deering Oaks presents LOVE'S LABOUR'S LOST	Typically 100-300 per performance, but can be reduced if necessary

DESCRIPTION OF EVENT: Please be as specific as possible regarding area of public space/park that you would like to permit and please describe event in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures where applicable.
 The play will take place on the bandshell and on the asphalt area in front of the bandshell. The audience will be seated around the asphalt area in front of the bandshell. Performance will use lawn area behind the bandshell as backstage.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: _____ FEE _____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$
	STUDENT FEE	\$

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?
Parking has traditionally not been an issue for our shows in the park.

PLEASE CHECK OFF AND ANSWER:

PLEASE SEE ATTACHED FEE SCHEDULE / DEPT. INFORMATION IF YOU ANSWER YES

		X-YES	X-NO	X-NOT SURE
*	Are you setting up a canopy(s)? (10'x10' size or smaller) How many?	X-1 TO COVER TECH TABLE		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the		X	

	Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***			
*	Will you be setting up tables and/or chairs ? How many tables: chairs:		1- TECH TABLE	
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.		X	
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:		X	
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X- AREA MICS TO AMPLIFY ACTOR VOICES		
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).		X	
*	Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetro.com) to discuss.		X	
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.		X	
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X PORTA-RESTROOM DONATION WOULD BE VERY MUCH APPRECIATED.		

INSURANCE CERTIFICATE INFORMATION			
*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X	
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to tvm@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).			

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.
ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.
BARBECUES - GAS GRILLS ONLY
Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.
PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.
TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!
MARKING OF GROUNDS
Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.
USE OF CANDLES
It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. Any damage (dripped wax absorbed into hardscape causing stains, etc.) will result in a forfeiture of your security deposit.
ADA COMPLIANCE
Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered

inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund. If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit. If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574. Please ask Portland newspapers to run an article alerting the public to the event. You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event. Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place. Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	PEB	DATE	1/23/2022
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	PEB	DATE	1/23/2022
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PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 30 DAYS IN ADVANCE TO:

- ◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: clare@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.	
Simple Event (no registration fee): \$75/hour Event with registration or pledges & attendance 25 - 300: \$125/hr Event with registration or pledges & attendance 301+: \$225/hr Film/Photo Shoot: \$150/day Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee (on site event support): \$37/hour Administrative Fee (event coordination support): \$40/hour or more “No Parking” Signs: \$25 each Cancellation Fee: \$75	Electricity (activation/de-activation) Fee: \$40/flat Porta Restroom User Fee (if attendance is 150+): \$25 Entertainment License: \$50 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/de-activation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, “No Parking” Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT	
Checks should be made payable to City of Portland There will be a 2.65% processing fee added to all Debit / Credit Card transactions.	

FOR OFFICE USE ONLY							
DATE APPLICATION RECEIVED:							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER DECLARING JULY 11 TO AUGUST 3, 2024
THE SHAKESPEARE IN THE PARK FESTIVAL

ORDERED, that July 11 to August 3, 2024 is hereby declared to be the Shakespeare in the Park Festival, sponsored by the Fenix Theater Company; and

BE IT FURTHER ORDERED, that the Shakespeare in the Park Festival area shall be Deering Oaks Park Bandstand and adjacent asphalt area , and Farmers Market Roadway; and

BE IT FURTHER ORDERED, that streets in the Shakespeare in the Park festival area may be posted No Parking on Festival days; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Shakespeare in the Park Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to the Fenix Theater Company under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. The Fenix Theater Company shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Fenix Theater Company shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;

3. The Fenix Theater Company shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;
4. The Fenix Theater Company shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Shakespeare in the Park
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Fenix Theater Company has agreed shall participate;
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 5, 2024

SUBJECT: Order 127-23/24 Granting Municipal Officers' Approval of Highroller LLC, dba Highroller Lobster Co. Application for Extension of On-Premise License Privileges at 104/106 Exchange Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 1/26/24. This is an existing establishment that is expanding their dining/drinking space into 106 Exchange St. Establishment currently holds Class I FSE. New State application. New City and State applications.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2024.02.26_Highroller_Council Order

2. 2024.02.26_Highroller Lobster_Expansion of premise_Council packet

Prepared by:

Date: 02/05/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER

GRANTING MUNICIPAL OFFICERS’

APPROVAL OF:

**Highroller LLC, dba Highroller Lobster Co. Application for Extension of On-Premise
License Privileges at 104/106 Exchange Street**



January 12th, 2024

Mayor Dion & Council Members,

We kindly ask that you accept this application to grow our restaurant business Highroller Lobster Company from its current footprint occupying 102-104 Exchange Street to the adjacent indoor and outdoor space at 106 Exchange Street previously occupied by Timber Steakhouse.

We plan to grow our existing patio into the new outdoor space, which is much needed for our customers in the summertime. We also plan to offer a new menu in the inside space as a winter alternative to our summer-centric Lobster Rolls and seafood creations.

Please find required materials and fees enclosed, in the order that they appear on the supplemental checklist.

Thank you very much for the consideration,



-Peter Jensen Bissell
owner



5901-2024

CITY OF PORTLAND
Permitting and Inspections Department
Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	HIGHROLLER LUBSTER CO. Phone:
Location Address:	106 Exchange St, 04101 Zip:
If new, what was formerly at this location:	TIMBER STEAKHOUSE
Mailing Address:	104 Exchange St, Portland, ME 04101 Zip:
Contact Person:	PETER BISSELL 207-423-3622 Phone:
Contact Person Email:	PETER@BISSELLBROTHERS.COM
Manager of Establishment:	MATT JULIANO Date of Birth: 10/31/91 Phone: 207-224-1220
Owner of Premises (Landlord):	SUE PALACCI
Address of Premises Owner (Landlord):	112 JEANNE ST, PORTLAND ME 04102 Zip:

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
HIGHROLLER LLC	104 EXCHANGE ST PORTLAND ME Zip: 04101

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Contact Person:		Phone:	
Principal Officers	Title	Date of Birth	Residence Address
ANDY GERRY	OWNER	5/6/91	44 Lubec St, SoPo
BAXTER KEY	OWNER	6/24/91	18 LARAWAY RD, SoPo
PETER BISSELL	OWNER	8/10/83	23 Clemons St, SoPo
Class of Liquor License: I (Class A)			



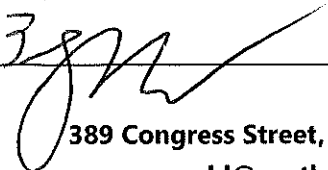
CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Lobster, Steak, Salads, Seafood		
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor		
Projected percentage of sales:	Generated from Food: 70	Generated from Alcohol: 30	
Hours & days of operation:	MON-THURS 5-11, FRI-SAT 12-11, SUN 12-9		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N ☒ Y
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N ☒ N
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			Y/N ☒ N
Will you permit dancing after 1:00 a.m.?			Y/N ☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N ☒ N
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?			Y/N ☒ N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date? MARCH 15 2024			
Does the Issuance of this license directly or indirectly benefit any City employee(s)?			Y/N ☒ N
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			Y/N ☒ N
If Yes, please list business name(s) and location(s): THIS IS AN EXPANSION OF HIGHROLLER LOBSTER CO.			
Is any principal officer under the age of 21?			Y/N ☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			Y/N ☒ N
If Yes, please explain: Peter Bissell - college dorm room party in 2004			

I, Peter Bissell do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature  Title OWNER Date 1/11/24

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov www.portlandmaine.gov

KITCHEN 2023

REMEMBER TO CHOOSE YOUR SAUCE!

SEA

THE LOBSTER ROLL

TOASTED BRIOCHE BUN, ROMAINE LETTUCE,
FRESH MAINE LOBSTER, CHOICE OF SAUCE

JUNIOR (2oz) \$16

FULL-SIZE (4oz) \$28

LOBSTER ROLL FLIGHT

THREE INDIVIDUAL 2 OZ LOBSTER ROLLS, EACH
WITH YOUR CHOICE OF SAUCE

\$45

LOBSTER GRILLED CHEESE

ENGLISH MUFFIN LOAF, JARLSBERG & CABOT,
FRESH MAINE LOBSTER, CHOICE OF SAUCE

\$30

LOBSTER CHEESE CRISP TACO

FRESH MAINE LOBSTER, ROMAINE, & CHOICE OF SAUCE
IN A CHEESE-CRISP TACO SHELL + GLUTEN FREE*

\$30

BACON & CHEESE TACO SHELL +\$3

CRAB ROLL

TOASTED BRIOCHE BUN, ROMAINE LETTUCE,
FRESH MAINE CRAB, CHOICE OF SAUCE

\$30

HADLOCK SANDO

LOCAL HADDOCK LAGER-BATTERED & FRIED GOLDEN BROWN
WITH HOUSE TARTAR, SHREDDED LETTUCE, CHOICE OF SAUCE

\$16

FISH N' CHIPS

DOUBLE PORTION LOCAL HADDOCK LAGER-BATTERED &
FRIED GOLDEN BROWN WITH HOUSE TARTAR,
HIGHFRIES & CHOICE OF SAUCE

\$24

LOBBY POP™

FRESH MAINE LOBSTER TAIL ON A STICK, WARMED IN BUTTER OR
CORNBREAD BATTERED AND FRIED, CHOICE OF DIPPING SAUCE

NAKED \$16 FRIED \$18

THE SURF & TURF BURGER*

OUR BRISKET-BLEND HAMBURGER TOPPED WITH FRESH,
NEVER-FROZEN LOBSTER MEAT & CHOICE OF SAUCE

JUNIOR (4oz) \$22 GROWN (8oz) \$33

LAND

THE HIGHBURGER*

BRISKET BLEND, ROMAINE, CARMIES, CHEESE,
FRESH BUN, CHOICE OF SAUCE

JUNIOR (4oz) \$10

GROWN (8oz) \$15

HR CHICKEN SANDO

HAND-BREADED CHICKEN BREAST ON BRIOCHE
BUN WITH SHREDDED ROMAINE & CHOICE OF SAUCE

\$15

MAC & CHEESE

HEALTHY PORTION OF OUR 4-CHEESE MAC TOPPED WITH
BREADCRUMBS & HR CHEESE BLEND. ELEVATE IT BELOW-

\$9

BACON +\$3
LOBSTER +\$21

BLT

ENGLISH MUFFIN LOAF, APPLEWOOD BACON,
ROMAINE, TOMATO, CHOICE OF SAUCE

\$14

FRIED CHICKEN BREAST +\$8

WITH LOBSTER +\$21

WITH CRAB +\$24

FRANKFURTER

SHIELD'S MEATS FRANK,
TOASTED BRIOCHE BUN, CHOICE OF SAUCE

AVAILABLE AS VEGGIE DOG

\$7

CORN DOG

SHIELD'S MEATS FRANK CORNBREAD
BATTERED & FRIED WITH CHOICE OF SAUCE
AVAILABLE AS VEGGIE CORNDOG

\$7

SWEET

WHOOPIE PIES

BLONDIE BARS

MADE FRESH BY CO-FOUNDER ANDY'S MOM AT
PORTLAND CAKE COMPANY! ROTATING FLAVORS,
ASK A STAFF MEMBER WHAT WE HAVE TODAY

\$6

RAW BAR

MAINE OYSTERS*

THE FRESHEST, MOST DELICIOUS LOCAL OYSTERS, HANDS DOWN.
SHUCKED TO PERFECTION EVERY SINGLE TIME.

SERVED WITH LEMON, MIGNONETTE, COCKTAIL SAUCE

& HORSERADISH

SINGLE \$4

LUCKY 7 \$24

BAKER'S DOZEN \$35

SCALLOP CEVICHE*

SCALLOPS IN A SPICY CITRUS, PEPPER & HERB
MARINADE, TOPPED WITH FRIED SHALLOTS, SERVED WITH
RED TORTILLA CHIPS

\$20

SEAFOOD COCKTAILS

SERVED CHILLED WITH COCKTAIL SAUCE, LEMON & HORSERADISH

SEASONED SHRIMP \$13

LOBSTER TAILS \$21

SEAFOOD TOWER*

FOUR SPLIT LOBSTER TAILS, SHRIMP COCKTAIL,
SCALLOP CEVICHE WITH TORTILLA CHIPS,

16 FRESH MAINE OYSTERS

\$105

CAVIAR & CHIPS +\$50

SOUP & SALAD

LOBSTER BISQUE

OUR BELOVED BISQUE, NOW AVAILABLE YEAR ROUND!
2 OZ OF SAVORY LOBSTER MEAT IN EVERY 8 OZ BOWL!

\$18

CAESAR

ROMAINE, PARMESAN, LEMON, HOUSE CROUTON & DRESSING

\$11

FRIED CHICKEN BREAST +\$8

LOBSTER +\$21

SHRIMP +\$9

SIDES

GO AHEAD, ROUND OUT THAT TRAY

HIGHROLLER™ BRAND

KETTLE CHIPS

OUR OWN NEW-ENGLAND STYLE KETTLE-COOKED CHIPS,
WITH 100% MAINE POTATOES!

CHOOSE FLAVOR-

-CASCO BAY SEASONING

-CURRIED KETCHUP

SMALL \$3 / LARGE \$6

HIGHFRIES

NO VISIT IS COMPLETE WITHOUT 'EM.

SHOESTRING CUT, OLD BAY SEASONING, CURRIED KETCHUP

CUP \$5 / BASKET \$7

SLAW

CREAMY DRESSING, RED & WHITE
CABBAGE, CARROT, WHITE ONION

\$3

SWEET POTATO FRIES

SERVED WITH SEA SALT, PEPPER

& CURRIED KETCHUP

CUP \$5 / BASKET \$7

POTATO SALAD

MAINE POTATOES WITH EGG, HERBS,
ONION AND HOUSE SEASONING

\$4

ADD-ONS

TAKE YOUR ROLL OR SANDWICH TO THE NEXT LEVEL

APPLEWOOD BACON \$3 | CARAMELIZED ONION \$2 | TOMATO \$1 | CHEESE \$2

LOBSTER (3oz) \$21 | AVOCADO \$2 | FRIED CHICKEN BREAST \$8

SAUCES

THE KEY TO THE HIGHROLLER EXPERIENCE

LIME MAYO | JALAPENO MAYO | ROASTED RED PEPPER MAYO | CHARRED PINEAPPLE MAYO

GARLIC MAYO | CURRIED KETCHUP | HONEY DIJONNAISE | SWEET OR HOT RELISH

LOBSTER GHEE | DRAWN BUTTER

*Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

BEER LOCAL. DELICIOUS.

WE LOVE BEER AT HIGHROLLER - WE GOT OUR START POPPING UP IN BREWERY PARKING LOTS, AND THE RELATIONSHIP HAS ONLY GOTTEN STRONGER.

WE CARRY A ROTATING SELECTION OF DRAFT, CANNED/BOTTLED, AND CELLARED BEER. CHECK OUT TODAY'S DRAFT BOARDS OR ASK FOR THE CAN/BOTTLE AND CELLAR MENU!

COCKTAILS ALSO AVAILABLE TO-GO!

LIQUID

HOUSE MARGARITA	\$10	BONY-RITA (WITH CORONITA)	\$13
ONE MARGARITA TO RULE THEM ALL. FRESH LIMONADA, ORANGE JUICE, HORNITOS, COINTREAU. MAKE IT 1-AND-1 WITH MINI CORONA FOR \$3 MORE			
THE RUMBO	\$10	DOUBLE IT WITH A BUCKET	\$18
INSPIRED BY THE LEGENDARY BEACH COMMUNITIES OF SOUTHERN MAINE. 4 RUMS, 4 JUICES, ALL KILLER NO FILLER. GRAB A BUCKET FOR GROUPS!			
BLOODY MARY	\$10	BONY'S BIG-OL'-BLOODY	\$25
SPICY HOUSE MIX & TITO'S - OUR PREFERRED OYSTER-EATING COMPANION. BONY'S VERSION COMES WITH BACON, LOBSTER, OYSTER, SHRIMP & CAVIAR.			
COCKTAIL-DU-JOUR	\$10		
ASK WHAT TODAY'S BATCH OF ROTATING DELICIOUSNESS IS!			

FROZEN

FROZÉ	\$10
THE ORIGINAL AND BEST VERSION IN PORTLAND, MAINE. BE ABOUT IT!	
ROTATING FROSTY	\$10
TODAY'S ROTATING FROZEN OFFERING.	
SWIRLY BOI	\$10
FROZÉ + ROTATING FROSTY....AT THE SAME TIME!	

JELL-O

FUN, SHARABLE VERSIONS OF OUR COCKTAILS.
FLAVORS - MARGARITA, RUMBO, WEEKLY ROTATING
\$3 EACH / \$13 FOR 5 / \$25 FOR 10

WINE IF YOU'RE FANCY

WHITE BY THE GLASS

BENGUELA COVE	SAUVIGNON BLANC	\$10
SCARPETTA FRIULI	CHARDONNAY	\$12
CHRISTINA	GRUNER VELTLINER	\$12

REDS BY THE GLASS

KEEP IT CHILL	GAMAY (CHILLED)	\$10
TWO BY SEA	CABERNET SAUVIGNON	\$10
TWO BY SEA	PINOT NOIR	\$10

ORANGE/PINK BY THE GLASS

PAUL D	ROSÉ	\$8
PINKE PINKE	ROSÉ	\$14
AZIMUT	ORANGE WINE	\$13
SUMMER WATER	SPARKLING ROSÉ	\$13

BUBBLES (SINGLE SERVINGS)

BLUET	SPARKLING BLUEBERRY WINE	\$10 (CAN)
BENJAMIN BRIDGE	PET NAT	\$12 (CAN)
GAMBINO	PROSECCO	\$9 (BOTTLE)

SPIRITS NEAT, ROCKS, OR PICK A SOFT DRINK MIXER

WHISKEY/SCOTCH: JACK DANIEL'S, JAMESON, FIREBALL, STROUDWATER, ROCK & RYE, GLENLIVET 12 GIN: BOMBAY SAPPHIRE
TEQUILA/MEZCAL: HORNITOS PLATA, MONTELOBOS, LEGENDARIO DOMINGO RUM: BACARDI, SAILOR JERRY, MALIBU, MYER'S DARK
VODKA: TITO'S LIQUEUR: ALLEN'S COFFEE BRANDY, VESPERTINO, LIQUID RIOT FERNET MICHAUD, GREEN CHARTREUSE

SOFT DRINKS U-PICK, \$3 EACH

COCA-COLA, DIET COKE, SPRITE, FANTA ORANGE, BARQ'S ROOT BEER, MOXIE,
LEMONADE, ICED TEA, ORANGE JUICE, CRANBERRY JUICE, MILK, YOO-HOO, BOTTLED WATER,
AHA SELTER - ASSORTED FLAVORS

STARTERS

F.O.S.

FRENCH ONION SOUP, CROSTINI, GUYERE
BLOOMIN' ONION
JUMBO ONION WITH AIOLI
WEDGE SALAD
ICEBURG, BLEU CHESE, BACON, TOMATO
DEVEILED EGGS
BEEF JERKY
HOUSE JERKY, CURRENT FLAVORS
ROLLS + HOUSE BUTTER
FRESH BAKED ROLLS WITH HERB BUTTER
JUMBO SHRIMP COCKTAIL
OYSTERS CASINO

MAINS

ALL MAINS COME WITH SIDE

PORK CHOP

GRILLED CHICKEN BREAST

FISH OF THE DAY

BURGER

MCRIB

HIGH STEAKS

PRIME RIBEYE

PRIME PORTERHOUSE

PRIME FILET

PRIME NY STRIP

PRIME TRI-TIP

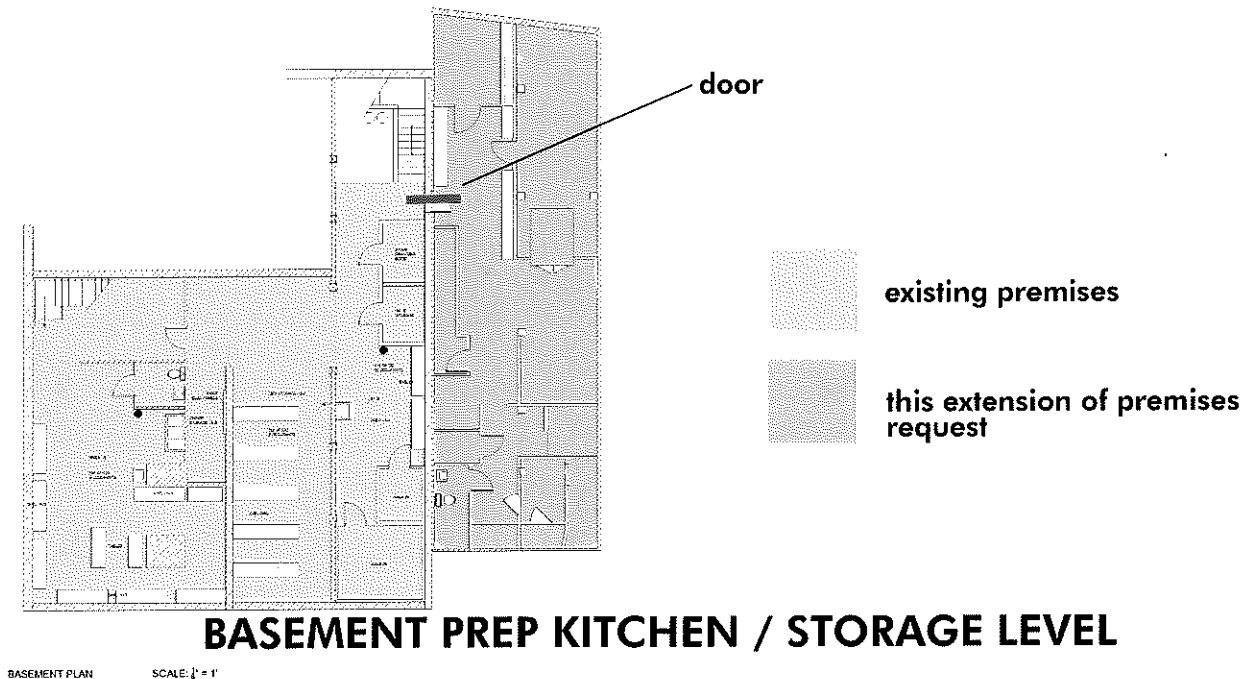
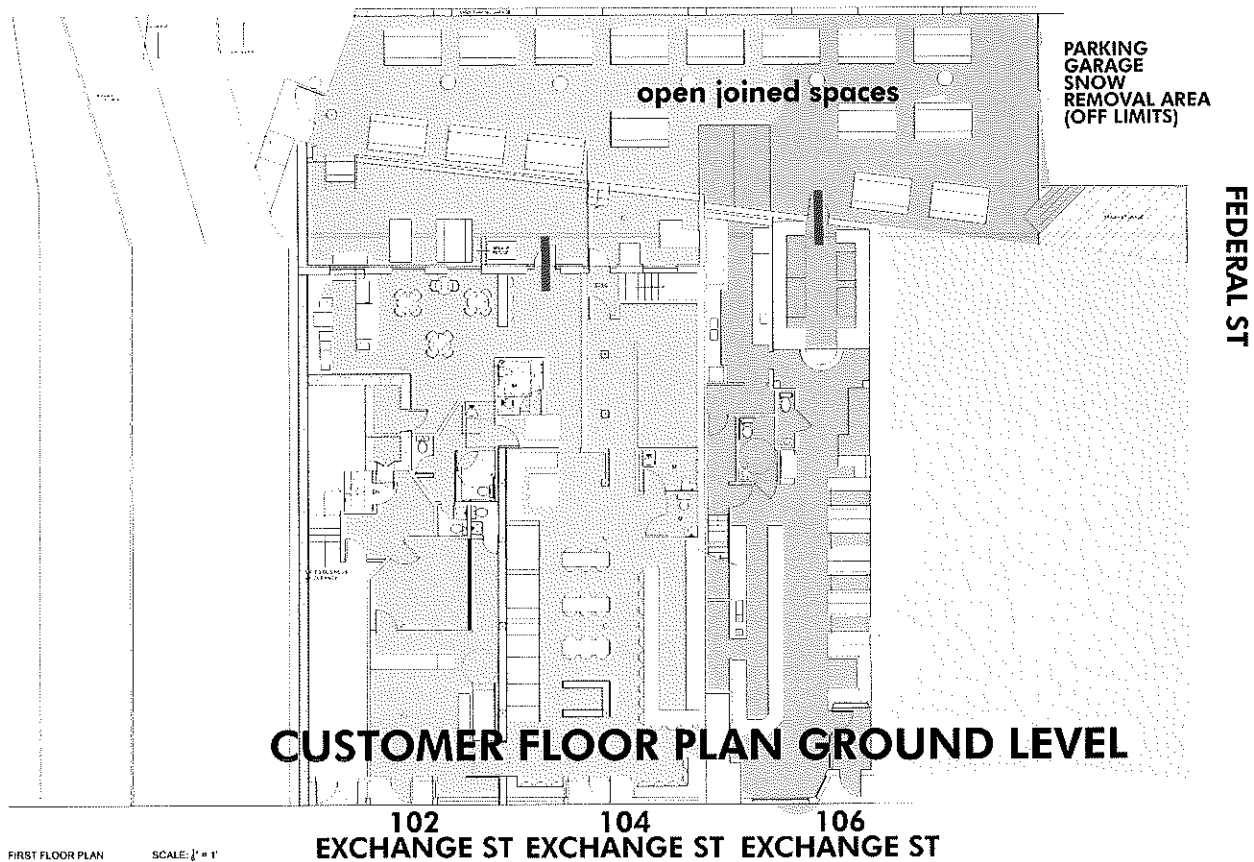
SIDES

DINNER ROLL
MASH
POTATOS AU GRATIN
LOADED BAKED
ASPARAGUS
CARROTS
MOUNTAIN BEANS
WHITE RICE
FRIES
SIDE SALAD

LOW STAKE SAUCE

BEARNAISE
CHIMICHURRI
BORDELAISE
PEPPERCORN CREAM

HIGH ROLLER LLC EXTENSION OF PREMISES REQUEST





Zachary Lenhart <zlenhart@portlandmaine.gov>

Highroller Lobster - Expansion of premise - 104 Exchange Street

Eric Nevins <erich@portlandmaine.gov>

Sat, Feb 3, 2024 at 2:02 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Approved

On Thu, Feb 1, 2024 at 4:23 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--
Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

City of Portland | Permitting and Inspections
Zachary Lenhart, Licensing and Housing Safety Manager



February 16, 2024

Highroller LLC
104 Exchange Street
Portland, Maine 04101

Re: Highroller LLC, dba Highroller Lobster Co. Application for Extension of On-Premise License Privileges at 104/106 Exchange Street

Dear Highroller LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 26, 2024 at 5:00 p.m., for the review of application for Extension of On-Premise License Privileges at 104/106 Exchange Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 26, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. Highroller LLC, dba Highroller Lobster Co. Application for Extension of On-Premise License Privileges at 104/106 Exchange Street - Sponsored by Danielle P. West, City Manager



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): <u>HIGHROLLER LLC</u>	Business Name (D/B/A): <u>Highroller Lobster Company</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <u>104 Exchange St.</u>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <u>gclaw@hissellbrothers.com</u>
Telephone # Fax #:	Business Telephone # Fax #: <u>207-536-1633</u>
Federal Tax Identification Number: <u>47-4193862</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: <u>highrollerlobster.com</u>

1. New license or renewal of existing license? ☐ New Expected Start date: _____

☒ Renewal Expiration Date: 2/07/24

2/07/23 - 2/07/24 (closed 1/1/24 - 2/14/24)

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$4,731.267 Beer, Wine or Spirits: \$611,993 Guest Rooms: /

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

104 Exchange St, Portland ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
BISSELL BROTHERS	B-35	38 RESURGAM PLACE, PORTLAND ME
	RES-2021-13087	

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
BAXTER PAUL KEY	6/27/91	Portland, ME
ANDREW TYLER GERRY	5/6/91	Portland, ME
PETER JENSEN RISSELL	8/10/83	Salem, OR
Residence address on all the above for previous 5 years		
Name	Address: <u>Attached</u>	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☒ Yes ☐ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: Peter Bissell Date of Conviction: Nov 2004
Offense: providing a place for minors to consume Location: UMAINE ORENO
Disposition: college dorm room party broken up

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☒ Yes ☐ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: SAME AS ABOVE Date of Conviction: _____
Offense: _____ Location: _____
Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

JOE PALACCI, 112 JEANNE ST, PORTLAND ME 07102

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available:

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Attached

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Unitarian Universalist Church, Congress St.

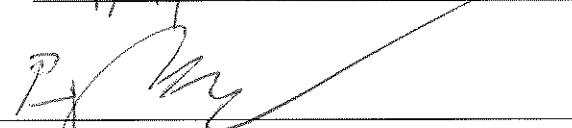
Distance: 0.1 mile

Section II: Signature of Applicant(s)

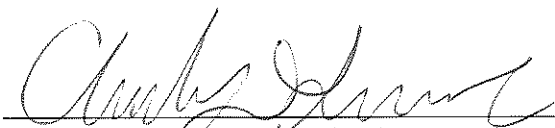
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 1/11/24


Signature of Duly Authorized Person

Peter Bissell
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

Andrew Gerry
Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: HIGH ROLLER LLC
2. Doing Business As, if any: Highroller Lobster Co.
3. Date of filing with Secretary of State: _____ State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
	<u>Attach</u>			

(Ownership in non-publicly traded companies must add up to 100%.)

Number 12. And Section VII.

Baxter Key

DOB 6/24/1991

Percentage of Ownership 24.5%

18 Larchwood Road, South Portland, ME 04106

51 Bonnybriar Road, South Portland, ME 04106

271 Deering Avenue, Portland, 04103

Peter Bissell

DOB 8/10/1983

Percentage of Ownership 50%

23 Clemons Street, South Portland, ME 04106

166 Mussey Street, South Portland, ME 04106

Andrew Gerry

DOB 5/6/1991

Percentage of Ownership 24.5%

44 Lubec Street, South Portland, ME 04106

346 Ocean Street, South Portland, ME 04106

461 Cumberland Avenue, Portland, ME 04101

Noah Bissell

DOB 12/27/1989

Percentage of Ownership 1%

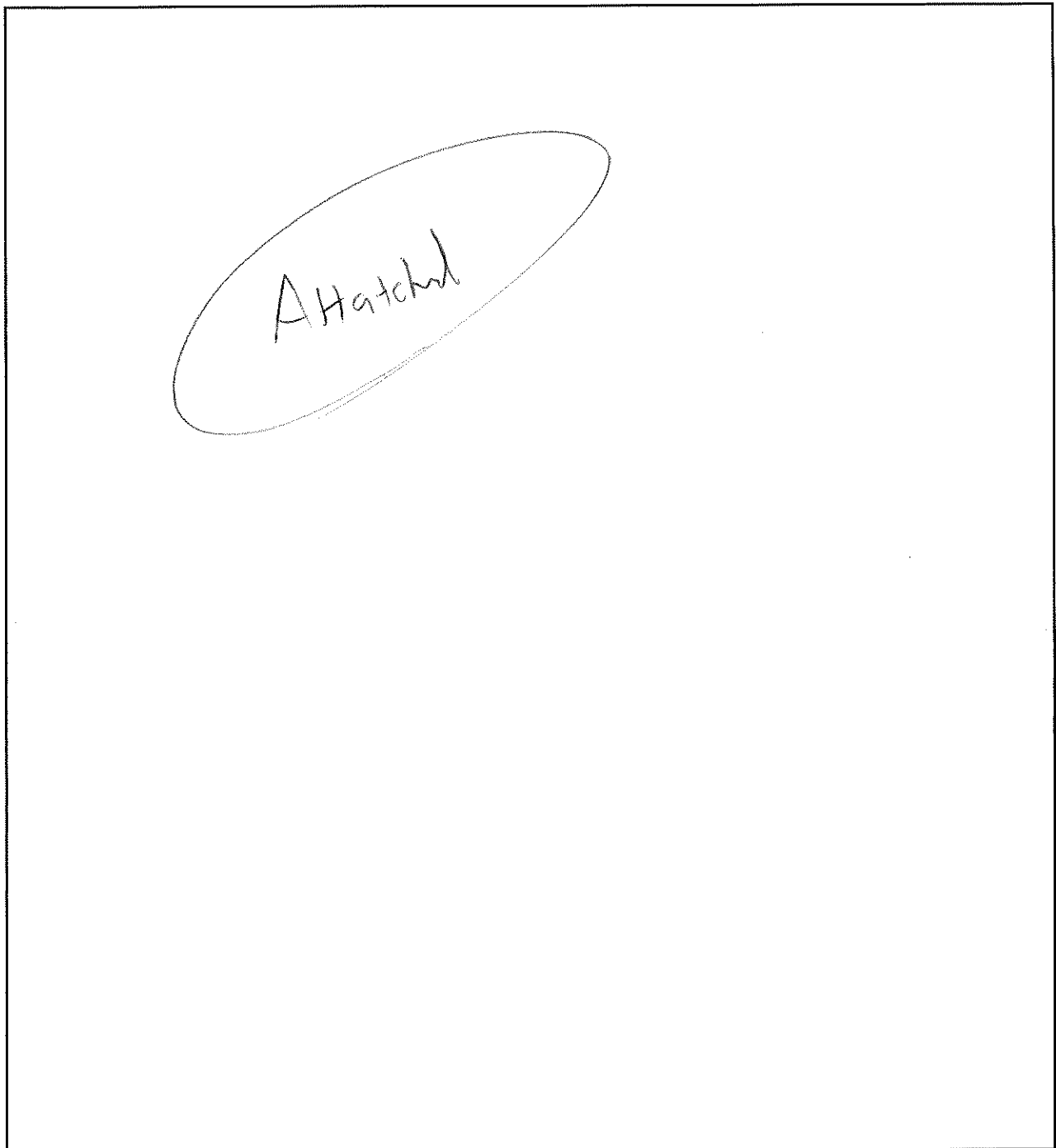
441 Morse Road, New Gloucester, ME 04260

11 Everett, Portland, ME 04101

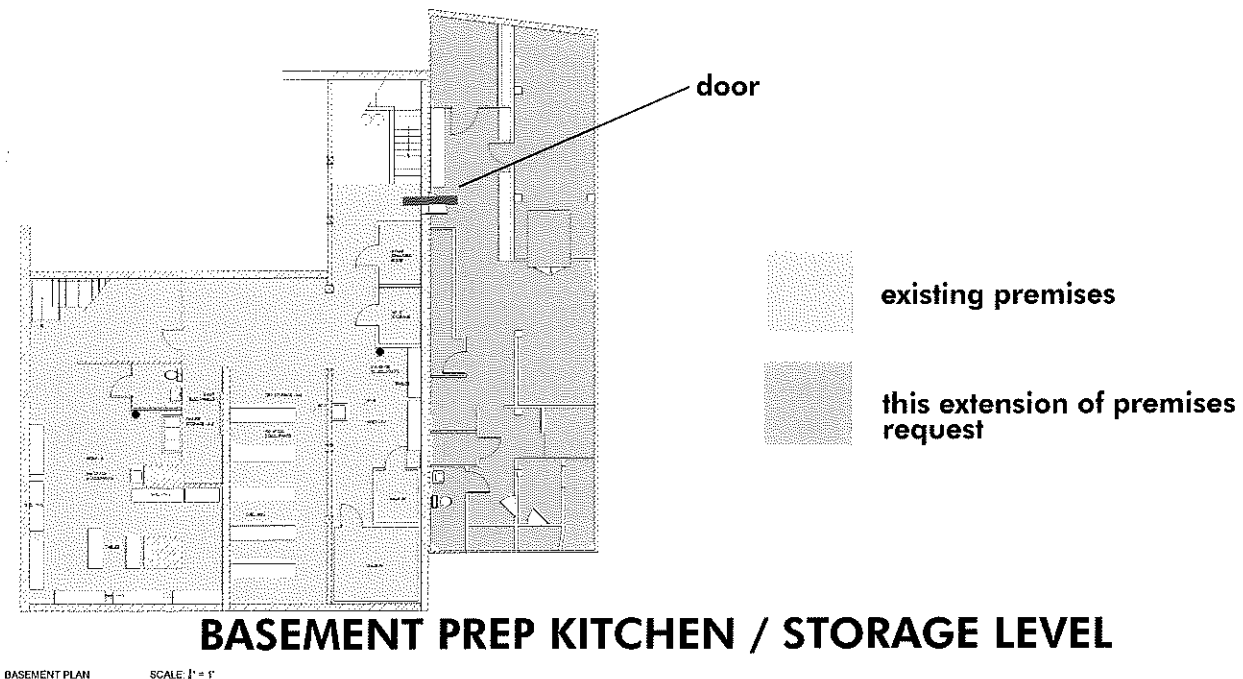
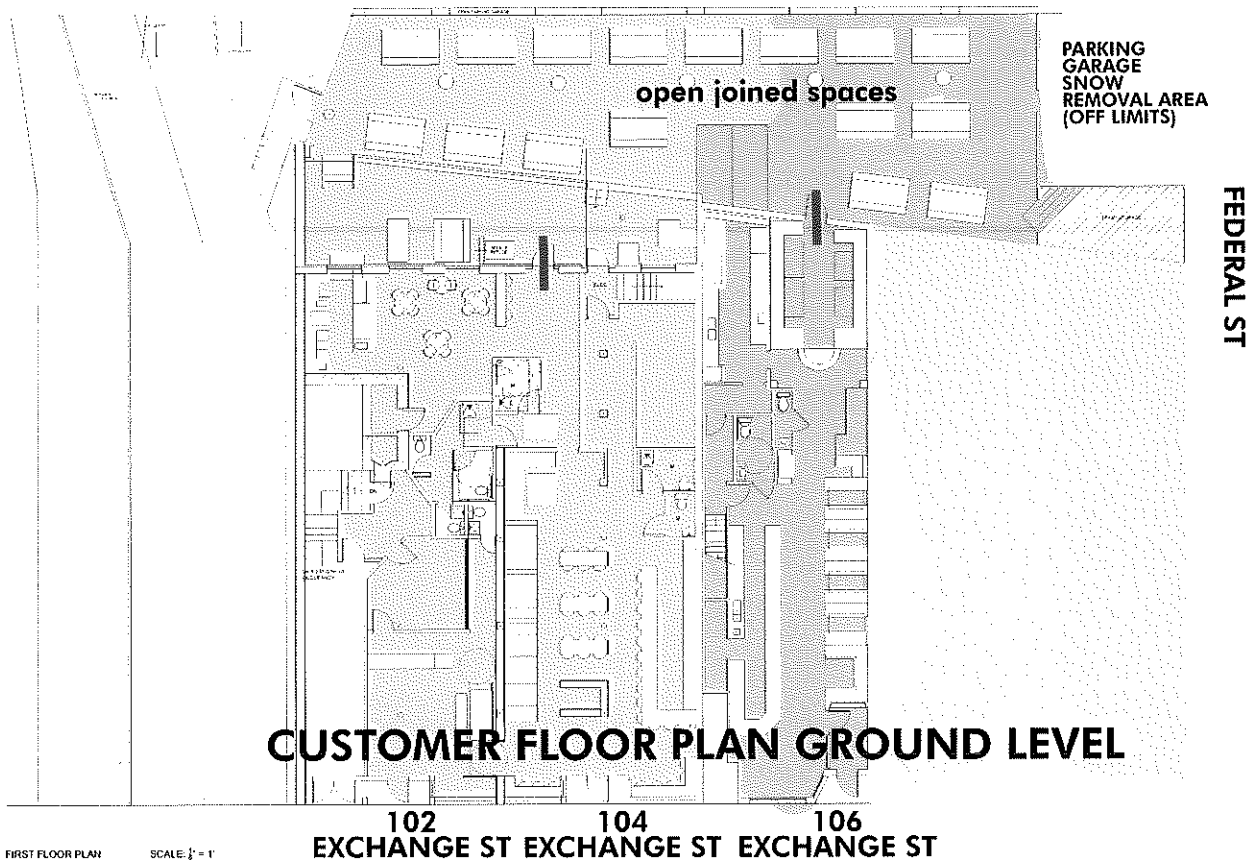
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



HIGH ROLLER LLC EXTENSION OF PREMISES REQUEST





STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): HIGH ROLLER LLC	Business Name (D/B/A): HIGHROLLER LOBSTER CO.
Individual or Sole Proprietor Licensee Name(s): ANDY GERRY, BAXTER KEY, PETER BISSELL	Physical Location: 102-106 Exchange St, Portland ME
License Number: CAR-2017-10598	Mailing address, if different: 104 Exchange St. Portland
Mailing address, if different from DBA address:	Email Address: peter@bissellbrothers.com
Telephone # Fax #:	Business Telephone # Fax #: 207-536-1623

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: JOE PALACCI

Complete mailing address: 112 JEANNE ST
PORTLAND, ME 04102

Telephone/Mobile Number: 1-207-450-9000

Email Address: pierress@yahoo.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☐
b. Permanent ☒ Inside ☒ Outside ☒

continue to next page

3. Start Date: MARCH 15th 2024 End Date (if applicable): _____

4. Will dancing be permitted in this area? Yes ☐ No ☒

a. If yes, does the establishment have a dance license? Yes ☐ No ☒

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

5. Will there be live entertainment in this area? Yes ☐ No ☒

6. Reason for this request:

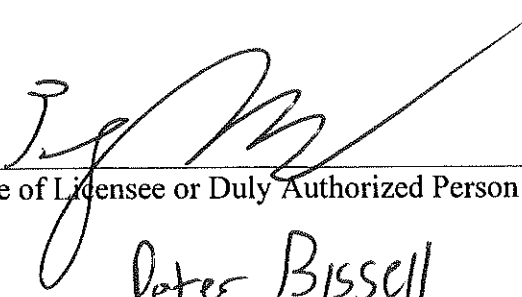
We have been offered the adjacent restaurant space and back patio. We are combining these spaces into an extension of HIGH ROLLER LLC for more indoor and outdoor dining + drinking options.

Section III: Signature of Licensee

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 12/27/23



Signature of Licensee or Duly Authorized Person

Peter Bissell

Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Continued to next page

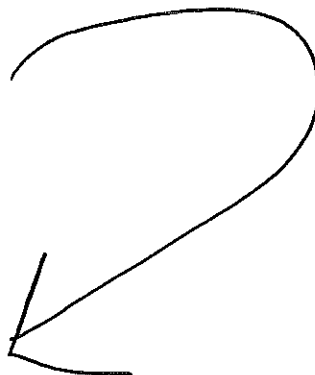
Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).

ATTACHED ON NEXT PAGE



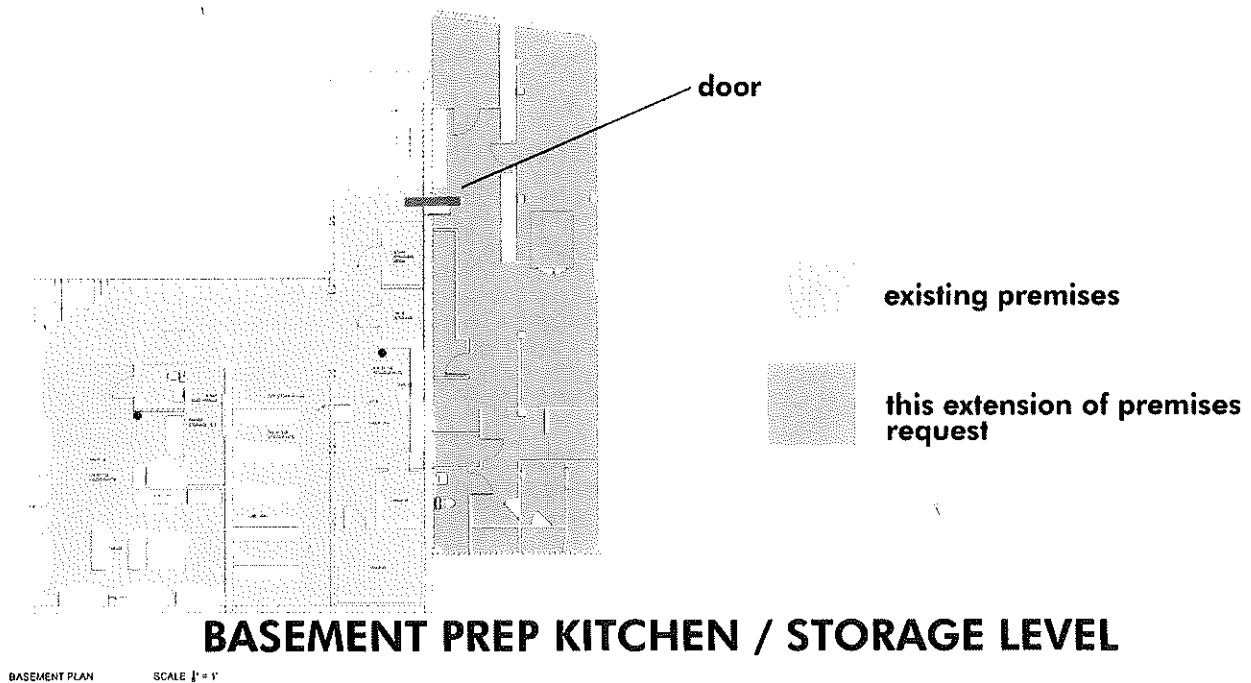
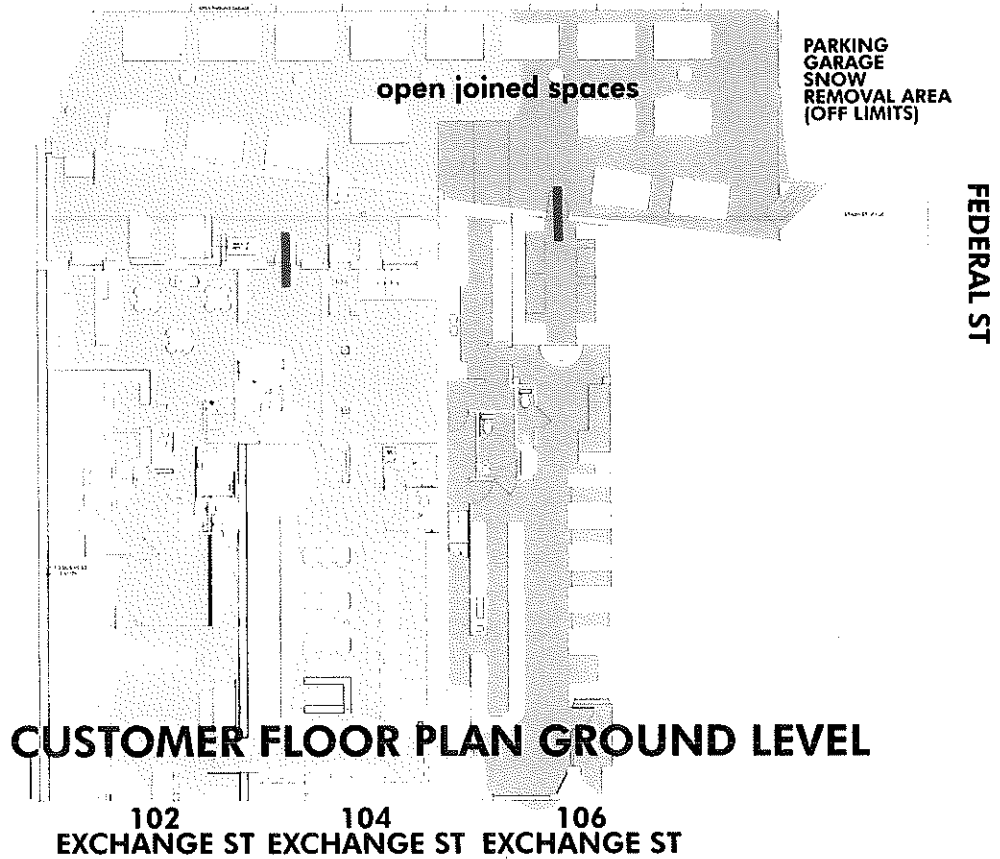
For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved

☐ Not Approved

HIGH ROLLER LLC EXTENSION OF PREMISES REQUEST



MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 5, 2024

SUBJECT: Order 128-23/24 Granting Municipal Officers' Approval of Blue Lobster Urban Winery LLC, dba Blue Lobster Urban Winery. Application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1 - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 1/29/24. This is an existing establishment upgrading classification. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City and State application.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2024.02.26_Blue Lobster_Council Order
2. 2024.02.26_Blue Lobster_Class upgrade_Council packet

Prepared by:

Date: 02/05/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER

GRANTING MUNICIPAL OFFICERS’

APPROVAL OF:

**Blue Lobster Urban Winery LLC, dba Blue Lobster Urban Winery. Application for Class
A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1**



January 26, 2024

Mayor Mark Dion
Portland City Council
389 Congress Street
Portland, Maine 04101

RE: Blue Lobster Urban Winery, LLC - Application for Class A Lounge License at New Location

Dear Mayor Dion and City Council,

Blue Lobster Urban Winery (BLUW), currently located at 219 Anderson Street is moving to 200 Anderson Street and has applied for a Food Service Establishment with Alcoholic Beverage License (Class A Lounge) and a Winery Manufacturing License.

BLUW plans to continue selling its wine products for on-premise and off-premise consumption and use the new Class A License to sell other manufacturers' beer and spirits for on-premise consumption only. BLUW will continue to sell small food offerings such as crackers and cheeses from local producers.

Please find, for your review and consideration the following documents;

1. Application for City Food Service Establishment with Alcohol Beverages License
2. Supplemental Application for Outdoor Dining on Private Property
3. Application for Winery Manufacturing License

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Gamble', is written over a light blue horizontal line.

Chris Gamble
Owner Blue Lobster Urban Winery, LLC



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	BLUELOBSTER URBAN WINERY
Location Address:	200 ANDERSON ST. #1 PORTLAND, ME
If new, what was formerly at this location:	URBAN FARM FERMENTORY - TASTING ROOM, WINERY
Mailing Address:	200 ANDERSON ST #1 PORTLAND, ME
Contact Person:	CHRIS GAMBLE
Contact Person Email:	CHZIS@BLUELOBSTERWINES.COM
Manager of Establishment:	CHRIS GAMBLE
Owner of Premises (Landlord):	184 ANDERSON, LLC
Address of Premises Owner (Landlord):	200 ANDERSON ST #5 PORTLAND, ME

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
BLUELOBSTER URBAN WINERY, LLC		200 ANDERSON ST #1 PORTLAND ME 04101	
Contact Person:	CHRIS GAMBLE	Phone:	207-671-1154
Principal Officers	Title	Date of Birth	Residence Address
CHRIS GAMBLE	OWNER	3-5-67	10 WOODLAND RD CARE ELIZABETH, ME 04107
JASON KROST	OWNER	6-3-87	50 LAWN AVE PORTLAND, ME 04103
Class of Liquor License: CLASS A LOUNGE			



CITY OF PORTLAND
Permitting and Inspections Department

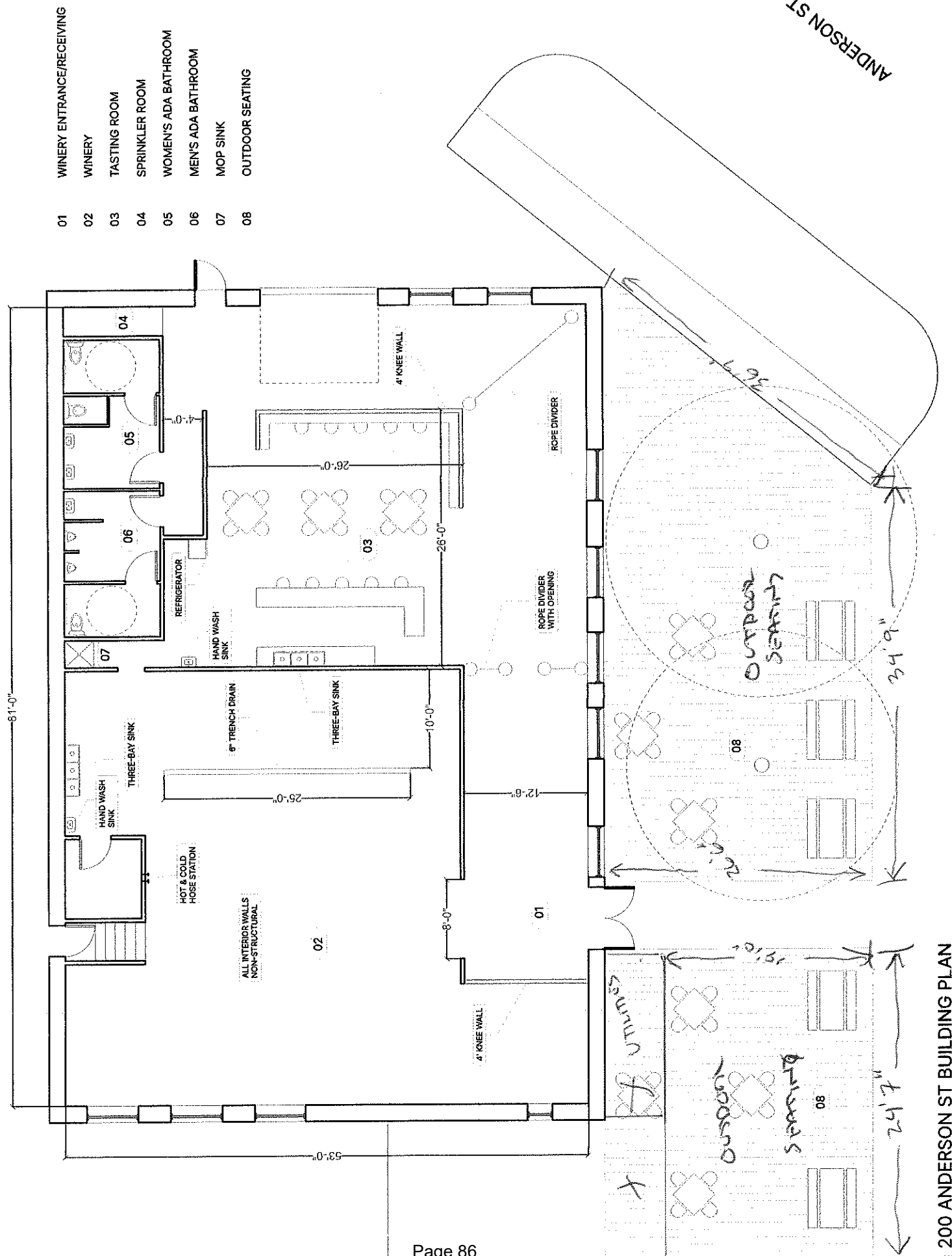
Type of food served:	CHARCUTERIE TYPE FOOD	
Please circle all that will be served:	(Beer) (Wine) (Liquor)	
Projected percentage of sales:	Generated from Food: 25%	Generated from Alcohol: 75%
Hours & days of operation:	M, TU, WED, THUR 2-7 FRI, SAT 12-9 SUN 12-6	
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y(N)
If No, please explain: WE WILL ONLY SERVE CHARCUTERIE-TYPE FOOD		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y(N)
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y(N)
Will you permit dancing after 1:00 a.m.?		Y(N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y(N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		PRIVATE
Will you have any amusement devices (pinball, video games, juke box)?		Y(N)
If yes, please list: # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		5-1-24
Does the issuance of this license directly or indirectly benefit any City employee(s)?		Y(N)
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y/N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		Y(N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y(N)
If Yes, please explain:		

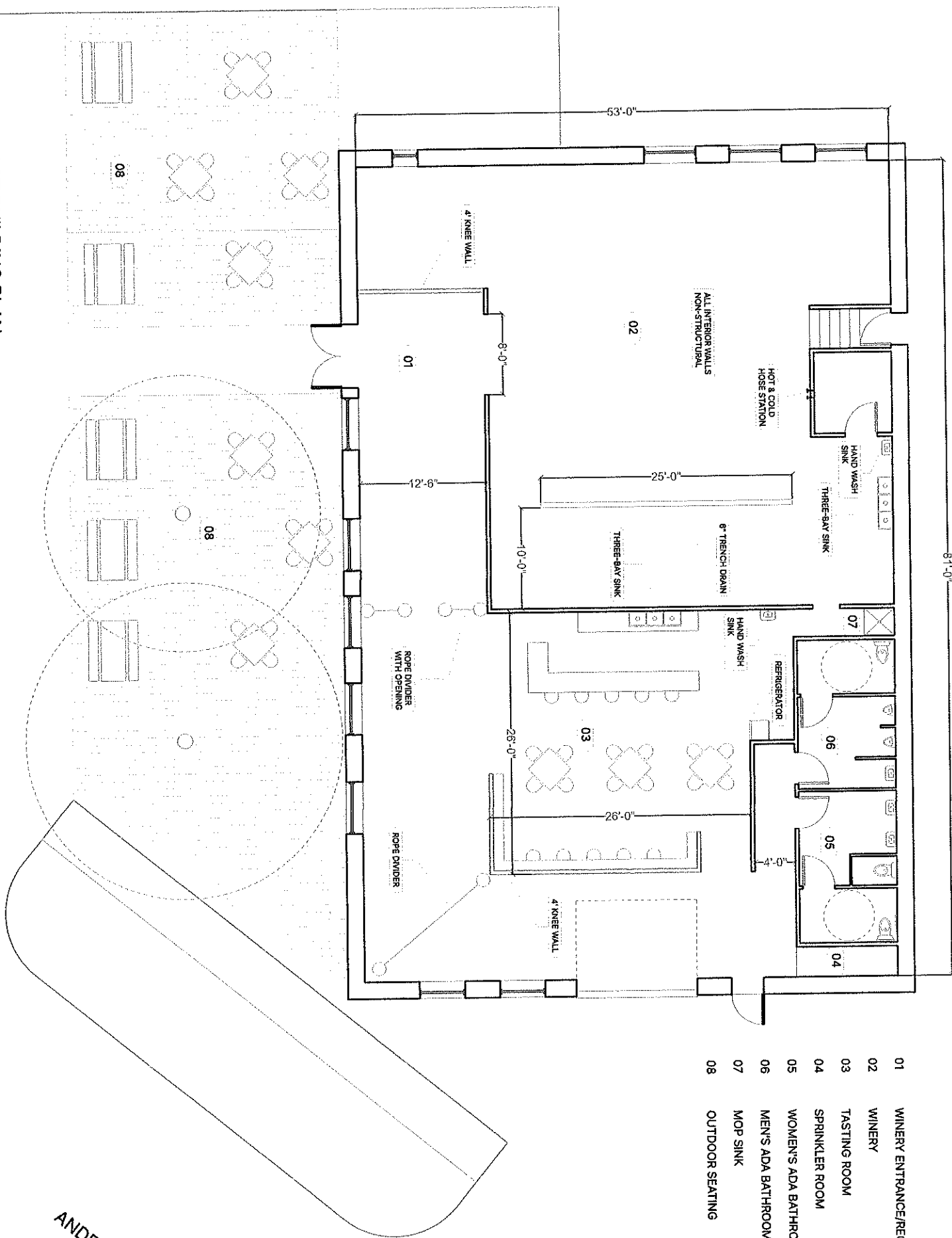
I, CHRIS GAMBLE do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Chris Gamble Title OWNER Date 1/26/24





- 01 WINERY ENTRANCE/RECEIVING
- 02 WINERY
- 03 TASTING ROOM
- 04 SPRINKLER ROOM
- 05 WOMEN'S ADA BATHROOM
- 06 MEN'S ADA BATHROOM
- 07 MOP SINK
- 08 OUTDOOR SEATING

ANDERSON ST





CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☐ Legal Advertisement Deposit \$100.00

Business Information			
Business Name (d/b/a):	BLUE LOBSTER URBAN WINERY	Phone:	207-956-7051
Location Address:	200 ANDERSON ST #1 PORTLAND, ME	Zip:	04101
Mailing Address:	SAME	Zip:	
Contact Person:	CHRIS GAMBLE	Phone:	207-671-1154
Contact Person Email:	CHRIS@BLUELOBSTERWINERY.COM		
Manager of Establishment:	CHRIS GAMBLE	Date of Birth:	3-5-67
		Phone:	207-671-1154
Owner of Premises (Landlord):	184 ANDERSON, LLC		
Address of Premises Owner:	200 ANDERSON ST #5 PM	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
BLUE LOBSTER URBAN WINERY, LLC		200 ANDERSON ST #1	
		Zip:	04101
Contact Person:	CHRIS GAMBLE	Phone:	207-671-1154
Principal Officers	Title	Date of Birth	Residence Address
CHRIS GAMBLE	OWNER	3-5-67	10 WOODLAND RD, CAPE ELIZABETH, ME 04107
JASON KROST	OWNER	6-3-87	50 LAWN AVE PORTLAND, ME 04101



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	FOODSERVICE ESTABLISHMENT LICENSE w/ ALCOHOL BEV. CLASS A ^{LOUNGE}
Type of food served:	CHARCUTERIE - CURED MEATS, BREAD, CREAM
Please circle all that will be served:	Beer Wines Liquor
Hours & days of operation:	MON - THURS 2-7 FRI, SAT 12-9 SUN 12-6
Number of Tables	17 INSIDE AND OUTSIDE 80 CHAIRS
Number of Chairs	80 CHAIRS INSIDE AND OUTSIDE

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature Chris Funder Title OWNER Date 1/26/24

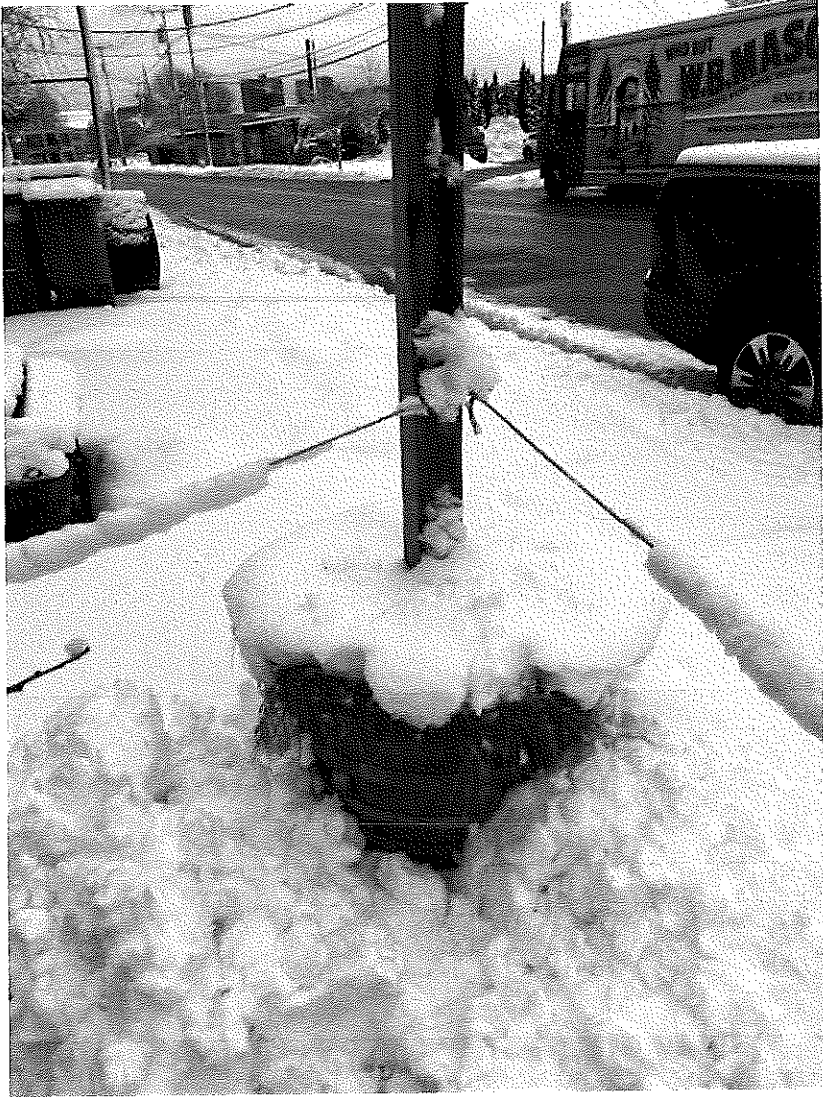
For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____
CC _____ CA _____ CK _____	Health: _____	_____
	PD: _____	_____
Amount: _____	PR: _____	_____
Date Paid: _____	Treasury: _____	_____
CC _____ CA _____ CK _____	Zoning: _____	_____

OUTDOOR SEATING







WINE, ETC.

ROSE' 9/GLASS

California

Grenache, Mourvèdre, Carignan 11.7% ABV

ROSE' FRIZZANTE 9/GLASS

California

Grenache, Mourvèdre, Carignan 11.7% ABV

UNOAKED CHARDONNAY 9/GLASS

California

100% Chardonnay 13.8% ABV

BAYSIDE BLEND 9/GLASS

Lodi, California

Cabernet Sauvignon, Petite Sirah 14.2% ABV

BLUEBERRY INFUSION 9/GLASS

California

Red blend infused w/ Wild Maine Blueberries
12.6% ABV

SPARKLING WHITE 9/GLASS

California

100% Muscat Blanc 13.1% ABV

TIGHT LINES HARD SPARKLING CIDER 7/GLASS

Made with Ira Red, McIntosh and
Macoun apples from nearby orchards
7.5% ABV

PORT-LAND AND TONIC 10/GLASS

White Port-style wine and craft tonic
served on the rocks. 6% ABV

bluelobsterwines.com

WINE, ETC.

ROSE' 9/GLASS

California

Grenache, Mourvèdre, Carignan 11.7% ABV

ROSE' FRIZZANTE 9/GLASS

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White Port-style wine and craft tonic
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bluelobsterwines.com

BREAD AND CRACKERS

WARM DEMI BAGUETTE 5

Standard Bakery

INES ROSALES TORTA, SWEET OLIVE OIL 4
Perfect little 'something.' Two per order.

INES ROSALES TORTA, SEVILLE ORANGE 4
Perfect little 'something.' Two per order.

Seven Stars Crackers 8

Maine Crisp Olive & Za'atar
Crackers (certified gluten-free) 8

CHEESE, ETC.

WINTER HILL FARM FROST GULLY 12
Camembert-style

WINTER HILL FARM FROMAGE FRAIS 12
LEMON OLIVE OIL
A cow's milk version of chevre

WINTER HILL TIDE LINE 12
An ashed bloomy rind cheese

VEGAN BOURSIN 8

MISC.

CASTELVETRANO OLIVES 4

LITTLE LADS HERBAL POPCORN 3

BREAD AND CRACKERS

WARM DEMI BAGUETTE 5

Standard Bakery

INES ROSALES TORTA, SWEET OLIVE OIL 4
Perfect little 'something.' Two per order.

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An ashed bloomy rind cheese

VEGAN BOURSIN 8

MISC.

CASTELVETRANO OLIVES 4

LITTLE LADS HERBAL POPCORN 3

**BLUE
LOBSTER**
URBAN WINERY

ROSE' \$30/4-pack

California

Grenache, Mourvèdre, Carignan 11.7% ABV

ROSE' FRIZZANTE \$30/4-pack

California

Grenache, Mourvèdre, Carignan 11.7% ABV

UNOAKED CHARDONNAY \$30/4-pack

California

100% Chardonnay 13.8% ABV

BAYSIDE BLEND \$30/4-pack

Lodi, California

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BLUEBERRY INFUSION \$30/4-pack

California

Red blend infused w/ Wild Maine Blueberries

12.6% ABV

SPARKLING MOSCATO \$30/4-pack

California

100% Moscato 13.1% ABV

TIGHT LINES CIDER \$12.50/4-pack

Made with Ira Red, McIntosh and
Macoun apples from nearby orchards
7.5% ABV

PORT-LAND AND TONIC \$18/4-pack

White Port-style wine and craft tonic
served on the rocks. 6% ABV

Order online at
bluelobsterwines.com

**BLUE
LOBSTER**
URBAN WINERY

ROSE' \$30/4-pack

California

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ROSE' FRIZZANTE \$30/4-pack

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served on the rocks. 6% ABV

Order online at
bluelobsterwines.com



Zachary Lenhart <zlenhart@portlandmaine.gov>

Blue Lobster - Upgrade - 200 Anderson St

Eric Nevins <ericn@portlandmaine.gov>

Tue, Feb 6, 2024 at 4:57 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Approved

On Tue, Feb 6, 2024 at 2:30 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

Blue Lobster - Upgrade - 200 Anderson St

Mon, Feb 12, 2024 at 1:58 PM

Zoning <zoning@portlandmaine.gov>

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

Unit 1 of 200 Anderson is low impact industrial (winery, fermentory, brewery) with accessory retail and tasting room. Zoning approves. Please add the following condition as bar and restaurant are not permitted uses in industrial zones:

As required under Section 6.6.2.I of Chapter 14, the service of food in the approved accessory tasting room shall be limited to that which does not constitute a full course meal. No more than 10% of the beverage (food) menu in tasting rooms accessory to beverage production (food production) may be produced or manufactured off-site. Merchandise sales shall be limited branded products, products manufactured by this business, and products related to this business's core activities. Regular events shall be limited to tours, seminars, product releases, and lectures that are related this business's manufacturing activities. Unrelated special events in the I-M and I-H zone are limited to no more than 20 per calendar year. In the I-Lb zone, unrelated special events are limited to 28 hours per week, per Section 6.6.2.H of Chapter 14.

Thank you,

Mac

[Quoted text hidden]

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



February 16, 2024

Blue Lobster Urban Winery LLC
200 Anderson Street, Unit 1
Portland, Maine 04101

Re: Blue Lobster Urban Winery LLC, dba Blue Lobster Urban Winery. Application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1

Dear Blue Lobster Urban Winery LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 26, 2024 at 5:00 p.m., for the review of application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

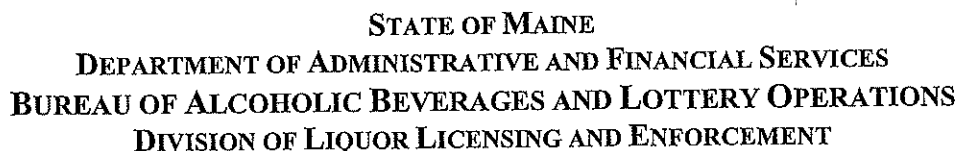
Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 26, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. Blue Lobster Urban Winery LLC, dba Blue Lobster Urban Winery. Application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1 - Sponsored by Danielle P. West, City Manager



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
BLUE LOBSTER URBAN WINERY, LLC	BLUE LOBSTER URBAN WINERY
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
	ZOO ANDERSON ST #1 PARRAND, ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address:
	CHRIS@BLUELOBSTERWINES.COM
Telephone # Fax #:	Business Telephone # Fax #:
	207-956-7051 —
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
45-4237958	1181516
Retail Beverage Alcohol Dealers Permit:	Website address:
	BLUELOBSTERWINES.COM

1. New license or renewal of existing license? ☒ New Expected Start date: 5-1-24
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☒ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

200 ANDERSON ST #1 PORTLAND, ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
CHRISTOPHER GAMBLER	3-5-1967	SALEM, MA
JASON KROUT	6-3-1987	PORTLAND, ME
Residence address on all the above for previous 5 years		
Name CHRISTOPHER GAMBLER	Address: 10 WOODLAND RD, CARE ELIZABETH, ME 04107	
Name JASON KROUT	Address: 50 LAWN AVE PORTLAND, ME 04103	
Name JASON KROUT	Address: 265 STEVENS AVE. PORTLAND, ME 04103	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

184 ANDERSON, LLC - 200 ANDERSON ST #5 PORTLAND, ME 04101

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

THE LICENSED PREMISE WILL CONSIST OF A TASTING ROOM / BAR WITH
INDOOR AND OUTDOOR SEATING AREAS, BOTH OF WHICH SEATING AREAS
WILL BE LOCATED ON PRIVATE PROPERTY.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: EAST END COMMUNITY SCHOOL

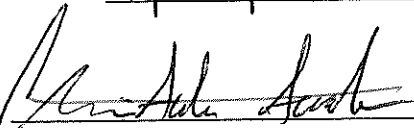
Distance: 0.3 MILES

Section II: Signature of Applicant(s)

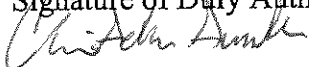
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 1/26/24 1/26/24



Signature of Duly Authorized Person



CHRISTOPHER GAMBLE

Printed Name Duly Authorized Person

CHRISTOPHER GAMBLE



Signature of Duly Authorized Person



Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

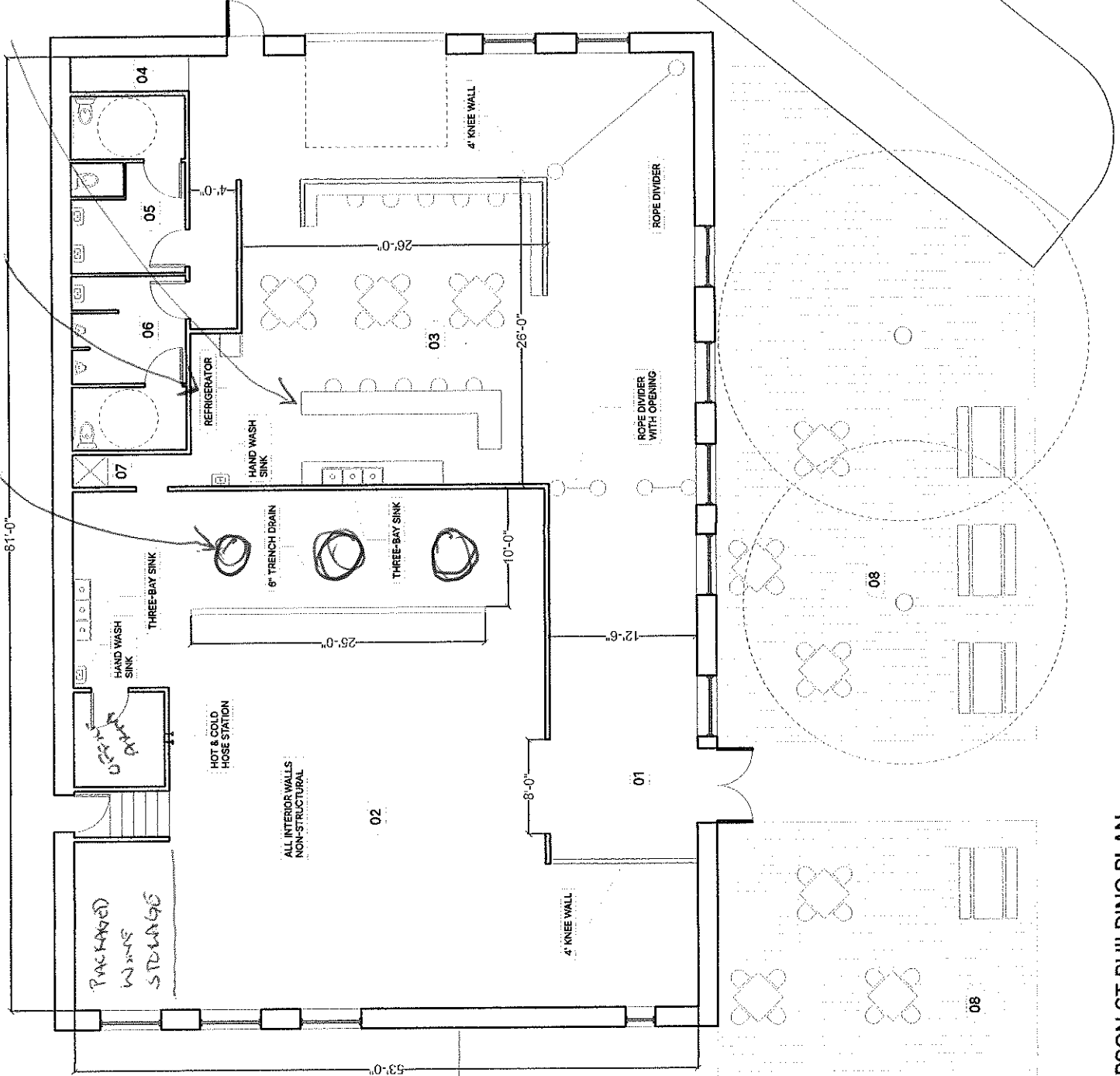
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

PLEASE SEE ATTACHED DIAGRAM

TANKS
DISPLAY CASES POS



- 01 WINERY ENTRANCE/RECEIVING
- 02 WINERY
- 03 TASTING ROOM / on Premise Consumption
- 04 SPRINKLER ROOM
- 05 WOMEN'S ADA BATHROOM
- 06 MEN'S ADA BATHROOM
- 07 MOP SINK
- 08 OUTDOOR SEATING / on Premise Consumption

ANDERSON ST

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

- Exact legal name: BLUE LOBSTER URBAN WINERY, LLC
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 8/25/2011 State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

- List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
CHRISTOPHER GAMBLE	10 WOODLAND RD CAPE ELIZABETH, ME 04107	3-5-67	OWNER	50%
JASON KROOT	50 LAWN AVE. PARADISE, ME 04103	6-3-97	OWNER	50%
JASON KROOT	265 STEVENS AVE PORTLAND, ME 04103			

(Ownership in non-publicly traded companies must add up to 100%.)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 5, 2024

SUBJECT: Order 129-23/24 Granting Municipal Officers' Approval of Argenta Brewing Company LLC, dba Argenta Brewing Company. Application for Outdoor Dining on Private Property at 82 Hanover Street, Suite 6- Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 1/26/24. This is an existing establishment adding outdoor dining. Establishment currently holds B/W/D On-Premise Consumption. New City and State applications.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2024.02.26_Argenta Brewing_Council Order

2. 2024.02.26_Argenta_outdoor Dining_Council packet

Prepared by:

Date: 02/05/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER

GRANTING MUNICIPAL OFFICERS’

APPROVAL OF:

**Argenta Brewing Company LLC, dba Argenta Brewing Company. Application Outdoor
Dining on Private Property at 82 Hanover Street, Suite 5**



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

Business Information	
Business Name (d/b/a):	Argenta Brewing Company, LLC. Phone: 7753151409
Location Address:	82 Hanover st. suite 6 Zip: 04101
Mailing Address:	82 Hanover st. suite 6 Zip: 04101
Contact Person:	Ryan Dunlap Phone: 7753151409
Contact Person Email:	Ryan@argentabrewingcompany.com
Manager of Establishment:	Ryan Dunlap Date of Birth: 08/14/96 Phone: 7753151409
Owner of Premises (Landlord):	82 Hanover LLC
Address of Premises Owner:	82 Hanover st. suite 5 Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
Argenta Brewing Company, LLC.		82 Hanover st. suite 6 Zip: 04101	
Contact Person:	Ryan Dunlap	Phone:	775 315 1409
Principal Officers	Title	Date of Birth	Residence Address
Ryan Dunlap	President	08/14/96	68 Wolcott st. #1, Portland, ME, 04102



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Brewery on premise
Type of food served:	Pre-packaged Snacks
Please circle all that will be served:	<u>Beer</u> Wine Liquor
Hours & days of operation:	Tuesday - Sunday 2-9 pm
Number of Tables	4
Number of Chairs	24

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

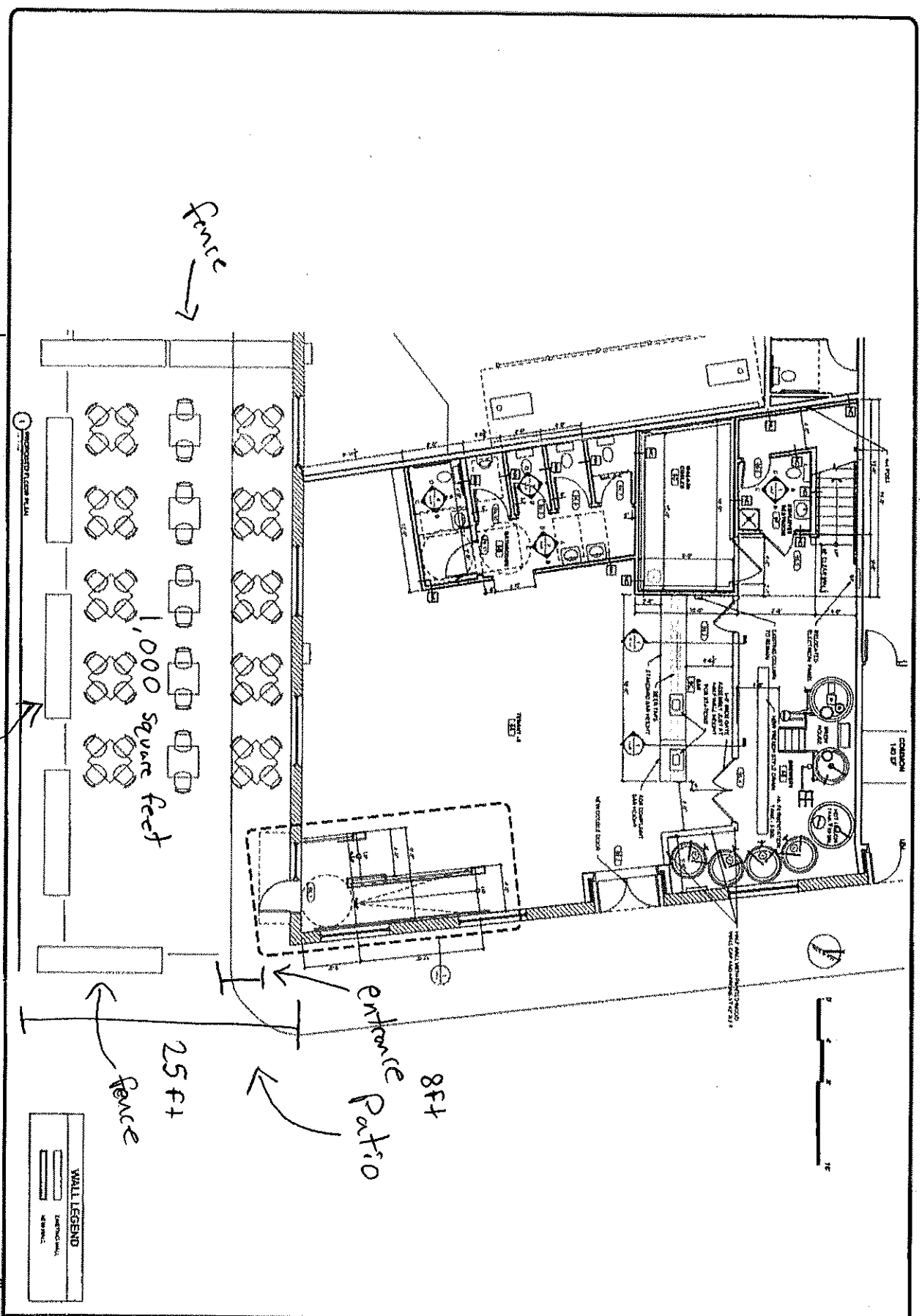
Signature Rmr Title President Date 1/19/24

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	PR: _____	/	_____
Date Paid: _____	Treasury: _____	/	_____
CC _____ CA _____ CK _____	Zoning: _____	/	_____

W

40ft + fence
1,000 square feet
25ft + fence
8ft + entrance patio
- 2320 square ft.



WALL LEGEND

--- EXTERIOR WALL

--- INTERIOR WALL

A1-0

RS

BANDED HORN BREWERY

82 HANGOVER STREET (TENANT - 6)

PORTLAND, MAINE

116



Zachary Lenhart <zlenhart@portlandmaine.gov>

Argenta Brewing - Outdoor Dining - 82 Hanover Street

Eric Nevins <erich@portlandmaine.gov>

Tue, Feb 6, 2024 at 4:55 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Approved

On Tue, Feb 6, 2024 at 3:00 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--
Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513



Zachary Lenhart <zlenhart@portlandmaine.gov>

Argenta Brewing - Outdoor Dining - 82 Hanover Street

Zoning <zoning@portlandmaine.gov>

Mon, Feb 12, 2024 at 4:28 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

The legal use for Suite 106 is low-impact industrial use with bar and retail. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



February 16, 2024

Argenta Brewing Company LLC
200 Anderson Street, Unit 1
Portland, Maine 04101

Re: Argenta Brewing Company LLC, dba Argenta Brewing Company. Application for Outdoor Dining on Private Property at 82 Hanover Street, Suite 6

Dear Argenta Brewing Company LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday February 26, 2024 at 5:00 p.m., for the review of application for Outdoor Dining on Private Property at 82 Hanover Street, Suite 6. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on February 26, 2024 at 5:00 P.M., in City Council Chambers, 389 Congress St. Argenta Brewing Company LLC, dba Argenta Brewing Company. Application Outdoor Dining on Private Property at 82 Hanover Street, Suite 5- Sponsored by Danielle P. West, City Manager



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC):	Business Name (D/B/A):
Argenta Brewing Company, LLC.	Argenta Brewing Company
Individual or Sole Proprietor Licensee Name(s):	Physical Location:
	82 Hanover st. Suite 6, Portland, Maine, 04101
License Number:	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address:
	ryan@argentabrewingcompany.com
Telephone # Fax #:	Business Telephone # Fax #:
775-315-1409	775-315-1409

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: 82 Hanover, LLC.

Complete mailing address: 82 Hanover st. suite 5

Portland, Maine, 04101

Telephone/Mobile Number: (207) 210-6846

Email Address: sdineen@portproperty.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☐
b. Permanent ☒ Inside ☐ Outside ☐

continue to next page

3. Start Date: 2/6/2024 End Date (if applicable): _____

4. Will dancing be permitted in this area? Yes ☐ No ☒

a. If yes, does the establishment have a dance license? Yes ☐ No ☐

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

5. Will there be live entertainment in this area? Yes ☐ No ☒

6. Reason for this request:

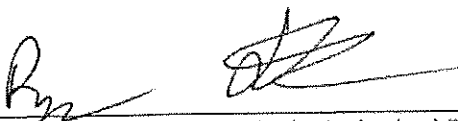
To add our private 1,000 square foot patio as useable space for the brewery and tasting room

Section III: Signature of Licensee

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 2/6/2024



Signature of Licensee or Duly Authorized Person

Ryan Dunlap

Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
 ☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

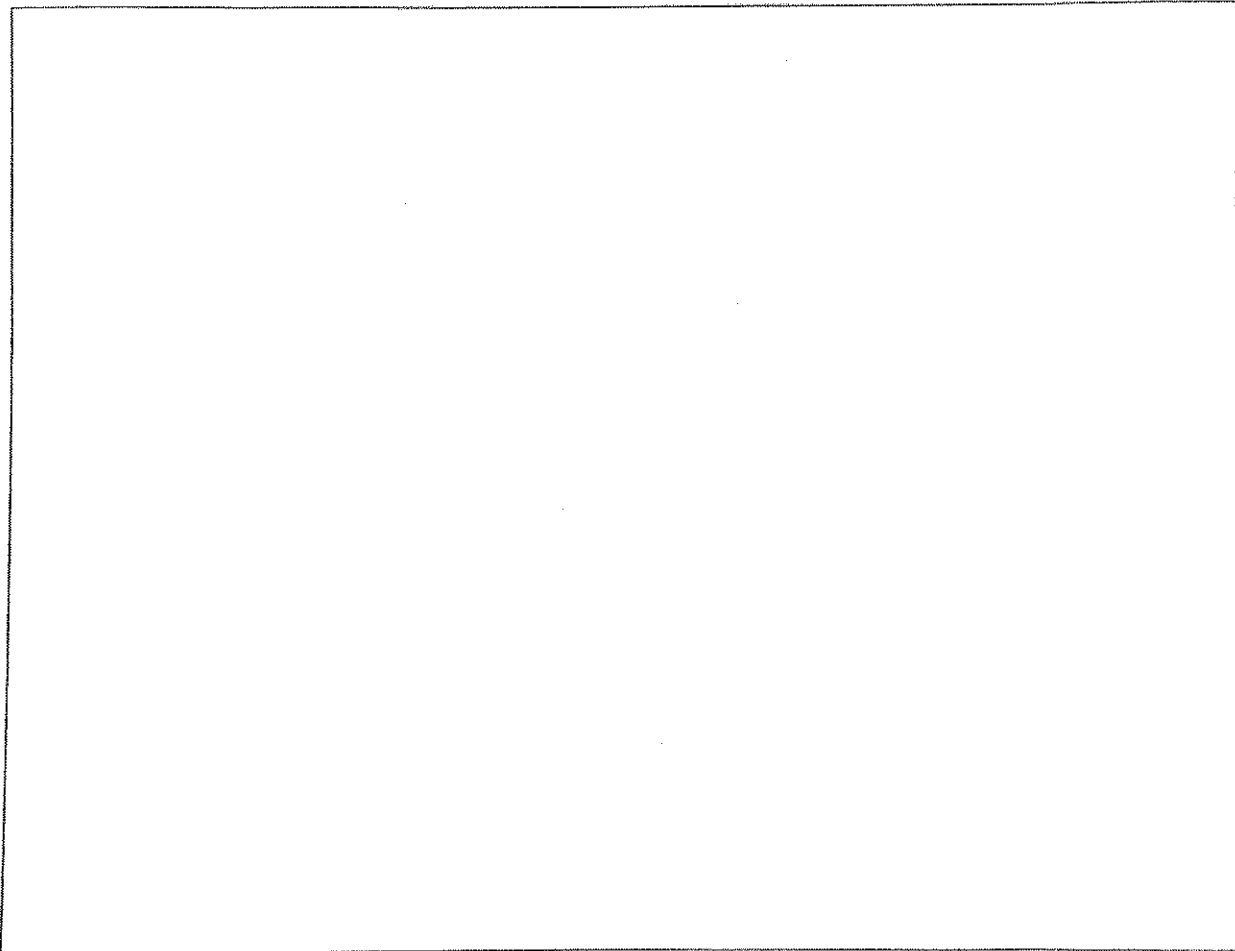
Continued to next page

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).

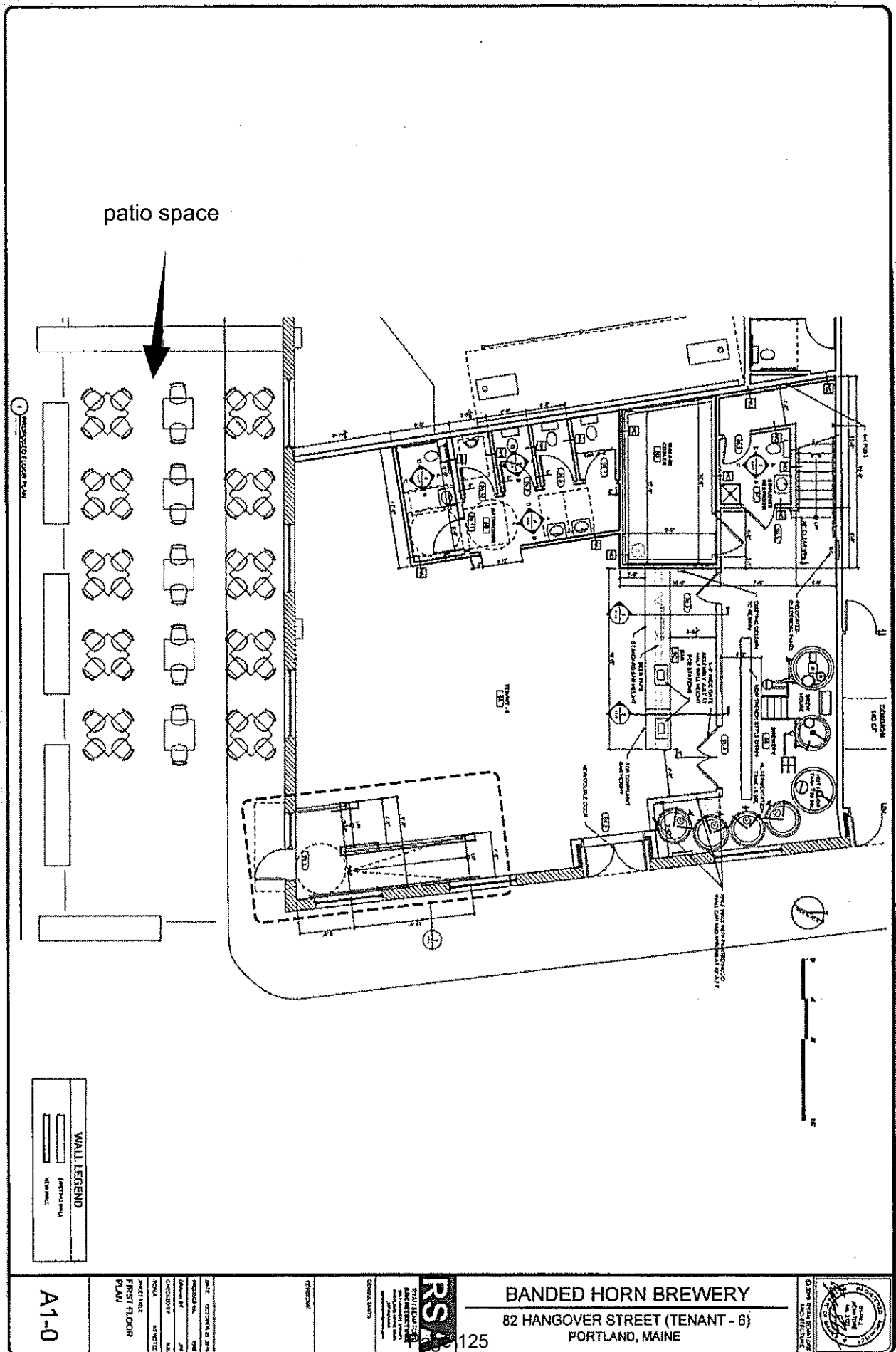


For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved ☐ Not Approved

W



MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: February 6, 2024

SUBJECT: Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on January 23, 2024 and voted (4-0) to forward this item to the City Council with a recommendation for passage.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/5/2024

Final

Action 2/26/2024

Can action be taken at a later date: No This project is shovel ready and anticipates a construction loan closing by the end of February.

Does this item involve a new contract with the City: N/A

PRESENTATION: Greg Watson and Mary Davis will provide a brief presentation (3 minutes) and answer questions.

I. SUMMARY

45 Dougherty LP is seeking financial assistance from the City in an amount up to \$1,200,000 to fill a funding gap with their project on a portion of city-owned property at 43 & 91 Douglass Street; the project will create 63 units of rental housing affordable to households at or below 60% of the area median income.

II. AGENDA DESCRIPTION

In October 2022, the City Council approved the establishment of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement for the project located on a portion of city-owned property at 43 and 91 Douglass Street. MaineHousing issued a Certificate of Approval for the district in March 2023. The project, known as 45 Dougherty, will consist of 63 units of rental housing, all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

As the developers moved through the process of securing funding, finalizing construction plans and obtaining construction bids, they ran into significant pricing related issues which resulted in a \$2.4 million gap in the project budget. After an extension review of the project, which included value engineering reductions, they identified a \$1.2 million funding gap. The developer contacted the other project funding partners, MaineHousing and Evernorth (equity investor), who indicated that it was unlikely that they would be able to provide additional funding for the project. If the developer is able to locate other funding sources, through

programs such as Efficiency Maine, the amount of city financing would be reduced.

City funding in an amount up to \$1,200,000 would be provided through an allocation of funds from the American Rescue Plan Act (ARPA) through the Jill C. Duson Housing Trust Fund. The terms will be a 30-year payable loan, paid through a percentage of available annual cash flow. Details of the terms are noted in the Background section of the memo to the city council.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

If approved by the City Council, up to \$1,200,000 in funding would be provided through a surplus cash/deferred payment promissory note and mortgage, with the following terms:

Annually, within thirty (30) days after receipt by the Developer of MaineHousing's Audited Financial Review Letter approving the amount of surplus cash for the prior year available for distribution, the developer will pay the City of Portland an amount equal to 25% of the available surplus cash. No annual payments will be due until the year after the deferred development fee has been paid in full. The outstanding principal balance of the Note, and any interest or charges, will be payable in full if there is a default under the terms of the Note, the sale, assignment, other transfer or change in use of the property, or thirty (30) years from the date of the last loan disbursement.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Sale of city-owned property to facilitate the creation of 63 rental housing units all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

V. FINANCIAL IMPACT

The city financial assistance would be provided through the ARPA funding available in the Jill C. Duson Housing Trust Fund. Currently, the Housing Trust Fund has an available balance of \$7,494,682. The Housing and Community Development Division is currently reviewing two applications seeking \$6.9 million in financial assistance, leaving an available balance of \$594,682 (this includes the \$500,000 minimum balance). Funding for the 45 Dougherty project would mean that there would not be enough funding available to fully fund the two applications currently in process.

VI. STAFF ANALYSIS AND BACKGROUND

This project meets a long-standing city council goal of leveraging city-owned property for the creation of affordable housing. The 45 Dougherty project is shovel ready and anticipates a construction loan closing by the end of February. If the city does not provide the requested assistance, it is likely that the project will not be able to move forward.

VII. RECOMMENDATION

Staff is recommending that the City Council approve funding for the 45 Dougherty project in an amount up to \$1,200,000 in the form of a loan with terms as follows: Annually, 30 days after MaineHousing makes a surplus cash determination, a payment equal to 25% of the surplus cash balance will be used to pay down the city debt. These annual payments will begin the year after the deferred developer fee loan is repaid in full. The principal balance on the city loan would be due on the earliest of 30 years, sale of the property, change in use of the property or a loan default.

The Housing and Economic Development Committee met on January 23, 2024 and voted 4-0 to recommend to

the city council support for funding in the amount of \$1,200,000, with the caveat that the funding be provided in the form of a payable loan with specific terms to be approved by the city council.

VIII. LIST ATTACHMENTS

1. Appropriating \$1.2M Housing Trust Funds for 45 Dougherty 2.5.2024 mig
2. Dougherty Commons Proforma 1.22.24
3. Project Picture

Prepared by:

Mary Davis, Division Director

Date: 02/06/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA Y. BULLETT (4)
KATHRYN SYKES (5)

ORDER APPROPRIATING \$1,200,000
FROM THE JILL C. DUSON HOUSING TRUST FUND
TO 45 DOUGHERTY, LP

ORDERED, that \$1,200,000 from the Jill C. Duson Housing Trust Fund is hereby appropriated to 45 Dougherty, LP for development costs for the project called 45 Dougherty at 43 and 91 Douglass Street and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute any and all documents necessary to apply for, accept and appropriate the grant, and otherwise carry out the intent of this order.

Dougherty Commons Rental Housing

Portland, ME

Developer: Maine Workforce Housing II

DEVELOPMENT BUDGET - SOURCES OF FUNDS

Equity Raise from Sale of LIHTC	8,692,392	32%
MaineHousing Mortgage - Interest Only	8,165,775	30%
MaineHousing Deferred Debt	7,434,000	27%
Deferred Developer Fee	1,350,000	5%
HTF	1,193,000	4%
Efficiency Maine Rebates	<u>200,000</u>	<u>1%</u>
TOTAL	27,035,167	100%

DEVELOPMENT BUDGET - USES OF FUNDS

Construction Costs	21,248,961	79%
Soft Costs	3,098,349	11%
Application and Financing Fees	900,863	3%
Required Reserves	841,994	3%
Acquisition	375,000	1%
Insurance and Taxes	295,000	1%
Permitting	<u>275,000</u>	<u>1%</u>
	27,035,167	

OPERATING INCOME & EXPENSE SCHEDULE

Unit Type	# of Units	Net Rent	Monthly Rent -all units
1-BR unit at/below 60% of AMI	35	1,133	39,655
2-BR unit at/below 60% of AMI	18	1,349	24,282
3-BR unit at/below 60% of AMI	10	1,551	15,510
Total Units	63		79,447.00
Gross Potential Annual Unit Rental Income			953,364
Gross Potential Annual Laundry Income			22,680
Total Potential Annual Income			976,044
Less Vacancy & Collection Loss at 5%			-48,802
Credit Enhancement Agreement (TIF) 75%			86,456
Annual Gross Income			1,013,698
Administrative Expenses			163,055
Utilities			35,153
Maintenance & Operations			114,586
Taxes & Insurance			156,075
Reserve Requirement			28,350
Debt Service (5.5%, 30 yr, Interest-Only)			449,118
Annual Expenses			946,337
Annual Cash Flow			67,361
Debt Service Coverage Ratio (1.15 required)			1.150



MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 6, 2024

SUBJECT: Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle P. West - City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/5/2024

Final

Action 2/21/2024

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Bruce Hyman, 5 Minutes (if necessary)

I. SUMMARY

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process.

II. AGENDA DESCRIPTION

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process. Similar to the master plan, this project will also look at the entire length of Franklin Street from Exit 7/Marginal Way to Commercial Street. The project will bring the design to a 20% design level, allowing for applications for federal funding for final design and construction.

MaineDOT has significant interest in the future transportation design and function of Franklin Street and has offered to participate financially in this phase of work, matching our funds at the 50% level (up to \$150,000) through its Village Partnership Initiative (VPI) program. Following execution of the VPI agreement, staff will issue a Request for Qualifications for consultant services.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Public Works and Planning staff presented the Franklin Street project background and the proposed project scope and schedule to the full Council at a workshop on September 11, 2023. The council members in

attendance were in general agreement that updating the plans was needed. The presentation made at the Council workshop is attached.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Execution of the VPI agreement will allow staff to issue a RFQ for consultant services.

The project directly addresses climate and housing goals of the Council. Ultimately, a redesigned Franklin Street will help encourage mode shift and emissions reductions in line with the goals of *One Climate Future*. Likewise, several development parcels are expected to be created by the smaller footprint of a reconstructed Franklin Street, potentially allowing significant mixed-use development to meet housing and economic development goals.

V. FINANCIAL IMPACT

Through the VPI agreement, MaineDOT will contribute up to 50% of the total project cost up to an amount of \$150,000. The City will cover its 50% share using existing mitigation funds contributed over several years from development projects in the Eastern Waterfront. No new funds are requested.

In the longer term, the project will position the City to apply for federal grants that typically pay for 80% of final design and construction, significantly reducing the City's potential capital costs.

VI. STAFF ANALYSIS AND BACKGROUND

This project will well-position the City to apply for once-in-a-generation federal grant opportunities for continued design and construction. The land use component will explore ways to better integrate Franklin Street into the fabric of abutting neighborhoods, as well as create opportunities for significant development.

VII. RECOMMENDATION

Staff recommends authorization of the MaineDOT Village Partnership Initiative agreement.

VIII. LIST ATTACHMENTS

1. Order re MDOT Agreement for Franklin Street Plan 2.5.2024 mig
2. 1.22.24 Franklin l Draft Agreement MaineDOT_v3
3. FranklinStreetEPS2023 _Scope-RFQConceptRefinement_Nov21-2023v2DRAFT
4. Public Comment - Order 119
5. UPDATE-FranklinStreetUpdate2023_CouncilWkshpPPT_Sept11-2023FINAL (1)
6. 02.26.24 Public Comment - Order 119

Prepared by:

Date: 02/06/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING THE PLANNING STUDY GRANT AGREEMENT BETWEEN
THE MAINE DEPARTMENT OF TRANSPORTATION AND PORTLAND
RE: FRANKLIN STREET PLAN**

ORDERED, that the Planning Study Grant Agreement between the Maine Department of Transportation and the City of Portland for the Franklin Street Plan, is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said document and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

**MAINE DEPARTMENT OF TRANSPORTATION
PLANNING STUDY GRANT AGREEMENT
PLANNING PARTNERSHIP INITIATIVE
VILLAGE PARTNERSHIP INITIATIVE**

This Planning Study Grant Agreement (the "Agreement") is entered into by and among the State of Maine Department of Transportation ("MaineDOT") and the City of Portland, (the "Grantee").

RECITALS

1. MaineDOT has established the Planning Partnership Initiative ("PPI") to assist municipalities, Regional Planning Organizations, and other transportation stakeholders with locally-initiated transportation planning and feasibility studies by providing grant funds.
2. MaineDOT has also established the Village Partnership Initiative ("VPI"), which includes the Large Transformative Initiative intended to assist municipalities with the revitalization of village and downtown centers to make them more walkable, bicycle-friendly, and business-friendly, and as an initial step in this endeavor, provides grant funds under the VPI for locally-initiated planning and feasibility studies for developing a vision for village and downtown centers.
3. The terms and conditions of this Agreement apply equally to planning studies under the PPI and the VPI.
4. Grant funds for such planning studies ("Grant Funds") available under the PPI and the VPI are non-federal funds from MaineDOT to be matched by funds to be provided as set forth in this Agreement.
5. Grantee has applied to MaineDOT for Grant Funds to conduct a planning study in connection with the development of a portion of Franklin Street (also known as US Route 1A), approximately 0.80 of a mile from Commercial Street to the I-295 ramps at Back Cove. (the "Planning Study"). Appendix A, attached hereto and made a part hereof, includes the Scope of the Study and Request for Proposals.
6. In reliance on the representations made by Grantee in its application for Grant Funds for its Planning Study (the "Application"), which is incorporated by reference into and made part of this Agreement, MaineDOT has selected Grantee's Planning Study for Grant Funds subject to the terms of this Agreement.
7. Portland has agreed to fund a fixed amount to pay for the cost of the Planning Study, as set forth in this Agreement.

In consideration of the foregoing Recitals, which are integral to, and part of, this Agreement, and the mutual covenants and agreements contained herein, MaineDOT and the Grantee hereby agree as follows:

A. Grantee's Planning Study

1. Grantee will undertake and complete the Planning Study in accordance with the scope of work and in the study areas described in Grantee's Application. Grantee will not make any changes to the scope of work or study areas for the Planning Study unless it has received the prior written approval of MaineDOT.
2. Grantee will appoint a project manager to administer, oversee, and monitor the progress of the Planning Study ("Grantee's Project Manager"), who will be the primary contact for Grantee for the Planning Study. Grantee's Project Manager must be a certified Local Project Administrator ("LPA") under MaineDOT's Local Project Administration process or must make a reasonable effort to obtain LPA certification. Grantee will ensure that the Planning Study is conducted in accordance with the requirements of this Agreement, and all applicable federal, Maine, and local laws and regulations.
3. Grantee will retain a qualified consultant to conduct the Planning Study (the "Planning Consultant"), using the applicable selection method described in Chapter 2, "Hiring Consultants" of the *MaineDOT Local Project Administration Manual & Resource Guide* as currently in effect. MaineDOT will be a coparticipant with Grantee in evaluating Planning Consultant qualifications during the consultant selection process.
4. Grantee will not initiate the Planning Study until it receives MaineDOT's written authorization to proceed.
5. During the course of the Planning Study, MaineDOT will actively participate in Planning Study meetings and will provide planning, regulatory, and design and engineering input and guidance to Grantee and its Planning Consultant.
6. Grantee will complete the Planning Study no later than December 31, 2025 (the "Completion Date"), unless the Completion Date is extended by mutual written agreement of MaineDOT and Grantee. In the event Grantee foresees a delay in completing the Planning Study, Grantee will promptly inform MaineDOT of the anticipated delay and the reason(s) for the delay.
7. At the completion of the Planning Study, Grantee will provide to MaineDOT a copy of a Planning Study final report that includes a narrative of the Planning Study process, a description of the alternatives considered and of the evaluation criteria for those alternatives, the preliminary preferred alternative with reasons, and illustrations

of conceptual designs, with cross-sections, for the preferred alternative ("Final Report"). MaineDOT will review the Final Report to determine if it conforms to the requirements of this Agreement.

8. Any transportation improvements that result from the Planning Study must conform to MaineDOT's and the Grantee's design and engineering standards for federally-funded projects and to applicable Maine standards. Deviations from applicable design standards may require Grantee to seek a design exception to such standards, which will be considered at the sole discretion of MaineDOT's Chief Engineer.
9. The Grantee agrees that any future capital project that results from the Planning Study will include a local share of the costs of the project, which may be a municipal, private, or other non-federal share. MaineDOT and the Grantee acknowledge and agree, however, that participation in the Planning Study and their entry into this Agreement do not constitute a commitment by any of them to participate in any future studies or projects that may be recommended by the Planning Study or to incur any operational or capital costs therefor.
10. In any discussion of the Planning Study in a public forum, whether in-person or virtual, or in addressing public and media inquiries concerning the Planning Study, Grantee will introduce and refer to the Planning Study as locally-requested and sponsored. Grantee will provide meeting space and audio-visual aids during public meetings associated with the Planning Study and lead any public discussion of the Planning Study.

B. Funding of Planning Study

1. The full agreed cost of the Planning Study is \$300,000 (the "Full Agreed Cost").
2. MaineDOT will provide Grant Funds to Grantee for the Planning Study in a maximum amount of the lesser of \$150,000 or 50% of the final actual cost of the Planning Study (the "Final Cost") (the lesser of \$150,000 or 50% of the Final Cost hereinafter referred to as the "MaineDOT Share"). Grantee will use the Grant Funds only for the Planning Study and for no other purpose.
3. The Grantee will provide the balance of the Planning Study costs not covered by the MaineDOT Share ("Match") and any and all costs exceeding the Full Agreed Cost of \$300,000.
4. The disbursement of Grant Funds will be made on a reimbursement basis. During the course of the Planning Study, Grantee will advance all funds to pay the costs of the study prior to seeking reimbursement.

REIMBURSEMENT. The Grantee shall submit progress invoices to MaineDOT for reimbursement of the MaineDOT Share of costs incurred (at 50%, up to a limit of \$150,000), a minimum of every **six months**. Invoices shall be modeled after *Letter 4* from the LPA Manual and shall meet the following requirements:

- A. Each invoice shall include a progress report for the service period of the invoice.
- B. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager.
- C. Each invoice shall show MaineDOT's and the Grantee's portions of Project costs, including a running total of costs invoiced to date.
- D. Each invoice must be accompanied by fully paid invoices from the Grantee's consultant for the Planning Study supporting the reimbursement request.
- E. The Grantee must certify that amounts claimed are correct and not claimed previously.
- F. Upon completion of the Project and payment in full of all contracted parties, the Grantee shall submit to MaineDOT a final invoice modeled after *Letter 20* from the LPA Manual.

5. The final reimbursement request, which must be submitted to MaineDOT no later than February 28, 2026, must be accompanied by all the following:

- (1) A copy of the Final Report, if not previously provided to MaineDOT; and
- (2) An itemized invoice showing (i) the MaineDOT WIN number; (ii) the total amount of the Final Cost; (iii) the MaineDOT Share due, if any, in terms of the dollar amount and the percentage of the Final Cost.

MaineDOT Review

MaineDOT will review any and all requests for disbursement of Grant Funds and supporting materials and may request additional information deemed necessary by MaineDOT before disbursing Grant Funds. In the event such information is not provided by Grantee, MaineDOT may elect to withhold Grant Funds, or a portion thereof, until such information is provided in acceptable form.

C. Termination; Funding

1. Grantee may, upon not less than ten (10) days advance written notice to MaineDOT, terminate the Planning Study prior to its completion, and in such event, Grantee will be solely responsible for paying all remaining unpaid costs incurred for the Planning Study, and MaineDOT will not be responsible for paying any portion thereof or any remaining unpaid portion of the MaineDOT Share. In the event of such termination by Grantee, Grantee will promptly provide to MaineDOT all Planning Study materials developed to the date of such termination.

2. MaineDOT may terminate this Agreement in the event of a material failure by Grantee to carry out its responsibilities under this Agreement that has not been cured to MaineDOT's satisfaction within the period of time specified by MaineDOT, and in the event of such termination, Grantee will be solely responsible for paying all remaining unpaid costs incurred for the Planning Study, and MaineDOT will not be responsible for paying any remaining unpaid portion of the MaineDOT Share or any other amount in connection with the Planning Study. In the event of such termination by MaineDOT, Grantee will promptly provide to MaineDOT all Planning Study materials developed to the date of such termination.
3. Grantee acknowledges and agrees that MaineDOT's obligations under this Agreement are conditioned on the availability of funds to MaineDOT and on MaineDOT's continued authorization under applicable laws, regulations, or appropriations to use such funds for the purposes described in this Agreement, and in the event such funds become unavailable or may not legally be used by MaineDOT for the purposes described in this Agreement, MaineDOT will have the right to terminate this Agreement upon ten (10) days advance written notice to Grantee and will not be responsible for paying any remaining unpaid portion of the MaineDOT Share.

D. *Term of Agreement*

This Agreement will take effect as of the date last signed as indicated on the signature pages below and will expire at the close of December 31, 2025.

E. No Liability

Notwithstanding MaineDOT's selection of Grantee's Planning Study for an award of Grant Funds, or its provision of Grant Funds to Grantee or participation in the Planning Study as provided in this Agreement, MaineDOT will have no responsibility to Grantee, or their respective agents, consultants, or contractors or any other third party for any damages, costs, claims, demands, or causes of action arising from any errors or omissions relating to the Planning Study or the Final Report. Grantee is acting solely as an independent contractor and not as an agent of MaineDOT under this Agreement, and no other agency relationship is created under this Agreement with any party hereto.

F. Contact Information; Notices; Amendments; Signatures

1. MaineDOT's Project Manager and Grantee's Project Manager for this Agreement are set forth in Appendix A hereto.
2. Any notice provided for in this Agreement may be given by email.
3. This Agreement and its Appendix A may be amended only in a writing signed by MaineDOT and the Grantee.
4. This Agreement may be signed in counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement. The parties agree that this Agreement and any related documents may be signed electronically and that any electronic signatures appearing on this Agreement and any related documents are the same as handwritten signatures for the purposes of validity, enforceability, and admissibility.

G. Nondiscrimination

The Grantee will not discriminate against any person on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity, religion, disability, age, or familial status.

In witness whereof, MaineDOT and the Grantee have executed this Agreement by their respective duly authorized representatives.

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION**

Date

By: _____
Dale F. Doughty
Director, Bureau of Planning

City of Portland

Date

By: _____

APPENDIX A
TO
GRANT AGREEMENT
(Request for Proposal Document Attached)

WIN Number: TBD

City of Portland Project Manager & Contact Information

Mailing address

Tel.:

Email:

MaineDOT Contact Information

Project Manager:	Dale F. Doughty
Mailing Address	16 State House Station, Augusta Maine 04330
Tel.:	(207) 592-6807
Email:	dale.doughty@maine.gov

Planning Study Completion Date: Not later than December 31, 2025



City of Portland, Maine

DRAFT (Nov. 21, 2023)

Request for Proposals

Franklin Street Enhanced Project Scoping (EPS) and Land Use Concept

RFP #

DATE

INTRODUCTION

Purpose

The Franklin Street Enhanced Project Scoping (EPS) and Land Use Concept project will refine and finalize a transportation design concept and a land use concept for the Franklin Street corridor based on current conditions, continued public input, and direction from City of Portland leadership and staff. The study is expected to produce:

1. A finalized street design concept (25% design) that that reflects the varied functions of Franklin Street along its length and provides state of the art pedestrian, bicycle, transit, and street infrastructure to meet transportation, development, and re-connectivity goals for the corridor;
2. A future land use concept plan to complement the street design concept; and
3. An opinion of construction and construction engineering costs and a funding strategy that reflects the feasibility of a combination of local, state and federal funding options.

The City has entered into a Village Partnership Initiative agreement with MaineDOT to help fund and perform this work. Although the City is managing this effort, MaineDOT collaboration and input will be critical to its success.

Once the concept is completed, the project is expected to lead directly into engineering at the Preliminary Design Report (50% design) stage, including the production of a detailed opinion of probable construction cost (OPC) and potential grant-writing or funding applications. The selected consultant may be retained to complete this work.



Project Area

The project area is approximately 0.80 of a mile along Franklin Street (also known as US Route 1A) and its current and former intersecting streets from Commercial Street to the I-295 ramps at Back Cove. By necessity, the project will encompass portions of adjacent neighborhoods and connecting transportation infrastructure.

Figure 1: Franklin Street study area

History

Franklin Street is a key transportation link running northwest to southeast across the Portland peninsula, classified as a “minor arterial” and an “intermodal connector” under the National Highway System. In its current form, the street’s primary purpose is as a vehicular thoroughfare to funnel high volumes of passenger and freight traffic to and from I-295 and Portland’s downtown and waterfront.

Until the 1960s, however, Franklin Street was a two-lane residential/mixed-use street, integrated into Portland’s neighborhood fabric. There were cross streets at regular intervals, including Oxford, Lancaster, and Federal Streets, which, at the time, served as important east-west connections. In 1967, the Victor Gruen Associates plan *Patterns for Progress* identified Franklin Street as the preferred route to move traffic from I-295 to downtown. Following a period of ‘slum clearance’ in the 1960s involving the removal of numerous homes and businesses and displacement of residents, the road was reconstructed as the four-lane divided roadway known today. While this reconfiguration of Franklin Street efficiently moved traffic along its length, it quickly became a barrier between neighborhoods, adjacent development began to turn its back, and today the design is widely perceived as one of the City’s biggest transportation and land use challenges.

Many studies and plans have been completed since the reconstruction of Franklin Street in the 1960s, reimagining this important roadway. The newer concepts for Franklin Street focus on rescaling the street to the urban context, promoting walkability and multi-modal access, reorienting buildings to the street, activating street frontages, re-knitting adjacent neighborhoods, and improving connectivity to the east and west.

Reclaiming Franklin Street - Phase I (2009)

In 2009, the City of Portland created the Franklin Street Study Committee and undertook the *Reclaiming Franklin Street Study - Phase I*, a visioning process for the Franklin Street corridor. The purpose of the Phase I study was to evaluate strategies for improving the safety of pedestrians, bicyclists, transit, and motorists on the corridor, from I-295 to the waterfront, while also considering the arterial’s urban context and potential future development.

The Franklin Street Study Committee identified three concepts to address the challenges and opportunities for the Franklin Street corridor. All three concepts contained variations on common themes - narrowing the roadway’s footprint, adding sidewalks, integrating bike infrastructure, and re-establishing connections to intersecting streets. *Reclaiming Franklin Street* acknowledged that the three concepts left open questions regarding intersection configuration, street connectivity, multi-modal design, and land use, and that additional planning and design work would follow.



Figure 2: Reclaiming Franklin Street Urban Street concept

Franklin Street Feasibility Study - Phase II (2015)

Building upon the Franklin Street Study Committee's efforts and the work of *Reclaiming Franklin Street*, the [*Franklin Street Feasibility Study - Phase II*](#) evaluated the three street design concepts in more detail, exploring their land use, social, economic, neighborhood, street connectivity, environmental, safety, and transportation implications. Based on the evaluation and feedback from the Franklin Street Study Committee and the broader public, the *Franklin Street Feasibility Study* recommended a hybrid of the preferred elements of the urban street approach, including:

- Four lanes with turn lanes at signalized intersections from Marginal Way to Congress Street and two lanes with turn lanes at signalized intersections from Congress Street to Commercial Street;
- An urban roundabout at the intersection with Commercial Street;
- An enhanced streetscape featuring wide sidewalks, street trees, pedestrian-scaled lighting;
- In-street buffered bike lanes from Marginal Way to Commercial Street;
- Reconnections to side streets at Oxford Street, Federal Street, and Newbury Street, with potential limited connections to Lancaster Street; and
- An enlarged Lincoln Park (to near its original size).

The Phase II design outcome was well-received by City leadership, and the City Council endorsed the plan in 2015. The plan also received the 2018 Maine Smart Growth Award from Grow Smart Maine.



Figure 3: Franklin Street Feasibility Study, Ph II (2015 Final Report) [Master Plan?]

Franklin Street Stormwater System Design (2017-present)

In the time since the Phase II work, the Department of Public Works's Water Resources Division has largely designed a new separated stormwater system on the northern end of the Franklin corridor, and has completed preliminary design work for stormwater infrastructure on the southern end of the corridor as well. Design work for the proposed separated stormwater system between Marginal Way and Cumberland Avenue has been completed to a 95% PS&E level. Design work for the storm drain system between Commercial Street and Congress Street was completed to a 30% PS&E level. It is anticipated that the existing stormwater plans will need to be adjusted in conjunction with the future Franklin Street roadway design.

In 2021, in association with the sewer/stormwater separation project, the City worked with a consultant to progress the street design on Franklin from Somerset Street to I-295. This resulted in a 50% design plan that received preliminary approval from MaineDOT. Due to budget constraints and a growing desire to move design along the entire corridor, this outcome was put on hold. However, it will provide a starting point for the EPS work on this portion of the corridor.

DPW Concept Refinement & Current Work (2023)

Over the past year, the City of Portland has recognized the opportunity to further hone the Phase II master plan concept from the *Franklin Street Feasibility Study*. This opportunity is based on changing conditions, priorities, and best practices, including an evolving approach to multi-modal street design, the continued development of downtown and the Eastern Waterfront, a policy focus on housing creation, and a funding environment that favors urban complete streets projects, particularly those that

address transportation planning choices of the past. With respect to the Phase II plans, the City has identified the potential for:

- Updated best practices for pedestrian accommodations and connectivity
- Higher-quality bicycle infrastructure along the corridor, including fully grade-separated cycle tracks and/or shared use pathways;
- Additional urban roundabout(s), particularly at the southeastern end of the corridor;
- Rapid transit integration;
- Major housing and mixed-use redevelopment opportunities as a result of a new, more efficient street footprint that can create activity along Franklin Street; and
- Significant opportunities for low-maintenance landscaping and green infrastructure in the form of rain gardens/other stormwater best management practices.

The City's Department of Public Works has tested some of these ideas in revised draft plans developed in AutoCAD 2018, which are merged into the 50% design plans from Somerset Street to I-295. These plans will be provided to the consultant team.

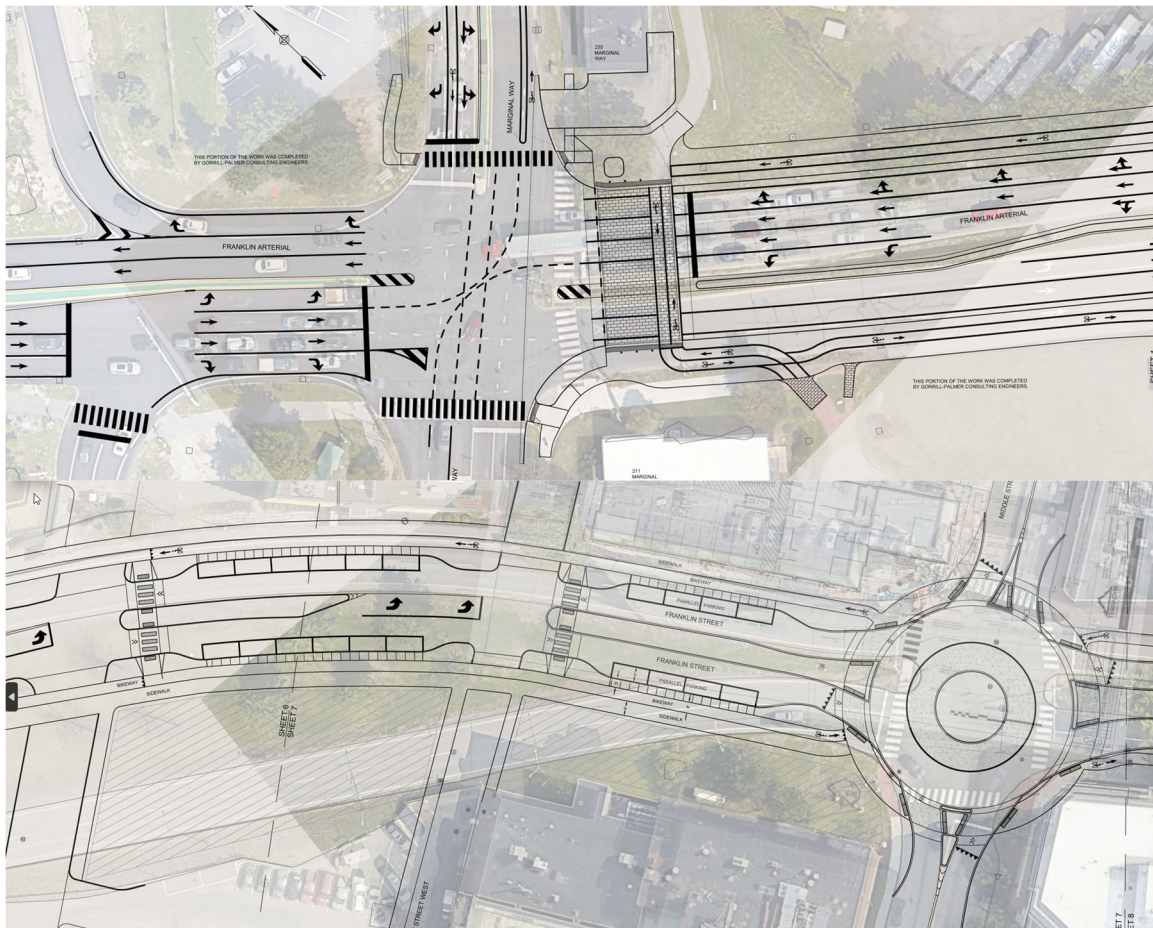


Figure 4: Franklin Street Updated Concept (excerpt, 2023) [include as attachment]

SCOPE OF WORK

1. Project Coordination

The scope should include a kickoff meeting and regular coordination meetings with the City of Portland. As Franklin Street is also a major focus area for MaineDOT and the Portland Area Comprehensive Transportation System (PACTS), the region's Metropolitan Planning Organization, the scope should also include check-in meetings at key decision points with contacts at MaineDOT and PACTS to ensure regional buy-in.

Deliverables

- *Materials in preparation for project coordination meetings and summaries of the kick-off and coordination meetings.*

2. Public Engagement

The two previous Franklin Street studies included significant public engagement, which is generally reflected in the *Phase II* concept and the revised draft plans developed by the Department of Public Works. The current effort should be informed by this prior outreach.

The public engagement should:

- Re-introduce the public to the *Phase II Feasibility Study* concept plan and process to date;
- Share and provide opportunities for feedback on the updated street design concept as provided by DPW;
- Involve the public in finalizing the street design; and
- Engage the public in developing the land use concept for the corridor.

The scope for public engagement should ensure that a broad range of stakeholders has the opportunity to participate through a variety of means. It should be assumed that the public engagement will involve an active project website and some array of workshops, presentations, charrettes, or other events, with options for both in-person and on-line engagement. Outreach to a multilingual/multicultural audience should be assumed. The scope should also assume presentations to City leadership at critical stages of the project.

Deliverables

- *Public engagement activities (conducting public meetings or charrettes, e.g.), materials (e.g. project website, graphics, presentations) and summaries of public engagement activities and findings.*

3. Vision, Purpose and Need, and Goals

The scope should include for the development of an updated project vision, purpose and need statement, and project goals that reflect an interdisciplinary transportation/land use approach. Initial drafts should build on the groundwork from prior studies while updating the vision, purpose and need, and goals to reflect public

input and shifts in emphasis in the transportation and land use landscape as described above.

Deliverables

- *Draft and final vision, purpose and need statements, and associated goals.*

4. Land Use Context Analysis

The scope should include a basic analysis of the existing and planned land use context along Franklin Street, based on existing development and land use patterns within the project area, past planning, and current zoning, including uses, dimensional standards (e.g. height, build-to lines, and setbacks), and urban design guidelines.

Deliverables

- *Summary of existing and planned land use context analysis (including graphics).*

5. Potential Refinements to Draft Street Design Concept

Based on the project vision, purpose and need, project goals, public engagement, the land use context analysis and in consultation with the City and MaineDOT, the consultant should identify potential refinements to the street design where options remain, including but not limited to the following street design elements:

- Intersection configurations (e.g. signalized-unsignalized, four-way, urban roundabout, right-in/right-out, bike-pedestrian only)
- Additional grid connections (e.g. intersecting streets, pedestrian infrastructure, bike-pedestrian only connections)
- Bicycle elements (e.g. two-way cycle track, sidewalk-level one-way bicycle facilities, shared use pathways)
- Pedestrian elements
- Transit elements (dedicated lanes, transit stops and amenities) based on local and regional plans for transit along Franklin Street, including outcomes from the Rapid Transit Study (Portland-Gorham) overseen by PACTS. This work will require feedback from METRO, the regional transit provider.
- On-street parking
- Streetscape elements (e.g. landscape, street furniture, street trees, lighting)
- Stormwater and green infrastructure (including existing stormwater/sewer design as progressed by Water Resources)
- Other utility elements (e.g. sewer/water/electrical/communications as likely to be necessitated by adjacent development)
- Landscaping/planting components

The consultant should identify those street design configuration elements that are to be modeled as part of the Transportation Analysis (Task 6).

Deliverables

- *Memo describing recommended street design concept refinements to be considered as part of Task 6, identifying those items that require traffic modeling.*

6. Transportation Analysis

The scope should include a multi-modal transportation analysis for vehicular/freight, pedestrian, bicycling, and transit modes for the updated concept and possible refinements as developed in Task 5, including a:

- Safety Analysis: A safety analysis shall be conducted to compare the existing street configuration versus the updated concept and refinements for all modes, as per federal guidelines and MaineDOT approval.
- Vehicular/freight analysis:
 - The consultant should validate and update (as necessary) the 2024 Synchro/SimTraffic model provided by the City and prepare a no build alternative for the expected build opening year.
 - The scope should include modeling for the expected opening year, based on the outcomes from Task 5, to inform the final street design. It is anticipated that this may include (but is not limited to) an analysis of the Franklin Street intersections at Middle and Fore Streets (roundabouts vs. signalized), the configuration options at the currently unsignalized Oxford Street and Franklin Street intersection, and various transit service configurations.
 - Based on the supplied vehicle classification counts, the consultant should assess the feasibility and turn/corner radii requirements of key freight/large vehicle movements to and from the interstate and Commercial Street under the updated concept and suggest possible refinements. Note that design vehicles & levels of allowed encroachment may vary at different points along Franklin and its intersecting streets. Significant prior work on this topic has occurred with MaineDOT.
- Pedestrian and bicycling analysis: The consultant should assess the updated concept and possible refinements related to bikeway, pedestrian, and streetscape design based on their compatibility with the land use context, ability to meet the needs for bicyclists and pedestrians of all ages and abilities, and value with respect to desired levels of street activation.
- Transit analysis: The consultant should assess the updated concept and possible refinements based on the quality of transit accommodations/facilities.

Deliverables

- *Draft and final memo documenting outcomes of the existing conditions and build year traffic analyses and multi-modal transportation analysis.*

7. Final Street Design (EPS-level)

With the project vision, purpose and need, and goals as guides, the consultant should develop a final, revised street design plan. The final street design should be informed by the land use context analysis, the transportation analysis, and the varied travel demand, functions, and priorities of Franklin Street along its length. The revised plan should also respond to public engagement and City of Portland/MaineDOT input and reflect the City's vision for a state-of-the-art multi-modal urban corridor that meets transportation, land use, and re-connectivity goals.

Deliverables

- *Draft and Final 1"=20' layout plan for Franklin Street and connecting streets.*

8. Land Use Concept

Based on the land use context analysis and feedback from the public, the consultant should develop a land use concept plan for the corridor that aligns with and reinforces the revised street design. The concept should show future potential development sites and redevelopment sites based on, but not limited by, the existing and planned land use context. The concept should include graphics that address potential land use opportunities, paying particular attention to use conditions, transitions between zones, gateways and intersections, and levels and types of desired street activation.

Deliverables

- *Illustrations showing:*
 - *Various neighborhood context areas along the corridor, including transportation, land use, and urban design characteristics, and*
 - *Areas where high levels of street activation are desired based on land use context.*

9. Funding & Implementation Strategy

The scope should assume the development of design and construction cost estimates for the resulting final transportation concept. Based on these estimates, the scope should include an analysis of the feasibility of various funding strategies for the project using one or more state or federal sources (e.g. Safe Streets for All, Reconnecting Communities, and RAISE grants, among others). The funding analysis should also account for potential local funding options, such as TIF funds, impact fees, and revenue generated through the disposition of residual property created by a smaller roadway footprint.

Regarding land use, the scope should assume an analysis of any gaps in the existing and planned land use policy context that may limit the realization of the land use concept, and the development of land use-related recommendations to support the street design.

With regard to residual property which may result from the final transportation design, the consultant should make recommendations for property disposition to best advance and balance the project financing, land use, housing, equity, and economic development goals of the City. This may include recommendations on parcel configurations and sizes, as well as process.

The scope should propose a timeline and immediate next steps towards final street design, funding, and construction, as well as implementation of any land use recommendations. The timeline should identify any federal requirements associated with local, state and federal permitting (i.e. NEPA, Army Corps, Clean Air Act Conformity Analysis, etc) and corresponding cost estimates.

Deliverable

- *Memo/presentation summarizing the funding & implementation strategy, including:*
 - *The 25% design opinion of probable construction cost based on MaineDOT unit prices, recent City of Portland bidding results, ENR data, and comparable project outcomes;*
 - *An outline of feasible funding opportunities, including a basic framework for disposition of residual land created by a smaller roadway footprint;*
 - *Land use recommendations; and*
 - *Timeline and next steps.*

10. Final Report

As the final product for the study, the consultant will assemble the final street design plan, land use concept, graphics, and funding and implementation strategy into a clear and concise final report.

Deliverable

- *Draft final report*
- *Final report*

TIMELINE

The project should progress as quickly as possible and ideally conclude within 9 months.

RESOURCES and BACKGROUND MATERIAL PROVIDED BY CITY OF PORTLAND

- 2022/2023 turning movement counts (6AM-6PM) of the Franklin Street corridor, including bikes, peds, small trucks, and articulated trucks
- Design hour volumes
- Design hour Synchro/SimTraffic analysis for 2024 City concept
- 2022 aerial photography
- Survey data of study area

- Autocad 2018 to AutoCAD 2020 files for study area
- Previously completed 95% stormwater design PSE and Design Report (Marginal Way to Cumberland Ave)
- Previously completed 30% stormwater design PSE and Design Report (Commercial Street to Congress Street)
- Draft plans from previous Phase II concept work (as needed)
- Previous study information (as needed)
- The State of Maine *Maine Won't Wait* and City of Portland *One Climate Future* climate action plans.

SUBMITTAL REQUIREMENTS

1. Technical Proposal

- *Project understanding & approach:* The proposer should include a description of their understanding of the project and their approach to the scope of work.
- *Scope of work:* The proposer should include a detailed description of their scope of work and deliverables, based generally on the scope outlined above. Emphasis should be placed on the methodology for delivering the public engagement component of the project.
- *Summary of qualifications:* The proposer should demonstrate that they have the creativity, experience, skills and understanding to complete the project on time and on budget. Please note that this project will benefit from an interdisciplinary team with experience in street design, urban design, and land use planning. The team should have experience in transformative urban multi-modal transportation projects, and ideally experience with successful federal funding applications (e.g. Reconnecting Communities, Safe Streets for All, or other). The summary of qualifications should include a description of the project team, resumes for each team member demonstrating experience with similar projects, examples of successfully completed projects of a similar nature, and three references.
- *Schedule:* The proposer should include a schedule for completing the scope above, highlighting project milestones and deliverables along with a narrative describing key staff members assigned to the project and their availability to complete the project.
- *Subcontractors:* The proposer should identify any subcontractors they plan to use and describe the nature and quantity of work that the subcontractors will perform. The use of woman-owned subcontractors, minority-owned subcontractors and local subcontractors is strongly encouraged.

2. Cost Proposal

Sealed cost proposals shall include a not to exceed cost for the project along with costs broken down by staff and hours by task, labor rates for members of the project team, and rates for reimbursables.

The cost proposal must include the following:

- *Basic information:* Firm name, address, contact name, and email address.
- *Completed proposer's detailed price proposal form:*
<https://www.maine.gov/mdot/lpa/docs/lpadocs/2020/PriceProposalForm.xls>
- *Direct labor expenses/employee classifications:* The cost proposal must include each employee's classification and direct labor rate, based on the actual rate of pay. *A cap on direct labor of \$62.00 per hour for the project manager and quality control engineer, and \$50.00 per hour for all other personnel, applies to this project. Otherwise, a completed Wage Rate Waiver Form shall be submitted for the consideration of the Municipality, in consultation with MaineDOT.*
- *Overhead rate:* The cost proposal must show a current overhead rate approved by MaineDOT's Office of Audit. If a current Audited Overhead Report (AOR) is not on file with MaineDOT, one must be provided. If there are changes to an approved overhead rate following contract execution, the Consultant must submit an updated AOR to MaineDOT's Office of Audit for approval. *Note: A fixed commercial rate may be used, with permission, for small firms with no Audited Overhead Report.*
- *Profit:* Proposed profit is based on factors such as degree of risk, relative difficulty of work and size of a job. It must fall within the range of 6% to 15%. *Note: Justification must accompany proposed profit rates exceeding 10%.*
- *Itemized direct expenses:* Project specific non-salary expenses such as printing, tolls, mileage (45 cents/mile) and subconsultant costs that are not included in the direct labor, profit and overhead rates.
- *Total proposed cost:* The sum of all direct labor, overhead, direct expenses, and fixed fee/profit.
- *Subconsultant proposal:* If a subconsultant will work on the project, the subconsultant's proposal must be included as supporting documentation. If a subconsultant will perform 25 percent or more of the value of the contract, the prime consultant also must submit the subconsultant's certified payroll and audited overhead report.

PACKAGING AND SUBMITTING YOUR TECHNICAL AND COST PROPOSALS

Your proposal package must be submitted as outlined below:

1. *RFP title:* The proposer's full business name and address as well as the RFP title must be written on your proposal package, with reference to the Franklin Street Enhanced Project Scoping and Land Use Concept project.
2. *General information form:* A completed "Proposer's General Information Form" (Appendix B) must be included.
3. *Technical proposal:* The technical proposal should be clearly labeled and include all submittal requirements listed above.
4. *Cost proposal:* The cost proposal and supporting data must be submitted as outlined on the standard Cost Proposal Form (Appendix A) and described above. Please note that only one copy of the clearly labeled and sealed cost proposal should be included in the proposal package. The cost proposal must be

submitted in a separate, sealed envelope. Only mailed/sealed cost proposals will be accepted. See below.

The cost proposal will only be opened for the top-rated proposer following ranking of proposals (and final scoring should interviews be conducted). If negotiations with the top-ranked proposer are unsuccessful, the cost proposal for the next highest ranked proposal will be opened. Unopened cost proposals will be returned at the conclusion of consultant selection.

NO MENTION OF PRICE IS TO BE INCLUDED IN THE TECHNICAL PROPOSAL;
OTHERWISE THAT PROPOSAL WILL BE REJECTED.

5. *Proposal package submittal:* Technical proposals can be emailed to bidssubmit@portlandmaine.gov or mailed/delivered to the address below. Cost proposals **must be mailed/delivered** to:

Samantha Chapin, Purchasing and Controls Manager
City of Portland, Maine
389 Congress Street, Room 103
Portland, Maine 04101

PROPOSAL RATING AND SELECTION PROCESS

Proposals will be evaluated by the City's project management team using the criteria listed below. The project management team will be composed of representatives from various City departments including Planning & Urban Development, Public Works - Transportation, and Public Works - Water Resources.

This is a qualifications-based selection process, meaning that technical proposals alone will be used to select the successful proposer. Upon selecting the successful proposer, the City will open that proposer's cost proposal and begin negotiations. Cost proposals from all other proposers will remain sealed.

Proposals will be rated according to the following criteria:

CRITERIA	PERCENTAGE POINTS
Experience of project team and key personnel with similar projects, including transformative urban multi-modal transportation projects, land use, and project implementation.	30%
Quality of project understanding and approach.	30%
Quality of scope of work, including attention to public engagement, concept development, and funding and implementation strategy.	25%
Demonstration of past performance specific to adherence to project schedule and budget.	15%

Wendy Cherubini <wcherubini@gmail.com>

Sun, Feb 4,
9:07 AM (1 day
ago)

to council, publiccomment

Dear Mayor Dion and Members of the Portland City Council,

I am pleased to see the first reading of the Franklin Street Agreement with MDOT on your agenda for the February 5th Council Meeting.

This has been a long time coming and involved a lot of work by you, City staff and our partners at MDOT.

However, in the packet that was released on Friday I did not see the complete Appendix A referenced in the agreement. This is a critical piece of the Agreement as it includes the City's application to MDOT for these funds and the specific Scope of Work that will govern the project.

Supporters of the Franklin Plan want to speak out in support of this critical next step, but we need to see exactly what the City is agreeing to with MDOT and what the Scope of Work will entail because that will inform and direct the process going forward. As I recall, during the September, 2022 Council Workshop on Franklin, Councilor Fournier and others discussed the importance of understanding the details of agreements with MDOT before entering into them. Please share with the public the complete Appendix A, including the City's application to MDOT, the Scope of Work and any related documents prior to the public hearing on February 21.

Thank you for your consideration.

Wendy Cherubini
99 Federal Street Unit 302
Portland, ME 04101
207-450-2962

Additional Resources for February 26, 2024 Council Meeting

Project Webpage including project background documents

<https://portland.civilspace.io/en/projects/franklin-street-2023-update>

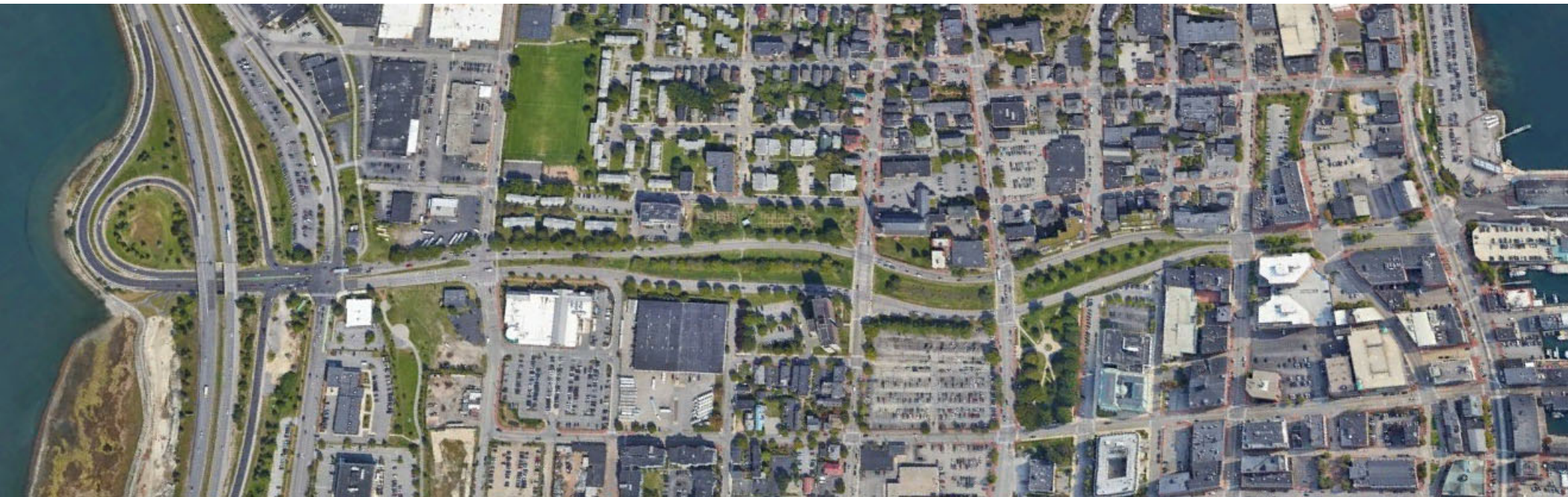
City Council Workshop, September 11, 2023:

Meeting recording of workshop can be viewed at

<https://portlandme.portal.civicclerk.com/event/6725/media>

Council Workshop Presentation Slides following this page and also available at Project Webpage (using link above)

Franklin Street Update 2023



**City Council Workshop
September 11, 2023**

AGENDA

- 1 Project Approach
- 2 Project Background
- 3 Next Steps
- 4 Q&A

PROJECT APPROACH: WHY NOW?

FRANKLIN STREET UPDATE: Why Now?



Re-Engage With the Public

- Reintroduce the project
- Create meaningful input opportunities



Reflect Changed Conditions

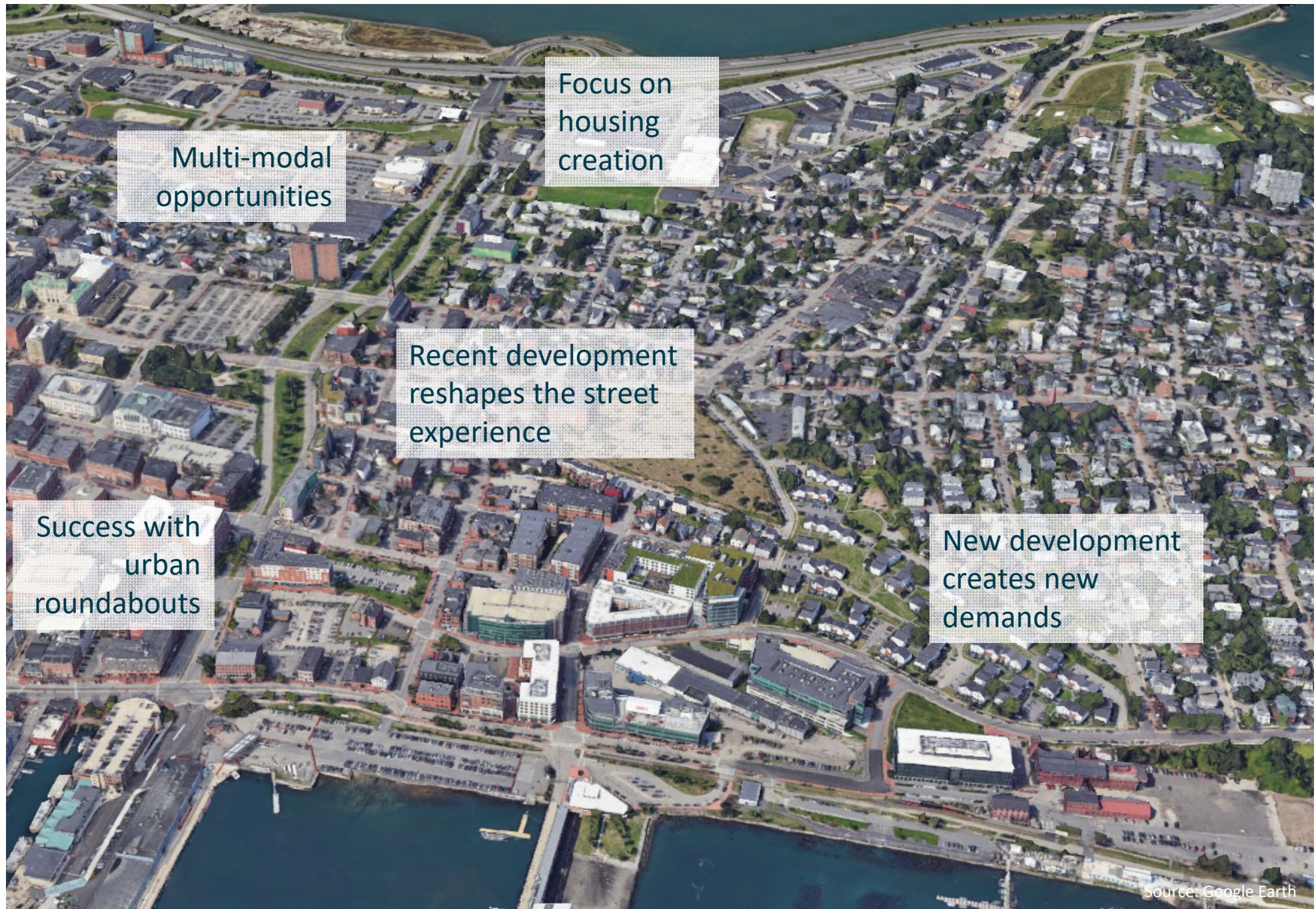
- Significant development
- Changing transportation landscape



Position the Project for Success

- Land use and local funding options
- Federal funding opportunities

FRANKLIN STREET UPDATE: Reflecting Changed Conditions



FRANKLIN STREET UPDATE: Changing Transportation Landscape



Street activation through transportation design



New transportation services and technologies
(Husky Line expansion)

PROJECT BACKGROUND

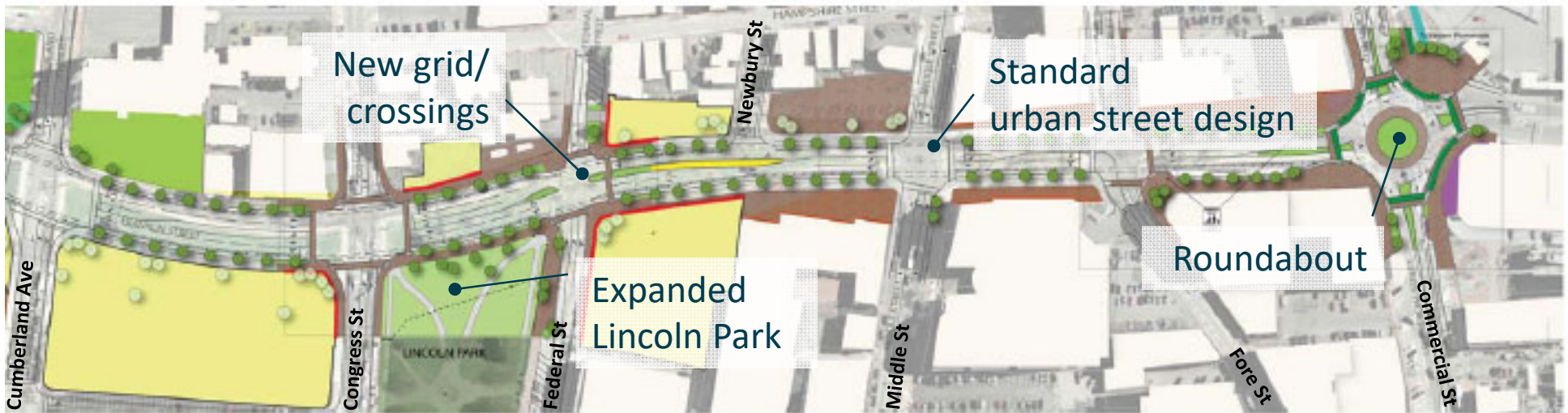
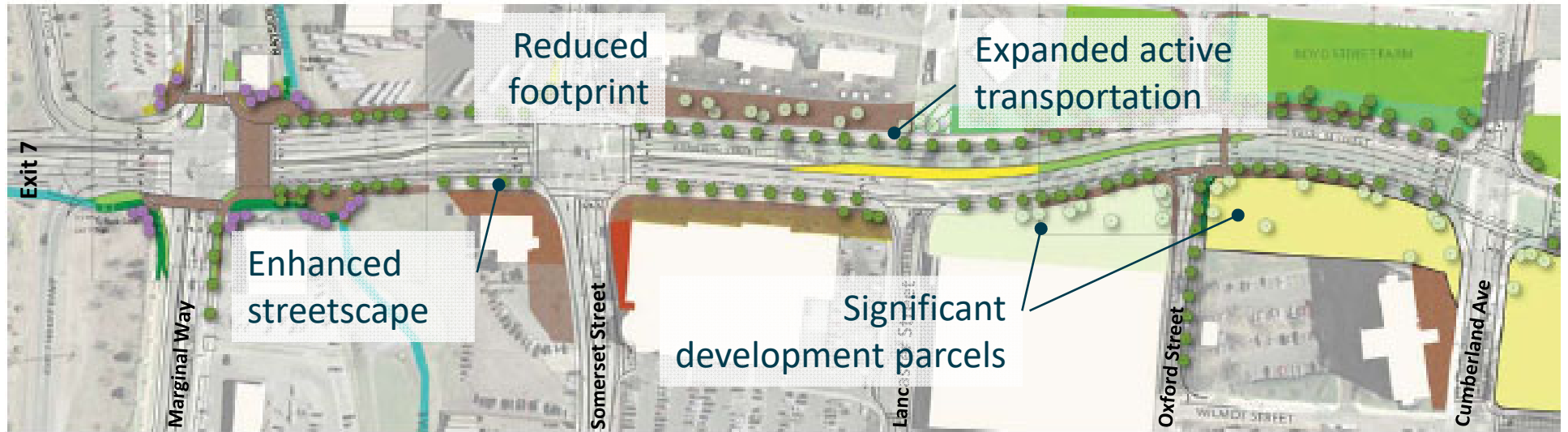
PROJECT TIMELINE: How We Got Here



AN URBAN STREET VISION: Reclaiming Franklin Street (2009)



A CONCEPT REFINED: Franklin Street Master Plan (2015)

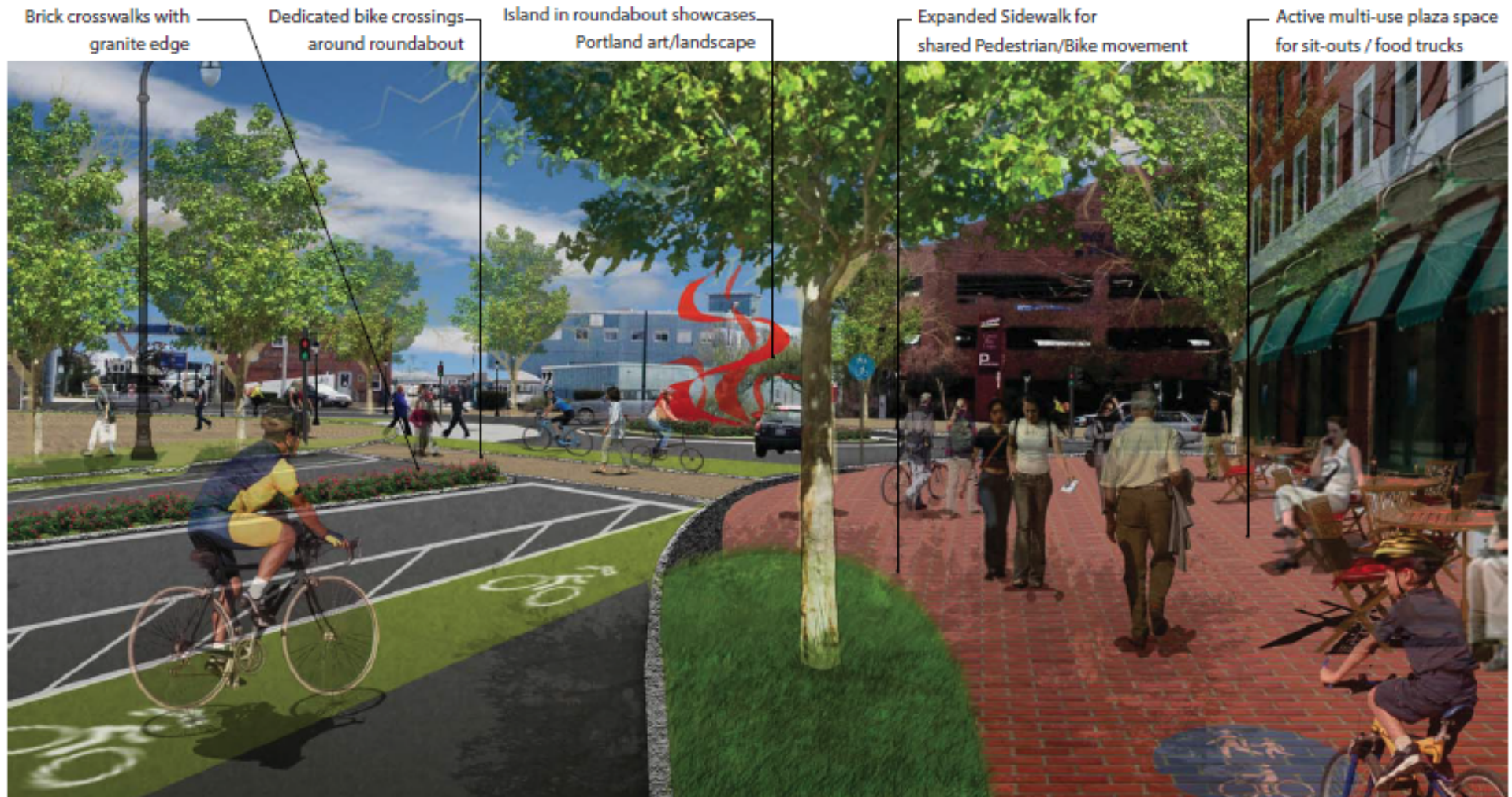


A CONCEPT REFINED: Franklin Street Master Plan (2015)



Franklin Street at Federal Street/Lincoln Park

A CONCEPT REFINED: Franklin Street Master Plan (2015)



Franklin Street at Commercial Street

WHERE ARE WE NOW?

FRANKLIN STREET UPDATE: Goals



Integrate transportation + land use planning



Garner public support through robust public engagement



Realize equity, housing, economic, + safety benefits

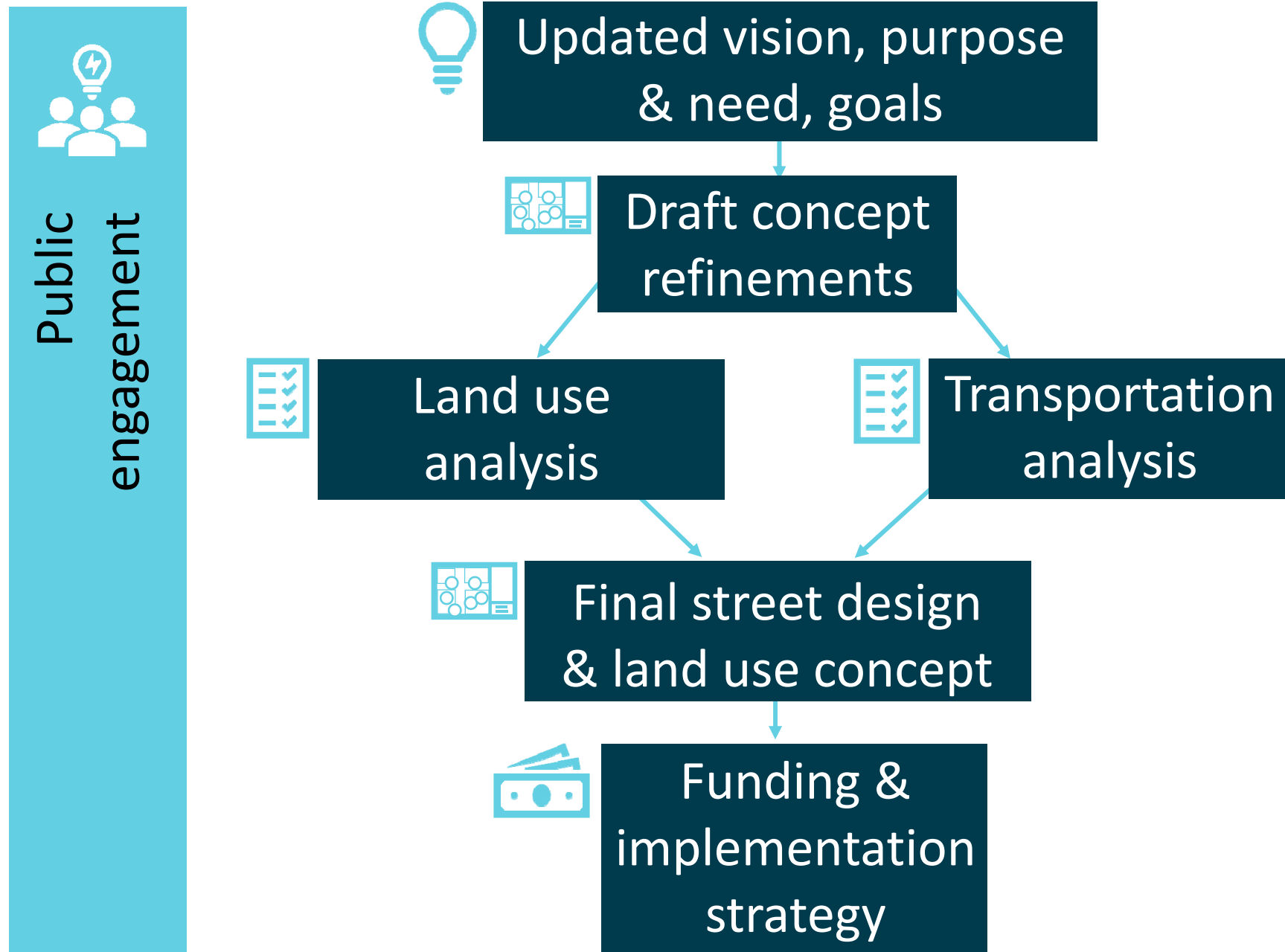


Bolster design for active transportation and transit



Position the project for federal funding opportunities

FRANKLIN STREET UPDATE: Scope



FRANKLIN STREET UPDATE: Potential Funding

Reconnecting Communities and Neighborhoods (RCN)

- Redress “legacy of harm” caused by infrastructure
- Community-centered transportation projects
- Improve access, walkability, safety
- Assist underserved communities
- Address challenges such as housing and transit access

Safe Streets for All (SS4A)

- Infrastructure to prevent death and injury for all modes
- Assist underserved communities

RAISE

- Access to affordable transportation choice & jobs
- Mobility & community connectivity
- Partnerships / collaboration

Congressionally Designated Spending (CDS)/Earmarks

Local Funding

- Parcel Sales
- Development Revenue
- TIF Revenue
- Impact Fees
- CIP Funds
- WR Contributions

NEXT STEPS & TIMELINE

FRANKLIN STREET UPDATE: Anticipated Timeline



QUESTIONS & ANSWERS

CONTACT INFO:

Jeremiah Bartlett

jbartlett@portlandmaine.gov

We fully support the Franklin Street plan but would also like roundabouts at Commercial Street and Marginal Way.
'Chris Hoppin' via Public Comment

Thu, Feb 22, 12:34 PM
(4 days ago)

to publiccomment

Barbara and Chris Hoppin
Sent from my iPhone

Order 119-23/24: Franklin Street Study
Winston Lumpkins <winston.lumpkins@gmail.com>

Thu, Feb 22, 4:33 PM
(4 days ago)

to publiccomment, City, City, Mark

Dear Honorable Mayor Dion, Members of the Portland City Council,

I support order 119-23/24, and ask the council to pass this order.

I am concerned that we may fail to finalize this study in time to apply for a reconnecting communities grant, as there are less than 2 years left in which to do so. (I can't find the deadline on the 2026 applications- though it might be september 2025).

That said, the 2015 study result, while an admirable effort, badly needs to be revised to meet the needs of Portlanders today. In 9 years the needs of Portlanders have shifted. I am far from convinced that applying the plan that resulted from the 2015 effort would improve safety along the corridor, so, there is really no option but to do this study, though we're working within a tight time limit.

Among other things, the 2015 result opted for entirely unprotected bicycle infrastructure: while at that time the Portland Bicycle & Pedestrian Advisory Committee supported that plan, I have no doubt that, (though a vote may not be unanimous), the current committee would not support the 2015 plan. The reality of the matter is, we need some separation in some places, where there is space and traffic volumes are high. We must ensure that intersections are designed with great care to avoid turning conflicts, which the committee stands by to assist with- by dint of some of our members having many years of lived experience cycling in traffic, and erm, *still being alive*, we have demonstrated considerable acumen when it comes to risk assessment.

Additionally, it is my firm belief that we **do not need** 4 lanes of traffic along Franklin- They encourage speeding, and consolidating them would result in a less safe road than the one we have now: a recent study questions the sense in having 4 lanes on *Forest Ave*- 4 lanes cutting the downtown in half as Franklin does is both unsafe and a waste of money. I strongly question the equity of leaving 4 lanes cutting through what will undoubtedly be an expanded Portland Housing Authority project on the Bayside side of the peninsula, as the draft suggests... while going down to 2 travel lanes on the tourist side of the peninsula and leaving 4 cutting a swath through affordable

housing- well it sure sounds unequitable to me- keep the tourists safe from traffic, but screw the children of the poor.... Not to mention 4 lanes reduces the potential of the area to support housing, screwing some more out of housing, and creates more of a barrier for wildlife, such as birds, creates a heat island effect, reduces the opportunity to plant large growing tree saplings or make use of the existing trees, etc.

Slower traffic travels closer together, and needs less space- lower the speed limit, and the design speed, and we can shrink the road significantly. This will also save significant funds in maintenance and upkeep of the road, not to mention construction, making any grants we apply for more likely to be granted, and lowering any local match we may have to make.

I believe that this study may result in not only a safer plan, but also a cheaper, more achievable, more equitable plan. I intend to do everything in my power to ensure that all those changes are made.

Thank you for considering this action,

Sincerely,

~Winston

Winston Lumpkins IV (he/him/his)

District 1,

East end, Portland Maine

Chair, Portland Bicycle & Pedestrian Advisory Committee

<https://www.portlandbikeped.org/>

Press forward with Franklin Street Redesign!

Myles G. Smith <mylesgsmith@gmail.com>

Fri, Feb 23, 8:21 AM
(3 days ago)

to publiccomment, mdion, rphillips, atrevorrow, pali, vpelletier, afournier, rrodriguez, ksykes, abullett

Hello Councilmembers,

I want to urge you to aggressively press forward with the plan to reclaim land for housing, recreation, biking, and walking along and around Franklin Street. I regularly bike or walk to work, business meetings, and other engagements between my home in Oakdale and the areas around Bayside and the Ferry Terminal. It is not safe or practical to get to many places by bike in this area. I have two kids, who will bike on our streets in Oakdale, but I will never take downtown on our absurdly unsafe streets.

A recent study found Portland to have below-average infrastructure for biking and walking (29 out of 100 on bikescore), despite the fact that we are a compact city. I just returned from a few days in Quebec City, a hillier place with more snow and cold than we have, and yet they manage to maintain safe sidewalks and active use trails. The mistakes of urban renewal like Franklin, built to benefit people who do not live here, must be undone.

There's not enough space in Portland for more cars and more homes, we have to choose. Driving down lanes, speeds, parking lots, and parking minimums will make more space for residents, drive down housing costs, and make the city more livable for the people who actually want to be here.

Thank you for your consideration

Myles Smith

Oakdale

Order #119 Franklin Street

Markos Miller <markossmiller@hotmail.com>

Fri, Feb 23, 10:54 AM
(3 days ago)

to publiccomment, mdion, rphillips, atrevorrow, pali, vpelletier, afournier, rrodriguez, ksykes, abullett

Mayor Dion and Esteemed Councilors,

I encourage you to vote in support of the Franklin Street Village Partnership agreement between the City of Portland and Maine DOT.

When the community members came together after halting the proposed widening of Franklin Street in 2007, we developed a new vision for Franklin Street: a street that not only moved cars, but met the evolving transportation needs of people walking, biking. We envisioned an urban street lined with mixed-use buildings, sidewalks, trees, and a vibrant streetscape that re-knit Portland's urban fabric. We envisioned the reconnection of historic cross streets, and the restoration of land to Lincoln Park- both lost to urban renewal.

In the years following, the City of Portland, in partnership with Maine DOT, and local community partners, worked together to articulate this vision in the 2015 Franklin Street Master Plan. This plan, unanimously adopted by the Council in 2015, moves towards a multi-modal corridor that creates the context for housing, economic development, and high-quality open space.

Our citizen-led Franklin Street housing study, recently completed, found opportunities to create at least 1000 units of housing in a redesigned Franklin Street corridor, under current zoning. Under a 100% affordable housing context, land sales could bring in nearly \$16M in revenue, and generate \$3.5M in annual property tax revenue. I hope to be able to share these findings with members of the Council in the coming months.

The Village Partnership agreement rightly brings land use planning into this conversation so that we can more fully explore the opportunities for housing and economic development in a redesigned corridor. This next planning phase attracts matching state funds to update the 2015 plan in light of changing transportation needs, and evolving urban roadway design. This agreement comes at an opportune time; the federal DOT is championing similar restorative urban redesigns, and grant funding and technical assistance are available.

There are still many questions about Franklin Street: funding, traffic, trees, and housing, to name a few. Your support of Franklin Street creates the context for our community to more deeply explore these questions, refine our vision, and arrive at a final plan that can advance our housing, transportation, and housing goals- a plan that will attract the support and resources necessary to make the Franklin Street vision a reality.

To learn more about Franklin Street and the growing movement of urban arterial redesign, please visit:

- <https://reclaimfranklin.me/> - explores the potential for new housing on a redesigned Franklin Street
- https://www.instagram.com/rebuild_franklin_street_now/
- <https://www.facebook.com/FranklinReclamationAuthority/>
- <https://www.pressherald.com/2024/02/18/could-a-revamped-franklin-street-once-again-anchor-a-lively-city-neighborhood/>
- <https://thetownsmen.org/a-biography-of-franklin-street/>
- <https://thetownsmen.org/stops-and-starts-the-history-of-franklin-street-redesign/>

Please vote in support of the Franklin Street Village Partnership agreement.

Sincerely,

Markos

Markos Miller

17 Atlantic St

Portland, ME

04101

(207) 807-2681

Comment in favor of Franklin st redesign- order 119-23/24

Tom Bander <tom.bander@gmail.com>

Sun, Feb 25, 10:19 AM
(22 hours ago)

to publiccomment

I'm writing in support of order 119 23/34 to proceed with consulting services to update the Franklin street redesign. Furthermore, I'd like to encourage the council to prioritize pedestrian and biking infrastructure, not just cars. It's also really important to prioritize housing development in the project, as the city can benefit greatly from sales and tax revenue, not to mention addressing our severe housing shortage. Thanks for considering,

Tom Bander

108 Eastern Promenade, Apt 3

Portland, Maine 04101

Please fund Franklin Phase 3

Zack Barowitz <zbarowitz@gmail.com>

Feb 22, 2024, 9:28 AM
(4 days ago)

to City, publiccomment

Honorable Mayor and Councilors:

Although the transportation and design elements of Franklin are worthy on their own, the Phase 3 study will look at the project holistically and in a much broader context of housing and economic development.

In other words, this study will look at all the things that have been neglected by generations and have resulted in our most pressing problems:

- Housing

- Increasing the tax base

- Workforce & Economic Development

- Legislative Representation

This is an opportunity that we can't afford to miss.

Thank you,

Zack

207-838-6120

917-696-5649

ZacharyBarowitz.com



227 Water Street, Suite 208
Augusta, ME 04330
207-250-0220
www.growsmartmaine.org

**2024
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Anna Marie Thron
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Maine's Rural Development Council

February 23, 2024

Portland Mayor Mark Dion and Esteemed Councilors,

On behalf of the GrowSmart Maine board, I am writing to articulate our support for the proposed Village Partnership Initiative agreement between the City of Portland and MaineDOT for the Franklin Street redesign planning process.

This Village Partnership agreement with MaineDOT for the next phase of Franklin St planning - with the goal of funding and implementation - will create an opportunity to right past wrongs. Improvements to Franklin Street can integrate land use and transportation planning along the corridor for an outcome that supports fiscal, economic, environmental and community sustainability.

Franklin Street redevelopment, long in the works, will achieve many smart growth goals, including:

- strengthening the traditional urban street-grid and better balancing transportation choices
- capitalizing on place-making opportunities in reclaimed land, including restoring land to historic Lincoln Park, which was decreased in size to accommodate the current oversized version of Franklin Street
- generating economic development opportunities on lands restored to the tax rolls for fiscal sustainability
- creating the context for housing opportunities near goods and services, public spaces, and employment
- providing significant regional value, as an example of how to reimagine a space and then implement the vision.

The 2015 Franklin Street Master Plan was one of Grow Smart's first MaineSmart Growth award recipients in 2018. It's important to note that, while many assume that wider streets mean faster traffic, often a well-designed Complete Street allows all modes - including cars- to get through an area safely and quickly. A Complete Streets solution would also allow for economic and social activity that the current Franklin Street corridor does not.

We are happy to see this plan finally move forward with a clear target of reconstruction.

Sincerely,

CEO

GrowSmart Maine is an Equal Opportunity Employer



PO Box 17533, Portland, ME 04112

22 February 2024

Portland City Council
389 Congress Street
Portland, ME, 04101

Mayor Dion and Members of the City Council,

Greater Portland Landmarks is pleased to support *Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan*. Landmarks participated in the 2009 study and supported the approved master plan. We urge you to take this opportunity to continue those efforts to redesign Franklin Street. We believe a reconfigured street will help advance Portland's goals for housing, transportation, economic development, recreation, historic preservation, and climate resiliency.

We support this project because a reconfigured Franklin Street will enhance the urban fabric of the city through new mixed-use development, enhance the city's recreational space amid attractive streetscapes, and restore land taken for the creation of the arterial to Lincoln Park. Restoring land to Lincoln Park by realigning Franklin Street to the east of the existing right-of-way would provide high-quality open space for gathering, passive recreation, and respite for downtown workers and residents in the Bayside and India Street neighborhoods and in new downtown residential buildings, like the new Casco Building on Federal Street.

We also support the plan to reconfigure Franklin Street as it offers an opportunity to restore and strengthen the East/West continuity of streets that were severed by construction of the arterial. Re-knitting neighborhoods on either side of the arterial will improve transportation options, improve pedestrian safety, and encourage infill development along the western edge of Lincoln Park to further enliven that open space and support the ongoing work of the Friends of Lincoln Park.

Thank you for considering our views,

A handwritten signature in black ink, reading "Carol De Tine".

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

MEMORANDUM
City Council Agenda Item

FROM: Ethan Hipple
DATE: February 6, 2024
SUBJECT: Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor
SPONSOR: District 3 Councilor Regina Philips
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 2/5/2024

Final Action 2/26/2024

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: no

PRESENTATION: Ethan Hipple, slide presentation, approximately 5 min

I. SUMMARY

Rededicating a parcel of city land bounded by Lowell St., Congress St., and Burnham St. as a City park, to be listed in Chapter 18 as a dedicated City park, and to name the park as Thomas Park.

II. AGENDA DESCRIPTION

This amendment to City Code Chapter 18 adds two new parks to Section 18-11, the section of the City Code that lists all of the city parks. Staff is asking that North Deering Park be included. It has already been added to the Land Bank in a different section. This order is a companion order to the item below.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Lowell St parcel is a 0.4 acre parcel of City-owned land bounded by Lowell St, Congress St and Burnham St. It is adjacent to the former Denny's and the north-bound Exit 5 on 295. Until a recent census and redistricting, the parcel was located in District 3, but now lies in District 2. The land is currently city-owned, is un-designated, and is not currently listed as a Park in Chapter 18 of the City Code. The Department of Parks, Recreation and Facilities currently maintains it as a green space, mows the lawn, and cares for the Linden trees on site.

The property was donated to the City in 1913 (sold for \$1) by the Thomas family. The deed contains language that states that the property shall remain as public green space or it will revert to the heirs of the family. We are in possession of copies of City Reports from 1928 that refer to Thomas Square as a designated City Park. However, Chapter 18 of City code no longer lists Thomas Park as a City Park, and no staff members recall it being a designated City park, or having the Council remove the designation as a City park. Regardless, the City continues to care for the space as public green space, so it is in compliance with the deed restrictions.

In February 2023, descendants of the Thomas family reached out to the City to ask that the parcel be restored as an officially dedicated park, and that it be named Thomas Park, in honor of the family that gave it to the City. The Department of Parks, Recreation and Facilities spent many months considering the request and vetting the

documentation, consulting with Corporation Counsel, GIS and Archives Division, and our Transportation and Engineering Division at Public Works. We have held numerous meetings with the family and District 3 Councilor Phillips.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Preserving green space in a historically low-income, CDBG eligible neighborhood. Furthering the City's goals of providing green spaces within a 10 minute walk of all residences.

V. FINANCIAL IMPACT

As the City is already maintaining this space, the cost of maintenance will be negligible. There are no plans for major capital improvements at this time. Park improvements in the future would consist of picnic tables, signage, and park seating, which would be covered in the existing Parks Operating Budget. The neighborhood association is funding the installation of tree lighting.

VI. STAFF ANALYSIS AND BACKGROUND

After this 9 month review process, the Department of Parks, Recreation and Facilities supports this proposal to dedicate this land as a park, and to name it Thomas Park in recognition of the family that gifted this public space to the people of Portland.

VII. RECOMMENDATION

Parks Commission Review and Recommendation

At their 1/4/24 meeting, the Parks Commission unanimously voted to recommend that the Lowell Street parcel be added to the list of Parks in Chapter 18, and for it to be named "Thomas Park".

Sustainability and Transportation Committee Review and Recommendation

At their 1/10/24 meeting, the Sustainability and Transportation Committee voted 2-0 to recommend that the Lowell Street parcel be added to the list of Parks in Chapter 18, and for it be named "Thomas Park"

VIII. LIST ATTACHMENTS

1. Ch. 18 Add Thomas Park to List of Parks in 18-11 2.5.2024 mig
2. Thomas Park Materials for 1.4.23 PC Agenda (2) (1)
3. 02.26.24 Public Comment - Order 122

Prepared by:

Ethan Hipple

Date: 02/06/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 18
RE: ADDITION OF THOMAS PARK AND NORTH DEERING PARK**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 18-11 is hereby amended to read as follows:*

ARTICLE IB. DEDICATION OF PARKS AND PUBLIC GROUNDS

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

Andrews Square;
Back Cove Park and Trail;
Barrow's Park/Baxter Sundial;
Bayside Park/Stone Street Playground;
Bayside Trail;
Baxter Pines;
Baxter Woods;
Noyes Park;
Bell Buoy Park;
Belmeade Park;
Boothby Square;
Boyd Street Gardens;
Bramhall Square;
Capisic Pond Park;
Caldwell Square;
Clark Street Park;
Congress Square (specifically the remaining 1/3 of Congress Square);
Clark Street Playground;
Deering Oaks Park;
Dougherty Field;
Eastern Promenade Park(including East End Beach and Trail);
Fessenden Park;
Fort Allen Park;

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

Parks, Recreation and Facilities Management

Ethan Hipple

Director Parks, Recreation, Facilities

Alex Marshall

Parks Director



Proposal: Dedicate Lowell St Parcel as a Park, and name it Thomas Park

The Lowell St parcel is a 0.4 acre parcel of City-owned land bounded by Lowell St, Congress St and Burnham St. It is adjacent to the former Denny's and the north-bound Exit 5 on 295. Until a recent census and redistricting, the parcel was located in District 3, but now lies in District 2. The land is currently city-owned, is un-designated, and is not currently listed as a Park in Chapter 18 of City Code. The Department of Parks, Recreation and Facilities currently maintains it as green space, mows the lawn, and cares for the Linden trees on site.

The property was donated to the City in 1913 (sold for \$1) by the Thomas family. The deed contains language that states that the property shall remain as public green space or it will revert to the heirs of the family. We are in possession of copies of City Reports from 1928 that refer to Thomas Square as a designated City Park. However, Chapter 18 of City code no longer lists Thomas Square or Thomas Park as a City Park, and no staff members recall it being a designated City park, or having the Council remove the designation as a City park. Regardless, the City continues to care for the space as public green space, so is in compliance with the deed restrictions.

In February of 2023, descendants of the Thomas family reached out to the City to ask that the parcel be restored as an officially dedicated park, and that it be named Thomas Park, in honor of the family that gave it to the City. The Department of Parks, Recreation and Facilities spent multiple months considering the request and vetting the documentation, consulting with Corporation Counsel, GIS and Archives Division, and our Transportation and Engineering Division at Public Works. We have held numerous meetings with the family and District 3 Councilor Phillips.

Dedicating this parcel as a park would further the Council goal of preserving green space in a historically low-income, CDBG eligible neighborhood, and would further the City's goals of providing green spaces within a 10 minute walk of all residences.

As the City is already maintaining this space, the cost of maintenance will be negligible. There are no plans for major capital improvements at this time. Park improvements in the future would consist of picnic tables, signage, and park seating, which would be covered in the existing Parks Operating Budget. The neighborhood association is currently funding installation of tree lighting.

After this 9 month review process, the Department of Parks, Recreation and Facilities supports this proposal to dedicate this land as a park, and to name it Thomas Park in recognition of the family that gifted this public space to the people of Portland.

Know all Men by these Presents, That

We, Elias Thomas, William Widgery Thomas, and Helen Thomas Payson all of Portland in the County of Cumberland and State of Maine, being all the children and devisees under the will of Elias Thomas, late of said Portland, deceased,

in consideration of one dollar and other considerations, to us said City of Portland, a body politic and corporate, created and existing under the laws of the State of Maine, paid by

the receipt whereof We do hereby acknowledge, do hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said City of Portland and its successors, a certain lot or parcel of land situated in said Portland near "Libby's Corner" so called, and bounded and described as follows: viz: -Beginning at a point where the northerly side line of Congress Street is intersected by the westerly side line of Lowell Street, thence running west-erly by Congress Street, eight and fifty-three one hundredths (8.53) feet, more or less, to an angle in said Congress Street, thence north westerly by Congress Street, two hundred and sixty-three and ninety-five one hundredths (263.95) feet more or less, to Burnham Street, thence easterly by Burnham Street, one hundred and forty-three and eighth-nine one hundredths (143.89) feet, more or less to Low-ell Street, thence southerly by Lowell Street, two hundred thirty-and thirty-two one hundredths (230.32) feet, more or less, to the point of beginning, containing seventeen thousand one hundred and seventy-six and fifty-six one hundredths (17,176.56) square feet, of land, more or less Being the first parcel of land des-cribed in a deed from Elizabeth Pullen to said Elias Thomas, dated March 26, 1901 and recorded in Cumberland County Registry of Deeds, Book 702, Page 90. This conveyance is made upon and subject to the following express conditions, to wit: -1. Said land shall be kept and maintained either as an open green, a public park, or a public playground, and shall be used for no other purpose. 2. No building or permanent structure of any kind (fountains, fences and statues excepted) shall be erected or placed upon said land. No act of Legislature of the State of Maine, authorizing said City of Portland, or its successors, to construct public buildings upon public grounds, or upon this particular land, shall be effectual to avoid the foregoing condition. Upon breach of either of the foregoing conditions, this deed shall immediately become null, void, and of no effect, and said land shall thereupon revert to said grantors or their heirs. Said Grantor, further stipulate and said City of Portland by accepting this conveyance covenants and agrees for itself and its successors, that if said land or any part thereof shall at any time hereafter be taken for any purpose by process of eminent domain, said grantors or their heirs shall be entitled to all damages paid, or to be paid, for said taking, and shall have all such rights and remedies in relation thereto as they would have if they were absolute owners of said land.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging, to the said City of Portland and its successors, forever. heirs and assigns forever; And-----do covenant with the said heirs and assigns, that-----will warrant and-----defend the premises to-----the said-----heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof We the said Elias Thomas, William Widgery Thomas and Helen Thomas Payson, and Dorothea Brayton Thomas, wife of the said Elias Thomas, Mary Cate Thomas, wife of the said William Widgery Thomas, and Richard C. Payson, husband of the said Helen Thomas Payson, joining in this deed as Grantors and relinquishing and conveying all rights in the above described premises, have hereunto set our hand and seal this nineteenth day of December in the year of our Lord one thousand nine hundred and thirteen.

Signed, Sealed and Delivered in presence of
A.K. Butler. to E.T., W.W.T. & H.T.P.
Eva G. Tarbox to D.B.T.
Charlotte Thomas.
Annie L.P. Harrison.
Elias Thomas Seal.
Dorothea Brayton Thomas Seal.
William Widgery Thomas Seal.
May Cate Thomas Seal.
Helen Thomas Payson Seal.
Richard C. Payson Seal.

State of Maine, Cumberland, ss. December 19, 1913

Personally appeared the above named, Elias, Thomas, William Widgery Thomas, and Helen Thomas Payson and acknowledged the above instrument to be their free act and deed.

BEFORE ME, A.K. Butler. Justice of the Peace.

RECEIVED February 4, 1914, at 1 o'clock 40 m. P. M., and recorded according to the original.

Elias Thomas III
Post Office Box 7
Acton, Maine 04001-0007

February 8, 2023

Honorable Kate Snyder

City of Portland

389 Congress Street

Portland, Maine 04101

(207) 874-8941

ksnyder@portlandmaine.gov

Ethan Hipple

Director of Parks, Recreation and Facilities Department

City of Portland, ME

212 Canco Rd, Suite A

Portland, Maine 04103

207-808-5400

ehipple@portlandmaine.gov

Dear Mayor Snyder & Mr. Hipple:

My family gave the City of Portland a generous gift, Thomas Park. I am the living descendant of the Elias Thomas Estate. We are extremely proud of our heritage and many contributions our family has made to the City of Portland. This letter is written requesting the following:

- 1. Correct Lowell Street Park name to Thomas Park name. Our family gave the City of Portland this generous land gift located at 64 Burnham Street. It is a triangle shaped park comprised of 17,176.56 square feet, located between Congress Street, Burnham Street and Lowell Street. Thomas Park's perimeter is outlined by a ring of nine Linden trees that are evenly spaced. Please see below deed dated December 19, 1913 for your review. Thomas Park is 110**

years old city park, known to our family as Thomas Park. We can find no evidence that the council ever voted to change the name, but historic references confirms the name it was given, Thomas Park. We want this error corrected to Thomas Park.

2. According to Portland Property Search the original park size was reduced from 17,176.56 square feet to 12,447 square feet. We were never notified about size reduction. We want the correction of the park name and it's preservation of the land for the purpose for which it was given, a City park for public use.

3. Request that you correct the City's maps and all public information that the City disseminates about the city's public parks to include Thomas Park name, install City of Portland Park sign identifying the park as "Thomas Park" founded in 1913.

4. Respect the family's interest as a stakeholder in any planning for the use of the property by consultations and the sharing of any proposed future plans for this property with us.

It is our desire to work closely with you and the City of Portland to correct these errors.

If you have any questions, please email: elias@exitkeyrealestate.com.

We look forward to your response and want this rectified as soon as possible.

Could you please outline action plan and timeline to fulfill our requests.

We greatly appreciate your swift response.

Sincerely yours,

Elias Thomas, III

Cc. Danielle West, Interim City Manager, City Manager's Office

(207) 874-8689, citymanager@portlandmaine.gov

Michael Goldman, Acting Corporation Counsel

(207) 874-8480, mig@portlandmaine.gov

From: Herb Adams <hadams@smccme.edu>
Sent: Monday, February 27, 2023 9:55 PM
To: Carol Schiller; elias@exitkeyrealestate.com; Nick Noyes
Subject: More on Thomas Park

Some research time in the Library today reveals the following. When I am in my SMCC office I will scan all of these out to you for our case. This is what I have :

1. 1922 City Report -- Parks Commission report notes this is the 10th anniversary of the 1913 creation of the Portland Parks Commission.

Hence, the donation of Thomas Park back in 1913 was one of the VERY FIRST donations of a new city park under the then-new commission and would have been known to everyone.

2. 1923 City Report -- pg. 128 clearly lists "Thomas Square , .39 acres " as one of the city's 258.83 acres of holdings (And it is not the smallest -- those are AndrewsSquare and Monument Square)

3. 1915 City Report -- pg. 440, as of December 31, 1915 , lists Thomas Square as .39 acres in the 181.97 acres of 14 total city parks and public grounds (This is the first mention of this brand-new park I can find in City Reports. Obviously everyone would have known about it .)

Do we know the date of the gift of Thomas Square in 1913 ? That way I can check the 3 city papers for any mention of it.

All this just adds validity to the city's acknowledgment of the existence of this small but pleasant piece of the city.

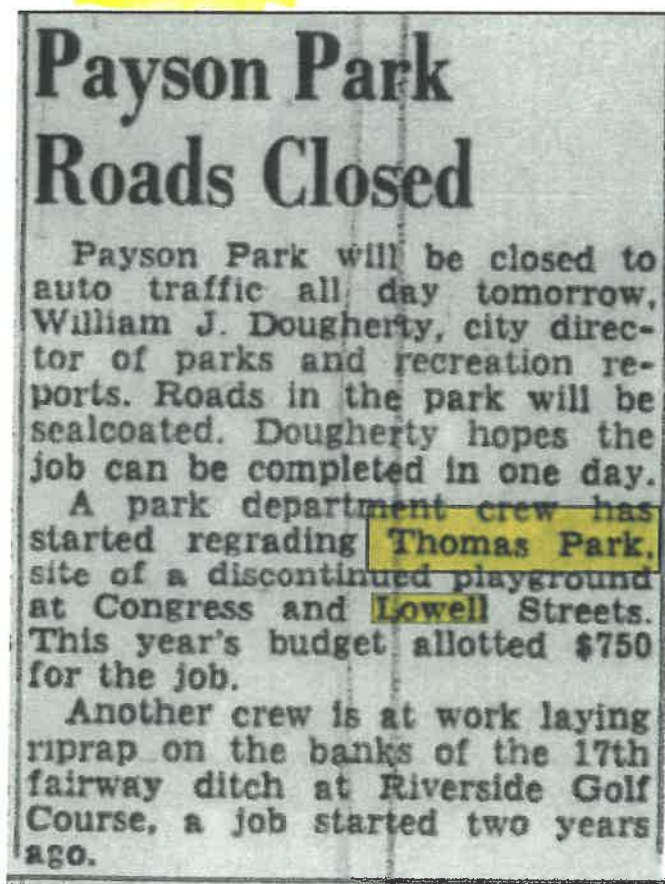
More to follow soon as time allows.
Best Wishes to All

From: S. Nick Zaccaro <snzaccaro@gmail.com>
Sent: Thursday, February 23, 2023 10:25 PM
To: ethomas@metrocast.net
Cc: Carol Schiller
Subject: Re: Thomas Park - introductions & research

I just found a reference to the "Thomas Park" name as late as 1952.

Evening Express
28 Aug 1952, Thu · Page 15

CI



On Thu, Feb 23, 2023 at 10:14 PM S. Nick Zaccaro <snzaccaro@gmail.com> wrote:
Hello Elias,

I just noticed the below email to Earle seems to have only been sent to me. I wanted to make sure you also sent it to him.

I've attached the articles Carol referenced which list Thomas/Lowell Park as an official park. I believe at least Parks Director Alex Marshall has seen these clippings.

Nick

LOT OF LAND ON CONGRESS ST., OP-
posite the new Thomas Park. at West
End, lately presented to the City; one of
th most desirable locations for resi-
dences or for an apartment house, which
is actually needed. Lot will be divided
and sold 50x100 if necessary, or will sell
100x100 square feet. W. F. DRESSER, 80
Exchange street. 24 6t Fel

Green Space

used heavily

Official list of city's parks...

There are probably a lot more parks in Portland than you thought. Here is the official list of city parks, their location and facilities.

Back Cove Park: Preble Street Extension and Interstate 295, soccer field. Back Cove is a lookout site for migrating waterfowl.

Barrows Park: The wedge of green past Vannah Avenue as you pull onto Baxter Boulevard.

Bayside Park: Fox and Anderson streets; playground, basketball court, baseball diamonds, tennis courts.

Baxter Wood: Stevens, Forest and Hartley trails.

Pearl, Federal, Congress and the Franklin Arterial, benches.

Lowell Street Park: Congress and Lowell, at **Thomas Square** where the Lowell Street Professional building is located.

Longfellow Park: between Longfellow, Noyes and Oakdale streets, cement benches, flower bed.

Martin's Point Park: Land set aside at Marine hospital which will get a walkway and picnic area sometime this summer.

North Street Park: Next to old Jack Elementary School; playground.

Oakleigh Park: near the Boulevard, softball field, generally

Section Of Douglass St. Dump Becomes Modern Playground

Activities Transferred From Lowell Street; Latter Site Will Be Park

Children in the area around Congress Street and Park Avenue had a new playground and new equipment today.

Richard S. Westgate, director of recreation for the City of Portland, announced that playground activities were transferred this morning from the small and poorly located playground at Congress and Lowell Streets to a much larger area at the Congress Street end of Douglass Street.

This area, on what was the Douglass Street dump, has been graded, and an area 330 feet by 260 feet has been made into a playground and softball field. The old Lowell Street playground will become a small park according to William J. Dougherty, director of parks and recreation.

Westgate said the new playground is nearly five times as large as the old, but the principal

advantage is that it is away from the heavy Congress Street traffic and is therefore much safer for the children.

Miss Phyllis Wheeler, who has been playground leader at Lowell Street will supervise activities at the new playgrounds.

Westgate said new equipment has been installed at the new playground, where the children will have the customary swings, slides, teeter-boards and sand-boxes.

The softball field will be an additional facility the children will like, he said, but hardball will not be permitted.

Dougherty said this is the first step in the ultimate development of a 23-acre tract into a large recreational area, a development it has been estimated would cost \$165,000. He declared the new
(Continued on Page 18, 3rd Col.)

CITY OF PORTLAND, MAINE

FINANCIAL

The receipts for Evergreen Cemetery for the year ending

December 24, 1928, are as follows:

Received for Burials	\$5,203.70
Received for Foundations	3,456.40
Received for Care	3,839.14
Received for Grading	1,940.00
Received for Plants	1,302.53
Received for General Labor	1,077.46
	\$16,709.23

Note.—See Auditor's Statement for financial report.

PARK COMMISSION

Report for the Year 1928

TABLE OF AREAS UNDER THE CONTROL OF THE
PARK COMMISSION

1. Amshouse Valley Lot (northerly side of Park Ave.)	14.18 acres
2. Andrews Square (Pine and West Sts., west corner)	.05 "
3. Baxter Boulevard	28.83 "
4. Boothby Square (Fore St., at Pearl St.)	.11 "
5. Boothby Square (Woodford St. and Stevens Ave.)	.12 "
6. Caldwell Square (northerly side Park Ave.)	52.70 "
7. Deering's Oaks (northerly side Park Ave.)	53.76 "
8. Eastern Promenade	.46 "
9. Eastern Park (corner Brighton and Deering Aves.)	4.55 "
10. Forest Park (adjoining Eastern Promenade)	1.07 "
11. Fort Allen Park (North St.)	3.51 "
12. Fort Sumner Park (Pine Station Lot)	.34 "
13. Lincoln Park and Extension and Oakdale Sts.	.10 "
14. Land at Noyes, Longfellow and Oakdale Sts.	.52 "
15. Monument Square (ornamental circle)	23.01 "
16. Noyes Park (Bedford St., Deering and Brighton Aves.)	47.75 "
17. Presumpscott Park (Stevens Ave.)	.39 "
18. Payson Park, The Edward (Ocean Ave.)	.30 "
19. Thomas Square (Congress and Lowell Sts.)	18.91 "
20. Trinity Square (Forest Ave. and Coyle St.)	.19 "
21. Western Promenade	
22. Winslow Park (Forest Ave. and Winslow St.)	262.85 "
Total Area	

ANNUAL REPORT

CEMETERIES CARED FOR OUT OF PARK FUND

1. Eastern Cemetery—Corner of Mountfort St. and Washington Ave.
 2. Western Cemetery—Vaughan St.
 3. East Deering Cemetery—Presumpscott St.
 4. George St. Cemetery—George St. and Ocean Ave.
 5. Longfellow Cemetery—Edwards St.
 6. North Deering Cemetery—Maplewood St.
 7. Riverton Cemetery—Forest Ave.
 8. Stroudwater Cemetery—Westbrook St.

IMPROVEMENT EXPENDITURES

The ratio of improvement expenditures to maintenance costs is always of interest. The Portland Park Commission shows a total improvements expenditure of \$48,775.84. This figure includes \$5,000.00 bond payment on the tannery purchase (addition to Deering's Oaks); \$3,000.00 bond payment on the (addition to Deering's Oaks) for the property along Park Avenue and Forest Avenue; \$2,000.00, a final payment on the land at Deering Avenue, Brighton Avenue and Bedford Street, purchased several years ago from the Deering heirs. The improvement figure (less above bond payments), or \$48,775.84, reflects the following betterments in the Park System.

Amshouse Lot (\$116.87). Filling to grade the area which is to serve as an athletic field.

Baxter Boulevard (asphalt-macadam construction) (\$27,581.34). This is the largest item of improvement accomplished by the Commission in 1928. This work is a continuation of the macadam construction begun at the easterly end of Washington Ave. in 1927. The work was started late in April and, in spite of the worst weather conditions, was completed July 3rd. The area improved was 11,855 square yards. The macadam cost was \$25,961.34. The unit cost was \$2.23 per square yard. Imported trap rock was used in the wearing surface. It cost \$2.55 per ton f. o. b. Portland. The unloading and hauling was done by contract by the Morrill Coal and Wood Company, at \$.75 per ton. The base course

REPORT OF PARK COMMISSION, 1923

ORGANIZATION

CARROLL S. CHAPMAN, *Chairman ex-officio*

FRANKLIN R. REDLON

WILLIAM O. THOMPSON

SETH W. CLARK

WILLIAM J. DOUGHERTY, *Sec'y-Treas.*FRANK C. GOODRICH, *Superintendent*

TABLE OF AREAS OF PARKS, SQUARES, ETC.

Designation.	Area.
Andrews Square,	.05 acres
Alms-house lot,	14.18 "
Baxter Boulevard,	28.83 "
Boothby Square,	.11 "
Deerings Oaks,	51.22 "
Eastern Promenade,	59.20 "
Fessenden Park,	.46 "
Fort Allen Park,	45.55 "
Fort Sumner Park,	1.07 "
Lincoln Park,	3.51 "
Monument Square,	.10 "
Presumpscot Park,	28.01 "
Edward Payson Park,	47.75 "
Thomas Square,	.30 "
Trinity Square,	.30 "
Western Promenade,	18.91 "
Winslow Park,	.10 "
Total,	258.83 "

RECEIPTS AND EXPENDITURES

RECEIPTS	
Balance from year 1922,	\$.58
Appropriation (1923),	100,954.73
Receipts from miscellaneous sources,	3,382.10
Total,	\$104,937.41
EXPENDITURES	
Alms-house lot,	\$ 373.01
Baxter Boulevard,	24,915.46
Cemeteries, Deering section,	125.78
Park Commission cottage and greenhouse,	6,906.75
Deerings Oaks,	6,761.12
Eastern Promenade and Fort Allen Park,	2,614.97
Eastern Cemetery,	631.40
Edward Payson Park,	4,092.49
Forestry,	3,023.26
General,	2,592.90
Land payment,	5,799.99
Lincoln Park,	1,952.02
Motor transportation,	2,393.22
Office, salaries and insurance,	4,853.89
Presumpscot Park,	90.00
Recreation Commission (12½% of Park Dept. appropriation and last quarter annual payment carried forward from 1922,)	15,587.40
Small parks and squares,	1,751.47
Schools,	28.00
Snow and ice,	2,186.50
Stable,	1,690.68
Trinity Square,	99.25
Tools and equipment,	1,423.22
Western Promenade,	2,218.24
Western Cemetery,	2,549.49
Winslow Park,	193.51
Total,	\$104,004.62

Thomas Square Park
1913 to Present

Park Description:

Thomas Square Park, founded December 19, 1913, located at 64 Burnham Street, between Lowell, Burnham and Congress Streets, Triangle shape, 17, 176.56 square feet . Thomas Park perimeter is surrounded by a ring of nine Linden trees.

Park Commission Reports list Thomas Square in 1913, 1922 reports, showing the park size was.39 acres. The 1914 Richard Atlas map shows the park was 17,176. Square feet.

Documents:

1. **Dec. 19, 1913 Deed:** Estate of Thomas Elias - Thomas Park Gift to City of Portland

2. **1914 Richard Atlas:** Plate 7

Alternative Title - Libby Town, West End (western section) .

This map shows the park, 17,176 square feet. The name is not shown.

Park Commission Reports:

3. **1915** Park Commission Report, Thomas Square

4. **1922** Park Commission Report 10th Annual

5. **1923** Park Commission Report, Thomas Square reference .39 acres

6. **1926** Park Commission Report,

7. **1940?** Portland City Guide, Lowell Street Playground, Congress, Burnham, and Lowell Streets, is a municipal playground with a supervised play program; regular playground equipment is available. Portland Guide, Recreational Facilities section, page xLi (n 44) -

Link: <https://archive.org/details/portlandcityguid00unse/page/n43/mode/2up?ref=ol&view=theater&q=lowell>

News Articles/Info:

Jan. 14, 1772 Elias Thomas was born - Died August 3, 1872 , 100 years old

April 17, 1869 - William and Elias Thomas go to court due to a fight provoked when called liar. Portland Press Herald, Page 3

August 9, 1872 (For the press.) Correction

Elias Thomas. Mr. Editor: — As there are some inaccuracies in the notice of Elias Thomas in your paper of this morning, I enclose you a sketch of his life as drawn by the late Honorable William Willis. Etc Portland Daily Press, page 3

May 11, 1875 Elias Thomas & Co., Flour, Groceries and Provisions, 86 Commercial Street. Thomas' Block Portland. Ad Portland Daily Press, page 3

May 10, 1890 Some of Portland's Venerable Citizens, Portland Daily Press, page 5

Nov. 23, 1896 "William W. Thomas - Death of An Aged and Prominent Citizen, 93 Years of Active Life." The Portland Daily Press, page 3

Nov. 30, 1896 Mr. Thomas's Will. He Gives \$50,000 in Public Bequest .

A Large Portion of the Property Place in Trust - Elias and Hon. W.W. Thomas as Made Trustees and Executors - Many Charitable Institutions Remembered.

The will of the late William W. Thomas was presented for probate Saturday....Witnessed by Byron D. Verrill, Henry C. Small and Fred E. Alen , Continued ...signed December 22, 1894 ..Portland Daily Press, page 3

Jan. 29, 1897 Funeral of General Thomas. Address Delivered by Rev. Mr. Hack of the Second Parish, Portland Daily Press, page 3

Sept. 23, 1902 Obituary Mrs. Elias Thomas, Jr. Eleanor Libby Holt's parents were Julia Libby & William Holt. Her grandfather was Harrison J. Libby. Married to Mr. Thomas last July 16th, 1902 or 1901?

July 14, 1903 Obituary Mrs. Elias Thomas. Daughter of Hon. S. P. Brown in DC, after marrying Mr. Thomas she moved to Portland. Survived by her husband, a daughter, Mrs. Richard C Payson, and two sons Elias Thomas, Jr and William W. Thomas.

March 7, 1904 Social Gossip - Mr. Elias Thomas, Jr., is at the Trochta, Havana, Cuba. Evening Express, page 3

January 11?, 1906 Elias Thomas, Jr & Dorothea Perkins 2nd Wedding Reception at Danforth Street.

January 14, 1906 "Gathering for Elias & Dorothea's wedding reception at Danforth Street house". Portland Sunday Telegram, page 10

1909 Elias Thomas, Jr Born - Died May 1995. Parents were Elias & Dorothea Perkins Thomas.

1910 Factory designed by John Calvin Stevens, on corner of Lowell & Cherry Streets, 1932 Corbin -Holmes Shoe Co. employs 520; Homes, Stickney & Walker Shoe Company; Holmes Stickney, Inc Shoe & Company,

October 19, 1913 Sunday Morning (Regarding Death of Mr. Elias Thomas) Commercial Portland was dealt, a hard blow, and its social life sustained a serious loss in the death of Mr. Elias Thomas. He was born in this city, and had been prominent in its activities and interest for years, all projects designed for the advancement of his native place and the betterment of its citizenship, found in him, an ardent, champion and sturdy supporter. His business career which extended over a long period was characterized by unusual success. For years, Mr. Thomas was recognized as one of our strong and representative citizens, and one who had contributed his full share to the stability and prosperity of the city. Portland Sunday Telegram, Page 16

April 26, 1914 News paper Ad: "Lot of Land on Congress St., Opposite the new Thomas Park, at West End, lately presented to the City: one of the most desirable locations for residences or for an apartment house, which is actually needed. Lot will be divided and sold 50 x 100 if necessary, or will sell 100 x 100 square feet. W. F. Dresser, 80 Exchange Street."

Portland Sunday Telegram, page 31

June 15, 1918 Elias Thomas, Candidate for State Senate, Evening Express , pg 5

September 5, 1920 Saturday, Sept. 11, Big Day For Children of Portland, Portland Sunday Telegram, page 11

July 23, 1922 - "Portland Playgrounds Care For More Than 19,000 Children" Portland Sunday Telegram, page 10 A

August 29, 1922: " Park Commission Doing Big Job in Adding to City's Beauty. Thomas Square listed. Evening Express, page 12

September 1, 1931 Six-Year-Old Margaret V. Axelson Awarded First Prize In Annual Playground Doll Parade And Pageant, Portland Press Herald, page 2

August 26, 1930 5,000 Watch Annual Doll Carriage Parade Here, Portland Press Herald, page 13

September 28, 1941 Miss Thomas To Be Wedded Oct. 25 In First Parish Church, Portland Press Herald, page 15

August 11, 1948 - "Section of Douglass St. Dump Becomes Modern Playground, Activities Transferred from Lowell Street; Latter Site Will Be Park". Portland Evening Express, Front page

March 27, 1952: City Plans Action To Protect Run Down Fore Street Park. Thomas Square listed. Evening Express, page 40

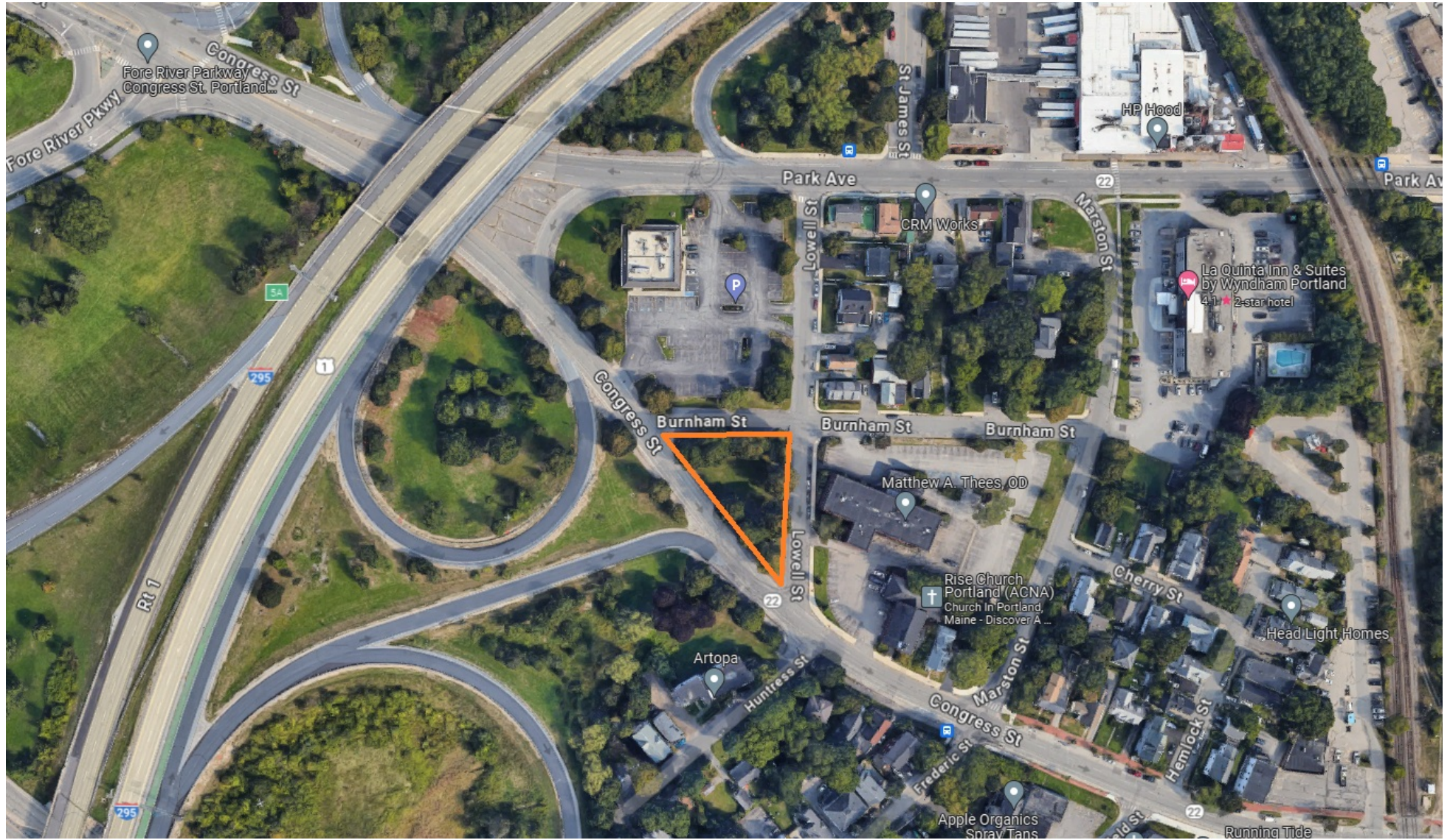
October 30, 1963 50 Years Ago - William Widgery Thomas was today elected to fill vacancy in the office of president at the Canal National Bank created a few weeks ago by the death of his father, Elias Thomas. Evening Express, page 20

July 6, 1983: Lowell Street Park: Congress and Lowell, at Thomas Square where the Lowell Street Professional Building is located.
Evening Express, page 5

July 6, 1983 Neighborhood Park used heavily . Official list of city's parks..Lowell Street Park. Evening Express, page 5

May 31, 1995 Obituary Elias Thomas, Jr. Survived by wife, Irene Goodson Thomas; 3 daughters, Irene Andrew, Eliza Lawrence, Sally Cushman, and son, Elias III .





to Mark, Pious, April, Roberto, Anna, Victoria, Regina, abullett, Kate, Danielle, Dena, Michael, Public

With all due respect to the initiative of Councilor Phillips, I urge the City Council to postpone action on anything to do with the open space often referred to as "Lowell Street Park" and formerly the site of the "Lowell Street Playground" (from the early 1920s until the 1950s) and once, for a very brief time, referred to formally by the City as "Thomas Square" which never caught on and fell out of use completely after the 1920s.

While many considerations come into play with respect to Order 122 (will elaborate other points via separate emails), the key one is the City Council being mindful of its professed goal surrounding HOUSING.

Right now, the MDOT is embarking on a major reimagining of the area surrounding this open space to reintroduce 2-way traffic on both Congress and Park Streets which will be accomplished in part by absorbing a big part of the parcel where the old "Denny's" restaurant operated.

SEE HERE for details: [Reconnecting Communities Grants | MaineDOT](#)

A good chunk of the Denny's site will likely remain available for a possible mixed-use residential project that could explicitly incorporate the open space especially if the adjacent stub of Burnham Street is discontinued as part of the MDOT roundabout work.

It is critical that the City Council WAIT to let the MDOT planning process play out, including allowing the public to review the various ideas that might be considered by the traffic engineers, to see what the surplus land will look like.

It is completely premature for the Parks or Public Works Departments to dismiss the idea that the MDOT project and what COULD happen with the Lowell Street Park are connected. FYI - Maine courts routinely disfavor old deed restrictions that are contrary to public policy and the City of Portland would have a very good argument that allowing a mixed-use residential project to incorporate the former playground triangle under the condition that the actual footprint remains recreational and effectively public space would satisfy the original donor's intent. Doing this would give any mixed-use development enormous advantages if it could use the open space area to meet various development requirements regarding open space, lot coverage and storm-water management rules. The result would likely be more units of housing and a "better" result for everyone (especially if the development will have primary responsibility for maintaining the open space thereby saving the City of Portland money over time by releasing the Parks Department from this burden).

Building housing next to the very busy I-295 spine is not ideal, but then again, with the right HVAC and window technology protecting the air quality of long-term residents, a mixed-use project here could become the centerpiece of a reinvigorated "New Libbytown" and help repair the decimation of the original "Libby's Corner" neighborhood when I-295 was plowed through here during the early 1970s.

Right now the City Council has some flexibility here and it would be absolutely silly to tie its hands as to future action by needlessly adding more restrictions to the open space parcel that currently sits outside of the parks ordinance listing.

Give our community and the Libbytown neighborhood specifically time to think about the possibilities here without adding unnecessary complication at this time.

After decades of indifference to this open space, there should be no rush to decisions in this matter. Please take your time and be PATIENT and some great things could happen as a result.

Thank you.

Jan Meierer <janfmeierer@gmail.com>

Thu, Feb 22, 11:26 AM
(4 days ago)

to publiccomment

Hi,

As a resident of Libbytown, I have been enjoying living in the area and appreciating the development of it, including improvements to Doherty Field Park. I would like to express my support for turning the green space on Lowell Street into a park with reference to Order 122-23/24.

Thank you,

Jan Meierer

pamela murton <pbmurton@hotmail.com>

Thu, Feb 22, 11:39 AM
(4 days ago)

to publiccomment@portlandmaine.gov

I am a longtime resident of Libbytown. Dougherty Field, well loved and well used, offers limited park space to a neighbourhood that was long ago divided by 295. Please accept the small parcel of land called Thomas Park into the city park system, offering green space to those who live in Libbytown and the Valley Street neighborhoods, as well as those who may be walking to the Thompson's Point area for a concert, a picnic, or simply meandering around Portland.

With an ever increasing amount of traffic on Congress Street, more green space is sorely needed.

Gratefully,

Pamela Murton

Lowell Street Park renaming to Thomas Park
Fred Dillon <fdillon@maine.rr.com>

Thu, Feb 22, 7:13 PM
(4 days ago)

to publiccomment, council

Greetings,

As a long-time Libbytown resident (and near lifetime Portland resident), I'm hoping the Council will approve the renaming of the current Lowell Street Park to Thomas Park given the family's rich history in city lore (please see [Herb Adam's 1/2/24 letter](#) to the Portland Parks Commission). As I

understand, the item will be considered at the Monday 2/26/24 meeting and I respectfully request unanimous agreement to approve by the Council.

Sincerely,

Fred Dillon - 18 Davis Street

Thomas park
'Raymond Jos DiDonato, Sr.' via Public Comment

Fri, Feb 23, 5:38 AM
(3 days ago)

to publiccomment

I think you should make Thomas Park an official Park in Portland. Thanks Mary

**Order 122-23/24 - Lowell Street/
Autumn Storteboom <ajstorte@gmail.com>**

Fri, Feb 23, 11:01 AM
(3 days ago)

to publiccomment

I'm open to calling this a park, but in no way do I want that to hinder a project to create a traffic circle in the area. I do wish for this area to have improved biking and pedestrian routes, and cleanup the car routes for turning onto Huntress and Frederic streets.

Two reasons why Thomas Park matters

Fri, Feb 23, 6:40 PM
(3 days ago)

Zack Barowitz <zbarowitz@gmail.com>
to City, publiccomment, Damon, Emma, Fred, Liana

Honorable Mayor and Council:

The grassy triangleloid parcel at Congress and Lowell may appear to be a forlorn piece of leftover space but is part one of a transitional phase as we await the 2-way conversion of Congress And Park Ave. The park and the conversion are complementary, not mutually exclusive. Secondly, Park status will help push forward two projects that are already privately funded: seasonal landscape lighting (administratively approved) and a Vivian Beer sculpture (application pending).

Thank you for you consideration of this issue.

Zack Barowitz

207-838-6120

917-696-5649

ZacharyBarowitz.com

To: Portland City Council

Date: February 22, 2024

From: Carol Schiller, 7 Longfellow Street; Portland, ME 04103

Regarding: February 26, 2024 City Council meeting. Regina Phillips, City Councilor sponsors Order 122-23/23 Amendment to Portland City Code Chapter 18 for the addition of Thomas Park.

Dear Portland City Council, Mayor Dion, & City Manager Danielle West:

Last year, Nick Zaccaro and I embarked on a quest to uncover the truth behind Thomas Park. Our search led us to Elias Thomas III, who revealed the park's true legacy. With Elias's support, we moved forward together to restore the park's rightful name and have it recognized as an official city park. We urge you to approve Order 122-23/23 Amendment to Portland City Code Chapter 18 for the addition of Thomas Park, sponsored by Regina Phillips, City Councilor.

This is just the first step; it's not the last. The Libbytown Neighborhood Association and the University Neighborhood Organization envision a vibrant community park. Collaborating with Allison Towne DiMatteo, a Professional Landscape Architect and Principal at Oak Point Associates, we've crafted a compelling design concept for Thomas Park. Alongside this letter, we are including landscape design drawings for your review.

This concept includes:

- Public sidewalks around the park perimeter
- A central gathering space featuring public art, sculptural benches, and directional lighting
- Accessible pathways into the park
- Ornamental metal fencing along Congress Street for visual enhancement
- A lawn with electrical infrastructure for outdoor events and recreation
- Shaded park benches beneath existing Linden trees
- Additional bike share facilities

We ask that you consider funding improvements for Thomas Park at a later date. The Libbytown Neighborhood Association will engage the community, gather feedback, and secure funding for the landscape design. Together, we aim to breathe new life into Thomas Park.

Thank you.

Sincerely,

Carol Schiller, President
University Neighborhood Organization
7 Longfellow Street; Portland, ME 04103

Public Comment - Order 122 - 23/24: Lowell Street Park & 295

George Rheault <george.rheault@gmail.com>

Sun, Feb 25, 9:47 AM
(23 hours ago)

to Public, Mark, Pious, April, Roberto, Anna, Victoria, Regina, abullett, Kate, Danielle, Michael, Dena

Please find ATTACHED the relevant right-of-way map from the 1970s that depicts the condemnation of almost one-third (1/3) of the park in order to create the current 295 cloverleaf infrastructure one finds in Libbytown today.

Source: Cumberland County Registry of Deeds - Recorded Land Plans - Book 00112 Page 49

As is shown on the map, 4650 square feet were taken (it looks like between the land donation which took effect in 1914 and the I-295 survey, an additional 166 square feet were gobbled up for use as regular city street area). One question is how much in compensation did the City of Portland receive from this partial condemnation at the time and what was done with that money? There is the remote chance it was given to the Thomas heirs if someone in the City had been aware of the original deed language and believed the family may have had a claim to it under the deed.

**PARCEL NO. (705 - 4)5
CITY OF PORTLAND
LAND TAKEN = 4650± SF
GRADING RIGHTS = 1855± S.F (1)
TOTAL AREA = 17,010± SF**

But more importantly, if the Thomas Family did not object or intervene when this condemnation occurred as likely they did not, their original reversionary rights may have been extinguished by their failure to protect their rights at the time. This is separate from the question to what extent the original deed restrictions, all or some of them, are enforceable today under Maine law and public policy. Answering these questions unfortunately requires some in-depth legal analysis which of course has not been done, but should be before any further restrictions are placed on this parcel by the City Council. Saying that the City Council might be subject to a claim from the family today if they alter any aspects of the parcel for city purposes should not be done flippantly but only after a careful analysis of the legal questions presented under various scenarios (including absorbing the parcel into a larger multi-use housing development for use as landscaping or recreational space).

FYI - a tiny glimpse of the Lowell Street parcel can be seen in this archival photo from 1960 before I-295 was constructed: ["Thompson's Point, ca.1960" \(portlandlibrary.com\)](#) There were no trees at the time on the open space which makes it easier to identify next to the former shoe factory (shoe manufacturing ceased there in February 1974 and that building was converted to medical offices in the early 1980s a use which continues to this day).



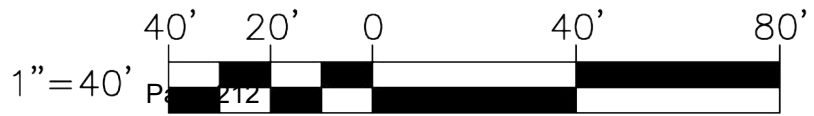
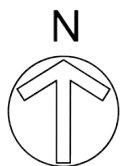
LEGEND

- ① BIKESHARE STATION
- ② NEW CANOPY TREES
- ③ PARK BENCH
- ④ EXISTING LAWN
- ⑤ EXTEND SIDEWALK AT BURNHAM & LOWELL
- ⑥ ORNAMENTAL METAL FENCE (4' TALL)
- ⑦ DIRECTIONAL OVERHEAD LIGHTING
- ⑧ SCULPTURE / SCULPTURAL BENCHES
- ⑨ ACCESSIBLE WALKWAY
- ⑩ ENTRANCE / PARK SIGN
- ⑪ ESPLANADE

Thomas Park Concept Plan

Portland, Maine

February 19, 2024



OAK POINT
ASSOCIATES

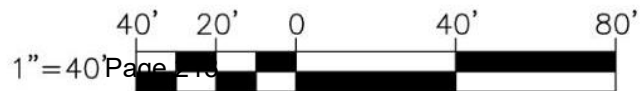


ARCHITECTURE ■ ENGINEERING ■ PLANNING



Thomas Park Concept Plan
Portland, Maine

February 19, 2024



OAK POINT
ASSOCIATES



ARCHITECTURE ■ ENGINEERING ■ PLANNING



Thomas Park Concept



Sculpture (Vivian Beer)



Park Bench



Sculptural Bench



Directional Lighting

112/49

REVISIONS		BY
NO.	DATE	DESCRIPTION
1	10-6-72	ADDED ITEM NO. 735, ADDED ACCESS RIGHTS TO PARCELS 733, 744, 745.
2	10-6-72	ADDED ITEM NO. 735, ADDED ACCESS RIGHTS TO PARCELS 733, 744, 745.
3		
4		
5		

ITEM	FIGURED	PLOTTED	CHECKED
BASE LINE			
TOPOGRAPHY			
R/W LINES			
AREAS			
R/W MON.			
CO. RECORD			

NORTH DEERING BAPTIST CHURCH
PARCEL NO. 717
LAND TAKEN = 2285± SF
TOTAL AREA = 18,175± SF
ITEM NO. 733
PORTLAND TERMINAL CO.
GRADING RIGHTS = 180± SF
ACCESS RIGHTS
FOR PARCEL NOS 734, 735 & 738
SEE TEMP. SHEET 1

ITEM NO. 735
SANTINO J. VIOLA
ACCESS RIGHTS
TOTAL AREA = 28,335± SF.

PARCEL NO. 736
EDITH B. THOMAS
THOMASINA L. CUMMINGS (GUARDIAN)
LAND TAKEN = 7848± SF
(ENTIRE LOT)

PARCEL NO. 1705-415
CITY OF PORTLAND
LAND TAKEN = 4650± SF
GRADING RIGHTS = 1855± SF (1)
TOTAL AREA = 17,010± SF

PARCEL NO. 737
PAULINE G. ROY
LAND TAKEN = 2750± SF
(ENTIRE LOT)

ITEM NO. 739
NELSON H. WARD
SLOPE EASE = 620± SF
TOTAL AREA = 4176± SF

PARCEL NO. 740
SCOTT REALTY CO.
HOLMES-STICKNEY INC. (LESSEE)
LAND TAKEN = 6435± SF
TOTAL AREA = 33,615± SF

PARCEL NO. 741
PATRICK H. BURKE
LAND TAKEN = 5200± SF
(ENTIRE LOT)

CURVE 239
 $\Delta = 56^\circ 23' 03.5"$
 $D = 38' 11.50"$
 $T = 80.40'$
 $L = 147.61'$
 $R = 150'$
CURVE 160
 $\Delta = 32^\circ 10' 38.8"$
 $D = 8^\circ 50' 00"$
 $T = 187.08'$
 $L = 364.27'$
 $R = 648.63'$

CONTROLLED ACCESS LIMIT
CONTROLLED ACCESS LIMIT LINE
ALONG R/W LINE
R/W LINE
CONTROLLED ACCESS LIMIT LINE NOT
ON R/W LINE
NO ACCESS WILL BE PERMITTED TO
OR FROM STATE HIGHWAY "295" AND
ADJOINING PROPERTIES WITHIN
BOUNDARIES DEFINED BY
CONTROLLED ACCESS LIMIT LINES

PARCEL NO. 742
FLORENCE RUGGLES
LAND TAKEN = 5200± SF
(ENTIRE LOT)
PARCEL NO. 743
CARROLL A. HAMLIN
AMELIA A. HAMLIN
LAND TAKEN = 165± SF
TOTAL AREA = 5200± SF

RESTRICTED USE ENTRANCES
1. FOR THE PURPOSES OF
CONDUCTING THE BUSINESS
OF A GENERAL CONTRACTOR
STA. 30+34 TO STA. 30+70 RT.
STA. 31+25 TO STA. 31+58 RT.
MARSTON ST.
2. FOR THE PURPOSES OF
CONDUCTING THE BUSINESS OF A
GENERAL CONTRACTOR AND FOR
GENERAL RESIDENTIAL USE,
STA. 32+45 TO STA. 32+70 LT.
MARSTON ST.

CURVE 581
 $\Delta = 83^\circ 54' 09"$ LT.
 $D = 114^\circ 35' 30"$
 $T = 44.94'$
 $L = 73.22'$
 $R = 50.00'$
CURVE 912
 $\Delta = 89^\circ 55' 47.2"$ LT.
 $D = 4^\circ 30' 00"$
 $T = 65.95'$
 $L = 131.77'$
 $R = 1273.24'$
CURVE 915
 $\Delta = 26^\circ 49' 04.7"$ LT.
 $D = 8^\circ 00' 00"$
 $T = 170.74'$
 $L = 335.23'$
 $R = 716.197'$
CURVE 918
 $\Delta = 84^\circ 49' 05.4"$ LT.
 $D = 76^\circ 23' 40"$
 $T = 68.51'$
 $L = 111.03'$
 $R = 75.00'$

PARCEL NO. 744
LEONARD J. REGAN
FRANCIS J. REGAN
LAND TAKEN = 1965± SF
ACCESS RIGHTS
GRADING RIGHTS = 300± SF
TOTAL AREA = 16,945± SF
PARCEL NO. 745
MARIE F. FULCHER
LAND TAKEN = 1640± SF
ACCESS RIGHTS
GRADING RIGHTS = 100± SF (1)
TOTAL AREA = 17,315± SF

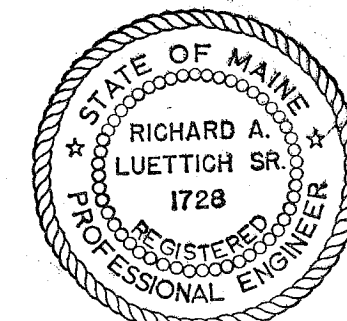
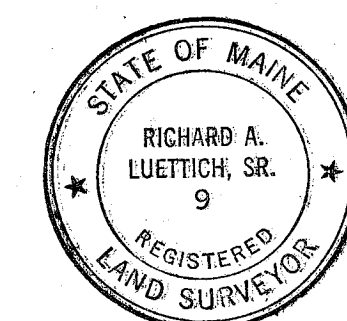
PARCEL NO. 622A
LOUISE SANGILLO
LAND TAKEN = 5000± SF
(ENTIRE LOT)
PARCEL NO. 622
LAURENCE D. CEKUTIS
PAULETTE H. CEKUTIS
LAND TAKEN = 5000± SF
(ENTIRE LOT)

PARCEL NO. 623
MIDRECO, INC.
LAND TAKEN = 5000± SF
(ENTIRE LOT)

PARCEL NO. 624
JOHN W. DEERING, JR.
ROBINSON A. DEERING
ALICE T. DEERING
LAND TAKEN = 9300± SF
(ENTIRE LOT)

PARCEL NO. 625
FRANK E. EDWARDS
DOROTHY E. EDWARDS
LAND TAKEN = 5700± SF
(ENTIRE LOT)

PARCEL NO. 626
JOHN L. KING
LILLIAN M. KING
LAND TAKEN = 5000± SF
(ENTIRE LOT)



R/W MON. R/W MONUMENT INSTALLED

MAINE STATE HIGHWAY COMMISSION RIGHT OF WAY MAP

STATE HIGHWAY "295"
PORTLAND CUMBERLAND COUNTY
FEDERAL AID PROJECT NO. 1-295-3 (24 & 25)

APPROVED:
DATE: MAY 19 67
SCALE: 1 INCH = 50 FEET
SHEET NO. 47 OF 73 SHEET
S.H.C. FILE NO. 3-185
DAVID H. STEVENS CHAIRMAN
BERTRAND A. LACHARITE
STEVEN D. SHAW CHIEF ENGINEER

SECT. 6 TEMP. SHEET NO. 6
SECT. 7 TEMP. SHEET NO. 3
2-295-3(18)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 15, 2024

SUBJECT: Order 130-23/24 Naming City Land at Lowell, Congress, and Burnham Streets
Thomas Park - Sponsored by Dannielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

If approved, this order would name a parcel of city land bounded by Lowell St., Congress St., and Burnham St. Thomas Park. This order is a companion order to the item above.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Naming land at Lowell, Congress, Burham Streets Thomas Park 2.5.2024
2. 02.26.24 Public Comment - Order 130

Prepared by:

Date: 02/15/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER NAMING CITY LAND AT LOWELL, CONGRESS AND BURNHAM
STREETS THOMAS PARK**

ORDERED, that 0.4 acres of city-owned land bordered by Lowell, Congress and Burnham streets be named Thomas Park, in honor of the Thomas family, which donated the land to the City of Portland in 1913.

Public Comment - Order 130 - 23/24: Why Not Name The Park After Clifford "Kippy"

Richardson?

George Rheault <george.rheault@gmail.com>

Feb 24, 2024, 11:53 AM
(2 days ago)

to Public, Mark, Pious, April, Roberto, Anna, Victoria, Regina, abullett, Kate, Danielle, Michael, Dena

One of the most obnoxious things about resurrecting the name of "Elias Thomas" for the triangular open space in Libbytown that has been all but forgotten for so many years, is that it pretty much erases over 110+ years of history of this neighborhood.

Please find ATTACHED a news article that describes the original life of Libbytown before it was permanently changed by the creation of I-295 running through it.

Kippy Richardson is quoted there discussing a few of his strong memories of growing up in Libbytown. Too bad more oral histories were not captured to help us remember what this neighborhood was like before a highway was plowed through it.

Wouldn't it be a far better thing, if we are going to finally put a sign up in this park calling attention to it, that it get named after someone who actually LIVED in Libbytown and called it home?

Right now, the City has only ever honored Kippy Richardson with an unceremonious meeting room located in the BASEMENT of City Hall. Unless people attend a lot of City Hall meetings, they are unlikely to ever even notice the small name plate beside the entrance to Basement Room 24.

The legacy of service and sacrifice to his community by Kippy Richardson deserves better in my view and it should be considered whether the green open space in Libbytown given by the Elias Thomas heirs might be a fitting tribute to his memory if done thoughtfully and appropriately.

Elias Thomas and his descendants, as far as I can tell, never lived in Libbytown and were effectively real estate speculators during the era of the land donation. While they may have had some public-minded intentions, the heirs of Elias Thomas were also probably as eager to unload a vacant parcel that they did not know what to do with and were happy to be free of the obligation of paying for its upkeep, including paying its annual property tax bill.

President Ford Offers Conditional Amnesty

By HELEN THOMAS

WASHINGTON (UPI) — President Ford today offered conditional amnesty to thousands of Vietnam era draft evaders and military deserters in exchange for up to 24 months of public service and a reaffirmation of allegiance to the United States.

The offer of conditional amnesty requires that draft

evaders and deserters present themselves to a United States attorney or military officials before Jan. 31, 1975. The offer applies to those who violated military law by deserting or evading the draft from Aug. 4, 1964, to March 28, 1973.

In a special proclamation, Ford said the period of alternative service may be reduced to less than the proposed 24 months by the

attorney general, the secretary of the armed services or the transportation secretary, who has jurisdiction over the Coast Guard, in cases "of mitigating circumstances."

In an executive order, Ford also established a nine-member presidential board which will recommend such clemency to the President on a case-by-case basis. In the absence of

aggregating factors, the clemency board would be expected to recommend clemency," Ford said.

Ford instructed the board to give "priority consideration" to those men now imprisoned for such offenses and asked that their confinement be suspended as soon as possible, pending the board's review.

House Republican Leader John J. Rhodes, who was one of

the congressional leaders from both parties who met with Ford on the amnesty issue before the public announcement, said there was no contention between the amnesty plan and Ford's controversial pardon of former President Nixon.

Rhodes predicted the reaction in Congress to the proposals would be "mostly favorable." Assistant Senate GOP leader

Robert Griffin said the Joint Chiefs of Staff told Ford that his plan "would not undermine the military services."

The offer of amnesty, which went into effect immediately with Ford's announcement, fell short of the demands of the thousands of American young men now living in Canada and Sweden to avoid punishment for deserting or evading the draft.

"Desertion in time of war is

a major, serious offense; failure to respond to the country's call of duty is also a serious offense," Ford said in his statement. "Reconciliation among our people does not require that these acts be condoned."

"Yet reconciliation calls for

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EVENING EXPRESS

Vol. 91—No. 282 Fifteen Cents Last Edition—26 Pages
PORTLAND, MAINE, MONDAY, SEPT. 16, 1974
Telephone 775-5811
Second Class Postage Paid at Portland, Maine

The Weather:

Fair Tonight;
Cloudy Tomorrow
(Full Report On Page 2)

Suburban News Page 9

School Bus Rules To Be Considered

A proposed policy for school bus conduct which provides for suspension of unruly pupils will be considered tomorrow night by the Falmouth School Board. The new Gorham municipal center is featured in a picture story.

Keeping Posted On The World Today

Compiled from wire reports of the Associated Press and United Press International by Evening Express Telegraph Editor Paul S. Porter

Mrs. Smith Takes Over Top GOP Post

Mary Louise Smith, known as an ardent political organizer, will be endorsed today as the first woman ever to head the Republican party. She will be the second woman ever to head one of the major political parties. Jean M. Westwood named Democratic national chairman in 1972. Mrs. Smith, wife of a Des Moines, Iowa, doctor, brings to the job what her friends describe as an amazing ability to organize and a knowledge of politics gained from grassroots participation. The silver-haired Mrs. Smith, 39, has been a vocal proponent of women's rights and equal participation for women, minorities and young people in the Republican party. She will replace George Bush of Texas as the No. 1 official of the Republican Party.

World Bank Paints A Gloomy Picture

The World Bank says it may not be able to accommodate the needs of developing countries during the remainder of the decade. A Bank report, released Sunday, noted that "without a major effort by the international community, 800 million people around the world can expect almost no improvement in their conditions of life for the rest of the decade." The World Bank group, which includes the bank and two sister organizations, the International Development Association (IDA) and the International Finance Corporation (IFC), approved lending and investing totaling \$4.17 billion, up 982 million from the year earlier. The Bank report said the fiscal year was "marked by a major upheaval in global economic relationships."

British Leaders Map Election Plans

Prime Minister Harold Wilson of Britain and leaders of his governing Labor party met today to hammer out a program of nationalization of industry and other Socialist measures which he will lead the party into Britain's next general election. The program was to be published in the form of an election manifesto later today. Political informants said Wilson will announce the election date Wednesday or Thursday and that it almost certainly will be Oct. 10. Wilson's aim in holding another election only seven months after Britain last voted Feb. 28 was to break out of the minority government stalemate with which he has had to run the country.

Demos Look Strong, Survey Indicates

Democrats are starting to inject President Ford's pardon of Richard M. Nixon into the midterm campaign as the same time a survey indicates they are headed for a strong showing in November. An Associated Press survey in 50 states showed that Republicans are headed for substantial losses this November. Despite some revived morale since Ford assumed the presidency, the GOP could lose two to six Senate seats and governorships and possibly up to 40 House seats.

French Aerialist Leaves For Paris

Happy with his reception in the United States but disconsolate over the loss of a battered but beloved top hat, French aerialist Philippe Petit left for Paris last night. The 23-year-old high wire artist said he had left his hat in the taxi cab which took him to John F. Kennedy Airport for his flight home. Petit, who gained nationwide attention last month when he walked a high wire between the two towers of the World Trade Center, said he planned to return to the United States Oct. 10 to join the Ringling Brothers circus. He said he would do a juggling act, without use of a balancing pole, on the high wire. He also said he still planned to walk a high wire over Niagara Falls.

Libbystown Lives On

Memories Sprout Through Concrete

By JOE MACK
Staff Writer

Concrete cloverleaves enshroud Libby's Corner. Five years after 200 families were relocated by urban renewal from the old Libbystown, there is nothing left but nostalgia. The scenes of their childhood lie buried under the sprawling new highway, I-295.

The corner was at Congress Street and Park Avenue, and went westerly to Massachusetts Avenue. "Libbystown" seems to be the affectionate diminutive created by the Irish, the predominant ethnic group in the area.

"The name 'Libbystown' had a warmth about it that the Irish never found in Libby's Corner," said Myles L. Anderson, 67, the

"mayor" of Libbystown's memories.

"Corners" did designate most of the city — Gorham's, in downtown Portland, Bradley's, Morrill's, Lam's, Nason's, Allen's and Woodford's in outer Portland. Besides, the Irish don't like to be cornered under any circumstances," said tongue-in-cheek Anderson.

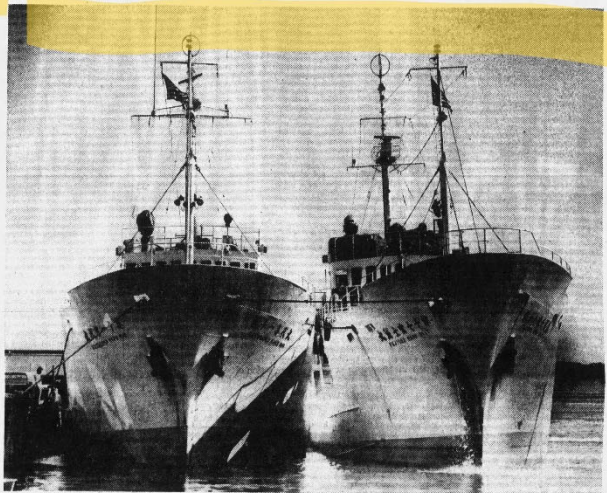
Portland references Libbystown

John C. Hansen said: "In the book 'Libby Family in America,' a well known trader and tavern keeper named George Libby settled at Park Avenue and Congress St. early in the 18th century. Philip R. Rutherford's 'Dictionary of Maine Place-Names' says the corner got its name from the many Libbys who lived there."

The Portland Directory (1871)

Iris William H. Libby of Knight and Libby as a resident of the corner. About the same time George Libby had a blacksmith's shop and William Libby had a paint shop there. There were 17 Libbys living in Deering that together with the corner became part of Portland in 1871.

Turn to Back Page of this Section



"INVASION" — Sister ships of the Japanese fishing fleet, the Kotoshiro Maru No. 88 and the Fujiura Maru No. 7, are side by side at Central Wharf, where one is taking on tuna and offloading it to the other. Japanese demand for

Lobstermen Refitting For Tuna Catches

By LYNN LILJEHOLM
Staff Writer

Portland lobstermen are fitting out their lobster boats with tuna lines because they've found an even more lucrative market—tuna at 80 cents to \$1 a pound.

"But when the Japanese leave, the price of tuna will probably drop to a dime," one waterfront spokesman said. The Kotoshiro Maru No. 88, a 160-foot factory fishing boat with a flash freezing unit, and a sister ship, the Fujiura Maru No. 7, both tied up today at Central Wharf, came half way around the world to take on all the tuna they can get at prices 10 times the prevailing domestic market rate.

"One lobsterman brought in two tuna yesterday and another got one, at \$500 per fish," said Joseph Zappia of the fish division of United Fish Co. on Union Wharf.

Lobster is \$1.95 a pound wholesale today.

TWO JAPANESE fishing boats, buying on the domestic market both from lobstermen and wholesalers, haven't any problems. But a third Japanese boat, the Taiyu Maru No. 28, has. It was seized 11 days ago while fishing inside the 12-mile limit.

A crewman on the Kotoshiro Maru said that his boat had taken on 20 tons of tuna at about 250 miles out.

The Kotoshiro Maru was offloading its catch onto its sister boat, the Fujiura Maru, by conveyor belt. Apparently the full boat will return to Japan, where the

Cushman Vocational Building May Get Reluctant Reprieve

By SEAN RENEY
Staff Writer

It appears the City Council has no choice except to approve a new lease of the former Cushman Bakery to house the Portland Regional Vocational Technical Center and School Department central offices.

Councilors officially rejected a proposed \$100,000-a-year lease of the facility earlier this month, but city officials have been unable to find a better deal.

The city's lease of the building, owned by Arrow Rentals, a subsidiary of Portland Transmission Exchange, expired last month.

The former four-year agreement called for an annual rental of \$35,000, but city-purchased improvements to the building

tuna has skyrocketed the price on the Maine market. A third Japanese ship, the Taiyu Maru, in detention after being charged with violating the 12-mile limit, is also in port. (Staff Photo by Bill Curran)

totaling nearly \$200,000 added approximately \$48,000 a year to the actual cost of occupying the facility.

Clark M. Nelly, the city's director of economic development, investigated five alternative sites for operations, housed in the Elm Street building, but concluded none of them was feasible.

Alternative sites surveyed included three abandoned discount stores — Northgate Shopping Center's Giant Store and Mammoth Mart and the former Arlan's store on St. John Street — and American Can Co.'s, and Lancaster Furniture former locations.

Only the American Can Company and Arlan's sites offered sufficient space to meet the vocational center's 60,000

square foot space requirements at a price below the \$1.41 per square foot price asked by Arrow, according to Nelly.

And yet another facility would have to be found to house School Department offices, shops and warehouse operations which currently occupy much of the 115,000 square feet of space in the Elm Street building.

In addition, Nelly reported the city would have to invest even more money in alterations of a new "temporary" location for the center, which is supposed to move into a new \$6.2 million facility on Allen Avenue in two years.

In light of these factors and

Turn to Back Page of this Section

Ford's News Conference Due Tonight

WASHINGTON (UPI) — White House aides said today that President Ford would hold a televised news conference at 8 o'clock tonight. Ford, who hinted to reporters Sunday that he would face them today, has held one other news conference since assuming the presidency.

It was at that conference on Aug. 23 that he said a pardon of former President Nixon would be "untimely and unwise." His subsequent pardon of Nixon was expected to be the major topic of questions at his next meeting tonight with the news media.

Ford has indicated he had private reasons for granting the pardon which he may now feel compelled to disclose to quiet the outcry.

Ford and his wife Betty entertained members of the Republican Committee at the White House Sunday evening. Ford has invited the committee's nominating panel to breakfast before it meets to endorse his recommendation that co-chairman Mary Louise Smith of Des Moines, Iowa, replace George Bush as chairman.

Virginia Republican party chairman Richard Olenchak will succeed Mrs. Smith.

Ford has a busy week ahead with a trip to New York Wednesday to deliver a major foreign policy address before the United Nations general assembly.

'Positive' End Predicted For Hague Drama

THE HAGUE (UPI) — Three Japanese gunmen freed two women hostages unharmed today in a swap for food and cigarettes, and the French Foreign Minister said in Paris that negotiations for the release of nine other persons held in the French Embassy were taking a "very positive turn."

A Dutch charter plane stood by at the Amsterdam airport to fly the three members of the Japanese Red Army extremists out of the country with a fourth Japanese extremist released earlier from a Paris jail. But it appeared the affair would last until Tuesday because of the approach of darkness.

In Paris, French Foreign Minister Jean Sauvagnargues raised careful hopes for a bloodless resolution of the case while talking to newsmen after his meeting on the issue with President Valéry Giscard d'Estaing.

"I think the affair is taking a very positive turn," Sauvagnargues said. He refused to give further details.

The guerrillas' demands which include \$1 million ransom have led to a dispute between Holland and France, with the French insisting on a

Turn to Back Page of this Section

Public Comment - Order 130 - 23/24: This "park" already has a name...

George Rheault <george.rheault@gmail.com>

Sat, Feb 24, 11:53 AM
(2 days ago)

to Public, Mark, Pious, April, Roberto, Anna, Victoria, Regina, abullett, Kate, Danielle, Michael, Dena

Please see ATTACHED: excerpts from official City Council minutes from 1914 that were obtained with the assistance of the City Clerk's Office this past week.

Apparently the City Council DID actually formally name the triangle open space "Elias Thomas Square" at the same time as they accepted the donation of the land in early 1914.

Various questions that need to be explored before making any decisions:

- Why did the year or so of "research" undertaken by the Parks Dept and Corporation Counsel not include bothering with investigating the original transaction from 1914 and any actions by the City Council at the time? It took me about 10 minutes, with the help of the Deputy City Clerk, to find this information out. Makes one question what else was left out in this effort at telling the story here.
- Why was the City of Portland, after many years, so indifferent to maintaining public notice of the formal name of this triangular open space? Why should the people of Portland have to be stuck with a name that the people who were around when it happened did not even care much about properly recognizing the individual named beyond the original token gesture?
- As the City Council minutes make clear, the donors of the land (Elias Thomas heirs) appear to have been officially notified of the naming. Apparently they did not care to have it made known to the general public (via signage, maps, etc.) who this spot of vacant land was being named for and from all evidence the family (including descendants of the original donors) appeared to have done nothing until 2023 to remind anyone of the original City Council naming.

WHY, AFTER 110+ YEARS OF INDIFFERENCE, DO THE CITIZENS OF PORTLAND HAVE TO HONOR A LONG-DEAD PERSON SIMPLY BECAUSE THE 1914 CITY COUNCIL WISHED TO DO THIS? Time marches on! Maybe this park deserves a better name, more relevant to the present and future, even if the original land donation is acknowledged in some way, via a plaque or memorial.

Read twice, passed and sent down for concurrence. Concurred.

Approved by the Mayor, February 3, 1914

February

ORDINANCE:

BE IT ORDAINED BY THE MAYOR, ALDERMEN AND COMMON COUNCIL OF THE CITY OF
PORTLAND IN CITY COUNCIL ASSEMBLED, as follows:

Section 1. Section 14 of the Ordinances of the City of Portland, relating to schools (Eighth Revision, Page 810) is hereby amended by adding thereto at the end thereof the following, "This section shall not apply to tuition fees received by the city from non-resident pupils in either of the high schools of said city." so that said section as amended shall read as follows:-

"Section 14. One-half part of the tuition fees received by the city from non-resident pupils in any of the schools of the city shall be placed to the credit of the School Library Fund. By and with the advice and consent of the committee on public instruction said fund shall be expended by the principal of the respective schools for the purchase of books for libraries in said schools, to an amount equal to the half part of said tuition fee received from pupils in each separate school. This section shall apply to tuition fees received by the city from non-resident pupils in the schools of said city."

Chapter 85 of the Ordinances of the City of Portland ()
schools, is hereby further amended by adding thereto

February 2, 1914

Aldermen, and at a subsequent meeting of the said Board of Aldermen held on December 2nd, 1901 said order was taken from the table and passed in concurrence. which action was of no effect, said order having never been on the table, and

WHEREAS said order introduced Nove 4th, 1901 provided " that the Committee of Public Buildings, be and hereby are authorized to sell the hose-house and land on Congress Street and Bradley's Corner, " which said lot is the lot hereinbefore mentioned and the same lot conveyed by said City by its warranty deed dated December 3rd, 1901 and recorded in Cumberland Registry of Deeds, Book 711, Page 14, and which said order was not sufficient to authorize said Committee to execute a conveyance thereof, and

WHEREAS it appears that said Eliza A. Sanborn has since deceased intestate, and that Allura S. Castner, her daughter, is her sole heir at law, and

WHEREAS as said City of Portland received the full consideration for said conveyance, to wit: the sum of Seven Hundred and fifty Dollars (\$750.00)

NOW THEREFORE for the purpose of rectifying and approving previous action of the said City Council and giving legal effect thereto, BE IT ORDERED that the City Treasurer be and hereby is authorized and directed to execute and deliver to Allura S. Castner a warranty deed of the above described premises. Read twice, passed and sent down for concurrence. Concurred.

Approved by the Mayor, February 3, 1914.

ORDER
TO
ACCEPT GIFT OF LAND
FROM
ELIAS THOMAS HEIRS.

(83)

ORDER:

Whereas Elias Thomas, William Widgery Thomas and Helen Thomas Payson, all of said Portland, children and devisees of Elias Thomas, late of said Portland, deceased, have offered to convey as a gift to the City of Portland for park or playground purposes, a certain parcel of land situated in said Portland near Libby's Corner, so called, and bounded by Congress, Lowell and Burnham Streets, and containing 17,176.56 square feet, more or less,

NOW THEREFORE Be it Ordered that the City Treasurer of the City of Portland be and hereby is authorized and directed for and in behalf of the said City of Portland to accept said conveyance of said land for the purposes for which it is given, and

BE IT FURTHER ORDERED that said parcel of land so conveyed and accepted be forever called and known as "Elias Thomas Square".

Read twice, passed and sent down for concurrence. Yeas 9, Nays 0.

Concurred.

Approved by the Mayor, February 3, 1914.

ORDER
EXTENDING THANKS
TO
ELIAS THOMAS
et als.
(84)

ORDERED:

That the thanks of the City Council be and hereby is extended to Elias Thomas, William Widgery Thomas and Helen Thomas Payson, children and devisees of Elias Thomas, late of Portland, deceased, for their gift to the City of Portland of a lot of land near Libby's Corner, so called, and the City Clerk is hereby directed to forward to said donors a copy of this order and the vote thereon, together with a certified copy of the order of acceptance of said gift.

Read twice, pas

ORDINANCE:

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Public Comment - Order 130 - 23/24: Obscuring the History of Lowell Street Park

George Rheault <george.rheault@gmail.com>

Sun, Feb 25, 9:46 AM
(23 hours ago)

to Public, Mark, Pious, April, Roberto, Anna, Victoria, Regina, abullett, Kate, Danielle, Michael, Dena

The history of the parcel that once hosted the Lowell Street Playground that has been presented by city officials is both incomplete and slanted in favor of the family that wishes to have its name highlighted again after a hundred plus years of seeming indifference.

The actual history here is that the City of Portland never did much with the parcel of land in question except to build a playground on it.

The Thomas family to my knowledge did not contribute to that effort (which took place about 6 years after the land donation and the open space appeared to have been unimproved during that entire span).

See ATTACHMENTS for some of that information that I have found that was NOT included in the materials shared by the Parks Department.

As with so many issues in our community, past, present (and future) we need to acknowledge competing claims amongst different people when recognizing history and who gets to claim space and recognition. Often these claims break along class and ethnic and racial lines.

The point is that Elias Thomas and his extended family in 1913-1914 were among the most privileged and well-off members of Portland society. Here is a family portrait of them at their dinner table in the Thomas mansion (servants apparently off-camera): [Elias Thomas family, Portland, ca. 1909 - Maine Memory Network](#) (FYI - the mansion is now known to most of us as the Danforth Inn - here is how it looked in 1924: [155-163 Danforth Street, Portland, 1924 - Maine Memory Network](#)

If you do a search for "Elias Thomas" in the online historical database of the 1924 tax records for the City of Portland ([Search 1924 Portland Tax Records - Maine Memory Network](#)), you find more than a hundred hits of properties. Despite his death a decade earlier, many properties he once owned continued to be listed in his name while his heirs collected the rents from the tenants using those properties.

The point is that it seems really odd that Portland's City Council feels a need, in 2024, to highlight and recognize a big land-owning family from the Gilded Age (who didn't care much about the "park" in their lifetimes) while doing nothing to acknowledge and recognize the history of the OTHER PEOPLE that lived in Libbytown around the so-called "park" over the last 110+ years.

ARE CONDITIONING LOWELL STREET PLAYGROUND

Plans are being made by the Recreation Commission to put the Lowell street playground in the best possible condition for the coming Summer. The commission has contracted for 165 loads of filling. All the depressions in the grounds will be filled and it is expected that this will be one of the most attractive grounds in the City for the children when the work is completed.

V STABLE OF

PLAYGROUND TO BE READY NEXT WEEK

But One Change Is Made Among the Teachers

Playgrounds for Portland children will not be ready until the last of the week, as much clearing and cleaning will be necessary to make them fit. The Centennial celebration has taken up so much time and energy as to forbid preparation for the summer recreation program, but this will be started Tuesday and kept up to have the fields and grounds in shape with the least possible delay.

But one change will be made among the teachers, Miss Margaret O'Rourke going from the East Deering field to the West End's new space on Lowell street. Assignment of teachers is as follows:

Wills, Eastern Promenade—Margaret L. Griffin, Adeleda E. Corrigan, Helen A. O'Toole.

Grand Trunk—Katherine Harrigan and Mae E. Curran.

(North—Elizabeth Hession and Georgia M. Rines.

Fore Street—Mollie Alexander.

Center Street—Helen M. Dougherty, Elizabeth M. Packham.

Brackett Street—Helen O'Neil.

Emery and Danforth Streets—Margaret L. Conley and Katherine L. Andrews.

Lowell Street—Margaret O'Rourke.

Deerings Oaks—Helen Gay, Mildred A. Lee and Mrs. Esther L. Skillings.

Bayside—Mabel Carr and Alicia O'Neil.

East Deering—Gertrude E. Shorey.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 18, 2024

SUBJECT: Order 131-23/24 Accepting the Portland Public Art Committee Fiscal Year 2023 Annual Report and Fiscal Year 2024 Budget Plan - Sponsored by Danielle P. West, City Manager

SPONSOR: Anna Berke, Chair of Portland Public Art Committee

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/5/2024

Final

Action 2/26/2024

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Christine Grimando, Director Planning & Urban Development; Kevin Kraft, Deputy Director Planning & Urban Development, Sean King, Urban Designer Planning & Urban Development or PPAC Chair (5 minutes)

I. SUMMARY

Order accepting the FY23 Annual Report and FY24 Budget Plan recommended by the Portland Public Art Committee.

II. AGENDA DESCRIPTION

At its monthly meeting on November 15, 2023, the Portland Public Art Committee recommended the FY23 Annual Report and FY24 Budget Plan to the Portland City Council.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Public Art Program Ordinance requires the Portland Public Art Committee to make an Annual Report to the Council to present an Annual Public Art Plan with proposed budget for the Council's consideration. By accepting the report, the Council will be accomplishing the following actions:

1.The conservation and maintenance of public art: The Committee proposed conservation and maintenance priorities of the existing public art collection identified in the Portland Public Art Collection Assessment.

2. Acquisition of New Artwork: The Committee proposed to reserve a portion of the budget for future acquisitions not yet identified.

3. Adopting additions to the Guidelines for Public Art Ordinance: In response to the recent permanent public art collection signage installations, the Committee proposed additions to the Guidelines for Public Art Ordinance to clarify requirements related to the public art collection signs for each permanent collection.

4. Approving the FY24 Budget Plan to allocate the FY23 ½% CIP funds.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Present the FY23 Annual Public Art Report and FY24 Budget Plan according to the public art program ordinance. Acceptance of this report results in the approval of the proposed budget for the fiscal year 2024 allowing the committee to proceed with its activities. Included in the plan are additions to the Guidelines for Public Art Ordinance, which go into effect following the Council's acceptance, unless the Council refers these matters back to the PPAC for further consideration or revision. The report also accepts the conservation and maintenance priorities to the Portland Public Art Collection. The Public Art Committee efforts seek to fulfill its role as steward of its public art collection and help nurture and enrich thereby the quality of life in Portland.

V. FINANCIAL IMPACT

The FY24 budget plan uses funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP. Acceptance of the Annual Report and Budget Plan constitutes acceptance of the proposed budget allocations contained within the plan. The budget allocations for FY24 continue conservation of the collections, maintenance, operations and funds towards the future acquisitions. The budget allocations also include a contingency fund to cover potential loss, damage, replacement of artworks or community artwork grant projects.

VI. STAFF ANALYSIS AND BACKGROUND

The Budget Plan focuses on conservation, maintenance, and setting aside funds for future artwork acquisitions to be added to the collection to continue to improve the quality of the built environment for residents and employees and further improve the public image of the city for visitors.

VII. RECOMMENDATION

On November 15, 2023, the Portland Public Art Committee recommended the FY23 Annual Report and FY24 Budget Plan to the Portland City Council.

The Department of Planning and Urban Development supports the acceptance of this report, its associated actions, and the budget plan allocating the FY24 ½% CIP funds as meeting the requirements set forth in Chapter 14, Article 21. Public Art Program Ordinance.

VIII. LIST ATTACHMENTS

1. FY23 Public Art Committee Annual Report_Final
2. Public Art Guidelines_Rev 2023
3. Temporary Art Guidelines 2023
4. Order Approving Public Art Annual Report 2023 2.26.2024

Prepared by:

Date: 01/18/2024

FY23 Public Art Committee Annual Report & FY24 Budget Plan

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I. Overview

In April 2000, the City Council established the Portland Public Art Program to preserve, restore, and enhance the City's public art collection. The Portland Public Art Committee (PPAC) is tasked to commission art that engages the surrounding environment to facilitate a sense of place by expressing the spirit, values, and visions of Portland through public art.

The public art collection currently contains sixty permanent pieces installed throughout Portland and one long-term loan. Details on the collection can be viewed on the Public Art website (<https://www.publicartportland.org/>). The collection comprises works of both historical significance dating from the nineteenth century; and contemporary pieces reflecting Portland's diversity and spirit. The PPAC administers the Portland Public Art Program; the Committee's responsibilities are outlined in Article 21 of Chapter 14 of the City Code (Public Art Program). The Committee refers to the Guidelines for the Public Art Ordinance (Volume 2, Number 1 – revised 2021) for direction in administering their responsibilities.

The Portland Public Art Committee is responsible for the following:

- Develop and present an Annual Public Art Plan to the City Council which includes recommendations for the use of allocated CIP funding; program administration; conservation of the collection; and initiation of new projects;
- Provide recommendations to the City Council regarding proposed gifts to the collection;
- Seek donations to fulfill Committee responsibilities in the case that CIP funding is insufficient;
- Recommend appropriate locations for the installation of public art;
- Promote public awareness and engagement between the public and the collection.

II. Administrative Updates

A. COMMITTEE MEMBERS

The Committee for 2022-2023 (FY23) was as follows:

- Anna Berke, Chair. Director, Foundation and Government Development at WETA
- Sharon Dennehy, Vice-Chair. NOTCH8 Gallery owner/curator, visual artist
- Kat Zagaria Buckley, Director of Exhibitions and Outreach, University of Southern Maine
- Phoebe Cole, Art and Creative Consultant
- Gillian Cook, Meeting & Event Planner at MaineHealth
- Lindsay Hancock, Creative Portland Appointee, visual artist
- Kelly Hrenko, City Manager's Appointee, Professor of Art Education – University of Southern Maine
- Jessica Lauren Lipton, Marketing Director at Casco Bay Artisans and artist at Pop Killed Culture
- Stephanie Motter, Communication Coordinator at Georgia School Boards Association
- Councilor Victoria Pelletier, City Council Representative
- John Whipple, Principal at Whipple Callendar Architects.

Management & Administration:

- Sean King, Urban Designer, Planning and Urban Development Department

B. ADMINISTRATION AND POLICY

In summer 2023 the Committee held several meetings and agreed upon the following goals for the coming five years:

- Complete acquisition of all encumbrance artworks, including Shattered Sphere, by artist Sarah Sze and Keeper of the Picnic, by artist Christopher Miller;
- Complete an assessment of the public art collection to evaluate and prioritize future conservation projects;
- Evaluate the Guidelines for Public Art Ordinance to standardize procedures for signage;
- Increase the prevalence of public art in regions of outer Portland. This may be in the form of Community Art Projects, or temporary art event coordination. This objective aims to work with current and future City projects, pay attention to project and partner opportunities, and identify potential sites in order to be prepared when gift opportunities arise;
- Further public education, interest, and enjoyment of public art by providing public art walks or public art guides in Portland; and to publicize and archive the collection. This includes revising the website to provide additional functions and increase traffic, increase social media presence, meet with City stakeholders to reinforce our mission;
- Increase donation solicitation for projects supported by the PPAC, particularly for projects that enhance community engagement and identity. To solicit grant and private money for current and upcoming projects;
- Develop an application for gifts of public art that prioritizes site selections based on the Public Art Committee's commitment to locate public art more equitably throughout Portland with a particular focus on neighborhoods with no or limited public art installations. Continue to provide forums for public input, including offering committee meetings in a hybrid format for both in-person and virtual participation.

Ultimately, these goals aim to contribute to Portland's identity as a cultural destination. The Committee recognizes that the prevalence and quality of Public Art will greatly contribute to Portland's overall image and increase both national and international recognition.

C. SUBCOMMITTEES

1. Governance Subcommittee

The Public Art Committee welcomed several new committee members: Gillian Cook, Stephanie Motter, Kat Zagaria Buckley, and Kelly Hrenko. Anna Berke, Sharon Dennehy, and John Whipple were reappointed to a 3-year term. The committee's city council representative for FY23 will be District 2 Councilor Victoria Pelletier.

2. Acquisitions Subcommittee (formerly Gifts Subcommittee)

Public Art Committee members Phoebe Cole, Kelly Hrenko, and Kat Zagaria Buckley facilitated discussions to promote the Libbytown Neighborhood Association's goal to activate Lowell Street Park with a potential gift of public art.

No gifts of public art were proposed this year.

3. Communications Subcommittee

Public Art Committee members Gillian Cook, Kelly Hrenko, and Stephanie Motter continue to update and improve the committee's web site (<https://www.publicartportland.org/>) with

updated photographs and collection descriptions. The Public Art Committee continues to extend outreach and education of the collection through social media (Facebook, Twitter, and Instagram).

Coloring books, made by committee members continue to be freely distributed with crayons to youth programs and restaurants. This program began in 2020 to engage children and adults.

4. Collection Management Subcommittee (formerly Site Selection)

Public Art Committee members Anna Berke, Gillan Cook, Sharon Dennehy, Lindsay Hancock, Jess Lauren Lipton, and Kat Zagaria Buckley recommended the permanent siting of *Gathering Stones* by artist Jesse Salisbury at Fish Point along the Eastern Promenade Trail.

The Collection Management subcommittee developed a survey of the existing collection to identify neighborhoods without public artwork and recommended future consideration for artwork placement at the following locations:

- Riverton Trolley Park in the Riverton neighborhood
- North Deering neighborhood
- Portland Homeless Service Center at 654 Riverside Street

The Collection Management subcommittee continues to monitor the interactive map available on the Public Art Committee website to inform site placement and ensure accurate data on current artwork locations and descriptions.

III. Conservation & Maintenance

The purpose of the Public Art Program is to care for and maintain art works in the collection. It is essential to the longevity and safety of the works in the collection to engage a conservator for conservation and repair of our public art collection. Jonathan Taggart, of Taggart Object Conservation, has been contracted on a bi-annual basis to provide conservation of art works in the collection, and to provide expert advice on new work proposed for addition to the collection. In July 2021, Jonathan Taggart conducted an assessment of the permanent collection to identify conservation priorities. The Public Art Committee continues to implement treatment recommendations based on the July 2021 assessment.

A. Conservation Projects:

1. Jewell Box Bus Shelter glass replacement (District 1)

On three separate occasions City Staff were informed that several glass panels as associated with the Jewell Box Bus Shelter located along Congress Street near Monument Square were damaged by corrosive graffiti. The graffiti required the glass panels to be replaced. The Department of Public Works hired a contractor to replace the glass panels. Replacement cost \$1,796.29.



Figure 1: Glass Panels damaged by graffiti



Figure 2: Glass Panel Replacement

2. **Untitled – Armillary conservation (District 1)**

Prior to a permanent conservation treatment, the steel sculpture was treated in 2018 for corrosion and staining problems with a maintenance coating that was known to last only a few years. The coating was eroding and the sculpture was beginning to corrode again, staining the concrete sidewalk and the granite dedication block.

In 2023, the sculpture was enclosed in scaffolding and covered with plastic as a containment. The granite dedication plaque was removed. The corroded mounting studs were removed and replaced with stainless steel imbedded in structural epoxy. The Armillary was cleaned to white metal, removing the old coating and corrosion, by air abrasive cleaning using fine crushed glass in a reduced pressure air stream. The cleaned surface was primed immediately after with PPG Amercoat 68hs zinc rich epoxy primer, then painted with PPG PSX 700. The color, chosen by the artist, was Bronzestone. The color is gloss with a stippled hand rolled finish to match the texture of weathered steel. Iron staining on the concrete and granite plaque were reduced with Prosoco 800 ferrous stain remove. The granite plaque was reinstalled, and the scaffold removed.



Figure 3: Untitled - Armillary (Before treatment)



Figure 4: Untitled - Armillary Conservation (After)

3. Major Charles J. Loring Memorial Park (District 1)

On April 10, 2023 a vehicle struck an engraved granite post facing the Eastern Promenade roadway, the responsible party did not have insurance. A replacement of the engraved granite post is included within section VI. Goals for FY24.



Figure 5: Granite sentinel post damage adjacent to Eastern Promenade roadway

4. Obelisk Memorial to George Cleeves (District 1)

A vehicle struck the metal fencing and metal bollard surrounding the monument on February 22, 2022 without a suspect found. City Staff is exploring options to repair and restore the historic fence and bollard. The PPAC may contribute funds towards the repair in FY24.



Figure 6: Metal fencing damaged by car

IV. Acquisitions

1. *Gathering Stones* (District 1)

Location: Eastern Promenade Trail at Fish Point

TempoArts commissioned artist Jesse Salisbury in June 2020 to install a grouping of stones, known as *Gathering Stones*, at Fish Point along the Eastern Promenade Trail. Originally approved as a temporary installation, the project was extended from one year to two due to it being a successful space activator along the trail. The Public Art Committee utilized public art funds to acquire the artwork *Gathering Stones* as a permanent piece in the collection.

The artist, Jesse Salisbury, worked with committee members to determine the appropriate final siting. Permanent signage etched in basalt stone was added by the artist in June 2023.



Figure 7: Gathering Stones

V. Accomplishments in FY23

A. Project Updates:

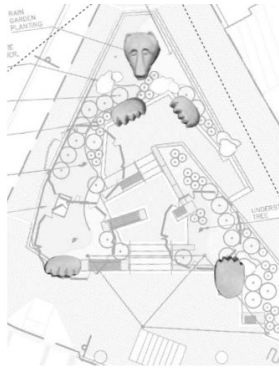
1. *Keeper of the Picnic* by Chris Miller (District 2)

Location: Bramhall Square, Parkside

Artist, Chris Miller, completed the design development drawings to complete the design phase for a cost of \$5,000. The sculpture is envisioned as a large reclining polar bear constructed of glass-fiber reinforced concrete. Miller, worked with landscape architect Braden Drypolcher of Mitchell and Associates to incorporate the proposed sculpture throughout the Bramhall Square Redesign project planting areas. The sculpture is expected to begin the fabrication phase once future construction funding is secured by the Department of Public Works for the reconstruction of Bramhall Square.



Figure 8: *Keeper of the Picnic* design development drawings for Bramhall Square Redesign



The lower terrace becomes a conversation area.

Seen from Deering Avenue: Are those ears on that rock?



Figure 9: *Keeper of the Picnic*. Rendering provided by Artist Chris Miller

2. *Shattered Sphere* by Sarah Sze

Location: Congress Square Park, Downtown (District 1)

Public arts funds were allocated for *Shattered Sphere* in the mid-2010s. Throughout 2023, artist, Sarah Sze, has been in coordination with city staff regarding the Congress Square Redesign project. The City is currently updating the artist's contract to reflect upcoming Phase II work, which entails completing construction documents for the sculpture, fabrication and installation. Timing of installation is contingent upon construction completion for Congress Square Park. The City and Sarah Sze Studio are currently updating the artist's contract to reflect upcoming Phase II work, which entails construction documents for the sculpture, fabrication and installation. More information on Sarah Sze and the public art sculpture for Congress Square can be viewed [here](#).



Figure 10: Rendering by WRT of Congress Square Redesign with *Shattered Sphere*

B. Temporary Public Art:

1. *Carousel Cosmos* by TempoArts (District 2)

Artist, Christopher Miller, created a temporary art installation at the Western Promenade to showcase playful creatures as seat benches organized in a carousel circle for playful storytelling. The artist and TempoArts collaborated with City Staff from Parks and Recreation, Forestry, Historic Preservation and Planning & Urban Development to select an appropriate location to engage the public and highlight a perennial garden at the termination of West Street.



Figure 11: Carousel Cosmos, Photo courtesy of TempoArts

2. *Refuge Repainted* by Friends of Woodfords Corner (District 3)

Four artistically painted crosswalks were created by artist Meghan Kirshbaum and installed by volunteers at the northern end of Deering Avenue near Woodford corner. The use of colors and patterns on the crosswalks was intended for the purpose of placemaking, traffic calming and the creation of an attractive destination.



Figure 12: Refuge temporary art painted crosswalk

3. *Black is Beautiful* roadway mural by Indigo Arts Alliance (District 1)

Community organizers from the Indigo Arts Alliance repainted the roadway mural on Cove Street to rejuvenate the original mural painted in 2022.



Figure 13: Black is Beautiful painted roadway in East Bayside

4. *Painted crosswalks* by Portland Downtown (District 1)

Portland Downtown painted crosswalks throughout downtown in various colors to promote walkability for pedestrians and celebrate the mission of Portland, Maine as an inclusive and welcoming community.



Figure 14: Temporary crosswalk painting

5. **St. Peter's Festival Tri-color painted crosswalks by St. Peter's Catholic Church (District 1)**
Community organizers from the St. Peter's Catholic Church painted crosswalks at Federal, Hampshire, and India streets to commemorate the annual festival with alternate colors of green, and red between the white crosswalk keys.



Figure 15: Temporary crosswalk painting at India and Federal streets

6. **Count our Mischiefs by Friends of Congress Square Park (District 1)**
Artist Sidney Sanchez created artwork made of embossed aluminum sheets cut into cherub-like figures and stars that were hung by wire rope between existing light poles within Congress Square Park.



Figure 16: Count our Mischiefs temporary art installation in Congress Square Park

C. Additional Accomplishments:

1. Addition to the Guidelines for Public Art Ordinance – Signage

To provide guidelines for the installation of signage for the City's collection of public art, the following change is being recommended to the Guidelines for Public Art Ordinance, section VII. Maintenance Policy:

C. Requirements for permanent signage of the Public Art Collection.

1. The Public Art Committee will provide a bronze plaque for the artwork featuring standard ("tombstone") information such as artist, title, date, medium, and dimensions. If the artist wishes for additional information or different material choices, the inclusion of such information, additional costs and/or materials is subject to the discretion of the PPAC. Requests for unique signage should be made at the time of fabrication or when the PPAC is initially approached regarding potential gifts to the collection. This lead time allows for sufficient discussion and design time if necessary.
2. The Committee carefully reviews such requests with an eye toward prioritizing the consistency of signage in the collection alongside budgetary considerations.

2. Addition to the Guidelines for Temporary Public Art – Eligibility

To improve clarity on permit extensions, the following change is being recommended to the Guidelines for Temporary Art eligibility section:

Eligibility

For the purpose of these guidelines temporary public art is defined as physical structures or combinations of material that may be installed for a maximum of one year, and that can be removed without lasting damage to the existing site.

Temporary art approvals may be extended by the Planning Authority for up to one additional year from the date of approval. The applicant must submit an extension request in writing to the Planning & Urban Development Department before the approval expires.

In accepting this Annual Report, the City Council is accepting the proposed revisions to the Guidelines for Public Art and Temporary Public Art for the Portland Public Art Program.

VI. Goals for FY23

1. COMMUNICATIONS

- Create a digital reference file folder for committee members.

2. CONSERVATION & MAINTENANCE

- Address conservation priorities outlined from the latest public art collection assessment report, with a particularly emphasis on conserving:
 - *Pullen Fountain*
 - *Playing Bears*
 - *“Czar Reed” Miller*
 - *The Hiker*
 - *Jewell Box*
- Replace the engraved granite post facing the Eastern Promenade roadway at the Major Charles J. Loring Memorial Park
- Create a collection management digital filing system to inventory existing collection, track conservation priorities and maintenance projects.

3. CONTINGENCY FUND

- *Charles Loring Memorial*, replace granite post damaged be automobile accident.
- *Cleeves Memorial*, replace fence damaged by automobile incident. The Planning & Urban Development Department is collaborating with the Parks Department on future repairs.

4. COLLECTION

- *Keeper of the Picnic*, by Christopher Miller will be a new addition to the public art collection that is contingent upon the redesign of Bramhall Square. Funding for the acquisition of the piece is from encumbered PPAC funds.
- *Shattered Sphere*, by Sarah Sze, will be a new addition to the public art collection once completed. *Shattered Sphere* will be incorporated into the redesigned Congress Square Park once construction is completed. *Shattered Sphere* acquisition is being funded by previously allocated PPAC funds and private donations.
- Evaluate new acquisitions of public art.
- Evaluate site locations for potential gifts of public art
 - Lowell Street Park in the Libbytown neighborhood
 - Portland Harbor Commons in Eastern Waterfront
- Create an application form for gifts of public art.

VII. Proposed Budget FY24

The City allocates .05% of the annual Capital Improvement Plan (CIP) budget for the conservation and acquisition of permanent public art. This .05% allocation results in the \$50,000 FY24 Budget Plan detailed below.

Remaining Encumbrances from previously approved budget plans

	Activity	Description	Budget
A	Congress Square Public Art	New commission – Sarah Sze artist	\$176,000
B	Bramhall Square Artwork	New commission	\$26,560
	Total Encumbered		\$202,560

FY23 – Proposed Budget (July 2023 - June 2024)

	Activity	Description	Budget
A	Conservation and Maintenance	To cover routine maintenance, priority conservation items include Pullen Fountain, Playing Bears, “Czar Reed” Miller, The Hiker, Jewell Box	\$ 10,000
B	Contingency Fund	To cover repairs, theft, replacement, plaque purchases – includes replacement of Charles Loring Memorial Granite replacement, Obelisk Memorial to George Cleeves fence replacement.	\$30,000
C	New Artwork	New acquisition	\$10,000
	Total FY24 Budget		\$50,000



City of Portland, Maine



Guidelines for the Public Art Ordinance



Volume 2, Number 1 - January, 2009

City of Portland, Maine

Guidelines for the Public Art Ordinance

Portland Public Art Committee

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I. GUIDING PRINCIPLES FOR COMMISSIONING NEW ARTWORK

A. Introduction

The Portland Public Art Committee (PPAC) commissions art work that engages with the surrounding environment to create, enrich, or reveal a sense of place, and to express the spirit, values, visions, and poetry of place that collectively define Portland.

All public art should make a positive contribution to the life of the city, and to the well being of its citizens. In keeping with this principle, artwork that is to be added to the collection should be created in active response to the character and history of the site and reflect the creative exchange between visual arts professionals and the community.

Public art should not be seen as a mere adornment of buildings or spaces; rather, the art should be seen as an amenity for diverse groups of citizens. The emphasis is on the people who use the facilities – on improvement as enrichment of public life. The goal of the Portland Public Art Program is to respond to the City’s diverse communities. Artworks that are added to the collection should be created in active response to the character and history of their particular places.

Artists can make a profound contribution to public life. Whether they add extraordinary elements to the cityscape or more quietly improve upon public spaces in collaboration with architects and urban designers, the creative efforts of artists can heighten the quality of the common experience.

B. Categories of Public Art

Public art can be viewed as dividing into four categories, listed below. The boundaries between these categories are often blurred, and successful art works often bridge two or more of the descriptions.

1. Art Works of Remembrance

Art Works of Remembrance are used to commemorate a specific historical figure or event of public importance. Art works of remembrance can include figurative or abstract statues, monuments, memorials and historical markers.

2. Expressive Art Works

Expressive Art Works integrate objects into public spaces with the primary purpose of introducing a sense of artistic vitality, playfulness, spirit, delight, fantasy, joy, or wonder into the daily lives of citizens.

3. Functional Art Works

Functional Art Works aim to enliven the quality of our public realm while providing comfort and amenity. Functional Art Works create collaborations between visual arts professionals and architects/urban designers to add functional yet extraordinary elements to the cityscape. Examples of Functional Art Works can include streetscape furniture like benches, fountains, information kiosks, bus shelters or signage.

4. Community Art Works

Community Art Works aim to engage the City's diverse communities by creating collaborations between visual arts professionals and community members to achieve works of artistic excellence. Community Art Works creatively express the memory, values, traditions, customs or aspirations of community members, address significant neighborhood sites, and/or respond to the character and history of particular places. Community Art Works should stimulate curiosity and interest in a community's heritage, and promote a sense of membership and harmonious co-existence among various groups within a community.

C. Priorities for Art

Currently, the majority of the Portland Public Art Collection could be classified as Art Works of Remembrance. The Public Art Program will promote the principle of providing a more balanced variety of public art categories within the collection, and will concentrate on commissioning new art work that expands the range of the collection.

The Public Art Committee receives many proposals for public art projects but is able to fund and implement only a few. The following are general guidelines for the use of public art funds and the means by which projects are selected.

1. Highest priority will be given to the ongoing conservation and maintenance of the existing public art collection.
2. Consideration of proposals for memorials or works commemorating historical events that are brought forward by public officials or other organizations will be balanced with the committee's primary focus on projects that are site specific or "placemaking" in character or that are community based. Proponents of proposals will generally help provide funding.
3. Proposals from visual arts professionals or other individuals will be considered only in rare instances when proposals demonstrate a clear benefit to the city.
4. Temporary art cannot be funded under the Public Art Ordinance. In some cases it may be possible to facilitate the placement of work on city property if funding is provided.

II. REVIEW CRITERIA FOR PROPOSED GIFTS OF ARTWORK

A. Introduction

From time to time, the City of Portland receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These are generous and much appreciated gestures to the citizens of Portland, and they often represent substantial investments of time, resources, and effort on the part of donors.

Installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Portland's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Portland, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Portland Public Art Committee is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review committees may also need to render a subsequent recommendation.

After reviewing a proposal of artwork, the Portland Public Art Committee makes a recommendation to the City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in these guidelines limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Portland Public Art Committee, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Portland Public Art Committee will review potential gifts of art with regard to:

1. Appropriateness of the gift to the City's Public Art Collection as defined in the criteria for review ;
2. Quality of design, materials and construction of the proposed gift; and
3. Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.
4. Compatibility with the current Public Art Plan.

B. Summary of the Review Process

1. The potential donor shall discuss the idea of donating artwork to the City's Public Art Collection with the Planning Office at the inception. A staff person from the Planning Office and a volunteer from the Public Art Committee will be designated to work with the potential donor throughout the review process.
2. Artist selection is a critical step. If the project is to be gifted to a site on City land, the Public Art Committee must be part of the selection of the artist and the project unless otherwise agreed to by the Public Art Committee. A list of potential artists and other resources shall be provided by the Public Art Committee.
3. The potential donor works with Planning staff and the Public Art Committee to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.
4. Once the Portland Public Art Committee has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.
5. The Portland Public Art Committee reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Committee will schedule a review of a project at its next regularly scheduled meeting, or as requested by the potential donor. Public comment will be taken at the time that the project is reviewed by the Public Art Committee.
 - a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., the Friends of the Parks for park sites, or the Historic Preservation Committee for sites in an historic district), the Planning Office will assist the potential donor in scheduling a review by the other review bodies. After recommendations are received from other review bodies, if any, the Planning Office will forward the recommendations from those review bodies back to the Portland Public Art Committee for consideration.
 - b. If the application is determined to be complete at the time of its review, and once other appropriate review bodies, if any, have rendered a recommendation, then the Portland Public Art Committee will vote to make a recommendation to the City Council as to whether to accept or not accept a proposed gift. The recommendation of the Public Art

Committee is then forwarded to the City Council for review and action. The submission to the City Council will include designs, plans and supporting documents reviewed by the Portland Public Art Committee, as well as the recommendation from the Portland Public Art Committee and recommendation(s) from other appropriate review bodies, if any.

5. Artists are required to collaborate with an art conservation expert to determine issues related to sustainability, to make maintenance recommendations, and to submit a maintenance report.

C. Criteria for Review

1. The potential donor will meet with the Public Art Committee to review the appropriateness of the gift. The proposed donation of artwork must be of appropriate theme, character, and design for public display, and must be consistent with the objectives of the Portland Public Art Collection. The Portland Public Art Committee will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Committee that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.
2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively low maintenance. It should retain its intended appearance, quality, durability and function for a minimum of twenty years.
3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising including logos, slogans and mascots.
5. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.
6. The Portland Public Art Committee will work with the donor and/or the artist to integrate a Portland Public Art plaque into the site.
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Portland Public Art Committee, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.
8. All applicable considerations in Sections III *Guidelines for Selecting Artwork and Artists*, and Section IV *Requirements for Design Documentation and Project Records* shall apply.

D. Glossary of Terms

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality.

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

Memorial - A commemorative monument established to preserve the memory of a person, place or event.

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service.

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artists or collaborative design teams occasionally design functional objects or site amenities.

Theme - The subject or message of an artistic work.

III. GUIDELINES FOR SELECTING ARTWORK AND ARTISTS

A. Introduction

The Portland Public Art Committee presents an Annual Art Plan to the City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commission of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Committee will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Committee. The Public Art Committee will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Committee will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

B. Summary of Artwork Selection Process

1. A project is identified in the Public Art Committee's Annual Art Plan, and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Committee appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Committee regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Committee and planning staff will manage the project through installation.

C. Artist/Artwork Selection Procedure

1. Establishment of the Artists/Artwork Selection Panel
 - a. The Public Art Committee will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
 - b. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Portland Public Art Committee. The number of voting panelists and composition of the panel may be different depending upon the size and complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by the Public Art Committee can participate on the panel. The Public Art Committee member will chair the Panel. If the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.
 - c. Community involvement is encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.
 - d. Before the first meeting of the Artist/Artwork Selection Panel, the Public Art Committee shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Committee for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Committee has taken final vote.

2. Artists/Artwork Selection Methods

The Public Art Committee will identify in the Annual Art Plan one of the three following methods or combination of methods in selecting a public art project:

- a. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:
 - a1. A computer disk or slides with no more than five images each of four different pieces. If slides are provided, they shall be submitted in a clear plastic slide display sheet. Each slide should be numbered and marked with the artist's name and the title of the work.
 - a2. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.
 - a3. Resume and references from previous similar projects.
- b. Open Competition: The project and request for qualifications shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter. Artists will be required to submit the following qualifications:
 - b1. Resume and work history
 - b2. Digital files or slides of previous work
 - b3. Conceptual approach statement (1 page max)
 - b4. References from similar previous projects
- c. Invitations or Limited Competition
 - c1. A limited number of artists are chosen directly from the Maine Arts Commission's Artists Registry or some other source and are invited to prepare proposals in the same manner as the Open Competition method.

3. Artist/Artwork Selection Rules

- a. The Artist/Artwork Selection Panel and/or the Public Art Committee may ask for additional information before selecting finalists. Artists selected as finalists are generally paid a design fee for submission of a final proposal, which may include a model, drawings, photographs or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.

- b. Conflicts of Interest: Public Art Committee members or Artist/Artwork Selection Panel members shall abstain from voting when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.
- c. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non-selected artists will be informed of the final artist/artwork selected when entry materials are returned.
- d. If two art pieces by two separate artists share one site, these pieces shall be considered in relation to each other when selecting the pieces for the site.

4. Artist Artwork Selection Criteria

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

- a. Artwork
 - a1. Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, location on the site, and appropriateness in theme and character as determined by the Public Art Committee.
 - a2. Elements of Design: The Artist/Artwork Selection Panel and the Public Art Committee will take into account the fact that, as differentiated from works in a museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.
 - a3. Style and Nature: Work of any style or nature which is appropriate for the public art collection and which is responsive in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
 - a4. Media: All forms allowed by ordinance may be considered.
 - a5. Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.
 - a6. Project budget as specified in the Request for Proposals. This budget shall include at least the following items:

All costs related to the acquisition, fabrication and installation of the piece

Project Manager

Traffic Management and Police Detail

Street Closures

Structural Engineer

Conservation Evaluation

Landscape Architect

Plant Materials

Signage – temporary

Signage – permanent (in accordance with City specifications)

Fencing – temporary

Mitigation of any utility problems identified by Digsafe.

Contingency of 5% of total project cost.

Other issues that may be identified during planning, review and implementation.

b. Artists

- b1. Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Committee, staff, and community.
- b2. Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition the ability to develop specific drawings of the artwork placed at the site will be required. (See *Requirements for Design Documentation and Project Records*)
- b3. Experience. The artist and project team is required to demonstrate the ability to create and execute a public art project within the timeframe and budget.
- b4. Measurements. The artist is responsible for all measurements of the site, to be taken in the field. Failure to do so, or errors, shall be the responsibility of the artist, and be corrected at the artist's expense.
- b5. References. The artist must provide at least three references of persons who can speak to the artist's demonstrated ability to implement art in the public realm.

D. Glossary of Terms

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

IV. Cultural Equity

A. Introduction

The following guidelines describe the ways in which the Committee can meet the stated goals within the Public Art Ordinance: “to promote the educational, cultural, economic and general welfare of the City of Portland.”

Public art in the City of Portland must a) enhance and enrich the lives of city residents, visitors and employees, b) contribute to the city’s civic pride and sense of identity, c) increase access to artworks for residents, visitors and employees to enjoy, and d) celebrate the multi-cultural and diverse character of the city’s communities with place-specific art.

The Public Art Ordinance explicitly states that the purpose of the Public Art Program is to reflect, enhance and celebrate the diverse City of Portland.

Cultural equity (as defined by the Americans for the Arts) is meant to embody “the values, policies, and practices that ensure that all people—including but not limited to those who have been historically underrepresented based on race/ethnicity, age, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, citizenship status, or religion—are represented in the development of arts policy; the support of artists; the nurturing of accessible, thriving venues for expression; and the fair distribution of programmatic, financial, and informational resources.”

B. Equity and Processes

1. Artists and Artworks:

- a) The Public Art Committee, in accordance with the goals of the Public Art Ordinance, encourages or prioritizes diverse representation of artists when selecting artists or artworks to be added to the Public Art Collection.

2. Governance:

- a) As an administrative body, the Public Art Committee historically has had a diverse representation of age, race/ethnicity, gender, profession or skillset, and geographic location.

- b) Although the City Council's Legislative/Nominating Committee appoints members to the Public Art Committee, the Public Art Committee efforts, through communication and outreach, to attract a diverse pool of applicants for open positions on the Committee.

3. Artwork Location:

- a) The Public Art Committee works with stakeholders including City departments, neighborhood and arts organizations, residents, property owners, or businesses as appropriate, to identify potential locations for new artwork. In some instances, public meetings or similar methods are used to create greater opportunity for public engagement and decisions regarding public art location and siting.
- b) The Public Art Committee attempts to locate artworks in all parts of the city, on and off the peninsula, to increase access to public art for city residents, employees, and visitors.

4. Interpretation, Education, and Outreach:

- a) The Public Art Committee provides historical interpretation of and outreach for artworks in the collection through the committee's website, artwork signage, and programming (such as Art in Our Front Yard presentations or videos, and the distribution of Coloring Books to youth programs and restaurants).
- b) The Committee solicits information on specific artworks from arts and cultural organizations, like Maine Historical Society, and from individual historians, who can provide research, expertise, and context.
- c) The Public Art Committee seeks feedback or input from community stakeholders as it applies to the goals, priorities, or location of artwork.
- d) The Public Art Committee facilitates the accessibility of its resources by providing multi-lingual versions of its website and printed materials for residents and visitors for whom English may not be their primary language.

5. Evaluation:

- a) The Public Art Committee biannually (every 2 years) assesses Committee activities and the collection as a whole. The assessment should take into consideration best practices and comparison to similar cities in New England and nationwide. The assessment should include evaluation of:
 - a. Diversity of artist representation in the collection;
 - b. Diversity and accessibility of artwork locations;
 - c. Diversity of representation in the Committee membership;
 - d. Implementation and effectiveness of interpretation, education, and outreach measures; and
 - e. Overall, how well the Public Art Program follows the Public Art Ordinance goals

The evaluation may also provide further recommendations to better meet the stated purpose of the Public Art Ordinance and these Guidelines

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V. REQUIREMENTS FOR DESIGN DOCUMENTATION AND PROJECT RECORDS

A. Introduction

The Portland Public Art Committee must review all permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to insure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Committee and staff are responsible for developing and maintaining permanent records regarding the public art collection. These Guidelines outline the requirements of documentation to be provided by an artist, his or her representative(s), and/or their collaborator(s) in order to insure a thorough review.

B. Requirements of Documentation for Review, and Project Records

1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, the Public Art Committee shall require that the artist retain the assistance of a professional architect, landscape architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Committee's archives. The Public Art Committee will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.

a. Conceptual Design:

- a1. Concept drawing(s) at an appropriate scale
- a2. Site context drawing(s) at 1" = 20' or other scale as appropriate
- a3. Working model, perspective sketches, and section and/or elevation drawings as appropriate

b. Existing Conditions Site Survey for Location of Proposed Art:

- b1. Proposed site or site alternatives
- b2. Existing topography, context, vegetation
- b3. Spatial and scale relationships
- b4. Historic context

c. Design Development

- c1. Response to context and historic character of the site
- c2. Proposed grading, site work, and proposed restoration of same
- c3. Proposed construction and site materials including details/amenities
- c4. Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
- c5. Review of liability issues (public health, safety, welfare)
- c6. Review of safety/security issues
- c7. Review of ADA accessibility standards
- d. Construction Drawings and Specifications:
 - d1. Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site
 - d2. Planting plan and plant list, and
 - d3. Lighting plan, and plans of electrical and mechanical elements
 - d4. Installation details, catalog cuts, and specifications for all additional amenities
 - d5. Written Specifications
- e. Proposed Schedule (all elements to be coordinated with City staff)
 - e1. Design documentation and review schedule
 - e2. Fabrication and installation schedule
 - e3. Maintenance plan and schedule
- f. Additional Documentation:
 - f1. Artist's statement and/or interpretative narrative regarding proposed public art project
 - f2. Artist's resume
 - f3. References

- f4. Photographic documentation of process and/or product through and including final installation
 - g. Maintenance Report
- 2. In addition to the documentation listed above, the Public Art Committee shall maintain record files on each project that shall include, but not limited to, the following:
 - a. Contract(s) with the artist(s) engaged in the project.
 - b. Record of the Committee hearing on the project.
 - c. Interdepartmental agreements relating to the siting and/or implementation of the project.
 - d. Correspondence and memoranda relating to the project including media coverage.
 - e. Record of all billing made in connection to the project.

VI. GUIDELINES FOR COMMUNITY ART WORKS

A. Introduction

The Portland Public Art Committee allocates a portion of its budget for Community Art Works. The goal is to engage citizens and community groups in the creation of public art in local neighborhoods. This initiative aims to:

- Engage the City's diverse communities by creating collaborations between artists and community members to achieve works of artistic excellence;
- Creatively express the memory, values, traditions, customs or aspirations of community members;
- Address significant neighborhood sites, and/or respond to the character and history of particular places;
- Stimulate curiosity and interest in a community's heritage; and
- Promote a sense of membership and harmonious co-existence among various groups within a community.

B. Project Types

Community Art Works is a relatively new initiative of the Portland Public Art Committee. Many examples of community based public art can be found in other communities (Vancouver, British Columbia in particular has a well-developed program). Perhaps the best example of a local project is the East Bayside Murals by Andrew Schoultz and Bayside youth (a case study is available).

C. Eligibility

Community Art Works grants are available to applicants that include a neighborhood-based not-for-profit partner which is able to legally and responsibly utilize grant funds. Such entities could include a local arts organization; neighborhood association; community center; community service group; or similar organization.

The organization must work in conjunction with a professional visual arts professional or group of visual arts professionals to create public art that is in compliance with the City's *Public Art Program Ordinance* and the *Portland Public Art Committee Guidelines*.

The Community Art Works funding may be used for artist fees; administrative costs; supplies and materials; technical requirements and rentals; and travel, housing and hospitality for artists.

D. Funding

The Portland Public Art Committee allocates a portion of its annual budget to be used as matching funding for Community Art Works. All awards are contingent upon the availability of funds from the Portland Public Art Committee budget and are subject to approval by the City Council.

Grant applicants shall commit to a contribution of in-kind services or cash that is equal to, or greater than, the funding requested from the Portland Public Art Committee. Eligible in-kind contributions include, but are not necessarily limited to room rental, equipment, materials, donated services, volunteer participation, and staff costs. Applicants are encouraged to explore other sources of funds such as foundations and corporate resources.

City Public Art funds will be made available only when the applicant has demonstrated that it has sufficient funds to complete the project. The design must be finalized and approved by the PPAC before the funds are released, unless an alternate payment plan is approved in writing in advance.

E. Application

The attached application must be completed. In brief, applicants should address the following:

1. Describe the conceptual vision for the Community Art Works project;
2. Identify the potential neighborhood site(s) for the art work;
3. Explain what makes the potential site(s) important to the neighborhood;
4. Identify a non-profit organization that can receive funds on behalf of the project;
5. Provide the contact info and mission statements of the team members and project lead;
6. List the skills or background desired in a visual arts professional;
7. Describe the scope of the visual arts professional's role;
8. If there is an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, please provide a resume and slides of previous work. If a visual arts professional has not been selected, please list the qualifications desired.
9. Detail sources of additional matching funds (cash and/or in kind sources).
10. Timeline for completion of project.

F. Requirements

The requirements for Community Art Works projects are as follows:

1. Located on City lands with documented permission of the appropriate authority.
2. Designed to be permanent and last at least 20-25 years.
3. Accessible to the general public.
4. Accessible to people with disabilities, as required by law.
5. Safe and vandal-resistant.
6. Evaluated by the City's Public Art Conservator for future maintenance issues.
7. Demonstrated capacity to undertake and complete the project within one year.
8. Submitted under the auspices of a non-profit organization.
9. Applicants must include PPAC in all publicity related to the project.
10. Demonstrated outreach to the community, City Councilors and other local government officials.

G. Site Criteria

The applicant should prepare an explanation of the following issues as they relate to the project:

1. Preferred site(s) and general reason for this selection;
2. Written permission of the appropriate public authority (PPAC will help to identify);
3. Public accessibility and any related potential safety issues;
4. Traffic patterns and interactions with the artwork;
5. Environmental impacts, if any;
6. Relationship of proposed artwork to existing or future development plans for the area, architectural features, natural features and urban and landscape design;
7. If located near a structure, describe the facility's function, and its users and surrounding community, as well as the interaction of the users with the proposed artwork; and
8. Relationship of the proposed artwork to existing art works in the vicinity.

H. Restrictions

Community Art Works funds may not be used for the following purposes:

1. Work that portrays school, team, corporate or organizational mascots.
2. Art that has singularly religious or sectarian purposes.
3. Work that is not accessible to the general public.
4. Expenses incurred before the starting date of the period covered in the grant request.
5. Capital improvements, facility construction, structural renovation, and restoration.
6. Purchase of equipment, property, library holdings or acquisitions.
7. Publications or recordings for commercial purposes.
8. Scholarships or other activities related to academic credit or degrees.
9. Activities intended primarily for fundraising.
10. Receptions, parties, or gallery openings.
11. Food, beverages, or other refreshments.

12. Prizes and awards.
13. The application of new artistic work to historic buildings or structures, unless approved by the state historic preservation office as being in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. For more information, contact the City of Portland, Historic Preservation Program, 207-874-8721.

I. Application Process

Applicants should initially contact the Portland Public Art Committee to discuss the proposed project. Staff will provide feedback on the conceptual idea and determine if the activity is eligible for funding. Guidelines and an application will be forwarded after this initial contact.

Please contact the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

Exact details of the proposed artwork do not need to be determined at the application stage. In fact, applicants are encouraged to refrain from specifying details of the artwork until a qualified visual arts professional is involved. The PPAC may provide input in choosing the visual arts professional.

Each application must clearly identify a lead organization or person. This lead entity will be asked to meet with the PPAC a minimum of two times. ***A member of the PPAC will be appointed as a liaison to the organization, and shall attend its meetings and report back to the PPAC.***

At the first meeting, the application and conceptual project will be discussed. The PPAC will help to establish a final scope for the project's design.

The PPAC may recommend appropriate visual arts professionals. If the applicant has an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, a resume and slides of previous work should be submitted. The PPAC must approve the visual arts professional.

At the second meeting, the project lead will present an application which may include a draft design and budget as well as materials and specifications.

Unsuccessful applicants may request a meeting with the PPAC to discuss the project and opportunities for revision prior to the next funding cycle.

J. Review Criteria

The Portland Public Art Committee will review the final applications and recommend projects to the City Council for approval. The Committee will evaluate proposals for the following:

1. Artistic merit is evaluated by the quality of production, project innovation, and the intent of the proposed work for that site, in the context of its surroundings. If the visual arts

- professional is part of the application team, their training, experience and previous work are part of the evaluation.
2. Community process is evaluated by the level of community leadership, the cultural diversity of community participation, and evidence of support by community groups and individuals who may donate funds, materials and services. Projects are preferred that involve the community in “hands on” efforts.
 3. The project site(s) for the art should be identified in the application, and the significance of these sites to the neighborhood or the larger community should be described, such as accessibility, prominence, cultural or historic significance, and proximity to other sites.
 4. Focus, clarity and achievability.
 5. Ability to produce a public project.
 6. Realistic funding and implementation plans.
 7. Maintenance requirements.

K. Contract, Deliverables, and Disbursement

Community Art Works shall be subject to a written agreement or contract between the City of Portland and the sponsoring organization responsible for the creation and installation of the art work. Such agreement will stipulate the terms of payment, the obligations of the recipient organization, time frames for performance of the work installation, budget and work plan, reporting requirements, insurance requirements, a time frame at which the offer of funds for the work will expire, license requirements for work on city property, performance guarantees if necessary, and any other provisions, terms, or conditions necessary and appropriate to the proposed Community Art Work project. If the project involves additional fundraising by the sponsoring organization to match or supplement the PPAC fund allocation, such additional funds must be secured prior to the release of PPAC funds for the project. Any required funding match amount shall be in cash, unless otherwise agreed to in writing by the PPAC

L. Timeframe and Deadlines

Submissions should be delivered to the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, 207-874-8721.

Projects are required to be completed within one year of funding approval, unless otherwise approved in writing. (Some exceptions may be approved in writing by the PPAC due to unforeseen or extenuating circumstances.) The steps below are guides and may change from time to time or for specific projects.

1. Conceptual Development
2. Application
3. Review of Application and recommendation to City Council
4. City Council Approval
5. Notice of Decision
6. Use of Funds May Begin
7. Design Development/Final Design approval by PPAC
8. Fabrication and Installation

9. Midpoint Assessment Due
10. Use of Funds Must Conclude
11. Final Report Due
12. Evaluation of Project

M. Contact Information

For any additional information, and to submit an application or proposal, please contact the Portland Public Art Committee, attention of the Planning Division, City of Portland, 389 Congress Street, Portland, ME 04101, publicart@portlandmaine.gov

VII. MAINTENANCE POLICY

A. Introduction

The City of Portland is responsible for the maintenance of permanently installed artworks within the City's collection. The Public Art Committee is charged by ordinance to "recommend to the City Council the expenditure of funds for the ... maintenance of public art," and to "oversee the maintenance, care and repair of the public art collection."

The following Guidelines shall apply to the Public Art Committee in the preparation of an Annual Art Plan with respect to recommendations for maintenance.

B. Guidelines Regarding Allocations to and Implementation of Maintenance to Public Art

1. The Public Arts Committee will develop an inventory of the public art collection, and periodically will work with a professional conservator to assess the condition of the collection. Based on this survey, the Committee will prepare a Public Art Maintenance Plan. The Committee will recommend to Council maintenance projects in an Annual Art Plan. Two levels of maintenance and their associated schedules will be identified within the Art Plan:

- a. Major Restoration

Public Art Committee may recommend to the City Council an annual appropriation from the Public Art C.I.P. allocation for a determined dollar amount identified for specific project needs. These recommendations must meet the criteria for capital improvements as defined by the City of Portland, and must generally be repairs or maintenance, which will have a lifespan of twenty years or more. Proposed work must be in accordance with recommendations and specifications made by a professional art conservator with expertise appropriate for the project.

- b. Minor Rehabilitation

Maintenance of this type that does not meet the criteria of a capital improvement shall be the responsibility of and administered by the Public Services Department as set forth by the Public Art Committee in the Public Art Maintenance Plan. The department having jurisdiction over the maintenance of particular projects/sites shall also be responsible for 1) keeping the Public Art Committee informed about any changes in the condition of the artwork, and 2) not altering the works of art or sites in any way without the prior approval of the Public Art Committee.

2. All maintenance and restoration work shall be reviewed and must be approved by the Public Art Committee prior to being initiated.
3. Visual arts professionals will be required to submit a comprehensive maintenance plan, schedule, and specifications prior to the final acceptance of a project, as per their contract.

C. Guidelines Regarding Signage for Public Art

1. The Public Art Committee will provide a bronze plaque for the artwork featuring standard artwork ("tombstone") information such as artist, title, date, medium, and dimensions. If the artist wishes for additional information or different material choices, the inclusion of such information and/or materials is subject to the discretion of the PPAC. Requests for unique signage should be made at the time of fabrication or when the PPAC is initially approached regarding potential gifts to the collection. This lead time allows for sufficient discussion and design time if necessary.
2. The Committee carefully reviews such requests with an eye toward prioritizing the consistency of signage in the collection alongside budgetary considerations.

VIII. RELOCATION OF PUBLIC ART

A. Introduction

These Guidelines recognize that over time there may be reasons to relocate artwork. The Public Art Committee shall review any proposed relocation of public art, and shall forward a recommendation to the Council for action. After receiving the recommendation from the Committee, the Council can vote to relocate artwork.

B. Summary of Relocation Process

1. A review for Consideration for Relocation may be implemented by direction of the Council, or by the Public Art Committee as part of the annual art plan.
2. The Public Art Committee will review the Consideration for Relocation according to the Guidelines.
3. The Public Art Committee will include a recommendation to Council regarding relocation as part of the next scheduled Annual Art Plan.
4. The Council, by majority vote, can order the relocation of the artwork.

C. Relocation Policy and Procedure

1. Eligible Artworks

Works eligible for consideration for relocation through this policy include all artwork in the official City of Portland Public Art Collection. These works include:

- a. Artworks purchased or commissioned through the Public Art Program.
- b. Gifts of artwork accepted by the City of Portland in accordance with the gift acceptance policies of the Public Art Committee.

2. Relocation Procedure

- a. The Committee may consider relocation of artwork for one or more of the following reasons:
 - a1. The current location of artwork limits public accessibility
 - a2. The condition or security of the artwork cannot be reasonably guaranteed in its present location.
 - a3. Significant changes in use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.
 - a4. Re-development of a public space offers a location that may be a more appropriate site.
- b. Sequence of action to relocation.
 - b1. The Public Art Committee determines that an artwork meets one or more of the criteria established above.
 - b2. The Public Art Committee shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of relocation.
 - b3. The Public Art Committee shall inform City Departments or Committees that have a vested interest in the relocation issue of the impending review. The Planning Office will coordinate reviews by other parties as appropriate. Examples of other departments or committees which may have vested interests and/or review authority may include, but is not limited to the Parks Department, the Department of Transportation and Waterfronts, the Friends of the Parks Committee, and the Historic Preservation Committee.

- b4. The Public Art Committee holds a public hearing to consider a recommendation to the City Council to relocate a work of art. If the Public Art Committee then votes to recommend relocation of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan. Any relocation recommendation must also address all siting issues as outlined in the Guidelines for Design Documentation for Review of an Art Project.
- b5. Acting on the Public Art Committee recommendation as included in the Annual Art Plan, the City Council holds a Public Hearing to consider relocation the artwork.

IX. DEACCESSIONING POLICY

A. Introduction

Deaccessioning is the process of removing existing installations of artwork from the public collection. These Guidelines recognize that over time there may be reasons to deaccession artwork. Reasons for deaccessioning may include, but not be limited to, situations where artwork has been damaged beyond reasonable repair, where artwork is deemed inappropriate, or requires removal because of new developments in the direction of the public art collection. The Public Art Committee shall review any proposed deaccessioning of public art, and shall forward a recommendation to the Council for action. After receiving the recommendation from the Committee, the Council can vote to deaccession artwork.

B. Summary of Deaccessioning Process

- 1. A review for Consideration for Deaccessioning may be implemented by direction of the Council, or by the Public Art Committee as part of the annual art plan.
- 2. The Public Art Committee will review the Consideration for Deaccessioning according to the Guidelines.
- 3. The Public Art Committee will forward a recommendation to Council regarding deaccessioning.
- 4. The Council, by majority vote, can order the deaccessioning of the artwork.

C. Deaccessioning Policy and Procedure

1. Eligible Artworks

Works eligible for consideration for deaccessioning through this policy include all artwork in the official City of Portland Public Art Collections. These works include:

- a. Artworks purchased or commissioned through the Percent for Art Program.
- b. Gifts of artwork accepted by the City of Portland in accordance with the gift acceptance policies of the Public Art Committee.

- c. All other artwork previously purchased by the City or received as a gift by the City.

2. Deaccessioning Procedure

- a. From time to time the Public Art Committee will review the Public Art Collection to determine those public art projects that might warrant deaccessioning.
- b. The Committee may consider deaccessioning of artwork for one or more of the following reasons:
 - b.1 The artwork has been determined to be of inferior quality relative to the quality of other works in the collection.
 - b.2 The artwork has been determined to be incompatible with the intent of the collection
 - b.3 The artwork has been damaged or has deteriorated to the point where restoration is impractical or unfeasible, or the cost of restoration is excessive in relation to the appraised value of the artwork.
 - b.4 The artwork endangers public safety.
 - b.5 Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.
 - b.6 The work is not or is rarely on display.
 - b.7 The artwork requires excessive maintenance or has faults of design or workmanship, and the city cannot properly maintain the artwork.
- c. Sequence of action to deaccession
 - c1. The Public Art Committee determines that an artwork meets one or more of the criteria established above.
 - c2. The Public Art Committee shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of deaccessioning.
 - c3. The Public Art Committee holds a public hearing to consider a recommendation to the City Council to deaccession a work of art. If the Public Art Committee then votes to recommend deaccessioning of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan.

- c4. Acting on the Public Art Committee recommendation, the City Council holds a Public Hearing to consider deaccessioning the artwork.
- d. If the City Council votes to deaccession a public artwork, the Public Art Committee shall consider the following courses of action, (in order of priority) to deaccession the identified artwork:
 - d1. Sale or Trade
 - i. The first consideration shall be whether to sell or trade the art work.
 - ii. Regarding either sale or trade of artwork, the City shall offer the right of first refusal to the artist, if still alive, or the estate or family, and/or the original donor if the artwork was a gift to the City.
 - ii. Sale through auction, art gallery, or dealer resale, or direct bidding by individuals, in compliance with City law and policies governing surplus property.
 - iii. Trade through artist, gallery, museum, or other institution for one or more other artwork(s) of comparable value by the same artist.
 - iv. Funds from the sale of public art shall go to the Public Art Fund.
 - d2. Gift to another governmental entity.
 - d3. Destruction of the work if deteriorated or damaged beyond repair or if determined to have negligible value.

CITY OF PORTLAND, MAINE

PUBLIC ART COMMITTEE

Guidelines for Temporary Public Art

The City of Portland recognizes the role of public art in contributing to the life of the City and the well-being of its citizens. By engaging with the surrounding environment, public art enriches the spirit, values, and poetry of place. Temporary public art adds to the range and impact of public art, providing a changing array of outdoor installations all year around. The Portland Public Art Committee (PPAC) is the umbrella organization for the Temporary Public Art Guidelines. The guidelines are intended to inform applicants of the process.

A proposal to display a work of art temporarily on City owned property must be approved by a temporary art review panel established pursuant to these guidelines. Only artists who are 18 years or older shall be eligible to apply. An applicant must adhere to the following application, installation, and removal process. The review panel has the authority to approve applications, approve applications subject to conditions, and to reject applications. An installation permit will be issued by the Department of Planning & Urban Development following approval of an application by the review panel.

Eligibility

For the purpose of these guidelines temporary public art is defined as physical structures or combinations of material that may be installed for a maximum of one year, and that can be removed without lasting damage to the existing site. Temporary art approvals may be extended by the Planning Authority for ~~A request for an extension of up to one additional year from the date of approval. The applicant must submit an extension request in writing to the Planning & Urban Development Department before the approval expires.~~ ~~may be considered, although a request for extension may not be considered at certain sites or public right-of-way.~~

The appropriateness of subject matter and quality of workmanship are of utmost importance. Works will only be approved if they are suitable for display to the general public and for the particular site. Works shall not be displayed for commercial purposes, and shall not be advertised for sale while on public display. Credit for sponsorship of the temporary installment may be recognized on approved signage. Artists 18 years and older may apply, with consideration for school-aged applicants provided a guardian as a primary applicant. Artists must demonstrate capacity to execute, install and remove proposed pieces.

Site Selection

The City of Portland's public spaces include historic landscapes, pocket parks, open spaces, and trails which vary in dimensions, natural elements, and historic character. The placement of temporary art should respect and enhance the organic character of the site, and must not result in

either physical or aesthetic damage to the landscape. In proposing sites for temporary public art, applicants should consider the following:

- Placement should be in a public space;
- If more than one site is appropriate for a particular installation, it should be identified in the application;
- Final approval of an installation is contingent upon the appropriateness of the proposed site, including adequate visibility;
- Artwork shall not interfere with active use of open space by the public;
- Cemeteries will not be considered as sites for temporary art installations; and
- Certain sites may be subject to additional restrictions as determined by the review committee.

Review Panel

A review panel shall include, but need not be limited to:

- One City staff designee from the Department of Public Works (DPW);
- One designee from the Portland Public Art Committee;
- The City of Portland’s Urban Designer, Temporary Art Coordinator or staff designee from the Department of Planning and Urban Development;
- A designated artist.

For a given site, the review panel may include additional designees. Additional designees will be included when the proposed site involves the following conditions:

- For proposals involving an historic landmark, landscape, or district, the panel will include a designee from the Historic Preservation Board;
- For proposals involving a site with an established “friends” organization, or equivalent, the review panel will include a designee from that organization;
- Additional stakeholders or interested parties may be invited to provide input during the review process to be determined in consultation with the relevant councilor(s).

Additional Review Requirements

Upon the receipt of a temporary art application, the Review Panel shall:

1. Schedule a meeting open to the public to obtain public comment prior to rendering a decision on the application.
2. Publish a notice of the meeting on the City’s website at least seven days prior to the date of the meeting.

3. Notify stakeholders such as the applicant, abutters, and neighborhood groups of the meeting at least seven days prior to the date of the meeting. Noticing shall be handled by City staff and means and methods shall be determined on a case by case basis and may include mail, e-mail, City website, and NotifyMe.

Supplemental Guidelines for Temporary Painting within Public Roadways

The City of Portland's roadways and crosswalks vary in dimensions, materials, and historic character. The placement of temporary painting within public roadways should maintain visibility of crosswalks and/or all roadway markings, respect and enhance the organic character of the roadway, and must not result in either physical or aesthetic damage to the roadway. In proposing roadways for temporary public painting, applicants should consider the following:

- City of Portland Department of Public Works has municipal jurisdiction over roadways with a posted speed limit of 25 miles-per-hour or less. Roadway paintings shall not be allowed on any street with speed limits at or above 30 miles-per-hour.
- MaineDOT shall review state roadways as indicated in the City of Portland's Technical Manual Section 1. Transportation Systems and Street Design Standards federal street classification (Figure I-26).
- Roadway painting shall utilize temporary chalk paint, as recommended by MaineDOT and the City of Portland Department of Public Works and shall not be retro-reflective. Painting shall completely fade within one year of installation;
- Three dimensional (3D) crosswalks and word messaging, and directional signals within the crosswalk are not allowed;
- Roadway paintings shall not distract drivers or lead to dangerous road conditions, nor shall they mask existing unsafe road conditions such as potholes. The condition of the roadway or crosswalk shall be adequate, as confirmed by up-to-date pictures provided by the applicant. City of Portland Department of Public Works and Planning and Urban Development staff may conduct site investigations to prove roadway conditions are adequate;
- Painting of white crosswalk stripes (known as "keys") is not allowed;
- If more than one roadway or crosswalk is appropriate for a particular installation, it should be identified in the application. The Review Panel shall reserve the right to restrict the number and location of roadways or crosswalks for any application;
- Each application will require a traffic-control plan that includes a timeline to the satisfaction of City of Portland Department of Public Works staff. This timeline shall include the date and duration of street closure;
- Streets under a Street Moratorium or those that have been paved within one year prior to receipt of an application shall not be allowed for painting.

- Final approval of an installation is contingent upon the appropriateness of the proposed roadway, including adequate visibility;
- Roadway paintings shall not contain content that is harmful to Portland's diverse communities, including content that is harmful on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, political association or veteran status.
- Cemeteries will not be considered as roadways for temporary painting;
- Roadways with paving patterns including but not limited to: cobblestone, Belgian-block, brick, or masonry, will not be considered as roadways for temporary painting;
- Certain roadways may be subject to additional restrictions as determined by the review panel. Applicants shall consult City of Portland Planning and Urban Development staff to determine the roads and/or intersections proposed are appropriate;

Receipt of a temporary painting within public roadways permit from the Department of Planning and Urban Development does not constitute receipt of all required permits. Additional permits may be required for road closure from the Department of Public Works and/or Permitting & Inspections. Applicants shall provide documentation of receipt of all required permits prior to installation.

Materials, fabrication, and transportation to and from the roadway is the sole responsibility of the applicant and not that of the city. Materials related to street closure, such as flags, sawhorses, etc. can be rented from DPW but are the sole responsibility of the applicant and not that of the city.

Application Process

Applicants should submit a complete application not less than three months prior to the intended date of installation. Incomplete applications will not be accepted.

1. A meeting with the applicant may be requested by the review panel prior to approval or denial.
2. Approval/denial notification will be sent to the email address provided on the application.
3. If the review panel requires further review, an additional meeting will be scheduled with the artist at the panel's next monthly meeting. Revisions requested by the review panel must be made in order to receive final approval and an installation permit.
4. The proposed contractual agreement with the Department of Public Works will be emailed to the applicant with the notification of approval of the installation.
5. Following receipt of the approval email, each applicant must submit a signed contractual agreement in the form provided with the approval email, signage information, proof of insurance, an endorsement page, at least five digital images of existing site conditions, and a security deposit in the amount required in the approval email.

Applicants should feel free to contact Planning staff with questions concerning their applications.

Contractual Agreement

The contractual agreement will be emailed to applicant with notification of approval.

Proof of Insurance & Endorsement Page

Proof of liability insurance and an endorsement page naming the City of Portland as an additional insured with general liability coverage of at least \$400,000 for bodily injury or death is required. The Certificate of Insurance must state the name of the artist, the site of installation, and duration of agreement. Insurance coverage must extend from installation through artwork removal and site restoration. If an extension is approved, the liability insurance must also be extended. The certificate and endorsement page provided by the insurance company must be emailed in PDF digital format to the Department of Planning & Urban Development.*

Security Deposit

A security deposit will be required and must be submitted in cash, check, or by credit card to the Department of Planning & Urban Development. The amount of the deposit will be based on the estimated cost to remove the installation and restore the site. Typical security deposits will range from \$100 to \$1000. The security deposit will be retained until the artwork is removed, site restoration has been approved, and all required documentation has been submitted. (See “Artwork Removal and Site Restoration Documentation” on page 4.) Upon fulfillment of these requirements, the security deposit will be returned in full. In case it becomes necessary for the City to remove the artwork and/or restore the site, the City’s costs will be deducted from the security deposit.*

**The Portland Public Art Committee does not wish that these fiduciary requirements become a major impediment to otherwise worthy temporary art. Applicants for whom these requirements impose a genuine hardship are encouraged to complete the application process and submit a statement of need to the panel. Should the piece be otherwise acceptable, efforts will be made by PPAC to secure a small stipend to be used to defray the cost of insurance, deposit or other expenses associated with the project.*

Installation, Maintenance, & Removal Process

1. Installation may begin upon receipt of the installation permit.
2. The artwork shall be installed in accordance with the approved timeline.
3. Artwork to be installed near trees shall be subject to approval by the City Arborist.
4. Site must be marked and DIG SAFE (1-888-344-7233) approval must be obtained for all post and foundation locations. The artist should keep in mind that DIG SAFE requires a four-day advance notice.
5. Digging holes or drilling is **not** permitted on hardscapes; digging on softscapes, and driving vehicles on grass or unauthorized areas, requires prior approval from DPW staff.

6. Artist or artist's approved designee must maintain the artwork in the condition originally approved. The artist or approved designee must monitor the installation and take action to amend or remove the artwork if necessary within specified time frames.
7. Artist must provide required documentation to the Department of Planning & Urban Development within 30 days of removal and site restoration.

Signage

Only official temporary public art signage is allowed on or near the artwork. Signage shall include the name of the artist, title of work, construction materials, and period of installation. A list of project sponsors and an optional summary description of the artwork may also be included. No commercial content or sales information may be included. A QR code, web link, or similar information for contacting the artist may be permitted.

Required Maintenance & Unanticipated Repair or Removal

Periodic inspections by the artist or the artist's designee are expected. Damage to the site or the artwork, including vandalism and graffiti, must be repaired or removed within 72 hours following notification by the City. If an installation becomes a safety hazard, it must be repaired, removed, or stabilized as soon as possible, but no more than 48 hours following notification by the City. If repairs are not made within the required time frames, the artist will be advised that the City will take appropriate action to repair and/or restore the site, and any costs incurred will be deducted from the security deposit. The City reserves the right to remove the artwork and will not be held financially responsible for site restoration or any damage to the artwork.

Scheduled Removal & Site Restoration

A timeline for installation, removal, and site restoration must be submitted with each application. Duration from start of installation to complete site restoration may not exceed 12 months. Artwork removal and site restoration must take no more than 5 days to complete. **The liability insurance of \$400,000 must cover the period from artwork installation to site restoration.** If the approved timeline is not adhered to, the City may carry out all unperformed actions. The artist will be informed if the City decides to take such action, and all associated costs will be deducted from the security deposit.

Artwork Documentation

The artist must provide final documentation of the project to the City staff within 30 days of site restoration demonstrating adequate site restoration. The final project documentation may be used by the Portland Public Art Committee to promote art in public spaces, and to refine the temporary public art procedures process. The PPAC shall have the right to use and reproduce the final project documentation material. Final Project Documentation shall include:

- Two or more digital images of the condition of the site prior to installation;
- Two or more digital images of the installation process;
- At least five images of the artwork while on display;

- At least five images of the site after completion of site restoration;
- Written feedback pertaining to this project, i.e. impact of your piece, public feedback, suggestions for improvement of temporary public art process, etc. (suggested length: 250 words)

Application

The application form is available online at the Temporary Art webpage:

<https://www.portlandmaine.gov/470/Public-Art-Program> or by contacting the PPAC staff representative and includes the following:

- **Title of Work**
- **Artist Information**
- **Summary** - Physical description of artwork including dimensions, materials used in construction and installation. Description of site location and plan for any site disturbance during installation.
- **Technical Requirements** - Lighting, sound or technical needs associated with the project and how they will be procured. Impact, if any, project will have on pedestrian or vehicular traffic. (Any projects using sound must follow the city ordinances regarding volume. Please submit a recording for review with the application.) Additional city licenses may be required.
- **Maintenance and Safety** - Brief description of maintenance requirements. Public health, safety, and welfare liability issues, i.e., toxic materials, sharp edges, structural stability, security issues, and obstruction of sight lines or issues related to pedestrian and vehicular traffic.
- **Schedule** – Timeline of installation, duration, and removal. Names and contact information for artist and parties responsible for installation, maintenance, security and removal of artwork.
- **Attachments:** Resume, 10 images and slide list, structural sketches, animation, or maquettes of proposed piece on site, optional expanded summary (no more than one page).

Application Exemptions

For proposed street murals, this process may be expedited for any city owned streets within commercial or mixed use areas (the downtown, major thorough fares). In these cases, there will be at least a one week notice to stakeholders for comment/meeting participation. Additional members of the review panel may include Metro or MDOT depending on proposed location.

Email application in Microsoft Word Document (word.doc or .docx) form to the PPAC staff at the following address:

~~Austen Torres Davis~~ Maya Balassa, Planner; publicart@portlandmaine.gov
Planning & Urban Development Department, Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101
Phone: (207) 874-~~8632~~ 8718

Application Checklist:

- Completed application (in word document form, .doc or .docx)
- Resume, including experience relevant to public art
- Sketches or scale rendering of art work
- Map of proposed installation including positioning of artwork on site
- Images, animation, or maquette of art work
- Images of previous/related work (*Please limit images to a total of 10. Images should be no more than 5MB each. Please label images: Last name__Firstname__jpeg__*)
- Optional expanded statement of intention (Limit one page)
- Supplemental Materials for Temporary Painting within Public Roadways

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING THE PORTLAND PUBLIC ART COMMITTEE
FISCAL YEAR 2023 ANNUAL REPORT
AND FISCAL YEAR 2024 BUDGET PLAN**

ORDERED, that the Fiscal Year 2023 Annual Report and Fiscal Year 2024 Budget Plan of the Portland Public Art Committee, attached hereto as Attachment A, is hereby accepted.

Portland Land Bank Commission 2023 Annual Report



December 2023

Acknowledgment

The Land Bank Commission is pleased to present its annual report to the City Manager and City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

The Commission offers special thanks and appreciation to Michael Goldman, Ethan Hipple, Alex Marshall, Doug Roncarati, and all staff whose hard work supports the Commission’s efforts.

Overview

Under The City of Portland, Maine Code of Ordinances, Article III-A, the Land Bank Commission is charged with the responsibility of submitting an annual report to the City Manager and making recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year. The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City’s annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status and for remedial maintenance work on existing Land Bank holdings. The Commission has other methods to acquire or protect open

space property which include personal property donations, direct purchases, easements, land trades, grants, and developer agreements.

Commission Members (2023):

Pat Bailey, Chair, At Large
Simon Rucker, Secretary, District 1
Baxter Miatke, Treasurer, District 3
Jon Kachmar, At Large
Dan Herzlinger, District 4
Robert Foster, District 4
Brian Wasser, District 1
Alaina Chormann, District 2
Anna Trevorrow (City Council Representative)
Jayne Foley (Outgoing)
Jennifer Fox (Outgoing)

Non Voting Members

Portland Trails Representative (vacant)
Maine Audubon Society Representative (vacant)

Staff Support:

Michael Goldman, Associate Corporation Counsel
Ethan Hipple, Director, Parks, Recreation and Facilities Department
Doug Roncarati, Stormwater Program Coordinator
Jessica Teesdale, Senior Executive Assistant to Director of Parks, Recreation and Facilities Department
Madeline Groeger, Office Associate, City of Portland, Parks, Recreation and Facilities Management

Introduction

This document, including the attached Exhibits, is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g), Article III-A of the City of Portland, Code of Ordinances created by the City Council in 1999 which established the Portland Land Bank Commission with the following stated purposes:

1. Act as an advocate for the acquisition and conservation of open space within the city;
2. Cooperate with other agencies and parties on wetlands mitigation projects;
3. Recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goal of this article;
4. Accept gifts and funds from both private and public sources and disburse such funds for the purposes hereunder;
5. Act as a liaison to other public and private nonprofit agencies involved in planning, acquiring, disposing, and managing land within the municipality; and
6. Recommend an annual budget to the city manager and city council to carry out its purpose.

City Code requires the Commission to annually file a report consisting of two parts: the Registry of Open Space and an operating budget.

The Registry of Open Space must list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development, or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements, or dispositions of all property interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
- Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
- Islands;
- Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts, and high elevations with a view;
- Aquifers, aquifer recharge areas, and other ecologically fragile or significant property;
- Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
- Woods or forest land;
- Farmland or wildlife habitat;
- Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;

- Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
- Conservation or trail easements and other similar interests in land.

A map of Land Bank Holdings is attached as Exhibit D. To view a full-sized map of Land Bank holdings click [here](#).

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). That Section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated.”

Compliant with the stated requirements in Code, the Land Bank Commission Annual Report for 2023 contains the Registry and operating budget for the calendar year 2024.

2023 Accomplishments

- **North Deering Park (1831 Washington Avenue).** North Deering Park was acquired by the City of Portland in June of 2023. It consists of approximately 24 acres of forested wetlands, a small pond, and a developed baseball diamond and parking area on several parcels between Washington and Auburn Avenues in North Deering. This was a cooperative project between the Land Bank Commission, the Trust for Public Land, and the Portland Parks Conservancy, with the Land Bank Commission contributing \$80,000 towards the acquisition. The City of Portland, working with TPL, received a \$400,000 grant from the Outdoor Recreation Legacy Program (ORLP), a federal program, for additional acquisition funding. An [article](#) about the project is attached as Exhibit E.
- **Redlon Woods.** The Land Bank Commission continues to work with the owners to obtain the necessary releases to acquire these parcels. The lender has not provided an adequate response or an approval for the required release.
- **Oat Nuts Park.** The Land Bank Commission is exploring the acquisition of a lot adjacent to Oat Nuts Park on Juniper Street. It is not clear at this time if lot is a fit for LBC priorities.
- **Hand Carry Boat Launch at Stroudwater Park.** The Land Bank Commission is exploring the possibility of installing a hand carry boat launch at this access point.
- **Potential Projects.** The Land Bank Commission works with landowners and community members to evaluate potential open space acquisitions for the City of Portland.

- **Trail improvements and maintenance.** Trail improvement projects took place on multiple Land Bank properties, and were conducted by the Portland Youth Corps, Maine Conservation Corps, and Portland Trails. Project highlights include access improvements at the North Deering Park, linking Washington Avenue Extension with the ballfield and existing trails, erosion control and trail improvements at Presumpscot River Preserve, and multiple new bridges and turnpikes at Baxter Woods.
- **Impact of Encampments.** Encampments were a consistent presence on Land Bank properties in 2023. Weekly statistics of tent counts are kept by the Park Rangers, and this year saw a new high in October with over 280 tents Citywide, many of them on Land Bank properties. These encampments create unhealthy conditions in the properties and inhibit the use of the properties as public open spaces. The Land Bank Commission's statement on encampments is attached to this report as Exhibit F.
- **Tax-Acquired Properties Committee (TAPC) List Review.** The Land Bank Commission annually reviews tax-acquired properties in order to further the objectives of TAPC which including finding the highest and best use for property for the benefit of the City, its neighborhood and its citizens, and to establish a clear and fair policy for the disposition of property. Properties suitable for Land Bank protection are inventoried and assessed for addition to the Land Bank holdings.

Program Budget and Project Initiatives for 2023

Per Chapter 2 of the City Code, an annual appropriation of 0.5% of the total annual capital improvement program is to be deposited into the Land Bank Fund. The annual appropriation of 0.5% of the total CIP for 2018, 2019, 2020, 2021, and 2022 is shown on a separate line item in our budget as the bonding has not been authorized. For planning purposes the appropriated amount from these fiscal years is shown on a separate line item.

Land Bank Commission Budget which is attached as Exhibit G.

Land Bank Commission Project Initiatives 2024

- *Complete the acquisition of parcels in Redlon Park.* The Land Bank Commission is currently working on acquiring additional parcels within Redlon Woods. Redlon Woods consists of several acres of open space surrounded by Brighton Avenue, Stevens Avenue, Capisic Street and Bancroft Street. The Land Bank Commission has been working on conservation of Redlon Woods since 2000 and it was one of the project examples that led to the formation of the Land Bank Commission.
- *Continue acquisitions of parcels in Oat Nuts Park.* There is the potential for the acquisition of additional lots for Oat Nuts Park going into 2024.

- *Review and assess Tax Acquired Parcels Committee List.* The Land Bank Commission will annually review and assess the TAPC list for TAPC properties suitable for Land Bank protection and provide our recommendations to city staff.
- *Trail improvements, wayfinding and maintenance on Land Bank parcels.* Land Bank signage will be installed and trail maintenance will continue to be funded on Land Bank properties.
- *Continue work on the Waldo Street Boat Hand Carry.* This public access point in the Land Bank is located along the Stroudwater River adjacent to Congress Street. The Land Bank Commission will continue to work towards having this amenity constructed.
- *Coolidge and Davenport Lots.* This potential project would be allocated from the City-owned tax acquired properties to the Land Bank. Conserving these parcels will help the City to address the existing impacts of stormwater pollution caused by development in the watershed and prevent additional impairments from new development.
- *Davis Pines.* The property on Davis Farm Road in North Deering contains the City's last stand of old growth white pine forest, and has potential to provide cultural and educational opportunities for residents, school groups and others. Formal access, signage and trails as a Land Bank property would greatly increase the recreational value to Portland's residents.
- *Reworking High Priority Parcel list and Scorecard format.* The Land Bank Commission continues to work towards improving project evaluation methods by updating the High Priority Parcel list to reflect changes in the landscape, and to update the scorecard evaluation tool to incorporate new data and technologies available to the Commission.
- *Green Space Gathering.* The Land Bank hopes to again work with the Parks Commission to assist with developing the agenda and logistics with the annual Green Space Gathering that focuses on open space advocates. The status of the gathering for 2023 is TBD.
- *Continue to field proposals to the Land Bank Commission from community members.* We receive requests from the public to consider parcels of land to be put into the Land Bank and these requests constitute several of the ongoing projects.

Exhibit A – Description of Current Land Bank Registry Existing Holdings (Open Space)

E-1 Natick Street. This parcel is contiguous with the northern end of the Interurban Line parcel (HP- 19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive. Situated next to Oat Nuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oat Nuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.

E-3 City RPZ Land on Starbird Lane. This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 City RPZ Land on Rand Road. This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails' Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Area. Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park. Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Blueberry Road Parcel. Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15)

nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.

E-8 Conservation Area at Evergreen Cemetery. This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City-Owned Parcels in Oat Nuts Park. Oat Nuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oat Nuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve. The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. It abuts land owned by Portland Trails, the Town of Falmouth and other private landowners who keep their land wild. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives have returned to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property. This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.

E-12 PATHS Wooded Area. Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels. These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.

E-14 Ocean Avenue Open Space. This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with "birders" that is known as the "Dragon Fields" due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City-owned tax-acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot. This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North. The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South. The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots. These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.

E-19 North Deering / Riverton Parcels. This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines. This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.

E-21 Ocean Ave Rec Area-Pine Grove Ave Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Ave Rec Area-Belfast St Lots. These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Ave Rec Area-Marlborough Rd/Trapelo St Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property. This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods. The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water- Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer

right-of-way through a portion of the property. Canco Woods is owned by the City and is subject to a conservation easement held by Portland Trails.

E-26 University Park. A popular spot for off-leash dog walking, University Park can be accessed from either Yale Street off Allen Avenue or from the east at Harvard Street. The property is bisected by the Harvard Street Path.

E-27 Wooded Area North of Riverside Golf Course. This wooded area is part of Riverside Golf Course and is bordered by the Presumpscot River and Interstate 95.

E-28 Land Along Canco Road. This parcel connects to the larger Canco Woods to the south (E-25) and contains the road frontage of The Woods at Canco retirement home.

E-29 to E-62 – See Exhibit B

E-63 Redlon Woods. This wooded area, located in the Rosemont neighborhood, features an interesting mix of woodlands, wetlands and ledge outcroppings, as well as some popular informal walking and mountain biking trails. The desire to protect this open space was the impetus behind the creation of the Land Bank Commission in 1999. Long-term protection of Redlon Woods has involved and will continue to require collaboration between the Land Bank Commission, City, neighboring property owners, local NGOs and other open space preservation advocates.

E-64 Holbrook Street Lots 2019. This property was an addition to E-1 Natick Street in 2019 via the City-owned, tax acquired parcels.

E-65 Rowe Avenue Jewell Falls. Located directly above Jewell Falls, this undeveloped property is an excellent example of a small riparian urban parcel that could help improve the health of the stream below.

E-66 Avangrid 204 Rand Rd. This 27-acre forested parcel was a high priority open space parcel for several years due to its adjacency to existing conservation land, its network of trails and its natural and recreational values. With this addition, the City has added protection to its largest remaining undeveloped area around the headwaters of the Fore River.

E-67 North Deering Park. This locally-known woodland area with informal trails was acquired, along with the adjacent ball fields, with the assistance of The Trust for Public Land in 2023. While there are designated USFWS and City of Portland wetland areas, the primary reason for LBC consideration was the area's need for open space for recreation.

Exhibit B – Specific Properties (Portland Parks) Dedicated as Land Bank Property Interests

E-29 Back Cove Park and Trail
E-30 Barrow's Park/Baxter Sundial
E-31 Stone Street - Bayside Park & Playground
E-32 Baxter Pines
E-33 Baxter Woods
E-34 Bell Buoy Park
E-35 Belmeade Park
E-36 Capisic Pond Park
E-37 Clark Street Park
E-38 Congress Square Park
E-39 Deering Oaks Park
E-40 Dougherty Field
E-41 Eastern Prom, East End Beach, Fort Allen Park
E-42 Fessenden Park
E-43 Fort Gorges
E-44 Fort Sumner Park
E-45 Fox Field/Kennedy Park
E-46 Harbor View Park/Tate-Tyng Park
E-47 Heseltine Park
E-48 Lincoln Park
E-49 Lobsterman Park
E-50 Longfellow Square
E-51 Monument Square
E-52 Munjoy Playground
E-53 Payson Park
E-54 Peppermint Park

E-55 Pleasant Street Playground

E-56 Post Office Park

E-57 Riverside Golf Course

E-58 Riverton Park

E-59 Stroudwater Park

E-60 Taylor Street Playground

E-61 Tommy's Park

E-62 Western Promenade

E-63 Redlon Woods

Exhibit C - Current Land Bank Commission High Priority Parcels

HCP-1 Glickman, GDI
HCP-9 Brackett St Lots at Indian Trail, Peaks
HCP-11 Riverton Trolley Park Parcels
HCP-12 Verizon/Fairpoint Pines
HCP-13 Redlon Road Parcels
HCP-15 Stroudwater River Corridor
HP-3 ACE Griffin's Cove, Cliff Island
HP-4 Kensington St Parcel
HP-6 RPZ 1601-1660 Congress Street
HP-7 Waynflete Athletic Fields Property
HP-9 MTA Land Holm Ave
HP-10 PTC Land Holm Ave
HP-11 410 Auburn St
HP-13 Rocky Hill
HP-15 Land West of Murray St
HP-19 Inter-urban Line
HP-21 Fore River Corridor on Yellowbird Ln
HP-24 Salem St Parcels

City of Portland, Maine

Parks & Open Space and Land Bank Holdings

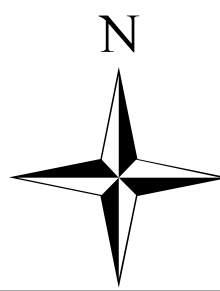
with Resource Protection Zone,
City Property & Portland Water District Property

Exhibit D

Legend

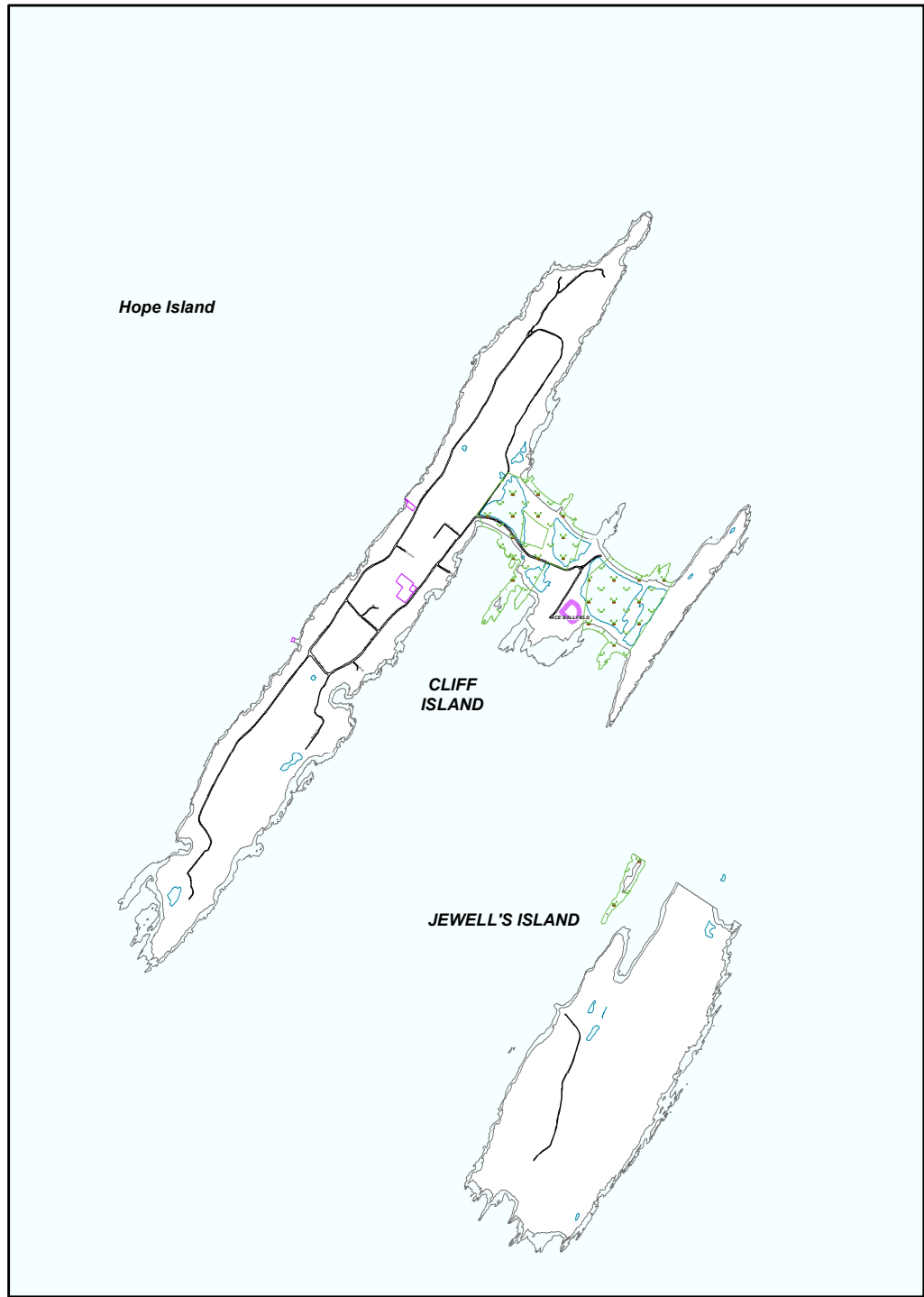
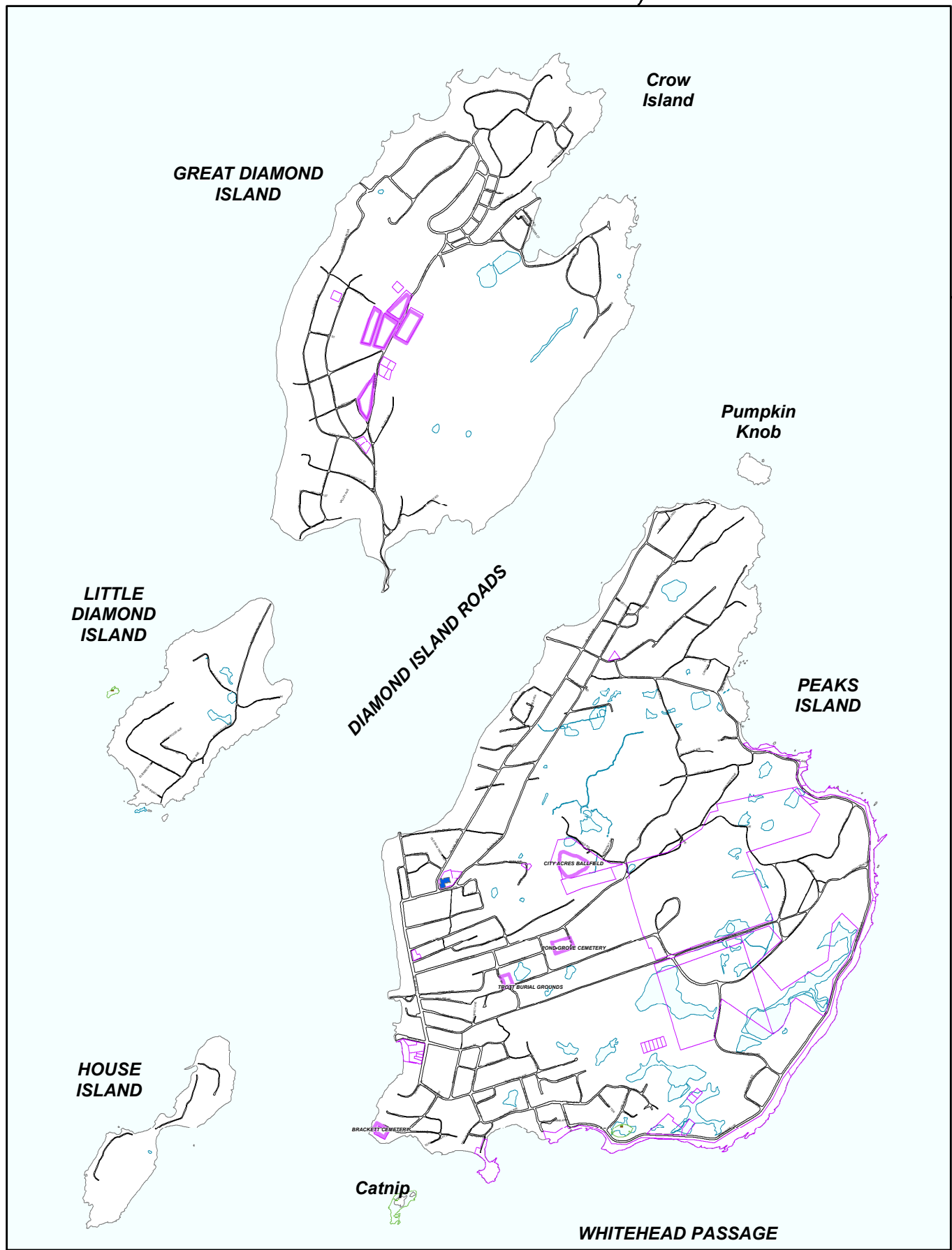
- Land Bank Holdings
- City Parks & Open Space
- Resource Protection Zone
- School Buildings
- Portland Water District Properties

Land Bank ID	Land Bank Name
E-01	Natick St Parcel
E-02	Pineloch Dr
E-03	Starbird Lane City RPZ Land
E-04	Rand Rd. City RPZ Land
E-05	Hobart St. Area
E-06	Pine Grove Park
E-07	Blueberry Rd Parcel
E-08	Evergreen Cem. Conservation Area
E-09	Oaknut Park
E-10	Presumpscot River Preserve
E-11	Sheridan Street, Goldfish Prop
E-12	PAHS Wooded Area
E-13	Virginia Street Parcels
E-14	Ocean Avenue Open Space
E-15	Maggie Ln Lot
E-16	Beverly St Lots - North
E-17	Beverly St Lots - South
E-18	Goodridge Av Lots
E-19	North Deering / Rverton Parcels
E-20	Castine Pines
E-21	Ocean Ave Recreation Area-Pine Grove Ave Lots
E-22	Ocean Ave Recreation Area-Bellast St Lots
E-23	Ocean Ave Recreation Area-Marlbrough Rd/Trapelo
E-24	Dole Brook Driving Range Property
E-25	Canco Rd Wooded Area
E-26	University Park
E-27	Wooded Area North of Riverside Golf Course
E-28	Land Along Canco Rd
E-29	Back Cove Park and Trail
E-30	Barrow's Park/Baxter Sundial
E-31	Stone Street - Bayside Park & Playground
E-32	Baxter Pines
E-33	Baxter Woods
E-34	Bell Bury Park
E-35	Belmeade Park
E-36	Capasic Pond Park
E-37	Clark Street Park
E-38	Congress Square Park
E-39	Deering Oaks Park
E-40	Dougherty Field
E-41	Eastern Prom. East End Beach, Fort Allen Park
E-42	Fessenden Park
E-43	Fort Gorges
E-44	Fort Sumner Park
E-45	Fox Field/Kennedy Park
E-46	Harbor View Park/Tate-Tyng Park
E-47	Heseltine Park
E-48	Lincoln Park
E-49	Lobsterman Park
E-50	Longfellow Square
E-51	Monument Square
E-52	Munjoy Playground
E-53	Payson Park
E-54	Peppermint Park
E-55	Pleasant Street Playground
E-56	Post Office Park
E-57	Riverside Golf Course
E-58	Riverton Park
E-59	Stroudwater Park
E-60	Taylor Street Playground
E-61	Tommy's Park
E-62	Western Promenade
E-63	Redden Woods
E-64	Holbrook St Lots 2019
E-65	Rowe Ave Lots - Near Jewell Falls
E-66	Avengrid 204 Rand Rd



Map Produced by the City of Portland, Maine
Department of Public Works
June 2021

0 425 850 1,700 2,550 3,400
Feet



CITY of
WESTBROOK

TOWN of FALMOUTH

BACK
COVE

PORTLAND
HARBOR

FORE RIVER

CITY of
SOUTH PORTLAND

Portland opens a new park, giving North Deering neighborhood a green space

pressherald.com/2023/07/03/portland-opens-new-park-in-north-deering

July 4, 2023



Betsy Cook, the Maine state director for Trust for Public Land, said the new 24-acre North Deering Park is a “hidden gem” that will help fill a need in the neighborhood. *Cullen McIntyre/Staff Photographer*

[Buy Image](#)

A new city-owned park is coming to Portland’s North Deering neighborhood.

The 24-acre park will mostly preserve existing wooded areas and trails, with little development planned. But city and state leaders say the park helps fill a need in an area that lacked public green space.

The sale of the land went through last week, with the city purchasing two private properties for \$833,000 – paid for with state and federal grants and private fundraising.

Though currently somewhat overgrown, North Deering Park is now open to the public for “informal neighborhood use” like walking dogs and using existing trails, said Ethan Hipple, the city’s director of Parks, Recreation and Facilities.



The city now will take over its upkeep. There is an existing baseball field that the city will make some improvements to this summer, he said, but largely the area will remain open green space as part of the grant terms.

“I think all along the vision has been to improve what is there,” Hipple said. “It’s going to remain pretty much in a natural state.”

Currently, there are no plans to add a playground or larger infrastructure, he said.

Tucked behind a community of houses down a dirt road, the park opens to a vast clearing and unpaved parking lot. Worn bleachers and a snack stand overlook the former Little League field, which Betsy Cook, the Maine state director for the Trust for Public Land, said will likely become a multi-sport field.

The surrounding woods give the feeling of being in the country, despite being wedged between residential parts of the city.

NATIONAL MOVEMENT

The city bought the land with grants from the federal Outdoor Recreation Legacy Partnership Program (\$400,000) and the Land for Maine’s Future Program (\$160,123), the Portland Land Bank (\$80,000), and \$192,877 in private fundraising.

The acreage is “a hidden gem,” Cook said.

The project has been in the works for years and is intended to be part of a national movement to ensure all residents are within a 10-minute walk to some kind of green space.

“This neighborhood was a missing link until now,” Cook said.



The city plans to clean up the old baseball field at North Deering Park, but otherwise, the park will largely remain as is, with wooded areas and walking trails. *Cullen McIntyre/Staff Photographer*

[Buy Image](#)

Most of Portland, 94%, met that mark, according to the Trust for Public Land. The new park brings that up to 96%, Cook said. Areas not covered are scattered throughout the city, including some parts of Peaks and Big and Little Diamond Islands, East Deering, and Riverton.

“In Portland, we have a very high rate of access, so this will bump that number up and give access to a neighborhood that does not currently have access to a park,” Hipple said.

“Portland continues to evolve, and it has become more dense, so who knows what this neighborhood will look like in a hundred, 50, or 20 years,” he said. “I think it’s really important to look at green space and make sure it’s spread equitably around the city.”

PUBLIC INPUT

The city could make some changes, depending on the results of an upcoming public meeting.

The Portland Parks Conservancy, a nonprofit that helped raise money to buy the park, is planning to host a community meeting this summer or fall to ask residents what they'd like to see.

"As we talk to the public about what they might want to see there, I'm really interested in their thoughts and concerns, but I don't think we'll make many changes," said Nan Cumming, executive director of the Portland Parks Conservancy.



The new park in North Deering will feature a sledding hill. *Cullen McIntyre/Staff Photographer*
[Buy Image](#)

Cumming expects most of the renovations will be minimal, like improving signage, creating more trails and fixing the ballpark.

Before the city purchased the land, its fate was uncertain, she said.

"Now it's going to be kept in public hands, and I think that's really something to cheer for," Cumming said.

The park is near Lyseth Elementary School and Lyman Moore Middle School, which allows for outdoor learning opportunities for students, the statement said.

It has pedestrian access on Washington Avenue, near a few bus stops. Informal trails also will connect the park to Auburn Street.

The property's potential is evident, Cook said, pointing to the sports field and hill where people sled in the winter.

"It's easy to see history and future as it's in this interim phase," she said. "There are some awesome assets that have started to deteriorate," but the city can now step in to preserve and enhance the features of the park.

Christmas Tree Shops plans to close all its stores in the United States

Black bear that bit Porter woman has been euthanized

© 2024

Exhibit F

LAND BANK STATEMENT REGARDING ENCAMPMENTS (Approved on 12/13/2023)

Portland City Council:

As our City continues to grapple with the homelessness crisis, the Land Bank Commission would like to reiterate its role and express opposition to any broad suspension of public camping restrictions in our public park system.

The Land Bank Commission is charged with the “conservation and preservation of limited open space with important wildlife, ecological, environmental, scenic or outdoor recreational values” (Portland, Me., Code § 2-42). The Commission is required to maintain Land Bank properties “predominantly in [their] natural, scenic or open condition.” Inconsistent uses, including uses that may arise from large-scale encampments, including but not limited to accumulation of trash, destruction of vegetation, and loss of cultural or recreational values, require the Commission’s approval. (§ 2-43(b).)

The Commission recognizes the need to support community members experiencing homelessness and the need to center policy decisions around their well-being and dignity. However, our charter is clear and relates exclusively to the protection of Land Bank properties. The Commission must therefore draw the Council’s attention to the potential risks of a public camping allowance to our public parks, especially one that is not narrowly tailored:

- **Allocation of limited parks department resources.** Existing encampments strain our Parks Department. Authorization of additional, scattered campsites risks exacerbating this problem and further endangerment of staff.
- **The burden on the natural environment.** Long-term camping can have significant ecological impacts, including degradation and loss of natural habitats. Restoration after damage can be costly and result in inaccessibility to the public for long periods.
- **Deprivation of use.** Portland’s public park system and protected open spaces are the result of the vision, dedication, stewardship, and generosity of many. Expanded allowances for public camping risk further deprivation of use for all of us, but especially children, and citizens without private outdoor spaces.

The Land Bank Commission is committed to being a part of this vital conversation and to finding solutions that respect the needs of our community members experiencing homelessness while preserving the integrity and accessibility of our parks and open spaces for future generations.

Respectfully,

Pat Bailey (Chair), Baxter Miatke, Robert Foster, Daniel Herzlinger, Simon Rucker, Jon Kachmar, Brian Wasser, Alaina Chormann

This statement was approved by vote of the Land Bank Commission on 12/13/23

Exhibit G

2024 DRAFT Land Bank Commission Budget		
Prepared by: Baxter Miatke (Treasurer)	12/14/2023	
Reviewed by: Pat Bailey (Chair)	xx/xx/xxxx	
Updated and Finalized At Meeting	xx/xx/xxxx	
<u>General Statement of Financial Position</u>		<u>Notes</u>
Account Balance from City: (As of 12/14/2023)	\$392,989.68	Account Balance reported from City Staff (Amber Brooks), does not include 2022 (FY23) Allocation or 2023 (FY24) Allocation
Estimated 2022 (FY23) Land Bank Allocation	\$ 50,000	This is an estimated additional amount still to be confirmed by city staff
Estimated 2023 (FY24) Land Bank Allocation	\$ 50,000	This is an estimated additional amount still to be confirmed by city staff
Restricted Gifts (parks account)	\$ 2,400	
Total Estimated Available as of 12/14/2023	\$ 495,389.68	Includes estimated FY23, FY24 allocation and restricted gifts
<u>2024 Anticipated Expenditures</u>		
Berry Parcel	\$ 99,000	Approved by LBC in 2022, not yet expensed (expected 2023) - Pat to confirm
Other Land Acquisitions	\$ 75,000	Assume \$75,000 for to be determined acquisitions in 2024.
<u>Acquisition Related Dilligence</u>		
Survey	\$ 10,000	Assume 3 surveys at approximately \$3,400 each
Appraisals	\$ 10,000	Assume 3 appraisals at approximately \$3,400 each
Environmental Assessments	\$ 5,000	Assume 2 Environmental Assesments at \$2,500 each
Legal	\$ 10,000	Assume 2 legal reviews up to \$5,000 each
<i>Sub Total Acquisition related Costs \$35,000</i>		
Land Maintenance	\$ 20,000	Assumes Portland Trails Work and Parks and Rec on existing Land Bank Properties
Hobart Street LBC Property Boat Launch Design	\$ 10,000	Due diligence and surveys/design for hobart street LBC property boat laucnh
Administrative	\$ 3,000	Assume administrative fees for comission
Total 2024 Estimated Expenditures	\$ 242,000	
Percentage of Available Funds for 2022 Expenditures	49%	

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER ACCEPTING THE 2023 LAND BANK COMMISSION ANNUAL REPORT

ORDERED, that the 2023 Land Bank Commission Annual Report is hereby approved and accepted.

Portland Land Bank Commission 2022 Annual Report



December 2022

Acknowledgment

The Land Bank Commission is pleased to present its annual report to the City Manager and City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

The Commission offers special thanks and appreciation to Michael Goldman, Ethan Hipple, Alex Marshall, Doug Roncarati, Thom Nickerson, and all staff whose hard work supports the Commission’s efforts.

Overview

Under The City of Portland, Maine Code of Ordinances, Article III-A, the Land Bank Commission is charged with the responsibility of submitting an annual report to the City Manager and making recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year. The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City’s annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status and for remedial work on existing Land

Bank holdings. The Commission has other methods to acquire or protect open space property which include personal property donations, direct purchases, easements, land trades, grants, and developer agreements.

Commission Members (2022):

Pat Bailey, Chair, At Large
Simon Rucker, Secretary, District 1
Baxter Miatke, Treasurer, District 3
Jon Kachmar, At Large
Jennifer Fox, At Large
Jayne Foley, District 4
Dan Herzlinger, District 4
Robert Foster, District 4
Brian Wasser, District 1
Anna Trevorow (City Council Representative)

Non Voting Members

Kara Wooldrik, Portland Trails Representative
Maine Audubon Society Representative (vacant)

Staff Support:

Tom Jewell, Outside Counsel, Jewell & Bulger, P.A.
Michael Goldman, Associate Corporation Counsel
Ethan Hipple, Director, Parks, Recreation and Facilities Department
Alex Marshall, Parks Director, Parks, Recreation and Facilities Department
Thomas Nickerson, Sr. Executive Asst., Portland Parks, Recreation and Facilities Management
Doug Roncarati, Stormwater Program Coordinator

Introduction

This document, including the attached Exhibits, is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g), Article III-A of the City of Portland, Code of Ordinances created by the City Council in 1999 which established the Portland Land Bank Commission with the following stated purposes:

1. Act as an advocate for the acquisition and conservation of open space within the city;
2. Cooperate with other agencies and parties on wetlands mitigation projects;
3. Recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goal of this article;
4. Accept gifts and funds from both private and public sources and disburse such funds for the purposes hereunder;
5. Act as a liaison to other public and private nonprofit agencies involved in planning, acquiring, disposing, and managing land within the municipality; and
6. Recommend an annual budget to the city manager and city council to carry out its purpose.

City Code requires the Commission to annually file a report consisting of two parts: the Registry of Open Space and an operating budget.

The Registry of Open Space must list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development, or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements, or dispositions of all property interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
- Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
- Islands;
- Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts, and high elevations with a view;
- Aquifers, aquifer recharge areas, and other ecologically fragile or significant property;
- Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
- Woods or forest land;
- Farmland or wildlife habitat;
- Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;

- Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
- Conservation or trail easements and other similar interests in land.

A map of Land Bank Holdings is attached as Exhibit D. To view a full-sized map of Land Bank holdings click [here](#).

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). That Section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated.”

Compliant with the stated requirements in Code, the Land Bank Commission Annual Report for 2022 contains the Registry and operating budget for the calendar year 2023.

2022 Accomplishments

- **Hale Parcel - Riverton Trolley Park Addition-** The Land Bank Commission (LBC), on February 9th 2022, voted to recommend to the City Council the City acquisition of the Hale Parcel at 834 Riverside Street to be added to the existing Riverton Trolley Park. The project closed in July 2022, adding a 0.9-acre addition to the park. The scorecard for 834 Riverside Street indicates that the property would contribute to healthy forest, wetlands, and climate mitigation benefits as it is forested with mature, native trees. The scorecard also indicates the property would contribute to protecting the aesthetics and historic values of Riverton Trolley Park. This parcel would become part of the larger Presumpscot River Preserve, and it would contribute towards sustainable land use as this area has been designated for significant open space associated with the Preserve. There was minimal fiscal impact to the City since the LBC covered the appraised value portion of the acquisition (\$27,000) and Allagash Brewing Company had agreed to cover the remaining portion of the acquisition (\$23,000) for a total of \$50,000 showing the LBC utilizing both private donors and the LBC budget.
- **North Deering Park (1831 Washington Avenue).** North Deering Park consists of approximately 24 acres of forested wetlands and a developed baseball diamond and parking area on several parcels between Washington and Auburn Avenues in North Deering. This is a cooperative project between the Land Bank Commission and the Trust for Public Land, who are also working to conserve the adjacent ballfield. In September 2021, the Commission voted to allocate \$80,000 of Land Bank funds towards the acquisition of the undeveloped open space related to this project, and continued its due diligence and coordination in 2022. In December 2022, the Portland City Council voted to approve the Land Bank’s \$80,000 allocation. The City of Portland, working with TPL,

received a \$400,000 grant from the Outdoor Recreation Legacy Program (ORLP), a federal program, for additional acquisition funding. A map and summary are attached as Exhibit G.

- **Redlon Woods.** Working in conjunction with the neighbors, Phase II of the Redlon Woods was acquired and put into the Land Bank with unanimous consent by City Council. The City Council has also approved the acquisition of Phase 1. The Land Bank Commission continues to work with the owners to obtain the necessary releases to acquire these parcels.
- **Potential Projects.** The Land Bank Commission works with landowners and community members to evaluate potential open space acquisitions for the City of Portland.
- **Trail improvements and maintenance.** The Land Bank Commission allocated a total of \$14,200 for a six-person field team for two weeks of trail maintenance at Riverton Trolley Park and \$6,385.85 for a three-person field team and materials for one week of trail maintenance and bridge construction at Presumpscot River Preserve.
- **New Land Bank Commissioner.** In 2022, the Land Bank Commission welcomed Brian Wasser. With the addition of three Commissioners in 2021, the Land Bank Commission now has all seats filled. Information about commissioners, including term dates and bios, can be found [here](#).
- **Encroachment License Review** - In March 2022, the LBC voted against a requested encroachment license on LBC property for 165 Sheridan, which would have allowed installation of soil nails in a subsurface encroachment on City of Portland property at Fort Sumner Park.

Program Budget and Project Initiatives for 2023

Per Chapter 2 of the City Code, an annual appropriation of 0.5% of the total annual capital improvement program is to be deposited into the Land Bank Fund. The annual appropriation of 0.5% of the total CIP for 2018, 2019, 2020, 2021, and 2022 is shown on a separate line item in our budget as the bonding has not been authorized. For planning purposes the appropriated amount from these fiscal years is shown on a separate line item.

Land Bank Commission Budget which is attached as Exhibit E.

Land Bank Commission Project Initiatives 2023

- *Continue work towards the acquisition of North Deering Park (see above).*

- *Complete the acquisition of parcels in Redlon Park.* The Land Bank Commission is currently working on acquiring additional parcels within Redlon Woods. Redlon Woods consists of several acres of open space surrounded by Brighton Avenue, Stevens Avenue, Capisic Street and Bancroft Street. The Land Bank Commission has been working on conservation of Redlon Woods since 2000 and it was one of the project examples that led to the formation of the Land Bank Commission. A map of the Redlon Woods project is attached as Exhibit E.
- *Continue acquisitions of parcels in Oatnuts Park.* There is the potential for the acquisition of additional lots for Oatnuts Park going into 2023.
- *Review and assess Tax Acquired Parcels Committee List.* The Land Bank Commission will annually review and assess the TAPC list for TAPC properties suitable for Land Bank protection and provide our recommendations to city staff.
- *Trail improvements, wayfinding and maintenance on Land Bank parcels.* Land Bank signage will be installed and trail maintenance will continue to be funded on Land Bank properties.
- *Hobart Street Boat Hand Carry.* This public access point in the Land Bank is located along the Stroudwater River just west of Thompson's Point. There is the potential to upgrade the access for boat access for the public to the water.
- *Coolidge and Davenport Lots.* This potential project would be allocated from the City-owned tax acquired properties to the Land Bank. Conserving these parcels will help the City to address the existing impacts of stormwater pollution caused by development in the watershed and prevent additional impairments from new development.
- *Reworking High Priority Parcel list and Scorecard format.* The Land Bank Commission continues to work towards improving project evaluation methods by updating the High Priority Parcel list to reflect changes in the landscape, and to update the scorecard evaluation tool to incorporate new data and technologies available to the Commission.
- *Green Space Gathering.* The Land Bank hopes to again work with the Parks Commission to assist with developing the agenda and logistics with the annual Green Space Gathering that focuses on open space advocates. The status of the gathering for 2023 is TBD.
- *Continue to field proposals to the Land Bank Commission from community members.* We receive requests from the public to consider parcels of land to be put into the Land Bank and these requests constitute several of the ongoing projects.

Exhibit A – Description of Current Land Bank Registry Existing Holdings (Open Space)

E-1 Natick Street. This parcel is contiguous with the northern end of the Interurban Line parcel (HP- 19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive. Situated next to Oatnuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oatnuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.

E-3 City RPZ Land on Starbird Lane. This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 City RPZ Land on Rand Road. This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails' Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Area. Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park. Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Blueberry Road Parcel. Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15)

nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.

E-8 Conservation Area at Evergreen Cemetery. This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City-Owned Parcels in Oatnuts Park. Oatnuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oatnuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve. The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. It abuts land owned by Portland Trails, the Town of Falmouth and other private landowners who keep their land wild. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives have returned to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property. This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.

E-12 PATHS Wooded Area. Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels. These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.

E-14 Ocean Avenue Open Space. This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with "birders" that is known as the "Dragon Fields" due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City-owned tax-acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot. This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North. The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South. The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots. These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.

E-19 North Deering / Riverton Parcels. This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines. This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.

E-21 Ocean Ave Rec Area-Pine Grove Ave Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Ave Rec Area-Belfast St Lots. These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Ave Rec Area-Marlborough Rd/Trapelo St Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property. This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods. The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water- Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer

right-of-way through a portion of the property. Canco Woods is owned by the City and is subject to a conservation easement held by Portland Trails.

E-26 University Park. A popular spot for off-leash dog walking, University Park can be accessed from either Yale Street off Allen Avenue or from the east at Harvard Street. The property is bisected by the Harvard Street Path.

E-27 Wooded Area North of Riverside Golf Course. This wooded area is part of Riverside Golf Course and is bordered by the Presumpscot River and Interstate 95.

E-28 Land Along Canco Road. This parcel connects to the larger Canco Woods to the south (E-25) and contains the road frontage of The Woods at Canco retirement home.

E-29 to E-62 – See Exhibit B

E-63 Redlon Woods. This wooded area, located in the Rosemont neighborhood, features an interesting mix of woodlands, wetlands and ledge outcroppings, as well as some popular informal walking and mountain biking trails. The desire to protect this open space was the impetus behind the creation of the Land Bank Commission in 1999. Long-term protection of Redlon Woods has involved and will continue to require collaboration between the Land Bank Commission, City, neighboring property owners, local NGOs and other open space preservation advocates.

E-64 Holbrook Street Lots 2019. This property was an addition to E-1 Natick Street in 2019 via the City-owned, tax acquired parcels.

E-65 Rowe Avenue Jewell Falls. Located directly above Jewell Falls, this undeveloped property is an excellent example of a small riparian urban parcel that could help improve the health of the stream below.

E-66 Avangrid 204 Rand Rd.

Exhibit B – Specific Properties (Portland Parks) Dedicated as Land Bank Property Interests

E-29 Back Cove Park and Trail
E-30 Barrow's Park/Baxter Sundial
E-31 Stone Street - Bayside Park & Playground
E-32 Baxter Pines
E-33 Baxter Woods
E-34 Bell Buoy Park
E-35 Belmeade Park
E-36 Capisic Pond Park
E-37 Clark Street Park
E-38 Congress Square Park
E-39 Deering Oaks Park
E-40 Dougherty Field
E-41 Eastern Prom, East End Beach, Fort Allen Park
E-42 Fessenden Park
E-43 Fort Gorges
E-44 Fort Sumner Park
E-45 Fox Field/Kennedy Park
E-46 Harbor View Park/Tate-Tyng Park
E-47 Heseltine Park
E-48 Lincoln Park
E-49 Lobsterman Park
E-50 Longfellow Square
E-51 Monument Square
E-52 Munjoy Playground
E-53 Payson Park
E-54 Peppermint Park

E-55 Pleasant Street Playground

E-56 Post Office Park

E-57 Riverside Golf Course

E-58 Riverton Park

E-59 Stroudwater Park

E-60 Taylor Street Playground

E-61 Tommy's Park

E-62 Western Promenade

E-63 Redlon Woods

Exhibit C - Current Land Bank Commission High Priority Parcels

HCP-1 Glickman, GDI
HCP-9 Brackett St Lots at Indian Trail, Peaks
HCP-11 Riverton Trolley Park Parcels
HCP-12 Verizon/Fairpoint Pines
HCP-13 Redlon Road Parcels
HCP-15 Stroudwater River Corridor
HP-3 ACE Griffin's Cove, Cliff Island
HP-4 Kensington St Parcel
HP-6 RPZ 1601-1660 Congress Street
HP-7 Waynflete School Property
HP-9 MTA Land Holm Ave
HP-10 PTC Land Holm Ave
HP-11 410 Auburn St
HP-12 1831 Washington Ave
HP-13 Rocky Hill
HP-15 Land West of Murray St
HP-19 Inter-urban Line
HP-21 Fore River Corridor on Yellowbird Ln
HP-24 Salem St Parcels

Exhibit D

City of Portland, Maine

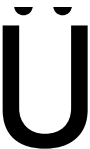
Parks & Open Space
and
Land Bank Holdings

with Resource Protection Zone,
City Property & Portland Water District Property

Legend

- Land Bank Holdings
- City Parks & Open Space
- Resource Protection Zone
- School Buildings
- Portland Water District Properties

Land Bank ID	Land Bank Name
E-01	Natick St Parcel
E-02	Pineloch Dr
E-03	Starbird Lane City RPZ Land
E-04	Rand Rd City RPZ Land
E-05	Hobart St Area
E-06	Pine Grove Park
E-07	Blueberry Rd Parcel
E-08	Evergreen Cem. Conservation Area
E-09	Oakhurst Park
E-10	Presumpscot River Preserve
E-11	Sheridan Street, Goldfish Prop
E-12	PATHS Wooded Area
E-13	Virginia Street Parcels
E-14	Ocean Avenue Open Space
E-15	Maggie Ln Lot
E-16	Beverly St Lots - North
E-17	Beverly St Lots - South
E-18	Goodridge Av Lots
E-19	North Deering / Riverton Parcels
E-20	Casine Pines
E-21	Ocean Ave Recreation Area-Pine Grove Ave Lots
E-22	Ocean Ave Recreation Area-Bellast St Lots
E-23	Ocean Ave Recreation Area-Marlbrough Rd/Trapezoid
E-24	Dole Brook Driving Range Property
E-25	Canco Rd Wooded Area
E-26	University Park
E-27	Wooded Area North of Riverside Golf Course
E-28	Land Along Canco Rd
E-29	Back Cove Park and Trail
E-30	Barrow's Park/Baxter Sundial
E-31	Stone Street - Bayside Park & Playground
E-32	Baxter Pines
E-33	Baxter Woods
E-34	Bell Bury Park
E-35	Belmeade Park
E-36	Caspian Pond Park
E-37	Clark Street Park
E-38	Congress Square Park
E-39	Deering Oaks Park
E-40	Dougherty Field
E-41	Eastern Prom. East End Beach, Fort Allen Park
E-42	Fessenden Park
E-43	Fort Gorges
E-44	Fort Sumner Park
E-45	Fox Field/Kennedy Park
E-46	Harbor View Park/Tate-Tyng Park
E-47	Heseltine Park
E-48	Lincoln Park
E-49	Lobsterman Park
E-50	Longfellow Square
E-51	Monument Square
E-52	Munsey Playground
E-53	Payson Park
E-54	Peppermint Park
E-55	Pleasant Street Playground
E-56	Post Office Park
E-57	Riverside Golf Course
E-58	Riverton Park
E-59	Stroudwater Park
E-60	Taylor Street Playground
E-61	Tommy's Park
E-62	Western Promenade
E-63	Redden Woods
E-64	Holbrook St Lots 2019
E-65	Rowe Ave Lots - Near Jewell Falls
E-66	Avangird 204 Rand Rd



Map Produced by the City of Portland, Maine
Department of Public Works
June 2021

0 425 850 1,700 2,550 3,400 Feet

CITY of
WESTBROOK

TOWN of FALMOUTH

BACK
COVE

PORTLAND
HARBOR

CITY of
SOUTH PORTLAND

FORE RIVER

Exhibit E

2023 FINAL Land Bank Commission Budget		
	Prepared by: Baxter Miatke (Treasurer)	12/14/2022
	Reviewed by: Pat Bailey (Chair)	xx/xx/xxxx
	Updated and Finalized At Meeting	xx/xx/xxxx
<u>General Statement of Financial Position</u>		<u>Notes</u>
Balance from City: (As of 11/1/2022)	\$438,184.68)	Account Balance reported from City Staff (Amber Brooks) This is an estimated additional amount still to be confirmed.
2022 (FY23) Land Bank Allocation	(\$ 50,000)	
Restricted Gifts (parks account)	(\$ 2,400)	
Total Estimated Available as of 11/1/2021	(\$ 490,584.68)	Includes estimated FY23 allocation and restricted gifts
<u>2023 Anticipated Expenditures</u>		
North Deering Park	(\$ 80,000)	Approved/allocated by LBC in Sep 2021 \$80,000 (expected 2023)
Berry Parcel	(\$ 99,000)	Approved by LBC, not yet expensed (expected 2023)
Other Land Acquisitions	(\$ 75,000)	Assume \$75,000 for to be determined acquisitions in 2023
<u>Aquisition Related Dilligence</u>		
Survey	(\$ 10,000)	Assume 3 surveys at approximately \$3,400 each
Appraisals	(\$ 10,000)	Assume 3 appraisals at approximately \$3,400 each
Environmental Assessments	(\$ 5,000)	Assume 2 Environmental Assesments at \$2,500 each
Legal	(\$ 10,000)	Assume 2 legal reviews up to \$5,000 each
		<i>Sub Total Acquisition related Costs \$35,000</i>
Land Maintenance	(\$ 20,000)	Assumes Portland Trails Work and Parks and Rec on existing Land Bank Properties
Hobart Street LBC Property Boat Launch Design	(\$ 10,000)	Due diligence and surveys/design for hobart street LBC property boat launch
Administrative	(\$ 3,000)	Assume administrative fees for comission
Total 2023 Estimated Expenditures	(\$ 322,000)	
Percentage of Available Funds for 2022 Expenditures	66%	

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 15, 2024

SUBJECT: Order 133-23/24 Accepting the 2023 Annual Parks Commission Report - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

The Parks Commission is responsible for submitting an annual report to the city council regarding the state of the city's parks and public grounds.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Parks Commission Annual Report 2021-2023 (1)
2. Accepting the 2023 Annual Parks Commission Report

Prepared by:

Date: 02/15/2024

2021- 2023

Parks Commission

Annual Report



Mayor Dion and Honorable Councilors;

I am pleased to present the Parks Commission Annual Report for 2021 through 2023 for your review.

Our city's parks are treasured public assets that provide essential safe spaces for physical activity and social connections. Other linked public spaces like trails and pedestrian-friendly streets create a stronger transportation system that connects neighborhoods to parks and schools, reduces traffic and parking congestion, and mitigates the effects of climate change.

While issues such as the pandemic, inflation, and a housing crisis have strained budgets and presented new challenges to the city over the last several years, they've also illuminated the necessity of robust parks, trails, and open spaces for our city's public and environmental health. The pandemic, in particular, shone a light on the fact that moving around outdoors is critical for individual and collective physical, mental, and social health and well-being.

The housing and encampment crisis is ongoing, and testing our ability to care for the most vulnerable in our community, many of whom are using parks and public spaces as a refuge. A significant side effect of this crisis is the toll this use is taking on parks and the staff that manage them. We must work to find better solutions for the housing crisis and also protect the integrity of these essential spaces.

Because parks and trails are so vital to our city's public and environmental health, it is important they receive the funding needed to serve the community well. The status quo is untenable given the new challenges confronting the Department. For example, there is an immediate need for personnel who are specifically trained for the social work and communication that has become a regular part of the job for Parks staff. When up to 50% of a Director's or Manager's time is spent directly on the issue of unhoused people in parks, we need a commensurate increase in funding for the Department to ensure all other essential work can also be completed.

The Parks Commission has thus established three objectives for advocacy and attention in 2024, and hopes to align these goals with 2024 Council priorities:

- 1. Obtain additional funding for the Parks Recreation and Facilities (PRF) Department, commensurate with increased work loads, new duties, and public valuation of parks trails and open spaces. Continue to invest in the PRF Department in order to meet public expectations for quality public resources and services.**
- 2. Focus park and trail investments— including staff time and resources— on equitably meeting the needs of underserved neighborhoods and populations and on areas of the city that have been historically under-resourced.**
- 3. Increase mobility and access to public spaces by envisioning streets and trails as linear parks, providing safety, a more balanced transportation system and a stronger economy.**

Respectfully submitted,

Jaime Parker, Chair, Portland Parks Commission

More Detail on the Commission's Objectives

1. Obtain additional budget for the Parks Recreation and Facilities Department to increase staff headcount in order to address several growing, critical issues, and secure additional federal funding to help the City defray the cost of maintaining services:

- The Forestry Division is in a severely diminished position with most urgent staffing needs.
 - “Forest City” has over 20,000 trees lining our public roadways and many more on public properties, with additional ARPA-funded investments planned in areas like Bayside
 - There are currently insufficient human resources to sustain proper tree maintenance / other tree work, impacting stormwater interception, reduced air pollution, urban heat island mitigation, and wildlife habitat
 - Additional Forestry staff can also be deployed to assist with snow removal efforts in the winter months
- Mitigate impact of homelessness crisis on city parks resources and staff
 - Parks staff is bearing the largest brunt of this ongoing issue, and the problem is longstanding with negative effects on staff mental health
 - The Parks staff work with this population is beyond the scope of their existing training, skills, and resources
 - The department need staff who can collaborate with social service agencies to help the parks staff with cleaning and maintaining encampments areas in public parks
- Consider hiring a grant writer to secure federal funding to close budget gaps and defray city expenses.
 - PRF staffing does not currently support a dedicated grant-writing position, closing off significant avenues for additional revenue generation
 - Federal government awards hundreds of billions of dollars in grants to state and local governments each year to help finance city services such as health care, education, social services, infrastructure, and public safety.
 - The application process is complex; requiring a dedicated staff member. Grant awards will reduce dependency on the city budget.
 - For example, a small city of around 13,000, [Steamboat Springs](#) has a grant writer program and applies for about 40 grants per year with a dedicated team, securing much needed funding

2. Focus on underserved neighborhoods and populations in park and trail investments

- Using outreach and inclusionary practices, invite more people from the community to join conversations about parks and civic investments in our open spaces and trails, in alignment with goals of Parks and Recreation
 - Engage with neighborhoods and communities without existing “Friends” groups, to ensure fair representation for these communities
 - Focus Greenspace Gathering (Parks Commission Annual Meeting) on hearing from constituents in underserved neighborhoods
 - CIP inclusion of pavilions/picnic areas and other amenities that appeal to a broad

range of park users

- Make continued progress towards equitable park and open space access
 - While the City has made great strides towards objectives for walkability to parks and open spaces, access is not universal.
 - CIP decisions must continue to prioritize closing these gaps as well as ensure equitable development of amenities valued by communities furthest from opportunity.
 - The Parks Commission will continue to advocate for these focus areas.

3. Increase mobility and access to public spaces

- Connecting neighborhoods and the city: being within a 1/4 mile of a park is only useful if it is safe and pleasant to get there.
- Linear parks and green streets: parks need accessibility, and are greatly enhanced by being connected with safe, efficient routes and pathways.
 - Our City Code and Design Manual should support best practices in urban design that consider all users of streets and public ways
 - Shared Streets, Skinny Streets, and low-speed streets are examples of proven enhancements to the built environment.
 - Sidewalk and Trail plowing should be supported by equipment and staffing commensurate with winter operations on our streets.
 - Strengthen connections to transit, and pedestrian amenities at and on routes to transit stops, with a focus on previously underserved areas.
 - Trails can be highly cost effective ways to achieve greater mobility, and fall squarely within the purview of the PRF Department
 - Partner groups like Portland Trails and the Bicycle Coalition of Maine stand ready to work with the City to greatly increase and enhance non-auto transportation.

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Parks Inventory for the 2020 City of Portland, Maine Parks Commission Report

OVERVIEW

The Portland Parks Commission (PC)¹ is required to submit an annual report to the city council regarding the state of the city's parks and public grounds and make specific recommendations therein about suggested goals and improvements for the parks and public grounds per City Code (Sec. 18-10(d)(4)). The primary audience for the report is Portland's City Council. It is the hope of the PC that anyone interested in, or is an advocate for, the enhancement and stewardship of our parks and open spaces also enjoy and make use of this report. Reports are completed annually and built on previous reports.

The Portland Park System includes over 67 parks and playgrounds, 7.5 miles of multi use trails, 10 community gardens, 2 stadiums, 16 cemeteries and dozens of athletic fields and courts, all spread across 1,000+ acres of land.

Explore the parks: <https://www.portlandmaine.gov/1898/Parks-Trails-and-Playgrounds>

The Parks Commission is composed of citizen volunteers approved by the City Council and supported by staff from the Parks Recreation and Facilities Department.

Current Parks Commissioners

Jaime Parker, Chair, Portland Trails 2022-2025
Beth Rabbitt, Vice Chair, Public-at-large 2022-2025
John Clark, Public-at-large 2023-2026
Alexis Lopez Del Vecchio, Public-at-large 2023-2026
Ashley Burdick, Public-at-large 2023-2026
William Elting, Public-at-large 2022-2025
Donna Gartland, Public-at-large 2022-2025
Kristen Fulmer, Public-at-large 2021-2024
Robert Foster, Land Bank Representative 2021-2024
Helen Coyne, Public-at-large 2021-2024
Marie Gray, Friends of Deering Oaks 2021-2024
Stephen Bentsen, Public-at-large 2021-2024

Previous Parks Commissioners

Zack Anchors, Friends of Eastern Promenade 2017-2020
Colette Bouchard, Public-at-Large 2017-2020
Jon Kachmar, Land Bank Representative 2020-2023
Cynthia Loebenstein, Friends of Evergreen Cemetery (Chair 2019-present) 2015-2021
Ana Lagunez, Public-at-large 2018-2021
Craig Lapine, Public-at-large 2015-2020
Meri Lowry, Land Bank Representative 2010-2019
Michael Mertaugh, Public-at-Large (V. Chair 2019-present) 2014-2020
Nathan Robbins, Public-at-Large (V. Chair 2018-2019) 2015-2021

¹ <http://www.portlandmaine.gov/345/Parks-Commission>

Amy Segal, Public-at-Large 2017-2020
Dory Waxman, Public-at-Large (Chair 2017-2019) 2015-2021
Caitie Whelan, Public-at-Large (stepped down Oct 2020) 2019-2022
Mayor Kate Snyder, City Council Representative, 2019-present
Brian Batson, City Council Representative 2018-2019

Current City Staff Department of Parks, Recreation, and Facilities (DPRF)

Ethan Hipple, Director of Parks, Recreation and Facilities Department
Alex Marshall, Parks Director
Jennifer DeRice, Assistant Parks Director
Jessica Teesdale, Executive Assistant
Madeline Groeger, Administrative Associate

Parks Commission Subcommittees:

- Annual Report & Inventory
- Finance
- Parks Initiatives
- Community Outreach

NEW DEVELOPMENTS

Some of the more significant developments reported in Park Commission meetings over the time period:

- Futsal Court installation at Kennedy Park
- Dougherty Field Skatepark expansion
- Stroudwater Preserve Bridge and open space planning
- Preble Fields Stormwater and Field restoration project
- Western Prom Master Planning and implementation
- Dougherty Field playground and pathway planning
- Portland Parks Conservancy established
- Portland Youth Corps established
- Eastern Prom and Fish Point vegetation clearing and improvement projects
- Riverton Trolley Park Master Plan
- Baxter Pines Forest Management planning and implementation
- Playground planning and implementation at Lyseth, Dougherty, Talbot School
- Browntail Moth mitigation at Deering Oaks
- Baxter Woods Leash Law changes
- Public Toilet program expansion
- Riverton Preserve planning
- Deering Oaks ADA walkway planning and implementation
- Community Garden expansions and fencing
- Food Truck program at Eastern Prom
- Canopy Project and tree planting efforts in Bayside and city-wide
- Portland Harbor Commons planning

- Union Branch Trail planning
- Congress Square redesign
- North Deering Park acquisition and opening
- Encampment issues in City parks and trails
- VEranda Street Waterfront Park
- C3 Concert proposal at Payson Park
- Big Belly trash receptacles
- Payson Park Playground and pathway planning and implementation
- Maine Conservation Corps yearly partnership with Portland Trails in Presumpscot River Preserve

PARK FINANCE

The operational expenditures of the various departments in the city are met by a combination of General Fund budget allocations and retained revenues from fees, grants, and other sources.

In most budget years, over two-thirds of the Parks, Recreation, and Facilities Department's operating expenditures are met by retained revenues from fees and user charges, with the General Fund budget making up the difference.

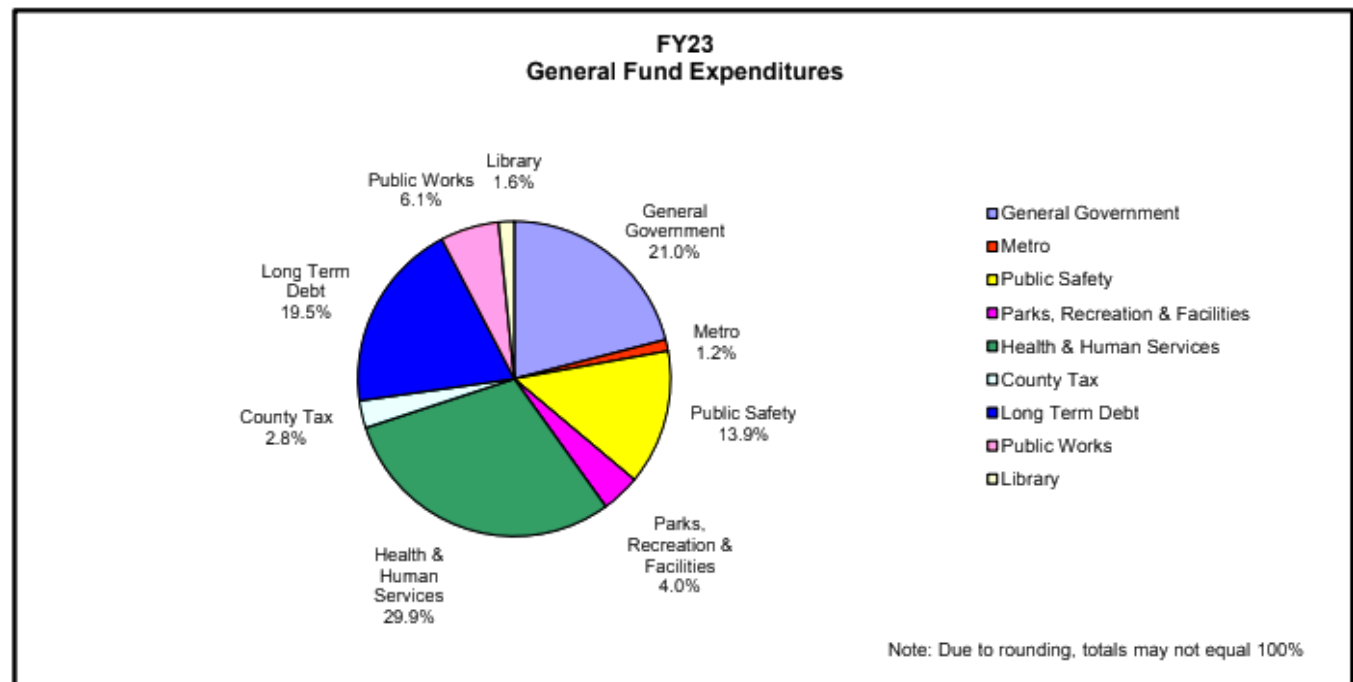
Several facilities managed by the Department—including the Riverside Golf Course, Merrill Auditorium, and Expo Center—cover most of their operating costs through retained revenues. Revenues have historically exceeded operational expenditures, for some of these facilities.

City Budget Comparisons

It is a useful context to understand how budgeting for Parks fits into the larger City of Portland budget. At a macro level the total city budget for FY2023 is \$477 million (including Schools). The Parks Recreation and Facilities budget is \$11.4 million, with Parks plus Forestry at \$2 million, and Recreation at \$1.86 million. Other departments are shown below.

Department	\$ in millions
City plus Schools	477
PRFD	11.4
Parks	1.2
Forestry	.88
Recreation	1.86
Facilities and other	7.46
DPW	17
HHS	55
Fire	20.34
Police	16.7

Based on these figures, Parks plus Forestry account for only .44% of the total City Budget. With the entire PRF Department accounting for 4%.



CAPITAL IMPROVEMENT PROJECTS

Each year the Parks, Recreation and Facilities Department is awarded funds through the CIP process based on recommendations from department heads, with input from citizens, Friends groups and the Parks Commission. Below are the CIP allocations for FY 2021 through 2024.

FY 2021

Appropriation New Bond Authorization

Parks, Rec & Public Assembly

Lyseth Playground Replacement	275,000	275,000	
Portland Exposition Building Renovation Plan	165,000	165,000	
Deering Oaks ADA Walkway Paving	149,000	149,000	
Riverton Preserve ADA Trail	96,000	96,000	
Wilde Chapel Emergency Repairs	75,000		75,000
Riverton School Basketball Reconstruction	69,000	69,000	
Evergreen Cemetery Frontage Improvements	53,000	53,000	
Golf Course Improvements/ADA Updates	50,000	50,000	
Portland Public Aquatics - New Pool Engineering / Planning	50,000	50,000	
Dougherty Field Irrigation	46,000	46,000	
Box Boom Lighting Project	40,000	40,000	
Rubber Flooring Completion - Ice Arena	37,000	37,000	
Payson Park Tennis & Basketball Courts Sealing/Painting	29,000	29,000	
Longfellow Playground Climbing Net	27,000	27,000	

FY 2022

Facilities

Facilities & Waterfront	212 Canco Roof Replacement	325,000	325,000
Facilities & Waterfront	Offices & Customer Service Areas A/C Installation	150,000	150,000
Fire Department	Riverton Station - Boiler Room Upgrades	150,000	150,000
Parks & Rec	Golf Course Upgrades - HVAC and Drainage	115,000	115,000
Parks & Rec	Evergreen Cemetery Columbaria Phase II	108,000	108,000
Public Schools	Masonry Repair at Deering High School	150,000	150,000
Public Schools	Technology & Fire Alarm System Upgrades - PIES	100,000	100,000
Public Schools	Install fire sprinkler system - PIES	130,000	130,000
Public Schools	Door Access Controls - King and Lincoln	115,000	115,000
Public Works	Federal Street Cemetery Wall Repair	35,000	35,000

Parks, Fields, Trails

Parks & Rec	Skatepark Expansion	50,000	50,000
Parks & Rec	ADA Walkway Paving--Deering Oaks	118,000	118,000
	Court Resurfacing - Reiche and West End (Various), Lyman		
Parks & Rec	Moore, Fox St, Talbot School	97,000	97,000
Planning & Urban Development	Congress Square Redesign - Construction Drawing Completion	50,000	50,000

FY 2023

PARKS & RECREATION

Parks, Fields, Trails	Congress Square Redesign	900,000	900,000		
Parks, Fields, Trails	Dougherty Skate Park Expansion	235,000	235,000		
Parks, Fields, Trails	Riverton Trolley Park Rehabilitation	125,000	125,000		
Parks, Fields, Trails	Longfellow Playground Design	50,000	50,000		
Parks, Fields, Trails	Portland Harbor Common	75,000	75,000		
Facilities	Bridge Over Dole Brook (Emergency Replacement)	255,000	255,000		
Facilities	Riverton Pool Filter Replacement	130,000	130,000		
Parks, Fields, Trails	Back Cove Trail Reconstruction	95,000	95,000		

FACILITIES

Facilities	Replace Deck 2 Pavement and Membrane	550,000	550,000		
Facilities	Sealants and Concreate Repairs Levels 2 and 3 290K one year and levels 4	290,000	290,000		
Facilities	Portland Ocean Terminal Structural Repair	375,000	75,000	300,000	(3)
Facilities	212 Roof Replacement (4 Phases)	270,000	270,000		
Facilities	Police Dispatch Renovation/Expansion	115,000	0	115,000	(2)
Facilities	90 Anderson St - Exterior Upgrades	100,000	100,000		
Facilities	Observatory - Painting and Other Maintenance	70,000	70,000		
Facilities	Replace Concrete Steps/Railings & Other	200,000	0	200,000	(2)
Marine	On going pile/pier work at OG and P.O.T	125,000	125,000		
Facilities	Ocean Ave - Roof Replacement	65,000	65,000		
Facilities	Bramhall - Boiler Room Upgrades	155,000	155,000		
Facilities	Additional Appropriations for Previously Approved Capital Projects	3,250,000	0.00	3,250,000	(5)

FY 2024

PARKS & RECREATION

Parks, Rec & Public Assembly	Deering Oaks ADA Sidewalks and Curbing - Tennis Court Rd (State to D	335,000	335,000		
Parks, Rec & Public Assembly	Preble Field Fitness Course	30,000	20,000	10,000	(3)
Parks, Rec & Public Assembly	Great Diamond Island Basketball Court Reconstruction	35,000	35,000		
Parks, Rec & Public Assembly	Clark Street, Tyng-Tate Playground Replacement and Reiche Design	150,000	150,000		
Parks, Rec & Public Assembly	Evergreen Cemetery Expansion Plan - Phase III	100,000	100,000		
Parks, Rec & Public Assembly	Riverton Tennis Conversion to Pickleball Courts	150,000		150,000	(3)
Parks, Rec & Public Assembly	Court Resurfacing: Various Tennis/Pickleball & Basketball Courts	50,000		50,000	(3)
Parks, Rec & Public Assembly	Dougherty Athletic Field - Additional Funding for Completion	145,000		145,000	(3)
Parks, Rec & Public Assembly	Lyseth Playground - Additional Funding for Completion	80,000	80,000		
Planning & Urban Developme	Congress Square Redesign	700,000	500,000	200,000	(3)

MAJOR COMPLETED PARKS PROJECTS 2021 TO 2023

Year Completed	Project	City Funding	Partner Funding	Total Cost	Funding Source
2023	Payson Park Playground	\$350,000		\$350,000	CIP
2023	Talbot School Basketball Reconstruction	\$69,000	\$55,680	\$124,680	CIP/CDBG
2022	Deering Oaks ADA Walkway --State St to Ravine, Pond Edge	\$118,000		\$118,000	CIP
2023	Deering Oaks ADA Walkway-- Playground to Ravine Walkway	\$149,000		\$149,000	CIP
2023	Acquisition: North Deering Park	\$80,000	\$720,000	\$800,000	Land Bank, TPL, ORLP, LMF
2023	Skatepark Expansion	\$305,000	\$103,470	\$408,470	CIP, Foundations, Private Donations
2023	Dougherty Field Improvements: Basketball and Playground	\$345,000		\$345,000	CIP
2022	Western Prom Signage (Large)		\$20,000	\$20,000	Maine Med
2022	Acquisition: Redlon Woods	\$112,500	\$112,500	\$225,000	Land Bank, Private Fundraising
2022	Acquisition: Riverton Trolley Park Parcels	\$27,000	\$23,000	\$50,000	Land Bank, Private
2021	Dougherty Field Playground CDBG Equipment Purchase		\$137,000	\$137,000	CDBG
2022	Evergreen Cemetery Columbarium Phase II	\$108,000		\$108,000	CIP
2022	Lyseth Playground	\$325,000		\$325,000	275K CIP, 50K impact fees
2022	Western Prom Wall Repair--Valley St Auto Garage	\$25,000	\$12,500	\$37,500	WP license fee
2022	Public Restrooms, Vault Toilets: Payson Park Playground, Payson Park Tennis, Evergreen Cemetery, Dougherty Field	\$75,000		\$75,000	CIP
2022	Public Restrooms, Metal City Toilets: Deering Oaks/Park Ave, Eastern Prom Tennis, Fox Field		\$75,000	\$75,000	CDBG

2023	Public Restrooms, Metal City Toilets: Monument Way, Fish Pier, Spring Street		\$75,000	\$75,000	ARPA
2021	Evergreen Cemetery Frontage Improvements	\$53,000	\$24,000	\$77,000	Nauman Trust
2021	Fox Field Basketball Lighting	\$95,000		\$95,000	Sustainability office LED grant
2021	Futsal Court and lighting at Fox Field	\$174,000		\$174,000	CDBG, CIP, Impact Fees
2021	Longfellow Playground Netclimber	\$27,000		\$27,000	CIP
2021	Payson Tennis and Basketball Resurfacing	\$29,000		\$29,000	CIP
2021	Western Prom Master Plan		\$40,000	\$40,000	Grant and Friends Group
2021	Amethyst Lot Interim Park	\$340,000		\$340,000	CIP
2023	Community Garden Shed and Fence Replacements	\$137,000		\$137,000	CDBG
2021	Maine Med: Western Prom Switchback Trail Improvements		\$50,000	\$50,000	
2021	Riverton Softball Drainage and Erosion	\$65,000		\$65,000	CIP
2023	Deering Oaks Playground Replacements	\$55,000		\$55,000	CIP
			Total	\$4,511,650	

In the previous three years, the Department has completed the major projects shown above, along with numerous other smaller projects, ongoing maintenance and repairs, public engagement and, as noted elsewhere, a very large increase in dealings with people experiencing homelessness and the resulting encampments.

AGENDA ITEMS NOVEMBER 2020-OCTOBER 2023

Meetings of the Park Commission with links to agendas for quicker access to packets of meeting agendas, notes and supporting materials.

- [November 2020](#)
- [December 2020](#)
- [January 2021](#)
- [February 2021](#)
- [February 2021 Strategic Planning Meeting](#)
- [March 2021](#)
- [April 2021](#)
- [May 2021](#)
- [May 2021 Greenspace Gathering](#)
- [June 2021](#)
- [July 2021](#)
- [August 2021](#)
- [September 2021](#)
- [October 2021](#)
- [November 2021](#)
- [December 2021](#)
- [January 2022](#)
- [February 2022](#)
- [February 2022 Strategic Planning Meeting](#)
- [March 2022](#)
- [April 2022](#)
- [May 2022](#)
- [June 2022](#)
- July 2022 (no meeting)
- [August 2022](#)
- [September 2022](#)
- [October 2022](#)
- [November 2022](#)
- [December 2022](#)
- January 2023(no meeting)
- [February 2023](#)
- [March 2023](#)
- [April 2023](#)
- [May 2023](#)
- [June 2023](#)
- July 2023(no meeting)
- [August 2023](#)
- [September 2023](#)
- [October 2023](#)
- [November 2023](#)

PARKS INVENTORY FOR THE 2023 CITY OF PORTLAND, MAINE PARKS COMMISSION REPORT

Park Inventory

The following sources were used in drafting the below inventory of Parks of Portland, Maine: 1. Section 2-44, City Code for City of Portland, Maine, revised 7/10/14 (the “Land Bank Ordinance”) 2. Section 18-11, City Code for City of Portland, Maine, revised 5/28/14 (the “Parks Ordinance”)

N.B. School playgrounds and athletic fields are not included in the park inventory even though the City of Portland does maintain and fund ongoing maintenance and replacement. PARKS IN THE CITY OF PORTLAND, MAINE

Dedicated Parks Listed in both the Parks Ordinance and the Land Bank Ordinance:

Back Cove Park and Trail
Barrows Park/Baxters Sundial
Baxter Pines
Baxter Woods
Bayside Park, also known as Stone Street Playground Bell Buoy Park
Belmeade Park
Capisic Pond Park
Clark Street Park
Congress Square Park
Deering Oaks Park
Dougherty Field
Eastern Promenade Park, East End Beach, Fort Allen Park
Fessenden Park
Fort Gorges
Fort Sumner Park
Fox Field/Kennedy Park
Harbor View Park and Tate-Tyng Park
Heseltine Park
Lincoln Park
Lobsterman Park
Longfellow Square
Monument Square
Munjoy South Playground
North Deering Park (added 12/23)
Payson Park
Peppermint Park
Pleasant Street Park
Post Office Park
Riverside Golf Course
Riverton Trolley Park (incorrectly listed as Riverton Park in the Ordinances)
Stroudwater Parks (there are 2 listed in the Ordinances)
Taylor Street Park
Tommy’s Park

Western Promenade Park

Dedicated Parks Listed in the Parks Ordinance and Not the Land Bank Ordinance:

Andrews Square – N.B. This Park consists of a flagpole only

Bayside Trail

Bedford Park

Boothby Square

Boyd Street Gardens

Bramhall Square

Caldwell Square

Clark Street Playground

Tate-Tyng Playground (not in alphabetical order because of association with Harborview Park)

Longfellow Park

Marada Adams Playground N.B. This Park is located at the corner of Beckett and O’Brion Streets and is not the Adams School Playground Martin’s Point Park

Nason’s Corner Park

Pedro Field

Pleasant Street Playground

Quaker Park

South Street Playground

Trinity Park

Winslow Park

The Parks Commission notes that University Park is listed in the Land Bank Ordinance and not in the Parks Ordinance. University Park is therefore included on the Land Bank Registry as a Land Bank property that is not a park.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER ACCEPTING THE 2023 ANNUAL PARKS COMMISSION REPORT

ORDERED, that the 2023 Parks Commission Annual Report is hereby approved and accepted.

Portland Land Bank Commission 2022 Annual Report



December 2022

Acknowledgment

The Land Bank Commission is pleased to present its annual report to the City Manager and City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

The Commission offers special thanks and appreciation to Michael Goldman, Ethan Hipple, Alex Marshall, Doug Roncarati, Thom Nickerson, and all staff whose hard work supports the Commission’s efforts.

Overview

Under The City of Portland, Maine Code of Ordinances, Article III-A, the Land Bank Commission is charged with the responsibility of submitting an annual report to the City Manager and making recommendations for preserving open space to the City Council. This annual report provides a summary of the work the Commission completed in the last year. The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. One half of 1% of the City’s annual Capital Improvement Budget is set aside for the acquisition of property recommended to the City Council for Land Bank status and for remedial work on existing Land

Bank holdings. The Commission has other methods to acquire or protect open space property which include personal property donations, direct purchases, easements, land trades, grants, and developer agreements.

Commission Members (2022):

Pat Bailey, Chair, At Large
Simon Rucker, Secretary, District 1
Baxter Miatke, Treasurer, District 3
Jon Kachmar, At Large
Jennifer Fox, At Large
Jayne Foley, District 4
Dan Herzlinger, District 4
Robert Foster, District 4
Brian Wasser, District 1
Anna Trevorow (City Council Representative)

Non Voting Members

Kara Wooldrik, Portland Trails Representative
Maine Audubon Society Representative (vacant)

Staff Support:

Tom Jewell, Outside Counsel, Jewell & Bulger, P.A.
Michael Goldman, Associate Corporation Counsel
Ethan Hipple, Director, Parks, Recreation and Facilities Department
Alex Marshall, Parks Director, Parks, Recreation and Facilities Department
Thomas Nickerson, Sr. Executive Asst., Portland Parks, Recreation and Facilities Management
Doug Roncarati, Stormwater Program Coordinator

Introduction

This document, including the attached Exhibits, is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g), Article III-A of the City of Portland, Code of Ordinances created by the City Council in 1999 which established the Portland Land Bank Commission with the following stated purposes:

1. Act as an advocate for the acquisition and conservation of open space within the city;
2. Cooperate with other agencies and parties on wetlands mitigation projects;
3. Recommend on a priority basis the acquisition of various interests in real estate in order to effectuate the goal of this article;
4. Accept gifts and funds from both private and public sources and disburse such funds for the purposes hereunder;
5. Act as a liaison to other public and private nonprofit agencies involved in planning, acquiring, disposing, and managing land within the municipality; and
6. Recommend an annual budget to the city manager and city council to carry out its purpose.

City Code requires the Commission to annually file a report consisting of two parts: the Registry of Open Space and an operating budget.

The Registry of Open Space must list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development, or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements, or dispositions of all property interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- Ocean, harbor, river, stream, or pond frontage and adjoining back lands;
- Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
- Islands;
- Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts, and high elevations with a view;
- Aquifers, aquifer recharge areas, and other ecologically fragile or significant property;
- Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
- Woods or forest land;
- Farmland or wildlife habitat;
- Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discouraging sprawl;

- Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or
- Conservation or trail easements and other similar interests in land.

A map of Land Bank Holdings is attached as Exhibit D. To view a full-sized map of Land Bank holdings click [here](#).

The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). That Section of the Code specifies that the budget “shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated.”

Compliant with the stated requirements in Code, the Land Bank Commission Annual Report for 2022 contains the Registry and operating budget for the calendar year 2023.

2022 Accomplishments

- **Hale Parcel - Riverton Trolley Park Addition-** The Land Bank Commission (LBC), on February 9th 2022, voted to recommend to the City Council the City acquisition of the Hale Parcel at 834 Riverside Street to be added to the existing Riverton Trolley Park. The project closed in July 2022, adding a 0.9-acre addition to the park. The scorecard for 834 Riverside Street indicates that the property would contribute to healthy forest, wetlands, and climate mitigation benefits as it is forested with mature, native trees. The scorecard also indicates the property would contribute to protecting the aesthetics and historic values of Riverton Trolley Park. This parcel would become part of the larger Presumpscot River Preserve, and it would contribute towards sustainable land use as this area has been designated for significant open space associated with the Preserve. There was minimal fiscal impact to the City since the LBC covered the appraised value portion of the acquisition (\$27,000) and Allagash Brewing Company had agreed to cover the remaining portion of the acquisition (\$23,000) for a total of \$50,000 showing the LBC utilizing both private donors and the LBC budget.
- **North Deering Park (1831 Washington Avenue).** North Deering Park consists of approximately 24 acres of forested wetlands and a developed baseball diamond and parking area on several parcels between Washington and Auburn Avenues in North Deering. This is a cooperative project between the Land Bank Commission and the Trust for Public Land, who are also working to conserve the adjacent ballfield. In September 2021, the Commission voted to allocate \$80,000 of Land Bank funds towards the acquisition of the undeveloped open space related to this project, and continued its due diligence and coordination in 2022. In December 2022, the Portland City Council voted to approve the Land Bank’s \$80,000 allocation. The City of Portland, working with TPL,

received a \$400,000 grant from the Outdoor Recreation Legacy Program (ORLP), a federal program, for additional acquisition funding. A map and summary are attached as Exhibit G.

- **Redlon Woods.** Working in conjunction with the neighbors, Phase II of the Redlon Woods was acquired and put into the Land Bank with unanimous consent by City Council. The City Council has also approved the acquisition of Phase 1. The Land Bank Commission continues to work with the owners to obtain the necessary releases to acquire these parcels.
- **Potential Projects.** The Land Bank Commission works with landowners and community members to evaluate potential open space acquisitions for the City of Portland.
- **Trail improvements and maintenance.** The Land Bank Commission allocated a total of \$14,200 for a six-person field team for two weeks of trail maintenance at Riverton Trolley Park and \$6,385.85 for a three-person field team and materials for one week of trail maintenance and bridge construction at Presumpscot River Preserve.
- **New Land Bank Commissioner.** In 2022, the Land Bank Commission welcomed Brian Wasser. With the addition of three Commissioners in 2021, the Land Bank Commission now has all seats filled. Information about commissioners, including term dates and bios, can be found [here](#).
- **Encroachment License Review** - In March 2022, the LBC voted against a requested encroachment license on LBC property for 165 Sheridan, which would have allowed installation of soil nails in a subsurface encroachment on City of Portland property at Fort Sumner Park.

Program Budget and Project Initiatives for 2023

Per Chapter 2 of the City Code, an annual appropriation of 0.5% of the total annual capital improvement program is to be deposited into the Land Bank Fund. The annual appropriation of 0.5% of the total CIP for 2018, 2019, 2020, 2021, and 2022 is shown on a separate line item in our budget as the bonding has not been authorized. For planning purposes the appropriated amount from these fiscal years is shown on a separate line item.

Land Bank Commission Budget which is attached as Exhibit E.

Land Bank Commission Project Initiatives 2023

- *Continue work towards the acquisition of North Deering Park (see above).*

- *Complete the acquisition of parcels in Redlon Park.* The Land Bank Commission is currently working on acquiring additional parcels within Redlon Woods. Redlon Woods consists of several acres of open space surrounded by Brighton Avenue, Stevens Avenue, Capisic Street and Bancroft Street. The Land Bank Commission has been working on conservation of Redlon Woods since 2000 and it was one of the project examples that led to the formation of the Land Bank Commission. A map of the Redlon Woods project is attached as Exhibit E.
- *Continue acquisitions of parcels in Oatnuts Park.* There is the potential for the acquisition of additional lots for Oatnuts Park going into 2023.
- *Review and assess Tax Acquired Parcels Committee List.* The Land Bank Commission will annually review and assess the TAPC list for TAPC properties suitable for Land Bank protection and provide our recommendations to city staff.
- *Trail improvements, wayfinding and maintenance on Land Bank parcels.* Land Bank signage will be installed and trail maintenance will continue to be funded on Land Bank properties.
- *Hobart Street Boat Hand Carry.* This public access point in the Land Bank is located along the Stroudwater River just west of Thompson's Point. There is the potential to upgrade the access for boat access for the public to the water.
- *Coolidge and Davenport Lots.* This potential project would be allocated from the City-owned tax acquired properties to the Land Bank. Conserving these parcels will help the City to address the existing impacts of stormwater pollution caused by development in the watershed and prevent additional impairments from new development.
- *Reworking High Priority Parcel list and Scorecard format.* The Land Bank Commission continues to work towards improving project evaluation methods by updating the High Priority Parcel list to reflect changes in the landscape, and to update the scorecard evaluation tool to incorporate new data and technologies available to the Commission.
- *Green Space Gathering.* The Land Bank hopes to again work with the Parks Commission to assist with developing the agenda and logistics with the annual Green Space Gathering that focuses on open space advocates. The status of the gathering for 2023 is TBD.
- *Continue to field proposals to the Land Bank Commission from community members.* We receive requests from the public to consider parcels of land to be put into the Land Bank and these requests constitute several of the ongoing projects.

Exhibit A – Description of Current Land Bank Registry Existing Holdings (Open Space)

E-1 Natick Street. This parcel is contiguous with the northern end of the Interurban Line parcel (HP- 19) which, like its counterpart, runs along the western side of the railroad line. The land provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is heavily used by local residents. A network of wetlands and a stream are also located on the property.

E-2 Pineloch Drive. Situated next to Oatnuts Park, this parcel follows a sewer right-of-way and brook, which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oatnuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.

E-3 City RPZ Land on Starbird Lane. This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 City RPZ Land on Rand Road. This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to Portland Trails' Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Area. Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park. Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Blueberry Road Parcel. Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15)

nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.

E-8 Conservation Area at Evergreen Cemetery. This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.

E-9 City-Owned Parcels in Oatnuts Park. Oatnuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oatnuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve. The 48-acre Presumpscot River Preserve, located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. It abuts land owned by Portland Trails, the Town of Falmouth and other private landowners who keep their land wild. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives have returned to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property. This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and good views of Back Cove and points west. It links via footpaths to the grounds of the East End School.

E-12 PATHS Wooded Area. Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels. These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.

E-14 Ocean Avenue Open Space. This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with "birders" that is known as the "Dragon Fields" due to its proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City-owned tax-acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot. This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North. The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South. The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots. These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.

E-19 North Deering / Riverton Parcels. This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to maintaining the health of Dole Brook.

E-20 Castine Pines. This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.

E-21 Ocean Ave Rec Area-Pine Grove Ave Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Ave Rec Area-Belfast St Lots. These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Ave Rec Area-Marlborough Rd/Trapelo St Lots. These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property. This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods. The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland Trails, the Land Bank Commission and the former land owner, Union Water- Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer

right-of-way through a portion of the property. Canco Woods is owned by the City and is subject to a conservation easement held by Portland Trails.

E-26 University Park. A popular spot for off-leash dog walking, University Park can be accessed from either Yale Street off Allen Avenue or from the east at Harvard Street. The property is bisected by the Harvard Street Path.

E-27 Wooded Area North of Riverside Golf Course. This wooded area is part of Riverside Golf Course and is bordered by the Presumpscot River and Interstate 95.

E-28 Land Along Canco Road. This parcel connects to the larger Canco Woods to the south (E-25) and contains the road frontage of The Woods at Canco retirement home.

E-29 to E-62 – See Exhibit B

E-63 Redlon Woods. This wooded area, located in the Rosemont neighborhood, features an interesting mix of woodlands, wetlands and ledge outcroppings, as well as some popular informal walking and mountain biking trails. The desire to protect this open space was the impetus behind the creation of the Land Bank Commission in 1999. Long-term protection of Redlon Woods has involved and will continue to require collaboration between the Land Bank Commission, City, neighboring property owners, local NGOs and other open space preservation advocates.

E-64 Holbrook Street Lots 2019. This property was an addition to E-1 Natick Street in 2019 via the City-owned, tax acquired parcels.

E-65 Rowe Avenue Jewell Falls. Located directly above Jewell Falls, this undeveloped property is an excellent example of a small riparian urban parcel that could help improve the health of the stream below.

E-66 Avangrid 204 Rand Rd.

Exhibit B – Specific Properties (Portland Parks) Dedicated as Land Bank Property Interests

E-29 Back Cove Park and Trail
E-30 Barrow's Park/Baxter Sundial
E-31 Stone Street - Bayside Park & Playground
E-32 Baxter Pines
E-33 Baxter Woods
E-34 Bell Buoy Park
E-35 Belmeade Park
E-36 Capisic Pond Park
E-37 Clark Street Park
E-38 Congress Square Park
E-39 Deering Oaks Park
E-40 Dougherty Field
E-41 Eastern Prom, East End Beach, Fort Allen Park
E-42 Fessenden Park
E-43 Fort Gorges
E-44 Fort Sumner Park
E-45 Fox Field/Kennedy Park
E-46 Harbor View Park/Tate-Tyng Park
E-47 Heseltine Park
E-48 Lincoln Park
E-49 Lobsterman Park
E-50 Longfellow Square
E-51 Monument Square
E-52 Munjoy Playground
E-53 Payson Park
E-54 Peppermint Park

E-55 Pleasant Street Playground

E-56 Post Office Park

E-57 Riverside Golf Course

E-58 Riverton Park

E-59 Stroudwater Park

E-60 Taylor Street Playground

E-61 Tommy's Park

E-62 Western Promenade

E-63 Redlon Woods

Exhibit C - Current Land Bank Commission High Priority Parcels

HCP-1 Glickman, GDI

HCP-9 Brackett St Lots at Indian Trail, Peaks

HCP-11 Riverton Trolley Park Parcels

HCP-12 Verizon/Fairpoint Pines

HCP-13 Redlon Road Parcels

HCP-15 Stroudwater River Corridor

HP-3 ACE Griffin's Cove, Cliff Island

HP-4 Kensington St Parcel

HP-6 RPZ 1601-1660 Congress Street

HP-7 Waynflete School Property

HP-9 MTA Land Holm Ave

HP-10 PTC Land Holm Ave

HP-11 410 Auburn St

HP-12 1831 Washington Ave

HP-13 Rocky Hill

HP-15 Land West of Murray St

HP-19 Inter-urban Line

HP-21 Fore River Corridor on Yellowbird Ln

HP-24 Salem St Parcels

Exhibit D

City of Portland, Maine

Parks & Open Space
and
Land Bank Holdings

with Resource Protection Zone,
City Property & Portland Water District Property

Legend

- Land Bank Holdings
- City Parks & Open Space
- Resource Protection Zone
- School Buildings
- Portland Water District Properties

Land Bank ID	Land Bank Name
E-01	Natick St Parcel
E-02	Pinebush Dr
E-03	Stanford Lane City RPZ Land
E-04	Rand Rd. City RPZ Land
E-05	Hobart St. Area
E-06	Pine Grove Park
E-07	Blueberry Rd Parcel
E-08	Evergreen Cem. Conservation Area
E-09	Oaknuts Park
E-10	Presumpscot River Preserve
E-11	Sherdan Street, Goldirish Prop
E-12	PATHS Wooded Area
E-13	Virginia Street Parcels
E-14	Ocean Avenue Open Space
E-15	Maggie Ln Lot
E-16	Beverly St Lots - North
E-17	Beverly St Lots - South
E-18	Goodridge Av Lots
E-19	North Deering / Riverton Parcels
E-20	Castine Pines
E-21	Ocean Ave Recreation Area-Pine Grove Ave Lots
E-22	Ocean Ave Recreation Area-Bellast St Lots
E-23	Ocean Ave Recreation Area-Marlbrough Rd/Trapezo
E-24	Dole Brook Driving Range Property
E-25	Cancro Rd Wooded Area
E-26	University Park
E-27	Wooded Area North of Riverside Golf Course
E-28	Land Along Cancro Rd
E-29	Back Cove Park and Trail
E-30	Barrow's Park/Baxter Sundial
E-31	Stone Street - Bayside Park & Playground
E-32	Baxter Pines
E-33	Baxter Woods
E-34	Bell Bury Park
E-35	Belmeade Park
E-36	Capelee Pond Park
E-37	Clark Street Park
E-38	Congress Square Park
E-39	Deering Oaks Park
E-40	Dougherty Field
E-41	Eastern Prom, East End Beach, Fort Allen Park
E-42	Fessenden Park
E-43	Fort Georges
E-44	Fort Sumner Park
E-45	Fox Field/Kennedy Park
E-46	Harbor View Park/Tate-Tyng Park
E-47	Hesseltine Park
E-48	Lincoln Park
E-49	Lobsterman Park
E-50	Longfellow Square
E-51	Monument Square
E-52	Munjoy Playground
E-53	Payson Park
E-54	Pagament Park
E-55	Pleasant Street Playground
E-56	Post Office Park
E-57	Riverside Golf Course
E-58	Riverton Park
E-59	Stroudwater Park
E-60	Taylor Street Playground
E-61	Tommy's Park
E-62	Western Promenade
E-63	Redion Woods
E-64	Hollbrook St Lots 2019
E-65	Rowe Ave Lots - Near Jewell Falls
E-66	Avangrid 204 Rand Rd

Map Produced by the City of Portland, Maine
Department of Public Works
June 2021

0 425 850 1,700 2,550 3,400
Feet

TOWN of FALMOUTH

CITY of
WESTBROOK

BACK
COVE

PORTLAND
HARBOR

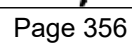


Exhibit E

2023 FINAL Land Bank Commission Budget		
	Prepared by: Baxter Miatke (Treasurer)	12/14/2022
	Reviewed by: Pat Bailey (Chair)	xx/xx/xxxx
	Updated and Finalized At Meeting	xx/xx/xxxx
	General Statement of Financial Position	Notes
	Balance from City: (As of 11/1/2022)	\$438,184.68
		Account Balance reported from City Staff (Amber Brooks) This is an estimated additional amount still to be confirmed.
	2022 (FY23) Land Bank Allocation	(\$ 50,000)
	Restricted Gifts (parks account)	(\$ 2,400)
	Total Estimated Available as of 11/1/2021	(\$ 490,584.68)
		Includes estimated FY23 allocation and restricted gifts
	2023 Anticipated Expenditures	
	North Deering Park	(\$ 80,000)
		Approved/allocated by LBC in Sep 2021 \$80,000 (expected 2023)
	Berry Parcel	(\$ 99,000)
		Approved by LBC, not yet expensed (expected 2023)
	Other Land Acquisitions	(\$ 75,000)
		Assume \$75,000 for to be determined acquisitions in 2023
	<u>Aquisition Related Dilligence</u>	
	Survey	(\$ 10,000)
		Assume 3 surveys at approximately \$3,400 each
	Appraisals	(\$ 10,000)
		Assume 3 appraisals at approximately \$3,400 each
	Environmental Assessments	(\$ 5,000)
		Assume 2 Environmental Assesments at \$2,500 each
	Legal	(\$ 10,000)
		Assume 2 legal reviews up to \$5,000 each
		Sub Total Acquisition related Costs \$35,000
	Land Maintenance	(\$ 20,000)
		Assumes Portland Trails Work and Parks and Rec on existing Land Bank Properties
	Hobart Street LBC Property Boat Launch Design	(\$ 10,000)
		Due diligence and surveys/design for hobart street LBC property boat laucnh
	Administrative	(\$ 3,000)
		Assume administrative fees for comission
	Total 2023 Estimated Expenditures	(\$ 322,000)
	Percentage of Available Funds for 2022 Expenditures	66%

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 26, 2024

SUBJECT: Order 134-23/24 Approving the City's Resignation as Trustee of the Kotzschmar Memorial Trust and the Appointment of Friends of Kotzschmar Organ as Successor Trustee - Sponsored by Michael Goldman, Corporation Counsel

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: This action and associated documents were reviewed and approved by the Office of Corporation Counsel.

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

The City currently serves as Trustee of the Hermann Kotzchmar Memorial Trust Fund. The purpose of the Trust is to provide music scholarships to eligible young musicians in Portland. Friends of Kotzchmar Organ is a Maine nonprofit corporation organized for the purpose of maintaining and presenting the Kotzchmar Memorial Organ, which is installed in Merrill Auditorium. If approved, this Order would allow the City to resign as Trustee and assent to the appointment of Friends of Kotzschmar Organ as Successor Trustee of the Trust. It would further authorize the Office of Corporation Counsel to file the appropriate petition in Cumberland County Probate Court to achieve this result.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Approving the City's Resignation as Trustee of the Kotzschmar Memorial Trust 2.26.2024
2. City appointment as Successor Trustee 1973
3. Draft Joint Petition to Resign and Appoint Successor Trustee
4. Draft Trustee resignation
5. Draft Proposed Order Probate Court
6. Draft Attorney General Consent 1.30.24
7. Hermann Kotzschmar Memorial Fund Trust Agreement 1911

Prepared by:

Date: 01/26/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**APPROVING THE CITY'S RESIGNATION AS TRUSTEE OF THE KOTZSCHMAR
MEMORIAL TRUST AND THE APPOINTMENT OF FRIENDS OF KOTZSCHMAR
ORGAN AS SUCCESSOR TRUSTEE**

ORDERED, that the City Council hereby authorizes and approves the resignation of the City of Portland as Trustee of the Hermann Kotzschmar Memorial Trust and the appointment Friends of Kotzschmar Organ as the Successor Trustee; and

BE IT FURTHER ORDERED, the Office of Corporation Counsel is hereby authorized to take such other actions that it determines necessary and appropriate to effect the intent of this order.

MAINE NATIONAL BANK

TRUST DEPARTMENT



400 CONGRESS STREET
P.O. BOX 2235
PORTLAND, MAINE 04104

00519-00-6

February 6, 1973

HERMANN KOTZSCHMAR TRUST

Canal National Bank
188 Middle Street
Portland, Maine

Gentlemen:

2/7/73

We are enclosing the following items:

28.235	10 shs.	American Electric Power Co.	286.25	Cert. No.
17.575	15 shs.	Central Maine Power Co.	268.13	S0655843
32.50	4 shs.	First National Boston Corp.	154.00	E52722
70.75	10 shs.	Mobil Oil Corp.	707.50	E07820
41.11	\$2,000	Pennsylvania Power & Light Co.	230.00	C286754
		3% due 10/1/75		
64.125	\$1,000	Maine Central Railroad	5 1/8% due 1978	53767/68 @ 1M ea.
75.25	\$1,000	American Tel. & Tel.	2 3/4% due 8/1/80	13844
19.714	\$2,000	Hydro Quebec Series P	due 1981 4 1/4%	67059
			1,572.50	7134 @ 1M
				23187 @ 1M
75.46	\$1,000	U. S. Treasury Bond	3 1/4% due 6/15/83	88726

\$ 6,978.73

These comprise the corpus of the Hermann Kotzschmar Trust of which the Maine National Bank has resigned as Trustee and the City of Portland has been appointed as Successor Trustee. We are forwarding these to you upon instruction from the City and regret that we have not turned them over to you before this. We also enclose our check in the amount of \$3,291.79 which represents the principal and income cash balance. We will forward a final statement for this account around the middle of March.

When you are in receipt of the above assets, would you kindly sign and return the enclosed copy of this letter in the envelope provided.

Very truly yours,

William A. Macleod
Trust Officer

6,978.73 = Securities

2,810.25 = Prin Cash

481.50 = Income

\$ 10,270.52

Enclosures

STATE OF MAINE
CUMBERLAND, ss

PROBATE COURT
DOCKET NO. 2024-

IN RE: The Hermann Kotzschmar Memorial Fund

City of Portland
Friends of Kotzschmar Organ
Co-Petitioners

And

Attorney General
Party-in-Interest

JOINT PETITION TO CHANGE
TRUSTEE
18-B M.R.S.A §§704(5) & 705(2)
and MODIFY ADMINISTRATIVE
TERMS
18-B M.R.S.A §412(2)

NOW COMES the undersigned Friends of the Kotzschmar Organ, Inc. ("FOKO") and the City of Portland ("City"), by and through undersigned counsel, jointly petition this Court to approve the resignation of the City as Trustee and appoint FOKO as the Successor Trustee of the Hermann Kotzschmar Memorial Fund (the Trust) from the City to FOKO. The parties further request this Court modify the administrative terms of the Trust to provide an adequate procedure for the appointment of Successor Trustees in the future. In support thereof the parties state as follows:

JURISDICTION AND VENUE

- 1) The Probate Court has concurrent jurisdiction with the Superior Court of all proceedings in this State involving a trust. 18-B M.R.S.A. §203.
- 2) Venue for a judicial proceeding involving a trust is in the county there the trust has its principal place of administration. 18-B. M.R.S.A. §204.
- 3) The Hermann Kotzschmar Memorial Fund has its principal place of administration at City Hall in Portland, Maine.

PARTIES

- 4) Petitioner City of Portland in its capacity of Trustee of the Trust.

- 5) Friends of Kotschmar Organ is a non-profit 501(c)(3) company organized under the laws of the State of Maine.
- 6) Party-in-Interest is the Attorney General for the State of Maine representing the public interest in the administration of charitable funds within the State 5 M.R.S.A. §194.

PURPOSE OF THIS PROCEEDING

- 7) Pursuant to 18-B M.R.S.A. §§704(5) and 705(2) , the City of Portland and FOKO seek approval from this Court for the City to resign as Trustee of the Hermann Kotschmar Memorial Fund and appoint FOKO as Successor Trustee. The parties also seek to modify the administrative terms of the trust document pursuant to 18-B M.R.S.A. §412(2) to add a provision for the appointment of a future Successor Trustee, if necessary.

FACTUAL AND PROCEDURAL BACKGROUND

- 8) The Hermann Kotschmar Memorial Fund (“Trust”), a Maine trust, was established in 1911 by Mary A. Kotschmar, the widow of the late Hermann Kotschmar, a beloved musician and teacher in Portland. The Trust’s purpose is generally to provide music scholarships to eligible young musicians in the Cumberland County area. There are no beneficiaries named in the Trust. There have been several changes of Trustees over the ensuing century. Most recently the City of Portland became the Trustee on or about February 6, 1973. At the present time there is approximately \$100,000 in the Trust, which is managed by KeyBank. A true copy of the trust instrument is attached as Exhibit A and the resignation of the Maine National Bank and appointment of the City of Portland as Successor Trustee is attached as Exhibit B.
- 9) FOKO was organized in 1981 as a non-profit qualified 501(c)(3) Maine charitable corporation for the purposes of maintaining and presenting the large Kotschmar Memorial Organ, which was installed in Portland City Hall Auditorium (now Merrill Auditorium) in 1912. The organ was a gift to the City by the late Cyrus Curtis, in honor of his childhood music teacher, Hermann Kotschmar. At the time of its inception in 1981 FOKO was responding to the decision of the City not to continue to maintain the organ and not to engage a new Municipal Organist upon the retirement of the prior one in 1979. The City welcomed FOKO and has supported it ever since. The organ remains the property of the City.

10) In the intervening years FOKO has raised and spent nearly \$4,000,000 to repair and ultimately completely rebuild the organ, with a portion of those funds coming from City sources. The City Council has approved the hiring by FOKO of four successive Municipal Organists (one of only two such positions in the country), the most recent being James Kennerley. FOKO funds his compensation, runs a comprehensive series of concerts year-round, provides guided tours through the organ's chambers and maintains a full time staff to supervise its activities. It also auditions contestants for the Kotzschmar Scholarships and awards funds from the Trust as they are available. An experienced and active Board of Directors controls the organization. Finally, FOKO has managed to accumulate over the years board designated reserves of approximately \$1,000,000.

REQUEST FOR CHANGE IN TRUSTEE

11) The Trust does not name a successor trustee and does not include a method for choosing successor trustees. There are also no specific charitable organizations expressly named to receive distributions in the Trust document.

12) FOKO has demonstrated a longstanding commitment to the purpose of the Trust and is well positioned to expand the scholarship program through administration of the Trust. Accordingly, both parties agree that it is in their best interests and consistent with the charitable purpose of the Trust for the City to resign as Trustee and to appoint FOKO the Successor Trustee of the Trust in order to support and grow the scholarship program.

13) On _____, the Portland City Council adopted the following Order:

APPROVING THE CITY'S RESIGNATION AS TRUSTEE OF THE HERMANN KOTZSCHMAR MEMORIAL TRUST AND THE APPOINTMENT OF FRIENDS OF KOTZSCHMAR ORGAN AS SUCCESSOR TRUSTEE

ORDERED, that the City Council hereby authorizes and approves the City's resignation as Trustee of the Hermann Kotzschmar Memorial Trust and the appointment of Friends of Kotzschmar Organ as Successor Trustee; and

BE IT FURTHER ORDERED, that the Office of Corporation Counsel is hereby authorized to take such other actions that is deems necessary and appropriate to effect the intent of this order.

- 14) The parties also agree that because there are no provisions in the Trust document for the orderly succession of Trustees, continuation of the Trust's existing terms would impair the Trusts administration. Pursuant to 18-B M.R.S.A § 412 (2) the parties request this Court modify the Trust's administrative terms by adding the following provision to the Trust:

Trustee Succession: Any Trustee serving hereunder may resign as Trustee provided that the Trustee appoints a Qualified Successor Trustee willing to serve. A "Qualified Successor Trustee" must be a recognized financial institution authorized to serve as Trustee, or a Governmental Agency, or a qualified 501(c)(3) organization with a net worth at least three times the then value of the Trust assets. No bond need be provided by the Qualified Successor Trustee. Any Trustee serving hereunder shall be authorized to appoint a Qualified Successor Trustee in accordance with this provision. Court approval need not be sought in the event of such change of Trustee.

WHEREFORE, the Joint Petitioners request this Court to:

- a) Approve the resignation of the City of Portland as Trustee of the Trust and Appoint The Friends of the Kotschmar Organ, Inc. as Successor Trustee to the Trust, without bond; and
- b) Order that the Trust fund instrument include the amendatory language set forth in Paragraph 5 above as follows:

Trustee Succession: Any Trustee serving hereunder may resign as Trustee provided that the Trustee appoints a Qualified Successor Trustee willing to serve. A "Qualified Successor Trustee" must be a recognized financial institution authorized to serve as Trustee or a Governmental Agency, or a qualified 501(c)(3) organization with a net worth at least three times the then value of the Trust assets. No bond need be provided by the Qualified Successor Trustee. Any Trustee serving hereunder shall be authorized to

appoint a Qualified Successor Trustee in accordance with this provision.
Court approval need not be sought in the event of such change of Trustee.

Dated at Portland, Maine this _____ day of March 2024

PETITIONER:

CO-PETITIONER

Friends of the Kotschmar Organ, Inc.

The City of Portland, Maine

By _____

By _____

Its: President, duly authorized

Its Corporation Counsel, duly authorized

Peter S. Plumb, Attorney for

Friends of the Kotschmar Organ, Inc.

Attorney for the City of Portland

**RESIGNATION OF TRUSTEE
UNDER
THE HERMANN KOTZSCHMAR MEMORIAL FUND**

THE CITY OF PORTLAND, currently the Trustee under THE HERMANN KOTZSCHMAR MEMORIAL FUND u/a/d/ November 28, 2011, hereby resigns as Trustee, effective upon the acceptance of FRIENDS OF THE KOTZSCHMAR ORGAN, Inc. of the position of Successor Trustee of the Trust., pursuant to Order of the Cumberland County Probate Court, DKT #_____, dated _____ 2024.

Dated: _____, 2024

THE CITY OF PORTLAND

By: _____
Its: _____, duly authorized

**ACCEPTANCE OF FRIENDS OF THE KOTZSCHMAR ORGAN, Inc., AS SUCCESSOR
TRUSTEE AND WAIVER AND RELEASE OF TRUSTEE**

The undersigned, FRIENDS OF THE KOTZSCHMAR ORGAN, Inc. hereby accepts the position of Successor Trustee of the HERMANN KOTZSCHMAR MEMORIAL FUND u/a/d/ November 28, 2011, (as amended by Order of the Cumberland County Probate Court, DKT #_____ dated _____, 2024) and agrees to be bound by all the terms thereof.

Dated: _____, 2024

FRIENDS OF THE KOTZSCHMAR
ORGAN, Inc.

By: _____
Its: President, Duly Authorized

STATE OF MAINE
CUMBERLAND, ss

PROBATE COURT
DOCKET NO. 2024-

IN RE: The Hermann Kotschmar Memorial Fund

City of Portland
Friends of Kotschmar Organ
Co-Petitioners

And

Attorney General
Party-in-Interest

ORDER GRANTING
JOINT PETITION TO CHANGE
TRUSTEE
18-B M.R.S.A §§704(5) & 705(2)
and MODIFY ADMINISTRATIVE
TERMS
18-B M.R.S.A §412(2)

Having reviewed the Joined Petition to Change Trustee and Modify
Administrative Terms, the request is hereby **GRANTED.**

IT IS HEREBY ORDERED that the City's resignation as Trustee is approved and the
Friends of the Kotschmar Organ, Inc. is appointed Successor Trustee of the Hermann
Kotschmar Memorial Fund Trust.

IT IS FURTHER ORDERED that the Trust fund instrument include amendatory
language in Paragraph 5 as follows:

Trustee Succession: Any Trustee serving hereunder may resign as Trustee
provided that the Trustee appoints a Qualified Successor Trustee willing to
serve. A "Qualified Successor Trustee" must be a recognized financial
institution authorized to serve as Trustee or a Governmental Agency, or a
qualified 501(c)(3) organization with a net worth at least three times the
then value of the Trust assets. No bond need be provided by the Qualified
Successor Trustee. Any Trustee serving hereunder shall be authorized to
appoint a Qualified Successor Trustee in accordance with this provision.
Court approval need not be sought in the event of such change of Trustee.

Dated _____, 2024

Judge, Cumberland County Probate Court

STATE OF MAINE
CUMBERLAND, ss

PROBATE COURT
DOCKET NO.

IN RE: The Hermann Kotzschmar
Memorial Fund

City of Portland
Friends of Kotzschmar Organ

Co-Petitioners

And

Attorney General

Party-in-Interest

Attorney General's Consent
To Joint Petition to Approve
City's Resignation as Trustee
and Appoint Friends of
Kotzschmar Organ as Successor
Trustee and Modify the
Administrative Terms of the Trust

NOW COMES Aaron M. Frey in his capacity as Attorney General of the State of Maine, and response to the Joint Petition to Approve the City's Resignation as Trustee and Appoint Friends of Kotzschmar Organ as Successor Trustee as follows:

1. The Attorney General is an interested party in this matter as a representative of the public interest in the administration of charitable funds within this State under 5 M.R.S.A. §194.
2. The Attorney General has received and reviewed a copy of the Joint Petition.
3. The Attorney General submits to the jurisdiction of this Court and hereby appears in this action, waiving services of process.
4. The Attorney General has no objection to the granting of the relief requested in the Joint Petition.

Respectfully Submitted,

AARON M. FREY

ATTORNEY GENERAL

By: _____

Maine Bar No.: _____

Attorney General's Office

Consumer Protection
Division

State House Station 6

August, ME 04333

DRAFT

HERMANN KOTZACHMAR TRUST

BE IT KNOWN, that we, Charles O. Bancroft and Charles F. Libby, both of Portland, Maine, as Trustee of the "Hermann Kotzschmar Memorial Fund", so-called, knowing the uncertainty of our individual lives, and wishing to place the said memorial fund hereinafter mentioned in the hands of a permanent corporate trustee, and at the request of the founder of said fund, Mrs. Mary A. Kotzschmar, widow of said Hermann Kotzschmar, do hereby transfer, assign and deliver to the Fidelity Trust Company, of Portland, Maine, a banking and trust company existing under a special charter granted by the State of Maine, as Trustee, said memorial fund now in our possession consisting of the following items, namely:

- (1) Three American Telephone and Telegraph Company, collateral trust four percent. Bonds, for one thousand (1000) dollars each, due in 1929, and numbered 68,677, 68,678 and 68,679 respectively.
- (2) Cash on deposit in the Savings Department of said Fidelity Trust Company, to our credit as Trustees, amounting at the present time to Seven Hundred Eighty-one Dollars and Two Cents (\$781.02).

Said memorial fund and all addition thereto and accumulations thereon is to be held by said Fidelity Trust Company, as Trustee, on the following trusts and conditions, to wit:

FIRST: Said memorial fund shall be allowed to accumulate in the hands of said Trust Company, as Trustee, for the term of twenty-five years from the date.

SECOND: At the end of said twenty-five years the income of said memorial fund shall be annually used to aid in the musical education of such pupil or pupils, of marked musical ability, who are residents of the city of Portland, as may be selected by three prominent musicians of said Portland, who are officers of one or more musical societies established in said city and who may be selected from time to time by the Board of Directors of the Fidelity Trust Company, preference being given in such selection of beneficiaries to a promising pupil of the organ, the instrument through which Mr. Herman Kotzschmar's genius found its finest expression; in case no such promising pupil of the organ is found, the income may be used in aid of students of marked ability, of the piano, violin, other musical instruments or voice culture, to be selected as aforesaid.

THIRD: Said memorial fund and augmentation thereof by future gifts or otherwise, shall be held by said Fidelity Trust Company, as Trustee, subject to the trusts and conditions herein declared, and said Trustee may from time to time change the investment of said fund, as found necessary, having in view always the safety of said fund, and subject to the restrictions of choice in new investments, as are imposed by law on investments by savings banks in the State. The securities constituting such memorial fund shall be kept separate and apart from all other funds, and be so designated that their identity may at all times be established. The portion of said memorial fund not invested in

securities shall be kept in the Savings Department of said Fidelity Trust Company, or in either of the existing Savings Banks in said Portland, to the credit of said memorial fund, and whenever the fund so kept in said Savings Department or Savings Banks shall be sufficient in amount to admit of investment in independent securities, they shall be taken from said Savings Department or Savings Banks, and forthwith invested. It is understood that the charge of said Fidelity Trust Company, as Trustee, for its services in connection with said fund shall not exceed five per cent. of the income thereon.

Witness our hands and seals this 28th day of November, A.D., 1911.

(SIGNED) Chas. O. Bancroft (SEAL)

(SIGNED) Charles F. Libby (SEAL)

Trustee.

The Fidelity Trust Company, as Trustee, hereby accepts the above "Hermann Kotzschmar Memorial Fund", and the several items thereof as aforesaid, the receipt of which is hereby acknowledged, on the trusts and conditions above set forth.

In witness whereof the Fidelity Trust Company has caused its corporate seal to be hereto affixed and these present to be signed by Chas. Sumner Cook its Vice-President, and Ernest J. Eddy its Treasurer, hereunto duly authorized, this 28th day of November, A. D., 1911.

(SIGNED) Chas. Sumner Cook,
Vice President.

(SIGNED) Ernest J. Eddy,
Treasurer.

I, Mary A. Kotzschmar, hereby assent to the transfer of said memorial fund to the Fidelity Trust Company, as Trustee, and to the trusts and conditions relating to the same as above declared.

Witness my hand this Twenty-seventh day of November A.D., 1911.

(SIGNED) Mary A. Kotzschmar

MEMORANDUM
City Council Agenda Item

FROM: Wesley Brumbaugh
Cemetery Director

DATE: February 12, 2024

SUBJECT: Order 135-23/24 Accepting and Appropriating a \$50,000 Bequest from the Franklin Lawrence II Estate for Evergreen Cemetery Maintenance - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager, Danielle West
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 2/26/2024

Final
Action 3/4/2024

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: n/a

PRESENTATION: N/A

I. SUMMARY

Acceptance of a \$50,000 donation towards the preservation and ongoing maintenance of Portland's esteemed Evergreen Cemetery.

II. AGENDA DESCRIPTION

In his last will and testament, Franklin Lawrence II, left Evergreen Cemetery of Portland, Maine a sum of \$50,000 to be used for its maintenance fund.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The formal acceptance of this generous gift to Evergreen Cemetery.

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

N/A

VII. RECOMMENDATION

Staff recommends the acceptance of this donation as it will further buttress the financial stability and efficacy of Portland's Cemetery System.

VIII. LIST ATTACHMENTS

1. Appropriation of Lawrence Estate Gift of \$50K for Evergreen Cemetery 2.26.2024

Prepared by:

Wesley Brumbaugh

Cemetery Director

Date: 02/12/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$50,000 BEQUEST FROM THE
FRANKLIN LAWRENCE II ESTATE FOR EVERGREEN CEMETERY
MAINTENANCE**

ORDERED, that a \$50,000 bequest from the Franklin Lawrence II Estate is hereby accepted and that amount appropriated for the maintenance fund for the Evergreen Cemetery;
and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute any and all documents necessary to accept and appropriate the bequest, and otherwise carry out the intent of this order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: February 12, 2024

SUBJECT: Order 136-23/24 Accepting and Appropriating a \$25,000 Grant from the Maine Community Foundation for Western Cemetery Improvements - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager, Danielle West

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 2/26/2024

Final

Action 3/4/2024

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: no

PRESENTATION: n/a

I. SUMMARY

Acceptance of Maine Community Foundation Grant of \$25,000

II. AGENDA DESCRIPTION

The Stewards of Western Cemetery, acting in the interest of the cemetery, have applied for and been awarded a \$25,000 grant from the Maine Community Fund. The grant and subsequent, privately raised funds are intended to fund several improvements to Western Cemetery including but not limited to:

- Construction of a tool house on a location approved by the Parks, Recreation, and Facilities Department and the Historic Preservation Board.
- Installation of a water source to aid in ongoing restoration efforts.
- Relocation of an existing flag pole to make way for the proposed tool house.
- Efforts to bring access to the cemetery into compliance with ADA standards.
- A historically appropriate fence along the Western Prom boundary of the cemetery.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

The Western Cemetery, founded in 1829, was intended to be the successor to Portland's original burying ground, Eastern Cemetery. As Eastern Cemetery neared saturation and was hemmed in on all sides, thereby negating the possibility of expansion, a new location for peaceful rest of its citizenry was sought out. Founded at the crossroads of a cemetery culture in flux known as the Rural Cemetery Movement, which was characterized by an idealization of the "family plot" with a central family monument. Western Cemetery was Portland's first iteration of that ideal; incorporating a larger area than Eastern Cemetery, being well treed, and architecturally designed, overlooking the Fore River. Until the founding of Evergreen Cemetery two decades later, Western was and is the final resting place of many of Portland's citizens.

Today Western Cemetery is a shadow of its former self. While often overlooked, it remains a hidden jewel in the Western Prom. The Stewards of Western Cemetery seek to redefine Western Cemetery from an unknown and overlooked corner of the Western Prom, to the place of reverence, peaceful beauty, and deep history that it was always intended to be.

This grant of \$25,000 from the Maine Community Fund, and other future private donations are meant to further that effort.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The formal acceptance of the grant from the Maine Community Fund.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Staff recommends the acceptance of this grant as it improves the state of Western Cemetery and requires no financial obligations on the part of the city.

VIII. LIST ATTACHMENTS

1. Appropriation of Maine Community Foundation \$25K Western Cemetery 2.26.2024

Prepared by:

Date: 02/12/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$25,000 GRANT FROM THE MAINE
COMMUNITY FOUNDATION FOR WESTERN CEMETERY IMPROVEMENTS**

ORDERED, that a \$25,000 Maine Community Foundation Grant is hereby accepted and that amount appropriated for capital improvements to the infrastructure at Western Cemetery; and

BE IT FURTHER ORDERED, the City Manager or designee is authorized to execute the Maine Community Foundation Grant agreement attached in substantially the form attached hereto and any and all other documents necessary to accept and appropriate the grant and otherwise carry out the intent of this order.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: January 29, 2024

SUBJECT: Order 137-23/24 Amendment to Portland City Code Chapter 9 Re: Peaks Island Council Nomination Petition Deadlines - Sponsored by Ashley Rand, City Clerk

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

This item will align the filing of nomination petitions and acceptance of nomination for Peaks Island Council to the Charter Changes that were made to Article IV. Elections, Section 6. The Charter amendment was sent to voters in November 2023 and approved. This ordinance amendment will allow the Peaks Island nomination petitions to be the same.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ch. 9 Peaks Nomination Petitions 2.26.2024

Prepared by:

Date: 01/29/2024

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 9
RE: PEAKS ISLAND COUNCIL NOMINATION PETITION DEADLINES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

- 1. That the Section 9-52 of the Portland City Code Chapter 9
is hereby amended to read as follows:*

Sec. 9-52. Nomination of members.

(a) *Petitions.* The nominations of all candidates for elective offices for membership on the Peaks Island council shall be by written petition to be provided by the city clerk, in substantially the same form as the petition for at-large candidates for the city council as provided in article IV of the city charter. Said petition shall be signed by not less than fifty (50) Peaks Island residents who are registered voters on the island nor more than one hundred (100) such voters. All candidates must be residents of Peaks Island for a period of at least three (3) months prior to the date on or before which nomination papers are to be filed.

...

(c) *Filing.* The city clerk shall make nomination petitions available to the candidates one hundred and ~~twenty~~ fifty-five (120155) days prior to the election except that in 2007 the petitions shall be made available one hundred and twelve (112) days prior to the election. The nomination petitions for any one (1) candidate must be assembled and united into one (1) petition and filed with the city clerk during normal business hours not later than ninety-nine (99) days ~~earlier than seventy-eight (78) nor later than sixty-four (64) days~~ before the date of election. No nomination shall be valid unless the candidate shall file with the city clerk in writing at the time of filing of said nomination petitions and consent, once filed may not be withdrawn. Any challenge to a nomination petition must be submitted to the city clerk in writing, setting forth the specific reasons for the objection, no later than five

(5) days, excluding Saturdays, Sundays, and legal holidays, from its date of filing, or it is barred. No person shall be nominated, nor shall any person consent to being nominated, at the same election for any other elective office provided for by the city charter.