



Peaks Island Council MEETING MINUTES

Wednesday, May 22, 2024, 6:15 p.m.

Hybrid ZOOM/in-person meeting in the Community Center

NEXT Regular Monthly PIC Meeting
June 26, 2024

CALL TO ORDER: 6:18 p.m.

ROLL CALL

Present: Peter McLaughlin, Jess Burton, Garry Fox, Shelagh Reiser, Fred Somers, Scott Mohler, Jerzy Sylvester

Absent: n/a

Number of Audience Members (AM) in attendance: 12 in person, 5 on zoom

APPROVAL OF MINUTES

Somers made the motion to accept the April 24, 2024 meeting minutes. Fox seconded. Motion to accept minutes passed unanimously.

ANNOUNCEMENTS

None.

TREASURER'S REPORT

Bill Patnaude said that the April expenditures were \$200 for the March and April meeting minutes, \$183 needs-based tickets, \$33.70 bike tickets. The current balance as of April 23, 2024 is \$2,676.75.

Somers made a motion to accept the Treasurer's report. Fox seconded. Motion passed unanimously.

COMMITTEE REPORTS & UPDATES

McLaughlin moved to take the agenda out of order. Somers seconded.

A representative from Consolidated Communications said that work is going to proceed with bringing Fidium Fiber internet access lines starting next week. The work will take about one and a half months. Installation to homes will be free if there is a path for the wire to reach the home. Fidium Fiber service will be available starting in late August, and homes can join as the service reaches them.

Sylvester asked what the highest capacity will be. Simon said that the highest speed will be 2GB symmetrical, meaning both upload and download speeds will be 2GB.

Reiser asked if it is an above ground installation or below ground installation. Simon said most of the installation will be above ground.

Fox asked what happens if customers changed service from Spectrum to Consolidated Communications. Simon said that Consolidated Communications would change the line going into the house.

Simon said the introductory price is \$25/month and then it is \$45/month after that.

AM asked how Fidium Fiber is different from Spectrum. Simon said that Spectrum does not offer a symmetrical service, so their download speed is faster than their upload speed.

AM asked if there is a seasonal rate. Simon said there is. You can call to disconnect and then call to reconnect.

- **Executive Committee** –

- 18 Central Avenue project**

- McLaughlin gave an update on the Home Start project at 18 Central Avenue. The building is now for sale based on ruling by U.S. Supreme Court which allows owners to sell their delinquent properties for market value and receive money that is over and above the amount of back taxes that are due. Under current re-code proposal 18 Central Avenue would become part of the business zone. Sale may be concluded by the next PIC meeting.

- Legislative & Nominating meeting**

- McLaughlin said that the City Council will review the revised Peaks Island Council ordinance on May 28th at 8am. It will have two readings so it will probably be a couple of months before the full city council votes on it.

- Police Department request to support Police Boat funding**

- McLaughlin said that the City Manager's office did not return inquiries about whether they had approved that the Police Department seek congressional funding for a new Police Boat.

- Firewise**

- Maine Forestry Service provides a service to clear brush from island properties, in order to reduce fire hazards. They are going to be on Peaks Island one day and they will accept 20 applicants for chipping brush that is already cut and piled beside the road. The intent of the service is to clear brush from within 30 feet of the house. The planned date is July 11th but they are going to other islands as well so there could be some variation on the date. Last year they arrived before schedule.

Patnaude said that there will be a National Guard Exercise on Peaks Island during the week of June 3-6, 2024. There will be a lot of people in uniforms in the water and on the island. There will be low flying helicopters over the island and water at that time. The exercise is called Operation Katahdin Shield.

- **Anti-racism Committee**

No update.

- **Environmental and Sustainability**

- PEAT + PIC forum** – Timmi Sellers said this forum is now being moved to September.

- **Ferry Service**

Somers said that CBL is continuing to interview candidates for a general manager. The search committee is down to semi-finalist, so decision should be made soon.

A petition has been filed to the PUC contesting the proposed fare increase that the board voted in. PUC will conduct an investigation. In the interim, the new fare structure can go into place on June 1st.

- **Housing – ReCode Zoning survey**

- Laura Glendening summarized the questions, comments, and concerns that people offered at the recent ReCode table.

- Small island lot – in order to create a small island lot, this proposal requires that you have to have 23,000 square feet and you could split off 3,000.
- Business zone – concerns from the abutters of lots that are half in business zone and half in residential zone. The city proposed that the business zone extend to the entire lot, but some of the lots are deep so it creates a wide business zone.
- Soft business zone – is there a way to introduce a business zone that has less impact than a hotel or restaurant.
- Concerns about water and sewer capacity at the north end of the island.
- Concerns about setbacks and % lot coverage.
- Concerns about a commercial vehicle parking lot.

Glendenning said that the City ReCode staff will come out to Peaks Island to answer questions and hear feedback on current proposal. McLaughlin said that meeting is scheduled for Monday, June 17th.

• **Island Assessment** –

Burton said there was an excellent radio show by Peaks Island Radio this weekend. Chris Marot interviewed Maggie Mills, Bill and Patty Zimmerman, Steve Mohr.

May 28th from 6-8pm there is a planning meeting at the Community Center where representatives from Peaks Island non-profits can plan for the workshop in July.

There will be a workshop on Saturday, July 27th from 10am-2pm, at New Brackett Church where islanders can weigh in on the assessment priorities.

• **Jetport Flight Path**

Basil Klosteridis said the committee's current work is targeting the arrival flight paths. The proposed adjustment to the HVA that would force planes to go over the southern end of the island and then turn to fly over the Fore River was turned down by the FAA because the banking angle is too large for bigger planes. The Southwest Visual Approach is another arrival flight path that flies over the north end of the island and then turns to fly over Little Diamond. The committee is working so that the FAA does not approve this flight path.

Somers said that one of the accomplishments of the Jetport Flight Path committee is that the Jetport has hired Van Air, a company that designs flight paths. This third party company ensures that the flight paths are not

Klosteridis said that changes are slow in this arena and it would be five years before there were any final decisions.

• **Ordinance Review Committee**

McLaughlin said that the amendments to the ordinance that created the Peaks Island Council will be read the first time by the City's Legislative and Nominating Committee. It will be read a second time and voted on in that committee before it passes on to the full City Council. The City Council will also have two readings of the amendments before voting on it.

- **Paper Roads**

Fox said that the committee members will walk the subdivision maps that show the paper roads on the island. The committee has also written an article in the Peaks Island News to increase community education about paper roads and rights of way.

Barbara Carter said there are 102 paper roads on the island. The question that needs to be answered is which roads have been accepted. The city must accept or vacate these paper roads by 2037 but they don't have any data. This committee is going to provide the city with the information they are developing.

- **Parking**

Reiser said today is the last day to sign up to be in the lottery for Ocean Gateway parking from June through September.

Reiser asked if anyone else is interested to join the parking committee, which will begin meeting in June, they should contact Reiser.

- **Short Term Rental**

Sylvester said the Short Term Rental committee has had three meetings. The committee defined Short Term Rental as rentals that are shorter than a month.

Sylvester presented data the STR committee received from the city about Peaks Island short term rentals.

- There are currently **88 registered** STRs.
- **178** unique STRs properties have applied or been approved for a license since 2022.
- There are **22 Long-Term-Rentals** but all of those are also registered as STRs – they are long term winter rentals that convert to weekly summer rentals.
- **18.7%** of all properties on Peaks have operated as a short term rental in the last three years.
- Almost two thirds of short term rentals were purchased within the last 10 years.

Sylvester presented data from Portland for comparison.

- Over the last 15 years STR properties have turned over nearly 4x the average residential property turn-over rate for the Portland area.
- In Portland, there is approximately one STR for every 93 residents. On Peaks, it is at least one registered STR for every 10 residents, but it may be closer to be one STR for every five residents (some STRs are not registered).
- In Portland there are about 25 long term rental properties for every registered STR, but on Peaks Island it is **flipped** with one long term rental for every four registered STRs.

McLaughlin applied to Peaks Island the per capita formula that the city uses to cap STRs and LTRs in the city.

- If the same per capita formula were used for mainland and Peaks STRs, Peaks would be allotted 5 licenses for non-owner occupied STRs.
- If the same percentage of LTR housing formula was used for mainland and Peaks STRs, Peaks would be allotted 0 licenses for non-owner occupied STRs.

OLD BUSINESS

None

NEW BUSINESS

• STR proposal from the Short Term Rental Committee

McLaughlin presented recommendations from the Short Term Rental committee:

The Short-Term-Rental Committee of the Peaks Island Council submits for consideration the following draft regulation guidelines to be forwarded to the Portland City Council Housing & Economic Development Committee:

- There shall be no cap on short-term-rental licenses on Peaks Island for owned-occupied properties (owners' primary residences).
- There shall be no cap on short-term-rental licenses on Peaks Island for seasonal properties (defined as such by City tax assessor's land use code or Portland Water District map).
- There shall be a cap of 40 short-term-rental licenses on Peaks Island for year-round residences (defined as such by City tax assessor's land use code) that are not owner-occupied (owners' primary residences).

AM suggested that an additional requirement for getting a STR license should be that the owner uses the property for some portion of the year. Somers asked how that could be enforced.

AM said that the city does not enforce anything about STRs anyway.

AM replied that he received a letter from the city that his STR was out of compliance so there appears to be some enforcement.

AM said that the cap of 40 licenses is just maintaining the status quo and that is not good enough.

McLaughlin said we don't know how many unlicensed STR exist on Peaks Island.

Reiser asked about ADUs. McLaughlin said that STR is illegal in ADUs on Peaks Island.

Reiser asked if the city will cap the number of STR licenses on Peaks Island in the same way that they do in Portland. McLaughlin said he thought the licenses would be awarded through a lottery.

AM said that STR license should not be conveyed when a property changes hands.

Somers said it will be up to the city to administer the cap.

Mohler said the cap should be less than 40. McLaughlin said the committee came up with the number 40 because it can be justified as the status quo – the current number of registered non-owner occupied STRs is 39.

McLaughlin said the number 40 could be a starting point in an ongoing conversation with the city.

AM said that a cap of 30 would be better but even a cap of 40 is better than no cap at all.

AM said lowering the cap below 40 would result in lots of non-compliance.

Sylvester made a motion to submit the proposal as written to the City Council. Somers seconded.

Mohler asked if the proposal could move forward with no cap, or cap to be determined. Sylvester said that the risk would be the city would set the cap at 88, the current total number of STRs on the island.

McLaughlin made a friendly amendment so that the last paragraph of the proposal will say

- There shall be a cap of **no more than** 40 short-term-rental licenses on Peaks Island for year-round residences (defined as such by City tax assessor's land use code) that are not owner-occupied (owners' primary residences), **to be reviewed on an annual basis.**

Motion passes with 5 yes votes, and 2 no votes (Councilor Mohler, Councilor Burton).

PUBLIC COMMENT

AM asked if an abandoned boat at the ferry landing can be moved. Fishermen can bring their boats to the beach during the winter but they must be removed by April 1st. Public Works should move the boat.

AM said that the Island Compost Project is doing household pickup this summer. Households that are unable to bring their compost to the drop off points, but wish to participate in composting should reach out to Owen Davis.

AM said that the city agrees that the Ryefield paper road has not been vacated but the city is not taking any steps to prevent the private property owners from claiming the paper road as their own private property.

ANNOUNCEMENTS/UPDATES

Next PIC Meeting: Wednesday, June 26, 2024, at 6:15 pm in the community room and on Zoom.

Somers made motion to adjourn. Fox seconded. Motion passed unanimously.

Meeting Adjournment: 8:54 p.m.