



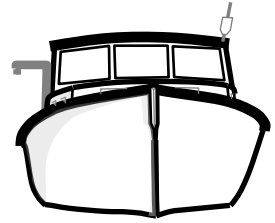
Waterfront Working Group

15th Meeting Agenda

July 11, 2019

Room 24, City Hall

3:00pm to 5:00pm



1. Welcome and Introductions

2. Review Meeting Notes from Meeting 14

6-13-2019 Meeting Notes attached

3. Marine Access Issues:

Custom House Wharf/Portland Pier Alley case study

4. Parking:

Further discuss potential hangtag system on West Commercial St.
Bill Needelman

5. Commercial Street Operations and Master Plan:

Commercial Street Operations and Master Plan: Status Briefing and feedback
Bruce Hyman, Transportation Program Manager
Bill Needelman

6. Next steps

City of Portland
Waterfront Working Group

Meeting #14
Thursday, June 14, 2019 -- 3:00 - 5:00 p.m.

Attendance:

PWWG: Mike Alfiero, Bill Coopersmith, Steve DiMillo, Keith Lane, Willis Spear, Becky Rand, Dory Waxman

Staff: Jon Jennings, Bill Needleman, Christine Grimando, Nancy Gallinaro, Ann Machado

Meeting Summary:

This meeting included three components:

A storm water overview presentation from Nancy Gallinaro, City of Portland Water Resource Manager, which focused on Portland's Integrated Plan;

a brief presentation from Amy Machado, City of Portland Zoning Administrator, explaining the City's current and proposed ordinance enforcement policies (with an emphasis on commercial parking enforcement); and,

a summary of plans to resubmit 2 amendments to the City Council at its June 17 meeting.

The suggested date for the next meeting is July 11. This will probably be the last meeting of the PWWG in its current iteration. The traffic study will be added to the agenda for the next meeting.

Portland Integrated Plan Update presented by Nancy Gallinaro

Combining CSO (Combined Sewer Overflows)

Portland's new CSOs will be designed to collect stormwater runoff, domestic sewage and industrial wastewater in the same pipe and are designed to overflow during wet weather.

Slides and detailed information from this presentation can be found at www.blueportland.org

Right now the Integrated Plan is looking at near term water quality improvements, how the integrated plan can be phased in for affordability, additional economic and social goals and how success can be measured. The final product of the Integrated Plan study will be issued in December of this year.

The project team is looking at a “triple bottom line where economic, social and environmental issues are evaluated for benefit and value. Taken into account will be how the City can grow and prosper and still maintain water integrity and quality and also consider risk avoidance and climate resilience. Alternatives will be ranked based on weights and benefits.

The Integrated Plan combines stakeholder priorities, regulatory negotiation, long-term resilience (sea level rise), ongoing initiatives, affordability evaluation, adaptation and performance monitoring.

How does this fit into stormwater program? A good maintenance program positively affects hard infrastructure. Continuous street sweeping and general maintenance of pipes vs. expensive interceptors is one way to proactively achieve goals of Integrated Plan.

Dialog/Input of PWWG RE: Integrated Plan

MA: Where is Portland compared to other places?

NG: We are a very old, coastal community -- some of our pipes are over 100 years old, the brick pipes are pretty good.

SD: Regarding the CSO - how will you collect silt so it doesn't spill out?

NG: It's complicated because of where to capture it -- increased sweeping will help, adding catch basins would help -- we have an inflow/outflow study that will help identify where to capture. We would like less “flushing” less water just flushing things down streets etc. We're also looking at what the silt carries.

DW: What is the cost of this?

NG: \$2 million for the study \$179 million for separation of sewers

DW: Is there any coordination with utilities?

NG: Yes.

SD: Does the plan consider future development of surface parking lots?

CP: What is the future for the piers? What is our part in this?

NG: For both questions we're not sure yet. Now is the best time for ideas to be brought to the table and to let us know what the issues are.

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BN: When talking about working waterfront as criteria, consulting and Nancy's team knows that volume and condition of sediment is critical toward dredging/CAD cell future.

CP: Is there anything that can be inserted into catch basin to help filter?

NG: Yes, there are inserts.

CP: Post combustion burning PAH is the biggest culprit (from cars, etc. it washes into streets)

BN: There are also legacy contaminants (coal).

MA: What about a pesticide ban?

BN: Currently there is a pesticide ordinance, but we're going forward identifying them as high level of concern.

KL: Are there monitoring stations?

NG: Yes Friends of Casco Bay, SMMC

KL: Have known pollutants been identified?

BN: With CAD cell planning, sediments have been sampled. There is a good baseline of known contaminants.

BC: 40 years ago we had no lobsters -- chemicals in sewer treatment plants affect fish/lobsters. Has there been a study on sewerage in Portland and how it affects fish?

NG: Here the treatment plant chlorinates, then dechlorinates, before water is discharged into the harbor.

BC: Lobster loss is due to more than water temperature rising. Chemicals are causing loss.

JJ: These questions are important, which is why we want input from PWWG here.

KL: When the system was built, it counted on stormwater overflow to clean out the sewerage. What now? How is it separated now?

NG: We have a vac truck (dry vac).

KL: With the rise and use of chemicals -- junk in the water is killing off the fish and lobsters. Lobsters are arthropods (insects) and are extremely sensitive to chemicals -- that's why I'm asking about monitoring chemicals that are destroying the sea life.

NG: I am happy to take this to the team.

MA: Where is your website?

NG: www.blueportland.org

City Enforcement of Zoning Ordinances

Amy Machodo, City of Portland Zoning Administrator, spoke briefly on the City's policy of enforcement zone ordinances, specifically focusing on commercial parking in the WCZ. It was noted that enforcement is a complicated issue due to grandfathering, new zoning and voluntary compliance reporting by property owners.

Compliance in the WCZ is currently enforced primarily through conversations between the City and property owners, followed by voluntary compliance once issues are brought to the attention of property owners. Formal enforcement actions are last resort. The City is made aware of potential non-compliance from citizens, property owners, tenants, investigations when something is being built/renovated or any other way. When a non-compliance issue is brought to the attention of the City, an inspector is sent out and conversations between the City and property owners ensue to discover the property history, when and ordinance was approved, what the rules were when something was built or any other pertinent information concerning the zoning issue in question. The City's goal is compliance, which is usually accomplished on a voluntary basis. In certain cases where a violator does not respond to voluntary compliance, the City will issue a notice. If the notice does not result in compliance, then the matter will be brought to Corporation Counsel.

Most members of the PWWG agreed with the City's preference toward voluntary compliance and property owner enforcement, as well as property owner reporting of inventory to the City.

Dialog RE: Zone Ordinance Enforcement (with focus on Parking in WCZ)

SD: Regarding parking on the waterfront -- is your office doing proactive enforcement or on a complaint basis?

BN: We hope to be proactive without taking enforcement as a first step. We will send a letter requesting the owner provide evidence of legal non-conformance. Parking constitutes 99% of the compliance issues we will be dealing with. When was such and such approved? When did commercial parking become a non-allowable use? We ask all property owners in WCZ provide that information on a voluntary basis.

SD: What if someone wants to build and displaces parking?

BN: There is no parking requirement on WCZ; we'd have to look at it on a case by case basis.

CG: It would probably come down to performance standards -- but again on a case by case basis.

BN: For large projects (more than 50,000 square feet) parking requirements are set aside and the Planning Board sets requirements -- based on review of demand.

SD: Will a parking garage be allowed on large project?

BN: As long as it supports the on-site building project.

BN: Does the idea of soliciting information from property owners about legal non-conforming sit well with group?

SD: Yes.

CP: Yes, I'd much rather police my own property than have the City send inspectors.

MA: Yes.

JJ: We need to create baseline based on information gathered from property owners.

BN: We don't have official inventory of commercial parking in WCZ, but we use our estimates to answer broad questions about the health of the waterfront marine economy and more.

WS: Who is going to define the health of the marine economy?

BN: The Economic Development Committee -- we bring to this committee a variety of indicators that requires study but includes things like # of fishing licenses, parking inventory and more are considered. We would do this every 3 to 5 years.

WS: The indicators are important, but when Councils change there needs to be re-education and input from fishermen.

Resubmission of 2 amendments to the City Council at its June 17 meeting

2 corrected amendments regarding the Waterfront Overlay Zone will be resubmitted to the City Council at its June 17 meeting. Councilor Ray will submit these amendments. The first amendment is a correction and the second will restore the PWWG's recommendations of the overlay line at 125 feet, with a 300 foot exception at Long Wharf. As there is substantive new language put into the amendments, Mr. Jennings let it be known that it could be open to public comment again and will also require 7 (seven) positive votes from The City Council to pass

Mr. Needleman emphasized that the work of the PWWG is represented in these amendments.

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At this time, Mr. Coopersmith let it be known that his group has started a new referendum that is currently with Corporation Counsel. Mr. Coopersmith stated that it's "more of an insurance policy in case our amendments are not approved."

Dialog

JJ: To be honest, I think that is unfortunate. I believe there will be a good outcome on Monday. I wish we could have talked about this in advance. I worked very hard to bring the Council along on this. I don't know how this will impact that work.

BC: In our referendum we have changed the line from 125/300 to 125 across the board.

DW: If the Council votes for the amendments, then your referendum will not go through?

BC: Correct. We will pull the referendum if the Council votes for our referendum.

CP: If the Council votes for 125/300 then the 300 stays?

BC: Yes.

CP: I thought there was good support from the Council for the amendments.

KL: We heard the whiff of lawsuit re: 125/300.