



Peaks Island Council MEETING MINUTES

Wednesday, September 25, 2024, 6:15 p.m.

Hybrid ZOOM/in-person meeting in the Community Center

NEXT Regular Monthly PIC Meeting
October 23, 2024

CALL TO ORDER: 6:15 p.m.

ROLL CALL

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

Absent: Jess Burton

Number of Audience Members (AM) in attendance: 21 in person, 5 on zoom

APPROVAL OF MINUTES

Somers motioned to make the correction. Mohler seconded. Motion to accept the amended minutes passed unanimously.

ANNOUNCEMENTS

McLaughlin reiterated that there is only public comment on things the council takes a vote on and open public comment limited to three minutes at the end of the meeting.

TREASURER'S REPORT

Bill Patnaude said that there were two expenditures this month \$70 for bike tickets, \$595 for needs-based tickets. The current balance is \$14, 317.

Reiser made a motion to accept the Treasurer's report. Somers seconded. Report accepted unanimously.

COMMITTEE REPORTS & UPDATES

● Executive Committee –

Peaks Island Council Candidates

One community member has rescinded their candidacy as a write-in candidate. There will now be three Peaks Island Council seats to fill at the end of the year by appointment.

Portland Water District will renew its 30-year lease for its water main on submerged land between Cushing Island and Peaks Island. Current lease expires on 12/31/2024. No action required.

● Anti-racism Committee

No update.

● Environmental and Sustainability

No update.

- **Ferry Service**

Somers said the new ferry has been delayed due to issues with the hybrid electrical system. Spring delivery is now anticipated.

- **Housing – ReCode Zoning survey**

Update will be done during New Business portion of the meeting.

- **Island Assessment –**

No update.

- **Jetport Flight Path**

No update.

- **Paper Roads**

Fox said people are still walking the roads that appear on subdivision maps. Some are roads, some are paths or walkways. The goal is to present a summary of all the paper roads on Peaks Island.

- **Parking**

McLaughlin said that full discussion of the parking issues will happen next month due to time constraints. McLaughlin said that Parking Committee members can reach out to city staff to clarify questions.

- **Short Term Rental**

PIC is waiting for more information from the city on the implementation and enforcement of the new ordinance governing short-term rentals. Ordinance takes effect in the fall of 2025, for 2026 licenses.

- **Voter Education**

Sylvester said PIC will hold a Meet the Candidates forum on October 17th, via zoom so that more candidates can be involved. Somers said the forum for CBL director candidates will be October 10th via zoom. There are four candidates running for four seats so they are all running uncontested, but it's a good opportunity for islanders to hear how candidates feel about ferry issues.

OLD BUSINESS

None.

NEW BUSINESS

- **Housing & Zoning Committee ReCode recommendations (public comment)**

McLaughlin said there were a lot of emails recently on the ReCode process, which has been running for about five years, with PIC input since March 2022. McLaughlin clarified that PIC does not advance their recommendations directly to the City Council, but to the Planning Department. The Planning Department will consider the PIC recommendations and then the Planning Department will send their own version to the city council.

At the August meeting, PIC recommended expanding the business zone on Central Ave from Ernest to Highland, in a new zone which would be called IB-2. IB-2 would have additional restrictions based on a business being operated in a previously defined residential zone. The Planning Department rejected that recommendation, as they are not creating any new zones anywhere in the city during ReCode.

The Planning Department alternately suggested five lots as an extension of a current business zone, IB-1 and has asked the PIC for feedback. The five properties are where Central Ave meets Central Extension. Nell

Donaldson of Planning also rejected implementing additional business zone restrictions. She sent a letter to PIC explaining performance standards in IB-1.

Housing & Zoning Committee chair Laura Glendening said that one reason the city did not like the committee's original suggestion of expanding the business zone all the way to Highland Ave is because it was "too big" of an expansion. Nell Donaldson suggested starting with a smaller number of lots and sent the map above with five lots identified for expanded IB-1 business zone. This is more in line with the city's strategy of small growth and "nodal" business zoning.



Reiser asked if the five lots on this map have water and sewer. McLaughlin said that some of those lots have city water and sewer but not all of them. Some have no structures on them.

McLaughlin made a motion to split the discussion of the Housing and Zoning Recommendations, first discussing New IB zone recommendations and then discussing other recommendations. Sylvester seconded. Motion passed unanimously.

McLaughlin stated the PIC Housing & Zoning committee's recommendations on New IB zone.

We recommend that the following lots be zoned IB with requirements for fencing and limits on outdoor lighting.

146 Central Ave

159 Central Ave

164 Central Ave

179 Central Ave

3 Central Ave Extension

Fox asked about requirements for fencing and limits on outdoor lighting. Glendenning said those limits are described in the letter from Nell Donaldson.

Patnaude confirmed that the addresses listed above are the five parcels identified on the map above.

Sylvester said that PIC should ask the city to identify more lots that would help islanders develop additional businesses outside the existing business zone.

Somers said that PIC has asked the city to allow developing some businesses on city-owned land, but they did not respond to that.

Somers made a motion to strike the new IB zone recommendations from the Housing & Zoning Committee's recommendations that PIC sends to the city Planning Department. Somers thanked Glendenning and the committee's hard work. Somers said his objections to expansion of the Central Ave business zone are based on fairness to abutters and neighbors of these new lots who bought and built houses in the zone based on the protections of the residential zoning. Additionally, firefighting infrastructure does not support additional development on Central Ave. There is only one fire hydrant on this section of Central Ave. Somers said the committee should go back to the city and ask them for additional, creative ideas of expanding the business zone. ***No second. Motion failed.***

Mohler said that the city did not say the new businesses would not have to meet fire safety code. Any business still has to meet licensing, inspection, and all requirements of that business type. Somers said that the issue is that the firefighting infrastructure does not work. Fox agreed, recalling that the fire hydrant near the dump did not work during the fire at the transfer station.

Reiser pointed out that some councilors have personal connection to some of the properties being considered. McLaughlin said that he talked to the Corporation Counsel (the city's head lawyer) Michael Goldman, who said there is not a conflict of interest and he did not recommend councilors recussing themselves. The ultimate decision is being made by the city staff in the Planning Department, not the Peaks Island Council.

McLaughlin opened topic up to public comment.

AM said that now is the time to address the issue of increasing business zone with the city. It is not likely that there will be another overhaul of city codes for the next 25 years.

AM said that as a homeowner in two of the named lots on Donaldson's map, they were surprised by the map but they have no intention of opening businesses at those two properties. They said that they heartily support the creation of these lots being an expansion of the business zone and they support his neighbor, Travers Tuttle, to set up an auto repair shop on Central Ave. They also support safeguards that protect neighbors (fencing, lighting, time restrictions).

AM said that they are in vehement opposition to expansion of the business zone because it disturbs the peace and quiet of their home. They said that their neighbor set up and operated an auto repair shop without city approval. They support having an auto repair shop on the island but not on Central Avenue in a residential zone. They said that a proposal to expand the new business zone near the transfer station should be considered.

AM said the city should clarify the process they used for selecting the five lots.

Somers said that if this recommendation moves forward, it's very unlikely that the city will approve a different result. He reiterated a request for a second to his motion. No second.

Reiser said that making the recommendation might not appeal to everyone, but it might be the only opportunity for expanding business zoning to support island businesses. Reiser asked what other creative solutions might be possible.

McLaughlin said that the discussion to have island businesses near the transfer station was rejected by the city.

Glendenning said that an original idea was to expand the business zone on Brackett Avenue but that was not supported. She said that the Planning Department suggested looking at intersections and existing built environment to identify a new business zone away from the existing business zone. The committee identified the health center and intersections in that area as places to expand the business zone away from Island Avenue.

Mohler said he supports the change to have the five lots zoned as business zone. Although it might not be perfect, it is a start.

McLaughlin made a motion to add to the recommendation, below the list of addresses, “Additionally, we ask that the city identify additional properties to be included in the IB zone, be they on Central Ave, Brackett Ave, or elsewhere on the island. We ask that the city tie 9am-5pm hours of operation to the presence of water and sewer.” Mohler seconded.

Somers said that Donaldson’s letter stated: ‘Regarding fire prevention, this would generally be a life safety code concern, not a matter for the land use code, although Section 6.4.1 does speak to street access and width, with some latitude on the islands under review by Fire and DPW.’ Somers said he does not understand that “latitude.”

McLaughlin said he did not believe there to be different rules for island businesses.

AM said the exact same code applies to city restaurants as island restaurants.

McLaughlin asked for public comment on his motion to amend the Housing & Zoning Committee’s recommendations.

AM suggested inserting the word “public” before operation, which would allow business owners to work on their own without being open to the public beyond the hours of 9am-5pm.

AM said the 9am-5pm may be too restrictive. Some businesses may need to open before 9am (day care, laundromat) or need to close after 5pm (restaurant).

AM said that asking the city to identify additional properties for a business zone at this time may be too late in the process.

AM said that the word “presence” should be “absence.”

McLaughlin proposed a friendly amendment to change the wording to “We ask that the city limit hours of public operation to 9am to 5pm within the I-B zone when there is an absence of water and sewer.”

Mohler made a motion to amend the last paragraph of McLaughlin’s amendment to change the hours of public operation to 8am-5pm. Sylvester seconded.

Somers said those hours go against the intent to limit the operation of the businesses in a residential area when people are home in their residences.

Resier agreed that longer hours negatively impact neighbors.

Mohler said he wants to “future-proof” the recommendations so that it is not so restrictive.

Sylvester said that the wording of “public operation” means the owner could conduct their business during earlier or later hours when they are not open to the public.

Councilors voted unanimously against Mohler’s amendment to McLaughlin’s amendment.

Councilors voted unanimously to attach McLaughlin's amendment to the Housing & Zoning Committee's recommendation to the city council.

McLaughlin said that he thinks the city has abdicated their responsibility on this issue and forced PIC to vote on specific addresses being allowed into the new business zone, a level of granular detail that should be left up to the Planning and Zoning professionals in City Hall. He said he will support this because the Planning Department has requested feedback, despite the fact that he did not want the PIC to get involved at this level.

Sylvester said the amendment does convey that islanders want increased opportunity for island businesses.

Reiser said that it is frustrating to have the limitations imposed by the city's decision not to allow a second business zone with other restrictions. McLaughlin agreed.

Councilors voted 5-1 to support the Housing & Zoning Committee's recommendations regarding New Business Zoned lots.

Council moved on to discuss remaining Housing & Zoning Committee recommendations.

Glendenning said the committee recommends:

Small Island lot – coverage should be 45% not 60% as the new ReCode recommends.

Total number of units – Allow 3 units per IR lot, not 4 units per IR lot as new ReCode recommends.

Commercial vehicle parking – create a commercial vehicle parking lot for island businesses.

Maps – change Picnic Point to zoning label "Recreational Open Space" not "IR-2" as is on the current map.

Somers complimented the committee on their work. McLaughlin agreed.

McLaughlin made a motion to send the PIC Housing & Zoning Committee's Recode Recommendations to the Planning Department. Sylvester seconded.

McLaughlin asked for public comment on the motion to send the recommendations to the city's Planning Department.

AM asked if they could sell half of a 15,000 square foot lot to someone, given that small island lots could be 3,000-4,999 square feet. Glendenning said that they tried to get that possibility included in ReCode but could not get the city to agree. McLaughlin said that the city would not allow that kind of lot division although they asked for it many times.

Council unanimously passed the motion.

McLaughlin motioned to delay the next two items until next month. Sylvester seconded.

AM said that at least 8 people left this meeting before Open Public Comment and there should be a way for people to give public comment before the end of the meeting, perhaps in writing.

Council unanimously voted to postpone the last two agenda items until the October PIC meeting.

• **Seating of Nominating Committee (public comment) - postponed**

• **Ferry pass for Island Fellow (public comment) - postponed**

PUBLIC COMMENT

AM introduced Mark Gorsky, new Island Fellow, who will be working with Home Start on the new affordable housing project at 18 Central Avenue. He will also work with Housing & Zoning Committee on ReCode. He will work to help interpret and implement ReCode.

ANNOUNCEMENTS/UPDATES

Next PIC Meeting: Wednesday, October 25, 2024, at 6:15 pm in the community room and on Zoom.

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

Meeting Adjournment: 8:24 p.m.