



**Peaks Island Council  
MEETING MINUTES**

Wednesday, March 23, 2021

6:15 p.m., ZOOM meeting

**NEXT Regular Monthly PIC Meeting–April 27, 2022**

**April PIC meeting will be a ZOOM meeting**

**CALL TO ORDER: 6:18 p.m.**

**ROLL CALL**

Present: Peter Eckel, Fred Somers, Peter McLaughlin, Jerzy Sylvester, Natasha Markov-Riss

Absent: SE Rafferty, Scott Mohler

Number of Audience Members (AM) in attendance: 18

**APPROVAL OF MINUTES**

***Somers made the motion to accept the February 23, 2021 meeting minutes. Markov-Riss seconded. No discussion. Unanimous vote to approve. Motion passed.***

***McLaughlin made a motion to move the presentation about the city's ReCode Project from New Business to beginning of meeting. Somers seconded. Motion passed unanimously.***

**NEW BUSINESS**

**Presentation from City Planning Department regarding Recode Phase 1**

Nell Donaldson introduced the team working on the city's Recode Project.

- Nell Donaldson, Director of Special Projects, Portland Planning Department
- Christine Grimando, Director of Portland Planning Department
- Zach Powell, Senior Planner, Portland Planning Department
- Matt Grooms, Senior Planner, Portland Planning Department
- Chris Jennette, Principal Consultant, Camiros (consultant working on project)
- Arista Strungys, Principal, Camiros (consultant working on project)

Chris Jennette presented slide show about ReCode project Phase 2. Jennette said Phase 1 of the ReCode project included updates to ADUs, parking requirements, and extensive reformatting, restructuring, and updating of the existing land use code.

Phase 2 is looking at the policies within Portland's planning documents and making sure regulations are working to implement the city's land use policies regarding sustainability, equity, emerging development, security, etc.

Jennette said the team used a three step process

- 1) Identify goals of city's land use policies
- 2) Look at land use code and determining whether it is working
- 3) Review structure and content of land use code to develop regulations that accurately implement city's policy goals

Jennette said the ReCode project fills the gaps between the city's goals its land use specific Jennette said island zoning didn't really exist until 1985, which makes the island unique. But they are still part of the city of Portland, so city policies still need to apply to Peaks Island going forward.

Team is reviewing both Use Permissions and Dimensional Standards on the island.

Peaks Island has three zones:

- 1) IR-1 (Island Residential zone 1) – largest zone by land area on the island
- 2) IR-2 (Island Residential zone 2) – zone that contains most of the parcels on the island
- 3) I-B (Island Business zone)

## USE PERMISSIONS

Jennette summarized current Use Permissions in each of the three districts.

IR-1 allows for single use family, boat houses, rural/agricultural use, more open space

IR-2 allows more densely packed buildings, single use family

I-B includes businesses, multi-family homes, lodging houses, off street parking lots.

Public discussion about Use Permissions in the three island zones:

AM asked about the process to change land use code. Christine Grimando said this meeting is one way to provide input to the land use code recommendations. After new recommendations are drafted, island residents can comment before recommended changes go to City Council.

AM said many lots on Peaks Island are only 50' wide, and with 20' side setbacks, it's only possible to build a 10' wide structure.

AM asked what the timeline is for the regulations that are adopted. AM also asked how pressures to expand business and housing on the island will be balanced with need for space and efforts to mitigate climate change.

Jennette said the team will develop a drafting schedule and publish it on the ReCode Project website, [www.recodeportland.me](http://www.recodeportland.me).

Donaldson said the next step will be to mark up the zoning maps according to existing land use code, then proposing new maps based on input from meetings.

AM said that HomeStart pushed for wording about ADUs that specified they could only be used for year-round housing. That might be something to implement city-wide to increase year-round housing across the city.

AM said HomeStart is also concerned about the lot coverage regulation (20% coverage) as well as the setback regulations that affect the creation of affordable year-round housing. Some small lots are grandfathered in in IR-2 could potentially be used to create more affordable housing. But most lots are not large enough to meet current regulations. Jeannette said that the small lots sizes on the island is something they are keeping in mind.

AM asked who from the island will advocate for islanders? AM also asked if new code would be written from Peaks Island perspective or from the mainland city's perspective? Grimando said islanders should speak to District 1 city councilor Anna Trevorrow. Grimando also said that different code will be created that work for the different neighborhoods around the city, city does not believe one size fits all.

AM asked about how restricting AirBnB rentals and the option to build tiny houses comes into use permissions? Grimando said current zoning code already allows tiny houses. Grimando said short term rentals are not regulated by land use regulations, they are regulated by other city regulations.

AM asked about whether there could be a tiny house village on Peaks Island? Jennette said a tiny house village would not be considered a lodging house, it would be considered a series of single-family homes. Donaldson added that current code would not allow a tiny house village in the current island zones, but you can have a single-family home with up to two ADUs. Jennette said that if there is interest in alternative housing types, like a tiny house village, that can be addressed with the ReCode Project.

Councilor questions:

Eckel asked if Contract Zoning would be a tool to bring non-compliant uses into compliance. Donaldson said that Contract Zoning covers a single lot, and a unique circumstance that demand separate zoning restrictions. It is not the best way to address non-conforming structures. A better way would be to get city council to approve a zoning change.

Markov-Riss asked if there will be any incentives to encourage sustainable buildings? Jennette said the ReZone Project is considering environmental considerations in land use.

McLaughlin said he hopes the ReZone Project will create ways for businesses to operate without being in the very small, very expensive Business zone. Code should allow businesses to operate in other areas of the island.

## DIMENSIONAL STANDARDS

Jennette reviewed the dimensional standards for each of the zones on Peaks Island. He also presented results of analysis that showed:

- Only 23% of lots in IR-1 meet zoning standard
- Only 20% of lots in IR-2 meet zoning standard
- Majority of I-B parcels on Peaks Island are within Shoreland Zone, which adds another layer of regulation

Jennette asked audience for input on current dimensional standards.

AM said non-conformance it is not just lot size, it is also lot shape. When AM asked if they could sell off a small piece of their lot that crossed a neighbor's lot, in order to make both lots more regular, the city said it was not possible because the lot is non-conforming. Jennette said the ReCode project is intended to address the majority of lots, not eccentric lots.

AM said there is a pressing need to adjust island lot sizes, coverages, setbacks, etc. so that homes can be more livable on their lots. AM said the code should be more lenient about porches, sheds, studios, green houses, outbuildings for studios, office work (not just ADUs) --- that all relates to setbacks and percentage of lot coverage. Jennette said code is rigid now but there could be a possibility of including flexibility.

AM said another concern is people buying homes that have a portion that was added or renovated illegally but the owners had no way of knowing. Could the code allow some sort of amnesty for existing, non-conforming homes?

AM asked if zoning gets updated and there is no existing structure on the property, how do property owners seek a variance to build a non-conforming structure. Jennette said that code would not permit creation of new non-conforming buildings, but the idea of moving towards smaller permissible lot sizes would mean that more of the island lots will be confirming.

Eckel asked Jennette to say more about shore line zone. Jennette said buildings can be built on the land but there are specific rules in shore line zone limit where buildings can be placed in relation to the high water line, what can be stored on the land, regulations limiting removal of vegetation, requirements for erosion control.

Donaldson said the entire code can be reviewed on the project website, [www.recodeportland.me](http://www.recodeportland.me).

Eckel asked about the time line. Donaldson said the process is long. The next step is drafting which should be done by end of summer, then there will be another round of public input.

Eckel asked if vacant lots can be grandfathered. Jennette said it would be legal non-conforming, so that any structure/business that had been on the lot, even if it is no longer there, can be reconstructed on the lot.

## **TREASURER'S REPORT**

McLaughlin shared the expenditure report as of March 22, 2022 via Zoom. Bill Patnaude noted that there is no change in the report, the total remaining budget for FY22 is \$3,861.20.

## **COMMITTEE REPORTS & UPDATES**

### **• Parking – MHR parking garage request, mainland parking**

Eckel summarized PIC Parking Committee/city email correspondence as follows:

- The city agreed to continue providing islanders with 35 parking spaces in the Ocean Gateway Lot. PIC asked to increase the number of spaces to 50.
- The city said the shuttle service may come back in 2023. PIC is working with Downtown Portland to implement a remote parking program for 2022.
- The City is offering 75 monthly parking spaces in the Elm Street Parking Garage for islanders in the summer months for \$130/month. The PIC asked if the spaces could be year round.
- The city will seek council approval for 7-8 spaces on the Thames Street Extension. PIC asked if they could also include spaces in Amethyst Park as IR zone parking.
- The city said the Whale Wall building is not structurally sound enough to be a parking garage. PIC said they would like to be involved in the discussions to determining the future use of the building.

McLaughlin said the Elm Street Parking Garage is far from the boat and so all 75 spaces may not get taken, and then the city would misconstrue lack of use of the 75 spaces as no demand for parking. He said that eventuality should be presented to the city.

Eckel said the shuttle service is great for weekly renters.

### **• Ferry Service – update**

Somers said CBL will be testing ticketing kiosks at the gates, and they are exploring vehicle reservations. One option is to implement reservations on Wednesdays only, the other option is to have reservations on all days. The Operations Committee will vote on this issue next month. Somers said it is important to alert the community to the vote so they can provide input to their representatives.

Full Casco Bay Lines board will vote on having preferential boarding program for this summer, which is expected to pass.

- **Anti-racism Committee – annual update**

Rafferty is absent, so no update.

- **Environmental and Sustainability**

First meeting will be April 5<sup>th</sup>, at 6pm. Anyone who wants to join should contact Peter McLaughlin.

- **Jetport Noise**

Somers said the Peaks Island Flight Path Committee has been working with the Noise Advisory Committee that was created by the City Council. The Peaks Island rep to the Noise Advisory Committee is Jennifer Laventure.

The goal of the Peaks Island Flight Path Committee is to have arriving and departing flight paths (presently over the Portland Peninsula, Peaks and Diamond Islands) to instead go over water to the extent possible and minimize noise impact on Portland neighborhoods without transferring the noise burden to other communities.

The next step of the committee is to meet with the South Portland Jetport Noise Committee to develop consensus about the specific recommendations.

- **Executive Committee**

Eckel said Hurricane Island Outward Bound approached PIC to inform them that they have partnered with a corporate group and they will work with DPW to rehabilitate the baseball field. Islanders can also participate.

EV charging station sites on Peaks Island are being designated with PIC input.

Eckel had a meeting with Visit Portland to talk about providing a shuttle to renters.

McLaughlin and Eckel will meet monthly with Anna Treverrow, and Rafferty and Eckel will meet monthly city manager and staff. The idea is to speak with the city on a regular basis about island issues, rather than just talk to them when a crisis situation arises.

Eckel will work with Chief of Police to schedule a meeting on Peaks Island.

McLaughlin pointed out that the current chief is an interim chief.

## **OLD BUSINESS**

No old business

## **NEW BUSINESS (cont'd)**

- **Response to the City regarding mainland parking**

***McLaughlin made a motion: The PIC authorizes a response to the City Manager regarding the City's offer for mainland parking as described in the recommendation from the Parking Committee. Somers seconded.***

No public comment. No councilor comment.

***Motion passed unanimously.***

- **Motion to adopt Jetport Noise Committee as a PIC Committee**  
***Somers made a motion to adopt the Jetport Noise Committee as a PIC Committee. Sylvester seconded.***

AM said this is an important effort that will help islanders.

McLaughlin said PIC should share PIC bylaws with members of the Jetport Noise Committee. Somers said the Jetport Noise Committee will develop a charter and bring it back to PIC for approval.

***Motion passed unanimously.***

- **Motion to create Housing Committee**  
***McLaughlin made a motion to create a Housing Committee as a PIC Committee. Somers seconded.***

No public comment.

McLaughlin thanked Markov-Riss for agreeing to chair the Housing Committee.

Markov-Riss asked how the PIC Housing Committee will interact with HomeStart. Eckel said that HomeStart should remain independent, but PIC has a role to play as well.

McLaughlin said the two organizations can coordinate efforts and will use different strategies to advocate for affordable housing effort.

***Motion passed unanimously.***

- **Discussion regarding returning to in-person meetings**  
No public comment.

McLaughlin said he attended the first in-person city council meeting that was held recently. In regards to COVID precautions, they have set up plexiglass dividers between each councilor, and their meetings will be both in person and via zoom. City Hall is no longer enforcing a mask mandate, so some councilors had masks and some did not.

Markov-Riss said she feels comfortable going to in person meetings and she would rather have in person meetings as soon as everyone is comfortable.

Sylvester said he agrees with Markov-Riss. He think PIC should try to provide a way for people to participate without attending an in person meeting.

McLaughlin said it is more of a technical question about a simple way to include remote attendees at an in person meeting. McLaughlin said he's not convinced it is the right time to go to in person meetings.

McLaughlin said at this point the April meeting will be via zoom. There are things to figure out technically and PIC needs to meet with Portland Parks and Rec about use of the community room.

Somers said he would like to migrate to in person meetings, but some people may prefer hybrid meetings.

Eckel said he thinks PIC should move to in person meetings. Next step will be having a motion at the April meeting to define a date when PIC would move to in person meetings, and to define how it would be accomplished.

Eckel asked if any of the councilors would like to work on how PIC could structure hybrid meetings? Sylvester said he could work on it.

## **PUBLIC COMMENT**

AM said their church has been doing a hybrid service and they could give suggestions for how to make a hybrid meeting work.

AM said having PIC focus on Jetport Noise is critical, and PIC should work on advocacy for the people of Peaks Island. Working with the South Portland Jetport Noise committee is a good idea because they were successful in moving flights from over South Portland to over Peaks Island, so maybe they will help Peaks Island's effort to move flight paths over water.

Eckel said he likes the work that McLaughlin has been doing with PIC Communications and organization of the meeting documents.

## **ANNOUNCEMENTS/UPDATES**

**Next PIC Meeting:** Wednesday, April 27, 2022, at 6:15 pm via ZOOM.

***Somers made motion to adjourn. Markov-Riss seconded. Motion passed unanimously.***

**Meeting Adjournment:** 8:26 p.m.