



Peaks Island Council

MEETING MINUTES

Wednesday, October 19, 2016

6:30 p.m., MacVane Community Center

Call to Order: 6:30 p.m.

Roll Call: Lisa Peñalver, Timmi Sellers, Mary Anne Mitchell, Howard Pedlikin, Tim Wyant, David Stankowicz, Mike Murray, Island/Neighborhood Administrator

Number of Audience Members (AM) in attendance: 23

Approval of Minutes:

Peñalver made the motion to approve the September 28th meeting minutes, Sellers seconded. Unanimous vote to approve. Motion passed.

Treasurer's Report: (Peñalver)

FY17 Budget has \$10,491 remaining.

Committee Reports:

Island Advisory Committee: Sellers stated the dates for deer hunting are coming up and will be posted online when finalized.

Sellers explained the City is currently exploring options for fiber optic installation throughout the entire City including the islands. Murray added that the final decision is still pending, but if approved would begin in Spring 2017 and span four construction seasons to complete installation throughout the City and islands.

Sellers stated that \$300 has been allocated in the budget for possible signage in the CBL terminal, boats and at island landings with reminders and tips for respectful enjoyment of the fragile island ecosystem. She stated the verbiage would be created in a collaborative approach including input from the public, CBL and the Island Advisory Group. Mitchell added that the Maine Island Trail Association (MITA) and the Island Institute have offered to assist with verbiage, and stated that the open space on Peaks could possibly be recognized as part of the MITA. She stated this would only happen if all organizations involved in stewardship for the back shore and public open spaces agreed to have MITA involved. Mitchell stated this would give Peaks Island another organization to partner with for educating visitors to steward and protect these areas.

Safety Committee: Peñalver stated there was not enough time for all questions to be asked during the meeting with CBL on Monday night. She stated she feels it may be best to create a document specifying concerns and recommendations related to crowd management and boarding procedures which can be submitted to the appropriate contacts. Sellers stated that Nick Mavodones agreed verbally to meet with island representatives this winter to discuss concerns and possible solutions. AM stated he feels there will eventually be a (personal injury)

lawsuit, adding that in his opinion CBL doesn't have a plan to determine and control max capacity for each type of passenger on the boats but that the current approach is to try to fit on as many as possible. Mitchell stated that safety concerns for overcrowding and boarding at the island landing need to be considered as well. AM stated he feels the police cadet has made a positive change on the island in the past two years, and suggested a cadet be used on the mainland along with limits set per passenger type (pedestrian, vehicle, bicycles, etc.) for each boat. Peñalver stated she thinks a professional source who has successful experience with this kind of situation should be consulted for input, adding that we are not the only ferry location on the coast.

Sellers mentioned the concert contract for the Maine State Pier. Murray explained he has asked the appropriate City representative to meet with PIC representatives prior to contract approval. Sellers suggested CBL have a representative present also. AM reiterated what she called a terrifying experience, which she shared at last month's meeting, regarding the concert crowd attacking her vehicle and witnessing a fight inside the terminal. Peñalver explained there will be persistent follow up on this topic with CBL.

Zoning Committee: Sellers stated the Zoning Committee is working with island fisherman and Waterfront Development to define and make recommendations to more formally establish a working waterfront on the island. She stated she observed the work underway earlier in the day to remove the boat from the ferry landing beach.

Environmental Committee: Mitchell stated the interior storm window insert build will happen Nov. 2-5 at Brackett Memorial Church. Anyone interested in helping can sign up for shifts here: <http://signup.com/go/QPGBas>

Mitchell stated that PEAT is working with the Island Institute to schedule another weatherization week on the island. She stated the application information will be published on Carol's List, Nextdoor, island bulletin boards and in the STAR.

Mitchell stated CBL placed a link on their website to the 'Welcome to Peaks Island' brochure listing simple courtesies to help keep our island clean, safe and friendly for everyone. Mitchell stated she will request CBL to have certain items listed separately on their website as well including location of public restrooms, fire permit information, camping restrictions, and federal laws related to shore line protection.

AM stated that fire permits make no mention of tide line, and said that they should. He stated that even with the high tide recently, several pits were not touched by the water. He went on to say that fires must be below the high tide line, saying that is state law. Mitchell stated that the police and fire here need to be informed about the issues with shore fires so they may better educate those who obtain fire permits.

Home Start Presentation: Betsey Remage-Healey, President
Home Start is the affordable housing organization on Peaks Island. Remage-Healey provided names and brief introductions of the other members of the organization's board and participants. She provided a handout (see attachment) that helps outline the income and rent levels per household size that define what is considered affordable housing in the City of Portland. Remage-Healey state that affordable housing strives to bridge the gap between low income housing and market rate housing. She stated Home Start is currently offering the property located at 18 Luther Street for rent or rent-to-own beginning November 1st and that income limitations apply.

Remage-Healey stated that she was involved in passing the accessory dwelling unit, which allows a homeowner to build an additional unit on their property to be offered as a rental.

Remage-Healey stated that she was involved in getting the accessory dwelling ordinance passed. She explained the ordinance allows a homeowner who may be constrained by current zoning to build an additional unit on their existing property, as long as it is offered for rent year-round and within the appropriate affordable housing guidelines. She stated there has been no participation on Peaks as of yet, and Home Start continues to work on details regarding tax considerations.

Remage-Healey stated that funds were provided by the Peaks Island Fund to conduct a study to identify the zoning constraints which obstruct affordable housing on Peaks. She went on to say that Home Start continues to explore options to make affordable housing more accessible.

Remage-Healey stated Home Start is looking to upgrade their website, and could use assistance in managing the project.

Peñalver asked if the accessory unit must be attached to the existing building? Remage-Healey explained that originally the accessory dwelling was not required to be attached, but that the ordinance was changed due to complaints received by the City.

Mitchell asked if Home Start is able to work with pre-existing housing, stating that there is a property currently for sale that may make sense. Remage-Healey stated they are exploring options to be able to work with existing properties in the future. Mitchell suggested it may be beneficial for Home Start to collaborate with the affordable housing organizations on the other islands.

Sellers asked if the ordinance requirements stay with a property that has an accessory dwelling unit when it is sold? Remage-Healey stated there is no time limit in the ordinance currently, but there likely will be a minimum time span included at some point.

Old Business:

Public restroom facilities: Murray stated the Rec & Facilities Department is reviewing options to provide public restroom facilities to be used when the library building is closed for renovations.

Dog Park: Peñalver stated that the petition in support of creating a dog park at Trott-Littlejohn was submitted to Parks Director Ethan Hipple. She stated there has been no further action, asking Murray for direction on next steps. Murray offered to assist. Mitchell stated Diane Davidson should be contacted.

Transportation Survey: Sellers stated that the Council had just received the report created by Traffic Engineer Jeremiah Bartlett, but the report has not yet been reviewed.

Council Seat Vacancy: Peñalver explained that post-election the Council will need to appoint someone to fill a 1-year vacancy. Anyone interested in this position is advised to send a letter of interest to the Council.

Ball Field Restroom Facilities: Peñalver stated that she spoke with Parks Director Ethan Hipple and he recognized the ball field is an appropriate location for a port-a-potty. Mitchell stated that

a more permanent outhouse that will fit into the landscape at the ball field, may be a better solution as an AM mentioned at last month's meeting.

New Business:

Island Sticker Parking on Mainland: Murray explained that the Island Resident Parking Zone was created in 2007 and that on a year to year basis the City had been granting an extension to use additional areas for parking. He stated that due to the development of the hotel near the Ocean Gateway garage, the extension for parking in that area will no longer apply. Murray suggested that PIC work with Councilor Ray to request that the City explore options for parking in that general vicinity.

Candidate's Night: Peñalver stated that Candidates Night will be held at 6:30 p.m. on Monday, October 24th at the Community Room. Sellers stated she has requested a representative from the League of Women voters to be present to discuss ballot issues.

November Meeting: Island Taxi will be invited to attend and provide an overview and update.

Sellers asked Murray for information related to Trott-Littlejohn Park, specifically seeking details on any conditions included when that parcel of land was given to the City. AM stated there was an apple orchard there prior to the City creating the gravel pit. He went on to say the parcel was named after the Trott-Littlejohn family, but was gifted to the City by the Parkers. Sellers stated she would like to preserve the original intent of use for that land.

Development at 2 Island Ave: Peñalver stated there is much rumor and speculation surrounding this property and the proposed development.

AM stated he wanted to share what he believes are the related issues:

- People have equated the proposed project with affordable housing, but there has been no representation that it will actually be affordable.
- The property in question is a historically significant building.
- The proposal is requesting:
 - a significant increase in density, going from 4 units to 12-14
 - reduction in both front and side setbacks. The Lions Club has already issued a statement opposed to this request.
 - an increased height limit of up to 47 feet, which will greatly change the character of the property and island shoreline
 - Existing City Code would require 2 parking spaces per unit, but no parking spaces are included in the request. There would of course be vehicles associated with a multiple unit building, making parking consideration a requirement.

He stated the proposal would not be re-zoning just this one parcel, but would change zoning for the entire island business zone, which opens up a significant part of the island to similar development. He stated the larger impact to the island must be considered as part of the decision for this proposal.

He stated the developer has said his proposal is giving the island something it wants. He agreed the island wants and needs affordable housing, but stated he is not sure this kind of development meets that need. He stated there is a second offer for purchase on this property, proposing to use the front of the property as a residence and the rear is a workshop. He stated it is his understanding that closing is imminent, which he feels is puzzling as he believes most developers offer to purchase contingent on approval of their proposal. He stated the next formal step in the process is a workshop with the City Planning Board at 4:30 p.m. on October 25th in the City Council Chamber. He encouraged attendance by everyone who is able to attend as well as written submission of input.

Mitchell asked AM if the developer purchased the property without approval of zoning changes, what can be done with the property? AM stated he believes the structure could be renovated within the existing structure and volume. AM stated that if existing structure was permitted properly, then the existing conditions of footprint, set back, parking and the like would likely be allowed to exist as is.

AM asked if the impact to the island sewer treatment system is being considered, stating the current system is already at maximum capacity, especially in the summer. Further discussion included the odor incidents from the treatment system occurring repeatedly in the summer months. Murray stated that everyone is reminded and encouraged to report observed odors and concerns to the Portland Water District as soon as possible via [online form](#) phone at 207-761-8310. (Odor Monitoring Report)

AM asked all to be aware and keep in mind that the proposal for 2 Island Ave is not a zoning variance, but stated it is a text edit and it can potentially impact requirements for all business zoning on the island. He went on to state even if the impact is for this one parcel or property initially, it would set a profound precedent and make it much easier for the same thing to happen on other parcels. He asked everyone to picture the possible scale and impact of every parcel that could possibly sustain a four-story structure as that in the proposal in question.

AM stated he is completely against this proposal and has not heard of anyone being in support of the possible development since the topic has been raised. He asked if there is any existing support for the proposal, and what is the reasoning behind any support?

AM stated she does appreciate the 'robinhood' idea that the profit from a couple of high end units could be used to pay for affordable housing units. She stated she would like to have further conversation and knowledge on the details of the proposal.

Sellers stated she spoke with Kevin Carter and would be in support of renovations occurring within the footprint of the existing building zoning conditions.

AM stated if this one property is approved for development, it will set a precedent for other requests to use as leverage to gain approval.

AM stated that even though the property in question exists in the island business zone, it is currently being used as residential which makes the impact of this decision even greater. He stated he thinks it unlikely that affordable housing units can be offered given the price of the property and encouraged everyone to read the proposal which has been posted on Nextdoor.

AM stated he and his wife live next door to the property in question. He stated that if the proposal is approved he will lose one third of his view, and the afternoon sunshine. He stated that based on reviewing the proposed building plans, the new structure will be within 5 feet of his property line. He went on to say he feels if this is approved it will be followed by a domino effect of similar development, stating that rather than live next to the proposed structure he may decide to sell. He stated that this issue is first on the agenda for the City workshop on the 25th and encouraged everyone to attend. He asked the PIC if there is something they can do to help oppose this proposal.

AM stated she feels changing the face of Peaks will negatively impact visitors as well as islanders.

Peñalver stated that this item will be placed on the agenda for the next PIC Meeting for a vote on any formal action. Murray stated that at some point there will be a public hearing prior to the issue going to the City Council.

Sellers asked if it is true that the developer is required to hold a neighborhood meeting? Murray stated that for a text amendment to code a meeting is not required, but he stated the abutters must be notified. He went on to say that the Planning Board cannot change City Code, only the City Council can vote to change the existing code.

AM stated that having worked 30 minutes outside of Washington DC for 25 years, she witnessed very much development over the years similar to this current situation. She stated that often the proposal includes an altruistic element, but that often is lost in the density increase and stated it was very tragic to live through. She stated she feels it is critical that the more people that can be involved and very persuasive the better.

AM stated that written submissions sent to Barbara Barhydt will be included in the packet for the Planning Board, saying time is of the essence for sending those communications.

Murray recommended that regardless of the views, written communication is good, attendance and verbal communication at the meeting is sometimes more effective. If you have an opinion, you need to attend.

AM stated he feel this is a significant enough issue to collectively do as much as we can to voice opinion. He stated that during an issue with the Water District he hired an engineer, organized a petition with over 300 signatures and the planned course was changed as a result. He stated there are already several residents on board with collectively hiring a real estate attorney. Anyone interested in supporting legal representation to oppose this proposal is asked to contact Ralph Ashmore.

AM asked for direction on the best course of action for showing total opposition to this proposal. Peñalver stated everyone is encouraged to:

- Attend the Planning Board workshop on Tuesday, October 25th @ 4:30 p.m.
and
- Submit your stance in writing to Barbara Barhydt, Development Review Manager at bab@portlandmaine.gov
and
- Submit your stance in writing to Belinda Ray, City Councilor at bsr@portlandmaine.gov

Announcements/Updates:

Candidate's Night is scheduled for Monday, October 24th 6:30 p.m. at the Community Room

November Meeting: Island Taxi will be invited to attend and provide an update on their business.

Next Regular PIC Meeting: Wednesday, November 16th, 6:30 pm at the Community Center

Meeting Adjournment: 8:15 p.m.