

Order 217-13/14

Passage: 8-0 (Marshall absent) on 4/28/2014

Effective 5/8/2014

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CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L).

**ORDER ACCEPTING 2014 ANNUAL REPORT
OF THE LAND BANK COMMISSION**

ORDERED, that the 2014 Annual Report of the Land Bank Commission, attached hereto as Attachment A, is hereby accepted.

EXHIBIT

Portland Land Bank Commission

Report and Registry

For the City Manager
and
Portland City Council



Canco Woods

April 2014

Acknowledgement

The Land Bank Commission is pleased to present its annual report to the City Council whose collective wisdom and vision recognized a “need to balance development within the municipality with conservation of open space important for wildlife, ecological, environmental, scenic or outdoor recreation values” by creating an entity to ensure conservation and preservation of limited open space.

Special thanks and appreciation to the staff support from Mike Bobinsky, Larry Walden, Doug Roncarati and Judy Rosen.

Commission members:

Co-chairs, Tom Jewell (District 4) and
City Councilor Cheryl Leeman (Council Appointee)
Colin Apse (District 1)
Bryan Wentzell (District 2)
Colleen Tucker (District 3)
William Man (District 5)
Meri Lowry (District At-large)
Rene Perry (District At-large)
Breana Behrens (District At-large)
Roger Berle representing Portland Trails

Staff:

Mike Bobinsky, Director Public Services
Doug Roncarati, Stormwater Program Coordinator
Larry Walden, Legal Counsel
Judy Rosen, Senior Executive Assistant

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Executive Summary

This document is the annual report and Registry submitted by the Land Bank Commission as required by the Ordinance created by the Portland City Council in April 1999 for the purpose of identifying and protecting open space resources within the City of Portland.

The bulk of the work for the this year focused on the updating of the map of current holdings of the Land Bank Commission, and identification of properties of interest by priority for future inclusion into the Land Bank Registry. Also, the city tax acquired property list was reviewed for possible properties of interest for preservation.

Additionally, some housekeeping items were taken care of by the Land Bank Commission, i.e., updating and approving the 'Rules' which are "supplementary to the provisions of Chapter (2), Article III-A of the Municipal Code as it relates to procedures" of the Land Bank Commission and establishing a new procedure for agendas.

Introduction

This document is the Annual Report and Updated Registry of Open Spaces as set forth in Section 2-42 (g) of the Ordinance created by the City Council in 1999 which established the Portland and Bank Commission with the following stated

purposes:

- 1.) Act as an advocate for the acquisition and conservation of open space within the city;
- 2.) cooperate with other agencies and parties on wetlands mitigation projects;
- 3.) recommend on a priority basis the acquisition of various interest in real estate in order to effectuate the goal of this article;
- 4.) accept gifts and funds from both private and public sources and to disburse such funds for the purposes hereunder;
- 5.) act as a liaison to other public and private nonprofit agencies involved in planning, acquisition, disposition, and management of land within the municipality; and
- 6.) recommend an annual budget to the city manager and city council to carry out its purpose.

The Commission shall annually file a report consisting of two parts, required by City Code provisions, the Registry of Open Space and an operating budget.

The Registry of open space shall list all open space of types in Code Section 2-43 (a), publicly or privately owned, located within the city or abutting the city as potential buffer areas, for the purpose of providing information pertinent to property utilization, protection, development or use of such open space. The Registry must show all property interests then currently held by the city, including a description of the use of those interests and all acquisitions, improvements or dispositions of all property interests at any time of those interests held by the city at any time during each filing.

The types of land and interests specified in Section 2-43 (a) are the following:

- *Ocean, harbor, river, stream or pond frontage and adjoining back lands;*
- *Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;*
- *Islands;*

- *Land for future passive public outdoor recreational use, including hiking, trails, bicycle paths, green belts and high elevations with a view;*
- *Aquifers, aquifer recharge areas and other ecological fragile or significant property;*
- *Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;*
- *Woods or forest land;*
- *Farmland or wildlife habitat;*
- *Open spaces which help shape the settlement pattern of the community by promoting the neighborhood concept and discourages sprawl;*
- *Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for conservation and open space land; or*
- *Conservation or trail easements and other similar interests in land.*

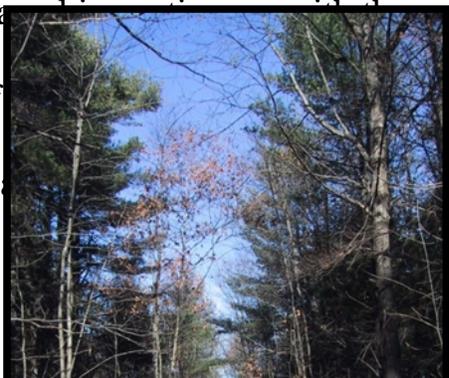
The Operating Budget for all expenses and projects of the Commission is required to be submitted to the City Manager and City Council by Code Section 2-41 (h) (9). *That Section of the Code specifies that the budget "shall include a separate budget for expenditures from the Land Bank fund, which expenditures will be limited to the purposes for which the fund is dedicated."*

Compliant with the stated requirements in Code, the Land Bank Commission annual Report for 2013 contains its Registry and operating budget.

Description of Current Land Bank Registry Existing Holdings

E-1 Natick Street Property

This parcel is situated at the northern end of the Interurban Line parcel (HP-19) which, like its counterpart, runs along the western side of the railroad line and provides a wooded buffer between the railroad line and adjacent residential development and includes a trail that is used by residents. A network of wetlands and a stream are also



located on the property.

E-2 Pineloch Drive Property

Situated next to Oatnuts Park, this parcel follows a sewer right-of-way and brook which are flanked on both sides by mixed woodlands. The Portland Water District conveyed this property to the City in 2001. The trail through Oatnuts Park emerges into the cleared right-of-way and follows it for several hundred feet before reentering the woods and continuing on towards the Presumpscot River Preserve.



E-3 Starbird Lane RPZ area



This large parcel is located next to the Fore River Sanctuary, at the confluence of Capisic Brook and the Fore River, and consists of a mix of marshland, wet meadow, and woodland. It serves as valuable habitat for migratory waterfowl and other species of wildlife. Future access to this property will be via a trailhead located at the end of Starbird Lane Extension. Forming its southern border, the railroad line affords excellent views of the marsh.

E-4 Rand Road RPZ area



This parcel, along with the Union Water-Power land (HCP-14) is located off Rand Road just to the west of the Fore River Sanctuary. The property is predominantly wooded, with the exception of the CMP right-of-way that runs the length of the parcel. It forms a significant drainage area with many hills and gullies collecting and guiding stormwater toward the Fore River. Consequently, numerous streams and wetlands are located throughout the parcel. The blend of softwoods and hardwoods, shrubs, and ground cover provide abundant habitat for wildlife, including deer. Together these parcels serve as an important wildlife corridor for the Fore River, even though it is bounded to the west by the Maine Turnpike. Several footpaths wind through the woods and along the right-of-way, connecting to the Fore River Sanctuary trail system. This includes a trail along the remains of the historic Cumberland and Oxford Canal.

E-5 Hobart Street Property



Situated off Hobart Street these parcels provide public access to and afford spectacular views of the Fore River. It also links with Portland Trails' Fore River Trail on the other side of Hobart Street. Portland Water District maintains a pump station and outfall at the site.

E-6 Pine Grove Park (Ray Street)



Pine Grove Park, as the name implies, is an 8-acre parcel on Ray Street that is mostly covered with mature white pine. Several paths wind through the park bringing attention to interesting ledge outcrops.

E-7 Land at the end of Blueberry Road

Located along the Stroudwater River at the end of Blueberry Road, this one-acre parcel includes a section of the proposed Stroudwater River Corridor (HCP-15) nearest the Maine Turnpike. This City-owned property provides direct access to the river and Stroudwater Trail. The Portland Water District has a pump station on part of the property. The land is currently afforded some protection by virtue of being in the Resource Open Space Zone (ROS) and the Shoreland Overlay Zone.



E-8 Conservation Land in Evergreen Cemetery

This area at the rear of Evergreen Cemetery just beyond the ponds is a pleasant and inviting refuge of undeveloped woodland, undulating ground and rock outcroppings in the city. It consists primarily of two landscapes. One is a high central area of exposed bedrock vegetated with small trees. The other is lower, more level and somewhat poorly drained woodland with larger trees and an open plain of ground. The tree cover is mixed deciduous and evergreen consisting largely of White and Red Oak species, White Pine and Hemlock, with some Birch and Red Maple. The area is approximately 30 acres in size. It contains a number of existing pedestrian trails. This area, in conjunction with the rest of the cemetery, provides an excellent habitat for a variety of bird species. For this reason Evergreen Cemetery is a favorite spot for birding enthusiasts. During May of 2004, the Maine Audubon Society had about 224 participants for their morning bird walks over a ten-day period. Hundreds of others use the site for bird watching, independent of the Maine Audubon Society. In addition, joggers, walkers, cross-country skiers, and dog owners use the area.



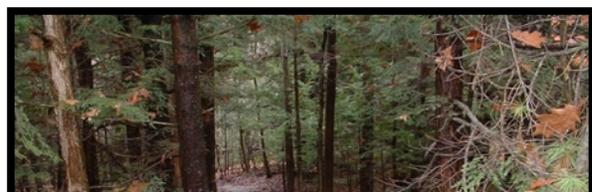
E-9 City Owned Parcels in Oatnuts Park



Oat Nuts Park is an approximately 23-acre undeveloped wooded area located off of Summit Street in the North Deering neighborhood. Oatnuts Park is contiguous with the Presumpscot River Preserve. It includes a gated entrance on Summit Street and existing pedestrian trails providing access to the Presumpscot River Preserve and to nearby residential streets.

E-10 Presumpscot River Preserve

The 48-acre Presumpscot River Preserve,



located in the North Deering neighborhood, is one of the river's largest areas of undeveloped riparian land. The parcel is heavily wooded and many of the steep slopes that traverse the landscape are overgrown and difficult to access. The property includes over 3100 feet of river-frontage, providing direct access to the beauty and peacefulness of the river. The preserve is crossed by a cascading stream and several stream pools. It provides Portland residents with unequalled opportunities within the city for nature study, fishing, and picnicking. Further, with the removal of the Smelt Hill Dam in 2003, alewives are now returning to the lower Presumpscot River for their annual migratory run. They draw a variety of other wildlife to the river including cormorants and osprey, which congregate at Presumpscot Falls looking for an easy meal. The City is cooperatively managing the preserve in conjunction with Portland Trails. There are several wonderful trails that provide direct access to the river within the preserve and beyond its borders.

E-11 Sheridan Street Property (near Fort Sumner Park)



This property forms one of the few areas of open space on the bay side of the Eastern Promenade. The land drops precipitously from the western side of North Street to the eastern side of Sheridan Street, making most of it unsuitable for development. It offers accessible open space between Sheridan Street and North Street, and



E-12 PATHS Wood



Located behind the Portland Arts and Technology High School (PATHS), this land is comprised of a few lightly wooded areas, but is mostly open and includes both scrub-shrub wetlands and granite outcroppings. Over the past ten years the School has used the land as a training ground for students, who have developed trails and sitting areas. This site lends itself to outdoor education and a nature trail could easily be created there with the help of students. The PATHS property and North Deering/Riverton Parcels (E-19) serve as the headwaters of Dole Brook, a stream that runs west through Riverside Golf Course to connect with the Presumpscot River. Preservation of these wetlands, fields and woodland buffers is critical to protecting water quality within Dole Brook Watershed.

E-13 Virginia Street Parcels

These City-owned, tax-acquired parcels adjacent to Maine Ave and Ray Street are contiguous with the Ocean Ave Open Space (E-14) and part of the Ocean Avenue Recreation Area. This undeveloped land features a mix of shrubs, trees, wetlands and streams. Several trails running through this property connect it to the larger Portland Trails network. The property's proximity to extensive residential neighborhoods creates an exceptional opportunity for recreation, education, and conservation activities.



E-14 Ocean Avenue Open Space



This property is the area formerly used as a landfill on outer Ocean Avenue near the intersection with Presumpscot Avenue. The 60+ acre site includes the capped landfill, Quarry Run Dog Park, and adjacent woodlands and wetland areas, which provide a mix of habitat for a variety of wildlife species including turkeys, deer and fox and song birds, especially migrating sparrows. In fact, the site is so popular with “birders” that is known as the “Dragon Fields” due to its

proximity to the former Dragon Cement quarry. The landfill rises approximately 50-70 feet above the gravel drive at the highest point, affording good views in all directions, including Casco Bay to the south and east. These properties, in combination with the Virginia Street Parcels (E-13) and other nearby City owned tax acquired parcels make up the Ocean Avenue Recreation Area. The Commission has been working to protect additional trails and wildlife habitat, mainly wetland areas, contiguous with these existing holdings.

E-15 Maggie Lane Lot



This triangular lot off Maggie Lane, in combination with a trail easement on private property, was acquired in 2008 to provide trail access and linkage along the Riverton Rail Trail. Portland Trails constructed a trail head and boardwalk to connect with the trail network.

E-16 Beverly Street Lots – North

The Beverly Street Lots - North link with southern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect the Dole Brook stream corridor, provide access to the trail and to



preserve a wooded buffer between the trail and adjacent properties.

E-17 Beverly Street Lots – South



The Beverly Street Lots - South, link with their northern counterpart and the Natick Street Property along the west side of the Riverton Rail Trail. These lots were acquired to protect wetlands associated with Dole Brook, provide access to the trail and to preserve a wooded buffer between the trail and adjacent properties.

E-18 Goodridge Avenue Lots

These wooded lots behind the intersection of Goodridge Avenue and Eleanor Street were acquired in conjunction with the Maggie Lane Lot and a trail easement to provide trail access and linkage along the Riverton Rail Trail. Portland Trails completed the new section of trail in 2010.



E-19 North Deering/Riverton Parcels



This large group of parcels is located north and west of the PATHS Wooded Area (E-12), just across the tracks from the Riverton Rail Trail. These wooded parcels provide connectivity to the Portland Trails network, provide significant wildlife habitat and preserve wetlands and stream buffers essential to

maintaining the health of Dole Brook.

E-20 Castine Pines

This attractive grove of pine trees at the intersection of Forest Avenue and Castine Avenue was acquired as conservation land in 2008 through a land swap with a local developer planning to build additional housing on the street.



E-21 Ocean Avenue Recreation Area – Pine Grove Avenue Lots

These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area. Additional lots near Stepping Stone Lane were also included in this transaction.

E-22 Ocean Avenue Recreation Area – Belfast Street Lots

These lots near Maine Avenue and Ray Street were donated to the Land Bank as conservation land to fill in gaps at the north-western edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-23 Ocean Avenue Recreation Area – Marlborough Road/Trapelo Street Lots

These lots near Copley Woods Circle were purchased to fill in gaps at the southern edge of the Ocean Avenue Recreation Area. This acquisition preserves trail connectivity and wooded wetlands in this area.

E-24 Dole Brook Driving Range Property

This property across the street from Riverside Golf Course was once used as a driving range. The land is mostly wooded with the exception of a clearing for the former driving range and slopes towards a ravine that carries Dole Brook on its way to the Presumpscot River. Dole Brook has been identified as an impaired stream by the Maine Department of Environmental Protection, because it does not meet its designated water quality classification due to the impacts of urban stormwater runoff. State and Federal regulations under the Clean Water Act require the City to restore water quality in the brook. This property was placed in the Land Bank to protect the stream corridor, prevent further water quality degradation and potentially provide for passive recreational activities, such as trails or a low-impact driving range.

E-25 Canco Woods



The Canco Woods property was protected in 2012 through a collaborative partnership between neighborhood residents, the Trust for Public Land, Portland

Trails, the Land Bank Commission and the former land owner, Union Water-Power Company. This very popular 13-acre wooded area features wetlands, streams and trails. The City also has a sewer right-of-way through a portion of the property. Canco Woods is owned by the City, but Portland Trails holds a conservation easement on it.

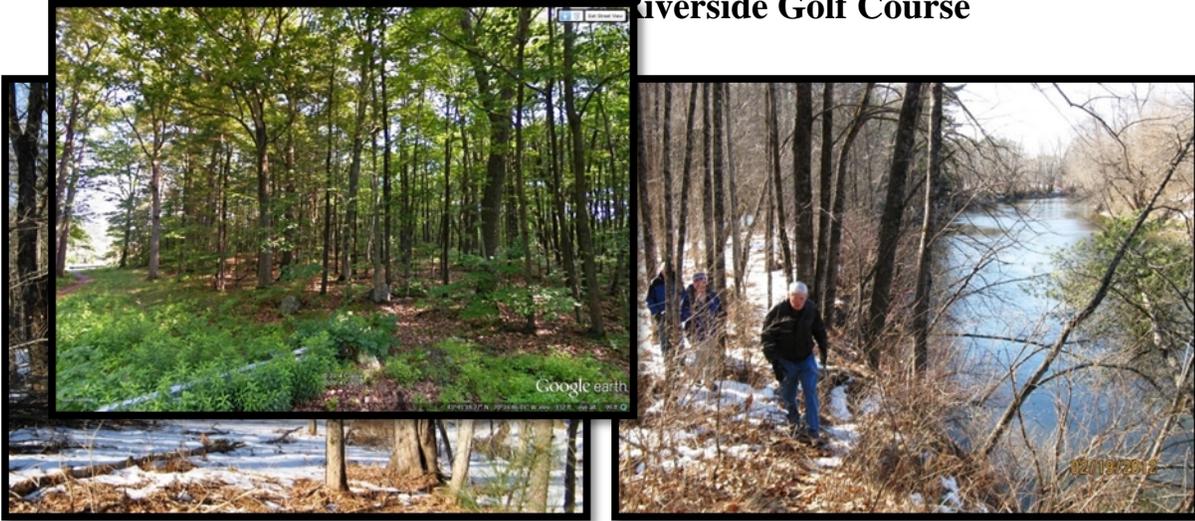
Parcels Recommended for Land Bank Designation

University Park



University Park is a narrow, 8+ acre wooded open space off Allen Avenue next to Yale Street. This City-owned land was preserved for neighborhood open space associated with several residential subdivisions planned for the neighborhood. Use of this property is subject to deed restrictions. A lovely woodland trail follows the unimproved Harvard Street right-of-way, which is sandwiched between University Park and undeveloped, privately-owned land to the south. This property was placed in the Land Bank in 2002, but was subsequently removed, by amendment, because it was being considered for other purposes by the City. Fortunately, none of these alternative uses came to be. Since that time University Park has become a favorite place to walk and has been incorporated into the Sebago to the Sea Trail. This open space is long overdue for inclusion in the Land Bank. Consequently, the Land Bank Commission recommends that the University Park be designated as part of the Land Bank inventory.

Wetland North of Riverside Golf Course



This large, mostly wooded area owned by the City is located north of Riverside Golf Course along the Presumpscot River. Bounded to the east by the Maine Turnpike, to the west by the river and to the south by the golf course, this roughly 25 acre open space remains essentially landlocked. The terrain varies greatly throughout the property, but generally slopes towards the river. Wetlands, steep divides and streams are scattered throughout the site, large portions of which are prone to flooding. The Sebago to the Sea Trail is one of several popular trails that draw walkers, bird watchers and cyclists to the site. This open space offers a variety of open space values including recreational opportunities, wetland and water resource protection and wildlife habitat preservation. The property is currently zoned for Recreation Open Space (ROS) and a significant portion is within the Shoreland Zone.

Land Along Canco Road



This City-owned wooded property follows along the front of Canco Road from Canco Woods to Tamerlane, where a path

connects the sidewalk to Murray Street. The land was retained by the City to provide an open space buffer between a existing residential neighborhood on Murray Street and new, higher-density residential development that was rapidly building up around it.

2014 Land Bank Commission Budget

The City Council approved an annual allocation of one half of a percent (.5%) from the Capital Improvement Project (CIP) requiring a budget submission to the Manager and City council each year according to Code Section 2-429 (H) (9) which specifies that the budget “shall include a separate budget of expenditures from the Land Bank Fund, expenditures will be limited to the purposes for which this fund is dedicated.”

Beginning Balance March 27, 2014: \$338,310

Expense Categories

Land Purchases:	\$100,000
(Subject to negotiations)	
Appraisals:	\$ 3,000
Surveys:	\$ 5,000
Title and Legal Research:	<u>\$ 5,000</u>
Total Expenses:	\$ 113,000