

Ord. No. 123-11/12

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Passage: 9-0 3/5/12

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
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CHERYL A. LEEMAN (4)

**CITY OF PORTLAND**  
IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
JILL C. DUSON (A/L)  
NICHOLAS M. MAVODONES (A/L)

**ORDER ACCEPTING AND APPROVING 2011 ANNUAL  
REPORT AND 2012 ANNUAL PLAN OF THE LANDBANK COMMISSION**

**ORDERED**, that the 2011 Annual Report and 2012 Annual Plan of the Landbank Commission as shown in Attachment 1 hereto, is hereby approved.

2011 ANNUAL REPORT  
And the  
2012 ANNUAL PLAN OF THE LAND BANK COMMISSION



February 5, 2012

## **Overview**

This document is the sixth (6th) Report and Registry submitted by the Land Bank Commission since the City Council authorized and created the Commission in April 1999 and serves as the 2011 Annual Report and the 2012 Annual Plan of the Land Bank Commission. The Commission was convened on October 5, 1999. The Commission is charged with the responsibility to submit an annual report to the City Manager and recommendations for preserving open space to the City Council. The annual report provides the Council with a summary of work of the Commission during the past year and the recommended work plan for the year ahead. The property that the Commission has considered and deemed worthy of preserving for open space and conservation purposes are associated with a previous catalogue of prioritized listing of recommended parcels to pursue and obtain. The parcels recommended for acquisition in the work plan reflect the following factors:

1. The value of the parcel as open space;
2. The availability of the parcel for acquisition or other form of protection;
3. The immediacy of development threats to the parcel;
4. The present uses of adjoining or neighboring parcels.

The Land Bank Commission receives funding to assist with achieving the goals of the Commission and to acquire property for open space conservation purposes. Funds are made available from a  $\frac{1}{2}$  of 1% or .5% of the City's annual Capital Improvement Project Budget set aside for the acquisition of property recommended to the City Council for Land Bank status. The Commission has other methods to acquire open space property which include personal property donations, direct purchases, land trades, grants and developer agreements.

### **The Land Bank has the following responsibilities:**

The Land Bank Commission is responsible for identifying and protecting open space resources within the City of Portland. The Commission seeks to preserve a balance between development and conservation of open space important for wildlife, ecological, environmental, stormwater management and protection, scenic and/or outdoor recreational values. The Commission responsibilities include: working for the acquisition and conservation of open space within the City; recommending to the City Council on a priority basis acquisition or conservation of significant properties; and the pursuit of gifts and funds from private and public sources for the acquisition of open space as approved by the City Council. The Commission has developed an inventory of open space resources within the City. It is engaged in an ongoing effort to proactively protect properties from development through easement, deed restriction, or acquisition.

Current members of the Land Bank Commission are as follows:

Colin Apse

Roger Berle (non-voting, -representative from Portland Trails)

Keith Dunlap

Tom Jewell, Chair

Councilor Cheryl Leeman; City Council Representative

MeriLowry

William Mann

Rene Perry

Colleen Tucker

Bryan Wentzell

**Staff**

Michael J. Bobinsky, Director of Public Services

Doug Roncarati, Stormwater Program Coordinator

Judith Rosen, Senior Executive Assistant

Larry Walden, Associate Corporation Counsel

**Accomplishments in 2011**

- The Land Bank Commission was able to make final arrangements to acquire the following three properties: Davis, Pirozzi, and Boyer. These parcels are associated with the Ocean Avenue Recreation Area, enhancing the popular open space and trail network near the landfill and dog park. Many of these parcels include wetlands associated with Fall Brook and streams flowing to the Presumpscot River. The Davis property was a donation.
- Reviewed and endorsed the work of the Forest Management Plan and heard reports from City Arborist Jeff Tarling.
- Reviewed and conducted an assessment of the Commissions Administrative and Policy roles with respect to core functions, and recommendation for property acquisition for open space and conservation purpose with staff assistance from the Corporation Counsel's office.
- The Land Bank has continued to identify all properties that have been placed in to Land Bank status by the City Council, via a GIS based mapping program, which highlights City owned land, tax acquired property, open space and other conservation, park, and trails property. This mapping exercise will help the Commission to provide the public with visual representations of parcels that are particularly sensitive or have a high priority for acquisition and protection from development. Commission members began reviewing the high priority properties for future designation into Land Bank status to affirm status and to educate new members on the Commission.
- Reviewed the Tax Acquired Properties listing for 2010-11 to determine if the City should retain any of the parcels for open space conservation and provided the Tax Acquired Properties Committee with their recommendations. Many of the properties on the Tax Acquired Properties listings are residential properties and not conducive for open space purposes. The review effort is an important one, however, and the Land Bank plays an important role in reviewing these properties.

- Conducted field trips to parcels under consideration for acquisition and/or recommendation for Land Bank designation. Toured several properties including the much sought Fairpoint Pines parcel off of Davis Farm Road. Commission members are communicating with representatives of the Fairpoint Pines parcel to learn if this popular open space, characterized by informal walking trails, streams and exceptionally large (for an urban setting) pine trees might be donated to the City for open space.
- Recommended that the property associated with the Riverside Golf Course Driving Range be designated for Land Bank Status due to its recreational and water resource values. Corporation Counsel assisted staff with reviewing the restrictions associated with this designation to ensure that Golf Course personnel could occasionally operate the Driving Range. We learned that the designation will not affect future use of the Driving Range. This parcel is particularly important because it is located near the tailwaters of Dole Brook, which flows to the Presumpscot River and is listed as an impaired stream by Maine DEP. Emerging State legislation associated with the Clean Water Act will require the City to restore water quality in this stream and protection of the stream corridor on this parcel is a cost-effective means of preventing further water quality degradation.

**Program Budget and Project Initiatives for 2012**

The City allocates 1/2 of 1% of the annual Capital Improvement Project (CIP) budget for the acquisition of property for open space conservation purposes. Each year the Land Bank Commission presents their annual report to the City Council along with a proposed budget allocation of available resources. Available funding as of 2012 for the planned work activity by the Land Bank Commission is \$214,660.

This budget, if approved by the City Council, constitutes the planned appropriations for the utilization of the Land Bank funds. The Land Bank Commission proposes to work on the following new initiatives with the associated budget estimate:

**Revenues:**

Current account balance: \$214,660

**Expenditures:**

Non-Acquisition Expenses: \$ 10,000

Property Acquisition: \$60,000

Total: \$ 70,000

## **Project Initiatives**

During 2012, the Land Bank Commission proposes to work on the following new initiatives and property acquisitions:

- Continue to pursue donation or purchase of available property on Trapelo Street and Marlborough Road to enhance open space, recreational and natural resource values near the Ocean Avenue Recreation Area: Marlborough Road and Trapelo Street; Marlborough Road; and Pine Grove Avenue
- Complete review and recommendations to the City Council for the 2011 year-end Tax Acquired Properties to be retained for Land Bank status.
- Continue to pursue the Hale lots at Riverton Trolley Park for acquisition into Land Bank Status.
- Reassess Land Bank Parcel Priorities. The Commissioners plan to revisit past parcel priorities to determine if any changes are needed since the preparation of the last priorities summary prepared in 2005 and an updated report prepared to the City Council in 2007. The Warren Green development project proposed for a large parcel of land off of Warren Avenue is an example of how changing conservation goals and shifting development pressures can require reexamination of parcel priorities. Federal mandates to protect and restore water quality in Capisic Brook have caused this property to rise to a higher conservation priority level than it had in the past.
- Consider seeking Land Bank status for HCP-6 "Canco Road Wooded Area" and HP-15 "Land West of Murray Street," which feature informal walking trails and wetland areas.
- Solicitation of grants for acquisition of open space and development of invasive species removal at City's open space properties.
- Update the Land Bank Commission website with information about their activities including reports, recent property acquisitions, maps and photo images of existing open spaces and priority properties for future acquisition and/or Land Bank designation.
- Complete a Land Bank Archive notebook, including past meeting minutes, agendas, and agenda back up materials for future reference.
- Participate in annual Green Space Forum sponsored by the Parks Commission.