

# **Town Council Special Meeting Minutes February 11, 2013**

The meeting was called to order at 7:00 pm.

## **Roll Call**

Councilors Farber, Payne, Rodden, Varney, Mahoney and Orestis were present and answering roll call.

Councilor Pierce was absent

## **Item 1                      An update on the Route One Stormwater Management Plan.**

Theo Holtwijk, Director of Long-range Planning, presented the history of the project. The Town received a competitive coastal grant for \$50,000 to fund this project and hired Woodard & Curran. They are looking at runoff management, capacity for future growth and water quality for Mill Creek, Webes Creek, Mussel Cove and Casco Bay.

Zach Henderson of Woodard & Curran discussed drainage and its importance to the community. The project was tasked with identifying opportunities for shared runoff management opportunities. Their analysis showed that Webes Creek drains most of the commercial district on Route 1. Once they mapped the watershed, they identified the current drainage infrastructure and how it all works. Most of the stormwater systems along Route 1 are older systems designed for retention of stormwater only, not treatment. Modern design looks to treat smaller amounts of water with elements that are integrated into the landscape. This might include porous pavement, tree box filters, and urban greens. They identified retrofitting opportunities along Route 1 and presented some cost estimates for those. They identified five critical infrastructure areas, to help focus on those systems that are older and need updating. They looked at 12 potential retrofit sites along the project area and he showed conceptual renderings of what retrofits might look like. He spoke about potential ordinance changes that might be necessary to implement the stormwater treatment changes. He encouraged the Town to be proactive in making changes, to avoid Webes Creek reaching impaired stream status.

Mr. Holtwijk said the next steps include communicating the report results, looking at the public retrofits, providing assistance for private retrofits, and examining the recommended ordinance changes. He said there is an opportunity to include the public retrofits into the Route 1 infrastructure plan, including perhaps the retrofit of Bucknam Road. The retrofits on the private properties are more complicated; the greatest opportunity for those would be when a property is under site redevelopment. They should look at if and when the Town might be able to provide assistance to private owners, and also draft a prioritized retrofit list. There is an opportunity to look at some smaller zoning changes in conjunction with the current Route 1 rezoning effort; since that effort is well underway, other zoning recommendations could follow later in this year.

Councilor Rodden asked Mr. Henderson for details on the pollution levels in Mussel Cove.

Mr. Henderson said Mussel Cove is closed for shell-fishing, so it can be considered impaired. That is due to more than just runoff from the Route 1 corridor, and they did not evaluate Mussel Cove as much. The Webes Creek watershed is approximately 30% impervious surface; more than 10% in a watershed for a creek this size creates impairment, though it has not been declared “impaired” by the State at this time. He discussed Long Creek, which is located in South Portland, and the difficulties property owners in that area have faced with their stormwater discharge.

Councilor Mahoney discussed his organization's work with the Long Creek area and the situation there. A focus beyond individual property boundaries is critical, but difficult.

Councilor Payne asked if this is under a current mandate.

Mr. Henderson said the Town has a stormwater discharge permit for their facilities. Under that permit, conditions cannot cause or contribute to impairment. No one is currently talking to the Town about treating stormwater in Webes Creek; this is preemptive. The drainage that they provide for the community as it develops is an asset that needs management.

Councilor Payne pointed out that there are property owners that received permits under the standards that were in effect at the time they were approved. They are now raising the bar for stormwater. He wondered whether the property owner bears the burden of upgrading or should it be a collaborative approach.

Mr. Henderson said typically owners bear the burden for development or redevelopment of their site.

Councilor Mahoney said the underlying principle is "the polluter pays". He discussed the collaborative approach between private owners and public entities that has been taken in the Long Creek area. He pointed out that there is a potential for providing credits and incentives for owners to do something that goes beyond their boundaries and benefits their neighbors.

Councilor Farber asked if the Bucknam Road retrofit is its own distinct project.

Mr. Holtwijk explained that it is a state-owned right of way. Some funding was set aside but a project never came about. This plan is an opportunity to bring the State back to the table to discuss that project. The State is aware of the project and has been involved to this point. While Bucknam is outside the Route 1 corridor, infrastructure improvements have been suggested for Fundy Road and at key intersections. They need to assess the cost a bit more.

Councilor Farber asked about drainage issues for residents in the watershed area.

Mr. Holtwijk said they have heard from residents in the Lunt Road area.

Councilor Mahoney felt that, with 30% impervious surface in the watershed, it was likely that Webes would be declared an urban impaired creek if the State looked at it. They have the TIF funds; this plan would allow them to work together to get ahead of the issue.

Councilor Farber supported the planning. She was concerned about the debris that has collected in the creek from the commercial properties. There is a lot of junk. She wanted to include cleaning out the creek area as part of this project.

Councilor Rodden asked for more details on porous pavement.

Dave Senus of Woodard & Curran discussed some of the pros and cons of porous pavement and how it might be achieved.

Chair Varney spoke about the work that was done to clean Highland Lake.

Councilor Payne said the environment along the coastal waterways is a high priority. He wondered how they go about prioritizing their projects. He asked how the cost estimates relate to the infrastructure.

Mr. Holtwijk said they had estimated \$1 million in the Route 1 infrastructure plan for stormwater; they think they can pull back some of that. They have \$1.5 million in the TIF for stormwater, which brings it to \$2.5 million available. There are a bunch of other projects that are planning to use TIF funds. They estimate that the Town might be able to help private property owners as they redevelop, perhaps up to half the cost of retrofits.

Councilor Payne wondered about ongoing maintenance costs to these retrofits.

Councilor Mahoney felt they should have expert opinions on which of these projects would provide the best impact.

Mr. Henderson recommended the Town discuss maintenance with the DEP.

The Council agreed to move forward, and that the CDC should explore the public retrofit opportunities.

**Item 2                      An update from the Community Development Committee (CDC) on the Route One Infrastructure Plan.**

Councilor Rodden discussed the work the CDC has been doing to date. They have been meeting with businesses to get their ideas and discuss the referendum question in June. There will be a public forum on February 27 at 7:00 to review the infrastructure and zoning for Route 1.

Mr. Holtwijk gave a presentation on the work of the CDC. In the next 30 years, they anticipate growing traffic and increased need for services along Route 1. The CDC is working on both infrastructure and zoning; infrastructure will go for voter approval in June 2013 and the goal is to dovetail it with the MDOT's planned repaving of Route 1. He discussed the proposed changes to the street and showed several conceptual renderings of what the proposed changes might look like. They expect that natural gas would be included in the project, but the cost of installation would be borne by others. He discussed the cost estimates for each of the major elements; underground power was the biggest cost. If they chose to do it all, the cost was estimated at \$10.8 million with underground power, \$5.6 million without it. The project would be mostly paid for by monies already set aside in the TIF for Route 1; the TIF funds would not extend to cover the underground power. Extending the TIF fund to 2030 would allow for sufficient funds to include the underground power; it is currently set to expire in 2023. No property taxes from outside the district would fund the project, and no increase in the tax rate would be required. There is \$2.3 million in the Route 1 fund currently; if the town chose to do the entire \$10.8 million project, the debt service would be fully paid by the TIF by 2030. Public meetings are being conducted to get feedback on the concept plan. Public comment on the plan will be taken at the public forum on Wednesday February 27. Detailed materials on the plan are posted on the Town's website.

Councilor Mahoney asked about the TIF deadline.

Mr. Holtwijk said they can extend it to 2030, but he didn't think there is a way to reinstate it for another 30 years if it expires.

Councilor Payne pointed out that the TIF expiration will impact both the EPS funding calculation as well as the calculation of their county taxes.

Mr. Holtwijk agreed, but pointed out that the investment in the commercial corridor will raise the value of the corridor overall.

Councilor Mahoney asked if the current projection for extending the TIF out to 2030 was based on a static property value for the TIF district.

Mr. Holtwijk said no, they projected a 1.25% annual increase; they felt that was a conservative estimate since the Town has been growing at about 1.5% overall. The district was worth \$27 million when the TIF was established in 2000; it is currently worth over \$80 million.

Chair Varney asked if the Fire and Public Safety departments have signed off on this plan.

Mr. Holtwijk said they will be meeting with both the Fire and Police chiefs in the next few weeks.

Councilor Farber asked what kind of participation they got from the businesses at the outreach meetings.

Mr. Holtwijk said they contacted business owners by both email and regular mail. Two dozen business representatives came to these meetings. Concerns raised included traffic flow and impacts to property access. People generally liked the visual renderings and the visual impact of the underground power. This plan is currently a work in progress, and he expected some changes before it is finalized. Based on current feedback, the CDC has directed the consultant to move forward with the plan that includes underground power.

The Council discussed the underground power.

Councilor Mahoney wondered what the tax impact on general revenues would be if the TIF was allowed to expire in 2023.

Mr. Holtwijk said the Town Manager has asked Jim Damicis from Camoin Associates to analyze that and draft a report for the Council.

**Item 3                      Ordinance to amend Chapter 17, Traffic and Motor Vehicles, Art III, Sec. 17-92, (a), of the Town Ordinances, to modify the parking restrictions on Lunt Road.**

Councilor Payne moved to adopt the ordinance; Councilor Farber seconded.

No one was present from the public.

Motion carried 6-0.

**Item 4                      Discussion about future Council agendas.**

The Council discussed items scheduled for upcoming Council meetings.

**Adjourn**

Councilor Rodden moved to adjourn; Councilor Payne seconded. Motion carried 6-0.

Meeting adjourned 9:03 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary