

1 CITY OF PORTLAND  
2 PUBLIC MEETING  
3 COMMUNITY DEVELOPMENT COMMITTEE  
4 Continuation of Review of Maine State Pier Proposals  
5 May 30, 2007  
6 5:00 p.m.

7 APPEARANCES:

8 JAMES CLOUTIER, Chair  
9 JILL DUSON, Councilor  
10 KEVIN DONOGHUE, Councilor  
11 BILL NEEDELMAN, Senior Planner  
12 ALEX JAEGERMAN, Planning Division Director  
13 LEE URBAN, Planning and Development Department Director  
14 BOB SHEFF, P.E., Woodard & Curran  
15 TOM GORRILL, Gorrill-Palmer Consulting Engineers  
16 BOB BALDACCI, Vice President for Development, Ocean  
17 Properties  
18 SENATOR GEORGE MITCHELL, Ocean Properties  
19 KIRK GOODHUE, Resident of Portland  
20 DON NAZEROFF, Local 17 Sheet Metal Workers of Maine  
21 PHIL KAPLAN, Vice President, Portland Society of  
22 Architects  
23 ARTHUR FINK, Resident of Peaks Island  
24 SUSAN DAVIS, Resident of Portland  
25 DAVID PAUL, Resident of Portland  
EVERETT PERLMAN, Resident of Portland  
JOE KANE, Resident of Peaks Island  
JOHN LEAVITT, Resident of Maine  
DEBBIE ELLIOTT, Business owner in Portland  
HILARY BASSETT, Executive Director of Greater Portland  
Landmarks  
JOHN NAPOLITANO, Local 716 Plumbers and Pipefitters of  
Maine  
SHAWNA GILLIS-SMITH, Landscape Architect  
JOHN HANSON, Maine State Building and Construction Trades  
Council  
CHRISTIAN McNEIL, Resident of Portland  
LEONARD W. CUMMINGS, SR., Resident of Portland  
ERNO BONEBARKER, Resident of Portland  
ED PALMER, Resident of Scarborough  
KEVIN MOQUIN, Resident of Portland  
BARBARA VESTAL, Resident of Portland  
STEVEN SCHARF, Resident of Portland  
BILL DUGGIN, Resident of Scarborough  
SUSIE KANE, Resident of Peaks Island  
MIKE TAYLOR, Resident of Portland  
JACK HUMENIUK, Resident of Portland

## PROCEEDINGS

1  
2  
3 MR. JAMES CLOUTIER, CHAIR: Good evening. Good  
4 evening, everybody. Thanks for coming. Again, thanks for  
5 coming. My name is Jim Cloutier. I'm very glad to  
6 welcome all of you here on behalf of the Community  
7 Development Committee with members Councilor Jill Duson  
8 and Councilor Kevin Donoghue. As I'm sure all of you  
9 know, if you found your way here, we are here this evening  
10 for the first of three public hearings. To a certain  
11 degree, we're trying to focus the first two on particular  
12 topics. The two involved this evening are -- have been  
13 called the framework and the function, namely the  
14 pertinent kind of regulatory rules from various sources,  
15 state, local, and federal, concerning what regulations,  
16 restrictions, and allowances apply to use of this  
17 property; and function, of course, relates to, in light of  
18 those rules, what is it that people are proposing to do  
19 and what do you think of that. So our hope, I think, all  
20 -- both -- other members of the committee have expressed  
21 this, and certainly I feel this way, as well, is that our  
22 role will be small, and the public role will -- will not.  
23 This is one of the -- like I say, one of the three times  
24 when people will have an opportunity to -- to speak about  
25 what they really think about these proposals.

1           That said, I want to point out just a couple or three  
2 things. The first is we need to use this microphone  
3 because these proceedings are recorded, and we actually  
4 have someone who does court reporting over here in the  
5 corner, and she's hoping to be able to hear you so she can  
6 write down everything you have to say. As well, this is  
7 our rules in this committee, we ask everyone to identify  
8 themselves when they come to the podium, give us your  
9 address. And then we usually ask you to keep your  
10 comments to about three minutes. And if you have a -- a  
11 lot to say and need more time, we're usually pretty easy  
12 to deal with about that.

13           A couple of other things, for those of you who either  
14 are accustomed to having stage fright or are feeling a  
15 little as your opportunity to speak comes up, and even  
16 those who -- who don't have that malady, we're very  
17 appreciative of receiving written comments. And there are  
18 these sheets somewhere around here, and I'm going to hope  
19 --

20           MR. LEE URBAN: On every seat.

21           CHAIR: Yeah, on every seat, I'm told. So that -- as  
22 long as you're sitting, you should have access to one of  
23 these. And if you want to give us the information called  
24 for there, either in substitution or in addition to what  
25 you have to say, we'll be very glad to have it.

1           We do have, in the back, some water on ice for people  
2           that find their throat going dry. And we have an agenda,  
3           which we're going to follow as well as we can. Around the  
4           room, you see some of the display boards, and these are  
5           from the two proposing developers. And I thought I saw a  
6           couple even in the hall, as well. We have a packet of --  
7           that really summarizes in a format that the Council is --  
8           is used to, the -- the kind of the deliberative process to  
9           date. I'm just going to hold it up so you can see what it  
10          looks like. It -- it's a multi-page ledger-sized set of  
11          sheets. If you picked out the right chair, then you got a  
12          colored one. There are 50 of those in the room. The rest  
13          of them are black and white. And we also have some boards  
14          here, and over time, we -- we may figure out a way to put  
15          the boards up so you could walk around and look at those,  
16          too. But they are essentially duplicates of this. So for  
17          those of you that want to follow along with -- with what  
18          the staff is going to be talking about, at times maybe  
19          what the applicants respond to, and then what people might  
20          be talking about if they're using this, that's what it is.

21                 Let me just give you the quick summary of the agenda.  
22                 We're going to ask the staff to give a presentation of 20  
23                 minutes or less on the applicable criteria and the  
24                 significant issues raised by each proposal. And they will  
25                 be referring to this updated Selection Criteria Summary

1 Table, we call it. Any questions that the committee has  
2 after that. Then each of the proposal teams will have ten  
3 minutes to respond and clarify. And we have some written  
4 responses, I think, from -- from each team at one point or  
5 another in the last week or so. Then, again, questions  
6 from the committee, if any. We'll take a quick break  
7 then, and then we will have 45 minutes or however long it  
8 takes for public comment, and the committee may afterwards  
9 have some discussion.

10 So them's -- that's what we're trying to do. We want  
11 to do it all before, you know, the Wheel of Fortune comes  
12 on at 7:30, but we'll see. And so maybe we'll just start  
13 with -- with Bill Needelman or Alex, whoever is the guilty  
14 party here, for the first -- first cut at this.

15 MR. BILL NEEDELMAN: Thank you, Chair Cloutier. This  
16 is Bill Needelman with one of the senior planners in the  
17 Planning Division. First of all, I'd like to thank the  
18 CDC and to thank the respondent teams. The information  
19 that was provided in this -- for this packet, both for the  
20 April 25th meeting and the responses to questions have  
21 been excellent, and we appreciate being able to work with  
22 quality material.

23 There's a -- I'd like to make just some procedural  
24 notes regarding the material. There was some material  
25 that was provided that was not noted in the CDC's packet.

1 First of all, Ocean Properties did provide a letter from  
2 Maine Department of Transportation. This is provided at  
3 the -- towards the end of their packet, stating that  
4 traffic movement permits, you know, is something that is  
5 within the realm of possibility in this area, and that  
6 there were no major roadblocks. I think that was a quote.  
7 Regarding the Olympia project, there was also a cover  
8 letter from Winton Scott representing the Olympia team  
9 that was provided to go on top of the revised site plan  
10 that was included and noted in your material packet.

11 When conducting the review for this meeting, we had  
12 the original submission packet from February, and then  
13 there was a packet of information that was provided just  
14 prior to our April 25th meeting. The majority of the  
15 updated materials review has been in response to that  
16 April 25th update. And when folks are looking at the  
17 review chart, you'll notice that there are texts that are  
18 written in black, and text in red. Just so people can  
19 follow along, the text from -- from black was the original  
20 April 25th comments that were provided as part of the  
21 original submission process. In red, these are the  
22 updates materials, and they are dated. Most of it refers  
23 to the April 25th submission. There are -- there was some  
24 material that came in late last week, specifically some  
25 responses from the Ocean Properties team, that was dated

1 May 23rd. That material had not -- we had not had an  
2 opportunity to go through it in any detail, but where it  
3 had a significant -- where it had a significant place in  
4 the table, we did try to make note of it. And again, it  
5 was not a comprehensive review. But the purpose of the  
6 table is to give folks a roadmap to the material provided.  
7 It's not the complete summary or the complete synopsis of  
8 the -- of the review, but it provides the CDC, and  
9 hopefully the Council in the future, a roadmap to the  
10 significant amount of material that's provided, organized  
11 according to the criteria in the RFP.

12 The format for this meeting was to be based on the --  
13 the function of these proposals, how they operate, and the  
14 components of them, as well as on the regulatory framework  
15 under which permitting and rezoning work would need to  
16 follow. In the color -- in the chart -- the chart are the  
17 review criteria, as they were originally established in  
18 the request for proposals. Just for organization  
19 standpoint, if it's blue or in the black-and-white  
20 comments red, that just refers to the functional aspects  
21 of the review. And the yellow refers to the framework  
22 aspects or the regulatory aspects. I'm going to go  
23 through the table, as they're laid out in the original  
24 RFP, and not separating. If there's any specific  
25 questions with regards to whether it's function or whether

1 it's framework, I'm happy to clarify or make those  
2 distinctions. But I think the easiest way for people to  
3 follow will be to start at the beginning of the page on  
4 page one of the table, and then just run down through  
5 them. And then we can come back for questions afterwards.

6 Generally, I would like to just note a couple things  
7 with regards to both the framework and the function of  
8 these two elements. There are differences between the  
9 proposals. From a framework standpoint, regulatory  
10 standpoint, both projects are going to require a full  
11 array of permitting, as well as contracting conditional  
12 rezoning with the city. And that contracting conditional  
13 rezoning will further be reviewable by the state under  
14 shoreland zoning and the mandatory shoreland zoning  
15 program at State Department of Environmental Protection.  
16 So as a starting point, these proposals are not at the  
17 permit stage yet, but we are just identifying where those  
18 -- where those -- where the projects will need to go in  
19 the future, should they be selected.

20 Each will have their own challenges, based on their  
21 differences, and many of those challenges are shared  
22 between the two projects. Ocean Properties specifically,  
23 from a framework, has got some issues to deal with with  
24 regards to non-marine parking out over the pier. That was  
25 a condition placed upon the city in its rezoning of the --

1 of this property with the state under shoreland zoning.  
2 And that will be an issue that will need to be addressed,  
3 specifically parking over the pile-supported portions of  
4 the pier, those portions of the pier that are over the  
5 water. With regards to the Olympia project, there has  
6 been significant amount of conversation about the -- the  
7 filling of navigable waters, and that's going to be one of  
8 the significant hurdles that that project, and both  
9 projects, will need to -- need to work with as they go  
10 through their -- their regulatory review in the future.  
11 Both will have traffic and site-plan issues to -- to deal  
12 with, and specifically to site planning, parking issues  
13 are going to be difficult for both projects, Ocean  
14 Properties more on site, Olympia off site.

15 With regards to the function of these two projects,  
16 generally the Ocean Properties project does provide a  
17 greater degree of marine uses, including proposed ferry  
18 and whale watch pier, as well as berthing for tugs.  
19 Details on the operations and commitments to undergo these  
20 are going to be -- need to be filled out as time goes on.  
21 And I would like to -- and with regards to the Olympia  
22 project, the -- the parking expansions and the use of off-  
23 site parking are going to need particular scrutiny because  
24 it's difficult to understand what the permitting will be  
25 if the parking has not been located.

1           With regards to the chart, I'm now going to refer to  
2 the -- the summary table, starting -- and I'm going to go  
3 according to the organization of the -- the criteria, as  
4 established in the RFP. I'm going to try to make this  
5 very brief, and would answer questions as the CDC may have  
6 them or as come up from the public afterwards.

7           The first part of the RFP criteria were stated as  
8 minimum requirements. These were the thresholds that  
9 folks -- that proponents would need to adhere to in order  
10 to be considered. There were -- the first minimum  
11 requirement was the ability to preserve and maximize deep-  
12 water berthing. Both projects were able to utilize the  
13 existing berthing. The Ocean Properties project proposed  
14 to do so with a fendering system, which they have  
15 clarified. The April 25th update clarified how that would  
16 be done, and -- with additional information. The Olympia  
17 project appeared to lose a fender -- a tendering float  
18 that was used for the cruise industry, and they confirmed  
19 that the float is to be retained.

20           The minimum requirement number two is that the site  
21 plan for the Ocean Gateway project, which is the marine  
22 terminal that's under construction currently, includes a  
23 queuing area for vehicles utilizing the international  
24 ferry, and there needed to be a discussion on how that was  
25 to be provided. The Ocean Properties originally had not

1 given any details on that, but they said that it would be.  
2 The April 25th packet provides an update on page 30,  
3 noting that the land north of Commercial Street would be  
4 the -- the location of the departing queue, and that there  
5 would be an area east of the proposed parking garage for  
6 the arriving queue. On May 23rd, they did provide an  
7 update to this material, and they had said that the -- the  
8 departing queue, the queue of cars that are getting onto  
9 the international ferry, would be provided east of Ocean  
10 Gateway along the water's edge. So they do note a change  
11 with -- so -- from when -- from the proposal provided on  
12 April 25th to the current. The CDC should note that the  
13 location of that departing queue has been changed. It has  
14 not been detailed on the Ocean Properties proposal right  
15 now.

16 With regards to the Olympia Companies project, the  
17 original proposal document showed a revised queuing area,  
18 with arriving vessels located east of the office building  
19 and departing vehicles located east of Ocean Gateway. And  
20 this area now is probably the same area that Ocean  
21 Properties is -- is proposing for the departing queue,  
22 would displace area that was to provide currently parking  
23 for Ocean Gateway and in the future to support low impact  
24 marine uses. So now both projects are proposing to impact  
25 that area that is east of Ocean Gateway and had been

1 identified for open space use and other active marine uses  
2 in the future.

3 Moving to minimum requirement number three, which is  
4 a regulatory requirement, which is simply the ability to  
5 satisfy regulatory requirements for security,  
6 environmental protection, traffic management, site  
7 development, including all federal, state, and local  
8 requirements. And these we've addressed by category.  
9 With regards to security, the -- for Ocean Properties, the  
10 April 25 submittal provides additional details on a  
11 security plan, and -- but the understanding that the  
12 specifics of the security plans are not public  
13 information, being a security plan where there -- there  
14 are operational issues that need to be addressed  
15 privately, so that the secure -- so that they're not  
16 insecure. With regarding the Olympia project, there had  
17 been a significant amount of discussion as to whether  
18 deployable fences would be permitted under Homeland  
19 Security and -- and Coast Guard regulations. They --  
20 Olympia team continues to assert in their April 25th  
21 submission that those regulations are something that they  
22 can work with. I'd like to note that the Fire Chief, Fred  
23 LaMontagne, is here. He has been working with the  
24 security issues at the marine facilities and will be  
25 available for questions.

1           Moving to the second page of the -- of the review  
2 chart, minimum requirement number three are environmental  
3 protection requirements. The original proposals for both  
4 -- for both projects dealt significantly with these  
5 issues. And in the April 25th update, the Ocean  
6 Properties submission did a nice job of outlining what  
7 these proposals are. I'm not going to go through them.  
8 Let's just say that the permitting for these projects for  
9 both is going to be quite significant. The Olympia  
10 Properties -- property -- the Olympia Companies submission  
11 as of April 25th specifically addressed the filling of  
12 coastal wetlands on pages 14 and 16 of their update, and  
13 they also outlined their state and federal regulations in  
14 their original submission. We do have members of the  
15 Department of Environmental Protection that are here.  
16 We've asked them to come at the request of the Chair. We  
17 expect that they would be more in a listening mode than a  
18 regulatory mode because they don't have actual proposals  
19 that have come before them. But we are glad that they are  
20 here to -- to listen and to have a good understanding of  
21 what's going to come before them in a regulatory way in  
22 the future.

23           Minimum requirement number three is the traffic  
24 management and site development requirements. This would  
25 be the local -- for the most part, locally administered

1 from a site planning standpoint, but also from a  
2 Department of Transportation state level with regards to  
3 traffic management and a traffic permit. Ocean Properties  
4 has provided an update on the circulation and traffic  
5 management of their April 25 submission, and -- as well as  
6 a parking management plan. The -- likewise, Olympia  
7 Properties has provided a -- a -- traffic and circulation  
8 areas on a new site plan and also described on pages 7 to  
9 10 of the April 25 update.

10 The two major differences between these proposals are  
11 the amount of parking that is proposed, and it's probably  
12 important to note that at this time as a functional  
13 aspect, and as both a functional aspect and a regulatory  
14 aspect. The Ocean Properties project is counting, at this  
15 point, between 700 and 800 cars as their demand, depending  
16 on time of day and the amount of shared uses. And the  
17 Olympia project is proposing that they require 335 spaces  
18 of parking. The Ocean Properties parking would be  
19 provided at about 50 percent of its requirement on site,  
20 and the Olympia project is proposing that a hundred  
21 percent of the parking, long-term parking, be provided off  
22 site. They have shown an alternative sketch in their  
23 revision that came in at the end of last week, which shows  
24 a potential for putting 60 cars basically in the queuing  
25 area for Casco Bay Lines. Their original submission

1 showed an expansion of that queuing area. They're now  
2 showing as an alternative or an option that 60 spaces --  
3 the queuing area for -- for Casco Bay Lines could remain  
4 the same, and an additional 60 cars could be parked in  
5 that area. It's important to note that that area is on  
6 filled land. It would not be subject to the submerged  
7 land non-marine parking restriction that the Department of  
8 Environmental Protection has placed on the Eastern  
9 Waterfront Port Zone.

10 The difference in parking demand for the two projects  
11 can largely be accounted for by the increased marine use  
12 proposed by the Ocean Properties program. There are some  
13 other differences that could be explored in detail, and we  
14 have not, frankly, done that at this point. But at least  
15 225 cars are currently accounted for in the Ocean  
16 Properties proposal, being directly tied to the whale  
17 watch and ferry-type services that they're proposing with  
18 their project.

19 Regarding minimum requirements number three, zoning,  
20 I would like to note again that any rezoning for the Maine  
21 State Pier goes through state review under mandatory  
22 shoreland zoning program. The Ocean Properties project  
23 has provided an additional zoning and permitting  
24 narrative, as I stated before. The revised building  
25 layout with the garage and hotel having been switched

1 makes the previous graphics outdated. So it is important  
2 to look at the revised graphics when referring to the  
3 Ocean Properties project because some of the programmatic  
4 elements have changed and switched locations.

5 And there have been some issues with regard to  
6 zoning. Our Eastern Waterfront Port Zone currently places  
7 a restriction on non-marine uses within a hundred feet of  
8 the pier edge or the hardened shoreline, and that 50  
9 percent of that space be dedicated to a marine use. So if  
10 it's on the ground floor and within a hundred feet of the  
11 shoreline or the pier edge, 50 percent is a marine use.  
12 The hotel, as provided in the update, now shows a certain  
13 component of its ground floor as marine use, and I'm  
14 assuming that's to meet the 50 percent requirement of the  
15 zone. And that is shown in the May 23rd update from Ocean  
16 Properties.

17 With regards to zoning, additionally for both  
18 projects, the -- excuse me, I lost my place. I'm just  
19 going to get back to the Olympia Properties. The Olympia  
20 Companies zoning issues are described on page 14 of the  
21 April 25th update. They've also provided a graphic  
22 showing the distribution of marine use on the first floor  
23 that was asked for as of the last meeting. They have  
24 provided that with the packet, and it does appear that the  
25 percentage of first floor is meeting the conditions of the

1 -- of the zoning. Both projects are going to need  
2 conditional rezoning for -- to allow that 50 percent non-  
3 marine use on the first floor. They'll both require  
4 conditional rezoning for building height and potentially  
5 variations of the requirement that buildings be set back  
6 36 feet from the pier edge. The existing whale wall  
7 building, the transit shed, is within 36 feet of the pier  
8 edge at the southerly end of the pier, and the re-use of  
9 that structure would violate that 36-foot rule. It's  
10 unclear as to whether or not the state would require us to  
11 adhere to the 36-foot setback for an existing structure.  
12 Olympia Companies has provided a revised site plan which  
13 sets all of their structures back 36 feet from the pier  
14 edge, and that was provided just as of the writing of the  
15 memo and -- and the distribution of this packet.

16 I would like to note something that's not in the  
17 chart, but is important to know that the -- the hotel and  
18 garage proposals for Ocean Properties, in their revision,  
19 it does appear that they are within 36 feet of the pier,  
20 of the hardened shoreline, of the filled portions of the  
21 property south of Commercial Street, and we'd like to have  
22 clarity from the Ocean Properties team as to what the  
23 distance and setback is from the shoreline to those  
24 structures.

25

1           Moving onto minimum requirement number five, that any  
2 proposed development must include accommodations for Bay  
3 Ferries, which is the major tenant of Ocean Gateway and  
4 some space requirements for that. Both proposals have  
5 clarified that, and have shown that on their site plans.  
6 There also needs to be accommodation for the tugboat  
7 fleet. The Ocean Properties proposal, as has been  
8 described before, is proposing a stand-alone pier that  
9 would also share use -- other marine uses, such as whale  
10 watching and excursion fleet. And the Olympia Companies  
11 are proposing to utilize the Maine State Pier as it  
12 currently is, with the tugboat fleet moving at times of  
13 cruise ship landings. And there are some additional  
14 materials that are provided as of the April 25th packet.

15           Moving to the next page for minimum requirement  
16 number seven, Casco Bay Island Transit District, both  
17 projects appear to be integrating expansion needs for  
18 Casco Bay Island into their programs. Both programs are  
19 showing the location of an expanded freight shed at the  
20 easterly side of the Maine State Pier. We really do at  
21 some point need to get from -- clarification from Casco  
22 Bay Lines that this is where the freight shed will  
23 function for them because it is not the location that was  
24 originally part of their expansion proposals. But both --  
25

1 both projects are equal in this regard, and so there's  
2 really not a distinction to make between them.

3       Regarding minimum requirement number eight, the  
4 preservation and enhancement of public access to the  
5 water, this will be significantly described during the --  
6 the form section of the -- of the CDC's workshops at the  
7 next meeting. There are specific standards or guidelines  
8 for access to the water's edge in the design guidelines  
9 for the eastern waterfront, and so there'll be more  
10 discussion of this coming at the next meeting. But the  
11 applicants have provided details on their lease  
12 arrangements with regards to Ocean Properties and with  
13 regards to security requirements for the Olympia Companies  
14 project.

15       With regards to minimum requirement number nine,  
16 which is thankfully the last minimum requirement, it is  
17 that the relocation of utilities be preserved, and those  
18 have both been shown within the updates.

19       Then moving into the specific criteria which are  
20 applicable, many of these are marine related. And I  
21 should have noted at the introduction of my presentation,  
22 Captain Jeff Monroe, who's our Marine -- or Waterfront  
23 Director is -- had a long-standing commitment that he was  
24 not able to get out of and is not here. We do think it's  
25 very important that Mr. Monroe is the person who speaks

1 specifically to marine operations elements, and we would  
2 expect that those comments would be folded into one of the  
3 future meetings. And so there are -- you'll see some  
4 review -- review pending from -- from Jeff Monroe, and we  
5 will expect that to be forthcoming.

6 With regards to criteria number one, there's also a  
7 requirement that there -- that any re-use of the pier  
8 provide economic and structural stability for the pier.  
9 Originally, the Ocean Properties project had -- hadn't  
10 provided much detail on the engineering aspects. They  
11 have updated their packet considerably with the April 25th  
12 packet and have provided those details. And you'll find  
13 them on pages 18 to 22 of the revised packet.

14 And likewise, the Olympia Companies project, which  
15 had outlined a great -- a great deal of their structural  
16 information and engineering information with the original  
17 submission, has provided an update, as well.

18 I'm going to skip over respecting and enhancing other  
19 uses of the pier because they're mostly dealt with in the  
20 minimum requirements, and go to the last page of the memo  
21 -- of the -- of the chart. And again, there's a fair  
22 amount to do with marine operations issues and how first-  
23 floor marine uses and -- first-floor non-marine uses and  
24 the functional aspects of the pier would work together.  
25 The formal review of that is pending, but I would like to

1 note that both proposals do appear to respect the pier  
2 edge. They both are going to need security review, as  
3 will be necessary for the particular marine operator that  
4 is going to use the pier. And so any proposal that is  
5 selected would probably have significant changes to their  
6 -- the amount of marine access and the specific layout  
7 issues, as those marine operations go through their final  
8 permitting stages. And again, Captain LaMontagne is here,  
9 if you have any specific questions now.

10 The final criteria that we're going to go over this  
11 evening is that non-marine usage should be concentrated on  
12 upper floors wherever possible, and that circulation areas  
13 for vehicles and pedestrians, in support of non-marine  
14 uses, should focus to the interior of the pier, away from  
15 the pier edge. There was a question as to whether or not  
16 the markets and restaurants would be considered marine  
17 uses or non-marine uses. That was a question that was  
18 posed at the last meeting. I would like to note and  
19 clarify that seafood retailing and wholesaling are listed  
20 as conditionally permitted marine uses in the Eastern  
21 Waterfront Port Zone, but non-marine retailing is not. We  
22 will need some additional -- we ask for some additional  
23 clarification from the Ocean Properties folks. They did  
24 provide an update on the May 23rd -- in the May 23rd  
25 update that hasn't gone through specific -- detailed

1 review as of this time, and they may be able to clarify if  
2 asked any questions.

3 We had previously asked for clarity on the total use  
4 areas by percentage of first floor of the Olympia  
5 Companies, and a graphic has been provided with the April  
6 25th update, as well as with the new site plan, showing  
7 the percentage of marine use. And the project does appear  
8 to meet the city's 50 percent requirement for first-floor  
9 marine use within a hundred feet of the shore edge. And  
10 that's probably best seen on the May 23rd update.

11 I apologize for the somewhat long presentation, but  
12 it's a lot of material to get through. And I'm happy to  
13 answer any questions.

14 CHAIR: Any questions from the Committee? Okay.

15 COUNCILOR JILL DUSON: Just compliments to the staff.  
16 It's a lot of stuff, and I find starting with your  
17 materials is the best place to start to understand what's  
18 going on, and then doing the referencing. So thank you  
19 for all the work, and to the teams.

20 CHAIR: Okay. The agenda is here somewhere. Sorry.  
21 So next we'd invite the -- the presenting teams to give  
22 their comments, hopefully keeping them to less than ten  
23 minutes. And I can't remember who went first last time,  
24 but whoever it was, they should go second this time. And  
25 I'm guessing that maybe we could go ahead with Olympia.

1 Is that all right? And -- and maybe everybody can  
2 remember this for the next time when -- when Ocean  
3 Properties will go first.

4 MR. BARRY SHEFF: I'm glad someone remembered. So  
5 good evening, and my name is Barry Sheff. I'm a  
6 professional engineer and an officer at Woodard & Curran.  
7 And I want to thank staff and -- and the CDC and the  
8 public for holding this, and look forward to talking to  
9 you about our proposal. Briefly, I want to introduce the  
10 team that's here with us tonight, and I recognize we want  
11 to keep it to ten minutes, so I'll be -- be brief. First  
12 off, Kevin Mahaney, it's important to note, he's not here  
13 with us tonight. He sends his regrets. He had a death in  
14 the family, and so he's unable to attend, but he  
15 definitely wanted to attend. Sasa Cook, you all know from  
16 the Olympia Companies; and Winton Scott, the architect;  
17 Tom Gorrill from Gorrill-Palmer; Alan Kuniholm from PDT  
18 Architects; Alan Holt from Holt & Lachman.

19 So in the context of the Selection Criteria Summary  
20 Table, I want to address the framework and function, and I  
21 want to limit it just to clarification. There are 20 or  
22 so areas, and -- in the selection criteria related to form  
23 and function, or function and framework, and I'm going to  
24 limit to those that -- that we wanted to clarify.

25

1           So first off is minimum requirement number two, as it  
2 relates to the queue, and that's function and  
3 functionality. We've been working with Customs and Border  
4 Protection and have tried to identify alternatives to  
5 vehicle queuing. Obviously, the city made a significant -  
6 - city and state made a significant investment in Ocean  
7 Gateway, and we want to maintain that functionality for  
8 the international ferry. Given some of the flexibility in  
9 the schedule that The Cat might take, whether they change  
10 their schedule to come in at night, leave in the morning,  
11 how that might happen, we've identified some areas where  
12 we think we could share those queue areas. We outlined  
13 those really in our February 22nd submittal. And we  
14 recognize and -- and have always acknowledged that low-  
15 impact zone on the east end of the waterfront,  
16 affectionately known as the LIZ, and this is a step-wise  
17 process, and we recognize that that is a target area  
18 that's been identified for open space.

19           Minimum requirement three, the environmental  
20 permitting and regulatory issues, that's -- you know,  
21 that's a big, big discussion point, and it's good to hear  
22 that -- it's good to see Jeff and Dawn here tonight from  
23 the DEP. Members of our team, both Olympia Companies and  
24 -- and our attorneys, have had dialogue with the  
25 regulatory agencies, Army Corps, Inland Fisheries &

1 Wildlife, DEP, for -- since really dating back to December  
2 of 2006, when the RFP went out. We understand that the  
3 DEP has some concerns, as -- as Bill had expressed,  
4 regarding flexibility of the re-development of the pier  
5 with non-marine uses. And certainly, I think, the city  
6 recognized that when it put the original RFP out to bid,  
7 that it was going to take a balance of mixed-use  
8 development to make this economically viable and for the  
9 structural stability of the pier to be maintained.

10 The big hurdle that -- that we've been talking about  
11 as it relates to the Olympia Companies proposal is the --  
12 the wetland issues and NRPA. In our April 19th package,  
13 we -- we provided a process, an outline of the process for  
14 permitting. We recognize that there are particular  
15 regulatory thresholds that DEP and Army Corps maintains  
16 under Chapter 310 of the Wetland and Water Body Protection  
17 Rules, 315, the Rivers and Harbors Act, §10, the Clean  
18 Water Act, §404. And what those really all focus on is  
19 minimizing the -- minimizing the impact and reducing that  
20 impact. And our plan that we've -- that we've approached  
21 is to try and maintain that, and we've done the work that  
22 we could do in the short period that we've had so far to  
23 really understand what that -- what the no practicable --  
24 what the practicable alternative is. We believe that the  
25 practicable alternative, given available, feasible and

1 given costs, that we've identified what that practicable  
2 alternative is.

3 As we've laid it out, and maybe for the public, we're  
4 proposing to shore up the existing bulkhead, which is on  
5 the west face of the transit shed where everybody is  
6 familiar with the whale wall and how that's caving in and  
7 -- and steel plates have shown up over time. We're  
8 proposing a permanent fix to that, which would be to  
9 create a bulkhead face on the east side of the Maine State  
10 Pier, put in fill material that would allow us to have  
11 permanent access and -- and very clear access to be able  
12 to see that bulkhead wall on that east side of the Maine  
13 State Pier. One of the challenges of -- of having that --  
14 that skirt wall, as people have referred to it, is you  
15 can't see it, so you don't see failure until you see it on  
16 the surface. You see the potholes develop, and then the  
17 pavement starts to slide, and then catch basins fall in,  
18 and then Casco Bay Lines loses a lot of their queue area.  
19 So we're proposing a fix to that.

20 We recognize that we'll need to do marine habitat  
21 characterization, functional assessments, alternatives  
22 analysis, compensation plans, look at the visual  
23 evaluations. No permitting process is certain. We  
24 believe that we have a permissible project. We're  
25 investing -- proposing to invest \$18 million into the

1 restoration of the pier, and as it relates to cost, that's  
2 a significant cost to provide a permanent fix. And we  
3 believe we've achieved the right balance between what the  
4 alternatives are and what the permanent solutions are to  
5 maintain that resource.

6 Minimum requirement number three, as it relates to  
7 traffic and site development, Tom Gorrill's going to talk  
8 about that. I won't -- I won't touch on it.

9 Minimum requirement number three, as it relates to  
10 zoning, and I think Bill articulated it well. We -- we  
11 recognize that there may have been a little bit of  
12 architectural license with respect to the Compass Park  
13 side of the project in the original proposal, and we've  
14 submitted a revised site plan that reflects the 36-foot  
15 setback to -- to bring us into conformance. And Bill did  
16 a great job summarizing that.

17 Minimum requirement seven, Casco Bay Lines and the  
18 functionality of Casco Bay Lines, we've been working with  
19 Casco Bay Lines, and I think, as we mentioned at our -- at  
20 our previous opportunity to speak with you, one of the  
21 benefits of the hotel is it narrows -- it has a very  
22 narrow footprint. And Woodard & Curran, Winton Scott  
23 Architects, Gorrill-Palmer has been working with Casco Bay  
24 Lines, as part of their improvement projects, to try and  
25 understand what those issues are. And they have

1 significant problems with conflicts between passengers,  
2 vehicles, freight. And we felt that by placing the hotel  
3 on the pier, it did a number of things, and we tried to  
4 lay that out in a -- in a letter to the Councilors, Duson  
5 and other members of the Council. But certainly the --  
6 the functionality of Casco Bay Lines and -- and the future  
7 functionality of that to operate is critical, and we've  
8 recognized that in our plan.

9 As it relates to -- I'm going to skip one, and I'm  
10 going to go to the marine uses. And I just want to talk a  
11 little bit about that, about our proposal. The city and  
12 the state have invested roughly \$25 million in public  
13 monies on -- on the Ocean Gateway project. There's also a  
14 considerable private investment up and down the  
15 waterfront, and -- with respect to private businesses.  
16 Our proposal is really trying to complement those  
17 businesses. You're not seeing a lot of the marine-type  
18 uses, whale watching, those types of features, as part of  
19 our project. We want to complement the existing uses and  
20 the existing businesses in the city.

21 Selection criteria 1-2, which is really the big one  
22 for us, which is the economic and structural stability of  
23 the pier through mixed-use development, we articulated it  
24 in our May 25th letter, hopefully, to the Council that you  
25 saw, our commitment to parking and traffic and -- and

1 pedestrian circulations and reducing that demand. In  
2 February, we identified that we are proposing LEED-  
3 certified buildings, and I'm here tonight to tell you that  
4 we recently received notice from USGBC and their Program  
5 Manager, U.S. Green Building Council, that we've been  
6 approved, accepted into the LEED for Neighborhood  
7 Development Pilot Program. And what that is is a  
8 partnership between the U.S. Green Building Council, the  
9 Congress for New Urbanism, and the Natural Resources  
10 Defense Council. It's a pilot program. They've accepted  
11 about 120 projects in the country. It was a competitive  
12 selection process. And the focus of that is on, as you  
13 can imagine from the name, is on multi-modal transit,  
14 walkability of neighborhoods, impacts and reduction in car  
15 storage, and vehicular and traffic patterns. It's really  
16 critical, and we believe that's really what sets our  
17 proposal apart, and it's a great segway to Tom to talk  
18 about some of the traffic.

19 CHAIR: I was going to say, Barry, we're moving up on  
20 ten minutes here. Maybe we -- hopefully, it's two or  
21 three minutes from Tom, and then we're moving on. Thanks.

22 MR. TOM GORRILL: For the record, my name's Tom  
23 Gorrill with Gorrill-Palmer Consulting Engineers, and we  
24 were retained by the Olympia Companies to look at the  
25 parking and traffic ramifications. And I wanted to

1 clarify a little bit in terms of the ordinance  
2 requirements for parking. The ordinance actually for a  
3 project of this nature does not have specific  
4 requirements. What it indicates is that where  
5 construction is proposed of new structures having a total  
6 floor area in excess of 50,000 square feet, the Planning  
7 Board shall establish the parking requirement for such  
8 structures. What we have estimated here is a demand of  
9 335, taking into account shared parking. We have the  
10 supply at the Ocean Gateway garage of about 145. The  
11 shortfall is about 200 spaces. We have contractual  
12 options for the remainder, but that really can't be  
13 disclosed at this point. And we have \$13 million toward  
14 parking solutions, and I want to say a little more about  
15 that in just a minute.

16 In terms of traffic, I think Bill summarized it well.  
17 We would need a Maine DOT permit. Since the city may be  
18 the applicant, that's -- it's hard to say whether that  
19 would be administrated locally or by the state. But we  
20 don't see any issues with that. Part of that was already  
21 -- the 145 that we'd be putting into the Ocean Gateway was  
22 already evaluated.

23 Barry covered circulation pretty well, so I will just  
24 get to talk about the 13 million just a little bit. Not  
25 often I have a budget like that to work with a little bit.

1 I don't want to spend that all on parking. I guess our  
2 suggestion would be to work with the city on some,  
3 hopefully, unique alternatives. We'd suggest putting a  
4 portion of that money, maybe 400,000 or so, to go with the  
5 MPO packs, which is going to do -- has a 75,000 budget, to  
6 look at a regional transit study. And we think this would  
7 fit into that very well. That sort of money would enable  
8 the city to hire a real national expert, just on transit  
9 issues. That would, I think, fit into this very well.  
10 Another thing I'd like to see some of it get spent on  
11 would be sort of a highway advisory radio sort of thing,  
12 which would advise you of the amount of parking in the  
13 area and also traffic issues in the area. You could  
14 actually sell spots on that. It could kind of be self-  
15 funding. We think those types of ideas really need to be  
16 looked at. And the remainder, certainly, we can build a  
17 parking garage or add to one further up. We have those  
18 options.

19 So I think this type of project really is a perfect  
20 fit for this type of -- for this site, and is really  
21 indicative of why the LEED certification or the LEED pilot  
22 program was awarded to this. Okay. That concludes our  
23 ten minutes.

1 CHAIR: Thanks a lot. That ten minutes lasted, I  
2 think, 12 or 14, so I'll be pleased to hear from Ocean  
3 Properties.

4 MR. BOB BALDACCI: We'll try to keep it to ten  
5 minutes. I'm going to be very brief. Bob Baldacci, Vice  
6 President for Development with Ocean Properties. Mr.  
7 Chairman, members of the committee, staff, thank you for  
8 the opportunity, once again. I'd like to quickly  
9 introduce the members of our team here. Tonight, the two  
10 principals are here, and I'm very proud and honored to  
11 introduce Senator George Mitchell, off to my immediate  
12 right; and Tom Walsh; Rich Ade, Senior Vice President and  
13 CFO for Ocean Properties; John Maynard with the McQuire  
14 Group; Diane Morabito, Traffic -- Maine Traffic Resources,  
15 our traffic consultant; Ron Ward, our attorney; Pat  
16 Christian, right here. You all know Pat, Casco Bay Island  
17 Transit; John Naylor is here with us, as well. And we  
18 thought we'd bring somebody along who's actually going to  
19 operate a business out on this -- this pier.

20 The one issue I just want to respond to immediately,  
21 Bill, and again, an excellent job of summarizing, with  
22 respect to the setback on the hotel and parking, we will  
23 meet that 36-foot setback, and we will provide more  
24 information on that. But we're committed to meeting that  
25 setback, and we don't see that as a major issue.

1 I would like to cede the rest of my time, Mr.  
2 Chairman, to -- to Senator George Mitchell, who -- who is  
3 our principal and very involved in this project, who's  
4 going to offer a broad overview of form and function  
5 issues with respect to our project. We have all of our  
6 consultants here who can respond to questions that anyone  
7 wants to ask with respect to our proposal. So, Senator  
8 Mitchell?

9 SENATOR GEORGE MITCHELL: Chairman Cloutier,  
10 Councilors Duson and Donoghue, thank you very much for the  
11 opportunity for us to comment. As Bob indicated, I'll  
12 make summary comments on some of the information we've  
13 provided for tonight's meeting and beyond, with respect to  
14 framework and function. As you requested, my comments  
15 will be brief, leaving time for your questions of both  
16 proponents.

17 At the last meeting, and also on May 18th, we were  
18 asked to provide additional information to the committee.  
19 Most of our answers are set forth in our written response  
20 dated May 23rd, copies of which were delivered to the city  
21 for prior distribution to each member of this committee.  
22 In addition to those responses, we've spent a lot of time  
23 reviewing our plans with the agencies that will be  
24 involved in issuing permits and will have ongoing  
25 jurisdiction over the project. They're listed in our

1 written response, and they include, among others, the  
2 Maine Department of Environmental Protection, the Army  
3 Corps of Engineers, the Coast Guard, the Maine Department  
4 of Transportation, and the Casco Bay Island Transit  
5 District. We were gratified by the responses from the  
6 various agencies. They helped validate for us the  
7 approach we've taken. We are now more convinced than ever  
8 that some on-site parking is not just advisable, it's  
9 necessary to assure a commercially viable enterprise,  
10 which does not unreasonably compete with island residents  
11 and with area businesses for extremely scarce parking.  
12 This is confirmed in the parking survey and report, which  
13 is included in our written response, and which states that  
14 within about a thousand feet of the pier, there are three  
15 parking garages in operation and eight parking lots. And  
16 in all of them, there is not a single parking space  
17 available for monthly lease. Diane Morabito of Maine  
18 Traffic Resources, who did the survey and prepared the  
19 report, is here and can comment further on that subject,  
20 if you wish.

21 We're also convinced that obtaining the necessary  
22 permits for the filling in of Portland Harbor will be  
23 extremely difficult, if not impossible. And that process  
24 would impose tremendous uncertainty on the viability of  
25 this project. The DEP staff clearly indicated that it

1 will be very protective of the state's wetlands. Our  
2 counsel, Ron Ward, who participated in the meeting with  
3 the DEP staff, is also here, and he can comment further on  
4 that subject, if you wish.

5 Our vision of this project serving as a  
6 transportation hub, bringing together various means of  
7 transportation, including local bus and new ferry  
8 transportation, is consistent with the goals of the city  
9 and with the various agencies with whom we met, while at  
10 the same time, it will maintain a pedestrian- and bicycle-  
11 friendly neighborhood. We have noted some inconsistency  
12 between city ordinances and state regulations on some  
13 development issues, but we're confident that those can be  
14 worked out in the continuing dialogue by and among all  
15 parties as the project moves forward. We believe, for  
16 example, that most of our project can be accommodated  
17 within the DEP's definition of permit-by-rule. This  
18 should help expedite the permitting. But we also note  
19 some interpretations that will have to be accommodated as  
20 the project progresses, foremost among them, the DEP  
21 staff's concern about the dimensions of any new or  
22 replacement building to be located on the pier.

23 Our goal remains to put the pier to work for the  
24 people of Portland and of Maine, and in so doing, to  
25 restore public access to the resource, to maintain and

1 enhance the deep-water berthing, to provide public  
2 gathering areas on the waterfront, and to generate income  
3 and jobs for the people of Portland. As you know, we  
4 estimate 500 new jobs related to the total project. Many  
5 of the jobs will be specifically marine related. They  
6 include ferry service up and down the coast of Maine and  
7 of New England, whale watching and marine tours, full-  
8 service cruise port operations, and an entirely new  
9 tugboat pier for Portland's tugboat operations. We want  
10 to help revitalize Portland's waterfront.

11 I want to close by referring to the city's policy  
12 statement applicable to this project. That policy  
13 statement said in its first criteria, and I quote, the  
14 1,000-foot berth on the easterly pier edge provides an  
15 irreplaceable landing for ocean-going vessels to access  
16 the City of Portland, the State of Maine, and the New  
17 England region. In addition to the easterly 1,000-foot  
18 berth, the pier provides other deep-water berthing  
19 facilities that must be reserved for the support of deep-  
20 draft vessels. The preservation of the deep-water  
21 berthing utility and full use of these unique resources  
22 are the highest priorities for future re-use or re-  
23 development of the Maine State Pier. We took seriously  
24 the city's statement of policy as to its highest  
25 priorities, and we made them our own. And it's very

1 clear. I repeat the last sentence: The preservation of  
2 the deep-water berthing utility and full use of these  
3 unique resources are the highest priorities for future re-  
4 use or re-development. So the cruise port, the tugboat  
5 pier, the ferry service, the whale watching and other  
6 marine resources, these are not afterthoughts or  
7 incidental to our proposal. They are integral to our  
8 proposal because we want to meet or even exceed what the  
9 city has said are its highest priorities. Those highest  
10 priorities should be our highest priorities, and they are.

11 Thank you for your attention and for your  
12 consideration, and Bob will take your questions and direct  
13 them to the appropriate professional staff member who's  
14 here. Thank you very much.

15 CHAIR: Thank you. And before we go too much  
16 further, I did want to recognize -- again, thank you very  
17 much. Both -- both parties want to recognize our friends  
18 from the DEP who are in the audience here tonight,  
19 including the long-suffering Michael Morse, who I think I  
20 saw come in, who actually helped to write the central  
21 waterfront zoning, on which this -- this zoning ended up  
22 being based. I hope it looked a little familiar when you  
23 started reading it. And, as well, from -- from the DEP,  
24 Mr. Madore, Mr. Baker, and Ms. Hallowell. So thank you  
25 very much for coming. And I would -- this now is the time

1 for any questions that the -- the committee has. I don't  
2 have any for either of the applicants. Councilor  
3 Donoghue?

4 COUNCILOR KEVIN DONOGHUE: Not at this time.

5 COUNCILOR DUSON: Neither do I.

6 CHAIR: So the next thing we would like to do, and  
7 I'm going to poll the committee here in a second, to see  
8 if we want to take a ten-minute break before we start the  
9 public hearing, the public speaking portion of this. We  
10 would be very glad to hear your comments on all of this,  
11 keeping in mind that what our committee has actually been  
12 asked to do is to recommend to the City Council which of  
13 these two applicants, if either, we would like to  
14 negotiate a contract with. So that's -- that's our --  
15 kind of our mission, and so to the extent your -- your  
16 comments shed some light on how you think we ought to go  
17 about doing that, that would be great. Does the committee  
18 want to take a break before we -- I think it wouldn't be a  
19 bad idea to take a five-minute break, and then we'll --  
20 we'll get started.

21 COUNCILOR DONOGHUE: I think that's a good idea. I'd  
22 also just like to field a clarifying question, whether it  
23 be to you or Mr. Needelman. For the public's sake, we're  
24 taking comment on framework and function of the four F's?  
25

1 CHAIR: Yes. And -- and if you want to comment on  
2 something else, write it down because we gave you --  
3 everybody's got a sheet in their paperwork. That would be  
4 great.

5 COUNCILOR DONOGHUE: Okay. I just -- I guess perhaps  
6 I'd ask Mr. Needelman if he could provide the public with  
7 some nexus to how that relates to the selection criteria  
8 by which we're judging the proposals, as briefly as you  
9 could.

10 MR. NEEDELMAN: Thank you, Councilor Donoghue. The  
11 selection criteria that were established in the RFP are  
12 all taken, you know, directly from that document and put  
13 into this -- this evaluative framework. And we just  
14 separated them out by the colors for framework and  
15 function at the suggestion of the Chair, as a way to break  
16 up this -- the review, a complicated review of complicated  
17 proposals. And so it was just -- it was as much to be  
18 able to bite off as much as we could chew at one time. So  
19 the -- the framework and function are just general  
20 categories under which we have placed the criteria, which  
21 were established in the RFP.

22 COUNCILOR DONOGHUE: Could either of you just please  
23 recite which selection criteria we'd like to be taking  
24 comments on, if not all of them? I -- I'm just --

25

1 CHAIR: I -- I think we would take comment on any  
2 criteria anybody wants to address. We're certainly not  
3 going to spend too much time trying to figure out whether  
4 somebody is saying something pertinent to function or  
5 framework or something else, especially since people  
6 really only have three minutes. That having been said,  
7 I'm glad you brought this up, Councilor, because it  
8 reminds me to be sure everybody knows, we have two more  
9 meetings. We're going to be doing this again. The next  
10 time, the other two criteria or the headings for criteria  
11 are form, which is kind of architectural function and site  
12 planning function, and then finance, as well, that  
13 evening. And somebody knows the date of that.

14 MR. URBAN: The 13th.

15 CHAIR: That's June the 13th. And then about two  
16 weeks later on, I think, it's the 27th, isn't it?

17 COUNCILOR DONOGHUE: Yes.

18 CHAIR: I think on the 27th, we then have another  
19 session where you can talk about anything you want and  
20 read us any material you think we ought to hear. And that  
21 -- those two are now scheduled to be down at the Marine --  
22 you know, Department of Transportation conference room,  
23 which is down in the big blue building. To get there, you  
24 have to pass through security, so give yourself an extra  
25

1 ten minutes, and -- and then they'll get you upstairs to -  
2 - to the conference room.

3 So we're going to take a five-minute break, and then  
4 we will proceed with the public comment. Thanks.

5 (A short break was taken.)

6 CHAIR: Maybe we can all take a seat so we can get  
7 started? Wheel of Fortune's on in an hour. One of the  
8 things I'd promised to do earlier than just now and forgot  
9 was to also mention that in addition to our friends from  
10 the DEP, we weren't able to be joined tonight but we  
11 expect to be joined at later meetings by someone from the  
12 Department of Conservation. I know the applicants have --  
13 at least I think both of them by now have spoken with  
14 representatives of the Department of Conservation. The  
15 City of Portland has a deed to some of this property, or  
16 all of this property actually, and the meaning and effect  
17 of that deed is questioned by some. And in addition,  
18 however, the Department of Conservation has, I think it's  
19 pretty well established, regulatory authority over  
20 property or pier uses which are taking place above open  
21 water, or -- or tidal water, actually. So the portions of  
22 the pier that are supported by pilings, as opposed to  
23 filled land, would seem to be clearly within their  
24 regulatory jurisdiction. They do have some working ideas  
25 about how they regulate uses, and we are continuing to

1 discuss with them what -- what that means for Portland.  
2 And so we will -- and we have invited them to -- to be  
3 with us. They simply couldn't -- couldn't make the  
4 arrangements for tonight.

5 So with that, the -- the legislative protocol is what  
6 we'd like to follow tonight, which means that you kind of  
7 self-regulate yourself to be an opponent for one side or  
8 the other, or for neither, and we try to alternate, if --  
9 if there are people that are advocates for -- for one or  
10 another or -- or -- or not either. So if you can self-  
11 identify yourself as -- as that, and see who speaks next,  
12 then we'd like to alternate if we can. So with that, I  
13 would be pleased to hear from anyone who would like to  
14 speak to us about these proposals. We have three minutes,  
15 and please start with your name and address. And Kirk?  
16 Come right forward. Sure. We need to have you come to  
17 the microphone and speak into it so that everyone can hear  
18 you, including our court reporter.

19 MR. KIRK GOODHUE: Kirk Goodhue, resident of  
20 Portland, and not so much a comment, as a question or  
21 making sure that I'm understanding what is presented here  
22 regarding the parking. Ocean Properties, it's indicated  
23 here that the demand for parking is 833 spaces, and  
24 they're providing 383 on site, which leaves about 450, I  
25 think, to be found somewhere off site, which is more than

1 is going to be required by Olympia Companies. They're  
2 going to need 335 spaces. So I -- I've -- it seems to me  
3 that with the -- one, I want to make sure I'm  
4 understanding that correctly, and two, that with the  
5 Eastern Waterfront Master Plan, the public certainly  
6 strongly said that parking on the waterfront was a most  
7 undesirable result of any development. So they're both --  
8 they're creating both situations, one, parking on the  
9 pier, which nobody wanted, and then they still have to  
10 find more parking off the pier.

11 And secondly, I know that the public market is a big  
12 part of their proposal, and I'm wondering how that  
13 coincides with the -- what I understand to be the city-  
14 endorsed effort to build a viable public market on  
15 Monument Square. I doubt we have room for two of them,  
16 and the city is really working hard to build that up. I  
17 wonder how that plays into them. Thank you.

18 CHAIR: Thank you. Yes, sir? Incidentally, for  
19 questions we generally -- what we try to do is if -- if  
20 there's an objective answer that we can give at the end of  
21 the session -- we usually collect all the questions, and  
22 if we can give an objective answer, then we do.  
23 Otherwise, we kind of collect the -- the questions, and  
24 we'll give the proponents and the staff a chance to answer  
25

1           them after the fact and put the answers up on the website.  
2           So, yes, sir?

3           MR. DON NAZEROFF:   Good evening, CDC and residents of  
4           Portland.  My name's Don Nazeroff, and I'm a business  
5           agent for Local 17 Sheet Metal Workers of Maine.  I don't  
6           live in Portland, but I have lived in Maine all my life,  
7           and I have many ties to Portland, many members and  
8           contractors that do work here in the city.

9           I'd like to say that it is important to remember the  
10          realities of Portland in reviewing the two proposals for  
11          the Maine State Pier, specifically that Portland is both a  
12          pedestrian and vehicular city.  I am supporting Ocean  
13          Properties because their plan strikes a balance between  
14          the two.  The Maine State Pier must accommodate visitors  
15          from outside of Portland's peninsula, while maintaining  
16          Portland's charm as a pedestrian city.  To expand access  
17          to the pier, you've got to have parking.  Fortunately,  
18          parking needs and pedestrian needs are not mutually  
19          exclusive.  Ocean Properties' proposal provides a plan for  
20          parking while maintaining view corridors and extensive  
21          pedestrian access, such as walkways, bike paths, a one-  
22          and-a-half-acre park, and mixed-use festival space.

23          Put simply, I believe that Ocean Properties' plan is  
24          the most practical for the city and maintains Portland's  
25          pedestrian charm.  Thank you.

1 CHAIR: Thank you.

2 MR. PHIL KAPLAN: I'm Phil Kaplan. Thanks for the  
3 opportunity to speak today. I'm here as the Vice  
4 President of the Portland Society of Architects. The PSA  
5 was founded in 2005 with the mission to advocate for  
6 design excellence in the Greater Portland built  
7 environment and promote fellowship in the design  
8 community. Our 100-plus members include architects,  
9 engineers, and others who are passionate about the  
10 potential for great design to shape our communities in  
11 positive ways. The PSA has sponsored events which  
12 featured presentations by each development team competing  
13 for the development rights to the Maine State Pier. We're  
14 pleased to have the opportunity tonight to offer our  
15 initial comments on the function aspects of the Maine  
16 State Pier proposals.

17 The Maine State Pier offers a spectacular sight that  
18 is a unique opportunity for the enhancement of our city.  
19 In the end, the need and the desire for high-quality  
20 architecture in this development will be essential. But  
21 at this point in the process, urban planning decisions are  
22 more important. We plan to focus our commentary on  
23 architectural design as this project moves forward. The  
24 Maine State Pier should serve as a unique and identifiable  
25 symbol of Portland, much as the Observatory on Munjoy Hill

1 does. Like Hadlock Field, it should be experienced and  
2 enjoyed by a wide cross section of visitors and residents.  
3 It should demonstrate Portland's confidence in the future  
4 by showcasing building forms and innovations that respond  
5 to the challenges of changing energy, climate, and sea-  
6 level conditions. It should bring something new to the  
7 area, and not repeat the leisure and commercial offerings  
8 already available nearby. It should showcase our unique  
9 place in the world.

10 This 1,000-foot-long pier, which brings people within  
11 a few feet of the maritime life of the harbor, provides a  
12 thrilling experience in the summer, but is only for the  
13 undaunted few during the rest of the year. Therefore, we  
14 believe the re-development of the furthest reaches of the  
15 pier should acknowledge this fact of life on the Maine  
16 coast. From an urban design standpoint, this site is  
17 unique among Portland's other piers, and that entry need  
18 not be restricted to a narrow street-like passage. The  
19 land-based portion of the site should be sensitively  
20 designed as a welcoming gateway to the pier. It should  
21 provide views that introduce the majesty of the pier and  
22 harbor to passersby on Commercial Street and Franklin  
23 Arterial.

24 The pier is also unique in that it can be seen from  
25 the side, in much the same way that the Casco Bay Bridge

1 is experienced both at a distance, on approaching, and  
2 then on crossing. Any structures at the end, and along  
3 the length of the pier, need to take advantage of the  
4 Maine State Pier's unique visibility. Development at the  
5 tip of the pier could offer high-traffic enticing, year-  
6 round draw, one thing's for the Sydney Opera House, or it  
7 could celebrate our short summers, like the pier at Old  
8 Orchard Beach. A truly mixed-use development might ensure  
9 the pier's year-round vitality by building nonexclusive  
10 housing, institutional, and commercial spaces, all in the  
11 same location.

12 The PSA recognizes that all projects are governed to  
13 a large degree by regulatory and economic constraints. In  
14 this case, we feel that these constraints may have  
15 dictated predictable results. It might be time to  
16 reconsider the existing regulations. The city's judicial  
17 use of contract zoning for specific sites can allow design  
18 teams to be more creative and more responsive to the  
19 community. Likewise, the city should begin a dialogue  
20 with the State Bureau of Parks and Lands to address the  
21 use of the pier more flexibly and creatively. Existing  
22 regulatory hamstringing at both the city and state level  
23 may well be a significant part of the reason why neither  
24 proposal has taken advantage of the Maine State Pier's  
25

1 unique location and geography to produce a vibrant urban  
2 development that serves the whole community.

3 Portland Harbor is a nationally significant harbor  
4 experience, comparable in its beauty and variety, if not  
5 size, to Boston, San Francisco, or Baltimore. It is  
6 possible that the best and highest use for this stunning  
7 piece of public property may come only with public  
8 investment. As architects, we know that our work shapes  
9 the environment for years to come, and in the case of the  
10 Maine State Pier, we urge that the city exercise  
11 discrimination, determination, and imagination in the  
12 disposition of this precious public resource. We hope  
13 that the deteriorating condition of the pier and the lack  
14 of ready public funds for its re-development do not rush  
15 the city into a compromise that falls short of the pier's  
16 potential to exemplify the world-class seaport envisioned  
17 in the city's request for proposals. Thank you. And for  
18 a recap of the comments, I invite everyone to please visit  
19 our website at [portlandarchitects.org](http://portlandarchitects.org). Thank you.

20 CHAIR: Thank you.

21 MR. ARTHUR FINK: Arthur Fink, a resident of Peaks  
22 Island. When the city's historic preservation ordinance  
23 was passed, I was one of the first members of the Historic  
24 Preservation Commission. I mention those two things  
25 because to a large extent, they define my concerns about

1 any project built at the gateway to Peaks Island, our  
2 front door. And I must tell you that when I first heard  
3 about proposals to put hotels and office buildings at that  
4 location, I was not happy to see that the entrance to  
5 Peaks Island would be in back of essentially a commercial  
6 development that would have no positive impact for us at  
7 all. But I'm standing up to say that I was very  
8 pleasantly surprised on looking at the proposals to find  
9 that one of them, the Olympia Group proposal, offers a lot  
10 for us, and not just for Peaks Islanders. It offers a  
11 human-scale project. It keeps site views. It offers a  
12 pedestrian-friendly environment. It provides more leeway  
13 for Casco Bay Line to -- to manage passengers and freight  
14 and separate them and deal with all the kinds of -- of  
15 traffic that are inherent in a commercial ferry operation.

16 And to me one of the most exciting, courageous, and  
17 daring things about the Olympia Group proposal is that  
18 they recognize the Maine State Pier for what it is, a very  
19 precious and scarce resource, and they don't choose to put  
20 a parking lot on it. Now, there are many who say that  
21 there's a shortage of parking, there's a shortage of  
22 parking for islanders, there's a shortage of parking on  
23 Commercial Street. That's all true. My fellow islanders  
24 will say that. I've driven around at night in the summer  
25 and been unable to park. But that doesn't mean that a

1 project that puts a parking lot on that pier is in any way  
2 better. And, in fact, the parking garage that's -- that's  
3 proposed there by the other group doesn't really help  
4 islanders, doesn't help any of us. And parking can be  
5 provided and will be provided in other places. And if  
6 we're planning not for two years or five years or ten  
7 years, but looking at building infrastructure that will  
8 last a lot longer than that, I'm not sure that single-  
9 passenger automobiles is going to be the way of the  
10 future. Yes, we do need to provide for them today, or you  
11 do need to, but I hope, I desperately hope, that you and  
12 all the people listening don't support one project simply  
13 because a garage is part of what's being built.

14 The other thing I want to call attention to is the  
15 process. At one of the meetings, and I've been to a  
16 number where both groups presented their proposals,  
17 somebody asked the -- asked the Ocean Properties group if  
18 they were just taking a generic hotel and plopping it down  
19 on a footprint of the appropriate size, and when were they  
20 going to style it and give it an architectural detail that  
21 -- that was in any way related to what belongs in the City  
22 of Portland. They said, that will come later. Yes, it's  
23 just a generic hotel that we've put down. And I don't  
24 doubt that Ocean Properties is a -- a large, well-run  
25 organization that's capable of doing that, and doing that

1 very well. But the Olympia Group project started with a  
2 process of gathering together a cross-section of  
3 residents, of inquiring, of looking at what the needs and  
4 the concerns were, and saying how can a design be an  
5 organic -- the design process be an organic process that  
6 comes out of the community and is nourished within the  
7 community, and I think they've done that.

8 I know that one issue before you is what proposals  
9 are you looking at. Are you looking at proposals the day  
10 they were due, or proposals that have been revised once or  
11 twice or three times? And that's an interesting, and  
12 that's a very important decision. Certainly, the project  
13 that's built is not going to be the project that either  
14 group submitted, and I'm glad of that. Both groups are  
15 going to grow in their vision. They're going to be  
16 informed by your concerns and others. The whole idea is  
17 that you will pick one team, and that team will help their  
18 project mature into something that should and will be  
19 built. But when I look at the proposals as they were  
20 first submitted, I think we get a very good idea of the  
21 kind of project that both teams wanted to propose, the  
22 areas that they wanted to emphasize. It's interesting  
23 that one is a large commercial project, the other  
24 emphasizes much more open space, park land that's on land  
25 level, not on rooftops, that was a Green building. Now

1 the other proposal begins to look more like that. Well,  
2 in a way that's good, but let's look at what was first  
3 proposed.

4 I can go on, and I know you don't want me to, so I  
5 won't. But I do hope that you will -- and -- and all of  
6 you will give first consideration to the Olympia Group  
7 proposal and will see it's got a lot of positive aspects,  
8 but the fact that they're not succumbing to popular  
9 pressure and putting a garage in that beautiful space is  
10 to me one of the most courageous and important aspects of  
11 the project.

12 CHAIR: Thank you. I -- I should mention -- thank  
13 you very much, Mr. Fink. We do have a rule of  
14 civilization in Portland city meetings where we don't  
15 really allow applause or boos, and we -- on the -- on the  
16 hope that we respect all opinions and -- and those who  
17 give them. So maybe we could be careful about that. Hi.

18 MS. SUSAN DAVIS: Hi. Susan Davis, 158 Pearl Street.  
19 I, too, hope for the day when we won't be burdened with so  
20 many single-vehicle -- single-passenger vehicles, but I do  
21 have a question about parking. I'm wondering if the  
22 Olympia Group can explain their parking calculations. You  
23 say that you require 335 spaces, but the Maine State Pier  
24 plan says -- says that they need 833, which leaves a  
25

1 difference of about 415. And I'm wondering why they're so  
2 different. Thank you.

3 CHAIR: Bill, are you making notes of some of these  
4 questions, or should we find somebody else to do that?  
5 That would be great if you could. Thanks.

6 MR. DAVID PAUL: Councilors, I'm David Paul, Caleb  
7 Street. I'm a lifelong resident of Portland, and I'd like  
8 to speak in favor of Ocean Properties' proposal. Their  
9 plan preserves and improves the working waterfront, the  
10 place that I grew up. It takes -- it enhances the  
11 fishermen, tugboats, ferries, cruise ships, while  
12 improving areas of business and tourism, and it has less  
13 environmental impact, with no shoreline filling, thus  
14 speeding the approval process so that Portland can move  
15 quickly to develop this critical part of our city. And  
16 also I believe they have the wherewithal to do this  
17 quickly and well funded. Thank you for your time.

18 CHAIR: Thank you.

19 MR. EVERETT PERLMAN: My name is Everett Perlman. I  
20 did not expect to do any speaking today or tonight, but  
21 when I heard all this about a garage that we have to have  
22 on the waterfront -- for over six years, I had to do with  
23 the Portland Flower Show, and we used to accommodate from  
24 12,000 people up to 24 to 30,000 people going to the  
25 flower show. We had no problems with parking. People

1 found a place to park. Now, you want to put a parking lot  
2 on one of our prime pieces of property on the water? I  
3 think that's insane. We can find better places. If you  
4 look at Olympia's plan, you'll see where to put parking.  
5 But we had no problems. People found ways to park. And I  
6 think 300 people staying in a hotel or a couple of hundred  
7 people working there would find accommodations. And you  
8 are making accommodations. I plan to speak at the next  
9 meeting, but I just got upset about hearing all this over  
10 a parking garage that has to be there. There's no human  
11 reason to put a parking garage where people should be  
12 walking.

13 CHAIR: Thank you, Everett. We'll see you next --  
14 next time, too, I guess. Who else?

15 MR. JOE KANE: Hi. I'm Joe Kane. I'm also from  
16 Peaks Island. I'm not interested in telling you about  
17 what is good for Peaks Island. I wanted to point out,  
18 though, that for seven years I commuted from Peaks Island  
19 to -- to work, and for much of that time, we parked over  
20 beyond India Street, about a block beyond India Street, to  
21 a free lot that the city provided. And people were quite  
22 content with that, and these are people who not only  
23 commuted on foot that distance from the pier that you're  
24 talking about, but they also had baskets full of groceries  
25 and so on. And they commuted from that parking lot,

1 walked back and forth, and they did it in -- all year  
2 round. So you do not have to have parking so that you can  
3 step out of your car and into a shop or into a hotel or  
4 into the business you're in. You can, in fact, expect  
5 people to be able to get a distance of a block or two. If  
6 you draw a circle, starting on the pier at the distance  
7 that I was just talking about to a block beyond India  
8 Street, and draw that circle, you will find a lot of free  
9 space, including, as I understand it, the Jordan Meat  
10 Packing property, which will become available, places for  
11 parking which is not outside the car door, but, in fact,  
12 quite convenient to the -- to the pier itself.

13 Obviously, I favor the Olympia Properties proposal  
14 and the -- what concerns me -- but let me say something  
15 positive about that. I think it's something that actually  
16 would appeal to citizens of the city, residents of the  
17 city, as well as visitors, no matter which direction they  
18 come from. It's -- it's just much more appealing in all  
19 of its aspects. In particular, people haven't mentioned  
20 it much, but they're developing the pier beyond the space  
21 in which the queuing for the ferry currently takes place,  
22 which is a real positive addition. At the moment, it's a  
23 rather open, wind-swept space, very little used, in fact,  
24 except on a few occasions when there's an event. That  
25 event -- those events could easily be moved to the -- I

1 believe they call it -- the park that's provided in the  
2 Olympia project. And so putting shops out there as a  
3 windbreak for what is otherwise in two-thirds of the year  
4 a pretty windy and unpleasant spot is a real positive  
5 contribution.

6 From the negative point of view again, about parking,  
7 which seems to be the main issue in this whole -- whole  
8 business, not only is the Ocean Properties project put --  
9 they have a queuing area for the ocean -- for the ferry.  
10 Right beside it they have a parking garage, followed by a  
11 hotel, followed by a street, which runs out onto the pier.  
12 You -- I mean, the parking lot that's out on the pier does  
13 not sit there by itself and you don't helicopter vehicles  
14 in. You have a street going back and forth on what is  
15 already a very congested area, which serves the ferry and  
16 its passengers. Not only that, they don't provide any  
17 additional space for that street, so it's really a wrap-  
18 around vehicle arrangement in the -- the Ocean Properties  
19 project.

20 So -- but I would like to end up with a question. I  
21 did not realize that the queuing area for the Oceangate  
22 was somehow part of this project. I thought that the  
23 Oceangate project had provided for queuing. And I'm not  
24 quite sure I understand the relationship. Thank you.

25 CHAIR: Thank you, Joe. Who's next?

1           MR. JOHN LEAVITT: Hello, John Leavitt, resident of  
2           Maine. I'm here to speak in support of Ocean Properties'  
3           proposal. I think it's a creative use of mixed  
4           development. It will provide jobs for the working  
5           waterfront, and it ties in nicely with the new and the  
6           old, with the -- the cruise ships, the ferries, the  
7           tugboats, and including the hotel and the office building,  
8           creating a bunch of new jobs. I think it, you know, would  
9           be a very nice project when it's all done, nice to look  
10          at, and clean up the city, that end of the city. And I'm  
11          pleased to see the necessary parking. That's adequate and  
12          necessary parking that's going to be provided there. I'm  
13          speaking on a personal level there. We moved our office  
14          into Portland a year ago, and I've gotten many, many  
15          tickets and four boots, so -- and trying to get space and  
16          a monthly pass at a parking lot is -- it's a long waiting  
17          list. So I -- I think this seems to be a hot topic, and I  
18          certainly urge the parking to be a part of the -- part of  
19          this development. And again, I support Ocean Properties'  
20          proposal here. Thank you.

21          MS. DEBBIE ELLIOTT: Hi, Debbie Elliott, and I am a  
22          business owner here in town and have a commercial  
23          property. But -- and I don't envy your job. It's not an  
24          easy one. You've got a couple of really good proposals  
25          before you. But I have to say I'm -- I'd like to speak in

1 support of Ocean Properties, and -- and part of the reason  
2 being is parking is a problem. And it's -- it's really a  
3 problem. And for anyone who has a business, and I know  
4 that there are more people than just business people, but  
5 I -- I want to relate just a story.

6 Last year we brought a national conference here, and  
7 we brought over 200 people. And -- and we chose Portland.  
8 We were asked to bring it to the State of Maine, and  
9 particularly to Portland. And -- and we looked at the  
10 Samoset, and we looked at The Cliff House. And all of the  
11 people making the decisions to come here wanted to come  
12 here because they wanted to be in downtown Portland. They  
13 wanted to shop, they wanted the services, and -- and they  
14 didn't want to be off site. They could fly in. It was  
15 easy. They rented cars. We had a record attendance, and  
16 we managed to put together a wonderful lobster bake for  
17 them, working with our Ripple Effect friends. But, you  
18 know, we worked hard, and we really worked hard because  
19 those of us who live here made sure we left our cars  
20 anywhere, somewhere, because we -- these people that came  
21 spent a lot of money here. They -- they -- they -- we had  
22 the conference in Portland, but they -- they spent a good  
23 part of two weeks touring the state, going to Acadia,  
24 doing all kinds of things that -- that helped not just  
25 Portland, it helped our entire economy. So for someone to

1 think about the fact that yes, we have a parking problem  
2 and to accommodate that in the plans -- and I know many  
3 plans change in the process. It's a long process, and it  
4 gets better all the way through. And -- but I -- I want  
5 to say I really think that that's a major consideration,  
6 and -- and something that needs to be included. And I --  
7 I -- you know, I don't know how you're going to make these  
8 decisions, and I don't envy you, but I really think that  
9 we need to look at that proposal, the Ocean Properties  
10 proposal. Thank you.

11 CHAIR: Thank you. Hillary?

12 MS. HILARY BASSETT: Hello, everybody. My name is  
13 Hilary Bassett, and I'm the Executive Director of Greater  
14 Portland Landmarks. We have attended community meetings  
15 and met with both developers and analyzed both proposals,  
16 as submitted on the proposal deadline, February 22nd,  
17 2007. We wish to thank both the Olympia Companies and  
18 Ocean Properties for meeting with us and for providing a  
19 range of community forums. Landmarks evaluated both  
20 proposals, using 14 guiding principals, and I have copies  
21 for anybody who's interested. Today we'll focus on the  
22 areas most relevant to framework and function.

23 Overall, we believe the fundamental design approaches  
24 included in the Olympia Companies proposal provide for a  
25 far more integrated solution to the city's needs, as

1 outlined in their request for proposals. The three most  
2 important differences in the plans relevant to framework  
3 and function are as follows: Transportation and parking.  
4 The Olympia proposal honors the community master planning  
5 for the eastern waterfront, which recommended avoiding  
6 parking on the waterfront by minimizing parking facilities  
7 on the pier, using the new city parking facility currently  
8 under construction on Fore Street, and providing \$13  
9 million in funding for alternative upland locations for  
10 parking, and other solutions such as valet parking, access  
11 to public transportation, and shuttles. The proposal also  
12 includes a design for queuing for the Ocean Gateway marine  
13 terminal that maximizes the potential site and presents an  
14 opportunity for off-hours parking that is not recognized  
15 within the site. The Olympia proposal more successfully  
16 addresses the city RFP selection criteria number two,  
17 consistency with eastern waterfront design guidelines.

18 Secondly, open space, public amenities, and views:  
19 The Olympia proposal includes a large multi-use park at  
20 the foot of Commercial and Franklin Streets that provides  
21 pedestrian access to the waterfront; program space for a  
22 variety of concerts, community activities, and public art;  
23 and preserves views to the water from Commercial Street.  
24 The Olympia proposal more successfully addresses the city  
25 RFP selection criteria number three, which -- provisions

1 for public access to the water, including expanded public  
2 access, preserve and create public views of the water, and  
3 expanded or improved opportunities for water access.

4 The Compass Park development: The Olympia proposal  
5 develops Compass Park as a series of small buildings for  
6 multiple purposes which can be used year round and creates  
7 areas that allow public access to the end of the pier,  
8 while providing shelter from wind and weather. This  
9 proposal enhances public access to the pier, as noted in  
10 the RFP above. The Ocean Properties proposal leaves the  
11 Compass Park area undeveloped.

12 So we would urge you to begin negotiations, recommend  
13 negotiations with the Olympia Companies, and I thank you  
14 very much for hearing our views.

15 CHAIR: Thank you. Mr. Napolitano?

16 MR. JOHN NAPOLITANO: Councilors, my name's John  
17 Napolitano. I grew up on Munjoy Hill. I was born there,  
18 grew up on Munjoy Hill, that area, Munford Street, all  
19 that area. I had a business down there on the corner of  
20 Fore Street and India Street. I'm here -- I represent the  
21 Plumbers and Pipefitters Local 716 in the State of Maine.  
22 But also I'm here because of that area, that means a lot  
23 to me down there. I grew up in that area. The working  
24 waterfront -- what this proposal that Ocean Properties has  
25

1 here, and I am in support of the Ocean Properties proposal  
2 here because it does offer more of the working waterfront.

3 When I had my business down there, I -- I serviced  
4 the people that work that waterfront, the fishermen, the  
5 people that came off the -- work in the -- the shops down  
6 there, the -- all along Fore Street, Commercial Street.  
7 They came to my place. It was a place to go. We serviced  
8 those people. They were hardworking people. All I can  
9 see now is, with this proposal coming in here, now you're  
10 going to get more -- more people coming in, more tourism.  
11 You're going to have some -- get an opportunity to get  
12 some ferry service going up and down the coast here, and  
13 more people coming to experience the City of Portland, a  
14 unique city, a great city, my city. I grew up in this  
15 city.

16 But the opportunity that's here, that they're  
17 presenting here, with the ferry terminal, the tugboat  
18 service for the -- that the -- the city really needs,  
19 they're offering is much needed here. By committing the  
20 fishermen and the farmers' co-op, another public landing  
21 for the fishermen, much needed. Tugboat pier, high-speed  
22 ferry service, deep-water berth for cruise ships, this is  
23 what's going to make the State Pier a viable project here.  
24 Accessibility to living, destination for people working  
25 both from the islands and the working -- and walking

1 distance around the city here. It's going to give an  
2 opportunity for the people from the out-of-state and  
3 different parts of this state to experience the City of  
4 Portland. I think you really should get an opportunity  
5 here for the -- for the Ocean Properties, for what they're  
6 doing and what they're putting in here is an opportunity  
7 that we shouldn't really let go, should really try to  
8 grasp ahold of that. Thank you.

9 CHAIR: Thank you. Yes, ma'am?

10 MS. SHAWNA GILLIS-SMITH: Hi. Good evening. My name  
11 is Shawna Gillis-Smith. I'm a landscape architect based  
12 in Boston. So in -- and I was actually up here working on  
13 an art project in the old seaport district, so I'm kind of  
14 a rare commodity in that I am the visitor that -- that one  
15 wants to attract to -- to Portland. And -- and I just  
16 want to recap the things that, you know, that all of us  
17 know, that the reason -- the big appeal that Portland has  
18 is the -- the pedestrian experience, a very textured  
19 pedestrian experience, of a number of different things,  
20 but being able to be a pedestrian going close to the  
21 water. And when I think about this, this is something we  
22 don't have in Boston. It's something we don't -- New York  
23 is starting to get it. It's something that actually  
24 exists very strongly in another city that I lived in,  
25 Vancouver. And the reason, I believe, that it's so

1 effective in Vancouver, as it is here, is that pedestrians  
2 are privileged over vehicles. When -- when I come here, I  
3 get parking tickets, but I always manage to find a place  
4 to park. I always manage to have a great experience while  
5 I'm here. And what -- what concerns me about the Ocean  
6 Properties scheme is -- is not only the extra 450 vehicles  
7 that are going to -- the pressure of the congestion, but  
8 it also concerns me that while -- while I very much like  
9 the idea of the maritime use, it concerns me that the  
10 specific maritime use is heavy vehicle maritime use, so  
11 whale watches, ferries, in addition to -- to the high-  
12 speed ferry.

13 And -- and what I -- what appeals to me about the  
14 Olympia project is the park, is the way that the big --  
15 the view out to the water will pull you all the way down  
16 Commercial Street, from the very, very active retail that  
17 is in another locations. What concerns me of the  
18 potential concern for me of the Ocean Properties scheme is  
19 that this actually becomes the back door to Portland,  
20 where you shove all your cars. And -- and that worries me  
21 very much. I think the idea of a parking scheme where  
22 you're filtering through the city and enlivening many  
23 businesses as you're getting to the waterfront -- because  
24 that's the draw. That's where people are going to be  
25 coming down. That -- so that -- that's what interests me

1 very much. And so this is -- I didn't know very much  
2 about the project before today. So after sort of my  
3 evening experience and my thinking tonight, I would say  
4 that I -- I would be in support of the Olympia scheme.  
5 Thank you.

6 CHAIR: Thank you. Yes, sir?

7 MR. JOHN HANSON: Good evening, Chairman Cloutier,  
8 Councilor Duson, Councilor Donoghue. My name is John  
9 Hanson. I'm from Bangor. Please don't hold that against  
10 me. I --

11 CHAIR: Where is Bangor?

12 MR. HANSON: It's -- it is a little north of here. I  
13 am greatly appreciative of the opportunity to say a few  
14 things tonight. I'm here really representing the Maine  
15 State Building & Construction Trades Council. We  
16 represent somewhere in the neighborhood of 5,500 to 6,000  
17 skilled, professional building and construction trades  
18 professionals. And these men and women are very  
19 concerned, and have been concerned for some time, about  
20 the allocation of good-paying Maine jobs that generally  
21 are associated with the accepted benefits that we think of  
22 in terms of the building and construction trades, such as  
23 health insurance, pension programs, and that sort of  
24 thing.

25

1 I tell you this because the principals of Ocean  
2 Properties approached us some time ago and asked the  
3 question about whether or not there was sufficient  
4 skilled, professional, competent working men and women who  
5 could build this type of project. And our answer then,  
6 and our answer now, is an unequivocal yes. We have talent  
7 in the State of Maine, and they have built and  
8 demonstrated their capacity to continue building. In my  
9 discussions with the principals of Ocean Properties, I  
10 learned what I should have known much earlier on from the  
11 City of Portland, and that is their belief that there was  
12 economic benefit, not only at the conclusion of the  
13 construction of the project, but during its very  
14 construction itself. And then I noted that some time ago,  
15 the Portland City Council said if there's going to be  
16 construction in the City of Portland, we are interested in  
17 seeing the jobs that are created as a result of that  
18 construction go to Portland people, Portland/Greater  
19 Portland area people, and certainly people in the State of  
20 Maine.

21 And so Senator Mitchell spoke earlier about the  
22 highest and best use priorities set out by the Portland  
23 City Council. I would suggest that a footnote to that  
24 would be your priority stated elsewhere, that you also  
25 want to see jobs, good-paying jobs, good, decent jobs go

1 to Maine people. All too often, the Maine Council,  
2 Building & Construction Trades, has seen many of its  
3 members -- in the winter months, this year alone, we saw  
4 almost a third of that total membership working outside  
5 the State of Maine, in Philadelphia, in Virginia, in  
6 Washington, D.C. Those are good jobs, too, but these are  
7 folks who have homes here, who have families here, who  
8 have kids in school here. And to a person they have said  
9 to me, find us good jobs in the State of Maine where we  
10 can support our families, and we won't be working in  
11 Virginia, we won't be working -- we won't have to go away  
12 weeks and sometimes months on end to send home a decent  
13 paycheck.

14 And so we are very, very proud to be supporting the  
15 Ocean Properties proposal. We look forward to our  
16 continued work with them to figure out how we can maximize  
17 that economic benefit, as I said earlier, not just when  
18 this project is completed, when that should be, but during  
19 its very construction itself. I think that's to the  
20 benefit of the City of Portland. It's certainly to the  
21 benefit of the working men and women that I represent.  
22 And I look forward, as I said before, to working with  
23 Ocean Properties on this project. And I thank you for  
24 your time.

25 CHAIR: Thank you. Good evening.

1           MR. CHRISTIAN McNEIL: Good evening. My name is  
2 Christian McNeil. I'm a Portland resident, and I would  
3 like to add my voice to the majority of Portland residents  
4 who have spoken tonight to express grave concern with the  
5 Ocean Properties proposal to make vehicle storage a  
6 dominant component of our waterfront. I'm also -- I have  
7 a background working as an economist, and I've heard a lot  
8 of talk tonight about parking demand. And I'd just like  
9 to say that it just doesn't make any sense from an  
10 economic point of view to talk about parking demand in  
11 Portland or a parking shortage when we spend so much time  
12 and money subsidizing free parking and parking that  
13 doesn't account for the true cost of parking. So you have  
14 all these externalities associated with free parking or  
15 cheaper parking, including traffic congestion, air  
16 pollution, suppressed pedestrian environment. And for all  
17 these reasons, we made it a priority in the Eastern  
18 Waterfront Master Plan to say that putting parking lots or  
19 parking garages on the waterfront is a nightmare scenario,  
20 and it absolutely is. The Portland residents have already  
21 spoken on this -- on this topic, and it is absolutely  
22 inappropriate.

23           Now, the Ocean Properties team has shown a  
24 willingness in the past to adjust their development  
25

1 proposal, and I hope that this is something that they can  
2 reconsider in the future.

3 I'd also like to speak a little bit to the public  
4 spaces, the function of public open space in these two  
5 proposals. Again, I find public spaces in the Ocean  
6 Properties proposal to be, you know, not insufficient but  
7 certainly less desirable than the Olympia proposal.  
8 Rooftop public spaces generally do not function very well.  
9 They're generally places where you're, frankly, more  
10 likely to get mugged in the middle of the night than they  
11 are as active public spaces. Parking lots, the same  
12 thing. A parking lot is not a multi-use public space.  
13 It's a parking lot, and it's generally a very unpleasant  
14 place to hang out in the middle of the summer for street  
15 festivals or things like that.

16 And I'd also like to speak to -- getting back to the  
17 -- the parking issue. By spending so much money, millions  
18 of dollars, on parking infrastructure -- and each parking  
19 space, for -- by the way, can cost upwards of \$20,000 per  
20 space, not including the land cost. But by spending  
21 millions of dollars on parking infrastructure, that's  
22 money that's not getting spent on important waterfront  
23 infrastructure, like the pier pilings that need to be  
24 rehabilitated or even economic development in this area.

25

1           So, again, I'd just like to reiterate, parking  
2 doesn't belong here. There are alternatives. Successful  
3 cities do not build parking garages on their waterfronts.  
4 Successful cities are investing in transportation demand  
5 management, increased transit, transit-oriented  
6 development, not parking garages. Thank you.

7           CHAIR: Thank you. Anyone else? Mr. Cummings?

8           MR. LEONARD W. CUMMINGS, SR.: Hi.

9           CHAIR: Evening.

10          MR. CUMMINGS: My name is Leonard W. Cummings, Sr. I  
11 live here in Portland, 75 Dennett Street, in Portland,  
12 Maine, born here, raised here, retired here. I've grown  
13 to know a lot of people in the City of Portland for quite  
14 a while. Many of you I know, I know your families. And I  
15 think you as City Councilors have done a wonderful job,  
16 made wonderful determinations. And look around the city  
17 to see what you've done, and you've really done an  
18 outstanding job. You've got a problem in front of you.  
19 You really don't have a problem. I think you've got a  
20 clear choice.

21          One of the interesting things I think about the two  
22 proposals, they're both excellent. They're both excellent  
23 proposals. However, I said to you at one point in time, I  
24 think if anybody would ask me personally what I thought  
25 about something, and if they came to me I could have an

1 opinion of that, I think that really demonstrates  
2 something. Well, looking through the thing today and  
3 trying to get a little something -- I never write anything  
4 down. I don't know why I did this today. But just going  
5 through the computer, I came across a couple of items, and  
6 they're brief. And this was part of the Master  
7 Development Plan. And part of it said they would provide  
8 a positive impact and improvement for existing  
9 stakeholders and surrounding properties. I hope they do.  
10 I read on a little further on the -- on the computer, and  
11 it said our plan was an extremely careful, thought out  
12 process involving the citizens of Portland, abutting  
13 landlords, stakeholder businesses, and government agencies  
14 which I believe create the best universal solutions for  
15 all citizens of Portland. No one asked me.

16 So anyway, I went on a little further and I read  
17 about Ocean Properties. And it said the Ocean Properties  
18 plan was backed by an experienced developer. Then I went  
19 on a little further, and I realized that the people  
20 responsible for Ocean Properties were Maine people: Our  
21 Senator, George Mitchell, who I know very well; also Tom,  
22 who we all know very well. I was surprised to hear he was  
23 from Bangor. But I -- I remember that very well.

24 So going on a little further -- and I know both  
25 proposals cost about the same, but they're different. The

1 Ocean Properties plan maintains and enhances the working  
2 waterfront by involving local businesses. It's also going  
3 to provide jobs and a host of other things. But -- and I  
4 kind of agree with this next one. Portland needs an  
5 experienced developer with financial depth to re-develop  
6 the Maine State Pier and that whole waterfront area.

7 And in closing, I guess, making this short and making  
8 it brief, I also read from The Working Waterfront, I  
9 believe it's a newsletter here in the City of Portland,  
10 and I want to go to the very end, and I'll read it to you  
11 because there was a message by our senator. At least  
12 that's what they quoted from. So I hope you don't mind me  
13 talking about it. It's probably the first time you heard  
14 it. And it said there's the unique resource of the pier  
15 and the success of Ocean Properties cruise port in Key  
16 West. Then it says he observed, as the real estate market  
17 goes up and down, and not everyone is prepared for the  
18 downturns and the long haul, Ocean Properties has the  
19 capabilities to see this thing through.

20 So with that in mind, I want to and hope you would  
21 endorse the proven winners of our senator, Senator George  
22 Mitchell, and Tom Walsh. Thank you very much.

23 CHAIR: Thank you. Erno?

24 MR. ERNO BONEBARKER: Councilors, my name is Erno  
25 Bonebarker. I live in Portland. I walked to this

1 hearing. I have only lived here for less than 20 years,  
2 but I fell in love with Portland 20 years ago, and I hope I  
3 still love it 20 years from now. I look forward to  
4 walking to a pedestrian-friendly environment on the  
5 waterfront and the State Pier.

6 I'd like to make a few comments on a slightly  
7 different theme than most of the other ones have been.  
8 This is a project where we're replacing a structure that  
9 was built 85 years ago. It's proposed -- one party  
10 proposes 75 years as its base term. The other party  
11 proposes 99 years as the base term. If this -- in 75 or  
12 99 years, what is our climate going to be like, what is  
13 the sea level going to be like, what is the state of  
14 energy supplies going to be like? All of those things we  
15 know are changing or are at least volatile. A few years  
16 ago, we went through a master planning process for this --  
17 this area, and one of the themes that I think came out of  
18 that very difficult process was keeping the infrastructure  
19 flexible and resilient to changes in the future.

20 I would -- I have concerns about the marine -- the  
21 marine aspects of the proposal. I would like to make the  
22 observation, and -- and save my comments until we've  
23 gotten the review by the experts. I'd simply like to  
24 observe that the cruise ship operations in Portland have  
25 never occupied more than the parts of 30 to 50 days.

1 That's ten to 20 percent of the year. The international  
2 ferry operates four to five months. The -- we have  
3 existing whale watch and marine tour facilities. We have  
4 just invested 16 to \$20 million in Ocean Gateway. I would  
5 urge the city to focus on developing new uses and  
6 complementary uses to existing infrastructures in this  
7 State Pier project, and particularly aspects of a project  
8 that preserves the pedestrian-friendly urban and human  
9 scale of the City of Portland, and that, if necessary,  
10 looks at the entire peninsula as a system in dealing with  
11 the issues that are arising. Thank you.

12 CHAIR: Thank you.

13 MR. ED PALMER: Good evening, Councilors. My name is  
14 Ed Palmer. I'm a Scarborough resident. I'm originally a  
15 Bangor, Maine resident. It will be easy to see which side  
16 of the -- the coin I -- I favor here. I've been the  
17 General Manager of the Marriott here at Sable Oaks for 11  
18 years. I've worked for Ocean Properties for 27 years. It  
19 sounds as if I can't keep a job because I've been in 11  
20 different hotels in six different states. But for the  
21 last 11 years I've been able to get back to Maine, which  
22 is my home and -- and native residence to raise my four  
23 children in Scarborough.

24 I can tell you in my 27 years experience with Ocean  
25 Properties, I've learned a stewardship to the community.

1 I'm currently a member of the CVB's Executive Board. I am  
2 on the Regional Chamber of Commerce Board. I'm a member  
3 of the Maine Tourism Advisory Committee, and have been  
4 taught through my 27 years that it's not all about taking  
5 from the community; it's all about giving to the  
6 community.

7 I can tell you that in my 27 years, I've seen  
8 projects that we've done as a company that are  
9 outstanding. I started in a 52-room motel on Del Ray  
10 Beach, Florida. That was after graduating from Bentley  
11 College and being offered a position by Tom Walsh. I'm  
12 here to say that Tom Walsh is the reason why I stayed in  
13 this business. It's a great business. It's a great  
14 company. And I know that whatever project we do, what --  
15 however we develop it, it will be for the betterment of  
16 Portland. It will be a legacy for Portland. It will be a  
17 legacy to Maine. And I'm proud that I'm associated with  
18 Ocean Properties. Thank you.

19 CHAIR: Thank you. Yes, sir? Good evening.

20 MR. KEVIN MOQUIN: My name's Kevin Moquin, and I'm a  
21 resident of Portland. I own a home, 53 Hammond Street.  
22 I'm predominantly pedestrian. I walk to a job in the Old  
23 Port. Occasionally I need to take my car, and I've never  
24 had trouble finding parking on those occasions when I  
25 needed to bring my car. I think the -- the issue of

1 parking is -- is crazy. Folks are willing to walk nearly  
2 an acre across a Home Depot parking lot, but not a block  
3 across the City of Portland. And I think it's absurd to  
4 put parking on the waterfront, such valuable space. And  
5 that's all.

6 CHAIR: Thank you.

7 MR. MOQUIN: Thank you.

8 CHAIR: Good evening.

9 MS. BARBARA VESTAL: Good morning. Good afternoon.  
10 Good evening. My name's Barbara Vestal. I'm at -- I live  
11 at 7 Fore Street. I've been involved with waterfront  
12 zoning in Portland since 1982 when I went on the Planning  
13 Board, and that was one of the first issues that we dealt  
14 with. More recently, I've been on the Eastern Waterfront  
15 Master Planning Committee and the Central Waterfront Zone  
16 Review Committee. Tonight I just want to talk to you  
17 briefly about the extent to which the proposals meet the  
18 current zoning. Particularly I want to address the  
19 requirement of the 50 percent of ground floor space in  
20 structures being reserved for marine uses. It appears to  
21 me that the contract zone standards would apply across the  
22 entire development proposal on each one of these  
23 developments. And so it's -- it's an important standard.

24 If -- if we could take a minute for just a little  
25 history. In -- in 1986, the citizen-initiated referendum

1 required a hundred percent marine use, without distinction  
2 between ground floor uses and upper story uses across the  
3 entire waterfront. Gradually, amendments to the zoning  
4 loosened up the restrictions on upper story space, but the  
5 requirement generally across the board was that a hundred  
6 percent of ground floor uses be reserved for marine uses.  
7 Then last year the Council made the determination that the  
8 restrictions on the Maine State Pier site should be  
9 further relaxed to generate sufficient income to re-build  
10 the pier and preserve the deep-water berthing capability.  
11 It reduced the ground floor requirement from a hundred  
12 percent to 50 percent marine, and that requirement applied  
13 only within a hundred feet of the pier edge.

14 Now you have two proposals in front of you. It's my  
15 assessment that the Olympia proposal does comply with the  
16 50 percent requirement, and I guess staff concurs with  
17 that. It's my assessment that the Ocean Properties  
18 proposal does not meet the 50 percent requirement. On  
19 page 114 of their February 22nd submission, they claim  
20 that 65 percent of the ground floor space within a hundred  
21 feet of the pier edge was marine. But by my calculations,  
22 it was really only about 22 percent marine. Now,  
23 apparently they have revised this as of May 23rd to say  
24 that it is 50 percent marine. But to meet that, they're  
25 still claiming that all of the public market/co-op space

1 is a marine use, that 3,200 square feet of the hotel is a  
2 marine use, and that all of the ground floor office is  
3 marine. I don't have enough details about the hotel use,  
4 the office use to know whether they meet that criteria,  
5 but it seems that the public market/co-op would have a  
6 hard time qualifying as a marine use, and that's a third  
7 of the space that they say is meeting that requirement.  
8 So I think it's important to pin this down to see whether  
9 it really does meet the marine criteria.

10 The 50 percent requirement is important. The current  
11 zoning is supposed to strike a balance between retaining  
12 water-dependent uses and generating a sufficient income  
13 stream to allow that to happen. The Council and the State  
14 Shoreland Zoning Office signed off on the 50 percent  
15 requirement, saying that that achieved the balance. It  
16 does major violence to the core purpose of rezoning the  
17 Maine State Pier if you allow applicants to further back  
18 away from that 50 percent requirement. Thank you.

19 CHAIR: Thank you. Mr. Scharf?

20 MR. STEVEN SCHARF: Steven Scharf of Portland, Maine.  
21 We don't have a parking problem in Portland. We have a  
22 problem with people thinking they need to bring their cars  
23 downtown every time they come downtown. I'm curious how  
24 many of you rode your bike to the meeting or walked.

25 CHAIR: I walked from the office.

1           MR. SCHARF: I didn't mean from -- I meant from home.  
2           Apparently, one -- none of you rode your bike, one of you  
3           walked to the meeting from home. I rode my bike here.  
4           It's right outside.

5           I'm -- I'm here to support the Olympia proposal  
6           because the Olympia proposal deals with all the issues  
7           that the Eastern Waterfront Master Plan says we need to  
8           deal with, and it -- it -- it -- it provides a vibrant,  
9           exciting development on the waterfront, without throwing a  
10          big, huge parking lot on the waterfront, without putting a  
11          big, huge parking garage, and by trying to solve the --  
12          the parking issues by -- by essentially encouraging people  
13          to get out of their cars and to come to the waterfront  
14          without being in their cars.

15          Mr. Gorrill -- Mr. Palmer, I mean, from Gorrill &  
16          Palmer, suggested that some of the \$13 million could be  
17          used for a \$400,000 study. I'm actually going to suggest  
18          that no, we don't need to spend any more money on studies.  
19          We do have an alternative modes transit study that's  
20          supposed to be in place, and if we could ever give Mr.  
21          Needelman time to start the study, we could actually be  
22          doing it instead of being here in this room doing this  
23          kind of stuff. But we have plenty of money for that  
24          study. We just need to start doing the study so that we  
25

1 can actually start doing the work to get people out of  
2 their cars and getting them on transit and other stuff.

3 I'd much rather see that \$13 million spent on transit  
4 infrastructure. We need adequate bus service in this  
5 location. Now, the Ocean Properties said they had a  
6 meeting with the Metro Board -- Metro staff, director,  
7 which they point out they had -- the meeting was on  
8 Verandah Street when the Metro office is actually on  
9 Valley Street, so it just shows how -- you know, did they  
10 really meet with them at the office, or was it at some bar  
11 somewhere? The -- the problem is what they went into was  
12 the details of how the bus stops should look like, and  
13 those kinds of amenities, when the real issue is that we  
14 actually need decent bus service on the Maine State Pier.  
15 The number eight bus is not an adequate bus system, and we  
16 need to have real bus service. We really should have a  
17 shuttle-type bus going from the -- basically India Street  
18 all the way out to the -- essentially to the airport and  
19 back, and going along Commercial Street. But no one --  
20 every time I've tried to get a developer to put money into  
21 that, they always say, yeah, it's a great idea. We won't  
22 do it. The Planning Board won't force them to do it. And  
23 so we don't see adequate bus service being put into place  
24 in Portland. And we have an opportunity right here to  
25

1 force a developer to spend some money to put adequate bus  
2 service into Portland.

3 And so I would encourage whichever developer gets  
4 this project to think about that very hard because that's  
5 what's going to win this over in the end of the day, is to  
6 discourage parking down the waterfront and to encourage  
7 adequate bus service. Thanks very much.

8 CHAIR: Thank you. Yes, sir?

9 MR. BILL DUGGIN: Hi. I'm Bill Duggin. I'm a  
10 Scarborough resident. I did ride my bike into my business  
11 today here on Middle Street. I've had a retail store for  
12 about 20 years here in Portland. You guys, both staff and  
13 elected officials here in Portland, are doing a great job  
14 to make this a real business-friendly town. It's a great  
15 place to do business, and I'm sure it's a great place for  
16 the residents, my customers. And I know you're working  
17 very hard to make it a better place.

18 I think that the pier is a real valuable asset, a  
19 real beautiful piece of real estate. I'm sure we all know  
20 that. And when I see these two proposals, I'm kind of  
21 bothered by both of them. Both of them have retail and  
22 restaurant. It seems to me we have plenty of great retail  
23 and great restaurant space already on the hard. Neither  
24 of them really gives me anything to see year round. Where  
25 are people going to come here year round? We need

1 business year round in the Old Port and on the waterfront.  
2 We need year round jobs. So you guys have a really tough  
3 job, and I don't think the job right now is to make a  
4 decision. I think the job is to go back to these  
5 developers, and maybe other developers, and say, hey, we  
6 want better because what we're looking at right now,  
7 there's some beautiful work that's been done, there's some  
8 beautiful architecture, there's some great parks proposed.  
9 But where's the year round activity that we need down  
10 there? I don't see it. Thank you.

11 CHAIR: Thank you. Hi.

12 MS. SUSIE KANE: Hello. Thank you for the  
13 opportunity to comment. My name is Susie Kane, and I live  
14 on Peaks Island. And because I live there, I'm on the  
15 Maine State Pier four or five days a week, coming and  
16 going. In spite of my deep respect for Senator Mitchell,  
17 I am very much in favor of the Olympia proposal. And I do  
18 apologize for applauding the comments about the parking.  
19 I didn't realize that I was acting out of line.

20 I'd like to make a couple of comments that I think  
21 have been alluded to by previous speakers about a couple  
22 of aspects of the Olympia proposal. One is the additional  
23 queuing area that is being provided. Right now in the  
24 summertime, there is a lot of traffic on that street going  
25 into the ferry terminal. And to allow for extra space

1 would be a great addition to an already crowded area. And  
2 I also like the expanded storage that's being proposed by  
3 the Olympia project. And I thoroughly love the fact that  
4 there is no parking on that -- on their proposal. Thank  
5 you.

6 CHAIR: Thank you. Yes, sir?

7 MR. MIKE TAYLOR: Hi, Mike Taylor, Portland, member  
8 of the Downtown Portland Corporation also. I just wanted  
9 to make a couple comments about the two proposals that we  
10 have in front of us. Everybody's been commenting about  
11 the parking issue, but no one's been talking about the  
12 functionality of the Maine State Pier. Why -- why are we  
13 here? Not because of parking, but because of the cruise  
14 ships. But also what we've got to consider is that, you  
15 know, right now, we've got about 30 cruise ships coming  
16 in, and the Olympia project does not entice or anything  
17 like that about when a cruise ship comes in, Brian Fornier  
18 has to move all of his tugs, every single time it comes  
19 in. So he has -- he has to move it at the end of the pier  
20 or across the harbor over in South Portland. Ocean  
21 Properties makes -- builds essentially a new pier for  
22 them, which is one of the RFP items in the -- in the  
23 proposal that no one's been talking about anything except  
24 for parking.

25

1 I don't know about anybody else, but I walk down  
2 there every day and kind of like walk around and get some  
3 ideas, you know, how this area's going to be developed and  
4 different stuff like that. And, you know, you walk down  
5 to the end of the pier and, you know, I don't know who's  
6 going to come from out of state, you know, and try to look  
7 for a parking spot, and, you know, go to a restaurant or  
8 anything like that at the end of the pier. I'm sorry,  
9 but, you know, you walk down to the end and, you know,  
10 there's no parking or anything like that. And it's -- you  
11 know, a few people have been talking about, you know,  
12 parking issues that, you know, we don't want to see a  
13 parking garage down there or anything like that. Well,  
14 you've got to also look is that we're also talking about  
15 the -- the Bayside vision also, too. And the Bayside  
16 vision we also have to look at a parking garage. And if  
17 you have a parking garage, you can have an office building  
18 that will attract a tenant. Well, the thing is that these  
19 guys, you know, are going to have an office building. Who  
20 are you going to attract for a tenant in your office  
21 building if you have no parking? Because if you have no  
22 parking, I don't know who you're going to get. I don't  
23 know if Boulos is going to be able to find a tenant for  
24 your building if you're not going to provide parking. You  
25 know, if you're going to provide it 50 miles outside of

1 Portland, or are you going to park it, you know, right  
2 next door?

3 And so that's the one thing, you know, we were  
4 talking about the Bayside vision is by having a garage  
5 right next to an office building will attract a tenant who  
6 will be coming down -- you know, it's -- you know, you've  
7 got to have parking. I'm sorry, no matter what. You  
8 know, you can talk about busing and stuff like that.  
9 Well, busing only, you know, is good for a few people in  
10 the city. I'm sorry, but my father drives the Metro bus,  
11 and, you know, I don't see many people riding on the bus.  
12 Half the time it's empty because it does not apply -- you  
13 know, the routes are bad, but I know Kevin is working on,  
14 you know, routes for the City of Portland, and you know,  
15 trying to get people, you know, to take their bikes and  
16 stuff like that. You know, that's good and dandy, but  
17 we've just got to look at the functionality of this Maine  
18 State Pier.

19 And I've been on several cruises. I don't know in  
20 the room how many people have been on a cruise before, but  
21 you know, when you go on a cruise, you get off the cruise  
22 boat, half the time you don't eat at a restaurant. I'm  
23 sorry, but I didn't eat at a restaurant one time I went on  
24 a cruise. You know, you go out and you check out the --  
25 you know, the shops, and -- or half the time, you know,

1 you -- especially with Carnival. Carnival basically --  
2 when you go on Carnival, they -- you know, they try to  
3 tell you, you know, an excursion that you want to go on.  
4 So ahead of time you're already pre-planned for that  
5 excursion. So half -- half the people are going to come  
6 off the boat, are going to get on a bus, and go somewhere  
7 else.

8 And so you've got to look at the functionality of  
9 what -- what is this Maine State Pier going to do for the  
10 City of Portland? You know, A, it's going to be a cruise  
11 ship terminal. It's going to be an added cruise ship  
12 terminal because we've got half of the, you know, pier  
13 going on the other side for the Ocean Gateway. So you've  
14 got to look for a berth that's going to be at least a  
15 thousand-foot, you know, ship that's coming into port.  
16 You know, you know, you can actually talk to Captain  
17 Jeffrey Monroe and, you know, about -- you know, how the  
18 functionality of this place is going to be. So that's  
19 all, I guess.

20 CHAIR: Thank you very much. Anyone else? Mr.  
21 Humeniuk?

22 MR. JACK HUMENIUK: Councilor Cloutier, Councilor  
23 Duson, and Councilor Donoghue, my name is Jack Humeniuk.  
24 I reside at 1 Deep Wood Drive in Portland, Maine, and I  
25

1 also represent the Portland Longshoremen's Benevolent  
2 Society. I just want to make a couple of comments.

3 I know the focus is on form and functionality, but I  
4 think that that becomes a result of what your primary goal  
5 and objective is. And it seems to me that Ocean  
6 Properties, as Senator Mitchell had described, I think  
7 their prime goal was to meet the objective of what the  
8 Council was looking for, and that number one issue was to  
9 preserve and enhance deep-water berthing and -- and  
10 maritime use on that facility. So I think you can have a  
11 lot of different designs that are going to go through a  
12 lot of different steps in the process. It's going to be  
13 the Planning Board, you have a lot to say from the DEP.  
14 But in the end, I think Ocean Properties more completely  
15 addresses that issue, which is the primary issue because  
16 when this -- all this started off, I think you'll recall,  
17 that most of the marine interests, as well as non-marine  
18 interests, supported this change in the zoning and  
19 expansion as a way of using private dollars to invest to  
20 preserve that -- that function. As you know, over the  
21 years tens of millions of dollars in public money have  
22 been put into that facility, and I -- and I do applaud  
23 both companies for coming forward and proposing what is a  
24 significant and huge investment for this community. Over  
25 the long term, though, I think Ocean Properties has

1 demonstrated with their experience that they could double  
2 to triple the cruise ship calls in this port because they  
3 have a direct relationship with one of the largest cruise  
4 companies, and they've done this before.

5 I would just say to anybody in this audience, ask the  
6 business owners in the Old Port and in the rest of the  
7 city if they don't know a cruise ship is in the port.  
8 And, yes, it may be for three or four months, the same as  
9 maybe the ferry service. But this port is a small port,  
10 and it depends on a number of businesses to make it  
11 function on the marine end. And so, I think that the  
12 balance that has been struck by the Council going out with  
13 this RFP is -- you've got to get the economics out of the  
14 portion of property that will -- will support the  
15 investment in the marine end of it. And I think that  
16 Ocean Properties does a better job of that.

17 Also, in terms of parking, I was on the Planning  
18 Board, along with Barbara Vestal, was former Chair, was on  
19 the Eastern Waterfront Advisory Committee, and as you all  
20 know, in the ordinance, parking is required of every new  
21 development. Now, it's got to be somewhere. It would be,  
22 to me, irresponsible for a -- a new and large development  
23 not to provide for some parking on site. It's just  
24 practical and sensible. And in light of that, Ocean  
25 Properties is proposing that parking is basically a

1 function of marine use. So -- so if you look at all of  
2 the properties that are basically in the restricted  
3 marine-only zone, all those properties need on-site  
4 parking for their employees, for service, and for other  
5 things. And so it makes sense to have a portion of the  
6 parking on site for that marine-related use.

7 Ocean Properties also demonstrated by experience that  
8 they have experience in the ferry business, which would be  
9 a tremendous new business to come into the port, and it  
10 would last probably five months or so. The berth at the  
11 State Pier is vital because there isn't going to be any  
12 mega-berth off the end of Ocean Gateway. That proposal is  
13 nonfunctional. The money that is proposed for it is not a  
14 third of what would be needed to put something there that  
15 would work. Secondly, people would be walking over a  
16 quarter of a mile to get to wherever they're going.

17 I'd also point out statistics on cruise ships is a  
18 third take cruises -- I mean, half -- usually a third stay  
19 on board, a third will take the buses, and a third will  
20 walk into the town that they go into. The number one  
21 comment we get is they love Portland, and the cruise ship  
22 companies get, but the facility is terrible. It's falling  
23 down. And -- and it's bad on the ships, and it's bad on  
24 people coming here.

25

1           So I have also concerns on the Olympia proposal that  
2           it's not permissible. I just don't believe, in -- in  
3           knowing and having some experience in the process of  
4           filling the -- the area there, the deep water, will fly,  
5           especially for a non-marine hotel use.

6           So those are my comments and those are my concerns,  
7           and good luck. Thank you.

8           CHAIR: Thank you, Jack. Anyone else? Seeing none,  
9           we will reconvene in about two weeks' time. We --  
10          although the agenda says that we're going to deliberate  
11          and discuss, I think maybe if we defer that, we would --  
12          maybe we'd be better off. Okay. (inaudible) of course,  
13          you cannot, because before you go, you're certainly going  
14          to want to fill out those comments sheets that -- that we  
15          left on your seat. And we would -- seriously, we'd be  
16          very glad to have comments and contact information. Our  
17          promise to you is if you leave us a way to get in touch  
18          with you, we will be in touch. So, again, thank you all  
19          very much. Thank you to the applicants for coming, a very  
20          constructive night, and we will be back in action in a  
21          couple of weeks. Thank you.

22                         (The hearing concluded at 7:41 p.m.)

1 Please note: An error was made in the introduction of  
2 Patrick Christian. He should have been introduced as the  
3 former General Manager of Casco Bay Island Transit  
4 District.

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I, Jeannette E. Beyler, a Notary Public in and for the State of Maine, hereby certify that the within-named deponent was sworn to testify the truth, the whole truth, and nothing but the truth, in the aforementioned cause of action.

I further certify that this deposition was electronically recorded by me and later reduced to print through transcription, and the foregoing is a full and true record of the testimony given by the deponent.

I further certify that I am a disinterested person in the event or outcome of the above-mentioned cause of action.

Any changes in form or substance which the witness has made has been entered upon the record by me.

IN WITNESS WHEREOF I subscribe my hand and affix my seal this xxth day of June 2007. Dated at Portland, Maine.

\_\_\_\_\_  
Notary Public

My Commission Expires  
November 19, 2010