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## Needelman, William ~ Oral History Interview

Kristen Grant

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# **Interview with William Needelman by Kristen Grant**

*Summary Sheet and Transcript*

## **Interviewee**

Needelman, William

## **Interviewer**

Grant, Kristen

## **Date**

December 5, 2014

## **Place**

Portland, ME

## **ID Number**

VWWF\_WN\_009

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## **Biographical Note**

William “Bill” Needelman is the Waterfront Coordinator for the City of Portland, Maine. He was born in Portland, Maine on April 3, 1964.

## **Scope and Content Note**

Bill Needelman discusses the context and evolution of waterfront zoning in the City of Portland, Maine. The working waterfront is a defining characteristic of Portland, but the condominium boom of the 1980’s threatened to displace traditional fishing uses. Mr. Needelman discusses the public outcry that led to a local referendum placing a moratorium on all non-marine development along Portland’s waterfront and the 1992 Waterfront Alliance report that was used to inform the development of waterfront zoning and regulation. Portland’s waterfront zoning law, which provides strong protection for commercial berthing while allowing higher end retail and restaurant uses that help subsidize pier improvements, has become a model for the nation. Mr. Needelman shares the City’s experiences and lessons learned in implementing the new zoning regulations to enable both non-marine uses and traditional marine activity along an urban waterfront.

## **Indexed Names**

Needelman, William

**Transcript—WN\_009**

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1 **[Begin Needelman Interview]**

2

3 **00:00:00**

4 **Interviewer:** All right; so we're going to start our interview with Bill Needelman and I'm going  
5 to have Bill introduce himself and tell us about his affiliation with the City of Portland.

6

7 **00:00:09**

8 **Needelman:** Hi; I am Bill Needelman. I'm the Waterfront Coordinator for the City of Portland,  
9 Maine.

10

11 **00:00:14**

12 **Interviewer:** And can you tell me your birth date and your birth location?

13

14 **00:00:20**

15 **Needelman:** I was born on April 3, 1964 here in Portland, Maine.

16

17 **00:00:25**

18 **Interviewer:** Thanks. And can you start us off by describing the character of this area to  
19 someone who has never been here before?

20

21 **00:00:33**

22 **Needelman:** Portland is a coastal city on the Coast of Maine and it is a historic city, you know  
23 founded in the 1630s so it has a long history of development. Most of that development oriented  
24 along its waterfront in its early years and then as it grew with the transportation network through

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25 canals and rail development the City evolved as a place where the water met the land-based  
26 transportation system and manufacturing and other types of industries grew with those  
27 developments.

28

29 **00:01:16**

30 **Interviewer:** That's good. And can you tell me what the waterfront means to this community?

31

32 **00:01:21**

33 **Needelman:** The waterfront is the defining feature of the community; it's Portland. And back in  
34 the 1980s when there were risks imposed on our waterfront by non-marine development the  
35 slogan was *keep the port in Portland*. And so with someone from away were to think of what  
36 defines the City's character and values, they can think of a community that wants to keep the  
37 port in Portland. It doesn't mean we don't struggle with that effort but it is a character defining  
38 value and ethic for the City--is to retain an authentic port character, authentic port activities, at  
39 the same time as we evolve into a post-industrial city dependent on tourism and non-marine  
40 developments and non-marine industries such as medical and education, financial services.  
41 Those are incredibly important to our community but our identity is that of a coast town and a  
42 port town.

43

44 **00:02:26**

45 **Interviewer:** So from what you just said it seems clear that the--the identity of the port and the  
46 waterfront is key to Portlanders and the way they see themselves. So what is it about the  
47 waterfront that you and probably the residents of Portland see as so unique?

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49 **00:02:47**

50 **Needelman:** You know from the perspective of somebody who has lived here for the majority  
51 of my life I think there's two major components. One is that most people have--that have lived in  
52 this town for any length of time know somebody who has made--makes their living on the water,  
53 or they knew somebody or there's a family connection in some way, a high school friend worked  
54 on the docks, a neighbor is a lobsterman, somebody works on the oil terminals in South Portland;  
55 these are ongoing activities that do accumulate into a fair amount of active employment for the  
56 City and those--that employment permeates all the neighborhoods of the City whether they're  
57 located on the waterfront or not.

58 **00:03:34**

59 I think a second important aspect is that the downtown of Portland is tightly integrated  
60 with the waterfront. So there are physical connections that go beyond waterfront trails and the  
61 recreational use of the water. The--the City is physically integrated with its piers. The piers are  
62 literally roads to the water and they connect to the street grid of the City in a seamless way.  
63 Sometimes when one walks from the downtown onto a pier if you don't know the geography you  
64 don't realize when you've made that transition. The piers are part of the City and that impacts  
65 our identity as a coastal community.

66

67 **00:04:24**

68 **Interviewer:** Great; so Portland has been working for decades to balance the needs of water-  
69 dependent and mixed uses on the waterfront. Can you describe the process that the City has  
70 moved through over the years to address this balance?

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71

72 **00:04:37**

73 **Needelman:** It's--that's a big question and we could talk about that for days and not for  
74 minutes, but I'll try to encapsulate it into a few nuggets. Back in the 1980s like many cities,  
75 Portland underwent a condominium boom. They were heady times in the development world and  
76 much of that activity in Portland was centered on the waterfront.

77 **00:05:03**

78 Likewise, back in the 1980s we had a very robust ground-fishing fleet. Portland has  
79 always been a lobstering town, and the support uses of the--and the support activities for fishing  
80 occupied a great deal of the historic working piers right downtown and working in Portland's  
81 Harbor.

82 **00:05:25**

83 It was a time period when active displacement of commercial fishing by condominium  
84 development galvanized the City. It--the condominium developments on their own there was  
85 nothing wrong with them. They were high-value; they added to the tax base; they added to a  
86 sense of vitality in our downtown but the fact that they were located on piers which had  
87 historically supported traditional marine uses and specifically fishing uses created a discomfort  
88 and the--not only was it changed, which is always difficult for communities, it was character-  
89 defining change.

90 **00:06:18**

91 And the citizens of Portland literally rose up with referendum, placing a moratorium on  
92 all non-marine development along Portland's waterfront. This was unique. It was a first of its  
93 kind for this part of the country. And it was citizen-initiated. The values of the City expressed

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94 themselves in a way that was really contrary to their own financial self-interest because the tax-  
95 base of the City was going to benefit from that condominium development but the citizens chose  
96 to support marine industry over short-term economic gain.

97 **00:07:06**

98 There were also the--the physical--

99 **00:07:12**

100 Well there was the--the--when people looked at change along Commercial Street,  
101 Commercial Street is our waterfront drive. It runs parallel with the shore and perpendicular to the  
102 piers. And Commercial Street has always been a wide somewhat chaotic corridor with trucks, up  
103 until the 1980s rail lines, all mixed in with ice houses, bars, retail establishments, uses of marine  
104 and non-marine. But throughout all of it there was fishing. And when you went to Commercial  
105 Street which everybody did because it wasn't just fishing, the--the character of the street was one  
106 where you knew that were you in a fishing town and pickup trucks with lobster traps were the  
107 dominant form of transportation.

108 **00:08:11**

109 When those pickup trucks started to have bumper stickers that said *Get Off My Street* or  
110 other bumper stickers that said *Will the Last Commercial Fishermen on Commercial Street*  
111 *Please Shut Out the Lights?*

112 **00:08:29**

113 That type of activism resonated with folks who worked on the waterfront but even--and  
114 folks who didn't work on the waterfront but valued the image of Portland as a working  
115 waterfront town.

116 **00:08:51**

117 The referendum was successful at the polls with over two-thirds of the voters in 19--this  
118 was 1987, May of 1987. Two-thirds of the voters voted to put a moratorium on all non-marine  
119 development. It was a five-year moratorium which was generally the maximum allowed.

120 **00:09:12**

121 One of the interesting things that happened during that--the period of moratorium is that  
122 there was virtually no significant investment in pier infrastructure. There was one office building  
123 built for marine--for marine activity. But many of the piers, most of the piers which are for the  
124 most part privately owned began a period of disinvestment because the value of the marine  
125 industries which were protected did not support the types of expensive investments necessary to  
126 maintain marine infrastructure. So the City again had to step back and evaluate how do we  
127 maintain these private piers while at the same time maintaining our position as a port community  
128 and a fishing community? And many communities nowadays have water alliances or waterfront  
129 alliances or--or civic groups that come together to talk about waterfront issues. But one of the  
130 first occurred right here in Portland, Maine and it was truly an alliance, because it wasn't just the  
131 pier owners coming together or just marine industries coming together. But it was the activists  
132 who supported preservation of the working waterfront back in 1987 along with the pier owners  
133 who were legitimately asking for the--the tools necessary to invest in this critical infrastructure.,  
134 coming together again with other industry folks from both the marine side and the retail and  
135 tourism side, so it was an alliance of disparate groups--not just alliance of folks who all agreed  
136 with each other at the onset. And that provided an opportunity for mutual learning. And the  
137 Waterfront Alliance now 30 years later is still an ongoing concern; it still meets monthly and it  
138 still has many of those same players but also new players who come together to discuss  
139 waterfront issues on a regular basis.



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140 **00:11:23**

141 But the Waterfront Alliance back in the 19--late--excuse me--the early 2000--in early  
142 1990s, pardon, say that again; in the early 1990s the Waterfront Alliance worked with our  
143 regional Council of Government, Greater Portland Council of Government to create a report that  
144 would inform zoning and regulation along our waterfront. And the 1992 report, the Waterfront  
145 Alliance Report, laid out conditions, where working waterfront uses would be preserved but not  
146 non-marine uses would be allowed to the extent that they were compatible and promoted  
147 investment in marine infrastructure. And that's still the guiding principle and the policies that the  
148 City has adopted. I think it's an interesting component of Portland's planning history that it was  
149 citizen initiated and private initiated policies that the City then adopted as its own and then  
150 became the stewards of. Again it reinforces that concept of waterfront development and working  
151 waterfront use as being part of the values and the ethics of the City, and which allows us to  
152 maintain those uses over time and against competition.

153 **00:12:46**

154 Now that's not to say that everybody agrees with the evolution. Pier owners continue to  
155 come back to the City asking for relaxation of zoning and regulations to allow for more  
156 investment opportunity. But every time the City looks at those requests the question is always,  
157 what waterfront uses are there; how much space does--do those uses need; and how can  
158 performance measures and protections be put in place to preserve fishing, marine construction,  
159 marine transportation? How can those industries be preserved while allowing other uses to come  
160 in? And that evolution I have no doubt will continue on into the future.

161

162 **00:13:39**

163 **Interviewer:** So the pier owners are looking for some relaxation. Can you describe a little bit  
164 more what kinds of relaxation they'd like to see?

165

166 **00:13:50**

167 **Needelman:** They want the opportunity to invest in their piers. And marine industry pays at a  
168 low rent. Marine infrastructure is extremely expensive, so to rely entirely on marine use, as  
169 relegated piers to either become very low-value structures or they've needed to bring in non-  
170 marine, high-value, non-marine uses that will pay enough revenue to float the loan. It needs to be  
171 a financeable project that can generate enough income to pay off the debt.

172 **00:14:33**

173 The types of uses that the pier owners have asked for in the past and have in large part  
174 received would be upper floor uses. It started off back in the late 1990s, early 2000s with pier  
175 owners asking for simply non-marine uses in upper floors of existing buildings. In fact that was  
176 part of the original proposals, you know if there was an existing building and it had more than  
177 one floor, the upper floor could go to a non-marine use.

178 **00:15:07**

179 That has evolved to allow for non-marine uses in the upper floors of new buildings to  
180 actually promote new construction on the piers. The latest iteration of zoning in our central  
181 waterfront allowed for the tenancy of first floors and some of the open spaces on piers to go to  
182 non-marine use, but limited by percentage. Forty-five percent of a first floor can go to a non-  
183 marine use. Fifty-five percent of that first floor needs to go to a marine use. Probably one of the  
184 most important conversations involved the types of vessels that can be berthed along these piers.  
185 At one point the pier owners asked to allow for 50-percent of pier edges to be occupied by

186 recreational berthing, boats on which people do not rely for their living. The Planning Board and  
187 the City Council ultimately did not approve that. They--and the pier owners backed away from  
188 that request recognizing that the--the vacancies did not suggest that commercial marine  
189 enterprise had shrunk to the point where that was necessary. They also recognized that a  
190 commercial berth is worth more than a seasonal recreational berth, so as long as we can keep  
191 robust marine industry in town the vessels will be there to fill the berthing and the need for  
192 increased recreational berthing--just wasn't demonstrated at the last time.

193 **00:17:10**

194         There's a question as to whether or not new recreational berthing would be either a  
195 benefit or a detraction to the--the balance of marine and non-marine or commercial and non-  
196 commercial uses along our waterfront but the fact that our policies have strong protections for  
197 commercial berthing is one of the more important aspects of Portland's regulatory structure. The  
198 commercial berth is the fundamental resource from which all other marine industry flows. If you  
199 can't bring a boat alongside you don't have a port. And that boat needs to be a commercial  
200 vessel.

201

202 **00:17:55**

203 **Interviewer:** So you've talked a lot about the advocacy at sort of all levels that you know that  
204 has essentially been the foundation of the work that's happened to bring you know the--the  
205 zoning you know to the place that it's become. And would you say that for the most part the pier  
206 owners are--continue to be advocates for the commercial side of pier use?

207

208 **00:18:19**

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209 **Needelman:** The--the pier owners at this point have either owned their properties for long  
210 periods of time and in some cases many, many generations or they've purchased piers within this  
211 regulatory framework. So it--there's--the--the rules and regulations are well-understood by all  
212 and the--the realities of changing the regulations are understood by all. Occasionally a  
213 speculative owner will come forward; a property will change hands and a pier will be purchased  
214 by someone who--who you know may consider that change you know to the--so the regulations  
215 would allow for more non-marine development or more intense non-marine development. Those  
216 are the exceptions. The vast majority of the pier owners [*Phone Rings*] understand that they own  
217 working piers and that they will only be able to put as much non-marine use as is necessary to  
218 keep their--their pier going.

219 **00:19:29**

220 I think that it's one of the you know--evidence of that is in the fact that our last rezoning  
221 of the central waterfront was in 2010 and that was in the depth of a pretty tough economic time.  
222 But as we've come out of the 2000--the late you know, the 2008 to 2012 recession there haven't  
223 been ground swells of new development coming forward for non-marine. We have one  
224 significant building that's being built on Maine Wharf which is a non-marine structure. But that  
225 structure is less than half the footprint of the--of the--of the buildings on--on Maine Wharf and  
226 they're not proposing any non-marine parking on the wharf. The wharf will continue to be a  
227 working structure. It will also have restaurant and an office-type use and given that it is right  
228 next to our ferry terminal and the historic shopping district of the old port, having restaurant use  
229 in that part of the waterfront is complementary to the lobster, fisheries, and the seafood dealers  
230 and the other folks who also cater to a tourism crowd. That high-end retail and restaurant type  
231 use will also subsidize the improvements to the pier which are supporting marine--seafood

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232 processing, seafood shipping, an aquaculture facility all of which are also located on that same  
233 wharf. So the pier owners at this point if they don't agree with the restrictions they need to  
234 accept them as facts. The City Council, the Planning Board, and the other folks who are in the  
235 decision-making chain recognize the importance of the marine economy to the City and--and the  
236 fact that we have a mixed use waterfront, a waterfront that is both commercial marine interests  
237 and tourism and office, put together in one location in a--with a compatible--within a compatible  
238 arrangement.

239 **00:21:59**

240 Folks recognize that this has now become our brand. This is what the tourists come to  
241 see. They bypass Newport and Newburyport to come to Portland because they come to an  
242 authentic place, but they also want to eat at a good restaurant that's on the water and we embrace  
243 that.

244

245 **00:22:20**

246 **Interviewer:** Which sort of points to the--to the question about the definition of water-  
247 dependent uses and how if at all those have changed over time in Portland?

248

249 **00:22:33**

250 **Needelman:** Well we've split those hairs fairly fine. And we have a hierarchy of uses within our  
251 regulatory structure where in our--and it's not just the historic piers of our Central Waterfront  
252 that we work with. We have an Eastern Waterfront which is a passenger port. We have a  
253 Western Waterfront which is a freight and industrial port. And then the Central Waterfront which  
254 is our mixed-use fisheries port in the middle which also has the tourism related activities.

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255 **00:23:03**

256 In our Eastern Waterfront we have--we have a structure that recognizes deep water  
257 dependent industries, water dependent industries which may be shallow, marine support  
258 industries, which don't need to be on the water but gain value from the water and add value to  
259 marine industry and then compatible non-marine activity which helps provide the revenue.

260 **00:23:34**

261 In other portions of the port we don't distinguish between deep water and water  
262 dependent, but the three major categories of water dependent, marine support, and compatible  
263 non-marine--that's the structure on which we rely and so we've had to define it and that  
264 definition has remained relatively stable for some time.

265 **00:23:59**

266 I think where there has been some shift in attitude is in marine retail, you know that--a  
267 fish, a seafood retailer originally had not been considered a--a marine support activity. It was  
268 considered a retail activity. We have evolved to the point where a seafood store or fish monger  
269 who is dealing to the public, not just a wholesaler--that's now considered a--one of the permitted  
270 marine--commercial marine uses along our waterfront. And I think that's appropriate for the type  
271 of town that we are.

272

273 **00:24:39**

274 **Interviewer:** Uh-hm; so it sounds like the--the definitions emerged in about '87 and have  
275 evolved slightly since then but they've been pretty stable.

276

277 **00:24:49**

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278 **Needelman:** The definitions were really codified by the Waterfront Alliance Report back in--  
279 you know that was finalized in 1992. And there has been a--you know a slight evolution over the  
280 time as terms of the definition. What's really evolved is the--how we've divided the pie, how  
281 much non-marine use of these compatible non-marine activities you know how much and under  
282 what conditions can they exist because it's not just about percentages. Our--our regulatory  
283 structure also involves performance standards. How do you address parking and circulation? You  
284 know so when a non-marine use comes forward and they need a dumpster, is that dumpster in a  
285 place where it's going to get in the way of marine activity?

286 **00:25:42**

287 When a law office is proposed for the upstairs of a--of a historic structure will the parking  
288 for that office displace the parking or get in the way of the circulation for commercial berthing?  
289 And all of those issues are worked out on the site plan before approval of a project so when the  
290 project is installed all the tenants understand the use relationships prior to occupancy of the  
291 building.

292

293 **00:26:23**

294 **Interviewer:** And those were great examples. Are there--I understand that there's probably  
295 many, many pages of--you know of language about the performance measures--are there a  
296 couple of highlights for people that might be interested in knowing how to begin thinking about  
297 performance measures?

298

299 **00:26:42**

300 **Needelman:** Thinking about the function of piers before writing the regulations and talking with  
301 marine operators and understanding their needs, so it starts with that prioritization. If the water  
302 dependent use is the highest priority, if commercial berthing is the highest priority,  
303 understanding those needs which is also about understanding what they don't need. You know  
304 one of our staff members who at one point was the Fishing Liaison Officer for the City, her  
305 quote was the fishermen don't care what happens in the air. Second floor uses were something--  
306 was an easy giveaway. Let buildings breathe. But getting people to and from those buildings  
307 shouldn't happen in a way that gets in the way of industrial marine activity. So when a building  
308 is proposed to house a non-marine use in an industrial marine environment it may mean that you  
309 need to dedicate some space for the pedestrian access to that building--a sidewalk so that there's  
310 a safe way, a safe refuge for the pedestrian to enter a building and there's also a safe and  
311 unencumbered place for the marine operator to load and unload a commercial vessel.

312 **00:28:21**

313 That doesn't mean those lawyers aren't going to drift to the pier edge but when a  
314 fisherman is loading or unloading his vessel that lawyer then knows that it's time to go over to  
315 the sidewalk and stay out of the way. The site plan, the design of the pier needs to accept both  
316 types of uses for compatible relationships to exist. And even though many of our piers have had  
317 the opportunity to install non-marine uses many of them have not because they--even though it  
318 would be in their financial interest to do so because they recognize that they don't have the  
319 infrastructure that could allow for that compatible mixing. And since the priority is for  
320 commercial marine they continue to operate 100-percent commercial marine activity, knowing  
321 that in the future they may be able to evolve. They may need that revenue. But where they are  
322 now they recognize that they would never get through the regulatory process because they're not



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323 prepared to install the sidewalks, the lighting, the other types of amenities that make a non-  
324 marine structure viable and attractive that would actually generate the rents that they need.

325 **00:29:55**

326 Some piers may evolve to become lower valued properties supporting the types of fishing  
327 shacks that one sees up and down in coastal communities everywhere, but you know especially  
328 in Maine. That's a viable development scenario for many piers where instead of seeking out high  
329 value development, allowing the pier to require less.

330 **00:30:28**

331 That's not always good news. But it is a financial reality for some of these piers. The--the  
332 regulations that we have in place now allow the property owner to make that choice and it's not a  
333 dictate from the government telling them how their pier is to evolve. I mean they now have the  
334 tools to make choices to either make high-value investments or to allow the piers to--to be more  
335 of a--of a fishing shack type pier. And we have examples of both. It's interesting to note that  
336 almost all of Portland's piers were developed for some other industry than they currently house.  
337 Portland was the junction of marine freight and rail and the piers [*Phone Rings*] evolved for that  
338 reason. I'm going to just--. I'm not going to take that but I'm going to let it run its course and  
339 then I'm going to unplug it. I'm going to have to give this guy a call back in a little bit. Sorry  
340 about that; I forgot to unplug it.

341

342 **00:31:51**

343 **Interviewer:** It's--yeah it's fine.

344

345 **00:31:53**

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346 **Needelman:** Yeah; I'm going to let him leave his message.

347

348 **00:31:56**

349 **Interviewer:** But do you want to--do you feel like you need to get back to him before we were  
350 planning--?

351

352 **00:32:00**

353 **Needelman:** No; I'll be able to give him a call back around noon.

354

355 **00:32:04**

356 **Interviewer:** Or you know maybe just when we finish here, you can just jump on it while I you  
357 know get ready to you know go outside.

358

359 **00:32:09**

360 **Needelman:** Yeah; all right.

361

362 **00:32:11**

363 **Interviewer:** Great.

364

365 **00:32:12**

366 **Needelman:** The red light is on. So back--Portland's piers; Portland's piers for the most part  
367 were built as freight piers and they also housed manufacturing facilities that took advantage of  
368 access to commodities and to transportation routes, either marine transportation routes or rail  
369 transportation routes. It's one of the--I think one of the fascinating things about Portland's

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370 history is that the first significant pier to be constructed solely for fishing was the municipal fish  
371 pier built in the early 1980s.

372

373 **00:33:00**

374 **Interviewer:** Wow.

375

376 **00:33:03**

377 **Needelman:** This was a freight port, grain to Europe from Canada; there was slate being brought  
378 in by rail from Monson, slate sinks manufactured on a pier in Portland Harbor, put both back  
379 onto rail but--and onto ships and distributed worldwide. Sugar was a major industry in Portland's  
380 early history that continued up through the 19<sup>th</sup> century. It was Portland's interaction with the  
381 slave trades, you know the sugar from the Caribbean would come up to Portland for processing  
382 and salted cods and other materials would go back down to the Caribbean. That was part of our  
383 history as well and but sugar and the--the distilling of sugar into rum or the--the--or just taking in  
384 balk molasses was a major industry for Portland. Lumber, so lumber coming down from the  
385 Great North Woods being milled into--into dimensioned lumber and then shipped to a world  
386 market, happening both from rail and from the sea. All this happened on Portland's piers.

387 **00:34:24**

388 None of those industries survived and the fishing uses, the tourism uses and even the--  
389 like the passenger transportation uses that we have now are--that occupy our piers are sometimes  
390 the second or third different industry which has occupied these piers since their original  
391 construction.

392

393 **00:34:46**

394 **Interviewer:** That's fascinating. I did not know that. Just sort of as a consequence of our  
395 conversation you've already answered a lot of these. How about a little more on the background  
396 of how the--the zoning ordinance itself actually came to be? So you know we understand from  
397 the story that you told so far about the advocacy behind it, but what was the sort of political  
398 process that needed to take place?

399

400 **00:35:24**

401 **Needelman:** Well the political process was largely an outgrowth of the 1987 referendum where  
402 there were advocates who successfully put protections in place and then pier owners who felt as  
403 though they needed and demonstrated that they needed additional revenues. And the City  
404 Government I think wisely allowed these advocates and pier owners to work with the--with the  
405 third party and that third party being the Council of Governments.

406 **00:36:02**

407 That allowed trust to build between third parties because obviously the referendum was a  
408 high-contentious and controversial you know act, you know by--on the part of the--the advocates  
409 but also on the part of the citizens. I mean it was--it was a fight. And there were winners and  
410 there were perceived losers as well. So when the moratorium was getting ready to expire and the  
411 Waterfront Alliance worked with the Council of Governments to create a policy document that  
412 policy document informed zoning and then it was at that point that the Mayor of the City  
413 instructed the planning staff to work with the parties to create zoning from the policy. So to jump  
414 right into zoning would have been a disastrous way to go. There needed to be an acceptance of  
415 policies and those policies are based on values. So the--the--the value of protecting the working

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416 waterfront was established through the referendum. The--the necessity for maintenance of the  
417 piers and the--the need for additional revenue was demonstrated by the pier owners and then  
418 creating a neutral place for the--the sausage making to happen was something that both the--the  
419 Waterfront Alliance and the Council of Governments allowed with the creation of policies and  
420 then City Government came in to take those policies and beat them into pretty complicated  
421 zoning.

422 **00:37:55**

423         And that zoning has evolved over time and some of it has improved frankly from the first  
424 writing but it is still complicated, thick, and frankly unloved language. You know this is--this is  
425 not the type of literature that one looks to with pride as a piece of writing. This is a community  
426 compromise and it reads like it. And we are--we're--we are soundly criticized for its form and  
427 content and rightly so at some times, but it's what works for us. When I go to other communities  
428 and they ask if there's--what--what can we share from your zoning? I say well, you can share the  
429 concepts but I do not recommend sharing the specific content because that grew here and it won't  
430 necessarily work in another community. The community--each community needs to find out  
431 what they care about and then draft the policies and then dig through the zoning because to just  
432 jump right in and think that zoning is going to be a mechanism to solve their problems, it  
433 probably won't. And you know there may be other mechanisms than land use controls that will  
434 do a better job of preserving waterfront access and waterfront infrastructure and zoning should  
435 only be a part of that.

436 **00:39:38**

437         Zoning is boring; it's arduous and it's also a tool that many communities have a very  
438 mixed relationship with especially in Maine where property rights are a highly valued issue and

439 where private property ownership and the--you know the structure having private piers be the--  
440 the place where waterfront activity takes place is something that--that's part of our tradition.  
441 Many other communities' commercial marine activity, commercial marine activity takes place  
442 on public piers. And that's a great model. It's just not the model that we have. It's a simpler  
443 model. It doesn't lend itself well towards mixed use and the kind of interesting and organic  
444 mixes that we have here in Portland and so--. But it's certainly a choice that if there are public  
445 piers and public--and--and if there is opportunity for private investment to participate in  
446 traditional marine activities I think that--that is--it's--it creates a--its own culture and it's one that  
447 you know certainly a community should embrace if they have that opportunity.

448 **00:41:08**

449 We also have publicly held infrastructure here in the City of Portland. Our passenger  
450 ports--certainly the Ocean Gateway marine Passenger Terminal--is a publicly held and  
451 municipally managed piece of infrastructure, the Maine--likewise with the Maine State Pier and  
452 the Portland Ocean Terminal. These are our cruise ship terminals. This is where we have the  
453 Nova Scotia Ferry and local ferry serving the Casco Bay Islands. That's public infrastructure.  
454 Those are public and that's a type of activity that should take place in a public pier. Likewise,  
455 our fish pier; there is public support for the fishing community through the fish pier largely for  
456 the ground fishing fleet, but also for private seafood processors who are located on the City fish  
457 pier. But there are commons that are involved; the--the truck circulation areas, the net  
458 maintenance yards, areas to pull wire and maintain gear. It's appropriate that there be a public  
459 place for that to happen.

460 **00:42:18**

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461 And on the industrial end of our waterfront, our Western Waterfront we have a publicly  
462 owned international marine terminal which is our container yard but we also have a privately  
463 held bulk and break bulk freight at the Merrill marine Terminal operated by Sprague Energy  
464 where coal and forest products are shipped with direct rail connections.

465

466 **00:42:47**

467 **Interviewer:** And just wanting to note your observation that if the City had jumped in  
468 immediately with zoning that the process would have been a disaster I think is a great message  
469 there and that the importance of starting with the values of the community and building from  
470 that.

471

472 **00:43:04**

473 **Needelman:** That's good planning but it's also a step that is often overlooked. People want to  
474 get directly to solutions and you need to do the time and the work, the difficult work of  
475 understanding what a community values before you start to regulate it. The regulation will not be  
476 popular regardless, but if you're regulating contrary to a community's values it will fail.

477

478 **00:43:31**

479 **Interviewer:** I'm intrigued too by the--the point that you made that zoning was a tool that was  
480 adopted in Portland but there were other tools that might work better, not necessarily in Portland  
481 but there are other tools. So what would--right off the top of your head do you have a couple of  
482 recommendations for if this is you know the type of work that you're trying to do and some other  
483 approaches that might be considered?

484

485 **00:43:53**

486 Direct investment; you know municipal investment; state investment you know--you  
487 know building infrastructure--dedicated. So like you know--and we've taken advantage of these  
488 tools in Portland as well like the creation of the fish pier. It was you know it pre-dated the--the  
489 creation of the fish pier pre-dated the condominium boom but they were close enough in time  
490 that there was you know a recognition that here we are. We're investing in public infrastructure  
491 at the same time we're losing private infrastructure. So that--you know the--the creation of a  
492 public fish pier was important to stabilizing the fishing industry in Portland and giving a  
493 dedicated place for both the--the berthing of the vessels, the transfer of fish from vessel to  
494 market through our fish exchange which is a live auction and then the--the processing of fish into  
495 wholesale and retail ready products in these private fish processing plants, all located on a--a  
496 publicly owned facility. It's managed by a quasi-municipal board but that board is made up of  
497 both from--by City officials as well as participants in the marine economy.

498

499 **00:45:27**

500 **Interviewer:** And other thoughts on other tools besides direct investment?

501

502 **00:45:31**

503 **Needelman:** Let's see; let me just--there's--. Well zoning is one regulatory method that is--and  
504 zoning is you know the uses--regulating the uses and then the--the dimensional requirements of  
505 development but there's also site plan regulations, site plan regulations--this is more of the--the  
506 circulation and engineering. So some of our regulations live in zoning but some of them also live



507 in site planning. And getting the site plan right is just as important as the use mix, as I said  
508 before. Compatibility is often a design issue and that you know incompatibility can be a failure  
509 of design as much as it is just a bad mix of uses. So you know making sure that facilities are  
510 designed well is not going to be guaranteed through the zoning code. There needs to be  
511 performance measures by whatever mechanism, site planning, zoning, or just good practice and  
512 the understanding of what that practice could be.

513 **00:47:00**

514 One tool that we have not taken advantage of in Portland that I think will be helpful  
515 moving forward would be design guidelines, simply giving people good information on how to  
516 do it well because it's not often intuitive. The design community, the engineers and architects,  
517 they don't learn these relationships in engineering and architecture school. And some of them  
518 will have a good grasp on how to mix potentially competing uses but others may not. And  
519 providing design guidance you know specifically generated for the community and the--and the  
520 mix of uses that a community faces or wishes to achieve is something that would be I think  
521 extremely help for many communities.

522

523 **00:47:53**

524 **Interviewer:** Have you seen that done well somewhere in the model?

525

526 **00:47:55**

527 **Needelman:** No, no; hoping to create it here in Portland. I'm not saying that it doesn't exist. I  
528 just haven't found it.

529

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530 **00:48:03**

531 **Interviewer:** Yeah; great, okay. I think I know the answer to this but I'll just ask it specifically.

532 So--so once the--the zoning ordinance was actually put into place what was the response? It

533 sounds like it shouldn't have been you know a situation where there was any kind of you know

534 immediate backlash because there had been so much work with the community to get it to that

535 point but I'd be interested to know what your--your thoughts are on how--what the response was.

536

537 **00:48:41**

538 **Needelman:** So the original--the zoning was drafted after the creation of the Waterfront

539 Alliance Report so it was between 1992 and 1994 was the drafting of the first iteration of our--

540 our current zoning structure. And then from 1992 to 1999 there wasn't a lot of development

541 along our waterfront generally and so there wasn't a lot of testing. Some used that as evidence

542 that the zoning didn't work; that it was overly restrictive and therefore did not have enough

543 incentive for investment.

544 **00:49:31**

545 As early as 2000 amendments started coming forward, small increments of change to

546 allow more non-marine use in very specific instances. One example is in the original zoning, in

547 our Central Waterfront which is the most complicated zone, Central Waterfront allowed for

548 Commercial Street buildings to be a non-marine building. Just recognize that Commercial Street

549 was a retail street--not for its entirety but for a small section of Commercial Street if you're

550 between Maine Wharf and Union Wharf you got to be--and you were on Commercial Street that

551 building could be a non-marine building, but it couldn't expand.

552 **00:50:22**

553           So the first iteration, the first amendments to come forward were to allow for expansions  
554 of these Commercial Street buildings. And then there were amendments to allow for a pier owner  
555 and marine business owner to have a residential unit as part of a marine business. The lobster  
556 pound owner saying I'm like a chicken farmer. I farm lobsters, but where does the chicken  
557 farmer live? The chicken farmer lives on the chicken farm. But I don't get to live on my lobster  
558 farm. And if the pumps go out I lose a quarter million dollars' worth of lobster because they--  
559 they drown before--they suffocate before I can get in and fix the pumps.

560   **00:51:11**

561           So we called it--or I called it the chicken farmer amendment where we allowed for one  
562 residential unit for a marine business you know for the owner--incremental change. there was an  
563 allowance to--to let Becky's Diner expand but by creating--by taking it and making it a permitted  
564 use, by expanding the area where non-marine uses could be allowed along Commercial Street.  
565 Back in 2006 we had a relatively comprehensive review of the policies with only incremental  
566 changes to the zoning. Again, not much development happened. Then back in 2010 there was a  
567 highly comprehensive look at both the marine economy and the zoning structure that supported  
568 that economy with a re-write of the Waterfront Central zone and that's the zone that we operate  
569 under now and it is generating modest investment. It has the potential to have some large-scale  
570 projects come in. One large-scale project that we can look to is the creation of the State's largest  
571 law office on Merrill's Wharf which is right next to our fish pier in a historic structure. It's upper  
572 floor use; the berthing on Merrill Wharf is entirely lobster related berthing; there's no  
573 recreational berthing allowed. And the building had never been in commercial marine use in  
574 recent memory. It was a--a self-storage facility so there was no loss of marine activity associated  
575 with the creation of the law office. There were improvements made to the berthing for the--for

576 the lobstermen, for the circulation for the lobstermen, and better connections to the fish pier, so it  
577 actually--and with the requirement for 55-percent of the first floor to be in marine use there's  
578 actually been an expansion of marine activity on Merrill's Wharf all generated through the  
579 investment for non-marine activity.

580

581 **00:53:30**

582 **Interviewer:** So in terms of the--the response at the commercial development level then it was a  
583 little--it was a little slow in the beginning and it's picking up a little bit more now. There's been  
584 some--some amendments to satisfy particular needs in particular situations; any other sort of  
585 highlights that I've missed?

586

587 **00:53:54**

588 **Needelman:** You know the--the reaction to the zoning is that it's zoning. I mean zoning is--is--  
589 is boring. You know people don't react to zoning. They react to development or they react to the  
590 lack of development. So you know I think it's more important that people respond to the changes  
591 generated by zoning than the zoning itself.

592 **00:54:21**

593 You know back in the mid-1980s people were responding to the condominium  
594 developments, the idea of gated communities on Portland's waterfront. It just rubbed them the  
595 wrong way; the fact that these gated communities were also displacing long-standing active  
596 marine uses--rubbed them the wrong way. It wasn't the fact that we had zoning that allowed that  
597 use. It was the development itself that caught people's attention. It's fine for people to ignore  
598 zoning because frankly, unless you're getting paid to pay attention to it you're probably not even

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599 going to read it. We have to pay more attention to the policies that lie above that zoning and the--  
600 and you know and understand the kinds of communities we're trying to create through zoning  
601 and people will you know--both the development community and the population in general are  
602 going to you know respond better to those issues than they are the--the dense language of a  
603 regulatory framework.

604

605 **00:55:29**

606 **Interviewer:** It's a great point about the--you know the need to look beyond the tool itself and  
607 we'll be sure to focus on that. What--we're at about 55 minutes already, so how about lessons  
608 learned and sort of big picture words of wisdom to pass along to other people that might be you  
609 know looking to you know--to even begin to think about how to address you know various issues  
610 on their waterfronts. They might not look exactly like Portland's but--.

611

612 **00:56:10**

613 **Needelman:** Avoid the zero-sum game mentality; that there are ways to allow waterfronts to  
614 evolve without it always being about winning and losing. You know to allow for a non-marine  
615 use does not mean you need to give up your traditional marine activity. But the only way to  
616 increase the size of the pie is through good design and thoughtful accommodation from both  
617 sides.

618

619 **00:56:53**

620 **Interviewer:** Great; and you know what I realized I didn't ask you to describe is just your--your  
621 history in the process. When did you start working for the City and your--your knowledge of the  
622 process is pretty intimate?

623

624 **00:57:06**

625 **Needelman:** Yeah; I started working with the City back in 1999 coming in as a part-time  
626 planner and because I was a Portland resident and my grandfather had always done boats and my  
627 family had ties to the Casco Bay Islands I was kind of a wharf rat as a kid, mostly taking the  
628 ferry back and forth, I just knew the geography of Portland's waterfront in a general way, and the  
629 first development review permit that I needed to process--well at the first meeting the Planning  
630 Director was sifting through new applications and he said well, here's one for Custom House  
631 Wharf. Which is--which is Custom House Wharf? And I said that's the one with Harbor Fish.  
632 And he handed me the permit.

633 **00:57:56**

634 And it--it really grew from there. And by working through the permitting process I got to  
635 know both the development community but also the pier owners and then as things became  
636 controversial you get to know the impacted folks from the fishing community and then when it  
637 was time to work on policy because I had done the legwork with the--the permitting I was  
638 privileged enough to be able to work at the policy level which was certainly a lot more gratifying  
639 than working at the permitting level.

640

641 **00:58:32**

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642 **Interviewer:** Uh-hm; and it was just last year that your position evolved into Waterfront  
643 Director?

644

645 **00:58:37**

646 **Needelman:** Yeah; so last year I was hired as the Waterfront Coordinator for the City of  
647 Portland. The Coordinator job is--is largely communication and liaison between different parties.  
648 It's--I work for the City Manager's Office. There was a recognition that the City's waterfront  
649 well--well managed at a facility level needed somebody at a policy level to be able to  
650 communicate to City leadership the needs of the waterfront but also to be able to communicate  
651 City needs and City desires back to the waterfront community.

652 **00:59:17**

653 I work with State agencies, with Federal agencies, as well as the private property owners  
654 and different departments within City government so that we can avoid right-hand, left-hand  
655 inefficiencies and that there can be a single point of contact when outside entities want to talk  
656 about the waterfront or understand the waterfront and hopefully we can generate some  
657 opportunities through that coordination.

658

659 **00:59:46**

660 **Interviewer:** And as far as you know is your position as Waterfront Coordinator unique in  
661 Maine?

662

663 **00:59:51**

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664 **Needelman:** Likely; you know there are Port Directors in many communities and there are  
665 Economic Development Directors that have interests in--in waterfront activities and--and you  
666 know I think that Portland is just large enough that we need someone between these interests, but  
667 someone who is also willing to go and talk with the Department of marine Resources and to go  
668 to the Lobster Council Meetings and talk with the lobstermen themselves and you know  
669 fortunately this job allows me the latitude to--to work at all those levels.

670

671 **01:00:40**

672 **Interviewer:** And anything that you would like to add that I missed that you feel like is--is a  
673 key point or--?

674

675 **01:00:47**

676 **Needelman:** Well one of the things we've been talking--I think the program is largely focused  
677 on fishing and so I've been concentrating my talk on our Central Waterfront which is our--our  
678 fishing port. But you know fishing can't exist in Portland without the other types of marine  
679 activities that support the marine economy generally. That includes our passenger port, cruise  
680 ship, international ferry and local ferry. Our freight port is a growing industry for us with the  
681 introduction of Eimskip which is the Icelandic Steamship Company now calling the Port of  
682 Portland its significant base for the American market. You know we now have direct access to  
683 Northern Europe for the first time in many decades, you know from--you know for containerized  
684 freight but this allows things like frozen North Sea seafood, haddock and cod, to come into the  
685 Port of Portland to be processed here in the Port of Portland and then shipping from there to the  
686 national market.



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687 **01:02:06**

688 But then it also allows for local products, specifically and hopefully increasingly seafood  
689 products to go to the international market as well. So it's not enough just to consider fishing in a  
690 vacuum; you need to look at fishing within the context of how do you make money fishing? And  
691 how can you make more money fishing? How can you add value to the fish here at home and  
692 then find the highest value market for it both locally and abroad?

693

694 **01:02:44**

695 **Interviewer:** We're done as far as I'm concerned. Do you have anything else to share?

696

697 **01:02:47**

698 **Needelman:** No.

699

700 **01:02:48**

701 **Interviewer:** All right.

702

703 **01:02:50**

704 **[End Needelman Interview]**