4-28-15

Needelman, William ~ Oral History Interview

Kristen Grant

Follow this and additional works at:
Voices from the Fisheries:
https://www.st.nmfs.noaa.gov/humandimensions/voices-from-the-fisheries/index

National Working Waterfront Network:
http://www.wateraccessus.com/

Recommended Citation

This Oral History was produced in 2014 as part of the Voices from the Working Waterfront: Oral Histories from around the Nation project by the NOAA Office of Coastal Management, National Sea Grant Law Center, and Maine Sea Grant College Program with funding from the NOAA Preserve America Initiative.

National Sea Grant Law Center
University of Mississippi
P.O. Box 1848
University, MS 38677
(662) 915-7775
http://nsglc.olemiss.edu/

Maine Sea Grant College Program
5784 York Complex
The University of Maine
Orono, ME 04469-5784
(207) 581-1435
http://www.seagrant.umaine.edu/

NOAA’s Office for Coastal Management
1305 East West Hwy
Silver Spring, MD 20910
(301) 713-3156
http://coast.noaa.gov/
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

Use Restrictions
This interview transcript is provided for individual research purposes only; for all other uses, including publication, reproduction and quotation beyond fair use, permission must be obtained in writing from: Voices from the Fisheries, NMFS, 15 Carlson Lane, Falmouth, MA 02540.

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 lead 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
[Begin Needelman Interview]

00:00:00

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

00:00:09

Needelman: Hi; I am Bill Needelman. I’m the Waterfront Coordinator for the City of Portland, Maine.

00:00:14

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

00:00:20

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

00:00:25

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

00:00:33

Needelman: Portland is a coastal city on the Coast of Maine and it is a historic city, you know founded in the 1630s so it has a long history of development. Most of that development oriented along its waterfront in its early years and then as it grew with the transportation network through
canals and rail development the City evolved as a place where the water met the land-based transportation system and manufacturing and other types of industries grew with those developments.

00:01:16

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

00:01:21

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

00:02:26

Interviewer: So from what you just said it seems clear that the--the identity of the port and the waterfront is key to Portlanders and the way they see themselves. So what is it about the waterfront that you and probably the residents of Portland see as so unique?
Needelman: You know from the perspective of somebody who has lived here for the majority of my life I think there’s two major components. One is that most people have--that have lived in this town for any length of time know somebody who has made--makes their living on the water, or they knew somebody or there’s a family connection in some way, a high school friend worked on the docks, a neighbor is a lobsterman, somebody works on the oil terminals in South Portland; these are ongoing activities that do accumulate into a fair amount of active employment for the City and those--that employment permeates all the neighborhoods of the City whether they’re located on the waterfront or not.

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

Interviewer: Great; so Portland has been working for decades to balance the needs of water-dependent and mixed uses on the waterfront. Can you describe the process that the City has moved through over the years to address this balance?
Needelman: It’s—that’s a big question and we could talk about that for days and not for minutes, but I’ll try to encapsulate it into a few nuggets. Back in the 1980s like many cities, Portland underwent a condominium boom. They were heady times in the development world and much of that activity in Portland was centered on the waterfront.

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

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

And the citizens of Portland literally rose up with referendum, placing a moratorium on all non-marine development along Portland’s waterfront. This was unique. It was a first of its kind for this part of the country. And it was citizen-initiated. The values of the City expressed
themselves in a way that was really contrary to their own financial self-interest because the tax-
base of the City was going to benefit from that condominium development but the citizens chose
to support marine industry over short-term economic gain.

00:07:06

There were also the--the physical--

00:07:12

Well there was the--the--when people looked at change along Commercial Street,

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

00:08:11

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

00:08:29

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

00:08:51
The referendum was successful at the polls with over two-thirds of the voters in 19--this was 1987, May of 1987. Two-thirds of the voters voted to put a moratorium on all non-marine development. It was a five-year moratorium which was generally the maximum allowed.

00:09:12

One of the interesting things that happened during that--the period of moratorium is that there was virtually no significant investment in pier infrastructure. There was one office building built for marine--for marine activity. But many of the piers, most of the piers which are for the most part privately owned began a period of disinvestment because the value of the marine industries which were protected did not support the types of expensive investments necessary to maintain marine infrastructure. So the City again had to step back and evaluate how do we maintain these private piers while at the same time maintaining our position as a port community and a fishing community? And many communities nowadays have water alliances or waterfront alliances or--or civic groups that come together to talk about waterfront issues. But one of the first occurred right here in Portland, Maine and it was truly an alliance, because it wasn’t just the pier owners coming together or just marine industries coming together. But it was the activists who supported preservation of the working waterfront back in 1987 along with the pier owners who were legitimately asking for the--the tools necessary to invest in this critical infrastructure.. coming together again with other industry folks from both the marine side and the retail and tourism side, so it was an alliance of disparate groups--not just alliance of folks who all agreed with each other at the onset. And that provided an opportunity for mutual learning. And the Waterfront Alliance now 30 years later is still an ongoing concern; it still meets monthly and it still has many of those same players but also new players who come together to discuss waterfront issues on a regular basis.
But the Waterfront Alliance back in the late 1990s, pardon, say that again; in the early 1990s the Waterfront Alliance worked with our regional Council of Government, Greater Portland Council of Government to create a report that would inform zoning and regulation along our waterfront. And the 1992 report, the Waterfront Alliance Report, laid out conditions, where working waterfront uses would be preserved but non-marine uses would be allowed to the extent that they were compatible and promoted investment in marine infrastructure. And that’s still the guiding principle and the policies that the City has adopted. I think it’s an interesting component of Portland’s planning history that it was citizen initiated and private initiated policies that the City then adopted as its own and then became the stewards of. Again it reinforces that concept of waterfront development and working waterfront use as being part of the values and the ethics of the City, and which allows us to maintain those uses over time and against competition.

Now that’s not to say that everybody agrees with the evolution. Pier owners continue to come back to the City asking for relaxation of zoning and regulations to allow for more investment opportunity. But every time the City looks at those requests the question is always, what waterfront uses are there; how much space does—do those uses need; and how can performance measures and protections be put in place to preserve fishing, marine construction, marine transportation? How can those industries be preserved while allowing other uses to come in? And that evolution I have no doubt will continue on into the future.
Interviewer: So the pier owners are looking for some relaxation. Can you describe a little bit more what kinds of relaxation they’d like to see?

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

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

That has evolved to allow for non-marine uses in the upper floors of new buildings to actually promote new construction on the piers. The latest iteration of zoning in our central waterfront allowed for the tenancy of first floors and some of the open spaces on piers to go to non-marine use, but limited by percentage. Forty-five percent of a first floor can go to a non-marine use. Fifty-five percent of that first floor needs to go to a marine use. Probably one of the most important conversations involved the types of vessels that can be berthed along these piers. At one point the pier owners asked to allow for 50-percent of pier edges to be occupied by
recreational berthing, boats on which people do not rely for their living. The Planning Board and
the City Council ultimately did not approve that. They--and the pier owners backed away from
that request recognizing that the--the vacancies did not suggest that commercial marine
enterprise had shrunk to the point where that was necessary. They also recognized that a
commercial berth is worth more than a seasonal recreational berth, so as long as we can keep
robust marine industry in town the vessels will be there to fill the berthing and the need for
increased recreational berthing--just wasn’t demonstrated at the last time.

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

Interviewer: So you’ve talked a lot about the advocacy at sort of all levels that you know that
has essentially been the foundation of the work that’s happened to bring you know the--the
zoning you know to the place that it’s become. And would you say that for the most part the pier
owners are--continue to be advocates for the commercial side of pier use?
Needelman: The--the pier owners at this point have either owned their properties for long periods of time and in some cases many, many generations or they’ve purchased piers within this regulatory framework. So it--there’s--the--the rules and regulations are well-understood by all and the--the realities of changing the regulations are understood by all. Occasionally a speculative owner will come forward; a property will change hands and a pier will be purchased by someone who--who you know may consider that change you know to the--so the regulations would allow for more non-marine development or more intense non-marine development. Those are the exceptions. The vast majority of the pier owners [Phone Rings] understand that they own working piers and that they will only be able to put as much non-marine use as is necessary to keep their--their pier going.

00:19:29

I think that it’s one of the you know--evidence of that is in the fact that our last rezoning of the central waterfront was in 2010 and that was in the depth of a pretty tough economic time. But as we’ve come out of the 2000--the late you know, the 2008 to 2012 recession there haven’t been ground swells of new development coming forward for non-marine. We have one significant building that’s being built on Maine Wharf which is a non-marine structure. But that structure is less than half the footprint of the--of the--of the buildings on--on Maine Wharf and they’re not proposing any non-marine parking on the wharf. The wharf will continue to be a working structure. It will also have restaurant and an office-type use and given that it is right next to our ferry terminal and the historic shopping district of the old port, having restaurant use in that part of the waterfront is complementary to the lobster, fisheries, and the seafood dealers and the other folks who also cater to a tourism crowd. That high-end retail and restaurant type use will also subsidize the improvements to the pier which are supporting marine--seafood
processing, seafood shipping, an aquaculture facility all of which are also located on that same
wharf. So the pier owners at this point if they don’t agree with the restrictions they need to
accept them as facts. The City Council, the Planning Board, and the other folks who are in the
decision-making chain recognize the importance of the marine economy to the City and--and the
fact that we have a mixed use waterfront, a waterfront that is both commercial marine interests
and tourism and office, put together in one location in a--with a compatible--within a compatible
arrangement.

00:21:59
Folks recognize that this has now become our brand. This is what the tourists come to
see. They bypass Newport and Newburyport to come to Portland because they come to an
authentic place, but they also want to eat at a good restaurant that’s on the water and we embrace
that.

00:22:20
Interviewer: Which sort of points to the--to the question about the definition of water-
dependent uses and how if at all those have changed over time in Portland?

00:22:33
Needelman: Well we’ve split those hairs fairly fine. And we have a hierarchy of uses within our
regulatory structure where in our--and it’s not just the historic piers of our Central Waterfront
that we work with. We have an Eastern Waterfront which is a passenger port. We have a
Western Waterfront which is a freight and industrial port. And then the Central Waterfront which
is our mixed-use fisheries port in the middle which also has the tourism related activities.
In our Eastern Waterfront we have--we have a structure that recognizes deep water dependent industries, water dependent industries which may be shallow, marine support industries, which don’t need to be on the water but gain value from the water and add value to marine industry and then compatible non-marine activity which helps provide the revenue.

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

I think where there has been some shift in attitude is in marine retail, you know that--a fish, a seafood retailer originally had not been considered a--a marine support activity. It was considered a retail activity. We have evolved to the point where a seafood store or fish monger who is dealing to the public, not just a wholesaler--that’s now considered a--one of the permitted marine--commercial marine uses along our waterfront. And I think that’s appropriate for the type of town that we are.
Needelman: The definitions were really codified by the Waterfront Alliance Report back in--
you know that was finalized in 1992. And there has been a--you know a slight evolution over the
time as terms of the definition. What’s really evolved is the--how we’ve divided the pie, how
much non-marine use of these compatible non-marine activities you know how much and under
what conditions can they exist because it’s not just about percentages. Our--our regulatory
structure also involves performance standards. How do you address parking and circulation? You
know so when a non-marine use comes forward and they need a dumpster, is that dumpster in a
place where it’s going to get in the way of marine activity?

00:25:42

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

00:26:23

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

00:26:42
Needelman: Thinking about the function of piers before writing the regulations and talking with marine operators and understanding their needs, so it starts with that prioritization. If the water dependent use is the highest priority, if commercial berthing is the highest priority, understanding those needs which is also about understanding what they don’t need. You know one of our staff members who at one point was the Fishing Liaison Officer for the City, her quote was the fishermen don’t care what happens in the air. Second floor uses were something--was an easy giveaway. Let buildings breathe. But getting people to and from those buildings shouldn’t happen in a way that gets in the way of industrial marine activity. So when a building is proposed to house a non-marine use in an industrial marine environment it may mean that you need to dedicate some space for the pedestrian access to that building--a sidewalk so that there’s a safe way, a safe refuge for the pedestrian to enter a building and there’s also a safe and unencumbered place for the marine operator to load and unload a commercial vessel.

00:28:21

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

00:29:55

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

00:30:28

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

00:31:51

Interviewer: It’s--yeah it’s fine.

00:31:53
Needelman: Yeah; I’m going to let him leave his message.

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

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

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

Needelman: Yeah; all right.

Interviewer: Great.

Needelman: The red light is on. So back--Portland’s piers; Portland’s piers for the most part were built as freight piers and they also housed manufacturing facilities that took advantage of access to commodities and to transportation routes, either marine transportation routes or rail transportation routes. It’s one of the--I think one of the fascinating things about Portland’s
history is that the first significant pier to be constructed solely for fishing was the municipal fish
pier built in the early 1980s.

00:33:00

Interviewer: Wow.

00:33:03

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

00:34:24

None of those industries survived and the fishing uses, the tourism uses and even the--
like the passenger transportation uses that we have now are--that occupy our piers are sometimes
the second or third different industry which has occupied these piers since their original
construction.
Interviewer: That’s fascinating. I did not know that. Just sort of as a consequence of our conversation you’ve already answered a lot of these. How about a little more on the background of how the--the zoning ordinance itself actually came to be? So you know we understand from the story that you told so far about the advocacy behind it, but what was the sort of political process that needed to take place?

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

That allowed trust to build between third parties because obviously the referendum was a high-contentious and controversial you know act, you know by--on the part of the--the advocates but also on the part of the citizens. I mean it was--it was a fight. And there were winners and there were perceived losers as well. So when the moratorium was getting ready to expire and the Waterfront Alliance worked with the Council of Governments to create a policy document that policy document informed zoning and then it was at that point that the Mayor of the City instructed the planning staff to work with the parties to create zoning from the policy. So to jump right into zoning would have been a disastrous way to go. There needed to be an acceptance of policies and those policies are based on values. So the--the--the value of protecting the working
waterfront was established through the referendum. The--the necessity for maintenance of the
piers and the--the need for additional revenue was demonstrated by the pier owners and then
creating a neutral place for the--the sausage making to happen was something that both the--the
Waterfront Alliance and the Council of Governments allowed with the creation of policies and
then City Government came in to take those policies and beat them into pretty complicated
zoning.

00:37:55

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

00:39:38

Zoning is boring; it’s arduous and it’s also a tool that many communities have a very
mixed relationship with especially in Maine where property rights are a highly valued issue and
where private property ownership and the--you know the structure having private piers be the--
the place where waterfront activity takes place is something that--that’s part of our tradition.
Many other communities’ commercial marine activity, commercial marine activity takes place
on public piers. And that’s a great model. It’s just not the model that we have. It’s a simpler
model. It doesn’t lend itself well towards mixed use and the kind of interesting and organic
mixes that we have here in Portland and so--. But it’s certainly a choice that if there are public
piers and public--and--and if there is opportunity for private investment to participate in
traditional marine activities I think that--that is--it’s--it creates a--its own culture and it’s one that
you know certainly a community should embrace if they have that opportunity.

00:41:08

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

00:42:18
And on the industrial end of our waterfront, our Western Waterfront we have a publicly owned international marine terminal which is our container yard but we also have a privately held bulk and break bulk freight at the Merrill marine Terminal operated by Sprague Energy where coal and forest products are shipped with direct rail connections.

00:42:47

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

00:43:04

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

00:43:31

**Interviewer:** I’m intrigued too by the--the point that you made that zoning was a tool that was adopted in Portland but there were other tools that might work better, not necessarily in Portland but there are other tools. So what would--right off the top of your head do you have a couple of recommendations for if this is you know the type of work that you’re trying to do and some other approaches that might be considered?
Direct investment; you know municipal investment; state investment you know--you know building infrastructure--dedicated. So like you know--and we’ve taken advantage of these tools in Portland as well like the creation of the fish pier. It was you know it pre-dated the--the creation of the fish pier pre-dated the condominium boom but they were close enough in time that there was you know a recognition that here we are. We’re investing in public infrastructure at the same time we’re losing private infrastructure. So that--you know the--the creation of a public fish pier was important to stabilizing the fishing industry in Portland and giving a dedicated place for both the--the berthing of the vessels, the transfer of fish from vessel to market through our fish exchange which is a live auction and then the--the processing of fish into wholesale and retail ready products in these private fish processing plants, all located on a--a publicly owned facility. It’s managed by a quasi-municipal board but that board is made up of both from--by City officials as well as participants in the marine economy.

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

Needelman: Let’s see; let me just--there’s--. Well zoning is one regulatory method that is--and zoning is you know the uses--regulating the uses and then the--the dimensional requirements of development but there’s also site plan regulations, site plan regulations--this is more of the--the circulation and engineering. So some of our regulations live in zoning but some of them also live
in site planning. And getting the site plan right is just as important as the use mix, as I said before. Compatibility is often a design issue and that you know incompatibility can be a failure of design as much as it is just a bad mix of uses. So you know making sure that facilities are designed well is not going to be guaranteed through the zoning code. There needs to be performance measures by whatever mechanism, site planning, zoning, or just good practice and the understanding of what that practice could be.

00:47:00

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

00:47:53

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

00:47:55

Needelman: No, no; hoping to create it here in Portland. I’m not saying that it doesn’t exist. I just haven’t found it.
Interviewer: Yeah; great, okay. I think I know the answer to this but I’ll just ask it specifically. So--so once the--the zoning ordinance was actually put into place what was the response? It sounds like it shouldn’t have been you know a situation where there was any kind of you know immediate backlash because there had been so much work with the community to get it to that point but I’d be interested to know what your--your thoughts are on how--what the response was.

Needelman: So the original--the zoning was drafted after the creation of the Waterfront Alliance Report so it was between 1992 and 1994 was the drafting of the first iteration of our--our current zoning structure. And then from 1992 to 1999 there wasn’t a lot of development along our waterfront generally and so there wasn’t a lot of testing. Some used that as evidence that the zoning didn’t work; that it was overly restrictive and therefore did not have enough incentive for investment.

As early as 2000 amendments started coming forward, small increments of change to allow more non-marine use in very specific instances. One example is in the original zoning, in our Central Waterfront which is the most complicated zone, Central Waterfront allowed for Commercial Street buildings to be a non-marine building. Just recognize that Commercial Street was a retail street--not for its entirety but for a small section of Commercial Street if you’re between Maine Wharf and Union Wharf you got to be--and you were on Commercial Street that building could be a non-marine building, but it couldn’t expand.
So the first iteration, the first amendments to come forward were to allow for expansions of these Commercial Street buildings. And then there were amendments to allow for a pier owner and marine business owner to have a residential unit as part of a marine business. The lobster pound owner saying I’m like a chicken farmer. I farm lobsters, but where does the chicken farmer live? The chicken farmer lives on the chicken farm. But I don’t get to live on my lobster farm. And if the pumps go out I lose a quarter million dollars’ worth of lobster because they-- they drown before--they suffocate before I can get in and fix the pumps.

So we called it--or I called it the chicken farmer amendment where we allowed for one residential unit for a marine business you know for the owner--incremental change. there was an allowance to--to let Becky’s Diner expand but by creating--by taking it and making it a permitted use, by expanding the area where non-marine uses could be allowed along Commercial Street. Back in 2006 we had a relatively comprehensive review of the policies with only incremental changes to the zoning. Again, not much development happened. Then back in 2010 there was a highly comprehensive look at both the marine economy and the zoning structure that supported that economy with a re-write of the Waterfront Central zone and that’s the zone that we operate under now and it is generating modest investment. It has the potential to have some large-scale projects come in. One large-scale project that we can look to is the creation of the State’s largest law office on Merrill’s Wharf which is right next to our fish pier in a historic structure. It’s upper floor use; the berthing on Merrill Wharf is entirely lobster related berthing; there’s no recreational berthing allowed. And the building had never been in commercial marine use in recent memory. It was a--a self-storage facility so there was no loss of marine activity associated with the creation of the law office. There were improvements made to the berthing for the--for
the lobstermen, for the circulation for the lobstermen, and better connections to the fish pier, so it actually--and with the requirement for 55-percent of the first floor to be in marine use there’s actually been an expansion of marine activity on Merrill’s Wharf all generated through the investment for non-marine activity.

00:53:30

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

00:53:54

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

00:54:21

You know back in the mid-1980s people were responding to the condominium developments, the idea of gated communities on Portland’s waterfront. It just rubbed them the wrong way; the fact that these gated communities were also displacing long-standing active marine uses--rubbed them the wrong way. It wasn’t the fact that we had zoning that allowed that use. It was the development itself that caught people’s attention. It’s fine for people to ignore zoning because frankly, unless you’re getting paid to pay attention to it you’re probably not even
going to read it. We have to pay more attention to the policies that lie above that zoning and the--
and you know and understand the kinds of communities we’re trying to create through zoning
and people will you know--both the development community and the population in general are
going to you know respond better to those issues than they are the--the dense language of a
regulatory framework.

00:55:29

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

00:56:10

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

00:56:53
Interviewer: Great; and you know what I realized I didn’t ask you to describe is just your--your history in the process. When did you start working for the City and your--your knowledge of the process is pretty intimate?

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

And he handed me the permit.

And it--it really grew from there. And by working through the permitting process I got to know both the development community but also the pier owners and then as things became controversial you get to know the impacted folks from the fishing community and then when it was time to work on policy because I had done the legwork with the--the permitting I was privileged enough to be able to work at the policy level which was certainly a lot more gratifying than working at the permitting level.
Interviewer: Uh-hm; and it was just last year that your position evolved into Waterfront Director?

00:58:37

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

00:59:17

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

00:59:46

Interviewer: And as far as you know is your position as Waterfront Coordinator unique in Maine?
Needelman: Likely; you know there are Port Directors in many communities and there are Economic Development Directors that have interests in--in waterfront activities and--and you know I think that Portland is just large enough that we need someone between these interests, but someone who is also willing to go and talk with the Department of marine Resources and to go to the Lobster Council Meetings and talk with the lobstermen themselves and you know fortunately this job allows me the latitude to--to work at all those levels.

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

Needelman: Well one of the things we’ve been talking--I think the program is largely focused on fishing and so I’ve been concentrating my talk on our Central Waterfront which is our--our fishing port. But you know fishing can't exist in Portland without the other types of marine activities that support the marine economy generally. That includes our passenger port, cruise ship, international ferry and local ferry. Our freight port is a growing industry for us with the introduction of Eimskip which is the Icelandic Steamship Company now calling the Port of Portland its significant base for the American market. You know we now have direct access to Northern Europe for the first time in many decades, you know for containerized freight but this allows things like frozen North Sea seafood, haddock and cod, to come into the Port of Portland to be processed here in the Port of Portland and then shipping from there to the national market.
But then it also allows for local products, specifically and hopefully increasingly seafood products to go to the international market as well. So it’s not enough just to consider fishing in a vacuum; you need to look at fishing within the context of how do you make money fishing? And how can you make more money fishing? How can you add value to the fish here at home and then find the highest value market for it both locally and abroad?

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

Needelman: No.

Interviewer: All right.