



Mixed Use

Does It Help the Working Waterfront?

*by Dede Arruda
Photos by Anne Rugh*

Portland's working waterfront began its decline with the advent of rail travel early in this century. With a couple of exceptions, it has been in a downward trend ever since. With the decline, many piers and marine facilities—expensive to maintain whether they are used or not—fell into disrepair.

Starting five years ago, the city began working on a zoning concept designed to protect the waterfront from two opposite but equally undesirable fates: the fate of neglect and disrepair brought on by the marine industry's inability to support its own facilities on the one hand, and the fate of complete gentrification for upscale retail, residential and other non-marine uses on the other. The latter situation would leave the waterfront pristine, but unavailable to an important industry that needs affordable waterfront space to survive.

The zoning concept is called "mixed use" and involves zoning the waterfront for a combination of

Fishing and other marine industries have occupied the Portland waterfront for centuries. (Widgery's Wharf.)

industry will expand is through capital assistance from a healthy, controlled business climate."

—Jack Humenick, chairman, Portland Planning Board

Jack Humenick loaded and unloaded cargo as a longshoreman on Portland's waterfront for six years. Now he's a shipping agent who arranges domestic cargo transportation, and is still a member of the longshoreman's union. He's also the chair of the city's Planning Board.

"Portland is a fabulous city. My vision for the future is an environment where our children will want to stay—but that's not as simple as it seems. It's a balancing act, but it can be done." In the case of the waterfront, that means balancing the marine industry's need for waterfront space with its need for capital to maintain that space.

"The idea behind mixed use," says Humenick, "was that residential development of the waterfront would bring more people to the waterfront and that those people would support retail business there in the winter. Such mixed use would drive up land value in the area and

the additional tax revenue could be reinvested in the waterfront. The city would have new funds to rebuild deteriorating piers, repave the roads, and possibly buy available waterfront property to develop more berthing for fishermen.

"It took us a year to listen to everyone and figure out a way to keep them all happy—the marine industry, retail businesses in the Old Port, pier owners who wanted to sell their property to developers," says Humenick.

Two waterfront zones resulted: the W1 or mixed-use zone opened four piers at the foot of the Old Port district (Long Wharf, Central Wharf, Custom House Wharf and Portland Pier) to non-marine development. The rest of the Portland waterfront was zoned W2—for marine-related use only.

In spite of the Planning Board's efforts, however, mixed use has caused problems. These problems include the loss of three things: fishing boat berths, public access, and flexible commercial space on piers which are now devoted exclusively to residential condominiums.

traditional maritime uses and non-marine developments such as condos, offices, restaurants and retail shops. The goal of mixed use is to allow the more profitable non-marine uses to upgrade and help subsidize waterfront facilities for the traditional marine users.

The goals of the City Council and Planning Board were: 1) to decide which non-marine uses would be compatible with the noises, smells, and odd hours of fishermen, marine terminals and other maritime activities, and 2) to ensure that upscale uses didn't "take over the waterfront," piecemeal or all at once, forcing the marine industry out of valuable waterfront space.

In fact, the planning process was attempting to codify a waterfront land-use practice that was traditional to the port: before waterfront zoning, waterfront land (including piers) was available for any use at all, and pier owners rented space to non-marine-related tenants at their discretion. That, though, was before Portland land values skyrocketed and prompted interest in developing entire piers and large tracts of waterfront land for non-marine use.

Since Portland's mixed-use zoning was enacted in 1983, several new mixed-use waterfront projects have been built, and more are proposed. What's the verdict on mixed use? Is it a solution to the working waterfront's needs, or has it caused additional problems? It depends on whom you talk to.

Yes!

"The working waterfront plays a vital role in Portland's economy. The key is keeping it healthy and expanding. The only way maritime

Shipbuilding. Bath Iron Works from City Hall. Much city money was spent to establish the ship repair facility here.

Photo: Anne Plugh



But Humenick believes that with some adjustments, mixed use will work to the working waterfront's advantage.

"There should be no expansion of residential use of the waterfront—I think there is overwhelming support for that position," Humenick says. "But there should be flexibility in the upper stories of commercial buildings. Pier owners should be allowed to rent their office space to non-marine industries, but with specific conditions—that's what the Planning Board recommended, but the City Council at that time decided not to allow it." Humenick believes that renting pier space to non-marine office tenants would allow pier owners to charge higher rents than they would be able to receive from marine-related tenants, rents that could be used to subsidize berthing space for fishing boats.

Humenick is joined in his views by a group called Concerned Citizens for Portland's Waterfront. Gerard P. Conley, Sr., chairman of that group's steering committee, was quoted by the *Evening Express* as saying, "We definitely believe it would be wrong to try to confine the area to a single use. It seems reasonable to us that in the life of a city, from time to time you need change." He added, "I certainly don't think we should go hogwild in condominium development."

The Concerned Citizens for Portland's Waterfront's position statement suggests that further refinements to the current application of mixed use "such as contract zoning, height and density limits, elimination of conditional uses for housing, public access requirements, and additional fishing boat berthing are available if endorsed by the citizens."

Humenick also suggests that mixed use is only part of the answer. He thinks that the city should set up a port development commission to market the port.

"The commission would have a small staff and limited funding to address the current problems and to create a development and a marketing plan for the working waterfront." He sees the port development commission as "a local version of the Maine Development Foundation, a quasi-public, non-

profit organization that promotes the public projects in the state of Maine.

"The attitude in Portland is tremendously positive," he concludes. "There are problems—development brings problems, but it brings good too. We need to all work together on the issues confronting the waterfront. There has to be a policy that's fair to everyone—there's lots of room."

No!

"Mixed use is not working as it is supposed to. Upscale uses, public access and industry don't mix. Proper development will create good-paying, long-term jobs in fishing, processing, trading, and other marine-related industries. Such development will strengthen the local tax base. Non-marine development will shove out industries and jobs and will increase the tax burden on the rest of us."

—Karen Sanford, chairperson,
Keep the Port in Portland

Karen Sanford has been a waterfront activist for thirteen years, first in Seattle, now—for the last five

years—in Portland. She is the chairperson of Keep the Port in Portland, a citizens' group, and a steering committee member of the Working Waterfront Coalition, an organization working to prevent non-marine development of Portland's waterfront. She does not believe that any non-marine development should be allowed on the working waterfront.

"If you go down to Central Wharf—they call it Chandler's Wharf now—you'll find a guard ... it's an exclusive residential community," Sanford says about a recent condo development there. "The public can't go to the end [of that pier] now."

The fishing industry lost something as well: berthing it was not supposed to lose. Sanford points out that "before Central Wharf was developed, both sides of the pier were used for berthing." Many boats left the wharf because they were unable to operate there while the condos were under construction. "If the Liberty Group (the pier's developer) is allowed to relocate the rest of the boats, we'll have lost berthing for twenty some boats. We've also lost berthing space on

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Maine State Pier and with the Fish Pier," Sanford says.

Sanford does not agree with the proposition to reserve only the first floor of pier buildings for maritime use and to allow conditional non-maritime use occupancy on the upper floors. "It's an incredible conflict of uses," she says. "There's nothing you can build into the zoning that will prevent a developer from spending ten to fifteen million on an office building and from being selective about which marine uses will be allowed on the first floor.

"We can't take this on a case-by-case basis. Condos aren't flexible. Marine buildings are because they're a general and adaptable work space—and a lot less expensive. There are many creative, low-cost things that can be done to help the

waterfront flourish without resorting to mixed-use development," she says.

Sanford's suggestions include city tax incentives or abatements for marine industry, city involvement in seeking low-cost state loans to pier owners for pier rehabilitation, and the establishment of a port development authority to help manage and market the port.

Maybe

"Portland needs to develop a long-range plan for the waterfront. We need to look 10 to 20 years into the future. It is especially important to look ahead in Portland's case because water-dependent industry—mainly fishing and shipping—make up a large part of the city's economic base."

—Alison Rieser, director,
Marine Law Institute

Alison Rieser graduated from law school in 1976. For the last eleven years, she has worked to protect the sea and coastline. In 1980, she came to Maine to work at the Marine Law Institute, which she now directs.

"There's too much of a wait-and-see attitude in Portland," says Rieser.



Passenger service. Casco Bay Lines transports about 625,000 people to and from the Casco Bay islands each year from their terminal on Customs House Wharf. Photo: Anne Rugh

She's concerned that city officials are shutting out the marine industry by giving away shorefront to upland uses.

The problem in Portland, she believes, is that, "there are tremendous economic returns available right now from condominium developments. And once a pier has been claimed by a condo, it's very hard for the marine industry to get it back."

Temporary uses for piers such as parks, parking lots, and public recreational open space are more desirable than condos, she says, because such spaces can be easily reclaimed by the marine industry later on, should their expansion require it.

"Fishing and shipping have grown and still have the potential to grow," Rieser points out. But they can only do so if waterfront space is available to them. For this reason, Rieser believes that keeping the waterfront's options open is of highest importance. "The city must decide how to preserve waterfront space for marine use," she says.

There are other reasons for preserving the marine industry's access to the waterfront. "Fisheries are renewable if managed right. Fish multiply, land doesn't. If you look at the long term, it's better to use renewable resources than non-renewable resources."

Rieser believes that mixed use can help subsidize the marine industry—



Draggers at rest, Portland Fish Pier. The fishing fleet is growing larger, but wharf space is shrinking. Photo: Anne Rugh

but only if development is carefully controlled.

One such control is negotiated zoning, which has been successfully applied in Boston, Mass. and Stamford, Ct.—cities with waterfront concerns similar to Portland's. "Under the umbrella of the public trust doctrine, redevelopment in these ports must include public benefits that outweigh the private benefits," she explains. "Public ferry terminals, dinghy docks, walkways and parks are just some of the ways the public can benefit from private waterfront development.

"Other cities have created port authorities," she adds, "entities that have power to borrow money, make investments, market. Portland has three piers now—the State Pier, the Fish Pier and the Ferry Terminal—that could be organized into a port authority.

"The waterfront is a public resource," she concludes. "The government should make sure the public gets as much benefit from it—economically and aesthetically—as possible."

Mixed use or no mixed use, everyone seems to agree that waterfront development—of one kind or another—is a good thing. Everyone also agrees that development of any kind brings change, and that change needs to be planned for.

Confronting and planning for that change is made particularly difficult in Portland because there is no official, professional body charged solely with the management of the port.

"Everyone's on the port bandwagon now," says Ed Langlois, for 25 years (1956-1981) the manager of the Maine Port Authority. He's pleased with the renewed interest in the port, but concerned that volunteer planning boards and citizen's groups do not have the time or the resources to adequately respond to the complex issues they are addressing.

"No one has taken the time to identify all the issues and problems," facing the port, says Langlois. He believes the mixed use question is only one of more than a dozen pressing port concerns. (His list includes everything from the regulation of local island passenger service to the presence of marinas in the harbor.)

"We're missing the time to think and plan," Langlois continues. "A Portland Port Authority should be created to study the problem—we need to charge someone with that as their number one responsibility." □

Dede Arruda is Greater Portland's Entertainment Guide editor.

