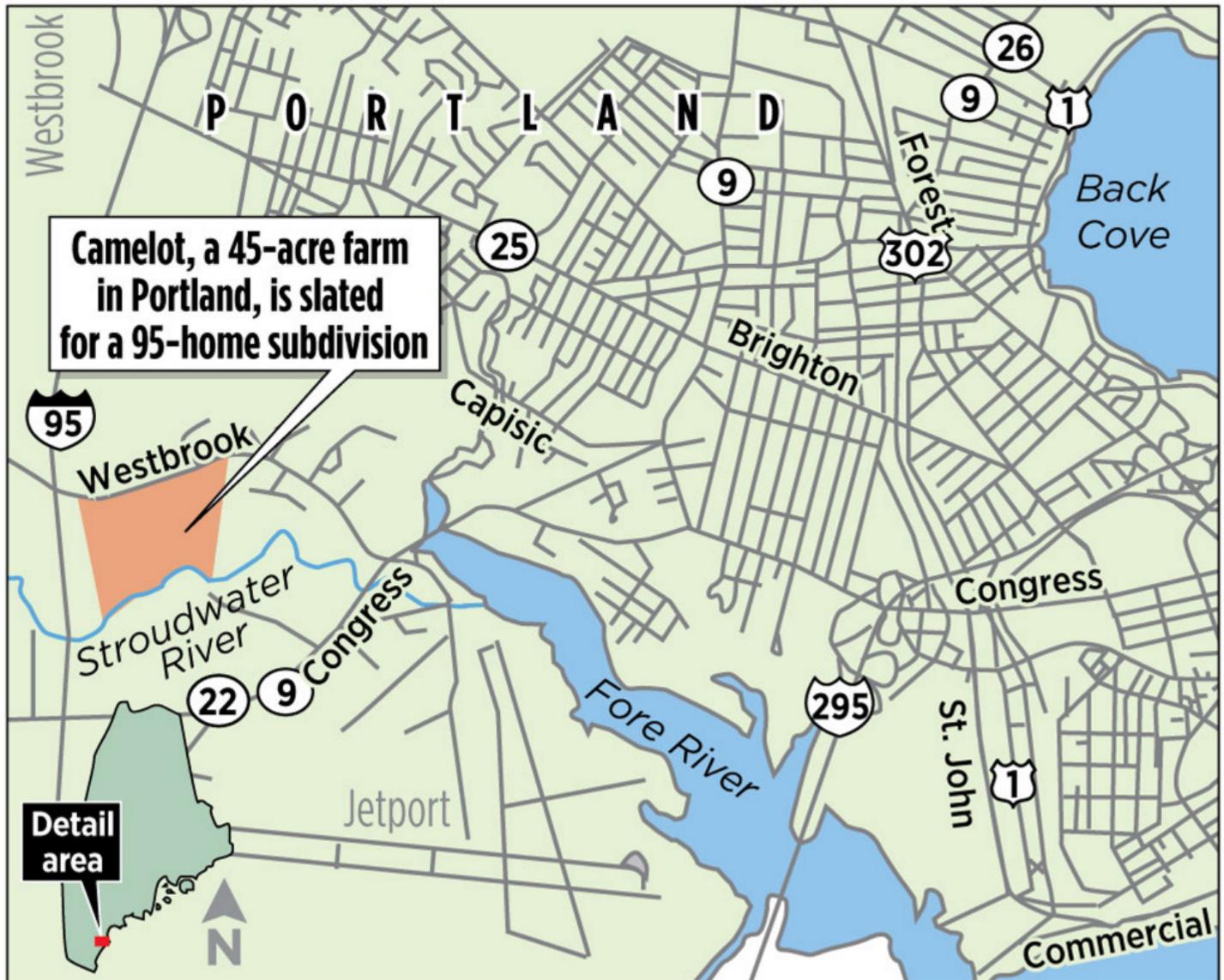


# Portland initiative's aim: More say in rezoning for neighbors of development

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By Randy Billings



STAFF GRAPHIC | MICHAEL FISHER

Portland residents may get the power to block zoning changes near their homes if voters approve a ballot question next month sparked by neighborhood opposition to a large housing project on the outskirts of the city.

## the referendum AT A GLANCE

What Portland's zoning referendum would do:

The proposal would block changes to zoning land use rules from moving forward if 25 percent of the registered voters who reside or own property within 500 feet of the zone change sign a petition in opposition. Developers could overcome that opposition by collecting the signatures of a majority of registered voters living within 1,000 feet of the

proposed zone change in a 45-day period. If approved, the change would be effective retroactively to May 15, 2017.

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Rezoning decisions are now made by the City Council, based on recommendations from the Planning Board, and after community meetings and public hearings. The proposed ordinance would allow neighbors of a property targeted for rezoning to block it if enough of them signed a petition to do so. The applicant would then have the opportunity to reinstate the zoning change by gathering signatures in support of it.

The citizens initiative on the Nov. 7 ballot was started by neighbors of Camelot Farm, 45 acres of fields that the city has rezoned to allow a greater density of homes to be built there. But passage of the ballot initiative also could affect other projects, including a cold storage warehouse planned for the city's waterfront.

Proponents say the ordinance is needed to rein in city planners, councilors and appointed Planning Board members who are too eager to accommodate real estate developers at the expense of neighborhood residents.

"If you have no power, no one bothers to negotiate with you," said Mary Davis, a founding member of Give Our Neighborhoods a Voice. "If you have power, there is an incentive for people to negotiate with you."

Opponents believe the proposal would undermine the public process, defeat the purpose of a representative democracy and have unintended consequences. One Portland, the political action committee opposing the measure, describes it as a "NIMBY" – not in my backyard – "gated community" proposal.

They say it could give a relative handful of residents the power to stop development that would benefit the entire city.

"As a lawyer whose practice includes a mix of land use, municipal and construction law, I can say unequivocally that this is the worst piece of land use legislation I have ever seen," said David Pierson. "Simply put, this is a very bad idea and should be rejected by the voters."

The proposal comes as Maine's largest city is experiencing a dramatic transformation driven by a development boom that's creating new market-rate housing for the first time in decades, as well as new hotels, restaurants and office buildings.

## **BACKERS: REZONING ANGER ALL OVER CITY**

While city officials embrace the rapid economic growth, some longtime residents worry that neighborhoods are losing their historic character and charm.

Give Our Neighborhoods a Voice, the group behind the ballot proposal, would like to give residents more power to block zoning changes proposed by developers or the city that would allow taller buildings, more housing or additional commercial uses in zones that don't currently allow them.

The ballot initiative would block such zone changes if 25 percent of the registered voters living within 500 feet of the affected property sign a petition in opposition. Developers could overcome that opposition by collecting signatures of a majority of registered voters living within 1,000 feet of the affected property within 45 days.



The Camelot Farm subdivision, with 25 acres of recreational open space preserved for public use, would be built on what had been the city's last working pastureland – 45 acres at 1700 Westbrook St. In July, the Portland City Council approved a rezoning request, paving the way for a 95-home development. *Photo courtesy of CBF | The Boulos Co.*

The proposal was drafted after [the City Council voted 5-4 to rezone Camelot Farm for a housing development](#). The 45-acre parcel on Westbrook Street in the Stroudwater neighborhood had long been pasture for cows and other farm animals.

City officials could not say how many registered voters live within 500 feet of the property, because it would involve a manual search of voter registration information by the city clerk's office, which was busy preparing for the November election.

As many as 80 houses could be built there without changing current zoning rules. But after rezoning to allow greater density, the developer could build 95 single-family homes, and 25 townhouses on an adjacent parcel, and cluster the homes closer together, thereby reducing prices and preserving about 25 acres of land as public open space.

But Davis said the ordinance would address concerns and frustrations throughout the city. Residents consider zoning as a sacred contract and they don't expect it to change, she said.

"People all over the city were extremely upset with the process," she said.

### **CRITICS: SMALL GROUPS GET TOO MUCH POWER**

The proposal could also affect state and city efforts to build a cold storage facility on the western waterfront. Opponents of the rezoning there have already begun collecting signatures to block the change, which also would allow Portland Yacht Services to build a facility that could service ferries operated by Casco Bay Lines.

The sweeping impact of the ballot initiative is what concerns Heather Sanborn, a state representative, co-owner of Rising Tide Brewing Co. and spokeswoman for One Portland.

“This empowers a tiny number of people to affect monumental decisions that could affect all of us,” Sanborn said. “Once you start to apply it to other neighborhoods, it’s more concerning.”

A dozen affordable-housing developers and organizations, including Avesta Housing, Portland Housing Authority and Community Housing of Maine, oppose the measure, as do six members of Portland’s legislative delegation and all city councilors except Brian Batson, who represents Stroudwater.

Avesta President and CEO Dana Totman noted that its Huston Commons project on Bishop Street, which has provided stable housing and support services for 30 people who had experienced long-term homelessness, required a zone change.

Only 30 people live within 500 feet of that project, so eight people could have stopped it at a time when the city has struggled to reduce the number of people using the emergency shelter for extended stays.

### **AN OBSTACLE FOR COMPREHENSIVE PLAN?**

Among the unintended consequences of the ballot initiative, according to Sanborn, is that it would limit the city’s ability to execute its new Comprehensive Plan.

Over the next year or so, city officials will be working with a consultant to update zoning rules to achieve goals set out in the plan, which anticipates a 10-15 percent growth in population. City officials hope that revising city zoning rules will lead to fewer zone changes and less conflict with neighbors.

“If Question 2 passes,” Sanborn said, “it won’t be possible for the city to finish that project of rezoning the city, because every map amendment and every text amendment they propose as part of the comprehensive overhaul of the zoning in the city could be stopped by any group of residents who live within 500 feet of any point on that map that is affected.”

But Question 2 proponents say it would allow zone changes to take place provided they have neighborhood support.

“If there’s a wonderful idea for making the neighborhood better or the city better – if we trust our citizens – they’re not going to say ‘no,’” Davis said. “It’s only something that ruins, or is considered a bad thing, that people will object to.”

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