

**Evaluation of Stakeholder Issues and Interests Concerning the Camden Waterfront
Summer, 2006
Prepared by: Jack Kartz**

INTRODUCTION:

Part 1 explains why and how this look into waterfront land use issues has come about. Part 2 is divided into three sections: A. Issues and Interests; B. Sources of Conflict; and C. What To Do Next—Recommendations. Table 1 at the end of the text gives you an outline or map of the major issues and interests around which this report is built. You can read this report as a composite story about how these issues and interests appear to map out, based on listening to all of the interviewee’s information that was shared. The recommendations are solely those of the professional neutral, and may be used, rejected or further developed and modified. Any inaccuracies or oversights are solely those of the neutral. Keep in mind that a draft was circulated to all interviewees before completion in order to catch any errors or major oversights

Part 1: BACKGROUND:

Three factors came together to initiate this look into issues on Camden’s working waterfront and the exploration of needs and purposes for a possible consensus-building process around those issues. First, in December, 2005, the Town of Camden, Maine’s “Blue Ribbon Economic Development Task Force” completed its report. Their charge, given by the Board of Selectmen, was spurred in part by the recent loss of the large number of clean, relatively well-paying jobs due to the earlier decision by MBNA to cease its call center operations in Camden. The Blue Ribbon Task Force report identified needs to plan for the future of Camden’s economic and physical environment so as to preserve valued assets while leveraging them to deal with change and new needs.

No environmental-economic asset is more important to Camden than its famous but tiny harbor; No potential community changes are more sensitive and uncertain than those affecting the waterfront's land use pattern. Among the Blue Ribbon Task Force's recommendations was a novel one in Camden: It called for the creation of some group and process to think about Camden's future. Camden had just a year before successfully adopted a new Comprehensive Plan to comply with the State of Maine's Growth Management Act, yet the community had no continuing visioning or discussion process about the future. There was a felt need for continuing such a process—a conclusion also reinforced by what has been heard during this present look at waterfront land use and economic issues.

Second, during this same period, a number of Camden residents saw the new documentary film "Growing Together: Consensus Building, Smart Growth and Community Change" in a public viewing. The 52-minute film's purpose is to provide a tool to encourage and assist community discussions about how to organize productive and inclusive community decision making about challenging development issues. The film spurred interest in having a neutral make an assessment of community issues and interests, which is a step discussed in the film as part of putting together a well-planned consensus-seeking process.

Third, a group of concerned citizens answered the Blue Ribbon Task Force's call to create a futures-exploring body, by forming a voluntary, ad hoc organization called the "Camden Area Futures Group," (CAFG). The CAFG looked at the key issues discussed in the Blue Ribbon Task Force's report, and the suggestions about processes made in the film "Growing Together," and decided to seek a neutral evaluation of issues and interests

focused on the working waterfront as a first step toward a consensus-building process about the waterfront's future and the economic and other issues tied to it.

That evaluation is called a "stakeholder assessment" or a "conflict assessment."

The purpose of the assessment is to:

- Identify what the scope of issues and underlying interests are regarding some defined problem-solving situation or conflict,
- Identify who in the relevant community holds such interests and should be represented adequately in a subsequent consensus seeking process, and:
- Evaluate whether or not such a process is likely to be useful given timing, maturation of issues, willingness of participants, and the nature of actual questions that could be addressed.

The neutral assessor's role is to

- Compile a confidential, non-attributional picture of the scope of issues at work and varied stakeholders' interests underlying those issues;
- Identify areas of complementary and conflicting interests and key questions that may lead to resolving issues;
- Evaluate the potential for a process and likely focus questions, and:
- Suggest process design steps.

The purpose is not to count how many people support or oppose any given idea or issue.

That cannot be done because the interviews are meant to identify the range of issues, and the interests underlying those issues, not test any one proposal. And while some issues and interests may be identified in an assessment as appearing to be widely supported, it is also the purpose to identify any other issues and underlying interests held by smaller minorities. This even-handed and thorough listening to issues and interests is intended to help form the agenda for discussion for any continued consensus-seeking process, without committing anyone to any specific position or outcome.

A small volunteer project team from the CAFG undertook identification and invitation of an initial group of one dozen confidential interviewees. Interviews were held July 18-19, 2006 in Camden. This role is called "convening." That typically means that a voluntary group like the CAFG, or a public institution like town government, or a

widely respected individual leader, decides that a problem-solving situation will benefit from a map of what the issues and interests. This analysis is put together by a neutral that will listen to all aspects and “put the story together.” The volunteer conveners’ group from CAFG that has requested this analysis includes Philip Conkling from The Island Institute, Roger Moody, former Camden Town Manager, and Jane LaFleur from The Friends of Midcoast Maine.

Without going into all the details of an assessment process, an initial set of interviews has as one purpose: the identification of additional parties who may be important to the assessment stage or to the eventual convening of a process. Such parties were identified by the group interviewed and are a good suggestion of some of the participants to recruit to any continuing process on the issues discussed here (see Appendix 1). A Category I-winds thunderstorm occurring the afternoon of July 18 resulted in two interviews not being completed. One of these interviews was conducted in mid-September.

Part 2: ANALYSIS and RECOMMENDATIONS:

- A. ISSUES AND INTERESTS
- B. SOURCES OF CONFLICT
- C. WHERE TO GO NEXT—RECOMMENDATIONS

A preliminary set of confidential interviews has been held with a varied group of Camden waterfront landowners and users to identify what interests are involved in the working waterfront situation and how such interests may complement each other or may be in conflict. (see Appendix 1 for participants).

A. ISSUES AND INTERESTS:

The results of the conversations suggest that there are four (4) key issues, as well as underlying interests, as mapped in Table 1. The 4 issues are

1. Maintaining the working waterfront;
2. Avoiding private, condo-style, high-density housing development on the waterfront; and
3. Having flexibility as business land owners on the waterfront to conduct operations and develop facilities as needed; and
4. Envisioning and agreeing on enhancements to the waterfront.

The interests underlying issues #1 and #2 involve a desire to avoid the loss of the unique and highly regarded public access to the waterfront that now exists. This includes the significant kind of indirect access that results from the public's ability to experience the grounds of the waterfront businesses. Such "private-based public access" around the harbor is considered by many to be vital to the town's character and a unique asset.

The interests underlying issues # 1, #3, and #4 involve concerns about the loss of a living-wage economic base because Maine has lost well-paying primary income jobs in industries like light manufacturing and fabrication. The interests underlying issue #3 have to do with maintaining local business viability in the face of new pressures such as rising coastal property valuations. As one landowner put it, "What else are you going to do ... if we didn't have apartments above our buildings we couldn't pay the taxes (from marine-related business alone)."

The fourth issue is one that has arisen in the past as new proposals have been discussed for enhancing the harbor. These include ideas like a footbridge connecting parts of the west harbor and cutting into the head of the harbor below the library to create small boat access. Although not as imminent as land use changes, and of undetermined

feasibility, these ideas aimed at ultimately improving the economic and experiential aspects of the harbor have not achieved any consensus. We also asked participants about the current use of the Town Landing and its parking lot—another area where alternatives have been discussed. There is substantial consensus in these conversations that the public parking next to town slips and docks is essential. As one landowner put it, “Some ideas have not been well-thought out in the past ... and some ideas have been less than possible.”

All four issues (1, 2, 3, and 4) are tied to an underlying interest in protecting the aesthetic character of Camden’s harbor. These concerns are almost entirely land use-driven and not connected to the growth of in-water use of the harbor. No one wants to lose the waterfront’s character, but some people express different ideas about acceptable types of change than do others.

The important point to remember is that interests are what need to be protected or met—but that might be achieved in different ways. In sum, the strong interests here appear to be about:

1. Maintaining the character of the waterfront;
2. Having a viable local economy for working residents;
3. Having adequate flexibility to conduct business operations; and
4. Maintaining ease and extent of informal public access to the waterfront at many different points.

A fifth interest in creating a vision for future enhancement to the harbor—creating rather than only protecting—is less well-formed. A number of ideas for future development of Camden’s waterfront/harbor qualities, some proposed in the past, were raised by various participants in this assessment. These include:

- a. Enhancing the town boat ramp area in the outer harbor with better parking and public activity areas. This might possibly involve Town exchanges of land with Wayfarer Marine in the area known as the “Beanyard.”
- b. Creating new dinghy access at the head of the harbor directly in front of the Library/Harbor Park area (as already noted);
- c. Redeveloping the “red sheds” at the head of the harbor with some form of water-dependent use;
- d. Controlling additional residential development on the waterfront with a different mechanism than the first-floor-marine use zoning provision, such as a percentage-of-structure-use provision that would allow mixed use but put limits on the residential component;
- e. Building the new pedestrian access (a bridge) between the Town Landing and Library/Harbor Park areas (as already noted).

These ideas and others concerning a vision for the waterfront could benefit from further discussion involving the town as a whole.

B. SOURCES OF CONFLICT:

There are three different sources of conflict over change on the waterfront, based on the information gathered. These three possible sources of conflict could benefit from clarification as to what the most useful questions are about the future of Camden’s waterfront land use pattern.

The first source of friction involves the very strong fears about land use change on the waterfront. The dominant and specific fear is over privatization of access and degrading of aesthetics from condominium housing development that would be owned

mainly by wealthy households. Past negative experiences for the town with condominium development on the waterfront in fact motivated the current local zoning code provisions that require first-floor marine-related use.

Second, although a community-wide evaluation like this assessment typically avoids pinpointing the interests of a specific party or stakeholder, it is public knowledge that there is a perceived difference in interests between Wayfarer Marine, the largest marine-related use on the harbor, and others concerned about what they view as potential undesirable waterfront land use change of the kind just described. Note that all of what is discussed here regarding Wayfarer Marine's interests has already been outlined in a 2005 public address by Wayfarer Marine to the Rotary Club.

On the one hand, some people perceive Wayfarer as potentially developing, or selling for development, some of its significant land holdings on the east harbor side, stretching toward and including the "Beanyard." The most widespread concern that is held is that such change will be condominium land use. At the same time, there is equally widespread interest in and very strong support for Wayfarer's continued success as a major boatyard and destination marina. These interests and concerns are often held by the same people.

Wayfarer Marine, on the other hand, has attempted in recent times to redevelop some of its property within the Beanyard for boatyard uses such as painting sheds. This proposal was supported by the Town of Camden, but there was opposition from adjacent land owners. That opposition led to protracted litigation to overturn the Town decision. That Town decision was consistent with the existing zoning and the court upheld it. However, by that time Wayfarer shelved its plans, perhaps due to rising costs, changing

market conditions, or some combination of factors. Apparently some issues also exist regarding circulation and access of trucks to this property.

Subsequently, Wayfarer proposed to develop another indoor boat facility adjacent to Camden Hills Park (on the Belfast Road) away from the harbor front. This would require a specific local amendment of current regulation. This proposal received opposition from adjacent land users, and regulatory changes were not approved by the community.

In sum, there are conflicts between Wayfarer's various business development proposals to date and the wishes of some citizens, especially adjacent land users. At the same time, as a different business owner put it, "... a vocal public wouldn't support (such proposals) but the less vocal public want to see something happen ... these people don't come to hearings and later say they regret the decisions made—but they feel no one listens to them." This problem of business expansion and viability was also mentioned as a wider problem in Camden by some other business owners—not about their own businesses but those of others, such as another small manufacturer in Camden.

A third potential conflict exists between two kinds of interests that are held by the same stakeholders in some cases. Wayfarer, in the late-2005 Rotary address, has voiced concern that it cannot succeed as a boatyard without further development of adequate facilities. The situation described above suggests that a key shared interest among many stakeholders is in keeping Wayfarer viable as a marine business. If so, there is an internal conflict between these two interests held by a variety of stakeholders here. This gap is between the desire to maintain a boatyard business on the harbor, and the opposition to any harbor or off-harbor facilities development by the boatyard involved. This is a "have the cake and eat-it-too" kind of problem that needs resolution.

As well, another concern is the perception by other stakeholders that Wayfarer might try to solve its business needs by selling harbor land it cannot use for boatyard operations to a speculator, whose intended long-term use would likely be high-income condominium development. This is not an implausible problem or risk. A business owner with excess or unusable-for primary-business waterfront land might rationally divest itself of that land in order to finance primary business operations, or to manage risk by withdrawing from current business operations. The “Red Sheds” are somewhat of a symbol of these inter-related problems: they are a hallowed symbol on the Town seal but the object of puzzlement and frustration over how to use them in the future other than letting them slowly deteriorate.

This contradiction in interests (between the desire to maintain a marine waterfront and obstacles to boatyard development) is also suggested by the fact that the restrictive zoning regulations were amended by the town for part of the west harbor land to accommodate another landowner’s difficulties with achieving viable business use under the zoning that is in place. As discussed earlier here, there is a general concern among both small and large harbor businesses about being able to have enough flexibility to conduct appropriate activities on their properties. This is of course an issue of community-wide consequence in the case of Wayfarer. This is because this stakeholder’s land holdings are relatively large on the waterfront and the current uses are vital to the widely held vision of the harbor. However, it is no different in principle than other harbor land user’s concerns for such flexibility. This issue of contradictory interests needs resolution.

Some participants in this evaluation commented on the high emotions that exist over the issue of land use change on Wayfarer’s waterfront properties—either their own

or other's emotions. Anxiety was also expressed by some over the uncertainty about what Wayfarer's future plans may be. These feelings, along with the contradiction between interests in Wayfarer's continued marine business and lack of accord on marine business development actions, point to one inevitable conclusion. There is a need for a direct discussion about this particular issue involving the primary stakeholders involved, with community support for such a process.

C. WHERE TO GO NEXT: PROCESS RECOMMENDATIONS

There is much consensus among harbor land users and owners about a number of interests:

- the multi-faceted value of the harbor land use pattern that exists and its unique access to the public;
- the importance of the Wayfarer boatyard business to the town;
- the need for economic base opportunities for working families;
- the desire for appropriate flexibility in the use of business properties to protect their viability without allowing undesirable change; and
- the strong desire to avoid gentrified housing development and loss of access on the waterfront; and
- the apparent interest among many to find ways to allow businesses the flexibility to succeed.

There is a less well-defined concern about envisioning the harbor's future in terms of land use actions to create new value rather than actions only to protect the status quo. As discussed, the specific question of how to successfully accommodate Wayfarer's business viability choices is one that needs to be addressed.

Without a process of direct discussion focused on this issue of the Wayfarer situation, there is no other way to resolve it except to simply wait and see what decisions that stakeholder may make without such discussion. There is also some related evidence that the town needs to examine a broader, community-wide issue of how it supports job-creating businesses away from the immediate waterfront, not just on it. That broader

issue was outside the scope of this evaluation, although it was reflected in some of the general interests listed above.

What next steps can address these issues and how to satisfy the mix of interests behind the issues? Is there much willingness to participate? What form of process can be used fruitfully and, how might it be organized? There was some concern voiced that any discussions address a “real problem.” If practical questions that merit new problem-solving can be framed, then every interest reflected in this assessment did express willingness to participate in the future.

A quite frequent comment across different types of interests (excepting perhaps seasonal residents) is that the Town of Camden has recently lacked a pro-active process of asking how to shape the future—the recent Blue Ribbon Task Force’s work being one pointer towards that need. Such a process had successfully been carried out before in the town during the early 1990s in developing the Comprehensive Plan. Much interest was expressed in the role that a voluntary group could play in supporting such a process, with some level of cooperation with but not sole “ownership” by Town government. There was frequent doubt expressed as to whether Town government can effectively convene a process. At the same time, there was some puzzlement over what the role of the Camden Area Futures Group is, as a voluntary convener of these interviews.

Based on this information from the small but representative group of stakeholders, the following recommendations about next steps seem warranted. (Note that while some design advice is offered, these recommendations do not outline these processes in full). A two-track process appears needed; this could consist of a community visioning discussion about the future of the waterfront (#1) and a simultaneous, and early, direct

discussion among stakeholders about the future of the Wayfarer boatyard business and its use of and investment in facilities (#2):

1. A waterfront land use vision consensus-building process would address the need for an inclusive dialogue in this community about a widely shared concern, and provide a means to discuss ideas like those noted which have no working venue for discussion at present. Key questions such a process might start with include the following, which are only examples based on information collected::
 - How to accommodate flexible use of business properties;
 - Intentional long-term improvements to the waterfront that enhance core interests and values for its use;
 - A vision and guidelines for mixed use of the waterfront that preserves public access and aesthetics.

This process could be convened and supported by a voluntary group, as have other successful visioning processes elsewhere.

It will however need to be carefully designed from the outset. This is especially true regarding how participants are recruited and convened and how different levels of participation can be made available to the community so that there is a high comfort and confidence level for different stakeholders.

Coordination with town government leadership is also an essential design requirement, so that any good ideas that meet with strong consensus can be anticipated and posed in a manner that increases chances for implementation.

Merely having neutral facilitation of public meetings will not be adequate without a designed process addressing these and other features.

2. A separate, focused discussion dealing with the future of Wayfarer Marine needs to take place as soon as possible. This process should be coordinated with Town leadership but ad hoc and voluntary. Its aim should be to explore and discover a

strategy that can be offered to Town decision-makers and the community as a whole. The broad, future-oriented consensus-building process, however important, is not going to be an effective vehicle in itself to address the issues surrounding the future of Wayfarer Marine. The key question here is how to reconcile Wayfarer's most important business development needs with the very widely held concern for preventing gentrification of the waterfront and loss of its aesthetics and access.

This is a situation that most frequently calls for a voluntary, ad hoc process of exploration and negotiated problem-solving among a carefully selected group of representative stakeholders. The aim is to explore and create a proposal for action that adequately satisfies the different interests involved. Remember that these differences include the internal conflict in the community interests identified here, between valuing Wayfarer's boatyard business as vital to the waterfront vision, and eventual community denial of most recent land use proposals made by Wayfarer for boatyard business development. This situation is the motivation to try a process of direct problem-solving. This situation has not been subject to a deliberate, well-convened and pragmatic discussion of how to reconcile these needs.

This kind of process is often convened and resourced by the public institution with policy-making authority—in this case the Town of Camden. Such authorities must ultimately carry out any proposed solutions that require public policy commitments. This process can also be convened by a voluntary group if there is coordination with the eventual public authority. The result can be the same so long as the public authority has the expectation that it welcomes an effort to find a

consensual set of solutions to the community issue—which must of course be truly workable.

Coordination to test “trial balloons” is therefore well-advised to make sure that any proposals that are being developed are workable in legal and procedural (administrative) respects as a possible community policy. A voluntary, ad hoc process of problem-solving without any coordination with the public institution(s) that would have to carry out policy ideas is possible—since the weight of a strong consensus can be persuasive. But it is much less likely to avoid proposals that cannot be carried out by the public authority—proposals that might have been adjusted through “trial balloon” communications built into the process. Experienced public policy mediators are familiar with these and other design needs.

This is a process that cannot be carried out without the use of a neutral mediator, who will advise on problem definition, coordination with the town, recruitment of a representative but workable problem-solving group, trial balloon procedures, communications outside the negotiating group and other aspects of this process. The mediator can be retained by a convener who has an interest in finding ways to satisfy all or as many of the most important interests as possible. The convener must create transparency about how the process is organized. In fact, when towns convene such processes over difficult policy or permit matters, one party such as the applicant may be asked to provide resources without impairing the legitimacy of the process. This is because the mediator’s professional neutrality and the convener’s transparency are the key elements to

insure that the process is aimed at finding consensual, good faith proposals, if such are achievable.

Although more discussion is needed, it appears that the question of how to accommodate Wayfarer's most important marine-business land use needs warrants a better-organized, neutral-assisted exploration. There is little doubt that the issue is vital to a wide set of stakeholders in Camden.

Coordination: Multi-Track Process

Multi-track processes are not simple ones, but have been used on occasion to address community-scale issues. A large-scale visioning effort, which should involve a large number of community members at least for some key activities, is not appropriate for exploring a specific issue like that of Wayfarer's future. That specific discussion must involve the stakeholders most affected, which in this case will likely include other landowners who feel they are most affected by Wayfarer's decisions. This group cannot be so large that it cannot confidentially and openly explore possible choices and solutions: "inventing without committing in a safe space." At the same time, it has to be a large enough group include those who have the most direct stakes in any solution. There must be sufficient willingness to participate.

Also at the same time, any potential solution packages that this working group may devise jointly and voluntarily will also have to rely on community acceptance. The role of the larger visioning process can be first to early on provide some general guidelines for what wise solutions should accomplish to be acceptable. The interests identified in this report appear to be a good starting point for those guidelines. Second, this visioning process can be used to test out any proposed solutions of the focused discussion group when community-level support such as Town action is going to be

needed. This is an especially needed role if the focused discussion is convened by a volunteer organization rather than Town government. But Town officials should be kept apprised of any potential actions that will be requested through additional communication with the focused discussion work group. Third, of course, the visioning process can eventually address the questions of future enhancements and strategies for the waterfront that have not had an ongoing venue.

Table 1: Issues and Interests Map—Camden Working Waterfront

| Interests: Issues: | Avoid Loss of Unique Access to Camden's Waterfront | Reverse/Slow Loss of Living Wage Jobs | Protect Local Business Viability on Waterfront | Protect the Aesthetic Character of Waterfront |
|---|--|---------------------------------------|--|---|
| Maintain the Working Waterfront | X | X | X | X |
| Avoid Condo Style Housing Development | X | I | I | X |
| Flexibility for Business Use of Waterfront Properties | I | X | X | X |
| Envision Future Enhancements to the Waterfront | I | X | I | X |

X – Direct interest tied to the issue

I – Indirect interest tied to the issue

Appendix 1:

Interviewees and Suggested Additional Representative Stakeholders

Interviewees Who Contributed Views and Information For This Report:

| | | | |
|-------------------|---------------|-----------------|--------------|
| Leonard Lookner | John French | Jack Sanford | Steve Pixley |
| John Enright | Ann Pattison | Caroline Morong | Ben Magro |
| Parker Laite, Sr. | Willard Wight | Ray Williamson | Jeff Nims |
| Stuart Smith | | | |