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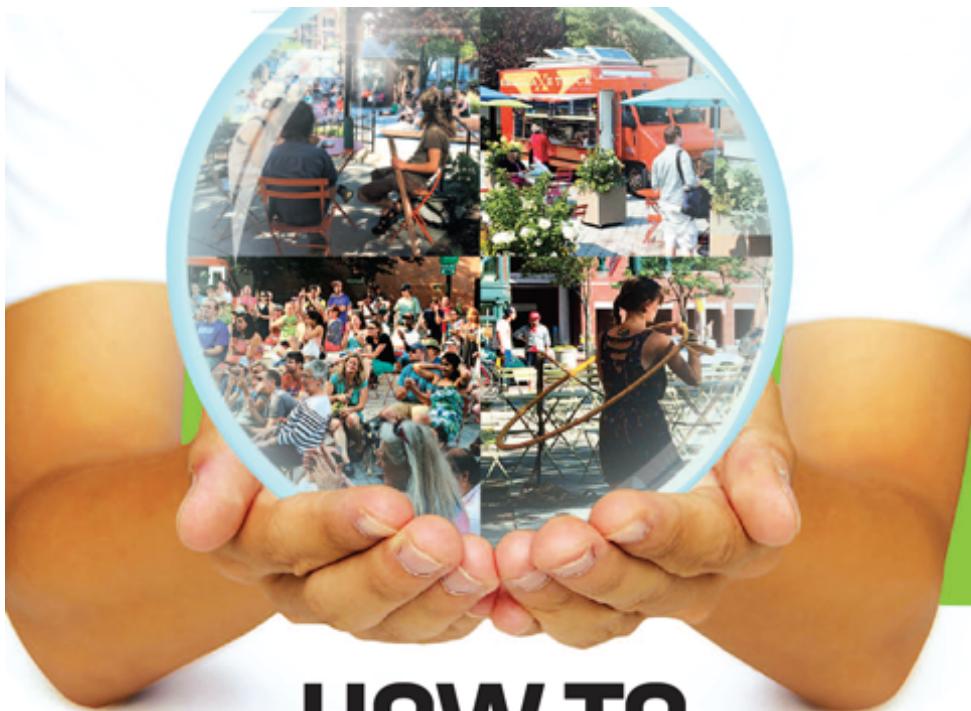
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How to save a park

An inside look at how Portland citizens rallied to preserve Congress Square

By JENNIFER LUNDEN | October 23, 2014



HOW TO SAVE A PARK

The citizens effort to preserve Congress Square

by Jennifer Lunden | p 8

The tension in the room on the night of June 10 was palpable. Earlier that day, Portland voters had gone to the polls to vote on a referendum that would make it harder for the city to sell Portland parks. Hanging in the balance was the fate of the embattled Congress Square Park, a small corner of public space in the heart of the Arts District.

I was there to celebrate—or to mourn—with my husband Frank Turek, the President of the Friends of Congress Square Park, the feisty nonprofit that had spearheaded this referendum. Until that night, I had met few of the key players. But I had heard about the battle to save the park from its very beginnings.

It was a nail-biter of a night. Early results had the opposing campaigns neck and neck. Finally, just after 10 pm, the results came in: the referendum had passed.

That win granted Congress Square Park a stay of execution, but the park's future remains uncertain. Under the new ordinance, now any proposal to sell any of the listed 35 parks, including Congress Square Park, requires a supermajority—eight out of nine city councilors—to support the sale, or, if six or seven councilors support it, then it would also have to pass a special, city-wide referendum.

But the partners at Rockbridge Capital—the Ohio-based investment firm that owns the neighboring Westin Portland Harborview Hotel—still want their event center, as do the mayor and a number of Portland's city councilors.

The battle has been covered by Maine's media sources large and small, but none of them have adequately told the illuminating story of how a dedicated group of people—pooling their time, creativity, and resourcefulness—is winning a fight to save a beleaguered public park, despite the political and financial forces against it.



LOCAL ROCK SHOW Miraculously, Portlanders continue to find ways to hang out in noncommercial settings.

It all started when a retired newspaperwoman read about the proposed sale in the Portland Press Herald and emailed the Parkside Neighborhood Association to ask if there was anything the Association could do to stop it. "I think it's awful to give up any public park space and once it's gone it's gone," wrote Joan Grant. "I'm afraid it will disappear without the public even knowing it's going to happen." It was March 2012. Grant brought her concerns to the next meeting of the Parkside Neighborhood Association, and the Friends of Congress Square Park was conceived.

At first, there were just four members—Grant; former State Representative Herb Adams; Parkside Neighborhood Association board member Pat O'Donnell; and Turek, the Association's treasurer. Adams, one of the founders of the Friends of Deering Oaks, told the determined little group how Deering Oaks was once a blighted park—a hotbed of prostitution, drug dealing, and cruising. When I interviewed him, he said, "The City looked the other way, and a bad element walked right in in broad daylight," which sounded an awful lot to me like what happened in Congress Square Park. The Friends of Deering Oaks was formed in 1997 to return that park to its former glory as a safe and family-friendly place, and, slowly but surely, that's exactly what happened. And that's what the Friends of Congress Square Park set out to do for its namesake.



SHAKING IT UP A local youth dance performance by the Mayo Street Arts program Club Hip Hop earlier this summer.

Congress Square Park was built in 1982 with the assistance of a \$1 million federal Urban Development Action Grant, part of a larger project to revive the surrounding area and expand the Portland Museum of Art. I asked Adams, who is also an historian specializing in local history, if the park was considered a “failed park” from day one, and he gave me an emphatic no. “I can well remember when it was a welcome inner city refuge...It attracted children, the diversity of the Parkside neighborhood, reflected the needs of the inner city. Elders would come out of [nearby residences] and sit and applaud our events and concerts. Parents would play kickball with their kids.”

Based on recommendations from the report of the Congress Square Park Committee 10 years later, the City contracted with the now defunct Maine Arts, Inc., to establish Congress Square Park as a downtown community focal point with a full program of public concerts, movies, live radio broadcasts, and community events all taking place in the park. But state and federal arts funding suffered cutbacks as a result of the recession, and arts programming at Congress Square Park dried up. The little park in the heart of the Arts District fell by the wayside.

In September 2008, the same year that the City cut its park budget by 25 percent, the Portland City Council voted unanimously to create a Congress Square Redesign Study Group—comprised of representatives from the Portland Downtown District, the Portland Museum of Art, the bordering neighborhood associations, the hotel, and other stakeholders, as well as two city councilors and delegates from relevant city committees and departments—to determine what improvements would help the beleaguered park. Two years later, the Study Group announced that with the help of \$50,000 from the City’s Capital Improvement Plan fund, it was ready to solicit landscape architects to submit designs. But then the city attorney stepped on the brakes, reporting she had found a document that made reference to a heretofore easement—similar to the ones already in place that allowed side-entrance access to Paul’s Food Center and the hotel—that could halt the redesign.

According to city councilor Dave Marshall, one of the 15 members of the Study Group, “That’s what derailed the Study Group. After that, we were stuck with dealing with easement stuff.” But Planning Division Director Alex Jaegerman, in a November 2011 memorandum to City Council, wrote that the City held back on issuing a request for proposals to give Rockbridge, the new owners of the abutting hotel, “an opportunity to further consider their stakeholder interests in the Square.” (The easement itself turned out to be a non-issue.)

Rockbridge had bought what was then the Eastland Park Hotel in March 2011, and in October of that year got the go-ahead from the Study Group to submit a concept proposal, which the company presented to the Housing and Community Development Committee (HCDC) in May 2012.

That night, more than 40 people packed the room to hear the plan and express their thoughts. Some argued that it was wrong to sell a public park for privatization, and that Portland’s increasing population density made it critical to keep public space available for

residents. Some said that the park had been neglected by the City for years, and that with improvements it could be as much of an economic driver as the proposed event center. Some were put off that it was a single-bid, backroom deal. Some pointed out that the resulting jobs would be service-level jobs and that the greater profits would leave the area. Some complained that the plan took up almost the entirety of the park. Those on the other side of the issue argued that building an event center would increase tourism and benefit local businesses. In the end, the HCDC sent Rockbridge back to the drawing board, urging the company to come up with a plan that left more of the park intact.



GOOD IDEAS ARE PRICELESS A gallery's worth of publicly made art prints by rocking chairs.

At a May 2012 meeting of the Third Annual Greenspace Gathering, Grant met Amanda St. John of Occupy Maine and learned that Portland's local Occupy movement had begun holding meetings in Congress Square Park, and had been discussing how it might save the park from privatization.

When I asked St. John why public space is so important to her, this is what she told me:

In an age where more and more spaces are being privatized and communication is increasingly becoming disembodied, it is important to maintain public spaces where anyone can gather for socialization and spontaneous human interaction. It allows for less alienation, less isolation, less boredom, fewer class and racial divisions, and ultimately plays a huge role in creating better citizens and better cities. Congress Square Park is particularly important to maintain due to its location, since losing a park so centrally located and in such a dense and diverse neighborhood would mean fewer non-commercial spaces where friends can gather, where artists and musicians can perform, where people can take lunch breaks, places for people-watching, for political action, for children to play, for residents of nearby buildings to get fresh air, and on and on.

"Best of" lists, often citing Portland's extensive park system as one reason for its high rankings, validate St. John's perspective. For example, in 2012, Parenting magazine named Portland the third best city for families, scoring it high on playgrounds and parklands per capita. Also in 2012, Travel & Leisure named Portland the seventh greenest city in the US, noting our "pristine parks and open spaces."

Just two days before Rockbridge would finally unveil its second proposal at the August 2012 Study Group meeting, in the process of researching the speech he planned to deliver as a member of the public, Turek stumbled on some surprising news. Turned out there was a seat on the Study Group reserved for a Parkside representative. The seat had never been filled.

So the Parkside Neighborhood Association designated Turek its representative.

It was standing room only that night in City Hall chambers, and those opposed to developing the park outweighed those speaking in favor of it by a factor of 3 to 1.

At the meeting, using Photoshop to compare the plans, Turek revealed that while the shape of the proposed footprint had changed somewhat, the only notable difference between the new plan and the original was that the revision added about 10 feet to the width of

the remaining plaza. The proposal was voted down 7 to 2. City Councilor Kevin Donoghue spoke for the majority when he commented that it just made too large of a footprint.

But the Study Group has no actual power; it can only recommend or oppose propositions, and the following week the proposal went before the Housing and Community Development Committee (HCDC) which declined to make a decision either way, opting instead to simply "accept the communication."

And then...? Silence.

Meanwhile, the Friends of Congress Square Park and Occupy Maine were working behind the scenes to rally people to the cause. Occupy Maine organized the first Congress Square Park cleanup May 23, 2012 and St. John started the Facebook page "Congress Square Summer: Save Public Space." Former State Representative John Eder started the "Friends of Congress Square Park" Facebook page for additional information sharing.

In February 2013, Friends members began bundling up and standing on the edge of the park every Friday evening talking to passersby about the proposal and collecting signatures on an informal petition objecting to the sale. The people who signed told the Friends they believed it was fundamentally wrong to sell a public park. Many lived near the park; they described how it enhanced their quality of life and said they didn't want big business to take it away from them. The group also collected signatures on a MoveOn.org online petition. All told, over a period of three months, the Friends gathered 863 signatures on paper and an additional 465 online, a total of 1328—though because the petitions were informal, some of those names may have been counted twice.



THE BUILD GUILD Advocates of Rockbridge Capital's proposal rally earlier this year.
(photo courtesy of Friends of Congress Square Park)

On April 17, 2013, nine months after the Study Group shot down the second proposal, the Friends of Congress Square Park got word that Rockbridge was indeed planning a second revision. Again, the designers just barely pared down the event center's footprint. But this time, instead of just redesigning the park, the company presented the Study Group with a redesign for the whole of Congress Square. Again, the meeting was packed; again, the majority of people spoke in favor of preserving the park.

In the end, it was a split vote. So on May 29, 2013, it went back to the HCDC. Again, the audience came out in force and again the majority spoke in favor of saving the park. Nonetheless, the HCDC voted 3 to 1 in favor of sending the proposal to City Council.

Around this time, David LaCasse —who is married to Study Group member Pandora LaCasse, the woman behind those festive balls of light hung all over the city come winter—joined the Friends. LaCasse was able to connect the group to a wider network of people who could help. One of those people was Ethan Kent, senior vice president of the Project for Public Spaces—a New York City-based nonprofit with almost 40 years' experience helping people "to activate empty public spaces and to create vibrant new ones"—who

traveled to Portland in June 2013 to present at an invitation-only meeting held at the Portland Museum of Art. Participants included City planning department employees, members of the Study Group, people closely involved with the development proposal, and neighboring businesses. Kent met afterwards with the Friends of Congress Square Park and other activists at the Meg Perry Center, where he introduced the group to what the Project for Public Spaces calls “Lighter/Quicker/Cheaper,” or LQC, a low-cost, high-impact way to activate underutilized parks. Kent’s talk inspired the Friends to make a multitude of small, relatively inexpensive changes that have added up to a big transformation.

David and Pandora LaCasse’s daughter Bree was at those meetings, and soon, she too joined the cause. She wrote a successful grant to get funding to make these LQC changes, and in the spring of this year, Congress Square Park’s revival was begun in earnest. First came a public art project, Michael Clyde Johnson’s “Untitled Patio with Benches and Planter,” built in collaboration with Portland’s youth development program, LearningWorks. Then came the food trucks, Small Axe and Urban Sugar. Soon, the tables arrived, in pink, orange, and tan, and the similarly colored Parisian-style folding chairs, and then the turquoise, blue, and green umbrellas. Then came the rolling planters containing white hydrangeas and other purple and yellow flowers. Some of Pandora LaCasse’s sculptural light forms went up in the trees to better light the back corner of the park. The group worked collaboratively with Paul’s Food Center to get Wi-Fi in the square, and Yes Books agreed to hold chess sets for park-goers to borrow. Kent’s talk also inspired the Friends to take it upon themselves to start cleaning the park regularly.

With the help of the grant, the Friends of Congress Square also teamed up with Space Gallery to bring a wide array of events to the park, including bands, swing dancing, movies, DJs, poetry readings, community art, and live viewing of the World Cup championship. At a city-sponsored World Refugee Day event, Mayor Michael Brennan—a staunch advocate for the event center—even introduced US poet laureate Richard Blanco to a large and enthusiastic crowd.



Proponents of the sale of the park say that the \$3.5 million event center that would be built in its place would create 25 new jobs, increase sales in the area, and generate an estimated \$70,000 a year in additional property taxes. In a September 2013 segment on WMTW, Mayor Brennan is quoted as saying, “We’ve lost a lot of business in the downtown to Walmart and malls and things like that, and this is an opportunity to revitalize that part of the downtown.”

Steve Hewins, Portland Downtown District’s executive director, suggests that an event center could draw 200-300 people to Portland for weddings, meetings, and other events, approximately 100 days out of the year, and maybe more. “I believe we need to build a year-round visitor industry,” Hewins told me via email, “so we can continue to support the restaurants, art galleries, retailers and other businesses that struggle outside of the summer and fall months, and during economic downturns.”

Kent has a different perspective. He points out that historically, squares were the centers of their communities and helped shape the identities of entire cities. To this day, he says, the creation of great public squares “drives economic development and vitality.” When I emailed Kent to ask him to tell me more about the economic benefits of parks, he sent me Dr. Katherine Loflin’s summation of the groundbreaking 2010 “Knight Soul of the Community Study,” which found, in short, that love of place is a powerful resource that can be leveraged to enhance a community’s economic vitality.

Here are the surprising results:

There is an important and significant correlation between people's attachment to where they live and local Gross Domestic Product (GDP) growth. "The more people love their town, the more economically vital that place will be," says Loflin. "When people love where they live, they spend more time there and invite others to do the same. They may choose stay-cation versus travel. They are also more productive at work and more satisfied in their jobs. They are more likely to buy a house. There are many little ways in which love of a place can translate to economic impacts, and these all add up."

What drives most people to love where they live is their perception of its aesthetics, social offerings, and openness. In all 26 communities studied, in cities large and small across the country, these were the three most important factors tying people to place. "Placemaking," then, is a critical component of urban planning—critical, too, it turns out, in attracting young talent. "The fact that people are now prioritizing place before deciding what jobs to pursue has to change the way communities are imagined if places are to succeed," says Loflin. "Optimizing place has to be moved to the front burner as an economic imperative, immediately."

From the "Placemaking" perspective, bulldozing a park to build an event center is shortsighted, and claims of the purported economic benefits of such a decision are based on outmoded economic strategies.

A vibrant park, like the revitalized Congress Square Park, brings the community together in a multitude of ways, is aesthetically pleasing, and offers a sense of openness in a way a building never can. What the latest research shows is that a vibrant park helps a city to prosper.

Adrian Benepe, Senior Vice President of the Trust for Public Land, a conservation organization that was founded to protect parks, told me that parks in fact produce increased tax revenues by enhancing the value of residential properties in their vicinity by anywhere from 5 to 20 percent.

In other words, quality of life trumps event center.



David LaCasse secured the services of attorney Rob Levin for assistance getting the Friends registered as a Maine nonprofit. And with the help of Levin—who also has expertise in land conservation issues—the group was able to enact something its members had been discussing for a long time: a citizens' initiative to protect all Portland parks from being sold.

Through August—after the HCDC had passed the proposal on to the City Council but before the Council had made its decision—the Friends of Congress Square toiled over the wording of the citizens' initiative. Finally, just three days before the Council was slated to meet to decide on the third design, the Friends delivered their citizens' initiative to the City Clerk for approval. They had met with City attorney Danielle West-Chuhta just a few days before to review it, and she had given no indication that they would have any problems getting it approved—but they would need to wait a few days for her determination.

On September 9, 2013, Portlanders packed into the city council chambers and lined up at the mikes for over three hours. Those opposed to the sale outnumbered those for it by a 2-to-1 margin. So many people testified, time ran short and the vote had to be postponed until the following Monday.

Four days later, three days before the rescheduled vote and just an hour before deadline, West-Chuhta emailed Levin to tell him she

had rejected the citizens' initiative. She argued that the sale of the park was a fiscal and administrative affair and not a legislative matter, and therefore a decision to sell could not be decided by citizens' initiative, but instead was "exclusively within the province of the City Council." The Friends waited for the results of the upcoming City Council vote before determining their next move.

There would be no more comments allowed on the night of the vote, but tensions ran high. Two protesters knelt before the Council wearing tape over their mouths; another was arrested for criminal trespass when she failed to heed Mayor Brennan's request to sit down and stop shouting. In the end, the City voted 6 to 3 in favor of selling the park, with two of the three councilors who voted against the sale stating that the low, no-bid price of \$524,000 was the reason for their objection.

That night, the Friends put out a press release to announce their plan to sue the city for denying the group's citizens' initiative. Six weeks later, the judge ruled in favor of the Friends, citing the First Amendment rights of Maine citizens.

But the City appealed the judge's decision, which would have blocked the release of the petition. On November 4, the day before the election, the judge clarified that although the City was appealing, it still had to release the petitions. She wrote, "The City's failure to [release the petitions] deprives the citizens of their right to petition the government and bars the discussion of the issues raised in the petition. This deprivation can never be undone and causes irreparable harm to the first amendment rights of the citizens."

At 1:30 pm that day, the Friends met at City Hall to pick up their petitions. They rallied their supporters—Portlanders who had signed the online petition or had learned of the battle on the news or been kept apprised via the Facebook groups—and that night about 30 people met at City Hall to collect petition forms and receive their instructions for how to go about collecting signatures on Election Day.

They needed 1500 signatures to get the Initiative on the June 2014 ballot. Volunteers fanned out to every polling place. Some signers told them they had come out to vote just so they could sign the petition. Runners had to deliver additional petitions to some sites. "About halfway through Election Day, we knew we had enough," Turek said. In the end, the petition garnered over 4000 signatures, almost three times the minimum requirement. In a press release, the Friends reported that this was a historic record for single-day signature collection for a city petition.

The next day, David LaCasse and Rob Levin discussed plans to launch "Protect Portland Parks," a separate Political Action Committee, to focus specifically on the citizens' initiative. LaCasse and Rosanne Graef, the president of the West End Neighborhood Association and its Study Group representative, became co-chairs. They selected Bree LaCasse as their campaign manager, and the group set up a website and got to work.



On May 6, 2014, Protect Portland Parks and the Friends of Congress Square Park got some good news: Maine's Supreme Court had decided in their favor. Because it was a Supreme Court decision, the case now set a precedent for other states filing citizens' initiatives. Cities all over the country would now be less likely to use fiscal or administrative justifications for blocking citizens' initiatives of any kind.

All through May and early June, Protect Portland Parks volunteers sent out press releases and mailers and made television and radio

appearances. People wrote op-eds and letters to the editor which were passed around with the help of social media. Dozens of volunteers contributed hundreds of hours putting out signs, making phone calls, and doing targeted door-to-door canvassing to identify supporters—all to get the word out about this referendum and to rally support. On Election Day, recruits went door to door to remind people to vote, offering rides.

They were up against powerful opponents. The No campaign, backed by Rockbridge and the Chamber of Commerce, had Mayor Brennan's voice on its robocalls and more than four times the cash contributions fueling its campaign.

But the results, as they trickled in that election night, were telling. The four precincts on the peninsula voted "Yes," while "No" votes prevailed in all of the other precincts. What seemed clear was that those who lived closest to the park were the ones who most wanted to save it.

On August 29, Maine Superior Court Judge Joyce Wheeler ordered the City of Portland to reimburse the Friends of Congress Square Park almost \$60,000 in legal fees incurred during the battle over the citizens' initiative. In her decision, Wheeler wrote, "the court notes that the city withheld the citizens' initiative petition forms without any legal justification. The city forced plaintiffs to file suit and litigate on an expedited schedule just to obtain the requested petition forms. As the city concedes, municipalities must proceed with caution when constitutional rights are involved and should err on the side of ensuring free exercise of political speech."

While this was yet another victory for the Friends, the park's future is still uncertain. The City Council, under the leadership of Mayor Brennan has tasked the Study Group with exploring two options—building an event center with a rooftop park, or redesigning the park as originally planned. Rather than announcing a contest, the City's Planning Department has begun working with the Boston based Klopfer Martin Design Group on basic designs along with cost estimates for both options.

In the meantime, the Friends of Congress Square Park are hard at work planning a winter program and working out a budget for next summer's lineup. The group that organized to save the park is now in it for the long haul.
