



# HCPC NEWSLETTER

Hancock County Planning Commission

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Fiscal Year 2012-2013

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## PLANNING BOARD NEWS

*by Tom Martin*

### STORMWATER MANAGEMENT TOPIC OF SEPTEMBER 27, 2012 WORKSHOP

The increased intensity of storms in recent years has resulted in more stormwater runoff problems. Many stormwater drainage facilities are designed for the 25-year storm event, the storm that is likely to occur once every 25 years. Some planning boards are now questioning the assumptions currently used in reviewing drainage arrangements in subdivision and site plan review applications.

The September 27 workshop will present an overview of current state stormwater laws as well as the relevance of certain federal stormwater laws to Maine. There will also be a discussion by an hydrologist about historical changes in design flows and modeled future flows. *Please note CEO's and LPI's, this session will qualify for educational credits.*

#### Workshop details

**Date:** September 27, 2012

**Time:** 5:00 PM to 8:30 PM (registration and meal begin at 5:00 PM, presentations at 6:00 PM)

**Place:** Ellsworth VFW hall, 419 Main Street (Washington Junction Road), Ellsworth

**Registration fee:** \$18.00 (includes materials and a light meal)

**Registration deadline:** September 24, 2012 (registration at the door is not possible)

**Contact person for registration:** Sheri Walsh, 667-7131 or [swalsh@hpcpcme.org](mailto:swalsh@hpcpcme.org), Hancock County Planning Commission, 395 State Street, Ellsworth, ME 04605

## **COMPREHENSIVE PLANNING: DOES YOUR PLAN NEED UPDATING?**

**Q: I have been told that my comprehensive plan will expire in 2012. Why?**

A: A comprehensive plan generally sets out recommendations for ten years into the future. Beyond that period, not just the recommendations but community attitudes and concerns may shift and condition and trends analysis lose relevancy. The original Growth Management Act provided no “expiration date,” but the legislature amended it in 2008 to say that the State Planning Office (now the Department of Conservation or DOC) finding that a comprehensive plan that is “consistent with the law” will expire after 12 years. For plans adopted prior to 2001, the grace period was extended to December 31, 2012.

**Q: Will our plan become invalid if it is no longer consistent?**

A: The way the law is written, it is not the plan itself that expires; it is the finding by the Department of Conservation that the plan is consistent with the law. A consistency finding which has expired (“expired finding”) does not invalidate a locally adopted plan, nor any of the recommendations that the plan carries.

**Q: Why should we care if the state no longer finds the plan consistent?**

A: The DOC finding of consistency triggers a number of state actions and benefits. Since passage of the Growth Management Act, various state agencies have tied their growth-related programs to it. The most well-known is the CDBG program, which will not award grant funding for growth-related capital investments to a town without a consistent plan. Other grant programs award point priorities to towns with consistent plans. Some state agencies, such as the MaineDOT, give priority in funding their own projects to towns with consistent plans.

**Q: What about our zoning ordinance? I understand a zoning ordinance must be based on a consistent plan.**

A: The law says that zoning ordinances (as defined), impact fees and rate-of-growth ordinances (building permit caps) must conform to a plan that meets the requirements of the Growth Management Act (Refer to 30A M.R.S.A. §4314 (3)). An expired finding does not

invalidate these ordinances. It does, however, provide an opening for a party affected by the ordinance to challenge it in court. Consultation with legal counsel is recommended.

Shoreland zoning that does not exceed the state minimum guidelines is not affected by the expiration clause. Towns can also enact subdivision, site plan review, cell and wind energy facility, and related ordinances without a valid, consistent comprehensive plan.

**Q: Where Can We Learn More?**

Hancock County Planning Commission has information on the status of comprehensive plans in the county. Feel free to contact Tom Martin at 667-7131 ([tmartin@hpcme.org](mailto:tmartin@hpcme.org)) if you have any questions. We are also available to work with towns in updating their plans.

## **CDBG NEWS**

*by Tom Martin*

### **2012 -2013 CDBG Program Guidelines Pending - What Can We do Now?**

As we await the final Community Development Block Grant guidelines there are steps that pending applicants can take to start preparing for this year’s grant cycle. There is less funding this year so the competition will be greater than in recent years. Please note that the Hancock County Planning Commission is available to help in all phases of the application process at no charge to the municipality. We would be happy to meet with any town officials to discuss proposed projects and determine if they are eligible for CDBG funding. We can also suggest alternative sources of funding. *Please note that some changes are proposed in this year’s program that may eliminate or change certain grant programs.*

#### **1. Obtain cost estimates for your projects and document the need.**

Contact engineering firms and contractors to get cost estimates and explain in technical detail the problem you are trying to address. You will need to submit an engineering report to document costs in most public infrastructure or facility projects. Be sure to identify any health and safety problems that will be addressed by your project.

## 2. Confirm that your project meets the income guidelines.

It will probably be necessary to conduct an income survey of the area your project would serve. Surveys must follow a methodology established by the Maine Office of Community Development, the state agency that oversees the CDBG program. Contact Tom Martin at the HCPC for the latest requirements.

## 3. Seek matching sources of funds.

One useful source is the USDA Rural Development. <http://www.rurdev.usda.gov/me/Welcome.htm> **Mail address:** USDA Rural Development, 967 Illinois Avenue, Suite 4, P.O. Box 405, Bangor, ME 04402-0405. **Telephone:** (207) 990-9160. Rural Development services include [utilities programs](#), [business-cooperative programs](#), and [housing programs](#). These three program areas provide a variety of financial services to communities and individuals in the state of Maine. Those interested in funding fire department projects may want to contact the Federal Emergency Management Agency (FEMA). This agency is, for most towns in Hancock County, a more appropriate funding source for firefighting related projects than CDBG. For more information, see <http://www.fema.gov/firegrants/> or contact Tom Martin at the HCPC.

## 4. Organize a Citizen Advisory Committee.

It is important to demonstrate that your project has strong citizen support. It is helpful to have a committee that holds meetings to discuss the scope of the proposed project and keeps residents informed about what is being proposed. This could involve sending letters to residents affected by the project or going door to door to explain what is being proposed and inviting them to an informational meeting. An application is more likely to be funded if you can document that it has been shaped by citizen input.

## CDBG: Some Myths and Facts

**Myth:** Our town cannot apply because our income levels are too high.

**Fact:** There are a limited number of towns that have town-wide income levels low enough to qualify for a facility such as a fire station or community center that benefits the entire town. Other towns may qualify for projects that primarily benefit low to moderate income households. For

example, towns may have a sewer or water project that serves a particular neighborhood that meets the income guidelines. Other projects such as job creation or training can be targeted primarily or exclusively at low to moderate income people.

**Myth:** The paperwork is a nightmare

**Fact:** While the grant acceptance process does require the completion of many forms, most of these are routine. Towns are required to hire a state-certified grant administrator (normally funded through the grant). This administrator can help complete the paperwork and oversee the project in accordance with grant requirements.

**Myth:** If we undertake an economic development project, the town is liable for money granted or loaned to the business if it fails to meet the promised number of jobs.

**Fact:** This is true. However, the town can establish a legally-binding agreement with the business that is responsible for creating the jobs. This agreement can require that the business return any money that is owed to the CDBG program. Also, once the grant is closed out, the town is no longer liable. In other words, if the business later terminates the jobs created, the town does not need to seek return of the money.

**Myth:** We would have to raise too many local tax dollars as match.

**Fact:** While a willingness to commit local tax dollars as a match makes a good impression on the grant reviewers, there are other sources of funding. Some are discussed above.

\*\*\*\*\***November 28, 2012, 10:00 AM to 1:00 PM**  
**CDBG APPLICATION WORKSHOP At Eastern**  
**Maine Development Corporation, 40 Harlow Street,**  
**Bangor.**

For more information, see [www.meocd.org](http://www.meocd.org). or contact Tom Martin at the HCPC

## Anticipated Application Deadlines

As of mid-September, 2012, these are the anticipated deadlines for the FY-13 CDBG Program. HCPC will keep towns posted on changes through its web site: <http://www.hcpcme.org/comdev.html> and mailings. All applications and Letters of Intent must be received at the physical location of the Office of Community Development on or before 4:00PM EST on the dates listed below. *Faxed copies will not be accepted.*

Program	Letter of Intent Due Date	Application Due Date
Public Facilities	January 18, 2013	TBD*
Public Infrastructure	January 18, 2013	March 8, 2013
Economic Development	1 <sup>st</sup> Friday of each month**	By invitation only
Downtown Revitalization	February 1, 2013	March 29, 2013
Micro-Enterprise Assistance	February 1, 2013	March 29, 2013
Housing Assistance	March 15, 2013	May 3, 2013
Workforce Development	1 <sup>st</sup> Friday of each month**	By invitation only
Urgent Need	N/A	As needed basis

\*Subject to availability of funds.

\*\* If the first Friday of the month falls on a holiday the Economic Development and Workforce Development Letter(s) of Intent will be due by 4:00pm on the next business day.

## GRANT NEWS

by Tom Martin

### PROJECT CANOPY ASSISTANCE GRANTS

Project Canopy Assistance Grants are available to state, county, and municipal governments, educational institutions, and non-profit organizations for developing and implementing community forestry projects and programs. Project Canopy, a cooperative partnership between the Department of Conservation's Maine Forest Service and GrowSmart Maine, anticipates that \$100,000 will be available to support community forestry projects in the following categories:

#### Planning and Education

\$10,000 maximum award

Projects support sustainable community forestry management, and efforts to increase awareness of the benefits of trees and forests.

#### Planting and Maintenance

\$8,000 maximum award

Projects increase the health and livability of communities through sound tree planting and maintenance.

To be eligible to apply for 2012 Project Canopy Assistance grants, all applicants must attend a grant workshop prior to submitting an application (excluding previous workshop attendees). Grant workshops will be scheduled for September 2012, will be held in various locations throughout the state, and will cover topics including grant writing, project development, sustainable community forestry management, and grant administration. Grant applications will be due to the Maine Forest Service at 5:00 pm on Monday, October 22, 2012. All grants require a 50% match from the grant recipient in cash or in-kind services.

Project Canopy is funded by the USDA Forest Service Community Forestry Assistance Program. The USDA Forest Service Urban and Community Forestry Program was authorized by the Cooperative Forestry Assistance Act of 1978 (PL95-313) and revised by the 1990 Farm Bill (PL101-624) to promote natural resource management in populated areas and improve quality of life.

For complete grant application and workshop information, please visit the website at <http://www.projectcanopy.me/grants/grant-applications>. You can also learn more about the Project Canopy assistance program by contacting

Jan Ames Santerre by phone at 207-287-4987 or by email at [jan.santerre@maine.gov](mailto:jan.santerre@maine.gov).

## **WATER QUALITY NEWS**

*By Tom Martin*

### **SHARED WELLS: WHEN ARE THEY APPROPRIATE FOR A SUBDIVISION?**

Shared wells may be an option for small lots, where it may be difficult to meet the recommended setbacks from septic systems or lot lines. The USDA Rural Housing Service will not guarantee loans for homes (<http://www.rurdev.usda.gov/me/SFH/sfh.htm>) with shared wells unless there is a legally binding agreement to assure maintenance and safe operation of the well. It also requires that the properties sharing the well be unable to be connected to a public or community water system. Up to four dwelling units may share a well per Rural Housing Service standards. If an applicant proposes a shared well, the planning board may want to have its attorney review the legally binding agreement. The cost of this review can be charged to the applicant.

Minimum standards for a shared well agreement include:

- specifying cost sharing arrangements among participating homeowners to provide power to the well pump, repair, test and disinfect the system; replace components, and make improvements to increase the service life of the system;
- requiring that each well user promptly repair any leaks or damage in their part of the service line and replace, when necessary the service line connecting the water system to the residence;
- permitting water testing at any time by a licensed tester at the request of any party to the agreement;
- requiring corrective measures if testing reveals a significant water quality deficiency, but only with the consent of the majority of all parties;
- assuring ongoing water service to all parties even if the supplier has no further need for the shared well;
- prohibiting water usage by any party for “other than bona fide domestic purposes.” This provision is important since conflicts have arisen over matters such as excessive lawn watering;

- requiring that any new connections occur only with the consent of all parties, appropriate amendment of the agreement and compliance with the other terms of the agreement;
- establishing easements for all elements of the system, assuring access and adequate working space for system operation, maintenance, inspection, replacement, and expansion; and
- providing for binding arbitration of major disputes over the water system or the terms of the well sharing agreement.

For a sample shared well agreement, see <http://www.rurdev.usda.gov/Publications/WI-RHS-Shared-Well-Agreement.pdf> . Again, be sure to have any agreement reviewed by an attorney based in Maine. If you are unable to download from this site, contact Tom Martin.

## **TRANSPORTATION NEWS**

*by Jim Fisher*

### **Transportation Funding**

After four years of delays and continuing resolutions, the US House and Senate have passed a 27 month transportation re-authorization bill titled Moving Ahead for Progress in the 21<sup>st</sup> Century or MAP-21. The bill streamlines the categories through which we have been funding many of our transportation programs and shifts allocations across the programs.

Over the course of thirty years a number of federal, non-highway programs have been created. Funding was kept in separate buckets from highway funding, and in many cases the programs provided local organizations with an opportunity to compete for federal dollars.

MAP-21 combines or eliminates many programs, including some that have been important in Hancock County. States will have more authority over the funds, including opt-out provisions.

The five core surface transportation programs will be:

- Congestion Mitigation and Air Quality (CMAQ)
- Metropolitan Planning
- National Highway Performance Program
- Surface Transportation Program
- Highway Safety Improvement Program

Here are some examples of changing priorities:

- The High Risk Rural Roads program is eliminated, but states may be obligated to take action where rural roads have high crash rates.

- Maine will have the option of opting in or out of the Recreational Trails Program each year.

- The Safe Routes to Schools has been retained, but much of the funding for safety education has been eliminated.

- Most Bicycle and Pedestrian programs will no longer receive dedicated funding.

- The language of Complete Streets has been eliminated, but Highway Safety Improvement Program (HSIP) Plans are now required to consider bicycle and pedestrian access and safety.

- Transportation Enhancements has been renamed Transportation Alternatives and expanded to include elements of otherwise cancelled programs. A 20% state or local match will be required for most projects.

- The National Scenic Byways program been defunded. Grants for construction of turnouts, overlooks and scenic areas, vegetation management, and control of outdoor advertising will be possible under Transportation Alternatives.

- Transportation Alternatives now includes environmental programs such as managing stormwater, erosion control, control of invasive species and non-point source pollution abatement. These environmental programs will be popular in many states as they closely resemble traditional highway activities like cleaning drainage ditches and replacing culverts.

There are winners and losers in the new budget. For instance, the allocation to Maine for programs such as recreational trails, safe routes to schools and transportation alternatives drops 45% from \$6.2 million to \$3.3 million ([saferoutespartnership.org](http://saferoutespartnership.org)). On the other hand, there may be some new funding for competitive grants to rural bus systems. The Hancock County Planning Commission will continue to publicize grant opportunities going forward, but towns are encouraged to work with state leaders to identify local and regional transportation priorities, particularly for long-term projects.

### **Byways Win Grants**

The National Scenic Byways program has had a rough year. The National Byways Resource Center based in

Duluth, Minnesota closed in June, 2012 when funding was eliminated despite providing exemplary service to the byways across the country. As noted in the preceding article, the National Scenic Byways program was eliminated in MAP-21 funding, though specific projects like scenic turnouts may still be funded through a competitive Transportation Alternatives grant program.

In what may be the waning hour of the National Byways program, Hancock County was awarded grants for the [Black Woods Scenic Byway](#) and the [Schoolid National Scenic Byway](#).

### **Another Look at the Black Woods New Information Kiosk Installed at Tunk Mountain Trail Head Parking Area**

The Black Woods Byway just received a grant of \$27,500 will provide funding for a variety of planning and outreach activities. These include updating the



corridor management plan, preparing an interpretive plan and creating a sustainability plan for funding future byway activities. This is a timely award as many of the goals we established in 2006 have been accomplished and conditions surrounding the byway have changed.

If you have not driven the Black Woods Road between Franklin and Cherryfield recently, you will be surprised by the changes. Over the course of several years new venues including a boat ramp to Long Pond, a trail-head parking lot for hikes up Tunk Mountain, and a campsite at the outfall of Spring River Lake have been constructed. Existing sites such as the Tunk Lake boat ramp and the road around Fox Pond were improved with byway support. The Bangor Daily News just featured a video of the improved Tunk Mountain hike on its website [www.blackwoodsbyway.org](http://www.blackwoodsbyway.org). At minute 3 of the video you can get a good look at the new wind-generators in Township 16. As these towers are added to the Hancock County tax base, revenues can help to support future outdoor recreational programs.

More recently the Bureau of Parks and Lands has posted a number of directional signs alerting drivers to the opportunities for walking, climbing, paddling and even overnight camping. The new signs provide visitors with information about these options that often escaped

notice. Businesses in Cherryfield report an increase in customer traffic resulting from better information along the byway. HCPC and the Black Woods Scenic Byway are partners with the Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to leverage these natural resources to promote outdoor recreation, health and economic prosperity.

### Schoodic Byway Kids Quest Grant

Example of a Lobster Boat Model that is accessible for Kids with Disabilities

The Schoodic National Scenic Byway won a grant of \$45,940 with matching contributions of \$17,500 to create kid-focused interpretive



activities at scenic turnouts along the byway. Each site will feature one or two significant attributes that played a role in the history or economy of that location. For instance, the Schoodic Byway begins at the former Waukeag Rail Station in Hancock. Kids will have a chance to see where the train came through with historic images, tracks and railway equipment. Across the bay in Sullivan they will learn about granite mining, with examples of granite at different stages of productions. They'll also see an oversized lobster trap, big enough to catch a curious child. The Frenchman Bay turnout will feature binoculars that let kids see way out into the bay and across to Mount Desert Island. Long Cove will reach back to the Ice Age with an exhibit about Woolly Mammoths and climate change that occurred 10,000 years ago. Winter Harbor will give kids a chance to explore a beach to see how shells, sand and sea glass grind together with the ocean currents. The Tour wraps up in Prospect Harbor with more information about lobstering and a lobster boat on land where they can learn how traps are pulled, baited and set.

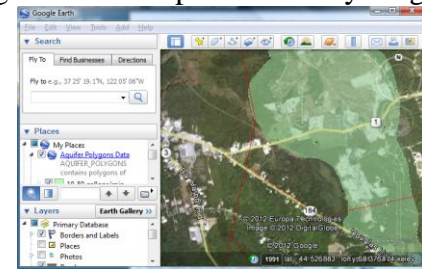
As the national byway program winds down, all three byways in Hancock County will be pushing ahead to implement projects that have been funded and will give many years of education and recreation for kids and kids at heart. More information is available at [www.acadiabyway.org](http://www.acadiabyway.org), [www.blackwoodsbyway.org](http://www.blackwoodsbyway.org) and [www.schoodicbyway.org](http://www.schoodicbyway.org).

## GIS NEWS

by Jim Fisher

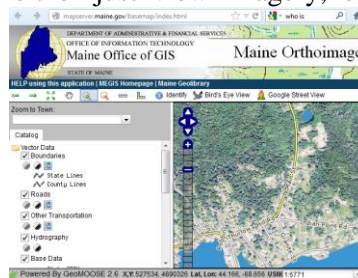
### Roll Your Own Maps Online

One of HCPC's primary services to towns is preparation of large format maps with everything from zoning to recreational trails. We employ costly and sophisticated software and very large printers to this end. Free online mapping tools are evolving quickly, with many new services available to towns that want to roll their own at no cost. Two new services are noted here.



### New Maine Office of GIS Ortho-Image Viewer

The Maine Office of GIS released a new orthoimagery viewer and download tool. The new system uses open-source software such as MapServer and GeoMoose. The viewer works much like the old one in that you can either just view imagery, or download tiles using an index. This map viewer includes a seamless connection to Google Maps and Street Level View. To use this new online tool, visit: <http://mapserver.maine.gov/basemap/>



### Google Earth – Maine Office of GIS

A committee member in Ellsworth recently contacted us asking for an aquifer map for Hancock County. In the process of identifying the information needed, we found that we could produce the map online by toggling between the Maine Office of GIS data catalog and a free mapping program called Google Earth. Step 1 is to download Google Earth from [www.google.com](http://www.google.com). Step 2 is to visit the Maine Office of GIS data catalog at [www.maine.gov/megis/catalog/](http://www.maine.gov/megis/catalog/). The catalog covers a lot of territory, including water bodies, aerial photos, public buildings, transportation corridors and more. By clicking on the blue earth image you instruct your computer to load a particular layer of information into Google Earth. You can keep layering more information that way and build up a very useful image of your community. As with the Maine Office of GIS Orthophoto viewer, you can jump right into Google Maps street level view for a virtual walk through your community. With either of these free programs you can print your maps on any color printer with good results. HCPC can print large format maps for a nominal fee. Contact Jim Fisher for details.

## **JOINT PURCHASE SALT BID**

*by Sheri Walsh*

**BIG SAVINGS FOR TOWNS** - Last year we were able to obtain an average price of \$62.52 per ton for road salt. That price was about \$9 per ton less than the MDOT bid price. In the **2012-2013** season bid that price was soundly beaten by International Salt. The average price for salt this year was \$55.74 - \$6.78 cheaper per ton than last year. What does this mean to the towns of Hancock County? With the tonnage indicated from the towns to be purchased it means a savings of over \$61,000. The price quoted for each town varies depending on tons ordered and the distance it needs to be shipped, so some towns will see a bigger savings than others.

For a comparison - Last year, the town of Hancock had a price of \$61.36 and this year their price is \$55.59 per ton. That is a difference of \$5.77 per ton and with 160 tons requested the savings total \$923.20. Bucksport's price per ton last year was \$57.34 and this year it is \$52.64, a price difference of \$4.70 per ton. If they order the 930 tons as indicated their savings would total \$4,371. Ellsworth saves \$9,400, Gouldsboro \$1,248,

Southwest Harbor \$2,243 and Winter Harbor \$2,592. These are significant savings for the 27 towns in Hancock County that participated in the bid purchase. If your neighboring towns are not participating in the joint bid, please encourage them to do so next year. This is an example of how the HCPC can save towns money.

## **The Economic Importance Blue Hill Bay: Current Values and Future Potential**

October 29, 2012 6:00 – 8:00 PM  
Ellsworth City Hall Auditorium

The Hancock County Planning Commission will host the third in our series of public forums on Blue Hill Bay. This session will feature brief presentations and round table discussions of the economic values of fisheries, tourism and economic development in and around the Bay. While this session is free to the public, we do ask that you contact Sheri Walsh by October 26 if you plan to attend. Our findings will be incorporated in a Blue Hill Bay Needs Assessment. To learn more about this assessment, visit [www.hcpcme.org/bluehillbay](http://www.hcpcme.org/bluehillbay) or contact Tom Martin at 667-7131.

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**Hancock County Planning Commission is a partner with local and county government to: protect our heritage and resources, plan for the future and promote a sound economy for the people of Hancock County.**

Fall 2012 Newsletter



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**Change Service Requested**