

# HCPC NEWSLETTER

Hancock County Planning Commission

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## PLANNING NEWS

*by Tom Martin and Jim Fisher*

### **Protecting the Working Waterfront**

*by Tom Martin*

The Maine coastline is changing rapidly and the working waterfront is threatened. According to one analysis, only 20 miles of Maine's 5,300-mile coast provide working waterfront access. While in some towns, commercial fishing has virtually ended, it is still an important part of the economy in other towns. In 2012, Stonington ranked among the ten highest value ports in Maine with a reported harvest worth \$46.01 million. On a national level, working waterfronts account for 4.85 percent of total employment compared to 10 percent in Maine.

### Recent Legislative Changes Clarify Shoreland Zoning Standards for Working Waterfronts

Shoreland zoning standards for Commercial Fisheries Maritime Activities (CFMA) districts help protect the working waterfront. A law enacted this session (LD 470) reconciles the vegetation removal standards in statute with those found in the shoreland zoning guidelines for working waterfront uses. The law makes vegetation removal provisions more consistent, especially in General Development or CFMA districts. It also makes clear that vegetation removal standards will not apply to remediation activities for cleaning up contamination in these districts.

### Other Working Waterfront and Harbor Management Ordinances and Policies Are Available

HCPC has compiled examples of harbor management and working waterfront protection ordinances. If your town is interested in reviewing

your current standards, feel free to contact Tom Martin. We can also identify funding sources and make technical assistance referrals.

## SHORELAND ZONING NEWS

by Tom Martin

There have been some amendments to the Shoreland Zoning Act and Guidelines. Legislation passed removes the requirement that a municipality must submit a biennial report on all activities in the shoreland zone. Also, currently effective is the requirement that soil disturbance caused by an excavation contractor be overseen by a person certified in erosion and sedimentation controls; although, there are some exemptions.

Another change made to the Act regards the notification requirement for those properties being considered for Resource Protection, which now must be sent 14 days prior to the public hearing instead of 14 days before the decision to hold a public hearing, and this now applies to the municipality instead of the planning board specifically. There is also a new exemption from the height of a structure, to allow cupolas and similar building features, which must be adopted into the local ordinance to be effective.

While legislation was passed to allow both of the two nonconforming expansion rules to be included in an ordinance for the landowner's choice, the Guidelines still have to be amended and then ordinance amendments can be adopted to make this effective locally. This change includes the use of footprint as the basis of measurement instead of floor area and volume. The Guidelines were amended last year to allow removal of the habitat criterion from the list of Resource Protection District criteria. If a municipality's comprehensive plan supports it, a shoreland zoning ordinance and map can be amended to no longer designate significant wildlife habitat as Resource Protection District.

## DECKS CANNOT BE DISGUISED AS A BOAT

*Adapted from DEP's Shoreland Zoning News*

The town of Otis has successfully had an illegal deck removed. The code enforcement officer noticed a boat registration and boat motor attached to a new deck in an apparent effort to disguise a deck as a boat. This was not a functionally water-dependent use as it was being used as a deck, which does not require direct access to water. Attached to an existing nonconforming camp, the deck expanded the camp toward the shoreline, increasing its nonconformity.

The deck could not be permitted after-the-fact, because it did not meet the expansion standards of the ordinance. The ordinance requires that illegal structures be removed. The landowner was ordered to remove the deck, and the town of Otis has successfully upheld its shoreland zoning ordinance.

## RELEVANT LAWS ENACTED BY THE 126th LEGISLATURE

The following laws are of particular interest to municipal officials (contact Tom Martin for more information):

LD 695 – An Act To Amend the Site Location of Development Laws. (Sponsored by Sen. Boyle of Cumberland Cty.)

### **PL 2013, c. 183**

This Act amends the state's Site Location of Development Act (Site Law) with respect to development proposals to expand or modify existing development already permitted under Site Law. The Act would exempt from review subsequent development of the originally permitted development as long as the subsequent development does not create non-revegetated areas exceeding 10,000 square feet in any calendar year and 20,000 square feet in total, and does not involve the division of a parcel.

LD 966 – An Act To Clarify an Exemption to the Municipal Subdivision Laws. (Sponsored by Rep. Moriarty of Cumberland.)

### **PL 2013, c. 126**

This Act modifies an exemption to the definition of "subdivision" in Maine law as it relates to land parcel subdivision review by municipal governments. Current law exempts certain lots from subdivision review if they are transfers to an abutter, provided the transferred lot is not large enough to create a separate lot. This Act does away with the qualifying limitation and specifies that a parcel of land created by a division that is transferred to an owner abutting that parcel is not subject to subdivision review and regulation regardless of the size or dimensions of the transferred lot.

LD 1460 – An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways. (Sponsored by Rep. Jorgensen of Portland.) **PL 2013, c.241**

This Act strengthens the law governing the protection of bicyclists when motor vehicles are making right and left turns on or off the public ways and shifts the presumption of responsibility onto motorists by establishing that the collision of a motor vehicle with a person operating a bicycle is prima facie evidence of a violation of the general rule that motor vehicles give bicyclists at least 3 feet of clearance.

LD 1464 – An Act To Streamline the Laws Related to Transportation. (Sponsored by Rep. Theriault of Madawaska.)

**PL 2013, c. 220**

This Act allows the Department of Transportation (DOT) more flexibility to grant exceptions to the prohibition against allowing access to controlled access highways when the DOT Commissioner determines that such access will not adversely affect public safety and will not have a negative impact on the mobility of through travelers.

## **Adapting to Climate Change and Storm Surges**

*by Jim Fisher*

There is now broad agreement that Maine’s climate is getting warmer and wetter. Evidence includes greater frequency of significant rain events, an increased number of high temperature days and a smaller number of cold temperature days. The causes of climate change are also generally recognized in the scientific community and are global in character. Rapidly increasing emissions of heat-trapping or green house gases anywhere in the world will affect our climate much as our own emissions. The extent of climate change may hinge on an international process to reduce emissions of green house gases.

While the problem and ultimate solutions are global, many local efforts are underway to adapt a future with higher sea level, larger storm surges and a host of environmental consequences. HCPC is working with state and local governments to anticipate problems associated with climate change.

## **Stormwater**

*by Jim Fisher*

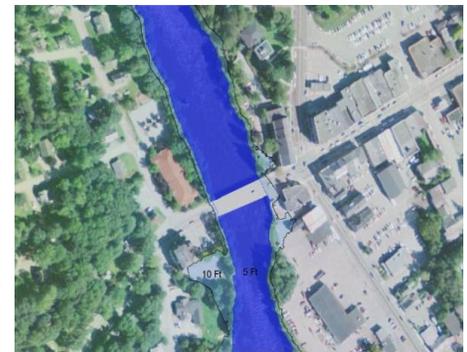
The most immediate if least predictable challenge of climate change has been the increase in frequency of very heavy rainfall. Big storms have overwhelmed drainage systems, causing water to back-up at under-sized culverts and wash way road shoulders or undermine roads. The problem is compounded

when development increases the amount of land that is “impermeable” to rain water, particularly parking and building roof-tops and when culverts become obstructed with snow and ice in the winter and debris or beaver dams in the warmer months.

Towns have a number of choices for stormwater management, including restricting development, requiring on site stormwater management systems and replacing inadequate storm drain systems. In some cases infrastructure improvements are simple if costly, such as increasing culvert capacity, particularly when an existing culvert has been undermined by flooding water. Other changes are more complex and may create downstream problems. Paving road shoulders or hardening ditches may protect one area at the expense of downstream locations. Engineering studies may be required to model stormwater flow throughout a system.

HCPC is creating maps using new topographic data (LIDAR) to assist towns in discovering areas particularly susceptible to flooding. The data combined with powerful visualization tools are helping decision makers to anticipate hot spots for flooding or coastal erosion and estimate the cost of mitigation strategies versus the cost of damage to property when preventive measures are not taken. In this example, a small area on the Union River in Ellsworth is illustrated under the scenarios of current sea level, a five-foot surge and a ten-foot surge. A surge may be any combination of a spring tide, a storm event and long-term sea level rise. Online readers can click on this map to see larger version.

The five-foot, dark blue area affects the edges of several properties while the ten-foot surge affects many properties along and across the river from Water Street.



The choices for how to prepare for significant flooding are all costly. They include building

embankments or floodwalls to channel the water downstream, elevating parking areas and buildings or removing buildings that become uninsurable. The long run strategies of reducing emissions of green house gasses and slowing the process of climate change may be necessary, but they will not be sufficient to head off significant environmental impacts happening already. Note that this map also highlights new software at HCPC called Global Mapper, that will help us to visualize all kinds of geographic features in Hancock County. If your town is concerned about vulnerability of your infrastructure to flooding, please contact Jim Fisher ([jfisher@hcpcme.org](mailto:jfisher@hcpcme.org)) at the Hancock Count Planning Commission for information and technical assistance.

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## **CDBG NEWS**

*by Tom Martin*

The proposed program rules for the 2014 CDBG program are being drafted as we go to press. The anticipated public hearing date on the proposed rules is October 1. At this time, it appears that there will be few changes from last year. *One pending change is that the removal of the requirement that Housing Assistance grants be from an applicants with a minimum of 3,000 population. This will make it easier for small towns to benefit from housing grants.*

## **SOLID WASTE**

*By Tom Martin*

### **2013 Ellsworth Household Hazardous Waste Collection**

The collection held on Saturday, August 24th was a huge success. There were 171 households participating from the sponsoring towns disposing of 228 units (approximately 1,140 gallons) of household hazardous waste consisting of fuels, paints, corrosives, and pesticides. We collected almost 5,000 pounds of TV's and computer monitors as well as 1,500 pounds of keyboards and miscellaneous electronic items. Nearly 500 fluorescent light bulbs were collected as well as items containing mercury.

HCPC would like to thank the sponsoring towns of Deer Isle, Ellsworth, Gouldsboro, Hancock, Mariaville, Sorrento, Sullivan, Trenton, and Winter Harbor. A big thank you to volunteers Jeannine Leavenworth, Gary Fortier, Mike Hall, Flo Wilder, Scott Austin, Gary Edwards, Susan Hughes and the Ellsworth Fire Department for all their assistance in making this collection a success.

We hope more towns participate with our collection next year. We make it as easy as possible for the towns to participate....it is as easy as 1...2...3...

- 1) Sign contract
- 2) Return contract with deposit check
- 3) Hand out a permit form with attached educational materials to your residents when they visit town office.

We provide the forms, educational materials and can answer all questions your residents may ask. Most information can be found on our website and the educational materials we provide and you may refer them to us for any additional questions.

Some disposal options:

**Pharmaceuticals:** Local police departments and state police offer annual Drug Take Back Days - Some departments will accept pharmaceuticals at any time - contact your local law enforcement agency for more information.

**Propane Tanks:** Take them to your local transfer station if they are accepted there or contact One Steel Recycling in Bangor at 947-3710. One Steel Recycling will accept them as long as the valve stem is removed.

**Rechargeable Batteries:** The HCPC can accept rechargeable batteries for recycling year-round. **NO LEAD ACID BATTERIES ACCEPTED AT HCPC.**

**Alkaline (Flashlight) Batteries:** AA, AAA, C&D types – also known as alkaline batteries no longer contain dangerous levels of heavy metals and can be disposed of with your regular trash.

**Cell Phones:** You can drop them off at Hancock County Planning Commission year-round.

**Fireworks, explosives:** Call the Maine State Police at 1-800-452-4664.

**Alternative to Round-up Weed Killer**

Mix 1 gallon of white vinegar with 1 cup table salt and 1 tablespoon of Dawn Dishwashing Liquid. Mix well. Put in spray bottle and spray on weeds. Be careful not to spray on other plants.

**UPCOMING HHW & UW COLLECTION  
SEPTEMBER 28 10:00 AM - 1:00 PM  
MOUNT DESERT ISLAND HIGH SCHOOL,  
1081 EAGLE LAKE ROAD, BAR HARBOR.  
(Trucks from Cranberry Isles, Frenchboro, and Swan's Island will unload between 9:00 am and 10:00 AM). SPONSORED BY THE ACADIA DISPOSAL DISTRICT & THE MDI LEAGUE OF TOWNS**

Please note that Universal Waste (UW) is not accepted from Bar Harbor residents at this collection. They may dispose of their UW at the Bar Harbor recycling center during regular opening hours. Bar Harbor households who participate in the Household Hazardous Waste collection need to pre-register at the town garage. For more information on Bar Harbor requirements contact Suzanne Banis at 288-4681 or [sbanis@barharbormaine.gov](mailto:sbanis@barharbormaine.gov) or see: [www.barharbormaine.gov](http://www.barharbormaine.gov).

Residents from other towns may get their pre-registration form at their town offices and dispose of both UW and HHW. For details see: <http://www.acadiadisposaldistrict.org/hazardous-and-universal-waste.html> or contact Tony Smith, Chairman, Acadia Disposal District (276-5743) or [director@mtdesert.org](mailto:director@mtdesert.org) This collection is restricted to household wastes only. Commercial, institutional, and other forms of waste will not be

accepted. Residents of Cranberry Isles, Frenchboro, and Swan's Island will be able to bring their material to trucks on their respective islands.

**FREE PESTICIDE COLLECTION PROGRAM  
SCHEDULED FOR OCTOBER**

**PRE-REGISTRATION WITH THE MAINE  
BUREAU OF PESTICIDES CONTROL  
REQUIRED BY SEPTEMBER 27, 2013**

*This collection is sponsored by the Maine Board of Pesticides Control and the Maine DEP, not the Hancock County Planning Commission. To register, get details, and learn about the temporary storage and transportation of obsolete pesticides, go to the Bureau of Pesticides Control Web site at [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org), or call 207-287-2731. This event should not be confused with the Household Hazardous Waste collections. It is for pesticides only and not other household hazardous wastes.*

The Maine Board of Pesticides Control (BPC) and the Maine Department of Environmental Protection (DEP) have arranged four collection events across the state for banned pesticides or pesticides that have become caked, frozen, or otherwise rendered unusable. This free disposal program is open to homeowners, family-owned farms, and greenhouses. All people need to do is register by September 27, 2013. Homes and farms frequently have old or unusable pesticides in basements, garages, or barns. Old chemicals like DDT, lead arsenate, 2,4,5-T, and chlordane, can be difficult and expensive to dispose of properly.

The collected chemicals are incinerated or reprocessed at licensed, out-of-state disposal facilities.. *Registration by September 27, 2013, is mandatory. Drop-ins are not permitted.* The Maine Obsolete Pesticides Collection Program, jointly sponsored by the BPC and DEP, and paid for

entirely through pesticide product registration fees, has kept more than 90 tons of pesticides out of the waste stream since its start in 1982. For more information on the Maine Board of Pesticides Control, go to: [www.thinkfirstspraylast.org](http://www.thinkfirstspraylast.org).

## **MAINE ENACTS PAINT STEWARDSHIP LAW**

This law will create an industry-run collection and recycling program for leftover oil and latex paint. *Please note that this program is presently scheduled to take effect in mid-2015. We will notify towns when new collection arrangements are established.* In the meanwhile, use your current disposal method.

This law will establish collection points at participating retail paint stores. Municipalities also have the option to open collection centers. The program will be funded through a paint recovery fee added to the purchase price of paint. It is anticipated that this program will reduce the volume of material delivered to Household Hazardous Waste collections. According to some industry estimates, about 50 percent of the HHW consists of paint.

## **IS YOUR TRANSFER STATION MANUAL UP TO DATE?**

The Maine DEP requires that transfer stations be run in accordance with the standards specified in the operations manual. Since solid waste management and recycling is an evolving process, some towns may not have made the necessary changes in their manuals to reflect changes in their transfer station procedures. Also, the DEP rules for transfer stations were revised in 2006. If your manual predates 2006, you may want to review it meets current standards. HCPC staff is available to review your manual and help draft any necessary revisions. We can serve as an intermediary with the DEP and help determine the most effective way to address any state concerns. Feel free to contact Tom Martin

([tmartin@hpcme.org](mailto:tmartin@hpcme.org) , 667-7131) if you have any questions.

## **Composting: The Farm Option**

HCPC continues to work with major generators of compostable material. For details on compost options, see [www.hpcme.org/environment/compost](http://www.hpcme.org/environment/compost) HCPC staff can help towns or owners of compost operations with the DEP permitting operations. The permitting for farm compost has certain exemptions from DEP requirements.

One exemption is for farm-based operations that compost between five and sixty cubic yards of Type IB (animal manure, produce and vegetable residuals) in any thirty consecutive day period. Another is operations that compost any volume of Type IA (pre-consumer vegetative matter and yard and leaf material), Type IB, or Type IC (fish and related residuals) waste provided that at least 70 percent of the finished compost product is used on the farm that produced the compost within two years. HCPC is trying to link farmers with generators of organic material. For more information, contact Tom Martin.

## **WATER QUALITY NEWS**

*by Tom Martin*

HCPC is involved in several water quality ventures. These are described below. We are open to discussing other services that we could provide. Feel free to contact Tom Martin if you would like to explore other options.

### **Frenchman Bay 610 Project**

We are working with the Frenchman Bay Partners and the Frenchman Bay Regional Shellfish Committee on the 610 (six-ten) project. This project aims to reopen the 610 acres (hence the name six-ten) of closed clam flats in Frenchman Bay. This will involve identifying and remediating pollution sources. It will also entail reseeding and promoting sustainable harvests techniques. HCPC is serving as the sponsor for a Maine Community Foundation grant that is funding a coordinator to work with the harvesters in implementing conservation practices.

While the 610 project focuses on Frenchman Bay, HCPC is available to help other towns address marine water quality. We have information on conducting sanitary surveys that identify and prioritize pollution sources. Our land use ordinance library includes sample provisions to help mitigate the impacts of stormwater runoff. We also have samples of supplemental plumbing codes. For more information, see: [www.hcpcme.org/environment](http://www.hcpcme.org/environment)

### Well and Wastewater System Replacement

HCPC has a working relationship with various agencies that fund replacement systems. We also have information on alternative systems such as shared wells and communal septic systems. Feel free to contact Tom Martin for details.

### Safe Well Water

While some quality problems are due to human activity, there are also threats from high levels of naturally occurring trace elements in groundwater. Parts of Hancock County lie within “an arsenic belt” where arsenic levels are over the U.S. Environmental Protection Agency’s maximum contaminant limit (10 micrograms per liter (µg/L)). For example, 23 percent of 120 wells tested in Surry had arsenic concentrations that exceeded 100 µg/L. The tests were not based on a random sample so they may not reflect actual conditions in the area. There are also cases of unsafe levels of other trace metals such as radon gas and uranium in wells. HCPC can make referrals on testing. It also has information on treatment options. We are working with Healthy Acadia on its Healthy Homes initiative.

## **SMALL-SCALE WATER AND WASTE WATER SYSTEMS**

*by Tom Martin*

Hancock County has many small villages not served by public water and sewer. In some of these villages there are cases of failed septic systems and poorly functioning wells. HCPC recently completed two documents: [Alternative Drinking Water Systems](#) and [Alternative Wastewater Disposal Systems](#). These discuss how your local land use

ordinances can be adjusted to accommodate these systems. The reports also review the available systems and potential funding sources. The full wastewater report can be viewed at: <http://www.hcpcme.org/environment/wellseptic/AlternativeWasteWaterSystems050813.pdf> and the water report at: <http://www.hcpcme.org/environment/wellseptic/AlternativeWaterSystems050813.pdf> For more information contact Tom Martin.

HCPC is available to help towns with other water and wastewater issues. This includes sample surveys to help identify problem septic systems and finding funding sources for replacement systems. We also can provide sample land use ordinances and homeowners’ association bylaws with provisions on maintaining communal systems. We have a close working relationship with state regulatory and technical assistance agencies that address water and wastewater disposal topics.

## **TRANSPORTATION NEWS**

*by Jim Fisher*

### **Machias Transportation Summit**

Transportation in downeast Maine for people that do not have cars is an enormous challenge. HCPC collaborates with Downeast Transportation, Washington-Hancock Community Agency, Healthy Acadia and other local health advocacy organizations to support volunteer driver and fixed route transportation services.

Healthy Acadia, Hancock County Planning Commission, Washington County One community and Washington County Council of Governments are hosting a day-long transportation summit on November 6, 2013 at the Ed Pellon Center in Machias. The summit will feature a key note address by Maine Secretary of State Matthew Dunlap and three panel discussion sessions on:

- Strengthening Our Volunteer Driver Systems
- Strengthening Our Public Transportation Systems
- Exploring Creative Solutions

Lunch is provided for all participants that pre-register. RSVP: Elsie Flemings: (207) 288-5331 or

[elsie@healthyacadia.org](mailto:elsie@healthyacadia.org) You can also contact Jim Fisher ([jfisher@hpcme.org](mailto:jfisher@hpcme.org)) for more information.

### **Recreational Trails Program – Applications due November 23, 2013**

The Recreational Trails Program (RTP) funds trail improvements in communities throughout the state each year. RTP is a federal assistance program to help states provide and maintain recreational trails for both motorized and non-motorized use. It provides funds for a variety of trails including those for walking, bicycling, in-line skating, water activities, equestrian use, cross-country skiing, snowshoeing, snowmobiling, off-road motorcycling, all-terrain vehicle use, four-wheel driving, and other off-road vehicle use. Site visits in August were recommended, but it may still be possible to submit an application this year. For more information and the application contact Mick Rogers, Supervisor of Outdoor Recreation with any questions at [mick.rogers@maine.gov](mailto:mick.rogers@maine.gov). For local assistance with the application, contact Jim Fisher ([jfisher@hpcme.org](mailto:jfisher@hpcme.org)).

## **HEALTH NEWS**

*by Jim Fisher*

### **Clearing the Smoke from Public Places and Events**

The Hancock County Planning Commission is working with Healthy Acadia to promote smoke-free public places and events, particularly where children are present. Smoking in public places, such as playgrounds, has a number of negative consequences including exposing kids to second-hand smoke which a known carcinogen, modeling unhealthy behavior for children, producing litter, and in dry weather creating a fire hazard.

Maine has recently been recognized as a leader in the nation in discouraging sales of tobacco to minors. Local governments can add to the pressure to clean up the air and protect children by creating smoke-free zones in public places. Our schools have done their part, banning smoking in and around their campuses. Several towns have adopted ordinances or policies that specify smoke free areas such as local parks, municipal building grounds and public events.

HCPC and Healthy Acadia are happy to provide sample town policies and marketing materials, including signage, to encourage smoke-free areas. Contact Jim Fisher ([jfisher@hpcme.org](mailto:jfisher@hpcme.org)) for details.

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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.**

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