
HCPC NEWSLETTER

Hancock County Planning Commission

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Volume XXVIV, Issue 2

Summer 2008

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Fiscal Year 2007-2008

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PLANNING BOARD NEWS

By Tom Martin

Status of Wetlands Maps for Shoreland Zoning

We have reported in previous newsletters that the deadline for revising municipal shoreland zoning ordinances has been changed to July 1, 2009. The Maine Department of Inland Fisheries and Wildlife is in the process of revising the maps of moderate and high-value wetlands that will now be subject to a Resource Protection zoning buffer. As of May 2008, the only maps done for Hancock County are for Verona Island and Sedgwick.

We expect to have revised maps for all towns by October 31, 2008. If your town needs a map before then, please contact Tom Martin at 667-7131 or tmartin@hpcpcme.org. We may be able to arrange for your town to be given a higher priority. In the meanwhile, we are available to help you revise the narrative portion of your ordinance. We have drafted changes for several towns and are familiar with what the DEP staff expects. If you wish to make the revisions entirely on your own, we have electronic and hard copies of the DEP shoreland zoning guidelines.

New Comprehensive Plan Review Criteria Effective September 20, 2008

We have previously reported in this newsletter that the comprehensive plan review criteria, which are used by the State Planning Office to review plans for

consistency with the ten state goals for comprehensive planning and the nine coastal policies, have been changed. Plans submitted after September 20, 2008 will be reviewed under the new criteria. If your town is planning to submit a plan for state review after September 20 and is not following the new guidelines, please contact Tom Martin. HCPC can provide a copy of the new review criteria. They are also available on line at: <http://www.state.me.us/spo/landuse/compplans/index.htm>

U.S. CENSUS NEWS

State Planning Office Enhancing Access to Census Data

The State Data Center program is a partnership between the states and the U.S. Census Bureau designed to provide efficient access to U.S. Census Bureau data and data products and convey feedback to the Census Bureau on data usability, state and local government data needs, and operational issues. The State Planning Office is the lead agency for both the State Data Center and the Business and Industry Data Center. Visit the Maine State Data Center website at <http://www.maine.gov/spo/economics/census/index.htm>.

Town-level population estimates for 2007 are scheduled to be released in June of 2008. When they are released, a notice will most likely be posted to <http://www.census.gov/Press-Release/www/releases> HCPC is an affiliate with the State Planning Office Census program and will be happy to assist towns in identifying local population patterns and trends.

RECENT LEGISLATION

Adapted from the May, 2008 edition of the **Maine Townsman**. For further information contact Tom Martin at the HCPC.

LD 810 – An Act To Improve Solid Waste Management. (Sponsored by Rep. Duchesne of Hudson.) **Enacted; PL 2007, c. 583**

This Act amends the laws governing the state's management of solid waste in a number of ways, including: (1) establishing licensing standards for new or expanded solid waste disposal facilities (with some exception) that require all accepted waste to be subject to recycling and source reduction programs; (2) establishing licensing standards for solid waste processing facilities that generate residue requiring disposal (with some exception) that require the facility to recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent possible but in no case at a rate less than 50%; (3) directs the State Planning Office (SPO) to include analyses of marketplace consolidation and solid waste landfill fill rates in the SPO's annual solid waste reports; (4) directs the Department of Environmental Protection (DEP) to prepare a report on solid waste odor management; (5) directs SPO and DEP to develop a system by which solid waste management activities are performed by the two agencies; and (6) directs the DEP to prepare a report detailing a method of setting mandatory recycling standards for all solid waste disposal facilities.

LD 1952 – An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection. (Sponsored by Rep. Koffman of Bar Harbor.) **Emergency enacted; PL 2007, c. 533 (3/31/08)**

This emergency Act amends the process by which the Department of Inland Fisheries and Wildlife identify certain protected habitats in the following way. Under current law, municipalities and their legislators must be notified by the Department of Inland Fisheries and Wildlife if a new area in the municipality is designated as either "significant vernal pool habitat" or "high and moderate value waterfowl and wading bird habitat" or a "shorebird nesting, feeding and staging area". This Act would repeal that notification requirement with respect to "significant vernal pool habitat" and "high and moderate value waterfowl and wading bird habitat". The Act also: (1) specifically limits the list of rare species the Department of Environmental Protection must consider when determining if a vernal pool is a "significant vernal pool habitat"; (2) provides that a "significant vernal pool habitat" may not have a permanent flowing inlet or outlet; and (3) incorporates certain additional specific standards in

the Department's rules governing the determination of a significant vernal pool habitat.

LD 2046 – An Act Concerning Certain Excavations. (Sponsored by Rep. Flood of Winthrop.) **Enacted; PL 2007, c. 616**

This Act amends the Natural Resources Protection Act as it relates to gravel pits, mineral excavation activities and quarries to clarify that those activities that were permitted pursuant to state regulation before June 8, 2006 do not have to obtain an additional permit for excavation within the upland portion of a high and moderate value inland waterfowl and wading bird habitat that may fall within the permitted excavation area unless subsequent permitting is required due to the presence of a protected natural resource other than a high and moderate value inland waterfowl and wading bird habitat.

LD 2235 – An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions. (Sponsored by Rep. Koffman of Bar Harbor.) **Enacted; PL 2007, c. 558**

This Act moves certain fees associated with storm water management law from the statutes governing storm water management into the Department of Environmental Protection's (DEP's) fee schedule and restructures those fees into "processing" and "certification" fees to fit that format. The Act also restructures and expands the wastewater licensing fees to add an "annualized license renewal service fee". The Act also provides that when a wastewater discharge licensee continues to discharge wastewater following expiration of a license, the license fee must continue to be paid. According to the Act's fiscal note, this Act will increase the revenues accruing to the Maine Environmental Protection Fund within the Department of Environmental Protection by approximately \$90,000 a year.

LD 2249 – An Act To Protect Lake Water Quality. (Reported by Rep. Koffman of Bar Harbor for the Joint Standing Committee on Natural Resources.) **Enacted; PL 2007, c. 593**

This Act requires any excavation contractor conducting excavation activity in a shoreland area to ensure that a person certified in erosion control practices is made responsible for the management of erosion and sediment control practices at the site and is present on the site each day earth moving activity occurs to ensure that proper erosion and sedimentation control practices are followed. This certification requirement is effective beginning January 1, 2013. The Act also increases the maximum amount of the phosphorous-loading compensation fee from \$10,000 per pound of available phosphorous to \$25,000 per pound of available phosphorous, and provides that as an alternative to paying the compensation fee, the Department of Environmental Protection (DEP) may allow an applicant to meet a municipally-required mitigation option if the DEP determines that the local mitigation option will provide at least as much long-term reduction in phosphorous loading to the lake as likely would be provided by paying the compensation fee. Finally, this Act directs the DEP to develop a report that evaluates strategies to diminish the impact of private roads, driveways and boat ramps on lake water quality. The report is supposed to provide municipalities with appropriate road standards to protect lake water quality, a sample model ordinance that municipalities might use to govern the quality of private roads in lake watershed areas, and include consultations with the Attorney General's Office regarding any constitutional issues associated with municipalities assessing impact fees against private landowners in order to maintain their private roads according to certain design standards.

LD 2263 – An Act Establishing an Outdoor Wood Boiler Fund. (Reported by Sen. Martin of Aroostook County for the Joint Standing Committee on Natural Resources.) **Enacted; PL 2007, c. 680**

This Act authorizes the Commissioner of the Department of Environmental Protection to order any person operating an outdoor wood boiler that is creating a nuisance condition or a danger to public health or safety to cease or prevent that operation. This Act also creates a fund made up of future state appropriations, if any, private contributions, if any, and certain financial civil penalties for the purpose of purchasing, upgrading and/or replacing outdoor wood boilers from or for people who have outdoor

wood boilers that have been determined by the Department of Environmental Protection to constitute a nuisance condition or threat to public health or safety.

LD 2274 – An Act To Amend the Municipal Tree Growth Reimbursement Formula. (Reported by Rep. Piotti of Unity for the Joint Standing Committee on Taxation.) **Enacted; PL 2007, c. 639**

This Act amends the municipal Tree Growth reimbursement formula for the purpose of improving its stability and predictability. The Act does not change the overall amount of reimbursement that would be annually appropriated for that purpose by the Legislature, but it smooths out the distribution system by amending the reimbursement formula to: (1) utilize each affected municipality's full value (or "equalized") mill rate instead of the town or city's municipal mill rate; and (2) remove the town-by-town adjustment in the current formula that purports to subtract from the reimbursement that would otherwise be distributed the alleged value of the extra General Purpose Aid to Education school subsidy that the municipality receives because of the land that is enrolled in the Tree Growth program.

LD 2102 – An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting. (Sponsored by Rep. Knight of Livermore Falls.) **Enacted; PL 2007, c. 625**

This Act provides more procedural detail and substantively amends the assessing methodology that may be used by the abutters on private roads or private ways to provide repair and maintenance services to those roadways pursuant to the "private road association" statute. Specifically, the Act: (1) removes the current requirement that the costs of road repair and maintenance must be apportioned among the abutters to the private road or private way on the basis of the assessed value of the owner's property and allows other assessment methodologies as long as they are "fair and equitable"; (2) defines road maintenance to include road plowing; (3) allows the notification of the road association budget meeting to be accomplished by e-mail; (4) establishes that the vote on the

establishment of the assessment shall be based on a one-parcel-one-vote standard unless the association's by-laws allow each parcel to have two votes; and (5) authorizes but does not require that the notice to call a road association meeting may allow for one abutter to give his or her proxy vote to another abutter.

HCPC IS AWARDED BROWNFIELDS GRANT

The U.S. Environmental Protection Agency (EPA) awarded Hancock County Planning Commission a \$200,000 three-year Brownfields Assessment grant. The majority of funds will be used to hire an environmental consultant to conduct field assessments of potentially contaminated sites and develop clean-up plans. There are separate grants available for actual clean-up. This makes a property safe for reuse.

What are brownfields?

Brownfields "are abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination" (EPA). Potential sites in Hancock County include, but are not limited to, abandoned mines and waste disposal sites, closed factories, former gasoline stations and junk yards.

Why should a municipal government be concerned about brownfields?

Generally speaking, brownfields generate little tax revenue and may be a threat to the value of adjoining properties due to contamination or a blighted appearance. There have been many successful cases in Maine of property being cleaned up and converted to a more attractive use. For example, brownfields funds have been used in Ellsworth as part of the waterfront revitalization process. Other potential sites in Hancock County may include abandoned factories, quarries and gasoline filling station sites. At a time when prime industrial and commercial space is in high demand, cleaned-up brownfields sites offer a good location for many businesses. In some cases, brownfields can be reused as open space or a recreational area.

How can we learn more?

Feel free to contact Tom Martin at the HCPC (667-7131, tmartin@hpcme.org) if you have any questions. The HCPC would be happy to discuss your town's potential brownfields sites and provide program details. We are looking for people willing to serve on a brownfields steering committee. Please contact Tom Martin if you are interested.

CDBG NEWS

by Tom Martin

HCPC helps Mariaville Area Obtain Grant for Food Pantry

Nearly everyone is feeling the economic pinch these days. Maine, however, has a long tradition of neighbors helping neighbors. This is illustrated in the grass roots efforts of volunteers who have raised local funds to match a Community Development Block Grant (CDBG) Public Service Grant for a food pantry serving the greater Mariaville area. The funds will be used to expand pantry operations and make it self sustaining in future years.

If your community has a potential project that could benefit from Public Service Grant funding, feel free to contact Tom Martin. Previous Public Service Grant projects in Hancock County include a domestic violence shelter, a summer youth job program and a van service for an elder day care center. Funds are for operational not capital expenses.

A Look Ahead to the 2009 Grant Year

Due to reduced federal funding, competition for CDBG funding is becoming increasingly stiff. To quote Louis Pasteur, "luck favors the prepared." The time to begin preparing is now. Here are some suggestions:

- Take steps to secure matching sources of funds now. HCPC staff can help identify sources of funds and consult with other government agencies about available grants and loans;

- If your application requires that you conduct a household income survey, do it now. Be sure to contact HCPC about the procedures for conducting a survey. The Maine Office of Community Development has detailed guidelines on survey methods.
- Hold public outreach meetings now and have regular meetings of your citizen advisory committee. If you don't have a committee, organize one.
- Meet with the HCPC staff to discuss how your proposed project might fit into the CDBG program and discuss other steps that you might take to prepare a competitive application.

SOLID WASTE NEWS

by Tom Martin

HCPC SELLS 140 COMPOST BINS

HCPC staff was pleasantly surprised by the extent of demand for back yard compost bins this year. Assuming an average of 0.62 tons of solid waste diverted yearly by each bin, we helped divert about 87 tons of waste from the PERC incinerator. Since municipal tipping fees range from \$45 to \$54 a ton, this results in savings of between about \$3,900 and \$4,700. Plus, gardeners have a good source of compost, a highly valued commodity. This venture is an example of how each of us doing a little allows us together to make a substantial impact!

ELLSWORTH AREA HOUSEHOLD HAZARDOUS WASTE COLLECTION SCHEDULED FOR AUGUST 16.

The 2008 Ellsworth area Household Hazardous/Universal Waste collection is scheduled for August 16 from 9 AM to 1 PM at the Ellsworth High School on Route 1A. All communities are invited to participate. As we go to press, we are compiling a list of participating towns. In order to

participate, towns must pay a disposal fee and residents must pre-register with their municipal office. Residents from other towns will be required to pay for disposal. Contact Sheri Walsh with any questions or comments at 667-7131 or hpcpc@hpcpcme.org.

Members of the Acadia Disposal District (Mount Desert Island area) have a collection scheduled for October 11 from 9:00 AM to 1:00 PM at the MDI High School. Others may join this collection. For more information on the MDI collection, contact Tony Smith at 276-5743 or director@mtdesert.org)

Here are some highlights:

- ★ *Small (17" or less) monitors and non-console televisions will be taken back by manufacturers at no cost to towns.*
- ★ *Educational materials will be distributed before and during the collection.*
- ★ *The collection will be held rain or shine.*
- ★ *The collection fulfills the state's municipal requirements for UW recycling.*
- ★ *Household Hazardous Waste (HHW) accepted items include: Acids, Adhesives, Antifreeze, Automobile Fluids (Brake, etc.), Batteries (Rechargeable only) Chemicals (Pool, Photo, etc.) Cleaners (Oven, Drain, etc.), Lighter Fluid, Linseed Oil, Paint Remover/Thinners, Pesticides/Fungicides/Herbicides, Oil-Based Paint and Stain, Oil Waste (from cars, trucks, etc.), Solvents Transmission Fluid, Turpentine/Varnish*
- ★ *Universal Waste (UW) accepted include Computers, Monitors, Televisions, Fluorescent Bulbs & Ballasts, Mercury Items: thermometers, etc.*
- ★ *Rechargeable Batteries and cell phones will also be collected.*
- ★ *Wastes collected will be recycled or disposed of in accordance with state requirements!*

HEALTH NEWS

by Jim Fisher

Common Health

We continue to host the monthly public health radio program called Common Health on WERU 89.9 FM on the third Wednesday of every month at 10:00 AM. Recent programs have included Smart Growth and Health, Women's Health and Recovering from Addiction. Our June 18th program featured the relationships of transportation to public health, titled "Bike for your Life". In July we will feature "Sun, Sand and Skin Cancer." Visit www.commonhealth.org to learn more about the program and listen to the audio archives.

TRANSPORTATION NEWS

by Jim Fisher

Quality Communities Grant Program

On June 6 MaineDOT's new "Quality Communities" grant window closed, or partly closed. The Quality Communities concept combines several smaller MaineDOT programs under one umbrella, encouraging towns to think broadly about ways to use transportation programs to leverage community development. This year MaineDOT is emphasizing Safe Routes to Schools and Small Harbor Improvements. Several towns have approached HCPC for technical assistance on preparing applications under this umbrella. The good news for towns that missed the June 6 deadline is that the Small Harbor Improvements window is open a little while longer.

In future years additional programs including Transportation Enhancements, Community Gateways, Boating Infrastructure Grants (BIG) and Traffic Calming Grants will find space under the Quality Communities umbrella. We recommend that towns plan projects well ahead of the proposal deadline. Many of the grants require local matching funds, and perhaps the most common reason grants cannot be awarded is the time required for towns to raise matching funds through a town meeting process. If your town has identified projects, like improving a local pier, building sidewalks or a

community welcome kiosk, your chances of receiving state or federal support will increase significantly if you raise 25% or more of the total anticipated project costs and have these funds available at the time you apply for a grant.

The quality communities grant program moves slowly. Proposals submitted this spring will apply to funding anticipated for 2010-2011. You can speed up the process by having your proposal and matching funds in place early. Contact Jim Fisher for further information

East Coast Greenway and the Down East Sunrise Trail

MaineDOT and Maine Department of Conservation have reviewed bids for the conversion of the 86-mile rail corridor from inactive rail to a “rail-banked” multiuse trail. The right of way is thus preserved an enhanced, and will provide one of Maine’s premier trails connecting Ellsworth with Ayer’s Junction, south of Calais. The winning bidder will remove the rail and ties, grade the rail bed, repair washouts, improve the trestle bridges for trail use and create parking areas at select trail heads. The present rails are beyond economical repair. Due to the rail banking, the right-of-way can revert to a rail use in the future.

The project is slated to begin within weeks and is projected to take approximately 18 months to complete, with sections in greater Machias opening next summer. Once completed, the Down East Sunrise Trail will be one of the East Coasts Greenway’s longest and most scenic off-road trail. This is quite an accomplishment in a route connecting Key West to Calais.

The Sunrise Trail Coalition includes representatives from bicycle, snowmobile and ATV riders as well as planners, environmental advocates, Chambers of Commerce and municipal representatives. A recent Trail and Economic Development Conference brought stakeholders together to identify business opportunities associated with this new corridor. You can learn more and get involved in creating this trail by visiting www.sunrisetrail.org.

MAPPING

By Jim Fisher

Geographic Information Systems and Mapping

High Resolution Aerial Photography

The Maine Office of Geographic Information Systems and the US Geological Survey recently completed the process of “geo-referencing” high resolution, color aerial photographs of eastern Maine. These photographs are a dramatic improvement over the older black and white images, with greater precision and full color.

Geo-referencing is a process of fitting each photograph to the globe. The big advantage of fitting each image to its proper geographic location is our ability to overlay other information, such as property lines, information about roads, water and sewer lines and environmentally sensitive areas.

Higher resolution comes at a price. Each photograph covers an area of approximately 12 square miles and requires 335 megabytes of storage space. Hancock County is thus covered by 243 aerial photographs, requiring more than 80 gigabytes of hard drive space. A data CD will hold up to two photographs.

We are already using the new images for a variety of planning purposes including identifying flood areas, as in the example in this newsletter, establishing shore land set backs, identifying highway deficiencies and opportunities for new hiking trails.

If your town needs up to date, geo-referenced aerial photographs, please contact us. We can provide images on CDs or printed within the limits of our computer capacity. Map overlays, environmental analysis, and other advance operations may require fees for services. For more information, contact Jim Fisher at HCPC.

LAST MINUTE NOTICE!

**IMPORTANT PLANNING AND APPEALS
BOARD TRAINING WORKSHOP WITH
MAINE MUNICIPAL ASSOCIATION
ATTORNEY BECKY SEEL.**

WHEN: June 25, 2008; 5:30 PM – 9:00 PM

WHERE: University of Maine, Machias

WHAT:

This workshop is designed as a basic introduction to the various legal rules governing decisions made by local planning boards and land use appeals boards. It is aimed primarily at new or less experienced board members. Long-time board members may also find it helpful. Topics which may be discussed include jurisdictional issues, conflict of interest and bias, public notice requirements, site visits, use of e-

mail, board records, deadlines, standing, nature of evidence on which to base a decision, participation by members who miss meetings, procedure for reaching a decision, form of decision/conditions of approval, reconsideration, appeals, and variances.

PLEASE NOTE THAT THERE IS A \$40 REGISTRATION FEE (includes a light meal) AND PRE-REGISTRATION WITH THE MAINE MUNICIPAL ASSOCIATION IS REQUIRED. FOR MORE INFORMATION SEE:

<http://www.memun.org/public/MMA/svc/training.htm> or CALL MMA at 1-800-452-8786.

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.

Summer 2008 Newsletter

Change Service Requested