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HCPC NEWSLETTER

Hancock County Planning Commission

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HCPC Executive Board Fiscal Year 2009-2010

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PLANNING BOARD NEWS

By Tom Martin

SHORELAND ZONING NEWS

The July 1, 2009 deadline for DEP-mandated municipal shoreland zoning standards revisions is approaching. If you are unable to complete your revisions by that deadline, be sure to contact the DEP Shoreland Zoning Unit to let its staff know when you anticipate completion. Even if the DEP eventually imposes a state shoreland ordinance on your town, this ordinance can be repealed after you adopt your own amendments that are consistent with the state guidelines.

The HCPC can help you draft the revisions to the text and develop GIS maps to show any new areas now subject to Resource Protection zoning. We would also be happy to review any drafts that you prepare. Feel free to contact Tom Martin if you have any questions.

GROUND WATER EXTRACTION ORDINANCES: WHAT IS ALLOWED UNDER STATE LAW?

There has been considerable discussion in the media recently over water extraction ordinances that would regulate large-scale commercial water operations. Any town ordinance governing ground water extraction needs to reflect certain provisions of state law. First, ground water under Maine law, is subject to the "absolute dominion" doctrine. This doctrine stipulates that ground water is the property of the

owner of the land above it. This means that ordinances that prohibit ground water extraction may be subject to takings challenge.

Second, Maine law (22 MRSA 2660-a) governs water withdrawals. It allows the bulk transport of water beyond the boundaries of a municipality under certain conditions. These conditions include the issuance of a permit by the DEP. A municipality's authority to prohibit the export of ground water is pre-empted by state law.

It is important to note that the information in the above paragraphs refers to the **prohibition** of commercial ground water extraction rather than the **regulation**. Towns do have the authority to regulate extraction. Land owners under the absolute dominion law are subject to limited liability in the event their actions affect ground water that would otherwise have been available to their neighbors. Any proposed ground water extraction ordinance should undergo careful review by an attorney to assure that it is consistent with state law. Also, be sure that the ordinance is supported by your comprehensive plan.

BROWNFIELDS NEWS

by Tom Martin

The initial identification of potential brownfields sites continues. If you have a site in your town whose reuse potential may be limited due to concerns of contamination, feel free to contact Tom Martin for details on how we might help. We can arrange to have the DEP Brownfields Coordinator visit the site and conduct an initial assessment of the site. If it appears to require a more in-depth investigation, it can be added to our list of potential sites for an assessment by an environmental consultant.

While brownfields are often thought of as sites with a commercial or industrial reuse potential, there is also the potential for other reuses. For example, sites presently being explored may be reused as public access points to salt water or for recreational purposes. Given Hancock County's historical marine-based economy, there are many abandoned boat yards and similar sites that could be candidates for a brownfields assessment that could serve as a public access site.

CDBG NEWS

by Tom Martin

While the final budget numbers are still being determined, it appears that there will be a slight increase in CDBG (Community Development Block Grant) funding for the upcoming fiscal year. Grant deadlines are expected to be roughly the same as the past year. All towns have the opportunity to apply for CDBG funds for economic development, housing and public facilities and services grants. Projects that benefit an entire town such as fire stations or salt sand storage sheds are restricted to towns with at least 51 percent of their households meeting the low to moderate income threshold. The only towns in Hancock County over this threshold are Amherst, Aurora and Osborn. Other towns can apply if their application primarily benefits low to moderate income households. For example, a town may apply for a job creation or retention project aimed primarily at lower income individuals or for water system improvements in a limited part of town.

The time to begin preparing for the upcoming round of applications is now. The HCPC staff is available to help you identify potential projects and discuss the steps you need to take to submit a competitive application. We will be happy to meet with any town to provide an overview of the program.

At minimum, you need to do the following:

1. organize a citizen advisory committee and conduct public outreach activities;
2. obtain cost estimates for the project;
3. secure matching sources of funds;
4. determine if your project will meet the low to moderate income thresholds. Current income guidelines can be found at: <http://www.hcpcme.org/comdev/cdbg/CDBG2009LMIGuidelines.html> Be sure that any income survey you conduct is consistent with the Maine Office of Community Development requirements. Contact Tom Martin at the HCPC for details.

GRANT NEWS

by Tom Martin

REGIONAL CHALLENGE GRANTS AVAILABLE FROM STATE PLANNING OFFICE

BACKGROUND

The Regional Challenge Grant Program provides non-competitive grants to support promising regional land use initiatives in coastal communities. The grants are designed to establish new, regional mechanisms for managing transportation, economic development, natural resource protection, asset development and land use management more effectively, consistent with smart growth principles. This year's grant round will focus on regional open space planning, scenic inventory, regional harbor or bay management, regional climate change planning, and regional asset development in the coastal zone.

Preference will be given to projects that are clearly linked to strategies in comprehensive plans that the Office has found to be consistent with the Planning and Land Use Regulation Act and/or that are called for in officially adopted regional policy documents such as Regional Transportation Advisory Committee Regional Advisory Reports, Comprehensive Transportation Study Region Reports, Comprehensive Economic Development Strategies, and regional quality of place investment strategies.

SPO currently has funds for projects in coastal watersheds and towns available through December 31, 2009; up to \$25,000 per project may be requested. These grants are not competitive, nor is there a deadline for receipt of applications. SPO will consider proposals from qualified applicants on an ongoing basis. Applications will be reviewed as they are received until funds are expended. Qualified applicants are encouraged to apply, with the understanding that the ability to award grants is contingent on the availability of funds.

The applicant and associated project partners must provide a 100% match of the amount requested. At least 50% of the match must be in cash; the remainder

may be in-kind services. For applicants that do not have a 100% match in-hand at the time of application, SPO may consider a proposal for a staged schedule to fulfill the match requirement. In such case, full awards will be contingent on meeting the staged requirements and/or successful delivery of interim products. Funds leveraged from other sources beyond the direct project partners are not required, but may improve the chance of being funded.

ELIGIBLE ACTIVITIES

Eligible activities include projects in coastal towns and watersheds, which implement smart growth principles or ecosystem management guidelines and result in multi-town or watershed approaches to land use management, efficiencies in provision of services, or regional asset development. Projects must include at least 3 municipalities. Project examples:

- Development of regional land use management¹ mechanisms which address open space protection or other natural resource values;
- Development of regional climate change adaptation strategies;
- Development of regional mechanisms for managing natural resource systems; and
- Regional asset development in support of the Quality of Place initiative.

¹Land use management includes planning, regulation, investment and other strategies.

TRANSPORTATION NEWS

by Tom Martin and Jim Fisher

Acadia Gateway News



On May 30 Trenton voters approved a contract zone for the Crippen's Creek property located on Route 3, owned by the Maine Department of Transportation and slated to be the future Acadia Gateway Center (AGC).

The Maine Department of Transportation has assembled project financing through Federal Transit and National Park Service and other sources to begin construction this summer. Phase 1 will include road improvements on Route 3, construction of an entrance road and basic infrastructure and the first significant building, a bus operations and maintenance center for Downeast Transportation which operates year round bus service to many locations in Hancock County as well as the Island Explorer service for Mount Desert Island and Schoodic Point.

The project is also projected to have positive economic impacts. An analysis by Professor Todd Gabe of the University of Maine indicates that the \$20 million facility would, during the anticipated seven-year construction period for all phases of the project, create between 19 to 77 full- and part-time jobs, and \$606,501 to \$2.47 million in wages and salaries. The construction phase creates an estimated total of \$38.1 million in countywide economic activity and \$12.4 million in wages and salaries when secondary impacts are considered. Once the facility is completed, it is expected to support an estimated nine jobs with \$258,688 in annual wages and salaries. In addition to the jobs provided by the facility itself, Downeast Transportation, Inc will employ an estimated 13 year-round people, increasing to 88 during the peak season.

Area residents will benefit in the short run with improved bus service in the Trenton area, park and ride facilities. Phases 2 and 3 will include construction of an intermodal transportation center and park visitor facility that will draw visitors in for basic orientation, sales of park passes and the opportunity for a car-free visit to Trenton, Mount Desert Island and Acadia National Park. The full build-out is not anticipated for many years, but progress will be visible this summer. More information about the Acadia Gateway Center is available at www.acadiagatewaycenter.com and at www.hcpcme.org on our Trenton page.

WHAT IS ACTIVE TRANSPORTATION?

How do you tackle global warming, rapid depletion of fossil fuels, an epidemic of obesity and a health care system costs that are spiraling out of control? all at once? The connections between these global problems are so tight that solving one can help to solve the others. The roots of our human ecological challenge include sprawling growth, excessive dependence on private automobiles, lack of physical activity and a shortage of healthy, locally grown foods.

The Hancock County Planning Commission is acting locally on several fronts directed to mitigating an environment that places too much carbon into the atmosphere and too many calories into our population.

With support from the Maine Department of Transportation, HCPC is providing support locally and statewide to promote active transportation. By active transportation, we refer to any mobility that is human-powered, particularly walking and bicycling.

School Travel Plans are a new strategy for re-orienting primary and secondary schools to increasing opportunities for students to walk and bicycle to and from school.

Historically schools have expected students to walk a mile or more. In recent years encouragement programs have been turned upside down, with some schools discouraging and even banning active transportation. Concerns about liability, safety and expedience push schools and well intentioned parents to avoiding the small chance of a mishap to a much higher probability that children will be obese and experience multiple chronic disease as they age.

A School Travel Plan includes an assessment of where students live, the opportunities and barriers to walking and biking, needs for infrastructure improvements and ways to reestablish the norm that kids will exercise most mornings and afternoons as part of their daily commute. The plan can extend beyond the one or two mile perimeter that defines a reasonable walk, to other collection areas.

Re-creation of school bus stops provides students with a place to gather and socialize, and reduces the level of disruption along roads where buses have been stopping that now have buses stopping at every driveway.

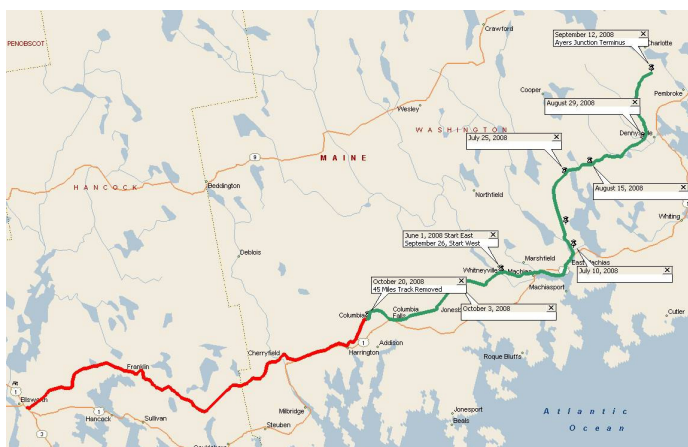
HCPC is preparing a state-wide template for School Travel Plans, providing on-line tools for organizing stakeholders, analyzing travel demands and services, identifying barriers, mapping findings, encouraging active transportation and applying for funds to increase active transportation. Schools that complete travel plans will be well positioned to apply for Maine Quality Community grants, including Safe Routes to Schools and transportation enhancement programs. Recent Safe Routes applicants include Southwest Harbor, Bar Harbor and Ellsworth. Proposals most often include construction of sidewalks and trails, crosswalks and other improvements to connect neighborhoods to primary schools.

Our initial study will focus on the needs of Ellsworth's schools, but we hope to work with other towns in Hancock County to prepare travel plans.

Please contact Jim Fisher at HCPC if you would like to learn more about School Travel plans or funding opportunities to increase active transportation.

Downeast Sunrise Trail

The Down East Sunrise Trail is back under construction this spring. By the time the snow flew



last winter, over half of this 84 mile trail was nearing completion. A major section of the trail in Washington County was opened to snowmobiles and cross country skiers this winter and received a lot of

use and praise. The Maine Department of Transportation plans to complete construction this summer and fall, including removal of tracks between Columbia Falls and Washington Junction in Hancock, repair and replacement of washouts, improvements to the travel surface, signage and safety improvements.

The trail is slated to be open for public use in the fall, pending a successful construction season and resolution of a law suit brought by one land owner. A series of events are being sponsored to engage residents in supporting the trail, get children and adults on the trail for health and fitness, and encouraging local business to take advantage of this new opportunity to boost our economy. Information about events and local organizations can be found at www.sunrisetrail.org or by contacting Jim Fisher at the Hancock County Planning Commission.

Scenic Assessment Update

The Scenic View Assessment project, contracted by the State Planning Office with the Hancock County Planning Commission and Washington County Council of Governments is in full swing. Our mission



is to identify and assess scenic views in coastal towns between Verona Island and Calais. The completed inventory will be helpful for towns, land trusts and other local organizations to develop strategies for preservation or improvement of these local assets, such as negotiating with utilities to

avoid obstructing views with utility lines or other construction.

We need local volunteers from all of the towns to assist us in:

- identifying great scenic views,
- rating these views according to standards like natural landscape features, buildings, utilities and roads and public access,
- photographing the views
- identifying local organizations that will work to
- preserve and enhance these views.

Please contact us at HCPC if you are interested in learning more and are willing to participate in the assessment. You can learn more at www.hcpcme.org. Just look for the link to the Scenic Assessment. There you will also find online maps and a survey for contributing your nominations for great scenic views as seen from public locations.

DATES TO REMEMBER

Public Forum on Health Care Reform

Single Payer, Fact vs. Fiction
Alamo Theater, Bucksport
June 23rd 6:00 – 8:00 PM
Moderated by Jim Fisher, HCPC

March

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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