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HCPC NEWSLETTER

Hancock County Planning Commission

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PLANNING BOARD NEWS

By Tom Martin

A Summary of Key New Legislation

Some of the relevant pieces of new legislation are presented below. This summary is adapted from the April 2010 Maine Townsman. For more information, contact Tom Martin.

LD 1526 – Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection. (Reported by Rep. Duchesne of Hudson.) **Emergency Passed; Resolves 2009, c. 149 (2/18/10)**

This Resolve provides final legislative authorization of a rule promulgated by the Department of Environmental Protection entitled Chapter 700: Wellhead Protection: Siting of Facilities that Pose a Significant Threat to Drinking Water. The rule regulates the siting of facilities such as automobile graveyards, automobile body shops or other commercial automobile maintenance and repair facilities, dry cleaners, metal finishing and plating facilities and commercial hazardous waste facilities within wellhead protection zones and over certain ground water aquifers.

LD 1553 – An Act To Facilitate Establishment of Watershed Districts. (Sponsored by Rep. Eberle of South Portland.) **Emergency Enacted; PL 2009, c. 506 (3/15/10)**

This Act clarifies that the laws enabling the creation of watershed management districts are open rather than exclusionary enabling laws, and a watershed management district can also be created by one or more municipalities pursuant to municipal home rule authority or municipal interlocal cooperation authority. The Act further establishes this clarification to apply retroactively to July 1, 2009. The Act also amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved watershed management plan and the developer has obtained the necessary approvals or entered into the necessary agreements to participate in that management plan.

LD 1573 – An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws. (Sponsored by Rep. Pingree of North Haven.) **PL 2009, c. 654**

This Act amends the laws governing the replacement and licensing of overboard discharge systems in several ways. Among the various changes, this Act rewrites and builds-up the so-called “transfer” provisions that apply when a property operating an overboard discharge system is transferred or is significantly reconstructed (“significant action”) or there is a division of the lot upon which the system is located. A “significant action” is defined as a single construction project performed on a primary residence with an overboard discharge system when the total material and labor cost of the construction project exceeds \$50,000. Certain exemptions are provided if the construction is to make the residence accessible to the disabled or in response to fire or severe weather-related damage. At the center of the transfer or “significant action” provisions is a requirement that an analysis must be conducted regarding the possibility of installing a technologically proven alternative to the overboard discharge and, if so, that the alternative system be installed within 90 days of the transfer or significant action provided certain grant and loan funds are available to financially assist with the installation.

LD 1699 – An Act To Update and Modernize Maine’s Floodplain Mapping. (Sponsored by Rep. Legg of Kennebunk.) **Emergency Enacted; PL 2009, c. 522 (3/18/10)**

This Act establishes a Floodplain Mapping Fund within the State Planning Office and initially capitalizes the Fund with \$500 for each year of the FY 2010-11 biennium. The Fund may be further capitalized with contributions from private sources, federal funds, bond funds issued or other funds received for the purpose of floodplain mapping.

LD 1818 – Resolve, To Continue Evaluating Climate Change Adaptation Options for the State. (Reported by Sen. Goodall of Sagadahoc County.) **Resolves 2009, c. 195**

In 2009, the Legislature enacted a Resolve that directed the Department of Environmental Protection (DEP) to convene a stakeholder group made up of representatives of the business community, non-governmental organizations and state government to study the impacts of climate change on, among other systems, built infrastructure including coastal and inland flooding effects on roads and facilities, the heat effects in urban centers, beach scouring, water supplies and drinking water, emergency response systems, etc. According to that Resolve, the DEP submitted a report to the Legislature identifying the findings and recommendations of that effort. This Resolve directs the DEP and the stakeholder group to continue those efforts to evaluate the options and actions available to Maine people and businesses to prepare for and adapt to the most likely impacts of climate change. The DEP must submit a report on the progress of developing a plan for state climate change adaptation to the Legislature by January 31, 2011, and its final plan by January 31, 2012.

LD 1569 – An Act To Clarify the Informed Growth Act. (Sponsored by Rep. Beaudette of Biddeford.) **Emergency Enacted; PL 2009, c. 549 (3/25/10)**

This Act adds the following “clarification” to the Informed Growth Act (IGA). The IGA mandates a certain analytical review before a “big box” retail store can be approved for construction. This Act

clarifies that the IGA does not apply when the retail business is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development and the building will not be expanded by more than 20,000 square feet.

LD 1696 – An Act Regarding Community-based Renewable Energy. (Sponsored by Rep. Adams of Portland.) **Emergency Enacted; PL 2009, c. 565 (3/29/10)**

This Act builds on legislation enacted in 2009 that established a “community-based renewable energy” pilot program that provides certain incentives for “qualifying local owners”, including municipalities and other political subdivisions, to install renewable-resource electricity generating systems, which include wind power installations, solar arrays and installations, generators fueled by landfill gas, or biomass generators that use fuel including anaerobic digestion of agricultural products, byproducts or waste. This Act augments that 2009 legislation by directing the establishment and administration of a program allowing retail consumers of electricity to make voluntary contributions to fund renewable resource research and development and to fund community demonstration projects using renewable energy technologies. The voluntary contributions must be collected by the electricity transmission and distribution utilities and provided to the Efficiency Maine Trust for distribution. The voluntarily provided research and development funding would be distributed to the public universities and colleges. The voluntarily provided community demonstration projects would be distributed to the array of community-based organizations, including municipalities, that develop community development projects using renewable energy technologies. The law also clarifies the process used by a municipality to endorse a community-based renewable energy project. Municipal endorsement is required for a project to participate in the program.

The 2012 Comprehensive Plan Deadline

Recent changes in the Growth Management Act clarified the expiration dates for State Planning Office consistency findings for comprehensive plans.

The original Growth Management Act provided no “expiration date,” but the legislature amended it in 2008 to say that the State Planning Office finding that a comprehensive plan 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 State Planning Office 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 SPO 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 only award grant funding under certain circumstances for growth-related capital investments to a town without a consistent plan. (Contact Tom Martin for details). 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 30-A 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.

Q: Can't the SPO just "re-affirm" our old plan?

A: No. Should a community choose to submit a plan to the SPO, it would have to be reviewed for completeness with the current standards. Among other things, data have to be refreshed, conclusions based on those data re-examined, and implementation strategies updated. SPO makes updated data for plans available to communities to insure the use of current data available from state agencies. If the plan meets the threshold of the review standards it is accepted for consistency review. Until a plan is reviewed for consistency, its status would remain "unknown" in SPO records.

Q: What about plans that have been fixed after a SPO finding of inconsistency? Can these still be found consistent?

A: There is some latitude depending on the nature of what's 'fixed' to respond to a finding of inconsistency on a plan prepared under the old rule (Chapter 202). Issues identified in a finding or inconsistency must be addressed within two years of the date of the finding. After that period of time, the plan must be resubmitted to SPO under the new rule.

Q: How do we learn the status of consistency of our town's plan?

A: HCPC has the current list of the dates that plans in Hancock County have been deemed consistent by the State Planning Office. We also are available to answer any questions regarding comprehensive planning. Feel free to contact Tom Martin for more information.

SPO Releases Population Projections, 2013-2028

(Adapted from April 2010 SPO Economics and Demographic Newsletter)

The Economics and Demographics Team released [Maine Population Outlook: Maine County and State Population Projections 2013-2028](#).

The population projections are in five-year intervals to correspond with the employment projections issued by the [Center for Workforce Research and Information at the Maine Department of Labor](#).

Projections are given for five-year age cohorts by sex. Town-level projections will be released once the necessary data are available for the calculations, likely in late 2011.

Maine has the oldest median age in the country, the second-smallest percentage of the population under the age of 18, and the second-highest percentage of non-Hispanic white residents. These factors all combine to give Maine a rapidly aging population and slow population growth.

Demographics are important for companies making future plans based on workforce characteristics and for policy makers to make informed decisions about what skills, services, and resources will be needed years in advance.

Maine's particular demographic challenges in the coming years will center on the aging population and slow population growth.

As the baby boomers begin to retire, employers will be faced with the possibility of more job openings than people to fill them. In addition, the skill sets of the younger generations may not match the openings available. Demand for health care workers of all sorts will rise as the baby boomers require more medical care. In order for Maine's population to grow and firms to find the employees they need, immigration to Maine must increase.

The next two decades appear to be a turning point for Maine's population. If the slow in-migration of the last few years continues, Maine's population is projected to grow until 2018, after which point the population is expected to decline.

BROWNFIELDS NEWS

by Tom Martin

Campbell Environmental, HCPC's brownfields consultant, has completed its first Phase II environmental assessment. This involved preparing a clean-up plan for a garage site in Ellsworth. We still have funds available for two more Phase I site

assessments as well as another two Phase II assessments. It is not too late to get on the list of potential sites.

What are Examples of Possible Sites?

Common examples include abandoned industrial or commercial sites. These may include old quarries, boat building or repair operations or sites that handled hazardous materials. The HCPC brownfields steering committee, which recommends sites for further investigation, gives preference to sites with a strong reuse potential. For example, the Gordon's Wharf property in Sullivan, is now being developed as a public access point to salt water. There are plans in Ellsworth to redevelop the two properties in Ellsworth for commercial purposes.

If you believe you have a potential site in your town, contact Tom Martin (tmartin@hcpcme.org). Even if we are unable to investigate your site this year, we can add it to our list. Our chances of getting another round of brownfields funding is greater if we have a long list of candidate sites. We can also steer you to other sources of assistance.

GRANT NEWS

by Tom Martin

LAND AND WATER CONSERVATION FUND GRANTS AVAILABLE

The Maine Bureau of Parks and Lands have opened up applications for their land and water conservation fund grants. Last year these grants provided \$267,485 in funding throughout Maine. The grants are for municipalities looking to develop outdoor recreation facilities and/or acquire lands and are made available to BPL through the National Park Service budget. Municipalities can apply for assistance of up to 50 percent funding with a maximum of \$75,000 in federal assistance for any one project. A fully completed application must be submitted on or before Aug. 26, but sites must be pre-approved through inspection. In order to make the deadline, site inspections must be requested before June 29. The application can be found online at:

<http://www.state.me.us/doc/parks/programs/community/index.html>

Project Canopy Grants Available

Grants are available to support community *forestry* projects.

Maine's Project Canopy will award \$125,000 in grants to local municipal units of government, educational institutions, and non-profit organizations that support community efforts to develop and maintain long-term community forestry programs.

Project Canopy, a cooperative partnership between the Department of Conservation's Maine Forest Service and the Viles Arboretum, encourages communities to develop project proposals that support sustainable community forestry management, increase awareness of the benefits of trees and forests, and increase the health and livability of communities through sound tree planting and maintenance.

The Maine Forest Service anticipates that \$125,000 will be available to support community forestry projects in 2010. Project Canopy has two grant categories for applicants to choose from: Planning and Education grants and Tree Planting and Maintenance grants. Project Canopy grants are competitive and require a 50% match from the grant recipient in cash or in-kind services. To be eligible to apply for 2010 Project Canopy Assistance grants, all applicants must attend a grant workshop prior to submitting an application. Grant workshops are scheduled for June and July 2010, 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. Applications must be submitted to the Maine Forest Service by 5 PM August 9, 2010. To learn more about the Project Canopy Assistance program and to sign up for a grant workshop in your area, contact Project Canopy at 207-287-4987.

More information is available on the web, at <http://projectcanopy.maine.gov>.

SOLID WASTE NEWS

by Tom Martin

TWO HOUSEHOLD HAZARDOUS WASTE & UNIVERSAL WASTE COLLECTIONS PLANNED FOR 2010

This year the two collections are taking place largely independent of the HCPC. We have, however, been awarded grant money to assist on collections and other solid waste technical assistance starting October 1, 2010. We will be providing more details on our planned services in future newsletters.

Greater Ellsworth Collection Scheduled for August 21, 2010

The 2010 Greater Ellsworth Regional Universal Waste and Household Hazardous Waste Collection is tentatively planned to take place at the Ellsworth High School on Saturday August 21 from 9:00 AM to 1:00 PM. Generally accepted materials include household cleaners, mercury containing items, rechargeable batteries, and various chemical and organic materials. Residents from sponsoring towns will be able to dispose of limited quantities of materials at no cost. Residents of non-sponsoring communities will be able to participate for a fee.

For more information, contact your town office or Sherry Churchill at schurchill@midmaine.com or 667-9054. Ms. Churchill can provide you with up to date information on the collection and the status of participating towns.

MDI Area Collection Scheduled for October 23, 2010 at the Mount Desert Island High School.

The Acadia Disposal District is organizing the collection for the MDI area towns on October 23, 2010 from 9:00 AM to 1:00 PM at the MDI High School. For details on the collection, please contact Tony Smith, director@mtdesert.org or 276-5743. We will plan to have more information in the fall edition of our newsletter.

TRANSPORTATION NEWS

by Jim Fisher

Byways Grant Proposals Submitted

HCPC has submitted a flurry of grant proposals this spring. The Federal Highway Administration requested proposal for improvements along national scenic byways during the winter. HCPC assisted the Acadia and Schoodic byways with three proposals each, totaling requests from more than \$1 million in federal support.

The Acadia Byway, recently extended through Trenton to the Ellsworth town line, proposed three initiatives:

- 1) Build awareness of the byway and recreational opportunities with gateway and way-finding signage at the Ellsworth-Trenton town Line, the head of MDI, and a small turnout on Route 3 in Bar Harbor. This grant would also support beautification efforts on Route 3 in Trenton.
- 2) Educate visitors and provide new recreational opportunities with interpretive information at the Hancock County Bar Harbor Airport and the Trenton Sea Plane Ramp, and improve the property near the ramp for better visitor access and enjoyment.
- 3) Assist in the creation of a historical museum in Trenton that would provide visitors, including school children, with displays and information about the regions history.

The Schoodic Byway extends between Hancock at Taunton Bay following Route 1 and Route 186 through Sullivan, Winter Harbor, Schoodic Point, and Prospect Harbor. This year we have requested assistance to:

- 1) Enhance a new visitor facility on Taunton Bay at Gordon's Wharf in Sullivan, adding boating access and visitor information
- 2) Creating visitor facilities and improving pedestrian access along Route 186 in Prospect Harbor, making it safer and more inviting to

walk between the library, scenic views, byway gateway facility, town office, community center and primary school.

- 3) Commit additional funds to sustain planning and implementation of projects along the Schoodic Byway.

These six proposals have entered a much bigger competition at the national level, and some of them are more likely to receive funding than others. Still, they point to the vital role that the National Scenic Byway Program can play in supporting a collaborative process between the towns, Acadia National Park, HCPC and the MaineDOT. All byway project proposals, past and yet to be determined are available online at www.acadiabyway.org and www.schoodicbyway.org respectively.

Corridor Planning

The HCPC spring newsletter requested that towns provide us with their priorities for future MaineDOT investments. With about half of all towns responding, we tallied 79 different requests, ranging from inexpensive culvert replacement to major road reconstruction. Our job was to organize these requests and provide MaineDOT with assessments about the regional impacts of these proposals. We prepared a GIS map that indicates locations of the projects and links to summary information about each.

The maps use a new Adobe Geo-PDF format that gives anyone with Adobe Acrobat Reader (free download) to turn various map layers on and off and even click on specific project locations to see details about each proposal. We particularly encouraged towns to work together in this process, and in some cases multiple towns worked together to propose transportation improvement projects. You can see the map and table of proposals online at: www.hcpcme.org/transport.html - follow the news link: "HCPC Summarizes Six Year Plan Municipal Project Requests".

In keeping with the concept of regional cooperation, HCPC is working with Eastern Maine Development Corporation and the towns along the Penobscot River to coordinate transportation investments with

land use and economic development priorities. Towns on the eastern side of the Penobscot include Brewer, Orrington, Bucksport, and Verona Island. Nearby towns of Dedham and Orland will also be consulted.

This corridor planning process is documented online at www.hcpcme.org/transportation/needs/penobscotriver.

Sunrise Trail Update

Construction along the Sunrise Trail continues this summer, despite a recent financial setback for the lead contractor. The multiuse Sunrise Trail, which will eventually span from Ellsworth to Pembroke, in Washington County, is formally opened from Whitneyville, through Machias to Ayers Junction in Pembroke. The construction schedule calls for public access on the trail as far west as Cherryfield in July and Washington Junction in the town of Hancock in the autumn. HCPC continues to provide planning assistance for the 80+ mile rail to trail conversion. You will find day to day updates online at www.sunrisetrail.org

TIGER II Stimulus Grants Announced by US DOT

The US Department of Transportation has announced a second round of transportation stimulus grants, dubbed Tiger II. These grants will be highly competitive. The last round saw \$60 billion in requests for \$1.5 billion in grants. Criteria for project selection include:

State of Good Repair: Improving the condition of existing transportation facilities and systems, with particular emphasis on projects that minimize life-cycle costs.

Economic Competitiveness: Contributing to the economic competitiveness of the United States over the medium- to long-term.

Livability: Fostering livable communities through place-based policies and investments that increase transportation choices and access to transportation services for people in communities across the United States.

Environmental Sustainability: Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions and benefiting the environment.

Safety: Improving the safety of U.S. transportation facilities and systems.

\$140 million is reserved for rural areas, where no match is required, though matching funds are preferred. Pre-applications are due on July 16, 2010. Final applications will be due August 23.

Additional information is available online at www.dot.gov/recovery/ost/tigerii/ or contact Jim Fisher at the HCPC for details.

GIS NEWS

by Jim Fisher

County Parcel Map Project: A Great Opportunity for Hancock County Towns

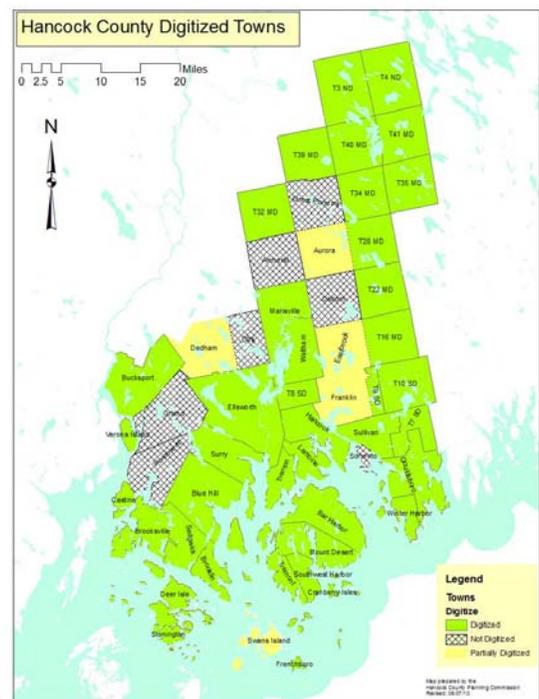
Towns in Hancock County are encouraged to participate in a county-wide parcel mapping project. This is your chance to have your tax maps digitized for the first time or updated digitally by the University of Maine-Machias Geographic Information Systems laboratory for free. If your maps are already digitized, but are not current or not accurate, the University may be able to assist in updating and correcting problems.

Mapping has changed over the last 30 years. Up until the 1980s most maps were maintained “manually” using a painstaking process of drawing lines onto Mylar and copying these maps to paper. Since that time very nearly all mapping has moved to digital technology, where maps are constructed on computers and then printed to paper. This conversion has opened a world of possibilities that are not available using paper maps. These benefits include the ability to link data to particular map features, such as the kinds of plants found at a particular place, the ready capacity to overlay various features, such as wetlands and commercial development, and the ability to create new

information about places based on analysis of place-specific data.

The paper to digital transformation has left many towns in Maine with an unfunded need to upgrade their tax maps to take advantage of the new technology. While going digital is still not required, the benefits in terms of lower maintenance costs, higher accuracy of maps and far better information retrieval make this a good investment.

Hancock County has been selected to be a pilot project for creating a county-map that will include many different kinds of information. Much of the data are already assembled, but a key element to making these maps useful for local governments is a county-wide parcel layer. HCPC assisted most of the coastal towns in Hancock County to create digital tax maps approximately six years ago. We have not had funding to do this for the interior towns. This new program is a great opportunity to have the University Maine-Machias do the initial work at no charge to the towns. HCPC has contacted many towns in recent weeks and has scanned maps for some towns to facilitate the UMM digitizing team. If you are interested in learning more, contact Jim Fisher (667-7131 jfisher@hpcme.org) or Tora Johnson (255-1214 tjohnson@maine.edu) at UMM.



CDBG NEWS

by Tom Martin

HCPC Obtains County-Wide Well and Septic Replacement Grant

HCPC, in a partnership with Washington Hancock Community Agency (WHCA) and the town of Gouldsboro, has obtained a \$250,000 CDBG Housing Assistance Grant for well and septic replacement. The funds are expected to fund the replacement of 24 septic systems and ten wells. *Please note that this program is distinct from the DEP Small Community Grant Program.* The DEP program is geared primarily at failing septic systems that threaten water resources. Priority is given to systems that eliminate discharges to public drinking water supplies, shellfish areas, other surface waters, and public nuisances.

The CDBG program is focused more on systems that pose health hazards to individual households. There are also different income guidelines. Unlike the DEP program, wells can be installed with CDBG funds. More information will be mailed to towns on this program, which will be administered primarily by WHCA. In the meanwhile, feel free to contact Tom Martin if you have any questions.

Are You Planning to Seek Community Development Block Grant Funding in 2010-2011? The Time to Begin Work is Now!

Remember that any town in Hancock County may apply for Community Development Block Grant funds as long as your proposed project eliminates slum and blight or is of primary benefit to low and moderate income households. Examples of recent projects in our region include job creation and retention, housing improvements, a food pantry, and water and sewer line replacements. HCPC staff is available to assist towns at no charge with general program orientation with application preparation.

What Specific Steps Should Our Town take to Prepare for the Upcoming Round of Applications?

We would be happy to meet with any town (or group of towns) to discuss your specific project. Here are some general hints:

1. Organize a series of public outreach meetings. The application scoring criteria awards points for projects that demonstrate strong citizen support. The more people you can get to attend public outreach meetings, the higher your application is likely to score.
2. Contact other agencies to obtain matching sources of funds: The HCPC staff can suggest matching sources of funds, which are required for virtually all applications. Locally raised funds, such as a municipal appropriation, demonstrate a particularly strong commitment to a project.
3. Assure that you meet the income thresholds: For most projects, unless they serve a targeted population that is presumed to be low to moderate income, this normally involves conducting an income survey of the population that will benefit from the grant. For example, a project involving replacing a sewer line in a certain neighborhood would require a survey of the residents in that neighborhood. Be sure to contact the HCPC for details on how to conduct the survey. The results of an improperly conducted survey may be disqualified.

What are the Anticipated Application Deadlines for the Upcoming Round of Grants?

The proposed schedule of deadlines for 2010-2011 is shown below:

Program	Letter of Intent Due Date (All dates are “on or before”)	Application Due Date
Public Facilities	December 3, 2010	January 21, 2011
Public Infrastructure	December 3, 2010	January 21, 2011
Economic Development Round 1	February 11, 2011	March 25, 2011
Economic Development Round 2	May 20, 2011	July 15, 2011
Economic Development Round 3	August 12, 2011	September 23, 2011
Downtown Revitalization	January 7, 2011	March 4, 2011
Community Enterprise	January 7, 2011	March 4, 2011
Non-Profit Development	January 21, 2011	March 25, 2011
Housing Assistance	February 18, 2011	April 1, 2011
Public Service	March 11, 2011	May 6, 2011
Community Planning	N/A	May 13, 2011
Urgent Need	N/A	Beginning on March 11, 2011
Interim Financing	N/A	Open – by invitation only
Special Projects Matching Fund	N/A	Open – by invitation only
Development Fund	N/A	Open

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.

Summer 2010 Newsletter



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Change Service Requested