



HCPC NEWSLETTER

Hancock County Planning Commission
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PLANNING BOARD NEWS

by Tom Martin

Public Access to the Shore & Preserving the Working Waterfront Is Topic of June 27 Striking a Balance Workshop

The June 27 Striking a Balance session will focus on preserving the working waterfront and public access to the shore. Speakers include Natalie Springuel of the Maine Seagrant Program. She will provide an overview of the status of public access in Maine. Matt Nixon, of the Maine Coastal Program, will describe funding sources and technical assistance resources available from state agencies. Dick Clime, from Coastal Enterprises Inc., will discuss current use taxation and other tools to preserve the working waterfront

When: June 27, 2013 from 5:00 PM to 8:30 PM. A light meal starts at 5:00 PM, presentations at 6:00 PM. There is an \$18 registration fee.

Registration deadline: June 24, 2013. We regret that we are unable to accept registrations at the door so we ask that you register by the deadline. For details on registration contact Sheri Walsh at 667-7131 or swalsh@hpcpcme.org. See also: www.hpcpcme.org

Where: VFW Hall, 419 Main Street (also known as Washington Junction Road)

Who should attend: Planning boards, select boards, CEO's/LPI'S, assessors, harbor masters, harbor committees, and others with interest in public access. *Please note that this session qualifies for 3 CEO/LPI land use credit hours and 2.5CMA/CAT*

assessors hours. We ask that you circulate this notice to your harbor master and others who may be interested in the session but are not on our standard mailing list.

Why is this session important?

Our working waterfront is threatened. Approximately 20 miles of Maine's 5,300-mile coast provide working waterfront access. Many of the public access points in Hancock County are inadequate. For example, access in one town is limited to about four hours a day when the tide is high. Others have inadequate parking, overcrowded mooring fields, and limited support facilities such as boat pump-out stations. Preserving working waterfronts is important to the area economy. Working waterfronts in Maine account for about ten percent of total employment.

Court Case on Reasonable Return From A Property (adapted from DEP Shoreland Zoning Newsletter)

This case, Robert E. Logan, Jr. v. City of Biddeford, Me. 2013 (Docket No. AP-12-037) reveals court thinking on what is considered a reasonable return from a property.

The Facts

Mr. Logan appealed a city zoning board of appeals variance denial. The property is a small, undeveloped lot on the ocean and a setback variance was sought. Mr. Logan owns additional property nearby, and the city found that Mr. Logan failed to demonstrate undue hardship on the basis of reasonable return with regard to the other lots.

The Court agreed by stating:

“Mr. Logan is correct that without a variance he is unable to build a house or any other structure. If Mr. Logan did not own any nearby properties the Board's finding about yielding a reasonable return would be in error. However, Mr. Logan owns nearby developed and undeveloped properties either directly across the street from this lot or just a few houses away on the opposite non-ocean front side of the street.”

Conclusions

The DEP had been advising municipalities to consider only the lot in question, but the implications of this decision should be considered by municipalities. It may mean that there will be greater court considerations of other properties owned the appellant.

Changes in Shoreland Zoning Requirements

NOTE: These changes are from the 2011-2012 legislative session. Other changes were pending for 2012-2013 as we went to press. We plan to report these changes in a future newsletter.

The timber harvesting choices that were adopted into ordinances became effective on January 1, 2013. A municipality that did not repeal regulation or adopt statewide standards continues to administer the standards currently contained in the ordinance. It's still an option to repeal regulation or adopt standards. Required contractor certification for those working in the shoreland zone is now effective.

Other changes to the Act and Chapter 1000 Guidelines that are now available for voluntary adoption include allowing municipalities to repeal the habitat criterion for establishing Resource Protection Districts, if the comprehensive plan supports it. An ordinance may exempt a cupola or similar feature from the height of a structure. For more details, contact your regional shoreland zoning staff.

Is Your Comprehensive Plan Consistent With State Review Criteria?

The legislature amended the Growth Management Act in 2008 to say that the state 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. This means that there are many towns in Hancock County with expired findings of consistency.

This expired finding does not invalidate a locally adopted plan, nor any of its recommendations. It does, however, affect a town's competitiveness in certain grant competitions that 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.

The law says that zoning ordinances (as defined), impact fees and rate-of-growth ordinances (building permit caps) must conform to a plan which meets the requirements of the Growth Management Act (Refer to 30A M.R.S.A. §4314 (3)). An expired finding does not invalidate these ordinances. It does, however, provide an opening for a party affected by the ordinance to challenge it in court. Consultation with legal counsel is recommended.

Shoreland zoning that does not exceed that state minimum guidelines is not affected by the expiration clause. Subdivision, cell tower and wind energy facility, and related ordinances can be enacted without a valid, consistent comprehensive plan. Contact Tom Martin for details

CDBG NEWS

by Tom Martin

Those who have worked with the Community Development Block Grant program over the years may already know that the FY-13 program placed a greater emphasis on economic development projects. While the official program guidelines for FY-14 will not be released until this fall, we presently expect the program to retain the same focus. *Remember that any town in the HCPC service area is eligible to apply for an economic development grant as long as the focus is on creating or retaining jobs that are primarily for low to moderate income people.*

Competition for grants is stiff and we urge towns to start preparing for the next round of applications now. Citizen participation is an important part of the grant scoring process. We recommend that towns planning to submit an application create a citizens committee to help identify projects. The committee could also hold informational meetings to solicit ideas from citizens.

HCPC staff is available to meet with town officials and committees to discuss the application process. We can explain program requirements and the various grant categories. We can also help identify matching sources of funds. Contact Tom Martin for more information.

SOLID WASTE

By Tom Martin

UPCOMING HOUSEHOLD HAZARDOUS WASTE AND ELECTRONIC WASTE COLLECTIONS

Towns have several disposal options for Household Hazardous Waste (HHW) and Electronic Wastes. Please note the following collections scheduled for this summer:

1. July 20, 2013, 9:00 AM-2:00 PM, Electronic Waste Collection: sponsored by Ellsworth Noontime Rotary at the Home Depot Parking Lot, Myrick Street, Ellsworth. No pre-registration is required. For more information, contact Jen Saunders at 266-1553.
2. August 24, 2013, Greater Ellsworth Area HHW-Electronic Waste Collection: organized by Hancock County Planning Commission and cooperating towns.
3. September 28, 2013, MDI Area Collection: MDI High School. Participation is primarily for the MDI area towns plus Swan's Island, Lamoine, Frenchboro, and Cranberry Isles but others are welcome. For more information contact Tony Smith: director@mtdesert.org or 276-5743.

SOLID WASTE NEWS: BE PREPARED FOR INCREASED DISPOSAL COSTS

Our region's long-term solid waste disposal outlook is changing. PERC's current tip fee structure concludes in 2018. PERC's charter municipalities

have planned a series of scheduled step tip fee increases (\$51 per ton on July 1, 2013 up to \$67 per ton by July 1, 2017) to prepare the communities anticipated higher tip fees after 2018.

While continuing the waste-to-energy plant is the preferred option after 2018, PERC may not be able to attract enough MSW to sustain operations if municipal disposal costs escalate too high. Due to this uncertainty, the region's municipalities, through the Municipal Review Committee (MRC), are evaluating a wide range of options, arrangements and contingency plans.

This continued coordinated planning effort, bolstered by the strength in numbers of over 180 Maine communities, is the region's best approach to avoid future solid waste disposal costs escalating out of control. Given the uncertainty, MRC recommends that our region's communities plan and manage their waste reduction and recycling programs on the premise that solid waste disposal costs in 2018 and beyond will be at least \$80 per ton. This means that Hancock County towns may want to increase their recycling and waste diversion. If your town or solid waste entity is interested in exploring alternatives, feel free to contact Tom Martin. Some options are described below.

PRODUCT STEWARDSHIP: AN ALTERNATIVE WAY TO MANAGE WASTE

WHAT IS PRODUCT STEWARDSHIP?

The Product Stewardship Institute (<http://www.productstewardship.us/>) defines the term as:

the act of minimizing health, safety, environmental and social impacts, and maximizing economic benefits of a product and its packaging throughout all lifecycle stages. The producer of the product has the greatest ability to minimize adverse impacts, but other stakeholders, such as suppliers, retailers, and consumers, also play a role.

Much of the product stewardship campaign is aimed at producers, but there is also a role for consumers.

For example, rather than buy mercury-containing compact fluorescent light bulbs, one can purchase safer LED (light emitting diodes). The initial price is higher, but there is a longer useful life. Another example is to buy products with less packaging. The Product Stewardship Institute maintains that nearly one-third of municipal solid waste consists of packaging. It is possible to buy products in bulk containers.

There are safer alternatives to many commonly used household products. Instead of drain cleaners, use baking soda and white vinegar. Buy latex paint. A baking soda and salt mixture is a substitute for an oven cleaning spray. These alternatives can reduce disposal and collection costs. For more information on alternatives, contact the HCPC. We would be happy to distribute educational materials for your town.

ASPHALT SHINGLES: A REUSE ALTERNATIVE

Until recently, the only processor of asphalt shingles was in southern Maine. Ellsworth Demo Disposal, 15 Industrial Road, Ellsworth (behind the Ellsworth transfer station) now accepts asphalt roofing shingles. The current disposal fee is \$75 a ton. Loads must be free of all contaminants and not contain any asbestos. The shingles are processed into pavement patching material.

For more information see:

<http://www.mainecontractordirectory.com/ellsworth-demo-disposal-inc> or contact Mike Wellman at 207-667-4333 (e-mail: dmandj@msn.com).

Since other vendors may also be starting sites, please check periodically: <http://www.hcpcme.org/environment.html> for the latest information.

OTHER CONSTRUCTION DEMOLITION DEBRIS OPTIONS

There is presently a low rate of recycling of Construction and Demolition Debris (CDD). A 2006 EPA study reported that only 10 percent of

CDD in New England was recycled. The most common material to be recycled is metal for which there is presently a high demand, but account for only 5 percent of the CDD waste stream. Some other portions of the CDD waste stream are discussed below.

There are two types of CDD wood: clean (or untreated) and adulterated (which has been painted or treated). There are markets for both types of chipped wood. Clean, untreated wood can be used as mulch in gardening or landscaping projects. There are biomass boiler operations in Maine that accept adulterated wood chips that meet certain specifications. Quality control is important if the chips are to be accepted.

Brick and concrete can be crushed and used as a fill material. Since it is normally inert, it can be buried on the construction site. Clean gypsum wallboard can be used as a replacement for a portion of virgin gypsum in making new wallboard and as a soil nutrient additive. If painted or otherwise treated, wallboard can be used in cement manufacturing and as a bulking/drying agent for sludge. Care must be taken to assure that the wallboard does not contain lead-based paint or asbestos. Contact the HCPC for more information on the economics of wallboard diversion or reuse.

MANAGING FOOD WASTE

According to the US EPA, the US buried about 33 million tons of food waste in landfills in 2010. There are several options for reducing the volume of food waste. The EPA's Food Recovery Hierarchy is one approach to managing food (see graphic below). The steps in this hierarchy are described below:

1. Source Reduction: For residential consumers, this involves buying only what you are likely to eat and using leftovers creatively. The old Maine virtues of make it do and use it up still apply.
2. Feed hungry people: Food pantries across the county have seen an increase in

customers. An estimated 5,000 children in Hancock County were food insecure in 2012. Useable surplus food may be given to area pantries.

3. Feed animals: Food scraps from the cafeteria of one local hospital are currently being sent to a pig farm. There are other farmers seeking food scraps for animals.
4. Compost: HCPC is presently promoting several compost ventures. Our recent sale of 20 backyard compost bins allowed for more composting of pre-consumer vegetable scraps and yard and leaf material. We are available to help towns with larger scale compost operations. These include municipal yard waste sites, which have a relatively simple DEP permitting process. Another option is composting of shellfish and post-consumer food material. While this requires a more detailed permitting process, it produces a high demand, quality soil amendment. HCPC is available to help towns assess the economics of starting a facility. If properly run, a compost site does not have odor problems or attract pests.



WATER QUALITY NEWS

by Tom Martin

SMALL-SCALE WATER AND WASTE WATER SYSTEMS

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.hpcme.org/environment/wellseptic/AlternativeWasteWaterSystems050813.pdf> and the water report at: <http://www.hpcme.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

Transportation

MaineDOT Online Information

Have you wondered what is happening with the road project in your town? The answers are often easy to find on the MaineDOT website. MaineDOT has also improved its online mapping system, making it even easier to find projects in the pipeline.

MaineDOT Construction Map

- When the project is in a three-year horizon, check the MaineDOT Three-year work plan. The plan is online at maine.gov/mdot/projects/workplan/. MaineDOT recently added a town search button that will list projects with year, location, scope of work and funding.

- As the project draws near, MaineDOT solicits bids for construction. The construction advertisement plan indicates when MaineDOT anticipates issuing the bid. maine.gov/mdot/projects/workplan/annual/. The construction advertisement schedule is updated monthly and provides a more precise date maine.gov/mdot/projects/workplan/monthly/.

- Projects currently out for bid are also listed online at www.maine.gov/mdot/contractors/
- Finally, and by this time you are probably well aware that something is up, you can find MaineDOT projects under construction information at maine.gov/mdot/projects.htm

Healthy Acadia Transportation Committee

Healthy Acadia, the Healthy Maine Partnership serving all of Hancock County, has assembled theme-teams that are working on specific challenges

confronting Hancock County. Two teams in particular have taken on transportation-related challenges.

The team to improve healthful services in Hancock County is turning its attention to removing transportation as a barrier to receiving health-related services. As we have reported in recent newsletters, Hancock County has a notably high median age, now over 46.3 years, compared with 42.7 for Maine and 37.2 for the USA. More than 1 out of 10 people in Hancock County are over the age of 70. As our population ages, a larger percentage of people are becoming dependent on others for transportation. Innovative programs like Island Connections, Washington Hancock Community Agency Transportation, Downeast Transportation and Friends in Action are collaborating to fill the gaps in our rural transportation system.

Healthy Acadia has produced quick results. It has published a transportation brochure that provides essential transportation contact information. The brochure is being distributed widely through social service, health, food assistance and other program. You can find the brochure at hpcme.org/ride.

Healthy Acadia is also working with social service organizations to incorporate transportation questions as a part of scheduling appointments. It is as simple as asking clients, “Do you need any assistance with transportation to attend this appointment?” This practice may be helpful in town offices as well. Residents that wish to renew pet licenses, pay taxes or use other municipal services may not have a ready means of transportation. We encourage every town office to request brochures from Healthy Acadia or print brochures from the website and refer residents to these helpful services whenever possible.



HEALTH NEWS

by Jim Fisher

Active Community Environment Teams

HCPC is collaborating with Healthy Acadia to organized Active Community Environment Teams (ACETs). We're beginning to move now, with teams forming in a number of Hancock County communities. Think of an ACET as a group that pulls together many of the functions already pursued in your towns, but in a more organized way.

ACETs help towns to:

- Identify priorities for sidewalks, trails and bikeways
- Promote safety and popularity of active transportation
- Open school gymnasiums for the entire community
- Promote nature trails and public access to water
- Build and maintain playgrounds, tennis courts, ball fields
- Organize walking, biking and athletic clubs
- Support local governments to create and maintain facilities.

The statewide Active Communities Conference convened in May in Waterville and demonstrated the widespread interest among Maine towns to be healthier, more environmentally sustainable and more economically prosperous.

One of the first steps a new committee can do is work with HCPC to create and ACET map of your town. The map shows all the great public places people can go to walk, swim, boat, play sports or enjoy nature. We'll help you turn the map into a brochure or webpage for residents and visitors to gain a better appreciation for things they can do in your town. We can also assist you to identify future needs and funding opportunities that will help you create new programs for active living.

Contact Jim Fisher at HCPC if you are interested in creating and Active Communities Environment Team in your town.

GIS NEWS

by Jim Fisher

Aerial Imagery

The Maine Office of Geographic Information Systems and US Geological Survey have teamed up to provide a big discount for aerial photography for Hancock County. The program requires Hancock County to appropriate approximately \$48,500 to provide base-level accuracy of 1:6,000 where each pixel in the image equals an area of 24" x 24". This is sufficient to see cars, houses, trees and other large objects.

Buy-up opportunities

A town or any other organization wishing to buy up should first contact their county to see at what level the county is participating. Any buy-up on top of that would be initiated by contacting the Maine Office of GIS to enter into an MOA for a buy-up. All funding must be provided before the work order is submitted for any buy-up. At the high end, some cities in Maine are paying for 3"

resolution, where many small details can be recognized.

How can Hancock County Towns use aerial photos?

- Emergency Response
- Wildlife Management
- Natural Resource Planning
- Land Use Planning and Zoning
- Transportation Planning and Management

Why not just use Google Earth/Maps?

Free sources such as Google lack the flexibility needed by technical users:

- They cannot be brought into any GIS software
- Accuracy, resolution, and updates are uncertain
- They get their imagery from us, not vice-versa

HCP currently uses aerial photographs from 2005 to prepare maps for our supporting communities. As our towns continue to change with new houses, roads and infrastructure, the 2005 aerials are slipping into obsolescence.

Please contact HCPC if you would like more information or would like to learn how you can help support this program.

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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