



# HCPC NEWSLETTER

Hancock County Planning Commission

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## PLANNING NEWS

*by Tom Martin*

### Status of Revisions to Shoreland Zoning Guidelines

The Maine DEP has completed its proposed changes to the shoreland zoning guidelines (known as Chapter 1000). These changes include optional exemptions from some of the vegetation standards for certain working waterfront properties and specific downtown redevelopment projects. Another change relates to expansions of nonconforming structures, including a change to footprint instead of floor area and volume. Municipalities have the option of adopting this new set of nonconformance provisions that allow landowners to choose between a footprint cap or a 30% footprint limitation. The DEP Shoreland Zoning Program can help municipalities that wish amend their shoreland zoning ordinances before the Chapter 1000 rules are revised. For more information contact Stephenie MacLagan at the DEP Shoreland Zoning Unit ([stephenie.maclagan@maine.gov](mailto:stephenie.maclagan@maine.gov) or 207-356-1643.)

Proposed revisions to Chapter 1000 include additional clarity for the removal of dead, hazard and storm-damaged trees. Another vegetation section is proposed for guiding restoration after violations of the vegetation standards. These standards aim to give code enforcement officers confidence and consistency when requiring corrective actions, and give landowners certainty

and constructive direction. A section on shoreline stabilization projects is proposed, allowing these shoreline structures while ensuring restoration of the vegetated buffer, the primary defense to soil erosion. The final set of rules will be posted to the DEP rulemaking webpage <http://www.maine.gov/dep/rules/>. Be sure to check with the DEP or the HCPC before amending your shoreland zoning ordinances.

The 2012 changes to the Resource Protection District (RP) standards remain in effect. Municipalities have the option of repealing the significant wildlife habitat criterion from the ordinance section describing RP. This repeal allows a municipality to change any RP areas designation solely for this reason back to Limited Residential or some other district designation. Municipalities should be aware that some comprehensive plans specifically recommend RP designation.

## **Building Permit and Application Filing Fees: Do Yours Cover Review Costs?**

Planning boards, CEO's, LPI's and others involved in reviewing building permits and site plan review and subdivision applications face considerable expenses. These include, but are not limited to, time spent on site visits, mailing notices and posting hearings, hiring outside experts to review technical information (such as drainage and traffic impact studies), clerical and secretarial costs, and recording fees. Many towns set their fees to cover the cost of town staff plus related expenses involved in the review of applications.

### What is the State Law on Setting Fees?

The right to set reasonable fees is recognized by both state statute and case law. For example, 30-A MRSA 4355 states:

Any application fee charged by a municipality for an application for any land use permit issued by the

municipality may not exceed the reasonable cost of processing, review, regulation and supervision of the application by the municipality and its consultants and the administration of any requirement for a certificate of compliance with any permit conditions.

This is consistent with a Maine Supreme Court ruling: "generally, the amount of a fee imposed by a municipality in the exercise of its police powers for the purpose of regulation must be reasonably related to the necessary or probable expenses of issuing a (permit) and of conducting such inspection, regulation, and supervision as may be lawful and necessary. *State v. Brown*, 135 Me. 36, 188 A. 713 (1937). However, if the fee is greatly in excess of the probable amount of administrative costs associated with the permit, the amount collected is deemed to be a tax. Since a municipality may collect taxes only where specifically authorized by the Legislature, such a tax would be improper."

### How are fees established?

The fee structure may be included in the land use ordinance adopted by the legislative body. Since review costs are subject to change, some ordinances delegate the setting of fees to the board of selectmen and specify that they be reviewed on an annual basis.

### What are Some Sample Fees?

While fees should reflect the specific expenses of a given town, some examples taken from different towns are presented below.

*These represent a very brief overview and do not reflect the different definitions and extra fees assessed by various towns. Contact Tom Martin for more information.*

1. Building permit fees: base fees range from \$10 to \$40, plus a square footage charge of between \$0.10 and \$0.18 per square-foot for unfinished space and \$0.10 and \$0.37 per square-foot for finished spaces for single-family residential. One

town charges \$0.10 per square-foot for the first 5,000 square feet and \$0.03 per square-foot for the amount that is over 5,000 square-feet.

2. Subdivision fees: initial application fees \$100-\$250 plus per lot fee (ranges from \$25 to \$200). Subdivision ordinances typically have a clause establishing an escrow account from which other review fees are paid. Many towns have separate fees for the sketch plan, preliminary application, and final application phase.

3. Site Plan Review: initial application fees range between \$200 (minor site plan review to \$1,000 (major). These fees are in addition to square-footage assessments. Some towns distinguish between gross floor area fees and parking area fees.

4. Other fees: these include abutter notification, hearing notices, maps, and ordinance copies.

## **Flood Insurance Mapping News: Firming Up the F.I.R.M.'s**

Most local officials know that the preliminary versions of the updated Flood Insurance Rate Maps (FIRMs) have been released for review and comment before being finalized. The maps should be available at all town offices. It is important that municipal officials review these maps and contact the mapping project manager Amol Daxikar at (617) 452-6386 or [DaxikarAM@cdsmith.com](mailto:DaxikarAM@cdsmith.com) within the next few months to note any inaccuracies. If you have any questions, contact Mapping Coordinator Jennifer Curtis at the state of Maine Floodplain Management Program at 287-8051 or [Jennifer.Curtis@Maine.gov](mailto:Jennifer.Curtis@Maine.gov)

## **CDBG NEWS**

*by Tom Martin*

### **Preparing for Next Year**

With the 2014 Community Development Block Grant competition largely over, now is the time to

start preparing for the next round of funding. HCPC will keep its towns informed of the 2015 program details as they emerge. It is presently anticipated that the same basic categories of grants will be available in 2015. These include public infrastructure, economic development, and housing assistance. Reduced funding is making the grant application increasingly competitive. Here are some general hints for gaining some extra points in your application:

#### 1. Engage the Public

Whatever your project, you will need to show strong citizen support. It makes a good impression on the grant reviewers if you hold informational meetings on proposed projects well before the grants are due. You may also want to post information on the project on the town's web page and share in municipal newsletters and via social media.

#### 2. Secure Matching Funds

The match requirements vary according to program. HCPC has information on potential sources of match. Contact Tom Martin for details.

#### 3. Determine If Your Project Meets the Income Guidelines

The Maine Office of Community Development (OCD) has detailed requirements that towns must follow in conducting income surveys. The current definition of low to moderate income can be found at:

[www.hcpcme.org/comdev/cdbg/2014IncomeLimits.pdf](http://www.hcpcme.org/comdev/cdbg/2014IncomeLimits.pdf). If you plan to conduct an income survey contact Tom Martin or Sheri Walsh to assure that you are following a methodology that meets OCD standards.

# **BROWNFIELDS NEWS**

by Tom Martin

## **HCPC AWARDED BROWNFIELDS ASSESSMENT GRANTS**

We have been promised Environmental Protection Agency (EPA) brownfields funding. We will use these funds to hire an environmental consultant to assess properties for contamination and, if necessary, prepare clean-up plans. This makes a property safe for reuse.

### **What are brownfields?**

Brownfields are defined by the EPA as “abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination.” 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.

As a result of our previous (2008-2011) brownfields grant, we facilitated the conversion of blighted properties to new uses such as a town wharf, recreational trail, aquaculture site and commercial operations. This not only removed a source of blight, but also boosted the economy. We know there are many potential sites that could benefit from a brownfields site investigation.

### **How can we learn more?**

HCPC has a preliminary list of potential sites. If you have questions about a site in your town feel free to contact Tom Martin at the HCPC (667-7131, [tmartin@hpcme.org](mailto:tmartin@hpcme.org)). The HCPC would be happy to provide program details and discuss how a site might qualify. We will be conducting a comprehensive outreach program this coming (2014) fall. We are also looking for people willing to serve on a brownfields steering committee. Please contact Tom Martin for more information.

# **SOLID WASTE NEWS**

by Tom Martin

As we have mentioned in previous newsletters, the economics of solid waste management and recycling are changing rapidly. The current contract between charter member municipalities and the PERC solid waste incinerator ends in March 2018. The Municipal Review Committee (MRC), which represents municipal interests in the PERC facility is exploring new solid waste management options. These are described in a guest column by MRC executive director (and former HCPC planner) Greg Louder.

## **MRC Prepares for Post-2018 Era**

by Greg Louder, Executive Director, Municipal Review Committee

Hancock County communities have relied upon the PERC facility in Orrington for reliable disposal of MSW for over 25 years. That arrangement concludes in 2018 unless extended between PERC and the communities. Due to a significant loss of revenue in 2018 for lower rates for sale of wholesale electricity, an extension of the PERC facility “as is” has proven to be a significant challenge.

The Municipal Review Committee (MRC) is an organization formed many years ago by PERC communities to look after their interests in PERC and solid waste disposal issues generally. The MRC recognizes that change is necessary to prepare for 2018. They are working on an alternative plan to develop a new integrated waste processing facility that would employ cutting edge technologies to recycle and extract energy value from most of the incoming trash. Unfortunately, PERC’s general partner has no interest in retrofitting the existing site so MRC has identified two potential locations a little north of Old Town for an integrated facility including an advanced recycling system, and organics energy conversion system, a process engineered fuel system and finally a secure landfill for residuals.

The secure landfill component requires the longest permitting timeline, so the MRC has filed an

application with Maine DEP for a determination of public benefit. DEP has scheduled a public meeting from 2PM – 5PM and 6:30PM – 9PM on July 2, 2014 at the Elks Lodge in Old Town to take public comment on the application. Please consider attending this meeting to voice support for our plans to ensure that affordable, environmentally sound disposal of MSW continues to be available for our region for the long term beyond 2018.

Please contact Greg Louder at 664-1700 or [glouder@mrcmaine.org](mailto:glouder@mrcmaine.org) for more information or to discuss having your voice heard by attending the July 2 meeting in Old Town.

## **ELLSWORTH AREA HOUSEHOLD HAZARDOUS AND UNIVERSAL WASTE COLLECTION SCHEDULED FOR AUGUST 2, 2014 9:00 AM – 1:00 PM**

HCPC is once again sponsoring a Household Hazardous Waste (HHW) and Universal Waste (UW) collection event on August 2, 2014 at the Ellsworth High School. **Please note that the collection is scheduled earlier in the summer than it has in recent years.** This collection offers residents from participating towns an opportunity for safe disposal of both types of waste. These materials require special handling by licensed contractors and cannot be disposed with regular household trash. Please check with your town office to see if your town is participating in this event.

### What is Household Hazardous Waste?

HHW is waste in homes that is toxic, poisonous, corrosive, ignitable, or reactive (explodes or emits toxic gases when reacting with air or water). Common examples include oil-based paints and related materials such as paint thinners and removers, and furniture finishing products. Herbicides, pesticides, gasoline, oven and drain cleaning chemicals, antifreeze, and flea repellants are other examples. HHW also includes

automotive products such as brake and transmission fluids and battery acid.

### What is Universal Waste?

Universal Waste (UW) contains mercury, cadmium or lead. Examples include rechargeable batteries, cathode ray tubes, cell phones, computer peripherals, fluorescent lamps, mercury thermometers, thermostats, motor vehicle switches, PCB ballasts, and thermometers. Most household electronics are classified as UW.

### What About Other Products?

For a full list of what is accepted and what requires alternative disposal methods, see [www.hpcme.org/environment](http://www.hpcme.org/environment) This portion of our web site also discussed cleaner alternatives to hazardous materials. The overall volume of HHW can be reduced by purchasing these alternative materials.

## **COMPOSTING NEWS**

HCPC has a few Earth Machine Compost Bins available for purchase at \$48 tax included. Stop by our office to pick up yours today while supplies last.



## **WATER QUALITY NEWS**

by Tom Martin

### **Private Wells: What Are Conditions in Your Town?**

In previous newsletters we have reported on wells with high levels of arsenic and other trace metals such as fluoride, uranium, radon, and manganese. The Maine Center for Disease Control (CDC) recommends that private wells be tested for unsafe levels of trace metals every three to five years. The CDC estimates that only 48 percent of the private wells in Hancock and Washington Counties have been tested for arsenic. While this estimate is subject to error, it does indicate that testing is below recommended levels. Yearly testing is recommended for bacteria. Testing should be done by a certified laboratory, for a list of certified labs, see: [www.wellwater.maine.gov](http://www.wellwater.maine.gov).

Healthy Acadia received a grant to test 170 wells for arsenic in Hancock County. For more information contact Nikki Fox at (667-7171 ext. 9 or [nikki@healthyacadia.org](mailto:nikki@healthyacadia.org)).

### **What Can Be Done?**

There are a number of treatment options. These are described on the Maine Drinking Water Program web site: [www.maine.gov/dhhs/mecdc/environmental-health/water/resources/arsenic](http://www.maine.gov/dhhs/mecdc/environmental-health/water/resources/arsenic). There is limited funding for income-eligible households for treatment systems. Contact Tom Martin at 667-7131 ([tmartin@hpcme.org](mailto:tmartin@hpcme.org)) for more information.

## **TRANSPORTATION NEWS**

by Jim Fisher

### **Downeast Coastal Corridor Plan**

In our [Spring Newsletter](#), we started a conversation about updating the multi-modal plan for the [Downeast Coastal Corridor](#). This corridor includes Route 1, Route 9, the Sunrise Trail and a number of connecting roads, such as Route 46 and Route 182.

The focus of that article, still available online, was the shift in driving patterns that began more than ten years ago. At that time driving hit a peak as measured in vehicle miles travelled (VMT) in Hancock and Washington Counties and in the state of Maine. There are a number of important consequences of this decline.

On the positive side, declining use of cars will greatly reduce cost to government that is associated with building new highways, adding lanes to existing roads and other projects to expand capacity. Congestion should decline overall, and our air should benefit from less pollution. Prices of gasoline may also stabilize as demand declines.

On the negative side, revenues from fuel excise taxes are declining, all the more because of the popularity of fuel efficient vehicles. The federal highway trust fund has been drawn down completely, leaving very limited funding for road maintenance and improvement. Funding for alternative modes such as transit systems, trains and bikeways has also declined.

As a consequence, the Maine Department of Transportation has a significant backlog of road improvement projects. As construction projects are delayed and the planning process reverts to one of scheduling existing funded projects, local efforts are mounting to fix roads that suffered in our unusually long winter.

The towns in the greater Blue Hill Peninsula have joined forces to push for prioritization of improvements along Route 15 between Stonington and Orland, hosting a full day symposium about the need for fixing Route 15 on May 10 at the Deer Isle Reach Center. The event featured presentations by former Transportation Commissioner John Melrose, local leaders and public safety representatives. There can be no doubt that the impact of many towns working together is greater than the towns working individually.

Where do we go from here? Revenues for road maintenance and improvement are not keeping pace with costs, the backlog of needed repairs for Maine's transportation infrastructure grows and many needed projects are not yet in the pipeline. Two actions that towns may consider are alternatively broad-policy focused and surgical-project focused:

At the policy-level, towns can work with state and national elected representatives to identify additional funding for transportation infrastructure. Bonds are one option, but incurring debt for transportation has does not address the fundamental need to identify new or expand existing revenue sources. There are many alternatives for increasing revenues, including raising gasoline taxes, allocating a larger share from the general fund to transportation, and identifying new forms of user fees, such as tolls and VMT taxes. The [Maine Better Transportation Association](#) can provide useful background information.

At the project level, MaineDOT has a number of programs that can assist towns to solve specific problems faster than getting into the queue of backlogged projects. For several years the MaineDOT has offered a [Municipal Partnership Initiative](#) (MPI). The MPI is intended to be a demand response program, which can rapidly react to municipal requests, such as responding to changing local transportation needs on State and State-Aid highways, developing economic opportunities, and safety concerns on or adjacent to these highways. ” ([Source](#)) Towns that are willing to contribute a greater the required local match can speed the delivery time for some projects.

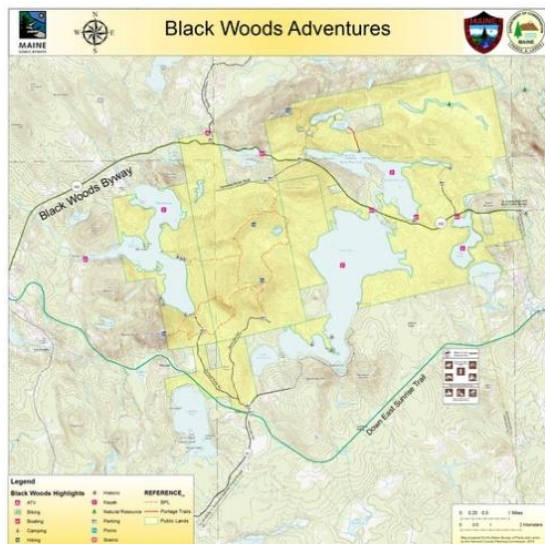
More recently MaineDOT has launched a pilot [Planning Partnership Initiative](#) (PPI). “This program operates like the MPI, but funds are directed to advance project scoping. This initiative is an innovative method to study, evaluate, plan

and scope transportation projects on or adjacent to the state transportation system, with MaineDOT as a partner.” ([Source](#)) Examples of project include conceptual rendering of transportation projects, cost estimation for transportation improvements and strategic planning to address transportation system deficiencies.

Finally, MaineDOT offers project level funding for specific categories of transportation improvements including programs for small harbors, bicycle and pedestrian projects, park and ride facilities and an array of transportation alternatives. This year MaineDOT has introduced a new process for project funding that replaces the annual or biennial competition with a continual process of project evaluation and qualification. For more information, contact [Jim Fisher](#) at HCPC.

### **Black Woods Recreation on the Map**

It is summer time and a great time to discover the Black Woods Byway in Hancock and Washington Counties. The Hancock County Planning Commission continues our partnership with the Maine Bureau of Parks and Lands, Inland Fisheries and Wildlife, Transportation and local families and organizations to create and promote the often overlooked outdoor recreational opportunities spread throughout the county. In a couple weeks we will be posting [new maps](#) along the byway at existing turnouts including Tunk Mountain, Tunk Lake, Spring River Lake and Long Pond. The maps highlight many hikes, climbs, paddles, peddles, ATV routes and scenic stops in Township 10. New opportunities are evolving throughout the county. HCPC continues to build a county online recreation map and is seeking your input for places your town would like to highlight. You can visit [www.healthyhancock.com](http://www.healthyhancock.com) where you will see some map features and have the opportunity to add your own.



maintenance and riding. A very successful rodeo was held at the Deer Isle School on May 31. Others are being planned for June. Contact [Jim Fisher](#) at HCPC if you would like to hold a safety class or rodeo in your community.



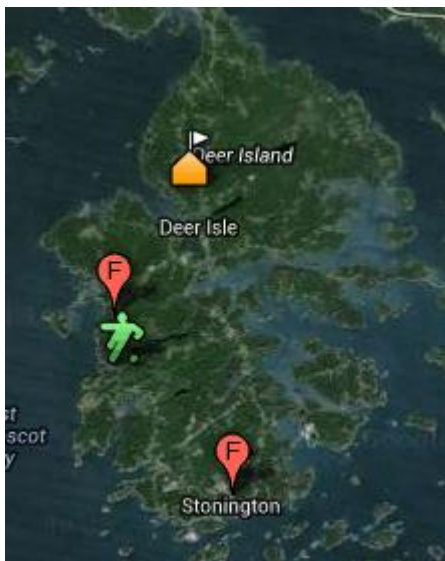
## HEALTH NEWS

by Jim Fisher

### DRUG FREE COMMUNITIES

Recent news of drug arrests and drug-related deaths suggest that in addition to widespread abuse of tobacco, alcohol and marijuana, Hancock County may be experiencing a rise in manufacturing, distribution and abuse of illegal narcotics and prescription drugs. Arrest data indicate that national gangs and organized crime have moved into the illegal drug business right here.

[Healthy Acadia](#) has launched a new [Drug Free Communities](#) initiative for Hancock County. Its goal is to reduce and prevent substance abuse, particularly among youth. Healthy Acadia has organized a community advisory committee to assist in identifying ways that we can educate youth, support positive social norms and work with law enforcement to reduce substance abuse. HCPC is providing technical support for this program including identifying assets, coordinating programs with local governments and evaluating outcomes. We are encouraging local schools, town governments and voluntary organizations to join this effort. There are many ways to get involved, including sponsoring community



### Bicycle and Pedestrian Safety

HCPC, in collaboration with the Bicycle Coalition of Maine and Healthy Acadia, is offering [bicycle and pedestrian safety classes](#) in area schools. Our goal is to provide children with basic practices that will allow them to navigate their communities on foot or on bicycle, where it is possible to do so safely. The guiding documents for [pedestrian safety](#) and [bicycle safety](#) education are available online. We are also assisting in organizing bicycle rodeos, a great way to get young people started with instructions on safe clothing, helmets, bicycle



forums, adopting ordinances for chem-free and tobacco-free playgrounds and community events and providing positive, year-round recreational opportunities for youth.

For more information about drug-free communities, contact [Denise Black](#) at [Healthy Acadia](#).

## **MAPPING NEWS**

*by Jim Fisher*

### **Mapping Hat Trick**

In sports an athlete that scores three goals is said to have scored a [hat trick](#). Over the past year the Maine Office of GIS has scored a hat trick for mapping in Hancock County.

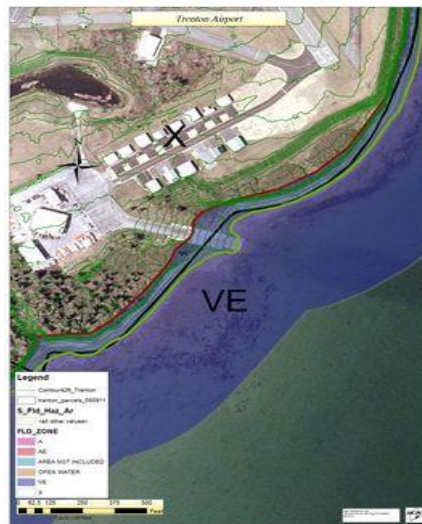
The first score was rolling out LIDAR data that provide us with highly detailed topographic information for coastal Hancock County. HCPC is using LIDAR data to depict areas subject to flooding, hydrography and even the presence of historic or existing structures.

The second score was a spring, 2014 aerial survey of Hancock County. The results of this over-flight are yet not available, but the County Commissioners stepped up to the plate and provide base level funding that moved the process forward. Many towns in Hancock County bought-up , or paid extra to have higher resolution imagery for their towns. These aerial photos will be geo-registered to enable HCPC to overlay other information such as tax maps, roads and LIDAR information on the aerial background.

The third score is perhaps the most controversial. The Federal Emergency Management Agency (FEMA) recently published draft flood maps for all of Hancock County. These maps have been delivered to town offices in PDF format and are available online. The process for getting the map you want is a little awkward, but HCPC’s efforts to simplify the process have not meshed with the every-changing FEMA website. Here are a few steps to finding the maps you want:

- 1) Visit the [Map Service Center preliminary mapping products page](#)  
[www.hazards.fema.gov/femaportal/prelimdownload](http://www.hazards.fema.gov/femaportal/prelimdownload)
- 2) Select Maine and Hancock County from the drop down menus and “Get Preliminary FEMA Map Products”
- 3) Scroll to the bottom of the list of 400+ maps and select
  - a. [23009CIND1A](#) – for an index of maps in northern Hancock County, or
  - b. [23009CIND1B](#) - for an index of maps in southern Hancock County
- 4) Look at the index maps to find the name of the map for your location of interest.
- 5) Click on the link for that map

You will be rewarded with a PDF map with an aerial background and quite a few bits of information about the kind of flood hazards your property may face. This small example, also available as a full screen image online, shows a portion of the shoreline by the Hancock County Bar Harbor Airport in Trenton. The red line indicates the high end of the area that has a 1% chance of flooding in any given year, also called the 100 year flood plain. The letters VE define this as a velocity zone, where water may be push higher by driving winds onto of a surge. This example has the 2-foot contours created from our coastal LIDAR data and the 2005 aerial imagery that will soon be replaced with 2014 imagery.



These are draft maps, and this is the time to identify possible errors. Once the maps are finalized it will be more difficult to amend them. Homes in the areas subject to flooding

will see higher insurance rates or may have

difficulty finding any affordable insurance. While this is an immediate and a significant financial challenge, so is the possibility that our county is going to see more flooding in the future as storm events increase and the sea level rises. HCPC is happy to assist towns in identifying how to adapt to increasing risks of floods. Contact [Tom Martin](#) to discuss adaptation strategies. Contact [Jim Fisher](#) for mapping assistance.

## **Dates to Remember:**

### **Striking a Balance Workshop**

June 26, 2014, 5:00 PM -8:30 PM

Workshop on Identifying and Removing Threats Marine Water Quality. VFW Hall, Ellsworth. The

session is approved for three hours of CEO/LPI shoreland zoning credits.

Please pre-register by June 23, 2014. The agenda and registration form are posted at:

[www.hcpcme.org/press/prbalance062614.pdf](http://www.hcpcme.org/press/prbalance062614.pdf) or contact Sheri Walsh at 667-7131

### **Household Hazardous Waste Collection**

August 2, 2014, 9:00 AM to 1:00 PM

Greater Ellsworth Area Household Hazardous Waste and Universal Waste Collection, Ellsworth High School (collection is open to residents of participating towns. Pre-registration at your municipal office is required)

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**Hancock County Planning Commission is a partner with local and county government to: protect our heritage and resources, plan for the future and promote a sound economy for the people of Hancock County.**

### **Summer 2014 Newsletter**



395 State Street  
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### **Change Service Requested**