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# HCPC NEWSLETTER

Hancock County Planning Commission

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## PLANNING BOARD NEWS

*By Tom Martin*

### LEGISLATIVE UPDATE

Here is a summary, adapted from the June 2009 edition of Maine Townsman, of some of the legislation passed this last session that is relevant to planning boards and other municipal officials. For more information, contact Tom Martin at the HCPC.

*LD 460 – Resolve, to Evaluate Climate Change Adaptation Options for the State. (Sponsored by Sen. Simpson of Androscoggin County) Resolves 2009, c. 16*

This Resolve directs the Department of Environmental Protection 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. The Department is directed to report the findings and recommendations of the stakeholders group back to the Legislature by February 27, 2010.

*LD 536 – An Act to Enhance Maine’s Electronic Waste Recycling Law. (Sponsored by Rep. Hinck of Portland) PL 2009, c. 397*

This Act makes several changes to the law governing the separation, collection, consolidation and recycling of certain electronic wastes, which currently include television sets and computer monitors. With respect to the separation and collection functions often performed at the municipal level, the Act adds desktop printers and video game consoles to the list of items that must be included in the state collection and recycling system.

*LD 760 – An Act to Improve Landfill Capacity.*  
(Sponsored by Rep. Duchesne of Hudson) **PL 2009, c.412**

This Act amends the state’s solid waste management laws in two ways. The Act: (1) expedites the authority of the Department of Environmental Protection (DEP) to enforce a requirement that all solid waste processing facilities that generate residue requiring disposal recycle all waste at least at the 50% level and otherwise to the maximum extent practicable; and, (2) directs the State Planning Office to conduct a review and assessment of the state’s solid waste management policy as it applies to the funding, management and operation of the state-owned landfill, and also whether the statutory restriction on the expansion of commercial solid waste disposal facilities should be relaxed to allow a current facility (that is not under an order or agreement to close) to expand onto any contiguous property that the landfill operator owns or acquires.

*LD 973, An Act to Provide for the Safe Collection and Recycling of Mercury – containing Lighting.*  
(Sponsored by Rep. Berry of Bowdoinham) **PL 2009, c. 272**

This Act makes several changes to the current system of recycling mercury-containing (e.g., compact fluorescent) light bulbs, and gives rule-making authority and reporting assignments to the Department of Environmental Protection with the goal of limiting mercury content and monitoring the efficacy of private-sector recycling programs. Of particular municipal interest, the Act requires manufacturers of these products to establish by January 1, 2011 a “take-back” recycling program similar to that which is in place for computers and TV monitors.

*LD 1171 – An Act to Amend the Laws Governing Outdoor Wood Boilers.* (Sponsored by Rep. Duchesne of Hudson) **PL 2009, c. 209**

This Act makes a number of changes to the laws governing outdoor wood boilers. Among those changes, the Act: (1) amends the definition of “outdoor wood boiler” to include outdoor wood furnaces that heat buildings with hot air; (2) exempts from certain property-line set back requirements those outdoor wood boilers that meet the “technology-forcing” emission standard of 0.06 pounds of particulate emission per million BTU output, provided the chimney stack height standard is met; and (3) directs the Department of Environmental Protection to adopt rules that allow a person who upgrades or replaces a nuisance outdoor wood boiler when money is not available from the Outdoor Wood Boiler Fund to be eligible for reimbursement from the Fund when money is available.

*LD 1268 – An Act to Update the Site Location of Development Laws.* (Sponsored by Rep. Duchesne of Hudson) **PL 2009, c. 293**

This Act makes several minor, technical changes to the state’s Site Location of Development Act. Of municipal interest, the Act requires a review of the municipal “delegation” provisions by directing the Department of Environmental Protection to review the provisions of law that allow qualified municipalities to substitute the requirements of the local ordinances and review procedure for the Site Location review in the areas of stormwater management law and general Site Location law, and develop any recommendations with regard to the current “delegation” provisions. The DEP is required to submit its report and any recommendations to the Legislature by January 15, 2010.

*LD 1269 – An Act to Clarify the Laws Regarding Significant Groundwater Wells.* (Sponsored by Rep. Hill of York) **PL 2009, c. 295**

This Act makes several clarifications with respect to the definition of the term “significant groundwater well” as that term is used under the state’s Natural Resources Protection Act to determine what type of

wells need to be permitted by the Department of Environmental Protection. Among those amendments, the Act clarifies that public water system wells are not “significant groundwater wells” unless the public water system (or any structurally independent part of the public water system) is used solely to bottle water for sale.

*LD 1311 – An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters. (Sponsored by Rep. Duchesne of Hudson) PL 2009, c. 225*

This Act allows a municipality to expend resources and provide services to repair a private road, private way or bridge provided a number of criteria are met, including: (1) the private way is in the watershed of a Great Pond which is listed by the Department of Environmental Protection (DEP) as a body of water most at risk or impaired; (2) the municipality or DEP determines the private road, way or bridge is contributing to the degradation of the water body’s water quality; (3) the repair complies with certain best management practices; and (4) the road or bridge is maintained by a properly-formed road association.

## **CLIMATE CHANGE NEWS**

HCPC’s October 29, 2009 workshop on preparing municipalities for climate change highlighted some of the challenges Hancock County could face in the future. Some of these potential changes, such as more intense storm events, were discussed in the previous (Fall 2009) newsletter. While there is debate within the scientific community as to the timing and extent of climate, the workshop revealed that some of the possible changes.

For example, one presenter maintained that due to the tidal mixing of cool ocean currents, the eastern coastal Gulf of Maine is likely to remain cooler than many inland locations. This means that our region could remain an attractive destination for those seeking a comfortable climate. Due to later fall dates for killing frosts and earlier last frosts in the spring, the plant growing season is likely to be longer. Drier summers may mean that farmers will have to plant different crops. Forest cover is also likely to change as

softwood species retreat northward and hardwood species advance.

HCPC is currently assessing interest in a regional climate change task force. Its mission will likely focus on steps municipalities can take to prepare for climate change. We expect to work closely with state agencies that are addressing this issue. Steps include, but are not limited to:

1. assuring that municipal infrastructure can withstand increased storm events. This could mean designing culverts and other drainage facilities to accommodate higher flows of water. This may involve revision current land use ordinance requirements for stormwater runoff;
2. working with municipal emergency management officials in planning for new natural disaster scenario. Areas with routine flooding are likely to see more flooding. Road closures due to wash-outs could be more frequent. Also, power outages due to intense storm events could increase; and
3. assessing impacts on natural resources such as shifts in saltwater wetlands as they move inland due to sea level rise and anticipating the introduction of new pests and invasive species that are more tolerant of a warmer climate.

Please contact Tom Martin if you are interested in participating in the task force.

## **BUILDING CODE NEWS**

### **STATEWIDE BUILDING CODE: FREQUENTLY ASKED QUESTIONS**

In previous issues we have reported on the status of the statewide building code. Here is the most recent information as reported by the Code Enforcement Officer Training and Certification Program of the Maine State Planning Office. The Maine Legislature enacted the Uniform Building and Energy Code ([PL](#)

2007, Chapter 699 and amendments PL 2009, Chapter 261).

### **Who administers the state building code and training program?**

A Technical Building Codes and Standards Board located within the Department of Public Safety was established to adopt, amend, and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the uniform code and other codes, and to develop standards for training and certification for municipal building officials, local code enforcement officers and 3rd-party inspectors.

The board will establish training and certification standards. The State Planning Office will develop a program of training and certification based on these standards. SPO will be hiring a building code training coordinator as the technical board determines training standards.

Questions about the building code itself, its adoption, or the standards should be directed to Kathy Chamberlain at the Department of Public Safety at [kathy.chamberlain@maine.gov](mailto:kathy.chamberlain@maine.gov) and 207-626-3803.

### **When will the state code be adopted?**

The date for adoption of the statewide building code has been changed to June 1, 2010. Local codes remain in effect until the state code is adopted.

### **When will enforcement of the new codes begin?**

- Enforcement is optional in towns with less than 2000 residents.
- In a municipality that has more than 2,000 residents and that has adopted any building code by August 1, 2008, the Maine Uniform Building and Energy Code must be enforced beginning December 1, 2010.
- In a municipality that has more than 2,000 residents and that has not adopted any building code by August 1, 2008, the Maine Uniform Building and Energy Code must be enforced beginning July 1, 2012.

### **What codes will be adopted?**

The Technical Codes and Standards Board will amend and adopt:

The International Building Code (IBC)

The International Residential Code (IRC)

The International Existing Building Code (“Rehab code”, IEBC)

The International Energy and Conservation Code (IECC)

### **Once the codes are adopted statewide, will towns be able to amend the codes?**

No. The purpose of the state code is to have a *uniform* code statewide. The intent of the legislation is that architects, developers, builders and contractors will be held to the same standards in each town.

### **How can I monitor the progress on the codes?**

The Technical Codes and Standards Board meet bimonthly. Agendas and information on the board are available from Kathy Chamberlain at 207-626-3803 and [kathy.chamberlain@maine.gov](mailto:kathy.chamberlain@maine.gov)

### **How can I submit amendments to the code?**

The Technical Codes and Standards Board is establishing a process for considering amendments to the codes. Any municipality or Maine resident will be able to propose amendments to the codes.

Contact Kathy Chamberlain at [kathy.chamberlain@maine.gov](mailto:kathy.chamberlain@maine.gov) and 207-626-3803 for information.

### **What is the status of training and certification?**

The Technical Codes and Standards Board is currently working on the standards for certification. The State Planning Office will offer training programs and certification exams to meet the standards.

## When will training on the new code be available?

Training depends on the standards adopted by the Technical Building Codes and Standards Board. It will be some months before know what those standards are. When it becomes available, information on training programs will be circulated by email and posted on the web at <http://www.maine.gov/spo/ceo/index.htm>.

## ECONOMY NEWS

### THE LOCAL ECONOMY: THE WAGE-INCOME DISPARITY

One of the challenges Hancock County faces is that it is difficult for many towns to qualify for many grants since our income levels are too high. At the same time our wages are low. In 2007, the Maine Department of Labor reported that the average annual wage in Hancock County was \$31,410, which is less than the livable wage. According to the Department of Labor, a two-person (one adult and one child) household in 2008 required an annual salary of \$35,226 for a livable wage.

Why are our incomes so high if we have so many low paying jobs? A July 2009 report from the Maine Department of Labor indicates that 22.55 percent of household income in Hancock County is derived from interest, dividends and rent and only 58.5 percent from wages. (The remaining income is from transfer payments such as social security). By contrast, the statewide proportions of income derived from interest, dividends and rents and from wages are 14.9 percent and 65 percent respectively.

The high rate of unearned income is due in large part to the in-migration of relatively well-off retirees who are not dependent on locally based jobs for their income. Those who are dependent on local wages for their income, primarily those of working age, have lower incomes.

*Planning is a process of choosing among those many options. If we do not choose to plan, then we choose to have others plan for us.*

- **Richard I. Winwood**

## BROWNFIELDS NEWS

### Site Investigations Continue

As we go to press, HCPC brownfields consultant is conducting site investigations on several properties. An assessment has already been completed for the Gordon's Wharf property in Sullivan (see related article on page 7). We encourage all towns with potential sites to contact us. There is no cost to the town for the investigation. The first step is usually an informal site visit by the DEP Brownfields Coordinator. He will determine if the site has any likely hazardous conditions or possible contamination.

The site will then be discussed by the HCPC Brownfields Steering Committee. If it is determined that the site has potential, the committee may recommend that it undergo an initial site assessment. This assessment may involve soils testing and other technical investigations of potential contaminants. A report will be prepared that recommends what if any threats exist on the site. HCPC also has grant funds available to conduct a limited number (up to three) clean-up plans for sites with more serious contamination.

If your community has any potential sites, please contact Tom Martin at the HCPC. *While any town is welcome to contact us, we are particularly interested in hearing from towns in areas of the county that have not already had an initial site visit.* To date, most of the visits have occurred in the Ellsworth and Schoodic areas.

## CDBG NEWS

*by Tom Martin*

By the time you read this, the deadline for Letters of Intent for Public Facilities and Public Infrastructure Community Development Block Grant (CDBG) applications will have passed. There is still time to seek other sources of funding. For example, the first round of Letters of Intent for Economic Development grants are due February 12, 2010. Downtown Revitalization and Community Enterprise grant letters are due January 22. Housing Assistance letters are due February 9.

We would be happy to discuss these or other CDBG programs with any interested town. We have extensive experience in all aspects of application preparation and there is no charge for our assistance. Given the current state of the economy, many towns could benefit from one of the Economic Development applications. These normally involve a partnership with a local business that makes binding commitment to create or retain jobs.

## County-Wide Well and Septic Tank Replacement Program

We have previously contacted all towns about participating in our proposed county-wide well and septic replacement program. There is still time to join in this multi-town application. If you think you have year-round homes with failing wells or septic systems who meet the income guidelines shown in the table below, please contact Tom Martin. He can explain the various steps in the application process. *No town financial commitment is required in order to participate in this program.*

Low to Moderate Income 2009 CDBG Guidelines, Hancock County	
Household Size	Maximum Income
1	\$32,200
2	\$36,800
3	\$41,400
4	\$46,000
5	\$49,700
6	\$53,350
7	\$57,050
8	\$60,700

## TRANSPORTATION NEWS

by Jim Fisher

### MaineDOT Announces Discount Bike Rack Program

The Maine Department of Transportation is offering an 80% discount on bike racks to communities,

organizations and workplaces through March, 2010. A detailed program description and the application form are available at: [gomaine.org](http://gomaine.org). Two models are featured this year, an inverted U bike dock for just \$41 and a stadium rack designed to hold up to eight bikes for \$152. Contact Jim Fisher or visit Go Maine for details.



Total Cost: \$206. Local Share: \$41  
Bike Dock

### HCPC Launches Statewide School Travel Plan Website

The Maine Department of Transportation in coordination with the Bicycle Coalition of Maine, the Maine Department of Education and Maine CDC are working to enhance safety and access for children to walk or bicycle to school and after school activities. Active transportation is a key component to improving our children's physical fitness. The Safe Routes to School program is one way to improve local infrastructure for walking and bicycling. Towns and schools interested in applying this spring for Safe Routes to Schools grants will be encouraged to complete "School Travel Plans." These plans indicate current conditions and desired futures for kids to walk and bicycle to school. Safe Routes to Schools funding typically pays for sidewalk construction, bike route designation, enhanced road crossings and other infrastructure to improve safety for children attending grades K – 8. HCPC has created online tools to make the process fun and easy, including forms that structure your plans and online mapping tools. This is a work in progress, but the most current version is available at: [www.hcpcme.org/transportation/schooltravel](http://www.hcpcme.org/transportation/schooltravel). Contact Jim Fisher for assistance.



## Gordon's Wharf Project Receives Byways Grant



The Schoodic National Scenic Byway has received a grant of \$44,000 from the Federal Highway Administration to preserve and improve a historic granite pier on Taunton Bay. Gordon's Wharf will provide a unique place for visitors and residents to learn about the history of granite mining and shipping, and to launch small boats onto Taunton Bay. Two community meetings have been held to discuss ways that this property, including a residence, can be converted to public use. Funds have also been raised through the town of Sullivan, Frenchman Bay Conservancy and Land for Maine's Future. The initial site assessment for potential contaminants was conducted with funding from the HCPC's Brownfields Assessment Grant (see related article on

the HCPC brownfields grant on page 5). Watch in coming months as these funds are blended to complete acquisition and improvement of this unique location. The Schoodic Byway Corridor Management Committee is already at work on the next round of project proposals. We welcome input and ideas for future project from residents and community based organizations in the Schoodic region. You can learn more at [www.schoodicbyway.org](http://www.schoodicbyway.org).

## Down East Sunrise Trail Inaugurated

On October 28 the first 31 miles of the 82-mile Down East Sunrise Trail was officially inaugurated on the trail in Machias. The open segment currently stretches from Ayers Junction to Machias. As final surface materials are added and compacted, additional sections of the trail will be opened for year round use. The Machias to Jonesboro section is expected to open this autumn, to be followed by openings in the spring and summer with the dedicated multi use trail reaching Washington Junction in Hancock later in 2010. Larger sections of the trail will be opened for winter use if we have sufficient snow. Check our website, [www.sunrisetrail.org](http://www.sunrisetrail.org) for more information and timely updates. You will also find a digital version of the new trail brochure on the website.

## Black Woods Scenic Byway Receives Implementation Grant

The Black Woods State Scenic Byway, connecting Franklin and Cherryfield, received a \$25,000 grant from the Federal Highway Administration to support planning, public outreach, interpretive materials and local leadership development.

Recent byway milestones include installation of a privy and expanded parking at the Tunk Lake Boat ramp, road improvements and coordination for hiking and multiuse trails that intersect the byway. We are particularly pleased to be working with the Bureau of Parks and Lands and local organizations to improve, expand and integrate the trail network that spans 24,000 acres of public reserve and public access properties.



Future implementation of the corridor plan will engage volunteers in creating travel brochures, interpretive areas, hiking trails, bridle paths, parking at the trail heads and historic walking tours of the neighboring towns. More information is available at [www.blackwoodsbyway.org](http://www.blackwoodsbyway.org).

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### **March**

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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.**

**Winter 2009 Newsletter**

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