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HCPC NEWSLETTER

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HCPC Executive Board Fiscal Year 2015-2016

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STAFF NEWS

Jen Boothroyd Returns

We are pleased to welcome back Jen Boothroyd, a former employee who returned to the HCPC staff after seven years. Jen grew up in Somerset and Piscataquis Counties. She obtained her bachelor's degree in Biology and Interdisciplinary Environmental Science from the University of Maine at Farmington, and her Master's degree in Public Administration from the University of Maine. Jen has worked for state agencies, regional planning commissions, and a municipality. She lives in Brewer with her husband and two children. Her current duties include transportation planning, GIS mapping, and some land use planning.

PLANNING NEWS

by Tom Martin

ARE YOU PLANNING TO UPDATE YOUR COMP PLAN?

HCPC staff is available to provide a general orientation to the current comprehensive plan requirements. We can also discuss various options for preparing a plan. Some

committees have done most of the work on their own, others hire a private sector consultant, and many hire the HCPC. As town meeting season approaches, HCPC is available to help towns determine the budget they will need for the plan.

Remember to Request Your State Data Package by March 18, 2016

The Municipal Planning Assistance Program (part of the Maine Department of Agriculture, Conservation, and Forestry) assembles comprehensive plan data packages twice a year. The data are gathered from various state departments and agencies. They include demographics, transportation, historical and archaeological resources, and fiscal data. There are also extensive data on natural resources. If you need a package contact Tom Martin or Phil Carey at the Municipal Planning Assistance Program (Phil.Carey@Maine.Gov , 207-287-3860).

ANOTHER PUBLIC ACCESS TO THE SHORE COURT CASE

EDWARDS v. BLACKMAN (OWLS HEAD)
2015 ME 165

This case focuses on public access rights over private property. The Supreme Court upheld a lower court ruling that two easements (one from 1924 and the other from 1986) were intended to create a public easement over a private property. From 1973 to 1986, the town assumed responsibility for winter maintenance for Coopers Beach Road, which was then a private road. After learning that it was not allowed to use public funds to maintain private roads, the town ceased plowing private roads in 1986.

The town was petitioned to accept “Coopers Beach Road” as a public easement. A town official told one petitioner that if the road were accepted as a public easement, the town would continue to plow and sand it, and others would be allowed to use it. In 1996, the town voted to accept a public easement over Coopers Beach Road at a special town meeting.

In November 2011, the Edwardses sued the Scotts (who had been using the easement to reach the beach) and sought a judgment that the Scotts have no right to use and the town had no interest in the property. The Scotts counterclaimed, asserting rights to the way located on the Edwardses’ property by virtue of the easements and common law rights to the intertidal zone. The town contested the Edwardses’ claim that it had not acquired a public easement.

In October 2012, the Edwardses moved for judgment on their claims against the town, arguing that the 1986 dedication had not described the location of the dedicated property with enough specificity to satisfy 23 M.R.S. § 3025 (2014), which sets out the process by which property is dedicated and accepted for highway purposes. The court ruled that, although the northern terminus of the road remained to be determined, the description of the dedicated way as “Coopers Beach Road” was sufficient to meet the statutory standard for an acceptance.

The town argued that the Edwardses’ challenge to the validity of the dedication was barred by, among other things, the thirty-day limitations period for review of governmental action. On the the dedication issue, the court found that, at the time of the dedication, Coopers Beach Road had included the way located on the Edwardses’ property, and that the Edwardses’

predecessor had intended to dedicate the way to public use.

Note: this is a brief summary of a 23-page ruling. For the complete ruling, see: <http://www.courts.maine.gov/opinions/orders/supreme/lawcourt/2015/15me165ed.pdf>

CDBG NEWS

by Tom Martin

2016 CDBG PROGRAM GUIDELINES

The 2016 Community Development Block Grant (CDBG) rules are finalized. The complete rules are available at: www.maine.gov/decd/meocd/cdbg/statements.shtml For a brief summary, see: <http://www.hcpcme.org/comdev.html>.

Those towns that are familiar with the program will notice only minor differences from last year. While total funding is projected to be about the same as last year, there have been some shifts among grant categories. For example, no funds are allocated to Downtown Revitalization (DR). Public Facilities (PF) are also not designated any funds for the second year. As was the case last year, unexpended funds from other grant categories may be made available for DR's and PF's.

Safe Neighborhoods: A New CDBG Program for Fighting Drug-Related Crime

The Safe Neighborhood Program (SN) provides resources to support new or expanded local law enforcement and crime prevention programming in designated neighborhoods that will benefit low/moderate income (LMI) persons by helping alleviate illegal drug activity, violent crime and property crime. Eligible activities

include personnel costs, equipment, training and any other eligible public service activities necessary to support local law enforcement agencies' efforts to combat the sale and distribution of illegal drugs and associated other crimes. *Please note that this program is aimed at neighborhoods or towns that are at least 51 percent LMI where illegal drug use is a problem. It may be difficult for Hancock County towns to qualify.*

BROWNFIELDS NEWS

by Tom Martin

BROWNFIELDS ASSESSMENT FUNDS STILL AVAILABLE

The past year was a productive one for the HCPC brownfields program. Our consultant completed site assessments for two small businesses (in Surry and Ellsworth). We also investigated the Hancock Tannery and portions of the former Navy base in Corea. We submitted a grant request to the U.S. Environmental Protection Agency for clean-up funds for the tannery property. This will allow the safe reuse of a property alleged to be one of most blighted sites in the county.

If you have a site in your town that you would like to have investigated under the brownfields program, contact Tom Martin at the HCPC. The focus of this grant is on properties that meet our site selection criteria. These include reuse potential for job creation, commercial, and recreational activities, public access, land conservation, workforce housing, and public facilities. For more information, see: www.hcpcme.org/environment/brownfields/hcpcbrowfieldswebinfo.html

MAPPING NEWS

by Tom Martin and Jennifer Boothroyd

UPDATE ON FLOOD PLAIN MAPPING

While the deadlines are still pending, we expect the Federal Emergency Management Agency (FEMA) to issue the Letter of Final Determination (LFD) later this winter. This letter will make the new maps effective this summer for all of Hancock County. HCPC will work with the Maine Flood Plain Management Program in arranging workshops and other training opportunities. The state staff will soon be preparing custom model ordinances/adoption instructions that will coincide with FEMA's letters to the communities. Feel free to contact Tom Martin if you have any questions. (See also related article on Coastal Exposure mapping in the next column.

ONLINE MAPPING TECHNOLOGY PUTS THE POWER OF MAPS IN YOUR HANDS

Making maps for your community, your organization, or yourself has never been easier! Towns interested in updating their comprehensive plan should note the related article on state data packages on page Convenient online mapping tools now put the power of map-making into your own hands, without the need for expensive software or years of training. These are discussed below. Towns interested in updating their comprehensive plan should note the related article on state data packages on page 2.

MaineDOT Mapviewer Improves Access to Transportation Data

The Maine Department of Transportation has designed Mapviewer an online mapping tool that incorporates transportation data and work plans. (see: www.maine.gov/mdot/mapviewer). Using this site, you can easily navigate to any town or region in the state.

How Do We Start?

Drag the map in the frame, and use the plus and minus buttons on the left to adjust the scale. Once you have zeroed in on your location of interest, use the column on the right of the frame to create your map. The legend shows you the meaning of the symbols on the map. The default map shows some basic data already; roads and their classification, wetlands and water bodies, and jurisdictional boundaries. By clicking on the "Data" tab, you can select additional information you'd like to display on your map.

What Data Are Available?

There are a wide variety of data, organized by subject headers. Each header can be expanded to show the data layers it contains by clicking on the plus sign. For example, if you wanted bridges to appear on the map, you would click the plus sign beside "Highway Features" and then click the check box beside "Bridges" to add them.

This tool allows the mapping of many MaineDOT data, including current and pending projects and their status, road conditions, traveler information, and more. When you have completed your map, you

have the option of saving it as a PDF by clicking a button in the upper right corner of the screen and following the prompts. Once you have your PDF, your map can be easily e-mailed or printed.

Coastal Flood Exposure Mapper Shows Data on Areas at Risk

The National Oceanic and Atmospheric Association (or NOAA) has developed another great online mapping tool to map flood exposure and risks in coastal areas along the East Coast. The Coastal Flood Exposure Mapper can be accessed at <https://coast.noaa.gov/floodexposure/> and allows anyone to produce vibrant, informational maps that show flood hazards, and the potential of societal, infrastructure, and ecosystem exposure related to flood events.

How do We Start?

You can begin mapmaking with this tool by selecting a location in the drop-down menus in the upper left corner of the screen. Once you have selected a county, you can zoom in or out from there. You can add a legend by clicking the “Legend” button in the upper right corner. If you would like to make a map showing flood hazards, like areas prone to storm surge, shallow coastal flooding, or at risk from sea level rise, choose the “Flood Hazards” map, and toggle the layers on and off as desired. The little “I” in a circle beside each layer name will give you more information about that layer.

What Data Are Available?

The “Societal Exposure” map shows flood exposure risk as it relates to various demographic data, such as population density or areas with high numbers of elderly citizens. The “Infrastructure

Exposure” map allows you to see how flooding may impact areas of development and critical facilities, such as hospitals, schools, or police stations. The “Ecosystem Exposure” map shows potential pollution sources in the area that may be at risk, such as brownfields or superfund sites, and also natural features that may have a mitigating effect on coastal flooding, like wetlands that can absorb excess water during a flood. These features may be combined and manipulated to create maps that show exactly what you want, and can then be saved by clicking “Save This Map” in the upper right corner.

You may save several maps at a time, and the circled number in that same corner will show you how many maps you’ve saved. To access your saved maps, click on the circle. You will be provided a unique link for each map you made, which can be copied and pasted into an e-mail, website, or document, printed. You can save your maps as PDFs also, by choosing to print them, and selecting “print to PDF” instead of a printer. For more information about how to use this excellent resource, check out NOAA’s pre-recorded webinar, which walks you through the entire mapmaking process, and shows how each type of risk can be displayed and used together to create a useful set of end products: <https://coast.noaa.gov/ufem/>

Maine Stream Habitat Viewer Promotes Conservation and Restoration

Yet another online mapping tool is the Maine Stream Habitat Viewer, the result of a collaboration between the Maine Stream Connectivity Work Group and the Maine Office of GIS. (<http://mapserver.maine.gov/streamviewer/streamdocHome.html>). This tool allows you to map stream crossings, habitats, barriers,

and other information, and was designed to promote the conservation and restoration of valuable stream habitats.

How do We Start and What Data Are Available?

To use the habitat viewer, you manipulate the map of Maine (the default map) to focus on your area of interest. Once you have centered on your location, you can then use the catalog on the left side of the frame to access the various data layers. Click on each folder to access a subset of layers which can be toggled on and off. The ‘Surveyed Stream Crossings’ folder contains layers of stream crossings, dams, natural barriers, and impassable waterfalls. The ‘High Interest Habitats’ folder will map the habitats of important fish species, including Atlantic Salmon and Alewives, as well as valuable tidal marshes. The ‘Supplemental Habitat Layers’ folder contains a layer showing non-native fish habitats, and the ‘Base Layers’ include various geographical and topographic information, as well as aerial photos, to add context and information to your maps.

A variety of groups will find the Stream Habitat Viewer useful, including comprehensive planning committees, planning boards and public works departments, conservation commissions, land trusts, non-profits, independent contractors and consultants, and individual landowners.

HCPC Mapping Services

Of course, for more detailed and/or specific mapmaking needs, HCPC is always here to help. We have the software, expertise, and access to data that allows us to make almost any map you or your group could need. We offer large-format color printing, too, for a reasonable fee. Contact Jen Boothroyd for

more information about HCPC’s mapping services.

SOLID WASTE NEWS

by Tom Martin

New Paint Return Options Now Available

The Paint Stewardship program, which promotes the re-use of many paint products, is now underway. As of December, 2015, there were three retail paint return sites in Hancock County. These are:

1. Sherwin Williams
43 Downeast Hwy
Ellsworth, ME 04605
(207) 667-2150
2. Paradis True Value Hardware
31 Holland Ave
Bar Harbor, ME 04609
(207) 288-4995
3. Southwest Trustworthy Hardware
345 Main St
Southwest Harbor, ME 04679
(207) 244-7243

These sites accept paint from both households and businesses during regular business hours. HCPC recommends that you call ahead to confirm the store accepts the paint you plan to recycle. These sites accept latex and oil-based house paint, stains and varnish in containers up to 5 gallons in size. They do not accept aerosols (spray paint or other spray products), containers without original labels, or containers that are leaking or empty. We expect other sites to open. For the latest information see: www.paintcare.org.

COMPOSTING NEWS

by Sheri Walsh

We still have a few compost bins. If you would like to have one please contact our office at 667-7131 or stop by our office M-F 8:00 am-4:30 pm. The cost is \$48 and we accept cash and checks.

GRANT NEWS

by Jennifer Boothroyd

Energy Efficiency Improvements for Historic Downtown Buildings

Non-profit organizations that maintain historic, yet energy-inefficient buildings may have a new resource at their disposal. The Grants to Green Maine program, a partnership between the Maine Development Foundation, the Maine Community Foundation, and Efficiency Maine, has developed a grant program to provide funding and technical assistance for energy audits and efficiency upgrades in historic downtown buildings.

Who May Apply?

Eligible buildings must be at least fifty years old, be located in a downtown, be a venue for cultural, civic, educational, or residential activities, and be owned or operated by a non-profit organization. Buildings run by schools and/or government entities are not eligible. Implementation grants may be used for efficiency upgrades as identified by an energy audit. In order to be eligible for a grant, applicants must have a completed energy audit, and must have used the audit results to develop a board-approved energy efficiency plan for the building.

What Are the Grant Details?

The final deadline for Implementation grants is March 4, 2016. Implementation grants will be awarded in the \$10,000-\$100,000 range, and must include a 1:1 match component, from cash, in-kind or government or industry incentives identified by Efficiency Maine. For more information about this program, and to see if your organization might qualify for a Grants to Green Maine grant, visit the website at www.grantstogreenmaine.org.

Third Round 2015-2016 Grants for Stream Crossing Public Infrastructure Improvements Upcoming

As part of the Clean Water for Maine bond passed by Maine voters in 2014, funds were earmarked for vital improvement projects including stream crossing and culvert upgrades. The projects awarded will: benefit public infrastructure by replacing several culverts that are currently failing and at risk of complete washouts, open up fish spawning habitat, eliminate undersized and other impassable culverts and reduce some of the worst ongoing erosion impacts to streams, brooks, and lakes.

The DEP expects to issue the RFP for the third round of funding in January 2016 with grants due in the Spring. DEP seeks to direct these funds across the state to:

1. Improve public safety by reducing the risk of culvert failures
2. Include provisions for climate change, flood protection, and resiliency
3. Improve fish habitat by removing barriers to fish passage

4. Restore wetlands that improves wildlife habitat

Competition is stiff. Towns interested in applying might want to review the examples of successful applications and scoring comments on the DEP website.

http://www.maine.gov/dep/land/water_bond_rfp.html. We will keep towns posted as we learn more about the upcoming round of applications. Contact Tom Martin if you have any questions.

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 2016 Newsletter



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Change Service Requested