



HCPC NEWSLETTER

Hancock County Planning Commission

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In this issue. . . .

Table of Contents	Page
PLANNING NEWS	1
CDBG NEWS	3
BROWNFIELDS NEWS	3
SOLID WASTE NEWS	4
COMPOSTING NEWS	6
TRANSPORTATION NEWS	6
MAPPING NEWS	7

PLANNING NEWS

by Tom Martin

Recent Court Case Pertains to Relying on Outside Experts in Development Review

One of the challenges planning boards face is evaluating highly technical information submitted by an applicant. A professional hired by an applicant may unconsciously understate the impact of a proposal out of a wish to please the person paying the bill. HCPC has always recommended that planning board's hire a professional to review the studies submitted by the applicant.

While there is no evidence of unconscious bias in a recent court case, it does show the importance of a second opinion. In *Lippit v. Board of Certification*

www.courts.maine.gov/opinions_orders/supreme/1awcourt/2014/14me421,

a geologist appealed a conclusion by the Board of Certification for Geologists and Soil Scientists that his professional opinion was not "as thoroughly informed as might be reasonably expected" in violation of the code of ethics. The Court agreed with the geologist that the Board had not determined that he hadn't informed himself, but rather had disagreed with his findings, while not finding him negligent.

What does this case mean for local officials?

An expert may present findings that are subject to disagreement. This does not mean that the expert can be proven negligent. Rather, those reviewing the findings should be sure they have a trained professional determine if a different conclusion might be reached. Remember, that the cost of obtaining a second opinion can be included in the review fees charged to the applicant.

Seeking Relief Through an Outdoor Shower? Be Sure to Follow DEP Requirements

Adapted from article by Mike Morse (Maine DEP Shoreland Zoning Unit)

After constructing and enclosing an outdoor shower without permitting, the town of Shapleigh ordered owners to obtain permits or remove the structure. After failing to comply, the town took court action and succeeded in obtaining the relief they sought. First, the Kittlesons constructed a small outdoor shower in July 2011, and then enclosed it more permanently in 2013. The owner had not obtained shoreland zoning, building or plumbing permits from the town of Shapleigh for the new structure. It was constructed too close to the shoreline of Mousam Lake and too close to a property line, and it was not connected to their private sewer system. The owner used soaps and shampoos in the shower, which contain plenty of nutrients to stimulate algal growth in a water body.

In the summer of 2013, the town notified the owner of the violations and ordered them to apply for permits or remove the structure. The owner, arguing that the structure is rustic and primitive in nature and function, refused to take either action by the stipulated deadline. The town filed a Rule 80K complaint in District Court (*Town of Shapleigh vs. Molly M. Kittleson*, 2014 ME). The Court heard arguments and decided in favor of the town. The Court required removal of the structure within 10 days and payment of a civil penalty and attorney fees to the town.

THERE'S GREEN IN GREEN INFRASTRUCTURE

Due to more severe storms, many towns are finding that their current stormwater management practices are inadequate. Road washouts, eroded drainage ditches, and parking lot flooding are just a few examples of the problems we face. On a wider level, stormwater runoff sends pollutants into our waterways, threatening our fisheries and recreational opportunities. More towns are turning to green infrastructure and finding that it saves money.

What is Green Infrastructure?

Green infrastructure is an approach to stormwater management that protects, restores, or mimics the natural water cycle. It aims to keep as much stormwater as possible on the site where development occurs rather than going off the site. Common examples include rain gardens, permeable pavements, green roofs, infiltration planters, trees and tree boxes, and rainwater harvesting systems. For more information, see: www.americanrivers.org/initiatives/pollution/green-infrastructure/what-is-green-infrastructure

How Does It Save Money?

The costs of green infrastructure are less than conventional “gray” infrastructure such as stormwater drainage systems. Those communities with wastewater treatment systems pay additional treatment costs for stormwater entering the sewer system. Smaller towns may be forced to enlarge their culverts. Emergency repairs of washed-out roads are another cost of poor drainage design.

A study by the Center for Neighborhood Technology and American Rivers cites a case from Lancaster, Pennsylvania. Installing bio-retention and infiltration systems on a single parking lot had an estimated annual benefit of \$1,133 and saved \$191,031 in avoided investment in gray infrastructure. The city’s 25-year Green Infrastructure Plan is expected to avoid \$120

million in traditional, gray infrastructure capital costs by investing in green infrastructure. For more information see: [Economic Benefits of Green Infrastructure](#) [PDF], and the Lancaster [case study](#) [PDF].

But We Are a Small Town, How Do We Implement Green Infrastructure Requirements?

There are model standards that can be incorporated into subdivision and site plan review standards. To see examples please visit www.hcpcme.org/environment/LID/index.html We plan to update the resources listed on our web site as more information becomes available.

CDBG NEWS

by Tom Martin

2015 Program Pending

The Maine Office of Community Development is drafting the 2015 program rules as we go to press. As currently proposed, only minor housekeeping changes are anticipated this year. The funding amounts are not presently known. For the most recent information, see: www.maine.gov/decd/meocd. HCPC will inform towns as we learn more.

BROWNFIELDS NEWS

by Tom Martin

HCPC BROWNFIELDS INITIATIVE IS UNDERWAY

We have received a three-year grant from the U.S. Environmental Protection Agency (EPA) to conduct an assessment of potential brownfields sites in Hancock County. We are using grant funds to hire an environmental specialist to determine the extent of environmental problems on a site and, in some cases, prepare a clean-up plan. This grant allows us to resume the work we started in 2008-2011.

What are brownfields?

Brownfields “are abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by real or perceived contamination” (EPA). Potential sites in Hancock County include, but are not limited to, abandoned mines and waste disposal sites, closed factories, former gasoline stations, piers, and junk yards.

Brownfields usually generate little tax revenue and may pose health problems. They could also be a threat to the value of adjoining properties due to contamination or a blighted appearance. They also offer great potential for productive reuse since they normally have good access to roads and utilities.

How Can Our Community Benefit From This Grant?

Completion of a brownfields assessment usually results in further funding for site development or protection since investors are assured the property is safe for its intended reuse. Examples can be seen across the county, including a wharf providing public access to the shore, recreational trails, an aquaculture operation, and new commercial ventures. *The focus of this grant is on sites that have reuse potential for job creation, public access, land conservation, workforce housing, and public facilities.*

How can we learn more?

Feel free to contact Tom Martin at the HCPC (667-7131, tmartin@hcpcme.org) if you have any questions. See: www.hcpcme.org/environment/brownfields. The HCPC would be happy to discuss your town’s potential brownfields sites and provide program details. We are looking for people willing to serve on a brownfields steering committee that will help in site identification. Please contact Tom Martin if you are interested.

SOLID WASTE NEWS

by Tom Martin

2014 ELLSWORTH AREA HOUSEHOLD HAZARDOUS & UNIVERSAL WASTE COLLECTION REPORT

The Greater Ellsworth Area Household Hazardous Waste (HHW) and Universal Waste (UW) collection took place on August 2, 2014. Eleven municipalities participated. The collection gathered 252 units (1,260 gallons) of HHW and 922 units of UW.

The participating towns benefited from the safe removal of some very dangerous substances. These included calcium carbide, sodium hydroxide, and sulfuric, nitric, permanganic, and hydrochloric acids. *We urge towns that did not participate in this year's collection to join in future collections or find some other safe disposal method.*

SAFE & FREE DISPOSAL OF PESTICIDES THROUGH STATE- SPONSORED COLLECTION:

**Pre-registration With Board of
Pesticides Control Required by
September 26, 2014**

Pesticides are another form of hazardous waste that require special handling. It's not unusual for homes and farms to have unintentional hazardous waste-banned pesticides or pesticides that have become caked, frozen, or otherwise rendered unusable-sitting around in basements, garages, or barns. The Maine Bureau of Pesticides Control (BPC) and the DEP are sponsoring a special collection for banned or unusable pesticides. This free disposal program is open to homeowners, family-owned farms, and greenhouses. Collection will occur at sites located in Presque Isle, Bangor, Augusta, and Portland.

Governor Paul R. LePage is urging Mainers to take advantage of this opportunity to protect the environment and save money through this once a year collection event. The disposal of these chemicals can be difficult and expensive. "This is an opportunity for Mainers to dispose of unusable pesticides properly and at no expense," said Governor LePage. "By consolidating collections into four central locations and using in-house resources and expertise, we can reduce disposal costs to about \$2 per pound. That's a great value for Maine taxpayers."

Department of Agriculture, Conservation, and Forestry Commissioner Walt Whitcomb stressed the importance of proper disposal of banned or unwanted pesticides. "It's important for the protection of public, wildlife, and environmental health that these products are dealt with properly and not thrown in the trash or down the drain, where they can contaminate land and water resources, including drinking water," said Commissioner Whitcomb. "People holding these chemicals should contact the BPC as soon as possible to register for the October collection." The collected chemicals go to licensed out-of-state disposal facilities where they are incinerated or reprocessed.

Pre-Registration with the BPC September 26, 2014, is mandatory. Drop-ins are not permitted. To register, get details, and learn important information about the temporary storage and transportation of obsolete pesticides, go to the BPC Web site at www.thinkfirstspraylast.org, or call [207-287-2731](tel:207-287-2731).

THE POST-2018 ERA: WILL THE PERC CLOSING REALLY CHANGE OUR DAY-TO-DAY SOLID WASTE MANAGEMENT OPERATIONS?

Hancock County has relied on the PERC regional incinerator as the primary disposal method for municipal solid waste (MSW) since 1988. The

current operating agreement under which electricity generated by the plant is sold terminates in 2018. As of 2014, it appears likely that the plant will close in 2018 and the region will need an alternative waste disposal method. Municipal Review Committee (MRC), which represents municipal interests in the PERC facility, has been exploring solid waste management options. This article presents a summary of what is currently proposed.

What Disposal Option Is Presently Proposed?

The MRC has initiated the permitting process for a solid waste processing plant, which would recycle or process for energy recovery 80 percent or more of the incoming waste. The remaining residual material is estimated to account for about 20 percent of the waste by weight. *This is lower than the current residual 33 percent disposal rate of disposal for PERC.* This facility would include a landfill for that residual material. The proposed facility would recycle or recover the following types of materials:

1. Liquid fuel products such as ethanol;
2. High-value industrial sugar-based products;
3. Bio-gas from anaerobic digestion of solid waste components that are easily digested;
4. Biomass pulp products;
5. Clear plastic flakes;
6. Textiles removed from the mixed waste stream; and
7. Other high-value products such as ferrous metals, aluminum cans, and cardboard.

What Difference Would This Make to Existing Municipal Solid Waste and Recycling Practices?

The transition to the new facility is designed to minimize disruption to current operations. The new operation would focus on recovering materials that are not presently recycled or otherwise diverted. This means that existing recycling practices can continue. The new

technology would increase the rate of processing of organics. Since the facility would be able to separate materials on site, there may be greater potential for single-stream recycling.

PRODUCT STEWARDSHIP: SOME EMERGING TRENDS

In previous newsletters, we have discussed the concept of product stewardship as a solid waste management tool. Maine DEP defines this concept as:

a public policy approach in which all participants involved in the life cycle of a product share responsibility for the impacts to human health and the natural environment that result from the production, use, and end-of-life management of the product. Product stewardship means taking responsibility for designing, purchasing and managing products at the end-of-life to create sustainable systems for the production and use of products.

In plain English, this means planning for the final disposal or reuse of a product from the day of manufacture. Current examples of product stewardship include state laws on electronic waste recycling, tires, and beverage containers.

Paint Stewardship Pending

A paint stewardship law is scheduled to take effect by July 1, 2015. For an overview of paint stewardship, see: www.paintcare.org. This law allows the recycling of many paint products that are presently considered HHW. It follows the concept of: 1. buy right; 2. use it up; and 3. recycle the rest. Many of the paint products presently disposed of at special collection events will be accepted at drop-off sites on a year-round basis. (Paint accounted for about 40 percent of the volume by gallon of the HHW at the 2014 Ellsworth Area collection). Examples include oil-based paints, enamel (including textured coatings), floor paints, primers, sealers, and undercoaters. Stains, shellacs, varnishes, metal coaters

and rust preventatives will also be accepted. HCPC will keep towns informed as this program is implemented.

Potential Future Stewardship Ventures

While no state legislation is pending, mattresses are another candidate for stewardship. Most parts of a mattress can be recycled. Some Maine transfer station will not charge for the disposal of dissembled mattresses. Other states are requiring that carpet be made with environmentally friendly materials and are promoting recycling.

Restaurant Food Stewardship

The stewardship principles can also apply to food. The United States discards an estimated 40 million tons of food a year. In addition to composting there is now more focus on transferring usable food from supermarkets and food serving establishments to pantries.

Another approach is for food servers to determine how much food they need to purchase. For example, a software program [Lean Path](#) helps food workers to regularly record photos and weights of food waste, and provides analytic results of patterns that they might fix. Some kitchens that use it have cut waste by [as much as 80 percent](#).

COMPOSTING NEWS

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



TRANSPORTATION NEWS

by Jim Fisher

HCPC Developing Regional Bus Service Signs and Maps

Ever catch a bus in Gouldsboro or Bucksport? Providing fixed-route bus service in our rural county is a real challenge. Low population density and high prevalence of personal automobiles suppress demand for transit services. Yet, a significant share of our aging population is forced to give up driving every year due to physical disability and low income. The most recent census data indicate that 19%, nearly 1 in 5 people, in Hancock County are over 65 years of age, increasing from 16% in 2000. Many of our towns are climbing to 1 of 4 residents being over 65. Summer residents are likely to be older than year-round residents, and aren't counted by the US Census.

Census data suggest there is a significant need for simple, fixed route transit services. Ridership data, one the other hand, is lower that we might expect. One facet of a lightly serviced rural area is a lack of awareness of the service. Buses are seen running up and down the roads, but few of us can point to the bus stops, bus schedules, fares charged or ancillary transportation services that enable people to make good use of the service.

The Hancock County Planning Commission, with financial support from the Maine Department of Transportation and Healthy Acadia's Community Transformation Grant is developing a multi-media strategy to build awareness of bus services connecting our towns and neighboring counties.

The first prong of the strategy is to create approximately 50 bus stop signs that will be posted along with bus schedules throughout the bus service areas. The signs will not be large, but they will enable people that are walking in the area to know when and where they can catch a bus. The signs will also provide links to providers websites using "QR-Tags" as well as traditional help-line phone numbers.

The second prong of our strategy is to create and promote online bus route maps that enable users to drill-down to identify specific bus stop locations, walking distances and times to their homes, schedules and other information. We will be pushing information out through multiple websites, social media and health and human service agencies that generate some of our bus system ridership. Towns can also help by providing support for installing bus stop signs and posting information in town offices, such as bus maps and schedules. For more information, contact [Jim Fisher](#) at HCPC.



On a Clear Day

HCPC has taken another step on the Schoodic Byway Kids Quest Program. This month we installed a powerful telescope at the Frenchman Bay Scenic Turnout on Route 1 in Sullivan. This two-headed telescope provides visitors with two powers of magnification. The upper scope enables you to see remarkable detail of ships in Frenchman Bay and views of Mount Desert Island. Other Kids Quest projects include or will



include a lobster boat in Prospect Harbor, information about tides at Tidal Falls in Hancock and beach ecology in Winter Harbor. Information is always being added to our website www.schoodicbyway.org.

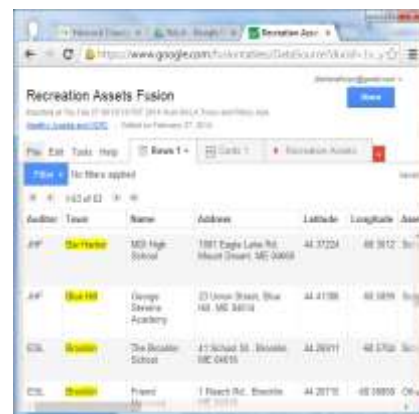
MAPPING NEWS

by Jim Fisher

Fusion – A New Way to Track Town Assets

Towns have to manage a variety of assets, many of which are location specific. In simple cases, with few assets, one diligent town employee or volunteer will carry everything in their heads. They know where all the maintenance equipment is stored, how old it is, what needs to be repaired and who know how to operate the equipment. Woe be to the town when that person moves or retires from public service. The information goes with them.

HCPC is working with Healthy Acadia to create a county-wide database of recreational assets. We wanted the database to be geographic, that is having a map that shows where the asset is located, as well as describing the uses, condition, ownership and other key information. We wanted the system to be free for users, accessible over the internet so that multiple parties could maintain the information, while others can only see it or add comments. We needed for the system to present pictures of the assets to users and export the information to other data formats, like Microsoft Excel™. The options are changing all the time, but at this point we are using Google's Fusion tables. This free, easily applied yet little known geographic database system may also be of use to your town government.



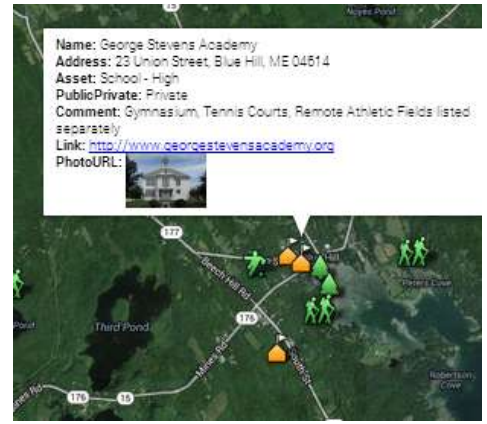
In the example below, we have created a simple Fusion spreadsheet with information about recreational assets, including playgrounds, nature trails, school gymnasiums, beaches and parks. A town might as easily have a database with all of local roads or stormwater catch basins. The spreadsheet, that closely resembles other spreadsheets, includes a field for geographic location. This is the hook that allows you to place your assets on a map.



Fusion also lets you look at your information in a card format, closely resembling a property tax card, suggesting another way to look at your parcel information.

The card format also illustrates a way that you can include a photograph of the asset in your database.

The third format for viewing your data is in a map. The map is also interactive. If you click on an icon, line or area that you have added to your dataset, then the card information pops up on the map.



Most towns have a wide variety of things to track, from mowing equipment to potholes in the roads. Fusion is one of several tools that can help. If you are interested in embarking into geographic information systems, contact [Jim Fisher](#) at HCPC.

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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Change Service Requested