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HCPC NEWSLETTER

Hancock County Planning Commission

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HCPC Executive Board Fiscal Year 2009-2010

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PLANNING BOARD NEWS

By Tom Martin

WIND ENERGY FACILITY REGULATION

Towns across Hancock County are facing proposals for large-scale wind energy turbines. We are gradually building a library of ordinances that have been adopted or proposed by various towns. Feel free to contact Tom Martin if your town is interested in adopting a wind energy facility ordinance. Here are basic tips to consider in drafting an ordinance:

1. if you are proposing allowing wind turbines in different parts of town, be sure that your proposal is supported by your comprehensive plan since you are enacting a form of zoning. If wind turbines are not mentioned in your plan, HCPC recommends that you amend your plan and have the amendments reviewed by the Land Use Team at the State Planning Office. This recommendation does not apply if you are proposing the same standards town-wide outside of the shoreland zone.
2. The State Planning Office Model Wind Ordinance: <http://www.hpcpcme.org/environment/energy/ModelWindEnergyFacilityOrdinance.doc> provides sample standards. Other information is available at: <http://www.hpcpcme.org/environment.html> .

Not all of the ordinances being proposed or adopted by towns in Maine are easily enforceable and some may be subject to legal challenge. Be sure to have your ordinance reviewed by an attorney with a background in land use law;

3. Determining effective sound standards for wind turbines has been a subject of intense debate. You may want to have your standards reviewed by a sound engineer. While the HCPC staff does not have engineering expertise, we do have information on standards that have been recommended by engineers; and
4. When enacting standards, towns should ask themselves if they want to allow wind energy turbines. It is much easier to enact an ordinance that prohibits large-scale turbines than it is to draft standards that make it essentially impossible for such uses to locate in town and that are difficult to administer and enforce.

FORESTRY ISSUES TOPIC OF NOVEMBER 18 HCPC WORKSHOP

The 20th in our *Striking a Balance* workshop series is scheduled for November 18 at the VFW Hall (Washington Junction Road) in Ellsworth. Registration and a light supper will start at 5:00 PM and the workshop will run from 6:00 PM to 8:30 PM. A detailed agenda will be mailed later this fall. The focus will be on changes occurring in forest resources. Topics are expected to include managing the urban-forest interface to address issues such as avoiding the spread of forest fires into inhabited areas, markets for locally harvested wood, and enrollment procedures for the tree growth program.

CODE ENFORCEMENT NEWS

SPO Adopts New Rule for Certification
Standards for CEOs and TPIs
(adapted from Maine State Planning Office
CEO Newsletter)

The CEO program announced that its rule took effect July 4, 2010. This rule affects all current code

enforcement officers (CEO's), local plumbing inspectors (LPI's), and third party inspectors (TPI's) as it sets the standards for being certified. A few of the highlighted pieces of the rule include:

- An increase in the recertification cycle from five to six years;
- New provisions that allow work experience, education, professional licensure, and professional activity to count toward recertification;
- A new honorary certification process;
- Establishing the training and testing requirements for existing CEOs to be recertified in the new building code;
- A year's grace period for CEOs to become recertified in the new building code; and
- Grandfathering provisions that exempt some municipal building officials from the recertification examination for the new building code.

For the full rule, see

http://www.maine.gov/spo/ceo/documents/adopted_c300.pdf The CEO program has created two frequently asked questions documents. One specifically for CEO's http://www.maine.gov/spo/ceo/documents/CEO_FAQ_draft_072010.pdf and one for TPI's http://www.maine.gov/spo/ceo/documents/TPI_FAQ.pdf

For questions not related to the building code contact Brianne Hasty (brianne.hasty@maine.gov). For questions related to the building code training and exams contact Amanda Lessard (amanda.lessard@maine.gov). Also, feel free to contact Tom Martin at the HCPC (tmartin@hpcme.org or 667-7131)

DEMOGRAPHIC TRENDS

Here are Some Facts Taken from the July 2010 State Planning Office Economics and Demographics Newsletter:

The State Planning Office Economics and Demographics Team recently released [a summary of Maine coastline population trends](#) based on the US Census Bureau's report [Coastline Population Trends in the United States: 1960 to 2008](#). The report examines the changes in population that have occurred in the coastline counties of the United States. Coastline counties are those adjacent to water classified as either coastal water or territorial sea.

In 1960, 45.4% of Maine's population lived within the coastline counties. The Census Bureau's 2008 estimate has 54.2% of Maine's population living in coastline counties. This increase of 8.8 percentage points is the highest of the 23 states in the nation with coastline counties.

On average, Maine's coastline counties are more densely populated than its inland counties. Cumberland County was the most densely populated county in Maine in both 1960 and 2008 (218.7 and 330.4 people per square mile, respectively), Piscataquis County, an inland, was the least densely populated (4.4 and 4.3 people per square mile in 1960 and 2008, respectively). Washington County was the least densely populated of the coastline counties, with 12.8 people per square mile in 1960 and 12.7 people per square mile in 2008.

Maine's coastline population has been growing since the 1960s. More people have been moving to the coastline counties than to the inland counties. From 2000 to 2008, Maine's coastline counties had an average net migration of 3,044 while the inland counties had an average net migration of 1,284. When data from the 2010 Census are released, we'll know whether this pattern has continued during the economic challenges of the past few years. *HCPC will keep towns informed as the 2010 Census data are released.*

BROWNFIELDS NEWS

by Tom Martin

Funds for Site Assessment and Clean-Up are Still Available

Campbell Environmental, the HCPC's brownfields consultant, is undertaking an environmental site assessment for the former Winter Harbor K-8 school building. This assessment will help determine what, if any, contamination exists on the property. If necessary, a site clean-up plan can also be prepared. The Winter Harbor case is another example of how the brownfields program can be used by towns to promote the clean-up and reuse of sites that may otherwise remain unused or underutilized due to fear of contamination. There are still limited funds available for environmental site assessments and clean-up plans. We are also seeking another round of funding and would be happy to add any potential properties in your town to our list we use to request funding.

Just What Is the Landowner Liability if Contamination is Found?

Perhaps the major obstacle to landowner participation in this program is fear of liability if an investigation reveals contamination. Since most bank-financed property sales require assurance that a property is free of health hazards, an assessment will normally be required when a property changes ownership. This means that the liability issue will likely be raised in the future. Furthermore, an assessment may simply give the property a "clean bill of health," making a future sale or transfer easier.

An apt analogy for liability issues is counterfeit money. The person who passes the counterfeit money is responsible even if he or she did not know it was counterfeit. Landowners need to ask themselves if they want their heirs to be the ones to address any liability issues. Also US EPA and the state of Maine have site clean-up grants for certain properties. Contact Tom Martin at the HCPC if you are interested in learning more about liability or clean-up grants.

CDBG NEWS

by Tom Martin

County-Wide Well and Septic Tank Replacement Program is Now Receiving Applications.

As mentioned in previous HCPC Newsletters, a county-wide well and septic tank replacement grant program is underway for Hancock County. This program replaces failing or substandard wells and septic systems for income-qualifying households in Hancock County. The grant is being administered by the Housing Division of the Washington Hancock Community Agency. While there is already a substantial list (56 as of late August) of candidate homes, we plan to seek another round of funding. Our application will be more competitive if we have a list of homes with documented needs. For more information contact Carol Lingle at 546-7544 ext 3383 or clingle@whcacap.org

2011 Proposed Program Statement Released

The Proposed 2011 CDBG Program Statement has been released. Copies were mailed to all municipal offices and are also available on-line at: http://www.maine.gov/tools/whatsnew/index.php?topic=OCD_News&id=78197&v=article . This document describes in full the proposed guidelines for the 2011 grant cycle. Normally, there are only minor changes between the proposed guidelines and the final program rules. We published the preliminary application deadlines in the previous HCPC Newsletter. Contact Tom Martin for more information.

HCPC Available to Help Towns with All Phases of CDBG Application Process

HCPC has received a technical assistance grant from the Maine Office of Community Development that allows us to help towns with all phases of the Community Development Block Grant application process. Specific services include meeting with towns to discuss the program, identifying potential sources of matching funds, advising on citizen outreach strategies, and reviewing and commenting on draft applications. In certain cases, we can actually write applications. Our staff has been working with the CDBG program since 1980 and knows its rules and procedures well. Contact Tom Martin for more information.

SOLID WASTE NEWS

by Tom Martin

We are pleased to announce that we have received another round of USDA Solid Waste Technical Assistance funding. This means that effective October 1, 2010 we will be able to provide solid waste, recycling, composting, and household hazardous and universal waste assistance to towns without charge. While we plan to provide the following services, we are happy to discuss any related services:

1. Draft transfer station management strategies that reduce the rate of waste disposal and increase recycling rates;
2. Prepare and update informational brochures, posters and other outreach materials to encourage recycling and inform the public about appropriate options for disposal;
3. Provide towns with DEP permitting assistance for activities that promote recycling and efficient solid waste management;
4. Assist municipal solid waste and transfer station committees in committee dynamics and, if necessary, conflict management;
5. Develop or expand food waste diversion opportunities, including composting, for major generators of organic materials while continuing to promote composting;
6. Work with generators of shellfish waste to link them to commercial compost operations; and
7. Improve the overall management of household hazardous waste and universal waste by organizing safe, convenient collection events. Unlike the 2010 Ellsworth area event, HCPC will be able to help organize and staff collection events with no charge for labor.

Feel free to contact Tom Martin for more information on our solid waste services.

TRANSPORTATION NEWS

by Jim Fisher

MaineDOT Highway Simplification Study

Recently the Maine legislature passed legislation requiring MaineDOT to undertake a highway simplification study, currently underway in cooperation with Maine Municipal Association. The Maine Department of Transportation has organized a committee to review current highway classifications statewide and propose changes that will streamline responsibility for summer and winter maintenance.

Under existing rules maintenance of interstate and arterial highways is the responsibility of the state. This is unlikely to change.

One step down in the highway hierarchy are the major and minor collectors. Most of the state roads in Hancock County fall in these two categories. As their name implies, the purpose of collector roads is to channel traffic from local roads to the arterial highways. In Hancock County many collector roads host significant direct access from residences and businesses. The minor collectors function much like major collectors, but may run parallel to a bigger highway or serve a smaller population.

Below collector roads are local and private roads. Responsibility for these roads is essentially local and private and this is unlikely to change.

Most of the questions about streamlining maintenance responsibility arise in the middle tier, where roads serve a regional interest – such as freight movement to other towns or onto the interstate system, and a local interest – such as driving to a store in your home town. From time to time classifications are reviewed and changed. The state also created an overlapping system of state-aid roads that also complicates decisions about maintenance responsibility.

A major justification for simplification is efficiency. The Highway Simplification Study committee is considering options that would assign responsibility for roads so that the beneficiaries of the roads assume a

larger share of maintenance costs. Economists generally agree that investment decisions will be more efficient when this connection is stronger.

The study has several other purposes such as developing design standards for different types of roads, revising state funding formulas for local and minor collector roads and others. The Maine Municipal Association and many town governments are contributing. A significant concern has been expressed that towns should not be required to take over badly deteriorated state highways. In order to turn over responsibility, the state might first reconstruct or repair the road to a ten year standard in which only routine maintenance would be required.

The committee will be presenting their final policy proposals to the upcoming legislature. If you wish to provide comments on this legislation, please contact Jim Fisher (jfisher@hpcme.org). We will be posting updates to our website.

MaineDOT Draft Local Cost sharing Policy

The Maine Department of Transportation is revising and simplifying their cost sharing policies. These policies are primarily tied to grant funding for “Quality Community” programs such as the Small Harbor Improvement Program (SHIP), Safe Routes to Schools, Scenic Byways and Community Gateways. Two important considerations are the amount of local match and the means in which the match is guaranteed. Currently, cost sharing requirements vary from no local matching funds to 20% or more local funding with incentives for larger local shares. The matching funds are offered, sometimes without any certainty that they will exist when they are needed. For example, a community may apply for a grant offering a second grant application as match or with the intention of raising matching funds at a future town meeting.

The draft policy puts more responsibility on town leaders to raise matching funds early, prior to applying for state grants. For smaller towns this requirement will be a challenge. In order to prepare for a grant proposal, towns may need to move a matching funds request through their

warrant committee and town meeting, prior to knowing if and when there will be a request for proposals. HCPC will work with MaineDOT to publish early notice of pending grant opportunities. We can also help towns to frame proposal outlines in order to raise local funds as early as possible.

Towns that maintain a reserve for high priority projects will be in a much stronger position. This can be organized through creating a capital investment plan (CIP) and is a great way to implement long range plans and be prepared for requests for proposals. Contact us if you are interested in learning more about preparing capital investment plans.

Bar Harbor Context Sensitive Solutions Program

Is your town struggling with how to improve a bad road without creating new problems?

A long standing debate between artists and engineers is whether “form follows function.” Transportation is largely functional, moving people and goods from origin to destination. Highways, bus terminals, airports and other infrastructure take up a lot of public space and shape the appearance of everything nearby. Infrastructure also influences our behavior. A wider, straighter road invites us to drive faster and travel farther. Convenient bus service and restricted parking at work encourages us to leave our cars at home.

Transportation design is very prescriptive about standards (form) to meet specific traffic volumes and other transportation functions. These standards are articulated by the American Association of State Highway and Transportation Officials or AASHTO. For instance, a highway carrying 20,000 vehicle trips per day at a speed greater than 45 miles per hour might be expected to have 12 foot wide travel lanes, 6 foot shoulder, avoid sharp turns, employ guardrails meeting specific crash speeds and so on. The standards help to assure consistency of highway design, travel speeds and safety.

Communities that have see traffic volumes creep up over the years must eventually come to grips with how the form of the highway can be changed to meet current and future demand. Responses vary widely, from advocating construction to AASHTO standards to

requesting slower speed limits and structural changes that force cars to slow down.

In historic and scenic areas common to Hancock County construction to AASHTO standards frequently meets strenuous local opposition. Concerns include the impact of highway widening on quality of life in a community, increased travel speeds and loss of historic and scenic assets. MaineDOT is currently operating with very tight budgets and will delay projects indefinitely if design concerns cannot be reconciled.

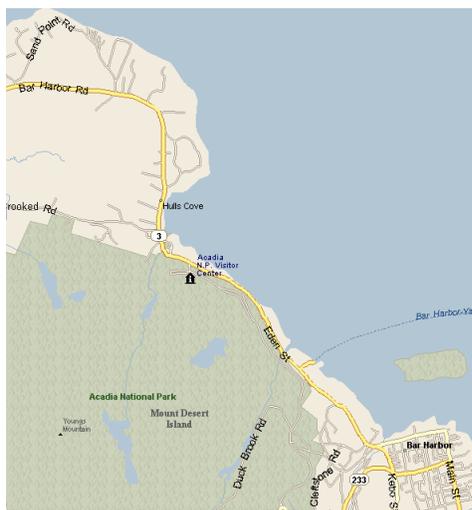
This year MaineDOT launched four pilot projects in Context Sensitive Solutions. One these is a section of Route 3 between Ireson Hill (Pirate’s Cove Miniature Golf) and the village area, marked by West Street, Cottage Street and Mount Desert Street in Bar Harbor. This corridor presents several challenges including very high seasonal traffic volumes on a narrow road wedged between historic properties, residences, park land, steep slopes and the ocean. Past efforts to rebuild this section have met with local opposition, technical and fiscal challenges. Details about the project including maps and photographs, and links to information about the CSS process are posted to www.hcpcme.org/barharbor.

Ron Beard of the University of Maine Cooperative Extension is facilitating the process with technical support from the Bar Harbor’s Public Works Department, the Hancock County Planning Commission and MaineDOT. A representative committee of local leaders, abutting businesses, residences and transportation advocates has been assembled and is working through a process of identifying corridor needs, suggesting and prioritizing goals and objectives. Committee decisions are generally made using “modified consensus”, where every effort is made to adopt a solution that everyone can accept. This winter engineers at MaineDOT will begin to draft reconstruction designs for committee review. Several public meetings will be held during the process to get broader input and comments on proposed changes.

When compared with the normal process used by MaineDOT to reconstruct and redesign corridors, the CSS process is more work on the front-end,

requiring frequent committee and public meetings, multiple revisions of documents and plans. The initial costs are significant and the process appears slow. However, the potential benefits are considerable. Many roads in Maine are long over-due for reconstruction, but disagreements over designs have blocked implementation. If the CSS process is successful in identifying win-win solutions and forging broad support, there is a much greater likelihood that the project will be implemented in a timely fashion.

HCPC will be happy to consult with towns in Hancock County that feel the CSS process would help to organize future road improvements.



Map Indicating the Route 3 CSS Project in Bar Harbor

Walk and Bike to School:

Information from www.bikemain.org

Think about building year-round Walk & Bike programming - and feel free to contact HCPC to help strategize - such as:

- Weekly, twice monthly, or monthly walk and bike to school events. Make sure to plan events for October's International Walk and Bike to School Day, October 6, 2010.
- Organize [Bicycle and Pedestrian Safety Education](#) presentations or P.E./Health Curriculum, a Bike Safety Skills Fair, and/or [After School Bike Club](#).

- Get more people walking and biking by addressing barriers with a [School Travel Plan](#) located at www.hcpcme.org.

Down East Sunrise Trail Grand Opening

DATE: Tuesday, September 21

TIME: 10:00 AM

PLACE: Washington Junction (two miles east of Ellsworth) off Railroad Siding Road

Details will be posted to www.sunrisetrail.org.

GIS NEWS

by Jim Fisher

UMM Municipal GIS Courses

A new municipal GIS course will be offered in the Spring Term at the University of Maine Machias to cover three key skill sets using ArcGIS software and introducing some low- and no-cost GIS software options, as well:

1. Creating and editing tax parcel layers and maps
2. Strategies for making and using maps and data in planning and decision-making, including comprehensive planning maps and options for posting GIS maps on the web
3. Analysis techniques for creating zoning layers and conducting suitability analysis

This three-credit course will be taught online with five face-to-face Saturday sessions, one per month, in our lab in Machias. The class will include streaming lectures, hands-on lab exercises and real-world assignments and projects.

For more information, contact Tora Johnson
Director GIS Service Center & Laboratory
University of Maine at Machias
tjohnson@maine.edu

ROAD SALT BID RESULTS

HCPC 2010-2011 Salt Purchase Bid Could Save Hancock County Towns as much as \$214,000

The HCPC annually conducts a road salt joint purchase bid. This year four companies bid on supplying the 2010-2011 winter season salt needs for Hancock County. Cargill, Inc. Deicing Technology was the low bidder for rock salt and Mid Atlantic was the low bidder for solar salt. Towns have the option of ordering either product. Cargill's bid was on average \$21.84 per ton lower than the high bidder and \$17.37 lower than the other participating company. What does this mean for the towns of Hancock County? The towns participating in the bid will have a combined savings of \$170,278 - \$214,097 in their salt purchases this year based on the tonnage ordered. Some towns will save a few hundred dollars because of their smaller orders, but three towns in particular will save \$22,000 - \$31,000 on their larger orders. Budget constraints are affecting all towns and the savings realized in this joint purchase are

quite substantial. The average cost for rock salt per ton through the low bidder is \$64.21 which is significantly lower than the MDOT Bid rock salt price of \$71.73 per ton. The prices per ton ranged from \$59.25 - \$69.85 depending on town location and the quantity requested. HCPC encourages all Hancock County towns to participate and take advantage of the reduced price.

The HCPC is exploring various joint purchase opportunities and recently sent a survey to the towns with the salt bid information gauging interest in other items you may be interested in purchasing for your town, such as culverts and fuel oil. We did not receive enough interest or feedback to warrant additional follow-up. If you are interested in joint purchase opportunities, please contact Tom Martin at 667-7131 or tmartin@hcpcme.org.

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.

Fall 2010 Newsletter



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