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# HCPC NEWSLETTER

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Hancock County Planning Commission

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## HCPC Executive Board Fiscal Year 2004-2005

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James (Jef) Fitzgerald, Planner

Sherry A. Churchill, Planner

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## LAND USE PLANNING NEWS

*By Tom Martin*

### DEP PROPOSES CHANGES TO SHORELAND ZONING GUIDELINES

The DEP is proposing a series of revisions to the shoreland zoning guidelines upon which the local shoreland zoning ordinances are based.

The HCPC has hard copies of the proposed revisions. They can also be seen on-line: <http://www.state.me.us/dep/blwq/rule.htm>. We will keep you posted on any final changes that are made to the standards. Some of the highlights of the proposed rules are:

1. Language clarifying that coastal wetlands are all waters affected by tidal action not just salt marshes and meadows, and that setbacks are measured from the maximum spring tide level.
2. In Sect 12.a, a sentence has been added to make it clear that a nonconforming structure cannot be altered to make it more nonconforming.
3. In Section 12.C.(1)(b) would now require that all structures be moved back to meet the setback requirement to the greatest practical extent, whenever any permanent type foundation is added. Prior to this modification a frost wall or slab could be placed under the structure in the same location without having to consider relocation.

4. Section 12.c.(3) would now require that relocated or rebuilt structures be fully outside the setback area.
5. Conversions of a water-dependent structure to a use that is not water-dependent would be prohibited.
6. Setback requirements for new General Development Districts are increased from 25 to 75 feet.
7. There would be standards for recreational trails.
8. There would be considerable clarification of language on timber harvesting and clearing of vegetation for development.
9. About 25 definitions would be revised or added.

## ANOTHER ROUND OF PLANNING GRANTS DUE ON APRIL 1, 2005

The State Planning Office expects to have available \$160,000 in planning grants this year. These grants can be used for comprehensive plans, comprehensive plan updates, implementation of comprehensive plans and regional challenge grants. Complete details can be found at: <http://www.state.me.us/spo/landuse/finassist/grants.php>. Copies of the grant package were sent to all town offices. Feel free to contact the HCPC if you need a copy or if you have any questions. We can help any town with an application package. Please note that all grant applications except the regional challenge grants are due in Augusta on April 1, 2005. The regional challenge grants have an open-ended deadline.

The grant categories are described briefly below:

1. **Comprehensive Planning Grants:** These are for towns that have never received a comprehensive plan grant from the state and that wish to prepare a plan consistent with state guidelines. The only towns

eligible in the Hancock County Planning Commission service area are Amherst, Isle Au Haut, Osborn and Waltham. There is a 33 percent local funding match requirement. The actual grant amount depends on the year-round population of the town. For details contact the HCPC.

2. **Comprehensive Plan Update Grants:** These provide funding to help update plans with a focus on promoting bolder plans that incorporate smart growth principles. There is a maximum grant award of \$10,000 and a dollar per dollar match is required. Towns that received a comprehensive planning grant that was encumbered prior to July 1, 1996 are eligible to apply.
3. **Implementation Grants:** These are available to towns that have an adopted comprehensive plan that has been found consistent with the State Planning Office criteria. *Towns that previously received an implementation grant are not eligible to apply.* There is a maximum grant amount of \$12,000 and a local funding match of 33 percent is required. The grants may be used to implement the recommendations of the comprehensive plan. In most cases, this will involve the development of land use ordinances. In cases where an applicant can demonstrate that it has other means to draft land use ordinances, funds may be used for other projects related to comprehensive plan implementation.
4. **Regional Challenge Grants:** The program provides non-competitive grants to support promising regional initiatives designed to establish new mechanisms for managing governmental affairs more efficiently while integrating transportation, economic development, natural resource protection, and land use management more effectively, consistent with smart growth principles. There is up to \$15,000

available for each applicant and a dollar per dollar cash match is required.

## **Recent Court Cases**

*By Madge Baker, Esq. Reprinted from the Southern Maine Regional Planning Commission Newsletter*

**Hannah O'Toole v. City of Portland**, October 27, 2004, Maine Supreme Judicial Court.  
*Variance*

**Facts:** O'Toole owns two undeveloped, contiguous lots measuring 30 feet by 100 feet dating from the 1920s. She proposed to combine the two lots but even then the lot will not comply with current zoning. Portland has enacted the "practical difficulty" test for residential variance applications. That test includes the following: "The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;" and "no other feasible alternative to a variance is available to the petitioner." The ZBA turned down the variance appeal, concluding that the lots were not unique because of the condition of the neighborhood is one of 30 foot wide parcels, and because she made no attempt to acquire additional property. Superior Court did not agree with the ZBA. The City appealed.

**Issue:** Was the practical difficulty test correctly applied to the facts of this case?

**Ruling:** 1) The Court first looks at the ZBA finding that 30-foot wide parcels are the condition of the neighborhood. The Court infers that the ZBA used the 1920s condition of the neighborhood to reach this conclusion. The Court disagrees with this interpretation of the meaning of the term "general condition." The Court maintains that "general condition" means *present* conditions. In this instance the answer is "no." 2) Next the Court examines whether the circumstances of the property are unique. The Court concludes that O'Toole had not provided the evidence needed to make a determination as to whether the circumstances are unique. Statements in the record are conflicting on the point. In this instance the answer is "yes".

**Outcome:** The Supreme Judicial Court upholds the ZBA because the appellant did not meet one of the hardship tests.

**Comment:** The opinion comments on discussions between the ZBA and its Attorney that discuss the likelihood of this decision setting a bad precedent.

The Court found that because the Board based its decision entirely on the facts of the particular case the Board had been illegally influenced by the attorney's opinion.

**Peregrine Developers v. Town of Orono**, July 23, 2004, Maine Supreme Judicial Court. *Zoning interpretation*

**Facts:** Peregrine Developers proposed to build a housing complex in the Forestry and Agricultural District where multifamily dwelling is a permitted use but dormitories are not. Peregrine called it a "multifamily dwelling," even though the units would be rented to students. Multifamily dwelling is defined in the ordinance. Dormitory is not but "commercial dormitory" is. The Planning Board disapproved the project because it decided the housing complex would be a dormitory. The ZBA agreed. Superior Court also upheld the decisions of the PB and ZBA.

**Issue:** Is it or is it not a "dormitory?"

**Ruling:** The Court finds that the project does meet the definition of "multifamily dwelling" because each dwelling unit will have independent cooking and sleeping facilities. The "commercial dormitory" definition talks in terms of "rooming units," or units without cooking facilities. Thus the Court finds the proposed buildings more like multifamily dwellings, which are only classified in this instance by the PB and ZBA as dormitories because students will live in them. The Court concludes "there is no indication in the Ordinance that a 'dormitory' is a structure defined by the types of individuals who would reside in the structure. The Town of Orono may not deny applications for development by using a more restrictive standard for regulation than is contained in its Ordinance." The Court also noted that there are lots of nonconforming "dormitories" in Orono according to the PB definition of dormitory as a place students live.

**B&K Realty v. Town of Ogunquit**, Decided January 13, 2005, Superior Court of York County. *Zoning interpretation*

**Facts:** The owner of an existing 11-room building proposed to to convert it into four motel units and to construct an addition with 38 more units. The facility had provided seasonal housing to individuals working at the Ogunquit Playhouse.

All rooms were rented for the season. The facility was not advertised to the public. The Town Ordinance prohibits new hotels and motels in the district where the property is located, but it does allow legally existing nonconforming hotels and motels to continue, expand, and be reconstructed or structurally altered. The Planning Board concluded this building was neither a hotel or a motel, so the grandfathering clause did not apply.

**Issue:** Was the Planning Board's interpretation of the words "hotel" and "motel" correct?

**Ruling:** The court upheld the PB's decision. "Hotel" is defined as a place where lodging or meals and lodging are available to the public. The Board made specific findings such as there was no front desk, no guest register, no payment of lodging sales tax. Lodging was available only to a very few, not to the general public. "Motel" is defined with emphasis on its providing "transient accommodations." The Planning Board and the court agreed this was employee housing not housing for transients. The only other word the court looked at was "general." The hotel definition refers only to "the public." The motel definition talks in terms of the "general public." The court concludes that "general" in this context is a redundant word and that "public" and "general public" have the same meaning.

## **Subdivision Development and Personal Property Rights:**

### ***Striking a Balance in Hancock County***

*by Sherry Churchill*

The second forum of the Striking a Balance Series is scheduled to be held from 6:00 until 9:00 p.m. on Thursday, March 31 at the White Birches Motel in Ellsworth. The cost is \$22 per person (\$19 for each additional person from a municipal board/organization), which includes a buffet meal and printed materials. Doors will open at 5:15 for those that will be dining.

At a time when affordable housing is becoming increasingly scarce in Hancock County communities, this forum will focus on the topics of affordable housing and cluster development. How is "affordable" housing defined? What is cluster development? Is cluster development a viable solution to the affordable housing problem

in our area? Please join us to find out the answer to these, and many other questions related to subdivision development and personal property rights-related issues in Hancock County.

Panelists include:

- Dale McCormick, Maine State Housing Authority Director, who will present an overview of affordable housing issues in the State of Maine and provide examples of state-wide housing initiatives;
- Terry Kelley, MDI/Ellsworth Housing Authority, who will present an overview of issues specific to Hancock County and provide an overview of the proposed Pooler Farm affordable housing/cluster development in Bar Harbor; and
- Raymond Gail, Covenant Community Land Trust Board Member, who will provide a 10-year analysis of an affordable housing/cluster development in Sedgwick and discuss other local initiatives.

Opening remarks will be made by Fay Lawson, Hancock County Commissioner. Time has been scheduled to include a question/answer session. Participants will be asked to provide feedback on a development tracking form proposed by the HCPC to better gauge the rate and type of development occurring in Hancock County.

Partners in this ambitious effort include the Down East Resource Conservation and Development Council, the Gouldsboro Planning Board, the Ellsworth Planning Department, and the Union River Watershed Coalition. To register for the forum, please send a check made payable to the Hancock County Planning Commission to our office at 395 State Street, Ellsworth, Maine, 04605. For more information, contact Sheri Walsh at 667-7131 or [hpcpc@hpcpcme.org](mailto:hpcpc@hpcpcme.org).

# **CDBG NEWS**

by Jef Fitzgerald

## **Valuable CDBG Program Slated to Change**

The Community Development Block Grant (CDBG) Program has been important to Hancock County since its inception in 1982. The names of the various types of grants have changed over the years, but they still support four basic areas of our communities, namely; businesses, housing, public improvements and planning. Over fifteen million dollars have been invested in 25 Hancock County municipalities by the CDBG Program over the past 23 years in the form of 116 grants (see table).

The largest numbers of grants, 47 were for community investments in services, facilities and infrastructure. Examples include grants to fund new public service programs or build community centers, wharves, fire stations and sewer and water system improvements. Twenty-eight grants helped towns plan development to downtown areas, assess local housing conditions, study economic issues and solve infrastructure problems. Seventeen Phase-2 Planning Grants gave small sums to help communities administer larger grants.

Thirteen grants contributed to the well-being of our region's economy by directly assisting businesses for job creation/retention or by building needed infrastructure to serve businesses. Examples include grants to seafood processing facilities and construction of three-phase power lines. Seven grants funded the rehabilitation of low to moderate income housing.

The Bush administration is proposing to eliminate the CDBG Program as we know it. Elements of the various grants offered will be consolidated with 17 other federal community and economic development programs into a smaller program within the US Department of Commerce. Details of the president's proposal will not be released until early summer. You may want to contact

your Congressional delegation to express your concerns.

<b>Community Development Block Grant Program IN HANCOCK COUNTY From 1982 Through February 2005</b>		
<b>Municipality</b>	<b>No. of Grants</b>	<b>Total of Grants (\$)</b>
Aurora	1	78,800
Blue Hill	2	402,500
Brooklin	1	50,000
Brooksville	3	646,723
Bucksport	22	4,034,959
Castine	2	111,500
Cranberry Isles	4	323,200
Eastbrook	3	346,750
Ellsworth	9	1,267,000
Frenchboro	4	463,430
Gouldsboro	1	8,000
Hancock	1	5,000
Hancock County	5	592,500
Mount Desert	1	11,110
Orland	4	759,400
Osborn	3	602,515
Otis	2	250,975
Penobscot	1	4,900
Sedgwick	3	294,750
Southwest Harbor	3	77,725
Stonington	17	1,503,265
Swans Island	9	1,535,770
Tremont	2	252,700
Trenton	3	562,400
Winter Harbor	10	1,356,200
<b>TOTALS</b>	<b>116</b>	<b>\$15,542,072</b>

## **TRANSPORTATION NEWS**

*by Jim Fisher*

### **Scenic Byways Tuning up for the Summer**

Hancock County's National and State Scenic Byways are scraping off the snow and preparing for another busy summer.

The Schoodic byway will be seeing major renovations along Route 1 in Sullivan and Route 186 in Gouldsboro and Winter Harbor. MaineDOT is in the final stages of designing changes that will include shoulder construction and paving, better drainage, safe access points and minor realignments along the highways. The Schoodic Byway will complete landscaping and officially open the new gateway located in Hancock on the western shore of Taunton Bay. The gateway is expected to have an information kiosk, privy, interpretive signage and information for travelers heading downeast. A new scenic turnout will be constructed on Route 1 next to Dunbar's Store in Sullivan with safe access and interpretive signage. Improvements will be made to scenic turnouts at Long Cove in Sullivan and across from Young's Market on Route 1 in Gouldsboro.

MaineDOT will work on Route 186 in Gouldsboro and Winter Harbor rebuilding substandard road segments and paving shoulders. A transportation enhancement grant will help to finance new sidewalks, drainage and pedestrian ways in Winter Harbor. The Schoodic Byway will work with Acadia National park to consolidate and replace way-finding signage to Schoodic Point, design and build interpretive signage and identify park-and-ride locations. Information on byway projects is available at [www.schoodicbyway.org](http://www.schoodicbyway.org)

The Acadia All American Road has collaborated with the town of Bar Harbor and the MDI Tomorrow initiative and has completed a number of studies this year. This year will begin the process of rebuilding sidewalks that are in bad

repair, and make other improvements to encourage safe walking and bicycling on the byway. In a related project, the town of Southwest Harbor won a Safe Routes to School grant to build additional sidewalks in the village center.

Finally, the Blackwoods State Scenic Byway traverses Route 182 between Franklin and Cherryfield. A lot of planning has occurred between the scenic byway and the Bureau of Parks and Lands to determine how to accommodate fishermen, hunters, hikers, birdwatchers, ATV riders and others seeking a rugged outdoor experience. As plans are completed we will move to implementation of the goals and objectives that will include promoting use of some areas while protecting others, creating public access and seeking ways to promote responsible use. This summer the Blackwoods Byway committee is seeking volunteers for a program to clean up litter, solve the ongoing problem of graffiti on the rock outcrops and identify opportunities for future trails, recreational facilities and historical landmarks.

## **HEALTH NEWS**

*by Jim Fisher*

### **Health Broadcasts in Hancock County**

Now hear this, Common Health broadcasts live on WERU 89.9 FM every third-Wednesday from 10:00 AM to 11:00 AM.

The HCPC has joined WERU and University Cooperative Extension to create another year of public interest broadcasts on health. Two years ago we devoted fourteen broadcasts, community focus groups and more to understanding the importance of health care access and quality in Eastern Maine. In addition to live broadcasts we created an extensive website, written reports and an audio archive – all are available at [www.commonhealth.org](http://www.commonhealth.org).

This year we are out of the hospital and into the community looking at the importance of public

health in Maine. Our first two broadcasts were an overview of public health issues and a focus on finding and protecting safe drinking water. On March 16<sup>th</sup> at 10:00 AM we will follow the food supply chain from production to handling and inspection. Is our food safe? What can we do to avoid contamination? Who is responsible? On April 20<sup>th</sup> we'll be reviewing the findings of "Tough Choices", three day-long town meetings held simultaneously in Portland, Lewiston and Bangor to understand and improve the 2005 Maine Health Plan. Future programs will include maternal and child health, aging, infectious diseases, mental health, terrorism and more. Readers are encouraged to join us during the broadcasts by calling in questions. You can also join us on-line by visiting [www.commonhealth.org](http://www.commonhealth.org). We invite your ideas for programs, guest speakers, and community events worth covering. Tune in for Common Health.

## **HOUSING NEWS**

*by Sherry Churchill*

### **USDA Rural Development provides Affordable Housing for Hancock County's Workforce**

*Single Family Housing:* If your income is low to moderate, you may qualify for a guaranteed home loan. These are loans made by other lenders, such as banks or credit unions, and are guaranteed by Rural Development. This allows these lenders to make loans to people they would not otherwise be able to serve. Guaranteed housing loans are available to applicants whose incomes are below 115 percent of the median area income. For example; a family of 4 in Hancock County can make up to \$66,150 and qualify for the Rural Development Guaranteed Single Family Housing loan.

*Multi Family Housing:* The guaranteed multi-family housing loan program is intended to increase the supply of affordable multi family housing for rural Americans who have incomes in

the low to moderate range who are unable to afford buying their own homes or wish to live in an apartment setting. Loan guarantees are provided to eligible applicants (U.S. citizen, resident alien, a nonprofit organization such as a local government, community development group or American Indian tribe, band, group, or nation; or a for-profit corporation) for the construction, acquisition, or rehabilitation of rural multi family housing.

For more information on either of these programs or to get a list of approved lenders, please contact Rural Development at 990-3676.

## **SOLID WASTE**

*By Sherry Churchill*

### **Backyard Compost Bins Available**

This spring, the Hancock County Planning Commission is partnering with the Maine Resource Recovery Association (MRRRA) to provide Earth Machine™ composters at a significantly reduced rate. Each bin measures approximately 35 inches high and 33 inches wide and is constructed of recycled materials. A 31 page "how to" guide is included with each order. Please note that minimal assembly is required.

There are two ways to participate in this year's promotion:

- 1) Municipalities interested in purchasing bins on behalf of their residents are encouraged to get in touch with the MRRRA with orders and to arrange delivery details; a free demonstration bin will be provided to towns that participate directly through the MRRRA. Orders must be made in multiples of 20. The MRRRA can be reached at 942-6772 or [mrra.victor@verizon.net](mailto:mrra.victor@verizon.net).
- 2) The HCPC also will make a limited number of Earth Machines available to individuals on a "first come-first served" basis. The HCPC will accept orders until

April 29 and bins should arrive mid-June. Owners will be notified via postcard with details regarding when and where the bins can be picked up. To order your Earth Machine, please make out a check in the amount of \$36.50 for each bin ordered (tax included) to the Maine Resource Recovery Association and send it to the following address:

HCPC – Compost Bin Order  
395 State Street  
Ellsworth, ME 04605.

For more information, please contact Sherry Churchill at 667-7131 or [schurchill@hpcme.org](mailto:schurchill@hpcme.org).

### **Bar Harbor's Atlantic Oakes Hosts 2005 Annual Solid Waste/Recycling Conference**

Each year, the Maine Resource Recovery Association (MRRA) provides several training opportunities for Maine's solid waste management stakeholders, including a two-day annual conference that brings together town managers, transfer station managers, volunteer committee members, representatives from the waste management and recycling industry and citizens at large. Generally held in the greater Portland or Augusta areas, this year's event will be held at the Atlantic Oakes in Bar Harbor on May 2 - 3. The event is a valuable opportunity to meet industry representatives, find out how other communities have overcome specific waste-related challenges, and learn about various initiatives at state, regional and local levels, and, finally, to have fun!

Agenda details for this year's conference are not yet available but will be made public once they have been finalized. Highlights are expected to include an address by Representative Ted Koffman, a half-day session on waste management and recycling issues on Maine's Islands, and the annual Governor's awards for Waste Management and Recycling excellence. A limited number of scholarships will be provided. Updates will be included on the MRRA website at

[www.mrra.net](http://www.mrra.net) as they become available. For more information, contact John Albertini at [mrra.john@verizon.net](mailto:mrra.john@verizon.net) or 942-6772.

### **2005 Hancock County Household Hazardous Waste/Universal Waste Collection Updates**

This year, the Hancock County Planning Commission is once again working with local communities to organize special waste collections in both the greater Ellsworth area and among Mount Desert Island League of Towns (MDI LOT) member communities. The State Planning Office (SPO) has a limited amount of cost-share funding available to help pay for regional collections; the HCPC will apply for cost-share funds on behalf of participants in both collections. Please note that participants can only participate at no cost if they are from a sponsoring town. Those from non-sponsoring towns may participate for a fee which will be assessed at the time materials are delivered according to quantity. Following are updates for each collection:

#### **MDI Collection:**

Residents from MDI LOT communities will be allowed to bring a limited amount of HHW and UW materials at no cost to this year's collection, expected to be held on Saturday, October 1 (time/location TBA). Member communities include Bar Harbor, Cranberry Isles, Lamoine, Mt. Desert, Tremont, Trenton and Southwest Harbor. In previous years, the MDI LOT has offered funding for HHW events and been involved in much of the decision making processes. Although the MDI LOT has offered a limited amount of funding for the event from this year's budget, they have passed other responsibilities on to the Acadia Disposal District (ADD), which will work closely with the HCPC throughout this year's planning process. Like previous years, pre-registration will be required for individuals to participate in the collection. The ADD and HCPC will provide more details as they become available. For more information, contact Tony Smith, Chairman of the ADD at [director@prexar.com](mailto:director@prexar.com) 276-5743.

## Greater Ellsworth Collection:

Residents from sponsoring towns will be allowed to bring a limited amount of materials at no cost to this year's collection, expected to be held on Saturday, August 27 (time/location TBA). Unlike previous years, participating towns will have three options to select from:

- Participating in an HHW collection only;
- Participating in a UW collection only;
- Participating in both an HHW collection and UW collection held concurrently.

In January, a memorandum was sent to Hancock County municipal offices with participation instructions and a services contract. Interested municipalities must sign the services contract and submit a deposit to the HCPC which will help defray initial billing expenses. Any portion of the deposit not used toward that town's share of the total bill will be returned to the town following the event. The deposit for HCPC member municipalities with less than 1,000 residents according to 2000 census figures is \$300; it is \$500 for those with \$1,000 or more residents. Please note that the deposit is the same no matter which option from (HHW/UW) above is selected. The HCPC requests that participating communities submit a signed services contract and deposit no later than April 1, 2005. For more information, please contact Sherry Churchill at 667-7131 or [schurchill@hpcme.org](mailto:schurchill@hpcme.org).

## **TECHNOLOGY NEWS**

*by Jim Fisher*

### **The State Maps Broadband Deployment**

Excerpts adapted from an article by [Amy Spelke, PUC](#), and [Bob Bistras, MEGIS](#)

The HCPC hears frequently from area businesses and residents that that high-speed (also called broadband) internet services are unavailable or very costly and that this presents a serious obstacle to productivity and growth. New businesses considering this region want to know

where broad-band internet services are available and at what price.

Consider our strengths in Hancock County. Our biggest employers engage in high-tech genetic research, highly competitive paper manufacturing, boat building, fishing, tourism, health care and education. All of these industries rely on rapid exchange of information such as pricing, sales, production capacity, room reservations, product design, input purchases, marketing and more. The biggest employers have the resources to pay for dedicated communications services to meet their needs.

Three trends in small business creation and expansion are notable. New and growing businesses are often 1) home-based, 2) information-based and 3) creativity-based. Put these three together and you cannot escape the critical need for high-speed data communications.

Small businesses rely on less costly options, particularly DSL service that uses existing phone lines and high speed connections through the cable-TV companies. Wireless internet services are delivered through direct satellite systems as well as a variety of local "antenna-based" systems. Each option has advantages and disadvantages with respect to pricing, speed, and flexibility, but for large areas in Hancock County the options are as yet very limited. A study being directed by the Eastern Maine Development Corporation is underway to learn more about local business needs.

The Maine Office of Geographic Information Services (MEGIS) and the Maine Public Utilities Commission (MPUC) have collaborated to bring information about broadband availability to the public by: 1) mapping the availability of the most common forms of broadband throughout Maine; and 2) developing a web-based tool to enable customers to directly contact their local broadband providers. The project demonstrates how GIS may be used to develop online products that help citizens utilize important private and public resources.

Readers with internet access can link to the state mapping site from our Public Administration page at [www.hcpcme.org](http://www.hcpcme.org) and zoom-in on their towns and see locations that are served by DSL, cable networks and “wi-fi hot spots”. A wi-fi hot spot is a small geographic area, ranging from one building to a small downtown area, from which you can access a wireless local area network if you have a wireless card in your computer. For the purposes of this map, the MPUC chose to include only those that are generally available to the public with or without a fee. In Hancock County several of our libraries now offer wireless internet connections. Wi-fi hot spots will have to be updated frequently as the technology catches on, and the use of the map becomes more widespread.

The MPUC acknowledges that the data may be incomplete, as service territories are expanding daily. In many cases service is available only in limited areas of a town. You can find out whether DSL service is available for your home on our public administration page at [www.hcpcme.org](http://www.hcpcme.org). Follow the DSL link. Cable internet inquiries should be directed to cable TV providers. Towns are strongly encouraged to negotiate about cable internet services during cable TV contract renewals.

Questions? Contact the authors. Amy M. Spelke, M.P.A. is a utility analyst at the Maine Public Utilities Commission, 207.287.5945 or [amy.spelke@maine.gov](mailto:amy.spelke@maine.gov).

Bob Bistras is a senior programmer analyst at MEGIS, [bob.bistras@maine.gov](mailto:bob.bistras@maine.gov).

At HCPC contact Jim Fisher, [jfisher@hcpcme.org](mailto:jfisher@hcpcme.org).

## **COMMUNITY PARTNERS' CORNER**

*By Sherry Churchill*

### **Down East RC&D**

According to the national RC&D website, the purpose of the program “is to encourage and

improve the capability of volunteer local elected and civic leaders in designated RC&D areas to plan and carry out projects for resource conservation and community development. Program objectives focus on ‘quality of life’ improvements achieved through natural resource conservation and community development. Such activities lead to sustainable communities, prudent land use, and the sound management and conservation of natural resources.”

Located in Cherryfield, Maine, the Down East RC&D maintains a strong presence in both Washington and Hancock Counties and works closely with multiple community agencies, including the HCPC and Washington County Council of Governments. The HCPC has an appointed representative to the council and relies greatly on the Down East RC&D Coordinator Gary Edwards, to stay informed of Washington County projects and issues that may have special relevance for Hancock County. Recent collaborations between the HCPC and RC&D include:

- A 2004 workshop for code enforcement officers, planning boards, board of appeals members, and real estate agents highlighting changes in liquidation harvesting regulations;
- Planning activities toward the ongoing *Striking a Balance* subdivision forum series;
- Transportation planning activities, including trail development efforts; and
- Household Hazardous Waste planning in Hancock County (which may now be replicated in Washington County as a result).

Other recent initiatives of the Down East RC&D in Hancock County include planning and development of an athletic field in Surry, a playground located at the Sullivan Recreation Center, and the Ice Age Trail. The agency also has been active in supporting salmon restoration efforts, and promoting DESTINY 2010, a sustainable tourism plan for Down East Maine.

Unfortunately, for the HCPC and Down East Maine stakeholders, the future of our local RC&D council may be in jeopardy. President Bush has recently announced that his proposed budget eliminates much of the funding for the national RC&D program, including the Down East office. If you are a resident served by the Down East RC&D, our congressional and senate representatives might be very much interested in learning about your experience. Please consider contacting them with your story.

For more information about the Down East RC&D, you can visit their website at <http://www.downeastrcd.com/council.htm>. Gary Edwards may be reached at 546-2368 or [gary.edwards@me.usda.gov](mailto:gary.edwards@me.usda.gov).

### **Important Dates to Remember**

Waste Issues Forum  
Universal Waste Requirements & Regional Disposal Opportunities  
**March 23, 2005**  
6:00-8:00 p.m.  
Ellsworth City Hall – Upstairs Conference Room

*Striking a Balance* – Forum 2  
Affordable Housing & Cluster Development  
**March 31, 2005**  
White Birches – Ellsworth  
6:00-9:00 p.m.

Maine Resource Recovery Association Annual Conference  
**May 2-3, 2005**  
Atlantic Oakes Hotel – Bar Harbor

Hancock County Planning Commission Annual Meeting  
**May 24, 2005 7:00 PM**  
Ellsworth Public Library  
Topic: Liquefied Natural Gas

Greater Ellsworth Household Hazardous Waste Collection  
**August 27, 2005** (tentative)  
Ellsworth (Location & Time TBA)

Mount Desert Island Household Hazardous Waste Collection  
**October 1, 2005** (tentative)  
Location & Time TBA

## **UPCOMING WORKSHOPS**

### **Basic Workshop for Local Land Use Boards of Appeal**

*Sponsored by Maine Municipal Association*

#### **Workshop Description**

This workshop was previously offered as a combined planning board and board of appeals workshop. It is designed as a basic introduction to the various legal rules governing decisions made by local land use appeals boards. Although it is aimed primarily at new or less experienced board members, long-time board members may also find it helpful. The HCPC strongly recommends that boards of appeals send at least one member to this workshop.

**Location** Ellsworth City Hall, 1 City Hall Plaza on Wednesday, April 6, 2005; 6:00-8:30 PM

**Fee** \$35 per person (includes packet material and snack).

#### **Topics which may be discussed include**

Jurisdictional issues; Conflict of Interest and Bias; Incompatible offices; Public Notice requirements; Site visits; Use of e-mail; Board records; Public Hearings; Deadlines; Standing Issues; Nature of evidence on which to base a decision; Participation by members who miss meetings; Procedure for reaching a decision; Form of decision; Conditions of approval; Notice of decision; Effect of approval; Reconsideration; Appeals; Variances

Instructors for the workshops: Richard Flewelling, James Katsiaficas and Rebecca Warren Seel, attorneys from Maine Municipal Association's Legal Services Department.

## Elected Officials Workshop

*Sponsored by the Maine Municipal Association*

### Workshop Description

Here's a chance for elected officials to take advantage of the expertise that the Maine Municipal Association has to offer. This workshop is a "must" for newly elected and veteran officials to attain a better understanding of their role as public officials and stay abreast of ever-changing local government responsibilities and issues. It also provides an excellent forum for networking with local government officials from around the state.

### Frequently asked questions

- What meetings are open to the public?
- Can I take a job with the town? Can I hold another office?
- Can we ignore that pothole?
- Can the Selectmen adopt an ordinance?
- What authority do we have over the school committee?
- Do we need to take minutes of the meetings? Do we need an agenda?
- Is a town responsible if someone slips and falls on tax acquired property?
- 

**Fee** Elected Officials \$40  
Newly Elected Officials ½ Price - \$20

Participants are encouraged to bring their **Municipal Manual (2002) with Supplement (2004)**, or call Publications at MMA at 1-800-452-8786, ext. 291 to place their order. The manual costs \$40 and there is a \$5 shipping and handling charge for each copy mailed. Supplements can be purchased separately for \$15.

*Manuals are not included in the cost of registration for the course.*

### Dates and Locations

**Orland** : Tuesday, May 24, 2005  
Alamoosook Lodge  
229 Soper Road

**Machias**: Thursday, May 26, 2005

University of Maine at Machias  
Science Lecture Hall  
9 O'Brien Avenue

## Writing an Effective Grant Application: A Workshop for Municipalities

*Sponsored by Maine Municipal Association*

**Date and Location:** Tuesday, March 22, 2005  
Maine Municipal Association (behind Augusta Civic Center)

**8:30-3:00 PM**

**Fee: \$40 (Includes refreshments, lunch and seminar materials)**

### Agenda

**8:30-9:00 Registration and Coffee**

**9:00-10:00 Community Development Block Grants presented by Mike Baran, Technical Assistance Program Manager, Office of Community Development.**

The Community Development Block Grant (CDBG) program is funded through an annual allocation from the U.S. Department of Housing and Urban Development (HUD) to the State of Maine. Funding is available to eligible units of general local government, namely towns, cities, plantations, and in certain instances counties in Maine. Mr. Baran will survey the type of projects funded, the application process, timelines, and contacts.

**10:15-12:00 How to Dazzle with Brilliance instead of Baffling with Bull: A Guide to Basic Grant Writing, presented by Peter Lyford, Community Outreach and Development Consulting.**

This session will discuss grant writing in terms of a community project development process that emphasizes community outreach and participation. Topics will include identification of

problems/issues and solutions, identification of funding sources and tips for successful grant writing.

**12:00 – 12:30 Lunch**

**12:30-2:30** The morning session will continue after lunch with specific discussion of individual projects and what steps to take in beginning the process. The end product for this session will be an outline of your own issues and you will have begun the process of writing your own application.

**2:30-3:00 Questions for presenters**

***Questions/Cancellations:***

If you have any questions, or wish to cancel, call Margaret Langhill or Joan Kiszely at 1-800-452-8786 (Augusta area: 623-8428). Notification must be given at least 48 hours before the session begins to obtain a refund. All cancellations are subject to a \$10 administrative fee for processing.

**Remember.....**

**Earth Day April 22nd**