



HCPC NEWSLETTER

Hancock County Planning Commission

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PLANNING NEWS

by Tom Martin

COMPREHENSIVE PLANNING: DOES YOUR COMMUNITY WANT TO UPDATE ITS PLAN?

Tom Martin would be happy to discuss the steps involved. If you are thinking of an update, he can help you develop a cost estimate for this activity. Budget season starts soon in most towns so you may want to start planning now. Even if you decide not to hire any outside help, be sure to contact us. The state's Municipal Land Use Planning Assistance division (formerly housed in the State Planning Office) releases data packages for all towns interested in updating the plan. These packages are released twice a year. The next deadline for requests is expected to be in February. We will forward any requests for a package to the appropriate state official.

These packages are essential in preparing a plan that meets state review standards. They contain data on demographics, natural and water resources, transportation and historic and pre-historic sites. There are also many web links that provide further information. If you want a package (there is no charge) please contact Tom Martin.

PAPER STREETS: IS VACATION TIME UPON US?

With the holiday season fast approaching, many people's minds are on pending vacations. Towns, however, also have to think about vacation of paper streets. This article summarizes the state law and the pending deadline towns face.

What is a Paper Street?

Maine has a history of approved but undeveloped subdivisions. Some date from when there were almost no state regulations on land development and the proverbial swampland was sold to unsuspecting buyers. Streets might be laid out in areas not suitable for development. Subdivision plot plans frequently show streets that have never been constructed. Since they only exist on paper, they are known as paper streets (even if they are recorded on Mylar).

These streets could pose a liability for a town. For example, imagine someone buying a lot fronting on a paper street that was approved before the state subdivision law took effect in 1971. The fire department could find itself responsible for serving a home on a poorly designed road that did not meet current road standards.

What Laws Address Paper Streets?

In 1987 the Legislature enacted a law (www.mainelegislature.org/legis/statutes/23/title23sec3031.pdf) that states "from the date of recording of a subdivision plan ..., the public acquires rights of incipient dedication to public use of the ways laid out in the plan. If a proposed way is not accepted by the municipality within 20 years from the date of recording, the public rights in that way terminate." This termination of rights is known as vacation.

The law also addresses private rights: '(A) person acquiring title to land shown on a (recorded) subdivision plan ... acquires private right-of-way over the ways laid out in the plan. If a proposed, unaccepted way is not constructed within 20 years

from the date of recording ..., and if the private rights... are not constructed and utilized ... within that 20-year period, the private rights-of-way ... terminate." The rights pass to the abutting property owners to the center of the now discontinued way. The law distinguishes between streets recorded before the legislation was enacted and those recorded afterwards.

Streets Created Before the 1987 Legislation

Those created before 1987 were deemed vacated by the public fifteen years after recording if they were never constructed or, if constructed, never accepted as a town way or utility or recreational easement. Municipalities could delay the vacation period for 20 years. There was the option of extending for an additional 20 years or for a total of 40 years. In other words, unless the town acted to extend the right dedication, vacation occurred automatically.

Streets Recorded After the 1987 Legislation

The legislation gave towns the right of dedication to public use for 20 years after the date of subdivision recording with the right of extension for another 20 years. However, the developer or the planning board may specify a shorter period of dedication. This period must be noted on the face of the subdivision plan.

What Happens After 20 Years?

Those towns that extended the date of dedication for certain streets in 1987 have two options. One is to let the rights vacate. The other is to extend the rights for another 20 years. In some cases, it might be in the town's interest to surrender the rights of a long-forgotten paper street. In others, the paper street might provide public access to a valuable resource such as the shore. There may also be cases where homeowners on a paper street that would want public rights vacated in order to preserve their privacy.

What Should Towns Do?

First, you need to determine how many paper streets are in your town. If the streets do not meet current subdivision standards and cannot be brought up to those standards, automatic vacation may be the best solution. If the street is located in a designated growth area in the future land use plan of your

comprehensive plan, there may be a creative way to use them to attract development. For example, a town may require that no building permits be issued on a street unless a performance bond is in place to cover the cost of bringing the street up to town standards. It is important to consult with landowners.


CDBG NEWS

by Tom Martin

GRANT NEWS: GREENBACKS FOR YOUR COMMUNITY? COMMUNITY DEVELOPMENT BLOCK GRANT NEWS

As we go to press, we are awaiting the final program rules for the FY-14 Community Development Block Grant program. As always we are available to help towns with all phases of the application process. The table below presents the anticipated programs and deadlines for Letters of Intent (LOI) and the applications. These are subject to change.

ANTICIPATED COMMUNITY DEVELOPMENT BLOCK GRANT DEADLINES 2014 (subject to change)		
Program and Use of Funds	Maximum Grant Amount (% match required)	LOI/ Application Deadlines
Housing Assistance: for activities such as acquisition, rehabilitation of substandard housing, alternative housing, demolition, down payment assistance, lead-based paint removal, new housing construction, removal of architectural barriers and provision of well and septic systems.	\$500,000 (10% housing rehab, 20% new construction)	March 14, 2014 / May 3, 2014
Public Facilities: (PF) for local public facility activities that pose an immediate threat to the health and safety of the general public. Eligible activities are construction, acquisition, reconstruction, rehabilitation, site clearance, historic preservation, and relocation assistance associated with public facilities projects.	\$300,000 (25%)	January 17, 2014 / to be determined
Public Infrastructure: This program has two sub-categories: 1. public water, sewer and storm drainage improvements, water/sewer system hookups, utility infrastructure and dams with the main purpose of providing primary water storage for an active water district or municipal system. 2. infrastructure in support of new, fully financed,	\$1,000,000 (25%)	January 17, 2014 / March 7, 2014

LMI (Low to Moderate Income)-affordable housing.		
Downtown Revitalization: provides funds to communities to revitalize their downtowns. Applicants may combine activities from the Housing Assistance, Public Facilities, Public Infrastructure, and Micro Enterprise Assistance programs.	\$400,000 (25%)	January 31, 2014 / March 28, 2014
Workforce Development: addresses community and business resource needs by providing funding for operating expenses, equipment, and program materials for workforce training programs which will benefit LMI persons. Eligible activities include operating and program material expenses for the purpose of providing workforce training and skills development to address the shortage of an available trained workforce.	\$100,000	1 st Friday of month unless state holiday
Economic Development: for gap financing to assist businesses in the creation/retention of jobs for LMI persons. There are two categories of funds: a) Grants to Municipalities: for acquisition, relocation, demolition, clearance, construction, reconstruction, installation and rehabilitation <u>associated with public infrastructure</u> projects such as water and sewer facilities, flood and drainage improvements, publicly-owned commercial and industrial buildings, parking, streets, curbs, gutters, and sidewalks. b) Grants to Municipalities for Direct Business Support: for capital and non-capital equipment, land and site improvements, rehabilitation or construction of commercial or industrial buildings, job training, working capital and capital equipment and be in support of an identified business.	\$1,000,000 (100%)	1 st Friday of month unless state holiday/by invitation only
Micro-Enterprise Assistance: Provides grant funds to assist in innovative solutions to problems faced by micro-enterprise businesses. Assistance may be in the form of grants or loans at the discretion of the community. Eligible activities are grants/loans to for-profit businesses that can be used for working capital and interior renovations, façade grants or loans for exterior improvements, including signage, painting, siding, awnings, lighting, display windows and other approved improvements.	\$100,000	1 st Friday of month unless state holiday/by invitation only 
*NOTE: new housing construction is allowed only under very specific circumstances. Contact the HCPC for details.		

This portion of the newsletter was prepared with funds from the Maine Department of Economic and Community Development.

SOLID WASTE

By Tom Martin

ADAPTING TO THE GREEN FENCE

The Future of PERC

Most municipal officials are aware that the current operating agreement for the PERC (Penobscot Energy Recovery Company) waste incinerator expires in 2018. The Municipal Review Committee (MRC), which represents municipal interests in the facility, is exploring new disposal options. While no decisions have been made, it is likely that disposal fees will be higher than they are now.

HCPC is working with MRC officials to keep communities informed of changes. HCPC recommendations on solid waste management have generally followed the state solid waste hierarchy (listed in order of preference) of reduce, reuse, recycle, compost, waste-to-energy, and landfill. While this hierarchy is a useful guide, changing markets for recycling may make it more challenging for towns to increase their recycling rates.

Is the “Green Fence” China’s New Great Wall?

The primary recycling market for many materials is the People’s Republic of China. It is becoming more difficult to ship materials to that country due to the “Green Fence” policy. This term refers to stricter inspection of incoming loads for contamination. According to *Plastic News*, there was 5.5 percent decrease in imports of plastic waste in the first four months of 2012 in one Chinese city. This is in contrast to the four-fold increase in polymer scrap imports over the previous decade. Imports of scrap plastic bound for recycling factories in China decreased by 2.4 million metric tons from January through April, 2012.

What Are the Options?

1. Green Product Stewardship

With time new recycling markets will be found. As these markets emerge, we can focus on other parts of the solid waste hierarchy. One option is

increased product stewardship, which seeks to ensure that those who design, manufacture, sell, and use consumer products take responsibility for reducing their negative impacts. In a product stewardship approach, manufacturers design and market products that consider their entire lifecycle from initial creation to disposal or reuse. For example, some states require that mattresses be built to standards that make them easier to recycle. There is similar legislation pending in other states for carpets. Maine, as reported in an earlier HCPC newsletters, enacted a paint stewardship law during the 2013 legislative session. Maine residents already pay disposal fees for tires and household appliances such as refrigerators.

2. Greener Gardens Through Composting

Composting is another option. The demand for high-value soil amendments made from compostable material remains strong. HCPC staff is available to help develop compost sites. These range from the relatively simple yard and leaf pile to a more complex operation involving shellfish or other strongly odorous material. Our staff is available to help towns and private entrepreneurs with the DEP permitting process and developing a compost plan that assures there are adequate management of odors and pests.

3. Available Technical Assistance Resources

HCPC recently sent all towns copies of *Composting: A Summary of Options for Hancock County*. Copies are available on-line at www.hcpcme.org/environment/compost or contact us for a hard copy. For some general information on transfer station management, see *Is Your Transfer Station Ready for the Next Ten Years?* at www.hcpcme.org/environment/solidwaste. Printed copies are available on request.

WATER QUALITY NEWS

by Tom Martin

IS YOUR WATER GREEN? HOW HCPC CAN HELP

HCPC is involved in several water quality ventures. We are available to meet with officials in your community to discuss your specific needs. Our current services include:

1. Identifying and Addressing Unsafe Levels of Arsenic and Other Trace Metals in Well Water

Parts of Hancock County are within an “arsenic belt” where there are high levels of arsenic. Arsenic is a naturally occurring element that is more prevalent in certain geological formations. The U.S. Environmental Protection Agency (EPA) sets a maximum safe contaminant limit (10 micrograms per liter ($\mu\text{g/L}$)) for arsenic. Water from wells over that limit may pose health threats since arsenic is associated with several different forms of cancer, including bladder and skin cancers.

Some Hancock County wells exceed the EPA standard. For example, 23 percent of the 120 wells tested in Surry had had arsenic concentrations over 100 $\mu\text{g/L}$. In Surry and Blue Hill, 1 percent or more of the sampled wells had arsenic concentrations greater than 500 $\mu\text{g/L}$ during 2005–09. The well tests were not conducted on a scientifically based random sample, so they may not reflect actual conditions.

HCPC is working with the Maine Centers for Disease Control and Healthy Acadia in helping towns identify wells with unsafe levels of arsenic and other trace metals. *We will notify our communities of upcoming training sessions on this topic.* We are arranging for the bulk purchase of water testing services. HCPC also has information on arsenic treatment options (see: www.hcpcme.org/environment/wellseptic). We can make referrals to funding sources for income-eligible households for water treatment systems.

2. Identifying Threats to Marine Water Quality

We are working with various state agencies and local groups in identifying threats to marine water quality. A particular focus is the “610 Project.” The project refers to the goal of reopening 610

acres of closed clam flats in the Frenchman Bay. We are working with the Frenchman Bay Regional Shellfish Committee in identifying sources of contamination. Other coastal communities can learn from our experience. For information on conducting sanitary surveys to identify failing septic system see: www.hcpcme.org/environment/wellseptic. This link also has other information on wastewater disposal and water quality including alternative systems and funding sources.

3. Greener Infrastructure

We are now experiencing more frequent storms and most of our stormwater drainage infrastructure is designed to accommodate historical storms of record rather than recent events. This means that changes are needed in how we manage stormwater. For some background information on low impact development and other stormwater management topics, see: www.hcpcme.org/environment/LID. For more information on adjusting the stormwater drainage standards in your town’s land use ordinances, contact Tom Martin.

TRANSPORTATION NEWS

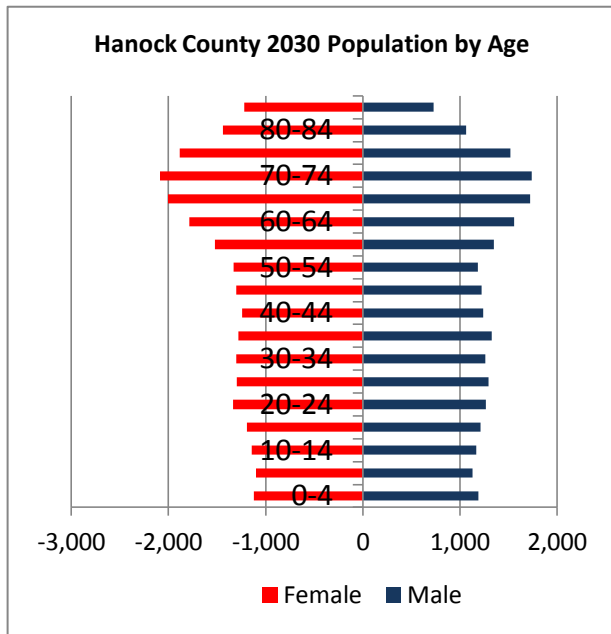
by Jim Fisher

Machias and Ellsworth Transportation Summits

Healthy Acadia, Washington County One Community and the Community Transformation Program teamed up to sponsor a Transportation Summit in Machias on November 6. The summit was primarily focused on the question of how to provide greater mobility to people that do not have private automobiles. While most families in Hancock and Washington Counties own cars, the age and condition of the cars and the drivers means that alternatives are necessary.

One indicator of the challenges we are going to face in Hancock County is a recent population projection that shows an unprecedented increase in our elderly population. Never in human history has a population been so old, with the largest age cohorts being 65 and older. Many of our elderly will not be able to drive, particularly during the

winter months. Other factors affecting private auto use include economic status and fuel prices.



The Machias summit featured presentation on volunteer driver networks, transit services and new “out of the box” ideas for addressing transportation challenges. Towns are encouraged to work with the Washington-Hancock Community Agency, Healthy Acadia, and HCPC to identify solutions for their local needs.

On December 3rd 1:00 – 3:30 PM the Maine Department of Transportation Transit Summit was held at Ellsworth City Hall. Like the summit in Machias, this public meeting is part of a statewide initiative to improve transportation options for people that don’t have access to private automobiles.

The purpose of the meeting is to:

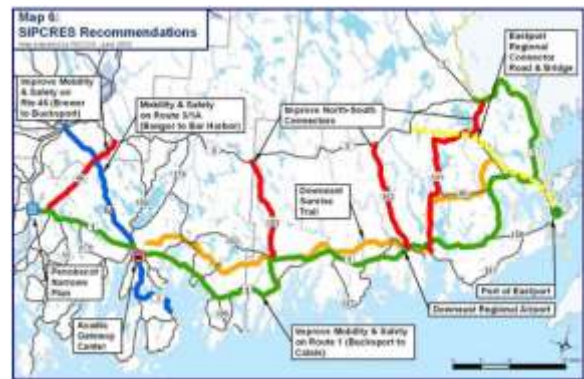
- Evaluate current transit services for all populations;
- Collect information on state agency coordination efforts; and
- Identify unmet needs and types of investments needed.

If you missed these two summits, you can always contact Jim Fisher at HCPC for information or to collaborate on addressing transportation problems in your community.

Downeast Coastal Corridor Update

HCPC has launched a two-county initiative with the Washington County Council of Governments to update the [2010 Downeast Coastal Corridor Plan](#). Though the 2010 plan is not at the end of its shelf-life, there have been a number of changes along the corridor that merit an update.

The 2010 plan included a list of recommendations for road resurfacing, shoulder improvements, walking and biking infrastructure, passing lanes, and multimodal centers.



This will be an opportunity for towns along the corridor to recommend additional improvements to Route 1, Route 9, connector roads including Route 15, Route 46, Route 182 and the Down East Sunrise Trail. We will be passing these recommendations on the Maine Department of Transportation. Check our website for updates and contact Jim Fisher at HCPC if you would like to be part of the advisory committee.

MaineDOT Public Meeting Notices

MaineDOT has added a new page to its website that provides a succinct list of [public transportation meetings](#) with links for additional details. HCPC will try to keep track of this, but towns are encouraged to check periodically to learn of pending meetings.

HEALTH NEWS

by Jim Fisher

HCPC is working with Healthy Acadia and the Maine Centers for Disease Control to promote

Active Community Environment Teams (ACET) in Hancock County. Hancock County in particular is experiencing long-term trends of aging and obesity. The two are related and are driving up costs of health care, emergency services and reducing our individual and collective quality of life. The major factors contributing to our expanding waistlines are environment and behavior. The choice to walk or drive is determined in many respects by our environment. Active Community Environment Teams are being formed all over Maine to help shape local policies that:

- encourage safe infrastructure for walking and biking;
- open indoor recreational facilities for winter-exercise;
- encourage schools and employers to create opportunities for physical activity; and
- work with health providers to education people about their options.

A recent study on diabetes prevention found that a program for people with pre-diabetic conditions that stressed moderate physical activity and dietary changes is more than twice as effective as drug therapy in preventing the onset of diabetes. Our goal is to promote an environment that makes physical activity the preferred choice in our daily lives.

More information is available at www.healthyacadia.org or by contacting Jim Fisher at HCPC. Please contact us if you would like to be an ACET for your community.

GIS NEWS

by Jim Fisher

911-Next Generation – Adapted from Maine Office of GIS

HCPC assists towns in Hancock County to prepare digital and paper transportation maps. We build custom maps in a Geographic Information System to include roads, water bodies, topography, wetlands or any other information the towns feel is helpful. The digital maps enable towns to turn specific layers of information on or off.

Next Generation 9-1-1 has many public safety benefits, the two most important features are: the public's ability to dial 9-1-1 for all emergencies and automatic caller location information, critical to speeding up the dispatch of emergency services. Our data files contain two pieces of information that hence forth will be continually updated.

NG_ROADS contains updated road centerline and road name data for Maine at 1:24,000 scale.

NG_Addresses contains updated physical address point location data for Maine. These points aren't the location of your house or business, but rather the place where your driveway intersects with the road.

Contact HCPC if your town needs transportation maps.

New Floodplain Maps

Hancock County towns should receive draft floodplain maps in February, 2014. Some towns have already had a preview. The Maine Emergency Management Agency (MEMA), National Floodplain Insurance Program (NFIP), and the Maine Office of GIS (MEGIS) are working together to create improved floodplain maps for the entire state. These maps are a vast improvement over the antiquated maps HCPC has stored for decades. The new paper maps include aerial photos in the background, and explanations for different kinds of flood areas. The following illustration shows a before and after comparison for a small area in the heart of Ellsworth.

The digital maps that HCPC will be able to provide to towns in the future will be allow towns to have the colors and clarity of the new format, but will also include parcel lines, town-wide zoning, shoreland zoning, contour data and more.

Greater accuracy in the new maps as well as increased likelihood of flooding due to heavier rains and sea level rise associated with climate change will result in winners and losers. Past flood maps have included large areas that will be removed from floodplain designation. Owners of these properties are sure to be pleased.

Other properties are moving into the flood zones and are likely to present new challenges to owners. Flood insurance may be required, particularly if a mortgage is needed. Property owners will have an appeals process for presenting evidence that the property or buildings are not at risk from floods. Appeals will need to be on technical grounds. Economic hardship is not likely to provide grounds for appeals. The appeals process is scheduled to last 90 days from the publication of the draft maps. According to this schedule, appeals must be submitted by May 1, 2014. The final maps will be published approximately six months after the appeals window, or November, 2014.

Towns are encouraged to be involved in understanding and managing flood risks. The Department of Agriculture, Conservation and Forestry provides guidelines, model ordinance and other information for towns through its [Floodplain Management Program](#). Town properties are also likely to be affected by the new flood zone designations, including local roads, town parks, office buildings and other infrastructure.

HCPC is planning an installment in our “Striking a Balance” seminars in late January to highlight the new floodplain maps and the role of town government in encouraging development well away from areas that flood. We will notify you of the date once it is confirmed.

1998 Flood Plain Map



2013 Flood Plain Map



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