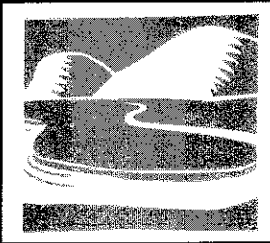


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SOUTHERN MAINE REGIONAL PLANNING COMMISSION

Regional Newsletter

The Resort Casino: One Chance to Plan

By Paul Schumacher, Executive Director

Sanford has become the center of the debate over the resort casino proposed by the Penobscot Nation and the Passamaquoddy Tribe. If this project does happen, it will bring with it thousands of jobs, along with thousands of new housing units, a great deal of traffic, increased public safety demand, and social services needs. These impacts would be immediate and permanent, and the cities and towns of Southern Maine will only have one chance to plan for them.

As your regional planning agency, we are committed to providing our best professional advice on the casino issue. We will not be taking sides on whether or not the casino is a good idea. Instead, our role will be to assemble as much information as possible on the potential impacts of the casino and to work as a liaison among the two tribes, the Town of Sanford, our other member municipalities, and the State of Maine to ensure that the impacts would be mitigated as much as possible.

At this time, SMRPC is beginning the process of conducting a comprehensive analysis of the impacts that would result from the proposed resort casino development in Sanford. Time is short—the Town of Sanford has already received a sketch plan for the casino project and the review process is underway. With this in mind, SMRPC convened a session on August 20 called, of course, “One Chance to Plan.” About 40 public officials and citizens were in attendance to hear about our process and to ask questions to SMRPC, as well as the Town of Sanford, and representatives of the Maine Departments of Environmental Protection and Transportation.

Over the next few months, SMRPC will be holding 15 public sessions on five different issues related to the impacts of the proposed casino: transportation, public services, housing, labor force, and the environment. These sessions will bring together experts on each topic to discuss the project’s potential impacts, and they will be held in locations all over York County to allow as many people as possible to attend. With so much going on, we have created a special page on our website to provide up to date news on the casino project: www.smrpc.org/casinoframeset.htm

If you have any questions about this process, please contact us.

SMRPC is Awarded SPO Regional Challenge Grant

By David Versel, Senior Planner

As part of our casino planning efforts, SMRPC applied to the State Planning Office for a Regional Challenge grant to undertake a truly regional approach to the casino project. This grant has been awarded to us, and will provide \$15,000 in funding for our casino planning activities.

The case made by SMRPC for this grant was that, if the statewide referendum passes in November, the review process will occur largely at the town level. Despite the fact that the casino development would undoubtedly have major impacts beyond Sanford’s borders, the only review that would be conducted beyond the Town of Sanford would be the Maine Department of Environmental Protection’s site law review. To help other towns in Southern Maine (as well as Seacoast New Hampshire) plan for the casino, SMRPC recognized the need to conduct a coordinated planning effort, and the regional challenge grant will help us accomplish our goal.

!!Staff News!!

SMRPC welcomes Josh Mack to our staff as a Transportation Planner. For more on Josh, please see Page 4. We also say goodbye to Sue Schaller, whose contract as Coastal Resources Planner has expired. We wish Sue the best of luck and hope to continue to work with her in the future. Finally, Suzanne LePage is set to return from her maternity leave on September 10.

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Executive Director's Column

By Paul Schumacher

As you can see from reading the front page of this issue, planning for the proposed resort casino in Sanford is SMRPC's top priority at this time. However, it is very important to us to remember that the casino is just one project, and there are many other issues affecting the 39 municipalities in our region.

Though the casino proposal is dominating the headlines, SMRPC is still involved in many other local and regional planning efforts throughout our region, and will continue to address our day-to-day responsibilities to our member municipalities.

On the land use planning front, we have remained very busy throughout the summer, with several towns in the region actively involved in comprehensive planning efforts. We have also been reviewing many subdivision applications for our towns, with our staff providing technical assistance to Planning Boards. We have also been actively involved with a number of State Planning Office committees dealing with the use of Geographic Information Systems to help track development at the regional and state levels.

Our transportation section has been continuing its work with both the Portland and Kittery area MPOs, as well as with the Regional Transportation Advisory Committee for Region 6 (Southern Maine). We have also worked with a number of towns on local transportation issues such as access management and road standards.

SMRPC's economic development staff is also staying busy, as we are helping to prepare towns that will be applying for CDBG funding. We are also hoping to work in the coming months with some of our service center communities on the redevelopment of mill structures and other historic buildings.

As you can see, life goes on at SMRPC, and, even as we proceed with our casino impact studies, we will continue to provide our municipalities with the core services we have always provided. When the final decision is made on the casino, positive or negative, we will be faced with a whole new set of planning issues. We look forward to the challenge.

Paul Schumacher

Legislative Update—A Busy Session Comes to a Close

By David Versel, Senior Planner

Whew! The 121st Legislature adjourned its first session in June 2003, bringing to a close one of the busiest sessions ever in regard to legislation concerning planning issues. The bills and laws referenced here are all labeled with their legislative document (LD) numbers. More information about each bill may be obtained by searching by LD number at: <http://janus.state.me.us/legis/LawMakerWeb/search.asp>

Signs of Progress in Affordable Housing

As of the June 2003 newsletter, **LD 858**, which establishes a statewide Affordable Housing TIF Program, was awaiting the approval of the governor. Since that time, the bill has been signed into law. To recap, this new law allows municipalities to create special districts for developing affordable housing, with provisions that at least one-third of units developed in such districts are affordable and that units remain affordable for at least 10 years (30 years for rental units).

A second new law, **LD 472**, establishes the *Task Force to Study Regulatory Barriers to Affordable Housing*. This legislation tasks the state's Community Preservation Advisory Committee (CPAC) with completing a report on both state and local governmental barriers and housing market challenges, to developing affordable housing units in Maine. CPAC has been asked to examine a number of key planning issues related to affordable housing, including zoning, impact fees, and growth caps. A full report from this Task Force is due to the Legislature by December 1, 2003.

Two Major Growth Management Decisions

A decision on the much-hyped **LD 389**, which would have pre-empted the ability of towns to reverse land use approvals by citizen referendum following final approval (as recently happened with the Kittery outlet mall), was indefinitely postponed. This bill had been thought to have widespread support in the Legislature, but a motion to postpone it was passed by a fairly wide margin on the last day of the session. It is not known whether or not the Legislature plans to take up this bill again in the next session.

A second growth management related initiative, **LD 1045**, was passed by the Legislature and signed by the governor. This act resulted in a Resolve directing the CPAC to conduct a study of the State Planning Office's system of reviewing comprehensive plans and municipal ordinances, with a report due to the Legislature's Natural Resources Committee by December 1, 2003. The results of CPAC's study could have significant effects on both the process and the timing of SPO's reviews of municipal plans and ordinances. We intend to report on CPAC's findings in a future newsletter.

Minimum Lot Size Reduced for Lots with Septic Systems

LD 695, which alters the minimum lot size requirements for lots with subsurface waste disposal systems, was signed into law in May. This law allows municipalities to approve lots with septic systems of less than 20,000 square feet in area (about 0.46 acres), as long as first-time system requirements are met. This law gives towns the option of promoting higher density residential development in areas that lack public sewer service, and could help encourage residential clustering in certain key areas.

Transportation and Land Use Planners Can be Friends (Yet Again)

Following on the passage of **LD 463**, which requires MDOT to establish linkages between the Sensible Transportation Policy Act and comprehensive planning and land use regulation laws (Growth Management Act), another land use/transportation law was passed. **LD 1452**, signed into law in May 2003, allows high-traffic projects that are built in infill locations to be exempt from off-site traffic mitigation requirements. Projects making use of this incentive must demonstrate "prudent traffic demand management strategies," specifically meaning the inclusion of public transit facilities.

If you have any questions about these or other land use statutes or bills, please feel free to call our Land Use team members any time. We are here to serve you!

SMRPC TRANSPORTATION NEWS PAGE

Kids and Transportation Summer Institute for Educators

By Dave Carpenter, Kids and Transportation Coordinator

The Kids and Transportation Programs of York and Cumberland County, in partnership with the University of New England, held the third annual Summer Institute for Educators. The one-week class exposed the teachers to several transportation alternatives and demonstrated how to bring these experiences into the classroom while addressing the Maine Learning Results. Participants earned 3.0 Continuing Education Units from the UNE Office of Continuing Education and were provided with various resources to use in their classroom.

Activities and topics included mapping and schedule interpretation skills, history presentations, use of local and regional transit, environmental impacts, economic costs, trail use and other related issues. Participants rode on the Peaks Island Ferry, Portland Bus System, Amtrak Downeaster and drove both Hybrid and electric vehicles.

Stormwater Management Activities

By Tom Reinauer, Transportation Director

The Kittery Area Comprehensive Transportation Committee (KACTS) has recently been assisting southern York County communities in completing stormwater management activities. The towns of Kittery, Eliot, South Berwick, and Berwick are required by law to develop stormwater management plans which will outline mitigation measures for stormwater systems and outfall locations over the next five years.

Utilizing KACTS planning funds, the four towns have hired Environmental Engineering and Remediation, Inc. (EER), and have been working with EER staff to complete the plans. The plans will be submitted to the Maine Department of Environmental Protection (MDEP) for review in early September.

SMRPC staff are also assisting these communities in mapping their stormwater systems, which is a required task of the management plans. Several towns are using Global Positioning System (GPS) technology to locate and map the pipe locations, catch basins, outfall locations, and nearby water bodies. SMRPC will be creating map products from this data, and maintaining the stormwater database for these communities as the project continues.

For more information, contact Tom Reinauer at SMRPC.

SMRPC Welcomes Josh Mack to Our Staff

Joshua Mack is a new employee at Southern Maine Regional Planning Commission and began working for the commission on August 4th. Josh is working primarily on transportation planning activities related to the Maine Department of Transportation's Region 6 Regional Transportation Advisory Committee (RTAC-6), the Kittery Area Comprehensive Transportation Study (KACTS), and the Portland Area Comprehensive Transportation Study (PACTS). Currently, Josh is updating the KACTS transportation plan, and reviewing high crash locations suitable for the installation of "smart" traffic sign technology. He is also providing support to Dave Carpenter and the Kids and Transportation of York County program.

Josh is from Round Pond, Maine and is excited to be working on planning issues in his home state. He just returned to the state after having completed a Masters degree in Regional Planning from the University of Massachusetts at Amherst. During his time in the program, Josh received an award for best graduate student paper on transportation planning and policy from the American Planning Association, and an award for outstanding planning scholarship from the Department of Landscape Architecture and Regional Planning at UMass.

Please join us in welcoming Josh aboard. We hope you all get to meet him in the near future.

BayScaping: Coastal Landscaping for Homeowners

By Sue Schaller, Coastal Resources Planner

BayScaping: Coastal Landscaping for Homeowners an evening workshop at Laudholm Farm in Wells Thursday, September 18th 7:00-9:00 pm

Please join us for an evening workshop offering environmentally friendly techniques for lawn and garden care. Low-impact techniques will be presented, featuring minimal use of pesticides and fertilizers, and focusing instead on proper use of these tools to augment soil testing, refinements to routine care, and alternative pest control. In addition, this workshop will promote the use of native plants and developing vegetated buffers as a low-maintenance option in your landscape, which can provide privacy, wildlife habitat, and protection to streams and waterways. In the five years between 1995 and 2000, the sale of weed-and-feed lawn care products doubled in the Casco Bay Watershed. The pesticides and fertilizers contained in these products are increasingly turning up in storm water run off, demonstrating that the practices of individual households have a significant cumulative impact.

Reducing pesticide and fertilizer use, choosing low maintenance species for your lawn and landscape, and enlisting vegetated buffers to stabilize soils and filter runoff are tools for lush landscapes and clean waters. Come listen for free, or bring a pint of dirt from your yard and get a soil test for \$15!

Presentations include:

- Techniques for Low Impact Lawn & Garden Care, by Gary Fish, Certification & Licensing Specialist, Maine Board of Pesticide Control
- Creating Low Maintenance Landscapes with Native Plants and Vegetated Buffers, by Frank Wertheim, Extension Educator, University of Maine Cooperative Extension York County Office.
- Cumulative Impacts in Brief: A Justification for BayScaping by Kristin Whiting-Grant, Wells NERR & Maine Sea Grant Microbial Source Tracking Study
- Question & Answer Session: Ask our panel of experts, so that you can begin to implement BayScaping in your backyard! You can get a head start on this program by bringing a soil sample for testing at a nominal cost of \$15. To get your sample, mix soil from multiple spots in your lawn or garden, and bring a pint.

This session is a presentation of the Wells National Estuarine Research Reserve Coastal Training Program, Maine Bureau of Pesticide Control, University of Maine Cooperative Extension, Southern Maine Regional Planning Commission and the Maine Coastal Program. If your town is a NPDES Storm Water Phase 2 MS4 community, you may find this program to be a helpful tool in public education and outreach.

For more information please contact Tin Smith at the Wells National Estuarine Research Reserve at 646-1555 or tsmith@wellsnerr.org, or visit www.wellsreserve.org

CDBG Application Workshops

By Chuck Morgan, Economic and Community Development Director

The Maine Office of Community Development will be offering free application workshops for any community or organization that is interested in learning more about the 2004 Maine Community Development Block Grant (CDBG) program application process. Included will be a description of the CDBG program, eligible activities, application due dates, submission requirements and a chance for questions and answers.

There will be three workshops held either in or near the SMRPC region:

1. Friday, September 26, 10:00 AM, City Hall Auditorium, 300 Main Street, Saco
2. Monday, September 29, 10:00 AM, DECD West Conference Room, 111 Sewall Street, 3rd Floor, Augusta
3. Tuesday, September 30, 6:00 PM, Basement Conference Room, City Hall, 55 Front Street, Bath

Each year SMRPC receives funds from the Office of Community Development to provide technical assistance on the CDBG program to communities. This assistance is available at no charge. Please contact Chuck Morgan at 324-2952 for more information.

STATE PLANNING OFFICE NEWS UPDATE

This section summarizes news from SPO as of September 1, 2003.

Two New Planning Tools for Municipalities

The State Planning Office has two new technical assistance documents available to communities: one on impact fees and the other on community visioning. Each document includes the latest thinking on each topic and is intended to provide clear, up-to-date information that can be used by any city or town and reflects all of SPO's smart growth efforts surrounding these topics.

Maine communities attracting new residents and businesses often struggle to raise the necessary funds for annual operating budgets, and fall behind in expanding and improving their capital facilities. As a result, local communities nationwide have been searching for alternative sources of funding for needed public improvements. **Financing Infrastructure Improvements through Impact Fees: A Manual for Maine Municipalities on the Design and Calculation of Development Impact Fees**, is designed to provide towns with information and tools necessary to implement an impact fee ordinance.

Before there can be a meaningful comprehensive plan, residents of a community must agree on a mental picture of how they want the community to look and feel. This mental picture is a "vision." **Community Visioning Handbook: How to Imagine - and Create - A Better Future** describes what a community vision is (Part I), provides a step-by-step guide to creating a community vision (Part II), and gives an example of a vision from one Maine community (Part III).

Both documents are available on the SPO website at <http://www.state.me.us/spo/landuse/pubs> or can be ordered from the SPO. Please contact Matt Nazar at 287-4818 or matthew.nazar@maine.gov for more information.

Understanding Water and Wastewater Options

One of the biggest land use challenges small towns face is maintaining and expanding traditional village centers that lack central water and sewer. Maine's minimum lot size requirement for single-family lots using onsite subsurface wastewater disposal is 20,000 square feet (sf). Many towns in Southern Maine have adopted higher standards for development, setting minimum lot sizes to one acre or larger for individual lots with on-site subsurface wastewater disposal (septic systems). Larger minimum lot sizes have been adopted for a variety of reasons, from local soil conditions to a community's preference for larger lot zoning as a means of discouraging growth.

Publicly managed wastewater systems are subject to ever increasing (and costly) state and federal environmental permitting requirements and regulations, and public water supply systems are becoming increasingly expensive to operate due to additional federal water quality regulations and, more recently, terrorism concerns. Local regulations frequently create minimum lot sizes that make developing a walkable neighborhood impossible. While clustered development and small community systems may be a technically feasible solution, many small Maine communities are fearful of the fiscal, environmental, and management responsibilities of even small public systems.

Information regarding the technical capacity, feasibility, cost, and effectiveness of small-scale community water and wastewater systems is not readily available to planners; planning boards are understandably concerned about approving community systems; and builders and developers are frequently not aware of the full suite of options. To address these challenges, the State Planning Office is developing technical assistance and outreach materials on small-scale water and wastewater systems that will enable village-scale development in locations where it is appropriate and locally desirable. Technical assistance materials are scheduled to be completed before the end of the year. A stakeholder advisory committee will convene this summer to work with SPO and the consultants to shape the discussion of appropriate solutions in Maine communities and provide feedback on draft materials.

If you are interested in this project, you can contact Liz Rettenmaier at the State Planning Office for more information at liz.retttenmaier@maine.gov or by phone at 287-6417.

STATE PLANNING OFFICE NEWS UPDATE (CONTINUED)

Comprehensive Plan and Zoning Ordinance Electronic Submittal Guidelines

The State Planning Office has developed **voluntary guidelines** for communities submitting their comprehensive plans and zoning ordinances for review for consistency with the state Planning and Land Use Regulation Act. The goal of these voluntary submittal guidelines is to reduce the cost and administrative burden of submitting plans for review by reducing the number of hard copies of the plan or ordinance that are required in the Procedural Rule for Submission and Review of Comprehensive Plans and Zoning Ordinances (Chapter 201).

The Electronic Submittal Guidelines apply only to the copies of the Comprehensive Plan or Zoning Ordinance being submitted. The Town must still submit, in hard copy, the requisite submission forms and other supporting material detailed in the Procedural Rule for Submission. See the details on the SPO website at: <http://www.state.me.us/spo/landuse/docs/submittal.php>.

If you have any questions, please contact Liz Rettenmaier at 287-6417 or liz.retttenmaier@maine.gov.

Multi-Jurisdictional Subdivision Review

By Jamie Oman-Saltmarsh, Land Use Planner

Planning Boards in southern York County are already very busy, with at least one or two subdivisions (or more) to review per meeting, each of which is usually challenging enough for a Planning Board to review. So what happens when a subdivision is proposed that crosses the borders of three towns? There have been few examples of joint review of subdivisions in Maine to date, and a subdivision being proposed on a tract of land crossing the towns of Berwick, North Berwick, and South Berwick is probably the most complicated scenario we have seen at SMRPC in applying rarely used provisions in 30-A MRSA 4403(1-A).

The parcel in question was recently sold and divided into three separate parcels, one in each of the three towns. The applicant initially applied to South Berwick for an 18-lot subdivision. The plan submitted showed a second phase in North Berwick containing an additional 22 lots, and a third phase in Berwick of an unknown number of lots. When Berwick and North Berwick were made aware of the proposal in South Berwick, they questioned their role in the review and approval process if the lots within the larger subdivision were located in their towns. Berwick took the first step and got an opinion from an attorney with the Maine Municipal Association (MMA) to confirm that the situation before them was subject to the joint review provisions pursuant to 30-A MRSA 4403(1-A).

The South Berwick Planning Board then held a joint meeting with the Planning Boards from the other two towns to discuss a multi-jurisdictional review and approval process. At this meeting, there was great discussion but little agreement on the process! One town wanted full participation throughout the entire process regardless of the town in which a development was being proposed; another town was willing to attend meetings and provide comments but didn't feel a need to "be at the table;" while the other town was willing to solicit comments from the other towns, but felt that the process would be too unwieldy if too many board members were involved.

Although a final process has not been formalized as of this writing, it appears that all three Planning Boards are leaning towards an approach that allows representation at the table with no voting rights. Here is how it might work: Since an 18-unit subdivision is proposed on the South Berwick parcel, two representatives from the Planning Boards of Berwick and North Berwick will be notified of the meeting in South Berwick and will sit at the table with the South Berwick Planning Board to review and comment on the proposal, but as non-voting members (much like an alternate member). Only the South Berwick Planning Board will provide findings of fact and conclusions of law on the application, and if approved, will sign the plans. This scenario will repeat itself whenever any further development is proposed or amendments are requested within the subdivision.

This is an interesting and challenging situation, and it will become more so as the project progresses through the development process. The towns have made admirable attempts to reach beyond municipal borders in order to address the regional impacts that this project will create. If you would like to find out more about this interesting and unique situation, please contact Jamie Oman-Saltmarsh at 324-2952.

“Stepping Down”: Planning and Zoning Board Ethics

By J.T. Lockman, Planning Director

In recent discussions with members of Town boards and committees, we frequently have been asked about the proper procedure to follow when “stepping down” or recusing oneself from discussing a particular matter. We recommend following the American Planning Association Ethical Principles. These Principles, adopted by the APA in 1992 for both citizen planning boards and paid planning staff, state that someone who is stepping down because of an actual or potential conflict of interest should leave the room. You may wish for your Board to explore adopting parts of the APA ethical principles as part of your Board bylaws, so members will have a clear understanding of when to step down from a decision, and how to behave once they have done so.

Here is a condensed list of 13 principles from the APA Principles regarding “stepping down.” For a copy of the complete “ethical principles,” contact J.T. Lockman or visit our website at www.smrpc.org.

1. *Exercise fair, honest and independent judgment in their roles as decision makers and advisors;*
2. *Make public disclosure of all “personal interests” they may have in the planning process;*
3. *Define “personal interest” broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might obtain from a planning decision;*
4. *Abstain completely from direct or indirect participation in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation;*
5. *Seek no gifts or favors, nor offer any, under circumstances in which it might...be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker;*
6. *Not participate on any plan or project in which they have previously participated as an advocate;*
7. *Serve as advocates only when the client's objectives are legal and consistent with the public interest;*
8. *Not participate [in any] plan or program on which they have previously served as advisor... unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency;*
9. *Not use confidential information acquired in the course of their duties to further a personal interest;*
10. *Not disclose confidential information acquired in the course of their duties except when required by law;*
11. *Not misrepresent facts or distort information for the purpose of achieving a desired outcome;*
12. *Not participate in any matter unless adequately prepared...to render thorough and diligent service;*
13. *Respect the rights of all persons and not improperly discriminate against or harass others.*



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