

CDBG Application and Workshop News

By Chuck Morgan, Director of Economic and Community Development

The Maine Office of Community Development's 2005 Community Development Block Grant (CDBG) program will begin accepting applications for various program in December, 2004. Copies of the Final Statement and applications are available from Southern Maine Regional Planning Commission or from the Office of Community Development.

Assistance in the explanation of the programs and the development of applications is available from SMRPC at no cost to the municipalities. These services are financed through a contract with the Department of Economic and Community Development made possible as a result of your annual dues payment. We are able to meet with you to explain the types of activities eligible under the various grant programs, match the grant programs to the community and economic development needs of your community, or assist in the development of an application. Information on the various CDBG programs, including application deadlines, funding amounts, program descriptions and the Final Statement, is available at the Office of Community Development's website: www.meocd.org.

In preparation for the application deadline, the Office of Community Development will be offering five application workshops. These workshops are essential to any community or organization that is interested in learning more about the 2004 Maine Community Development Block Grant 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 is no charge to attend these workshops.

The times, dates and locations for the workshops closest to the SMRPC region are:

Tuesday 10/12/04, 3:00PM, Lincoln County Economic Development Office 35 Water Street, Wiscasset

Wednesday 10/13/04, 6:30PM, Kennebec Valley Council of Governments, 17 Main Street, Fairfield

Thursday 10/14/04, 1:00PM, Greater Portland Council of Governments, 68 Marginal Way, 4th Floor, Portland



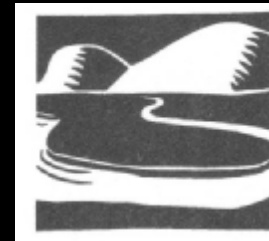
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SOUTHERN MAINE REGIONAL PLANNING COMMISSION

Regional Newsletter

Growth Caps on the Hot Seat

By David Versel, Senior Planner

After four years of relative quiet on the growth cap front, the silence has been broken by a lawsuit and subsequent court order regarding the Town of Wells' cap. A developer in Wells challenged the validity of the Town's cap on the grounds that Wells does not have a Comprehensive Plan that is consistent with Maine's Growth Management Law. The plaintiff filed a Motion for a Temporary Restraining Order (TRO) against the growth cap ordinance, which, if granted, would have struck it down immediately. The effect of the TRO would have been to exempt dozens of backlogged growth permit applications from the growth cap, thus allowing a large number of new units to be built immediately.

In a court order dated August 16, 2004, Superior Court Justice Paul Fritzsche denied the TRO request, as he felt that it would have a "significant effect on the public." Though Justice Fritzsche rejected the TRO request, he did feel that the plaintiff's core issue had merit. He went on to state the following:

"Based on an initial review of the Town's ordinance, state law and the materials from the State Planning Office there is a serious question regarding the validity of the Town's Growth Ordinance. The Town is advised to carefully and expeditiously consider whether it wishes to amend its ordinances rather than risk a decision from a Court striking down its ordinance."

In other words, the court has made it clear that the Town of Wells is treading on thin ice by enforcing a growth cap without having a Comprehensive Plan that is consistent with the state Growth Management statute. So why is this front page news? It's because Wells is not alone in this predicament. As of this writing, there are several other towns in the SMRPC region that find themselves in a similar position as Wells and there are a number of other towns with inconsistent Comprehensive Plans that are debating whether or not to enact growth caps.

If your town fits the category of having a growth cap but not having a consistent Comprehensive Plan, here are four options for you as we see it:

Option #1: Get rid of the growth cap—The easiest way to avoid a challenge to your growth cap is to not have a growth cap. However, if you are considering doing away with your cap, we urge you to work on installing comprehensive strategy for addressing growth management, and not just throwing caution to the wind.

Option #2: Get a consistent Comprehensive Plan—If your plan has been ruled inconsistent by the State Planning Office (or you don't have one) you can then work towards having a consistent plan. However, SPO has made some strong statements regarding how Comp Plans deal with the growth cap issue. What SPO wants to see is that your town has fiscal limitations that prevent it from growing beyond a certain rate in order to maintain adequate public facilities and services.

Option #3: Enact a differential or temporary cap—SPO has been more receptive to the idea of a differential cap—that is, a cap that has different limits in growth areas versus non-growth areas. This approach has yet to be implemented in Maine, but the Town of Casco did put forth this idea in its Comprehensive Plan—a plan that was found consistent by SPO. SPO also is sympathetic to temporary caps that only set out to slow growth for a limited amount of time. In either case, though, you will need to put forth these ideas in a Comprehensive Plan.

Option #4: Wait and see—The outcome of the Wells lawsuit (which may be resolved by a settlement between the plaintiff and the Town) should be instructive to other towns. Rather than overreacting to this news, your best bet may be to see what happens in this case.

If you are unsure as to where your town stands or how to respond to your situation, please contact me at 324-2952 or dversel@smrpc.org, and I will be happy to talk with you.

!!Staff Change!!

Suzanne LePage is leaving SMRPC after about five years of service. Suzanne is taking a similar position at the Central Massachusetts Regional Planning Commission in Worcester. We thank Suzanne for all of the great work that she has done at SMRPC and wish her the best of luck. Please see Page 5 for Suzanne's parting thoughts as she takes her leave from SMRPC.

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Executive Director's Column

My column this time consists of three worthy topics:

New Initiative at SMRPC

I'm glad to announce that SMRPC has received a \$200,000 grant from EPA to conduct a Brownfields Assessment Program for our planning region. A brownfield is not necessarily a contaminated or urban site, but rather a neglected or vacant site where the threat of contamination makes the property difficult to redevelop. The sites might be anywhere within our region - from the larger cities and towns to our more rural villages. The funds will be used to inventory a number of sites and then conduct environmental assessments and develop reuse plans for the most promising sites. This is a major new program for the Commission and one we hope to use as we look towards infill development, mixed use opportunities and providing for an economic stimulus for our downtowns. We have already had interest expressed from Saco, Biddeford and Parsonsfield to examine some old mill sites within those communities. Please contact our office if you want to hear more about the program. Again a site does not need to be large or obviously contaminated. The program is designed to help both property owners and communities with their economic development plans.

It should also be pointed out that the Town of Sanford also received its own local funding for the program in the amount of \$200,000 (to look at some of its existing mill space).

As she departs, I would like to thank Suzanne LePage for her five years of service to the Commission. Suzanne contributed a great deal to our transportation planning efforts and was the creative force behind the house band, "Friends of Paul". Whether the band, like the Beatles, crumbles, remains to be seen. We all wish Suzanne and her family the best as they move back to Massachusetts (where she will work for the Worcester-based Central Massachusetts Regional Planning Commission).

With in the next month, SMRPC, with the assistance of the Biddeford and Saco Area Economic Development Corporation, will finalize an economic development study which updates the 1995 County wide Defense Conversion Study. Consultant Chuck Lawton is preparing the analysis, which will highlight what has been accomplished since 1995 and where we need to go in the near future. As in 1995, the study is taking place with discussions of possible base closures occurring here and in Washington. We will notify everyone of the findings and any meetings taking place. It should be pointed out the prior study provided the background and recommendations which led to a number of state and federal grants for the region.

Paul Schumacher

SPECIAL FEATURE—ALTERNATIVE ENERGY NEWS

Wave Energy on the Horizon

By Fred Landa, Maine State Planning Office

The Energy Resources Council met on June 22. Two consultants to the Electric Power Research Institute, who are studying wave energy potential in four states, gave an overview of the Maine project. Maine is the only state on the East Coast being looked at. Maine was selected because of its wave energy potential, and because the Maine Technology Institute provided funding for the first phase of the study, which is designed to analyze suitable sites for a wave energy feasibility study. Several potential locations have been identified in the seven Maine coastal counties, with the greatest wave resource being toward the southern part of the state. More work needs to be done on fisheries issues, other concerns, and bathymetry before a site can be selected. Wave energy machines sit on the water and harness energy from the waves themselves; they do not involve construction of a dam. For more information, contact Beth Nagusky at 287-4315 or beth.nagusky@maine.gov.

State to Substantially Increase Biodiesel Purchase

By Fred Landa, Maine State Planning Office

The state will increase its purchase of biodiesel to heat state office buildings this winter by over six-fold, from 27,000 gallons of 20% biodiesel blend last year to 357,000 gallons of 10% biodiesel this year. The state house, state office building, state museum, and liquor warehouse, as well as the Blaine House, Stevens School, and the buildings that house the State Planning Office, will be heated with the B10 blend. Biodiesel is a renewable fuel that is produced from vegetable oils, such as soybean and groundnut oil. Using biodiesel reduces our dependence on foreign oil and cuts emissions of air pollutants, including CO2, the primary greenhouse gas. Maine's Office of Energy Independence & Security is working with developers of a proposed facility to reprocess waste vegetable oil from Maine restaurants into a bio-fuel for heating and transportation. Maine restaurants produce up to 2 million gallons of waste vegetable oil annually. The Maine Legislature passed a \$0.05 per gallon production tax credit for bio-fuel producers this past session. For more information, contact Beth Nagusky at 287-4315 or beth.nagusky@maine.gov.

Energy Information Website Launched

By Fred Landa, Maine State Planning Office

On June 23, the Governor announced the launch of the State's new comprehensive energy website at a press conference at the Cabinet Room. The website is a project of the Energy Resources Council in conjunction with InforME, Maine Department of Environmental Protection, and Maine State Housing Authority (MSHA). The website provides a "one-stop shopping" resource of energy information and conservation tips, as well as links to EfficiencyMaine, Department of Economic & Community Development, MSHA, and other state energy programs. Visit the site at: www.mainenergyinfo.com.

For information, contact Beth Nagusky at 287-4315 or beth.nagusky@maine.gov.

A Report on the Hybrid

By David Carpenter, Coordinator, Kids and Transportation of York County

Two years ago the Maine Turnpike Authority donated a 2003 Honda Civic Hybrid to KATYC. The MTA's decision to purchase the hybrid vehicle resulted from a unique convergence of interests in that the Authority wanted to become knowledgeable and prepared to deal with future transportation technologies while KATYC wanted to provide a hands-on learning opportunity to the students and teachers that we serve.

The hybrid has performed well for us over the last 24 months. Every trip has been logged for date, distance and MPG information. Performance wise, it has consistently averaged in the mid to high 40's for gas mileage. From a teaching perspective, we have been able to use the car as a centerpiece for class presentations and teacher classes.

Announcing SMRPC's Fall Workshops

We will be holding two of our ever-popular planning workshops this fall:

Our annual **Boardsmanship Workshop** will be held on Wednesday, October 27, 2004 from 7-9PM at the Sanford Junior High School Cafeteria. The featured presenter will be Durward Parkinson, a land use attorney from Bergen & Parkinson in Kennebunk. If you are a new member of a Planning Board or Board of Appeals, this workshop will be an indispensable primer for you regarding the ins and outs of serving on a local board. For seasoned veterans, we encourage you to come to brush up on your boardsmanship and to have an opportunity to ask questions of Durward.

Back by popular demand is our **Board of Appeals Workshop**, to be held on Thursday, December 16, 2004 from 7-9PM at the Nason College Alumni Room at the Anderson Learning Center in Springvale (in the basement of SMRPC's building). Our featured speakers for this event will be Madge Baker, Esq., and Superior Court Judge Paul Fritzsche, and they will be discussing legal aspects of serving on a Board of Appeals as well as recent case law from the Maine Supreme Court.

Mailings on each workshop will be going out as they approach. To register for either workshop please contact David Versel at dversel@smrpc.org or at 324-2952. We hope to see as many of you in attendance as possible!

New Year-Round and Seasonal Population Estimates are Complete

The SMRPC staff is pleased to announce that we have completed estimates of year-round and seasonal population estimates as of 2004 for all 39 municipalities in the region. We intend to update these estimates each year from this point forward.

As of 2004, the total year-round population of the region is estimated at 211,190, an increase of more than 13,000 over the 2000 Census figure of 198,072. This represents an annual growth rate of 1.6%. These estimates were based on actual building permit figures for the four-year period from 2000-2003. During this period, there were a total of 6,724 permits issued for new residential construction in the region, with the greatest number of permits issued in Saco (489), Wells (467), Kennebunk (411) and Waterboro (402). The fastest growing towns in the region from 2000 to 2004 in terms of percent growth were Stoneham (8.2%), Newfield (4.6%), Sweden (4.1%), Waterboro (4.0%) and Limerick (4.0%). Waterboro added the most residents, gaining an estimated 1,056 people between 2000 and 2004, pushing the town over the 7,000 mark.

In addition to the year-round population estimates, SMRPC has also completed estimates of peak overnight seasonal population. These estimates were done using Census data on seasonal housing and the state's licensing database of lodging and campground facilities. In all, we estimate that the region contains a total of 17,823 seasonal housing units and 27,120 lodging units or campground spaces—a total of 44,923 places for visitors to stay overnight. Using different occupancy factors for different unit types, we estimate that the peak capacity of overnight visitors in the region is 147,650 people. Adding this number to the year-round population, the estimated peak seasonal population of the SMRPC region is 358,840.

The towns with the largest seasonal population increases are, not surprisingly, Old Orchard Beach (27,640), Wells (24,560), York (17,400) and Ogunquit (11,010). Several inland towns with lakes and ponds have substantial increases as well: Lebanon (4,670), Acton (4,580), Lovell (3,590), Fryeburg (2,970) and Denmark (2,790).

Seasonal population figures do not include houseguests of residents, nor do they include daytrippers. Considering that there are more than 17 million day trips taken to York County alone each year (see Page 6), the actual peak population of our region is probably substantially higher than the estimate of 358,840.

Tables showing year-round and seasonal population estimates for the entire region can be downloaded from the Census data section of our website at www.smrpc.org/censuspage.htm. For more information about the methodology used for these estimates please contact David Versel at 324-2952 or dversel@smrpc.org.

Maine DOT Launching New Public Outreach Effort

By Josh Mack, Transportation Planner

SMRPC is partnering with the Greater Portland Council of Governments to assist MaineDOT in launching a statewide campaign to improve public outreach, and implement strategic economic development and corridor-based planning in York and Cumberland Counties. In the next year, SMRPC will be working with a newly established Southern Maine Corridor Committee to develop a regional needs assessment that will be used by the Maine DOT to integrate its transportation planning efforts with land use and economic development planning.

A kickoff meeting for the new process was held on September 8 at the Scarborough Municipal Offices. Roughly 20 local government officials, transportation providers and citizens volunteered to serve on the new Southern Maine Corridor Committee. The next meeting scheduled for the Committee will be on October 7 at 5:30 at Saco City Hall and meetings thereafter will occur every other month. Members of the public are strongly encouraged to attend these meetings. For more information contact Josh Mack at 324-2952.

Route 236 Corridor Committee Forming

By Josh Mack, Transportation Planner

SMRPC, in conjunction with the Kittery Area Comprehensive Transportation System (KACTS) Committee and the Maine DOT are launching a new Route 236 Implementation Committee for the north-south corridor that runs through the Berwicks into Eliot and Kittery. The Committee will address prior planning efforts carried out by the municipalities, KACTS, Maine DOT, the Maine Turnpike Authority and others. The purpose of this committee is to build a long-term coalition between the stakeholders and develop an action plan to implement short-term and long-term transportation and land use strategies aimed at meeting the mobility and safety needs of the corridor. The Committee will work to coordinate previous and existing planning efforts, perform a follow up assessment and prioritization of unimplemented recommendations, and create a time-lined action plan that identifies realistic tasks for relevant stakeholders. Members of the public are strongly encouraged to attend the Committee meetings.

For more information about the Committee, including dates and times of upcoming meetings, contact Josh Mack at 324-2952.

Closing Remarks

By Suzanne LePage, Transportation Planner

For six years, I have lived and worked in southern Maine as a regional planner. Many of you know that my primary focus has been transportation, but that I have strived to consider, talk about, and plan for the many other components of community planning. At the 100 or so public meetings that I have attended in southern Maine over the past few years, I have heard countless times the desire to preserve rural or community character. At many of those meetings, I have also listened to the challenges of public officials in stabilizing their constituents' tax burdens while delivering quality public services. Discussions often include the migration of our New England friends to the south to the rocky shores and pastoral back roads of Maine. They're coming for a better life, and often because the land is cheap. So, our farms and open space get transformed to a suburban landscape at the expense of everyone. Part of my job has been to help towns develop regulatory methods that may help, but I believe the most effective thing we can do is put our money where our mouth is. Supporting local farmers by buying their vegetables, meat, milk, and eggs is my preferred choice for rural preservation. I've done it here and I will continue to do so in central Massachusetts, where I'm headed. Yes, there are still farms in Massachusetts. And with the help of my wallet and that of others like me, they will continue to be there for my grandchildren. By the way, that is the definition of sustainable development.

The objective on my resume reads: "To work in an environment that fosters the development of innovative solutions to public problems." I'd like to thank everyone who has made that possible for me here. Have we devised solutions? Yes, I think we have thought, discussed, and catalogued many good ones. Of course, the challenge is in implementation. To each and every individual that took the time to participate and speak, thank you and good luck. I will miss this community.

Tourists: Not as Bad as Black Flies

By David Versel, Senior Planner

When I first moved to Maine three years ago, I remember driving down the Turnpike on Labor Day and seeing a very curious banner hanging from an overpass in southern York County. The banner read: “Goodbye You ***damned Tourists!” (edited for content). If the love-hate relationship between locals and tourists in Southern Maine wasn’t already obvious to me, this expression surely made it clear. Unfortunately, this was not an isolated incident—to many Mainers, the annual advent of tourists is equally welcome as black fly season.

Having lived here for three years, I now understand what the summer does to Southern Maine—more traffic, longer lines, hotter tempers, etc. While the citizen in me understands the temptation to be hostile towards tourism, as a planner, I feel that our region has failed if we view tourism as a negative. After all, with the continued decline of manufacturing in Southern Maine, tourism is now the largest employment sector in our region. Given the fact that we talk so frequently about needing a stronger economy, I have come to be very concerned about the resistance to accept the fact that, as long as there are still seashells on the beach and lobsters in the ocean, tourists will keep coming to visit.

That said, there are many opportunities available to us to build Southern Maine’s tourist economy without substantially affecting the day-to-day lives of our year-round residents (myself included). Here are a few suggestions:

Suggestion #1: Turn Day Trippers into Overnighters—According to the Maine Office of Tourism, in 2002 (the most recent year reported), 17.1 million people came to Southern Maine as day trippers or through-travelers. The average travel party in our region had 3.3 people, meaning that 5.2 million parties daytripped here but didn’t stay for the night. From an economic impact perspective, daytrippers are the worst kind of tourist: they use our roads, take up space on our beaches and use our bathrooms, but they don’t spend a lot of money. By turning day trippers into overnighters, we can make people who already come to our region spend more money here. If even 10% of the 5.2 million daytrip parties stay the night (and spend \$100 more on average), we would see an annual economic impact of \$52 million!

Suggestion #2: Increase Tourism Activity West of the Turnpike—Most tourists to our region never venture west of the Maine Turnpike, and the coast bears the brunt of the tourist invasion. While lighthouses and lobsters form the backbone of our tourist attraction, there is so much more to our region than the coast—we have a myriad of recreational, historic, cultural and entertainment options available in our inland communities. These alternative attractions have obvious appeal to tourists and represent a more “real” Maine experience, but are largely overlooked.

Suggestion #3: Lengthen the Season—Not surprisingly, 46% of all trips to Southern Maine come in the Summer, with 23% each in the Spring and Fall and just 8% in the Winter. With tourist activity so heavily concentrated in the Summer, there is enormous capacity for visitation during the other nine months of the year. Obviously, people aren’t going to take a beach vacation in February, but there are so many other appealing features of our region in the off-season: great restaurants, wonderful inns, a relaxing and uncrowded atmosphere, ample outdoor recreation opportunities and historic villages. Getting people to come at other times of the year besides the summer takes advantage of the unused capacity for visitation and builds economic opportunities.

Suggestion #4: Get People out of Their Cars—The most obvious impact of tourism to us locals is traffic, and it’s no mystery why, as 86% of all tourists coming to Maine arrive in their own vehicles (the national average is 74%). Once here, people have limited options when it comes to getting around, so most people travel in those vehicles to get around. The Coastal Explorer initiative is helping to expand ground transportation opportunities in Southern Maine, and continued support of it by the tourism industry is necessary to help mitigate the impacts of tourism.

Suggestion #5: Be Nice—Unlike black flies, tourists have feelings. If we, as a region, continue to be hostile towards tourists, sooner or later they may stop coming. While some people might think that is a good thing, I will remind those folks that tourism is, for better or worse, one of the backbones of our economy. Mainers pride themselves on their friendliness, but that attitude must extend to our summer guests as well if we want to reinforce the role of tourism here.

So, as we enjoy another quiet, pest-free Maine winter, let’s all remember that tourists are not as bad as black flies—they are positive contributors to our region’s economy...and they don’t leave nasty red welts on your skin. Please keep that in mind as we continue to debate Southern Maine’s future prospects for economic growth.

Legislative Update: Liquidation Harvesting & Growth Management

By J.T. Lockman, Planning Director

At this time of the year, we traditionally update our readers about notable changes to planning statutes, passed in the last legislative session. There are two Public Laws from the Second Special Session of the 121st Legislature, that will have an impact on all of us who work on reviewing subdivisions and adopting comprehensive plans. To find the complete text of these two laws, go to the “Search the Laws of Maine” web page at: <http://janus.state.me.us/legis/ros/lom/lawsrch.htm>. Select the 121st Legislature, and in the query box, enter the words “Chapter 622” or “Chapter 641,” respectively. A list of all new laws passed last spring that affect municipalities is available at: <http://www.memun.org/resources/Public/HTML/publications/townsmen/2004/laws.htm>.

Liquidation Harvesting Before Creating a Subdivision - Chapter 622

Many communities have been frustrated when developers purchase land that has been in tree growth, then harvest it by clearcutting, as preparation for creating a subdivision. Then once the subdivision is applied for, it is sad and ironic that the Planning Board is trying to apply standards to minimize clearing and grading, or to provide buffers, when the site of the subdivision has already been denuded. Hopefully, the provisions of Chapter 622, and the new rules that it mandated to be prepared by Maine Forest Service, will curtail these practices. The law contains the following basic provisions:

1. A planning board or LURC can not approve a subdivision on land where a violation of new “liquidation harvesting” rules, adopted by Maine Forest Service, has occurred.
2. If a violation of liquidation harvesting rules has occurred, the Planning Board must wait to approve the application until after 5 years has elapsed since the violator acquired the parcel.
3. The planning board may request technical assistance from the Maine Forest Service to determine if a violation occurred, or may accept a determination by a licensed forester (provided by the subdivision applicant).
4. The Maine Forest Service already adopted new rules on Liquidation Harvests on August 5, 2004 and the full text is available at: http://www.state.me.us/doc/mfs/fpm/liq/docs/final/final_liquidation.pdf.

The law change and rules become effective on January 2, 2005. For more information, contact us at SMRPC, or Jim Blanck, Chief Planner, at Maine Forest Service, jim.blanck@maine.gov or 287-8431.

Growth Management Act “Tweaking” - Chapter 641

This new law takes care of some comprehensive plan “housekeeping matters.” It thankfully makes it easier to hold a series of hearings on adopting a comprehensive plan or plan amendments. The provisions are as follows:

1. The law makes clear that the definition of a “consistent” comprehensive plan, means that the plan was “adopted in accordance with the procedures, goals, and guidelines,” established by the Growth Management Act. (For example, if the adopted comp plan has no capital investment plan, or transportation inventory chapter, it can’t be consistent – even if the plan was never sent to SPO, and the State doesn’t know it’s inconsistent.)
2. Floodplain ordinances can not be invalidated if a Town doesn’t have an adopted, consistent Comprehensive Plan.
3. If after an initial public hearing on a new Comprehensive Plan or plan amendment package, changes are made to reflect public comment, you do not have to wait 30 days to hold a follow-up hearing. For follow up hearings, the simple public notice required by Title 1, section 406 is sufficient.
4. We have recently learned that the State Planning Office has begun work on revising the Chapter 202 rule, which lays out standards for the Office to evaluate comprehensive plans for consistency. Title 30-A MRSA sec. 4347-A, subsection 3, part D, now reads as follows:
“A finding of inconsistency for a comprehensive plan or growth management program may be addressed within 24 months of the date of the finding without addressing any new review standards that are created during that time interval. After 24 months, the plan or program must be resubmitted in its entirety for state review under the office’s most current review standards;”

This puts some pressure on communities to respond to SPO’s inconsistency findings in a timely fashion. If your Town received findings of inconsistency from the State a while ago, you could find yourself needing to start your comprehensive plan over “from square one” under new rules, if you miss this two-year window. Let us know if you have any questions, or if you wish to participate in the Comprehensive Plan rulemaking process. Opportunities to participate in the rulemaking process should be announced in mid to late fall.