

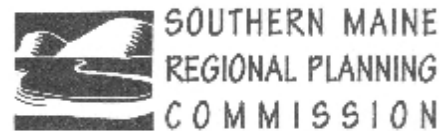
Community Development Block Grant Programs Still Available

There are two Community Development Block Grant Programs that are still available to communities for 2006. The first program is the Community Planning Grant Program. These funds can be used by communities for a broad range of planning projects. All communities in the SMRPC District are eligible to receive these funds as long as the outcome of the planning activities, if implemented, would provide either a benefit to low- and moderate-income persons or eliminate slum or blighting conditions. The application deadline for this program is August 4, 2006.

The second CDBG program that is available is the Economic Development Program. These funds can be used for a broad range of economic development activities. All communities in the SMRPC District are eligible to receive these funds as long as the funds are used as gap financing to assist businesses in the creation/retention of jobs for low- and moderate-income persons. The application deadline is August 11, 2006. During the first round of funding under the Economic Development Program the communities of Hiram, Saco and Sanford submitted successful grant applications.

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. Contact Chuck Morgan at cmorgan@smrpc.org or 324-2952 for more information.



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SOUTHERN MAINE REGIONAL PLANNING COMMISSION

Regional Newsletter

Who Says There is No Regional Planning in Maine! Regional Plans and Projects in the SMRPC Region 2002– Present

LAND USE / ENVIRONMENTAL PLANNING

- Three Rivers Land Trust Regional Open Space Plan (2002)
- Mt. Agamenticus Regional Land Use/Conservation Plan (Current)
- Mt Agamenticus Site Conservation Plan (2004)
- Merriland River/Little River/Branch Brook Watershed Plan (2004)
- Ogunquit River Watershed (current)
- York River Watershed (2005)
- Great Works River Watershed (2005)
- Creating a Process for Reviewing Developments of Regional Impact in Maine- (2005)
- What If? – Future Land Use Scenario for Kennebunk, Kennebunkport, Arundel – (2002)
- FEMA York County Hazard Mitigation Plan (2005)

ECONOMIC DEVELOPMENT PLANNING

- Comprehensive Economic Development Strategy for Southern Maine Economic Development District (2005)
- York County Economic Summit Report – (2005)
- Economy of York County – An Overall Assessment (2005)
- An Economic Vision of York County (2004)
- Looking Beyond the Shipyard –Economic Development Challenges of Southern Maine and Seacoast New Hampshire (2005)
- Last Chance to Plan – Response to Two Tribes Casino Proposal – (2003)
- Connecting Communities – A Regional Vision for Southern Maine (2004)
- KEYS – Our Future by Design (current)
- Portsmouth Naval Shipyard Outleasing Program (2002)
- Industrial Park Market Analysis for York County (2003)
- Regional Brownfields Assessment (2005)
- Mtn. Division Rail Trail Community Development Plan (2005)
- An Economic Development Strategy for York County – What are the Best Prospects for Future Growth (current)

TRANSPORTATION PLANNING

- Rt 111 Corridor Mgmt Plans (2004)
- Rt 236 Corridor Mgmt Plan (current)
- Rt 109 Corridor Mgmt Plan (2005)
- Rt 1 Corridor Mgmt Plan – (current)
- Eastern Trail Management Plan (2003)
- Atlantic Shoreline Trolley System Plan (2005)
- Regional Transportation Needs Assessment (2005)
- Regional Storm Water Planning for 5 town region (current)

We apologize if we missed a plan, and if so please bring it to our attention. The State Planning Office has asked all Regional Planning Councils in the state to provide a summary of their regional planning efforts to help them assess regional efforts statewide.

Executive Director's Column

It is a fact of this job as a regional planning agency, that much of our good work flies under the radar and in some cases may not be known at all. As I sit here after the deluge (over a foot of rain in two or three days), and scan the morning papers regarding damage estimates, I am reminded of the fact that in 2004/2005, SMRPC with the assistance of the York County Emergency Management Agency, completed a county wide Hazard Mitigation Plan, which was adopted by most if not all York County communities. Although the plan laid out a series of action items for most towns and the region to take, its most important benefit was that by its adoption at the county and local level, it provided an assurance that all towns would be eligible for FEMA funding in case of a disaster. Thus, communities are now eligible for FEMA funds for the repair of bridges, roads, etc. Without this work and the adoption of this plan, that might not be the case. After looking at the damage reports, that would have been extremely unfortunate.

Perhaps we all need to take another look at that plan to see what ideas need to be pursued. It seems to be a recurring issue that we dust off plans, only after the event. Notably, I have heard and read that in fact, the Emergency Response Plan for New Orleans was one of the better prepared plans in the country. Many people realized that only after the tragedy. It is a problem for planners that many plans, whether for economic development, open space, land use/ transportation, are not implemented. It even seems to be the case on the natural disaster side...providing funding for implementation and proactive solutions to floods and other natural events is much harder to come by than dollars for repairs. By and large, the repairs are more costly.

A project our transportation planners worked on that is about to commence is the Shoreline Explorer transit system providing transit linkages amongst all our busiest summer communities. The project combined the efforts of SMRPC as facilitator and grant writer with York County Community Action, the local Chambers of Commerce, municipalities, area businesses and Maine DOT amongst others to bring this together for this summer. While people may enjoy the end result this July and August, they surely won't realize the amount of work and effort (not to mention meeting time!) that went into this project. Once again the SMRPC role was crucial, if not the most well publicized.

On May 11th, SMRPC was awarded \$400,000 from EPA for Brownfields Assessment grants. The grants will be used to assess and redevelop properties, which may (or may not) contain contamination. SMRPC and the engineering firm of Edwards and Kelcey has been conducting this work for two years and has had continued success with two mill rehabilitation projects. The new funds will be used to continue those projects and also add in assessments of sites that may contain petroleum contamination (such as old gas stations). This will likely open the program up to the more rural communities, however, much of our focus will be on the larger mill and old industrial sites, particularly in the Biddeford/Saco area. Our goal of facilitating downtown revitalization, providing mixed use housing opportunities, and economic development, seems to be working based on the initial grant we received.

Paul Schumacher

New Arrival -- A baby girl for Josh Mack!

Josh Mack, SMRPC Transportation Planner, recently welcomed the arrival of his second baby girl, Ruby Lorna. His other daughter, 3-year old Ella, was excited to finally get to hold her new baby sister. Congratulations Josh and Laura!

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Free Workshop

Subdivision Review Workshop

Wednesday, June 21, 2006

7:00 to 9:00 PM

Noble High School

We'll update you on the recent changes in State subdivision laws, and walk you through the subdivision review process. You'll also learn about the importance of subdivision review criteria, and how they can be used to ensure that proposed subdivisions address and minimize community impacts. This workshop is geared toward Planners, Planning Board members, Code Enforcement Officers, and anyone else involved in subdivision review.

Agenda:

- Subdivision Definition
- Subdivision Review Process
- Recent Subdivision Case Law
- Questions, Answers, and Discussion

Sign Up

To sign up for either or both of the above free SMRPC workshops please call Peg Sawyer at 324-2952 or email to psawyer@smrpc.org. Please contact us if you need directions to the workshop or find directions on the web at <http://knight.noble-hs.sad60.k12.me.us>

Where is Northern Maine?

While reading the new Maine DEP rules on vernal pools and other significant habitats, I stumbled across an interesting tidbit. According to the biologists, the Northern Maine Geographic Region is considered to be north of a line extending from Fryeburg, to Auburn, to Skowhegan, to Bangor, and to Calais. If that's the case, a piece of Northern Maine is in Southern Maine Regional Planning Commission's jurisdiction. In fact, there is a little piece of Northern Maine covered by Greater Portland Council of Governments too!

So this means that if there's anything to the stereotype that there are "two Maines," many of our Regional Planning Commission regions have a little of both.

Legislature Tinkers with Growth Caps

By J.T. Lockman, Planning Director

Those towns in York County and Southern Oxford County with growth caps (known in State Statutes as "Rate of Growth Ordinances"), need to know that Chapter 597, "An Act Making Improvements to the Laws Regarding Local Land Use Ordinances," was signed by the Governor on April 20, 2006. This new law will probably require your Town to make some adjustment to your "ROGO" by July 1, 2007, when it goes into effect.

For several years now, the legislature has been trying to curtail municipal ordinances of this type in various ways...and has had a hard time coming up with provisions that could win enough votes to pass. This is the full text of the latest anti-ROGO bill as it was finally enacted:

CHAPTER 597

H.P. 1080 - L.D. 1535

An Act Making Improvements to the Laws Regarding Local Land Use Ordinances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRS §4301, sub-§6-A, as enacted by PL 1991, c. 18, §1, is amended to read:

6-A. Impact fee. "Impact fee" means a charge or assessment imposed by a municipality against a new development to fund or recoup a portion of the cost of new, expanded or replacement infrastructure facilities necessitated by and attributable at least in part to the new development.

Sec. 2. 30-A MRS §4301, sub-§§7 and 11, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

7. Implementation program. "Implementation program" means that component of a local growth management program which that begins after the adoption of a comprehensive plan and that includes the policies and full range of municipal policy-making powers, including spending and borrowing powers, as well as the powers to adopt or implement ordinances, codes, rules or other land use regulations which, tools or mechanisms that carry out the purposes and general policy statements and strategies of the comprehensive plan in a manner consistent with the goals and guidelines of subchapter II 2.

11. Moratorium. "Moratorium" means a land use ordinance or other regulation approved by a municipal legislative body which that, if necessary, may be adopted on an emergency basis and given immediate effect and that temporarily defers all development, or a type of development, by withholding any permit, authorization or approval necessary for the specified type or types of development.

Sec. 3. 30-A MRS §4360, sub-§3 is enacted to read:

3. Ordinance requirements. A municipality may adopt a rate of growth ordinance only if:

A. The ordinance is consistent with section 4314, subsection 3;

B. The ordinance sets the number of building or development permits, not including permits for affordable housing, at 105% or more of the mean number of permits issued within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for each year in the prior 10 years and then dividing by 10;

(continued page 5)

Growth Caps Legislation (continued from page 4)

C. In addition to the permits established pursuant to paragraph B, the ordinance sets the number of building or development permits for affordable housing at no less than 10% of the number of permits set in the ordinance pursuant to paragraph B; and

D. The number of building or development permits allowed under the ordinance is recalculated every 3 years.

Sec. 4. **Effective date.** This Act takes effect July 1, 2007.

What does Chapter 597 Actually Do?

In our opinion the clarifications to the definitions of "impact fee," "implementation program," and "moratorium," won't change much of anything. The meat of this new chapter is in section 3 where requirements for ROGOs are laid out. Part A requiring compliance with 4314 subsection 3 is not new...it simply references the previously enacted provision that a ROGO must be consistent with an adopted, consistent plan that supports it. Part B is new and significant. It sets up a formula for the minimum number of permits a ROGO must allow each year, at 105% of the mean of the last 10 years. Part C is new as well, and requires that an additional number of permits be made available for affordable housing, equal to 10 percent of the amount calculated for Part B. Part D requires the cap number to be recalculated every 3 years.

Other Provisions in Statutes Remain Unchanged.

Title 30-A sec. 4314 is still in effect, which invalidates any ROGO's in a town without an adopted, consistent comprehensive plan that supports it. Invalidation is not automatic however...in a community lacking a consistent plan, a ROGO could only be invalidated by a judge if the matter were brought to court.

The rest of Title 30-A sec. 4360 is also still in effect. The other parts of sec. 4360 require ROGOs to be evaluated every 3 years (which is similar to section 3D of the newly enacted Chapter, above) and enable towns to set up differential growth caps with different limits in rural and growth areas. It would be more convenient and logical if the provisions in sections 4314 and 4360 were combined in one place in the State statute books, but unfortunately that is not the case.

Analysis of the Impacts of Chapter 597.

Towns that have not been reaching the ceiling on their enacted ROGOs may not need to do anything, if 105% percent of the units permitted in the last ten years will be lower than their cap amount, anyway. Towns that have been reaching their ceiling for many years may simply need to increase their ceiling by 5%. Towns that already exempt affordable housing from their ROGO won't need to worry about the mandate to set aside an additional block of permits for affordable housing projects.

Some ambiguities in the wording of this new legislation may cause some interesting disputes in some towns. For instance, the new legislation does not define exactly which "building and development permits" should be counted. ROGOs are typically based on numbers of dwelling units, rather than on numbers of permits. Naturally, a builder may apply to build 4 dwellings with one building permit application for all four, or may apply for four individual building permits with 1 dwelling on each. Seasonal cottages or assisted living apartments may be exempted by current ROGOs in some communities, but housing advocates may want totals of these permits added to the 10 year average, when new ROGO ceilings are computed to comply with this new law.

For help in figuring out what to do about your Rate of Growth Ordinance in response to Chapter 597, contact J.T. Lockman, Planning Director, at 324-2952, or jllockman@smrpc.org.

York County Small Business Development Center Counselor Recognized

Gordon Platt, certified business counselor for the Maine Small Business Development Center (SBDC) at SMRPC has won Maine's Small Business Administration's 2006 Veteran Small Business Champion Award. Since 2002, Gordon has worked from the Springvale office and outreach counseling sites at the York Chamber of Commerce and the Biddeford-Saco Area Economic Development Corporation in Saco. Gordon is an expert at working with veteran-owned businesses as well as helping small businesses affected by guard and reserve call ups. Having grown up in a military family, being a military veteran himself, and having owned a successful small business has contributed to Gordon's willingness to go the extra mile to ensure that Maine veterans have the skills necessary to start or expand their businesses.

In addition to his work with SBDC, Gordon is a certified Fast Trac instructor, teaching 13 courses since 1999 out of the University of Southern Maine's Center for Entrepreneurship. The real beneficiaries of this award are the growing number of successful small business owners who have sought his advice for technical assistance and expertise. Those who already own, are about to acquire or are ready to start a business are welcome to seek, at no cost to the client, confidential, quality business management assistance and/or training from the Maine SBDC, which operates a network of 11 service centers and numerous outreach offices throughout Maine.

New DEP Rules to Download

By J.T. Lockman, Planning Director

The new Shoreland Zoning Guidelines and new Significant Wildlife Habitat Rules (which include vernal pools) have finally made it through the rulemaking mill and are available for download from the "NEWS" section of the SMRPC website.

Every town in the region must adopt changes to meet the new MDEP Shoreland Zoning Guidelines within two years. The official deadlines will be set by the MDEP in a few weeks, but we expect it to be in July 2008. Most towns will probably need to make revisions to their shoreland zoning map as well as to their text, as the criteria for which wetlands shall be protected has changed. For help in figuring out how to approach the project of updating your shoreland zoning map and text, please contact Jamie Oman-Saltmarsh at jamieos@smrpc.org or 324-2952.

This newsletter has been covering the rulemaking progress to protect vernal pools and other significant habitats over the last several issues. By the time it reached its final form, the set of changes known as Chapter 335 was amended extensively by the Legislature. In an unusual resolve, the legislature made 24 changes to the new rule, as well as delaying its implementation date to September 1, 2007. It also required a report by January 1, 2009 on the progress of implementation.

Some of the most significant changes made to Chapter 335 are as follows:

- The requirement that timing of construction must be moved to minimize impacts has been changed to "the department may require..."
- The mandatory pre-application meeting has been dropped.
- The pledge that department will provide written field determination regarding the presence or absence of significant vernal pool habitat has been dropped.
- Standards have been adjusted to acknowledge previously developed sites.
- Permit by Rule may be used if management standards are met.
- Reliance appears to have shifted to the GIS database of vernal pools, with standards for inclusion on or withdrawal from the list.

For more details, please consult the full text from our website, www.smrpc.org. Our staff anticipates holding special meetings on these new rules in the months ahead, so stay tuned.

Update on Maine DOT Safe Routes to School RFP for Infrastructure Projects

By David Carpenter, Kids and Transportation Coordinator

Maine DOT is in the process of finalizing the hiring of the full time Safe Routes to School Coordinator. Once the hiring process is completed, the SRTS Coordinator will be jumping right into the development of the application and RFP process. As soon as the RFP is released we will email this list with information and specifics.

Safe Routes to School is a Maine Department of Transportation (Maine DOT) coordinated statewide effort among Maine communities to increase bicycling and walking to school by improving student transportation choices, safety and health. In partnership with the Maine DOT, the Bicycle Coalition of Maine provides staff support and resources to schools and communities to increase the number of students walking and bicycling to school.

We are also working on identifying sites for two Safe Routes to School Workshops in May or June. We are looking at holding them in the Bangor and Portland areas. The workshop will be helpful for those interested in promoting projects and programs designed to make it safer for kids to walk and bicycle to school. For more information contact Denise Delorie, Bicycle Coalition of Maine, Safe Routes to School Program Assistant, 207.623-4511, www.mainesaferoutes.org.

Southern Maine Transportation News

By Josh Mack, Transportation Planner

Shoreline Explorer: We are pleased to announce that the Shoreline Explorer transit system will begin its first day of service on June 24, 2006, with a kickoff celebration in Wells Harbor Park on June 22, at 11 AM. The Shoreline Explorer is the culmination of months of hard work by York County Community Action Corporation (YCCAC), private transit operators, Maine DOT, York County towns, local Chambers of Commerce, Southern Maine Regional Planning Commission and other partners for a transit service connecting coastal communities in York County. For more information about the Shoreline Explorer and the kickoff celebration visit YCCAC's transportation section of their website at www.yccac.org or you can call their offices at 324-5762 x2928.

Corridor Planning: SMRPC's transportation division continues to actively facilitate and participate in regional corridor planning activities. We are pleased that the Route 236 Corridor Implementation Committee continues to make impressive strides. Since the initial Route 236 Action Plan was developed back in June of 2005, the planning effort has addressed or at least begun addressing over 90% of its twenty-eight short term (2 year) objectives. We thank the Route 236 Committee members, as well as Maine DOT, the Maine Turnpike Authority, the Maine Bureau of Motor Vehicles and the Maine State Police for their continued support, dedication and cooperation in this effort. Visit the Route 236 website that the Committee created for more action plan updates, meeting dates and other information: www.smrpc.org/236.htm.

SMRPC is also making excellent progress with communities and stakeholders for the Route One Corridor. This group has met four times and is assisting the transportation staff in carefully studying existing data, and former plans and studies which it will use to develop a Route One Action Plan.

In other corridor planning news, SMRPC is assisting the Greater Portland Council of Governments and Route 113 communities to host a series of public forums to develop an economic development vision for the Route 113 corridor. A kickoff meeting is planned for June 14th at Baldwin Consolidated School. Three follow up meetings will be scheduled for the fall.

For up to date information on these or other transportation projects that we are working on at SMRPC visit our website at <http://www.smrpc.org/transportation.htm> or contact us at 324-2952.