

STATE OF MAINE
125th LEGISLATURE
FIRST REGULAR SESSION

2010 Annual Report

of the

**COMMUNITY PRESERVATION
ADVISORY COMMITTEE**

February 2011

Members:

Sen. Elizabeth Schneider (Chair)

Rep. Robert Duchesne (Chair)

Sen. Christopher Rector

Rep. Elsie Flemings

Rep. Jane Knapp

Rep. Ann Peoples

Earle Shettleworth, Jr., Maine Historic Preservation Commission

Sue Inches, Deputy Director, State Planning Office

Gail Chase, Unity

David Holt, Town Manager, Norway

Ted Koffman, Maine Audubon Society

Peter Merrill, Maine State Housing Authority

Paul Boghossian, private developer

Staff:

MacGregor Stocco, AICP

Senior Planner

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Community Preservation Advisory Committee

Highlights 2010

I. Recent Changes at the Community Preservation Advisory Committee (CPAC)

CPAC welcomed the following new member in 2010:

Mr. Paul Boghossian

II. Major Issues, 2010

1. Developments of Regional Impact

FirstPark (in Oakland, Maine) has been described as a model for regional commercial development where revenues are shared regionally among towns. Another option for sharing regional resources is a tax-increment financing program. Perhaps a modified TIF program could allow for bonus TIF funds for businesses and neighboring communities to collaborate on regional commercial and industrial development. Maybe one could link regional TIF programs and asset-based developments, such as shared regional growth areas. Some members of the committee believe this subject is worth further investigation, with perhaps a concept bill in a future legislative session.

2. Hillside Development

This committee has discussed how it should review site law to help inform the discussion on hillside development. Many people believe that after shorelines, hillsides are the most appealing locations for residential development. History has born this out, and more and more hillsides in Maine are being developed. The Land Use Regulation Commission (LURC) protects hillsides, the State Natural Resources Protection Act (NRPA) protects fragile hillsides, site law has scenic standards, and the DEP's stormwater regulations contain standards for runoff. However, the NRPA regulations are of limited use, since they only apply to developments above 2,700 feet, and most hillside development in Maine occurs at lower elevations. A typical problem is that hillside development affects neighboring municipalities (in the valley) more than the municipality that contains the hillside on which the development occurs. Another concern is differing standards. For example, hillside development in Sunday River is perhaps not as large a problem as hillside development outside Acadia National Park. Though context is an important factor, it is difficult to put that into a statewide regulatory framework.

III. Bills Reviewed/Proposed by CPAC

No action was taken on any bills in 2010.

IV. Other Topics Addressed by CPAC 2010

- A review and update of the Quality of Place Council, including discussion of LD 1389, which was passed and created a permanent Quality of Place Council, directing regional Economic Development Districts to convene citizens for the purpose of identifying regional assets worthy of investment.
- A review and update of the Uniform Building and Energy Codes, which were fully implemented this year.
- A review and update of the Gateway 1 program, which formed an Implementation Steering Committee this year, to guide creation of an inter-local agreement.

V. Upcoming Issues for CPAC Consideration

- This committee only met once in 2010, in May. The authorizing legislation creating CPAC will be repealed in June 2012. Members should spend some time assessing the future of the committee.
 - Developments of regional significance
 - Hillside development
 - Climate change adaptation
 - Waste management

Appendix A: Authorizing Legislation

An Act to Establish the Community Preservation Advisory Committee

PUBLIC LAWS OF MAINE

Second Regular Session of the 120th Legislature

CHAPTER 648

H.P. 1565 - L.D. 2070

An Act to Establish the Community Preservation Advisory Committee

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

Sec. 2. 30-A MRSA c. 187, sub-c. II, art. 3-B is enacted to read:

Article 3-B

COMMUNITY PRESERVATION ADVISORY COMMITTEE

§4350. Community Preservation Advisory Committee

1. Establishment; purpose. The Community Preservation Advisory Committee, established by Title 5, section 12004-I, subsection 24-F and referred to in this article as the "committee," shall advise the Governor, the Legislature, the office and other pertinent state agencies and entities on matters relating to community preservation.

2. Membership; appointment. The committee consists of the following 13 members:

- A. The Director of the State Planning Office or the director's designee;
- B. Two members from the Senate appointed by the President of the Senate, at least one belonging to the political party holding the largest number of seats in the Senate and at least one belonging to the political party holding the 2nd largest number of seats in the Senate. When making the appointments, the President of the Senate shall give preference to members from the joint standing committees of the Legislature having jurisdiction over natural resources matters, state and local government matters, education matters, transportation matters, taxation matters and business and economic development matters. When making the appointments, the President of the Senate also shall consider appointing members who represent a rural community, a fast-growing community or a service center community;
- C. Four members from the House of Representatives appointed by the Speaker of the House, at least one belonging to the political party holding the largest number of seats in the House of Representatives and at least one belonging to the political party holding the 2nd largest number of seats in the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members from the joint standing committees of the Legislature having jurisdiction over natural resources matters, state and local government matters, education matters, transportation matters, taxation

matters and business and economic development matters. When making the appointments, the Speaker of the House also shall consider appointing a member who represents a rural community, a member who represents a fast-growing community and a member who represents a service center community;

- D. One member representing a statewide housing authority, appointed by the President of the Senate;
- E. One member representing an environmental organization, appointed by the Speaker of the House;
- F. Two members representing municipal interests, one who represents rural municipal interests and one who represents service center municipal interests, appointed by the President of the Senate;
- G. One member representing the real estate or development industry, appointed by the Speaker of the House; and
- H. The Director of the Maine Historic Preservation Commission or the director's designee.

3. Terms. Except for Legislators, who serve terms coincident with their legislative terms, all members are appointed for 3-year terms. A vacancy must be filled by the same appointing authority that made the original appointment. Appointed members may not serve more than 2 terms. Members may continue to serve until their replacements are designated.

4. Compensation. Legislative members are entitled to receive the legislative per diem, as defined in Title 3, section 2, and to reimbursement for expenses according to Title 5, section 12004-I, subsection 24-F. Public members not otherwise compensated by their employers or other entities that they represent are entitled to reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee.

5. Quorum; actions. A quorum is a majority of the members of the committee. An affirmative vote of the majority of the members present at a meeting is required for any action. Action may not be considered unless a quorum is present.

6. Chairs. The first appointed Senate member is the Senate chair of the committee and the first appointed House of Representatives member is the House chair of the committee.

7. Meetings. The committee may not meet more than 4 times per year.

8. Drafting assistance. The office shall provide the committee with staff assistance. Upon the approval of the Legislative Council, the Office of Policy and Legal Analysis may provide drafting assistance with the preparation of recommended legislation as requested by the chairs of the committee. The drafting assistance provided by the Office of Policy and Legal Analysis may be provided only when the Legislature is not in session.

9. Duties. The committee shall:

- A. Submit an annual report of the committee's activities to the Legislature and the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 1st of each year;

- B. Provide assessment, advice and recommendations on emerging policy concerns or on adjustments to existing programs related to growth management;
- C. Review and make recommendations on the State's fiscal, transportation, education funding, school-siting and land use policies that affect service center communities, rural lands and development sprawl;
- D. Review tax policy as it affects land use decisions;
- E. Provide assessment, advice and recommendations on the role of state office buildings in the continued viability of downtown service centers within the State and the impact of growth-related capital investments and location decisions by the State;
- F. Provide assessment, advice and recommendations on the coordination of state and local urban transportation planning and streamlining of local and state land use rules and regulations to permit and encourage efficient neighborhood and economic development in growth areas; and
- G. Review and make recommendations regarding options for establishing a state transferable development rights bank.

§4350-A. Repeal date

This article is repealed June 1, 2008.

Sec. 3. Funding for public members not otherwise reimbursed for service on committee. The Maine State Housing Authority, with existing budgeted resources, shall provide compensation for public members of the Community Preservation Advisory Committee who are not otherwise reimbursed for their service on the committee.

Effective July 25, 2002, unless otherwise indicated.

An Act to Reauthorize the Community Preservation Advisory Committee

PUBLIC LAWS OF MAINE
 First Regular Session of the 123rd Legislature

CHAPTER 458
 S.P. 108 - L.D. 336

An Act to Reauthorize the Community Preservation Advisory Committee

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

Sec. 1. 30-A MRSA §4350-A, as enacted by PL 2001, c. 648, §2, is amended to read:
 § 4350-A.Repeal date

This article is repealed June 1, ~~2008~~2012.

Effective September 20, 2007

Appendix B: CPAC Membership

COMMUNITY PRESERVATION ADVISORY COMMITTEE P.L. 2001, Ch. 648

Appointments by the Senate President

Sen. Elizabeth Schneider (Chair)
55 Bennoch Rd.
Orono, ME 04473
207-866-7359

Sen. Christopher Rector
30 Knox St.
Thomaston, ME 04861
207-354-6571

Gail Chase
Unity, ME 04988

Representing Rural Municipal Interests

David Holt
Norway, ME 04268

Representing Service Center Municipal Interests

Peter Merrill
Maine State Housing Authority
Augusta, ME 04330
207-626-4600

Representing a Statewide Housing Authority

Appointments by the Speaker

Rep. Robert Duchesne (Chair)
478 Beechwood Avenue
Old Town, ME 04468
207-827-3782

Rep. Elsie Flemings
25 Eden St.
Bar Harbor, ME 04609
207-669-2073

Rep. Jane Knapp
P. O. Box 123
Gorham, ME 04038
207-839-3880

Rep. Ann Peoples
22 Garfield St.
Westbrook, ME 04092
207-856-7264

Ted Koffman
Maine Audubon Society
Falmouth, ME 04105-5009

Representing a Statewide Environmental Organization

Paul Boghossian
Hathaway Center
10 Water St.
Waterville, ME 04901

Representing the Development Industry

Director, Maine Historic Preservation Commission

Earle G. Shettleworth, Jr., Director
Maine Historic Preservation Commission
65 State House Station
Augusta, Maine 04333
207-287-2132

Director, State Planning Office

Sue Inches, Deputy Director
State Planning Office
38 State House Station
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Appendix C: Agenda

Community Preservation Advisory Committee
May 12, 2010
1:00 p.m. to 4:00 p.m.
Room 214 Cross Office Building
AGENDA

1. *Quality of Place*
Sue Inches, SPO

2. *Form-Based Codes*
Using Webinar technology
Liz Hertz, SPO

3. *Building Codes*
Contractor Licensing
Sue Inches, SPO

4. *Developments of Regional Impact – Is the Informed Growth Act model appropriate for non-retail development?*
MacGregor Stocco & Liz Hertz, SPO

5. *Hillside Development*
Andy Fisk, DEP

6. *Gateway 1 Update*
Stacy Benjamin, Gateway 1 Project Administrator