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Governor

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Director

June 13, 2008

David C. Bowen, First Selectman  
Neil Hanley, Comprehensive Planning Committee Chair  
1196 Main Street  
Hartford, Maine 04220

RE: Town of Hartford Comprehensive Plan 2008 Update Findings

Dear Mr. Bowen and Mr. Hanley:

Thank you for submitting the Hartford Comprehensive Plan, dated 2008, for review by the State Planning Office (SPO) for consistency with Maine's Growth Management Act (MRSA 30-A § 4312 et seq). The community has clearly worked very hard to produce the Plan, and we recognize that the development of a comprehensive plan is a difficult task, requiring a significant commitment on the part of the members of the Comprehensive Planning Committee and other Town residents and employees.

We have completed our review of the submitted Plan pursuant to the goals of the Growth Management Act (the Act) and the Comprehensive Plan review Criteria Rule. The Hartford Comprehensive is well written and meets nearly all of the requirements for consistency in the Act and Rule. Unfortunately, SPO has identified two areas of inconsistency and finds the 2008 Plan to be *inconsistent* with the Act. Proposed amendments to the Plan to address these two inconsistencies may be submitted for review within twenty-four (24) months of the date of this letter.

These findings consist of four sections:

1. The first provides the SPO's general Conclusions about the Plan.
2. The second section identifies the inconsistencies and SPO's recommendations for addressing them. Inconsistencies indicate those parts of the Plan that do not adequately address the goals in the Act. Recommendations provide one way, though certainly not the only way, the Town could modify the Plan to address an inconsistency.
3. The third section provides Suggestions for how the Town might modify the Plan or issues it might explore to improve or strengthen the Plan to better meet State and local goals. It is not necessary for the Town to respond to suggestions in order to be found consistent with the Act. Suggestions are simply offered as advice on how the Town could improve its Plan.
4. The fourth section identifies Other Agency Comments that have been received from State agencies, regional councils, or other interested parties (attached and printed on blue paper).

As with the Suggestions from our Office, these are areas where the town might improve the plan or strengthen sections to address agency interests and goals.

## **SECTION I. CONCLUSIONS**

The Hartford Comprehensive Planning Committee is to be congratulated on their work in preparing the update to the Town's Comprehensive Plan. Especially noteworthy is the detail and commitment the Plan makes toward implementation of the policies and strategies outlined on page 39 of the Plan. This structure of accountability will help guide the implementation process.

In the arena of natural resources protection, the strategy related initiation of the Regional Conservation Commission is forward thinking and is commended in the comments from Steve Walker of the Maine Inland Fisheries and Wildlife and the Beginning with Habitat Program.

The public participation summary in Appendix B details the town's commitment to the planning process and will be used by SPO as a model for other towns to use to document their public process.

## **SECTION II. INCONSISTENCIES**

### **Inconsistency 1**

The Plan does not adequately ensure preservation of valued historic and archeological resources. (Me State Planning Office, 07 105 CMR 202-Section 7.A.3.)

### **Recommendation 1**

The Plan discusses threats to these resources and weaknesses in existing ordinances (p. 9) but the proposed strategies (p.40) need clarification to ensure reasonable protection. The Plan should revise Historic, Archaeological, Cultural, Scenic and Recreation Resources strategy #1 as follows:

*Propose protective measures for appropriate archaeological, historic, cultural, scenic and recreational resources as identified in this and previous comprehensive plans, while drafting amendments and new ordinances. To minimize the impact of development, the following should be addressed:*

- (1) *For sites with identified potential for historical and archeological resources, require subdivision or non-residential developers to look for and identify any historical and archaeological resources and to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation.*

### **Inconsistency 2**

The Plan does not adequately protect, maintain, and, where warranted, improve the quality of water bodies in accordance with the requirements of Maine's Water Classification Program (38 MRSA §464 to §470). (Me State Planning Office, 07 105 CMR 202-Section 7.A.7.)

## **Recommendation 2**

While it is mentioned in the plan (p. 47) that development and redevelopment will be required to meet phosphorus export standards, the implementation strategies do not include mention of such a review. We recommend you add the following to Natural Resource Implementation Strategy #4: Require a calculation of Per Acre Phosphorus Impacts for projects subject to subdivision or site plan review using the Per Acre Phosphorus Allocations provided by the Maine Department of Environmental Protection as the maximum amount of phosphorus that will be allowed to come from new developments.

## **SECTION III. SUGGESTIONS**

### *Forestry*

Andy Schultz of the Maine Forest service points out that it may not be productive to enact a local ordinance related to timber harvests as the Forest Practices Act provides for adequate protection of resources. The Office suggests that the Committee reviews this strategy (number 4 p. 45) with Maine Forest Service staff and that if after consultation, the Committee feels additional local ordinance measures are warranted, that it follows procedures outlined in the Forest Practices in adopting such measures.

### *General*

The Future Land Use Plan calls for specific uses to be prohibited (page 44) and we recommend that you have your municipal attorney or the Maine Municipal Association legal staff review the document for legal sufficiency.

## **SECTION IV. OTHER AGENCY COMMENTS**

The Maine Natural Areas Program/Maine Department of Inland Fisheries and Wildlife, Maine Historic Preservation Commission, the Department of Environmental Protection, and the Maine Forest Service provided comments on the Hartford Plan.

This Office concurs with the suggestions for Plan improvement in the attached comments from other state agencies and recommends these be incorporated in future revisions to the Plan.

I want to thank the Planning Committee and the citizens of Hartford for their valuable work on the Plan Update and their commitment to implementing the Plan. I am retiring from state service and will not be available to meet with the Committee to discuss how to address the inconsistencies identified above. However, Stacy Benjamin, our Program Director, will be able to confer with the Committee to resolve the inconsistency identified above. She may be reached at (207)287-8061 or [stacy.benjamin@maine.gov](mailto:stacy.benjamin@maine.gov).

Sincerely,



Frank Hample  
Planner

Cc: John Maloney, AVCOG  
Enclosures/attachments