

CMWG – Working Waterfront subgroup meeting #1 – Shoreland Zoning and Land Use Focus

Tuesday, December 12, 2023, 8:30 – 10:00

Zoom: <https://islandinstitute.zoom.us/j/82075452150?from=addon>

Welcome/Intros/Context

Nick and Bill did a kickoff and outlined the meeting goals. They wanted the group to think about how they can insert working waterfronts into the climate plan and across multiple working groups.

Review Maine Won't Wait Strategy Alignment for Working Waterfronts

Grounding the WG and subcommittee (Nick):

- *What are we doing and how does that relate to everything else?*
- *What are we delivering?*
- *How will we do it?*
- The template and directions from Laura Singer were shared.
- What we are doing: looking at MWW strategies, seeing if they make sense and if they need revised or if a new strategy needs to be added.
- Much of our work will focus on how WWFs show up in the other strategies and actions that other groups are putting forward
 - o WWFs are cross-cutting and WWF concerns don't always need individual actions
- **To-do:** revise the provided templates and add WWF information into them. Who will do that?
- **To-do:** rapidly ID what WWFs need to address climate change issues and reduce emissions.
 - o ID areas of overlap with other WGs early, too.
- **Note:** Templates due in March! We need to talk and get 1-3 ready by then.

Deep dive into land use ordinances, shoreland zoning, related matters. Much of this work may be happening in the Community Resilience Work Group.

Grounding (Nick and Bill): Shoreland zoning and municipal support for land use planning and comp plan discussions are happening in the Community Resilience WG. This group doesn't need to address everything. WWFs have a connection to zoning, especially WWF zoning. This subgroup wants to make sure WWFs make it into the land use planning discussions. Zoning allows things to happen and prohibits other things. We need to make sure WWFs are allowed and not prohibited. Make sure WWFs are something that can occur, even in flood-vulnerable areas, in land-use rules. As land-use regulations evolve, we need to make sure WWFs can still continue or expand, and that they are exempted from some prohibitions. Permitting for WWF adaptations needs to be reasonable. WWFs can flood. We need to be smart about it, but WWFs should be allowed to continue to operate.

For this conversation: what issues are WWFs facing at the intersection of zoning, land use, and municipal infrastructure? What issues or needs are there that are specific for WWFs? Do we need model ordinances? How do we plan for WWFs and sea level rise?

Discussion:

- Could the comprehensive planning process and Growth Management Act be updated to support WWFs?
 - o Yes. SLR was added to the GMA recently, which is an opportunity. The GMA law may be updated soon, which could open opportunities. For comp plans, they are able to be flexible and add new policies.
 - o There are tools that towns aren't using. Comp Plan writers don't always use options.
 - E.g. critical waterfront area (similar to a critical rural area). These are for water-dependent uses, both recreational and commercial. Municipalities can put higher protections on the critical waterfront areas. This is an existing tool but rarely used tool, and municipalities can designate those areas in their comp plans. Municipalities have flexibility in how manage those areas and the state doesn't get involved.
 - Be careful about adding new things without education. There are a lot of obstacles to town zoning.
 - Many WWF communities are low capacity. They rely on volunteers and councils for planning work. We need to make sure the councils are aware of the tools and are using them. Education is a big part of it. Can we recommend actions to get tools to communities?
 - Need for implementation support.
 - Comp plans are challenging because the people who do it are often not long-term residents or people who work in communities. The process relies on volunteers and working people don't have time.
 - o Technical assistance would be huge.
 - o What is actually WWF? Need to be clear about who gets access. People want info and want to know what they can do.
 - o Some communities face resistance about zoning, so technical assistance would be helpful.
- Do towns need more planners?
 - o Yes, and the information/experience they need to address challenges. The current planning capacity is stretched very thin.
- Zoning is great for prohibiting things you don't want.
 - o Concern though, that smaller coastal communities often face people who want to ban businesses, and businesses are what keeps working people in towns.
 - o There is a need for zoning to have teeth. What is the best way to do this?
- Technical assistance capacity is very valuable. There is also a need for specific working waterfront capacity. Much of that capacity is currently living in non-profits and is vulnerable to staff turnover. How to anchor knowledge? How do gentrification and other pressures affect this?

- Fishing businesses might be more worried about gentrification impacting their businesses than climate change right now.
- Summary: we discussed regulations, zoning, ordinances, comprehensive plans, TA, loss of knowledge, etc.
 - o Need for TA is the common thread! Knowledgeable people are so important.
 - Link to the need for education. Sea Grant can keep helping with that.
 - o Do we want TA to be a new strategy or an action under the proposed new strategy? This may be affected by how the community resilience WG address TA needs.
 - As we brainstorm, how do we organize?
 - o We need to talk about and identify our WWF TA needs. How do WWFs fit in the other groups?
 - **Note:** TA was a big focus in the last Community Resilience WG meeting. The WWF subgroup should keep talking about needs to share with the CRWG.
- There is a tension between zoning and prohibiting too much. There is also a need to educate people about existing planning tools.
 - o MPAP is a good resource!
- Maine communities have a lot of ability to decide how their WWFs look.
- Small towns often feel that they can't do zoning, but they often can do a small amount of zoning in a specific area (like just in a harbor).
- **Caution:** Our solution shouldn't be to ask towns or regional councils to do more. They are already spread quite thin. There might be a need for top-down requirements to make progress.
- Summary: TA and implementation is a huge need. This might be the thing the WWF subgroup focuses on. Zoning and other things rely on capacity.
 - o Gentrification, and climate-driven gentrification, are also a huge issue. We need to get on top of this and get ready for future changes. Towns need to be able to keep the ability to have WWFs. Does this need to be a state requirement of some sort?

[Discussion about the existing working waterfront and working waterfront-related strategies from the climate plan](#)

Strategies D1, E3, F1, F2, F3, G1, and G2 are all relevant. These are summarized in the agenda with commentary from Nick about things to potentially add. The conversation during the subgroup meeting focused on the potential to add a new sub strategy to strategy D, and whether it should be brought to the full CMWG as a new strategy for the Climate Council to consider.

Strategy D – Grow Maine's Clean Energy Economy and Protect Our Natural Resource Industries

- D1 - Take advantage of new market opportunities
- **Potential new D2: Support adaptation in Maine's heritage industries that are on the front lines of dealing climate change.** Should we recommend elevating this to a strategy instead of an action under take advantage of new market opportunities?

Discussion

- Nothing in the plan clearly mentions helping natural resource industries that are at the front line of climate change. It's sort of in D1, but isn't explicit. New market opportunities aren't everything. Supporting existing businesses is important too.
- **Suggestion:** take the new D2 to the CMWG next week and ask CMWG to bring this to the other WGs and the climate council.
 - o If this is a strategy, we can build on it in our subgroup efforts
- Why? How can this proposed new strategy help support WWFs?
 - o The plan influences how state agencies act and put resources to work to support climate adaptation. The first plan had clear needs and strategies (like putting more heat pumps in buildings), but it doesn't have a clear description of ecosystem change in the GoM and the impacts on people and businesses that rely on it. The info is in the science subcommittee, but the plan doesn't clearly address ecosystem change and impacts.
 - Having language like the new D2 could make space for actions/adaptations for fisheries and aquaculture businesses (and WWF businesses) that are affected by ecosystem change.
 - WWFs are missed a bit by the current plan. It's hard to help them adapt since they aren't clearly outlined in the plan.
 - Note: the plan is really good! The current structure is limiting since there isn't a clear category for WWFs. The new strategy could help us describe our needs more clearly and figure out how to put them into the plan.
 - Good that equity is included this time.
 - o Comment: The plan is very good, but the challenge for thinking WWF issues through is that things have changed since the plan came out. There are new challenges on the fishing industry and natural resource industries more broadly. Gentrification is part of the challenge, too, which may not have been anticipated pre-COVID. We need to shift our thinking to adapt to recent changes.
 - Response: helping natural resource businesses and communities adapt to climate change isn't super clear in the plan. We should make that clear early so we can focus on helping them adapt.
 - WWFs are relevant to more than just heritage industries. Adaptation won't only be in coastal areas, but SLR is a big threat. We need to prepare. Access to the water and WWFs will be essential for adaptation efforts. Local food and the energy economy also rely on WWFs. WWFs need to be linked to many parts of the plan.
- Comment: The plan update and working group/subgroups are hard to track. There are lots of big pieces and moving parts
 - o The fisheries group is starting by rating the existing strategies and seeing if they were implemented and if they were helpful. Starting there before starting to think about what to add next. Looking at outputs from the first climate plan before diving into new things.

- What came out, what matters, what needs tweaked or moved around for the new plan?
- **Recommended action:** make a map or diagram!
- Challenge: getting organized and making our work relevant to the climate council. Do we need a new strategy?
- Should the proposed new strategy (*Support adaptation in Maine's heritage industries that are on the front lines of dealing climate change*) be brought to the CMWG?
 - Yes. Good to include. Concern that the adaptation measure is to give up on fishing and focus on AQ or wind instead. Don't want to see fishing get left behind. There will be new fishing opportunities, too. Maine will have opportunities as species shift north. We need to pay attention to squid, scallops, black sea bass, etc. Make sure we don't write off CF.
 - Agreement that it is important to help fishermen adapt. The proposed new D2 strategy could help elevate these concerns.
 - The proposed new strategy is broad. There may be a need for more specificity, like education. Is there a need to educate WWF users about opportunities? If this goes in, we will need to add more details.
 - This is more of a policy than a strategy. Need for action items. Word the new D2 in a way to include actions.
 - This is a high-level bucket. If we move forward, need for more detail.
 - Is "heritage industries" right? Should we be more specific about marine industries? Request to focus more specifically on WWFs and marine industries.
 - Agreement that a new strategy to hold the ideas we all have could be helpful for organizing our specific ideas.
- Opposition to bringing the proposed new D2 to the full CMWG for discussion?
 - No one said anything.
- Process question. Where did the highlighted ideas come from (see Nick's agenda). There is a tension about whether a new strategy is needed and how to organize our thoughts. Can we have a shared google doc for brainstorming? Share ideas even if we don't know where they fit.
 - From the first meeting, we are hoping to discuss zoning as an action. Should we keep brainstorming about the new strategy and talk about zoning for a bit now?
 - The highlights came from Nick. Agreement that a Google Doc would be very helpful. **To-do:** make a shared folder and google doc. Who will do this?

Meeting schedule moving forward

The next meeting will be scheduled after the holidays. Jessica Joyce will add equity concerns to the google doc.

Participants

CMWG

- Nick Battista

- Bill Needleman
- Cameron Reny
- Kathleen Billings
- Ben Martens
- Jessica Joyce
- Curt Brown
- Jeremy Gabrielson
- Gabe McPhail

Other

- Maggie Kelly-Boyd (GOPIF support and cross-pollination)
- Ed Billings (Deer Isle Climate Resiliency Planner)
- Kristen Grant (Maine Sea Grant)
- Melissa Britsch (Maine Coastal Program)
- Natalie Springuel (Maine Sea Grant)
- Monique Coombs (MCFA)
- Carl Eppich (DACF, MPAP director)
- Tom Miragliuolo (DACF, MPAP)