Governor’s Economic Recovery Subcommittee Infrastructure
(Transportation, Construction, Broadband, and Banking)

Minutes - Wednesday, 09/02/2020

• Introductions

- Susan Corbett – Director of the National Digital Equity Center
- Carol Woodcock – State Office Representative for U.S. Senator Susan Collins
- Senator Lisa Keim – District 18, Northern Oxford County
- Lincoln Jeffers – Economic and Community Development Director at the City of Lewiston
- Phoenix McLaughlin – Staff from Department of Economic and Community Development
- Jessica Masse – Partner at Designlab
- Lee Umphrey – President of the Eastern Maine Development Corporation
- Jay Philbrick – Intern for the Governor’s Economic Recovery Committee

• Phase II Recommendations:

o Delegated permit review

Key Takeaways:

Some municipalities already have the staff and capability on hand to do the kind of environmental review work that the Department of Environmental Protection usually does, and under a program called “delegated permit review,” the municipality staff can perform the permitting review process. However, there’s a limit on the size of projects that are subject to delegated permit review, at 7 acres. The Phase II Recommendation recommends an increase on the acreage limit for projects to qualify for delegated permit review.

The limits are mandated by statute, but could be modified under the Governor’s emergency powers, and could later be taken up by the Legislature for more permanent adjustments. Increasing the use of delegated permit review is supported by administrators at the Department of Environmental Protection because it will free up staff to work on other projects and increase the speed at which projects are reviewed. The specific acre limits and other details will be left to the Governor’s discretion.

Action Items:

The Subcommittee staff will continue to modify the wording of the recommendation to ensure it can be approved at the Infrastructure Subcommittee’s meeting on September 9th.

o Online permitting portal

Key Takeaways:

This recommendation urges the creation of a state permitting web portal, where government agencies, construction companies, consultants, and other stakeholders can track the permitting process for different construction projects. Two other New England states have used federal CARES Act funding to develop improved State web portals, Massachusetts and New Hampshire. The creation of a centralized website for permitting could reduce redundancies in reporting for
construction companies and reduce the administrative burden associated with obtaining approval for development, as well as signaling to developers that Maine is striving to be developer friendly. Administrators at the Department of Environmental Protection support this measure.

**Action Items:**

The Subcommittee staff will work with Department of Environmental Protection staff to examine Massachusetts’s approach to State IT improvements using CARES Act funding.

The Subcommittee staff will reach out to Commissioner Johnson of the Department for Economic and Community Development, who previously expressed interest in a clearinghouse for interagency communication.

**Key Takeaways:**

Under current state law, if a site wants to increase the size of their plant, they would be required to go through an entirely new permitting process. There are exceptions carved out for educational institutions, ski areas, and manufacturing facilities (such as paper mills), who are instead subject to a streamlined permitting process, so long as the expansion is less than 30,000 square feet per year and does not exceed a total plant size of more than 60,000 square feet, expansion included. The proposal recommends expanding the number of industries that can benefit from this streamlined permitting, as well as raising the square footage caps. Administrators at the Department of Environmental Protection support this measure. Furthermore, the recommendation urged the addition of a deadline to permit-document amendments to ensure consistency with general permit approval deadlines and to ensure the timely completion of the entire permitting process.

**Action Items:**

The Subcommittee staff will continue to refine the wording of this recommendation, focusing especially on concerns around a blanket expansion of small plants who may benefit from this policy, for whom an expansion would fundamentally change their environmental impact.

The Subcommittee staff will break the site law recommendation and the permit amendment deadline recommendation into two separate documents to better emphasize each recommendation. The language within the site law recommendation pertaining to an amendment deadline will be used to form the basis for the new recommendation, and will then be removed from the site law document.

**Special project designations**

The Department of Environmental Protection has a “special project” designation whereby they can charge an increased fee to construction companies which is then used to hire outside contractors to provide review and education to the company, increasing permitting efficiency.
The recommendation draft urges broadening the types of projects that can be designated as “special projects” to free up staff at the DEP while still maintaining environmental standards.

The Department is supportive of this measure, but asked the Subcommittee to define what parameters must be fulfilled for a project to be designated as a “special project.” The group discussed projects with social benefit, such as increasing low-income housing, creating jobs, or mitigating brownfields.

**Action Items:**

The Subcommittee staff and members will work to develop the wording of the recommendation, clarifying what qualifications a special project must meet in order to receive that designation.

- **9/9/20 Sub-committee meeting (our last meeting as a sub-committee):**
  
  **Key Takeaways:**

  There’s a possibility of a recommendation dealing with port infrastructure, and it will be sent out if developed.

  This will be our last meeting as a sub-committee. We will once again review the Phase II Recommendations and approve them for September 11th.

- **Next sub-committee assignment (self-select survey):**

  **Key Takeaways:**

  The chairs will send out a self-select survey for the assignments to the 3 consolidated committees: Infrastructure (includes social support, financial, governmental and civil infrastructure), Innovation, and Talent. There will also be an option for “put me wherever you need me.”

- **Joint meeting(s) of the Infrastructure and Innovation Subcommittees:**

  **Key Takeaways:**

  It is possible that, instead of hosting a joint meeting between the Infrastructure and Innovation Subcommittees, we will develop an ad hoc committee on energy. They will be able to devote a significant amount of time and attention to the issue. The Subcommittee is waiting on direction from the ERC Chairs, and once a decision is made, the Subcommittee staff will communicate that with its members.