

**Community Preservation Advisory Committee**  
**May 12, 2010**  
**Room 214 Cross Office Building**  
**DRAFT Meeting Minutes**

Members Present: Rep. Bob Duchesne (House chair), Senator Elizabeth Schneider (Senate chair), Rep. Jane Knapp, Senator Christopher Rector, David Holt, Peter Merrill, Ted Koffman, Sue Inches

Staff Present: MacGregor Stocco, SPO

*Meeting called to order at 1:15 p.m.*

The meeting began with Representative Duchesne asking for a discussion on the future direction of CPAC. Ted Koffman responded that perhaps CPAC can take on the role of watchdog, for issues such as sprawl and smart growth. For example, even though legislation was passed years ago on requiring new schools to be built in growth areas, is that actually happening? Peter Merrill mentioned that CPAC should address cross-jurisdictional issues. The Transportation committee focuses on roads, the Education committee focuses on schools; but when an issue such as traffic generated from schools arises, CPAC should be at the fore.

*Quality of Place*

Sue Inches then provided an update on the Quality of Place legislation, which was passed last session, creating a permanent Quality of Place Council. She stated that the Council reports to the Business, Research, and Economic Development Committee. Senator Schneider stated that she was very impressed at the level of support for the Quality of Place program, both from the federal government and local non-profits. Representative Duchesne indicated that Quality of Place is a “yes” program, meaning it seems to approve and encourage projects, as opposed to defining all the projects that cannot occur. Sue Inches agreed that that is a good description.

*Form-based Codes and Using Webinar Technology*

Liz Hertz discussed the current approach of the Land Use Program at the State Planning Office, which is to provide continuing support for planners and communities, rather than authoritatively dictate details. The Land Use Program is using a new technology – webinars – to reach out to the planning community, and educate planners and practitioners on new tools. The first webinar provided by the Land Use Program was on form-based codes. Form-based codes are an alternative to traditional Euclidean zoning, and focus more on design and how a development fits into a community, rather than strictly dictating uses that can and cannot occur on a parcel. Ms.

Hertz elaborated that the Land Use Program is implementing a more collaborative approach to review of comprehensive plans, being more respectful of municipalities, and working with towns to take the next step of implementation.

### *Building Codes and Contractor Licensing*

Sue Inches provided an update on implementation of the Uniform Building and Energy Code. She stated that the code will be in place by June 1, 2010. Ms. Inches also said that legislation concerning contractor licensing did not pass this past legislative session largely because the uniform building code was not in place. However, we should expect contractor licensing to come up again next legislative session, after the uniform building code is adopted. Senator Rector asked whether there is an appeals process for the building code. Ms. Inches responded that the only appeals process is at the local municipal level. Senator Schneider expressed concerns about not providing an additional appeal opportunity at the state level.

### *Developments of Regional Impact – Is the Informed Growth Act model appropriate for non-retail development?*

Representative Duchesne stated that the Informed Growth Act is legislation aimed at saying “no,” to a development; we need to figure out ways to say “yes.” Senator Rector agreed with this statement, and raised FirstPark (in Oakland, Maine) as a model for regional commercial development where revenues are shared regionally among towns. Liz Hertz stated that another good option for sharing regional resources is a tax-increment financing program. Senator Rector agreed that a TIF program is a good idea, perhaps adding bonus TIF funds for businesses and neighboring communities to collaborate on regional commercial and industrial development. Ms. Hertz wondered whether one could link regional TIF programs and asset-based developments, such as shared regional growth areas. Sue Inches commented that when towns compete for development, the result is sprawl, which is one of the problems CPAC was created to address. Peter Merrill responded that this line of thinking was sound, and perhaps worth investigating as a concept bill next legislative session. The group reached a general consensus that the location of business development is an area that CPAC has not focused on in the past, but may want to bring to the fore in the next session.

### *Hillside Development*

Andy Fisk stated that the Department of Environmental Protection’s Site Location of Development Law (site law) has criteria for defining “regional” developments. This committee should review site law to help inform the discussion on developments of regional impact. Representative Duchesne stated that after shorelines, hillsides are the most appealing locations for residential development. Mr. Fisk stated that history has born this out, and that more and

more hillsides in Maine are being developed. According to Mr. Fisk, 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. Mr. Fisk added that 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. Representative Duchesne stated that a problem is that typically hillside development affects neighboring municipalities (in the valley) more than the municipality that contains the hillside on which the development occurs. Peter Merrill asked whether any existing rules have a role for context. Mr. Merrill cited hillside development in Sunday River as not being as large a problem as hillside development outside Acadia National Park. Mr. Fisk agreed that context is an important factor, but stated that it is difficult to put that into a statewide regulatory framework. Ted Koffman stated that Virginia has strong regulations protecting the Blue Ridge Mountains. He continued that design standards are the key element – not outright preventing development.

#### *Gateway 1 Update*

Stacy Benjamin provided an update of the Gateway 1 program. Senator Rector stated his disappointment that the town of Warren chose not to participate in Gateway 1. However, he stated that there are many residents in Warren who are frustrated with the state's non-completion of the US Route 1 segment in Warren, and that that frustration is probably fueling a lack of interest in the Gateway 1 process.

#### *LURC*

Representative Duchesne stated that there are many issues that he considers to be political minefields in LURC. Ted Koffman observed that the historic wood products industry can be at odds with haphazard development. Sue Inches advised that this committee really has no jurisdiction over broad issues of development in non-organized territories; but perhaps there is a place for this committee's advice on specific issues such as transfer of development rights programs. Peter Merrill stated that housing prices in organized territories are escalating, pushing people to the unorganized territory.

#### *Meeting wrap-up*

Representative Duchesne advised that the committee should coordinate with the Quality of Place Council, so that there is no duplication of work. He said that the committee should re-visit form-based codes, and wondered how many municipalities have land use ordinances that actually conform to their comprehensive plans. Representative Duchesne wondered how growth is happening, including large developments of regional impact.

Patricia Aho, an attorney representing the Maine Real Estate and Development Association stated that this committee needs to discuss the uniform building and energy code, specifically as the code relates to other forms of standards, such as the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards. She stated that some municipalities are indicating that they will adopt other building standards in addition to the state uniform code. Sue Inches indicated that under current statute, municipalities cannot adopt other building standards.

Ted Koffman wondered who has data on floodplain mapping, flood damages, and problems resulting from climate change. He asked whether we can track problems for homeowners to address. David Holt stated that the Maine Emergency Management Association has much of this information. The State Planning Office also has information, as the federal Floodplain Management Program is operated within SPO.

The next CPAC meeting will occur sometime early fall 2010.

*The meeting was adjourned at 3:55 p.m.*