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STATE PLANNING OFFICE
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August 18, 2006

Michael W. Rice, Chair
Planning Committee
And
Alan B. Douglass, Selectman
Town of Phippsburg
1042 Main Road
Phippsburg, ME 04562

Re: Phippsburg 2006 Comprehensive Plan Review Findings

Dear Mr. Rice and Mr. Douglass:

Congratulations on the completion and adoption of the *Town of Phippsburg, Maine Comprehensive Plan* dated May 2006. (Plan). The Comprehensive Planning Committee has done good work that will benefit the community in years to come. We are pleased that the community recognizes the changes and challenges it is facing and the residents of the town should be proud of the work they did to complete this comprehensive plan. It was a pleasure to meet with the Implementation and Land Use Ordinance committees earlier this month and see the energy and enthusiasm there is in Phippsburg for implementing the Plan.

The Maine State Planning Office (SPO or Office) has completed its review of your Plan for consistency with the Maine Planning and Land Use Regulation Act (Act) and the Comprehensive Planning Criteria Rule (Rule). The Plan provides much information and addresses many of the issues facing your community. However, there are a few areas that need additional information or clarification, or do not meet minimum requirements, and the State Planning Office finds the Town of Phippsburg Comprehensive Plan Update to be *inconsistent* with the Act.

There are three (3) specific inconsistencies listed below, some of which will be relatively easy to address while others will require more careful consideration. Successfully addressing these three inconsistencies within 24 months of the date of this letter will result in the plan being consistent with the Act.

This finding letter is structured as follows:

- Section I presents the Office's general conclusions about the plan, including plan highlights.
- Section II identifies inconsistencies between the plan the Act and presents the Office's recommendations for addressing them. Inconsistencies indicate those parts of the plan that have been found inconsistent with the Act. **Recommendations provide one way, though certainly not the only way, the Town could modify the Plan to address the inconsistency.**

Occasionally, suggestions for improving the plan follow the recommendations. While these are not issues that would affect consistency with the Act, they represent concerns the Office has with the current Plan, and offer ideas to improve it.

- Section III provides general suggestions. Again, while these are not issues that would affect consistency with the Act, they offer ideas to improve the Plan.
- Section IV includes a list of the other state agencies and other interested parties who submitted comments on your Plan. As appropriate, these comments are incorporated into the findings. All formal comments received have been copied on blue paper and are included with this letter.

I. CONCLUSIONS

Phippsburg has achieved a major accomplishment by completing and adopting its 2006 Comprehensive Plan. I understand it took five years to complete the Plan and commend the town for its effort and commitment. It is clear that your Plan is not a "cookie cutter" plan and has been carefully crafted to reflect the uniqueness of your community.

Highlights of the Plan include:

- The Plan is well written and the Summary Findings/Planning Implications included are very helpful in identifying major issues.
- The Plan provides a thorough inventory of historic resources and recognizes the importance of protecting them;
- The importance of regional planning efforts for many topic areas is emphasized and appropriate regional strategies are proposed.

The State Planning Office encourages Phippsburg to address the items identified below and amend its comprehensive plan so that is consistent with the Maine Growth Management Act.

II. INCONSISTENCIES

Inconsistency 1. The implications of the significant percentage of seasonal housing units in Phippsburg are not fully identified or discussed. (Me State Planning Office, 07 105 CMR 202-3.C.1).

Figure H-1 on page 141 of the Plan indicates that approximately 45% of the housing units in Phippsburg are seasonal but there is no analysis indicating the long term implications of this phenomenon. Are these seasonal units owned by older residents of other places who plan to move to Phippsburg year round at some point in the future? If so, what are the implications for groundwater and public facilities and services? Are these seasonal units primarily waterfront units in places where groundwater extraction is already an issue?

Recommendations

Other coastal communities with large seasonal populations are finding that many of the seasonal residents ultimately decide to stay year-round. In Phippsburg's case, this could put a significant strain on already stressed water resources and require the addition of public safety services (ambulance/fire) above and beyond that anticipated to serve an already aging year round resident

population. Include an expanded analysis of the issues related to such a significant portion of the housing stock identified as seasonal, including anticipated trends and the implications for the future.

Inconsistency 2. The Water Resources inventory and analysis is not complete and town policy conflicts with state policies and goals regarding public access. (Me State Planning Office, 07 105 CMR 202-3.B).

The following items/analyses need to be included in the Plan and strategies included to address identified issues as appropriate.

- A. Water body classification data from DEP is necessary to evaluate whether strategies included in the Plan are sufficient to “Protect, maintain and, when warranted, improve the water quality of each water body pursuant to Title 38, chapter 3, subchapter I, article 4-A and ensure that the water quality will be protected from long-term and cumulative increases in phosphorus from development in great pond watersheds” as required in the Act.
- B. Only limited information on Phippsburg’s streams is provided.
- C. Town policy to limit access at town landings to residents conflicts with state goals and policies regarding public access to Maine’s coastal and inland waters.

See the comments from MDIFW and MDEP for additional clarification.

Recommendations

- A. Contact DEP (Jeff Dennis) and request available water quality data for Phippsburg’s water bodies. Include this data in the Plan and identify/address any issues related to water quality that have not been previously identified.
- B. Include information on important streams in Phippsburg and identify/address any issues relating to water quality, fisheries, or access.
- C. Include a strategy to open town owned water access points to the public at large and not just town residents.

Inconsistency 3. Future Land Use Plan

The following inconsistencies regarding the Future Land Use Plan have been identified and must be addressed for SPO to find Phippsburg’s Plan consistent with the Act and Rule.

- A. The growth areas are all located in areas with groundwater limitations and the strategies are insufficient to address this critical issue.**

The Plan identifies existing villages and surrounding areas as growth areas even though it is clearly stated in several places in the Plan that the villages cannot be expanded without the construction of community wells and septic systems and most of the identified growth areas are in the proposed “Low Volume Watershed” areas. The Plan does not include strategies to invest in or investigate the construction of municipal community wells and septic systems. It is clear that anticipated growth will put additional strain on groundwater resources and the Plan does not include adequate strategies to address this key issue. The town must realistically plan for a future with some type of municipal water and sewer systems, at least in some locations.

- B. There are two Focus Areas of Ecological Significance (Pasture Ridge Focus Area and Morse Mountain Focus Area) identified by Beginning with Habitat and the Maine Department of Inland Fisheries and Wildlife that are inappropriately included in growth areas.**

See comments from MDIFW.

Recommendations

- A. Although it is logical to want growth to occur within and near existing villages, the groundwater limitation issue requires careful consideration and creative thinking on the part of Phippsburg to address this issue. The Plan identifies “areas of potentially enhanced groundwater availability” as roughly “running down the ridge in the middle of the peninsula along Route 209. These areas are appropriately identified as rural. Include a strategy to evaluate portions of this area as future town water supply. Set aside funds for a feasibility study to identify which areas are likely to provide the most yield, and designate these areas as Future Water Supply Districts. Include strategies to explore purchasing these areas in fee or via easement, and allow only very low density development in the areas around them.

Include a strategy to create a fund that can be used to work in conjunction with developers of larger projects who are required to install community wells and/or septic systems. This way, the town can leverage its resources by partnering with private developers to create additional public water and sewer capacity. This fund could be created by assessing impact fees per unit on new development. An impact fee manual is available at the following website:
<http://www.state.me.us/spo/landuse/docs/impactfee/impactfeemmanual.pdf>.

- B. Exclude these focus areas from designated growth areas.

III. GENERAL SUGGESTIONS *(not required for a consistency finding)*

1. Consider including a policy not to pave gravel roads in the rural areas.
2. Update natural resource data per the suggestions of MNAP, IFW, and Beginning with Habitat Program in the attached comments (see below).
3. Work closely with your municipal attorney or MMA legal staff when developing regulatory ordinance language.
4. Include a strategy to allow accessory apartments in growth areas to encourage affordable housing, provided there is sufficient water/septic capability.
5. The Plan states on page 165 that the minimum lot size for major subdivisions is two acres, which is different than the 40,000 square feet allowed every where else in town. Check with your municipal attorney or MMA to ascertain if this practice is legally sound.
6. The State Planning Office does not support the implementation of long-term town-wide growth caps without clear justification or criteria that outline under what circumstances such a cap would be implemented. I have attached a copy of the recent legislation passed regarding growth caps for your consideration.
7. Create a separate short-list of priority strategies to assist plan implementers is developing a work plan.

IV. COMMENTS RECEIVED

Comments on your Plan were received from the following state agencies and other interested parties:

Maine Historic Preservation Commission
Maine Department of Environmental Protection
Maine Natural Areas Program
Maine Department of Inland Fisheries and Wildlife } One memo
Maine Beginning with Habitat Program

In some cases, the comments received include identified inconsistencies and recommendations for addressing them. These are indicated in Section II. In all cases, these comments offer valuable suggestions and we encourage you to review them carefully and consider them as you decide whether to amend your Plan.

In closing, we know it is frustrating to receive an inconsistency finding after years of hard work from the Committee and townspeople. The State Planning Office would ideally like to see all communities in Maine with adopted and consistent comprehensive plans, but we recognize the difficulty of finding an acceptable balance between many planning strategies and political will.

As you consider whether or not to amend your Plan to address these findings, I would be remiss not to remind you that the Act requires that any rate of growth (growth cap), zoning (other than mandatory shoreland zoning) and impact fee ordinances be consistent with a comprehensive plan that is consistent with the Act.

As I said when we met to discuss implementation, I would very much like to meet with you to discuss these findings and recommendations in more detail and explore options for addressing the inconsistencies. I plan to call within the next few days to set up a convenient time to meet with the Committees. Please feel free to call me with any questions or if you need clarification on these findings.

Best regards,

Stacy Benjamin
Land Use Team
287-8061

Cc: Katrina Van Dusen, MCBDP
Richard Nichols