

Governor's Council on Maine's Quality of Place

Minutes of the Twelfth Meeting, February 26, 2008¹

State House Cabinet Room, Augusta

Next Meeting of the Council: Tuesday, March 25th, 1 – 5 p.m., at the Maine Public Utilities Commission Hearing Room, Augusta.

Present: Council members Ed Barrett, Chuck Lawton, John Rohman, John Marsh, Bruce Hazard, Evan Richert, Tracy Michaud Stutzman, Richard Barringer (chair), Eleanor Kinney, Ken Young, Hilary Basset, and Martha Freeman. **Absent:** David Whitney, Barbara Trafton, Mary Kate Reny, Hank Schmelzer, Kevin Mattson. **Staff:** Jody Harris, Sue Inches, Michael LeVert, John DeVecchio, Mike LeVert, Amanda Rector, Tim Glidden. **Others Attending:** Patrick Strauch, Doug Denico, Stephen Schley, Bob Duplessie, Don Mansius, Sarah Giffin, Fred Todd, Tom Doak, Pat Eltman, Carol Ann Ouellette

Introductions & Greetings: Richard Barringer opened the meeting at 1:05 p.m. with introductions by Council members, staff, and guests. He reported that both Barbara Trafton and Mary Kate Reny were unable to attend due to family health matters, and that David Whitney wisely chose not to risk driving from Machias, given the impending storm. He reviewed the meeting's agenda and asked if there were any suggested changes; there were none. He also characterized suggested Council activities over the course of the next several months, including a meeting in March to review additional working group reports, to hear LURC staff response to today's presentations, and to discuss the Q of P Council's final report.

Presentation by Maine Forest Products Council (MFPC): Patrick Strauch, Stephen Schley and Doug Denico.

Patrick introduced himself as Executive Director of the Maine Forest Products Council. He expressed his desire to "frame up" MFPC concerns with the first Quality of Place Council report, and to review the LURC comprehensive planning process. He introduced Doug Denico and Steve Schley, both members of the MFPC.

Patrick stated that the Council tries to represent private forest landowners, many of which have large holdings in northern Maine, and the pulp and paper mills; comments and observations were augmented with power point slides. His remarks generally addressed the following:

- LURC's draft revision to its Comprehensive Land Use Plan (CLUP) is based on incomplete data and poor analysis;

¹ Note: The minutes have been prepared by staff of the State Planning Office from notes taken throughout the day; they are intended to summarize a rich set of presentations and conversations, and do not necessarily represent accurately the thoughts and opinions of those cited here.

- The proposed CLUP does not recognize existing landowner grants, easements and holdings that afford land protection, nor does it recognize non-industrial landowners' long-term supply agreements with mills;
- There has been no change or loss in public access to private lands held by MFPC members in the Unorganized Territory;
- The proposed CLUP represents a loss of value to landowners belonging to the MFPC; and
- The December report and recommendations of the Governor's Quality of Place Council should not have recommended that LURC undertake "a critical assessment of the 'subdivision exemption' under LURC that permits two automatic, un-reviewed subdivisions of a parcel every five years."

Stephen Schley argued that any new CLUP must not compromise the new and exciting job and income opportunities presented by innovations in wood fiber utilization. He pointed out that, in order to gain a clearer perspective on degree of protection in Unorganized Territory, the Q of P Council should consider how much property is enrolled in the Tree Growth Tax Program, not just the type of ownership; participation in the Tree Growth Program carries penalties for withdrawal and conversion to uses other than growing trees. Doug Denico shared his concerns regarding the proposed LURC comprehensive plan and his regrets that the Q of P Council's December report cited the need to study the "2 in 5 exemption". He noted that every acre in LURC's jurisdiction has been zoned, and all developments are reviewed.

Richard Barringer noted that the Q of P Council supports the economic values represented in Patrick's presentation, and does not intend to compromise efforts toward sustainable forest management and forest product development. He noted that the Q of P Council's report cites the need to analyze and recognize, as appropriate, the ownership changes that have occurred within LURC jurisdiction and their likely impacts; LURC's capacity to perform its functions in this new setting; and the overall relationship of regional service centers to development within LURC jurisdiction.

Chuck Lawton asked the MFPC presenters whether or not they agreed that the division of land into smaller parcels may lead to pressure to subdivide, and that because of ownership and economic interests, this may lead to a "point of no return" whereby the land is converted to other, non-forest products uses. Patrick responded that this point has not been reached and that until it happens, such a trend cannot be demonstrated.

Ed Barrett noted that when the point is reached – when 10 million acres becomes 9 or 8 million – it will be too late. The time to consider development trends and protection strategies is now. Tracy Michaud Stutzman observed that the development pressures in Maine are not unique in terms of what has happened elsewhere, and what is likely to happen here.

Richard asked Patrick if he had seen the recent report prepared for the Keeping Forests as Forest Study Group, entitled "The Unsustainable Economics of a Sustainable Maine

Forest;” it argues that the new, non-industrial ownership of the forests “portend an era where keeping land forested becomes less economically feasible (for its owners), particularly for land with high amenity values...” This reflects the Q of P Council’s concerns. Patrick indicated that some knowledgeable MFPC members question parts of this analysis, and that he would forward written comments on it. Richard offered that a copy and summary of the report be shared with all Q of P Council members.

John Marsh noted that his understanding of the Q of P Council’s first report and recommendations is that these support sustainable forest practices undertaken by landowners in the unorganized territory. If there is wording in the report that does not support sustainable practices, the Q of P Council should reconsider it. Richard suggested that the Q of P Council hear from LURC staff at the next Q of P Council meeting and then revisit the language in the report.

John Rohman asked Patrick Strauch if he would submit his suggestions for any proposed changes to the Q of P Council’s first report, “in black and white; tell us what you would like to see from the Council;” Patrick agreed.

Legislative Update: Sue Inches, Eleanor Kinney

Sue Inches reported that the historic tax credit bill (LD 262) will be in discussed in a work session of the Business, Research and Economic Development (BRED) Committee shortly. An amendment seeking additional tax credit for projects with affordable housing will likely be proposed. The building codes bill (no LD number yet) will propose uniform statewide building, building rehabilitation, and energy conservation codes; potential stumbling blocks are fee increases to pay for administration, and enforcement provisions. Eleanor noted that while everyone is concerned about the budget shortfalls, it is important as a state that we don’t stop thinking about our long term needs.

On March 12th at 11:30 a.m. there will be a legislative briefing in the Legislature’s Welcome Center on historic tax credits; it is open to the public.

John Rohman noted that John Martin of Eagle Lake had sponsored a bill in 1994 to consolidate the cultural agencies; after careful consideration it was killed or withdrawn.

Private Landowners and Public Access. Mike LeVert

Mike summarized discussions and analysis on private landowners and public access, and shared with Council members the working group’s summary recommendations. Tom Doak, George Smith, John Marsh, Eleanor Kinney, Kate Reily and Richard Barringer served on the working group with Mike. Mike’s preliminary recommendations include:

Recognize and Support Private Landowners’ Crucial Role in Protecting Maine’s Quality of Place

1. Create and implement a public education campaign.
2. Create new mechanisms for valuable, symbolic rewards to landowners.

Strengthen Maine's Landowner Relations Program

3. Provide funding to the Landowner Relations Program for education and outreach.
4. Continue to focus Warden Service enforcement priorities on trespassing and abuse.
5. Explore the feasibility of and potential funding for a Mitigation Fund.
6. Make the position of Director of Landowner Relations permanent.

Compensation to Private Landowners for the Public Benefits Public Access Provides

7. Explore the desirability and appropriateness of market-based mechanisms to compensate landowners directly.

Convene a Stakeholder Group to Explore Policy Options to Ensure Continuing Public Access

8. Convene a stakeholder group to explore these issues and make specific recommendations to the Governor and Legislature.

Eleanor noted that while there may have been no change in public access opportunities on large landowner holdings, 35-40 % of Maine's land base is owned by small landowners. Eighteen thousand landowners posted their property and 2006, she noted. Jay Espy asked what activities are most frequently cited by landowners as causing concern. Property damage, hunting abuse, and ATV use are the three biggest landowner negative experiences. Mike noted that Maine has some landowner incentives in place, but more opportunities exist. For example, currently 20% of doe permits go to landowners—this may go up to 25%.

Richard noted that working group recommendation to the Governor to establish a stakeholder group to look into issues raised in the report. Bruce asked, in relation to #8, what has happened with task forces in the past and their recommendations regarding this issue? Mike noted that most past studies considered only large land ownerships. There may be different solutions for large and small landowners.

Evan Richert asked if the working group will mention Farm and Open Space tax law in the report. Tom Doak noted that the Open Space Law was not very effective; it could be more effective if it were modified.

Community Planning and Design

Sue Inches reported on the efforts of the Community Planning and Design workgroup and summarized their recommendations:

1. University of Maine System. The Council strongly recommends that community planning and design programs, and future development of related education, research, and outreach capacity in the UMS, be designated as "a critical discipline" within the recently adopted *UMS Agenda for Action*, and aggressively pursued as such.

2. Maine Community College System. The Council strongly recommends that the MCCA move aggressively to seize upon Maine's well-established reputation and competitive advantage in historic preservation building techniques, and incorporate training in this growing field within its existing degree offerings and programs.

3. Local Planning Boards. The Council strongly recommend that Greater Portland Landmarks, the Maine Historic Preservation Commission, and Maine Preservation collaborate to create a training program for local planning board members that will focus on historic downtowns and illustrate how local decisions regarding zoning, roads, parking, and the scale and scope of buildings affects the quality and livability of the built environment.

Hilary Bassett noted that taking an interdisciplinary approach and integrating the programs would likely preclude the need to expand faculty resources. Richard noted that University of Maine System Chancellor Pattenaude had indicated that he would appreciate the Q of P Council's help in defining what the UMS Board of Trustees will identify as "critical academic disciplines" for Maine's and the System's future.

With regard to Recommendation #3, Ed noted that municipal planning board members' role is quasi-judicial. When this role gets confused with planning and policies, confusion and difficulties arise. Ken Young noted that Regional Councils do a lot of planning board training. In terms of delivery-mechanisms, Councils can probably use funds through the State Planning Office to support training of this nature.

John Rohman noted that there is a big difference between historic preservation and quality design; quality design standards are important but not necessarily historic design. Hillary agreed, and noted that UMO offers engineering, architecture, and other related degrees that offer many ways to achieve energy standards besides new construction; there are ways to integrate new technology and creative sustainability. Respecting #3, Evan noted that traditional neighborhood design standards are important to consider, both connected to downtowns and as newly created residential neighborhoods.

Q of P Asset-based Development

Jody Harris reviewed the asset-based development working group's report and recommendations (attached to these minutes).

Richard noted that he had received a letter from Vaughn Stinson of the Maine Tourism and Heritage Council declining to participate in the working group, for fear this might constitute endorsement of using the lodging tax for these purposes. Richard and Vaughn have agreed to meet again soon, to keep Vaughn's constituency abreast of Q of P Council thinking in this regard.

Evan asked for greater clarity on what asset-based development is, and said it would be helpful to provide examples of any Maine asset-based vs. non-asset-based initiatives.

Bruce noted that there are two levels... our state's "quality of place" attributes and the more localized, place-based assets, such as those that an entrepreneur might take and turn into a product or service. Ken remarked that for him it is always about markets: the key to attracting people to expand the workforce is quality of place. If quality is your principle asset, then you need to invest in it, because (a) you improve your marketability, and (b) there is increased value for those living in the community.

Ed noted that quality of place varies with location, and Richard offered that this is why quality of place assets need to be identified at the local and regional, not the state level.

Richard suggested that the Council not recommend using the lodging tax to fund this asset-based development initiative, but instead leave all options for funding open. He asked Council members to deliver comments on the working group draft to Jody Harris, and singled out Ken Young and Bob Thompson of AVCOG for their special contributions to the working group effort.

Richard noted that it was now 4:00 p.m, with a serious storm gathering outside. He reminded members of the **next meeting on March 25th, 1-5 p.m. in the PUC Hearing Room**, when the Council will consider further issues regarding LURC and discuss a draft final report to the Governor in April.