

Governors Council on Maine's Quality of Place

Minutes of the Seventh Meeting, October 16, 2007¹

Pine Tree State Arboretum, Augusta

Next Meeting of the Council: Thursday, November 7th, 1-4 p.m. Starting with a meeting with Governor Baldacci in the Cabinet Room, followed by a Council meeting in Room 126 the State House, Augusta.

Present: Council members: David Whitney, Ed Barrett, John Marsh, Tracy Michaud Stutzman, Barbara Trafton, Bruce Hazard, Richard Barringer (chair), Jay Espy, Henry (Hank) Schmelzer, Charles (Chuck) Lawton, Eleanor Kinney, Ken Young, Martha Freeman and Evan Richert (via telephone). Staff: Sue Inches, Kate Reilly, John Del Vecchio, Jody Harris.

Absent: John Rohman, Hilary Basset, Mary Kate Reny, and Kevin Mattson.

Others Attending: Jeff Austin, Maggie Drummond, Jeff Romano, Katherine Birnie, Patrick Straut, Carolyn Manson, William King, Elizabeth Hertz, Carolann Ouellette, Patrick Strauch, and Frank O'Hara.

Introductions & Greetings: Richard Barringer opened the meeting at 1:00 p.m. with the introduction of Council members, staff, and guests. He reviewed the agenda and expectations for the meeting.

Discussion of Draft Report Format

Martha Freeman offered to Council members for inspection several examples of previous reports prepared by the State Planning Office which reflect the format, layout, and length that she recommends that the Council adopt for its first report. The benefits to a short report (6-12 pages) with text augmented and enhanced with illustrations and supporting charts/graphs are that it will more likely be read and understood, as opposed to longer documents which tend to be put aside. Supplementary information and further documentation and support for issues covered in the report would be made available electronically at the State Planning Office's website. A "mock up" of how the brochure might look was distributed to members.

Ed Barrett expressed his desire that people must be able to understand what all the key terms, like "asset based development," "partnership," etc. mean—otherwise; a longer report that gives explanation is needed in addition to a short version. Jay Espy noted the importance knowing the intended audience and targeting the report to it. Eleanor Kinney suggested that knowing how the Council wanted to accomplish its recommendations was

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.

an important consideration. Hank Schmeltzer felt that some facts and statistics helping to substantiate the Council's points would be helpful for the reader to understand the basis for some of the recommendations. He also asked about timing for the report and recommendations. Jay Espy asked for cost figures for the recommendations. Barbara Trafton asked what or when the Governor is expecting something from the Council.

Richard Barringer shared his thoughts on timing for the report and recommendations, that he sees these recommendations as an indication of where the Council is moving, and that the Council will need to continue its work in following through at least until the end of the Council's charge next April. The Governor's Office has indicated that the Governor is available to meet with the Council on November 7th or 8th. Martha Freeman added that, if there is legislation, it would be ideal to have it ready as close to January as possible. If there is legislation, it may not be necessary to present all of it this session. Ed Barrett observed that the Council may have immediate and intermediate recommendations.

Downtown Focus Group Recommendations & Discussion -- Jody Harris

Jody reviewed issues raised at the last Council meeting, and reported that she discussed the future of the Maine Downtown Center with all members of the focus group. The focus group felt that the existing recommendations provided sufficient support to address the issues raised, particularly the recommendation # 3 that would "...create a structure and funding mechanism that will meet current demand and expand the capacity of the Maine Downtown Center."

Ken Young expressed his opinion that the Downtown Center should be moved out of the Maine Development Foundation. He suggested that the Council adopt a recommendation that the state should rationalize the Center's administration and funding. It was pointed out that there are numerous Maine communities having downtowns which cannot afford the financial commitment to hire a full-time Downtown Coordinator, a requirement of the National Trust for Historic Preservation's "Main Street Program" model that the Center has adopted. Ed Barrett cited the need to connect the Community Development Block Grant and the Downtown Center—"we need to get some synchronicity going." Ed also noted that the state needs to take a leadership role; redevelopment of downtown buildings is hindered by problems with codes administered by the State Fire Marshall's office. Barbara Trafton expressed her view that the Council's recommendations should have broad, statewide application, supporting efforts that would make the Downtown Center's assistance open to more communities. Bruce Hazard asked if the Maine Arts Commission might be considered in options for expanding the Center's scope and applicability. Richard Barringer asked that staff, working with Ken Young, members of the downtown focus group, and Laurie Lachance, to revise the draft recommendation. The recommendation should indicate the Council's conviction that a State policy statement respecting downtown revitalization is needed, as well as rationalization of the organization and management of the current effort, needed alignment of state programs and rules with this policy, and creation of a program that is responsive to smaller community needs. All agreed.

Regional Landscape Conservation Focus Group Recommendations-John Del Vecchio

John reviewed with the Council the work requested at the last Council meeting: to find ways that state administered laws and programs—Site Location, Sensible Transportation Policy, and Growth Management Acts—might better conform and support quality of place goals and principles. Presented for discussion were two draft recommendations:

- a. Development standards under the Site Law should be reviewed and revised in order to have the effect of protecting and enhancing Maine’s quality of place.
- b. State investment and regulatory programs, especially those dealing with large projects, environment and transportation, should support and be consistent with locally or regionally designated growth zones and zoning.
 - * Site Law permits issued only in areas zoned for growth
 - * Traffic Movement permitting standards modified for growth areas
 - * Study options for mitigating development impacts that are regional

David Whitney asked if the recommendations would, in effect, require a town to adopt zoning. Discussion ensued about how many communities in Maine have adopted zoning. John Del Vecchio offered how other existing state law has handled attempts to align state policy with local planning by directing new state leased office space to locate in areas zoned for growth or, in the absence of local zoning, areas served by sewer and water, MDOT Urban Compact areas, or areas identified as Census Designated places.

Evan Richert shared the results of a study he did recently which found that between 2002-2004, out of 48 subdivision applications reviewed by the DEP, 20 project proposals were in direct conflict with the Growth Management Act and local decisions regarding land use. His study identified that by issuing site permits to these 20 subdivisions, one state law (Site Location) is working at cross purposes to another state law (Growth Management Act). Evan pointed out that the Legislature, in the last session, directed that alignment of the Sensible Transportation Policy Act and the Growth Management Act be achieved. Alignment of the Site Location Act with Growth Management, however, may not be as simple as limiting to areas zoned for growth Site Location permits. Richard Barringer offered the concept for an alternative recommendation: to ask the Governor and his Cabinet to explore ways to bring better alignment between to these laws. Evan suggested that the recommendation include by whom and when.

David Whitney raised concern with draft Regional Landscape Conservation Recommendation #4 respecting the Land Use Regulation Commission, reviewed previously by the Council. He described having spoken to several people in Washington County with property who expressed concern with eliminating the subdivision exemption, and also to a LURC staff person in the region who felt that the exemption was not troublesome and that it should be left in place. Richard Barringer recognized Patrick Strauch, Executive Director of the Maine Forest Products Council, and invited him to share any comments on this topic. Pat offered his view that his Council has been actively engaged in the LURC comprehensive plan revision process currently underway and suggested that this Council refrain from making specific recommendations during this process. He noted that development that has occurred is not significant—only about

10,000 new homes built since 1970, and most of them near the LURC borders, not in the interior. Richard Barringer suggested that staff work with the focus area members (and others) on language that will express the Council's concern in this regard, support the current CLUP review undertaken by LURC, and seek a creative solution that addresses both the traditional intra-family need and the new investor ownership of large blocs. All agreed.

Draft Report and Recommendations & Discussion

Richard Barringer reported that he had met earlier in the day with Bruce Hazard and Pat Eltman and Carolann Ouellette of the Maine Office of Tourism, to discuss possible use of the lodging tax (in part) to implement local/regional Quality of Place strategies. Bruce proposed that Recommendation #3 acknowledge the need for there to be partnership with the tourism industry and be modified to read: "Explore with representatives of the tourism industry a 2% increase in the lodging tax to fund implementation of regional asset-based development strategies and provide more funds for the tourism industry." Bruce also suggested that there be a funding set-aside to implement Q of P projects outside the regional framework proposed, according to state standards. Barbara Trafton indicated her preference that the Council's recommendations not single out interest groups to work with to the exclusion of others. She pointed out that many of us will be affected by this tax. Jay Espy noted the need to be careful not to alienate or disadvantage other stakeholders. Hank Schmelzer asked how much 1% of this tax would bring in. Richard Barringer indicated that 1% equals \$4-6 million/year. Richard Barringer offered the observation that recommendations in the Brookings Report, and subsequent legislative proposals to use lodging tax revenues to support quality of place initiatives, met stiff resistance largely due to the fact that representatives of the Tourism industry were not involved in the recommendation or the proposals. Given this history, Richard explained that the intention in revising the recommendation was not to exclude any interests, but rather to: a) publicly acknowledge the importance of involving the tourism industry and; b) provide that some of the funding for implementing ongoing Q of P projects be made available outside the proposed regional structure, and asked if there was anyone opposed to making the change. There were none.

John Marsh advocated for recognition in the report for the critically important role played by private property owners who make their lands available to the public. He pointed out that a lot of the activity recognized as vitally important and enjoyed by residents and tourists alike takes place on private property. Offering compensation to private landowners only if they are willing to give up development rights to their property should not be the only source for supporting public access. "We're dropping the ball if we don't address this important issue" he said. The biggest risk to Maine's quality of place is private landowners saying "No Trespassing". Richard Barringer sought and received concurrence from Council members to use stronger language in the report regarding this issue. Chuck Lawton reminded the members of the proposal he first presented in Belfast regarding an "offset fee" which would recoup recognized values that are lost when new development occurs. This would need to be a new system developed by LURC, but it

would have the effect of encouraging growth in some areas and discouraging in other areas as well as allocate costs to those causing the impacts. Richard Barringer suggested that Chuck's idea be included in the recommendation regarding possible tools for landscape conservation if he could provide wording that would succinctly convey the concept. All agreed.

Ed Barrett indicated that he felt it important that the report's recommendations make it clear that Regional Councils needed to be transformed into agencies with "real" authority and status. This could come with greater responsibility in areas such as the Informed Growth Act; reviewing and approving local comprehensive plans, having a role in Site Location Law reviews. Martha Freeman pointed out that Regional Councils now have, by statute that's existed for 20 years, all authorities of municipalities except taxation and eminent domain. So the real issue holding back Regional Council authority is the willingness on the part of municipal and state government to devolve more authority to Regional Councils. She pointed out the reluctance of communities surrounding the City of Bath to enter into a cooperative school agreement that was based on population proportions and thus would give Bath greater sway over issues. Ken Young pointed out that the State has chosen not to administer the CDBG, Regional Efficiency Grants, and other programs through Regional Councils. In order to embrace these changes, the state needs to change the incentives and to provide people with a rationale.

Advocacy

Eleanor Kinney offered a number of possible strategies for roll-out of the Council's first report and suggested that further discussion await finalization of the Council's recommendations.

Adjourn. Richard Barringer closed the meeting at 5 p.m.