



Maine Association of Planners

The Maine Association of Planners, or MAP, is an organization of over 100 members, including professional public, private, and nonprofit planners, citizen volunteers serving on local boards, and Mainers from other professions like attorneys, landscape architects, professors and developers. Though our membership works in diverse settings, we are all dedicated to enhancing the practice of planning in Maine.

SAVE THE DATE!

Sustainable New England



NNECAPA 2010

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2010/11 MAP Deadlines

(Submission / Publication)

Fall '10

Nov. 19/Dec. 3

Winter '11

Feb. 11/Feb. 25

Spring '11

Mar. 22/May 6

2010 NNECAPA Conference

The Northern New England Chapter of the American Planning Association (NNECAPA) invites you to participate in the NNECAPA 2010 conference. We will bring together experts to present and lead technical sessions and workshops that will enhance your view of sustainability and help you to work on sustainability issues in your community. The conference will feature regional and local policy makers, businesses, practitioners and planners who will discuss their work and how it affects climate change, housing, transportation, energy use and agriculture.

The keynote speaker will be Tom Kelly, Ph.D., the founding Director of the University Office of Sustainability (UOS) and Chief Sustainability Officer at the University of New Hampshire. Also, Richard Walega, the New England Regional Administrator of the U.S. Department of Housing and Urban Development will present "Reinventing Sustainable New England," in which he'll describe his vision of how the region can create a new direction for sustainable development. More detailed technical sessions will fall into four tracks:

- Environment and Climate Change
- Integrating Land Use, Natural Resources and Transportation Planning
- Energy Efficiency, and
- Conservation, and Agriculture and the Local Sustainable Economy.

[\(See NNECAPA on page 8\)](#)

RECAP OF MAP 2010 ANNUAL MEETING: When State Law Conflicts With Good Planning

By Beth Della Valle, AICP

Nearly 70 planners attended MAP's 2010 Annual Meeting, held at the Chewonki Foundation in Wiscasset.

The day opened with a tour of Chewonki's many renewable energy facilities. It was a truly impressive array of facilities and techniques in waste management, heat recovery, passive and active solar techniques, geothermal heating, and wind generation. Students attending the facility participated in learning about the techniques, seeing prototypes that are refined through use and monitoring, benefiting from their use and trying their hand at making their own renewable energy gadgets.

[\(See Recap on page 8\)](#)



Letter from the President

To MAP Members:

On behalf the membership, I would like to thank the Conference Planning Committee for organizing the MAP Annual Meeting, which was held at the Chewonki Foundation this past June. It was a great opportunity to catch up with fellow planners and begin to explore conflicts between local smart growth efforts and state regulations. The panelists' brief presentations and back-and-forth with MAP members opened the door to what I hope will be an expanded conversation over the coming months. The conversation served as a primer for discussion of a draft RFP the Board is considering to identify problematic elements of state statutes as part of the Legislative and Policy Committee's (LPC) strategy to shift its focus from one that is exclusively reactive to one that is more proactive. I encourage you to check out the article about the Annual Meeting in this Newsletter and stay tuned for opportunities to get involved in future discussions on this subject.

Shortly after I became this year's MAP President, someone asked me what I hope to accomplish in my term. I hadn't thought much about it as I was just trying to keep up with duties as the outgoing LPC Chair and Vice President, not to mention my planning practice. But the fog lifted as I reviewed the minutes of the Annual Meeting and the notes I took on our discussion of the draft RFP.

My primary goal as MAP President is to engage more of you, as members of the Maine planning community, in MAP activities and conversations. I encourage you to get involved, whether by: joining a standing or ad hoc committee, helping plan or organize a workshop, participating in the General Membership Meeting in January to help establish this year's legislative and policy agenda, contacting legislators when the LPC calls for support of a legislative position, writing an article for one of MAP's quarterly Newsletters, answering a request for information on the listserve, mentoring a student who is interested in planning, or just talking with Board members about planning issues you'd like to see MAP engage in.

How or what you do is less important than getting involved. I believe that the more planners who are involved in MAP, the stronger the organization will be; the stronger the organization is, the more it will be able to influence how planning is done in Maine. And the more involved the membership is in the organization, the more likely MAP will meet the membership's needs.

So, to help me with my mission, please, step up. I encourage you to set a personal goal to get involved with MAP this year. Start small - perhaps make a commitment to do one thing this year. Or be bolder; make the commitment to do one thing each quarter. The "thing" might be as small as answering a query from a fellow planner on the listserve or joining the Nominations Committee, which is only active for a month or two, or as big as taking on the organization of a professional development event.

Please, join us. The strength of our organization is truly based on the involvement of our members. It is fun and rewarding. Thank you for considering how you can make a difference.

Beth Della Valle

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MAP Annual Awards

The Maine Association of Planners presented their annual awards this year at the June 11th Annual Meeting at Camp Che-wonki in Wiscasset. The winners this year were:

Outstanding Planning Achievement of the Year – Concept Plan for the Moosehead Lake Region prepared by the Land Use Regulation Commission. The award was accepted by Samantha Horn Olsen, Manager of the Planning Division and by Senior Planner, and primary staff lead, Aga Pinnette.

The Concept Plan was recognized in particular for its scope and scale, its responsiveness to extraordinary public and expert witness input, and its flexible, practical and attainable plan for 30 years in the Moosehead Region.

Project of the year – The Sagadahoc Region Rural Resource Initiative Conservation (SRRRI) Blueprint prepared by multiple individuals, towns, organizations and agencies. The primary author was Steve Walker of the Beginning with Habitat program, Maine Department of Fish and Wildlife and the primary editor was Katrina Van Dusen of the Midcoast Council of Governments.

The SRRRI Conservation Blueprint was recognized as a model of collaboration among towns and their partners in the public and private sector. The Blueprint and its associated GIS maps can be transferable to other groups of communities.

Planner of the Year Award – Charles “Tex” Haeuser, AICP City Planning Director, City of South Portland.



Tex Haeuser & Carl Eppich

Mr. Haeuser was recognized for initiating the successful effort to change the existing Tax Increment Financing (TIF) law to allow funds generated in a Transit-Oriented TIF district to be specifically used for transit capital purchases, and most importantly to allow the use of the TIF captured funds to pay for costs associated with ongoing maintenance and operations of transit service.

Student Planner of the Year Award – Holli Andrews who graduated this Spring from the Edmund S. Muskie School of Public Service at the University of Southern Maine.

Nominated by USM Professor Jack Kartez, Ms Andrews was recognized for her optimistic and supportive approach to colleagues and her strong collaborative values.

Citizen Planner of the Year – Harpswell Conservation Commission.

Nominated by Planner Carol Tukey, the entire Commission (Mary Ann Nahf, Don Jones, Dierdre Strachan, Tony Barrett, Ann Nemrow, Anne Perry, Burr Taylor) was recognized for tireless work to implement the Town’s Open Space Plan.

The judging criteria are those used by the American Planning Association and the Northern New England Chapter of the American Planning Association awards programs.



Carol Tukey & the Harpswell
Conservation Commission

Many thanks to this year’s Planners Awards Committee: Judy East, AICP, Washington County Council of Governments, Calais – Chair; Jim Fisher, Hancock County Planning Commission, Ellsworth; Ruta Dzenis, State Planning Office

Downtown is Dead, Long Live Downtown

by James Francomano

Much has been said and written about downtown revitalization methodologies and the strategic significance of Maine's downtowns and distinctive village centers to the state's overall economy, both in terms of tourism and that certain "Quality of Place" which is called upon to motivate businesses and families to relocate to Maine or make them stay. It would be hard to add anything of value without first preparing an extensive bibliography and summarizing other sources on the subject. What I would like to do here instead is simply to report to members about our recent experience with this concept here in Presque Isle and, by way of a short detour, to explain why predictions in some quarters of dire effects on downtown revitalization programming caused by the Legislature's adoption of the Maine Uniform Building and Energy Code (MUBEC) have proven unfounded.

The Planning and Development Department is working on a proposed amendment to the existing Retail Business Zone that would draw a line around the downtown portion of this zoning district where, if approved, new form-based codes would apply. From a historical perspective the performance standards for the proposed Downtown RBZ ("DRBZ") are anything but new. By requiring new development and substantial renovations to move the building façades right up to the sidewalk and by relaxing other required setbacks, this type of zoning attempts to restore some of the development potential to the downtown setting that our parents and grandparents remember but which has been stripped away over time. With an unintended, one-way ratchet effect, everything from the demise of angled parking to the steady advances of life safety codes to the recent, expanded interpretations of the Americans with Disabilities Act has worked to limit downtown development potential over the past few generations.

As a case in point, 428 Main Street in Presque Isle (Google Earth anyone?) today stands vacant because, under our existing Retail Business Zone language, this parcel cannot muster the parking required to support the historical mixed-use formula of a business on the ground floor and apartments upstairs. Other distressed properties in our downtown have similarly gone too long without substantial investment. All told, an in-house study tells us that some \$6 to \$9 Million dollars' worth of assessed building value would be gained if downtown buildings listed as being in less than "Good" or "Very Good" condition were improved to those levels (as building condition is defined by the Assessor's Office). Meanwhile, a bank and a pharmacy close to the heart of downtown, which were built to replace older establishments destroyed by fire, both have large parking areas in front and drive-through service windows around back. There is nothing particularly "wrong" with these important businesses, solid corporate citizens and strong employers that they are -- except that they obeyed our zoning ordinance and are set back so far from the street as to leave significant gaps in the downtown pedestrian network. Naturally the buildings they replaced, like the Oak Hotel which burned in 1975, had been constructed prior to the adoption of zoning in Presque Isle, and therefore were built in a traditional downtown form, right up against the sidewalk. Establishing and enhancing a solid "street wall" rising immediately from the sidewalk in a downtown setting serves two purposes that are seemingly in opposition. By providing more development potential to the owner this "form-based" standard makes a project more financially secure. Meanwhile neighboring businesses and the community as a whole benefit from an active street front that shapes the pedestrian experience. It is important to remember that pedestrian enjoyment is something more and different than pedestrian safety; and that both are critical drivers of economic development for downtowns. To that end, along with a new *maximum* front set back requirement, the proposed DRBZ zoning district also seeks to require a *minimum* height of 18 feet for the front façade. If adopted, the DRBZ will reduce the number of parking spaces required for various uses if public parking is available nearby, hopefully encouraging properties like 428 Main Street to be redeveloped and/or change hands on more advantageous terms. The proposed zoning amendment would, if approved, also restrict drive-through service windows as well as ground floor dwelling units facing public ways – again with the goal of enhancing the pedestrian experience of downtown.

In addition to facilitating a series of discussions between the Planning Board and the Downtown Revitalization Committee and other forms of public participation, we have also sought guidance from other Maine communities and professional

[\(See Downtown on page 10\)](#)

WHAT IS THE ADVANTAGE OF HAVING A SOIL SURVEY MADE (IS IT WORTH THE COST)

Answer – Generally speaking, the cost of a high intensity soil survey can be recouped many times over through cost savings realized by having detailed knowledge of the soil resources of a property and using that information to plan an intended use accordingly.

Land Owner Perspective – Land owners can gather much useful information from having a soil survey made of their property if they have a specific use in mind. Some regulated uses such as septage spreading require a soil survey but others just make good sense. If a land owner is planning on subdividing a property, the division of the land should be based upon soil types. Otherwise, one or more lots may not have suitable soils for septic systems which means unbuildable lots or the expense of having a new property survey and design plans. A property may also contain wetlands that prevent development or require expensive permits to cross but could be avoided if their presence and extent were known. Knowing the soil types in advance can help with the planning so that building sites and access can be achieved in the most cost effective manner. If the landowner intends to build interior roads, knowing the soil types will help in choosing the best location. For land owners wishing to build a home on a property, a soil survey can indicate where the best location is for constructing a basement that will not be wet or for building a road that will not sink into a wetland or be subject to flooding. The relative cost for development can be obtained on the basis of soil survey data by referring to the document Soil Potential Ratings for Low Density Development available at your county Soil and Water Conservation District Office. Soil surveys can also be helpful for other uses such as for forestry or agriculture. That is because some soil types are more productive than others for growing certain tree species or crops. It would also help to know here to spend management dollars for the best return.

Town Perspective – For a town, soil survey data can be invaluable information on which to base a permitting decision. It enables the town officials to determine if a property is suitable for an intended use and whether the proposal works with the strengths of the property or against them. Issues such as wetland impacts can be determined on the presence or absence of wetland (hydric) soils, a necessary component of all wetlands. Groundwater and surface water threats can also be assessed on the basis of soil survey information. Even the potential value of a property can be determined by knowing its potential for certain uses (useful to tax assessors). Without soil survey information, a town may permit the use of a property for an incompatible use. On the other hand, the town may deny the use of a property for which it is well suited. A good decision is a well informed decision.



Coastal Towns to Get Free High Resolution Elevation Data

By Michael Smith, State GIS Manager, Maine Office of GIS (MEGIS)

Recent news indicates that coastal towns are in for some interesting times. With Portland getting eleven inches of rain in March 2010, southern Maine dealing with floods for the second time in four years, and the sea level creeping up 6 inches in the past seventy years, water is on the minds of a lot of people. How can towns manage and plan to take advantage of their aquatic resources yet avoid the kind of hazards associated with flooding and sea level rise?

One tool that can help is the use of high-quality geospatial data. Current data characterizing the coastline and floodplains for most of Maine's coast are based on USGS topographic maps which are typically twenty to thirty years old. These maps have elevation increments of twenty feet with a spatial accuracy of between ten and forty feet. Obviously, it makes it difficult to model a six-inch sea level rise when your elevation contours are twenty feet apart. Likewise, how does a coastal town simulate a five-foot storm surge, or a river at twelve feet above flood stage with these data? Most towns have updated their computer systems, fire trucks, and plow trucks more frequently than the elevation data currently available to help them plan for flooding or climate change.

Modern technology is available which can precisely measure elevation at intervals of 3 feet, with a vertical accuracy of just six inches. This technology, known as light detection and ranging (lidar) is similar in concept to radar, but uses laser pulses instead of radio wave pulses. These laser pulses are shot out of a machine in the bottom of an airplane at a rate of almost 200,000 pulses per second. The pulses bounce off the ground, or trees, or buildings, and scatter back up to the plane. A sensor in the plane records the time it takes for the pulse to return. That measurement is then converted to a distance measurement. Using very precise measurement tools such as global positioning systems (GPS), the sensor can take into account the position, speed, and movement of the plane to calibrate the distance measurement precisely, turning that into a measurement of the elevation where the pulse hit.



Left: The laser pulses bounce off the ground (or trees or buildings) and back up to the plane, where the distance is precisely measured) the distance is precisely measured.

Since the pulses can hit bare ground, trees, or buildings, there are multiple “images” that can be teased out from these pulses – bare ground topography, forest canopy height, or urban terrain models for example.

The resulting data create a very precise model of the elevation and topography of an area. These data can then be used by engineers to model flooding, sea level rise, and storm surges. These same data can be used in a variety of other ways: to map wildlife habitat, predict erosion, model suitability of potential wind energy sites, choose location of cell towers or wireless broadband equipment, and predict forest types.

[\(See Lidar on page 12\)](#)



Summer Planning Bytes and Pieces by Rodney Lynch

Thomas Kittredge of Brewer has been appointed the City of Belfast's first Economic Development Director. Tom is a Maine native and graduated from Brewer High School. He is a graduate of Yale University and holds a Masters Degree from Johns Hopkins University. Tom is the former Executive Director of the Piscataquis County Economic Development Council, a consortium more than 15 communities involved in economic development activities. He served in that position for three years.

Jeff Nims, AICP has resigned as the Town of Camden Code Enforcement Officer/Town Planner effective September 10, 2010. Jeff started working for the town in July, 1992. His accomplishments during his 18 year employment with Camden included developing the Town's first GIS that has been such a valuable tool for the town; working as staff to various boards and committees to help revise the Zoning Ordinance, the Comprehensive Plan and the Harbor Ordinance as well as drafting several new innovative ordinances including: Cell Tower, Wind Energy and Downtown Design. His largest project was the \$30 million dollar Quarry Hill elderly congregate housing and retirement community. Other significant projects included participation in the formation of the Midcoast Pine Tree Zone which ultimately benefited a Camden business (Pen Bay Media) and involvement in affordable housing in both in Camden and regionally. Jeff's retirement plans include devoting more time to the family blueberry farm and returning to an earlier career as a writer. Best of success in retirement after a long and rewarding career in local and regional planning and development. Stephen Wilson of Bucksport has been hired to fill the position. Wilson was a former code enforcement officer in the Town of Southwest Harbor.

Paula Thompson left the State Planning Office in February to accept a job as the Central District Public Health Liaison with the Maine CDC Office of Local Public Health. This position is part of a new regional planning initiative to improve and coordinate public health and environmental health services at the local and statewide levels. It's in one of the eight Maine districts that have been set up as a result of the Maine Public Health Work Group's community-based public health infrastructure recommendations. The Central District includes Kennebec and Somerset Counties. Paula has been busy setting up the District Coordinating Council & the Central District Public Health Unit, working on Local Health Officer training & technical assistance, and starting the district and community health improvement planning processes. She was formerly employed for a long time as a planner for the Kennebec Valley Council of Government.

Jason Bird has resigned from the Eastern Maine Development Commission to accept a position with the Midcoast Council of Governments in Bath where he will continue to work on economic and community development issues and programs.



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[\(NNECAPA from page 1\)](#)

There will also be a series of mobile workshops including a tour of UNH's Stormwater Center, a mobile workshop tour of agricultural facilities and farms, a walking tour of Portsmouth's historic waterfront, and a presentation of the film *Carbon Nation*, an optimistic and compelling documentary film about climate change solutions. See <http://carbonnation.tv/about> for information about this film

For more information and to register for this event, visit <http://nne capa.org/resources/2010-annual-nne capa-conference/>.

[\(Recap from page 1\)](#)

Maureen O'Meara, MAP's outgoing President, welcomed members to the Annual Meeting and noted that MAP's activities this year included increasing the organization's profile on a state level, especially through the work of the Legislative Policy Committee. She encouraged members to participate in the meeting and organization and invited input and ideas for MAP's involvement in planning issues.

Beth Della Valle, outgoing chair of the Legislative Policy Committee, reviewed the LPC's activities during the legislative session, noting that the use of conference calling for meetings has made participation much easier. She said that the LPC has learned that simply preparing and submitting testimony at hearings is not sufficient to make a large impact in the process; MAP needs to remain actively involved. Sharing responsibility among LPC members helped lighten the workload this year. She described the genesis of a draft RFP on *Research to Identify Conflicts Between and Opportunities to Coordinate State Statutes and Local Smart Growth Efforts*. Beth noted that the Board had discussed a \$3,500 budget for closely targeted work to identify issues for potential MAP attention. If the project goes forward, she said the Board and LPC would work with the membership to identify potential solutions. The LPC's intent in proposing the RFP is to provide support to help shift the LPC's purely reactive efforts to something more proactive. Funding would likely come from a combination of a \$2,000 NNECAPA grant and the MAP budget. Liz Hertz indicated that she would be willing to spend some time on land use analysis related to this project. Beth pointed out that members will be asked to discuss the draft RFP at after the two panel discussions scheduled for the afternoon.



Maureen noted that Rebeccah Schaffner-Tousignant, MAP's Newsletter Editor, invited members to submit articles for the next edition of the newsletter.

Maureen thanked Linda Johns for her work as Membership Secretary and noted that Bruce Hyman is MAP's new Membership Secretary. She pointed out that membership renewals are due by July 1 and encouraged everyone to renew.

Fred Marshall, Treasurer, presented the budget. He noted that MAP's hosting of the NNECAPA conference in October increased budgetary activity this year, since MAP received ½ of the profits from the event. He said that the budget is on target for the year and that we used \$2,375 from cash reserves. He pointed out that revenues may increase, based on factors such as receipt of a NNECAPA grant and that if MAP can team with NNECAPA's registration as a CM provider, the \$1,000 item earmarked for CM registration would be eliminated. He said that the Board has now adopted a funding and sponsorship application process to manage funds for "special projects" which future requests will be expected to follow. Fred noted that cash reserves have stayed the same or grown slightly over time.

Nominations for the Board and Officers were presented. No nominations were offered from the floor and the slate was approved by the membership present.

[\(See Recap on page 9\)](#)

[\(Recap from Page 8\)](#)

Judy East presented MAP's Annual Awards. She started by thanking her co-committee members, Jim Fisher and Ruta Dzensis and presented the winners of this year's MAP awards.

In addition to the usual awards, Judy presented Maureen O'Meara with a basket, largely filled with Maine goodies, thanking her for her four years of service as MAP President.

With the business meeting and lunch over, attention turned to two panels whose topics focused on the struggle to achieve good planning which often bumps up against state laws and policies.

The first panel, on Natural Resources, included Dave Owen, Associate Professor of Law at the University of Maine School of Law; Andrew Fisk, Chief, Bureau of Land & Water Quality, Maine DEP; Matt Teare, Director of Development, Seacoast Management Company; and Representative Jane Knapp, Representative District 129, Maine State Legislature, who sits on the Natural Resources Committee and the Community Preservation Advisory Committee.



The second panel focused on Infrastructure, included Evan Richert, Planning Consultant, Associate Research Professor - University of Southern Maine; Steve Landry, Assistant State Traffic Engineer, Bureau of Maintenance and Operations, Maine DOT; Thomas Gorrill, President, Gorrill-Palmer Consulting Engineers, Inc.; and Senator Chris Rector, Senate District 22, Maine State Legislature, who sits on the Business, Research, and Economic Development Committee, Marine Resources Committee, and the Community Preservation Advisory Committee.

After brief presentations from each panelist, discussion was driven largely by questions and comments from planners in attendance. Each panelist, an expert in his or her respective field, offered input during the discussion. The overall goal of the session was to help participants better understand how and why state policies and laws conflict with good planning practices and to begin to investigate solutions to these conflicts.

A small, but stalwart, group remained to discuss the LPC's draft RFP. Discussion focused on how to engage the membership in discussions at various stages of the project:

- Establish a Blue Ribbon panel to take part in preliminary discussions prior to bringing in a consultant;
- Talk with key people;
- Search the listserve;
- Establish a steering committee, solicited in part from the listserve, to work with the consultant;
- If no responses to RFP, use the funds to sponsor a retreat;
- Identify areas that are problematic to start dialogs between state and local interests;
- Prioritize ideas;
- Partner with others to stretch dollars to do the work; and
- Do the necessary work in stages and state that intention in the RFP .

In the end, the group agreed that it would like to see the LPC move in the direction of being more proactive and viewed the project as an inexpensive way to raise MAP's stature in the state by targeting some specific areas and building coalitions to become more influential. The group recommended that the Board move forward with the project and that the LPC revise the RFP based on comments raised in the discussion.

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associations. City Manager Jim Bennett and I attended a workshop put on by planning consultant and fellow MAP member Bruce Hyman, AICP in partnership with GrowSmart Maine. Bruce has some excellent slides showing the evolution of a form-based zoning regime for a proposed new town center district in Standish. Resources provided by Program Manager Roxanne Eflin through our ongoing membership in “Maine Downtown Network” have also provided sources of inspiration to us on our DRBZ zoning project. Last but not least, a crash course in certain Code Enforcement issues has provided another layer of quality control on the drafting of the proposed amendment as I will try to explain.

As I’m sure all my Maine planning colleagues know, MUBEC makes the 2009 International Building Code (IBC) and related codes the “law of the land” all across the state as of December 1, 2010. This has many communities scratching their heads about how best to set aside funds and time for training of enforcement staff, including communities like ours which have already adopted other building codes because our staff must now sort out what’s new and different in the IBC. Right off the bat, I should point out a considerable positive effect of MUBEC, separate and apart from any gains in the area of life safety and the predictability that comes with any body of law applied statewide. Namely, although this assumes that MUBEC actually can be implemented uniformly, service center communities like Presque Isle should benefit from the elimination of perceived competitive advantages accorded to surrounding communities that have not previously adopted building codes but must now do so.

A seeming negative effect of MUBEC was recently brought to light here at Presque Isle City Hall, however. Several months into the process of public outreach and drafting of the proposed DRBZ zoning amendment, my colleagues in Code Enforcement called my attention to two subsections in the IBC calling for “permanent open space” and “yards” of “not less than 40 feet.” Code Enforcement staff addressed a memo to the Planning Board and even made a surprise appearance before the board to make the case that redevelopment following traditional downtown patterns would now be made impossible by MUBEC. The lynchpin of this argument was the mistaken interpretation that the open space requirements set forth in the IBC were to be interpreted as required minimum setbacks on *all sides* of any structure. Essentially the much-reduced or zeroed-out setbacks that are such a critical feature of our desired downtown form were coming under attack!

Clearly the time had come to appeal for guidance from a higher source. Enter Richard A. Dolby, acting Director of the Bureau of Building Codes and Standards (Maine Department of Public Safety), who is responsible for overseeing implementation of MUBEC. Dick knows downtowns. He feels, as it is safe to say many of us in the planning field also feel, that in some cases zoning and building codes together have combined to make it too easy to build new on fresh ground in suburban locations and too difficult to pursue adaptive reuse projects or infill development in the downtown setting. Mercifully, in response to our inquiry, he explained that the open space requirement is only applicable to *one side* of a given structure, typically the street side, and includes the width of the right of way. Problem sorted, just like that. Dick went on to explain that more open space on additional sides of the building, as well as sprinkler systems or fire walls with appropriate specifications can help add still more development potential, depending on the building type.

In summary, Dick said, “...zoning setbacks are not impacted by the adoption of the MUBEC documents at all. Your ability to regulate or control placement of a use on the property is not within the arena of the Building Code.” Thus, if the Planning Board would like to create some additional development potential in the downtown area they can do it, and it falls to Code Enforcement to balance life-safety concerns with assisting downtown business owners and tenants in capturing as much of that potential as possible. Please forgive me if this seems like an obvious example of a necessary and proper divide between the operation of state law on the one hand and the ability of the community to envision the kind of development it wants to see in the future on the other. Here in Presque Isle, it came as something of a revelation. There is an important lesson to be learned from this episode, especially for a relatively inexperienced planner such as myself. No amount of public participation with stakeholders, committees and board members, and no amount of research and support from profess

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sional associations like MAP, will substitute for making sure everyone on your team (fellow municipal staff) understands and is supportive of your project, especially if the project involves rezoning the heart of your community.

In this case, why did my colleagues in Code Enforcement wait until the opportunity arose to object to a proposed zoning amendment to speak up about what they feared were catastrophic changes brought on by the adoption of uniform building codes in Maine? Despite our sustained, high level of public outreach through the Downtown Revitalization Committee, coverage in the Bangor Daily News and local media and review by Public Works, Fire and Police Chiefs, I still had not done enough to prove the point to Code Enforcement that a zoning ordinance to attract and support pedestrian circulation for downtown businesses would be worth the trouble to enforce. I would go so far as to say that downtown revitalization is the single most effective tool available to the Planning and Development Department today, in this harsh economic climate, to help encourage development for the entire City. If my colleagues in Code Enforcement had been brought on board with that idea sooner, perhaps they would have made appropriate inquiries on their own, to raise and dismiss the threat they perceived from the adoption of MUBEC, long before the upcoming December deadline.

Lastly I would add that even after a nearly a year's worth of public participation, research and debate, this proposed "Downtown" Retail Business Zone is only now entering the critical phase. Stay tuned for the results of public hearings scheduled later this year.

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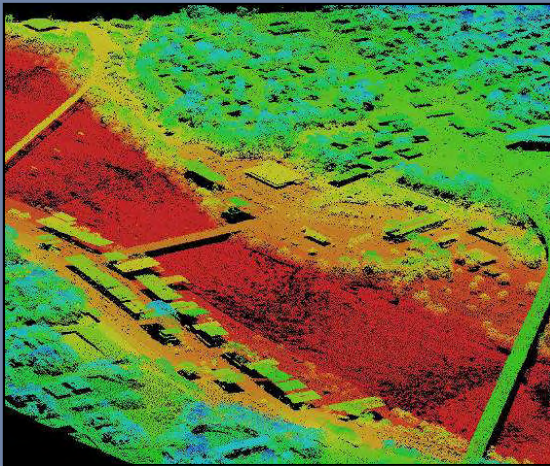
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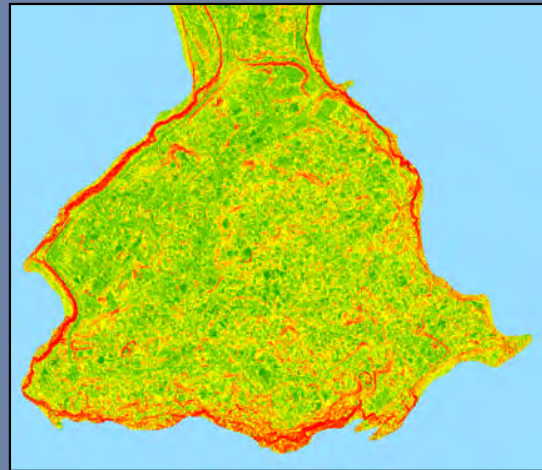


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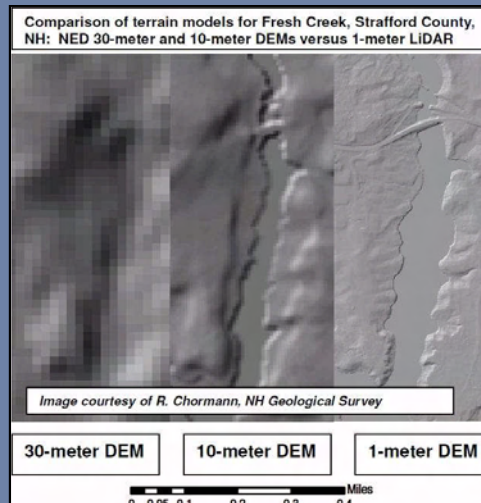
(A lidar data file shown in PointVue Wells, ME)



(A 1-meter elevation model from lidar, showing slope Prouts Neck, ME)



(Lidar intensity data - Scarborough, ME)



[\(See Lidar on page 6\)](#)

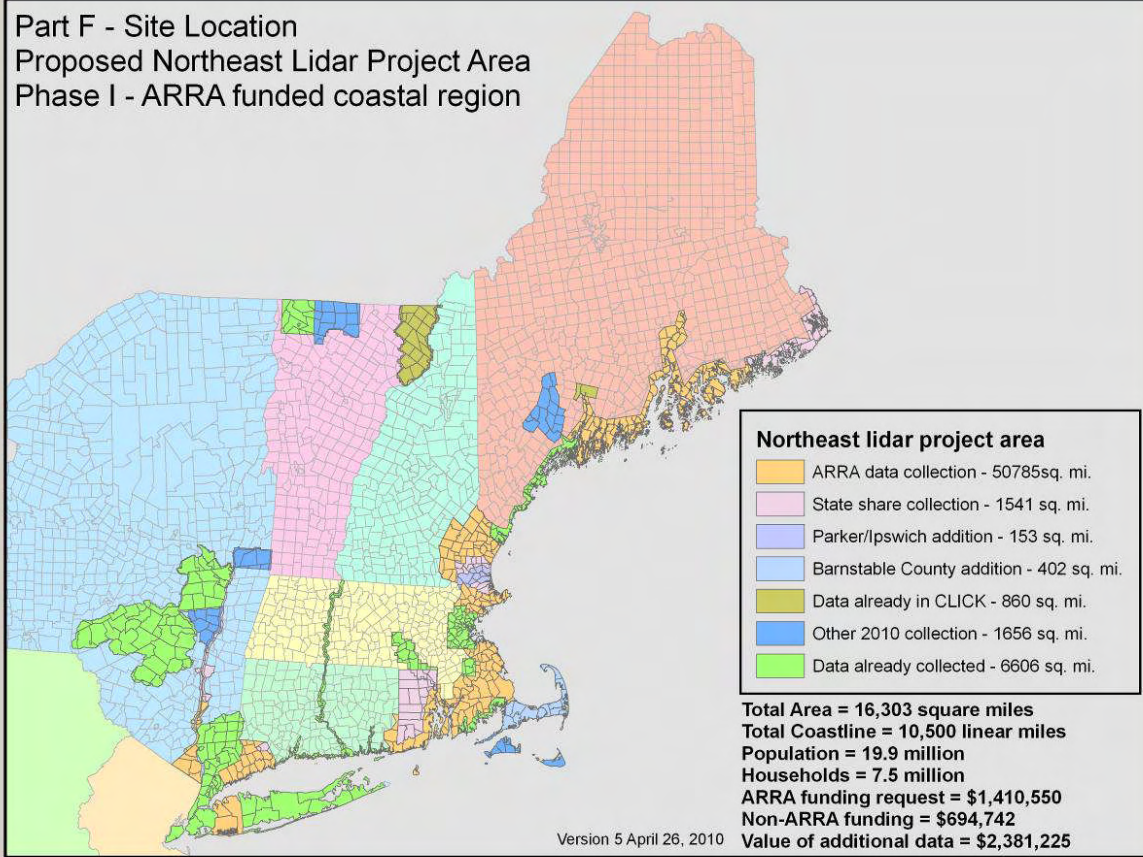
As part of the American Recovery and Reinvestment Act (ARRA) of 2009, almost nine million dollars was included to collect aerial photos and lidar data for 'priority areas' from the US Geological Survey (USGS). The priority areas were primarily coastal areas for which lidar data did not already exist. MEGIS worked cooperatively with the other New England states and New York to develop a joint proposal which included the entire coastal strip from New York City to Cobcook Bay. The data we proposed to collect included lidar at a 6.5-foot point spacing, with a 6.5-foot digital elevation model, and other lidar products. Of these, the most popular will be the digital elevation model which can be widely used to help map floodplains and model coastline changes. Compare that to Maine's best currently-available data, which has a very coarse 35-foot resolution.

Data collection for the project is expected to occur during the Autumn of 2010, with data processing and delivery by mid-July 2011. As with most other ARRA-funded projects, this one is fast-tracked in the hopes the money will stimulate the nation's economy. When that time comes, all the towns in the project area can expect free access to the products, and use them to better plan for their future. The area to be collected in this project is shown as ARRA Data Collection in the graphic below.

This project was supported by the Maine GeoLibrary Board. <http://www.maine.gov/geolib>
For more information, visit <http://megis.maine.gov/>

[\(See Lidar on page 13\)](#)

[\(See Lidar on page 12\)](#)



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