

POLICY ACTION 2023

PROBLEM STATEMENT

Maine's current uncoordinated approach to building places is causing real, unintended, and significant social, environmental, financial, economic, and cultural challenges and requires the creation of a cohesive approach to land development, redevelopment, and placemaking.

THE GOAL OF POLICY ACTION 2023

Our goal is to address barriers to and create incentives for equitable, sustainable growth and development that strengthens downtowns and villages of all sizes while pulling development pressure away from productive and open natural areas. We do so acknowledging that Maine has urban, rural, and suburban settings for which any solution may/not be a fit and a variety of people who deserve to be welcomed to their communities.



POLICY ACTION #1:

INCREASE COORDINATION + COLLABORATION BETWEEN LOCAL, REGIONAL, STATE + TRIBAL GOVERNMENT TO SUPPORT DEVELOPMENT IN THE RIGHT PLACES

TRAINING, EDUCATION + TECHNICAL ASSISTANCE

- Create opportunities for better coordination and collaboration between State and local governments, with the Municipal Planning Assistance Program as lead agency in coordination with other state agencies, regional entities, and statewide non-profits.
- Use resiliency funding from Governor's Office of Policy Innovation and the Future (GOPIF) and zoning technical assistance funding from DECD for regional coordination and planning.

ADDRESS STATE SYSTEMS THAT CONTRIBUTE TO SPRAWL

- Address property tax policy between municipalities and the Unorganized Territory (UT), which is contributing to sprawl. This is seen in decreased growth in rural villages, towns, and service center communities and growth in the UT and other outlying areas, based in part on the mil rate/property tax differential.
- Evaluate and updated State cost-sharing for effectiveness and fairness. Municipal tax base total valuation no longer equals wealth because of inflation and market volatility, nor does it take into account where infrastructure investments should be made.

SUPPORT SMART GROWTH

- Update the point system used to allocate state funding for infrastructure to ensure it addresses smart growth principles, aligns with climate action plan, and responds to the economic development plan and housing priorities. Are we incentivizing infrastructure investments where we want growth and development to occur?
- Address the tension between statewide regulation and independent municipal oversight. While statewide solutions may be overly rigid and not allow for local nuances, a lack of at least some statewide minimum standards leads to a "ripple effort" in towns without capacity to plan/manage for growth. Create a framework with flexible statewide minimum standards that provides guidance and resources to municipalities.



POLICY ACTION #2:

REWORK TRANSPORTATION FUNDING TO PROVIDE MORE MONEY FOR MULTI-MODAL TRANSPORTATION ACROSS MAINE

SYSTEM DESIGN

- Provide appropriate public transit to all communities, with extended hours to cover known needs.

IDENTIFY FUNDING OPPORTUNITIES

- The DOT Statewide Strategic Transit Plan is ongoing, and will look at appropriate transit options across the state and sources of funding. Follow and support this process.
- Rework Title 23 §4210-B to identify additional “regular” sources of funding for public transportation. Funding sources might include the following:
 - Transit funding currently comes from a tax on rental trucks and vans. More funds could be generated if the State expanded the types of rental vehicles that are taxed, i.e., cars, powerboats, short-term rentals of larger trucks and aircraft.
 - Have the State take on significantly more, or all, of the required local match, which would reduce regional silos, enable greater access to communities with less taxable value who can't afford the match, and allow more opportunities to create inter-regional public transit and greater system interconnectivity.
 - A small one-time percentage-driven surcharge (not tax) on new and used vehicles at the time of first registration by a new owner or lessee.
 - Apply a very small additional tax or surcharge on all alcoholic beverage and recreational marijuana sales.
 - Apply a very small additional tax or surcharge on auto parts and accessories.
 - Request a portion of toll revenues from the Maine Turnpike.

BUILD THE TEAM

- Bring in additional voices for increased transit funding, including from other sectors, such as rural/farmland/conservation to encourage transit across the state.



POLICY ACTION #3:

SUPPORT COMPLETE STREETS ACTION TO MAKE IT EASIER AND SAFER TO USE ALTERNATIVE TRANSPORTATION

STRENGTHEN MAINE'S COMPLETE STREETS POLICY

- An update to MaineDOT's policy is planned for 2023. Work to align the Complete Streets Policy with best practices and guidance from the National Complete Streets Alliance.
- Advocate for MaineDOT to utilize a multi-sector advisory group during the update process.

ADOPT A VISION ZERO COMMITMENT

- The U.S.DOT and Federal Highway Administration are calling on states to align with the new national goal of zero roadway fatalities and the Safe System approach. Join this effort and pass a state-level Vision Zero commitment.
- Advocate for an update to Maine's speed setting rules to include the 50th percentile rule (rather than 85th percentile) and use a context-based Safe Speed Study model.
- Advocate for a "20 is Plenty" campaign for local neighborhood streets and main streets.

ADVANCE A THRIVING STREETS PROGRAM

- Many communities in Maine have 4-lane "stroads" that are dangerous and are underperforming economically. Examples include Western Avenue in Augusta and Route 1 in Brunswick. Create a statewide "Thriving Corridors Program" (similar to the Village Partnership Initiative) that redevelops these corridors into new mixed-use neighborhoods through an integrated land use and corridor planning process. The program can help create space for safe walking and biking, provide substantial amounts of housing, and dramatically increase economic performance and tax base.

PROVIDE OPPORTUNITIES FOR ENGINEERS

- Work with engineers, including those on the engineering council, on alternative transportation design standards that can be employed using engineering judgement.
- Support opportunities for engineers to do hands-on walk and bike tours of study locations and engage in dialogue with people who have lived experience walking and biking.



POLICY ACTION #4:

REWRITE GROWTH MANAGEMENT LAW TO CREATE A MORE FLEXIBLE + EFFECTIVE FRAMEWORK FOR ALL COMMUNITIES

CREATE A MORE FLEXIBLE FRAMEWORK

- Provide an updated framework that allows for best practices to evolve over time and that works for communities of all sizes and types, whether urban, rural, or suburban.
- Improve on designated growth area concept, and provide a more relatable framework that aligns better with the kinds of places we have in Maine: crossroads, villages, downtowns, neighborhoods, high-impact corridors, rural farmsteads, working waterfronts, etc.
- Improve public participation requirements, including incorporating the charrette process and other techniques that broaden engagement.
- Bring the rules into the 21st Century, including updating outdated definitions and concepts and eliminating requirements for information that can easily be found online.
- Simplify, clarify, and update Section 4326: Required Elements of a Comprehensive Plan.
- Eliminate the checklist through rulemaking so that comprehensive planning can focus on the future, not the past. Planning can and should still begin from an understanding of data, but can use this information as a starting point for focusing on how to advance critical local needs and priorities.

CREATE MORE TOOLS + GUIDANCE

- Secure more funding to support communities in their work of creating their plans - e.g. grants to support the comprehensive planning process as well as implementation grants.
- Have the State and Regional Planning Commissions (RPOs) provide critical data and analysis mapping work, taking this burden off municipalities.

STRENGTHEN THE VALUE OF AN APPROVED COMPREHENSIVE PLAN

- Offer communities in compliance better access to state funding from various state departments. For example, tie approved comprehensive plans to transportation and other state funding.



POLICY ACTION #5: STRENGTHEN STATE HISTORIC TAX CREDIT TO FULLY REALIZE THE BENEFITS THROUGHOUT MAINE

SECURE EXISTING PROGRAMS

- Increase the Qualifying Rehabilitation Expenses for the 25% small project credit to a maximum of \$750,000, working with the existing 5-10% affordable-housing booster.
- Establish a State Register of Historic Places to streamline eligibility for the state program.

INCREASE ACCESS TO PRESERVATION FUNDS

- Allow historic homes, barns, and other non-income producing buildings to access tax credits for historic rehabilitation to support Maine's expressed goals around developing quality of place and community revitalization. Making the credit available for Maine's stock of historic houses supports the State's goal of increasing affordable housing and decreasing pressure on Maine's housing market. Program details include:
 - Provide a 25% tax credit for owner-occupied residences.
 - Give a 5% booster for low-income applicants (120% AMI for homeownership and 80% AMI for rental), reuse of a vacant property, and/or inclusion of affordable rental units.
 - Program would have a minimum of \$5,000 and maximum of \$250,000 in Qualifying Rehabilitation Expenses (qualifying expenses would include weatherization).

Since 2008, 122 federal and state historic tax credit projects have been approved in Maine, resulting in the investment of more than half a billion dollars in our state. Last year, the Office of Program Evaluation and Government Accountability (OPEGA) found that the Maine Historic Rehabilitation Tax Credit's structure and administration are sound and efficient, and that the positive outcomes exceed the stated historic preservation goals while promoting affordable housing, job creation, and economic growth. The report went on to note "that allowing historic homes, barns and other non-income producing buildings to access tax credits for historic rehabilitation could support Maine's expressed goals around developing 'quality of place' and community revitalization. Making a credit available for Maine's stock of historic houses could also support the State's goal to increase affordable housing and decrease pressure on Maine's housing market."



POLICY ACTION #6:

UPDATE SUBDIVISION REGULATIONS TO ENCOURAGE DEVELOPMENT IN THE RIGHT PLACES

REVISE STATE SUBDIVISION RULES

- Add a Purpose Statement to the State Subdivision Statute.
- Evaluate the list of exemptions in the Subdivision law and find ways to increase clarity.
- For projects located within Designated Growth Areas and/or on public water or sewer, exempt the creation of new units from subdivision review, relying on the local site planning process for those projects.
- Consider and update review standards to better align with local and state land use goals and local infrastructure planning and funding needs.
- Allow for staff sign-offs for minor subdivisions or lot changes, so those projects don't have to go to the Planning Board.



POLICY ACTION #7:

EXPLORE FISCAL POLICIES TO INCENTIVIZE DEVELOPMENT IN DOWNTOWNS & VILLAGES, WHILE REDUCING SPRAWL

EXPLORE TAX POLICY

- Consider a land value tax, which would allow municipalities to voluntarily replace property tax with a tax on the value of the underlying land, as a way to incentivize investments on properties where there is existing infrastructure, and increase incentives for keeping rural land in productive natural resource-based uses. This also shifts the municipal tax burden away from at-risk community members to negligent and absentee landowners (eg. PA's Split-Value Tax).
- Consider a tax deferral program for development in the right locations, where individuals pay their local property taxes and then apply to the state for an offset.
- Explore creating a conveyance tax / real estate transfer tax (like CT's Community Investment Act or MA's Community Preservation Act). Explore sliding scale/percent of real estate transaction to make sure everyone pays their fair share.

EXPLORE POLICIES TO ASSIGN ACCURATE COSTS OF DEVELOPMENT

- Consider a policy that assigns the full cost of development projects, where municipalities determine the maintenance & replacement costs for the full life cycle of a project (30 +/- years), collect those funds from developers at the time of project approval, and use those funds to pay for maintenance & replacement costs over time.

IDENTIFY FUNDING

- Find a permanent funding stream for new and existing programs that support smart growth, such as a Community Investment Act, etc.
- Fund existing programs such as the MaineDOT Village Partnership Initiative and the State's Soil Health Program.



POLICY ACTION #7:

CONT'D

SUPPORT DEVELOPMENT

- In Designated Growth Areas and/or with public sewer infrastructure, reduce minimum lot sizes to 5,000 sf, or 1/8 acre, or less. For properties in growth areas where there is NO public sewer reduce minimum lot sizes to 20,000 sf. Example legislation in VT and CT.
- Analyze the implications of subdivision rules that treat creation of 3 or more units as triggers for subdivision law, particularly as related to LD 2003 and within Land Use Planning Commission (LUPC) jurisdiction.
- Evaluate LUPC adjacency rules to determine they ensure smart growth.
- Reform 80B to make it more difficult to sue to stop projects located within designated growth areas. Nuisance suits cost very little to file but drive up the cost of development. Should Maine have a LUR court like some other jurisdictions?

PROTECT FARMLAND + OPEN SPACE PROTECTION

- Explore ways to enroll more farmland acres in Maine's Farmland Tax Program.
- Increase participation in the Voluntary Municipal Farm Support and the Current Use Programs through state incentives to municipalities, increased outreach, and education to support municipal officials.
- Remove the acreage minimum to increase the number of acres enrolled in the programs.
- Create a "right of first refusal" mechanism that will allow municipalities and land trusts to purchase farmland that is enrolled in the current use program before it released from the program and sold for development.
- Consider allowing dual-use solar projects to be placed on land in current farm use.
- Implement Solar Siting Policies drafted by the Governor's Energy Office Agricultural Stakeholder Group, including creation of a centralized clearinghouse of information, dual-use pilot program, standards for dual-use and co-location in permit-by-rule review, hosting capacity maps, support for municipal planning capacity, and consideration of program preference based on agricultural site characteristics.
- Lower the interconnection costs for PFAs contaminated fields used for grid-scale solar.
- Look at ways to strengthen Tree Growth and Open Space tax programs, using soil quality as another possible baseline metric.

ENHANCE STATE PLANNING

- Support state planning, through re-establishing the State Planning office, adding capacity to GOPIF or another agency, or increasing support for regional planning entities to coordinate smart growth programs.

POLICY ACTION #8:

MOVE TOWARD CARBON NEUTRAL BUILDINGS TO ADVANCE STATE CLIMATE GOALS

MAKE A PLAN

- Conduct a study to develop plan for holistically decarbonizing the building sector (analogous to transportation roadmap) to ensure that there is organized consensus and opportunities for stakeholder engagement.

SUPPORT CHANGES TO BUILDING CODES

- Support municipal adoption of building/stretch codes by providing resources, technical support, workforce development, etc.

ADDRESS EMBODIED CARBON

- Develop a type of energy building model to help identify embodied carbon and best practices for retrofits/new construction.
- Lower the carbon footprint of construction and limit waste through legislation that incentivizes reuse and recycling of building materials. There are currently no requirements or streamlined avenues for the proper recycling and reuse of building materials during construction and demolition.

INCREASE INCENTIVES

- Grow workforce development for weatherization, in coordination with Efficiency Maine and through new incentives provided by the Green Bank program.
- Explore an energy rating system for homes at point of sale in order to incentivize weatherization and energy efficiency in existing and new buildings. This kind of system would encourage homeowners and developers to make changes that would lead to more climate friendly buildings.
- Secure a source of funding to provide homeowners with free energy audits, which would set people up with an implementation plan for weatherization work.



BUS STATION:

WHAT'S MISSING? WHAT OTHER IDEAS DON'T FIT THE PROBLEM STATEMENT AND GOAL STATEMENT?

OTHER MISSING IDEAS TO PURSUE

- Establish the role of the state in a coordinated effort to proactively plan and implement recycling of renewable energy equipment, such as solar panels. The DEP Stewardship Report notes the disposal of defunct solar panels as number five on their list of issues not yet addressed.