

# **126th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2013

Legislative Document

No. 1528

H.P. 1101

House of Representatives, May 9, 2013

**Resolve, To Provide for Livable, Affordable Neighborhoods** 

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative CAMPBELL of Orrington. Cosponsored by Senator BOYLE of Cumberland and Representatives: CRAY of Palmyra, HARLOW of Portland, REED of Carmel, TIMBERLAKE of Turner, Senator: SAVIELLO of Franklin.

### PART A

**Sec. A-1. Walkable thoroughfares. Resolved:** That the Department of Transportation shall review the report "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" published by the Institute of Transportation Engineers and the Congress for the New Urbanism in 2010 and referred to in this Part as "the report" and shall assess the designs and recommendations contained in the report for roadway projects in urban areas in the State. Specifically, the department shall examine those aspects of the report that:

- 9 1. Promote a collaborative, multidisciplinary process involving certain transportation10 facilities; and
- Focus on applying concepts and principles in the design of urban thoroughfares
   that emphasize walkable communities in order to facilitate the restoration of the multiple
   functions of urban streets; and be it further

14 Sec. A-2. Develop recommendations. Resolved: That, based on its review 15 pursuant to section 1, the Department of Transportation shall develop recommendations regarding the incorporation of the concepts and principles outlined in the report into the 16 17 Sensible Transportation Policy Act. The department shall submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on 18 Transportation by December 4, 2013. After receipt and review of the department's 19 20 recommendations, the committee may submit a bill to the Second Regular Session of the 21 126th Legislature.

#### PART B

- 23 Sec. B-1. Conservation developments. Resolved: That the Department of Agriculture, Conservation and Forestry shall develop a conservation development model 24 designed to encourage the productive use of rural lands, provide traditional resource-25 based industries with opportunities for value-added business, provide rural towns with the 26 financial ability to sustain local services and keep those who work the land free of 27 28 conflicts with advancing suburban development. The department shall draw upon past 29 work of the Legislature and state agencies and upon the laws, ordinances and regulations 30 of other states and jurisdictions to develop a conservation development model that will encourage controlled-growth land use development that allows limited sustainable 31 development while protecting the area's natural environmental features in perpetuity, 32 33 including preserving open space landscapes and vistas, protecting farmland and natural 34 habitats for wildlife and maintaining the character of rural communities. The 35 conservation development model developed pursuant to this section must include 36 provisions designed to:
- Conserve open lands, including those areas containing unique and sensitive
   natural features such as woodlands, steep slopes, streams, floodplains, wetlands, aquifers
   and their recharge areas and agricultural lands, by setting them aside from development;
  - 2. Preserve historical and archaeological resources;

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1 3. Protect areas of towns with productive agricultural soils for continued or future 2 agricultural use by conserving blocks of land large enough to allow for efficient farm 3 operations;

- 4 4. Provide greater design flexibility and efficiency in the siting of services and 5 infrastructure, allowing for reduced lengths of roads, utility extensions and amounts of 6 paving required for residential development;
- 5. Provide for a diversity of lot sizes, building densities and housing choices to
  accommodate a variety of age and income groups and residential preferences, so that the
  population diversity of the community may be maintained;
- 6. Implement adopted municipal policies to conserve a variety of irreplaceable and
   environmentally important resources as set forth in a comprehensive plan;
- 12 7. Provide reasonable incentives for the creation of a greenway system within a 13 town;
- 14 8. Implement adopted land use, transportation and community service policies, as set15 forth in a comprehensive plan;
- 16 9. Create neighborhoods with direct visual and physical access to open land, open
  17 space and a strong neighborhood identity;
- 18 10. Provide for the maintenance of open land set aside for active or passive
   19 recreational use, storm water drainage or conservation purposes;
  - 11. Conserve and create scenic views and preserve the rural character of a town; and
- Provide a buffer between new development and existing streets and
   neighborhoods; and be it further
- Sec. B-2. Report. Resolved: That the Department of Agriculture, Conservation and Forestry shall submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013. After receipt and review of the department's recommendations, the committee may submit a bill to the Second Regular Session of the 126th Legislature.
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#### PART C

30 Sec. C-1. Compact village development. Resolved: That the Department of 31 Agriculture, Conservation and Forestry shall develop a compact village development model designed to promote relatively high residential density with mixed land uses. The 32 33 department shall draw upon past work of the Legislature and state agencies and upon the 34 laws, ordinances and regulations of other states and jurisdictions to develop a compact village development model that will provide an alternative to low-density sprawl. The 35 compact village development model developed pursuant to this section must include 36 37 provisions designed to accommodate clustered housing, mixed-use developments that 38 provide neighborhood conveniences and greater opportunities for walking, such as small 1 offices, educational institutions, small-scale retail stores and restaurants, and the 2 preservation of open spaces that are accessible, usable and well-designed and that serve 3 as a community-wide amenity; and be it further

4 **Sec. C-2. Report. Resolved:** That the Department of Agriculture, Conservation 5 and Forestry shall submit its recommendations, together with any necessary 6 implementing legislation, to the Joint Standing Committee on Agriculture, Conservation 7 and Forestry by December 4, 2013. After receipt and review of the department's 8 recommendations, the committee may submit a bill to the Second Regular Session of the 9 126th Legislature.

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#### SUMMARY

The purpose of this resolve is to encourage the preservation of and the development of livable, affordable neighborhoods. This resolve requires:

1. The Department of Transportation to review recommendations for roadway 13 projects in urban areas that apply concepts and principles in the design of urban 14 thoroughfares that emphasize walkable communities in order to facilitate the restoration 15 of the multiple functions of urban streets and to develop recommendations regarding the 16 incorporation of the concepts and principles into the Sensible Transportation Act. The 17 department is directed to submit its recommendations, together with any necessary 18 19 implementing legislation, to the Joint Standing Committee on Transportation by December 4, 2013; 20

21 The Department of Agriculture, Conservation and Forestry to develop a 2. conservation development model designed to encourage the productive use of rural lands, 22 provide traditional resource-based industries with opportunities for value-added business, 23 provide rural towns with the financial ability to sustain local services and keep those who 24 work the land free of conflicts with advancing suburban development. The department is 25 directed to submit its recommendations, together with any necessary implementing 26 legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry 27 28 by December 4, 2013; and

3. The Department of Agriculture, Conservation and Forestry to develop a compact
village development model designed to promote relatively high residential density with
mixed land uses to serve as an alternative to low-density sprawl. The department is
directed to submit its recommendations, together with any necessary implementing
legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry
by December 4, 2013.