BUILD MAINE
ACTION AGENDA
Existing Systems Map of Development within the State of Maine

DRAFT JANUARY 2020
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.
OVERVIEW

The following pages contain a “systems map” that describes our state’s collection of procedures, rules, and cultural forces that produce our existing patterns of land development. While we use the term system, throughout this process we have learned that we do not have a system at all, but rather a collection of random rules that are not producing the outcomes that we want and need (financially strong communities, decreases in carbon emissions, affordable housing to support the workforce, reduction in vehicle fatalities, etc).

The intent of this work is to understand the policies, practices, and cultural influences that are interacting to shape our communities and lands. With this information and a deeper understanding of the forces at work, we will be better equipped to identify solutions, tactics, and remedies to create a cohesive system for development that meets more of our state’s social, environmental, cultural, economic, and financial goals.

HOW TO READ THE SYSTEMS MAP

The following pages attempt to reduce complex information into a format that people can digest; however this information is dense and requires time to read and process.

The systems map for development is broken down into a number of elements identified by the over 70 participants who attended the 4 initial action agenda meetings. Each element includes the policies, practices, and cultural influences at work, oftentimes behind the scenes, to produce our current land development outcomes. The primary influences shaping each element are shown on the first page of each element. Additional supporting information is described on the second page of each element.

At the top of each element of the systems map, you will find the highest-level, most prominent factors influencing the system. From there, follow the arrows to read and understand how a number of other factors interact and ultimately affect the system. At the bottom of each system are outcomes that then directly feed back into the existing system and keep it operating in this repetitive loop, for better or worse.
WHY & HOW THE MAP WAS PREPARED

Beginning in August 2019, Build Maine convened a small group of people from across the state to ask the question, “Does it make sense to try and consider the vast, interconnected, and complex system at work that is producing our current land use and transportation pattern?” We knew that people working in the trenches in communities were having trouble making changes. We understood that there were bigger forces at work than any of us individually might understand. We saw the emerging work of the climate council, the Blue Ribbon Commission on transportation funding, affordable housing work, and many other incredibly positive efforts happening at the state level. However, without considering and modifying the entire system, we realized that while we might be able to make small changes, but would not be able to see broader forward movement. The time is right to take on the system as a whole, so all of these efforts can more effectively meet our collective state goals around climate change, fiscal sustainability, economic strength, and quality of life.

The response from the first meeting was, “keep going”. Additional meetings, each more broadly publicized, were held in September and December to develop the systems map. Each meeting involved 30-50 people from a variety of backgrounds, including municipal and state staff, state and local elected officials, non-profit staff, and private sector professionals. Participants included people who work in housing, transportation, engineering, banking, economic development, planning, environmental conservation, architecture, real estate development, real estate, construction, community activism, and a number of other fields, which allowed for a rich cross-disciplinary discussion.

WHERE WE ARE GOING FROM HERE

With the draft systems map in relatively good shape (comments are still encouraged and welcomed!), we will be moving with more focus into a phase of rethinking the system, its delivery platform, specific tools and policies, and shifts in cultural and public perceptions that are needed to support the work. Over Winter/Spring 2020, an intensive series of meetings will begin to dive into this proactive work. The goal is to feed the ideas and policy recommendations created through this process into the work of the Climate Council, the Blue Ribbon Commission on Transportation Funding, and the 2020 Legislative session, to the extent possible, and then continue to tackle the bigger and harder challenges in the years to come.
PARKING
What factors are influencing the production of parking spaces & our land development pattern?

THE CURRENT SYSTEM

MUNICIPAL ZONING ORDINANCES
- MANDATES FOR OFF-STREET PARKING
- ENCOURAGEMENT OF LOW DENSITY DEVELOPMENT

TAX SYSTEM
- INCENTIVIZES NEW DEVELOPMENT OUTSIDE OF DOWNTOWN
- FAVORS UNDEVELOPED lots by taxing at a lower price

ZONING & TAX SYSTEM PERPETUATE LOW DENSITY, SINGLE-USE DEVELOPMENT PATTERN

LOW DENSITY DEVELOPMENT PATTERN CANNOT FINANCIALLY SUPPORT TRANSIT

DRIVING IS THE MOST VIABLE FORM OF TRANSPORTATION FOR MOST PEOPLE

CULTURE OF DRIVING RESULTS IN STREETS DESIGNED PRIMARILY FOR CARS

INVESTMENT IN DRIVING PERPETUATED OVER OTHER MODES

STATE PRIORITIZES SUBSIDIES OF ROADS OVER TRANSIT

RESIDENTS, CUSTOMERS, DEVELOPERS DEMAND PARKING

PEOPLE FEEL ENTITLED TO HAVE AVAILABLE PARKING

ENABLES MORE LOW-DENSITY DEVELOPMENT THAT RESULTS IN MORE TRAFFIC

LACK OF INVESTMENT IN SAFE & COMFORTABLE SPACES FOR WALKING AND BIKING

WALKING & BIKING NOT PERCEIVED AS VIABLE FORMS OF TRANSPORTATION

LACK OF EFFECTIVE PARKING MANAGEMENT

EXPECTATION THAT PARKING SHOULD BE FREE & CONVENIENT

PUBLIC PERCEPTION THAT THERE IS NEVER ENOUGH PARKING

PUBLIC PERCEPTION THAT MORE DEVELOPMENT MEANS MORE PARKING NEEDED

DUE TO ZONING & PUBLIC PRESSURE, MORE PARKING IS BUILT

POLITICAL ADVOCACY FOR MAINTAINING THE CURRENT SYSTEM

PUBLIC DEMAND FOR EASIER PARKING IS PERCEIVED TO BE SATISFIED
1 MANDATES FOR OFF-STREET PARKING

- Municipal zoning ordinances mandate off-street parking resulting in low density development:
  - Number of required parking spaces is based on suburban trip-generation manual and a mandated minimum number of on-site spaces, not the market or other goals, which means too many spaces are built.
  - Parking spaces required on the same lot as development reduces size of buildings or makes lots unbuildable.
  - Snow storage regs and requirements increase size of lots needed, or reduce the size of buildings.
  - Parking stall size requirements increase size of lots needed, or reduce the size of buildings.

2 ENCOURAGEMENT OF LOW DENSITY DEVELOPMENT

- Municipal zoning ordinances encourage low density development:
  - Maximum lot coverage requirements.
  - Minimum lot width and setback requirements.
  - Minimum lot size requirements.
  - Stormwater regulations.

3 CULTURE OF DRIVING RESULTS IN STREETS DESIGNED PRIMARILY FOR CARS

- Prevalence of driving culture results in streets designed primarily for moving vehicles:
  - Happens at expense of other modes, which further supports investment in driving culture.
  - Sidewalk and bike lane clearing is prioritized after street clearing, further impacting people’s ability to walk or bike.

4 LACK OF EFFECTIVE PARKING MANAGEMENT

- Lack of effective parking management feeds into perception that there aren’t enough parking spaces:
  - Lack of market-based pricing, resulting in incorrect pricing for parking lots, parking garages, and on-street parking.
  - Lack of availability of shared vehicles.
  - Lack of district area solutions.
  - Lack of effective way-finding signage, marketing, and use of technology.

5 IN RESPONSE TO REQUIREMENTS AND PRESSURE, MORE PARKING IS BUILT

- In response to zoning requirements and pressure from municipal officials, tenants, financiers, and the public, more parking is built.
- Developers sometimes provide parking in excess of zoning requirements to satisfy perceived or actual needs of commercial tenants.
TRANSPORTATION
How is our transportation system & its funding influencing our land development pattern?

THE CURRENT SYSTEM

TRANSPORTATION PLANNING

TRANSPORTATION FUNDING

LIMITED INTERDISCIPLINARY, INTERDEPARTMENTAL APPROACH

INSTITUTIONAL FOCUS ON AUTO-MOBILITY FOR 50+ YEARS

FEDERAL / STATE FUNDING PRIORITIZED FOR HIGHWAYS & SYSTEM EXPANSION ¹

TOWNS HAVE ALLOWED SPRAWL TO OVER-EXTENDED AUTO NETWORK

ROADWAY DESIGN GUIDELINES REINFORCE OVERBUILDING, DECREASING SAFETY ²

FUNDING PRIORITIES HAVE NOT CAUGHT UP WITH DOWNTOWN REVITALIZATION TRENDS ³

NEW AUTO INFRASTRUCTURE CONTINUES TO BE ADDED ³

FUNDING SOURCES INSUFFICIENT TO MAINTAIN EXISTING SYSTEM ³

SPENDING ALLOCATED BASED ON MAINTAINING SYSTEM OVER PRODUCING VALUE ⁴

INCREASED TRAFFIC & ROADWAY USE

INCREASED FUNDING NEEDED FOR MAINTENANCE COSTS

AUTO CULTURE: EFFICIENT, FAST, ENTITLED, PRIORITIZED OVER OTHER MODES ⁵

FATALITIES ON THE RISE FOR ALL MODES & IN BOTH RURAL & URBAN AREAS

LIMITED INTERDISCIPLINARY, INTERDEPARTMENTAL APPROACH

AUTO CULTURE: EFFICIENT, FAST, ENTITLED, PRIORITIZED OVER OTHER MODES ⁶

LACK OF CAPACITY & GOV. STRUCTURE AT LOCAL LEVEL

LIMITED FUNDING FOR QUICK BUILDS / TACTICAL URBANISM / PILOT PROJECTS ⁷

LIMITED SUPPORT & FUNDING FOR TRANSIT ⁷

RESISTANCE TO CHANGE: PUBLIC, STATE, LOCAL ⁶

CRITICAL STATE-LEVEL CLIMATE CHANGE POLICY GOALS ARE COMPROMISED
### TRANSPORTATION

**APPENDIX**

<table>
<thead>
<tr>
<th>1</th>
<th>FUNDING PRIORITIZED FOR HIGHWAYS &amp; SUBURBAN EXPANSION</th>
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<tbody>
<tr>
<td>• Federal funding is based on the Eisenhower Federal Highway Act of 1956.</td>
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<tr>
<td>• From the 1950s to 2000s, demographic shift from urban to suburban areas left downtowns as areas to be passed through quickly in a car.</td>
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<tr>
<th>2</th>
<th>FUNDING PRIORITIES HAVE NOT CAUGHT UP WITH DOWNTOWN REVITALIZATION</th>
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<tbody>
<tr>
<td>• In the past 10 years, people have been moving back to urban areas in increasing numbers and in Maine we have seen southern migration.</td>
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<tr>
<td>• No reliable source of Federal, State, regional, or local funding for any transportation work, including for the construction, improvement, and maintenance of downtown walking / biking infrastructure or rural / urban transit.</td>
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<tr>
<td>• Lack of alignment between transportation funding areas and other high level state and local priorities.</td>
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<tr>
<td>• Lack of recognition that DOT is most well-funded and powerful economic development agency within the state.</td>
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<tr>
<th>3</th>
<th>FUNDING SOURCES INSUFFICIENT TO MAINTAIN EXISTING SYSTEM</th>
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<tbody>
<tr>
<td>• Federal state gas tax revenues, state bonds, and user fees are not enough to cover the cost of the current system.</td>
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<tr>
<td>• DOT has largely adopted a position of managing decline and using limited resources to preserve the existing system, with limited funding for highway ramps, bypasses, and lane expansion. Maine Turnpike Authority continues with plans to expand their highway system.</td>
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<tr>
<th>4</th>
<th>ROADWAY DESIGN GUIDELINES REINFORCE OVERBUILDING</th>
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<tbody>
<tr>
<td>• DOT has recently updated design guidelines to better respond to safety concerns.</td>
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<tr>
<td>• Municipal street guidelines have largely not been updated, and result in extra pavement that is largely unused and prioritized for cars:</td>
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</table>
  • Lane width, breakdown lane, and fog lane standards increase width of pavement. |
  • Traffic movement permits and required turn lanes contribute to roadway widening. |

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<th>5</th>
<th>SPENDING ALLOCATED BASED ON MAINTAINING SYSTEM OVER PRODUCING VALUE</th>
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<tbody>
<tr>
<td>• Disconnect between state economic and environmental goals, transportation funding, and local policy.</td>
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<tr>
<td>• State funding for roads is allocated by roadway priority (highway, arterial, collector, local) to support interstate commerce and moving of goods, leaving projects with high value / acre and positive returns for the state and municipalities unfunded.</td>
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<th>6</th>
<th>AUTO-CENTRIC CULTURE</th>
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<tr>
<td>• Culture of ‘don’t slow me down’ even though slower is safer and proven to reduce fatalities.</td>
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<tr>
<td>• Misunderstanding of who the people are who are walking and biking and negative perceptions related to public transit.</td>
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<tr>
<td>• Internal DOT culture hard to change. Individuals have a hard time acknowledging other modes.</td>
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<tr>
<td>• Major transportation decisions made without understanding of broad impacts on planning and economic development.</td>
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<td>• Challenging to plan for other modes within the context of a rural state.</td>
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<th>7</th>
<th>LIMITED FUNDING FOR QUICK BuILDS &amp; TRANSIT</th>
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<tr>
<td>• Focus on large projects and preservation results in lack of funding and ability for the state or municipalities to make improvements to streets within settled areas. No consistent process in place for local communities to prioritize needed local street projects.</td>
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<tr>
<td>• No funding for tactical urbanism, quick build projects, relatively inexpensive projects that address real needs.</td>
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<tr>
<td>• Limited funding for permanent projects and transit to improve street safety and support critical downtown economies &amp; housing choice.</td>
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<tr>
<td>• Underfunded Complete Streets policy, meaning pedestrian and bike infrastructure is not getting funding.</td>
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INFRASTRUCTURE
Why can we no longer afford to maintain the roads and water, sewer, energy utilities we’ve built?

THE CURRENT SYSTEM

LAND USE / ECONOMIC POLICY
- Promotes development in previously undeveloped areas

CULTURAL MIND-SET
- Cultural acceptance of car-based mobility

LACK OF BUSINESS MINDSET
- Infrastructure choices do not consider life cycle costs

DEVELOPERS LOOKING FOR STRAIGHTFORWARD, VIABLE PROJECTS

LOCAL ZONING & SUBDIVISION RULES MAKE SUBURBAN DEV. SIMPLER / CHEAPER

DEVELOPMENT OCCURS AT FRINGES OF COMMUNITY

LACK OF COHESIVE STATE LEVEL POLICY OR REGIONAL PLANNING

LOW DENSITY DEVELOPMENT OF FARMS AND FOREST PENCILS WELL

TOWNS INCENTIVIZE NEW LOW DENSITY DEVELOPMENT BY ACCEPTING NEW ROADS

PERCEIVED CULTURAL PREFERENCE FOR SINGLE FAMILY HOMES ON LARGE LOTS

ZONING / STATE WASTEWATER RULES REQUIRE LARGE MINIMUM LOT SIZES

LARGE LOTS RESULT IN NEED FOR LONGER UTILITY LINES AND STREETS

MUNICIPALITIES TAKE ON LONG-TERM OBLIGATION OF MAINTENANCE & REPLACEMENT

DEVELOPER/HOMEOWNER EXPECTATION THAT MUNICIPALITY WILL MAINTAIN NEW ROADS

STATE & LOCAL ORDINANCES RESULT IN OVERBUILT INFRASTRUCTURE

REVENUES NOT SUFFICIENT TO COVER LONG-TERM COSTS

ADDITIONAL DEVELOPMENT REQUIRED TO PAY MAINTENANCE & REPLACEMENT COSTS

LACK OF POLITICAL WILL TO REDUCE INFRASTRUCTURE OBLIGATIONS
INFRASTRUCTURE

APPENDIX

1 INFRASTRUCTURE CHOICES DO NOT INCLUDE LIFE CYCLE COSTS

- Appropriate life-cycle costing of infrastructure would include long-term maintenance and replacement costs.
- Municipalities and the State typically do not consider planning, budgeting, or financing for long-term infrastructure costs when considering projects.
- If the public is ultimately going to pay for infrastructure associated with utilities and roads associated with private development projects, public needs to know development can pay for the investment.
- Life cycle costs would need to be projected out 40 years, not 6 years in order to take maintenance and replacement costs into account.
- To cover life cycle costs, a project needs to demonstrate that it is dense enough for its property tax revenues to cover long-term costs.
- Single family development, suburban commercial development, and most development built under conventional zoning do not produce tax revenues that are sufficient to cover liabilities, putting communities financially under water.

2 STATE & LOCAL ORDINANCES RESULT IN OVERBUILT INFRASTRUCTURE

- Many state and local road standards have a one-sized fits all approach that often times requires subdivisions and other new development to have overly wide paved lanes, expensive curbing, and other details that are often times not necessary, appropriate, or cost-effective for the context.
- Standards for utilities create large separations that can require wider roads or larger drainage areas, increasing the per mile cost of new roadways.

3 MUNICIPALITIES TAKE ON LONG-TERM OBLIGATION

- New development results in requests by developers for municipalities to accept new infrastructure, taking on long-term obligation of maintenance and replacement.
- Life cycle cost accounting for infrastructure, which includes the costs for maintenance and replacement over 30+ years, is not being done.
- Increase in tax revenue and perceived economic benefit of new development in previously undeveloped areas contributes to chronic lack of revenue to pay for infrastructure.

4 HOMEOWNER EXPECTATIONS THAT MUNICIPALITY WILL PAY FOR UPKEEP

- Failure to understand that taxes generated by the single-family or suburban house lot is not enough to cover the ongoing maintenance and replacement costs of infrastructure, meaning that these places are being subsidized by higher density parts of the municipality.
- Public expectations that new development should have a high level of streetscape design and materials, without thinking of costs to maintain.

5 REVENUES NOT AVAILABLE TO COVER ACTUAL LONG-TERM COSTS

- Municipalities do not get state funding for local roads.
- Local towns enable private development of infrastructure that becomes long-term obligation of town. Property tax revenue from development does not cover long-term costs for maintenance and replacement of infrastructure, resulting in chronic underfunding.
- Because municipalities take on more infrastructure obligations than they can afford, local streets within service centers are often underfunded, despite their higher value and financial contribution.
NIMBYS
How is a culture of NIMBYism impacting land use patterns in Maine?

THE CURRENT SYSTEM

CULTURAL MIND-SET
HUMAN FEAR OF CHANGE & CAR CULTURE

LAND USE POLICY
OUTDATED RULES & A DEFICIENT PROCESS

FINANCIAL INEQUALITY
RESULTING FINANCIAL TENSION, ANGER & DISTRUST

ERODED TRUST IN GOVERNMENT
+ PERVASIVE RESISTANCE TO DEVELOPMENT PATTERNS PRODUCED IN LAST 50 YEARS

MISTRUST OF DEVELOPERS
CHANGE AT NEIGHBORHOOD SCALE & INCREASED DISPLACEMENT

ANTI-CHANGE SENTIMENTS
MISMATCHED SUPPLY & DEMAND LEADS TO INCREASED PRICES

50 YEARS OF NIMBY STRATEGY IS DIRECTED AT NEW DEVELOPMENT

LOSS OF CIVILITY & EMPATHY = FEAR OF ‘THE OTHER’

SOCIAL MEDIA FUELS MISINFORMATION & FEAR

COMMUNITIES BECOME INCREASINGLY FINANCIALLY SEGREGATED

DEVELOPMENT PROJECTS SLOWED OR STOPPED

FURTHER CONSTRAINED SUPPLY INCREASES PRICES

MIGRATION TO TOWN & CITY CENTERS
INCREASED PRESSURE ON EXISTING BUILDING SUPPLY & INFRASTRUCTURE

SHIFT AWAY FROM SUBURBIA TOWARDS WALKABLE NEIGHBORHOODS
NIMBYS
APPENDIX

1 OUTDATED RULES & A DEFICIENT PROCESS

- Personal biases of people in power overriding best practices.
- Lack of knowledge of best practices in principal positions and boards.
- Lack of knowledge / education of decision makers.
- Politicized process of decision making.
- Failure to respond to public concerns effectively, whether concerns are valid or not.
- Limited ability / incentive for non-NIMBY voices to enter policy discussion.

2 FINANCIAL INEQUALITY: FINANCIAL TENSION, ANGER & DISTRUST

- Reliance on property as nest egg and personal castle.
- Concerns that high density development will negatively impact property values.
- Fear of displacement from increase in cost of housing, whether taxes or rent.
- Conflict between competing desire for increasing home values and affordable taxes.

3 PERVERSIVE RESISTANCE TO LAST 50 YEARS OF DEVELOPMENT

- 50 Years of regrettable development patterns have produced a pervasive culture of resistance to change and development.
- Loss of local building practice and culture.

4 50 YEARS OF NIMBY STRATEGY DIRECTED AT NEW PROJECTS

- Demands for traffic studies.
- Demands for parking studies.
- Demands for more open space.
- Demands for privately funded affordable housing.
- Entrenched NIMBY strategy and system that supports it validates feelings of entitlement and self-interest.
- Lack of understanding for how urban areas work and the inter-relationship between competing personal interests.

5 COMMUNITIES BECOME INCREASINGLY FINANCIALLY SEGREGATED

- Increasing financial segregation leads to the loss of mixed-income, mixed-age communities.
- Fear that change will impact property values.
- The greater the property value, the greater the fear of change. So as prices increase, fear increases.
LOCAL ZONING

HOW ARE LOCAL ZONING ORDINANCES CONTRIBUTING TO MAINE’S LAND USE PATTERN?

THE CURRENT SYSTEM

OUTDATED POLICY¹
- Built results are often not beneficial to the community

LACK OF COHESIVE LEADERSHIP
- Turnover & disjointed political leadership to make changes²

LIMITED FUNDING
- Lack of state-level funding & support for planning

COMPLEX RULES DRIVE UP THE COST OF DEVELOPMENT³

ZONING DOES NOT CONSIDER THE MARKET OR FINANCIAL COST TO COMMUNITIES

OUTDATED GUIDANCE FROM STATE MISDIRECTS RESOURCES

DEVELOPERS SEEK & ARE GRANTED ZONING CHANGES TO MAKE PROJECTS WORK

LACK OF TRUST IN GOVERNMENT

LIMITATIONS IN LOCAL EXPERTISE, FUNDING & CAPACITY²

ZONING APPROVAL PROCESS SEEMS ARBITRARY & UNFAIR TO THE PUBLIC

PUBLIC RESISTANCE TO DEVELOPMENT⁴

PRO-PROPERTY RIGHTS / ANYTHING GOES MIND SET RESULTS IN UNLOVED DEVELOPMENT

ZONING DOES NOT ALIGN WITH COMMUNITY PRIORITIES

DEVELOPMENT DOES NOT MEET OR SUPPORT COMMUNITY GOALS⁵

ZONING POLITICALLY DIFFICULT TO CHANGE⁴

ZONING IS COMPLEX & CHANGES ARE HARD FOR PUBLIC TO NAVIGATE

+ COMPLEX RULES DRIVE UP THE COST OF DEVELOPMENT³

+ ZONING DOES NOT CONSIDER THE MARKET OR FINANCIAL COST TO COMMUNITIES

+ OUTDATED GUIDANCE FROM STATE MISDIRECTS RESOURCES

- DEVELOPERS SEEK & ARE GRANTED ZONING CHANGES TO MAKE PROJECTS WORK

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- PUBLIC RESISTANCE TO DEVELOPMENT⁴

- ZONING POLITICALLY DIFFICULT TO CHANGE⁴

- ZONING IS COMPLEX & CHANGES ARE HARD FOR PUBLIC TO NAVIGATE
LOCAL ZONING
APPENDIX

1. OUTDATED POLICY

- Most zoning is zoned by use and other abstract metrics, rather than by how a place looks and feels and desired outcomes.
- Many older parts of communities are illegal to rebuild under zoning.
- The majority of land (agricultural and communities) is zoned for single-family homes on 1 acre lots.
- Regulations favor low density development patterns - open space requirements, parking requirements, minimum lot sizes - all result in less building per lot, making places less walkable and less financially beneficial to communities.

2. LIMITATIONS IN LOCAL EXPERTISE, FUNDING & CAPACITY

- Local decision makers do not anticipate or recover long-term costs and impacts associated with development.
- Turnover of elected officials means constant change in leadership and makes it a challenge to solve long-term problems.
- Planning board members not typically charged with long-term planning, improvements to ordinance, and not provided technical training.
- Staff typically reacting and unable to find time and resources to pursue long-term planning.
- Limitations in staff capacity to innovate or communicate with the public.
- Many towns lack access to planning expertise and access to best practices, new ideas, and new strategies.

3. COMPLEX RULES DRIVE UP THE COST OF DEVELOPMENT

- Zoning requirements mixed with development financing can result in unintended outcomes.
- Most zoning is confusing, unclear, internally conflicting.
- Most zoning is incredibly discretionary, making the approvals process unpredictable and costly.
- Layered regulations further complicate and add cost: building code, subdivision, site plan review, environmental regulations, transportation policies, etc.

4. ZONING POLITICALLY DIFFICULT TO CHANGE

- Fear of change / resistance to change.
- Lack of trust for government officials and their ability to do things well.
- Competing pressure from NIMBYs and development community can lead to inaction or more regulations that don’t address root problems. Entrenched interests control zoning discussions, with no clear vehicle for new ideas, and people to shift the discussion.
- Towns think their issues are unique and don’t trust ideas from other towns.
- Inadequate state support, resources, or guidance for zoning updates.

5. DEVELOPMENT DOES NOT MEET OR SUPPORT GOALS

- Low density development produces traffic and enormous tax burden/liability for communities.
- Single-family housing is produced while multi-family options remain scarce.
- Development occurs on farm fields and forests, changing the character and identity of communities.
- Suburban zoning and parking requirements erode downtowns and reduce economic vitality.
- Traffic congestion increases, while alternative ways of moving become less viable.
- Complex process drives up costs, resulting in places that are financially not accessible to many people.

6. PUBLIC RESISTANCE TO DEVELOPMENT

- Many outcomes mandated by zoning are blamed on land owners and developers.
- Special exceptions and waivers erode public confidence in the system.
Housing

Why is it difficult to build a range of affordable housing options near existing infrastructure?

The Current System

- **Housing Location**
  - Outdated regulations favor low density development

- **Housing Affordability**
  - Income levels have not kept pace with cost of living

- **Limited Housing Types**
  - Range of needed housing not supported by zoning & financing

- **Development Process & Requirements**
  - Increase costs in downtowns

- **Financing Drives Product Types**
  - Over-supplied suburban housing is lowest cost option for most

- **Majority of Land Zoned for Single Family Only, Limiting Other Housing Types**

- **Rents Increase to Support Construction Costs, or Development is Infeasible**

- **NIMBYs Resist Change & New Development**

- **Constrained Supply Drives Up Prices for Existing Housing Stock**

- **Built Projects Do Not Meet Community Goals or Individual Needs**

- **Only the Most Well Off Can Afford to Buy or Stay in Walkable Areas**

- **Over-Supplied Suburban Housing is Lowest Cost Option for Most**

- **High Cost of Driving Not Factored Into Housing Cost**

- **Increased Pressure for Less Expensive Suburban Dev. & Auto-Dependency**

- **Not Enough Variety of Housing Types or Price Points**

- **Difficult to Develop Housing Where It Is Most Desired and Needed**
HOUSING
Appendix

1 INCOME LEVELS HAVE NOT KEPT PACE WITH COST OF LIVING

• Rents cannot support construction costs in most of Maine.
• High cost of materials related to national and international market conditions drives up cost of housing.
• High cost of labor resulting from shortage of workers drives up cost of housing: tight labor market, lack of affordable worker housing.
• Cost of development results in housing that is priced higher than what an average person or household can afford.

2 DEVELOPMENT PROCESS & REQUIREMENTS INCREASE COSTS

• Parking requirements increase development costs by requiring land for parking and decrease in size of productive buildings.
• Stormwater requirements and open space requirements increase cost of development.
• Life safety / sprinkler requirements increase construction costs; may not be necessary for smaller buildings with short evacuation times.
• Zoning process in many municipalities drives up cost of development: unpredictable, discretionary process.
• Zoning rules, financing, and process geared towards large developers, making smaller projects challenging or infeasible.

3 FINANCING DRIVES PRODUCT TYPES

• Creative financing options primarily available for affordable housing, but not workforce housing, leaving out the missing middle.

4 AFFORDABLE HOUSING PROGRAMS

• Maine Housing affordable housing criteria favor housing in areas where land is less expensive. This criteria fails to take into account local markets, making it cost prohibitive to develop affordable projects in Maine’s more expensive cities, where need is often great.
• Maine Housing criteria mandates projects over 18 units in size.
• Programs often times result in concentrated poverty, rather than mixed-income projects.

5 SHIFTING DEMOGRAPHICS; DESIRE FOR WALKABLE AREAS & NEW HOUSING

• Shifting demographics result in more individuals looking for an alternative to single family homes: increasingly diverse household types, majority of population is not a traditional family, aging population with needs for support systems.
• Nationwide increased demand for living in walkable downtown areas.
• Constrained supply of housing in walkable downtown areas drives up cost of housing; housing located near jobs too expensive for most.
• Communities with superior schools attract more families, driving up cost of housing.
• Developers and builders take advantage of single-family zoning to build according to the rules, quickly, and cheaply.
• Low interest home loans provided by federal government encourage buying single family homes.
• New homes in subdivisions are purchased by buyers who can’t find alternatives in walkable locations closer to jobs.
• Perception that single family sales reflect demand for more single family construction.

6 NIMBYS RESIST CHANGE & NEW DEVELOPMENT

• Concerns of more traffic (convenience issues).
• Concerns about more kids in schools (property tax increase).
• Fear of renters.
• History of buildings that do not respect local context increases fear and resistance.
• Delayed process drives up cost of housing, as projects take longer to get approved, further constraining supply and affordability.
GOVERNMENT STRUCTURE

How does the way we organize government in Maine impact land use development in the state?

THE CURRENT SYSTEM

STATE EXECUTIVE & LEGISLATIVE

- Turnover between Administrations & Legislatures
- Limited vision & expertise related to land issues

HOME RULE

- Parochial interests, pet projects, big money
- Limited support for counties / regionalism

CULTURE OF HOME RULE RESULTS IN MANY DECISION MAKING BODIES & BOARDS

- Limited coordination between various state departments
- Fragmented public opinion influences decision making

OUT OF DATE GUIDANCE ON COMPREHENSIVE PLANNING & ZONING

- Changing world complicate state ability to keep pace with local issues
- Challenges setting policy at the local level, particularly rural communities

LACK OF AUTHORITY, PLANNING & FUNDING FOR REGIONAL ISSUES

- Lost knowledge around how to build places of value
- Nimby lack of support for development that meets local & regional goals

STATE POLICIES & FINANCIAL INCENTIVES DO NOT ALIGN WITH BROADER GOALS

- Local officials not trained in development & planning issues
- Municipalities compete for limited resources

LACK OF FUNDING FOR MEANINGFUL PLANNING AT LOCAL / REGIONAL LEVEL

- Turnover between administrations & legislatures
- Nimby lack of support for development that meets local & regional goals

FRAGMENTED STATE LEADERSHIP ON COMPLEX LAND USE ISSUES

- State policies & financial incentives do not align with broader goals
- Lack of authority, planning & funding for regional issues

MUNICIPALITIES COMPETE FOR LIMITED RESOURCES

- Limited coordination between various state departments
- Fragmented public opinion influences decision making

CHANGING WORLD COMPLICATE STATE ABILITY TO KEEP PACE WITH LOCAL ISSUES

- Lost knowledge around how to build places of value
- Nimby lack of support for development that meets local & regional goals
GOVERNMENT STRUCTURE
Appendix

1 TURNOVER, PAROCHIAL INTERESTS

• 2-year legislative terms and 4-year gubernatorial terms do not allow for long-term planning.
• Low salary, volunteer nature of legislature dissuades long-term commitment for many.
• Partisan interests and political jockeying play a role in who runs, is elected, and resulting policy positions.
• Lack of legislative committees focused on land use.

2 LACK OF COORDINATION BETWEEN VARIOUS DEPARTMENTS

• Current state department structure may not lend to ideal coordination between housing, transportation, environmental, economic development, and land use arms of government.
• Limited public understanding around how government works and how to influence decisions.

3 LACK OF AUTHORITY, PLANNING & FUNDING FOR REGIONAL ISSUES

• Limited ability to influence regional issues, such as transportation, utilities, housing, and development.
• Limited funding and coordination frameworks in place between state, municipalities, and regional Councils of Government and Regional Planning Agencies.
PROPERTY TAXES
How are property taxes contributing to Maine’s current pattern of development?

THE CURRENT SYSTEM

LAND USE POLICY
PROMOTES EXPANSION OF DEVELOPMENT IN UNDEVELOPED AREAS

TAX STRUCTURE
MUNICIPAL BUDGETS RELY ON PROPERTY TAXES FOR REVENUE

PROPERTY LOCATED ON LAND SERVED BY INFRASTRUCTURE HAS HIGHER VALUE

VACANT LAND IS VALUED LOWER THAN LAND WITH BUILDINGS

PROPERTY TAXES INCREASE WHEN IMPROVEMENTS ARE MADE TO PROPERTY

PROJECTS IN DEVELOPED AREAS ARE MORE COMPLEX THAN IN UNDEVELOPED AREAS

NEW DEVELOPMENT & REDEVELOPMENT ARE MORE EXPENSIVE THAN DOING NOTHING

PROPERTY TAX STRUCTURE DISCOURAGES IMPROVEMENT

NEW DEVELOPMENT OCCURS ON THE EDGES OF COMMUNITIES

INFRASTRUCTURE IS EXTENDED TO SERVICE NEW SUBURBAN DEVELOPMENT

TAXES CANNOT KEEP PACE WITH LONG-TERM MAINTENANCE COSTS

ADDITIONAL GROWTH OCCURS ON THE EDGES OF COMMUNITIES

NO ONE WANTS SERVICE CUTS OR HIGHER TAXES; FEW WANT GROWTH NEAR THEM

CHOICES: A DECLINE IN SERVICE, AN INCREASE IN TAXES, OR ADDITIONAL GROWTH

ADDITIONAL GROWTH REQUIRES ADDITIONAL INFRASTRUCTURE
PROPERTY TAXES
Appendix

1 MUNICIPAL BUDGETS RELY ON PROPERTY TAXES FOR REVENUE

- The primary form of tax revenue for communities comes from property tax.
- Funding for new and updated infrastructure (energy, roads, sewer, etc) is dependent on taxes from development.
- State revenue sharing from sales tax is not equitable for service centers, putting more financial pressure on these communities.

2 VACANT LAND TAXED AT LOWER RATES

- Vacant lots, parking lots, and other underutilized land that have not been improved are valued at a lower rate than properties with buildings and that have access to infrastructure.
- The tax rate (aka mill rate) in Maine is the same for commercial, residential, and vacant land.
- In downtowns, this creates a financial incentive for landowners to leave land vacant, reserving land for parking lots, and avoiding investments that increase the value of buildings. In undeveloped areas, the lower land value provides an incentive for development.
- As a result of the tax structure, underutilized properties on existing infrastructure do not pay their fair share toward infrastructure maintenance and replacement costs.

3 PROPERTY TAXES INCREASE WHEN IMPROVEMENTS ARE MADE

- Assessors determine value based on improvements to physical property, essentially discouraging private investment.
- This is in contrast to basing value on potential value that could be generated based on existing infrastructure.
- This discourages improvement of land for highest and best use.

4 DEVELOPMENT IN DEVELOPED AREAS IS MORE COMPLEX

- Development along existing infrastructure is more complex and expensive to pursue than developing in undeveloped areas:
  - NIMBY pressure in developed areas.
  - Zoning designed for larger undeveloped sites is hard to follow in more urban areas.
  - Parking requirements favor large development sites.
  - Zoning has often times made traditional neighborhoods and downtowns non-conforming, leading to complex development approvals that require a variance process.

5 TAXES CANNOT KEEP PACE WITH LONG-TERM MAINTENANCE COSTS

- Taxes from development cannot keep up with long-term maintenance and replacement costs of infrastructure, putting pressure on municipal financial resources:
  - Cycle of hardship begins 30-50 years after development boom, when infrastructure begins to fail and needs to be replaced.
  - Additional growth on the fringes adds more long-term financial liabilities, adding to the cycle of decline.
- Most taxes are collected at the State and Federal level, while services must be provided locally, making it hard for municipalities to provide for infrastructure and services.
FINANCE
How does the finance system impact the form of development?

THE CURRENT SYSTEM

FINANCE STRUCTURE
- Developers rely on lending institutions to secure financing

INCREASING PROJECT COSTS
- High prices from not enough supply
- Increased project costs from external factors

DEVELOPERS LOOK FOR BANK LOANS TO FINANCE DEVELOPMENT

LOCAL APPRAISAL PROCESS INFLUENCES AMOUNT OF FINANCING AVAILABLE

IF NO COMPARABLE PROJECTS IN THE SAME MARKET, PROJECT WILL NOT APPRAISE WELL

BAD APPRAISAL = NO FINANCING = NO PROJECT

IN SLUGGISH MARKETS, FINANCING OPTIONS CAN BE THE ONLY WAY TO MAKE PROJECTS WORK

IF NO FINANCING OPTIONS = NO PROJECT

HOUSING SUPPLY & OPTIONS ARE LIMITED

IN STRONG MARKETS, MARKET DEMAND RESULTS IN HIGHER RENTS

HIGHER RENTS, LARGE PROJECTS, AND/OR FINANCING OPTIONS = DEVELOPMENT

HIGHER RENTS, LARGE PROJECTS, AND/OR FINANCING OPTIONS = DEVELOPMENT

HOUSING PRICES GO UP, SPURRING MORE INVESTMENT

IF NO COMPARABLE PROJECTS IN THE SAME MARKET, PROJECT WILL NOT APPRAISE WELL
FINANCE

Appendix

1 HIGH PRICES FROM NOT ENOUGH SUPPLY

- Supply not only limited by difficulty in making projects pencil and permitting challenges, but also other factors like Air B & B, speculation, absentee landlords, limited tools for upgrading buildings and moving them back into productive use.

2 INCREASED PROJECT COSTS FROM EXTERNAL FACTORS

- Project costs include: construction costs (labor and materials), soft costs (taxes/fees, consultants, entitlements), and overhead/profit.
- External factors include: international prices for materials, local and regional labor costs, and local and state approvals processes.

3 OPTIONS FOR CLOSING FINANCING GAPS

- Programs for closing financing gaps are typically used in sluggish markets where rents aren’t high enough to cover construction costs, for older buildings that have significant costs associated with rehabilitation, or projects looking to provide affordable units.
- Existing programs include: LIHTC (low income housing tax credits), CEA (credit enhancement agreements), state and federal historic tax credits, FHA loans (low-interest loans for homebuyers), and other state level economic incentives or tax credits.
- The amounts of LIHTC credits available for low income housing are limited and favor projects that are of a certain scale, typically over 18 units in size, meaning that missing middle housing cannot be built using this financing program.
- The current available options do not provide financing in sluggish markets for new construction of market rate units, which makes these projects less viable, further limiting supply in many Maine markets.
ENVIRONMENTAL REGULATION
How are environmental regulations influencing our land development patterns?

THE CURRENT SYSTEM

ONE-SIZE-FITS-ALL REGULATIONS
- Creates bad results for both rural & urban areas

PROJECT SPECIFIC REGULATIONS
- Regulations focused at scale of project or site, not on ecosystem

REGULATIONS ERODE
WALKABILITY, DRIVING
UP PROJECT COSTS

ONE SIZE FITS ALL
POLICY MANDATES LOW
DENSITY DEVELOPMENT
IN URBAN AREAS

CUMULATIVE REGIONAL
LAND USE IMPACTS NOT
CONSIDERED IN REGS

STATE & FEDERAL RULES
ARE ARCANE, DRIVING
UP PROJECT COSTS

LACK OF CLARITY
AND PREDICTABILITY
IN PROCESS

RULES NOT ALWAYS
FOLLOWED OR
UNDERSTOOD BY
MUNICIPALITIES

DEVELOPERS &
BUILDERS TRY TO AVOID
TRIGGERING ENV. REVIEW

LACK OF STATE & LOCAL
CAPACITY TO UPDATE
RULES & EXECUTE
BEST PRACTICES

STATE & FEDERAL RULES
ARE COMPLEX & HARD
TO ENFORCE

SIMPLER & CHEAPER TO DEVELOP IN
UNDEVELOPED AREAS

RURAL LAND IS
CONSUMED FOR
DEVELOPMENT

INCREASES AUTO-
DEPENDENCY & VEHICLE
MILES TRAVELED

CRITICAL STATE-LEVEL CLIMATE CHANGE
POLICY GOALS ARE COMPROMISED
ENVIRONMENTAL REGULATION
Appendix

1 REGULATIONS FOCUSED AT SCALE OF PROJECT, NOT ECOSYSTEM

- Rules mostly consider single isolated issues like local stormwater, recycling, energy use, but fail to address system-wide issues like regional resiliency, planning, farming and access to local foods, recreation networks, water quality, carbon storage, etc.
- Land Trust success results in popular thinking that conservation is only solution and that we are effectively protecting the environment.

2 ONE SIZE FITS ALL POLICY MANDATES LOW DENSITY DEVELOPMENT IN URBAN AREAS

- Regulations encourage low density development pattern (sprawl) where density should occur.
- Wetlands standards mandate low density pattern, even in areas with infrastructure and potential for walkability:
  - Retention ponds.
  - Open space requirements.
  - Septic rules require minimum lot size that mandates a less walkable and more auto oriented development.
  - MS4 / Stormwater.
  - Site law - avoid 141.t trigger.
  - Vernal pools.
  - NRPA - avoid triggering Tier 2 and Tier 3.

3 LACK OF STATE & LOCAL CAPACITY TO UPDATE RULES & EXECUTE BEST PRACTICES

- Regulations not being evaluated at the state level.
- Lack of capacity to review regulations and to consider updates that better balance the environment and development.
- Limited local data and ability to set achievable priorities.

4 STATE & FEDERAL RULES ARE COMPLEX & HARD TO ENFORCE

- Rules are complex and hard to navigate, requiring considerable time to understand and driving up project costs:
  - Measuring distance from streams with topo, results in project delay.
  - Requirement that propane tanks have a blast wall drive up project costs.
  - Lack of capacity at state level to enforce the regulations.

5 DEVELOPERS & BUILDERS TRY TO AVOID TRIGGERING ENVIRONMENTAL REVIEW

- Layers of regulation are hard to navigate, driving up cost of development.
- Developers site and design projects to avoid triggering environmental regulations.

6 RULES NOT ALWAYS FOLLOWED OR UNDERSTOOD BY MUNICIPALITIES

- Rules are interpreted differently from town to town.
- Turnover of staff and on municipal review boards.
- Limited training for code enforcement officers and planning boards.
- Political influences over state and local review.
EDUCATION
How are schools influencing our land development pattern?

THE CURRENT SYSTEM

SCHOOL CITING STANDARDS
- Produces unwalkable campuses disconnected from population

SHIFTING DEMOGRAPHICS
- Constantly changing community populations impact schools

NEW SCHOOLS REQUIRED TO HAVE A MINIMUM ACREAGE & CONTIGUOUS PROPERTY

TRANSPORTATION COSTS ARE NOT FACTORED INTO CRITERIA

WEALTHY COMMUNITIES SPEND MORE LOCAL TAX DOLLARS TO SUPPORT SCHOOLS

SCHOOLS ARE BUILT OUTSIDE OF POPULATION CENTERS

LARGER PROPERTIES THAT MEET CRITERIA ARE LOCATED AT EDGES OF COMMUNITIES

FAMILIES MOVE TO COMMUNITIES THAT HAVE BETTER PERFORMING SCHOOLS

MAJORITY OF STUDENTS MUST BE BUSED OR DRIVEN TO SCHOOL

SCHOOLS ARE SOCIALLY ISOLATED FROM THE LARGER COMMUNITY

AGING BUILDINGS AND/OR NEED FOR LARGER SCHOOLS SPURS SCHOOL CONSTRUCTION

INCREASE IN LOCAL TRAFFIC & TIME PARENTS SPEND DRIVING

SUPPORT FOR PUBLIC EDUCATION LIMITED TO PARENTS OF CURRENT STUDENTS

CHANGING NEEDS OF EDUCATION DRIVE HIGHER COSTS IN NEW BUILDINGS

LOSS OF CHILD INDEPENDENCE & REDUCTION IN DAILY PHYSICAL ACTIVITY

HIGH COST OF EDUCATION = PUBLIC RESISTANCE TO MORE INVESTMENT IN SCHOOLS

1. 2. 3.
EDUCATION

Appendix

1 INCREASE IN LOCAL TRAFFIC & TIME PARENTS SPEND DRIVING

- New schools are typically built on cheap land at the edges of communities, with 100% busing and no pedestrian facilities. DOT is often asked after the fact to come in and address concerns about unsafe walking conditions and problems related to increased traffic.

2 SUPPORT FOR PUBLIC EDUCATION LIMITED TO PARENTS OF CURRENT STUDENTS

- Education is largely funded with property taxes and often represents 50% - 90% of a municipalities budget. The funding criteria puts strain on other municipal funding needs, including infrastructure and public safety.

3 CHANGING NEEDS OF EDUCATION DRIVE HIGHER COSTS

- Structure of local versus Regional School Unit (RSU) roles drives up costs. For example, each town or district has a superintendent, each with different rules that require unique form of coordination between local and state administrators.
- High construction costs drive up cost of new schools and renovations.
- Labor costs, particularly insurance, increases school operating costs.
- Immersive classrooms and inclusion of special education disproportionately increases operating costs in public schools, as more financially secure families move to wealthier districts or opt to pay for private schools.
QUALITY OF LIFE

How do expectations and realities about quality of life relate to land development?

THE CURRENT SYSTEM

SHIFTING ECONOMIC CLIMATE

LOSS OF INDUSTRY, SHIFT IN JOB SKILLS NEEDED, BROADER INCOME INEQUALITY

SUBURBAN DEVELOPMENT

DEVELOPMENT PATTERN THAT SEGREGATES PEOPLE BY WEALTH

MIGRATION OF PEOPLE FROM ONE COMMUNITY TO ANOTHER IN SEARCH OF JOBS

PREDOMINANT PATTERN OF DEVELOPMENT PROVIDES SINGLE PRICE POINT

DRIVING CULTURE SEPARATES PEOPLE PHYSICALLY

LOSS OF POPULATION IN SHRINKING AREAS & CLUSTERS OF POVERTY

SEGREGATION OF PEOPLE BY INCOME & AGE

INCREASE IN SOCIAL ISOLATION & VIRTUAL RELATIONSHIPS

BREAKDOWN OF COMMUNITY NETWORKS, INSTITUTIONS & LOSS OF SERVICES

INCREASED PRESSURE ON FAMILY & GUARDIANS TO CARE FOR LOVED ONES

DECREASE IN DAILY WALKING & OTHER PHYSICAL ACTIVITY

INCREASING PRESSURE ON THOSE WITH FEWEST RESOURCES

INCREASE IN ILLNESS, DEPRESSION, SUBSTANCE ABUSE & FATALITIES

LOSS OF EMPATHY FOR PEOPLE WHO ARE DIFFERENT

MISTRUST IN GOVERNMENT & OTHER INSTITUTIONS

INABILITY TO MAKE NEEDED CHANGES TO IMPROVE QUALITY OF LIFE
QUALITY OF LIFE
Appendix

1 SEGREGATION OF PEOPLE BY INCOME & AGE
- Reduction in multi-generational living.
- Loss of cohesive neighborhoods where people take care of each other.
- Loss of access to healthy food.

2 INCREASE IN SOCIAL ISOLATION & VIRTUAL RELATIONSHIPS
- Social media replaces in person networks with virtual ones.
- Decrease over the generations in casual interactions on the street or in the dooryard between neighbors.

3 BREAKDOWN OF COMMUNITY NETWORKS, INSTITUTIONS & LOSS OF SERVICES
- Loss of hospitals, daycare centers, nursing homes.
- Municipal services reduced as tax base declines.
- Decrease in volunteerism as individual and community wealth declines, impacting social and cultural institutions.
- Loss of community identity, history, and heritage.

4 INCREASE IN ILLNESS, DEPRESSION, SUBSTANCE ABUSE & FATALITIES
- The top 10 causes of premature death in Maine includes illnesses linked to inactivity and unhealthy eating habits, including heart disease, alzheimer’s disease, stroke, colorectal cancer; illnesses linked to substance abuse, including drug use disorders, lung cancer, and cirrhosis; and roadway injuries.
- In 2017, 3,391 people died from cancer in Maine and 2,844 died from heart disease.
- In 2017, Maine experienced a record 417 deaths from drugs. In 2018, there were 354 drug deaths in Maine.
- In 2017, Maine was among the top ten states with the highest overdose deaths involving opioids in the U.S. There were 360 overdose deaths involving opioids that year.
- In 2017, there were 173 traffic fatalities statewide. In 2018, there were 140.

Data from Maine CDC, Maine DHHS, and America’s Health Rankings (www.americashealthrankings.org).
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