

(6)

COMPREHENSIVE IMPACT REVIEW

1. As used in this section, "a large-scale retailer" means any retail business establishment having a gross floor area of 20,000 square feet or more in one or more buildings at the same location.
2. The Municipality finds and declares that:
 - a. the construction and operation of a large-scale retailer has economic, fiscal, environmental, and community effects both within and beyond the boundaries of the municipality and immediate region in which it is located; and
 - b. That it is essential for the Statewide public health, safety, and welfare to require municipalities to take into account the potential effects of approving the construction and operation of large-scale retailers.
3. Prior to approving or disapproving a proposed development project that would permit the construction of a large-scale retailer, a municipality shall cause to be prepared a comprehensive impact report that evaluates the economic, fiscal, environmental, and community impacts of the proposed development.
4. The municipal legislative body shall contract with one or more independent consultants for the preparation of the report. The consultants shall be qualified by education, training, and experience to conduct the analyses.
5. The applicant for the development project shall pay the municipality for the costs of preparing the comprehensive impact report.
6. The comprehensive impact report shall include, but not be limited to, all of the following:

[ECONOMIC]

- a. An assessment of the extent to which the proposed large-scale retailer will capture a share of retail sales in the market area.
- b. An assessment of the effect that the proposed large-scale retailer will have on existing retail operations in the market area.
- c. An assessment of how the proposed large-scale retailer will affect the supply and demand for retail space and vacancy rates in the market area.
- d. An assessment of how the construction and operation of the proposed large-scale retailer will affect employment in the market area, including the number of persons employed in existing retail stores in the market area; the number of people who will likely be employed by the proposed large-scale retail store; and an assessment of whether the proposed large-scale retail store will result in a net increase or decrease in retail employment.
- e. An assessment of how the proposed large-scale retailer will affect retail wage and benefit levels in the market area.
- f. Estimates for how much of the sales revenue generated by the proposed large-scale retailer will be retained and redirected into the economy of the municipality and region, and its impact on the demand for locally grown or produced goods.

[FISCAL]

- g. A projection of the cost of public services and public facilities resulting from the construction and operation of the proposed large-scale retailer, including both initial infrastructure outlays and ongoing operational costs for road maintenance, police, and other services.
- h. A projection of the municipal revenues that will be generated by the proposed large-scale retailer.

- i. A projection of the impact on property values in the municipality and the potential loss or increase in municipal tax revenues resulting from the proposed large-scale retailer.
- j. A description of any public subsidies the project is slated to receive.
- k. A projection of the cost of public health care programs for employees and dependents of the proposed large-scale retailer who are not receiving employer-based health insurance coverage.

[ENVIRONMENTAL]

- l. An assessment of the impact of the construction and operation of the proposed large-scale retailer on water quality, including but not limited to an assessment of the amount of contaminated storm water runoff that will be generated during construction and from the parking lot and other impervious surfaces during the operation of the store.
- m. An assessment of the impact of the operation of the proposed large-scale retailer on air quality, including but not limited to the air emissions resulting from vehicle trips to and from the store.
- n. An assessment of the impact of the operation of the proposed large-scale retailer on wildlife habitat and any endangered species in the area.
- o. An assessment of the impact of the operation of the proposed large-scale retailer on the scenic or natural beauty of the area, historic sites, and rare and irreplaceable natural areas.

[COMMUNITY]

- p. An assessment of the effect that the construction and operation of the proposed large-scale retailer will have on the ability of municipalities in the market area to implement the goals contained in their comprehensive plans.
 - q. An assessment of the impact of the proposed large-scale retailer on traffic on roads and highways in the vicinity of the development.
 - r. An assessment of the impact of the proposed large-scale retailer on the economic vitality of any downtowns within the market area
7. Nothing in this section shall preclude a municipality from conducting additional studies of the effects of the construction and operation of a proposed large-scale retailer.
 8. After completion of a draft of the comprehensive impact report required in this legislation, the municipal legislative body shall provide the opportunity for public comment by citizens in the municipality and affected region on the report and its findings.
 - a. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. The municipality must also provide notice of the pending application by regular mail to municipal officers of adjacent municipalities, to all persons residing within 5000 feet of the proposed project, and to persons who have made timely requests to be notified of a specific application.
 9. After considering public comments, the municipal legislative body shall direct the report's preparers to make any revisions or additions to the draft report it deems necessary.
 10. After completion of the final comprehensive impact report required in this legislation, and prior to the issuance of any entitlement, including, but not limited to a building permit, the municipal legislative body shall provide the opportunity for public comment by citizens in the municipality and affected region on the report and its findings.
 - a. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing

and the date of the 2nd publication must be at least 7 days before the hearing. The municipality must also provide notice of the pending application by regular mail to municipal officers of adjacent municipalities, to all persons residing within 5000 feet of the proposed project, and to persons who have made timely requests to be notified of a specific application.

11. The municipal legislative body shall approve the proposed development only after making a finding that the project will not have an undue adverse economic, fiscal, environmental, or community impact on the municipality and the region.

DEFINITIONS

These are definitions that exist elsewhere in Maine state law (we can refine/alter as applied to this legislation):

Downtown. "Downtown" means the traditional central business district of a community that has served as the center of socioeconomic interaction in the community, characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, that are typically arranged along a main street and intersecting side streets and served by public infrastructure. [2001, c. 669, §1 (new).]

Market area. "Market area" means a geographic region exclusive of a state tax increment financing district that will be affected by the operation of the district. [2001, c. 669, §1 (new).]

Municipal reviewing authority. "Municipal reviewing authority" means the municipal planning board, agency or office, or if none, the municipal officers. [1989, c. 104, Pt. A, §45; Pt. C, §10 (new).]

Municipal legislative body.

A. The town meeting in a town; [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

B. The city council in a city; or [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

C. That part of a municipal government that exercises legislative powers under a law or charter. [1987, c. 737, Pt. A, §2 and Pt. C, §106 (new); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]