

J. LAND USE

Cooper is a rural community of 32.6 square miles or 20,837 acres. The town shares one large lake with the neighboring unorganized territory of Cathance Township. It is at the headwaters of several regional rivers including the Dennys, the East Machias and the St. Croix. There are also many streams and wetlands, extensive forestland and several areas of open blueberry land.

There are 145 full time residents, many of whom commute for work to the regional service centers of Calais, Woodland and Machias. Many seasonal residents have second homes on Cathance Lake.

Residential and home based development in the town is scattered along existing roadways and surrounding Cathance Lake. There is virtually no commercial activity though there are many home-based businesses, and some agricultural operations. A former grocery store near Cathance Lake closed in 2006. Most recent development has occurred along the lake shoreline. State Route 191 travels 13 miles through the town of Cooper and, for most of that distance, is in the worst condition of any major collector road in Washington County.

PAST DEVELOPMENT TRENDS

Development in Cooper was driven and supported by farming and the timber industry. Farming was central to the livelihood of Cooper people from the first settler until after World War Two. As we enter the twenty-first century, blueberries are the largest field crop in Cooper. These blueberry fields give Cooper its wonderful open areas and scenic views.

Early sawmills provided for the local market. In the 1800s there were mills in North Union off Dead Stream and at the end of West Ridge. Another mill off Whiff Hill operated until 1950. A lathe and shingle mill also operated on Old Mill Road. None are currently active. With few exceptions, all the structures built in Cooper during the nineteenth century were related to the farm; the single family home that might house three generations of the one family, the barn(s), and other outbuildings necessary for farming. The exceptions were the schoolhouses, the Churches, logging camps, and the few small mills.

Settlement in Cooper took place in three areas including Grove (where the Cathance Grange still stands), East Ridge and West Ridge. Many old farm houses and buildings have long since fallen in or burned. In the early 1900s many farmers headed west and open lands and hayfields started growing back to brush and forest. Local historian Justin Day estimates that over 1000 acres of hayfield have grown back to forest in the last century. He says that the woodlands are full of scattered rock piles, stone walls, cellar holes and abandoned wells. The only remaining open land in Cooper of any significance is blueberry land.

Today families supplement their income by working in the blueberry harvest or in the Christmas greenery business. Much of the forestland in Cooper still produces fir tips, logs, fuel, and fiber for local and area needs. Most of the harvest is now mechanical. Some local people are employed in harvesting and transporting these products, some in industry using them, and some landowners

supplement their income by selling them.

EXISTING LAND USE PATTERN

Cooper's existing land use patterns are summarized in the descriptions of Land Cover shown in Table K-1 and are illustrated on several Maps in this document including Map 2, Cooper Public Facilities and Transportation; Map 6, Land Cover (from which the data in Table K-1 is derived); and Map 9, Existing Land Use and Shoreland Zoning, located at the end of this section.

The source data for Map 6 – Land Cover (and Table K-1) is 1997 satellite imagery; the land cover types are generated by computer program assumptions. As a result they must be qualified by knowledge of actual conditions on the ground. A review of Map 6 – Land Cover by the Comprehensive Plan Committee concludes that Map 6 is generally accurate but is incorrect in several locations with respect to cultivated land and development. Map 6 should be used as a general depiction of forestland, the larger blueberry barrens and wetlands. However the following specific qualifications are needed when looking at Map 6 – Land Cover:

- The Cultivated Land (yellow) is actually open land or grass/pasture; those categories can be combined on the map and in Table K-2 below.
- The developed land is over stated along Route 191 (the satellite is picking up the road surface and not developed land), along East Ridge Road, along North Union Road and Breakneck Road. In all of these locations there are widely scattered houses and not a solid line of development as the red line appears to indicate.
- The satellite imagery also picks up heavily cut forest land and logging roads in the northwest corner of the town, and in the area north of Birch Point and south of Route 191. These areas are not “developed” with houses or other structures.
- Contrary to this over-depiction of developed land there is a lot of development along the shores of Cathance Lake that the satellite does not pick up. For instance there are many camps and houses along the shore and on the roads leading into the lake from Route 191 in the southwest corner of the town and on the eastern shore of the lake near Cove Road (Mount Holly Estates), Day Road, Camp Rod and Callies Way.

Table J-1 – Existing Land Cover

Land Cover	Acres	Square Miles	Percent
Blueberry	1,134	1.8	5%
Cultivated	197	0.3	1%
Developed	230	0.4	1%
Forest (Total)	17,307	27	83%
<i>Forest, Clear Cut</i>	220	0.3	1%
<i>Forest, Heavy Cut</i>	491	0.8	2%
<i>Forest, Light Cut</i>	1,147	1.8	6%
Grass/Pasture	33	0.1	>1%
Open Land	0	0.0	>1%
Wetland/Open Water	1,935	3.0	9%
Total	20,837	32.6	100%

Source: Land Cover and Wetlands of the Gulf of Maine. U.S. Fish and Wildlife Service, Gulf of Maine Program and MEGIS

There is limited commercial development in Cooper. It is primarily service oriented, farm and forest in nature. Residential development is composed of year round and seasonal housing that is located primarily around Cathance Lake.

DEVELOPMENT PRESSURE

Several large tracts of forest land have changed hands in the past few years. These transactions have primarily been among industrial forestland owners and have not changed to development use; 4395 acres of this land has been placed under conservation easement (see Map 2).

With other changes in ownership near lakeshores the demand for waterfront property is driving up land values, contributing to land subdivision and new housing is larger and more expensive. In addition former seasonal camps are being converted to, and renovated for, year-round use.

There are no schools in Cooper; student enrollment in the region is discussed in the Public Facilities chapter.

ANTICIPATED FUTURE DEVELOPMENT TRENDS

The town's population has risen steadily in the past 40 years. The State Planning Office predicts that the population of Cooper will rise to 148 individuals by 2010, to 151 by 2015 and to 152 individuals by 2020.

As noted in the Population Section, in the 1990s Cooper experienced a 16.9% increase in population to 145 persons. In 2000, Cooper had a total of 165 housing units. If the 2000 census is compared only to the 1990 census it appears that during the 1990s, the town recorded a near doubling (98.8% percent increase) in its housing stock, compared to almost 15 percent for Washington County and 11 percent for the state – see Table 1. However, this magnitude of an increase did not pass the “straight face” test with the Comprehensive Plan Committee. When the 1980 census data is examined (see Table F-1) it appears that the 1990 census missed a significant portion of housing units in Cooper¹. The percentage increase in the number of housing units in Cooper between 1980 and 2000 (from 129 to 165) is only 27.9%. This magnitude of an increase makes sense to the members of the Comprehensive Plan Committee, many of whom have served as assessors or on the Planning Board during the 1980-2000 time period.

As noted in the Population Section, in the 1990s Cooper experienced a 16.9% increase in population and close to a 10.07% percent decline in average household size to 2.59 persons per household. Both factors, increasing population and reduction in household size, account for some of the increase in the number of houses.

¹ The 1990 Census also appears to have undercounted the number of housing units in Baileyville, Baring Plantation, Calais and East Machias but a full examination of that discrepancy is beyond the scope of this document.

Again, if one only looks at the change between 1990 and 2000, seasonal units increased by 157.9% adding 60 units of seasonal housing. However, according to the 1980 census there were 81 seasonal units in Cooper but only 38 seasonal units in the 1990 census. According to the Cooper assessment records, there were no large losses of seasonal units between 1980 and 1990. So it is highly likely that census workers in April of 1990 did not know of (or bother to find) over 40 seasonal units that were probably located on camp roads when ice was still on the lake and seasonal roads were deeply rutted with mud. Seasonal units increased from 81 to 98 units in the 20 year period between 1980 and 2000. This is only a 21% increase and not the huge apparent increase if only the 1990 and 2000 census numbers are compared.

Housing for seasonal purposes constitutes 59 percent of the housing stock in Cooper. Thus second home development of shorefront properties has a larger impact than year-round population on the number of housing units in Cooper and this trend is expected to continue. Given the very large inaccuracies evident in the 1990 census of seasonal housing in Cooper, any analysis of growth trends in housing in Cooper must include the 1980 census even after the 2010 census is complete.

While Cooper has a large supply of seasonal units, residential development has decreased in recent years with the majority of building activity (sheds/decks/garages/additions) taking place on already developed properties (see Table F-2). Single-unit housing is expected to be the primary type of future development as seasonal units are converted to year round use, especially on shorefront properties in Cooper. However, the long term trend of high gas prices may be dampening year round development pressure as fewer people choose the long commutes demanded by Cooper residents to reach to regional employment opportunities.

Population projections based on the 2000 census are reaching the end of their shelf life. Data from the 2010 census is not yet available but is expected to reflect modest increases in population that have occurred in the region as a result of increases in permanent staff at the international border. Increases in school enrollment in Calais (2002-2005) already reflect population increases due to increases in Homeland Security staff since September 11, 2001 and estimates vary that between 50 and 125 additional families will locate in the area once all of the facilities associated with the new international bridge are in full operation. A countervailing influence on this increase would result if the mill in Woodland closes.

PRESENT LAND USE REGULATIONS

Apart from the State required minimums, the Town of Cooper has a limited set of regulatory measures to affect the nature and pattern of development. Building permits are required and several existing land use regulations that municipal boards and officials must follow are listed below. Regulations change over time and it is the responsibility of municipal officers to keep up with these changes.

MDOT Access Management (17-229 Maine Administrative Rules Chapter 299, Part A and B) - The Act specifically directs the MDOT and authorized municipalities to promulgate rules to assure safety and proper drainage on all state and state aid highways with a focus on maintaining

posted speeds on arterial highways outside urban compact areas. The law also requires that the rules include standards for avoidance, minimization, and mitigation of safety hazards along the portions of rural arterials where the 1999 statewide average for driveway related crash rates is exceeded. Those rural arterials are referred to in the rules as "Retrograde Arterials". There are no such retrograde arterials in all of Washington County.

Shoreland Zoning Ordinance (Maine *Land Use Laws*, 1992) - Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the high-water line of a stream. The purposes of these controls are: to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore covers, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. Cooper is currently updating its Shoreland Zoning Ordinance to meet the changes to the Guidelines issued in 2006 and it contains the following districts:

Resource Protection District (RP)
Limited Residential District (LR)
Stream Protection District (SP)

The community adheres to the Maine State Plumbing Code which requires that the installation of plumbing fixtures and septic systems be in accordance with the Maine State Law and the Subsurface Wastewater Disposal Rules and Regulations.

AREAS UNSUITABLE FOR DEVELOPMENT

There are areas within Cooper that require special consideration based on the potential environmental impact of land use activities. In these areas stricter regulation or, in some circumstances, prohibition may be called for to avoid problems for both people and the town's natural resources. These areas include:

Floodplains – These are flood prone areas where flooding is frequent and can be severe. Use needs to be limited to activities unharmed by flooding, such as agriculture, forest and some types of recreation. By definition maritime activities and businesses that locate in flood prone areas and construction standards must take these risks into account.

Water Resources/Wetlands - These are areas that fall under the Shoreland Zoning Laws. Development in these areas is severely restricted and requires review and approval by the pertinent State Agencies.

Wildlife Habitat/Conservation - These are areas that fall under the provisions of the applicable mandated legislation. Development in these areas is severely restricted and requires review and

approval by the pertinent State Agencies.

Unsuitable Soils - These are areas with limited development potential because of poor soils. Larger lot sizes would be required in order to meet the requirements of the Maine State Plumbing Laws.

Slopes - These are areas that have a slope greater than 15 percent that preclude extensive development because of problems with erosion, runoff, and construction limitations such as allowable road grades, suitability for septic sewage disposal, and stability of foundation. Also, the Maine Plumbing Code does not permit septic systems on a slope greater than 25 percent.

PROPOSED LAND USE DISTRICTS

Growth management legislation requires the designation of growth and rural areas in comprehensive plans. The designation of growth areas is intended to direct development to areas most suitable for growth and away from areas where intensive growth and development would be incompatible with the protection of rural resources. In addition, growth areas should be located close to municipal services to minimize the cost to the municipality for their delivery and maintenance. As Cooper has almost no municipal services this concept does not fit in its predominantly rural setting. However an attempt is made to translate the concept to Cooper.

The designation of rural areas is intended to allow dispersed development that reflects an existing pattern and to protect agricultural, forest, wildlife habitat, scenic areas, and other open space areas from incompatible development.

If any new regulations are adopted pursuant to the districts established in the Comprehensive Plan all existing uses and the lot sizes on which they currently exist are “grandfathered”, i.e. they have the right to persist as built.

Growth Areas

In any municipality, the purpose of the Land Use Plan and map is to identify appropriate locations to accommodate anticipated growth and future development. The Proposed Land Use Plan is drawn in “broad brush” and does not identify specific parcels. Only detailed site-specific analysis can determine land suitable for development and at what densities. In addition, the comprehensive plan has not assessed the individual landowner's desires to sell their land for development, to develop it or to leave it undeveloped.

In Cooper, the town proposes two types of Growth Districts in five distinct areas to reflect existing conditions and enable areas for commercial, residential and civic services.

The districts proposed as growth areas are described below and illustrated on the Proposed Land Use Map at the end of this section.

Civic Service and Facilities (CSF)

The purpose of this district is to support an existing concentration of municipal services as well as residential and commercial development in areas where they currently exist and where land is accessible to improved roads. Three areas of Civic Service and Facilities are proposed, all where limited facilities and services currently exist. One encompasses the existing Cathance Grange and the General Cooper cemetery, another surrounds the Fire Department, and the other includes the sand and salt pile and associated work yards. Small lot sizes (1-2 acres) exist and the same minimum lot size pattern will be continued. Any future land use ordinance will specify the types and sizes of civic uses allowed and will be guided by existing conditions. As required by state law any proposed mobile home parks will only be allowed in these growth areas. The ordinance will also include coordinated access to ensure Route 191 retains its function as a north-south collector corridor, and other standards in keeping with the existing pattern.

Limited Commercial (LC)

The purpose of this district is to support limited commercial activity. It is a small area encompassing the area where the former store operated and is near to the most densely developed residential area on Cathance Lake. Similar lot sizes (a minimum of 1-2 acres) to current conditions will be allowed. Any future land use ordinance will specify the types and sizes of commercial uses allowed and will be guided by existing conditions. The ordinance will also include coordinated access to ensure Route 191 retains its function as a north-south collector corridor, and other standards in keeping with the existing pattern.

Rural Areas

The Rural Areas consists of those areas in Cooper where new residential and home based business development will be regulated to limit its impact on the town's important natural resources including agricultural land, forested land, wetlands and scenic areas.

The rural districts have varying recommended lot sizes to protect resources within them but Cooper will also discourage development in these sensitive areas through its public investment decisions. For instance, the town will periodically review whether to continue providing winter maintenance (plowing/sanding) on unpaved town roads. In addition, road and lot design will encourage a limited number of access points on main roads. Access for future development/use to the rear of larger lots will also be maintained as subdivision along roadways takes place.

To assure that those living in all parts of town can give their children a building lot, family lot transfers would be exempt from the regular lot size requirements. Unless health and safety considerations mandated a larger lot size, a minimum of 30,000 square feet would be allowed in such cases. This provision would apply to family lot transfers exempt from subdivision review under the state subdivision law (30-A MRSA 4401 section 4-D).

The land use districts proposed in the rural areas are described below and shown on the Proposed Land Use Map at the end of this section.

Low Density Residential/Home Based Business² (LDR/HBB)

The purpose of this district is to support a low density, rural pattern of development along Route 191 in two areas where the highest existing density occurs. The minimum lot size will be ½ to 1 acre and road frontage requirements will be 100-200 feet. Residential, home-based business uses as well as commercial agricultural and commercial forestry operations will be permitted.

Very Low Density Residential/Home Based Business (VLDR/HBB)

The purpose of this district is to maintain the rural character of the town, to protect agricultural and forestry uses, and to provide for single family residential dwellings with larger lot sizes. The minimum lot size will be 1-2 acres. Road frontage requirements will be 250 feet (less in cluster designs) to maintain the rural character of the town. Commercial agricultural and commercial forestry operations will be permitted, as well as limited business use.

Cluster development may be appropriate within this district. All large (>10 lots) subdivision development proposals within this district will be required to submit a cluster plan, as well as a conventional plan for the Planning Board's consideration. Cluster Developments included in any land use ordinance will encourage the preservation of rural land areas. Development regulations should encourage residential development to occur on existing or newly-constructed roads following existing road patterns. Developers are responsible for proper road construction and maintenance.

Agricultural Low Density Residential (ALDR)

The Agricultural Low Density Residential District includes areas of most intensive use for blueberry production. Uses will be limited to agriculture and low density residential (3-7 acres/dwelling unit). Limited commercial operations will be allowed that support agriculture. Specifically prohibited uses would include, for example, large scale fuel storage, containment and distribution, heavy industry and the like. Cluster development would also be appropriate within this district.

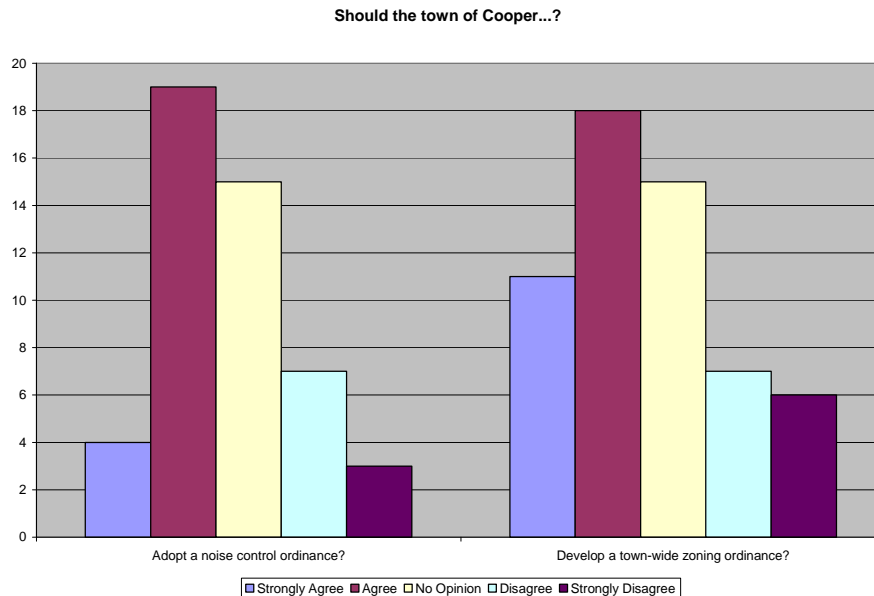
Conservation (C)

The Conservation District includes areas in which development would be detrimental to Cooper's most critical natural resources – the Stream Shore Ecosystem on the Dennys River that forms a border of Cooper with the town of Charlotte, and the three Rare and Exemplary plant communities in the Meddybemps Heath, a Focus Area of Statewide Significance. Lot sizes will be large (greater than 5 acres), development will be severely limited in areas in excess of 20% slopes, and timber management and land protection measures will be encouraged. Existing development in these areas will continue, i.e. be “grandfathered”. The protection measures under consideration include cooperation with local land trusts that have the means or tax advantage alternatives to compensate landowners who choose to voluntarily restrict their property by conservation easement or sell it for conservation purposes.

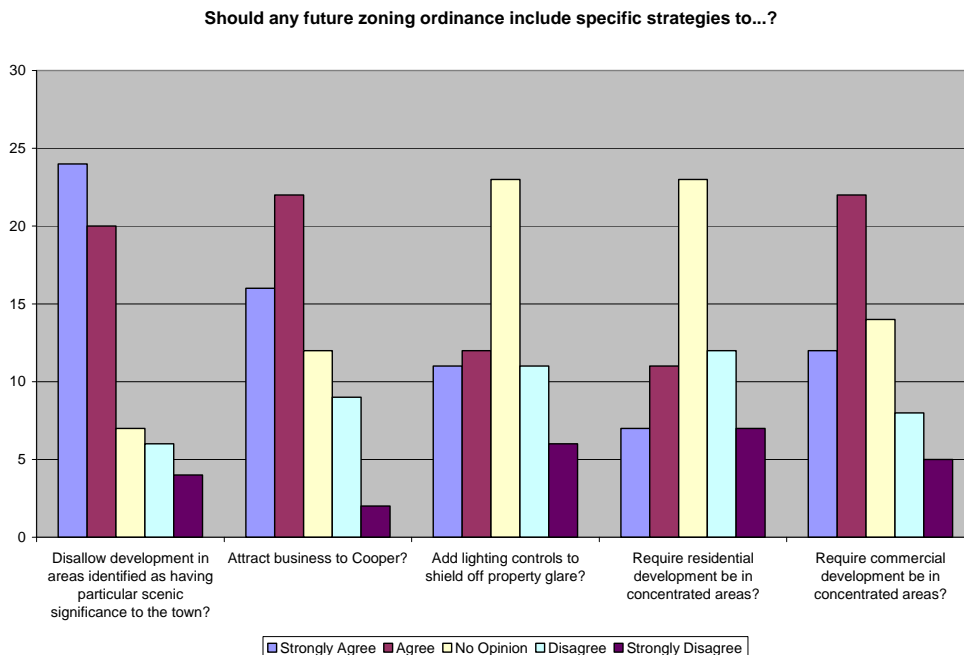
² Home Based Businesses include but are not necessarily limited to professional office, home daycare, hair cutting services, contractors using accessory buildings, small engine repair, publishing, etc.

GENERAL RECOMMENDATIONS FOR DEVELOPMENT ORDINANCES AND LAND USE PERFORMANCE STANDARDS

The people of Cooper have expressed their support for the town to prevent uncontrolled development through development of a zoning ordinance and a noise control ordinance.



Specific provisions in a future zoning ordinance generated a range of opinions. Disallowing development in areas identified as having particular scenic significance was strongly supported. Including provisions that could attract business to Cooper was supported as was requiring that commercial development be in concentrated areas. Requiring residential development to be in concentrated areas was not supported nearly as much and many had no opinion on the idea. Many also had no opinion on adding lighting controls to shield off property glare.



The various growth and rural districts proposed above are consistent with these views. The town should consider development of ordinances. Such ordinances might require that all developments provide a detailed site plan and set forth restrictions to minimize conflicts.

The Comprehensive Planning Committee is guided by the opinions expressed in the public survey but is also aware that Cooper is a small rural town that does not uniformly embrace restrictive regulations. Cooper’s Zoning Ordinance, when developed, will be consistent with the intent of this comprehensive plan and cognizant of this reluctance to infringe on the rights of landowners.

Thus, land use regulations will be kept to the minimum necessary to achieve the goals of the comprehensive plan and to reduce the number of non-conforming properties. It is not the intent of the Comprehensive Planning Committee to impose burdensome requirements on the everyday activities of the town’s residents or to create costly enforcement issues for town government. The ultimate goal of growth management is to regulate land use development to the extent necessary to protect natural resources, property values, and public safety. However, the imposed regulations should not make the town’s residents feel that they have lost their freedom as landowners. Therefore land use regulation should not be so restrictive that they have negative impacts on existing land use practices.

Ordinances need specific standards and clear definitions. They must also meet the minimum requirements of state law and be consistent with the recommendations of the comprehensive plan. The comprehensive plan provides the legal basis for enacting the ordinances, and their consistency with the plans, goals, and policies will be a major consideration in the event that the ordinances are subject to a legal challenge.

Therefore the land use ordinance will: (1) create a user friendly application and permitting process; (2) assign more responsibility for review and approval to code enforcement; and (3) develop clear and consistent guidelines for obtaining approval.

LAND USE ORDINANCE PERFORMANCE STANDARDS

The town of Cooper will develop a Zoning Ordinance consistent with the identified needs of the town. In order to protect and preserve natural resources, property values, public safety including fire protection, health and welfare, provide for affordable housing and ensure the proper future development of the town, the following performance standard topic areas should be considered when developing the town’s zoning ordinance.

Public Issue or Concern	Performance Standard
<i>Access Requirements</i>	In keeping with state access management regulations (17-229 Maine Administrative Rules Chapter 299, Part A and B, and as subsequently amended), minimize the creation of strip development within the community, and minimize the creation of road hazards.
<i>Agriculture</i>	Minimize soil erosion to avoid sedimentation, non-point source pollution, and phosphorus and nitrogen levels of water bodies.

Public Issue or Concern	Performance Standard
<i>Buffer Provisions</i>	Minimize the negative impacts of inconsistent development and protect water resources, wetlands, and wells
<i>Conversion</i>	Regulate the conversion of existing structures into multi-family dwellings, to ensure the health, safety, and welfare of citizens.
<i>Home Occupation</i>	Home occupations may be established to minimize their impact on existing neighborhoods.
<i>Industrial Performance Standards</i>	Ensure appropriate industrial development within designated areas of the community.
<i>Manufactured housing</i>	Ensure the safety, health and welfare of mobile home occupants and mobile home owners regardless of the date manufactured.
<i>Mobile Home Park</i>	Regulate the placement and design of mobile home parks within the designated growth areas in the town.
<i>Off Street Loading</i>	Minimize traffic congestion associated with commercial development.
<i>Oil and Chemical Storage</i>	Regulate the location and containment of combustible material that can migrate to surface and ground waters.
<i>Parking Requirements</i>	Establish and regulate the number of parking spaces to be provided for different types of development.
<i>Pesticide Application</i>	Protect the public from dangers associated with pesticides
<i>Refuse Disposal</i>	Regulate the disposal of solid and liquid wastes in relation to resources that can transport them or be contaminated by them; to protect public health.
<i>Road Construction</i>	In conjunction with the State Department of Transportation, regarding road construction in new developments.
<i>Sedimentation and Erosion</i>	Minimize the volume of surface water runoff during and after development.
<i>Signs</i>	Regulate the placement of signs, sign size, and sign type.
<i>Soils</i>	Ensure development is located on appropriate soils.
<i>Storage Materials</i>	Encourage the orderly storage of material in residential areas to promote and preserve the character of the neighborhoods.
<i>Topsoil and Vegetation Removal</i>	Prevent soil erosion and destruction of topsoil during construction.

COMMUNITY BENEFITS

Comprehensive planning demonstrates the importance of land use standards for Cooper. Preserving and protecting the character of the town is vital to the continued stability of the local economy and to the happiness and well being of the townspeople. Consistent with the provisions of the Growth Management Legislation, Cooper's Comprehensive Plan has attempted to recognize the value of surface water access and land use standards, to incorporate the desires of the community, and to preserve and protect the integrity of the town. All of this is done so as to continue to make Cooper a great place to live, work and vacation.

SUMMARY

Cooper is feeling development pressure associated with conversion of residential second home subdivisions along lakefronts. Support exists for regulation on development activity but there is

some concern that it not be excessive or burdensome. This plan is intended to protect the town's character and to direct residential and commercial activities to appropriate areas. It also seeks to ensure that residents can continue to support themselves with a mixture of activities necessitated by seasonal and diverse rural livelihoods.