

K. LAND USE

The Purpose of this section is to:

1. Identify and understand the amounts and location of various land uses in Lubec;
2. Identify and understand changes in land use patterns;
3. Identify land areas suitable and unsuitable for growth and development predicted for the next ten years;
4. Identify and describe the purpose and location of the proposed land use districts; and
5. Identify growth, rural and critical resource areas.

FINDINGS

The Town has undergone limited residential growth over the past twenty years. Growth that did occur was largely residential development along the shore. Limited commercial growth has occurred in and near the Village.

The Town of Lubec is primarily concerned with encouraging development that will result in improved job opportunities for local residents, expansion of the municipal tax base and support to existing infrastructure. In line with a strong tradition of respecting property owners' rights, the Town of Lubec has limited land use controls, most notably Shoreland Zoning. Some changes in local land use regulations will be necessary to address concerns raised in this comprehensive plan and any new state requirements. This chapter outlines a future land plan for Lubec that will encourage development consistent with Lubec's rural character.

COMMUNITY CHARACTER & EXISTING LAND USE PATTERN

Lubec's character as a rural community is defined by our economic reliance on natural resource-based industries (particularly marine), natural scenic beauty, a historic pattern of development characterized by compact, mixed use development within the Village, and dispersed, rural hamlets separated by expansive areas of forest and agricultural land.

This historic pattern of rural land use – aptly described by Lura Beam in *A Maine Hamlet* (Tilbury House, 2000) – is characteristic of coastal Washington County. As in other nearby communities, residential development has occurred outside of traditional village/hamlet areas and away from the main roadways in recent years. However the underlying historic pattern of development and the area's scenic natural beauty remain.

Recent development in Lubec includes both lot-by-lot development and larger subdivisions. Most of the residential development occurring the last twenty years has taken place along or near the coast and outside of traditional villages. Lot-by-lot residential development has also occurred within and adjacent to existing village areas in a pattern that continues the historic pattern of village land use in Lubec: medium lot size (~20,000 to

40,000 square feet) dispersed residential development.

Commercial and institutional development since the last Comprehensive Plan includes a new fire station in West Lubec, a bank, marine fisheries businesses, and seafood processing businesses. Commercial development over this time period has concentrated in the Village and along Route 189.

Current land use regulations are largely seen to promote the type of development consistent Lubec's community vision statement and rural character.

DEVELOPMENT PRESSURE & FUTURE DEVELOPMENT TRENDS

In 2000, there were 1,072 homes in Lubec. The Town experienced relatively modest residential development during the 1990s followed by a burst of residential development in the first five years of the 21st century. Over the planning period, the town expects a modest increase in the number of homes as existing subdivisions are built out.

The Town anticipates modest, continued residential development, particularly along the coast, to accommodate a growing seasonal population. Most residential development will occur near the water, outside of traditional village areas. Demand for affordable housing will continue to be met through manufactured and pre-fabricated homes situated on single-parcel, small-lot subdivisions along state and municipal roadways.

Most, if not all, of the commercial development that has occurred in recent years was concentrated in the Village and along Route 189. The Town seeks to maintain the commercial viability of commercial fisheries, aquaculture and seafood processing businesses. Based on recent trends, the Town anticipates a modest level of new commercial development will occur over the next 15 years in the same parts of town.

Lubec has lost population in the last two Censuses and the Town struggles to maintain existing infrastructure with a declining year-round population. Existing public facilities will therefore be more than adequate to accommodate residential and commercial development likely to occur over the next 15 years. There is one public school in Lubec: Lubec Consolidated School. In step with the overall decline in year round population, enrollment at the school has declined in recent years. The town recently voted to close the High School but will continue to support elementary education in Town. In the event that significant population growth occurs, there is ample space to accommodate higher enrollment with existing school facilities.

PRESENT LAND USE REGULATIONS

Apart from the State required minimums, the Town of Lubec has a limited set of regulatory measures to affect the nature and pattern of development. Subdivision and site plan review are required town-wide. Building permits and subdivision review are required for development occurring within the Shoreland Zone. The Town does not currently require

building permits outside of the Shoreland Zone. Building and subdivision permits are issued by the Planning Board. Land use regulations are enforced by a part-time code enforcement officer who also serves as the municipal plumbing inspector.

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 - 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 - 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; prevent and control water pollution; protect fish spawning grounds, aquatic life, bird and other wildlife habitat; protect archaeological and historic resources; protect commercial fishing and maritime industries; protect freshwater and coastal wetlands; control building sites, placement of structures and land uses; conserve shore covers, visual as well as actual points of access to inland and coastal waters; conserve natural beauty and open space; and anticipate and respond to the impacts of development in shoreland areas.

The community also 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.

FINDINGS OF PREVIOUS COMPREHENSIVE PLAN & EXISTING POLICIES

Relative to land use, the Comprehensive Plan adopted by the Town of Lubec in 1992 found that "proper planning [would] be necessary to preserve the rural nature and character of Lubec and encourage commercial development in Lubec Neck to support the town's small downtown area." The 1992 Comprehensive Plan noted a number of recent subdivisions that occurred during the real estate expansion in coastal Maine during the late 1980's and early 1990's. The Plan noted "several types of areas which occur naturally which are either threatened environmentally by development, or pose a threat to development itself due to their natural instability." These included flood plains and shorelands.

The Future Land Use component of the 1992 Comprehensive Plan established one Growth Area located on Lubec Neck. The Plan also established a Critical Resource Area that

included areas in Shoreland Zoning and the State Park. The Remainder of Town was designated as a Rural Area (see *Map 10: Current Land Use*).

Based on these findings, the Comprehensive Plan made policy recommendations as summarized in the table below along with notes on the status of the policy recommendations. A complete list of the policy recommendation from the previous Comprehensive Plan is included in *Appendix A: Executive Summary of the Town of Lubec Comprehensive Plan, 1992*. A full copy of the previous plan is on file in the Town Office.

Table K-1. LAND USE POLICIES FROM THE 1992 COMP PLAN

Policies	Notes
The Town of Lubec will adopt and periodically update an Official Land Use Map which designates areas suitable for future growth and development and areas where the rural character of the community will be protected and enhanced.	<i>The Official Land Use Map has never been updated. The Town is currently redrawing its Shoreland Zoning Map as part a revision of the Shoreland Zoning Ordinance.</i>
The Town of Lubec will adopt and enforce land use regulations which direct future growth and development in areas identified as suitable and appropriate for such growth.	<i>This has been partially implemented.</i>
Implementation Strategies	Notes
Prepare and maintain an official Land Use or Zoning Map designating the recommended areas contained in the Comprehensive Plan.	<i>This was implemented in 1992 but the Map has not been maintained.</i>
Revise the Town’s existing ordinances to implement the dimensional, location and performance recommendations contained in the Proposed Land Use Plan.	<i>This has not been implemented. The Town of Lubec does not have any ordinances that govern dimensional, location or performance recommendations for development outside of the Shoreland Zone.</i>

Policies and implementation strategies related to land use in Lubec are presented at the end of this Chapter. They include revisions as noted above, along with additional policies and strategies that reflect changes in conditions on the ground, local priorities and State and Federal policy since the previous Comprehensive Plan was adopted.

FUTURE LAND USE PLAN

The remainder of this Chapter outlines the future land use plan for the Town of Lubec. Lubec is a rural community with a tradition of strong respect for the rights of individual land owners. Consistent with that tradition, there are currently few ordinances that regulate or restrict the development rights of property-owners in Lubec.

In general, current regulations and land use practices in Lubec effectively protect critical natural resources, encourage affordable housing and preserve the rural character of Lubec. The recommendations included in the future land use plan are guided by existing land use patterns with the aim of promoting the type of development that would be compatible with Lubec's community vision.

Nevertheless, there are areas within Lubec 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 - 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 located in flood prone areas and construction standards must take these risks into account.

Water Resources/Wetlands - 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 - 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 - 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 - Areas that have a slope greater than 20 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 20 percent.

In addition to these natural constraints the Comprehensive Plan Committee considered the following elements in determining the configuration of proposed growth areas and rural areas outlined in the Future Land Use Plan (below) and on *Map 11: Future Land Use*:

- The need to encourage growth and development.
- Historic development patterns and land uses.
- Recent development patterns and existing land use regulations.
- Compatibility of present and future neighboring land uses.
- Residents' desire to maintain the Town's character and historic resources.
- Natural features and resources including soils, water bodies, and wetlands.
- Geographic location and role of Lubec in the regional economy.
- Existing infrastructure including water, electrical power, and road system.
- Road transportation and the availability of 3-phase power.
- The importance of affordable housing.
- Requirements of the Comprehensive Planning and Land Use Regulation Act.

COMMUNITY VISION & COMMUNITY SURVEY RESPONSES

Prior to developing the recommendations outlined below, the Comprehensive Plan Update Committee sought public input through a Community Vision session and a Community Survey. This plan incorporates citizen input received through the Community Survey. Land use districts and recommendations for land use controls are designed to implement the Town's vision.

In January 2010, the Comprehensive Plan Committee held a visioning session to develop a Community Vision (see *Appendix C*). The Community Vision session, attended by 42 local residents, identified Lubec as a rural community with strong ties to the water. The vision statement described a desire for a vibrant Village/Downtown with a mix of land uses and the types of future land use desired in other parts of town.

The committee also considered responses to the community survey in formulating the Future Land Use Plan. The survey asked generally about 8 types of development: single family housing, multi-family housing, summer homes, single lot mobile homes, small business activity, large business activity and industrial activity. The types of development that respondents most wanted in Lubec were:

- Small Business activity ("Maximum growth" 91%, "Moderate growth" 21%)
- Single family housing ("Maximum growth" 25%, "Moderate growth" 54%)
- Large business activity ("Maximum growth" 38%, "Moderate growth" 38%)

The types of development that respondent wanted least in Lubec were:

- Mobile home parks ("No growth" 36%, "Negative growth" 26%)
- Single lot mobile homes ("No growth" 25%, "Negative growth" 20%)

Respondents to the survey in 2010 were markedly more in favor of small business activity than in 1992 (those responding "Maximum growth" increased from 46% in 1992 to 70% in 2010) and somewhat less in favor of large business activity (those responding "Maximum

growth” decreased from 51% in 1992 to 38% in 2010). Respondents in 2010 were also slightly more likely to favor Town incentives for businesses to locate in Lubec (83% up from 79% in 1992).

The Community Survey also asked questions about the configuration of growth and rural areas. The two most common responses for where respondents prefer designated growth areas were:

- “Along Route 189” (52%)
- “Anywhere where natural resources are not negatively affected” (45%)

Within designated growth areas, respondents were generally in favor of:

- Off street parking requirements for multi family housing (64% Favor)
- Off-street parking requirements for commercial development (58% Favor)
- Noise/vibration performance standards (54% Favor)
- Front lot line (road) setbacks (51% Favor)
- Side set backs (49% Favor)

Most respondents favored (41%) or were neutral (37%) about maintaining a 40,000 sq ft minimum lot size within designated growth areas. Fewer respondents favored (18%) or were neutral (35%) about allowing a small minimum lot size within growth areas. In line with Lubec’s strong tradition of respecting property owners’ rights, fewer respondents favored all types of land controls in rural areas across the board.

Nevertheless, most respondents were in favor of some land use controls, particularly those that off-set the potential costs to the town of new development, such as requiring site plan review for subdivisions (71%), developing design standards for roads (63%), and establishing impact fees to off-set the costs of new development (61%). Half of respondents favor requiring building permits for structures larger than 100 square feet.

Complete responses to the community survey are included in *Appendix F*.

MAINE’S GROWTH MANAGEMENT LEGISLATION

State growth management legislation requires that municipalities designate three types of land use districts in their Comprehensive Plan: growth areas, rural areas and critical resource areas.

This plan designates three growth areas (Village/Mixed Use, West Lubec Village, and a Floating Industrial District), one rural area (Rural Residential) and a critical resource area (Conservation District). The Future Land Use Plan treats the existing General Development and Waterfront Development Districts within the Shoreland Zone as Growth areas. Other areas within the Shoreland Zone are treated as Critical Resource Areas. All of the growth-

related capital investments identified in the Capital Investment Plan can be accommodated within the proposed growth areas.

State requirements for the designation of growth areas, rural areas and critical resources areas are described below, along with a description of each proposed land use districts in Lubec. The approximate extent of each land use district is depicted on *Map 11: Future Land Use*. The proposed land use plan 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.

GROWTH AREAS

Growth areas are intended to direct development to areas most suitable for such growth and are therefore located close to municipal services to minimize the cost to the municipality for their delivery and maintenance. According to the State Planning Office land areas designated as growth area must be consistent with the following provisions:

- (1) The Future Land Use Plan must designate as growth area those lands into which the community intends to direct a minimum of 75% of its dollars for municipal growth-related capital investments made during the planning period.
- (2) Built-out or developed areas that may not have capacity for further growth but require maintenance, replacement, or additional capital investment to support existing or infill development must also be designated as growth areas.
- (3) Growth areas must be limited to land areas that are physically suitable for development or redevelopment. Growth areas may include land areas that are physically unsuitable for development or redevelopment, such as a river, stream, floodplain, small natural hazard area, small lake or aquifer, or small critical natural resource, if the plan addresses how these areas will be protected to the greatest extent practicable or as prescribed by law.
- (4) Growth areas, to the greatest extent practicable, must be limited to an amount of land area and a configuration to encourage compact, efficient development patterns (including mixed uses) and discourage development sprawl and strip development.
- (5) Growth areas along arterials and mobility corridors must be configured to avoid strip development and promote nodes or clusters of development.

Lubec proposes three types of growth districts to reflect existing conditions and enable expansion of commercial, residential and civic services. The districts proposed as growth areas are described below and illustrated on *Map 11: Future Land Use*.

Village/Mixed Use (VMU)

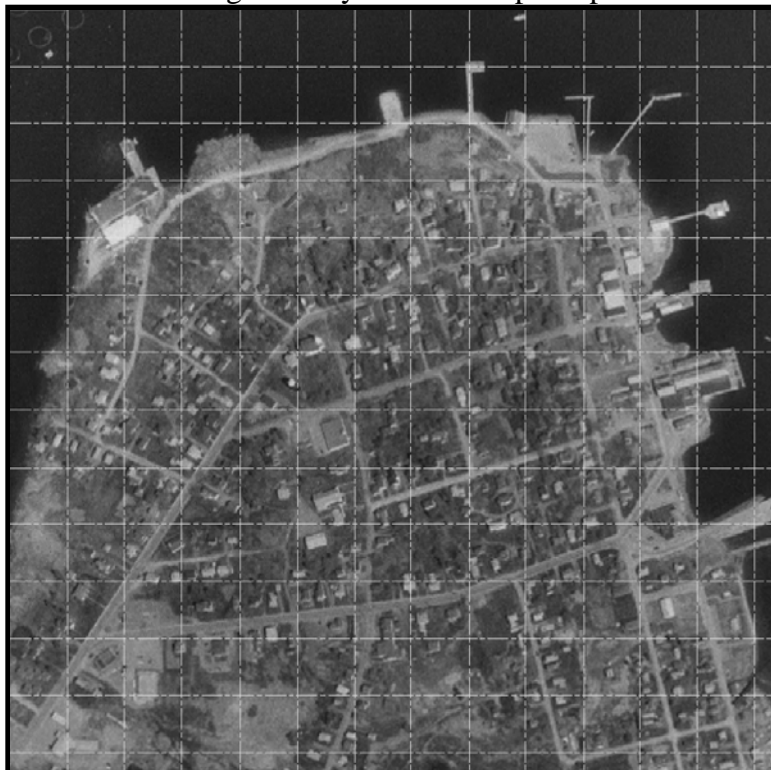
The purpose of this district is ensure that the village area of Lubec continues to function as the center of community activity with a mix of residential, commercial (retail, commercial

fisheries, seafood processing, hospitality) and institutional (municipal services, education) uses.

The Village/Mixed Use District includes the area in and around the traditional downtown portion of Lubec (see *Map 11: Future Land Use*). The configuration of the Village/Mixed Use District is shaped by the existing pattern of development and natural constraints, most notably the harbor. As a reflection of development trends over the last 15 years and to allow adequate room for expansion of the types of uses within the village area, the proposed Village/Mixed Use District extends farther west along Route 189 than the Growth Area designated by the 1992 Comprehensive Plan.

This area is served by both public water and sewerage. It currently accommodates a mix of residential, institution, and commercial uses (including fisheries and working waterfront uses, retail, restaurants, B&B's, banking, et cetera). Any future land use ordinance should include a similar mix of uses. Additional uses that do not currently exist in the Village/Mixed Use District, but that would be compatible include: day care facilities, professional services, and light manufacturing.

Throughout the proposed Village/Mixed Use District, most areas are built up to 5 principal structures (home, business) per acre. The average density is around 3 principal structures per acre. Given the availability of municipal sewer and water and to allow for development at similar density near the existing village, any future land use ordinance should eliminate the requirement for a minimum lot size within the Village/Mixed Use District, allowing property owners to develop at higher densities than are presently allowed (so long as the proposed development adheres to the Maine State Plumbing Code). Within the Waterfront Development District, the Town should consider eliminating the minimum lot size for commercial uses, as allowed under State law.



Detail of a 2004 aerial photograph of Lubec Neck super-imposed with a grid of boxes approximately 1 acre (~40,000 square feet) in size. Note most boxes contain more than one principal structure (home, business). Throughout this portion of Lubec, most areas are built up to approximately one principal structure per 8,000 square feet (or about 5 principal structures per acre).

Any future land use ordinance should also include off-street parking requirements for commercial and multi-family residential development, as well as noise and vibration standards for proposed light manufacturing uses. In order to encourage development and reduce the number of “nonconforming” properties, any future land use ordinance should include provisions for front and side lot line setbacks consistent with the existing pattern.

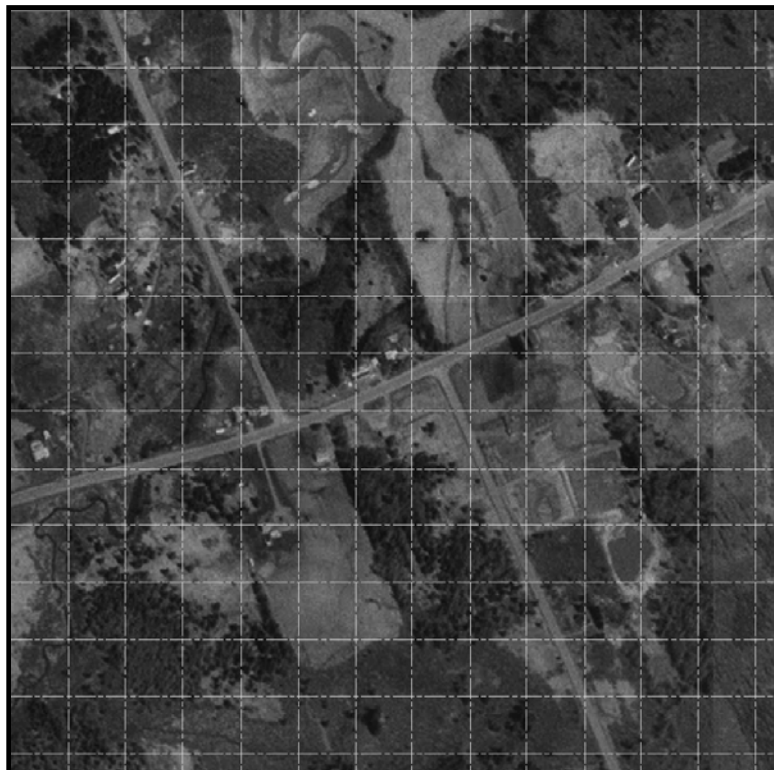
Given the concentration of employment opportunities in the area, development of workforce housing that would be affordable to young families may also be appropriate. Some uses that would not be compatible with the purpose of the Village/Mixed Use District include junkyards, X-rated adult entertainment facilities, and heavy manufacturing. Existing land uses that are not compatible with the purposes of the District will be “grandfathered”, i.e. allowed to continue.

Given the importance to the local economy of maintaining the historic pattern of development along Water Street and the small town character attractive to visitors, any future land use ordinance should also consider design review standards specific to new development or renovation along Water Street. Design standards should be developed in close collaboration with local business owners and should be designed to support all types of business along Water Street, including commercial fisheries and working waterfront businesses. Design standards should support and reinforce a proposed Downtown Business Development TIF (see *Chapter F. Economy*).

West Lubec Village

The purpose of this district is to promote development that is consistent with existing uses in the area of West Lubec. The West Lubec Village District includes the built-up village area known as “West Lubec” near the junction of Route 189 & Route 191 (see *Map 11: Future Land Use*). The configuration of the Village District is shaped by the existing pattern of development and natural constraints, most notably adjacent salt marshes.

A number of relatively small lots exist within West Lubec village and the same pattern will be continued.



Detail of a 2004 aerial photograph of West Lubec super-imposed with a grid of boxes approximately 1 acre (~40,000 square feet) in size. Note few boxes contained more than one principal structure (home, business).

Throughout the West Lubec Village District, the average residential density is greater than 1 acre (~40,000 sq. ft.) per dwelling unit. Any future land use ordinance should specify a minimum lot size of 20,000 square feet (consistent with the current minimum).

The Village currently accommodates a limited variety of uses including single-family residential, institutional (West Lubec Fire Station), and commercial (retail). Any future land use ordinance should include a similar mix of uses. Additional uses that do not currently exist in the Village, but that would be compatible include: professional services, galleries, restaurant(s), and home-based businesses. With appropriate noise and vibration standards, light manufacturing, manufacturing, industrial and mining/extraction uses would also be appropriate. Some uses that would not be compatible with the purpose of the West Lubec Village district include junkyards and X-rated adult entertainment facilities. Existing land uses that are not compatible with the purpose of the District will be grandfathered.

New development in the Village Commercial District should be consistent with West Lubec's existing character. Any future land use ordinance should also include flexible parking requirements and coordinated access provisions for commercial development.

Floating Industrial District

Given the 15-year horizon of the Comprehensive Plan, the Town proposes future delineation and adoption of a commercial industrial district. The town chooses at this time only to specify that up to two future Commercial/Industrial Districts will be located in the areas along Route 189 and west of the Village Mix Use Area (see *Map 11: Future Land Use*). These areas were selected as the most appropriate locations for future Commercial-Industrial District(s) due to the availability of 3-Phase power, road access to Route 189, the availability of public water, limited natural resource constraints and generally favorable soil conditions to support development.

To provide optimum flexibility in its definition and to minimize land speculation, the district is proposed as a "floating" or Future Commercial/Industrial District. Specific delineation of the district's boundaries will be based on the following criteria:

- To ensure continued mobility along the Route 189, the district will be well defined and allow for one access point onto Route 189 or other secondary roads.
- Construction of roads that allow for internal circulation among lots/structures within the District will be required of future site developers.
- Access to and location of the district will be based on participation of municipal officials in Region 2 Transportation policy meetings as well as input to the MDOT 6 year and 20 year plans.
- Delineation of the district should take into account impacts on shorebird feeding habitat along South Bay. Proposed industrial development that has the potential to negatively impact feeding shorebirds should be set back 250' from the shore and/or limited during feeding periods.
- To preserve high quality brook trout habitat in May's Brook and Kelly Brook, proposed industrial activities should maintain a 100' vegetative buffer with existing

- tree coverage maintained to the maximum extent practical. Impervious surface (asphalt) within 250' of the stream should be kept to a minimum. Proposed new crossings of these streams should be designed to maintain fish passage.
- District boundaries and uses will be identified through broad consultation with members of the public, any existing Economic Development Committees of the Town or region, biologists with LURC and Inland Fish and Wildlife (or their successor agencies) and be pursuant to all applicable shoreland zoning laws.

Allowable activities in the proposed Commercial/Industrial District might include warehousing, food processing and other commercial and industrial uses consistent with constraints associated with the specific location chosen for the district. If no coordinated water or septic disposal is provided or proposed among site developer(s) then the ordinance will specify a minimum lot size of 20,000 square feet within this district.

Capital investment needed to support the proposed land uses in this district will likely include the construction of roads and/or extension of utilities. Any future land use ordinance should include specific standards for road construction, and access management within this district. The Town of Lubec will consider supporting capital investment of this nature through the use of Tax Increment Financing or other incentives.

RURAL AREAS

Rural areas consist of those areas in Lubec where new development will be limited to the support of the town's important natural resources including its coastal areas, agricultural land, forested land, wetlands, scenic areas, and critical habitat. In these areas the Town will use regulatory and non-regulatory means to place appropriate limits on incompatible development and uses.

According to State Planning Office land areas designated as rural areas must be consistent with the following provisions:

- (1) Rural areas must include agricultural, forest, open space, and coastal lands important to the local or regional natural resource-based economy, including:
 - (a) working farms, wood lots, and properties enrolled in current-use tax programs related to forestry, farming or open space;
 - (b) large, unfragmented, undeveloped areas of prime agricultural soils;
 - (c) important areas for nature-based tourism and outdoor recreation; and
 - (d) unfragmented habitat.
- (2) The Future Land Use Plan must identify current and proposed mechanisms, both regulatory and non-regulatory, to ensure that the level and type of development in rural areas is compatible with the defined rural character and does not encourage strip development along roads.
- (3) Rural areas may not include land areas where the community actively encourages new residential, institutional, or commercial development.

- (4) Rural areas must be compatible with designations in adjacent communities or provide buffers or transitions to avoid land use conflicts with neighboring communities.

Lubec proposes one Rural District that would reflect existing conditions and preserve the community's rural character. The district proposed as a rural area is described below and illustrated on *Map 11: Future Land Use*.

Rural Residential District (RR)

The purpose of this district is to protect the mix of rural land uses that exist throughout much of Lubec including agricultural, low-density residential and forestry uses while continuing to provide for affordable residential dwellings, support home-based businesses, and provide open spaces for recreation and habitat.

To continue to allow for affordable housing options throughout the Town, the minimum lot size will be 1 acre. In recent years, the typical lot size of new lots created in this portion of town has been much larger (3-10 acres). The presence of a few small lots is important to the adequate provision of affordable housing and this option should be maintained. Existing lots smaller than 1 acre should be grandfathered.

Any future ordinance should ensure limited restrictions on property owner's rights. Notably, land uses of the type typically found in rural portions of Lubec such as agricultural, forestry, mining and extraction, and other traditional uses as well as newer land uses common in rural areas (home-based businesses, and wind energy – subject to noise and vibration standards) should be explicitly allowed by right. Any land use standard for the district should be flexible enough allow for the continued operation and expansion of rural agricultural and fisheries businesses.

CRITICAL RESOURCE AREAS

Critical resource areas consist of those areas in Lubec where there are existing natural and cultural resources that are particularly vulnerable to the impacts of development. In these areas the town will use regulatory and non-regulatory means to place appropriate limits on incompatible development and uses.

According to the State Planning Office, land areas designated as critical resource areas must be consistent with the following provisions:

1. Critical resource areas are those areas in a community most vulnerable to impacts from development.
2. The Future Land Use Plan must identify current and proposed mechanisms, both regulatory and non-regulatory, to ensure that critical resource areas are, to the greatest extent practicable, protected from the impacts of development.

3. Critical resource areas must be compatible with designations in adjacent communities or provide buffers or transitions to avoid land use conflicts with neighboring communities.

Conservation District

The purpose of the conservation district is to protect critical natural resources. The Conservation District includes significant tracts of land held in conservation by private land trusts and public agencies as depicted on *Map 11: Future Land Use*. As outlined in *Chapter D. Natural Resources*, the Town of Lubec feels that the existing framework of regulatory protection and voluntary land conservation provides adequate protection for the critical resources. These existing conserved areas contain a great portion of the most critical habitat located in Lubec as described in *Chapter D. Natural Resources*.

Any future land use ordinance should contain a Conservation District that identified these areas (as depicted on *Map 11: Future Land Use*) and establishes land use standards adequate to conserve the identified resources (e.g. relatively large lot size – such as 5 – 10 acres, limited residential, agricultural and commercial forestry uses).

Shoreland Zone – Resource Protection (RP), Limited Commercial (LC), Stream Protection (SP) & Limited Residential (LR)

As a peninsular community, the critical resources areas in Lubec are largely concentrated along the shoreline. Based on comments received in the Public Opinion Survey, the scenic beauty and natural habitat of these areas of town are very important to the community-at-large. These areas of town are currently governed by Shoreland Zoning (as depicted on *Map 10: Current Land Use* and described in *Chapter D. Natural Resources*).

The town proposes designation of the Shoreland Zoning Resource Protection Zone (RP), Limited Commercial (LC), Stream Protection (SP) & Limited Residential (LR) as Critical Resource areas. The extent of these Districts within the Shoreland Zone is depicted on *Map 11: Future Land Use*. The type and intensity of proposed land uses in this district is anticipated to be in line with the type and intensity of land use that currently occurs in the Shoreland Zone.

RECOMMENDATIONS FOR LAND USE ORDINANCE

The people of Lubec have expressed their support for the town to preserve Lubec's rural character and revitalize the Lubec village. The various growth and rural districts proposed above are consistent with these views. The town should consider development of ordinances to implement the Community Vision. The Comprehensive Planning Committee is guided by the opinions expressed in the public survey but is also aware that Lubec is a small rural town that does not uniformly embrace restrictive regulations. Lubec's Zoning Ordinance, if 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. Land use regulations should not be so restrictive that it would have negative impacts on existing land use practices.

The intent of the proposed ordinance is to promote development, particularly in the Village, by clearly articulating the standards that the community expects of new residential and commercial development. It should also provide "good neighbor" standards through which conflicts can be minimized as are often associated with unrestrained development.

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 its 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 any future land use ordinance should:

- (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.

In line with the Community Vision Statement and in response to the Community Survey, the Planning Board should continue to explore the creation of a building ordinance to require a building permit for construction of any structure larger than 100 square feet.

The Town's Subdivision ordinance should also be amended to include standards for subdivision roads and provisions that private subdivision roads won't be adopted by the town.

LAND USE ORDINANCE PERFORMANCE STANDARDS

In order to protect and preserve natural resources, property values, and 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 land use ordinance(s).

Public Issue or Concern	Performance Standard
<i>Access Requirements</i>	<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>
<i>Agriculture</i>	<i>Minimize soil erosion to avoid sedimentation, non-point source pollution, phosphorus, and nitrogen levels of water bodies.</i>
<i>Buffer Provisions</i>	<i>Minimize the negative impacts of inconsistent development and protect water resources, wetlands, and wells</i>
<i>Home Occupation</i>	<i>Home occupations may be established to minimize their impact on existing neighborhoods.</i>
<i>Industrial Performance Standards</i>	<i>Ensure appropriate industrial development within designated areas of the community.</i>
<i>Off Street Loading</i>	<i>Minimize traffic congestion associated with commercial development.</i>
<i>Oil and Chemical Storage</i>	<i>Regulate the location and containment of combustible material that can migrate to surface and ground waters.</i>
<i>Noise and Vibration Standards</i>	<i>Establish noise and vibration standards for industrial, mining and extraction uses.</i>
<i>Junk Yards & Vehicle Graveyards</i>	<i>Establish distances from public roadways within which junkyards and/or vehicle graveyards will not be allowed; and create standards for visual screening (e.g. fencing, vegetation) from public road ways.</i>
<i>Parking Requirements</i>	<i>Establish and regulate the number of parking spaces to be provided for different types of development.</i>
<i>Road Construction</i>	<i>In conjunction with the State Department of Transportation, regarding road construction in new developments.</i>
<i>Sedimentation and Erosion</i>	<i>Minimize the volume of surface water runoff during and after development.</i>
<i>Storage Materials</i>	<i>Orderly storage of material in residential areas to promote and preserve the character of the neighborhoods</i>
<i>Topsoil and Vegetation Removal</i>	<i>Prevent soil erosion and destruction of topsoil during construction.</i>

ENFORCEMENT AND EDUCATION

The value of an ordinance depends on how well it is enforced. To achieve better enforcement, two issues are important:

- 1) educating residents about the requirements of local and state regulations, and
- 2) providing adequate time for the code enforcement officer to ensure compliance.

The land use ordinance must provide the code enforcement officer with proper legal language and definitions, and management and elected officials also must support the code enforcement department.

The Planning Board, Code Enforcement Officer, Board of Appeals, and Board of Selectmen will review annually the land use ordinances to determine any required changes

and to ensure the ordinances and regulations are consistent with the Plan. In the review, they will determine whether changes in the minimum requirements of state or federal laws would require local amendment of the land use regulations.

In order to educate residents on local land use ordinances, a list of all local ordinances and when they are applicable should be developed and made available to the public at the town office. The town is required to notify and involve all citizens in the development and amendment of local ordinances, which must be voted on at a town meeting.

REGIONAL COORDINATION

Comprehensive planning recognizes the importance of regional cooperation. The land uses in one community can impact another community, particularly when that land use is located near the boundaries of the town. As indicated in the natural resources section of the plan, the town should attempt to develop compatible resource protection standards with nearby communities. Lubec has physical boundaries with Trescott Township. Development in Trescott and other nearby communities has impacted, and will continue to impact, Lubec and our residents.

POLICIES AND IMPLEMENTATION

Based on the concerns of Lubec residents, as expressed through public meetings and town officials, the town of Lubec has developed the following policies and implementation strategies:

Goal: To encourage growth and development in appropriate areas of Lubec while protecting the Town’s character, and making efficient use of public services.			
Policy	Implementation Strategy	Responsibility	Timeframe
In line with Lubec’s Community Vision, continue to encourage growth and development compatible with the community’s rural character.	Using the descriptions in this Chapter, enact and amend local ordinances to clearly define the scale, type and location of future development.	Planning Board	Short-term (2-5 years)
	Permit infill development at similar densities and dimensions compatible with existing development within growth districts.	Planning Board	Ongoing
	Require new growth-related public facilities be located within growth areas.	Selectmen	Immediate (1-2 years)
Protect critical natural resources from the impacts of development.	Periodically review the Town’s Shoreland Zoning Ordinance to ensure that appropriate critical natural resources within the Town’s Shoreland are protected from the impacts of development.	Planning Board	On-going
	Continue to work with landowners to protect critical natural resources through voluntary measures including better management practices and voluntary participation in land conservation.	Selectmen; Planning Board	On-going
Ordinances and Regulation			
Establish efficient permitting procedures, especially in growth areas.	Establish fair and efficient permitting procedures with appropriate fees and define protective measures for critical resource areas.	Planning Board	Immediate (1-2 years)
Review and revise existing land use regulations, consistent with the goals and guidelines of this Comprehensive Plan.	Prepare a municipal ordinance to provide standards for adequate visual screening (fencing, vegetative buffers) of junkyard/vehicle graveyards and appropriate standards for setbacks from public roads	Selectmen; CEO	Immediate (1-2 years)
	Prepare a zoning ordinance for review and approval by municipal vote consistent with the future land use designations in the Comprehensive Plan.	Planning Board	5-10 years
	Periodically update existing ordinances to ensure their consistency with state and federal laws and the local needs.	Planning Board; CEO	On-going
	Track new development in town by type and location and periodically (at least every five years) evaluate implementation of the Comprehensive Plan and land use ordinances to ensure that community goals	Planning Board; Selectmen	On-going

Goal: To encourage growth and development in appropriate areas of Lubec while protecting the Town's character, and making efficient use of public services.			
Policy	Implementation Strategy	Responsibility	Timeframe
	are being met.		
Retain affordable and adequate housing options for young people just starting families, elderly people, and low income people appropriate for their needs.	Ensure town ordinances pertaining to road frontage requirements, minimum lot size and the location of mobile homes does not inhibit construction of affordable housing.	Selectmen	On-going
Support the level of financial commitment necessary to provide needed infrastructure in growth areas.	Include in the Capital Investment Plan anticipated municipal capital investments needed to support proposed land uses.	Selectmen	On-going
Enforcement			
Enforce ordinances fully and fairly.	Ensure ordinances contain proper legal language and definitions.	Planning Board; Selectmen	On-going
	Develop summary of regulations (town, state and federal) required to obtain a building permit, and ensure that town permitting processes are transparent and efficient.	Planning Board	Immediate (1-2 years)
	Provide the code enforcement officer with the tools, training, and support necessary to enforce land use regulations, and ensure that the Code Enforcement Officer is certified in accordance with 30-A MRSA §4451.	Planning Board; Selectmen	On-going
Regional Coordination			
Continue to co-operate with neighboring communities and coordinate Lubec's land use strategies with other local and regional land use planning efforts.	Continue serving in regional groups and organizations including the Sunrise County Economic Council and the Washington County Council of Governments.	Selectmen	On-going
	Meet with neighboring communities to coordinate land use designations and regulatory and non-regulatory (acquisition, et cetera) strategies.	Selectmen	Immediate (1-2 years)