

K. LAND USE

The Purpose of this section is to:

1. Identify and understand the amounts and location of various land uses in Machiasport;
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 increased residential growth in outlying areas over the past twenty years, primarily along the shore. Limited commercial growth has, for the most part, occurred in and near Bucks Harbor.

The Town has made some efforts to place some control on unrestricted development through compliance with the State mandated subdivision law and Shoreland Zoning Ordinance. 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 Machiasport that will encourage development consistent with Machiasport's rural character.

COMMUNITY CHARACTER & EXISTING LAND USE PATTERN

Machiasport's character as a rural community is defined by the community's economic reliance on natural resource-based industries (most notably marine industries), its natural scenic beauty, and a historic pattern of development characterized by the presence of dispersed, rural villages and hamlet connected by a defined transportation artery (Port Road/Route 192) and separated from each other by more 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 community, 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 areas scenic natural beauty remain visible.

Recent development in Machiasport 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 continued occurred within and adjacent to existing village areas over the same time period, in a pattern that basically continues the historic pattern of village

land use in Machiasport – medium lot size (~20,000 to 40,000) dispersed residential development.

Commercial development and institution development, including a new fire station/town office, marine fisheries business, and seafood processing businesses – has been heavily concentrated in village areas (notably Bucks Harbor and Larabee).

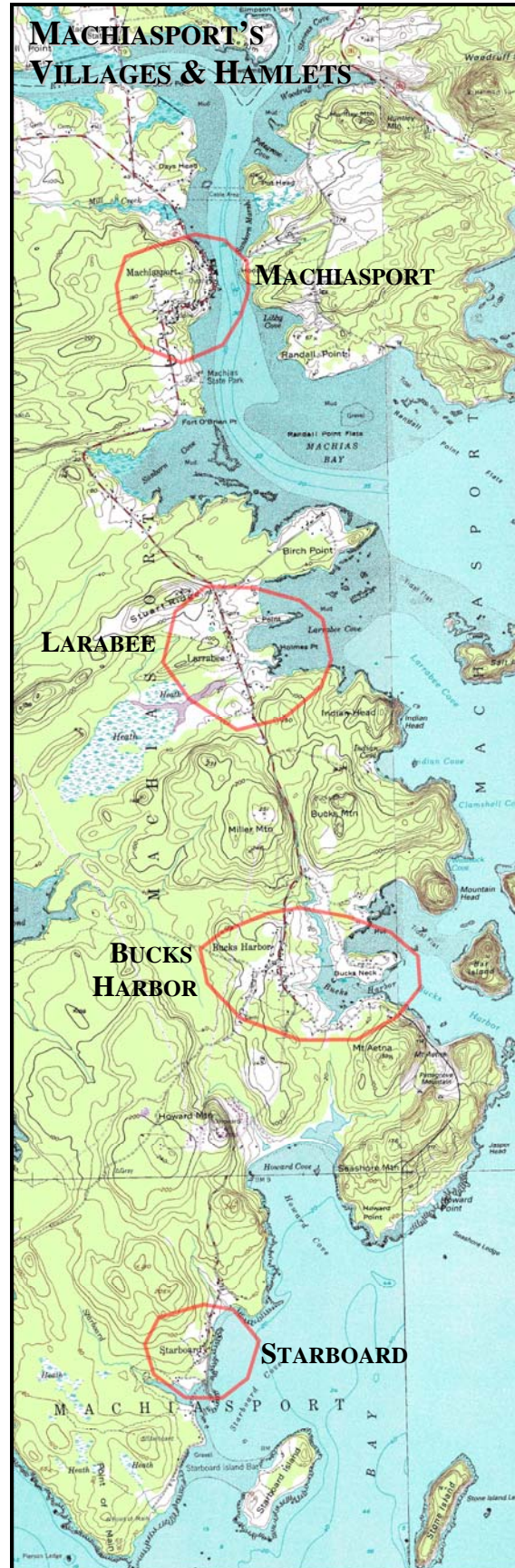
Current land use regulations are largely seen to promote the type of development consistent Machiasport’s community vision statement and rural character.

DEVELOPMENT PRESSURE & FUTURE DEVELOPMENT TRENDS

In 2000, there were 559 homes in Machiasport. The Town experienced relatively modest residential development during the 1990’s 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. It is anticipated that most residential development will occur near the water, outside of traditional village areas. The Town anticipates that 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 has been commercial fisheries or seafood



processing-related development concentrated in the Bucks Harbor/Smalls Point area of town. The Town has identified maintaining the commercial viability of commercial fisheries, aquaculture and seafood processing businesses in Machiasport as a municipal goal. Based on recent trends, the Town anticipates a modest level of new commercial development in and near Bucks Harbor.

Overall, the Town anticipates existing public facilities will be able to accommodate the modest level of residential and commercial development likely to occur over the next 15 years. There is one public school in Machiasport: Fort O'Brien Elementary School, located on Route 92. Enrollment has been declining over the last several years and there is a possibility that the school will not remain open over the 15-year planning period. In the event that significant population growth does occur in Machiasport, there is ample space available for the school to accommodate higher enrollment.

PRESENT LAND USE REGULATIONS

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

Provisions of the building ordinance require a minimum lots size is 40,000 square feet per dwelling unit; grandfathered lots must be at least 10,000 square feet to be considered buildable. There is uniform 50-foot front lot line setback (measured from the centerline of the road) and 15-foot side lot line setbacks. There is a 100-foot minimum road frontage requirement.

Apart from the State required minimums, the Town of Machiasport has a limited set of regulatory measures to affect the nature and pattern of development. Building permits are required and the town has a local subdivision ordinance, a Floodplain Ordinance, and a Shoreland Zoning Ordinance.

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; 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.

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 Machiasport in 1996 found that the overwhelming use of land in Machiasport was for residential purposes. In 1996, residents felt that residential development would be appropriate in all parts of town; and that commercial development and light industrial development should occur in specific areas as designated by the plan. Land use regulation in place in 1996 included a subdivision ordinance (1988), shoreland zoning (1991), and building permits (1995). Residents felt adequately protected by this level of land use regulation.

Based on these findings, the Comprehensive Plan establish as municipal goal: “to encourage orderly growth and development in appropriate areas of Machiasport while protecting the Town’s character, making efficient use of public services and preventing sprawl.”

In order to achieve this goal, the 1996 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 Machiasport Comprehensive Plan, 1996*. A full copy of the previous plan is on file in the Town Office.

Table K-1. LAND USE POLICIES FROM THE 1996 COMP PLAN

Policies	Implementation Strategies	Notes
<p>The Town of Machiasport will periodically update the official Land Use Map which designated areas suitable for future growth and development and areas where the rural character of the community will be protected and enhances.</p>	<p>Machiasport, Maine will have a Land Use Map and update it with any changes which may be appropriate. The current shoreland zoning map approved at Town Meeting in 1991 in conjunction with the Shoreland Zoning Ordinance shall serve as the land use map. This map will designate the Town as completely rural with the exception of the shoreland zones. Allowable activities in these rural areas are to include home occupations and natural resource based activities (fishing and related activities).</p>	<p><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></p>
<p>The Town of Machiasport will adopt and enforce land use regulations which direct future growth and development in areas identified as suitable and appropriate for such growth.</p>	<p>The Town of Machiasport will consolidate its Subdivision Ordinance, Mobile Home and Trailer Park Ordinance, Shoreland Ordinance and Building Permit Ordinance to create a Land Use Ordinance. This consolidation of present ordinances will also address other issues of land use that may be appropriate including: erosion control and storm water management.</p>	<p><i>This has been partially implemented. Mobile Home and Trailer Park provisions are included in the Building Ordinance. The Town is in the process of updating its building ordinance.</i></p>

Policies and implementation strategies related to land use in Machiasport are presented at the end of this Chapter. They included 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 Machiasport. In general, current regulations and land use practices in Machiasport effectively protect critical natural resources, encourage affordable housing and preserve the rural character of Machiasport. 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 Machiasport’s community vision.

There are areas within Machiasport 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 30 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.

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 but control 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 Machiasport in the regional economy.
- Existing infrastructure including water, electrical power, 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

In January 2009, the Comprehensive Plan Committee held a visioning session to develop a Community Vision (see *Appendix E*). The vision identifies Machiasport as a rural community with strong ties to the water. The vision the villages within Machiasport, describing the land uses that currently existing in each area and the types of future land uses that would be compatible with the community's vision.

This plan designates land use districts and makes recommendation for land use controls that will allow Machiasport to implement the Town's vision. 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, Historic Village, and Civic/Institutional), two rural areas (Rural Residential and Rural Low Density). The Town also proposed designate of the Resource Protection Zone within the Shoreland Zone 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 Machiasport. 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 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.

Machiasport 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 Bucks Harbor area of Machiasport continues to function as a fishing village and to promote development of residential, commercial and light industrial uses consistent with the existing land uses in area.

The Village/Mixed Use District includes the area around Bucks Harbor along a portion of Route 92, Ridge Road, Pettegrow Road and Smalls Point Road (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 the harbor).

This area currently accommodates a mixture of residential, commercial fisheries and working waterfront uses. 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 (Bucks Harbor), but that would be compatible include: day care facilities, professional services, churches, small-scale retail, restaurants, and tourism-related businesses (such as artist's galleries, bed-and-breakfasts).

Throughout Bucks Harbor, the average residential density is approximately 3 acres (~130,000 sq. ft.) per dwelling unit, with smaller areas that are developed at approximately 1 ½ acres (~65,000 sq. ft.) per dwelling unit. Any future land use ordinance should specify a minimum lot size of 40,000 (consistent with the existing standard). Existing lots smaller than 40,000 square will continue to be regulated under the Town's current "grandfathering" provisions. Within the Commercial Fisheries district adjacent to Buck Harbor, the Town should consider eliminating the minimum lot size for commercial uses, as allowed under State law.

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 bars/bottle clubs, junkyards, X-rated adult entertainment facilities, and heavy manufacturing. Existing land uses that are not compatible with the purpose of the District will be grandfathered.

Historic Village (HV)

The purpose of this district is to promote development that is consistent with the historic character of Machiasport as described in the Community Vision Statement. The Village/Light Commercial District includes the historic village area along Route 92 (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 the Machias River and adjacent salt marsh).

Many small lots exist within the village and the same pattern will be continued. Throughout the Historic Village District, the average residential density is approximately 1 acre (~40,000 sq. ft.) per dwelling unit, with smaller areas that are developed at approximately ½ acre (~20,000 sq. ft.) per dwelling unit. Any future land use ordinance should specify a minimum lot size of 20,000 within the Historic Village district.

The Village currently accommodates a limited variety of uses including single-family residential, bed and breakfast(s), civic (e.g. Machiasport Congregational Church, Liberty Hall, Historic Society). 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, small-scale retail (such as a general store), galleries, restaurant(s), a marina, and home-based businesses. Some uses that would not be compatible with the purpose of the Village/Commercial district include junkyards, X-rated adult entertainment facilities, and manufacturing. 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 the Village's historic character. In order to encourage development and reduce the number of "nonconforming" properties, any future land use ordinance should include provision for front and side lot line setbacks consistent with the existing pattern. Any future land use ordinance should also include flexible parking requirements and coordinated access provisions for commercial development. These may include provision for new development to make use of shared parking or parking-in-rear, and other standards.

In addition to land use regulation, public investment will also be an important component of success in promoting revitalizing within the Village/Light Commercial District. On-going municipal investment in Liberty Hall and potential investment in a marina should be coupled with planning for – and appropriate investment in – adequate parking (see the Capital Investment Plan, in *Chapter J. Fiscal Capacity*).

Civic/Institutional District (CI)

The purpose of this district is to support the existing concentration of municipal services in support of town government and community gathering. It includes the existing municipal office, fire department, post office and surrounding area (see *Map 11: Future Land Use*). The area surrounding this district is low density residential. The area contained within the Educational/Institutional District is accordingly small and not intended to support a great deal of additional residential or commercial growth.

The town will use a minimum lot size of 40,000 square feet for public, commercial, residential development. The configuration of the Village District is shaped by the existing pattern of development. Permitted uses within each district will include public facilities, healthcare, retail and residential uses.

To promote the development of a "Village Center" and avoid strip development along Route 92, commercial and public facilities in the district should be required to have their primary access from Unity Square or other town roads that may be developed in the district. Access management provisions should include standards for shared parking or

parking-in-rear. Capital investment will be need to support the proposed land uses in this district over the planning period include expansion of the fire station, development of a town recreational facility (see the Capital Investment Plan, in *Chapter J. Fiscal Capacity*).

Future Conditional Redevelopment Zone (CRZ)

Current conditions – most notably including a lack of clean drinking water – inhibit redevelopment of former base housing at Howard Mountain. The town should work with interested parties to redevelop existing and former facilities at Howard Mountain. To that end the Town proposes future delineation and adoption of a Condition Redevelopment Zone that would allow for redevelopment in line with Machiasport Community Vision. The geographic extent of the CRZ will be determined based on the extent of the redevelopment proposal, but should not extend beyond areas that are currently or were formerly developed.

Allowable activities in such a district would be defined based on the constraints identified with district location but might include: housing, subsidized housing, open space/parks, warehousing, food processing and other commercial and industrial uses, or other uses in line with Machiasport’s Community Vision.

In addition to other land use standards that may apply, the designation of the CRZ should be based on the following conditions:

- The ultimate development density (and measure by floor area ratio (FAR) should be in line with or less than the existing level of development.
- Provision of safe drinking water at an adequate level associated with the proposed type and extent of redevelopment. This may include participation in a water district, if that be determined to be a suitable remedy for existing water contamination issues in the area.
- Developer will be responsible for roadway improvements needed to provide access to the site.
- The massing of structures in any proposed redevelopment should be consistent with existing development elsewhere in the community.

RURAL AREAS

Rural Areas consist of those areas in Machiasport where new development will be limited to support 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.

Machiasport proposes two Rural Districts that reflect existing conditions and would enable preserve the community's rural character. The districts proposed as rural areas are 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 through much of Machiasport 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 through Town, the minimum lot size will be 40,000 square feet. In recent years, the typical lot size of new lots created in this portion of town has been much larger (3-10 acres). It is anticipated that this will continue to be the case.

Existing set back requirements will be maintained in this district. The ordinance will ensure that agricultural, forestry and other traditional uses can continue and will be guided by existing conditions. Commercial agricultural, fishing and forestry operations will be permitted, as well as home-based businesses. Any future land use ordinance will develop performance standards for compatibility among residential and business uses. Any land use standard for the district should be flexible enough allow for the continued operation and expansion of rural agricultural and fisheries businesses.

Rural Low-Density District (RLD)

The purpose of this district is to protect rural land uses including agricultural, forestry and low-density residential development; and to provide open spaces for recreation and habitat.

To continue to ensure that existing rural land uses have adequate space to continue operations and to provide appropriate buffers between more developed portions of town and critical resource areas (notably Larabee Heath), any future land use ordinance should specify a minimum lot size of 5 acres in the rural low-density district.

Existing set back requirements will be maintained in this district. The ordinance will ensure that agricultural, forestry and other traditional uses can continue and will be guided by existing conditions. Commercial agricultural, fishing and forestry operations will be permitted.

CRITICAL RESOURCE AREAS

Critical Resource Areas consists of those areas in Machiasport 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.

Shoreland Zone – Resource Protection (RP) & Limited Residential (LR)

As a peninsular community, the critical resources areas in Machiasport are largely concentrated along the shoreline. Based on comments received in Public Opinion Survey, the scenic beauty and natural habitat that these areas of town represent are also felt to be very important by the community at large. These areas of town are currently governed by Shoreland Zoning (as depict on *Map 10: Current Land Use* and described in *Chapter D. Natural Resources*). In addition, land conservation efforts protect significant habitat on Larrabee Heath and many coastal islands in Machiasport.

The town proposes designation of the Shoreland Zoning Resource Protection Zone as Critical Resource areas. The extent of the Resource Protection Zone is depicted on *Map 11: Future Land Use*). As outlined in *Chapter D. Natural Resources*, the Town of Machiasport feels that the existing framework of regulatory protection and voluntary land conservation provides adequate protection for the critical resources. 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 Machiasport have expressed their support for the town to preserve Machiasport's rural character and revitalize the Machiasport village through adoption of standard to regulate junkyards, development of a zoning ordinance, and creation of a fund for the purchase of additional lands for public access. Among these measures, the adoption of standards regulating junkyards received the most enthusiastic support.

Specific questions in the survey asked if a zoning ordinance should disallow development in areas of particular scenic significance (most agreed), and if it should attempt to attract business to Machiasport (most agreed).

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 Machiasport is a small rural town that does not uniformly embrace restrictive regulations. Machiasport'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. Therefore land use regulation should not be so restrictive that they 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 we can minimize conflict that is 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 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

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 land use ordinance(s).

<i>Public Issue or Concern</i>	<i>Performance Standard</i>
<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, and 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>Manufactured housing</i>	<i>Ensure the safety, health and welfare of mobile home occupants and mobile home owners regardless of the date manufactured</i>
<i>Mobile Home Park</i>	<i>Placement and design of mobile home parks within the designated growth areas in the town.</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>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>Soils</i>	<i>Ensure development is located on appropriate soils.</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 appeal, 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. Machiasport has physical boundaries with the neighboring municipalities of Machias, East Machias and Whiting. Development in these communities and other nearby communities has impacted, and will continue to impact, Machiasport and our residents. To date, none of these neighboring communities have adopted town wide zoning.

POLICIES AND IMPLEMENTATION

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

Goal: To encourage orderly growth and development in appropriate areas of Machiasport while protecting the Town's character, making efficient use of public services and preventing development of sprawl.			
Policy	Implementation Strategy	Responsibility	Timeframe
In line with Machiasport'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 land owner to protect critical natural resource 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 resources areas.	Planning Board	Immediate (1-2 years)
Review and revise existing 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 fro 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 ordinances to ensure that community goals are being met.	Planning Board; Selectmen	On-going

Goal: To encourage orderly growth and development in appropriate areas of Machiasport while protecting the Town's character, making efficient use of public services and preventing development of sprawl.			
Policy	Implementation Strategy	Responsibility	Timeframe
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 inter alia do not inhibit construction of affordable housing.	Selectmen	On-going
To 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) to meet in order 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 neighboring communities and coordinate Machiasport's; and 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)