

## **K. LAND USE**

### **Introduction**

Pembroke and Perry are predominantly rural communities. Pembroke is 35.9 square miles or 24,658 acres, and Perry is 35.4 square miles or 24,285 acres, over 81% of which is forestland in both towns. The St. Croix River, Cobscook Bay and the Pennamaquan River were the original routes of transportation and commerce. The current primary artery, US Route 1, traverses each town following the general arc of the coast.

While a predominantly rural community, the predominant land use in both towns is residential. Upland areas in both communities are a matrix of forestlands and farmland. Non-residential uses include numerous small one person home occupations to larger commercial establishments. Commercial development and civic services are predominantly concentrated in one area in Pembroke but small businesses are also dispersed along Route 1. The Perry Village area also has a concentration of commercial and civic services and many other small businesses dispersed along Route 1. There are numerous home based businesses throughout both towns. Other land use activities include tipping and wreath making, cranberry culture, aquaculture, artisans, tree farming, and small manufacturing. Industry is primarily construction, marine repair facilities and aquaculture-service.

Woods, wetlands, streams and miles of magnificent coast dominate the landscape, providing excellent opportunity for residential, recreational, commercial and industrial development. Pembroke has 47 miles of shoreline along Cobscook Bay which is a significant marine ecosystem. The majority of Pembroke's 29.4 square miles is fields and forests. Together these provide wildlife habitat, beautiful vistas, and natural areas. There are also many historic buildings and sites including Acadian and prehistoric sites.

### **PAST DEVELOPMENT TRENDS**

One hundred years ago, 23 Pembroke farmers advertised in the County Atlas. Agriculture was also significant in Perry with 4 large farms as recently as 30 years ago. There is little large scale farming in Pembroke or Perry today. Lumber exports, fishing, especially sardine packing, and ship-building industries were significant economic drivers in the past of both towns. The clam industry was once the backbone of the area's economy together with alewife, eel, and smelt harvesting. The earliest settlements were concentrated along the coast reflecting this early land use activity. A village in present day Pembroke on the Pennamaquan River was developed with shipyards and an iron foundry. The R.H. Foster Company has a small oil tank farm on Hersey Neck. The tanks were once filled from barges docked to the pier and pumped to the shore, but now are filled from tank trucks.

When the transportation of goods switched from sailing vessels and ship transport to surface trains and trucks, eastern Washington County was left off the beaten path. The loss of ocean commerce resulted in a decrease in the town's population but the remaining residents continued to make their livelihood from farming, fishing and wood products. Both towns reached their peak in development and population in the 19<sup>th</sup> century. Pembroke in particular was substantially

larger with a population over 2500 in 1870. Population steadily declined from that peak until the mid-1990s when it started to increase. Population in 2000 was 879 in Pembroke and 847 in Perry.

Today maritime employment, most commonly in lobstering and clamming, and the draw of waterfront property also contribute to development of coastal areas.

### **EXISTING LAND USE PATTERN**

The predominant land use in both towns is residential. There are 539 housing units in Pembroke and 529 in Perry. During the 1990s, both towns recorded similar increases in the number of housing units - Pembroke grew by 22 percent and Perry grew by almost 26 percent. In Pembroke there have been three major subdivisions in the past 15 years creating approximately 25 lots. Over the same time period in Perry there have been about 7 major subdivisions with the creation of more than 50 new lots. In neighboring Pleasant Point, since 2000, two large developments have been constructed on the east side of Route 190 creating approximately 70 units of single and multi-family housing.

There is a concentration of homes and small businesses in Perry where Route One crosses the Little River and on both sides of Route 1 along the Pennamaquan River in Pembroke. Both of these areas were the traditional village centers and still have a village appearance. Another concentration of existing development in Perry is around Boyden Lake, a popular site for camps and second homes.

The coastline of both towns has attracted considerable development in recent years. Each has many large shorefront lots. Much additional development is possible occur in either shorefront lots or on properties with outstanding water views. There is limited subdivision activity away from the water.

The high and increasing cost of shorefront property is increasingly affordable only to wealthy and often second home owners. These increasing costs tend to drive year-round residents to seek home sites in the interior. This trend of decreasing affordability on waterfront is likely to continue into the future.

Much of Pembroke and Perry is forested. In 2007 Pembroke had 34 parcels totaling 3278 acres in tree growth tax status, a commercial use of forest land. In the same year, Perry had 31 parcels totaling 3,981 acres in tree growth tax status. There are fewer parcels in the farm and open space program, a reflection of the significantly smaller amount of farmland. In 2007 Pembroke had 1 parcel of 194 acres in farmland and open space tax status. In the same year Perry had 2 parcels totaling 31 acres in farmland and open space tax status.

In Pembroke there are a total of 917 acres owned for public purposes. In Perry there are a total of 34 acres owned for public purposes.

Non-residential uses include numerous small one person home occupations to larger commercial establishments. Commercial development and civic services are predominantly concentrated in

one area in Pembroke but small businesses are also dispersed along Route 1. The Perry Village area also has a concentration of commercial and civic services and many other small businesses dispersed along Route 1. There are numerous home based businesses throughout both towns. Other land use activities include tipping and wreath making, cranberry culture, aquaculture, artisans, tree farming, and small manufacturing. Industry is primarily construction, marine activities and repair facilities, and aquaculture-service.

The number of commercial properties is relatively limited and includes restaurants, stores, and tourist related businesses. These properties are generally small in scale and most have no more than a few thousand square feet of floor space. Other developed land uses account for a fractional portion of the total. These other uses consist of public and semi-public buildings such as schools, municipal building, and churches.

The existing land use patterns in each town are summarized in the descriptions of Land Cover shown in Tables K-1 and K-2 and are illustrated on several Maps in this document including Map 2 depicting Public Facilities; Map 7, Land Cover (from which the data in Tables K-1 and K-2 are derived); and Map 10, Existing Land Use, located at the end of this section. The source data for Map 7 is recent satellite imagery but is often not accurate with respect to open land and development. The Comprehensive Plan Committee reviewed it and the following summarizes those land cover types that are under and over represented:

In Pembroke:

- The area classified as Cultivated land on Hersey Cove is in fact Forest- Light Cut with some grass land near the boat land
- The black open land in Pembroke depicts gravel pits and only shows about half of them
- There are also large areas of wild blueberry land in Pembroke in the upper reaches of Meadow Brook (near the “Pem” in Pembroke the town label)

In Perry:

- At Gleason Point the area depicted as cultivated land is in park land
- Cultivated land in Perry is overstated by approximately 60%; it is mostly grass and pasture particularly in the following areas:
  - between the Golding Road and the South Meadow Road,
  - along the Shore Road, and
  - at the junction of Gin Cove and Shore Road
- The cultivated land half way down on the Old Eastport Road is actually blueberry land
- The developed land on the east side of Route 190 south of Route 1 should be roughly three to four times as large as what is depicted; it extends all the way to Gleason Cove and loops back to Route 190 and another large developed area exists north of the village area of Pleasant Point
- Developed land on East Bay is somewhat overstated

Map 7 should therefore be used as a general depiction of forestland and wetlands with the above qualifications in mind. Thus the percentage of developed land in particular in Table K-2 is probably less than 1% and the percentage of cultivated, or blueberry, land is probably closer to 5%. Assessment records indicate that land enrolled in tree growth makes up approximately 20% of the town.

**Table K1 – EXISTING LAND COVER - PEMBROKE**

Land Cover	Acreage	Square Miles	Percentage
Cultivated Land	57	0.1	0.2%
Developed Land	2,223	3.3	9.1%
Forest	20,149	29.4	81.7%
Grass/Pasture	202	0.3	0.8%
Open Land	55	0.1	0.2%
Swamps/Wetlands/Open Water	1,962	2.9	8.0%
<b>Total</b>	<b>24,658</b>	<b>35.9</b>	<b>100%</b>

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

**Table K2 – EXISTING LAND COVER - PERRY**

Land Cover	Acreage	Square Miles	Percentage
Cultivated Land	218	0.3	0.9%
Developed Land	1,440	2.1	5.9%
Forest	19,667	28.7	81.0%
Grass/Pasture	982	1.4	4.0%
Open Land	7	0.0	0.0%
Swamps/Wetlands/Open Water	1,971	2.9	8.1%
<b>Total</b>	<b>24,285</b>	<b>35.4</b>	<b>100%</b>

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

## DEVELOPMENT POTENTIAL

Pembroke has experienced minor residential growth and subdivision activity along Leighton Point Road, Garnet Head Road and Hardy Point Road. Commercial activity along Route 1 has declined in the past five years with the loss of two businesses. However other properties have expanded their businesses and one has converted a residence to a business use.

Perry has seen residential growth throughout the town. Subdivisions along the coast with sea views have been approved on Cannon Hill, Gin Cove, Leach Point, and Lincoln Cove. As in Pembroke some commercial activities in Perry have expanded (Quoddy Trail Moccasin Company). In Perry some small businesses have declined, and other home-based and natural resource-based businesses have grown in number and level of activity.

There is currently no commercial development pressure in either town. Respondents to the survey indicated that they would like more retail choices. Home based businesses were especially supported as well as opportunities for some retail and professional business uses.

Other developed land uses account for a fractional portion of the total. Perry voters have demonstrated support for industrial development by approving the siting of an airplane parts manufacturing facility on annexed land, and approving a financial framework agreement negotiated by the Selectmen related to a proposal to develop an LNG storage facility in Perry.

There are no large scale (greater than 20 lots) subdivisions proposed in Pembroke. In fact only two subdivisions have been approved within the last five years. Lots in three subdivisions created (greater than 5 lots, up to 20 lots) in the last 10 - 30 years are created but not yet fully sold or developed.

There is one 5-10 lot subdivision proposed in Perry. In keeping with the recent decline in the national and state housing market, there is very little recent construction on newly created lots. There is substantial acreage on several parcels of land owned by the Pleasant Point Passamaquoddy Tribal Community within the town of Perry. They provided notice to the town in the last three years of their interest in subdividing this land.

In Pembroke in the last 15 years one development was approved to provide elderly/subsidized housing.

There is one school in each town and overall enrollment is relatively stable.

### **ANTICIPATED FUTURE DEVELOPMENT TRENDS**

As mentioned above, a very small portion of both towns is newly developed. Neither town is likely to face a shortage of land at any time in the foreseeable future. Both towns also have large areas of poorly drained soils. The soils map (Map 5) indicates that these features cover about 60 to 70 percent of the town. These soils often necessitate large lots in subdivisions to accommodate septic disposal as well as careful road layout and design to create roads that can drain and be maintained.

Both towns are very rural and, without significant new commercial or industrial development, are likely to remain so for the foreseeable future. There is ample room for the towns to grow while still retaining their rural character. With commercial/industrial siting standards and creative subdivision lot layouts, new development can occur without major disruptions to the towns. Specifics of how this is possible will be discussed in the Proposed Land Use Plan.

As noted above the number of housing units in Pembroke increased by 22 percent and in Perry by almost 26 percent between 1990 and 2000. This is a rate that is double the population increase in Perry and more than four times the increase in population in Pembroke. Both are higher than the rate of increase for Washington County (11%) and reflect approximately 100 new housing units or roughly 10 units per year over the 1990-2000 period. Building permit data from 2000-2005 (see Table F-14) indicate this trend has remained constant in Pembroke but increased substantially in Perry since the 2000 census. However, in some cases mobile homes are replaced by stick-built houses on the same parcel and in others a building permit may be issued and the house may not be constructed. Thus the amount of new housing may be somewhat less than the amount indicated in Table F-14.

The 2000 Census recorded 89 units of housing used for seasonal purposes in Pembroke and 132 in Perry. Housing for seasonal purposes constitutes 16.5 percent of the housing stock in Pembroke and 25.4 percent of housing stock in Perry. This represents a 15.6 percent increase

between 1990 and 2000 in Pembroke and an 11.9 percent increase in Perry, lower than in Washington County as a whole which saw a 32.8% increase in seasonal units. As in many parts of Maine and Washington County seasonal housing has shifted from camps to vacation properties with the ability for year round occupancy. Much of the recent increases in residential building activity are for homes in the shorefront areas.

Recent increases in building permit issuance (see Table F-14) indicate that more single-unit housing is expected as seasonal units are converted to year round use, especially on shorefront properties in both towns, and as more people commute to employment opportunities in the region.

There are two tidal energy projects under consideration (research phase) in regional waters. Each could move to the development stage at any time in the next several years. Landing and staging facilities could be located in the town of Perry.

A large LNG storage facility was proposed in recent years on the Old Eastport Road but it appears to be on hold at the present time. Two other LNG proposals are going through the regulatory processes in Robbinston and Calais to the north which would bring employment and tax base to the region.

## **PRESENT LAND USE REGULATIONS**

Apart from the State required minimums, both towns have a limited set of regulatory measures to affect the nature and pattern of development.

Pembroke and Perry each adopted a Floodplain Management Ordinance in May of 1999 and in June of 1997, respectively. Perry has a local development ordinance that will be reviewed upon completion of this Comprehensive Plan update. Both towns use the state mandated minimum Subdivision Regulations. Building permits are required.

Several existing land use regulations that municipal boards and officials must follow are listed below. Regulations change over time and it is the responsibility of municipal officers to keep up with these changes.

MDOT Access Management (17-229 Maine Administrative Rules Chapter 299, Part A and B) - The Act specifically directs the MDOT and authorized municipalities to promulgate rules to assure safety and proper drainage on all state and state aid highways with a focus on maintaining posted speeds on arterial highways outside urban compact areas. The law also requires that the rules include standards for avoidance, minimization, and mitigation of safety hazards along the portions of rural arterials where the 1999 statewide average for driveway related crash rates is exceeded. Those rural arterials are referred to in the rules as "Retrograde Arterials". There are no such retrograde arterials in all of Washington County.

Shoreland Zoning Ordinance (Maine *Land Use Laws*, 1992) - Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal or freshwater wetland, or within 75 feet of the

high-water line of a stream. Pembroke and Perry last revised their shoreland zoning ordinances in 1995 and they contain the following districts:

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

Both communities are working on updates to their Shoreland Zoning ordinances to be compliant with the new guidelines adopted by the state in 2006 that require local adoption in 2009.

Each community also uses the following state ordinances/regulations:

Maine State Plumbing Code - Installation of septic systems must be in accordance with the Maine State Law and the Subsurface Wastewater Disposal Rules and Regulations. The plumbing code is enforced by the Local Plumbing Inspector.

NFPA 101 – National Fire Protection Association regulations pertaining to Life Safety, Ingress, Egress and capacity provisions in public buildings are enforced at the time of construction by the architect/designer and on-going access is enforced by the Fire Warden/Fire Chief.

## **AREAS REQUIRING SPECIAL CONSIDERATION FOR DEVELOPMENT**

There are areas within Pembroke and Perry 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 locate 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.

Slope - Areas that have a slope greater than 15 percent that preclude extensive development

because of problems with erosion, runoff, and construction limitations such as allowable road grades, suitability for septic sewage disposal, and stability of foundation. Also, the Maine Plumbing Code does not permit septic systems on a slope greater than 25 percent.

### **PROPOSED LAND USE DISTRICTS**

Growth management legislation requires the designation of growth and rural areas in comprehensive plans. The designation of growth areas is intended to encourage development to areas most suitable for growth and away from areas where growth would have a negative impact on rural resources. Growth management principles recommend that growth areas be located close to municipal services to minimize the cost to the municipality of delivering these services. The designation of rural areas is intended to protect agricultural, forest, wildlife habitat, scenic areas, and other open space areas from incompatible development.

#### **Growth Areas**

The purpose of the land use plan and map is to identify appropriate locations to accommodate anticipated growth and future development. The proposed land use plan 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.

Pembroke and Perry propose several Growth districts to reflect existing conditions and enable commercial development to continue to concentrate in the village area and on appropriate sites near transportation and other services; to allow agriculture to continue in any area; and to allow home based businesses throughout the town. The districts proposed as growth areas are described below for both Pembroke and Perry and illustrated on the Proposed Land Use Map at the end of this section.

The 1996 Pembroke Comprehensive Plan stated that use of land should be controlled so Pembroke retains its character. This will require a trade off between "no one can tell me what I can do with my land" and "I want to keep the Town the way it is. The Town won't stay the way it is without controls to assure new development is compatible with what is here now.

The 1994 Perry Comprehensive Plan included the following Future Development Scheme for Perry:

This development scheme assumes that the town is likely to remain a rural-coastal town with some limited commercial development. There will continue to be some relatively expensive second home development along the coast. Responsible economic growth will be encouraged to increase the town's tax base and employment opportunities.

The plan recognizes the different needs and opportunities facing various parts of town. For example, the areas adjacent to Route One and sections of the waterfront have a greater potential for development than some more remote parts of town. While some areas of town would be intended primarily for residential uses, home businesses would be

permitted in all parts of town. All existing uses would be grandfathered.

Pembroke and Perry propose two types of Growth districts in several areas 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 the Proposed Land Use Map at the end of this section.

### **Village/Mixed Use District**

The existing villages (Pembroke, Perry and North Perry) would remain largely as they are today; a mixture of single family homes and small commercial establishments. The purpose of Village/Mixed Use District is to retain the unique character of these centers of each community and to allow for growth in the future near existing services. Since easy access to stores and the post office is important to senior citizens, either village area would be a good place for a senior citizens housing development or a mobile home park. It is recommended that the present minimum lot size of 30,000 square feet (~2/3 acre) be retained for these areas.

A mixture of land uses and development activity currently exists including residential, public services, commercial, and home based businesses. Revisions to the land use ordinance will specify the types and sizes of commercial uses allowed. The schedule of uses will be consistent with existing development. Performance standards will be developed within the land use ordinance to include access requirements, parking, landscaping, signage, as well as design criteria to ensure attractive development. Coordinated access among commercial site plans and secondary service roads will be encouraged.

### **Future/Potential Commercial-Industrial District (CI)**

The Route One Corridor traverses the entire rural area of both towns and is in demand for most highway commercial development. There are also many residential uses along the corridor and it is a significant artery for the movement of commuters and freight. This assumption of commercial development viability holds true for any road that would intersect with a rail line. Therefore the former Ayers Junction – Eastport railroad right of way is depicted on maps 10 and 11. The land use ordinance would include standards requiring commercial establishments to address access management requirements for safety and minimizing the number of access points. Standards would also include vegetative buffers between uses, reasonable setbacks, and landscaping. Standards would also be developed for signs and parking.

Given the 10-year horizon of the Comprehensive Plan, each town proposes delineation and adoption of commercial industrial areas. Six Commercial Industrial Districts (three in Pembroke and three in Perry) areas are identified on Map 11 – Proposed Land Use. Should a zoning ordinance be passed by the voters in either town all three Commercial Industrial Districts in Perry and only two Commercial Industrial Districts in Pembroke will be designated based on market demand and ultimate use. Once two in Pembroke are actually used for these purposes the remaining potential Commercial Industrial districts will revert to the Rural Residential/Home Based Business District or others to be defined in the future.

Specific delineation of the boundaries of the Commercial Industrial Districts will be based on the

following criteria:

- The district will be well defined and allow for one access point onto Route 1 or other primary thoroughfare to ensure continued mobility of this corridor. Internal circulation will be required among future site developers.
- Implementation of the district will be closely tied to regional transportation enhancements that influence transport of goods into and out of the Port of Eastport.
- Access to and location of the district will be based on participation of municipal officials in Region 4 Transportation policy meetings as well as input to the MDOT 6 year and 20 year plans.
- 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.
- Coordination with any re-establishment of rail service between Calais and the Port of Eastport.
- Coordination with any proposed/potential natural gas pipeline or electric transmission corridors.
- Coordination with any existing or proposed shipping routes.

Allowable activities in such a district would be defined based on the constraints identified with the chosen district's location but might include warehousing, food processing and other commercial and industrial uses. If no coordinated water or septic disposal is provided or proposed among site developers then a minimum lot size of 40,000 square feet will be established within this district.

### **Rural Areas**

The Rural Areas consists of those areas in Pembroke and Perry where limited new development will take place and where existing resources will be protected including agricultural land, forested land, wetlands, scenic areas, and critical habitat - land uses generally incompatible with development. The rural district has varying recommended lot sizes to protect resources within them but both towns will also limit intensive development in the sensitive portions of the rural districts through its public investment decisions such as where winter plowing will occur, where roads will be extended, and where public facilities (fire house, community building, etc.) will be located. The land use districts proposed in the rural areas are described below and shown on the Proposed Land Use Map at the end of this section.

### **Rural Residential/Home Based Business District (RR/HBB)**

The purpose of this district is to support an existing pattern of residential development and residential home based businesses that occur throughout the town. A mixture of land uses and development activity currently exists including agricultural, forestry, residential, and small home based businesses as well as extractive activities, interpretive trails, nature areas and high yielding aquifers. There are some small lots (~20,000 square feet), others that are larger (1-5 acres), and considerably larger acreages. Frontage varies considerably as well from 150 feet to several thousand feet. With limited soil suitability for septic disposal the minimum lot size should be

40,000 – 60,000 square feet. Revisions to the land use ordinance will specify the types and sizes of commercial uses allowed and will be guided by existing conditions that include limited home based businesses on some lots. These include limited traffic generation and standards in keeping with a predominantly residential neighborhood pattern (on-site parking, screening, signage, noise, lighting, secondary to the primary residential use).

Summary

a. Measures to Discourage Strip Development

The plan discourages strip development in several ways. First, commercial uses are limited in area. Second, all commercial and multifamily development would be subject to site plan review. This would allow these uses to be reviewed in a manner similar to how residential development is reviewed under the town’s subdivision standards. Third, a land use ordinance, if approved by voters at a town meeting, would establish a number of standards such as front line setbacks, screening, access control onto arterial roads.

b. Measures to Promote Efficiency in Public Services

Efficiency is promoted by concentrating those land uses (commercial and multifamily) near existing public services. Any future ordinances would require detailed guidelines for the use of cluster option for residential developments.

c. Measures to Protect the Character of Rural Areas

A number of steps may be taken to discourage excessive development in rural areas. First, the use of the cluster option for single family home developments greater than ten units would be encouraged by requiring applicants to submit two preliminary proposals which showed how the parcel could be developed as a conventional subdivision and as a cluster. This would give the planning board a good basis to negotiate with the developer on the use of the cluster option.

The cluster standards would encourage the siting of dedicated open space immediately adjacent to the existing road. This would further enhance the rural appearance of such developments. Land slopes, bedrock outcrops, and very poorly drained soils would not be counted towards the minimum lot size requirement in subdivisions in the rural areas. Mobile home parks in rural areas would be restricted to ten units.

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

**GENERAL RECOMMENDATIONS FOR DEVELOPMENT ORDINANCES AND LAND USE PERFORMANCE STANDARDS**

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.

Provisions in a land use ordinance would attract commercial development to each town, concentrate commercial development, and protect sensitive areas from commercial development.

The town of Perry will review the existing land use and development ordinance to require all commercial developments provide a detailed site plan, set forth restrictions to minimize conflicts, support location of specific businesses, and adhere to set-back distances from bodies of water and streams.

## LAND USE ORDINANCE PERFORMANCE STANDARDS

The towns of Pembroke and Perry will review their current Land Use and Development Ordinances and consider development of a town-wide land use ordinance consistent with the identified needs of the town. In order to protect and preserve natural resources and property values; to ensure public safety including fire protection, health and welfare; to provide for affordable housing and ensure the proper future development of the town; the following performance standards will be considered when developing the specified issues in the town's ordinances.

<b>Public Issue or Concern</b>	<b>Performance Standard</b>
<i>Access Requirements</i>	In keeping with state access management regulations (17-229 Maine Administrative Rules Chapter 299, Part A and B, and as subsequently amended), minimize the creation of strip development within the community, and minimize the creation of road hazards.
<i>Agriculture</i>	Minimize soil erosion to avoid sedimentation, non-point source pollution, and phosphorus and nitrogen levels of water bodies.
<i>Buffer Provisions</i>	Minimize the negative impacts of inconsistent development and protect water resources, wetlands, and wells
<i>Conversion</i>	Regulate the conversion of existing structures into multi-family dwellings, to ensure the health, safety, and welfare of citizens.
<i>Home Occupation</i>	Home occupations may be established to minimize their impact on existing neighborhoods.
<i>Industrial Performance Standards</i>	Ensure industrial development within designated areas of the community.
<i>Manufactured housing</i>	Ensure the safety, health and welfare of mobile home occupants and mobile home owners regardless of the date manufactured
<i>Mobile Home Park</i>	Placement and design of mobile home parks within the designated

<b>Public Issue or Concern</b>	<b>Performance Standard</b>
	growth areas in the town.
<i>Off Street Loading</i>	Minimize traffic congestion associated with commercial development.
<i>Oil and Chemical Storage</i>	Regulate the location and containment of combustible material that can migrate to surface and ground waters.
<i>Parking Requirements</i>	Establish and regulate the number of parking spaces to be provided for different types of development.
<i>Pesticide Application</i>	Protect the public from dangers associated with pesticides
<i>Refuse Disposal</i>	Regulate the disposal of solid and liquid wastes in relation to resources that can transport them or be contaminated by them; to protect public health.
<i>Road Construction</i>	In conjunction with the State Department of Transportation, regarding road construction in new developments.
<i>Sedimentation and Erosion</i>	Minimize the volume of surface water runoff during and after development.
<i>Signs</i>	Placement of signs, sign size, and sign type.
<i>Soils</i>	Ensure development is located on appropriate soils.
<i>Topsoil and Vegetation Removal</i>	Prevent soil erosion and destruction of topsoil during construction.

## 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. Pembroke and Perry adjoin one another and have physical boundaries with the neighboring municipalities of Charlotte and Robbinston. Pembroke also directly adjoins the town of Dennysville and Perry directly adjoins the Pleasant Point Tribal Community. Cobscook Bay also links both towns to the city of Eastport, the town of Lubec and the unorganized territory of Edmunds Township. Development in these communities has impacted, and will continue to impact, Pembroke and Perry and our residents. Dennysville, Charlotte, Lubec, Eastport and Robbinston all have a locally adopted Comprehensive Plan that is consistent with state law. Only the city of Eastport has adopted city wide zoning.

Commercial retail activity and other major employers in Calais, Eastport and Machias attracts Pembroke and Perry residents as consumers and for work.

## Public Opinion Survey

As noted above, in a survey sent to all households and property owners opinions on a variety of development controls (develop a zoning ordinance, limiting development in areas having particular scenic significance, establishing standards for commercial development depending on its location relative to other uses) in both Pembroke and Perry were consistently favorable except a requirement that residential development directed to concentrated areas. Pembroke and Perry respondents were more favorable toward the use of incentives rather than regulations to direct development in concentrated areas. Opinions were still mixed though less strongly unfavorable

on the use of incentives (rather than regulation) to concentrate residential development.

## **SUMMARY**

Pembroke and Perry experienced considerable residential development pressure during the 1990s. Local building permit data and real estate sales in the 2000-2006 period indicate that this remained constant in Pembroke and continued to increase substantially in Perry. However, growth and building permit issuance has slowed substantially in both towns since the economic meltdown of 2008. Each town has used public referenda, public survey input, and extensive public meetings of the Comprehensive Plan Update Committee to plan for a future and develop a land use plan. This plan is intended to protect the character of each town and to direct residential, commercial, industrial and maritime activities to appropriate areas. It also seeks to support economic activity in the fishing industry and with a mixture of activities necessitated by seasonal and diverse rural livelihoods.