

# **EASTBROOK COMPREHENSIVE PLAN**

## **REVISED LAND USE PLAN**

Amended January 19, 2011

## **SECTION VI: LAND USE PLAN**

### **A. INTRODUCTION**

The Community Planning Goals upon which the Land Use Plan described in this Section is predicated are:

1. Preservation of the Town's rural character;
2. Prevention of development sprawl and strip development;
3. Provision of affordable housing opportunities for all residents;
4. Provision of standards for wind energy facilities that minimize adverse environmental impacts
5. Encouragement of home occupations and small businesses appropriate to the character of the Town;
6. Protection of the Town's identified Critical Natural and Historic Resources; and
7. Encouragement of the evolution of a Village Center at Eastbrook Corner.

The planning process followed to develop the proposed Land Use Plan was as follows:

STEP 1. Calculation of the amount of growth likely to occur in Eastbrook during the next ten years and the amount of land required to support such growth;

STEP 2. identification of those lands in Eastbrook which are unsuitable for future growth and development;

STEP 3. Designation of Growth and Rural Areas as required by the State Law; and

STEP 4. Recommendation of strategies by which to encourage growth in the designated Growth Area and to discourage inappropriate development in Rural Areas.

### **B. PROJECTED FUTURE GROWTH AND LAND NEEDED TO ACCOMMODATE**

In planning where and how growth should occur, a reasonable estimate of the amount of growth expected is required. Figure VII.1 shows Eastbrook's past, current and projected population levels, number of households, number of housing units, and household sizes.

It is estimated that the amount of land needed to accommodate Eastbrook's anticipated growth during the next 10 years is 10 acres. This acreage was calculated by first determining the number of new housing units required to house the projected year 2000 population level, then multiplying the number of required new units by the appropriate lot size. The following calculation alternatives were used to determine the number of new housing units needed:

#### **CALCULATION ALTERNATIVES:**

1. Subtracting the number of housing units estimated to exist in Eastbrook in 1990 from the number of housing units projected for Eastbrook for the year 2000.

111	2000 projected year-round housing units
<u>101</u>	1990 estimated year-round housing units 10 year-round housing units needed

- Dividing the difference between Eastbrook's projected year 2000 population and the Town's estimated 1990 population by the projected year 2000 average household size.

329    2000 projected year-round population  
392    1990 estimated year-round population 27 persons

27 divided by 2.62 equals 10.30 required units.

- Divide the difference between the actual number of year-round housing units in 1980 and the projected number of year-round units for the year 2000 by 20 years and then multiply by 10 years to get the number of units needed during the next 10 years.

111    2000 projected year-round housing units  
91    1980 actual year-round housing units  
 20    units

20 divided by 20 years equals 1 unit per year  
 1 multiplied by 10 years equals 10 year-round housing units

In summary, Eastbrook's population is expected to increase by twenty seven (27) persons in the ten (10) year period between 1990 and the year 2000, or 2.7 persons per year. Given a projected year 2000 household size of 2.62 person, 10.3 new housing units will be required to accommodate *these new* residents. *Assuming one (1) acre per housing unit, 10.3 acres of land will have to be developed to accommodate these new housing units.*

FIGURE V8.1 EASTBROOK'S GROWTH STATISTICS	
1980 Population	252 persons
1990 Estimated Population	302 persons
2000 Projected Population	329 persons
1980 Households	85 households
1990 Estimated Households	107 households
2000 Projected Households	124 households
1980 Average Household Size	3.08 persons
1990 Estimated Average Household Size	2.82 persons
2000 Projected Average Household Size	2.62 persons

1980 Year-Round Units	91 units
1990 Estimated Year-Round Housing Units	101 units
2000 Projected Year-Round Housing Units	111 units

### **C. LANDS IDENTIFIED AS UNSUITABLE FOR DEVELOPMENT**

Lands considered unsuitable for future growth and development in the Town of Eastbrook include the following areas:

1. Slopes over 15%;
2. Flood Plains;
3. Soils rated as unsuitable for sub-surface sewage disposal;
4. Freshwater wetlands;
5. Sand and gravel aquifers;
6. Deer wintering areas;
7. Bald eagle nesting sites;
8. Public lands;
9. Conservation easements; and
10. Parcels under the Tree Growth Tax Law.

The above areas were mapped and their relative size, distribution, and location are shown on the following maps which occur at the end of this section (see also: <http://www.hcpcme.org/eastbrook/index.htm>):

1. PHYSICALLY RESTRICTED LANDS;
2. ENVIRONMENTALLY SENSITIVE LANDS;
3. LANDS SUITABLE FOR LARGE-SCALE WIND GENERATION FACILITIES; and
4. SOCIO-ECONOMICALLY RESTRICTED LANDS.

A composite of the three maps listed above, entitled LAND UNSUITABLE FOR DEVELOPMENT, was prepared and is also included at the end of this Section.

### **D. DESIGNATED GROWTH AREA**

Eastbrook's designated Growth Area is that area considered the most desirable and capable of handling the growth and development projected to occur during the 10 year period.

The criteria used to determine the locations of the Town's designated Growth Area were:

1. The suitability of the land for development;
2. The status of adjacent land and any adjacent Critical Natural Resources.

3. The degree to which the proposed Growth Area would complement existing Public Facilities and current land use patterns; and
4. A sufficient acreage to accommodate the amount of growth projected to occur.

Based on the above criteria the area around Eastbrook Corner was selected as the Town's future Growth Area. The selected Growth Area is described as being that area bounded by a line 500 feet on the westerly side of and running parallel to Route 200 beginning at a point directly across from the southern property line of the Grange Hall to the Mill Stream, a line 500 feet on the easterly side of and parallel to Route 200/Sugar Hill Road from the southern property line of the Grange Hall, to the Mill Stream, at the outlet of the Scammons Pond. This area is approximately 50 acres in size and is considered capable of accommodating the existing land uses, the needed additional 10 housing units, as well as possible future compatible commercial uses.

## **E. DESIGNATED RURAL AREA**

All other lands within the Town are designated as Rural Areas and are further classified into the following rural sub-areas:

### **1. FOREST RESOURCES MANAGEMENT**

Any parcel currently registered under the Tree Growth Tax Law was included in the Forest Resources Management Area. In this Sub-Area a minimum lot size of 10 acres is proposed. This Area includes over 50% of the Town's total area. The purpose of this classification is to protect the forest resources which are important to the Town's economy and rural character.

### **2. ROADSIDE RURAL RESIDENTIAL**

All land with frontage on a public road was included in the Roadside Rural Residential Area. In this Area a minimum lot size of 2 acres with a minimum 200 foot road frontage is proposed. Future development is proposed to be back at least 100 feet from the road and a vegetative buffer between the road and the building will be required. Existing one-acre lots would be grandfathered. The purpose of this area is to preserve the rural roadways and vistas which contribute to Eastbrook's rural character. In addition, it should contribute to safety by reducing the number of driveways onto public roads.

### **3. RURAL RESIDENTIAL**

This area would include the remainder of the land in town. The present minimum lot size of one acre and existing setbacks would be kept. The purpose of this area is to allow landowners maximum flexibility while keeping development off major roads.

## **F. PROPOSED VILLAGE CENTER/GROWTH AREA IMPLEMENTATION STRATEGY**

Although the Comprehensive Planning Committee feels that projected growth for the next ten years does not warrant the designation of a specific growth area, it is a goal for the community to encourage the evolution of a Village Center at Eastbrook Corner.

Within this designated growth area, there would be a minimum lot size of 1 acre. Present setbacks and road frontage requirements would be maintained. Future subdivisions, for other than immediate family members, would be limited to a maximum lot size of one acre. This Growth Area would be designated as a Village Center/Historic Preservation District. Two of the buildings in this area are on the National Register of Historic Places and several others are of historic significance to the town. All new development within this area would have to be reviewed by an Architectural Review Board in accordance with standards to be developed by such Board.

The Planning Board will designate two areas within or nearby this Growth Area where Manufactured Housing Parks would be allowed, in accordance with the Manufactured Housing Law (Title 30-A, Section 4358). Manufactured Housing Parks would be prohibited elsewhere in town, although single lot manufactured housing would be allowed.

Small businesses will be encouraged only in the Village Center. The Planning Board will draw up specific descriptions of what type of businesses will be allowed. The Committee envisions that small stores, laundromats, barber shops and offices would be allowed in this area if they had fewer than 10 employees and less than 2000 square feet of floor area.

Home occupations would be allowed in all zones (in both growth and rural areas) except the shoreland Resource Protection zone. The plan recommends that standards for home occupations allow up to two employees who live off-premises in addition to household members. The zoning standards would require buffering of outdoor materials and equipment storage areas.

## **G. PROPOSED RURAL AREA IMPLEMENTATION STRATEGY**

The remainder of the town, not designated as the Village Center, would be designated as the Town's Rural Area. In the interest of protecting the rural character of the town while allowing maximum flexibility, the Rural Area is divided into four sub-areas.

### **1. FOREST RESOURCES PROTECTION AREA**

Any parcel currently registered under the Tree Growth Tax Law would be included in the Forest Resources Protection Area. In this area, the Committee recommends a minimum lot size of ten (10) acres, should the owners choose to come out of tree growth and develop these lands. This Area will include over fifty percent (50%) of the town's total area. The purpose of these regulations is to protect the forest resources which are important to Eastbrook's economy and rural character.

### **2. ROADSIDE RURAL RESIDENTIAL AREA**

Any land with frontage on a public road would be included in this area. In the Roadside Rural Residential Area, there would be a minimum lot size of two acres with 200 foot road frontage for new development. Buildings would be set back at least 100 feet from the road. Proposed developments with forested frontage would be required to retain a 50 foot vegetative screen between the road and proposed buildings. Exiting one-acre lots would be grandfathered. The purpose of this area is to preserve the rural roadways and vistas which contribute to Eastbrook's rural character. In addition, it should preserve road safety by reducing the frequency of

driveways onto public roads.

### **3. RURAL RESIDENTIAL AREA**

This area would include the remainder of the land in town. The present minimum lot size of one acre and existing setbacks would be kept. The purpose of this area is to allow landowners maximum flexibility while keeping development off major roads.

### **4. LARGE-SCALE WIND ENERGY FACILITY AREA**

These facilities would be permitted in all rural areas outside of the shoreland subject to strict standards. The plan recommends the town's land use ordinances include provisions for the following:

- a. setbacks that assure that no tower falls onto an adjoining property, road; or right-of-way
- b. natural resource protection measures;
- c. erosion control;
- d. noise control measures;
- e. measures to minimize adverse impacts on scenic views;
- f. coordination of local permitting with Maine DEP review standards; and
- g. certification of design safety standards.

To simplify the implementation of these and related standards, the plan recommends that the town enact a stand-alone wind energy facility ordinance. The current land use ordinance would require minor revisions to assure that wind energy standards are cross-referenced. The zoning map would be revised to show where the large scale facilities would be permitted. There would be clear definitions of the various types of wind energy facilities. These would distinguish between small wind energy systems (SWES) and larger systems.

The SWES, which are primarily for private residential use, would be allowed in all zones where residences are allowed. The plan recommends that the standards for SWES assure that they are located in a manner that assures they have no undue adverse impact on adjoining properties. In addition to adequate setbacks, this will also involve assuring they meet noise, shadow flicker, and operational safety standards.

## **H. PROPOSED RESOURCE PROTECTION STRATEGY**

In order to protect identified significant areas and vulnerable natural resources which occur throughout town, the Committee recommends special regulations for the following areas. These areas are intended to overlay and take precedent over the proposed Growth or Rural Areas.

### **1. RESOURCE PROTECTION ZONE**

The designated Resource Protection Areas and regulations required by the mandatory State Shoreland Zoning Law will be maintained. The small portion of the quarter-mile circle around one of the identified eagles' nest, not currently zoned as Resource Protection, will be added to this area, as well as additional

freshwater wetlands which are not included on the present Zoning Map.

## **2. SHORELAND RESIDENTIAL ZONE**

The existing Shoreland Residential Zones will be maintained with a minimum lot size of two acres and 100 feet waterfront setback.

## **3. GROUNDWATER PROTECTION ZONE**

A Groundwater Protection Zone is recommended for lands within 500 feet of the Town's mapped sand and gravel aquifers. New development in these areas will be required to prove to the Planning Board that they will not negatively impact Groundwater Resources as a condition of receiving a permit. Standards for the documentation and expert testimony required to meet this burden of proof will be developed and will be incorporated into the Town's Zoning and Subdivision Ordinances.

# **I. ADDITIONAL GROWTH MANAGEMENT RECOMMENDATIONS**

In addition to designating proposed growth and rural areas and making specific recommendations regarding minimum lot size, setback and frontage requirement, the following recommendations are made to help define and differentiate Growth and Rural Areas:

1. Require all new subdivisions to be of limited size (less than ten (10) lots) and require a minimum ten percent (10%) common open space reservation;
2. Require that undevelopable and sensitive areas be excluded from minimum lot size calculations; and
3. Reducing the number of curb cuts in all new subdivisions to no more than one (1) if the road frontage is eight hundred (800) feet or less and no more than two (2) if the road frontage is greater than eight hundred (800) feet.
4. Require specific environmental impact assessments as exhibits in the subdivision and site plan review process.
5. Require a maximum lot size of one (1) acre in the designated growth area.

# **J. CONSISTENCY WITH STATE GROWTH AREA REQUIREMENTS**

The following is a review of the State's requirements for designating growth areas and a discussion of how Eastbrook's designated Village Center is consistent with these requirements:

State Requirement #1: Growth areas must be limited to land areas within which public facilities and services are efficiently provided or can be efficiently provided during the planning period.

The primary services offered by the town which would be affected by further development are road maintenance, fire emergency service and school bus service. Development within the proposed Village

Center, being central to the Fire Station and near the school, should not increase the costs of these services.

State Requirement #2: Growth areas must be limited to land areas that are physically suitable for development or redevelopment.

The Village Area was selected from land identified as being suitable for development. All land unsuitable for development was excluded, as much as possible, from the Village Area. Any area considered unsuitable within the proposed Village Area will be zoned as Resource Protection.

State Requirement #3: Growth areas must include enough land area suitable for development or redevelopment to accommodate all growth and development planned to occur during the planning period, based on the plan's policies and implementation strategies.

Since the proposed Village Area includes over 50 acres, and since only ten (10) new units are projected, there is abundant room in this area to accommodate the predicted growth.

State Requirement #4: Growth areas must be limited to an amount of land area and a configuration that will encourage compact, efficient development patterns and discourage development sprawl and strip development along roads.

Although the proposed Village Area is larger than the amount of land needed to accommodate future growth, it should be noted that this area contains existing development, wetlands and inaccessible land. The configuration of this area discourages development sprawl.

State Requirement #5: Growth areas may not include an unreasonable proportion of the municipality's total land area - that is, growth areas must not include so much land area as to encourage development sprawl or to hinder the efficient provision of public services.

The proposed Village Area is a very small fraction of the Town's total land area.

## **K. CONSISTENCY WITH STATE RURAL AREA DESIGNATED REQUIREMENTS**

The following is a review of the State's requirements for designating rural areas and a discussion of how Eastbrook's designated rural areas are consistent with these requirements:

State Requirement #1: Rural areas must include agricultural and forest lands important to the local or regional economy.

All of the Town's Tree Growth Tax Law parcels, amounting to more than 50% of the Town's area, are designated as Rural Area. Thus, in addition, all of the Town's major private blueberry fields and Christmas tree orchards are included in the Rural Area.

State Requirement #2: Rural areas must include land areas consisting of large areas of contiguous open space, farmland, or forestland. They must include land areas in which the predominant pattern of

development is intended to consist of very low intensity development broadly dispersed within what would otherwise be rural landscape. They must also include land areas containing other rural resources that significantly contribute to the municipality's rural character.

The proposed Rural Area includes the Town's large corporate forestland tracts, as well as the Town's extensive freshwater wetland system. No development of freshwater wetlands is allowed and a 5 acre minimum lot size is proposed for the large Tree Growth Tax Law parcels. In addition, the State Game Management Area is included as a Resource Protection Zone within the Rural Area. No development is allowed in this area.

State Requirement #3: Rural Areas must include land areas in which the municipality can ensure that the level and type of development will be compatible with maintenance of rural character and will not constitute or encourage development sprawl or strip development along roads.

As indicated earlier, Eastbrook is not expected to experience any significant growth during the next 10 years. The current land use pattern in Eastbrook is one of linear residential development along public roads mixed with blueberry fields and forestland. To maintain this rural character and to prevent higher densities, incompatible uses, and strip development, the Town will:

- a. Limit future commercial development to the Village Center;
- b. Locate future manufactured housing parks within or adjacent to the Village Center;
- c. Require 2 acre minimum lots with 200 foot frontage on public roads outside the Village Center;
- d. Require 50 foot vegetative buffers along public roads; and
- e. Enact standards that assure that large-scale wind energy facilities will have a minimum environmental impact on the town.

State Requirement #4: Rural areas may include, but may not be limited to, land areas containing natural resources and scenic open spaces that are intended to protected.

The Rural Area proposed, contains the majority of the areas required to be zoned as Resource Protection under the State Mandatory Shoreland Zoning Law, (Title 38, MRSA, Sections 435448} as well as areas and resources regulated under the Natural Resource Protection Act (Title 38, MRSA, Sections 480-A - 480-T).

State Requirement #5: Rural areas may not include land areas in which a significant portion of the municipality's future residential development is planned to occur. Nor may they include land areas in which the municipality plans the occurrence of large-scale or widespread residential development that would alter the municipality's rural character.

The Rural Areas proposed can easily accommodate the projected 10 housing units without altering the Town's rural character. Assuming that part of the projected growth will be attracted to and occur within the proposed Village Area, the remaining development in the Rural Area will not result in any significant alteration of the Town's rural character.

## **L. CONSISTENCY WITH LOCAL GOALS**

The Comprehensive Plan Advisory Committee set forth several goals for Eastbrook's Comprehensive Plan which have *been* addressed in the process of developing the Land Use Plan. These goals include:

1. To preserve the rural character of the Town of Eastbrook;

This goal is addressed by several parts of the proposed Land Use Plan. First, it places restrictions on the development of Tree Growth Tax Law parcels, with the intent of keeping these areas in forestry management or, in the case of development, to give the town more control over them. Second, two acre zoning along public roads forces any new development along roads to be set back from the road and less visible to the traveling public.

2. To encourage working farms in the Town of Eastbrook:

This goal was difficult to reconcile with the Committee's desire to preserve the maximum freedom of choice for landowners since protecting farms implies restricting their development. In addition, the Committee in recognizing the importance of providing affordable housing opportunities noted, that requiring large lot sizes to discourage development on farms would have significantly raised the average cost of a lot in Eastbrook. It is felt that with the limited amount of growth predicted, development likely to occur on currently farmed parcels within the next 5 years will not significantly impact the active farms in the town. In fact, it may help them by allowing them to sell off unproductive land, the profits from which can help support the farming operation.

3. To continue to provide affordable housing for Eastbrook residents;

This goal has been addressed in several ways in the proposed Land Use Plan. First, one acre lots are allowed in most of the developable areas of town. Additionally, manufactured housing will be allowed on all single lots and two areas for manufactured housing parks will be designated pursuant to the Manufactured Housing Law of 1989 (Title 30-A, Section 4358).

4. To encourage home occupations and small businesses appropriate to the character of Eastbrook; and

To encourage appropriate home occupations and small businesses, the Planning Board will draw up appropriate performance standards and limit compatible, commercial development to the proposed Village Center.

5. To protect the Natural Resources of Eastbrook;

The proposed Land Use Plan provides for the protection of natural resources by locating the proposed Village Area as much as possible away from sensitive resources. In addition, special Resource Protection Districts consistent with State Law will be enacted to further protect identified vulnerable natural resources.

## **LAND USE PLAN POLICIES AND IMPLEMENTATION STRATEGY**

In order to implement the Land Use Plan outlined in this Section, it is recommended that the Town of Eastbrook take the following action:

1. Adopt the following policies:

- a. To adopt and periodically update an official Land Use Map which designates areas for future growth and development, areas where the rural character of the community will be protected and enhanced, and protects vulnerable natural resources from the adverse impact of development, as part of the Town's adopted Comprehensive Plan.'
- b. "To adopt and enforce Land Use Regulations that direct future growth and development in areas identified as suitable and appropriate for such growth, and restricts future growth and development in areas where such activities have the potential of adversely impacting identified vulnerable natural resources, as recommended in the Town's adopted Comprehensive Plan."

2. Take the following actions:

- a. The Town will prepare and maintain an official Land Use Map designating the recommended Growth and Rural Areas contained in this Section of the Comprehensive Plan.
- b. The Town will update its Zoning and Subdivision Ordinances to implement the dimensional, design, locational, and performance recommendations contained in this Section of the Comprehensive Plan.

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