

## **Section V.M.**

### **Current Land Use**

## I. Historic Development Patterns

A review of historic settlement patterns provides a context for better understanding Islesboro's current development pattern. Furthermore, it may offer lessons for how the Town might guide future growth in ways that preserve what is most valued in the community and provide keys to build a more sustainable community.

*This brief history of Islesboro's settlement patterns is largely taken from the Islesboro's Historical Society's two volume history of the community.<sup>1</sup>*

Islesboro was part of a 1,000 square mile land grant, the Muscongus, aka Waldo, Patent, which is the foundation for all land titles in Town. The patent came to Henry Knox, Esq. in 1789; but by then, others had settled on Islesboro's multiple shores.

To quiet conflicting claims to title, the inhabitants petitioned the Massachusetts General Court to examine Knox' claim and incorporate the town as Winchester. As action was deferred for a number of years, many settlers<sup>2</sup>, primarily those who lived below the Narrows, took deeds from Knox. In 1789, the General Court incorporated the Town, but changed its name to Islesborough.

At that time, the Town was described as "6,000 acres of excellent land with excellent fisheries of cod, halibut, and salmon and upwards of 60 families without title, excepting about 2,000 acres..." The Island was covered with spruce and a scattering of beech, birch, and maple trees. The original summer residents, the Tarratine, relied on Islesboro's fish, clams, ducks, wild fox, mink, and salmon. Early European settlers subdivided most of the Island into 100 acre lots, many that extended from the east to west bay, about a third of which was "fit to cultivate," the rest being "ledgey or swampy."

The earliest economy of the Island was based on the soil and the sea. The Schooner William was the first recorded vessel built in 1792. Early settlers got stores from the mainland across the bay and used coasting vessels to get main supplies from Boston.

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<sup>1</sup> Farrow, John Pendleton, History of Islesborough Maine 1764-1892. Picton Press, Rockland, ME. 2007. Islesboro Historical Society, History of Islesboro, Maine 1893-1983. Seavey Printers, Inc., Portland, ME. 1984.

<sup>2</sup> Including approximately 1,000 acres to the well known local families of Pendleton, Williams, Gilkey, Elwell, Farrow, Hewes, Griffin, Thomas, and Phillbrook.

The first church, a “body of religious believers”, formed in 1791. The Town financed the First Baptist Meeting and Town House, completed in 1804. By 1812-13, 70 or so families lived in Islesboro. After initial settlement, the primary industry became shipbuilding and the principal means of support was following the sea in coasting vessels.

The first post office was established in 1834 (unconfirmed) and the Free Will Baptist Church was constructed in 1843. By 1847, a steamboat wharf had been built at Lime Kiln in Pripet, with regular trips to Belfast. Wharves were also built at Hewes Point and Smith’s Landing. Grindle Point Lighthouse was built in 1850.

In 1857, the first lodge of Free Masons was assembled and in 1858, they built the Masonic Hall, near the First Baptist Meeting and Town House.

A boat from Lincolnville brought mail to Gilkey Harbor once a week. Captain John Gilkey built an open boat to transport cattle and, in the fall, grist to be ground in Camden. Several small vessels from the upper Island became packets to Castine about twice a month in the winter, once they were done fishing in fall. Occasionally, they made a trip to Belfast. When the mail route to Northport was altered, the Island got mail twice a week. A regular packet to Belfast was established in 1859.

After the Civil War, Islesboro’s year round population began to decline at about the same time a new type of growth came to the Island. In the 1860’s, “pioneers” began to build summer cottages at Ryder Cove.” Hewes Point was the second spot for summer cottages. By 1875, the Bangor to Bar Harbor steamboat stopped at Ryder Cove and Hewes Point each way. Existing homes were expanded and new summer hotels were constructed near emerging summer colonies to accommodate 100 or more guests.

By the late 1800’s, prominent New York, Boston, and Philadelphia families began to build more elaborate summer homes on the southern part of the Island at Dark Cove. By 1890, the Town’s name had been shortened to Islesboro and the first realty company on the Island, the Philadelphia and Islesboro Land and Improvement Company, had purchased 2000 acres in Gilkey Harbor north of Dark Harbor.

In 1890, the Company built an elegant hotel in Dark Harbor and in 1891 opened a wharf that tied into a steamboat run from Portland to Machias. The Company opened new roads to different points of interest and beauty in the southern half of the Island and advertised cottages and healthful sanitary arrangements for metropolitan clients who were prepared to take extended vacations on Penobscot Bay and were willing to pay the price to establish and maintain a private, exclusive enclave.” By 1892, “many names of note are found as habitués of this spot.”

The summer colonies generated a new economy for Islesboro. As summer residents built cottages, Island men, previously skilled in all trades, began to specialize. Demand for construction materials spawned sporadic establishment of sawmills in late 1890’s and early 1900’s. Lime quarries and kilns operated at Seal Harbor and Pripet. A large coal/wood dock powered by steam generated from waste lumber, and a shingle mill and tannery were located at the head of Sprague Cove. Visitors required transportation for themselves and their goods, generating demand for livery stables. They also created a demand for produce and dairy farmers, landscapers, laundresses, caretakers, and new shops and stores. Meadow Pond furnished ice. The first boatyard, near Amasa Point, stored Tarratine Club boats.

In 1916, the mail route shifted from Hewes Point to the Lime Kiln Wharf and the mail was driven by a team the length of the Island to the post offices in Pripet, then North Islesboro (Ryder Cove), through the Narrows to Islesboro, aka Guinea, Village, and on to Dark Harbor. Since transportation was limited to walking, bicycling, and horse-drawn vehicles, there was little communication or interchange among the four main areas of the Island. “Each village had its own church, grade school, sewing circle...stores, and amusements...”

Islesboro petitioned for direct daily mail service in 1891 and a route was established the next year at North Islesboro. From there, mail was delivered to the upper Island and Hewes Point, at Pendleton’s store. A new road around the harbor to the Bluff was contemplated.

“...initial summer vacationists did not put premium on luxury but rather were seeking an unhurried way of life...and were willing to put up with many inconveniences.” Summer residents, from the 1890’s to the close of World War I, were content to live in small cottages, taking meals together at a central inn. After the War, those who came to Islesboro demanded luxurious summer homes fitted with the most modern conveniences, staffs of servants, yachts, and crews and the economy of the southern end of Island became almost totally dependent on the presence of the summer colonies. Local merchants quickly expanded stores to meet the demand and, by the late 1920’s, discovered new prosperity, albeit confined to a portion of the entire business year. At the same time, “Upland was a community sufficient unto itself,” including Turtle Head, Pripet, West Side, The Bluff, North Islesboro, and Ryder Cove/Sabbathday Harbor.

In 1913, the State Legislature prohibited motorized vehicles on public roads in Islesboro. This prohibition continued for 20 years and divided the community. Numerous town meetings debated this prohibition before agreeing to ask the Legislature to repeal it, which was done in 1933. The first tar truck to oil roads was brought to the Island in 1934 and the first transportation for automobiles to the Island was via privately-run flat skows starting in 1934.

The Depression (1930-33) brought new challenges to the Island’s economy. The final run of the Eastern Steamship Company was in 1934, causing tremendous loss of freight and passenger service. “An era of luxury had ended.” The Town subsidized a steamer to operate a Rockland-Islesboro run in 1932 and a private motor launch between Camden and the Tarratine Yacht Club in 1935. Property transfers in the 1930-40’s occurred primarily through private sale and the North Islesboro Post Office closed. Most summer hotels and amusements were torn down or burned in the 1940-50’s.

In 1933, Islesboro and other island communities successfully lobbied the Legislature for State-owned and operated ferry service. The State was directed to build and maintain two ferry docks and issue bonds for a new ferry. It took two years to select the present

location of the ferry docks at Lincolnville Beach and Grindle Point, but the Governor Brann ferry was launched in 1936. It was replaced by the Governor Muskie in 1959.

With strong support from a number of summer residents, Jesse Rolerson purchased and sold 30 acres of former produce-gardens to the Town in 1964 for an airport. The State financed the first gravel runway, which was lengthened with funds donated by summer supporters and town meeting in 1965 and was lengthened again in the 1970's.

Today, signs of most of the historic villages in Islesboro have faded away, though their presence is still evident in clusters of smaller lots, businesses, and community buildings at Pripet, Ryder Cove, Islesboro (south of the Narrows to Hewes Point), and Dark Harbor. In addition, elements of a more contemporary town center is emerging near the intersection of Mill Creek and Pendleton Point roads in the vicinity of Town Hall and the new elderly housing facility, Boardman Cottage.

## **II. Existing Land Use, Vacant Parcels, Land Value**

### **A. General Land Use**

More than half of Islesboro's land, 4,649 acres, is made up of parcels that include residences. Just over 1/3 of its acreage is undeveloped. Only about 11% of the land includes all of the Town's commercial uses, mixed commercial-residential, conservation, town-owned, agriculture, state-owned, industrial, utility, and civic uses. According to the Assessor's Records, there is only one active farm.

In 2008, the Assessor's data base indicates that over 1,100 acres (61 parcels) were registered in one of the state's current use taxation programs or were conservation land. The amount of land in these programs had increased dramatically since 1994. In 2008, 32 parcels were in current use open space and the acreage had increased 1,268%. Sixteen parcels were in tree growth parcels and the acreage had increased 216%. Thirteen parcels were conserved and the acreage had increased 821%. Overall, acreage in these protective programs had increased 461% including with more than 61, or 5%, of the total number of properties and nearly 14% of total acreage participating.

## B. Residential Land Use

Approximately 65% of Islesboro's parcels and nearly 56% of its acreage is residential, the vast majority being single family homes. Residential land uses are scattered across the community, generally in relatively large lots, although there are clusters of small lots in a number of places, reflecting historic settlement patterns in small villages, particularly at Pripet, Ryder Cove, North Islesboro, Islesboro-Hewes Point, and Dark Harbor, and the current center near Town Hall. The smallest residential lot is roughly ½ acre and is owned locally. The largest residential lot size is over 50 acres and is not locally owned. The average size of residential lots is slightly larger than 6.5 acres, with the average size of locally owned residential lots about 20% smaller and the average size of non-locally owned lots about 19% larger than the overall average. The average square footage of living area overall is 2,309 sq ft, with the average size for locally owned residential property being 1,953 and the average size of non-locally owned properties being 2,589 sq ft.

Virtually all new housing is single family detached, although there are a small number of apartments and an elderly housing complex was recently constructed near Town Hall.

## C. Commercial Land Use

There are relatively few commercial and industrial properties in Islesboro. The Assessor reports only 20 commercial parcels, two industrial properties, and 26 mixed commercial and residential parcels, including two general stores, three boatyards, three B&B's, and a smattering of retailers, four real estate/property management businesses, four garages, and a number of enterprises in the building trades (excavator, plumber, painter, carpenter). Clusters of commercial land uses occur in the vicinity of Kedears Hill, North Islesboro, near Town Hall, James Cove, and Dark Harbor; but many people operate businesses out of their homes. A sizable industrial property is located on Seal Harbor.

## D. Vacant Land

About 1/3 of the Island is undeveloped. Larger blocks of vacant land are located Upland near Kedears Hill and within the loop created by Meadow Pond and Main roads, west of Meadow Pond and along Sprague Cove, an area extending northwest from Fire Island across Main Road, and a small area either side of Main Road. South of the Narrows vacant land is found within the old Islesboro village extending into the loop created by West Bay, Main, and Mill Creek roads, an area around the intersection of Mill Creek and Pendleton Point roads extending south toward Charlottes Cove, and some scattered parcels on either side of Pendleton Point Road, mostly north and west of Dark Harbor. A small section of Dark Harbor is also vacant.

## III. Growth and Building Activity

### A. Building History

Breaking down building history into blocks of time makes some interesting development trends easier to see.

- Development pre-1900 occurred throughout the community, but a pattern of larger blocks were developed DownIsland, north of Jones Cove on the west side up to the Narrows. Upland, even larger blocks were being developed, likely reflecting the stronger and longer held tradition of farming and natural resource constraints.
- Between 1901 and 1970, when the decades long trend of declining population bottomed out and started to rise, a trend of far more development on smaller parcels Down Island, in Crow Cove, and Northeast Point as well as on Seal, Seven Hundred Acre, and Minot islands is apparent. Very little development took place Upland during this period.
- In the 1970's, this same pattern continued, with a number of smaller parcels and one sizable parcel developed DownIsland and more development on Seven Hundred Acre Island.

- Then during the 1980's, development started to shift northward. Small parcels continued to be developed DownIsland, on Grindle Point and on Ensign Island, but UplIsland, particularly around the west-facing shores of Seal Harbor, Marshall Point, and in the vicinity of Turtle Head, large parcels were developed. While some of the parcels developed DownIsland continued to be small, some parcels were about the same as the middle-sized ones being developed UplIsland.
- In the 1990's, while parcels were still being developed DownIsland, the same number or more parcels were being developed UplIsland. The size of parcels that developed continued to increase.
- Thus far in the first decade of the 21<sup>st</sup> century, most of Islesboro's development has taking place UplIsland, again on larger parcels of land.

The shifting patterns of the 1990's and 2000's are even clearer in the three maps provided in the next section

## **B. Growth 1900 – 2007**

In the 1990's the distinctions between the average size of local and non-local residents' developed parcels were relatively small, far less distinct than in either pre-1900 or in the 2000's. The average lot size for local residents in the 2000's was 37% smaller than it was in the 1990's.

Throughout the various time periods, the distinction between local and non-local residents' development value was quite marked; however, the value of local resident development declined 20% between the 1990's and the 2000's. The trend toward smaller lot sizes, noted above, and the fact that Islesboro Affordable Property was actively creating affordable units during that time may account for this decline in housing value, increasing affordability for local residents.

Based on an analysis of building permits discussed elsewhere in this chapter and in Chapter 3. Housing, growth in seasonal homes continues to be the dominant land use trend.

## **C. Past Growth/Rural Area Designations**

Neither the 2002 or 1994 comprehensive plans designated areas for anticipated growth. The community did not believe the relatively small number of projected new residential units over the ten-year planning period of the comprehensive plan required a formal designation of growth and rural areas. With the exception of protecting sensitive resources, the community was content to let individual property owners and the market place decide where growth would take place.

## **IV. Current Land Use Regulations**

Islesboro has a number of ordinances that directly, and indirectly, relate to land use management and growth. These include the Land Use Ordinance, Development Review Ordinance, Floodplain Management Ordinance, Ordinance to Regulate Automobile Graveyards, Junkyards, and Automobile Recycling Businesses, Municipal Shore Areas, Pier & Float Use, Pollution Control Ordinance, Conservation Ordinance, Solid Waste

Control & Mandatory Recycling Ordinance, Groundwater Protection Ordinance, Septage Disposal Ordinance, and Cemetery Control Ordinance. The Land Use, Development Review, and Floodplain ordinances are described below. The others will be discussed in other chapters as they relate more directly to natural resources and infrastructure topics.

## A. Land Use Ordinance

The Land Use Ordinance was originally adopted in 1992 and follows basic guidelines established for state-mandated shoreland zoning. The Town, however, has adapted the state model to reflect the unique natural features and geography of the community, establishing the following districts – Resource Protection, Limited Development, Meadow Pond, Shoreland Protection, Maritime Activities, and Rural Protection – and providing setback, ground cover, height and other standards for the various districts and uses. The ordinance applies to single and two family units, agriculture, timber harvesting, and ponds. It requires applicants to provide data on wells to aid the Town in monitoring its water supply. It also establishes a requirement for a Certificate of Compliance prior to occupancy.

The following observations raise potential concerns about current provisions:

- ☐<sup>PO</sup><sub>E-1</sub> Allowing the construction of single family homes in Resource Protection areas is a practice that typically gives regulators pause as this zone is typically set up to discourage disturbance of sensitive natural resources.
- ☐<sup>PO</sup><sub>E-1</sub> Some sensitive areas to protect are identified by reference to sections of the Penobscot Bay Conservation Plan. Best practices suggest that the relevant portions of that plan should be incorporated into the ordinance itself, the Official Map, or both.
- ☐<sup>PO</sup><sub>E-1</sub> The undifferentiated treatment of large areas of the community in the Rural Protection District mandates a sameness of development across most of Islesboro's landscape, ignores the community's historic village areas, and limits nearly all opportunity to build neighborhoods or villages as an alternative to incrementally sprawling development.
- ☐<sup>PO</sup><sub>E-1</sub> While the ordinance establishes some development standards and minimum lot sizes in sensitive shoreland areas, it is designed to coordinate with the

Development Review Ordinance. Separation of such highly linked ordinances into separate documents can increase redundancy and burdens related to updating and coordinating of overlapping issues. In addition, maintaining these separate ordinances increases the likelihood of overlooking gaps in coverage.

- ☐ Standards in the Rural Protection District do not prohibit the placement of oil and fuel storage facilities within a specified distance of wells or over aquifer recharge areas, which was the subject of recently adopted state legislation (2008).
- ☐ Uniformly requiring “parks”<sup>3</sup> with four or more units to provide paved interior roads may have unintended negative impacts on stormwater and affordability.
- ☐ Various setbacks of plantings and structures from roads may have the unintended impact of encouraging speeding and disrupting the character of potential villages.
- ☐ In several places, an effective date of provisions is noted in the text, but the date is not provided or linked to the specific provision, potentially creating administrative confusion. There are simple techniques the Town might consider using to record the effective date of specific amendments within the body of the text of the ordinance.
- ☐ A uniform minimum lot size of 1.5 acres per unit, or greater, makes it virtually impossible to create villages or neighborhoods of compact development, encourages development that is dispersed and highly land consumptive, and creates challenges to the creation of more affordable housing options for Islesboro families.
- ☐ The Erosion Control section would be strengthened with provision of minimum standards for maintenance.
- ☐ Some of the definitions of natural resources are not consistent with the most recent changes in state rules and regulations (i.e., wetlands).

## B. Development Review Ordinance

This ordinance was originally adopted in 1987. It applies to subdivisions, nonresidential uses, multifamily dwellings, resumption of uses which have been discontinued for more than two years, alterations that increase capacity, and home occupations and workshops. Existing uses, lots exempted under the state’s subdivision law, detached single family and two family dwellings, and agriculture and forest management practices

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<sup>3</sup> Presumably mobile home parks.

are exempted from review under this ordinance. The ordinance includes provisions to assess the impact of proposed development on public facilities and services. It establishes the requirements and procedures for preapplication conferences, sketch plans, site inspections, minor subdivisions, major subdivisions, and “minor developments”.

The following observations raise potential concerns about current provisions:

- The ordinance could be adjusted to simplify its format, make it more internally consistent, and easier to use.
- Additional terms used in the ordinance should be added to Chapter 24 Definitions.
- Current provisions only require submission of digital plans and supporting documents for final major subdivisions. Digital submissions for preliminary plans may be useful if the Town seeks peer analysis and digital submissions for minor subdivisions and site plans may provide information about community resources, which could be incorporated into the Town’s GIS database.
- Multiple approaches to notification and fees for public hearings could be simplified and made more consistent to reduce confusion and improve administrative ease of applying the ordinance.
- If the location of aquifer recharge areas and landscape plans are required for more types of proposed development, the Planning Board would be able to more readily assess potential impacts on groundwater and community character.
- The Town might want to consider reducing roadway standards in traditional village areas so that they reduce about community resources unintended impacts on ground and surface waters and the roads are more in keeping with the villages compact footprints and traditional design.
- There are no provisions restricting the planting of state-listed invasive species or for planting native species as part of new development proposals.
- State law does not allow towns to include operational costs in impact fees – only capital costs.

## C. Floodplain Management Ordinance

This ordinance establishes floodplain protection regulations. It was first adopted in 1991, amended in 2001, and in 2015 repealed and approved in a new format at the May 9, 2015, Town Meeting.

## **V. Issues and Implications**

1. Preliminary discussions suggest that the Town wants to stabilize and possibly expand its year round community. Is this the case?
2. Typically one of the problems undermining the goal of a more stable year round community is the affordability of housing. The IAP says that the most significant affordable housing need is apartments and family units. In general, the most costly part of housing is land. For this reason, among others, should the Town consider ways to encourage smaller lot sizes to reinvigorate traditional villages and/or create new ones in support of more sustainable settlement patterns?
3. Given the rising costs of gasoline, focus on reducing carbon footprint, and impact of climate change on coastal communities, designating compact areas for future growth and allowing mixed use is one way the community may reduce its energy use, carbon footprint, impact on open space and wildlife habitat, etc. Does the Town see a need for this? Should the Town explore ways to encourage smaller, more energy efficient houses, alternative energy systems and other alternative residential construction techniques?
4. One concern about compact growth is the potential impact on groundwater resources and the overall carrying capacity of the Island. How might the Town balance its concern about affordability, energy use, and impacts of growth on groundwater quality and quantity?

5. A review of the location of structures indicates that, except for development that is taking place close to the shoreline, most development is or has happened alongside the Town's major roadways. If this trend continues into the future, is the Town concerned about the impact of this development pattern on the visual character of the community?
6. The Town has seen an increase in the number and acreage of parcels that are participating in current use taxation and conservation programs, even as the Town's total property valuation has increased. Is the community satisfied that the impact of this trend on the Town's total property assessment is offset by the environmental benefits?
7. Furthermore, many people think that enrollment of land in a current use program means that the land will not be developed in the future. Experience in Maine has taught us that as land values rise, some property owners are willing to pay the penalties associated with withdrawing from the program to sell or develop their property. Are more protective measures desirable or advisable to assure that important open space and forest lands are not developed?
8. The majority of new development in the 1900's and 2000's was located Upland. Most large tracts of undeveloped land, some highly sensitive, are also located there. Given documented trends in the location of non-local residential development, availability of vacant land, and increasing overall trend toward larger average parcel size and increased value, what impact is this likely to have on historic development patterns in this part of the community? The trend for smaller lot sizes and value for local residents is encouraging for affordable housing. Should the Town encourage smaller lots in selected areas toward which growth could be directed? If the Town is concerned that some of the large, vacant land areas Upland are inappropriate for significant future growth, what should it do to discourage growth in those locations?

9. At least twice in past comprehensive plans, the Town has deliberately chosen not to designate areas for future growth and protection, preferring to support a pattern of development almost exclusively based on individual decision making and response to the marketplace. In the 1994 Plan, the Town justified this decision based on its slow rate of development. It also charged the community with reexamining this issue “in detail during the next Comprehensive Plan update in five years. For the time being it is felt that development sprawl is adequately restricted by the pattern of protected resources and the restricted availability of land.” (page 115) Has this policy served the community well in the last 14 years? Will it continue to do so over the next ten years? While the policy protecting key resources may protect select important lands, are they effective in protecting the natural “systems” that underlie and support their continued functions? Are there other reasons to direct a portion of anticipated growth toward specific areas where the impacts of growth might be more readily managed?
10. The projection to 2025 is for an additional 290 new housing units in Islesboro; approximately 93 of which were developed since 2000. Where should the additional 197 units be located in the community? If the Town decides to designate growth areas, how much of that growth should the Town set as a goal for its growth areas? For its rural areas? Should some areas be set aside as a transition between growth and rural areas? If so, where?
11. Recent Islesboro property sales data indicate a 49% difference between assessed and sale value. When assessed values are the same or close to sale values, people owning larger, more valuable homes and land pay more property taxes than those owning smaller, less valuable homes and properties. Should Islesboro consider a reassessment to create a more equitable distribution of the island tax burden?