

# Chapter N

## Current Land Use

### 1. Purpose

This section discusses current land use patterns in Brooksville. Specifically, this chapter:

- a) summarizes the amount of developed and undeveloped land in terms of estimated acreage and location; and
- b) discusses recent changes in Brooksville's land use and how these might affect future land use.

Because land use plays an important role in the current and future life of a community, this plan discusses land use in two separate but complementary chapters: this Chapter N - Current Land Use, and Chapter O -- Future Land Use.

### 2. Key Findings and Issues

Brooksville continues to experience residential development along the coastline and along major transportation routes in the interior areas of town, specifically Varnumville Rd and Routes 175 and 176 (Bagaduce Rd and Coastal Rd.) Concern exists about the ability of long-time residents to remain in town with increasing land prices and tax valuations as new residents demand more services. There are concerns also about potential commercial and industrial uses that could impact residential quality of life. An overwhelming majority of public opinion survey respondents supported maintaining the “rural way of life” and confining any new commercial development to specific village areas

### 3. Key Findings & Issues from the 2006 Plan

Brooksville is a very rural town. About 4 percent (864 acres) of its total land area (21,600 acres) was developed for residential uses.<sup>1</sup> About three quarters of its land area had low to very low potential for development due to poor soils. While the town had five village-type areas, most development had occurred along the shore or in the more rural parts of town. The interior of the town remained mostly undeveloped. A moderate rate of growth was projected for the future. It was estimated in 2006 that an additional 182 acres of land would be developed for residential uses by 2015. Minor increases in commercial development were projected. More land would possibly be held in conservation easements. Ample land was deemed available to accommodate future development. The challenge facing the town was determined to be deciding how to manage its growth. An interesting and forward-looking set of recommendations was provided in the 2006 plan and is reproduced in this plan, in Chapter O (Future Land Use).

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<sup>1</sup> Coincidentally, the US census bureau estimated that the population in 2006 was 865 people, or almost exactly one person per residentially developed acre!

## 4. 2018 Public Opinion Survey Results

When asked, “What things about Brooksville’s current way of life are most important to you?” many residents gave narrative responses. Nine pages of these responses are on the Town webpage. While it is difficult to give any statistical weights to the responses, those in Table N-1 were predominant, (although worded somewhat differently by each respondent).

**Table N-1**  
**Summary of Quality of Life responses from 2018 survey**  
*(in no particular order of importance)*

- Rural character: agriculture, forestry and seafaring lifestyle
- Unspoiled natural landscape; beautiful vistas, low building density,
- Sense of Community: friendliness, good will, neighbors helping neighbors
- Mix of diverse talents and life experiences; multigenerational families
- Quiet, safe neighborhoods: tranquility, safe to leave doors unlocked
- Access to water and open space: hiking trails, boating
- Good library, store, café, bakery, theatre, farmer’s market
- Low traffic, especially tourist traffic
- Community knowledge and appreciation of its history
- Environmental awareness, wildlife, stars at night
- Town meeting government, relatively low taxes, good civic management
- Town does not need changing
- For those born here, Brooksville will always be home

One comment just about sums it up: “Brooksville is a quiet space tucked away in a corner of Maine. We need spaces like Brooksville as our world outside becomes more complex and crazy. The people, natural beauty, just the simplicity of living here all make it an incredible place to live and raise a family.”

## 5. Acreage of Developed Land

Table N-2 shows the amount of developed land in Brooksville. Currently, based on geospatial analysis of assessed properties data provided by the State of Maine Office of GIS, there are about 1,464 developed acres in Brooksville (all residential and commercial uses combined). To obtain this figure, the number of principal structures was multiplied by an assumed lot size of 1 acre for residential land; for commercial properties, the actual parcel areas were calculated using a spatial analysis algorithm. Of the remaining land at least 5,452 acres are “permanently” restricted from development because they are part of a state park; held in one of the three tax incentive programs discussed in Chapter J (farmland, tree growth and open space classification); covered by a conservation easement; or owned outright by a conservation organization.

According to this analysis, about 6,916 acres are already either “developed” or restricted, leaving 14,684 acres or about 68% of the land in Brooksville “available for development”. This is a slightly different percentage from the calculation in the 2006 comprehensive plan, which

estimated that approximately 66% of Brooksville’s total land area was available for development at that time. The 2006 plan probably categorized more land as “undevelopable” due to the presence of wetlands, unsuitable geology, and/or soil conditions.

**Table N- 2  
Current Land Use in Brooksville**

| <b>Description</b>  | <b>Number of Dwelling Units or Parcels</b> | <b>Calculated Acreage</b> | <b>Percent of Total</b> |
|---|--|---------------------------|-------------------------|
| <b>Total Land Area -</b>  |  | 21,600                    | 100%                    |
| <i>Developed Land:</i>  |  |                           |                         |
| Year Round Residential  | 318 Dwelling Units                         | 318                       | 1.5%                    |
| Seasonal Residential  | 512 Dwelling Units                         | 512                       | 2.4%                    |
| <b>Total Residential</b>  | 830 Dwelling Units                         | 830                       | 3.9%                    |
| Commercial  | 13 Parcels                                 | 184                       | 0.9%                    |
| Public / Institutional  | 18 Parcels                                 | 133                       | 0.6%                    |
| <b>Total Non-Residential</b>  | 31 Parcels                                 | 317                       | 1.5%                    |
| <b>Total Developed Land--</b>   |  | 1,464                     | 6.9%                    |
| <i>Protected Land that Cannot Be Developed:</i>   |  |                           |                         |
| Farmland  | 38 Parcels                                 | 1,062                     | 4.9%                    |
| Tree Growth   | 17 Parcels                                 | 748                       | 3.5%                    |
| Open Space  | 51 Parcels                                 | 1,608                     | 7.4%                    |
| Other conservation*   | 23 Parcels                                 | 631                       | 2.9%                    |
| State Owned   | Sanctuary -2 parcels                       | 1,302                     | 6.0%                    |
| <b>Total Protected</b>  | 131 Parcels                                | 5,351                     | 24.7%                   |
| <b>Total Developed plus Protected Land</b>  |  | 6,916                     | 32%                     |
| <b>Total Land “Available for Development”</b>   |  | 14,684                    | 68%                     |
| *”Other conservation” includes land held in conservation easements or owned by conservation organizations, but <i>not</i> enrolled in one of the tax incentive programs.  |  |                           |                         |
| <i>Sources for Protected Land: Town tax records. Parcels in “other conservation” from records of Blue Hill and Maine Coast Heritage Trusts. This table uses the total acreage for each parcel. In actuality the portion protected may be less than 100%. Source for developed land: Maine Office for GIS (MeGIS) – assessed properties 2017 database with QGIS Field Calculator Area Analysis</i> |  |                           |                         |

However, the calculation presented in Table N-2 is at bit misleading. The land that is privately protected through private restrictive covenants and conservation easements has development restrictions that are not fully known at this time. It is possible that some limited development can occur on some of these parcels. Conversely, there are development restrictions on land that is not listed in Table N-2 as protected. For example, legally binding permanent covenants for the Northland subdivision at the head of Cape Rosier (the Town’s largest subdivision) mandate that no more than two dwellings can be built on any of the 40 lots, and the ownership of the lot can never be subdivided. Thus, for this 462 acre parcel, the average “house lot size” is a maximum

of 5 acres, rather than one acre as used for the calculation in Table N-2. In addition, the acreage shown in this table differs from the acreage under the tax incentive programs as reported in Chapter J. Part of the reason for this is probably because on any given parcel, not 100% of the acreage is in the tax incentive program.

Map N-1 shows current land use by parcel in the following categories:

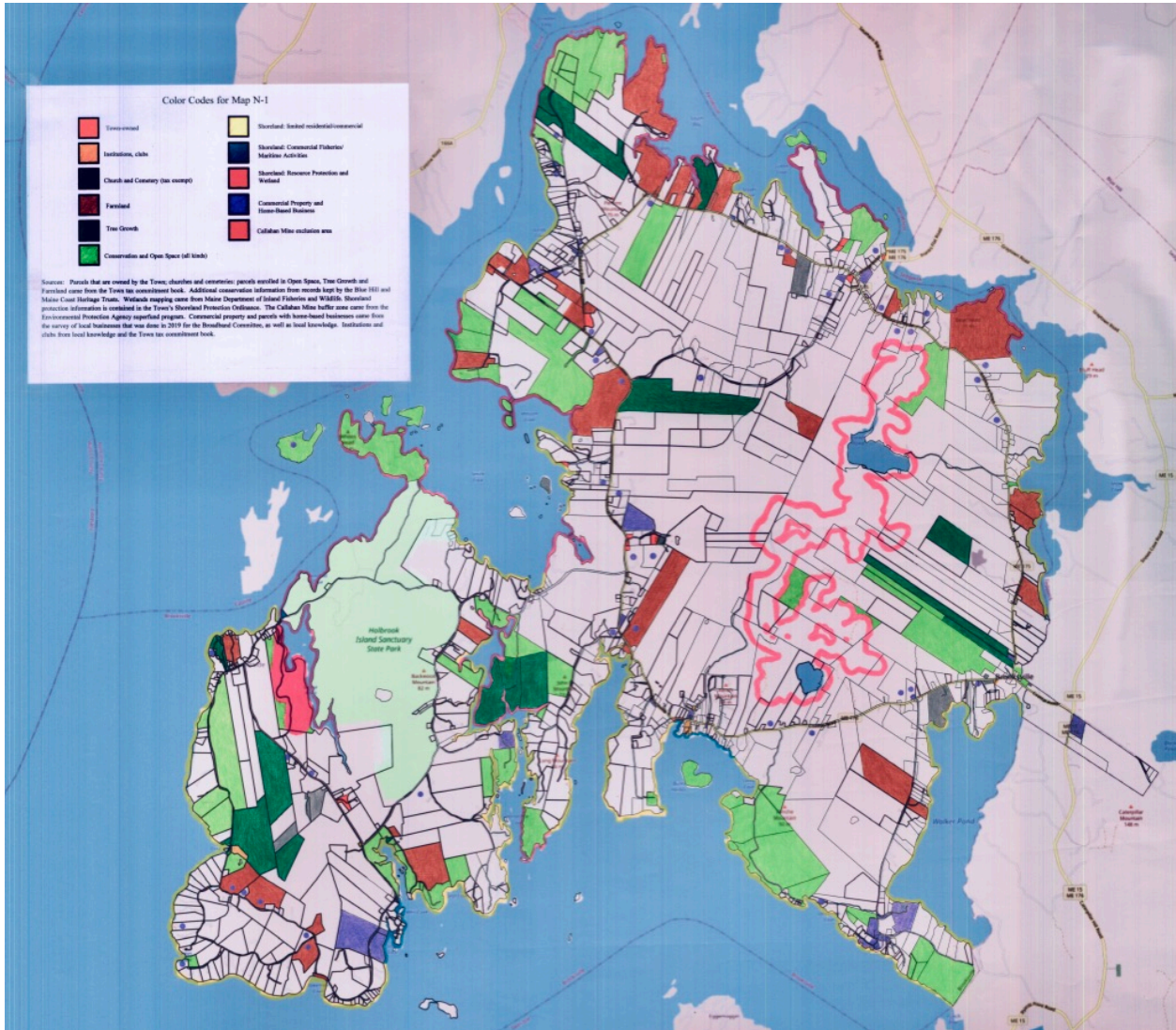
- Town-owned;
- shoreland protected in several categories (limited residential/commercial, resource protection, commercial fisheries/maritime activities);
- wetlands;
- the Callahan mine superfund site;
- commercial properties including businesses dependent on proximity to the sea;
- home-based businesses
- churches and cemeteries;
- protected open space in all categories;
- farmland parcels;
- tree growth parcels;
- cultural institutions.

All parcels not coded for one of these uses could be considered existing (or potential) residential or commercial areas, depending on soil suitability, topography and other factors relating to successful development.

It is important to note that a given parcel (particularly some of the larger ones) may contain several categories of current use. For example, a parcel containing a protected wetland may have existing residences outside of the wetland. Similarly, a parcel designated agricultural may contain a home-based commercial bed and breakfast.

The map shows a colored dot indicating the approximate location of a current home-based business. These include, where known, registered business addresses of fishing vessels; the locations of individuals who create and sell their craft items from their homes; store-front businesses established in a residence; B and B's; the residences/business addresses of consultants, architects, and many other professionals. Collectively these home-based businesses represent a very significant portion of Brooksville's economy. It is likely that only a fraction of these existing businesses show up on the map. They are predicted to become far more numerous in the future as improved broadband makes telecommuting feasible.

## Map N-1 Current Land Use (placeholder map)



*Sources: Parcels that are owned by the Town; churches and cemeteries: parcels enrolled in Open Space, Tree Growth and Farmland came from the Town tax commitment book. Additional conservation information from records kept by the Blue Hill and Maine Coast Heritage Trusts. Wetlands mapping came from Maine Department of Inland Fisheries and Wildlife. Shoreland protection information is contained in the Town's Shoreland Protection Ordinance. The Callahan Mine buffer zone came from the Environmental Protection Agency superfund program. Commercial property and parcels with home-based businesses came from the survey of local businesses that was done in 2019 for the Broadband Committee, as well as local knowledge. Institutions and clubs from local knowledge and the Town tax commitment book.*

## **6. Current Land Use Patterns**

### **Overview:**

Brooksville's land use pattern continues to be rural in nature and low-density. In recent years, the seasonal portion of the total population has increased significantly. Seasonal housing units now outnumber year-round housing units. This pattern may reverse in the near term with the increasing popularity of rural Maine as a destination for home purchases. The most densely populated areas continue to be the shorelines and established village districts: Brooksville Corner, North Brooksville, South Brooksville, West Brooksville, Cape Rosier, and Harborside. Other areas that attract development are along the collector routes (Routes 175 and 176) and the Varnumville Road. Large areas of the interior of Brooksville are undeveloped. This area is characterized by many wetlands and forested areas.

### **The Coastline:**

The coast is a popular attraction for visitors to Maine and also for those seeking either seasonal homes or new homes. Despite projected sea level rise, development along the coast of Maine is continuing. The state-mandated Shoreland Zoning Ordinance regulates various factors of development along the coastline and also interior waters, such as setbacks from the shoreline and riparian zones. It also regulates how much timber can be harvested in these zones, and the size of development in square footage for a house and/or building in certain settings designated as "Resource Protection" (RP). In other designations such as "Limited Residential" (LR), there are no restrictions on building footprints. Brooksville complies with the State's minimum requirement for shoreland protection and enforces its Shoreland Environmental Protection Ordinance.

### **The Villages:**

Brooksville's historic context provided for moderately dense habitation around six core village centers that were established when travel by boat was the predominant means of transportation: Brooksville Corner, North Brooksville, South Brooksville, West Brooksville, Cape Rosier, and Harborside. See map N-1, Current Land Use. These rural villages followed a land use pattern common to many rural New England and Maine villages and towns. Each village typically included: a school; a church; a post office; one or more retail stores; specialized services such as a blacksmith shop, barber shop, or a physician's office; possibly a grange hall or other community center; and a cluster of houses often sharing vital resources such as water and commons for livestock. Most importantly, these villages provided social life and interaction. As the Town has developed to date, these village centers are experiencing a significant decline in the services available. The post offices have been consolidated into a single one, not located in any of the village centers, and it no longer serves as a place for residents to congregate socially. The grange halls have disbanded, leaving just the Community Center in South Brooksville. The retail stores are gone except for one market in South Brooksville, and many specialized services are no longer here. There is now just one school. There are only two active churches remaining (South Brooksville and West Brooksville), although four other church buildings remain standing (Brooksville Corner, North Brooksville, and two on Cape

Rosier): these are occasionally used for various functions.

**Routes 175 & 176:**

State Routes 175 & 176 (and a small section of Route 15) are the only “collector route” highways through the town. New residences have been built along these roads and also along the Varnumville Road and the Cape Rosier Road. Since these roads are used by all residents of the Town, all share in major concerns including speed enforcement, new driveway entries, impacts of extreme weather events, planning for future electric vehicles, and increasing mobility for all residents. (See Chapter D, Transportation).

**Remote Areas:**

Brooksville’s arable land is no longer predominately used for agriculture, as discussed in Chapter J. Instead, it consists of a patchwork of overgrown fields and regenerating forests, which in some instances are interfering with scenic resources and views.

The interior of Brooksville to this day remains mostly undeveloped. Development does not extend far from the roadside (See Map N-1, Current Land Use). In the past ten years there has been only one large subdivision, located off Herrick Road, still in the ownership of Downeast Property Management. Fifteen of the 16 lots range in size from 2.08 to 5.95 acres, with one lot at 26.23 acres. The total acreage in this subdivision is about 78 acres.

**7. Recent Land Use Changes**

Fifty-four new dwelling units (most likely all single family homes) have been constructed since 2010 (see Housing Chapter Table C – 1). This increase has occurred mostly along the coastline. Also, due to recent global and national events such as the COVID-19 Pandemic and renewed urban flight, Brooksville experienced increased real estate turnover in 2019 and 2020. This trend is not expected to slow or reverse, and property owners may be tempted to subdivide larger parcels into smaller subdivisions in the near term as the market demand increases. Also, the popularity of short term, online rental services has increased the repurposing of existing structures and the building of new structures for additional income from short term rentals.

**8. Current Land Use Regulations in Brooksville**

Brooksville has no town-wide zoning ordinance and no requirements for a building permit. Property owners may build outside of the shoreland protection area without any town review or process of approval except for a septic permit, a plumbing permit, and a review of driveway access to a Town road. The town’s Shoreland Environmental Protection Ordinance is compliant with the State minimums. The town also has a Subdivision Ordinance that governs subdivision approvals, a Cell Tower Ordinance, and a Wind Energy Systems Ordinance.

## 9. Goals & Objectives

| <b>GOAL: Brooksville will review its existing land use regulations to determine if they conform to the desire of residents to retain the current quality of life in the face of possible future development pressures.</b> |  |  |                             |
|--|--|--|-----------------------------|
| <b>Objective</b>   | <b>Strategy</b>  | <b>Responsible Party(ies)</b>  | <b>Timeline</b>             |
| Maintain knowledge of development trends affecting Brooksville and the region.   | Keep a running inventory of pertinent information about new structures.eg location, demographic information including seasonal usage, etc. | Select Board, their designees, Planning Board, HCPC                          | Immediate – within 2 years. |
|  | Study the development trends in nearby towns.  |  |                             |
| Keep tax records up to date with new property values.  | Annually assess one quarter of Brooksville’s taxable parcels.  | Select Board, Planning Board   | Immediate - within 2 years  |
| Inform residents on recent development trends, with an eye toward developing consensus about future plans.   | Research the experience of other similar communities with adopting growth management strategies.   | Select Board, Planning Board   | Immediate and ongoing       |
|  | Organize public open houses and community dialogue sessions to gather public input on development concerns and methods.                    | Select Board, or their designees, (for example a special land use committee) | Immediate and ongoing       |

**Note: These goals and objectives relate to gathering background information necessary to prepare for future land use planning, which is the subject of Chapter O – Future Land Use.**