

**COMPREHENSIVE PLAN**  
**for**  
**BUSTINS ISLAND VILLAGE CORPORATION**  
**BUSTINS ISLAND, MAINE 04013**

**Developed in Compliance with Title 30-A, M.R.S.A. §4324 and §4326**

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## **1. Inventory and Analysis**

### **A. Economic and Demographic Data**

Bustins Island (sometimes referred to hereinafter as “Bustins” or the “Island”), a 138-acre Casco Bay island, lies completely within the Town of Freeport. The Island was incorporated as the Bustins Island Village Corporation (BIVC) by Chapter 213 of the Private and Special Laws of 1913. The charter was amended in 1967 and in 1985. Legislative authority is vested in an open village corporation meeting with administration by a Board of Overseers.

The Island has approximately 115 cottages, a majority of which are located within 100 yards of the shoreline. The Island has no year-round residents. A few cottage owners take up residence in April and do not leave until October; but for most, the season is July and August with a week or two added at one or both ends. Many people commute just for the summer weekends.

The 2000 BIVC voter list contains nearly 150 names. The Bustins Island directory, published annually, contains some 464 names of people associated with Bustins. The total carrying capacity of Bustins Island is unknown at this time. If each of Bustins 115 cottages were full with a family of six, there would be a maximum of 690 persons on the Island.

Future cottage construction is very much limited by available suitable land. Assuming that the central portion of the Island continues to be designated as a Resource Protection District where building is not allowed, there might be space for an additional 30 cottages, perhaps a lot fewer factoring in the strict application of the state’s plumbing code for a traditional septic field. State variances that may be granted for replacement of privies with septic systems and the use of composting units would tend to make more lots developable. However, treatment of “grey water” would continue to be a limitation. In fact, there have been few installations that treat “grey water” (i.e. sink and bath) without a septic field. Planning Board projections are that the community growth pattern of the past 50 years will continue with only sporadic new cottage construction.

There is one island-based business. By choice, Bustins does not have any connection to public utility electric power, nor does it have a system of paved roads. There are no passenger cars on Bustins Island. Bustins depends on tanks of liquefied petroleum gas (LP) being brought onto the Island as an energy source for refrigeration, cooking, and lighting. More recently solar power cells have become a power source for lighting and other electrical needs. Most heating is by wood stove from cord wood cut on the Island. Since Bustins intends to remain a seasonal community, it expects to continue without the usual infrastructure features and it does not expect or desire additional business development.

Although a few cottages are available for rental, the preponderance are owner family occupied. Renters are usually well known to the renting family and tend to repeat. Thus, renters are well integrated into the community.

Freeport records show the total assessed valuation of all property on Bustins Island to be \$12,707,900 as of May 2001.

## **Item for Consideration**

- Presently, Bustins does not have an understanding of either the maximum number of persons that safely can exist on the Island at one time, or what the cumulative impact of peak populations over a season might be.

### **B. Significant Water Resources**

The seacoast area around Bustins Island is the reason for the Bustins community's existence. The interior of the Island has only small seasonal streams that run immediately after a rain or during snow-melt. There are two man-made "ice ponds" once used for cutting ice to supply summer residents' ice boxes. With gas refrigeration now universal, these ponds are no longer used for ice but still serve as reservoirs for fire protection.

The interior of the Island is largely undeveloped woodlands including some wetlands that help absorb rainfall for recharge of the aquifer supplying the Island's drinking water. Much of this inland area is within the protected "Resource Protection District." Assuring the continued protection of this aquifer recharge area is critical to long term viability of the Bustins community.

Modeling in the 1991 Ground Water Study by geologist Robert G. Gerber showed that Bustins' main water issue is not quantity of water so much as water quality. This fact underscores the importance of proper wastewater disposal to protect Bustins water supplies. In addition to Island generated contamination from privies, septic systems, and runoff, salt water intrusion is a potential threat in some areas where cottages and wells are more dense.

## **Items for Consideration**

- The impact of waste disposal, increased water use, and additional wells on the quality of the ground water
- The volume of water use by existing or additional users at which salt water intrusion into the aquifer is likely to become a problem
- Continued protection of the central portion of the Island as an aquifer recharge area as vital to the long term viability of the Bustins Community. Siting of future wells and waste systems should be considered in light of the necessity to protect the Island's fresh water resource.

### **C. Significant Natural Resources**

Bustins has a variety of natural habitats, ranging from coastline and tidal areas to meadows, deciduous and coniferous woodlands and wetlands. This variety of habitats provides hospitable environments for the flora and fauna characteristic of those areas. The interior woodland area has several stands of tall

maturing spruce and wetlands that may be important for holding runoff and promoting recharge of the Island's aquifer.

### **Item for Consideration**

- Ways of controlling the recently increased deer population's adverse impacts.

## **D. Marine-Related Resources and Facilities**

Bustins' greatest marine resource and the reason for its being as a summer community is the fact that it is an island. There is very little commercial marine activity based on Bustins Island. Although Islanders do make personal use of shell fish beds, these are not often visited by commercial harvesters. Seaweed has been harvested commercially from time to time from the Island but this is not a regular activity and no Islanders have been involved in it.

There are two publicly owned marine facilities. One is the so-called "steamer dock" at the southwest end of the Island. Because this dock provides direct vehicular access for freight unloading and hauling, this facility is used for shipping and receiving of bulk freight items. The tanks for LP gas used for cooking, refrigeration, and lighting are received full at this location and it is used as a staging area for empties to be returned.

The second public facility is the public float and runway to it located on the southeasterly side of the Island. This float is used for all public transportation of people to and from the Island as well as their hand luggage and small freight. Private skiffs tie-up at this float. Trash is shipped off the Island from this facility for final disposal at a mainland transfer station.

There are no commercial moorings or docking facilities. Since there are no passenger cars on the Island there is no need for any parking facility at either the "steamer dock" or the public float.

The existing marine facilities are adequate for their present purposes. There is additional discussion of the marine facilities in Section G below on transportation.

### **Item for Consideration**

- The need for additional space for dinghy tie-ups.

## **E. Commercial Forestry and Agricultural Land**

There is no commercial forestry or agricultural land on Bustins Island.

## **Item for Consideration**

- How to deal with the build-up of dead vegetative matter in the woodlands seen by some as a potential fire hazard.

## **F. Existing Recreation, Park and, Open Space Areas**

In a certain sense, all of Bustins Island is a recreation area. Its shore provides swimming and boating; its dirt roads and trails, walking; its playground, swings, volleyball and basketball; and its publicly owned athletic field, golf and large field sports like baseball. There are also two tennis courts.

There are three distinctly different major open space areas on the Island. These are:

- The publicly owned athletic field at the northeast end of the Island which provides significant publicly owned open space with little tree cover.
- The Resource Protection District, encompassing primarily densely wooded and mostly private lands, is the largest protected open space area on the Island. Located mostly in the center of the Island, its primary function is for protection of the recharge area for the Island's water supply, but it also doubles as an area for walking, wildlife habitat, and wood for the many stoves and fireplaces in Island cottages.
- The publicly owned Shore Reserve is intended to assure shore access for all. This reserve extends along most of the southeast side of the Island and around onto the most southwest portion of the northwest side.

## **Items for Consideration**

- How best to encourage protection of the central portion of the Island for its water resources, vital to the continued viability of Bustins as a seasonal community. Landowners have been generous about voluntarily allowing their property to be included within the Resource Protection District.
- How to handle future requests to cross the Shore Reserve by private dock facilities, a concern to some in recent years about the loss of natural shoreline vista.

## **G. Existing Transportation Systems**

The primary transportation system for Bustins Island is the ferry service to and from the harbor in South Freeport. Until very recently, this service was privately provided with a subsidy from the BIVC. To assure reliable service, the BIVC contracted for the construction of a new boat in 1999 so that the Island government could itself provide the ferry service. This new Island owned boat was placed into service for the 2000 season. About two-thirds of Islanders are completely reliant on this ferry service for transport to and from the Island.

The Island itself has only single-lane dirt roads. In addition to a circumferential shore road there is one cross-island road and a few other shorter, less used connectors. There is a BIVC owned pick-up truck used for baggage transport and passenger service for persons having difficulty walking. Although there are a substantial number of bicycles, most traffic is on foot.

A graveled ramp near the golf course provides access for heavy trucks ferried at high tide to the Island by barge or landing craft.

Article XVI of the BIVC by-laws limits the use of private motorized vehicles on Bustins to those expressly permitted by the Board of Overseers for legitimate commercial purposes (e.g., LP gas delivery). Use of private vehicles for non-commercial purposes is generally not allowed.

### **Items for Consideration**

- Alternatives to relieve limited dinghy tie-up capacity.
- Finding a long term solution to mainland parking for the Island residents' motor vehicles while the residents are on the Island. This is the largest transportation issue.
- Ways to promote bicycle safety on dirt roads, an issue both to the riders and pedestrians.

### **H. Residential Housing Stock, Including Affordable Housing**

Most of the cottages are one and one-half story, clapboard or shingle, wood structures built in the late 1800's and early 1900's. However, there is a range of architectural styles reflecting the fashion of the time of construction. Many cottages are well preserved still having original floors, walls, hand-pumps and furnishings. Lots, particularly for older cottages, are quite small, averaging 66 by 100 feet, with the cottages consequently being very close to one another, notably so on some parts of the Island. There is no public electricity, telephone, or water service in any of the cottages. Heat is from fireplaces or wood stoves and light from windows, gas lamps, and more recently solar power. Gas for refrigeration and lighting comes from tanks of LP gas delivered by the only on-island business.

Although there are no income restrictions or other restraints on property ownership, Bustins Island as a seasonal community without the usual residential infrastructure services is problematic for affordable housing.

### **I. Historical and Archeological Resources**

The two farmhouses and the school house are the most evident physical resources reflecting Bustins early agricultural history.

The oldest house on Bustins, a one-and-one-half story center-chimney cape is still surrounded by open meadow. This early salt-water farm was built in 1798 as a year-round home, and is located on the south face of Bustins. The second oldest house, located east of the post office, was probably built in the 1860's.

The schoolhouse was built mid-island in 1885 for the children of the fishing families. Today this modest vernacular building, standing next to the Community House, still retains a great deal of historic integrity including windows, plastered walls, and flooring. It is the only civic building on the Island predating the blossoming of the summer community and is a tangible link to the Island's earlier history.

The Bustins Island Historical Society (BIHS) was founded in 1977 with a charter to document and preserve the unique history of Bustins Island. The BIHS manages a museum located next to the post office on Bustins. Exhibits are mounted annually, around a theme of historical interest to Islanders.

## **J. Land Use Information**

### **a) Current Land Use**

Current land use is divided among cottage lots, resource protection, shore reserve, and municipal buildings and facilities. Cottages are presently concentrated around the shore, generally within the first three rows of lots. There are, however, a number located more inland. The Resource Protection District covers most of the center of the Island and serves multiple purposes, the major one of which is recharge area for Island water. There are four major municipal buildings. These are a community house, a post office/library/museum, a fire barn, and a cottage intended eventually for office use. In addition, there are the two municipal port facilities, the public float and the "steamer dock." The athletic field and Shore Reserve areas represent the largest municipally owned land areas. The map included after page 14 shows the general allocation. This land use has been promoted by the zoning ordinance and map originally adopted in 1975 and is reaffirmed by the adoption of this Comprehensive Plan.

The only commercial business based on the Island is related to repair and maintenance of the current cottages' gas lamps, gas refrigerators, and other gas appliances and supplying them with LP gas. New cottage construction and repairs are done mostly by businesses that are based off-island but carry on work there on an *ad hoc* basis.

A small piece of municipally owned land as far away from cottages as possible is used for disposal of privy waste.

### **b) Projected Development Patterns**

There are 30 odd undeveloped lots on Bustins that might hold cottages. Some of these are in areas that the 1991 *Gerber* report identified as sensitive for preservation of the Island's water resources. Nearly all are away from the shore. The only infrastructure expected to be needed to accommodate this development is access roads.

No commercial or industrial development is expected.

## **Items for Consideration**

- Encouraging the existing land use patterns by reaffirmation of the historic zoning patterns shown in the map following page 14.

- How best to assure the Island's drinking water supply.
- An assessment of the likely impact of privy waste and possibly future septage disposal on the Island's water resource. If more cottages are to be built, this is a critically urgent matter.

## **K. Capital Facilities Assessment**

For the most part the existing municipally owned land should be sufficient for the Island's needs into the foreseeable future. The wooden municipal buildings date from the early twentieth century but are in reasonable repair. Although in good repair, they require continuing maintenance.

The runway to the public float needs to be replaced. (Funds for this purpose are being requested from the 2001 Annual Meeting.) The ways onto which the public float is hauled at the end of the season are deteriorating.

There are a number of other items of capital equipment that will be needed over the near term. Many of these relate to fire protection. A new (at least new to Bustins) fire truck more easily operated by the summer residents than the larger of the two present fire trucks but still having the capability of providing substantial fire fighting assistance would significantly improve fire protection. A number of satellite pumps have been proposed to be located around the Island to assure seawater availability for fire fighting. The historic school house is presently being used as a generator shed. A new generator shed for the Community House will be needed if the historic school house is to be restored.

## **Items for Consideration**

- Balancing the cost of the historic construction with more modern lower maintenance styles as it becomes more difficult and expensive to provide maintenance to older structures.
- Developing a plan for re-construction of the ways for the Public Float or for another alternative.
- Developing a fire-fighting strategy for the island from which priorities for equipment can be set.
- Developing alternatives for housing the generators for the Community House.

## **2. Policy Development**

**A. Promotion of State Goals** - The state goal of encouraging orderly growth while preserving rural character has been embodied in the actual development of the Bustins Island seasonal community. The pace and style of life on Bustins Island very much resemble that common elsewhere in the early twentieth century. The lack of public utility electricity and unpaved roads contribute very much to the ambiance. Protecting the central portion of the Island as a Resource Protection District has prevented overbuilding and protected the Island's water resource. Except for possible impacts on the water supply, the public

facilities necessary to accommodate reasonable expected growth in accordance with this plan are already in place.

As a summer seasonal community, Bustins Island provides job opportunities for people engaged in property maintenance and in the supply of residential services, particularly provision of LP gas. In keeping with the character of the community, Bustins Island does not wish to encourage commercial or industrial development. It sees itself as continuing to be a seasonal summer community. As such there is no basis for encouraging housing except for summer seasonal cottages.

The state's interest in water resource protection is certainly consistent with the Bustins Island community's self interest. The Island water supply comes from aquifers recharged by rain that falls on the Island. Preventing contamination of this groundwater is essential for the continued viability of the community. Maintaining the Resource Protection District together with conservation and proper waste disposal is an important policy necessary to assure the continued purity of the water supply. This district also provides protection for wetlands and wildlife habitat and safeguards the Island's forest resource from development that might threaten it.

Consistent with the state's goals, public rights-of-way and the Shore Reserve provide shore access for all.

The state's interest in preserving historic and archeological resources is served through the BIHS. The village corporation has encouraged this group by making available to them corporation owned space on a rent free basis.

**B. Conflicts with State Goals** - Because it is seasonal, with no year round residents, the Bustins community does not have the infrastructure to support year round housing, affordable or otherwise. Development of that infrastructure would destroy the natural and historic resources of the Island.

**C. Conflicts Between Regional and Local Issues** - Islanders' vehicle parking in South Freeport has the potential to become a problem and source of friction with South Freeport residents if current permission to park on Town of Freeport property there were to be lost for some reason. There are no other identified conflicts between regional and local issues.

**D. State Coastal Policies** - The Bustins Island Zoning Ordinance has been approved by the Department of Environmental Protection as consistent with the state's shoreland zoning requirements. Both Bustins Island Code Enforcement Officer and Planning Board are aware of these. More recently, the Landscape Committee has taken an active role in the education of private property owners on the requirements imposed by law on properties located within the Shoreland District.

### **3. Implementation Strategy**

**A. Geographic Areas** - The Bustins Island Zoning Map following page 14 identifies three districts, General Purpose, Shoreland, and Resource Protection.

**a. Growth Areas** - The growth on the Island is expected to take place in the General Purpose and Shoreland Districts. The Zoning Ordinance has established standards for this development, set

permitting procedures, and allowed consideration of natural hazards to limit development where it would be inappropriate. Public services on Bustins are available throughout the General Purpose and Shoreland Districts.

There are no large tracts of available land for future development on Bustins Island.

**b. Rural Areas** - The central portion of the Island has been largely set aside by landowners as a Resource Protection District. A major purpose of this district is protection of the Island's water supply. It also serves to provide natural open space as wildlife habitat and cord wood for heating.

**c. Shoreland Areas** - This is the area within 250 feet of the shore in which more stringent development standards apply to conform to the State's Shoreland zoning requirements.

The present Zoning Ordinance is in general seen as adequate for regulating the limited growth expected. It provides, among other things, density limits and performance standards.

**B. Capital Investment Plan** - Historically, the BIVC's capital budget has focused on maintenance of the corporation owned buildings and equipment. Bustins has devoted a portion of each year's tax receipts to reserve funds designed to fund replacement and major maintenance of capital items. In 1999 for the first time in many years, the BIVC borrowed money to help fund the construction of an island ferry. It now faces a significant expenditure to rebuild the runway to the public float. Better fire protection equipment is also needed.

The Island intends to continue the strategy of identifying capital needs and at least partially pre-funding those through the use of earmarked reserve accounts. In addition, there is a general emergency reserve, known as the CASCO fund, intended to help the BIVC replace facilities that might be lost in a natural disaster. Because of its relatively limited seasonal population, this reserve account approach to capital planning has been and is expected to continue to be adequate and preferred to borrowing.

**C. Water Quality Improvement** - Bustins Island has no great ponds and no streams except very small seasonal ones that are dry except during the spring snow melt and for a short time after heavy rains. There are two man-made ponds each of less than 1/4 acre that were formerly used for the harvesting of ice. They now serve as reservoirs to provide water for fire protection and wildlife habitat. None of the Bustins water bodies is large enough to fall under Title 38, M.R.S.A. The concern on Bustins is leachate from privies and septic systems and its potential effect on the groundwater used for drinking. The 1991 study previously referred to addressed this issue and identified areas of particular concern. Bringing these identified areas within the Resource Protection District is desirable.

**D. Ensure Consistency with State Law** - The BIVC Zoning Ordinance has been reviewed and accepted by the Maine Department of Environmental Protection. Ordinances are generally reviewed by Maine counsel prior to being submitted to the annual meeting for possible adoption. With these policies in place, it is expected that the BIVC's ordinances are and will continue to be consistent with state law.

- E. Ensure Preservation of Access to Coastal Waters** - As already noted, the BIVC owns tracts of property along significant portions of the Bustins Island coast in areas designated as Shore Reserve. In addition as shown on the zoning map there are a number of BIVC owned rights-of-way to the shore where there is no Shore Reserve. The Island float and “steamer dock” provide water access for any necessary Island related commercial activity. Article XXI of the BIVC by-laws spells out the Harbor and Mooring Regulations. Since there are no passenger cars on Bustins Island, on-Island parking is not an issue.
- F. Ensure Protection of Agricultural and Forest Resources** - There is no agricultural land on Bustins Island except for family garden plots nor is there any commercial forestry. Harvesting of cordwood on small private wood lots is the only forestry activity on Bustins Island. The Resource Protection District includes most of the Island’s forest.
- G. Ensure that Policies Encourage Siting and Construction of Affordable Housing** - As a seasonal community with no year round residents nor the usual residential utilities, affordable housing on Bustins Island is problematic. In fact the cost of commuting and the transportation of all supplies and foodstuffs via boat would be a major drain on a person’s resources. The Bustins community, however, is made up of families of varying income levels. Many of them have had their cottages for several generations. Increasing costs, particularly real estate taxes over which Bustins people have no direct control, are making it difficult for them to afford continued ownership of property on the Island.
- H. Ensure Recognition of Historical and Archeological Resources** - The BIHS, although not a part of the village corporation government, has taken the major role in documenting Bustins Island’s history and heritage. There are two farmhouses on the Island now used as summer cottages. There are plans to restore the historic school house.
- I. Encourage Availability and Access to Outdoor Recreation** - As already noted, shore access is assured by the BIVC owned Shore Reserve as well as public access through other rights-of way and the public float and “steamer dock.” The village corporation owned large open field at the northeast end of the Island used for field sports and golf is served by the public circumferential road. The Resource Protection District is crossed by a number of footpaths used by the public as well as the cross-island road.
- J. Develop Goals for Great Ponds** - There are no great ponds on Bustins Island.

#### **4. Regional Coordination Program**

Bustins Island lies completely within the Town of Freeport. There are no shared resources or facilities with other municipalities. Access to Bustins is generally from the Freeport public landing in South Freeport.

There is an annual meeting between the Freeport Town Council and the BIVC Board of Overseers to discuss matters of mutual interest. In addition, there is contact among various lower level personnel on

*ad hoc* issues. Coordination of fire protection efforts and training of Bustins residents in fire protection is a prime example. Mainland parking continues to be a concern.

## **5. Reaffirmation of the Zoning Ordinance**

The BIVC continues to see the future for Bustins Island as a seasonal community placing a high value on preserving both its natural environment and its unique way of life.

By adoption of this Comprehensive Plan, the BIVC annual meeting ratifies and re-adopts its historic zoning ordinance first adopted in 1975 and as subsequently amended and affirms it to be pursuant to and consistent with this Comprehensive Plan.