

## Overview

This is a draft of several sections of the Prudence Island part of Portsmouth's Comprehensive Plan. So that you may compare the current plan with these revisions, the current plan is also posted on this web site.

The Prudence Island Planning Commission is coordinating the efforts of many persons to update the plan. More than a dozen reviewers helped write and revise this draft, and it is now ready for more comments and more revisions.

Based on the comments you make now, it will be revised again at the end of March. Several public meetings will then be held on the Island to discuss and comment on the plan during June and July. After the Island has reached a consensus, the plan will be submitted to the Town Planning Board and then the Town Council.

So, your comments are essential. This plan will guide Town decisions and help shape zoning ordinances for many years.

- You can comment using the Message Board on this web site.
- You can send comments to the Prudence Island Planning Commission e-mail address: [PIPlanCom@aol.com](mailto:PIPlanCom@aol.com).
- You can mail comments to the PI Planning Commission. Simply send them to the Prudence Island Planning Commission, Prudence Island, RI 02872

# PRUDENCE ISLAND

## I. GOALS

These are some of the distinguishing marks of life on the Island:

- Isolation and open space.
- Beauty of the natural seascape and landscape, where the sunset always awes and the winds impress.
- Deer roaming freely.
- Safety for children playing in the neighborhoods.
- A refuge from development, both residential and commercial, even though close to the intensively developed mainland.
- Life with a slower pace—*island time*.
- A community forged by interdependence and lack of conveniences.
- A community containing many persons for whom the early American flag slogan, *Don't Tread on Me*, is still appropriate.
- A community actively involved in maintaining its quality of life.

The goal of this Comprehensive Plan is to preserve these Island characteristics.

## II. DEFINITION

This section of the Town of Portsmouth Comprehensive Plan affects only Prudence Island.

## III. THE NEED FOR PLANNING FOR PRUDENCE

- Physical growth is occurring: new homes are being built, and old homes are being remodeled and expanded. The population, also, is slowly changing: summer residents are becoming three or four season residents, especially for weekends; summer residents are retiring and living on the island year around; employed persons who might have lived on the island only on weekends or summers are now full time residents, commuting to the mainland for employment or telecommuting.
- Island ecosystems are fragile. Though persons with land holdings or buildings have the right to benefit from their land and buildings, this individual benefit must be balanced with the benefit to the island. "No community can retain its character, its open spaces, its

natural and cultural assets by accident.”<sup>1</sup> Growth must be planned so that it does not destroy the very quality of life that has drawn persons to the island. This island has a saturation point at which its quality of life will rapidly deteriorate.

#### **IV. OPEN SPACE**

##### **A. OBJECTIVES**

###### **1. PRESERVE OPEN SPACE AND SPACE IN ITS NATURAL STATE.**

Open space is land that is not intensively developed for residential, commercial, industrial or institutional use. It includes agricultural and forest land, undeveloped shorelines, undeveloped scenic lands, public parks and preserves. It also includes water bodies such as lakes and bays. More so than for mainland residents, the quality of the lives of the Prudence Islanders depends upon the quality and character of the environment. Much of the current open space has been left in its natural state, and major sections of the Island have been designated national estuaries.

- Because open space is part of the essential character of Prudence, the maximum amount of open space should be preserved, and the maximum amount should be left in its natural state.
- A portion of our natural open space is dedicated to deer hunting during the annual bow and arrow season. Keeping these properties presently available for hunting is important; it is equally important to insure that a reasonable percentage of our walking trails continue to remain hunt free for the safety and enjoyment of our children and others who may choose a quiet walk in the fall or winter woods. A peaceful and mutually considerate coexistence with our friends and neighbors is paramount to enjoyable life in a community as small as Prudence.

##### **B. IMPLEMENTATION**

Since much of the Open Space and Natural Resources elements in the Portsmouth Comprehensive Plan apply particularly well to Prudence, readers are urged to refer to those elements.

- 1 The town should strictly enforce the zoning ordinance requirement that developers set aside open space.
- 2 Dedicate the transfer fees from Prudence real estate transactions to purchasing land and development rights on Prudence Island.

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<sup>1</sup> Henry L. Diamond and Patrick F. Noonan, *Land Use in America*. (Washington, D.C., Island Press 1996) 100.

- 3 Buy land and development rights. Purchasing development rights means the property owner keeps the land but sells his right to develop it to the town or to a land trust.
- 4 Provide tax incentives to land owners who allow public trails on their land.
- 5 Make available legible maps, displaying all open space, labeling who owns or holds easements on each parcel.
- 6 Preserve the state-owned 647 acres on the south end of Prudence remain for walking, nature study and hunting. Restrict development to the minimum required to support walking and environmental education.
- 7 Protect the state-owned 700 acres in the northern part of the Island plus the 201 acres between Homestead and Northeast Point, for research and environmental education.

## **V. RECREATION**

### **A. OBJECTIVES**

- 1 Repair, create, maintain and support enough physical recreational facilities for the summer and full time island populations.
- 2 Dedicated recreation facilities on Prudence are few and some are in need of repair. The full time residents of the Island warrant a year round facility and programming for recreational and educational activities (see Section VI B. Continuing Education).
- 3 Because Islanders must rely on a very limited ferry schedule, there are few opportunities to participate in off-island activities offered in Portsmouth or elsewhere in the state. Although Islanders relish the unique quality of life offered on Prudence Island, there are aspects of island life that limit participation in off island activities. Town Government should work with island organizations to identify and support a reasonable level of recreational facilities and opportunities on the island.

### **B. IMPLEMENTATION**

1. **INCREASE COORDINATION WITH THE TOWN COUNCIL AND TOWN ADMINISTRATION.**
  - a. Representatives from each of the island volunteer organizations should meet annually with the Prudence Island Planning Commission to present their individual needs for support of recreational activities.

- b. Prudence Island Planning Commission should present to Town Government requested support for island recreational needs for inclusion in the Town's annual budget.

**2. CREATE A FIVE-YEAR RECREATIONAL FACILITIES IMPROVEMENT AND MAINTENANCE PROGRAM.**

- a. Prioritize and fund the physical improvements as determined by the Prudence Planning Commission, in consultation with representatives of island organizations.
- b. The residents cannot pay for major physical improvements. Consider entering into an arrangement whereby the Town will construct, renovate and/or provide maintenance funds for Island facilities established and maintained by island organizations.
- c. The Town cannot afford to dedicate staff to regularly go to Prudence to do maintenance and regular repairs. Organizations such as the Prudence Improvement Association, Homestead Improvement Association, and Farnham Farm Trustees can be responsible for maintenance and regular repairs.
- d. Indoor recreational opportunities are limited on an Island from October to May, particularly for the full time residents. An indoor recreation program should be offered for the youth and adult residents of the Island, e.g., youth games, movies, and adult movies, workshops for arts and crafts, etc.
- e. The Prudence Improvement Association's building (capacity 149 people) and adjacent basketball court is an ideal site for large meetings, craft fairs, dances and youth activities from spring through fall. The Hope Brown Learning Center (capacity 43 people) is an ideal site for small group workshops, meetings and adult classes year-round. Homestead library is the only resource for books on the Island. The Town should contribute toward insurance and maintenance costs of these facilities.

**3. HUNTING**

- a. Deer hunting is a seasonal event on Prudence. By all accounts, the density of the white-tailed deer herd on Prudence Island has remained at a level where the herd itself is degrading the island's habitats and is subjecting the residents of the island to a high level of risk to tick-borne diseases: Lyme disease, babesiosis, and erlicheosis. Hunting is an effective wildlife management tool on an Island where excess

animal population cannot migrate, so it should be continued.

- b. The State should allow parking for hunters on State-owned land, as that is where the State is allowing them to hunt. It makes little sense for the State to tell hunters where they may hunt but not let them get there.
- c. The State Division of Fish and Wildlife should develop and distribute maps with all hunting permits that show parking areas and legal hunting areas. (Such maps are available, but if not distributed are useless.)
- d. DEM should establish a high enough ratio of hunters to conservation officers for effective oversight and then limit the number of hunters allowed on Prudence to that ratio

## **VI. NATURAL RESOURCES**

**Not yet revised.**

## **VII. WATERFRONT AND COASTAL**

**Not yet revised.**

## **VIII. FACILITIES AND SERVICES**

### **A. OBJECTIVES**

- 1. Provide a reasonable level of physical facilities and services to Prudence Island commensurate with its seasonal populations and inherent limitations of serving a remote island.
- 2. Prudence Island residents know that they cannot expect the full level of services provided on the "Main Island". Nonetheless, certain items need to be addressed.

### **B. IMPLEMENTATION**

#### **1. OFFICIAL TOWN ROADS:**

**Not yet revised.**

#### **2. SOLID WASTE DISPOSAL AND RECYCLING:**

**Not yet revised.**

#### **3. WASTE OIL COLLECTION FACILITY:**

**Not yet revised.**

#### **4. EDUCATION OF CHILDREN**

- a. Make a commitment to maintain and operate school facilities on Prudence.

- b. Annually, survey the teacher and parents to determine needs, problems and ideas specific to teaching in a one-room schoolhouse.
- c. Include the Prudence Island community as a school resource. A tiny community like this presents a unique opportunity for volunteer community involvement.
- d. Form a Parent Teacher Association (PTA).
- e. Plan to ensure parents' accessibility to their children because of illness, injury or emergency.
- f. Address problems associated with educating students on the main island, including transportation to the mainland and inclusion in extra-curricular activities.

**5. ADULT EDUCATION**

- a. As noted in the Recreation section, Islanders must rely on a very limited ferry schedule to go off island. Consequently, opportunities to participate in town, city and state sponsored programs for continuing education, skill developments, economic opportunities are severely restricted.
- b. Approximately 50% of the 180 year-round residents are over the age of 60 and many of those individuals are retired and living on fixed incomes.
- c. The Hope Brown Learning Center is an ideal place for the development of adult education activities and should receive support from the town for basic utility costs and program development

**6. FIRE**

**Not yet revised**

**7. POLICE:**

**Not yet revised.**

**8. REPAIR AND MAINTENANCE OF SANDY POINT DOCK:**

**Not yet revised**

**9. WATER SUPPLY AND DISTRIBUTION:**

**Not yet revised**

**IX. TRANSPORTATION**

**Not yet revised**

## X. LAND USE

### A. RECENT CHANGES IN LAND USE

The amount and type of changes create a context for the recommendations in this section. The first two sets of tables on the next pages report changes in the land use using data from the Town of Portsmouth Tax Assessor. Unfortunately, the data is limited: though the database starts with 1997 data, lot size is available only from 2001 forward. Therefore, the first three tables track changes by changes in number of lots in each land use category, which is less informative than tracking changes by acres. Only the fourth table, Changes in Land Use from 2001 to 2004, reports changes in acres. The last table was created from data provided by the Town of Portsmouth Building Inspector. At the time of this analysis, this data was available electronically for only 2002 through the first eleven months of 2004.

**Changes in Land Use from 1997 to 2004<sup>2</sup>**

<i>Use of Land</i>	<b>Number of Lots</b>			<b>Percent of Total Lots</b>		
	<i>1997<sup>3</sup></i>	<i>2004</i>	<i>Percent Change</i>	<i>1997</i>	<i>2004</i>	<i>Percentage Points Change</i>
<i>Residences</i>	388	409	5.4%	42.5%	46.0%	3.5%
<i>Commercial</i>	4	4	0.0%	0.4%	0.4%	0.0%
<i>Utility</i>	2	2	0.0%	0.2%	0.2%	0.0%
<i>Improved Land</i>	26	24	-7.7%	2.9%	2.7%	-0.2%
<i>Vacant</i>	371	289	-22.1%	40.7%	32.5%	-8.2%
<i>Non Taxed<sup>4</sup></i>	121	161	33.1%	13.3%	18.1%	4.8%
<i>Total<sup>5</sup></i>	912	889	-2.5%	100.0%	100.0%	0.0%

<sup>2</sup> The Town of Portsmouth Tax Assessor provided the data files supporting these tables. To prepare for analysis, the data was carefully reviewed and inaccuracies were corrected. For example, in the data provided, the code for vacant lots was sometimes used for improved land (even though listing a tax assessment for the improvements), and the code for improved land was sometimes used for a lot with no tax assessment listed for any improvement. Before analysis, these lots were coded consistently across the years. Other inconsistencies or inaccuracies, such as coding a residence as a vacant lot, were also corrected.

<sup>3</sup> The data reflects events in the previous year. For example, the 1997 data was accurate as of December 31, 1996 and used for the year, 1997, and the 2004 data was accurate as of December 31, 2003.

<sup>4</sup> Prudence Conservancy, Audubon Society, State of RI, Town of Portsmouth, etc.

<sup>5</sup> The total number of lots varies from year to year as lots are divided and merged.

- Building continues: the number of lots with residences has increased while the number of vacant lots has decreased.
- The number of lots with residences has increased from 43% of the total lots in 1997 to 46% by the end of 2004.
- The number of vacant lots has decreased from 41% of the total lots to 33%.
- The number of lots owned by a non-profit or governmental agency has increased from 13% of the total to 18% of the total.
- Clearly, vacant land was transferred to a non-profit or governmental agency, as well as to land for residences. The major cause of the decreased proportion of lots being classified as vacant land, however, was the increase in the amount of land held by a non-profit or governmental agency.

**Change in Assessed Values from 1997 through 2004**

<i>Use of Land</i>	<b>Total Value</b>		
	<b>1997</b>	<b>2004</b>	<b>Percent Change</b>
<i>Residences</i>	\$30,624,650	\$65,276,100	113.1%
<i>Commercial</i>	\$298,650	\$462,800	55.0%
<i>Utility</i>	\$86,200	\$104,700	21.5%
<i>Other Improved Land</i>	\$990,350	\$909,600	-8.2%
<i>Vacant</i>	\$8,348,800	\$10,205,000	22.2%
<i>Non Taxed</i>	\$6,767,700	\$14,610,300	115.9%
<i>Total</i>	\$47,116,350	\$91,568,500	94.3%

- Reflecting both regional increases in property values and the values of island properties, the assessed value of properties continues to increase.
- Overall, the value of lots with residences has more than doubled from 1997 to 2004: from 30.6 million dollars in 1997 to 65.2 million dollars in 2004.

### Change in Average Assessed Values from 1997 to 2004

Changes in Average Value			
	1997	2004	Percent Change
<i>Residences</i>	\$78,930	\$159,599	102.2%
<i>Commercial</i>	\$74,663	\$115,700	55.0%
<i>Utility</i>	\$43,100	\$52,350	21.5%
<i>Other Improved Land</i>	\$38,090	\$37,900	-0.5%
<i>Vacant</i>	\$22,504	\$35,311	56.9%
<i>Non Taxed</i>	\$55,931	\$90,747	62.2%
<b><i>Total</i></b>	<b>\$51,663</b>	<b>\$103,002</b>	<b>99.4%</b>

- Corresponding to the increased total assessed values, average values also continue to increase.
- The average value of lots with residences has more than doubled: from about \$79 thousand in 1997 to about \$160 thousand in 2004.

### Changes in Land Use from 2001 to 2004

	Number of Acres			
	2001	2004	Amount of Change	Percent Change
<i>Residences</i>	206.44	220.17	13.73	6.7%
<i>Commercial</i>	0.78	0.78	0.00	0.0%
<i>Utility</i>	5.22	5.22	0.00	0.0%
<i>Improved Land</i>	4.69	5.85	1.16	24.7%
<i>Vacant</i>	616.56	602.28	-14.28	-2.3%
<i>Non Taxed<sup>6</sup></i>	2,504.85	2,508.04	3.19	0.1%
<b><i>Total<sup>7</sup></i></b>	<b>3,338.54</b>	<b>3,342.34</b>	<b>3.80</b>	<b>0.1%</b>

- Because the first year lot size is available is 2001, this table compares 2001 and 2004.

<sup>6</sup> Prudence Conservancy, Audubon Society, State of RI, Town of Portsmouth, etc.

<sup>7</sup> Of course, the total acres on Prudence Island are the same from year to year. The data provided by the Tax Assessor, however, consists of a different number of lots each year, and a correspondingly different number of acres. Here too, some probable errors existed: for example, one lot was probably listed twice (with different owners and map/block numbers), and the duplicate was removed.

- Development continues: 14 acres were converted from vacant to residential use between 2001 and 2004 (a 7% increase in residential acres).

Building permits supplement the Tax Assessor's data.

- Building new residences continues, and existing residences are being expanded and remodeled.

**Building Permits: 2002 through 2004<sup>8</sup>**

<i>Permit Purpose</i>	<b>Number of Permits</b>		
	<i>2002</i>	<i>2003</i>	<i>2004<sup>9</sup></i>
<i>New Dwelling</i>	8	9	5
<i>Additions</i>	5	5	9
<i>Repairs/Remodeling</i>	14	15	11

**B. OBJECTIVES**

**1. LIMIT GROWTH, CONSISTENT WITH THE LIMITED FACILITIES AVAILABLE.**

- Because open space is part of the essential character of Prudence, preserve the maximum amount of open space and leave the maximum amount in its natural state.
- Limit development that draws upon the aquifer serving the current water system. The public water service is not accepting new customers. Since many private wells are drawing from the limited aquifers, having an adequate amount of water is threatened.
- While limited growth may be an objective for any community, it is much more so for a small island with limited facilities. The roads are narrow and cannot accommodate a high volume of traffic. Because of the high expense of access to the Island, public services are more expensive and are less available than such services on the mainland.

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<sup>8</sup> Permits for sheds and other outbuildings are not included.

<sup>9</sup> Only eleven months of 2004 were available when this analysis was conducted.

2. **PRESERVE THE EXISTING QUALITY OF ISLAND LIFE (DESCRIBED IN THE PLAN'S GOALS EARLIER IN THIS DOCUMENT).**

### **C. IMPLEMENTATION STRATEGIES**

1. **CREATE AN ISLAND BASED COMMITTEE TO ADVISE THE ZONING BOARD OF REVIEW, PLANNING BOARD, AND TOWN COUNCIL WHEN CONSIDERING DEVELOPMENT OF ISLAND PROPERTIES.**

The Island community is both interdependent and actively engaged in maintaining its Quality of Life. Development, especially development requiring variances, affects a much wider group than the abutters. Likewise, subdivisions affect the whole island. Residents of the island, therefore, should have an advisory voice in Island development.

Island residents and property owners would elect the advisory committee. To ensure both consistent attention and representation of all property owners, it would consist of four full time residents and three non-full time property owners.

- a. All applications for variances from zoning ordinances would be presented to this advisory committee before being considered by the Zoning Board of Review. The Zoning Board of Review would carefully consider the advice from the Island committee when considering the variance request.
- b. All applications for subdivisions would be presented to this advisory committee before being considered by the Planning Board. The members of the advisory committee could be included in the Technical Review Committee that the Planning Board is authorized to create. The Planning Board would carefully consider the Island advice.

### **2. CREATE AN OPEN SPACE OVERLAY DISTRICT**

The 1992 Comprehensive Plan, revised in 2002, (hereafter referred to as the 1992 Plan) recommended that all the island not serviced by the PI Water District be zoned as a "Conservation Zone" of severely limited development, with the majority of land set aside as permanent open space.

This Comprehensive Plan proposes an Overlay District that requires maintaining open space for the entire island (including land held by the state and non-profit organizations).<sup>10</sup> To accomplish any of the preceding Objectives, open space must be protected.

#### **a) For subdivisions:**

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<sup>10</sup> An Overlay District is "A district established in a zoning ordinance that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to, but not less, than those otherwise applicable for the underlying zone." (Zoning Ordinance, Town of Portsmouth, 1994 and 2004)]

The current Zoning Ordinance allows for Residential Open Space Development (Article VIII, Section C). To both protect open space and to avoid disturbing the equity held by existing landowners, this open space overlay district requires open space for subdivisions:

1. The same number of residences will be allowed as already permitted for the land.
2. These residences will be clustered on only a portion—typically half—of the parcel.
3. The remaining open space will be permanently protected under a conservation easement.<sup>11</sup>

**b) For substandard size lots:**

The 1992 Plan recommends finding a method of combining small vacant lots. This Open Space Overlay district would encourage merger, and would also discourage developing small lots with these rules:

1. Development on lots in Residential Districts R-20, R-30, and R-40 that are smaller than the minimums established in the Zoning Ordinance would have a maximum lot (footprint) coverage of 10%, instead of 20%, and only one bedroom.
2. Substandard size lots that are merged would be appraised for property tax at the value of only the larger (or largest) lot for a period of five years from the merger. After the five-year period, property tax would be based on the full value of the merged lot.
3. Substandard size lots that are removed from possible development with a conservation easement will be appraised at no more than 25% of the value the land would hold without an easement.

**3. DO NOT ALLOW ADDITIONAL COMMERCIAL ACTIVITY.**

The 1992 Plan recommended that if a commercial zone were to be established, it be limited to servicing current property owners. Currently, in addition to the Prudence Island Ferry, the island has two commercial establishments. This Plan recommends that no additional commercial activity be permitted. If the current commercial establishments cease, the Zoning Board of Review may allow property now zoned residential to be used for commercial purposes (not exceeding the current number of

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<sup>11</sup> A conservation easement restricts the use of land to conservation purposes, such as outdoor recreation by the public, protecting a natural habitat, or preserving land for scenic enjoyment. (Internal Revenue Code Paragraph 170(h))

commercial establishments nor expanding the range of commercial activities).

#### **4. LIMIT DEVELOPMENT ON STATE OWNED LAND TO LIGHT RECREATION.**

The natural resources and scenic beauty of the Island are a public good and should be available to the public. These resources and beauty could, however, easily be destroyed by extensive recreational development, such as bathhouses and food concessions. Low impact uses such as swimming, clamming, fishing, and walking should be encouraged.

#### **5. PRESERVE STONE WALLS.**

Stone walls throughout the island are an integral part of the natural beauty of the island. Whether the stone walls are on public or private land, they must be preserved. Changes in these stone walls should be prohibited.

#### **6. USE PROPERTY TAX RELIEF TO ENCOURAGE THE EXISTING DIVERSITY IN THE COMMUNITY.**

One of the major dangers for waterfront communities is that land values, and the consequent property taxes, increase to such a level that only the wealthy can afford to own land. Two strategies would help maintain diversity:

- a. For lower income<sup>12</sup> full time residents and property owners, apply property tax to only the value of the property that exceeds \$100,000.
- b. For elderly full time residents and property owners who are lower income and moderate income<sup>13</sup>, cap the increase in property tax to no more than 1% per year, regardless of increasing property appraisals.

#### **7. REQUIRE SEPTIC SYSTEM EVALUATION AND IMPROVEMENT WHEN RESIDENCES ARE EXTENSIVELY REMODELED OR EXPANDED.**

Summer residents becoming three or four season full time or weekend residents cause one of the pressures on island resources. Septic systems that were adequate for summer use may be inadequate for increased use. The 1992 Plan recommended that, "Requiring full Individual Septic Disposal System (ISDS) evaluation by DEM before a conversion building permit is issued will help ameliorate the problem." In addition, the 1992 plan added that a definition of conversion might be changes "such as

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<sup>12</sup> Lower income will be defined when the implementation ordinances are enacted.

<sup>13</sup> Lower and moderate income will be defined when the implementation ordinances are enacted.

renovating at a cost of over 50% of building value, or enlarging the house by over a certain percentage.”

This plan proposes an ISDS evaluation by DEM (and consequent system improvements if necessary) before a building permit is issued for building an additional room or increasing living space by more than 10%.