

10. EXISTING AND FUTURE LAND USE

Land use in Dunbarton has been strongly influenced by the Town's location (close to Concord and Manchester), topography, soils, and limited water resources. In addition, land use within Dunbarton has been influenced by the Everett Dam and flood control reservoir, as well as the large number of small ponds, brooks and associated wetlands. The Town has transitioned over time from a rural farming community to a rural residential community with most residents commuting for employment, shopping, health care and for other services.

The community values the protection of existing forest lands and open space, yet equally values the continuation of traditional types of farming. Only a few commercial businesses or service establishments are located in the community. Like many New Hampshire communities, a desire exists for tax base development to lower the property taxes for residents. In addition, there is some interest for more commercial uses such as agricultural-related businesses, small scale retail and restaurants (see survey results beginning on the following page) to meet the needs of Dunbarton residents.

The current zoning structure requires both a Special Exception from the Zoning Board of Adjustment and Site Plan Review from the Planning Board before a commercial use or business can be developed. This regulatory structure has generally served the community well in the past. Almost all commercial, institutional, or industrial use can be approved almost anywhere within the community, with only certain residential uses being allowed by

right. With this structure comes the concern that this zoning system will not continue to adequately protect existing residential areas from the impact of intensive commercial and industrial operations, and while discouraging poorly conceived and incompatible new development, can also act to discourage desirable new development.

This Chapter reviews the public input received during the Master Plan process related to land use, summarizes existing uses and patterns of uses in Dunbarton, describes the current zoning structure and related regulations, and provides an overview of recommendations related to agricultural uses, a proposed change in where commercial uses are permitted and by what mechanism (permitted by right, special exception or conditional use permit), and a discussion of potential changes to the Village District.

VISION STATEMENT

Preserve and enhance Dunbarton's rural character. The community continues to value the protection of residential neighborhoods, forest lands and open space, yet equally values the continuation of traditional types of agriculture and the further development of low impact commercial activities.

COMMUNITY VISIONING SESSION

Residents who attended the Master Plan Community Visioning Session highly valued the Town's rural character, indicating it as a strength that has been defined by past and current land use. While participants were hesitant to support a specific commercial zone, they stated they could be open to zoning changes that allow permitted commercial uses in some areas. Many expressed concern regarding high tax rates and what could be done to grow the tax base responsibly while preserving the Town's rural character and high quality of life.

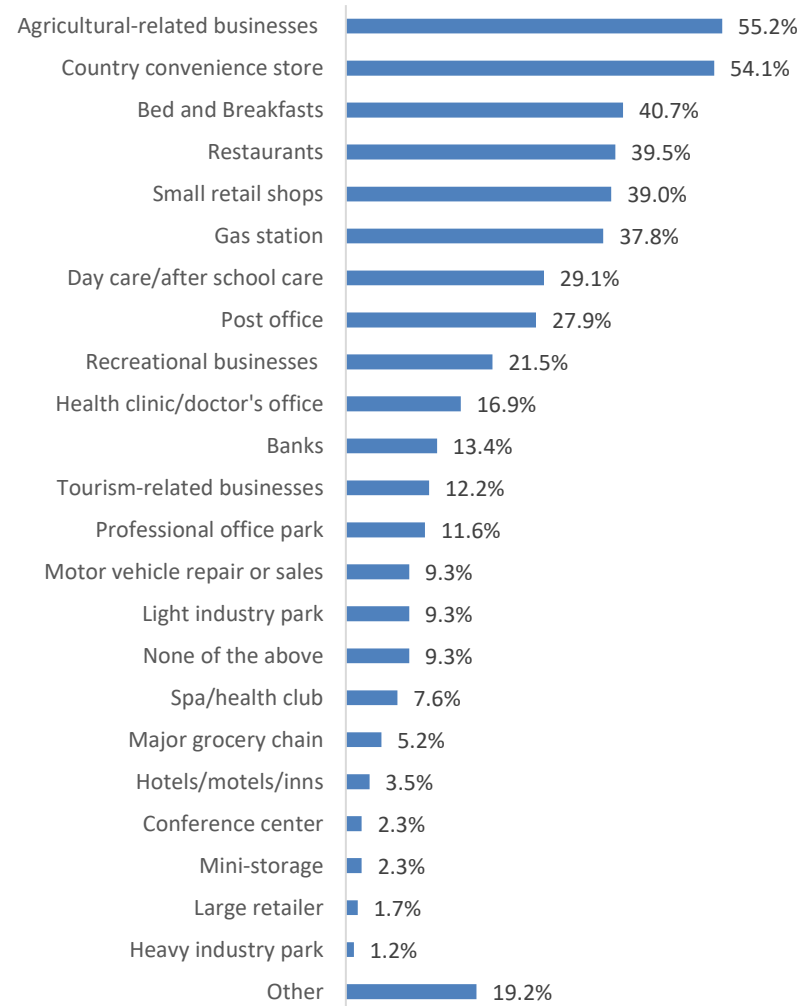
Dunbarton's location, close to both Concord and Manchester, was cited as both a strength and a weakness as goods and services are offered by nearby communities though require a twenty-minute drive and there is no public transportation available. Concern was expressed as this could be a deterrent for a local entrepreneur who many hope to open a general store in Town.

COMMUNITY SURVEY RESULTS

Residents who responded to the Community Survey demonstrated their appreciation of the Town's small town rural feel and the friendly atmosphere of the community. While responses varied regarding non-residential growth in Town, it is clear that residents appreciate Dunbarton's high quality of life and support preserving it in the future. The following questions taken from the Community Survey best represent residents' opinions on existing and future land use.

Community Survey Question #4:

Which of the following enterprises/services would you like to see in Dunbarton? Please check as many as you wish.



Community Survey Question #17:

Do you think that maintaining Dunbarton's rural character should be a goal of the current Master Plan, as it was in the previous Plan?

Q. 17	Total	Percent
Yes	149	89.2%
No	13	7.8%
No opinion	5	3.0%
Total	167	100.0%

Community Survey Question #18:

Should the Town continue to maintain the 2 acre, 3 acre, or 5 acre minimum lot sizes in the various districts?

Q. 18	Total	Percent
Yes	133	80.6%
No	23	13.9%
No opinion	9	5.5%
Total	165	100.0%

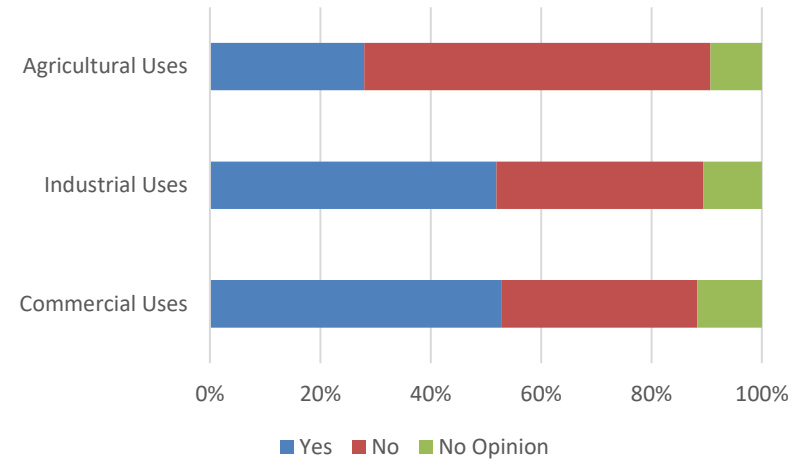
Community Survey Question #19:

Should Dunbarton try to encourage light commercial/light industrial (non-residential) growth?

Q. 19	Total	Percent
Yes	64	39.3%
No	79	48.5%
No opinion	20	12.3%
Total	163	100.0%

Community Survey Question #20:

Commercial or industrial uses are permitted throughout Dunbarton only by the issue of a special exception. Agriculture is permitted throughout the entire Town. Should the Town have separate areas dedicated for the following uses?

**Community Survey Question #21:**

Do you feel that maintaining agriculture as an economically viable land use in Dunbarton should be an important objective of the Master Plan?

Q. 21	Total	Percent
Yes	129	77.7%
No	17	10.2%
No opinion	20	12.1%
Total	166	100.0%

Community Survey Question #22:

Do you feel that maintaining forestry as an economically viable land use in Dunbarton should be an important objective of the Master Plan?

Q. 22	Total	Percent
Yes	133	79.6%
No	17	10.2%
No opinion	17	10.2%
Total	167	100.0%

EXISTING LAND USE

The existing land use pattern in Dunbarton is typical of many communities in New Hampshire; commercial land uses are located along NH 13 and NH 77, while the majority of residential development is scattered throughout Town. The **Existing Land Use Map** contains more detailed information.

RESIDENTIAL LAND

Residential land uses are found throughout the community, with development influenced primarily by the constraints of natural features such as wetlands, poorly drained soils, and steep slopes. Additionally, existing conservation lands and the road network place limits on residential development. The residential category includes single family/duplex and multi-family dwellings. In total, residential land uses, with a total of 1,260 acres, occupy 49.7% of the community's developed land area or 6.3% of the Town's entire area of 20,045.9 acres.

AGRICULTURAL LANDS, OPEN SPACE & RECREATION

Lands that have been cleared for agricultural purposes (567.8 acres) account for over 22% of Dunbarton's developed land. This also includes structures built for agricultural purposes such as barns or

stables. The open space of Dunbarton which includes all land not developed, waterbodies, agricultural lands, and outdoor recreation area comprise 17,510 acres or 87.4% of Dunbarton's total area. A total of 5,284 acres, or 26% of the Town's total area, is protected from future development via Conservation Easement, Fee Ownership, or Agricultural Preservation Restriction.

ROAD SURFACES & AUXILIARY TRANSPORTATION

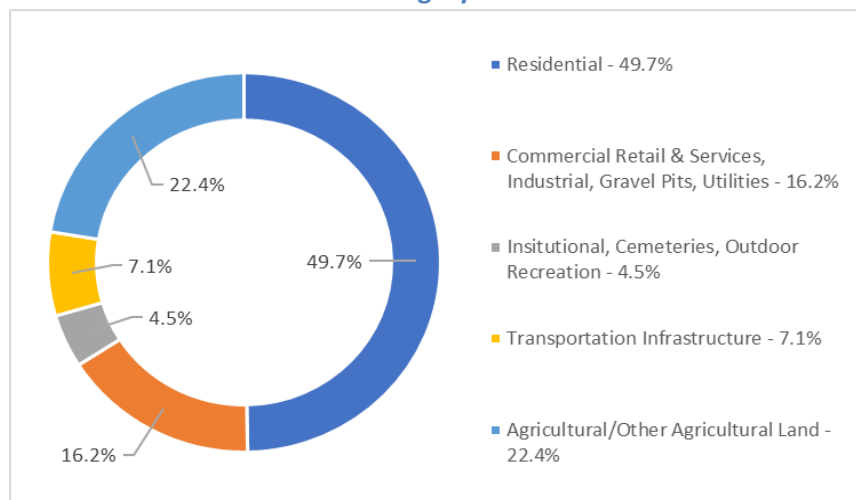
Road surface area comprises approximately 0.8% of Dunbarton's total land area. These relatively few roadways are a product of low levels of residential and commercial development and a large town footprint.

Table 10.1: Existing Land Use

Land Use	Acreage
Single Family/Duplex	1,259.3
Multi-Family	0.7
Commercial Retail	5.4
Commercial Mix/Other Commercial	29.5
Institutional	43.8
Gravel Pits	20.3
Road Surface	169.1
Other Transportation	12.2
Utilities and Communication	359.1
Cemeteries	6.7
Outdoor Recreation/Developed Parks	64.7
Agricultural Land	530.5
Other Agricultural Land	37.3
Water	1,843.7
Undeveloped	15,663.3
Total	20,045.9

Source: Town of Dunbarton

Figure 10.1: Percentage of Developed Acreage by Land Use Category



Source: Town of Dunbarton

COMMERCIAL RETAIL & SERVICES

In total, commercial retail and services occupy approximately 2.1% of the Town's land area. This category also includes excavation sites for gravel and other construction materials that amount to 0.1% of Dunbarton's total land area.

INSTITUTIONAL

This is another small land use category within Dunbarton, comprising roughly 0.2%. Institutional land uses include the Elementary School, Town buildings, churches, and cemeteries.

INDUSTRIAL AND UTILITIES

This use occupies roughly 1.8% of the community's total land area. The multiple transmission lines that transect the community make up the majority of this category.

CURRENT USE TRENDS

In 1973, the New Hampshire State Legislature enacted RSA 79-A:1 and created the Current Use program, a tool landowners can use to reduce the amount of property tax they pay on open space within their property limits as well as an incentive to keep the land in its traditional use. Before the statute was enacted, financial burdens were being placed on individuals with large open space land holdings, since property taxation was based on the highest and best use of the land. Now under the program, current use value is the assessed valuation per acre of open space land based upon the income-producing capability of the land in its current use - not its real estate market value.

Property owners can file for reduced property taxes through the current use taxation program at the Town Offices where the valuation shall be determined by the municipality's assessor in accordance with the range of current use values established by the state's Current Use Board (CUB). Eligible land types include farm land, forest land, open space land, unproductive land and wetlands.

By allowing open space land to be classified as current use, it acts as an incentive for landowners not to develop property. When land is removed from Current Use, ten percent of the full and true value of the land, not the Current Use assessed value, must be paid as a Land Use Change Tax (LUCT).

Table 10.2 illustrates the amount of land in Current Use over the period of 2010-2017. In 2017, approximately 43.6% of Dunbarton's total land area was categorized as current use.

Table 10.2: Current Use Acreage, 2010-2017

Year	Acres in Current Use	# of Owners in Current Use	Land Use Change Tax Collected
2010	8,667	215	\$5,100
2011	8,773	219	\$900
2012	8,756	221	\$12,000
2013	8,775	219	\$12,000
2014	8,717	221	\$43,800
2015	8,706	245	\$37,400
2016	8,755	242	\$61,700
2017	8,603	239	\$136,500

Source: Annual NH Department of Revenue Administration Current Use Reports/Town of Dunbarton 2017 LUCT report

The uptick in the economy is apparent when reviewing the LUCT collected beginning in 2014 in comparison to earlier years, with a significant increase in 2017. It is also important to note that since 1996, 50% of the Land Use Change Tax collected annually is allocated to the Conservation Commission to be used for conservation purposes.

Finally, it is important to understand that the Current Use classification can be placed on or removed from land at the landowner's discretion, which is why these lands vary from conservation lands. For more information on Current Use, please refer to the Natural Resources Chapter and the NH Department of Revenue Administration: www.revenue.nh.gov/current-use/index.htm.

CURRENT ZONING REGULATIONS

Today, Dunbarton relies on three conventional zoning districts and two overlay districts to regulate land use within the community. The location of these Districts as per the 2018 Dunbarton Zoning Ordinance is displayed on the **Zoning Map**.

Table 10.3: Zoning District Acreage

Conventional Zoning District	Acres*	Percent of Total Land Area
Low Density Residential	17,400	86.8%
Medium Density Residential	2,448	12.2%
Village District	202	1.0%
Total	20,500	100%

Overlay Districts		
Multi-Family Residential Housing District	3,227	16.1%
Wetland Conservation District**	1443	7.2%

*Source: CNHRPC GIS Analysis *Calculated acreage will be different than reported acreage. **The area of the Wetland Conservation District is defined as the following great ponds and brooks and adjacent Group I soils; Gorham, Purgatory, Kimball, and Long ponds and Bela, Black, Gorham, Harry and Purgatory brooks.*

As noted in Table 10.3 above, the largest zoning district is the Low Density Residential District, covering 86.8% of the Town's land area. It can also be noted that the two overlay districts (Multi-Family Residential Housing District and Wetland Conservation District) cover approximately 16.1% and 7.2% of the Town's total acreage, respectively. Table 10.4 on the next several pages is a summary of the Zoning Districts and their permitted uses and minimum lot sizes.

Table 10.4 Zoning Districts in Dunbarton

Low Density Residential District
<p>Applicability: This district shall include all land within the corporate boundaries of the Town of Dunbarton which is not defined as part of the Village District or the Medium Density Residential District.</p> <p>Permitted Uses: Single and multi-family dwellings up to two units, manufactured housing, open space subdivision, home occupations, accessory dwelling unit, workforce housing, duplex, agriculture, horticulture and floriculture, livestock poultry and swine, greenhouse, farm stand with retail sale of agricultural or farm products, stables, farmer’s market, churches, public parks and playgrounds, family day care.</p> <p>Permitted Uses Requiring a Special Exception: Veterinary office, riding academy, bank, barber shop, bed & breakfast, camping areas, country club, eating & drinking establishments, funeral parlor, gas station and auto repair, general service establishments, hotel/motel, office, personal service establishment, recreation facility, retail store, service club, theater, travel trailer park, wholesaling, extraction operations, junk yards, lumber yards, manufacturing, research & development, sawmills & wood processing, warehousing, clinic, educational institution, hospital, public utilities, day care.</p> <p>Permitted Uses Requiring a Conditional Use Permit: Wireless service facility</p> <p>Minimum Lot Size: Five buildable acres for one unit and an additional two acres for a duplex unit. A minimum lot frontage of 300 feet is required for each lot. Minimum setback yard requirements are as follows: 50 feet for the front, rear, and side yards. The maximum allowable height of a building is 35 feet. There is a maximum lot coverage cap of 15%.</p>
Medium Density Residential District
<p>Applicability: This district shall include the central area of Town located on both sides of NH 13 as shown on the official Zoning Map and boundary description incorporated in the Zoning Ordinance.</p> <p>Permitted Uses: Identical to the Low Density Residential District.</p> <p>Permitted Uses Requiring a Special Exception: Identical to the Low Density Residential District except Junkyards are not permitted by right or by Special Exception.</p> <p>Minimum Lot Size: Three buildable acres for one unit and an additional two acres for a duplex. A minimum lot frontage of 250 feet for each lot is required. Minimum setback yard requirements are as follows: 40 feet for the front, rear, and side yards. The maximum allowable height of a building is 35 feet. There is a maximum lot coverage cap of 15%.</p>

Table 10.4 Zoning Districts in Dunbarton (continued)

Village District
<p>Applicability: This district is defined as a three hundred foot strip on either side of NH 13 located north and south of the historic town center.</p> <p>Permitted Uses: Identical to the Low Density Residential District except that Open Space Subdivisions are not allowed.</p> <p>Permitted Uses Requiring a Special Exception: Identical to the Low Density Residential District except that all Industrial Uses, Gas Stations and Auto Repair, camping areas, country clubs, veterinary offices, and Riding Academy or Commercial Stables are not allowed either by right or by Special Exception. Minimum Lot Size: Two buildable acres for one unit and an additional two acres for a duplex. A minimum lot frontage of 200 feet is required for each lot. Minimum setback yard requirements are as follows: 40 feet for the front, rear, and side yards. The maximum allowable height of a building is 35 feet. There is a maximum lot coverage cap of 15%.</p>
Multi-Family Residential Housing Overlay District
<p>Purpose: Permit an increased residential density in areas where transportation networks and proximity of services are more readily available to serve, promote accessible open-space conservation that protects natural resources and continues the rural character of the Town, to encourage and allow for on-site recreational uses consistent with appropriate and reasonable use of the land, facilitate the economical and efficient provision of public services, and expand opportunities for development of affordable housing.</p> <p>Applicability: Allows multi-family development up to four units on a single lot. Allows more than one single family or duplex structure on a lot up to the maximum allowable density of the underlying zoning. The Multi-Family Residential Housing Overlay District is situated parallel to both sides of NH State Highway Routes 13 and 77, running the length and width of the Town. It is configured to include all lots and parcels which front on said highways or retain access easements and/or rights-of-way directly to these highways.</p> <p>Permitted Uses: Any use permitted by the underlying zone or district insofar as it does not conflict with requirements of the Overlay District. For the purposes of this district, “multi-family” shall pertain to and include so-called “elderly or adult communities,” nursing home facilities, assisted living facilities, and boarding houses. All accessory structures and uses, including recreational facilities, maintenance buildings, garages, storage units, rental offices, management offices, and all other such uses and construction considered ancillary to multi-family residential development for the service and use of the residents therein.</p> <p>Permitted Uses Requiring a Special Exception: Any use permitted by the underlying zone or district insofar as it does not conflict with requirements of the Overlay District.</p> <p>Minimum Lot Size: There shall be a minimum 100 ft. “no development, no build, no cut” buffer zone and set-back at side and rear-yard property lines that allows for screening opportunities to adjacent properties, to be determined per the Site Plan Review process. There shall be a minimum 150 ft. setback at the front and/or access portion of the project, to all buildings and structures.</p>

Table 10.4 Zoning Districts in Dunbarton (continued)

Wetland Conservation Overlay District
<p>Purpose: To protect the quality of surface and groundwater, maintain unique and unusual natural areas, protect wildlife habitat, protect potential water supplies including existing aquifers and recharge areas, mitigate flooding, degrade pollutants, control erosion and preserve and enhance the aesthetic values associated with the Town’s wetlands by way of preventing the development of structures and land uses adjacent to wetlands that would conflict with the goals of this district.</p> <p>Applicability: The following great ponds and brooks and adjacent Group I soils on the wetland soils map: Gorham Pond, Purgatory Pond, Kimball Pond, Long Pond, Harry Brook, Gorham Brook, Black Brook, Bela Brook, and Purgatory Brook.</p> <p>Permitted Uses: Any use otherwise permitted by the Zoning Ordinance, except on-site sewerage disposal systems, may be permitted in a Wetland Conservation District if the proposed use complies with the procedural requirements of the district.</p> <p>Conditional Use Approval: Conditional use approval may be granted by the Planning Board for the crossing of a Wetland Conservation District by a road or other access way, utility right-of-way, communication lines, power lines and pipelines provided that the proposed construction is essential to the productive use of land or water outside the Wetlands Conservation District and no reasonable alternative to the proposed construction exists which does not cross or alter a wetland, or which has less detrimental impact on a wetland.</p> <p>Specific Provisions: Structures shall be set back at least 125 feet from a Wetland Conservation District. No septic tank or leach field (edge of bed) may be constructed or enlarged closer than 125 feet to a Wetland Conservation District. Any proposed changes to a wetland shall comply with all applicable state and federal laws including RSA 482-A, and shall comply with all permits (including conditions) issued pursuant to such laws. The construction of additions and/or extensions to single family dwellings may be permitted within the Wetland Conservation District provided that the dwelling lawfully existed prior to the effective date of this Ordinance and all other local, state, and federal requirements are met.</p>

In addition to the three Zoning Districts and two Overlay Districts, Dunbarton has adopted other Land Use Regulations that influence and help shape the land use patterns in Town. Most of these regulations apply to the entire Town. The following is a summary of the major regulatory provisions.

OPEN SPACE DEVELOPMENT

The purpose of the Open Space Subdivision provisions as stated in Article 6 of the Zoning Ordinance is to provide flexibility in the design and development of land to conserve open space, retain and protect important natural and cultural features, provide for more efficient use of Town services, and promote the development of

balanced residential communities in harmony with the natural landscape.

The Open Space Subdivisions can be developed at the maximum density allowed, i.e., In the Medium Density Residential District of one single family unit per three (3) acres and one unit per five (5) acres in the Low Density Residential District. The minimum lot size may be reduced to two (2) acres with 125’ of frontage. The remainder of the parcel being developed must be permanently protected. The Planning Board may deny the subdivision if the “open space” is deemed undesirable. A 100’ wide no build buffer shall be provided on all sides along with other performance

standards. Open Space Subdivisions are intended to promote the following objectives:

- Permanently preserve natural topography and features and provide open space and recreation opportunities in close proximity to dwelling units;
- Encourage flexibility and creativity in the design of developments through a carefully controlled process of negotiation of particular plans rather than the strict pre-regulation of all plans within a zone;
- Encourage a less sprawling form of development that makes more efficient use of land, requires shorter networks of streets and utilities, and fosters more economical development and less consumption of rural land;
- Provide an efficient procedure that can ensure appropriate, high-quality design and site planning and a high-level of environmental amenity;
- Avoid development of portions of sites that contain important natural and/or cultural features, including, for example, scenic views, wildlife habitat (e.g. large unfragmented blocks of undeveloped land), areas of highest quality habitat, water resources and historic structures; and
- Avoid development of portions of sites that are ill-suited for development, including, for example, areas with poor soil conditions, a high water table, that are subject to flooding, or that have excessively steep slopes.

EXTRACTION REGULATIONS – SAND AND GRAVEL REMOVAL

The state law that governs excavations is RSA 155-E. The law was enacted in 1979, and saw significant revisions in 1989 and other revisions in 1991, to ensure that no town could prohibit any excavation. In that sense, RSA 155-E preempts local zoning because it states that if a zoning ordinance has no provisions for excavation, then by law it is considered to be a use that is allowed by special exception, based on specific criteria. RSA 155-E contains standards for the operation and reclamation of excavation sites, as well as a list of projects that would be prohibited (for example, damaging a known aquifer). A permitting process is also described, with a list of excavations that are exempt from a permit.

The Town of Dunbarton has an extraction provision in its zoning ordinance that allows for excavation with a special exception from the Zoning Board of Adjustment and an excavation permit from the Planning Board unless the excavation is exempt from the regulation. Exemptions include the construction or alteration of a building, parking lot, or driveway on the premise where the excavation occurs, agricultural or silvicultural activities, production of dimension stone from a granite quarry, or the construction or maintenance of a roadway.

The Town of Dunbarton has four sand and gravel pits within the community, two of which are owned by the Town and are used intermittently, and one by NHDOT that is not currently being utilized. Only one private sand and gravel operation is currently permitted in the community. None of the existing operations are large and the Town does not appear to have any significant earth material resources.

The reclamation of depleted pits should consider the potential future uses of the site. Some, for example, may remain vacant and

undeveloped with the primary considerations being soil stabilization and proper establishment of drainage patterns. If, on the other hand, there are immediate plans to develop the land, the accompanying site work becomes, in effect, the reclamation.

FLOODPLAIN DEVELOPMENT ORDINANCE

Adopted in 2000 and revised in 2011 and 2012, pursuant of RSA 674:16, this ordinance applies to all land designated as special flood hazard areas by FEMA as described in its 2010 Flood Insurance Study for the County of Merrimack. The later revisions were made to correct and add language and insert the Town adopted the new U.S. Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate (DFIRM) maps dated April 19, 2010. With the adoption of the Floodplain Development Ordinance, the Town became eligible for the National Flood Insurance Program (NFIP).

As per the 2017 Dunbarton Local Hazard Mitigation Plan, 45 single family residential homes, 3 multi-family homes, and 4 non-residential buildings were considered to be situated in a special flood hazard area.

LARGE LOT ZONING WITH REDUCED LOT FRONTAGE

In all Zoning Districts, lots with a minimum of 12, 18 and 24 acres can be approved with less than the minimum frontage requirement of the applicable zoning district. All other requirements of the Zoning Districts in question remain in effect.

WORKFORCE HOUSING ORDINANCE

The Workforce Housing Ordinance (Article 11) states that the Town will monitor and report regional housing trends to determine if Dunbarton meets its “fair share” of workforce housing. If it is determined that Dunbarton does meet its “fair share” the provisions of the ordinance do not apply. When the ordinance does apply, its purpose is to encourage and provide for the development

of affordable housing and ensure the availability of a diverse supply of home ownership and rental opportunities for low to moderate income households. More information on Workforce Housing can be found in the Housing Chapter.

HOME OCCUPATIONS

Dunbarton has adopted flexible home occupation regulations. The Town allows by right up to five (5) non-resident employees plus the owner or residing tenant. Up to 33% of the gross floor area of the principal dwelling may be used for business purposes, and up to 10,000 square feet of outside of land maybe used for outside (business) purposes. Home Occupations shall not display goods or wares visible from the street, and the use must not change the character of the dwelling, nor be objectionable to residential uses in the neighborhood.

ACCESSORY DWELLING UNITS

The Town has adopted regulations to allow one accessory residential dwelling up to 1,000 square feet for lots where one single family residence is present. Standards for the accessory dwelling unit are established and the use is allowed by right without needing approval from either the Zoning Board of Adjustment or the Planning Board.

CONCEPTUAL FUTURE LAND USE

Dunbarton was founded, as were many New Hampshire towns, by settlers who cleared the land to raise crops and livestock to support their families. Often, the soils turned out to be unsuitable for the raising of crops, and the terrain was often steep and rocky, as well as being punctuated by numerous streams and wetlands. This directly led to the migration of many farm families to New York and points westward in the late 19th century, where the land was more

suitable for farming. The abandonment of most of these “hill” farms cleared in the 18th and early 19th century allowed the regrowth of forests and created the community we know today. Today, only 2.6% of the community consists of open farmland, and only a few individuals are able to earn a living in farm occupations.

Dunbarton is fortunate to retain large contiguous areas of open space in and around the US Army Corps of Engineers Everett Lake Reservoir/Stark Brook, Gorham Pond, Kimball Pond, Bela Brook, Black Brook, Harry Brook, and Purgatory Brook among other areas of open space.

A VISION FOR DUNBARTON’S FUTURE LAND USE

The dominant themes identified in the Community Visioning Session process were the desire to maintain the high quality of the natural environment in Dunbarton and to ensure the rural character of Dunbarton is not jeopardized by future growth and development.

Over 78% of the residents surveyed wanted to maintain agriculture as an economically viable land use in Dunbarton. Only a rural convenience store received more than 50% support from the residents. Only a few uses received greater than 30% support from the community such as a bed & breakfast, restaurant, small scale retail, gas sales and daycare centers.

The Town does not have central potable water or sanitary sewer services and there is no expectation that these services will be provided in the foreseeable future, especially considering the Town’s lack of available water resources.

The following outlines some potential measures related to Dunbarton’s Future Land Use. Please also refer to the ***Conceptual Future Land Use Map***.

REGULATORY RECOMMENDATIONS

The following recommendations can have positive impacts on the future land use development of the Town. These recommendations specifically focus on regulatory controls and changes the Town can implement to meet the future land use vision.

CHANGES TO ALLOWABLE PERMITTED AND SPECIAL EXCEPTION USES

A modification to the existing zoning process that regulates commercial uses through the Special Exception process with a range of uses more in keeping with the community would act to preserve and enhance residential property values in the Low and Medium Density Zoning Districts. At the same time allowing certain non-residential uses along NH 13 and NH 77 by right or by Conditional Use Permit, subject to Site Plan Approval by the Planning Board, could serve to act to encourage desirable development in these corridors.

AGRICULTURAL USES

Merrimack County typically has the highest agricultural sales in New Hampshire. A top commodity in the County is ornamental horticulture. Merrimack County also leads the State of New Hampshire related to nurseries, greenhouses, floriculture and sod. Dairy also plays a large role in the farming landscape and Merrimack County is the third highest dairy producing county in the state. Farming has evolved in the region, with fewer dairy farms, but with growth in the size of some of the dairy farms that have continued in production. These farms typically have excellent soils, land base, and younger generations dedicated to farming. Diversification and number of vegetable, fruit and other livestock farms have increased in the Region. Ornamental horticulture operations have flourished, contributing significantly to the local economy and jobs. This category includes two of the nation’s top

greenhouse plant-propagators, Pleasant View Gardens and D.S. Cole, which are both located in the Central New Hampshire Region.

According to the most recent (2012) USDA Census, the average size of farms in Merrimack County the same as the statewide average at 108 acres. This average is down from 158 acres and 111 in 2002 and 2007, respectively. However, the number of farms has continued to increase in Merrimack County, from 502 in 2002, to 583 in 2007 and 600 in 2012. Current practice in Dunbarton is to allow small scale accessory agricultural uses such as the keeping of livestock, poultry, hobby or part time farming without requiring town approvals.

Farming plays an important role in the preservation of the rural landscape, and continued agricultural use is seen as being vital to preserving the rural nature of the community. It also must be recognized that the scale and intensity of the agricultural use needs to be further defined in the regulations. An approach to regulations is to address agriculture in a tiered manner, relating to (1) uses allowed by right, (2) small scale farms, and (3) larger agricultural operations.

To address this issue, the zoning ordinance could be revised to recognize and allow accessory agricultural uses by right. Thresholds and standards for this activity should be established. Standards for maximum number of animals and allowable species of animals should be established along with standards for: the density of livestock and/or poultry species, the design of accessory buildings such as chicken coops and animal runs, provisions for waste and odor control, and setbacks should be required from abutting properties.

Small scale farms, containing up to 20,000 square feet of impervious surface (buildings, greenhouses, driveways, etc.) could be allowed

either by right or by Conditional Use Permit from the Planning Board. Site Plan review by the Planning Board should be required but the submittal requirements should be reduced to reflect the low impact nature of many types of small scale agriculture.

Larger agricultural operations, or those operations which attract large numbers of visitors (seasonal or otherwise), could be permitted (commercial or otherwise) after obtaining a Special Exception Use from the Zoning Board Of Adjustment and Site Plan Review by the Planning Board. The approved development should be “appropriately-sized” to maintain the rural residential character of the community.

New definitions for agricultural uses would be necessary to support this three-tiered approach to agricultural regulation. New performance standards would also be needed including maximum impervious surface limitations, building size limitations, densities for livestock and poultry, minimum setbacks, screening and buffers, clearing limits, noise, odor, and requirements for the proper storage and disposal of manure and other animal wastes.

VILLAGE DISTRICT

The depth of the existing Village District could be expanded, where possible, to allow for potential enhancement of the Village Center. The Town’s regulations could then be modified to allow a limited amount of non-residential development such as a daycare center, small retail shops, a delicatessen/general store, or a B&B. The density for duplexes and multi-family structures (3 & 4 units) could also be increased. This would strengthen the Village Center as a special place by concentrating more activity in the Village while allowing for more local convenience services, tax base development, and create more economic opportunities for property owners. The proposed increase in density could provide an

opportunity for additional workforce housing in the community and create more of a walkable town center. Of key importance is the provision of additional parking for existing and potential new uses.

HIGHWAY ORIENTED DEVELOPMENT & COMMUNITY DESIGN

The Zoning Ordinance allows for a wide variety of commercial, institutional and industrial land uses in most of the community by the granting of a Special Exception by the Zoning Board of Adjustment, and the granting of Site Plan Approval by the Planning Board.

The existing Multi-Family Residential (overlay) District is located along both sides of NH 13 and NH 77, and includes parcels with *direct safe and reasonable access to NH 13 and NH 77* as determined during the site plan review process. Modifying this overlay district to include certain commercial and institutional uses by right subject to Site Plan Review, or by approval of a Conditional Use Permit from the Planning Board with concurrent Site Plan Review would serve to focus any commercial development along those corridors. At the same time the proposed uses should be appropriately sized to preserve and enhance the existing residential nature of the corridor.

Within this overlay district, more intensive such as excavation operations junk yards, or large scale agricultural uses could either not be allowed, or only allowed upon obtaining a Special Exception from the Zoning Board of Adjustment and Site Plan Review from the Planning Board, similar to the current zoning process.

To assist in retaining the Town's rural character and to protect nearby residential uses, several standards could be included or enhanced in the Site Plan Review Regulations to address the potentially negative impacts of frontage development on NH 13 and NH 77.

- **Driveway design standards:** Outside of the Village Center standards should be included in the Site Plan Review Regulations that emphasize shared driveways along NH 77 and NH 13 to continue to foster the rural feel of the highways. A Memorandum of Understanding (MOU) between the Town and NHDOT District 5 could outline a coordinated effort between related to access to NH 77 and NH 13.
- **Village District Streetscape:** Within the Village Zoning District, the Town could consider if a streetscape that emphasizes the village feel is appropriate. In the Village Center, denser residential development and new non-residential development may occur as smaller lots already exist and reduced speed zones (30 MPH) are currently in effect. To facilitate improvements to the streetscape, the Town should consult with the NH Department of Transportation regarding the potential relaxation of driveway spacing standards as well as allowing for the development of curbing and sidewalks, street furniture and lighting, and possibly on-street parking. The MOU described above could also specify the design standards to be used in the Village District, a joint application process, and specific maintenance responsibilities.
- **Community character standards:** Nearly 80% of those responding to the Community Survey noted that they value historic places or properties. In addition, just over 50% of respondents supported the designation of a specific area in Town as a historic district. Existing residential buildings, especially historic structures or homes with significant architectural character should be preserved. Efforts to ensure that new commercial development or modifications to existing buildings are compatible with the existing residential

architecture of the community should continue as outlined in the General Standards of the Site Plan Review Regulations.

- **Landscaping:** A landscaped front yard of at least 20' should be maintained along the road frontage. Existing stone walls should be preserved and new stone walls along the frontage should be encouraged. Existing native vegetation should be preserved and new native trees, shrubs, and bushes should be planted and maintained within any landscaped area. Nearby residents should be buffered from any parking areas, lighting, outside use areas, or from any mechanical or waste disposal equipment. The goal is to preserve and enhance the residential character of the community while allowing for compatible non-residential development.
- **Parking:** Parking should be placed to the rear and sides of the building. Site lighting should be the minimum necessary to provide for safe access and security.

NON-REGULATORY RECOMMENDATIONS

OPEN SPACE AND AGRICULTURAL PRESERVATION

Open space and agricultural preservation are of great importance related to the community's sense of character. When asked to choose the desirable features of Dunbarton in the development of the Master Plan, maintaining the high quality of the natural environment and the protection of the rural atmosphere and development pattern were the respondents' major focus.

While significant areas of protected open space exist, the Town needs to provide permanently protected linkages to allow for continued recreational access, to maintain sustainable native populations of wildlife, and to maintain the rural character of the community. In addition, sensitive wetlands, water courses, aquifer

recharge areas, and agricultural lands are still in need of protection. With this in mind, the Town should maintain the existing land use change tax set aside for conservation purposes.

Furthermore, the Town should continue to coordinate land protection efforts with state, federal and private agencies interested in protecting both locally, and regionally significant open space, within and adjacent to Dunbarton.

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (NH RSA 79-E)

If the Community Revitalization Tax Relief Incentive is adopted at Town Meeting, the Board of Selectmen have the authority to delay any *increase* in taxes for property owners in a Village area if they replace or substantially rehabilitate their property. Its goal is to encourage the rehabilitation and active reuse of under-utilized buildings. The process works as follows:

A property owner who wants to substantially rehabilitate a building located in a designated district (the Village Center) may apply for a period of temporary tax relief.

The temporary tax relief, if granted, would consist of a finite period of time (one to five years) during which the property tax on the structure would not increase as a result of its substantial rehabilitation. In exchange for the relief, the property owner grants a covenant ensuring there is a public benefit to the rehabilitation.

Following expiration of the finite tax relief period, the structure would be taxed at its full market value taking into account the rehabilitation.

OBJECTIVES OF THE CHAPTER AND RECOMMENDATIONS

The following objectives were developed that capture the overall aims of the chapter. Individual recommendations were developed that correlate to existing conditions and needs of the community.

OBJECTIVE 1:

To consider revisions to the Zoning Ordinance which seeks to protect Dunbarton's rural character and existing residential neighborhoods, while allowing desirable non-residential development.

- Develop a three-tiered approach to agriculture by allowing accessory agricultural uses by right, by allowing small scale agricultural uses by right with simplified Site Plan application requirements, and to continue to allow larger agricultural uses, up to a maximum allowable intensity, by requiring a Special Exception from the Zoning Board of Adjustment and Site Plan approval from the Planning Board.
- Reduce many of the non-residential uses allowed by Special Exception in the Low Density and Medium Density Residential Districts in order to protect existing residential areas from incompatible uses, which can adversely impact both the quality of life and property values.
- Develop a highway oriented commercial zone to allow for desirable, appropriately sized commercial and institutional uses along NH 13 and NH 77. Allow compatible and desirable non-residential uses either by right with Site Plan approval from the Planning Board, or by Conditional Use Permit and Site Plan Approval by the Planning Board. The allowable uses

should be appropriately sized to preserve the rural atmosphere of the community.

- Consider revisions to the Village District to increase the intensity of development and the allowable uses by right, or Conditional Use Permit, to encourage more non-residential development and reuse of existing buildings in the village. The District could be widened where appropriate to include at least the second tier of lots away from NH 13. The provision of parking is a key element of any potential revisions in the Village District.

OBJECTIVE 2:

To review, and amend where necessary, the existing Site Plan Review Regulations to ensure that allowable development along the NH 13 and NH 77 highway corridors will preserve and enhance the residential appearance of the community.

OBJECTIVE 3:

To permanently protect linkages that are needed to allow for continued recreational access to public and private open space, to maintain sustainable native populations of wildlife, and to maintain the rural character of the community. In addition sensitive wetlands, water courses, aquifer recharge areas, and agricultural lands are still in need of protection.

- Maintain the existing land use change tax set aside for conservation purposes.
- Continue to coordinate land protection efforts with state, federal and private agencies interested in protecting both locally, and regionally significant open space, within and adjacent to Dunbarton.