

FUTURE LAND USE CHAPTER

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Introduction

The Future Land Use Chapter reflects changes in landscape and development throughout town since it was last adopted in 1998. In updating the chapter, the Planning Board incorporated the majority opinions and values represented in the **2013 Master Plan Community Survey**. The survey was mailed to every residence in town, posted on the town's website and provided in paper form at town hall, the library, community center and post office. The Chapter's section headings address the priority issues for the future of Atkinson as identified in the Survey and by the Planning Board.

A. Maintain Rural Character

1. Preserve Open Space

Open space consists of wildlife habitat, natural resources, scenic views, and forests. Open space preservation is supported in several ways by the town:

- **Direct purchase of land and conservation easements**
- Use of general funds as available and **consideration of bonds** to leverage federal, state and private funds
- **Dedication of 100 percent of the Land Use Change Tax (LUCT) collected toward land conservation**
- enabled by the zoning ordinance through **rural cluster residential development zoning**

The rural cluster subdivision ordinance provides incentives to create compact development patterns and preserve open space through the provision of density bonuses, reduction in

dimensional requirements, and reduced lot size. The two density bonus options are described below.

Roadside Buffers

Incentives to retain forested and naturally vegetated roadside buffers are a density bonus option provided in the rural cluster residential development zoning ordinance. Buffers help to retain rural character by sheltering development from view along state and local roadways, creating an aesthetic of rural country charm and scenic beauty.

Open Space Developments

The Rural Cluster Residential Development ordinance (Zoning Ordinance Article VI, Section 600), which includes a density bonus incentive for preservation of scenic vistas and pronounced landscapes (as designated in the Existing Land Use Chapter of the Master Plan), requires that fifty percent (50%) of the parent parcel be designated as permanent open space. To date, this ordinance has placed 697 acres in open space protection.

Zoning Ordinance Article VI, Section 610 Inclusionary Housing Accommodation Incentive System ordinance requires that forty percent (40%) of the parent parcel be designated as permanent open space.

2. Preserve and Maintain the Town Forests

The Atkinson Town Forest consists of numerous properties varying in size totaling approximately 514 acres. ~~The Town Forest properties are a registered tree farm.~~ The Town routinely consults with professional foresters to maintain the health and viability of Town Forest properties through implementation of forest best management practices. Since 1985, the Conservation Commission has worked with a consulting forester to update the management plans for several properties in the Town Forest to keep them productive and aesthetically maintained.

3. Preservation of Agricultural Land

The Town has an option to support agriculture through the creation of an ad-hoc Agricultural Committee. The Committee may serve as a technical advisor for the community about issues relating to agricultural, protection of land and local food production/economy.

4. Development Pattern of Single-family Homes

The development pattern of Atkinson is largely dominated by single-family homes. This pattern reflects the low-density residential zoning that covers the majority of land in town.

Recommendations

FLU1 Encourage public access to open space in rural cluster developments.

FLU2 Add lands dedicated in the future to public access to the Town's trail map.

B. Environmental Protection

1. Land Conservation [Refer to Section A.1 for detailed discussion]

Atkinson actively acquires and conserves open space, wildlife habitat, natural resources, scenic views, forests and agricultural lands.

2. Stormwater Pollution

The EPA administers the National Pollutant Discharge Eliminations System (NPDES) program. As part of this program's Phase 2 requirements, municipalities are required to comply with standards of the MS4 permit (Municipal Separate Stormwater Sewer System permit, current version, 2013 draft). The MS4 permit regulates the discharge of stormwater and runoff to surface waters. The MS4 permit provides a variety of flexible options to treat stormwater runoff including implementation of land use regulations, zoning, municipal practices and public outreach and education programs.

Atkinson is a community subject to the MS4 permit. The Town Administrator is coordinating with town staff to form a committee to evaluate the town's existing status and what new information and actions will be necessary to comply with requirements of the new MS4 permit.

3. Water Quality

Protection of drinking water supplies, both groundwater and surface waters, is of high importance to the town and its residents. In 2012, areas of groundwater contamination were identified that affect a number of residential drinking water wells where chemicals have been detected above federal standards and acceptable levels for "an emerging contaminant".

Recommendations

FLU3 Consider providing information about comprehensive water testing at the subdivision review and approval phase and to new property owners and to alert prospective developers, builders and buyers of potential water quality issues.

4. Buffers and Setbacks

Development in close proximity to sensitive wetlands and surface waters can cause declined health of these systems if runoff and other pollutants are not sufficiently managed. Buffers and setbacks to streams and wetlands can help reduce or eliminate these impacts.

Buffer – the land area that lies between development and wetlands or surface waters that is maintained in a natural condition, replanted with vegetation, or allowed to regenerate naturally. Buffers naturally filter runoff and rainwater by removing sediments and pollutants through uptake by plants and soil.

Setback – a prescribed distance from wetlands or surface waters where buildings and other structures are permitted. Uses that support the development are often allowed within the setback area such as for parking areas, roads and stormwater management. Setbacks areas are typically not required to preserve existing vegetation.

Atkinson’s wetland ordinance requires a 100 foot setback from wetlands and intermittent streams for buildings containing septic systems or that generate human or animal waste. While setbacks offer some level of protection, buffers or a combination of buffers and setbacks are more effective at preventing impacts to sensitive resources such as wetlands and surface waters.

Buffers for Water Quality and Habitat Protection

Buffers are often described as “the line of defense” to protect water quality, plant and animal habitat and ecosystem services. Riparian buffers are transition areas between water and land. Buffers link terrestrial upland ecosystems to stream, river, lake, pond and wetland ecosystems. They can be composed of any combination of native plants, woody vegetation or trees.

Ecosystem services are benefits to humans from a multitude of natural resources and processes that comprise ecosystems. Such services include flood protection, drinking water, recreation, insects essential for crop pollination, food, wood and aesthetic and cultural qualities.

Buffers serve several important functions:

- Protect and improve water quality
 - Filter pesticides and fertilizers from lawns and agricultural activities
 - Slow stormwater runoff and filter pollutants
 - Regulate water temperature
- Protect and improve wildlife habitat and biodiversity
- Preserve floodplain functions and wetlands
- Protect against erosion/sedimentation and preserve stream functions
- Provide recreational, cultural and aesthetic value

Buffers protect these sensitive resources from human disturbances nearby and act as natural, cost-effective filters by absorbing excess runoff and removing pollutants. Buffers are considered a stormwater management best practice that provide comparable functions and with less maintenance than engineered stormwater management systems.

Buffers to Wetlands, Streams, Rivers, Lakes and Ponds

Many wetlands are connected to stream and river systems, and lakes and ponds (i.e. drain directly to them). In these cases, buffers to wetlands provide a vital function to protect these water resources. Other wetlands exist as isolated pockets where water collects permanently or is present seasonally. The areas surrounding wetlands and isolated wetlands provide important flood storage for snow melt and rain during storm events. When buffers are altered or used for development or engineered stormwater management, the water that once collected in these areas under natural conditions is simply transferred to other low-lying areas.

The purpose of adopting buffers for stream and river systems, and lakes and ponds is to protect water quality, plant and animal habitat and ecosystem services from potential negative impacts or disturbance resulting from land development and human activities.

Buffer Performance Considerations

Buffer width should be selected based on desired function and performance to protect water quality, plant and animal habitat and ecosystem services, or other identified goals. The table below describes the benefits provided by buffers and the physical/environmental conditions that reduce their performance.

Factors that Enhance Performance	Factors that Reduce Performance
Slopes less than 5%	Slopes greater than 5%
Contributing flow lengths <150 feet.	Overland flow paths over 300 feet
Water table close to surface	Ground water far below surface
Check dams/level spreaders	Contact times less than 5 minutes
Permeable but not sandy soils	Compacted soils
Growing season	Non-growing season
Long length of buffer or swale	Buffers less than 10 feet
Organic matter, humus, or mulch layer	Snowmelt conditions, ice cover
Small runoff events	Runoff events >2 year event.
Entry runoff velocity less than 1.5 feet/sec	Entry runoff velocity more than 5 feet/sec
Swales that are routinely mowed	Sediment buildup at top of swale
Poorly drained soils, deep roots	Trees with shallow root systems
Dense grass cover, 6 inches tall	Tall grass, sparse vegetative cover

Buffers versus Setbacks

Setbacks are restrictions on the placement of structures (in some cases buildings, others may include permanent structures such as roads, parking lots and driveways) with respect to their distance from the edge of wetlands, streams, rivers, and lakes and ponds. Other types of land development and land disturbance activities are often permitted within the setback such as stormwater management infrastructure, accessory structures and clearing. Buffers typically require that no land or vegetation disturbance take place within the designated buffer (a specified distance from wetlands, streams, rivers, and lakes and ponds). Thus **buffers offer significantly greater protection** of these resources that setbacks do not. For example, even a modest buffer of 25-50 feet can provide greater protective benefits than a 100 foot setback.

Maintenance Considerations

An effective buffer management plan should include establishment, management, and distinctions of allowable and prohibited (low-impact) uses in the buffer zones. Buffer boundaries should be well defined and visible before, during, and after construction. Without clear signs or markers defining the buffer, boundaries become invisible to municipal staff, contractors, and residents. **Buffers designed as a best management practice to capture stormwater runoff will require more maintenance if the part of the buffer zone contains a bioretention or other engineered stormwater management/treatment area.**

Recommendations

The following recommendations were drafted by the Atkinson Conservation Commission.

- FLU4 Implement a public education campaign about the benefits of buffers for both humans and natural systems, including best practices for landscaping and lawn maintenance and management of agricultural activities.
- FLU5 Consider an alternative to the existing 100-foot building setback. For example, implement an option to the current setback in the form of a 50 foot no disturbance buffer established through preservation of an existing naturally vegetated area or by replanting with non-invasive native species, and with proper maintenance to preserve the health of buffer vegetation.
- FLU6 Consider revising Zoning Ordinance Article IV, Section 410 Wetlands to require for new development a 50 foot no disturbance buffer from wetlands and surface waters.
- FLU7 Provide buffer maintenance information to homeowners including best practices for removal of invasive species.

5. Environmentally Safe Road Maintenance

The Town's Road Agent and staff have implemented ecologically friendly materials in their road maintenance practices through the use of alternative treatment during winter months. The materials used in place of salt or chloride are derived from biomass and byproducts of biomass processing.

6. Alternative Energy Sources

In 2009, the Atkinson Energy Committee prepared a draft Energy Chapter for the Master Plan, the first ever chapter to address energy needs of the town and the community. In 2010, the Planning Board adopted this new Chapter.

The Energy Chapter outlines many activities and actions that the municipality, business owners and residents can take to increase efficiency and conservation, save money and improve energy security. The Energy Committee also prepared an energy use and building inventory for all town facilities, documenting the type, amount and cost of energy consumption over a several year period. Tracking energy use allows the town to evaluate efficiency and identify cost-savings measures and improvements. Refer to the Energy Chapter for more information about the long-term goals and objectives of the Energy Committee.

In 2013, voters approved new provisions in Zoning Ordinance Article VI Rural Cluster Residential Development that provide opportunity for a density bonus for developments that meet specific energy efficiency and energy conservation standards.

7. Exemption for Renewable/Alternative Energy Installations

RSA 72:61-72 permits municipalities to offer a property tax exemption on solar, wind and wood heating energy systems. These systems include solar hot water, solar photovoltaic, wind turbine or central wood heating systems (not stovetop or woodstoves). Atkinson adopted this exemption for renewable and alternative energy installations in 2011.

Recommendations

FLU8 Identify ways to improve municipal cost savings through energy efficiency and conservation.

C. Preservation of Historical Sites and Buildings

1. Robert Frost/Old Stage Coach Scenic Byway Designation

The Robert Frost/Old Stage Coach Scenic Byway plan began several years ago after the town of Atkinson received an official state designation for its Main Street (Route 121) as a New Hampshire Scenic and Cultural Byway. Atkinson's efforts recognized the more historical areas within the corridor including its importance as part of the historic stagecoach route between Boston and Manchester. The Atkinson Byway group met with Rockingham Planning Commission and community representatives from Chester, Hampstead, Auburn and

Derry; all towns supported an effort to extend the Atkinson designation to make the byway plan a true regional route.

In May 2014, the Robert Frost/Old Stage Coach Scenic Byway was officially designated by the state legislature. In Atkinson the scenic byway extends from Robie Lane north to the town border with Hampstead. The route will highlight the numerous historic sites, scenic views, outdoor recreational opportunities, and other attractions that the region has to offer - raising awareness among local residents and promoting visitation for economic development.

The Robert Frost/Old Stage Coach Scenic Byway Council was formed, comprised of representatives from Derry, Atkinson, Auburn, Chester, Hampstead and the Southern New Hampshire and Rockingham Planning Commissions. The Council designated a 44-mile scenic byway route that travels through all five towns and highlights the history and culture of the original stagecoach route between Boston and Concord. All towns have representation on the Council by two voting members and two alternate members. The Council continues to seek public input to be used to help guide the Council with development of the Byway Corridor Management Plan.

National Scenic Byway Program

The vision of the Federal Highway Administration's National Scenic Byways Program is "To create a distinctive collection of American roads, their stories and treasured places."

The goal of the program is to provide resources to the byway community in creating a unique travel experience and enhanced local quality of life through efforts to preserve, protect, interpret, and promote the intrinsic qualities of designated byways.

The National Scenic Byways (NSB) Program was established under the Intermodal Surface Transportation Efficiency Act of 1991, and reauthorized in 1998 under the Transportation Equity Act for the 21st Century. Under the program, the U.S. Secretary of Transportation recognizes certain roads as National Scenic Byways or All-American Roads based on their archaeological, cultural, historic, natural, recreational, and scenic qualities. There are 150 such designated Byways in 46 states.

This voluntary grassroots program capitalizes upon the strength of the leaders for individual Byways. It recognizes and supports outstanding roads. It provides resources to help manage the intrinsic qualities within the broader Byway corridor to be treasured and shared. Perhaps one of the underlying principles for the program has been articulated best by the Byway leader who said, "the program is about recognition, not regulation."

2. Preserve Viewsheds and Scenic Views. Refer to Section A.1. Open Space Development.
3. Agricultural Land and Farms

Maintaining the agricultural lands and farms is one way to preserve the town's rural character and historical and cultural resources such as barns and outbuildings and sites of important local events. Agricultural lands and farms often provide aesthetic resources such as scenic vistas, wildlife habitat, meadows and forests. Refer to Sections A.1-A.3 for additional comments and recommendations.

The Planning Board and Conservation Commission will continue their support of land preservation efforts using designated town funds and funds from other sources. Refer to Section A.3 Preservation of Agricultural Lands for additional comments and recommendations.

4. Barn Tax Credit

[RSA 79-D](#) Discretionary Preservation Easements creates a mechanism to encourage the preservation of historic New Hampshire barns and other agricultural buildings by authorizing municipalities to grant property tax relief to barn owners who (a) can demonstrate the public benefit of preserving their barns or other historic farm buildings, and (b) agree to maintain their structures throughout a minimum 10-year preservation easement.

This preservation program is strictly voluntary on the part of the property owner and combines statewide eligibility criteria and guidelines (see below) with decision-making and implementation at the local level. It is closely modeled after New Hampshire's open space discretionary easement program (RSA 79-C), which authorizes local governments to grant property tax relief to encourage the preservation of open land. On or before April 15 of any new tax year, the owner of an historic barn or other farm building may seek relief by applying to the Board of Selectman to grant a discretionary preservation easement and by agreeing to maintain the structure in keeping with its historic integrity and character during the term of the easement.

RSA 79-D:3 outlines the standards for *Qualifying Structures* under this program.

- I. Any owner of an historic agricultural structure who wishes to maintain the structure in a use consistent with the purposes of this chapter may apply to the governing body of the municipality in which the property is located to convey a discretionary preservation easement to the municipality.
- II. A discretionary preservation easement shall be considered to provide a demonstrated public benefit if it provides at least one of the following public benefits:
 - (a) There is scenic enjoyment of the structure by the general public from a public way or from public waters.
 - (b) The structure is historically important on a local, regional, state, or national level, either independently or within an historic district.
 - (c) The structure's physical or aesthetic features contribute to the historic or cultural integrity of a property listed on or determined eligible for listing on the National

Register of Historic Places, state register of historic places, or locally designated historic district.

- III. In determining whether an historic agricultural structure demonstrates the necessary public benefit to qualify for a discretionary preservation easement, the governing body shall have reference to guidelines adopted by the advisory committee established under RSA 227-C:29.

For additional information about the program, refer to the NH Division of Historical Resources website at http://www.nh.gov/nhdhr/programs/barn_property_tax.html

Recommendations

FLU9 Install a bike path along the Byway would enhance recreational opportunities in the town and potentially support tourism revenue in the community.

FLU10 Provide information to property owners about the NH Barn Tax Credit program.

D. Municipal Expenditures and Property Taxes

Results from the 2013 Master Plan Community Survey revealed that residents are very concerned about future municipal expenditures and their impact on the tax rate. The highest ranked issues focused on the following:

1. Consider the long term costs of road maintenance as the town acquires new roads in both commercial and residential developments.
2. Identify municipal needs and if remaining undeveloped lands would be useful for these purposes. The Capital Reserve Fund is a line-item in the Capital Improvement Plan to implement expansion and/or improvement of municipal services, facilities and infrastructure.
3. Continue reliance on private water and sewer to service development.
4. Maintain a volunteer Fire Department due to the low population increase projected at future buildout.

Recommendations

FLU11 Review road standards to evaluate feasibility of applying narrower road (pavement) widths and specifications for stormwater management infrastructure.

- FLU12 Provide public information about the Town's expenses, financial responsibility and liability when citizens petition by warrant article for acceptance of private roads as public roads.
- FLU13 Acknowledge the cost of accepting private roads with respect to safety issues and investment to upgrade these roads to meet minimum town design specifications.
- FLU14 Use the Capital Improvement Plan to plan for replacement and expansion of municipal infrastructure.

E. Enhance Town Center for the purpose of connecting municipal facilities and expanding opportunities for commercial uses and services.

The Planning Board has long recognized the underutilization of current zoning in the Town Center. Historically the Town Center included retail stores, recreation and a hotel and functioned more as a gathering place which is quite different from the land uses that exist there today. The Planning Board acknowledges that ~~current~~ the current zoning and regulations offer no architectural guidelines or standards for development in the Town Center. The following recommendations attempt to address these observations and encourage a variety of uses permitted by current zoning.

Recommendations

1. The Town might benefit from more sidewalks, multi-use paths and bike lanes in the Town Center but would need to identify sources of funding to construct and maintain them.
2. Encourage the purchase of land for municipal uses and services and replacement buildings and facilities as needed.
3. Consider allowing mixed uses and flexible site design requirements in Town Center. Recommend preparing a definition for mixed uses.
4. Review table of permitted uses and other development standards for Town Center in the Zoning Ordinance Sections 510, 520 and 530. Note: In 2014, the Planning Board prepared a warrant article to permit retail uses in the Town Center; the warrant article was passed by voters.
5. Enhance the historic qualities of the Town Center.

6. Consider ways to incorporate traffic calming strategies on Main Street and Academy Avenue.
7. Consider adding architectural guidelines and standards for Town Center in the zoning ordinance and Site Plan Review Regulations.

F. Considerations for Future Growth and Development

The Town has limited acreage and quality of remaining developable lands (based on soil type and physical constraints). Refer to the map excerpted from the CTAP Buildout Analysis that shows the location and extent of the remaining developable lands. An more detailed analysis of highest potential use of undeveloped lands could yield valuable information.

1. Workforce Housing

Atkinson can utilize the 2013/2014 update to the Regional Housing Needs Assessment prepared by the Rockingham Planning Commission to help evaluate whether the town has sufficient supply of affordable dwelling units for rent or ownership, consistent with RSA 674:58-61 Workforce Housing.

2. The Planning Board recognizes that Town could benefit from having expanded housing choices and affordability. Several ways to accomplish this are to:
 - a. Improve affordability of housing by encouraging alternatives to single-family homes such as townhouses and condominiums
 - b. Increase diversity of affordable housing including rental apartments, accessory living units and “small homes” (footprints less than 1,400 square feet).
3. The Planning Board acknowledges that improvements in code enforcement policies and implementation are needed to ensure commercial development complies with approved plans and all other town requirements.

4. Accessory Buildings and Uses in Commercial Zones

The Planning Board periodically reviews the zoning ordinance sections pertaining to permitted uses in the commercial zones, and their definitions, to be less restrictive with respect to accessory buildings and accessory uses. Refer to the Zoning Ordinance Section 250:1, Section 300, Section 510 and Section 530.

5. The Energy Committee and Master Plan Energy Chapter identify ways to improve cost saving through implementation of municipal energy efficiency and energy conservation strategies.

In 2013, the Planning Board prepared a warrant article which voters approved to add new provisions in Zoning Ordinance Article VI Rural Cluster Residential Development that provide opportunity for a density bonus for developments that meet specific energy efficiency and energy conservation standards. The Planning Board supports exploration of ways to further encourage energy efficient development.

Recommendations

- FLU15 Consider zoning incentives that provide for construction of smaller homes in a variety of types and styles. (Note: the Zoning Ordinance allows dwelling units with a minimum 800 square foot ground floor footprint and with each additional story with a minimum area of 600 square feet.)
- FLU16 Evaluate ways to expand affordable housing choices in the community.
- FLU17 Evaluate the existing standards in Zoning Ordinance Section 460 Accessory Uses: Extended Family Accessory Living Unit to determine whether these standards might be enhanced to expand housing choices and affordability.
- FLU18 Improve financial support for implementation of code enforcement procedures.
- FLU19 Document the Fire Department's life/safety annual inspection requirements and procedures for businesses to better inform the duties and function of the Planning Office and Code Enforcement Officer. For example, a checklist of these requirements and procedures could be incorporated as part of the Town's Building Code.
- FLU20 Future collaboration between the Planning Board and Atkinson Energy Committee may help identify incentives, benefits and strategies to meet objectives for energy efficient development and energy conservation.
- FLU21 Evaluate potential best uses for remaining town owned lands which may include lease parcels for income, sale of parcels to reduce the tax rate, expansion of municipal facilities, and **conservation to conservation lands.**
- FLU22 Evaluate development standards with respect to the lack of diversity in architecture and styles of the existing housing stock.
- FLU23 Encourage redevelopment and new development in commercial/industrial zoning districts.

APPENDIX:

Map excerpted from the CTAP Buildout Analysis that shows the location and extent of the remaining developable lands

