

FUTURE LAND USE

1.0 INTRODUCTION

The intent of the Future Land Use chapter is to describe and establish a broad vision for the town's future land development. Its preparation requires a careful evaluation and synthesis of all other parts of the Master Plan. This evaluation must take into account many factors, including community goals, the ability of the land to support development, existing land use patterns and zoning, expectations of property owners and local land use laws and regulations.

This chapter is both general and specific. As a policy document, the Master Plan establishes general policies and goals with which to guide development of the built and natural environs of the town. As a Plan it goes further to specify the types of uses appropriate for various areas of town, as well as the specific measures that will help bring about desired future development. These measures may include changes in zoning and site development regulations, new initiatives in land protection or changes in town policy.

The future land use map found in this chapter is a representation of the desired direction of future development in town. While it is a useful tool for visualizing the recommended development pattern, the map is not intended to be a formal zoning map. The boundaries are general guidelines that will be revised as zoning amendments are refined by the Planning Board and adopted by the townspeople.

The Future Land Use chapter provides guidance to private and public entities in their land use decisions. Both town government and private developers should reflect upon the needs, values and goals outlined in this chapter in making their land use decisions.

2.0 EXISTING NATURAL CONDITIONS

Development Constraints

Land not suited for development includes wetlands, buffer areas around wetlands and shoreland buffer areas. The significance of these areas and the town's zoning requirements are described below:

- Wetlands. The importance of preserving and protecting wetlands is well established in other sections of this plan. They perform vital ecological functions, as well as their value for open space, wildlife and passive recreation all of which contribute to the town's rural character. Future development should be directed away from wetland areas to the greatest extent possible. It is equally important to prevent building in such areas because of the potential negative impact on water quality and public health. In addition, building too closely to wetlands can detract from their natural ability to assist in handling excess water during flood events. The town's existing Wetlands Ordinance will continue to regulate future development with regard to wetlands.

- Buffer areas around wetlands. A wetlands ordinance that prohibits development in wetlands does not necessarily protect wetlands from harmful uses occurring immediately adjacent to them. For those uses permitted within close proximity to wetlands, adequate buffers are necessary in order to insure the protection of the wetland. The town's Zoning Ordinance establishes a 100' or 50' buffer around wetlands (dependent upon the classification of wetland); prohibited uses include structures and associated construction activity. A Conditional Use Permit process exists to allow, in appropriate circumstances, the construction of access ways through wetlands in order to allow upland development. Natural vegetation should be protected or restored in this area as much as possible to control erosion and sediment from contaminating wetlands, and to provide cover for wildlife.
- Buffers along river corridors and Great Ponds. Protecting river shorelines helps preserve wetlands, reduces flooding damage, serves to maintain important wildlife travel corridors and preserves the scenic beauty and recreation value of the river. The town does not have a shoreland protection ordinance that would regulate development activities in proximity to shoreland but there are wetlands restrictions discussed above that limit development activity. In addition, several of the water bodies in town are great ponds and as such the State of New Hampshire's Comprehensive Shoreland Protection Act regulates development in close proximity to these waters.

Land with limited suitability for development includes 100-year flood hazard zones and aquifer recharge zones. The town currently regulates development within the flood plain but does not have an aquifer protection ordinance that would regulate land uses above known groundwater resources.

- 100-Year Flood Hazard Zones. Floodplains are undesirable locations for development because of the associated risks to life and property. In addition, construction in the floodplains worsens flood hazards downstream and the inundation of subsurface sewage disposal systems can cause water pollution and a public health hazard. As part of its Zoning Ordinance, the town of Hampstead has adopted specific regulations for development in special flood hazard areas as prescribed by the Federal Emergency Management Agency (FEMA). These were adopted in 2005. Development within these flood hazard areas should continue to be limited to those land uses compatible with areas prone to flooding and should be in conformity to FEMA regulations.
- Aquifer recharge zones. Maps prepared by the US Geological Survey (1991) identify the stratified drift aquifers in Hampstead. These aquifers are recharged from precipitation and run-off that infiltrates from land directly above the aquifer. As such, aquifer recharge zones are not suited for any type of development that carries a high risk of contamination. Once contaminants leak into the ground, they can spread rapidly through an aquifer and destroy it as a water supply. While there are currently no municipal water supplies within Hampstead's aquifer recharge zones, thousands of private wells in town depend on these aquifers. The land over Hampstead's aquifer recharge zones is currently zoned variously for commercial/industrial and residential development; the Zoning Ordinance includes a chapter with specific guidelines for developing above these delineated areas.

3.0 EXISTING LAND USE

In this section, existing conditions and findings are presented for major categories of land uses found in Hampstead. These include: Residential Zone A; Recreational Zone B; Commercial Zone C-1; Commercial Zone C-2; Commercial Zone C-3; Commercial Zone C-4; Mobile Home Zone D and Historical Zone E. There is also a description of efforts to retain open space town-wide.

3.1 RESIDENTIAL ZONES

The overwhelming majority of land area in Hampstead is zoned for residential use. Of the town's approximately 9000 acres of land 7700 are zoned for residential use. There are two residential zones in Hampstead for conventional single family housing construction; Residential Zone A and Recreational Zone B. The development parameters for Residential Zone A are described below:

3.1.A RESIDENTIAL ZONES A

- Farms and single family dwellings with accessory buildings
- Schools, Churches and Sanatoria and libraries
- Mobile home subdivisions
- Multiple unit Dwellings
- Adult Care, day care and nursery centers as home occupations granted by special exception
- Two accessory single story buildings are allowed. (This limitation does not apply to agricultural uses.)
- One duplex building is allowed contingent upon required lot size.

Home occupations are allowed in Residential Zone - A, provided they meet the standards outlined in the Zoning Ordinance for a special exception granted by the ZBA. While the Planning Board does not currently regulate the approval/permitting of this activity, it is likely that the number of home occupations in Town is increasing, due in part to technological advances in computers, the internet and telecommunications that make working at home more and more feasible and commonplace.

3.1.B RECREATIONAL ZONE B

- Single family dwellings are the only permitted use
- One accessory single story building (maximum 600 square feet) is allowed
- Seasonal Structures are allowed within the zone by special exception

Restricted uses in the Recreational B Zone include all commercial and industrial uses including the sale or offering for sale of motorized vehicles.

The second residential zone in Town is located in bands around the existing ponds. This zone includes many small structures that were formerly seasonal homes. Approximately 630 acres of town are located in this district.

As indicated above, Residential Zone A constitutes roughly 86% of the land area in town. Hampstead has experienced significant residential growth in the last ten years making it one of the fastest growing communities in the region.. Although the overwhelming majority of this growth has been in the form of single family detached structures on one acre lots or larger, the town has a history of trying innovative measures for the provision of housing. The town zoning ordinance allows multi family residential housing. In 2000, the town passed an elderly housing ordinance aimed at giving senior citizens expanded opportunity to remain within the community when their lifestyle no longer requires a large single-family detached unit.

Historically the residential district has been a mix of two uses. Agricultural endeavors such as farming and the raising of horses and other livestock have occurred throughout the town. In a study prepared by Complex Systems at the University of New Hampshire, review of aerial photographs of the town in the years 1962, 1974 and 1998 reveals a continuous decline in agricultural enterprises over the last forty three years. As one might expect, this decline in agricultural activity has been accompanied by a significant increase in both the residential category and the industrial/commercial category over the same time frame.

Land Use/ Land Cover Description	1962		1974		1998		2005	
	Acres	% of Town	Acres	% of Town	Acres	% of Town	Acres	% of Town
Residential	636.0	7.1	1,006.7	11.2	2,480.2	27.5	2,820.8	31.3%
Industrial/Commercial	11.2	0.1	54.4	0.6	218.7	2.4	279.9	3.1%
Mixed Urban	7.7	0.1	18.7	0.2	25.5	0.3	0.0	0.0%
Transportation/Roads	102.7	1.1	122.9	1.4	204.7	2.3	237.8	2.6%
Rail Transportation	3.7	0.0	3.7	0.0	3.7	0.0	0.0	0.0%
Auxiliary Transportation	0.0	0.0	0.0	0.0	0.0	0.0	4.7	0.1%
Playing Fields	5.6	0.1	2.9	0.0	7.8	0.1	98.0	1.1%
Active Agricultural	583.4	6.4	364.4	4.0	75.0	0.8	46.7	0.5%
Farmsteads	23.2	0.3	10.3	0.1	1.8	0.0	9.0	0.1%
Forested	6,791.0	75.3	6,520.4	72.4	5,186.8	57.5	3,671.1	40.7%
Water	464.6	5.2	467.1	5.2	484.6	5.4	515.0	5.7%
Wetlands	212.8	2.4	213.3	2.4	177.6	2.0	948.5	10.5%
Idle/Other Open	172.2	1.9	229.3	2.5	147.7	1.6	382.5	4.2%
	9,014.1	100%	9,014.1	100%	9,014.1	100%	9,014.1	100%

Source: UNH Complex Systems,2004; Rockingham Planning Commission, 2008

It seems clear that as a district the residential land use is far outpacing agricultural activities in Town. The Town should consider taking steps to encourage agricultural uses as an important way to preserve Hampstead's rural character.

3.1.1 OTHER RESIDENTIAL OPTIONS

3.1.1.A MOBILE HOME ZONE D

The town has a specific zone set aside for mobile home subdivision development. The district encompasses approximately 100 acres of land in two locations and provides the community with one of the ways that town's were historically authorized to provided for manufactured housing. This manner, allowing subdivisions on lots as small as 10,000 square feet, provides one of the best mechanisms for providing affordable housing to be found in Rockingham County.

3.1.1.B MULTI-FAMILY HOUSING

The Town's zoning ordinance makes provision for multiple unit dwelling structures on lots ten acres in size and larger in the Residential Zone A. This means that with site plan approval by the Planning Board, multiple unit dwellings (minimum of twenty units per structure) are allowed in the largest residentially zoned district in the Town.

3.1.1.C IN-LAW ACCESSORY APARTMENTS

The Town's zoning ordinance allows the construction of accessory apartments in single family homes for use by relatives. These autonomous units must be secondary to the main dwelling unit and are restricted in size but offer an additional mechanism for supplying housing for resident of Hampstead.

3.1.1D ELDERLY HOUSING

Hampstead's zoning ordinance has made provision for the construction of age restricted housing by way of their Elderly Zoning Ordinance. This type of housing is allowed within established design criteria in both the Residential Zone A and the recreational Zone B. Such developments must take place on lots 15 acres in size or larger and density of units is dependent upon on-site soils and State mandated septic flows.

3.2 BUSINESS ZONES

The town has four business districts. These are identified in the zoning ordinance as Commercial Zones C-1 – C-4. The boundaries of the zones are displayed on the zoning map and brief descriptions of permitted and restricted uses and design standards of each of these zones are provided below.

3.2.A COMMERCIAL ZONE C-1

As detailed in the zoning ordinance the following uses are permitted in Commercial Zone C-1:

- Any retail businesses (limited to indoor sales)
- Any service establishments (limited to indoor sales and service)
- Schools and day care and nursery centers and adult care facilities
- Medical and other professional offices
- Automotive filling and service stations.

Restricted uses in the Commercial Zone C-1 district include:

- Residential construction is prohibited
- The sale or offering for sale of motorized vehicles is prohibited

This zone has been an active area for a multitude of commercial and industrial uses over the years. Its location along NH Route 111 has minimized most negative impacts to townspeople that can arise from this type of use.

3.2.B COMMERCIAL ZONE C-2

Commercial Zone C-2 is the largest commercial zone in Hampstead in terms of acreage. 257 acres of land are designated as Commercial Zone C-2. As discussed above, the Commercial / Industrial Zone has served as the only business district in Hampstead for many years. As in many New Hampshire communities, development patterns in Hampstead segregate residential, commercial and industrial uses. This is different from the historical development pattern of New Hampshire communities, which were typically developed with a more dense, mixed-use town center surrounded by increasingly less dense residential development and large tracts of agricultural lands and open space. (This district, the Town Center District 1 was created to allow an area of mixed commercial and residential use.

The uses allowed within Commercial Zone C-2 include all of those uses allowed in Commercial Zone C-1 as well as the following:

- Automotive filling and service stations, public garages, repair shops, sales agencies for automobiles, boats, farm, industrial and construction equipment.
- Establishments for the sale or storage of furniture, plumbing supplies, construction supplies and building materials.
- Animal hospitals, green houses nurseries, kennels, and veterinarian establishments.
- Bowling lanes, golf driving range, miniature golf, drive-in movies and skating rinks.
- Shops for the use of a carpenter, cabinet maker, electrician, painter, upholster, plumber, television and home appliance repair.
- Plants for the manufacturing of electrical or electronic devices, appliances, apparatus or supplies, medical, dental or drafting instruments, optical goods, watches or other precision instruments.
- Research, experimental or testing laboratory. Accessory uses customarily incident to the above.
- Restricted uses in the Commercial Zone C-1 district include:

Restricted uses in the Commercial Zone C-2 district include:

- Residential construction is prohibited.

3.2.C COMMERCIAL ZONE C-3

The uses allowed within Commercial Zone C-3 include all of those uses allowed in Commercial Zone C-2 as well as the following:

- Warehouses and storage facilities for the storage of non-toxic materials.
- Manufacturing, fabricating or conversion facilities
- Research, experimental or testing laboratories.
- The storage of toxic materials used in the normal course of operation of a permitted use..

Restricted uses in the Commercial Zone C-3 district include:

- Residential construction is prohibited.
- Motor vehicle junkyards and junk yards are prohibited.

3.2.D COMMERCIAL ZONE C-4

The final commercial zone in Town is Commercial Zone C-4 that has been set aside as sanitary landfill. The zone is 43 acres in size and allows no other uses.

3.3.E HISTORIC ZONE E

This zone was established in 1975 and has been amended twice subsequently to include specific historically significant features; the Old Hampstead Library, the Civil War Monument land, the Old Cemetery and the Town Pound. This district encompasses many historic structures but the zoning ordinance does not call out any special protections nor are there any additional requirements for properties within this district. RSA 674:46 empowers the Town “to regulate the construction, alteration, repair, moving, demolition or use of such structures and places”. Such municipal action is traditionally accomplished through the adoption of zoning provisions for a Historic District Commission.

4.0 NON- ZONING RELATED ACTIONS REGARDING EXISTING LAND USE

The town of Hampstead has taken aggressive steps to preserve the rural character of the town in light of the remarkably sustained growth in residential development experienced since the mid 1990’s. The Town has been incredibly proactive in its protection of open space. With over 2444 of permanently protected open space the Town is one of the leaders in this area of land use in all of Rockingham County.

5.0 FUTURE LAND USE

As detailed in the discussion above, the town of Hampstead has developed a number of strategies to guide the pattern of development. Zoning has been used historically to establish major areas for commercial and residential development. In the past these uses have for the most part been segregated. New residential uses have been primarily developed in the interior areas of town. Industrial and commercial development has been with few exceptions directed to areas along major state highways. The Town is satisfied with their pattern of development and the present zoning map serves as the future land use map for the foreseeable future.

Understanding that the town has always put a high priority on protecting natural resources, the town's wetlands, floodplain and soil type lot sizing requirements in combination influence nearly every development proposal that is reviewed by the Planning Board. This full complement of resource protections is mirrored in only a few of the communities in the County.

The Town of Hampstead has a fairly conventional attitude in its zoning approach. Uses, especially residential and commercial are rigorously segregated. This is a departure from traditional New England village development in that historically there was a much greater intermingling of these land uses. However, in contrast to this conventionality, the Town has been very progressive in the provision of a diverse housing stock. Providing opportunity for the provision of manufactured housing, in-law apartments, multi family structures and age restricted developments shows a keen desire by the Town to include in the community a diverseness in housing type that is very unusual for a small town.

5.1 COMMERCIAL USES

As detailed on the Future Land Use Map, the town should continue its efforts to expand and upgrade economic development in the commercially zoned areas. Special attention should be given to studying potential growth along the NH Route 111 corridor. Although simple in construction, the Town's design criteria, found in each of its commercial zones has created some of the most uniformly attractive non-residential development in southeastern New Hampshire. Requiring developments to pay attention to roof, window and door design as well as emphasis on natural siding materials lend an aesthetic appeal in the commercial districts that is uncommon.

The Town should continue to develop NH Route 111 in the manner being presently utilized. Perhaps by equal parts chance and design, development of the corridor has not been as saturated as highway strip development has been in most other communities in the region. Emphasis on commercial development at major intersections (nodal development) instead of intense development along all reaches of the corridor allows for a more pleasing environment while at the same time protecting the highway's capacity to move vehicles. In order for this method of development to continue if desired by the Town, density increases would be necessary at these intersections to allow for continued growth into the future.

5.2 RESIDENTIAL USES

In contrast to the Town's fairly old fashioned commercial zoning, Hampstead has a very progressive approach to residential development. The town has adopted standards to allow the creation of multi-family housing as well as housing for seniors. There are also standards for the conversion of single family structures into two family structures. The Town has developed standards for the conversion of seasonal dwellings into year round units. All of these actions have placed the Town in the position of offering as much residential diversity as any other town of similar size in the region. The Town should review with a keen eye RSA 674 58-61, regarding workforce housing. This new law imposes standards outlining the requirement that communities provide reasonable opportunity for the creation of workforce (affordable) housing. The Town has performed a self-audit with respect to workforce housing and has determined that the community is already meeting its requirements for providing workforce housing. According to this audit the community has approximately 54% of its housing stock that meets the Housing and Urban Development cost thresholds for Rockingham County. Hampstead's efforts at providing diversity in housing stock already insure the necessary "reasonable opportunity" called out in the law and the community need take no further action.

5.3 AGRICULTURAL USES

As with every community in southeastern New Hampshire, the desire for "rural character" is a primary factor in the quality of life enjoyed by residents of Hampstead. One of the most effective ways of insuring rural character in a community is through a vibrant agricultural sector. In light of the reduction in agricultural land uses displayed in the forty year trend study discussed above the Town should take steps to promote agricultural activities where appropriate in the residential zoning districts. The Town should investigate ways to encourage agriculture in order to promote rural character and continue the long established agricultural tradition of the town. These steps can include reviewing local regulations to determine how farm-friendly they are; minimizing site planning requirements for agricultural enterprises; providing adequate buffers between agricultural land uses and other activities; and incorporating agricultural activities as allowed uses in the open space elements of cluster subdivisions.

5.4 RETENTION OF OPEN SPACE AND AGRICULTURAL USE

The town should continue to aggressively acquire easements and property in order to protect open space. The Great Ponds should continue to be a focus of land conservation efforts. The town should strive to protect remaining agricultural activities whenever the opportunity arises and in instances where the agricultural use may be abandoned, efforts should continue to preserve these lands with the goal of potential future agricultural use. Finally, conservation efforts should also place a priority on expanding existing protected areas when the opportunity to do so arises, and on sound management of all protected areas for desirable wildlife habitat.

5.5 HISTORIC ZONE E

The results of the community survey undertaken in 2006 offered two recommendations regarding historic resources. The first of these was a recommendation that the Town consider expanding the existing district beyond the present Town center. The second recommendation from the survey was to establish additional historic districts in east and west Hampstead.

The town could choose to be more proactive in regulating the historic resources located within Zone E. An historic District zoning ordinance could be developed that would regulate the uses and methods of development allowed within the established zones. In addition many towns are now adopting demolition delay ordinances that act to stall the demolition of historic structures during redevelopment in order to provide additional time to investigate ways to preserve the structure targeted by the proposed demolition.

5.6 BUILD OUT STUDY

The town has had a build out study completed that looks at how the Town will look in the future if all lands are developed in compliance with current zoning laws. The map on the following page (Scenario 1) reveals the potential buildable areas in Town and the potential number of units that can be developed.

As displayed on this map there are several areas with significant building potential. Below is a figure reflecting the buildout results according to zone. Information for each zone includes number of potential new units and a sum of developable acres. Clearly the most development potential remains in the Residential Zone A.

Zone	New units	Sum of Acres
Recreational Zone B	35	53.8
Commercial Zone C-1	22	55.5
Commercial Zone C-2	21	83.4
Commercial Zone C-3	5	10.6
Commercial Zone C-4	5	7.8
Mobile Home Zone D	8	13.9
<u>R-1</u>	<u>1119</u>	<u>2073.8</u>
Grand Total	1214	2298.8

The second map derived for the buildout offers a scenario that incorporates factors specific to Hampstead that have served to refine the original buildout projections. In this iteration (called Scenario 3) the buildout analysis has incorporated information on known parcel constraints provided by the Hampstead Planning Board as well as an average density of development for residential structures of 3.5 acres per unit. This density reveals the impact of poorer soils in the undeveloped areas in Town. The figure was derived by reviewing the approved subdivisions over the last several years to determine the average lot size created for these subdivisions using the Town's lot size by soil type regulation. This study found that the average newly developed lot was 3.5 acres in size. When this density factor is utilized, the future buildout for the town shrinks from 1214 future units to 407 future units. The completed buildout analysis could be made an appendix to the Master Plan when provided to the Town.

Future Land Use Recommendations

1. The town should continually monitor its land use controls to insure that they are accomplishing their stated objectives.
2. The Town should continue to develop NH Route 111 in the manner being presently utilized. Emphasis on commercial development at major intersections (nodal development) instead of intense development along all reaches of the corridor allows for a more pleasing environment while at the same time protecting the highway's capacity to move vehicles.
3. The Town may wish to consider tradition village design as a future land development motif. A return to less segregated land uses is often a great way to re-invigorate a sense of "community" in a town. Such action will require a willingness to re-address fundamental land use policies like increased density, innovative wastewater management practices and low impact design concepts.
4. The town should continue its open space preservation efforts.
5. The town should investigate ways to preserve agricultural activities throughout Hampstead and should establish a Town Agricultural Commission to represent the farming community, to encourage agricultural enterprises and to work for the preservation of farmland.
6. The Town should consider expanding its historic districts and may consider expanding the development requirements in historic districts.