

IV. LAND USE

Land use is determined by many factors. Among the most influential are culture, ownership, economics, regulation, physical characteristics, natural resources, etc. Each of these factors may offer both opportunities and limitations in how the land is used. The preceding chapters have discussed Grantham's demographics and natural resources at length, because these factors exert very strong and fundamental influences on land use. With the discussions of Grantham's population trends and natural resources as background, this chapter continues by addressing the following topics relating to the land:

- Today's land use patterns.
- Summary findings of the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) Build-Out Analysis as they relate to land use.
- Community desires indicated by results of the Community Survey.
- A statement of guiding policy with respect to land use regulation.
- Goals and recommendations for shaping of future land use patterns in Grantham.

EXISTING LAND USE

Attachment D of the Build-Out Analysis (Appendix B) shows the general land use patterns existing in Grantham today. The highest density of residential development is found clustered around the Grantham Village area, in the condominium areas of Eastman, and Grey Ledges. Medium and lower density residential development is found in the remainder of Eastman and in Olde Farms. In general, the residential development in the remainder of town is low in density. Residential development has spread along NH Route 10, Dunbar Hill Road, Springfield Road, and in the areas of Stocker Pond and Miller Pond Road. The evolution of the developments in Eastman and Olde Farms has continued the medium to low density pattern, particularly in Olde Farms.

The Eastman Community is comprised of areas in three towns, Grantham, Enfield, and Springfield, but the great majority of Eastman is within Grantham. Lot annexations as well as the retirement of unbuildable lots have taken place to reduce the potential for developing all of the originally planned units. The part of Eastman that falls within Grantham covers approximately 2,624 acres. (It appears as Analysis Zone 3 on Attachment A of Appendix B.) In addition to the built and buildable lots, roads, and common areas, this area includes most of Eastman Lake, and the 40-acre Eastman Forest. Considering only the Grantham portion of Eastman, as of late December 2004 the existing single-family dwellings numbered 857, with 336 existing condominium units and 193 remaining undeveloped lots.

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Olde Farms involves about 1,060 acres, and with 125 lots the average lot size is 8.5 acres. (Olde Farms is shown as as Analysis Zone 4 on Attachment A of Appendix B.) As of June 2004, there were 80 existing dwelling units and 45 undeveloped lots.

The designs for new residential development, such as in Eastman, Olde Farms, and Gray Ledges, have generally sought to maintain the rural residential atmosphere.

Commercial and industrial uses involve only a small amount of Grantham's land area. Most commercial usage is located along NH Route 10 near its junction with I-89. A lumber mill/building supply enterprise is located on the Springfield Road (NH Route 114), and a custom home manufacturing facility is located near the NH Route 10/I-89 interchange.

Despite the high population and commercial growth rate experienced over the past few decades, most of Grantham's land area remains forested. A large undeveloped corridor on the western side of town is formed by the Sherwood Forest conservation easement and the private lands north of Miller Pond, the Town Forest at Grantham Mountain Four Corners, and the privately owned Corbin Park preserve. In the northeastern part of town there is the Enfield Wildlife Management Area administered by the State of New Hampshire. A large swath of privately held undeveloped land exists between Dunbar Hill Road and the eastern border of Corbin Park. Most recently, the creation of the Reney Memorial Forest near the village center has added to the stock of land likely to remain undeveloped. These lands and surrounding lands which link two or more of them should be priorities for conservation.

BUILD-OUT ANALYSIS: KEY FINDINGS

The Build-Out Analysis estimates that there are 1,954 primary buildings in Grantham at present, with an estimated 1,880 of these being residential structures. Under the current land use regulations, the study projects that, at the theoretical full build-out, there could be 8,259 lots developed in town, with an estimated 8,070 residential buildings. After accounting for the average number of persons per housing unit and seasonally used housing units, the Build-Out Analysis indicates a Grantham population of approximately 16,165 at build-out. This compares with the 2000 U.S. Census population of 2,167, and the present population roughly estimated at about 3,000 persons.

Based on either the 2000 Census or the current rough estimate, Grantham stands to face an increase in population between 440% and 650%, all other factors influencing population being assumed to remain unchanged. Consult the Build-Out Analysis in Appendix B for more detailed discussion.

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COMMUNITY VALUES

The Community Survey shows that residents of Grantham want to conserve the small town atmosphere, rural character, and open space. There is notable concern about too rapid residential development in town. Highlights of these views are summarized below:

- Residents value Grantham most for its small, quiet, uncrowded atmosphere in an unpolluted natural environment.
- Over the next 10 years residents want to see Grantham remain primarily a rural community, encouraging the continuing existence of open space, farm lands, and forests.
- Residents see recent growth and development in town as too rapid, and they favor considering a temporary annual limitation on building permits until codes, regulations, and ordinances can be updated.
- There is recognition that Grantham is mainly made up of single-family residences, and that they should continue to be allowed in any residential zone throughout the town.
- There is support for redesignation of selected undeveloped or lightly developed portions of the town for substantially less development.
- Senior housing is supported in any residential district, but any proposed two-family or multifamily housing is preferred in the vicinity of the central village.
- Grantham's commercial/industrial zones should be hospitable to activities that will be successful and sustained contributors to the town's tax base.
- Activities in any zone that generate high traffic, noise, or pollutants, or are of a scale that overwhelms the character of the town, are to be discouraged

LAND USE REGULATION POLICIES

Grantham presently regulates the use of land by means of three regulatory mechanisms: the Zoning Ordinance, the Subdivision Regulations, and the Site Plan Review Regulations. As is common in most communities, Grantham's three regulatory devices are primarily founded on the concept of land as a commodity, i.e., an economic good that can be traded in commerce and be enhanced in economic value. Simultaneously, the desire is implicit in these regulatory devices to retain the rural and scenic nature of Grantham. The three sets of regulations, based on the town's Master Plan, have as their purposes the health, safety, prosperity, convenience, and general welfare of the community, as promulgated by New Hampshire statutes RSA 672—677. These purposes function to enhance the value of land, strengthening the concept of land as a commodity.

The subdivision regulations encourage uniform lots fronting on public or private roads, so that land can be divided into marketable units. Lot area requirements, yard dimension regulations, and permitted uses, as set forth in the zoning ordinance,

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create an envelope on each single lot that enables the owner to build, and assure potential buyers of the land's usability and value.

Grantham's land use regulations focus mainly on the impact of land use within specific lots or subdivisions, but not necessarily beyond these boundaries. However, the regulations do recognize the impact beyond lot boundaries in a broader sense, by aggregating different allowable uses into separate, clearly delineated districts (i.e. residential, business, etc.). Also, the zoning ordinances' special exception and variance procedures call for taking into account the impacts of a proposed use on the neighborhood. The site plan review regulations require examining the impacts of commercial and multifamily developments on their surroundings, but these regulations do not apply to single-family and two-family residential developments.

The commodity concept of land is essential, and it corresponds with fundamental constitutional rights regarding private property ownership. However, another concept of land should not be overlooked—the concept of land as a resource.

The conservation of agricultural and forest productivity, the provision of recreational opportunities afforded by the town's hills, forests, and water bodies, the wise use of the town's nonrenewable earth and mineral reserves, and the protection of the beauty of the landscape are judged to be matters of public good. Accordingly, land uses which threaten or significantly inhibit these resources should be permitted only when clearly outweighed by the public interest. Thinking of land as both a commodity and a resource should broaden the community's perspective when deciding what Grantham should look like, and how it should function in the future.

LAND USE PRINCIPLES AND PROPOSALS

Principles for Future Land Use

Based on the Community Survey and the studies leading to this Master Plan, the principles that should guide future land use in Grantham remain much the same as expressed in past Master Plans. They are:

- Maintain orderly growth, while retaining a rural atmosphere and protecting natural resources.
- Maintain the character of the town primarily as a residential community for year-round residents and seasonal visitors, while allowing prudent nonresidential development (retail and service needs) to serve these residents.
- Continue to discourage strip development.
- Continue to discourage commercial and industrial activities from infringing upon residential neighborhoods.
- Ensure that zoning ordinances allow a range of affordable housing opportunities.
- Ensure that zoning ordinances allow adequate opportunities for rental and elderly housing.

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Any proposals for future land use should take careful note of land uses that the townspeople wish to continue or initiate, as well as land uses that may be found to be undesirable or incompatible with community goals. Naturally, there must be provision for future growth, including the services and infrastructure to support it.

These proposals must acknowledge the theoretical long-term scenario indicated in the Build-Out Analysis. From this perspective, planning for the preferred future forms the basis for the suggested changes in land use and land use regulation. Therefore, the proposals presented herein encompass some ideas which may be implemented within the ten-year time frame of this Master Plan, and some which may be implemented beyond this time frame.

New Hampshire statutes provide mechanisms to permit communities that are experiencing rapid change and development to exert temporary controls to better manage this growth. However, the statutes contain strict standards that are not always easily met by communities wishing to effectively deal with rapid change. Nonetheless, to provide adequate time for careful development and consideration of the proposals for future land use, it is suggested that in conjunction with the development of a Capital Improvements Program (see Chapter VII, *Municipal Facilities & Services*), a temporary moratorium on the future subdivision of land (i.e., a growth management ordinance, see RSA 674:22) and a temporary limitation on building permits for primary residential structures (see RSA 674:21) ought to be carefully examined for their suitability to Grantham's situation, and for their possible benefits and potential drawbacks.

As noted in Chapter II, *Demographics*, Grantham's population percentage increase from 1990 to 2000 was the third highest in the state and the highest in the Upper Valley Lake Sunapee Region. In pure numbers, Grantham's increase represents about half of the decade's growth for all of Sullivan County.

Consulting the table in Chapter II showing the number of Grantham's new home building permits since 1988, it is seen that the average for the last three years has been approximately 47, while the average for the prior ten years was about 25. This is an increase of nearly 90%. Such an increase is judged by the Master Plan Committee to be unreasonably high in view of percentage increases experienced by other communities in the region, and also in view of the state of sophistication of Grantham's present land use regulations. It is believed that an increase of 50% over the average for the prior ten year period would represent a more reasonable burden for Grantham to bear until codes, regulations, and ordinances can be updated, if a temporary limitation on building permits were to be chosen for adoption.

Proposals for Future Land Use

Grantham's regulatory mechanisms for land use should recognize the concept that land is both a commodity and a resource. The proposals presented below are given with this dual concept of land in mind, and they concern the creation of new

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zoning categories, including the suggestions for impact analyses and possible impact fees for larger developments.

Grantham's land use ordinances currently define five zoning districts: two categories of the Rural/Residential District, the Business District, the Business/Light Industrial District, and the Forest Lands and Conservation District (newly established at the 2005 Town Meeting). There are also three overlay districts: a Shore Land/River Overlay District, which places additional requirements on land uses within 250 feet of water bodies, a Telecommunications Overlay District in the northern area of Grantham along I-89, and a Flood Plain/Conservation Overlay District (formerly known as the Conservation District prior to the 2005 Town Meeting).

It is proposed that in addition to the already existing districts, a number of new zoning districts and overlay districts be implemented or considered within the time frame of this Master Plan. The general areas and rationales for these proposed districts are described below.

Rural Residential Districts

There are substantial large tracts of land in Grantham that are presently quite undeveloped, and possibly vulnerable to scattered and premature development that might diminish the rural character of the town. Significant development in these areas would depart from the established development patterns that presently create Grantham's rural and scenic character, and could disrupt existing linkages between conserved or potentially conserved lands. Such areas are mostly far removed from existing roads and, if developed, would be distant from town amenities and difficult to supply with town services. Moreover, typical physical features in some of these areas, such as wetlands and steep slopes, would act as constraints to economical development. These areas are found in:

- North Grantham, primarily north of the intersection of NH Route 10 and Miller Pond Road.
- South of Grantham Village.
- East Grantham.
- The area westward of Cote Road–Dunbar Hill Road extending to the eastern Corbin Park boundary.

The principal feature of proposed districts in such areas would be larger minimum lot sizes with proportionately larger frontage and setback requirements. Such lot sizes would be perhaps several times larger than the present minimum lot sizes (1 acre and 4.5 acres for the RR-1 and RR-2 districts, respectively). Also, the permitted uses in these proposed districts should be reduced.

Another important feature in such districts would be strong incentives that would favor open space development, planned residential development, or other

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creative development approaches over conventional subdivisions. The incentives are commonly in the form of allowing a higher density of dwelling units than would result from the otherwise applicable minimum lot size, and allowing reductions in frontage and setback requirements. In exchange for these incentives, substantial portions of such developments are permanently conserved as open space.

These development concepts strike good balance between housing placement and the conservation of natural areas and open space, and help minimize the need for additional utilities and municipal services, compared to conventional subdivisions at the present permitted densities.

In tandem with an emphasis on open space or planned residential developments, added control and review procedures, as well as requirements for formal impact studies, should be written into the subdivision regulations and the zoning ordinance. A structure for requiring impact fees from developers should also be considered.

Useful examples of provisions for open space developments and planned residential developments are found in the current zoning ordinances for several nearby towns.

Forestry/Conservation/Recreation Districts

Two broad categories of land should be considered for specific regulation and districting under the Forestry / Conservation / Recreation heading. These are lands distinguished by specific topographical features, as described below.

The first of these categories encompasses the larger continuous areas of steep slopes (20% or greater). The concept here is to address broad steep slope areas on a larger scale than presently used by the zoning ordinance in addressing steep slopes on an individual parcel basis. Expanded ordinance provisions to prevent development or construction in such areas should be considered for obvious environmental and safety considerations.

The second category is an overlay district encompassing certain higher elevations, hilltops, and ridgelines, designed to conserve the rural and scenic values of Grantham. Criteria should be based on the selection of specific limiting contour elevations, defined by specific elevation intervals below hilltops and ridgelines applicable to each specific location. This would be, in effect, a series of overlays throughout the town which would encircle qualifying high elevation and hilltop / ridgeline areas. Construction of any structures other than telecommunication or wind power facilities would be prohibited from taking place in these areas above the designated elevations. A similar approach has been taken by the Town of Newbury, which has adopted an overlay zoning district to regulate development in higher elevations and along ridgelines and hilltops.

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There are likely additional areas not presently identified that would qualify for inclusion under the Forestry / Conservation / Recreation heading, and should be considered for zoning district designation. Selection criteria would include:

- Very limited or absent road access.
- Large individual land parcels.
- Parcels enrolled in the Current Use Taxation program as active forestry areas.
- Existing tree farms.
- Significant unfragmented wildlife habitat.

Central Village District

The unique character of small New England towns is being lost through development and reconstruction. A new district is proposed in order to conserve Grantham's central village and its historic value. This district could begin somewhat north of the intersection of Dunbar Hill Road and NH Route 10, and extend south along NH Route 10 to the first major bend in the road (i.e., where the lanes and shoulders widen). It would extend easterly along NH Route 114 to the area of the bridge near the entrance to the Grantham Village School or beyond. The older village structures of Grantham—the church, library, homes, and barns—would be included in this proposed zoning district.

A carefully crafted ordinance provision that conserves the town's village, as well as recognizes the rights of homeowners in the proposed district, would be of paramount importance. Moreover, creation of this district would be consistent with the UVLSRPC's 2003 Draft Regional Plan, which identifies Grantham's central village as a local development center. This proposal is further supported by RSA 674:21-VI, which encourages appropriate development in a centralized village.

Another objective of the Central Village District would be to outline any areas desirable and feasible for future expansion of the central village area. With appropriate frontage and setback requirements, plus modest design or architectural control over future building, the conservation of the existing central village's character would be encouraged. Moreover, appropriate future development in the central village area would add to the sense of community in Grantham, and afford more residents a living option within walking distance to town facilities and services.

Public Financing of Open Space

A recommendation is given to develop mechanisms to publicly finance the acquisition of additional areas in Grantham for the conservation of green and open spaces. This would involve the use of tax money or fees collected incidental to land development. Presently Grantham applies 50% of the penalty proceeds from land withdrawal under the Current Use Tax Program to the Conservation Commission's fund for land acquisition. However, the majority of towns devote 100% of these funds

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for this purpose, and such an increase is recommended here. The Community Survey has shown that there is strong support among Grantham's population for such initiatives. Areas so acquired could be added to the recently established Forest Lands and Conservation District, or to one of the proposed forestry/conservation/recreation districts.

Future Areas for Business Activities

The continued growth indicated by the Build-Out Analysis suggests that at some point in time there will be additional demand for commercial and retail services beyond what the presently zoned business districts can provide. The time when this occurs is probably beyond the ten-year time frame of this Master Plan. Nevertheless, some thought should be given now to where and how this expansion should ultimately take place, while balancing the need to maintain the *Principles for Future Land Use*, stated earlier in this chapter, and the rights of individual landowners who might eventually be affected.

GOALS

- Maintain orderly growth, while retaining the small town atmosphere and rural character of the town as a residential community attractive to both year-round and seasonal residents.
- Recognize the concept that land is both a commodity and a resource.
- Practice affirmative natural resource protection.
- Recognize that there are land uses the townspeople wish to continue or initiate, and conversely there are land uses that are considered to be undesirable or incompatible with community objectives.
- While providing for future growth, plan for the services and infrastructure to support this growth.
- Ensure that zoning ordinances allow a range of affordable housing opportunities and adequate opportunities for rental and elderly housing.
- Allow prudent nonresidential development (retail and service needs) to serve the residents.

RECOMMENDATIONS

- Recognize that recent growth and development in town have been quite rapid, and after adopting a Capital Improvements Program (see Chapter VII), carefully

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examine the suitability, possible benefits, and potential drawbacks of temporary growth control measures such as a temporary moratorium on the future subdivision of land until codes, regulations, and ordinances can be updated. Examine as well the possible benefit of a temporary annual limitation on building permits for primary residential structures at a reduced level compared to the annual average number of such permits for the past three years.

- Establish new rural residential districts, to be applied to selected undeveloped portions of the town. This action would designate these areas for substantially less development potential by rezoning with significantly larger lot sizes, increased frontage and setback requirements, fewer permitted uses, and added use restrictions.
- Guide the potential development in any new rural residential districts by establishing strong incentives for open space development, planned residential development, or other creative development approaches.
- New control and review procedures, as well as requirements for formal impact studies, should be written into the subdivision regulations, possibly including a structure for requiring impact fees from developers for developments exceeding a specified size.
- Create and apply appropriate new zoning categories for areas judged not desirable for development, such as conservation lands, hilltops and ridges, steep slopes, remote areas, and large unbroken tracts of wildlife habitat. The distinguishing characteristic of such new zoning districts would be a quite substantial minimum lot size with no provision for residential use.
- Develop a Central Village District to conserve Grantham's central village character and its historic value, employing appropriate setback requirements and modest design or architectural standards for future buildings.
- Create policies and procedures to publicly finance the acquisition of areas in Grantham for the conservation of green and open spaces, and in particular raise the amount of Current Use Tax Program penalty proceeds from 50% to 100% for contribution to the Conservation Commission's land acquisition fund.
- Begin to explore the needs for additional land to provide locations for future commercial and retail services, beyond what the presently zoned business districts can provide.