

## **Chapter IV Current and Future Land Use**

### **Introduction**

Many factors have a direct impact on the landscape of every community. As we undertook the review and subsequent revision of the Master Plan, we carefully examined many of those factors: increased population growth, evolving housing needs, changing social and economic trends. We discussed throughout our meetings that land is a finite resource and thoughtful use of land is a critical issue for all communities. The way a community uses its land base has a direct impact on aesthetics, community character, transportation infrastructure, housing affordability, and on the tax base.

In this Chapter, we identify and explore land use trends in Henniker and discuss how regulations impact such trends. Recommendations are offered as to what regulatory steps should be taken in the future to meet the growing housing, economic, environmental, and land use needs of the community.

Henniker's historic development pattern was determined long before there were any land use regulations in the State or Town. Development occurred in those areas with good drainage, access to a water supply, transportation, and waterpower. Most of Henniker's current development is being driven by the economic expansion of southern New Hampshire. This pressure is being felt primarily in the areas of housing and community infrastructure, as Henniker is viewed as an attractive bedroom community to the Concord and Manchester areas. In order for Henniker to maintain its rural character, it is important for the Town to utilize progressive zoning techniques and plan for the future.

### **Goals and Objectives**

Goals and objectives in any plan are intended to provide a policy framework and direction to the plan. Goals are general statements of ideal conditions. Objectives describe desirable projects and programs that will help to achieve the goals. Strategies are steps that need to be taken in order to reach an objective.

**Goal – Henniker desires to establish regulations that allow it to ensure quality development, protect sensitive environmental features, provide opportunities for a variety of development types, and preserve its rural and historic nature.**

Objective – Enhance the village center as the cultural, social, and commercial center of town.

Strategies:

1. Apply for the New Hampshire Main Street Program in 2004.
2. Develop a comprehensive pedestrian infrastructure that includes bicycle lanes, bicycle racks, and sidewalks to promote a walkable downtown.

3. Encourage the use of shared parking lots between retail uses and housing, where appropriate.
4. Allow for the development of new housing units above commercial and retail stores in the downtown.

Objective – Preserve and protect the open space and environmentally and/or culturally sensitive areas in town.

Strategies:

1. 100% of the land use change tax should be dedicated to a conservation fund, which can be used for education, land or easement purchase, or for leveraging additional funding for conservation and preservation efforts in Henniker.
2. Using the data collected in the Henniker Natural Resources Inventory, develop a Conservation and Open Space Plan for the Town.
3. Adopt a Historic District Overlay into the Zoning Ordinance.

Objective - To foster sound business development in appropriate areas within Town.

Strategies:

1. Adopt façade, architectural, landscaping, and signage regulations into the Site Plan regulations.
2. Ensure that the areas zoned for commercial development are the most appropriate in terms of community infrastructure, natural resources, and community character.

Objective – To foster sound residential development.

Strategies:

1. Adopt roadway and sidewalk design details into the Site Plan regulations.
2. Ensure the areas zoned for residential development are the most appropriate in terms of community services, land use, and environmental constraints.
3. Use developer incentives in the Subdivision and Zoning Regulations to maximize the best use of the land.
4. Adopt ordinances ensuring work is done in a timely, safe, and environmentally proper manner.
5. Encourage the development of neighborhoods through the Subdivision and Zoning regulations.

Objective – Revamp the towns planning function to better serve the community.

Strategies:

1. The Town should purchase Geographic Information Software (GIS) in order to utilize the maps and information available from the State, Regional Planning Commission, and this Master Plan in future planning efforts.
2. Have the Henniker tax maps digitized into a GIS layer, which could then be linked to the Assessors' database, for more accurate and accessible information.

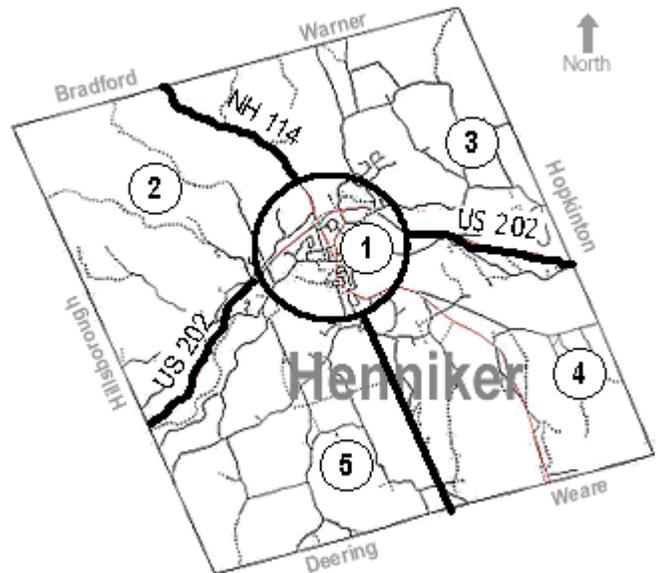
- Organize the Zoning, Subdivision, and Site Plan Regulations into one document with a comprehensive Table of Uses and Index, all necessary forms, and accompanying information.

**Community Survey Results**

A Master Plan Community Survey was distributed to all residential households and non-residential landowners in October 2000. Approximately 1,500 surveys were mailed out with 495 surveys being returned, resulting in a 33% response rate. The following eight survey questions relate to this Chapter.

*Using the map below, please identify whether your residence is in area 1, 2, 3, 4, or 5.*

	Total	%
1	202	43.0%
2	29	6.2%
3	106	22.6%
4	47	10.0%
5	56	11.9%
Not Sure	10	2.1%
No Answer	20	4.3%
Grand Total	470	100.0%



*What type of housing do you currently live in?*

	Total	%
Single-Family House on 1-5 acres	184	37.2%
Single-Family Home on less than 1 acre	95	19.2%
Single-Family House on 10+ acres	57	11.5%
Apartment with 2-10 units	34	6.9%
Single-Family House on 5-10 acres	34	6.9%
No Answer	28	5.7%
Other	21	4.2%
Working Farm	11	2.2%
Mobile Home	9	1.8%
Duplex	9	1.8%
Apartment with more than 31 units	7	1.4%
Apartment with 11-30 units	6	1.2%
Grand Total	495	100.0%

*Which of the following methods would you support to balance growth with the preservation of sensitive areas? Please check all that apply.*

- 295 Encourage Private Donation of Land and/or Development Rights
- 208 Current Use Assessment
- 207 Town Purchase of Land
- 204 Land Trusts
- 157 Town Purchase of Development Rights
- 145 Re-zoning
- 70 No Opinion

*What types of housing would you like to see developed in Henniker?  
(Please check all that apply)*

	Total
Single Family	308
Elderly Housing	134
Cluster Developments (single family homes on smaller lots with remaining area as open space)	120
Condominiums/Town Houses	76
Conversion of Large Homes into Apartments	60
Two Family (Duplexes)	56
Multi-family units (3-4 units)	34
Mobile homes on individual lots	30
New Apartment Buildings (5+ units)	27
Mobile homes in Parks	25

*In your opinion, which statement best characterizes Henniker's rate of residential growth (check one only):*

	Total	%
Henniker is growing at an appropriate rate	228	46.1%
Henniker is growing too quickly	142	28.7%
No Opinion	70	14.1%
Henniker is growing too slowly	29	5.9%
No Answer	26	5.3%
Grand Total	495	100.0%

Regarding commercial and industrial development, how important is each of the following:

	Very Important	Somewhat Important	Not Important
Local Full-Time Employment	304	110	37
Local Part-Time Employment	279	137	29
Commercial Enterprises	231	150	64
Home-Based Businesses	204	195	53
Increased Commercial and Industrial Zoning	136	148	150
Industrial Development Parks	123	125	180

How important is each of the following to your choice to live in Henniker?

	Very Important	Somewhat Important	Not Important
Rural Quality	384	66	8
Small New England Village	378	63	19
Affordable Housing	260	121	66
Commuting Distance to Work or Other Opportunities	239	138	72
Employment	134	129	172
Suburban Area	132	155	132
Farming Opportunity	56	109	264

How should Henniker respond to prospects for growth in each of the following areas:

	Encourage	Stay As Is	Discourage
Farms	325	119	4
Professional and Business Shops	314	118	18
Small Manufacturing Firms	282	119	45
Child Care Centers	279	147	15
Retail Shops	271	150	33
Restaurants (sit down)	226	215	16
Building Trades	209	189	30
Hotels/Motels	126	231	93
Heavy Commercial/Industrial Firms	105	142	202
Gas Stations	83	285	85
Major Retail Stores	82	122	252
Restaurants (fast food)	76	96	287
Shopping Centers	71	107	283
Mini-Storage	48	260	143

## **Current Land Use**

The existing land use pattern in Henniker is typical of many rural communities in New Hampshire; commercial land uses are located along heavily traveled regional roadways, while the majority of residential development is located in the back lands of the community. Please see the **Existing Land Use Map** for more detailed information. The following table is a summary of the current composition of land uses in Henniker.

**Summary of Acreage use by Land Use Category**

<b>Category</b>	<b>Acres*</b>	<b>Percent of Total Land</b>
Commercial Lands	750.5	2.6%
Industrial Lands	436.96	1.5%
Public / Institutional Lands	218.99	0.8%
Residential Lands	3,297.55	11.5%
Army Corp Land	1,768.45	6.2%
Conservation Lands	685.48	2.4%
Undeveloped Land	21,472.07	75%
<b>Total</b>	<b>28,630</b>	<b>100%</b>

Source: CNHRPC Geographic Information System (GIS), 2002

\* Estimates based on GIS mapping for 2002 Master Plan

### *Commercial Lands*

These land uses occupy less than 2.6% of Henniker's total land area. Commercial uses involve the sale or trade of goods and services, which can include restaurants, convenience stores, coffee shops, as well as New England College. Commercial uses are more concentrated in the downtown area north of the river

### *Industrial Lands*

These uses occupy slightly more than 1.5% of the community's total land area. Industrial uses can be thought of as any land use where raw materials are processed, modified, or assembled to create a finished or value added product. The major locations for Industrial areas are along Old Concord Road, NH 114, and Amey Brook.

### *Public / Institutional Lands*

Public and Institutional uses of land are primarily concentrated in the downtown area north of the river, and there are also a few Public/Institutional areas in the outer laying areas of Henniker. In total, these types of land uses occupy approximately .08% of the community's land area. Examples of such uses include the Town Hall, Transfer Station, Library, and local churches and cemeteries.

### *Residential Lands*

Residential land uses are also scattered throughout the community, with greater concentrations located along major roadways. The residential multi-family homes are mostly located in the downtown area. In total, residential land uses occupy nearly 11.6% of the community's land area.

### *Army Corp. Lands*

The Hopkinton-Everett Flood control area was constructed in the early 1960's as part of the U.S. Army Corps of Engineers flood control project for the Merrimack River. Two dams were constructed, the Hopkinton Dam along the Contoocook River, and the Everett Dam along the Piscataquog River. The two dams protect communities along the Merrimack River by holding up to 51.2 billion gallons of water, during both minor and major flooding. 1,768 acres, or approximately 6.2% of the land in Henniker, is composed of the Hopkinton-Everett Flood Control Area.

### *Conservation Lands*

Conservation lands include land that has been permanently set aside for conservation and does not allow development on it. Such land can include Town forests, lands owned by private conservation organizations, as well as property with easements on it. Occupying nearly 2.4% of the community's total land area, the majority of conservation lands are located on Butter Road, Quaker Street, Dodge Hill Road, and Warner Road.

### *Undeveloped Lands*

Undeveloped lands comprise 75% of the Town's entire land area. Some of these areas are located on land with steep slopes, limited road access, or other development constraints that make them much more difficult to develop. Land classified as undeveloped includes forested areas, fields, and agricultural lands.

## **Development Patterns, 1991 – 2001**

Research and analysis of development patterns is important to help Henniker better plan for the future development of the Town. Development patterns make people aware of the true changes taking place within the Town, as well as in abutting communities. By looking at the number of subdivisions created or building permits allocated during the past ten years, the Town is able to accurately report trends.

### Subdivision Activity

During the period of 1991 through 2001, a total of 27 subdivisions were approved in Henniker. Of that total, 3 were considered major subdivision consisting of four or more lots. The largest development consisted of 10 new lots in 1991 in the Crestwood development. Outside of this, the typical subdivision in the community consisted of creating one or two lots along existing road frontage, which is common among rural communities. As compared to abutting communities, Henniker had an average number of new lots created.

**Number of New Lots Created, 1991-2001**

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
<b>Henniker</b>	8	0	4	0	5	15	6	2	8	17	5	<b>70</b>
<b>Bradford</b>												
<b>Deering</b>	0	6	0	2	0	0	0	0	0			
<b>Hillsborough</b>	1	3	1	1	16	1	2	5	2	8	4	<b>44</b>
<b>Hopkinton</b>	53	6	12	15	9	2	3	16	13	24	2	<b>155</b>
<b>Warner</b>	4	12	0	9	1	4	1	2	2	3	3	<b>41</b>
<b>Webster</b>	5	2	10	6	5	8	24	8	4	4	1	<b>77</b>

Source: Annual Town Reports and Town Staff, 2002

Building Permit Activity

During the period of 1991 through 2001, Henniker issued 163 residential building permits for new home construction. As compared to abutting communities, this was in the middle-high range.

**Number of Residential Building Permits Issued, 1991-2001**

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	1991-2001 Total
<b>Henniker</b>	11	8	8	14	8	15	11	14	11	22	41	<b>163</b>
<b>Bradford</b>	8	4	0	1	1	3	2	9	11	17	13	<b>69</b>
<b>Deering</b>	4	5	5	3	9	12	5	5	12	16	13	<b>89</b>
<b>Hillsborough</b>	15	10	4	12	11	11	18	40	41	36	51	<b>249</b>
<b>Hopkinton</b>	13	16	19	23	15	38	44	52	39	23	19	<b>301</b>
<b>Warner</b>	6	7	5	4	7	11	12	12	10	13	23	<b>87</b>
<b>Webster</b>	6	3	5	9	16	12	15	14	9	18	19	<b>126</b>

Source: Annual Town Reports and Town Staff, 2002

Non-residential Site Plan Activity

From 1991-2001, there were 72 site plans submitted to and approved by the Town. These approved site plans included a change of use from one commercial or industrial use to another, as well as approvals for new commercial or industrial operations.

Land Transactions

The number of land transactions within a community helps to show the economic health of a community. These transactions include the sale of land, land and buildings, and manufactured housing. The following are the number of land transactions from 1991-2001 for the Town of Henniker.

<b>Year</b>	<b># of Transactions</b>
1991	71
1992	69
1993	68
1994	79
1995	101
1996	89
1997	105
1998	102
1999	121
2000	132
2001	107
<b>Total</b>	<b>1,044</b>

Source: RealData, 2002

Current Use

Current use is one of the easiest and most popular methods of preserving undeveloped land, forests, and agricultural fields. Current use is a preferential tax program in which the land is taxed on its potential to generate income in its existing or current use. Henniker residents have continually participated in this program, as can be seen by the figures below.

**Current Use Acreage for the Town of Henniker for 1998-2001**

<b>Type of Acreage</b>	<b>1998 Acreage</b>	<b>1999 Acreage</b>	<b>2000 Acreage</b>	<b>2001 Acreage</b>	<b>% Change 1998-2001</b>
Farmland	1,405	1,389.53	1,345.59	1351.63	- 3.8%
Forest Land	14,032	14,399.14	14,469.59	14,494.58	3.3%
Unproductive Land/Wetlands	614	614.95	660.78	666.58	8.6%
<b>Total</b>	<b>16,051</b>	<b>16,403.62</b>	<b>16,475.96</b>	<b>16,512.79</b>	<b>2.9%</b>
% of Town in Current Use	55.9%	57.21%	57.46%	57.59%	-

Source: 1998-2001 Annual Town Reports

**Current Zoning**

The power to regulate private property is one of the most important powers allocated to local government. Used properly, zoning can be a powerful tool to improve the aesthetics of a community, protect the natural environment, and enhance the quality of life. Used improperly, zoning can serve special interests, diminish the natural environment, and increase disparities between socioeconomic classes.

In 1925, the New Hampshire State Legislature, using a United States Department of Commerce Model Standard Act, granted municipalities the ability to adopt zoning. Henniker first adopted zoning in 1973, after many years of unsuccessful attempts, and Site Plan regulations in 1992. However, the Town had adopted Subdivision Regulations in 1969 and a Mobile Home and Trailer Ordinance in 1971.

Today, Henniker relies on nine primary zoning Districts to regulate land use within the community. The following is a summary of current zoning Districts and their allowed land uses. The location of these Districts can also be seen on the **Current Zoning Map**.

*Village Proper District (RV)*

This Village Proper District provides a residential area in the built-up center of Town that is close to business and community services. This is typical of many New England villages.

The following are permitted uses in the RV Zone: home rental of up to 2 apartments, single-family dwellings, two-family dwellings, home businesses, agriculture, open space residential development, and a use accessory to a permitted use. The following uses are allowed by special exception: institutional, home rental of 3 or more apartments, home business/retail, multi-unit dwelling, commercial/professional, and an accessory use to a special exception use.

The minimum lot area for single-family and two-family dwellings are 20,000 sq.ft. with town water and sewer, 2 acres with no town water and sewer. Frontage must be a minimum of 100 feet. The minimum lot size and frontage for multifamily dwellings (3 or more units) are 20,000 sq.ft. (2 units) plus 10,000 sq.ft (each additional unit over 2) with town water and sewer, 2 acres (2 units) plus 1 acre (each additional unit over 2) with no town water and sewer, and 100 feet of frontage. The ratio of area of unimproved land to the total combined area of living area shall be 6:1. Frontage access for each acre of open space or common land shall be at least 25 feet wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size, as well.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

Two parking spaces must be provided on the premises for each dwelling unit and one parking space for each 500 sq.ft. of floor space used for commercial/professional, home business, or home business/retail. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way. All driveways are to be located at least 75 feet from a street line intersection for all uses except one- and two-family dwellings.

Only one home business shall be permitted per lot, with appropriate off-street parking.

*Residential Neighborhood District (RN)*

The Residential Neighborhood District provides a mixture of single-family and two-family homes in neighborhoods removed from the Center Village.

The following are permitted uses in the Residential Neighborhood District: home rental of up to 1 apartment, single-family dwellings, two-family dwellings, agriculture, home business, manufactured housing, open space residential development, uses accessory to permitted uses. The following uses are allowed by special exception: multi-unit dwellings, home businesses/retail, institutional, home rental of 2 or more apartments, and uses accessory to special exception uses.

The minimum lot size and frontage for single-family and two-family dwellings are 2 acres, and 125 feet of frontage. The minimum lot size and frontage for multi-family dwellings (3 or more units) are 2 acres (2 units) plus 1 acre (for each unit over 2), and 125 feet of frontage. The ratio of area of unimproved land to the total combined area of living area shall be 10:1. Frontage access for each acre of open space or common land shall be at least 25 feet wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of a side or back lot boundary.

Two parking spaces must be provided on the premises for each dwelling unit and one parking space for each 500 sq.ft. of floor space used for commercial/professional, home business, or home business/retail. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way. All driveways are to be located at least 75 feet from a street line intersection for all uses except for one- and two-family dwellings.

Only 1 home business shall be permitted per lot, with appropriate off-street parking. Two home businesses are allowed by special exception.

*Rural Residential District (RR)*

The Rural Residential District provides for a mixture of agriculture and low-density rural living outside of the built-up districts of the community, where public water and sewer services are not generally available. The low-density open areas complement and encourage agriculture uses, which are characteristic of the town.

The following uses are permitted in the Rural Residential District: home rental of 1 apartment, single-family dwellings, two-family dwellings, agriculture, manufactured housing, home businesses, open space residential development, and uses accessory to permitted uses. The following are uses allowed by special exception: home rental of 2 or more apartments, home businesses, institutional, manufactured housing park, excavation of land accessible to a state highway by traveling a distance no greater than 1,000 feet on secondary roads, and uses accessory to special exception uses.

The minimum lot size and frontage requirements for single-family and two-family dwellings are 5 acres, and frontage of 125 feet. Frontage access for each acre of open space or common land shall be at least 25-feet wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

Two parking spaces must be provided on the premises for each dwelling unit. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way. All driveways are to be located at least 75 feet from a street line intersection for all uses except one- and two-family dwellings.

No more than 2 home businesses shall be permitted per lot, with appropriate off-street parking.

*Heavy Commercial District (CH)*

The Heavy Commercial District provides a business and manufacturing area outside of the village with good highway access for non-retail types of commercial operations. It is located so that it will not be a detriment to the residential areas and will not cause undue traffic through the village proper.

The following uses are permitted in the Heavy Commercial District: commercial/manufacturing, commercial/recreational, commercial/retail, commercial/services, commercial/professional, commercial/services technical, commercial/light industry, junkyard, automotive service station, single-family dwelling, two-family dwelling, home business, home business/retail, home rental of up to 2 apartments, agriculture, manufactured housing, excavation, and uses accessory to permitted uses. The following uses are allowed by special exception: institutional, home rental of 3 or more apartments, manufactured housing park, kennel, sexually oriented business, and uses accessory to special exception uses.

The minimum lot size and frontage requirements for single-family and two-family dwellings are 2 acres, and 125 feet of frontage. The minimum lot size and frontage for multi-family dwellings (3 or more units) are 2 acres (2 units) plus 1 acre (for each unit over 2), and 125 feet of frontage. The ratio of area of unimproved land to the total combined area of living area shall be 10:1. Frontage access for each acre of open space or common land shall be at least 25-feet wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline.

No building or commercial enterprise is permitted within 1,000 feet of town-owned land used for the Cogswell Spring Waterworks except by special exception.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in-line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

Two parking spaces must be provided on the premises for each dwelling until and one parking space for each 500 sq.ft. of floor space used for commercial, home business, or home business/retail. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way. Reduction of these requirements may be permitted by special exception. All driveways are to be located at least 75 feet from a street line intersection for all uses except one- and two-family dwellings.

Drive-through facilities may be permitted as accessory uses but only by special exception. No drive-through facility shall be permitted within 100 feet of a residential lot.

*Medium Commercial District (CM)*

The Medium Commercial District provides a business area outside of the village with good highway access for light manufacturing types of commerce operations. It is located so that it will not be a detriment to the residential and manufacturing areas and be able to provide services to the surrounding community.

The following uses are permitted in this District: commercial/recreational, commercial/retail, commercial/services, commercial/services technical, commercial/professional, commercial/light industry, manufactured housing, single-family dwelling, two-family dwelling, home business, home rental of up to 2 apartments, automotive service station, agriculture, excavation, and uses accessory to permitted uses. The following uses are allowed by special exception: multi-unit dwellings, home business/retail, home rental of 3 or more apartments, institutional, manufactured housing park, and uses accessory to special exception uses.

The minimum lot size and frontage requirements for single-family and two-family dwellings are 2 acres, and 125 feet of frontage. The minimum lot size and frontage for multifamily dwellings (3 or more units) are 2 acres (2 units) plus 1 acre (for each unit over 2), and 125 feet of frontage. The ratio of area of unimproved land to the total combined area of living area shall be 10:1. Frontage access for each acre of open space or common land shall be at least 25 feet wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline. Lots bordering on ponds with a surface of 10 acres or more and lots bordering the Contoocook River shall also follow these requirements.

No building or commercial enterprise is permitted within 1,000 feet of town-owned land used for the Cogswell Spring Waterworks except by special exception.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in-line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

Two parking spaces must be provided on the premises for each dwelling unit and one parking space for each 500 sq.ft. of floor space used for commercial, home business, or home business/retail. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way.

Reduction of these requirements may be permitted by special exception. All driveways are to be located at least 75 feet from a street line intersection for all uses except one- and two-family dwellings.

Drive-through facilities may be permitted as accessory uses but only by special exception. No drive-through facility shall be permitted within 100 feet of a residential lot.

*Commercial Recreational District (CR)*

The Commercial Recreational District provides for commercial sales and services that complement the recreational nature of the area, such as lodgings, restaurants and retail sales and services related to recreational uses.

The following uses are permitted in the CR District: commercial/recreational, commercial/retail, commercial/services, commercial/professional, single-family dwelling, two-family dwelling, manufactured housing, home business, home rental of up to 2 apartments, agriculture, excavation, and uses accessory to permitted uses. The following uses are allowed by special exception: multi-unit dwelling, home business/retail, home rental of 3 or more apartments, institutional, and uses accessory to special exception uses.

The minimum lot size and frontage requirements for single-family and two-family dwellings are 2 acres, and 125 feet of frontage. The minimum lot size and frontage for multifamily dwellings (3 or more units) are 2 acres (2 units) plus 1 acre (for each unit over 2), and 125 feet of frontage. The ratio of area of unimproved land to the total combined area of living area shall be 10:1. Frontage access for each acre of open space or common land shall be at least 25-foot wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline. Lots bordering on ponds with a surface of 10 acres or more and lots bordering the Contoocook River shall also follow these requirements.

No building or commercial enterprise is permitted within 1,000 feet of town-owned land used for the Cogswell Spring Waterworks except by special exception.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in-line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

Two parking spaces must be provided on the premises for each dwelling unit and one parking space for each 500 sq.ft. of floor space used for commercial, home business, or home business/retail. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way. Reduction of these requirements may be permitted by special exception. All driveways are to be located at least 75 feet from a street line intersection for all uses except for one- and two-family dwellings.

Drive-through facilities may be permitted as accessory uses but only by special exception. No drive-through facility shall be permitted within 100 feet of a residential lot.

*Village Commercial District (CV)*

The Village Commercial District provides business sales and services to the center area of Town that are typical to many New England villages. These businesses serve the village district, as well as the community at large.

The following uses are permitted in the CV District: commercial/recreational, commercial/retail, commercial/services, commercial/professional, single-family dwelling, two-family dwelling, home business/retail, home business, home rental of up to 2 apartments, agriculture, and uses accessory to permitted uses. The following uses are allowed by special exception: multi-unit dwellings, commercial/services/technical, home rental of 3 or more apartments, institutional, and uses accessory to special exception uses.

The minimum lot size and frontage requirements for single-family and two-family dwellings are 20,000 sq.ft with town water and sewer, 2 acres with no town water and sewer, and 125 feet of frontage. The minimum lot size and frontage for multifamily dwellings (3 or more units) are 20,000 sq.ft. (2 units) plus 10,000 sq.ft (each additional unit over 2) with town water and sewer, 2 acres (2 units) plus 1 acre (each additional unit over 2) with no town water and sewer, and 100 feet of frontage. The ratios of unimproved land to the total combined area of living area shall be 6:1. Frontage access for each acre of open space or common land shall be at least 25 feet wide.

Land on Class VI roads shall not be subdivided. Land on Class V roads with a gravel surface that are maintained by the Town, but do not meet Class A or B specifications, may be subdivided with a minimum 10-acre lot size. Land on Class V streets that are seasonally maintained by the Town may be subdivided with a minimum 10-acre lot size.

Waterfront lots in all zones shall have a minimum shore frontage of 125 feet and minimum area of 2 acres. Waterfront lots shall have access to at least a Class B gravel road. No dwellings, buildings, or septic systems shall be within 75 feet of the shoreline. Lots bordering on ponds with a surface of 10 acres or more and lots bordering the Contoocook River shall also follow these requirements.

No building or commercial enterprise is permitted within 1,000 feet of town-owned land used for the Cogswell Spring Waterworks except by special exception.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in-line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

Two parking spaces must be provided on the premises for each dwelling unit and one parking space for each 500 sq.ft. of floor space used for commercial, home business, or home business/retail. No parking spaces/access driveways may be located within 10 feet of any side or back lot boundaries and no parking space shall be located within 10 feet of a public right-of-way. Reduction of these requirements may be permitted by special exception. All driveways are to be located at least 75 feet from a street line intersection for all uses except for one- and two-family dwellings.

Drive-through facilities may be permitted as accessory uses but only by special exception. No drive-through facility shall be permitted within 100 feet of a residential lot.

*Educational District (ED)*

The Educational District provides a zone in which educational organizations may be allowed to build or expand facilities. All parking, setback, and building height rules or any other zoning rules must conform to existing regulations. Fraternities, sororities and other permitted uses are allowed in this District and may require Site Plan review by the Planning Board.

The following uses are permitted in the Educational District: classrooms, dining halls, offices, libraries, health care facilities, fraternities, sororities, maintenance and storage buildings, agriculture, and uses accessory to permitted uses. The following uses are permitted by special exception: auditoriums, assembly halls, dormitories, theaters, churches, sport arenas and buildings, and uses accessory to special exception uses.

The total area (footprint) of building coverage and other impermeable surfaces shall not exceed 30% of the parcel. The applicant must meet parking requirements and lot coverage restrictions within a total planned area, which must be approved by the Selectmen.

The parking requirements for the ED District are as follows: 1 parking space for every 5 seats for classrooms and dining halls; 1 parking space for every 4 seats of gross assembly area for auditoriums and assembly halls; 1 parking space for every 300 sq.ft. of gross floor area for health care facilities, offices, and libraries; 1 parking space for every 500 sq.ft. of gross floor area for maintenance and storage buildings; and 1 parking space for every room in a fraternity and sorority.

No building shall be constructed more than 3 stories above grade level. No building may be constructed within 30 feet of a public right-of-way, except that a building may be constructed in-line with existing adjacent buildings that are within the same lot. No building shall be constructed within 15 feet of side or back lot boundaries.

*Federal Lands District (FD)*

The land in the Federal Lands District is owned by the US Army Corps of Engineers for storage of upstream floodwaters in connection with the operation of the Hopkinton Flood Control Dam. When the water level must be raised in the Elm Brook reservoir and at the dam to prevent downstream flooding, high water levels in the FD District often require the closing of town roads that traverse this land.

The US Army Corps of Engineers allows certain agricultural uses in parts of the District, through lease agreements with farmers. Conservation and recreation activities are allowed, with permission from the Army Corps. All uses and proposed structures must be specifically authorized by the Army Corp and must conform to the requirements in the Rural Residential District.

The following is a list of all of the Zoning Districts in Henniker and the approximate area of land located in each. The location of these Districts can also be seen on the **Current Zoning Map**.

<b>Zoning District</b>	<b>Acres*</b>	<b>Percent of Total Land Area</b>
Village Proper (RV)	501	1.7 %
Residential Neighborhood (RN)	3,414	11.9 %
Rural Residential (RR)	20,678	72.1 %
Heavy Commercial (CH)	535	1.8 %
Medium Commercial (CM)	595	2.0 %
Commercial Recreational (CR)	835	2.9 %
Village Commerce (CV)	126	0.4 %
Federal Lands (FD)	1,758	6.1 %
Educational District (ED)	188	0.6 %
Total	28,630	100%

Source: CNHRPC Geographic Information System (GIS), 2001

\* Estimates based on GIS maps for 2002 Master Plan

**Other Current Zoning Ordinance Provisions**

In addition to the nine zoning Districts, Henniker has adopted numerous other land use regulations that influence and help shape the land use patterns in Town. Some of these Zoning Ordinances are specific to a District, while others can be applied to the entire Town, when certain criteria are met. The following is a summary of these other current zoning ordinance provisions.

Signs

The purpose of this article is to provide reasonable uniformity in the size and treatment of signs within the various zoning districts. Signs should not detract from the overall rural character, which the Town wishes to maintain. The Town recognizes the need to protect the safety and welfare of the public and the need for reasonable and adequate business identification and advertising. This Ordinance outlines the types of signs allowed, their placement, size, and permits required.

See the Population and Economics Chapter for more information on signs and for recommendations.

#### Home Businesses

The Zoning Ordinance allows the establishment of home businesses and/or home business/retail in all Residential Zones by right or special exception. A home occupation or profession shall consist of any use customarily conducted entirely within a dwelling or accessory building, by the principal occupant only, which use is clearly incidental and subordinate to the dwelling use. Article XII of the Zoning Ordinance outlines the provisions and regulations for the establishment of a home business in Henniker.

See the Population and Economics Chapter for more information on Home Businesses and for recommendations.

#### Natural Preserve Areas

This Zoning Ordinance provides for the purchase of space, designation, and regulation of natural preserve areas. Natural preserve areas are to remain wild, undeveloped areas of Henniker for managed forest resources, recreational values, wildlife habitats, and unspoiled natural beauty. Expected uses may include conservation, pedestrian trails, camping, swimming, and educational uses.

Lots owned by the Town of Henniker or otherwise determined to be areas set aside for the conservation by organizations are designated as natural preserve areas. The use of these lots shall be regulated by any covenants or deed restrictions related to these lots.

#### Manufactured Housing Parks

The purpose of this article is to provide reasonable uniformity in the size and treatment of manufactured housing in manufactured housing parks, within the various Zoning Districts, in order to promote the general health and welfare of the residents of Henniker.

Manufactured housing parks are allowed by special exception in the Rural Residential (RR), Medium Commercial (CM), and the Heavy Commercial (CH) Districts.

See the Housing Chapter for more information and recommendations on Manufactured Housing.

#### Floodplain Development

The Floodplain Development regulations apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency. The purpose of this Ordinance is to reduce the destruction of existing development and prevent new development in flood-prone areas.

For more information and recommendations on the floodplain development, see the Conservation, Preservation, and Open Space Chapter. See the **Surface Water, Wetlands, and Floodplain Map** for the location of the floodplain.

### Wetlands Conservation

The purpose of this Ordinance is to protect the public health, safety, and general welfare by controlling and guiding the use of land areas that have been identified as wetlands.

It is intended that this regulation shall:

- Control and/or prevent the development of structures and land uses on wetlands that will contribute to pollution of surface and ground water by sewage, toxic and hazardous substances, or siltation;
- Prevent the destruction of or significant changes to wetlands that provide flood protection;
- Protect unique and unusual natural areas;
- Protect wildlife habitats and maintain ecological balances;
- Protect potential water supplies and existing aquifers and aquifer recharge areas;
- Prevent expenditures of municipal funds for the purposes of providing and/or maintaining essential services and utilities, which might be required as a result of unwise development or other misuse or abuse of wetlands, reconstructing or extending additional town sewer and/or treatment facilities; and
- Encourage those uses that can be harmoniously, appropriately, and safely located in wetlands.

For more information and recommendations on wetlands, see the Conservation, Preservation, and Open Space Chapter. For the location of wetlands in Henniker, see the **Surface Water, Wetlands, and Floodplain Map**.

### Open Space Residential Development

The purpose of the Open Space Residential Development Ordinance is to permit greater flexibility in design and to discourage development sprawl; facilitate the economical and efficient provision of public services; provide a more efficient use of land in harmony with its natural characteristics; preserve more usable open space, agricultural land, tree cover, recreation areas or scenic vistas; and expand the opportunity for the development of affordable housing without increasing the development's overall density, all of which will be consistent with the character of the Town of Henniker.

See the Housing Chapter for more information and recommendations on Open Space Residential Development.

### Sexually Oriented Businesses

The purpose of this Ordinance is to regulate the secondary effects of sexually oriented business in the following areas: protection of children, protection of property values, crime control, public health, and the prevention of urban blight.

Sexually oriented businesses include, but are not limited to, an adult arcade, bookstore, or adult video store; adult cabaret; adult theater; adult motel; nude motel studio or sexual encounter center; or any other business that meets the definition of "harmful to minors" and /or "sexual conduct" as set forth in RSA 571-B:1.

Sexually oriented businesses are allowed by special exception in the Heavy Commercial District. No sexually oriented business may be permitted within 750 feet of any residence, apartment or manufactured housing, church, place of worship, parish house, convent, school (public, private, or parochial), kindergarten, day-care center, or public sports/recreation park. Nor can the business be within 750 feet from the Town boundaries.

#### Wireless Communication Towers

These regulations have been enacted in order to establish general guidelines for the siting of personal wireless service facilities, including towers and antennas, and to enhance and fulfill the following goals:

- Preserve the authority of the Town of Henniker to regulate and to provide for reasonable opportunity for the siting of personal wireless service facilities, by enhancing the ability of providers of personal wireless services to provide such services to the community quickly, effectively, and efficiently.
- Reduce the adverse impacts that such personal wireless service facilities may create, including, but not limited to: impacts on aesthetics, environmentally sensitive areas, conservation lands, historically significant locations, ridgelines, scenic areas and vistas, airplane flight corridors, migratory bird flight corridors, health and safety by accidents to person and property, and prosperity through protection of property values.
- Provide for co-location and minimal impact siting options through an assessment of technology, current location options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the town.
- Permit the construction of new personal wireless service facilities only where all other reasonable opportunities have been exhausted, and to encourage the construction of new facilities in a way that minimizes the adverse visual impact of such facilities.
- Require cooperation and co-location, to the highest extent possible, between competitors in order to reduce the cumulative negative impacts upon the Town of Henniker.
- Provide constant maintenance and safety inspections for all personal wireless service facilities.
- Provide for the removal of abandoned personal wireless service facilities.
- Provide for the removal of personal wireless service facilities.

Personal wireless service facilities shall be permitted as a principal or accessory use in all zoning districts within the Town of Henniker, other than the Residential Village (RV) and Commercial Village (CV) Districts.

All personal wireless service facilities must meet the minimum setback requirements in the Zoning Ordinance. In addition, facilities must be set back from all lot lines and public rights-of-way a minimum distance equal to 125% of the tower's height, provided that the facility is not enclosed in an existing structure, less than 35 feet in height, or camouflaged as specified in the Ordinance.

In general, a personal wireless facility may not exceed 150 feet in height. A facility located on a wooded area shall not project higher than 20 feet above the average tree canopy of the proposed site and must be camouflaged to blend in with the natural character of the site. If the facility is to be sited in a field or agricultural area, it must be appropriately camouflaged. If a facility is to be located in an existing structure, it must be adequately camouflaged and shall be architecturally compatible with the host building or structure.

## **Future Land Use**

Preservation of the community's rural character is important for the future of Henniker. At the same time, reasonable opportunities should be available for expansion of the commercial tax base and housing. The current zoning and land use regulations could be expanded upon to provide more opportunities for the preservation of open space, prevention of sprawl, and creation of development more in keeping with Henniker's rural character.

The following sections can serve as a general guide to assist the community in thinking about the various zoning, subdivision, and site plan regulation changes that could be made. Background information is included, as well as specific recommendations, for each topic listed.

## **Zoning District Recommendations**

### **Historic District Overlay**

Historic Districts are designed to protect and enhance significant areas of a community, preserving “streetscapes” rather than individual buildings. Generally, a historic district will be characterized by a grouping of structures and/or sites which physically and spatially comprise a specific environment.

A Historic District is created through the passage of a Historic District Ordinance at Town Meeting and has two basic functions. The first function is to define the geographic limits of the District. The second function is to specify what restrictions are to exist in the District. As a general rule, a Historic District ordinance will “overlay” the provisions of other zoning districts. This means that the provisions of existing zoning districts will control most uses. Provisions of the Historic District will then be “superimposed” on the other restrictions on uses. Within the district, a municipality may be empowered to regulate the construction, alteration, repair, moving, demolition, or use of such structures and places.

At the 1975 annual Town Meeting, Henniker adopted Article 22, which stated: “Voted, that the Town designate the Old Town Hall as an Historic Building and the area bounded by Circle Street and Route 114 an Historic District.” This area was expanded at the 1976 Town Meeting when Article 32 was adopted, which stated: “Voted, that the cemetery area behind the Town Hall be incorporated into the Historic District.” As can be seen, the adopted ordinances did not provide the broad guidelines for administering the Historic District as they should have.

See the Historic and Cultural Resources Chapter for more information on the Historic District.

Recommendation:

- Adopt a Historic District Overlay District into the Zoning Ordinance.

Steep Slope Overlay District

Slope is a critical consideration in land use planning because it affects the capability and suitability of land to support building development, septic systems, building design costs. Also affected are environmental impacts such as runoff, erosion, sedimentation, and pollution. Slope is the ratio of change in vertical elevation in relation to the change in horizontal distance, multiplied by 100 percent. The percent of slope may indicate the potential for environmental problems.

Moderately to severely sloped land is subject to erosion during almost any type of land use activity. Development of this land may also create scenic degradation for those residents who viewed such scenic vistas prior to development. An Overlay District would cover the entire Town but only be applied where there is land that meets the requirements set out in the Ordinance.

See the Conservation, Preservation, and Open Space Chapter for more information on steep slopes.

Recommendations:

- Adopt a Steep Slope Overlay into the Zoning Ordinance that would apply to land with a slope greater than 15%.
- The Zoning Regulations should categorize land with a slope greater than 25% as “Unbuildable” land.

Elderly Housing Overlay District

In most cases, Elderly Housing Ordinances provide for a far higher density than allowed in the underlying Zone and contain a separate set of regulations and restrictions than those found in other Zones. Some of the types of regulations may include a provision for recreational and community facilities on-site, open space and walking trails, and on-site medical and management staff. Many times, when an elderly housing facility is developed by a non-profit entity, the town will negotiate a payment in lieu of taxes so that any increase in community services due to the development is not solely the responsibility of the town.

By encouraging empty-nester and/or elderly housing development, Henniker will be able to retain residents within the community who, for a variety of reasons, may be looking for a different type of housing arrangement. See the Housing Chapter for more information on elderly housing.

Recommendation:

- Create and adopt an Elderly Housing Overlay District into the Zoning Ordinance.

### Wetlands Overlay District

Wetlands are typically defined by three parameters: drainage, soil type, and vegetation. The National Wetlands Inventory defines wetlands by hydrology, hydric soils, and vegetation, including trees and plants that dominate wetland areas and require wet conditions to grow. Wetlands are also defined as poorly or very poorly drained soils by the Natural Resources Conservation Service.

Wetlands have been viewed as areas with little economic value and have been subjected to filling, draining, and dumping with little regard for the consequences. However, science has shown that wetlands provide a number of benefits to the community.

Henniker has thirty-four known wetlands, a significant number considering that four of them are larger than 25 acres. Henniker is dotted with wetlands that were inventoried, field-checked, and mapped by the US Fish and Wildlife Service, between 1986 and 1990.

The primary impact facing wetlands in Henniker today are the effects of development within their buffers and within the wetlands themselves. In order to maintain the current variety and quantity of wetlands in Henniker and ensure that wetlands retain their functional values, the Town should provide for the comprehensive protection of the wetlands through regulatory efforts.

See the Conservation, Preservation, and Open Space Chapter and the **Surface Water, Wetlands, and Floodplain Map** for more information on wetlands.

#### Recommendations:

- Henniker should identify wetlands for protection based on their ecological importance, unique nature, and/or because of their location in the Town. Rather than focusing on gross wetland acreage, consider fragmentation, upland habitats, buffers, stormwater effects, and other such impacts.
- The Wetlands Ordinance should be revised to use the new site-specific standards from the Society of Soil Scientists of Northern New England (SSSNNE). Based on scientific justification, additional levels of protection through the Wetland Ordinance should be considered to address the specific resources found in Henniker.
- The Wetlands Ordinance should be an Overlay Zoning District that applies wherever wetlands condition are present, not according to a wetlands map, which is a static picture of the Town.

### Educational District

The Educational District is in place to satisfy the current and future development needs of New England College (NEC) and the Henniker Community School. The District comprises the area of land that the College currently owns and some surrounding land, and the land where the Community School is located. This District does not take into consideration the selling of current NEC land to other entities or the acquisition of land by NEC in other areas of town not covered by the District. Nor does it take into account the expansion of the existing Community School, the relocation of the School, or the possible reuse of the building for uses other than educational uses. The Educational District needs to be improved in order to reduce confusion, ambiguity, and conflicts in the future.

#### Recommendations:

- Make the Educational District an Overlay District that will apply whenever an educational entity would like to develop within Town.
- Require that all development by NEC go through the Site Plan Review procedure.
- Clearly define all permitted and special exception uses, as well as accessory uses, in this District.
- Clarify that all changes of use and expansions of existing uses must go to the Planning Board for approval.
- Require, where appropriate, the use of shared parking lots for buildings and dormitories.
- Specify the lot sizes for this District, in addition to the percentage of impermeable surfaces.

### Residential Lot Sizes

The minimum lot size of residential lots being developed has a major impact on the look and character of the community. By allowing a diversity of lot sizes within Town, developers can accommodate traditional neighborhood development, suburban neighborhoods, and rural development all within one community. The lot sizes should reflect how the town wants to see development look, not what it looks like currently.

There are many factors that can influence the appropriateness of various lot sizes for residential development. These factors include soil conditions, the presence of wetlands, septic and well areas, public water and sewer availability, and slope. Currently, Henniker allows for flexible lot sizes in some areas where water and sewer are available.

#### Recommendations:

- Consider reducing the lot size for one- and two-family homes where both municipal water and sewer service are available.
- Residential development within the Village Proper District (RV) and Village Commercial (CV) Zones should have a lot size less than 2 acres to encourage development to be in keeping with the traditional look and feel of the village.
- Consider reducing the lot size and ratio for multi-family development in order to encourage its development.

- The Planning Board should research implementing soil-based lot sizing requirements, in accordance with the latest data and recommendations available from NH DES, NH OSP, as well as other sources.

#### Village Proper District (RV)

This Village Proper District provides a residential area in the built-up center of Town, which is typical of many New England villages, that is close to business and community services.

#### Recommendations:

- Define what types of accessory uses are allowed within the District.
- Encourage parking areas/lots to be shared between businesses, with the proper parking easements in place, to discourage the creation of more paved parking areas in town.
- Allow for the development of housing on the upper stories of proposed and existing retail and commercial developments.

#### Residential Neighborhood District (RN)

The Residential Neighborhood District provides a mixture of single-family and two-family homes in neighborhoods removed from the Center Village.

#### Recommendations:

- Define what types of accessory uses are allowed within the District.
- Review the provisions for home business, with special emphasis on parking and the number and types of businesses allowed.

#### Rural Residential District (RR)

The Rural Residential District provides for a mixture of agriculture and low-density rural living outside of the built-up districts of the community, where public water and sewer services are not generally available. The low-density open areas complement and encourage agriculture characteristic of the town.

#### Recommendations:

- Define what types of accessory uses are allowed within the District.
- Require all excavation operations to have a buffer to protect residential development from the negative impacts of noise, dust, and day-to-day operations.
- Review the provisions for home business, with special emphasis on parking and the number and types of businesses allowed.

#### Village Commercial District (CV)

The Village Commercial District provides business sales and services to the center area of Town that are typical to many New England villages. These businesses serve the village district as well as the community at large.

Recommendations:

- Define what types of accessory uses are allowed within the District
- Develop architecture and façade design requirements to be included in the Site Plan Review regulations, for new commercial development in the Village, which would be in keeping with the look of traditional New England villages.
- Allow the development of new mixed-use development of retail (bottom floors) and housing (top floors) within the district in keeping with traditional New England villages.
- Require new development to make accommodations for pedestrian amenities to encourage the development of a walking village.

Commercial Recreational District (CR)

The Commercial Recreational District provides for commercial sales and services that complement the recreational nature of the area, such as lodgings, restaurants and retail sales and services related to recreational uses.

Recommendations:

- Define what types of accessory uses are allowed within the District.
- Review the boundaries of the Commercial Recreational District to ensure that the areas within the District are suited for the uses allowed.
- Review the allowed uses and revise the list to accurately reflect the highest and best use of the District.
- Require all excavation operations to have a buffer to protect residential development from the negative impacts of noise, dust, and day-to-day operations.

Medium Commercial District (CM)

The Medium District provides a business area outside of the village with good highway access for light manufacturing types of commerce operations. It is located so that it will not be a detriment to the residential and manufacturing areas and be able to provide services to the surrounding community.

Recommendations:

- Define what types of accessory uses are allowed within the District.
- Since commercial land is a valuable resource and can cause conflicts with surrounding development, housing should not be a permitted use in this District.
- Review and redefine the goals/purpose of the District.
- Require all excavation operations to have a buffer to protect residential development from the negative impacts of noise, dust, and day-to-day operations.

Heavy Commercial District (CH)

The Heavy Commercial District provides a business and manufacturing area outside of the village with good highway access for non-retail types of commerce operations. It is located so that it will not be a detriment to the residential areas and will not cause undue traffic through the village proper.

Recommendations:

- Since commercial land is a valuable resource and can cause conflicts with surrounding development, housing should not be a permitted use in this District.
- Define what types of accessory uses are allowed within the District.
- Review and revise the purpose of the District and the allowed uses within the District, where appropriate.
- Require all excavation operations to have a buffer to protect residential development from the negative impacts of noise, dust, and day-to-day operations.

**Zoning Ordinance Recommendations**

Growth Management

The timing of growth is an important issue for municipalities across New Hampshire. The purpose of this type of ordinance is to manage Henniker's rate of growth in relation to abutting communities and the region. This helps to establish timing and growth limitations in order to minimize financial burdens on the community, as caused by excessive and rapid growth.

A Growth Management Ordinance should contain the reasons for the Ordinance, the criteria necessary to have the provision of the Ordinance go into effect, and the growth management techniques that the Town would like to implement, if and when it becomes necessary.

Recommendations:

- Create and adopt a growth management ordinance, paying close attention to the criteria that must be met in order for the provisions of the Ordinance to go into effect.

Impact Fee Ordinance

A municipal impact fee represents a one-time, up-front charge on new development to pay for future public capital costs serving new development, or to recover past expenditures in capacity to accommodate that development. Impact fees are most commonly used in New Hampshire in the funding of schools, roads, and recreational facilities. However, impact fees are also being used for fire protection, Police Departments, libraries, solid waste, water and sewer, and municipal administrative facilities.

The amount of any assessed impact fee should be a proportional share of the municipal capital improvement costs, which are related to the capital needs created by the new development. The upgrading of existing facilities and infrastructure, the needs of which was not created by the specific new development, can not be paid for by these impact fees.

By having an impact fee ordinance and assessing these fees on new development, Henniker is ensuring that the increase in development and population utilizing Town services is being paid for by the associated development.

Recommendations:

- Adopt an Impact Fee Ordinance.
- Create an impact fee schedule, which would outline all fees required of new development.

### Sexually Oriented Businesses

The purpose of this Ordinance is to regulate the secondary effects of sexually oriented business in the following areas: protection of children, protection of property values, crime control, public health, and the prevention of urban blight.

#### Recommendation:

- Amend the Ordinance to require that all windows of sexually oriented business are tinted so that the interior of the establishment is not visible from the outside.

### Wireless Communication Towers

The regulations have been enacted in order to establish general guidelines for the siting of personal wireless service facilities, including towers and antennas, within Henniker. The Ordinance aims to protect the community from adverse impact from towers, while providing reasonable opportunity for their siting throughout Town.

#### Recommendations:

- Create a standard methodology for how to define and measure the average tree canopy of measured area.
- The height of the tower should be revised to be no higher than twenty feet higher than the average tree canopy of measured area.
- Require, as part of the Site Plan review process, that the Central New Hampshire Regional Planning Commission and the New Hampshire Division of Historical Resources are notified of any application for their review and comment.
- Review the Ordinance every year to ensure that it is keeping up with current technology and standards.

### Natural Preserve Areas

This Zoning Ordinance provides for the purchase of space, designation, and regulation of natural preserve areas. Natural preserve areas are to remain wild, undeveloped areas of Henniker for managed forest resources, recreational values, wildlife habitats, and unspoiled natural beauty.

While the above mentioned purpose of the Ordinance is worthwhile, it is unnecessary to have a provision in the Zoning Ordinance allowing for the public or private purchase of land for conservation, preservation, or open space.

#### Recommendation:

- Remove Natural Preserve Areas from the Zoning Ordinance.

### Open Space Residential Development

Open space residential development is one answer to curbing the sprawling landform created under conventional subdivisions. This is a new approach to subdivision design for rural areas. See the Housing Chapter for more information on this topic.

#### Recommendations:

- The density allowed should be greater than a conventional subdivision as an incentive for developers to use open space residential development guidelines.

- There should be no minimum land area required for the development of open space residential development.
- Specify the conditions required of common open space: as a percentage of total land area in the development, location within the development, and type of protection it will have from future development.
- Allow the creation of common, centrally located parking areas to be developed within open space residential developments.

### **Other Zoning Recommendations**

#### Zoning Board of Adjustment

The essential function of the Zoning Board of Adjustment (ZBA) is to hear appeals by developers/applicants for the granting of special exceptions and/or variances.

Recommendations:

- Review the procedure for the granting of a special exception and include the provision for the ZBA to require additional information and studies it deems relevant for making a decision.

#### Building Codes

In the Spring of 2002, the New Hampshire legislature adopted statewide building codes that are to be enforced in every municipality. The adoption of a Statewide Building Code will insure that the state has a uniform, modern construction code, which will protect public health, safety, and welfare. The State Building Code applies to new construction or renovations after September 2003, but excludes single-family, two-family and town house style development. Please see the Housing Chapter for more information on this topic.

Recommendations:

- Research the requirements of the Town in the implementation and enforcement of the statewide building codes.
- Create a building code and inspection fee schedule that will help to offset, if not fully fund, a code enforcement officer for the Town.
- Research additional building codes that the town may want to adopt that go above the requirements of the statewide code.

#### Miscellaneous

Within the Zoning Regulations there are many items that do not fall within a District or Zoning Regulation but are necessary and impact development within the community. Some of these are administrative, some regulatory, and others are procedural.

Recommendations:

- Include the Excavation Regulations, the Road Standards, and the Driveway Regulations into the Zoning Ordinance Regulations.
- Create one comprehensive document that would include the Zoning, Site Plan, and Subdivision Regulations.
- Create a comprehensive table of uses for all Zoning Districts

- Put all definitions in the Definition Section of the Zoning Ordinance, not within individual sections.
- Revise the following definitions in the Zoning Ordinance: drive-through facility, child care, home business, accessory buildings, accessory use, auto service station, open space residential development, cluster development, kennel, manufactured housing, pre-site built housing, story, structure, student residence, variance, yard sale, home occupation, and home profession.
- Include the following definitions in the Zoning Ordinance: steep slope, gross floor area, elderly housing, loading space, lot of record, lot depth, lot non-conforming, sign, and commercial uses.

## **Site Plan Recommendations**

### Home Businesses

A growing and often unseen part of the local economy is the area of home businesses. Having home businesses and occupations located in Town helps to ensure that those who live in Henniker have the opportunity to work in the community and contribute to the local economy as a resident and as a business owner

The ability to have local ownership of business is important to the economic health of a community. The more often money circulates within the community before leaving, the more the community benefits. Locally controlled businesses allow employees to have a voice in the decisions that affect them and encourage them to work, shop, and live all in one place.

See the Population and Economics Chapter for more information on home businesses.

#### Recommendations:

- Develop updated definitions, standards, and criteria for establishing a home business.
- Adopt into the Site Plan Regulations a two-tiered system for home businesses based on impacts (noise, traffic, etc.), with one level of use allowed by right and a more intensive level requiring a special permit and approval by the Planning Board.

### Miscellaneous

Within the Site Plan Regulations there are many items that do not fall within a specific regulation but are necessary because they impact development within the community. Some of these are administrative, some regulatory, and others are procedural.

#### Recommendations:

- Create a checklist of requirements for applicants to follow when preparing a Site Plan for review and include this checklist in the regulations.
- Put the Site Plan Regulations, Subdivision Regulations, and Zoning Ordinance in one document
- Clarify the Change of Use section of the document to make clearer when a change of use has occurred and when Site Plan review is necessary.
- Include all appendix items, which are referenced in the document, in the Site Plan Regulations document.

## **Subdivision Recommendations**

### Miscellaneous

Within the Subdivision Regulations there are many items that do not fall within a specific regulation but are necessary because they impact development within the community. Some of these are administrative, some regulatory, and others are procedural.

#### Recommendations:

- Create checklist of requirements for applicants to follow when preparing a subdivision for review.
- Redefine the definition for a Planned Unit Development (PUD).
- The pre-application design-review checklist needs to be included in the Subdivision Regulations.
- Put the Site Plan Regulations, Subdivision Regulations, and Zoning Ordinance in one document.

## **Strategies to Meet Future Land Use Goals**

Agricultural, Scenic, Historic, and Conservation Easements: An easement is a permanent, legally binding agreement that ensures certain uses will never be allowed to occur on a piece of property that has an easement on it. Typically conservation, agricultural, historic, or scenic easements prevent development of land uses such as construction, subdivision, and mining, but allow uses such as agriculture, forestry, wildlife habitat, and education. The agreement exists between a willing landowner and a qualified recipient, which can be the Town, State government, or various non-profit organizations. Each easement is custom tailored to the interests of the landowner, the receiving entity, and the unique characteristics of the property. The land can be sold or deeded by the original owner and subsequent owners, but the restrictions of the easement are binding on all future owners.

### Development Review Committee

The Town could organize a development review committee to review all development proposals before they are officially submitted to the Planning Board. This Committee should consist of the Planning and Zoning Coordinator, a representative of the Fire Department, representatives of the Water and Sewer Departments (as necessary), a representative of the Police Department, the Superintendent of Public Works, and the Town's consulting engineer. This Committee would be advisory only and would serve to be used to screen applications in order to identify potential issues and concerns before the application gets to the Planning Board. By having such a Committee, the development review process would be expedited and less confusing for applicants and the Town.

Incentive Bonuses: Often employed as part of a performance-zoning ordinance, incentives encourage developers to build projects above and beyond base-line standards included in the zoning ordinance. Incentive zoning is a voluntary exchange of development incentives for public benefits between a community and a developer. There are three basic categories of incentive bonuses: (1) intensity incentives, (2) use incentives, and (3) inclusionary incentives.

Intensity incentives allow developers a greater or more intensive use of the property. Such incentives usually allow developers to construct more units on a property, have greater amounts of impervious surface, or more square footage for commercial buildings. A typical example of an incentive usually included in this type of ordinance could be a density bonus in exchange for setting aside open space in a development for public use, construction of trails, or construction of recreational facilities.

Land use incentives permit mixing of uses in a development or provide for unspecified uses. For example, a convenience store may be permitted in a housing development, or residential units may be allowed as part of a retail development. In exchange for such benefits, developers are usually required to provide the town with construction of public infrastructure, such as parks, boat ramps, swimming areas, recreational facilities, pedestrian infrastructure, public parking spaces, or open space.

Lastly, inclusionary incentives (also known as inclusionary zoning) help implement public policy goals to expand housing for low-income or elderly segments of the population. The inclusion of a specified number of affordable housing units or elderly units is tied to a development incentive. For example, in exchange for constructing elderly units as part of a traditional subdivision or condominium development, a developer could be permitted to increase his overall density from one unit per acre to two units per acre.

New Hampshire Main Street Program: While commercial district revitalization can be addressed in many ways, the underlying premise of the Main Street approach is summed up in the program goals – to encourage economic development, within the context of historic preservation, that is appropriate to today's market place. This approach advocates a return to community self-reliance, empowerment, and the rebuilding of commercial districts based on its traditional assets: unique architecture, personal service, local ownership, and a sense of community.

The Main Street approach is incremental and will not produce wholesale, immediate change. Expensive improvements, such as pedestrian malls constructed with once plentiful public funds, often fail to address the underlying causes of commercial district decline and do not always produce the desired economic results. If a long-term revitalization effort is to succeed, it will require careful attention to every aspect of downtown – a process that takes time and requires leadership and local capacity building. The Main Street program should be seen as one of many tools that a community utilizes to generate economic and entrepreneurial growth. Also, while they may be an important component of an overall plan for downtown revitalization, communities should not confuse substantial public improvement projects for the Main Street program.

A local Main Street program is not designed to tackle the bigger issues of an entire community. The focus is limited to the revitalization of the central business district. This certainly takes into account that a healthy, economically viable, and attractive downtown is important to the overall health and vitality of the community at-large.

Both the public and private sectors of the community must be involved and committed for a local Main Street program to succeed. Each sector has an important role to play and each must understand the other's needs, strengths and limitations so that an effective partnership can be created.

Performance Zoning: Performance zoning establishes both the standards that must be met by development, as well as the process that determines the impact development would have on the physical, social, economic, and environmental conditions in the community. Performance standards establish definite measurements that determine whether the effects of a particular use will be within permissible levels. Performance standards commonly employed include standards related to noise, vibration, odor, illumination, signs, ground water, road impact (i.e., number of trips generated by a use), landscaping, multifamily- and commercial-building aesthetics, and school impact.

Transfer of Development Rights: Transfer of development rights (TDR) programs are designed to use market forces to transfer development from one area (the sending area) to another (the receiving area), thereby permanently preserving open space in the sending area. TDR programs allow a community to preserve open space without imposing significant financial loss on the private landowner.

To implement a TDR program a town must add a section to its zoning ordinance that defines the program. For a basic TDR program, the ordinance should describe the procedures for transferring development rights; define who is eligible to participate; specify the administrative procedures; define how TDRs will be allocated to “sending” properties and using “receiving” properties; and assign responsibility for overseeing and implementing the program.

In addition, the Planning Board might identify specific “sending” and “receiving” areas and may simultaneously change the zoning in the receiving areas to create an incentive for developers to purchase and apply TDRs.

## **Summary**

Sound land-use policies are critical for the protection of community character, preservation of natural resources, economic stability of the community, protection of public health, as well as preservation and enhancement of the quality of life. Historically, Henniker has regulated land use in the community with a conventional approach. However, increases in population, development pressures, and changing economic needs of the community have shown that more dynamic land use regulations are now needed.

Henniker desires to ensure quality development, protect sensitive environmental features, and provide opportunities for a variety of development, including elderly and affordable housing. The community also wants to preserve its rural character and historic nature. The residents of Henniker value its small-town flavor and rural characteristics, and desire to maintain these qualities in the face of increasing pressure for residential and commercial growth.