

CHAPTER IX - LAND USE

Natural environmental factors such as steep slopes, wetlands, lakes, ponds, streams, floodplains, and soil conditions have played an important part in determining the land use patterns which exist today in Newbury. In addition to the opportunities and constraints imposed by the natural environment, man has developed roads, railroads, power supply, sewage disposal, and water supply which foster development. Finally the hills, mountains, lakes and forests have been major attractions for development since the steamship era.

Another factor recently affecting the land use in Newbury has been its land use planning and regulations. Recently the Master Plan, a community consensus building tool within the community, has been developed that guides the future growth and development of the community. Historically, development has occurred where it is easiest and least costly to develop and where road access, sewage disposal and water supply were least problematic. Most of the relatively flat sites with good soils and access have already been developed. Much of the remaining area which could be developed has environmental limitations which constrain development. How the community chooses to plan for the future use of those more environmentally sensitive areas will be a major factor in determining the future quality of our town.

The Land Use Chapter includes the following components:

- (1) existing patterns of land use;
- (2) a summary of the public input received from the Community Visioning Workshops and the Community Surveys relevant to land use topics;
- (3) land use issues in Newbury;
- (4) land use goals which reflect a synthesis of the public input and discussions among the Planning Board members;
- (5) recommendations addressing those land use issues; and
- (6) the Future Land Use Map and Plan.

EXISTING LAND USE

Patterns of Existing Land Use

The existing land use in Newbury was mapped in 2007. Several patterns of land use emerge in examining the Land Use Map (see Map VIII-1), including:

1. the Mt. Sunapee ski area and Lake Sunapee beach;
2. relatively dense residential development around most of the lakes and ponds in town;
3. high density residential development in Blodgetts Landing;
4. two small villages (Newbury Center and South Newbury) with smaller lots and a higher density of development. South Newbury is primarily a residential community. Newbury Center is a mixed use center with residential, institutional and commercial uses.
5. commercial development along Route 103 in the vicinity of the Mt. Sunapee State Park;
6. low density, residential development along the road network in town; and
7. rural, undeveloped land, predominantly in forest cover, elsewhere in town.

Following the original land grants and the land clearing and development for agricultural and forestry uses, the shorelands of the lakes and ponds became the next impetus for development. This has resulted in a relatively densely developed, residential area along the shores of the lakes and ponds. Typically, the lots in this shoreland area are small in size and have narrow widths for lake frontage. In much of the shoreland area, the residential strip is only one lot deep off the lake or pond. The area north of Newbury Center between Route 103A and Lake Sunapee, the Bay Point area, and the Edgemont area are both fairly steep areas with small residential lots served by private roads. What began as a Bible camp at Blodgetts Landing is now the most intensively developed residential area in town. Chalk Pond is a small pond surrounded by steep terrain with small residential lots.

Newbury has two villages: Newbury Center and South Newbury. Newbury Center is a mixed use, small New England village. This village functions as the town government service center as well as the center for retail trade and services,. In addition to the commercial and institutional uses, Newbury Center also provides some recreational amenities Newbury's residents and surrounding area.

South Newbury Village, today, is primarily a residential village with a few low-impact home businesses. It is the quintessential image of a small New England village dominated by 19th

century architecture. The town government center, once located in South Newbury, has shifted to Newbury Center. Several public buildings remain in South Newbury. A study is underway to identify the improvements needed to make these buildings useable again someday.

Outside of these villages, there are two existing areas along Route 103 which have developed, with some commercial uses. The Mt. Sunapee circle section of Route 103 from the Newbury town line east to the Edgemont area. The recreational facilities offered by the Mt. Sunapee State Park and Sunapee State Beach provide the attraction for the tourist-related businesses which dominate this area. The other area along Route 103 which is developed with some commercial uses is the section at the other end of Route 103 from the Bradford town line to the Andrew Brook Lodge. This area has been developed with a combination of commercial services and tourist accommodations.

Outside of these compact villages and the more densely developed shorelines, the predominant rural development pattern is one of scattered residential development along the existing road network, backing onto undeveloped land predominantly covered with forests.

Mix of Existing Land Uses

The 2007 land use mapping revealed a mix of uses in town. Undeveloped land uses predominate, with the mix of forest, agricultural, wetland and surface waters representing just under 89% of the total area of Newbury. As illustrated in Figure IX-1, by far the single predominant land use is forested land, covering almost 79% of the area of town. Surface waters, representing about 6.7% of the total area of town, occupy the second largest area in town. Agricultural lands represent 1.6% of the total area of town, closely followed by wetlands, accounting for about 1.1% of the town's area.

All together developed lands in Newbury total 2,725 acres and represent 11.2% of the total area of town. The most significantly developed use in Newbury is residential, representing about 6.6% of the area of town or 59% of the total developed land. The ski area occupies the second largest acreage in developed uses with 710 acres or 2.9% of the area of town. The balance of the developed land uses totaled 1.7% of the area of Newbury.

Overall, the mix of existing land uses and land use patterns presents an image of Newbury as a very rural community with small compact villages and scattered residential development still dominated by the undeveloped mountains and lakes.

Table IX-1: Existing Land Use in Newbury: 2007

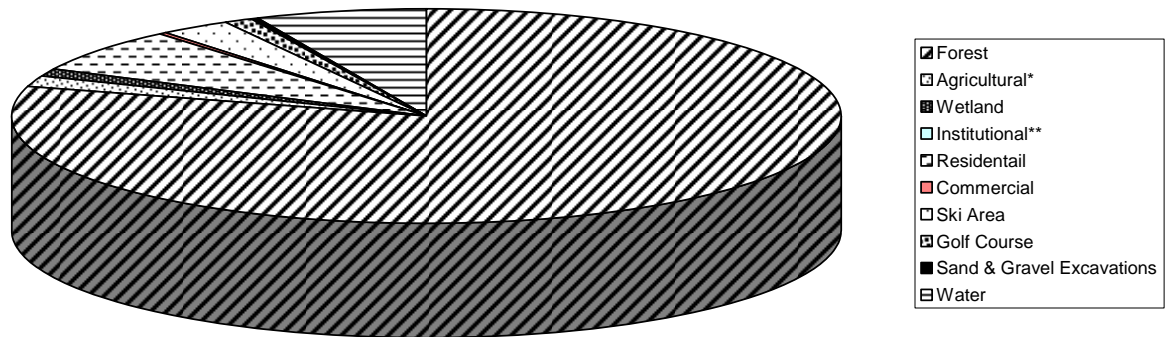
Category	Land Use	Acres	% of <u>Total</u> Area in town	% of <u>Total</u> <u>Land</u> Area in town
Land				
Undeveloped Land				
	Forest	19,329	79.4%	85%
	Agricultural*	385	1.6%	1.70%
	Wetland	275	1.1%	1.20%
Total Undeveloped Land		19,989	82.1%	87.9%
Developed Land				
	Institutional**	32	0.1%	0.11%
	Residential	1,601	6.6%	7.00%
	Commercial	52	0.2%	0.20%
	Ski Area	710	2.9%	3.10%
	Golf Course	262	1.1%	1.20%
	Sand & Gravel	68	0.3%	0.30%
Total Developed Land		2,725	11.2%	11.9%
Total Land Area	Total Land Area	22,714		100.00%
Water				
	Water	1,619	6.7%	
Total Land & Water Area	Total Land & Water Area		24,333	100%

Notes:

* Agriculture includes cropland, grass & pasture.

** Institutional includes town services, churches & cemeteries.

**FIGURE IX-1:
Existing Land Use in Newbury
2007**



COMMUNITY SURVEY RESULTS: LAND USE

The Community Surveys conducted by the Planning Board in 1994 and 2006 provide considerable input on land uses in Newbury.

Respondents to the 2006 Community Survey provided the following feedback when asked, “Why do you feel Newbury is a desirable place to live?”

- 85% Small town atmosphere;
- 85% Uncrowded & quiet living conditions;
- 84% Scenic & unpolluted natural environment;
- 85% Lakes;
- 74% Outdoor recreation opportunities; and
- 65% Mt. Sunapee State Park Beach & Ski Area.

The responses in the 1994 Community survey were almost identical to the same question.

Respondents in 2006 provided the following feedback on how strongly they would like to see Newbury be like each of the following over the next ten years:

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N=
a. Be primarily a rural residential community	68%	20%	8%	3%	1%	455
b. Encourage home occupation/cottage industry	17%	30%	39%	9%	6%	440
c. Encourage development of seasonal residences	13%	23%	30%	22%	12%	441
d. Encourage factory outlet business	2%	6%	11%	22%	59%	441
e. Encourage commercial/information age/service industry	4%	20%	31%	17%	28%	433
f. Encourage non-polluting, light industry	9%	24%	21%	21%	25%	444
g. Encourage outdoor recreation related business	27%	42%	20%	5%	6%	445
h. Encourage tourist related business	15%	40%	27%	11%	8%	434
i. Not encourage any business or industry	17%	11%	26%	26%	20%	406

The following responses were received in 2006 to the question: “Would you support the use of local property taxes to build a community center which could support activities and programs for a wide variety of community organizations serving all age groups?”

	Yes	No	No Opinion
Community Center	46%	36%	18%

In 2006, the following responses were received when asked, “How strongly do you feel about the following alternative patterns for future light industrial development in Newbury?”

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N=
a. Scattered throughout town	3%	7%	15%	27%	48%	426
b. Focused within or adjacent to village centers	4%	25%	21%	18%	32%	417
c. Along Route 103	9%	31%	20%	11%	29%	420
d. Along Route 103A	1%	8%	12%	28%	52%	426
e. Along Route 103B	2%	10%	14%	26%	49%	419
f. Concentrated in light industrial park(s) located outside village centers	12%	31%	16%	12%	29%	425
g. No further light industrial development	23%	13%	28%	16%	20%	415

The following were the responses in 2006 to the question: “How strongly would you support the adoption of additional local regulations to protect scenic views around the lakes and ponds in Newbury by screening building development on the hillsides which is visible from the lakes and by implementing design controls?”

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N=
58%	20%	12%	5%	5%	442

Survey respondents to the 2006 Community Survey provided the following feedback on which of the following types of residential development they would you like to see develop in Newbury in the future presuming that further residential development will occur.

Type of Residential Development	Throughout	Village	Rural Areas	Shorelines	Nowhere	N =
a. Single family residences on individual lots	76%	7%	14%	2%	2%	430
b. Cluster housing with single family homes on reduced lots with the balance preserved as open space	26%	15%	22%	1%	36%	431
c. Two family residences	16%	26%	8%	0%	50%	425
d. Accessory apartments	25%	22%	6%	0%	46%	426
e. Multi-family residences	7%	22%	4%	1%	66%	426
f. Multi-family residences in Cluster Developments with preservation of open space	13%	12%	16%	1%	58%	435
g. Mobile Homes on individual lots	4%	1%	15%	0%	80%	447
h. Mobile homes in parks	1%	1%	7%	0%	90%	446

In 2006, when asked: “Would you support the use of your tax dollars to purchase property or easements for the following purposes?” the following responses were received:

Purpose	Yes	No	Uncertain	N =
a. Conservation	73%	15%	13%	448
b. Recreation	56%	25%	18%	440

c. Scenic Views	45%	39%	15%	433
d. Trail systems	61%	24%	15%	439
e. Historic Preservation	64%	16%	20%	439

The following responses were received in 2006 when asked, “How strongly do you feel about the following alternative patterns for future commercial development in Newbury?”

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N=
a. Scattered throughout town	3%	13%	19%	32%	34%	425
b Focused within or adjacent to village centers	14%	38%	18%	14%	15%	423
c. Along Route 103	18%	35%	19%	12%	15%	420
d Along Route 103A	2%	9%	15%	36%	39%	425
e. Along Route 103B	3%	9%	16%	32%	34%	411
f. Concentrated in commercial center(s) located outside village centers	9%	27%	25%	18%	21%	422
g No further commercial development	20%	12%	27%	24%	17%	404

For affordable housing opportunities, the town currently permits mobile homes on individual lots, multi-family dwellings, accessory apartments, and a density bonus in Cluster Developments for affordable housing. Do you think the town provides sufficient opportunities for affordable housing? The respondents in 2006 provided the following feedback.

	Yes	No	No Opinion
Sufficient Affordable Housing Provided Now	67%	8%	25%

The following responses were received in 2006 when asked,” How strongly would you support the development of the following types of commercial uses in Newbury in the future?”

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	N=
a. Professional offices	19%	52%	19%	6%	4%	440
b. Light industry	6%	25%	24%	24%	21%	438
c. Heavy industry	1%	0%	5%	31%	62%	437
d. High tech industry	6%	25%	27%	20%	22%	437
e. Auto service and repair	3%	24%	39%	20%	15%	441
f. Gas stations	4%	21%	33%	23%	19%	443
g. Retail sales & service	6%	41%	27%	14%	12%	426
h. Personal services (barbers, laundries, hairdressers, etc.)	10%	48%	31%	6%	6%	444
i. Restaurants	26%	48%	17%	5%	4%	443
j. Cottage industry/home occupations	13%	41%	34%	7%	5%	441
k. Motels/inns/bed and breakfasts	9%	38%	31%	14%	8%	439
l. Shopping centers	3%	12%	17%	31%	38%	439
m. Farms	39%	40%	16%	3%	2%	431
n. Ski area expansion	17%	24%	22%	16%	21%	443
o. Marina & marine services	14%	36%	29%	13%	8%	434
p. No new development of commercial uses	17%	14%	25%	24%	20%	391

Blodgett Landing is the only area of town currently served by a sewer system. The following responses were received in 2006 to the question: “Would you support the town providing sewer collection and treatment facilities, for which operations and maintenance would be paid by the users, for any of the following areas?”

Area	Reason(s)	Yes	No	No Opinion	N =
a. Newbury Center	Protect lake water quality; accommodate growth needs	64%	21%	16%	335
b. South Newbury Village	Protect Andrew Brook and the aquifer	50%	25%	25%	351
c. Shores of Lake Sunapee	Protect lake water quality	61%	22%	18%	357
d. Shore of Chalk Pond	Protect lake water quality	49%	25%	26%	347
e. Shore of Lake Todd	Protect lake water quality	49%	24%	27%	346
f. No additional areas		30%	33%	37%	149
g. Do not know		29%	23%	49%	70

Respondents to the 2006 survey provided the following feedback to the question: “Should Newbury provide more public beaches on its lakes?”

	Yes	No	No Opinion
More Public Beaches	39%	48%	13%

If they answered yes to the last question, feedback in 2006 on which lake or lakes was as follows:

Public Beaches on:	%
Lake Sunapee	43%
Lake Todd	23%
Chalk Pond	14%

In addition to the 2006 Community Survey, some additional comments are available from the 1994 Community Survey including the following. Sixty-three percent of those responding to the Survey in 1994 expressed support for the town establishing an Architectural Design

Review Process to review and approve construction and/or renovation for compatibility with existing historic structures in order to maintain the rural, small town image, but there was not a consensus as to where in town this should occur.

The majority (55%) of those responding to the Survey in 1994 preferred to see the minimum residential lot size remain unchanged. Of those surveyed, 29% supported an increase in the minimum lot size on steep slopes from 5 to 10 acres and 24% supported a decrease to 1 acre or less for village areas or more densely developed areas such as Blodgetts Landing. Virtually the same responses were received to the same question about the minimum lot size for businesses.

When asked about the protection of lakes and streams in Newbury, in 1994 54% thought the current regulations were adequate, while 9% thought they were over regulated and over protected, and 18% thought they were in need of additional protection.

NEWBURY CENTER VISIONING PROCESS & PLAN

The public visioning process during the summer of 2007 concluded with the crafting of the town Center Plan for Newbury Center. This Plan is an important part of this Land Use Chapter because it provides a flexible blueprint for Newbury Center over the next 15 years. The village was examined in a larger context looking at both public and private uses throughout the village before focusing on the town-owned lands.

At the 2007 town Meeting there was a favorable vote to purchase the Camacho property located south of the Bald Sunapee property, the Library and the town Offices. In the summer of 2007, the town retained Patricia Sherman, FAIA and embarked on a visioning process with the public and community board members to determine how best to use these town owned lands and how they would relate to an overall long range plan for a town Center.

Prior to this the town was awarded a New Hampshire Department of Transportation grant in 2006 to do a sidewalk project that would connect these newly owned town lands westerly to the town's Dock, Gazebo, Information Center and Historic Caboose all bordering Lake Sunapee. The town then hired KV Partners, Engineers and Gates Leighton Landscape Architects to do the sidewalk design. They were required to do interactive public sessions throughout their design process as part of their contract. Since the sidewalk project and the town Center Visioning Process were so closely related it was decided to combine the Sidewalk Design and town Center Visioning Process public sessions.

There were three public Visioning Workshops conducted in June, July and August 2007.

This first work shop set the context for the specific work on the newly owned lands as it related to an overall "Big Picture" of Newbury's town Center. The extensive base map prepared clearly showed land use opportunities to the public that they might not have been aware of as many of the lands south of Rte 103 are not accessible except thru private properties. This analysis demonstrates that the area, from just south of the Harbor easterly

to the intersection of 103 and 103A, has all of the elements that attract development: the quality and natural beauty of the lake and the mountains, views, and the heavy and growing tourist traffic.

All of the planning for town owned lands cannot protect Newbury from bad development in these vulnerable areas under private ownership. It is incumbent on the town and creative Zoning regulations to not only protect itself from less desirable development, but to proactively seek quality development timed to the market demands.

Newbury will grow! Newbury's challenge is to contain that growth in a manner that retains its rural quality and yet provides a path to guided growth. The original New England Village had density at its core. Shop keepers lived over the store and houses were nestled in between commercial establishments. The distances between buildings were often minimal and they all were close to the street. The outlying areas were agricultural with sparse housing and there was a real contrast between "in town" and "out of town". Newbury still has some of that old New England Village character and by increasing its "in town" density it can save its "out of town" character as well.

The second work shop focused on a vision for the newly owned town lands, access to these lands and how it fit in the context of the overall town Center Vision. There was active discussion of this proposed plan by the workshop attendees. By far, the lack of adequate parking was cited as the largest concern with the plan presented. There was considerable discussion of the parking area in front of the town docks and the sidewalk and bridge leading to the area. There were concerns about safe and practical pedestrian access, aesthetic impacts, new landscaping respecting views of the lake, and traffic safety. There was considerable discussion of the location of existing and proposed cross-walks. The angle of the bridge drew out a lot of discussion and opinions among the group.

At the third Work Shop, the town Center Plan was presented and discussed. It offered solutions to meet issues raised in the previous Work Shop. There was active discussion of the various elements of the Plan. There was solid public support from the workshop attendees for the increased amount and the design of the parking proposed in the Plan. The parking area in front of the town docks received the most attention with concerns about pedestrian access being safe & practical, aesthetic issues, landscaping respecting views of the lake, and traffic safety. Those attending the workshop generally liked the Plan.

A full report on this visioning process can be found in Appendix D. Illustration #4 from that report (Following Page) highlights the key elements of the Plan derived from the visioning process. This proposed plan incorporates the sidewalk location as proposed by the Sidewalk Design Team. It does not however represent the tree locations proposed by that Team as more study is required for such locations so the trees do not interfere with the utility lines and lose their shape.

Illustration #4

Town Center Plan

It was also noted that the entry drive to the town Offices is set between two specimen trees and that pattern should continue with the other drives onto the other town lands with the trees planted on each side of new drives on town Land rather than in the highway right of way. It was also noted that the white rail fence, which borders the town Lands, is a feature that might be included in the final presentation by the Sidewalk Design Team.

The following is a commentary regarding each of the Plan's elements identified with their corresponding letters from Illustration #4. This Plan met with approval of the attendees at the third workshop.

- A. The Town Offices have been recently expanded so they should accommodate growth for quite a while.
- B. The Library will need expansion space in the near future. It is presently constrained by the entry driveway the 75' setback from the wetlands so the only area it can use for expansion is the land directly to its east.
- C. The present diagonal parking scheme is not laid out in the most efficient manner. It is possible to retain the approximate locations of the lighting and planting islands and change the parking to the more efficient head in or 90 degree style. It is also possible to add another row of parking to the North by adding 20+ feet of pavement and moving the small trees farther back to the edge of daffodil fields. These changes increase this parking area from 18 cars to 38 cars, a substantial increase. A path from this parking area to the new sidewalk to the south would be advisable. This path could also accommodate handicapped access to the Center Meeting House.
- D. The new parking area shown at this location would add another 33 +/- cars and could be accessed either by Fishersfield Road or through the parking at letter C. This through connection could also eliminate the turning motions presently required at the Rte 103 entrance to the town offices. The plan shows the drive cutting across the Meeting House property, but topography in that area would push the drive further to the northeast which might also decrease to total number of parking spaces

There is also the possibility that parking could be provided across Fishersfield road as it intersects Rte 103A rather than at location D if the owner of that property and the town could come to some agreement. With signage and a sidewalk connection to Rte 103, this would be an attractive parking area for visitors as well as parking for the Center Meeting House. It would still make sense to connect area C with Fishersfield Road.

- E. This building represents a one story expansion for the Library of about 1200 square feet, which would increase the Library's area by about 40%. Expansion could increase beyond this amount on the available site or in conjunction with the

disposition of the letter M site.

- F. This is the mapped wetland area that needs to stay pristine. This area can add to the rural character of this property and act as natural background for the buildings in the foreground.
- G. Represents the 75 foot setback from the wetland that is required by the town in more recent changes to the zoning regulations.
- H. This is the 10,000 square foot Velie Memorial playground which should be completed by 2009. It is an attractive addition to the town Center as it allows the Community's youngest children to share in town Activities. The plan also shows two bridges, which connect the playground across the wetland to the. parking area C. These bridges also allow walking trails to enjoy the wetland habitat.
- T. Walking trails would be included in this plan to enhance the use of the property beyond just the "business" of the town. The area has much natural beauty and could attract gardeners to work with the *Newbury* Beautification Committee to enhance these areas with both natural and formal plantings.
- J. Represents a Gazebo, which serves dual purposes. One is to have a resting space for the children and the trail walkers. The other is to have a focal point for the entry drive between L and M. It is an important aesthetic feature to have such a focal point rather than just a sea of asphalt and cars. The entry between A and B already accomplishes that goal with a view to both formal and natural plantings.
- K. This is a small area where the Beautification Committee could do formal rather than naturalized plantings.
- L. This site could be an ideal location for a Police Station. The CIP indicates that the Police station will probably be the next public building that is needed as its present quarters are cramped and not in line with police standards. The building could be constructed to look more like a New England building rather than a small fortress. It could have an entry that invites citizens and visitors making the Police more accessible to the community. And vice versa. At the same time the Police Station could have a rear entry for police business suitable out of the public view. This rear entry could also be used in the future as a shared drive for non emergency fire vehicles.
- M. This is a future building site. It could be used as a location for the Veterans' Memorial Hall if it was moved from its present location. It could be left open for the Farmer's Market along with site E for the present time.
- N. This portion of the property has challenging topography. It would need extensive site

work to make its use efficient so it is suggested that it not be touched until the entire site is needed. There is a possibility that there might be gravels on the site. If that is the case an orderly plan should be put in place to remove such materials in a timely fashion and leave the site in a naturalized state until it is needed.

- O. The Veteran's Memorial Hall was deeded to the town in commemoration of all Veterans. It has no utilities except for rudimentary power and the Fire Department Uses it as storage. Structurally the building is in excellent shape. It sits on granite foundations, with the exception of the front porch, and has second floor space, which is not accessible at present but might be in the future. The building can easily be relocated if the town desires. This plan proposed that the Fire Department use it for meeting space but that was not deemed as "practical.

There are a series of outstanding issues with this building. First, if it is to be used, it needs majors interior renovations including plumbing which requires a septic system. That system cannot go on its own site, as it is too close to wetlands and ponds. The septic system previously installed for the Library and town Offices. was designed to accommodate this building but the sewer lines would have to be tunneled under rte 103, a costly item.

Secondly, if the building stays in place there is no adequate parking to serve its new function. There would be room for handicapped parking, but all other users would have to cross Rte 103, which is a safety concern. If the Fire Department had a functional use for the facility, the existing parking for the Fire Dept would reduce the parking demand. It is possible that the building could be used as living quarters for a full time fire department. It is more than adequate in size to accommodate that use.

The third issue is the use of this building as a Veteran's Memorial. It seems that this could easily be accommodated with appropriate memorial plaques etc that could be positioned either inside or outside of the building. In its present locations such a memorial might be on the exterior of the east face of the building with appropriate landscaping to create a viewing area. This memorial could be one for all past present and future wars.

If the building was moved a similar memorial could be created or if the building was in public use an interior memorial might also be appropriate.

- P. The existing fire station occupies an ideal site for accessing all parts of Newbury with three clear turning motions to the north, east and west but the building does not presently meet current NFPA requirements re size and functions of its interior layouts. The site for the Fire Department is not expandable as it bordered by wetlands and a very valuable commercial property. The relocation of the Police Department, which presently shares space with the Fire Department, will alleviate

some of the interior functional problems and should allow this site to work for the Fire Department in the near future. Longer term solutions for the Fire Department might be accommodated on the Camacho property.

The town should consider a renovation for the Fire Station when the Police Department is relocated. Such a renovation would greatly improve its function but should also improve its overall appearance as it occupies such a prominent space in the town Center. Interior renovations should also consider using appropriate materials suitable for the functions as well as a good working environment for the firemen.

Q, This iconic Center Meeting House is truly the heart of the town Center. Its Architecture, location, setting and anticipated use, once again, as a meeting house anchors the town in its historical roots. All town Center planning must respect this building and it's setting to insure that it historic significance is honored.

When the Meeting House activities begin, after the renovation is complete, areas C and D might serve its parking needs. But there should be continued co-operation between the town and the Center Meeting House to mutually solve issues which support its reuse.

Summary

The town Center Plan dated August 25, 2007 and this Report stand as a possible vision for a town Center rather than a fixed plan for future use. The Visioning Sessions recorded the interests of the town and showed how disparate views can be accommodated and how parking problems can be solved without sacrificing the historic, rural and unique environmental characteristics that make up the town of Newbury.

Newbury has demonstrated how it cares for its resources by the exceptional improvements it has made so far and the quality of it land and building maintenance. That is a tribute to the collaborative efforts of its citizen volunteers and town staff. Newbury's future is bright and the light of these Visioning sessions only made it brighter.

INTERLINKING LAND USE WITH OTHER CHAPTERS OF THE MASTER PLAN

The extent which one element of the Master plan is interwoven with other elements of the plan is particularly evident in working on the Land Use Chapter. Issues and recommendations found in the Natural & Cultural Resources Chapter, the Housing Chapter, the Transportation Chapter, and the Community Facilities & Services Chapter are all interlinked with the Land Use Chapter. Please note that in writing this Land Use Chapter there was a conscious effort not to repeat issues and recommendations addressed elsewhere

in the plan. This is particularly true of the Natural & Cultural Resources which play such an important role in Newbury today, as well as the future. It is important to note that the balance of this chapter on Land Use addresses issues and recommendations pertaining to developed land uses or the built environment, as opposed to the natural resources covered in the previous chapter.

ISSUES: LAND USE

1. Uncontrolled development of individual sites on the hillsides facing lakes and ponds negatively impacts the views from the lakes and surrounding areas
2. Currently no regulations exist for the following critical development capacity determinants:
 - a. the capacity of the soils to support the proposed development;
 - b. evaluation of the impact of proposed development on all the surface water resources downhill or downstream of any proposed development site; and
 - c. requirements and standards for surface water control.
3. The results of the 2006 Community Survey on land uses gives clear direction as to what types of uses Newbury citizens wish in their town.
4. Agricultural lands, wildlife habitat, corridors for wildlife, and fragile natural plant habitats are fragile and threatened.
5. The town is concerned about the potential impacts on demand for town services and overall impact on the growth and development of the community and the region.
6. The town remains subject to strip commercial development along sections of Route 103.
7. The town survey showed that residents think that future commercial development is undesirable along Route 103A, Route 103B and scattered throughout town.
8. Commercial projects can negatively impact the appearance off the town if the design of the building, landscaping and lighting and screening of outdoor uses, outside operations and storage of materials or solid waste are not controlled.
9. Residents have shown they prefer the following types of commercial businesses:
 - a. Outdoor recreation related businesses;
 - b. Tourist related businesses;
 - c. Restaurants;
 - d. Professional offices;

- e. Personal services (barbers, laundries, hairdressers, etc.); and
 - f. Cottage industry/home occupations.
10. The following types of land uses have major impacts that Newbury residents have shown they do not want:
- a. Heavy industry;
 - b. Shopping centers; and
 - c. Factory outlet businesses.

Except for single-family residences, there are not enough of the other types of housing units available in Newbury. The people responding to the survey support only single-family residences on individual lots in the future while the Planning Board recognizes the need for a mix of residential uses for all household income levels in Newbury. Attendees at the November 3, 2007 Public Forum on Land Use recognized the importance of providing small condominium or apartment buildings to provide housing alternatives for seniors and others.

11. Newbury's Cluster Development Ordinance is outdated. A Conservation Development Ordinance which focuses on preserving the environment and protecting the natural resources encountered on a property during the subdivision and development review process is better suited to the town's needs.
12. Manufactured housing parks (trailer parks) are not consistent with the rural character of a small community and are not favored by the respondents to the 2006 Community Survey.
13. Newbury should educate the public on the need for various housing types other than single family residential in order to provide housing opportunities for all our current and future residents and their families. Newbury should promote a mix of residential uses for all household income levels in the future to include the following types of residential uses:
- a. Single-family residences;
 - b. Two family residences;
 - c. Accessory apartments; and
 - d. Multi-family residences.

In particular, small condominium or apartment buildings for seniors or others were cited as a future need in the community.

14. Newbury has fragile land and special conditions that are impacted by development. They are:
- a. Steep slopes (slopes in excess of 25%);
 - b. 100 year floodplains;
 - c. Wetlands & wetland buffers;

- d. Surface waters & buffers for surface waters;
 - e. Deer wintering areas;
 - f. Public lands or lands held by private, non-profit land protection agencies adjacent to the development;
 - g. Skylines; and
 - h. Hillsides - particularly the steeper upper hillsides to the ridgelines providing the scenic vistas from the lakes and public highways.
15. The Planning Board currently has no authority to require a Conservation Development Ordinance approach when any of the natural resources listed above are encountered in land development.
 16. Subdivisions that consume all the land with lots and roads are not effective in trying to protect the natural resources listed above. These subdivisions are inflexible in their lot layout and design. They do not provide the opportunity to have common land incorporating these natural resources and the buffer setbacks from these resources. They do not provide sensitive building and site design concurrent with the subdivision process as part of the overall development review process.
 17. The strip residential pattern of houses built fairly close to roads in the rural areas results in loss of rural character.
 18. The comparatively high-density residential developments along the shores of Lake Sunapee, such as along Bay Point Road, the Edgemont area, and the Pine cliff area, are a potential threat to water quality.
 19. South Newbury Village at one time was the town governmental center as well as a commercial center for the community. The governmental center has moved to Newbury Center and, with a few exceptions, the commercial uses have died out. What remains is a quintessential New England village rich in historical character and architecture. The first three hundred feet off Route 103 remains in the Business District Zone which exposes the historic village to the development of incompatible commercial land uses.
 20. The town recently acquired a number of parcels of land in Newbury Center. In the series of three visioning workshops during the summer of 2007 public input was provided. The planning process culminated in the crafting of a Newbury town Center Plan for these public lands in Newbury Center. It provides a flexible plan and guide to the town of how to use the public lands in Newbury Center.
 21. The private land located around Newbury Center, particularly the area between just south of the Harbor easterly to the intersection of 103 and 103A has all of the elements that attract development: the quality and natural beauty of the Lake and the Mountains, views and the heavy and growing traffic.

22. The growth and development of Newbury Center is constrained by the capacity of on-site wastewater treatment systems. As development intensifies in Newbury Center, the potential exists for increasing the nutrient loading into nearby Lake Sunapee from on-site wastewater systems.
23. The future construction of large commercial and other non-residential buildings (non-agricultural) will adversely affect the rural character of this small New England community.
24. Developers and landowners are not familiar with the benefits of using the Conservation Development approach to land development and resource protection.
25. The Build-Out Study for the entire town has not been updated since 1994. Several zoning amendments have been approved in the interim that have changed the development potential.
26. No one has tested the feasibility of constructing small-scale multi-family residential condominiums or apartments with on-site wastewater treatment and water supply systems.
27. Affordable housing units should be mixed into the community to avoid negative social stigma.
28. Article 5.2: Determination of Development Density of the Zoning Ordinance does not account for a different permitted density for a parcel located in close proximity to the emergency service center compared with a parcel located in the rural reaches of town quite distant from the emergency service center.

GOALS: LAND USE

The Planning Board solicited public input on the Master Plan update in order to develop a plan which reflects the community's collective vision for the future of Newbury. The Planning Board conducted several public work sessions to define the issues facing the town over the next ten years. With that input, the Planning Board developed and administered two Community Surveys which provided the Board with guidance throughout the process of updating the Master Plan.

The Planning Board developed the following land use goals based on public input. Input was gleaned from public meetings on updating the Master Plan, feedback compiled from results of the Community Surveys, and discussion among the Board members. In particular, the first goal directly expresses the prevailing sentiment from the results of the Community Surveys concerning the community's collective vision for the future of Newbury:

1. to remain primarily a rural residential community with a small town atmosphere,

- uncrowded, with quiet living conditions, and a scenic and unpolluted natural environment;
2. to preserve, protect, improve and enhance the natural, scenic, recreational, cultural, and historic resources of the town, to continue the desirable characteristics of the traditional Northern New England land use settlement pattern;
 3. to maintain and to improve accessibility to and economic viability of existing villages;
 4. to ensure that the density, intensity, and siting of future development is consistent with the capacities of access, utilities and natural resources and able to support such land use development;
 5. to protect the character of rural areas and their natural resources by continued wise use of natural resources, and by avoiding scattered development and incompatible land uses; and
 6. to encourage protection measures and preserve sufficient healthy habitats to ensure the continuation of the community's wildlife and rare plant species resources.

RECOMMENDATIONS: LAND USE

Guided by these land use goals, the Planning Board made the following recommendations on the land use issues articulated previously.

1. The Planning Board should protect scenic views around the lakes and ponds by developing an overlay district in the Zoning Ordinance, or by developing other tools and techniques, to ensure minimal visual impact from development. These ordinances should encourage sensitive site and building layout and design.
2. The Planning Board should update the land use regulations and ordinances to ensure that the best and most appropriate use of the land occurs on proposed development sites by:
 - a. Requiring an evaluation of the capacity of the soils to support the proposed development including the houses, septic systems and wells to be conducted by a professional soil scientist;
 - b. Requiring an evaluation of the impact of the proposed development on all the surface water resources downhill or downstream of the proposed development site by a professional wetland scientist; and
 - c. Updating and/or adding sections on requirements and standards for surface water drainage reports and sediment & erosion control plans.
3. The Newbury Planning Board should compare the results from the Community

Survey with the uses in the Zoning Ordinance to evaluate whether feedback from the survey would suggest changing the status of a use in the zoning ordinance. Those uses receiving ambivalent support from the Community Survey may best be suited as a use permitted by special exception rather than a use permitted by right. Those uses receiving strong support should be permitted uses and those not supported should be identified as uses not permitted.

4. The Planning Board should consider additional tools and techniques to protect:
 - a. Agricultural lands;
 - b. Wildlife habitat and corridors for wildlife; and
 - c. Fragile natural plant habitats some sites with rare and endangered species.
5. The town should monitor the demand for town services and the impact of growth of the Mt. Sunapee Resort on the growth and development of the community and region.
6. The Planning Board should study amending the Business District boundaries to limit future commercial development in Newbury to the following areas along Route 103:
 - a. The traffic circle area;
 - b. Newbury Center;
 - c. The flats along 103 between the bottom of the Cut to Village Road; and
 - d. The area along 103 around Morse Hill Road at the north end of Lake Todd.

While focusing the future commercial development in these areas, the Planning Board should also consider proposing an increase in depth of the Business District off the centerline of Route 103.

Outside of these areas, commercial uses should be limited to home occupations and cottage industries.

7. Newbury should not permit future commercial development :
 - a. to be scattered throughout town;
 - b. along Route 103A; and
 - c. along Route 103B.
8. Future commercial development and redevelopment/reuse projects in Newbury should be designed and built to be a positive addition to the character of the community. The Planning Board should add to and refine the Design Guidelines in the Site plan Review Regulations to accomplish this recommendation and provide these guidelines to prospective developers.

Commercial projects need to provide a positive visual appearance through design of the building, landscaping and lighting and screening of any outdoor uses, outside operations and storage of materials or solid waste.

9. Newbury should limit commercial development to the types of businesses preferred by the residents. In general, residents in Newbury would prefer to limit commercial development. If commercial development must occur, residents have shown they prefer the following types of businesses:
 - a. Outdoor recreation related businesses;
 - b. Tourist related businesses;
 - c. Restaurants;
 - d. Professional offices;
 - e. Personal services (barbers, laundries, hairdressers, etc.); and
 - f. Cottage industry/home occupations.
10. Newbury should discourage and not permit the future development of the following types of businesses:
 - a. Heavy industry;
 - b. Shopping centers; and
 - c. Factory outlet businesses.
11. The Planning Board should propose a redraft of the Cluster Ordinance to become a Conservation Development Ordinance with goals to maximize preservation of natural resources.
12. Newbury should discourage and not permit the future development of the following types of residential uses:
 - a. Manufactured housing parks (trailer parks).
13. Newbury should educate the public on the need for various housing types other than single family residential in order to provide housing opportunities for all our current and future residents and their families. Newbury should promote a mix of residential uses for all household income levels in the future to include the following types of residential uses:
 - a. Single-family residences;
 - b. Two family residences;
 - c. Accessory apartments; and
 - d. Multi-family residences.

In particular, small condominium or apartment buildings for seniors or others were cited as a future need in the community.

14. New residential developments should continue to be designed and constructed to further the protection of:
 - a. Steep slopes (slopes in excess of 25%);
 - b. 100 year floodplains;
 - c. Wetlands & wetland buffers;
 - d. Surface waters & buffers for surface waters;

- e. Deer wintering areas;
 - f. Public lands or lands held by private, non-profit land protection agencies adjacent to the development;
 - g. Skylines; and
 - h. Hillsides - particularly the steeper upper hillsides to the ridgelines providing the scenic vistas from the lakes and public highways.
15. Protection of these natural resources can be maximized by using the redrafted Conservation Development Ordinance. The Planning Board should propose an amendment to the Zoning Ordinance to provide the Planning Board with the authority to require a Conservation Development approach to protect these natural resources when any of those listed above are included in or contiguous to a major development proposal, if these natural resources are threatened by the development.
16. Subdivisions that consume all the land with lots and roads should be avoided when trying to protect the natural resources listed above. These subdivisions are inflexible in their lot layout and design. They do not provide the opportunity to have common land incorporating these natural resources and the buffer setbacks from these resources. They do not provide sensitive building and site design concurrent with the subdivision process as part of the overall development review process
17. The Planning Board should amend its regulations and recommend amendments to the Zoning Ordinance to discontinue the strip residential pattern of houses built fairly close to roads in the rural areas which is resulting in loss of rural character. The rural character of the town will be enhanced by retaining more open space along the rural roadways. Deeper setbacks (100 to 150 feet in depth) from town roads providing more open space along the rural roadways, use of common driveways, use of internal roads to provide frontage for new lots, and locating new homes in wooded areas and not open fields or agricultural crop land will all enhance the character of the rural areas of town.
18. The town should conduct a feasibility study for providing sewer collection and treatment for the comparatively high-density residential development along the shores of Lake Sunapee such as along Bay Point Road.
19. Recommendations relative to the future land use and development of South Newbury Village include the following:
- A. Preserving Historical Character: As noted in the historic Preservation Chapter, the town, through its Historical Society and Conservation Commission, should consider developing a Historic District for South Newbury Village. In the meantime or in the alternative, the Planning Board should amend its Site Plan Review Regulations to incorporate a standard relative to minimizing the impacts of a proposed project on historic structures

and sites.

- B. Future Land Use: Future land uses in and around the village should be primarily residential uses with a mix of low-impact home occupations. If land use recommendation #6 is implemented, the existing business district zone along Route 103 in South Newbury would be eliminated. Until this recommendation is implemented, any business uses proposed in south Newbury should be restricted to commercial uses which generate minimal impacts on neighboring residential uses, the historic character of the village and the environment, particularly the aquifer underlying this area. Efforts should be made to relocate the industrial uses out of this area as opportunities arise. Commercial use proposals in the South Newbury Village need to be sensitive to:
- 1) aesthetic issues related to building size, scale and architectural style appropriate to preserving the historic character of the existing village;
 - 2) the size and intensity of commercial uses. A small restaurant with eight seats and a general store with 500 square feet may be appropriate intensity of uses, whereas a forty-seat restaurant and a 3,000 square-foot retail store may not fit in with the village.
- C. Promote Reuse of town Buildings: The town buildings in South Newbury that formerly housed the town government center need to be restored for future uses. The town needs to promote reuse of the town Hall, Sherman Hall and the Grange while being sensitive to the compatibility of any reuse proposal with the character of the residential village. A study of the town buildings in South Newbury is being undertaken in 2007 to ascertain the restoration needs for these buildings. The Capital Improvements Program 2008-2013 has included \$30,000 in 2008 for the actual restoration work. The 2007 study may reveal the need for additional capital improvements.
20. The town needs to implement the plan for town owned lands developed for Newbury Center during the summer of 2007 as reflected in the report dated August 25, 2007 found in Appendix D. Newbury Center should continue to serve as the governmental, commercial and service center for the community, supporting a mix of commercial and institutional land uses along Route 103 in the village and bordered by residential uses beyond.
21. The town needs to carefully manage the development of private land located in Newbury Center, particularly the area from just south of the Harbor easterly to the intersection of 103 and 103A. This area has all of the elements that attract development: the quality and natural beauty of the Lake and the Mountains, views and the heavy and growing traffic. Newbury Center is and should continue to be a

- mixed use center. It should continue to be promoted to serve as the governmental center, to provide commercial sales and services including restaurants, and to provide housing of all types.
22. In order to realize its full development and reuse potential and to maintain lake water quality, the town should study the feasibility of serving Newbury Center with a small centralized wastewater collection and treatment system. Providing sewer service to Newbury Center would facilitate the following:
- A) afford new and expanded opportunities for commercial uses to develop in Newbury Center;
 - B) offer additional opportunities for small lot, residential development in areas bordering the village;
 - C) make reuse opportunities easier to accomplish such as reuse of the Veterans' Hall; and
 - D) improve the lake water quality by replacing existing on-site wastewater systems with a centralized collection and treatment system.
23. New commercial or other non-residential buildings should be consistent in scale and character with a small rural community. Smaller buildings typical of traditional New England architecture should be encouraged and "big box" stores should not be permitted.
24. The Planning Board in cooperation with outside agencies should further strengthen the Conservation Development component of the Zoning Ordinance, and educate the public, landowners, town administration and developers about the benefits of using the Conservation Development approach to land development .
25. The Planning Board should consider updating the Build-Out Study of the town last done in 1994.
26. The Planning Board should evaluate the feasibility of developing small-scale multi-family residential condominium or apartment buildings with on-site wastewater treatment and water supply.
27. In finding ways to provide for affordable housing, the Planning Board should encourage affordable housing to be mixed into the community and integrate it with a mix of housing types and income levels.

One method the Planning Board should consider proposing is "Inclusionary Zoning" that provides land use regulations that offer a voluntary incentive or benefit to a

property owner to produce housing units which are affordable to persons or families of low and moderate income. For example, a developer willing to provide a percentage of units that are affordable could qualify for a density bonus.

28. The Planning Board should consider amending Article 5.2: Determination of Development Density to add a criteria for distance to the town emergency service center.

FUTURE LAND USE MAP

The Future Land Use Map (see Map IX-1) provides some broadly defined geographic boundaries to the written recommendations discussed in the section above. The Master Plan outlines these areas in conceptual form only. These areas will need to be refined in the process of developing any rezoning proposal(s). In particular, the Future Land Use Map highlights:

1. elimination of the potential for continuous strip commercial development along Route 103 through the consolidation of the Residential/Business District Zone to the four recommended areas; and
2. focusing the more intensive development in or around the villages.

Outside the village areas and the areas along Route 103 to remain in the Residential/Business District zone, the vision for the remaining area of town is to permit low-density residential development, while protecting the natural, scenic, recreational, cultural, and historic resources of the community.

Map IX-1
Future Land Use

