

EXISTING AND FUTURE LAND USE

For the Town of Hillsborough

The Town of Hillsborough has a wide variety of land uses, from the commercial development found in the Central Business District and other commercial areas, to the many areas of town identified as an Ecologically Significant Areas (ESAs) in the recently completed Natural Resources Inventory (NRI).

The varied land uses are one of the reasons that make Hillsborough a great place to live and work, but there are opportunities for improvements for both the built environment and for the protection of the Town's resources through a variety of measures presented in this Chapter.

This Chapter reviews the results of the Community Survey and Visioning Session, examinations of development patterns and existing land uses, discusses issues related to the Zoning Ordinance and land use regulations, and then outlines a proposed Future Land Use Strategy.

OBJECTIVES OF THE CHAPTER

OBJECTIVE 1:

Identify key short and long-term changes to the Zoning Ordinance and Land Use regulations to support the vision developed on the master plan update process, with an emphasis on the enhancement

of the Central Business District, continued development of the Commercial Zone (including Gateway zones), the redevelopment of Brownfields parcels and the future redevelopment of existing gravel excavation areas.

OBJECTIVE 2:

Promote a coordinated effort through a public/private partnership to enhance the Central Business District through the combined efforts of Town Boards and Committees, the Hillsborough Chamber of Commerce, Hillsborough Reborn, and other entities.

OBJECTIVE 3:

Promote appropriate levels of development and density in the Rural District, specifically through a review of commercial uses that are permitted or allowed by special exception.

OBJECTIVE 4:

Following the recommendations and priorities found in the Natural Resources Chapter, continue work to enhance the protection of Ecologically Sensitive Areas.

OBJECTIVE 5:

Promote the development of a trails system (Riverwalk) in the vicinity of the Contoocook River as an enhancement to the Central Business District/commercial area.

COMMUNITY SURVEY RESULTS

The Community Survey demonstrated support for additional economic development activities, with nearly 74% of participants supporting infill development. The survey results also demonstrated resident's value of the Contoocook River, as 70.7% were in support of creating a greenway along the River and 60.8% were in support of the development and improvement of access points along the Contoocook River

WHAT WE HEARD...

"Take more advantage of the river, have more parking, more mix of stores."

"Create a place for parking and fix buildings."

"I would like to see Hillsborough grow to provide more jobs and services for residents."

"Retain small town character."

"We need to carefully maintain the recreational areas that we already have."

"Continue reasonable growth in business and residential areas."

Community Survey Question 11:

Should Hillsborough promote infill development?

Q. 11	Total	Percent
Yes	231	73.6%
No	37	11.8%
No Opinion	46	14.7%
Total	314	100.0%

Community Survey Question 13:

Which of the following commercial enterprises would you like to see within Hillsborough?

Q. 13	Like	Dislike	No Opinion	Total
Professional Offices	72.2%	2.4%	25.5%	298
Light Industrial Parks	64.4%	14.8%	20.8%	298
Heavy Industrial parks	21.8%	52.1%	26.1%	280
Retail	93.3%	2.9%	3.8%	313
Restaurants	87.8%	3.6%	8.6%	303
Services	86.6%	1.0%	12.4%	299
Home Businesses	66.2%	3.6%	30.3%	281
Recreational Businesses	78.8%	3.0%	18.2%	297
Motels/Hotels/Inns	63.4%	11.6%	25.0%	292
Major Shopping Malls	48.2%	41.4%	10.4%	297
Major Grocery Store	87.1%	5.8%	7.1%	309
Tourism-related Businesses	69.6%	6.9%	23.5%	289
Agricult.-related Businesses	77.0%	1.7%	21.3%	291
Big Box Stores	52.0%	34.6%	13.4%	298
Other	58.2%	3.0%	38.8%	67

Community Survey Question 14:

What should the Town do to encourage revitalization or growth in the Central Business District/Downtown?

Q. 14	# of Responses	Percent*
Increase/improve parking	95	31.7%
Remove/repair existing buildings	51	17.1%
Tax incentives	50	16.7%
Enhance landscape & overall Town image	32	10.7%
Encourage small businesses/retail shops	20	6.7%
Community center & events	18	6.0%
Reduce second hand shops	11	3.7%
Reduce regulations	9	3.0%
Encourage box stores	8	2.7%
Lower rents	7	2.3%
Enhance along river area	6	2.0%
Restaurants	5	1.7%
Increase advertising	3	1.0%
Hotels	2	>1%
Lower water & sewer rates	1	>1%

Community Survey Question 15:

What should the Town do to encourage revitalization or growth in the Commercial District?

Q. 15	# of Responses	Percent*
Tax incentives	40	13.9%
Improve Town image, landscape & sidewalks	18	6.3%
Reduce regulations/streamline planning	16	5.6%
Box stores	15	5.2%
Encourage small, local businesses	14	4.9%
Increase/improve parking	14	4.9%
Remove/repair existing buildings	13	4.5%
Improve signage & advertising	12	4.2%
Grocery stores	5	1.7%
Create development plan for Town	5	1.7%
Light Industrial Zone	4	1.4%
Shopping Center/Strip Mall	4	1.4%
Movie Theater	4	1.4%
Restaurants	4	1.4%
Infrastructure improvements	4	1.4%
Improve roadways	3	1.0%
Medical offices	3	1.0%
Public transportation	2	>1%
Improve education	2	>1%
Appearance codes & enforcement	2	>1%

Community Survey Question 24:

A greenway is a linear open space established along a natural corridor, usually designated to accommodate both wildlife and low-impact human recreational uses. A greenway can serve as a linkage between existing natural and historic sites. Should Hillsborough create a greenway along the Contoocook River?

Q. 24	Total	Percent
Yes	215	70.7%
No	39	12.8%
No Opinion	50	16.5%
Total	304	100.0%

HILLSBOROUGH VISIONING SESSION

Residents who attended the Hillsborough Visioning session actively advocated for further commercial development in the Central Business District. Attendees want to see Hillsborough take on further commercial development in a responsible, balanced way that does not jeopardize the Town's rural and historic character.

Visioning Session attendees highly value the Town's natural resources and conveyed the need for the resources to be protected.

Hillsborough's historic nature, rural character, outdoor recreation opportunities and the walkability of the downtown were noted as positive factors.

Aquifers and water resources were highly valued by attendees, and concern was expressed about the lack of awareness throughout Town of where the Town's water is sourced from, and thus a lack of protection of the water resource.

COMMON THEMES

There are some common themes that emerged from the community's comments on Land Use and include:

- *Continue to encourage commercial and in-fill development within the downtown core and other developed areas.*
- *Pursue the beautification of Hillsborough's downtown area while preserving historical buildings and providing additional parking.*
- *Provide land and water access to the Contoocook River through recreational trails and greenways.*
- *Increase awareness of planning and zoning.*

EXISTING AND FUTURE LAND USE VISION STATEMENT

"Hillsborough supports an emphasis on future development and redevelopment in the Central Business District and other commercial zones, along with the continued conservation of existing natural resources and lower densities in the Town's rural areas."

DEVELOPMENT PATTERNS, PAST AND PRESENT

Hillsborough is a community consisting of a total of 44.6 square miles. Roughly 28,160 square acres of the Town is land, while approximately 823 acres is water. The historical growth pattern of the community is similar to those of a traditional New England town. Development has centered around the village area of the community, with more dispersed growth on the rural outskirts of Town. The Village area of the Hillsborough has historically served as a location for local business and commerce, primarily in the form of professional offices, banks, eating establishments, retail shops, and similar land uses. Development of the Contoocook River, located in Hillsborough Village, has also been a key feature of the community, as it has been a center of industrial and textile commerce since colonial times. Overall, Hillsborough contains five individual and unique communities. These smaller communities are: Emerald Lake District, Upper Village, Lower Village, Hillsborough Center, and Bridge Village.

A key factor in the explanation of the development of these small communities is the significant size of the Town overall. Because Hillsborough is considerably large in land area, separate community centers for trade, commerce, and social interaction were required in the past, as traveling to one side of Town was substantially more difficult in the past.

Emerald Lake: Created in the 1960s, the Emerald Lake Development was originally intended to exist as summer cottages for vacationing families. The development comprises approximately ten percent of Hillsborough's total land area. Several undersized, nonconforming parcels characterize this area. Over the years, the area steadily evolved to a year-round community. This has presented numerous

issues pertaining to water quality and transportation in Emerald Lake.

Hillsborough Center: Formed by the junction of Hillsborough Center Road, East Washington Road, Bible Hill Road, and North Road forms this area of the community is characterized by several historic structures. Much of this portion of the community is located in the Hillsborough Historic District.

Upper Village: Located towards the westerly boundary of Town, the Upper Village, this portion of Hillsborough is characterized by a mixture of sparse residential development and a very small commercial district, which contains a small general store. Many roadways in this portion of Town are gravel.

Lower Village: This part of Hillsborough is located at the junction of NH 31 and NH 9, near Franklin Pierce Lake. Development of this area is sparse, except along the shore of the Lake.

Bridge Village: This portion of Town is the major center of commerce for the Town. A dense mixture of commercial uses, mixed uses and multifamily structures characterizes this area. Many of the structures located in this area of Town were constructed at the turn of the century. The Town Offices, Post Office, and Police Station are located in this section of Hillsborough.

EXISTING LAND USE

Hillsborough's existing land use patterns are depicted in **Map 9.1: Existing Land Use**, and estimated acreages by use are shown below in Table 7.1, 2016 Estimated Land Uses.

Table 9.1: 2016 Estimated Land Uses (Estimated with aerials, tax maps, and assessing data)

Land Use	Acres	% of Land Area*
Single Family/Duplex	1,685.98	5.9%
Multi-family	63.37	0.2%
Mobile Home Park	11.61	> 0.1%
Institutional	110.11	0.4%
Commercial Mix/Other Commercial	86.40	0.3%
Commercial Retail	46.81	0.2%
Industrial	16.67	0.2%
Gravel Pits	72.24	0.3%
Communication or Utilities	11.40	> 0.1%
Agricultural Land	710.16	2.5%
Cemeteries	16.86	> 0.1%
Outdoor Recreation/Developed Parks	64.70	0.2%
Road Surface Area	224.58	0.8%
Water	1,593.42	5.6%
Uncategorized (undeveloped)	23,893.10	83.5%
Total Town Acreage	28,607.41	

Source: NH GRANIT, NHDOT, CNHRPC, Town of Hillsborough Tax Map and Assessing Data, Aerial Photography

*Total % of Land Area was calculated using a GIS System and rounding, so numbers may not add up to 100%

COMMERCIAL RETAIL

Retail includes commercial establishments that sells goods rather than services. As seen on the map, these few locations are located along the Henniker Street/W. Main Street corridor. Retail covers and estimated 47 acres, which is 0.2% of the Town's total land area.

COMMERCIAL MIX/OTHER COMMERCIAL

Commercial Mix includes establishments that sell food in a restaurant setting, services, or contain mixed uses in the same building, such as a store on the main level and an apartment located above. These uses are primarily located along the Henniker St./W. Main St. corridor and includes the Hugh Tide Take Out to the east and the Eighteen-Thirty House to the west at the intersection of NH 9/US 202 and NH 31/2nd NH Turnpike. Overall, mixed commercial land use comprises an estimated 0.3% of the total town acreage with 86.4 acres.

INSTITUTIONAL

This designation includes all land owned by the municipality or the state, including schools, municipal buildings, and churches. It also includes lands that are tax exempt. These sites are primarily located in and around Hillsborough's downtown, covering 110.1 acres and 0.4% of the Town.

GRAVEL PITS

Gravel pits comprise 0.3% of the Town's land. These lands are undeveloped areas, sometimes large, that have been excavated. As shown on the Land Use Map, these areas exist primarily north and west of the NH 9/US 202, NH 31 intersection.

ROAD PAVEMENT SURFACE

This category includes all paved roads within Hillsborough. The State Roads layer was used when creating this map in the GIS software. Overall, road pavement surfaces cover 0.8% of the total town acreage with 224.58 acres.

CEMETERIES

Compared to other land uses, cemeteries comprise a rather small portion of Hillsborough with a total of 16.86 acres (>0.1%). Smaller cemeteries may not show up on the Land Use Map as they may exist under dense tree cover and are not visible on aerial imagery.

OUTDOOR RECREATION/DEVELOPED PARKS

The areas included in this designation includes the Angus Lea Golf Course, Grimes Field, Manahan Park and Wilderness Adventures Hunt & Angling Club. These recreation spots comprise a total 0.2% of the Town total acreage, at 64.7 acres.

INDUSTRIAL

The Osram Sylvania facility is the primary industrial land use in Hillsborough. It makes up almost 0.2% of the total land area with 16.67 acres. The facility is located on West Main Street near its intersection with US 202.

UNCATEGORIZED (UNDEVELOPED)

Undeveloped land includes forests, agriculture land not related to a commercial greenhouse, and non-commercial agriculture related buildings. Undeveloped lands, which comprise about 83.5% of Hillsborough's total land acreage, are present throughout the Town, but the highest concentration is in the western and northern parts of Town. Some undeveloped land is related to its natural condition, such as topography and soil conditions, that would create higher development costs in areas such as environmental permitting and needed infrastructure costs.

AQUIFER PROTECTION

The Natural Resources Chapter includes a review of the Stratified Drift Aquifers in Hillsborough, several of which have significant potential for providing additional public water supply.

Consideration should be given to adopting regulations that establish best management practices for land uses, especially excavations, within the identified High Value Aquifers and to establish best management practices to protect existing and proposed private wells. Sand and gravel excavations are often located in or adjacent to high value aquifers and should be subject to permitting and Site Plan Review by the Planning Board to better protect this essential groundwater resource. Best management practices should be incorporated in the Subdivision and Site Plan Review Regulations.

With the failure of a number of private wells during the 2016 drought, the protection of this resource has assumed an even greater importance. Alternative sources of supply will be needed to mitigate future droughts, as well as to support future growth and economic development. A method of protection is the amendment of the Zoning Ordinance to prohibit potentially polluting uses such as junkyards, landfills, and waste processing facilities on or near prime aquifers, as well as public water supply sources, and private community wells.

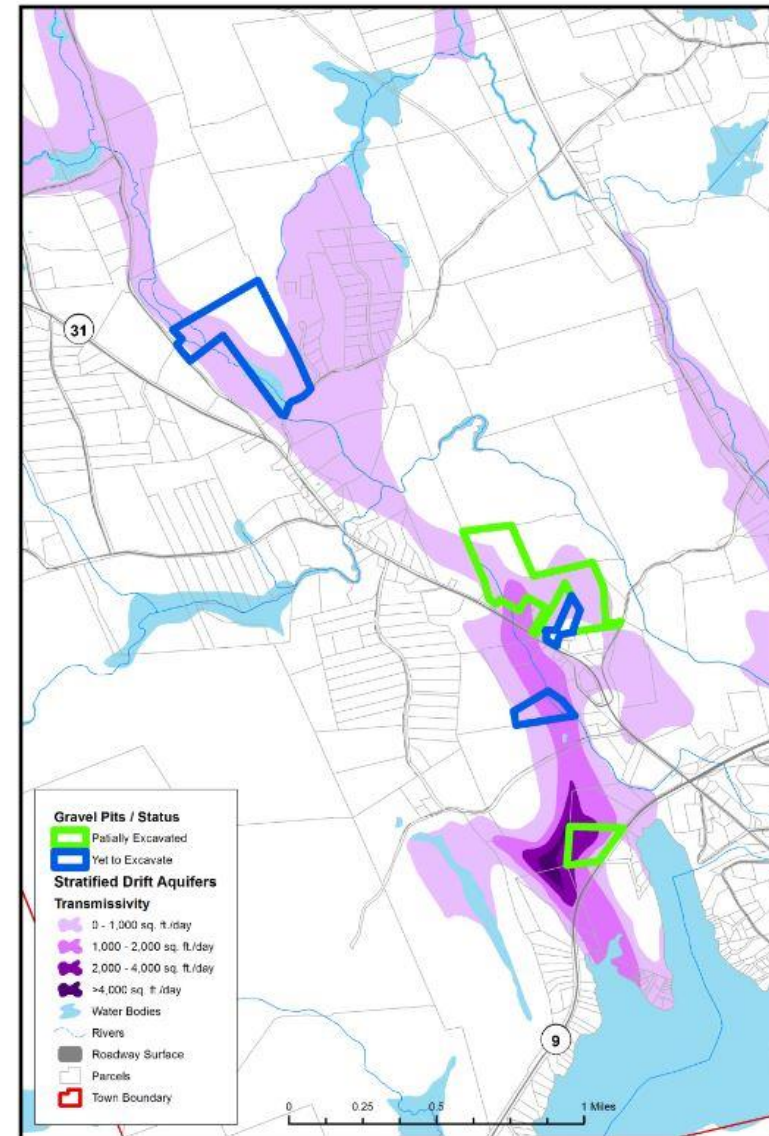
ACTIVE EXCAVATION AREAS

Active excavation areas that filed notices of intent to excavate in 2016 are identified in Figure 9.1. The state law that governs excavations is RSA 155-E, which was originally enacted in 1979 and saw significant revisions in 1989 and other revisions in 1991. The law was enacted to ensure that no town could prohibit any excavation; in that sense, RSA 155-E preempts local zoning, because it states that if a zoning ordinance has no provisions for excavation, then by law it is considered to be a use that is allowed by special exception, based on specific criteria. RSA 155-E contains standards for the operation and reclamation of excavation sites, as well as a list of projects that would be prohibited (for example, damaging a known aquifer). A permitting process is also described, with a list of excavations that are exempt from a permit.

The law gives regulatory authority over excavations to the Planning Board that includes the authority to adopt specific regulations for this activity. RSA 155-E names the planning board as responsible for adopting regulations, or whether an operation has a permit or is exempt.

It would be desirable to have Excavations listed as a specific use within the Zoning Ordinance requiring either a Special Exception or Conditional Use Permit, as well as Site Plan approval, to ensure the excavations that may occur in the future meet the needs of the community as well as the operator. The purpose of the regulations would be to ensure that the Town's road system is preserved, that abutters and nearby residents are not inordinately disturbed by the activity, aquifers are protected, and that the property is restored quickly and effectively as each portion of the excavation is complete.

Figure 9.1: Active Excavation Areas, 2016



Reclamation of depleted pits should consider the potential future uses of the site. Some, for example, may remain vacant and undeveloped with the primary considerations being soil stabilization and proper establishment of drainage patterns. If, on the other hand, there are immediate plans to develop the land, the accompanying site work becomes, in effect, the reclamation.

Another consideration for pit owners is to be sure that they have not conducted excavation in a way that could potentially limit the future uses of the site; for example, if the land is to be used for residential development after the gravel is removed, enough material should be left so to allow the construction of septic systems and other underground systems.

ZONING OVERVIEW

The Town of Hillsborough first enacted zoning on March 2, 1976, in the form of the "Town Plan of Hillsborough, New Hampshire." The zoning regulations enacted in 1976 were amended over the years, and the ordinance was re-codified in November 1988 as part of the general re-codification of Town ordinances. The re-codified zoning ordinance was enacted on March 14, 1989. The following is a summary of the current zoning framework.

RURAL DISTRICT

The Rural District encompasses much of the area in Hillsborough north of NH 9/US 202 except for the Upper Village, Hillsborough Center and Emerald Lake Village District. Permitted uses include single family and two-family dwellings, home occupations, municipal facilities, building and service trade, smaller religious institutions, agricultural uses, artist studios, cemeteries, and veterinary clinics. Multi-family dwellings, campgrounds, agricultural related commercial uses, offices, outdoor recreation, and restaurants are among the uses allowed by special exception.

ECOLOGICALLY SIGNIFICANT AREAS

As described in the Natural Resources Chapter, Hillsborough's Natural Resource Inventory (NRI) was developed by Moosewood Ecological LLC for the Hillsborough Conservation Commission in 2014. The NRI compiled and mapped many resources from conservation lands to prime agricultural soils. One of the outcomes of the NRI was the identification of Ecologically Significant Areas (ESAs). These areas were identified by considering several factors:

- Unfragmented lands
- Wildlife movement and habitat connectivity
- Clustering effect of significant habitats that occur in close proximity to one another
- Presence and distribution of focal species
- Wetlands of high value
- Presence and distribution of exemplary natural communities
- Priorities for conservation developed by NH Fish and Game Wildlife Action Plan
- Predicted high quality habitats
- A co-occurrence analysis of natural resources.

The six ESAs that were identified can serve as a reference for conservation priorities and land use planning in the future. The six ESAs identified are as follows:

- A. Shedd Brook and Black Pond Brook Vicinity
- B. Beard Brook Vicinity
- C. Contention Pond-Loon Pond Vicinity
- D. Farrar Marsh-Sand Brook Vicinity
- E. Fox State Forest Vicinity
- F. Contoocook River-North Branch River-Bear Hill Road Grasslands

Minimum lots sizes range from 3 acres with 200 feet of frontage required for four-dwelling units to a 1 acre minimum with 100 feet of frontage for lake lots. One and two-family dwelling units require a minimum of 2 acres and 200 feet of frontage.

RESIDENTIAL DISTRICT

The Residential District includes the area north of the NH 9/US 202 bypass to the south of Hillsborough Center. Key differences between this zone and the Rural District include smaller minimum lot sizes (which vary based upon the availability of municipal water and/or sewer) and fewer uses allowed by special exception. In addition, three and four family dwelling units are a permitted use.

EMERALD LAKE VILLAGE RESIDENTIAL DISTRICT

Uses permitted within the Emerald Lake Village Residential District are limited to single and two-family dwelling units, home occupations, home businesses, bed and breakfasts, municipal facilities, nursing homes, building and service trades, and cemeteries. Uses allowed by special exception include three and four family dwellings, museums, smaller religious institutions, industry and artist studios.

VILLAGE RESIDENTIAL DISTRICT

The purpose of this district is to preserve the historic residential character of Upper Village and Bridge Village and to protect property values while encouraging new infill development

LOWER VILLAGE RESIDENTIAL DISTRICT

The Lower Village Residential District encompasses includes two distinct areas. The first area is north of the NH 9/NH 31 intersection on either side of NH 31, including land adjacent to the bypass. The second area includes much of both sides of Saw Mill Road and a short stretch of NH 31 south.

Permitted uses are similar to those permitted in the Rural District except for three or four family dwelling units which are only allowed by Special Exception. In addition, the only other uses permitted are home businesses, nursing homes, municipal facilities, building and service trades and cemeteries. Museums, smaller religious institutions, schools, industry, artist studios, and dog daycare facilities are allowed by special exception.

CENTRAL BUSINESS DISTRICT

The Central Business District begins at the old Town Cemetery and continues east until it meets with Henniker Street and terminates at 51 Preston Street. The Central Business District spans the banks of the Contoocook River on both sides from Mill Street, down to the Hillsborough/Deering Town Line.

Residential uses are permitted within the Central Business District, although street level units require a special exception. The majority of commercial uses identified within the Zoning Ordinance Table of Uses are permitted by right or special exception, although industry, motor vehicle sales and service stations are not permitted.

In addition, there are specific provisions within the Central Business District related to refuse storage and parking. Refuse is required to be stored in enclosed containers to the rear of buildings and all applications for changes of use must provide adequate parking, either through off-site parking, and arrangement for shared parking, or through available on-street parking.

CLUSTER DEVELOPMENT

Cluster developments are allowed as a conditional use in the Residential, Rural, and Village Residential, Emerald Lake Village Residential District and Lower Village Residential Districts.

The purpose of cluster development is to permit greater flexibility in the design of housing projects; discourage development sprawl; facilitate the economical and efficient provision of public services; provide for a more efficient use of land in harmony with its natural characteristics; preserve more useable open space, agricultural land, tree cover, recreation areas, and scenic vistas; protect hillside areas and views of them; and to expand the opportunity for the development of lower cost housing.

Cluster development proposals are eligible in certain instances for a density bonus of up to 20% under Section 229-92, Incentive Zoning.

COMMERCIAL DISTRICT

The Commercial District is broken up in to distinct areas. The westernmost block encompasses approximately 168 acres. The second and largest block of Commercial zone is approximately 623 acres. The third block begins at the Antrim line and extends past the bypass to NH Route 9, and begins where the Central Business District ends at Preston Street and runs on the left side of the road up until the intersection of US 202 and is approximately 101

acres. Lastly, there are three additional small areas of Commercial located around US 202.

Notable differences between the Commercial District and the Central Business District include the required of all residential units to seek a special exception, and the addition of a number of commercial uses by right or special exception including motor vehicle sales and service, industry, and agricultural uses.

CURRENT USE

In 1973, the New Hampshire State Legislature enacted RSA 79-A:1 and created the Current Use program, a tool landowners can use to reduce the amount of property tax they pay on open space within their property limits as well as an incentive to keep the land in its traditional use. Before the RSA, financial burdens were being placed on individuals with large open space land holdings, since property taxation was based on the highest and best use of the land. Now under the program, current use value is the assessed valuation per acre of open space land based upon the income-producing capability of the land in its current use - not its real estate market value. Land placed in current use can be classified as farm land, forest land, open space land, unproductive land and wetlands.

By allowing open space land to be classified as current use, it acts as an incentive for landowners not to develop property. When land is removed from Current Use, ten percent of the full and true value of the land, not the Current Use assessed value, must be paid as a Current Use Land Change tax. It is important to understand that the Current Use classification can be placed on, or removed from, land at the landowner's discretion which is why these lands vary from conservation lands. For more information on Current Use, refer to the Master Plan's Natural Features Chapter and the NH Department

of Revenue Administration: www.revenue.nh.gov/current-use/index.htm.

Table 9.2 illustrates the trend of land within current use over the past six years. Nearly sixty percent of Hillsborough’s land area was in Current Use in 2015, which has varied little over the six-year period. The smallest amount of Current Use acreage of the six year period was in 2011, with 15,222 acres.

Figure 9.2 shows the percentage of each land type in current use in 2005 and 2015. Over the time period, the percent of forest land with documented stewardship increased to over 13% in 2015m of which there was none (0 acres) in 2005. The percentage of farm land and wet land also increased, while forest land and unproductive land decreased.

Most recently in 2014, the land use change tax collected was \$2,650. From the land use change tax collected, 50% goes to the Conservation Commission.

Table 9.3: Land Use Change Tax Collected, 2009-2014

	2009	2010	2011	2012	2013	2014
Land Use Change Tax Collected	\$0	\$7,650	\$0	\$0	\$0	\$2,650

Sources: NH Department of Revenue Current Use Reports

Figure 9.2: Current Use in Hillsborough 2005 and 2015

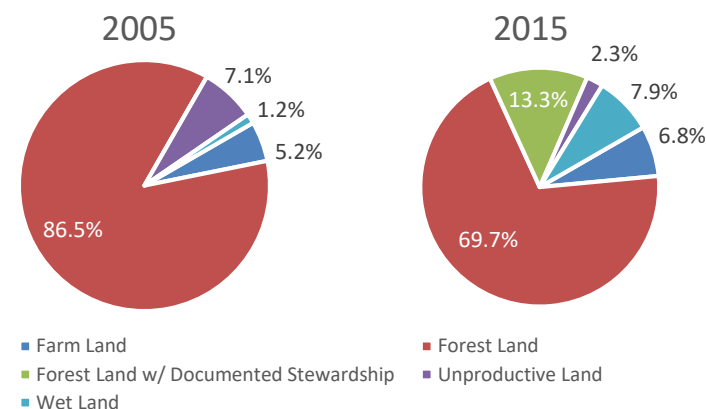


Table 9.2: Current Use Acreages by Land Type, 2010-2015

CU Acreage by Land Type	2010	2011	2012	2013	2014	2015
Farm Land	1,002.42	998.30	1,063.23	1,071.23	1,097.49	1,140.48
Forest Land	11,105.44	11,093.83	12,200.54	12,268.49	11,714.87	11,625.57
Forest Land w/ Documented Stewardship	1,638.60	1,640.60	1,677.10	1,677.10	2,269.01	2,226.82
Unproductive Land	1,149.29	1,141.59	1,345.29	1,342.49	464.35	379.64
Wet Land	348.98	347.98	363.58	372.28	1,265.37	1,316.08
Total CU Acres	15,244.73	15,222.30	16,649.74	16,731.59	16,811.09	16,688.59

Sources: NH Department of Revenue Current Use Reports

Zoning Ordinance/Regulations Analysis

The Master Plan Update provided the opportunity to review the existing Zoning Ordinance, Zoning District boundaries, and related land use regulations. The following outlines the rationale for potential zoning ordinance and regulation changes.

COMMERCIAL ZONING ALONG THE CONTOOCOOK RIVER

The Commercial Zoning boundaries along the Contoocook River were established over many years. This zoning pattern was established before the protection and enhancement of the natural and recreational features of the river were identified as an important community asset, and before more accurate resource

map information was available. The Commercial Zoning District extends south and eastward from Henniker Street/South Main Street and US 202 and intrudes on lands which are unsuitable for intensive development due to the presence of sensitive lands such as wetlands and riverine habitat, or which are hazardous to both people and property due to flooding potential. If these properties were to be intensively developed, surface and ground water quality could be adversely impacted, potential aquifers would be compromised, and this would preclude the development of a Contoocook River Greenway as a recreational and economic asset for the community. Over 70% of the respondents to the community survey supported the development of a greenway along the Contoocook River.

In support of this community goal the commercial zoning boundaries adjacent to the Contoocook River should be revised to exclude existing wetlands and the 100-year floodplain. This change would also act to advise future developers of property along the river of the actual development potential of their properties. In order to respect existing properties values, the Commercial Zoning district should include existing commercial and residential development in the floodplain.

ADDRESS ISOLATED PARCELS

There are a number of opportunities to modify the zoning ordinance to better reflect current land uses and address the impact of the construction of the US 202/NH 9 bypass.

1. A small number of commercially zoned properties are isolated along Old Railroad Drive. The existing land uses are a mixture of conservation land and several homes adjacent to the Contoocook River. There is not direct access to from

any of the parcels from either the US 202/NH 9 bypass of Henniker Street, in fact most of the parcels are not visible from either highway. Several wetlands are located in this area as well as the flood plain of the Contoocook River. The recommendation for this area is to rezone it to Rural Residential and the area between Old Railroad Drive should be incorporated in the Contoocook River Greenway.

2. An isolated Commercial Zone is located in the Upper Village. The existing commercial use in the Upper Village is not located in this zone. This district was created for an industrial use which was discontinued, abandoned and demolished decades ago. The existing land uses within the Commercial District are low density single family residential. The Commercial Zoning is no longer appropriate for this area. The possibility of intrusive and nuisance uses allowed by right being established in the Commercial District could adversely affect the rural residential character of village, lower the quality of life, and adversely affect property values. To support the Upper Village a range of commercial and service uses area allowed by Special Exception in the Village Residential District.
3. The construction of the controlled access portion of US 202/NH 9 created several small landlocked and isolated commercially zoned parcels north of US 9 and east of NH 31. These small properties lie next to the Fox State Forest, the Franklin Pierce Homestead historical site, and a small residential subdivision. These properties could be rezoned to Rural Residential since they have no commercial development potential and have no road access.

EMERALD LAKE VILLAGE DISTRICT

Emerald Lake Village District (ELVD) is a residential area located in eastern Hillsborough, approximately 520 acres in size. During the 1960s, developers established a subdivision around the Lake, intended for seasonal vacation homes, but have more commonly been developed into primary homes for residents. In 1979, this community surrounding the Lake was established as the Emerald Lake Village District and, through its Commissioners, manages the well-based water system, beaches and recreation areas, and approximately 14 miles of roads. The water system has 8 active wells, in addition to a treatment facility, and a water storage facility. The system is operated through a contract with an operator. The District has approximately 540 households; while there are still some seasonal structures, most are built for permanent year-round use even though many are still used as second homes or rentals.

In 1989, the first master plan was established for the Emerald Lake Village District (ELVD), with the most recent update completed and adopted by the Hillsborough Planning Board in 2010. Top concerns of residents at the time of the master plan development were water quality, impacts of septic systems and runoff, the financial stability of the ELVD, and future growth impacts on water quality.

Land use in the ELVD is regulated by the Hillsborough Zoning Ordinance; the District is located within the Residential District. There are a total of 1,206 lots in the District, with an estimate of close to half undeveloped. The suitability of these lots for future development is a concern, given the constraints of soil suitability and septic system requirements for some of these lots. Some of the undeveloped lots (approximately 30%) are in public ownership by NH Fish and Game, ELVD, and the Town.

The Lake itself, originally known as Campbell Pond and then later Gould Pond, provides an array of recreational opportunities including swimming, boating, fishing, and other activities. The Lake contains several public beaches, including Hummingbird Beach, Emerald Beach, Eastman Park Beach, and a fourth along Gould Pond Road. Much of the Lake is surrounded by wetlands, as well as an aquifer, brook, and floodplains located to the western side of the Lake. Given the small lot sizes and the vast natural features present surrounding the lake, development patterns represent some of the Lake's biggest threats.

Recommendations identified in the Master Plan include:

- Continue to improve collaboration with the Town;
- Develop a CIP that includes a detailed road improvement section;
- Continue efforts to upgrade the public water system;
- Work to protect sensitive areas with the Conservation Commission;
- Work with the Town on enforcement of regulations; and
- Conduct a public awareness campaign to promote effective septic system maintenance.

Sources: Emerald Lake Village Plan 2010, <http://elvdnh.com/index.html>

ZONING DISTRICT COMPATIBILITY

1. Grimes Field and the Hillsborough Sewage Treatment Plant are currently zoned Commercial. Grimes Field is the community's largest active public park consisting of playing fields, playground equipment, basketball courts and other active uses. Both properties are inappropriately zoned for the uses located on these properties, and artificially inflate the land available for commercial development.

Conversely, several existing commercial/industrial properties adjacent to Grimes Field and the Hillsborough Sewage Treatment Plant are zoned Rural Residential. The existing uses are not compatible with the Rural Residential Zoning District and should be added to the inventory of commercially zoned land.

2. The west side of West Mill Street from the Contoocook Woolen Mill site to the Deering Town Line is currently within the Central Business District. The existing land use in this area consists of several homes and NH DES rail/trail. The land use across West Mill Street are single family residential, as well as the land to the south in Deering. The amount of developable land is restricted to a shallow raised plateau near street level along West Mill Street where several existing houses are located, which is further bisected by the rail/trail line. The area behind the plateau drops abruptly to wetlands and to the flood plain of the Contoocook River. This area should be rezoned to be consistent with the residential properties across the street within the neighborhood, as well as the areas limited development potential.

3. The Residential District extending north of the US 202/NH 9 controlled access highway includes part of the Fox State Forest and other conservation lands. This area includes several land locked properties between the Fox State Forest and the highway. This area is not available for development and the Zoning should reflect the development potential of the property. Over 75% of the respondents in community survey indicated that they visited the Fox State Forest on either a regular or occasional basis. The most applicable existing zoning district is the Rural Residential district.

GATEWAY ZONING

1. Town Residents have voted several times to extend the Commercial District westerly along NH 9 from the Historic Village District. In order to support further economic and tax base development, it is recommended that the Gateway type mixed-use zoning be established from the Historic District east to the wetland and stream opposite of Marina Road. The area is characterized by ongoing sand and gravel operations. The area in question would extend north to within 400' feet of Sulphur Hill Road for both existing and in-fill residential development. This would be the western limit of commercial and other high-density development due to the terrain limitations including wetlands, steep slopes and ledges along NH 9 along the remainder of the highway frontage in Hillsborough. This location would be an ideal location for a Gateway Mixed-Use type of zoning which would emphasize high-quality, attractive, and relatively dense development. The intensity of development at this location would be largely determined by the ability to extend municipal water and sewer service to this area.

2. North of the Henniker Road interchange with US 202/NH 9 are two Commercially Zoned parcels. One parcel is owned by the State of New Hampshire and is the site of a 100 space park and ride operated by the NHDOT. The other parcel has no direct access or visibility from US 202/NH 9.

However, if combined with the rest of the existing adjacent farm between this site and Old Henniker Road, this area would make an ideal small office park. The target user would be between 2,000 and 5,000 square feet of floor area and would be appropriate for smaller, rural scale offices which don't need a presence on a main highway, yet would benefit from excellent access to the highway network.

Initial development could begin using on-site septic systems. This type of development should be supported by a specialized office zoning district which would prevent incompatible uses from establishing themselves.

3. The large commercially zoned area south of the Contoocook River and west of US 202 is the site of a recently approved commercial development anchored by a Wal-Mart. This approved development will occupy only a portion of the commercially zoned property and the market demand for additional large scale commercial development in the area will be relatively low for the foreseeable future. This property would be ideal for a large scale mixed-use high density residential, office and commercial development. To support further economic and tax base development, it is recommended that a Gateway type mixed-use zoning be implemented in this area emphasizing high quality, attractive, high density development.

PUBLIC-PRIVATE PARTNERSHIPS

A flourishing Central Business District is the product of a close relationship between Town Boards/Commissions and a diversified business community that successfully serves the varied needs of the greater community. To reach this point, it is important that the Town works collaboratively with business owners to define common needs of the downtown, be they infrastructure improvements, ordinance changes, or development incentives and to identify the desired services to be provided by the downtown.

It is hoped that the preparation of the Master Plan update can be the catalyst to organize a public/private organization that can play a large role in Hillsborough's development future. While there is much reason for optimism, there is much to do in the future. A public-private partnership can assist in implementing the recommendations found in this Master Plan while at the same time spur additional investments in the Central Business District. Examples of projects that a public-private partnership may address include improvements to commercial buildings and facades, investments in trails, sidewalks and street trees, and the promotion of the reuse of brownfields properties.

4. The large commercial area along the east side of US 202 is the site of a recently approved retail complex. The area zoned will be only partially utilized for this development; the entirety of the area is not likely to be needed for commercial development in the foreseeable future. The rear of this commercial area has potential to be developed

with a mix use of medium to high density residential and compatible retail, office and recreational development. Ideal for an upscale mixed-use development.

EXTENSION OF MEDIUM DENSITY RESIDENTIAL USES

An opportunity to provide additional medium density residential uses can be found along both sides of Center Street just north of the bypass. The area is a mixture of vacant property and homes on large parcels. To the northwest and west are conservation lands, to the northeast are existing residential subdivisions and relatively large areas of wetland. The area is served by town water; it lies on the main supply line from Loon Pond Lake. The medium density uses would be a continuation of the existing residential uses located immediately south of US 202/NH 9. Provided that sewer capacity is available, sewer service lines can be extended north of the bypass to support residential densities between five (5) and eight (8) units per gross developable acre. This area is within walking distance to downtown and the public schools south of US 202/NH 9.

RURAL DISTRICT USES

The Rural District has a multitude of permitted or special exception uses that are high intensity commercial, institutional and industrial uses, if allowed to develop, could adversely impact existing residences and could reduce the value of any future residential development. These type of uses, if allowed to develop, could divert economic activity from the core commercial areas in the community. The same is also true in the Lower Village Residential and the Village Districts.

MAXIMUM LOT COVERAGE

Maximum Coverage (lot): Defined as only buildings. Very high for the Rural District at 30%, should be 10-15% at maximum. Too low for the Central Business District, should be 85-90% if sufficient on-street and off-site parking is provided/available.

Lot coverage should also be regulated by amount of impervious surface allowed instead of building area, buildings, paving, and compacted gravel/stone dust/reclaimed pavement areas (nearly identical runoff coefficient to pavement). Rural should be no less than 15%, residential areas should be 25-35%, commercial/industrial areas should be 70-80%, Central Business Districts should be 95%, with provisions for green roofs, roof top drainage capture for irrigation and infiltration, and district wide storm water treatment facilities.

TRAILS ALONG THE CONTOOCOOK (RIVERWALK)

The formation of a Trails Committee has been identified as a key short-term recommendation in the Economic Base Chapter. The development of new trails along the Contoocook would serve to further emphasize the Town's interests in improving the Central Business District and adjoining commercial areas. Furthermore, the trail projects could be linked to other initiatives such as the future reuse of the Woods Woolen Mill site, the extension of the Hillsborough Rail Trail, future development plans for Kemp Memorial Park, and trail connections to Grimes Field and beyond to Henniker.

The following is a summary of proposed steps to address the issues and opportunities discussed in the Chapter. The general location of the initial recommendations (1-13 below) can be located on the **Map 9.2: Future Land Use Strategy Map**. The Map also indicates the location of the Town's Aquifers and Environmentally Sensitive Areas. Recommendations that follow the initial list are more general in nature.

PROPOSED SHORT-TERM ZONING CHANGES

- #1** Align boundaries of commercial zoned areas along south and east sides of the Contoocook River coincident with the 100-year floodplain and in some cases wetlands, with the exception of existing developed areas. Wetlands and hazards associated with flood plain makes this land unsuitable for large scale commercial development.
- #2** Consider reducing the area of residential district zoning north of US 202/NH 9 to exclude conservation lands (Fox State Forest) and highway rights of way. Land not available for development. Including small land lacked parcels between the highway and Fox State Forest. Change the zoning from Residential to Rural Residential District.
- #3** Old Railroad Drive commercial area isolated from either from Henniker Street or US 202/NH 9 and Henniker Street. Existing land use is mix of conservation land and low density single family residential uses adjacent to the Contoocook River. No direct access to either highway. Much of the commercial zoned area is unsuitable for development. Recommended use is low density residential/conservation/riverwalk in the Rural Zoning District.
- #4** Rezone existing Commercial/Industrial developed property between Grimes Field and Hillsborough Sewer Treatment

Facility from Rural Residential to a Commercial or Industrial District. Existing use and location not suitable for Rural zoning.

- #5** West Side of West Mill Street from Contoocook Woolen Mill South to Town Line. Central Business District inappropriate for the existing low density residential uses along both sides of West Mill Street and the very limited redevelopment opportunities resulting from the very limited amount of useable land and the rail to trail corridor located between Mill Street and the Contoocook River.
- #6** Eliminate existing isolated Commercial Zone in the Upper Village. Convert to Village Residential. The Village Residential District already allows far more commercial activity than is now found in the village area. Could lead to increase in the value of properties in the village with the elimination of potential intrusive and nuisance uses allowed by right in the Commercial District.
- #7** Potential for Medium Density Residential Use immediately north of US 202/NH 9 along both sides of Center Road. Area is constrained to the north, east and west by conservation areas and wetlands. The area is also constrained to the north by existing single family residential subdivision. Municipal water is already available to the area and sewer service can be readily extended north of US 202/NH 9 along Center Street. Several moderate sized parcels could be converted to medium density residential housing.

OPPORTUNITY AREAS

- #8** Consider converting the existing and potential Commercial Zoned areas along the east end of Henniker Street, along NH 9 west of NH 31, and west of US 202 to a Mixed-Use Commercial/Residential District.
- #9** Consider expanding existing commercial area west of entrance to the Public Works Facility (PS 404 Entrance) both northward and southwesterly to wetland area and stream opposite of Marina Road. Residential strip should be left south of Sulphur Hill Road for existing and infill rural residential development. Environmental assessment needed to properly ascertain north and southwest boundary.
- #10** Two commercial parcels exist north of the Henniker Street interchange with NH 9/US 202. One parcel contains the existing NH DOT Park and Ride lot, and one is undeveloped between interchange and Old Henniker Road. Consider expanding commercial area westerly of Old Henniker Road to include the rest of the existing farm. Could be ideal location for a small office park if zoned appropriately.
- #11** Large commercial area along east side of US 202 is the site of a recently approved retail complex. The area zoned will be only partially utilized for this development the entirety of the area is not likely to be needed for commercial development in the foreseeable future. The rear of this commercial area has potential to be developed with a mix use of medium to high density residential and compatible retail, office and recreational development. Ideal for an upscale mixed use development.

- #12** Consider splitting the existing commercial District into a General Commercial District and a Light Industrial/Service District. Over time this could improve the appearance and value of properties along Henniker St and West Main Street and provide opportunities for Light Industrial and open lot service operations away from prime street frontage.

LONG-TERM ZONING CONSIDERATIONS

- #13** Land locked parcels north of NH 9 and east of NH 31 and the Franklin Pierce Homestead Historical site. No direct access to highway. Much of the commercial Zone area is either unsuitable or unavailable for development. Change from Commercial to Rural Residential.

GENERAL ZONING RECOMMENDATIONS

1. Revise the permitted uses allowed in the Rural District to eliminate high intensity, commercial, institutional and industrial uses. Determine which of these uses would be acceptable/desirable in certain locations and conditions in the Rural District. Amend the Rural District to allow these uses by Special Exception with specific conditions and subject to Site Plan Review by the Planning Board.
2. Revise the definition of “lot coverage”- needs to mean impervious surface coverage. Revise the maximum lot coverage in each Zoning District: rural 10%, other residential districts to 25%, commercial or industrial districts 60%, and the Central Business District 85%. Best Management Practices need to be incorporated into the Site Plan and Subdivision Regulations to address both storm water quality and quantity where development densities exceed 10%.
3. Enact a Local Excavation Regulation to better protect the community from the adverse impacts of excavation

operations, as well as a authorizing the Planning Board to approve excavation permits and to regulate excavations under their Site Plan Review authority pursuant to RSA 155:E and RSA 674:44. The regulations should in particular address impacts to Town Roads, abutters and nearby residents need to be segregated from heavy truck traffic, and protected from noise, dust and explosive hazardous. Wells and aquifers need to be protected. The regulations should insure that the property can be reused based on a long-term plan for either development or conservation.

4. Consider the adoption of an Aquifer Protection Ordinance to protect both existing public and private community water sources, high value aquifers, as well as best management practices be established to protect private individual water supply wells from contamination, and/or from depletion of the existing ground water resources. The permitting process and best management practices should be incorporated in the Planning Boards Subdivision and Site Plan Review Regulations.

CHAPTER OBJECTIVES & RECOMMENDATIONS

OBJECTIVE 1:

Identify key short and long-term changes to the Zoning Ordinance and Land Use Regulations to support the vision developed on the master plan update process, with an emphasis on the enhancement of the Central Business District, continued development of the Commercial Zone (including Gateway zones), the redevelopment of Brownfields parcels and the future redevelopment of existing gravel excavation areas.

→ The chapter includes a wide range of observations and recommendations related to the Zoning Ordinance and Land Use Regulations. Key recommendations include:

1. Address zoning district compatibility and isolated parcels in the short and long-term.
2. Consider the establishment of Gateway mixed-use zoning along certain areas of NH 9.
3. Extend the area of Medium Density Residential uses along Center Street.
4. Consider modifications to maximum lot coverage standards.
5. Consider enacting Local Excavation Regulations.
6. Consider the adoption of an Aquifer Protection Ordinance.

OBJECTIVE 2:

Promote a coordinated effort through a public/private partnership to enhance the Central Business District through the combined efforts of Town Boards and Committees, the Hillsborough Chamber of Commerce, Hillsborough Reborn, and other entities.

→ The zoning and regulation changes outlined in this chapter can play a large role in defining future land uses throughout the community. In addition to those changes, the establishment of a public-private partnership can assist in the revitalization of the Central Business District.

OBJECTIVE 3:

Promote appropriate levels of development and density in the Rural District, specifically through a review of commercial uses that are permitted or allowed by special exception.

- Following a review of appropriate uses, the chapter recommends the consideration of the revision of permitted uses allowed in the Rural District to eliminate high intensity, commercial, institutional and industrial uses.

OBJECTIVE 4:

Following the recommendations and priorities found in the Natural Resources Chapter, continue work to enhance the protection of Ecologically Sensitive Areas.

- As outlined in the Natural Resources Chapter, the identification of Ecologically Sensitive Areas (ESAs) provide a framework for future discussions related the protection of wildlife corridors and the protection of conservation lands.

OBJECTIVE 5:

Promote the development of a trails system (Riverwalk) in the vicinity of the Contoocook River as an enhancement to the Central Business District/commercial area.

- The future development of a trails system in the vicinity of the Contoocook River was another consistent theme throughout the Master Plan Update, and is tied to a variety of future implementation projects such as the future reuse of the Woods Woolen Mill site and future plans for Kemp Memorial Park.

SUMMARY

The recommendations found in this chapter seek to build on a solid foundation of existing land uses ranging from the Central Business District and commercial areas to low density rural areas that are often protected through conservation easements. To continue to build on the foundation, a number of short and long-term zoning and land use regulation changes are offered to enhance the vitality of the downtown area, emphasize the protection of the Town's natural resources, and emphasize the rural nature of much of the community.