



CHAPTER IX

LAND USE & ECONOMIC DEVELOPMENT

A. INTRODUCTION

An analysis of the present land use pattern in a town is one of the first steps in the formulation of a Land Use Plan. Since the type and intensity of all types of existing land uses have a strong influence on future development patterns, it is important to understand how land and other resources are used within a given area before recommendations can be developed relative to future land uses.

This section analyzes existing land uses in Moultonborough, the pattern of that development, and changes that have taken place over time. Where possible, maps are used to identify the areas of town that have been developed, the kind of development that has occurred, and the relationship of one land use to another (see Appendix I). In addition to the land use analysis, this section also looks at the zoning regulations and other planning reports to provide context for the future plans. This information provides the baseline necessary to evaluate the appropriateness of future development and the availability of suitable land for such development.

The development of a land use plan forms the basis for land use regulations, including zoning ordinances, subdivision, and site plan review regulations, all of which are the tools for implementing the vision of the Master Plan. The land use plan describes the goals and objectives envisioned by the town; the regulations are the means to implement these goals.

B. EXISTING LAND USE

In a Master Plan, land uses are typically described by a category of use. This technique then carries over to the Zoning Ordinance, which, as noted previously, is one of the tools used to implement the Master Plan. Typical land use categories used in both Master Plans and Zoning Ordinances are shown in the table in Section C.1. of this chapter.

The Town of Moultonborough covers 73 square miles, although 21% of this area consists of water bodies, leaving 37,120 acres of land. Land uses in Moultonborough are primarily residential, and of those, most are single-family dwellings. Non-residential development is comprised of a mix of retail, personal and professional services, food services, lodging, schools and churches.

Detailed calculations of land uses and the acreage they account for were prepared for the 1982 Master Plan; these figures were updated in 1990 for the 1991 Master Plan. In both of those years, residential development accounted for the largest percentage of land that was devoted to some type of use – this was 39% in 1982 and 57% in 1990. Still, the residential uses accounted for only 5.5% and 11.2%, respectively, of the total land area in town; all land uses examined accounted for 14 and 20 percent, respectively, of the 37,120 acres on land area in Moultonborough.

The methodology in 1982 for counting the residential acreage was based on assigning one acre for every year-round home and one-half acre for every seasonal home. As of this writing, the seasonal home numbers that are available are from the 2000 Census, counted in 1999, and therefore, almost 10 years old.

Recognizing that it is not possible to make a direct comparison, an estimate can be made of the acreage in Moultonborough today that is occupied by residential use by assigning one acre to every housing unit based on the most recent (2007) Office of Energy and Planning housing estimates; this is consistent with the Moultonborough Zoning of one-acre minimum lot sizes. This calculation of an estimated 5,189 acres accounts for 14% of the total land area, which is an increase of about three percent since 1990. Combining the increase in residential use and the increase of road mileage alone, there are approximately 2,000 additional acres in use since 1990, bringing the total amount of developed/in use land from just over 7,000 acres to around 10,000 acres.

1. Pattern of Development

Residential development is distributed all around town. Most of this development is along the shoreline, and much of this shoreline development is seasonal; in fact, more than 50% of Moultonborough's housing stock is seasonal (see Appendix A).

The non-residential development is, for the most part, located along Route 25, as illustrated on the map following and on corridor study maps contained in Appendix H. In the northeast and

northwest areas of town there are several large tracts of land that are set aside for conservation. Detailed information on the specific land uses along Route 25, by parcel, was developed as part of the work of the Land Use & Economic Development Work Group,¹ and can be found appended to those minutes. A map prepared by PeopleGIS and included in Appendix I shows the current land uses and the location of new development since 1991, the date of Moultonborough's last Master Plan. The map shows that there has been very little new non-residential development, and most of that is located on Route 25 and Route 109. The residential development has occurred largely around the shorefront. However, when the conservation areas are taken into consideration, this is not a surprising occurrence.

C. LAND USE ANALYSIS

1. Limits to Development

Based on the above estimates, it can be surmised that there are approximately 27,000 acres of land in Moultonborough that are not developed or are protected from development. However, not all of this land is available for development, based on various constraints, which are presented in the table following. Most constraints to development are natural, such as steep slopes, wetlands and floodplains; other constraints can be in the form of conservation easements that restrict development. Note that even some of the natural constraints identified here do not necessarily mean that the land is completely undevelopable, but that it must comply with certain standards, for example, development in a special flood hazard area is allowed, provided that it comply with FEMA requirements.

CONSTRAINTS	Acres	% of Undeveloped Land	% of Total Land
Wetlands	4,616	17.1%	12.4%
Floodplains	2,853	10.6%	7.7%
Steep Slopes (over 25%)	3,914	14.5%	10.5%
Public Lands/Conservation	259	1.0%	0.7%
Aquifers	2,970	11.0%	8.0%
Total Constrained Lands	14,612	54.1%	39.4%
Total Undeveloped Land	27,000	100.0%	72.7%
Total Land Area	37,120		100.0%

Sources: Moultonborough Master Plan 1991; People GIS/Maps on Line

¹ Land Use & Economic Development Work Group Meeting Minutes; June 25, 2008.

2. Potential for Future Development

The potential for future development in Moultonborough is effected in large part by existing land uses, limits on development from natural or other constraints, and the provisions of the zoning ordinance that regulate the development of new lots and uses.

- **Constraints on Development**

Using the estimate of 10,000 acres of developed land in Moultonborough, once the the various constraints described in Table #17 are factored in, there are approximately 13,000 acres of land that are vacant and are not impacted by natural or other constraints. It is important to note, however, that there are over 18,000 acres of land in Moultonborough that are set aside under various conservation or preservation easements. There is unavoidably some overlaps between the natural constraints listed in Table #18 and these protected lands; but if the developed and the protected land acreages are simply added up, that alone leaves only 10,000 acres – and that is not accounting for any natural constraints that might exist on those acres.

- **Affect of Land Use Regulations**

The Moultonborough Zoning Ordinance was adopted in 1985 and has been amended on a fairly regular basis since then. The town is divided into one Residential/Agricultural District, and three Commercial Districts. In addition, there is a Wetland Resources Conservation Overlay District, a Floodplain District, and special provisions for waterfront property. One- and two-family dwellings and agricultural uses are permitted by right all over town; certain commercial uses are permitted by right within the three commercial districts; and commercial uses are permitted by special exception anywhere in town, subject to ZBA approval. All commercial uses are subject to site plan approval by the Planning Board.

A build-out analysis can be a useful tool for assessing potential future growth based on current land use regulations. A town-wide build-out is beyond the scope of this analysis, but the Planning Board might want to consider completing one in the future. However, the LRPC conducted such an analysis as part of its Route 25 corridor study, and is it addressed in Section D of this chapter.

D. REVIEW OF PREVIOUS PLANS, SURVEYS AND REPORTS

Plans and studies conducted previous to this Master Plan effort consist of two Master Plans from 1982 and 1991; a Smart Growth Audit in 2006; a Master Plan Survey in 2006; and a study of the Route 25 corridor in 2008. These documents were prepared either by local committees with assistance from the Lake Region Planning Commission, or in some cases authored by the Planning Commission. All of these documents are available under separate cover; for the purposes of this chapter, only the significant highlights are presented.

- **1982 Master Plan**

The 1982 Master Plan organized proposed future uses into seven categories that were presented on a Future Land Use Map, which also described the purposes and locations for each category; they were: conservation, agricultural protection, aquifer protection, commercial, village, lakeshore, and rural residential areas. The recommendations that came out of this Plan proposed that Moultonborough should adopt zoning, make use of performance standards, and protect its wetlands.

- **1991 Master Plan**

The 1991 Master Plan (see Appendix J) envisioned balanced growth with a strong conservation component. Commercial and light industry was encouraged, but with stricter standards, and innovative land use controls were recommended to minimize the impacts of expected residential growth. Following up on specific recommendations of the 1982 Master Plan, it was acknowledged that the Town did adopt a Zoning Ordinance in 1985, followed by Site Plan Review Regulations in 1986, and Subdivision Regulations in 1988. The Plan went on to note that the regulations and ordinances put in place were severely tested in the late 1980s and found to be lacking – in that the type and amount of development proposals that came before the Town brought to light what was missing or what needed to be changed in the rules to better address future development proposals. And toward this end, the Plan included very specific recommendations for amendments to the land use regulations.

- **2006 Smart Growth Audit**

The purpose of a Smart Growth Audit is to assess where a community stands relative to “Smart Growth Principles” (described in the Audit). To accomplish this, the Lakes Region Planning Commission staff reviewed the most current planning documents and existing land use regulations. In addition to compliance with the Smart Growth Principles, the Audit also helps determine whether the goals and objectives of the plans have been or could be implemented through the existing land use regulations. The plans that were reviewed were the 1991 Master Plan and the 1991 Water Resources Management and Protection Plan. The land use regulations reviewed were the 2006 Zoning Ordinance; the 1999 Subdivision Regulations; and the 1997 Site Plan Review Regulations. The conclusion of this Audit was that, even though many of the Smart Growth Principles are supported by language in the Master Plan, the associated regulations tend, overall, to discourage or hinder the implementation of Smart Growth Principles.

- **2006 Master Plan Survey**

The purpose of this survey was to generate input regarding predominant issues and concerns of property owners in Moultonborough. The survey was mailed out to 2,171 local property owners and 3,722 non-local property owners in September of 2006; there was a 23% response rate. The survey first collected demographic data on the respondents (e.g. age and housing type), and then posed questions on the following topics: town assets, challenging issues, land use and growth management, community facilities and services, transportation, and recreation. Responses to these questions can be found in the Master Plan survey in Appendix K.

- **2008 Route 25 Corridor Study**

In 2006 Route 25 through Center Harbor and Moultonborough was identified by the Lakes Region Planning Commission as a corridor with high regional importance. Funding was obtained from the NH Department of Transportation to conduct a corridor study, a planning approach that is encouraged by the Department because of the greater public involvement that in turn contributes to more informed recommendations. The intent of the Study was to “assess the current conditions, identify potential safety improvements, assess potential future traffic demand based on development potential, and outline practical land use and access management strategies that can be implemented at the local level and in coordination with appropriate agencies².”

A build-out analysis was conducted as part of this study. While the corridor itself was defined as all parcels within 1000 feet of Route 25, the study committee felt that a more accurate representation of traffic generation would need to include the residential areas of Moultonborough that lie to the south of Route 25. The conclusions of this build-out analysis are that the potential exists in Moultonborough to add an additional 427 lots inside the corridor and over 2,000 lots from those areas whose sole access is Route 25. Non-residential development could amount to as much as two million square feet. This level of development, if actualized, would potentially increase traffic on Route 25 in Moultonborough by more than six and a half times its current levels. Five intersections were identified as having top priority for safety improvements, four of them being within the boundaries of Moultonborough. The recommendations of the Transportation Subcommittee take into account the results of this corridor study and are reflected in the Goals and Action Items following.

E. CONCLUSIONS

The quality of development is directly linked to the expectations and aspirations of a community as expressed through their land development policies and regulations. High quality development *can* occur without design guidelines, for instance, but it is left more to chance than an *expected* or *required* outcome of the development process. Policies and regulations that require high quality development do not have to be complex to administer or overly prescriptive to be effective.

New land uses, development patterns, and transportation improvements need to be connected to the Community’s history. Appropriate growth reflects and enhances a community’s past and brings it successfully into the future. Success in implementing these changes and managing future development will ensure that Moultonborough continues to enjoy a vital village core, surrounded by a rural countryside and with varied quality of life experiences all over Town, and that all are able to share in the benefits of each.

The review of the above data, plans and reports, in addition to the current work of the Land Use and Economic Development Work Group, leads to a number of consistent findings. From the

² NH Route 25 Corridor Study; April 2008; Lakes Region Planning Commission; pages 1-2.

1982 Master Plan forward, a number of similar concerns have surfaced whenever public opinion is solicited; chief among them are issues around the development of the Village area and how Route 25 affects the quality of life of the Village and its inhabitants.³

VISION, GOALS, AND ACTION ITEMS

VISION: *The proper management of future development – residential and non-residential alike, will ensure that Moultonborough remains a well-balanced community that strives to meet the needs of all its residents, while maintaining the critical elements of its rural New England character, including its agrarian qualities, its historic architectural styles, and its dramatic scenic values.*

Overall Goal: Ensure that the Town land use ordinances, regulations, and rules work in a consistent, deliberative, and coordinated manner to further the goals of the Master Plan.

Goal #1: Provide professional expertise to assist in the efficient, well-informed and consistent performance of the Land Use Boards.

Action Items:

1. Hire a permanent Planning Director (Town Planner).
 - a. Conduct a comprehensive search for and hire a permanent member of the Town of Moultonborough's management team, ideally a Town Planner, who will be in charge of:
 - i. Providing technical assistance to the Land Use Boards and the Town's people.
 - ii. Supervising the Land Use Department.
 - iii. Coordinating the permitting process.
 - iv. Reviewing land use applications for completeness.
 - v. Assisting in the refinement and creation of ordinances, regulations and rules, and internal consistency.
 - vi. Overseeing the Master Plan implementation process.
 - vii. Coordination of the enforcement of ordinances, regulations and rules.
 - viii. Providing direction and assistance on long-range planning.
 - ix. Other tasks as may be requested by the Planning Board, consistent with the work of a Town Planner.
2. Continue to explore the idea of having the Town Planner work with and coordinate with surrounding towns on common Land Use issues affecting the Town and the region.

³ See the June 25, 2008 minutes of the Land Use & Economic Development Work Group for specific comments on these issues.

Goal #2: Continue refinement of existing land use ordinances, regulations and rules, and create new land use ordinances, regulations and rules in furtherance of the Master Plan.

Action Items:

1. Correct existing outstanding deficiencies in ordinances, regulations and rules, as identified throughout this Master Plan, in past Master Plans, and in prior professional reports reviewing our regulations.
2. Increase protection for our valuable water resources.
3. Increase protection of steep slopes, ridgelines and scenic roads.
4. Address the ordinance section that permits commercial development in Agricultural/Residential areas by Special Exception from the Zoning Board of Adjustment through one or more of the following:
 - a. Outright appeal, leaving variance from the ZBA as relief.
 - b. Re-writing the ordinance to specify the types of commercial uses to be permitted by Special Exception.
 - c. Re-writing the ordinance to make criterion more specific as to conditions applicants must meet.
 - d. Repeal, but add Conditional Use option to be granted by the Planning Board.
5. Annually assess progress towards the implementation of the Master Plan and each of its chapters, through land use ordinances, regulations and rules.

Goal #3: Ensure that new and expanded commercial development is designed to be consistent with the existing character of Moultonborough.

Action Items:

1. Adopt Design Standards, with specificity and illustrations, for commercial and industrial development throughout Town.
2. Reconsider and re-write the ordinances, regulations and rules governing commercial development on Route 25, including reducing commercial building setbacks from highly-traveled ways, while requiring that parking be located on the sides and behind the commercial buildings (rather than in front) and requiring sufficient trees and landscape buffering to minimize the impact of the commercial uses and buildings that are viewable from the highly-traveled ways.
3. Reconsider and re-write the ordinances, regulations and rules governing permitted light industrial development on Route 25, requiring sufficient trees and landscape buffering to minimize the impact of the permitted light industrial uses, buildings, and parking that are viewable from the highly-traveled ways.

4. Develop ordinances, regulations and rules that support/create village nodes and discourage sprawl along Route 25.
5. Limit commercial development to specific locations/zones, preferably in established commercial nodes, consider expansion of the commercial zone around such commercial nodes, and consider creating new zones for lower-impact commercial development.

Goal #4: Mitigate traffic impacts on roads with high traffic volumes.

Action Items:

1. Work with DOT on Memo of Understanding relating to access to State roads.
2. Develop Access Management Guidelines for state and town roads.
3. Create ordinances, regulations and rules requiring internal roadways connecting abutting commercial properties and the creation of common access ways for abutting subdivisions to connect with larger roadways.

Goal #5: Create districts of higher residential density where conditions permit, while allowing for lower density districts to preserve open space.

Action Items:

1. Consider adopting Innovative Land Use Controls as authorized by RSA 674:21, including, but not limited to:
 - a. Creating districts of high and low density to permit Transfer of Development Rights between districts.
 - b. Village Plan Alternative Subdivisions.
 - c. Environmental Characteristics Zoning.
 - d. Performance Standards.
2. Re-write the Cluster Provision of the Town Zoning Ordinance to create incentives for developers to build with higher density, at the discretion of the Planning Board, in order to maintain open space and protect natural resources and wildlife.
3. Through zoning and regulations, work with other town entities and the private sector to enhance the vitality and appeal of the Village Zone to increase its function as the town center.

In setting priorities, the Master Plan Steering Committee determined that the “Time Frame” column should use the terms On-Going, Short Term, Mid Term and Long Term. Actions that have begun or are by their nature continuous, are identified as “on-going”. Priorities for actions to be done are timed by their start time, not their completion and are designated Short Term (2008-2010), Medium Term (2011-2013) and Long Term (2013 and beyond).