

## CHAPTER X

### **FUTURE LAND USE PLAN**

This future land use plan establishes guidelines for the use of land in Lyme. It provides a basic long-range development pattern for the community and, in general terms, indicates what type of development should occur and where. In a sense, it is a verbal description of how to achieve many of the goals pertaining to the physical development of the Town identified during the master planning process.

A future land use plan is not zoning, but is a statement of the desirability and suitability of development in Lyme. Lyme has subdivision regulations which control the way in which property is divided. The authority to control land use, location of uses and intensity of uses is embodied in zoning powers. Lyme should have these powers as protection against undesirable and inappropriate development and to implement the goals and policies of this future land use plan.

Traditional zoning divides a community into districts and for each district specifies guidelines for the homogenous development of each district. Within districts, some uses are permitted, some uses are permitted if found to be in compliance with a set of standards and some uses are prohibited. Variation within districts should not occur if the zoning is applied uniformly. Great differences in land use patterns are expected between districts.

For many reasons, traditional zoning in most towns has not provided the protection to the public health, safety and welfare and the environment that it should. Simply regulating the use of land will not necessarily protect the public from the impacts of these uses. For this reason, it makes sense for the Town of Lyme to take a different approach to guiding its future development; that is, an approach which considers impacts or the performance of uses. A set of land use regulations which specifies performance standards is called performance zoning. Under performance zoning, a different set of standards applies in each district rather than a different set of land uses.

The difference between performance and traditional zoning can be better understood by an example. Where traditional zoning may state that no business is allowed in a rural residential area, performance zoning may state business is allowed but only if it can be operated according to a set of standards such as: no more than 4 employees; no additional truck traffic; no noxious emissions, glare, noise or disposal of by-products of the manufacturing process on-site; and, parking and storage areas are not visible from a public road.

In Lyme, common sense and sensitivity to one's neighbors and the environment has guided past development. In light of the rapid growth occurring in the Upper Valley, Lyme residents cannot expect local development to continue as it has. New land use controls should be adopted based on common sense, the capability of the land to support development, community attitudes and existing land uses. This future land use plan should guide the preparation of any new land use controls. In the sections that follow, Lyme's future land use plan and tools that could be used to guide development in Town are described.

## A GUIDE FOR FUTURE LAND USE IN LYME

The goals which follow were taken from the topical sections of the master plan. A system of absolute, relative and intensity policies is used to distinguish the degree of control the Town should have regarding certain aspects of development. This format was followed as it could be easily developed into performance-based land use controls. Absolute policies describe prohibited as well as unregulated uses and absolute standards for development. Relative policies are discretionary, allowing development under certain circumstances or if a project meets certain performance standards. Density and intensity issues, such as number of dwellings per acre or size of a business, are addressed by intensity policies. With the exception of strongly supported community attitudes or explicit environmental guidelines, these policies are presented in a general way so as to characterize, rather than specify, future development. The following principles are basic to Lyme's overall development strategy.

### Townwide Principles

A mix of land uses should be encouraged.  
 Uses should complement each other and be consistent with the character of the immediate neighborhood.  
 Incompatible uses should be insulated by buffers.  
 Preservation of open space should be promoted.  
 Land should be developed only according to its natural capability.

### Future Land Use Plan Goals

To protect Lyme's natural heritage.  
 To promote the existing pattern of rural land uses.  
 To guide growth to the right place at the right time.  
 To control growth so that development poses no burden to the Town.  
 To continue a climate in which available, affordable housing is possible.  
 To set aside land for recognized future community facility needs.  
 To preserve the historic and aesthetic qualities of Lyme.  
 To manage growth so that fiscal and environmental impacts are minimized.

- **To protect Lyme's natural heritage.**

#### Absolute policies

No development allowed:

- on slopes greater than 25%
- within 100 feet of a wetland or surface water
- in areas of high water yield
- in flood prone areas
- which would impact adversely on unusual biological communities

#### Relative policies

Restrict development:

- on slopes between 12 and 25%
- in aquifer recharge areas
- on important agricultural lands
- which may contaminate surface or groundwater
- which would disrupt natural communitiies
- in important forest lands

Intensity policies

Encourage establishment of open space for conservation and preservation purposes.  
Limit future development to the carrying capacity of the land.

- **To promote the existing pattern of rural land uses.**

Absolute policies

Concentrated and intense land uses characterized by exceptional community service demands and negative environmental impacts are not consistent with the existing pattern of land use and are not allowed.

No shopping mall or plaza is allowed.

No heavy industrial use is allowed.

No strip development is allowed along Route 10.

Relative policies

Maintain the character of Lyme as a rural community with a limited commercial base.

Only cottage industries should be allowed in conjunction with a residence.

Under certain circumstances allow commercial uses, office development and light industrial uses on Route 10 south of Lyme Plain.

Housing projects other than a single-family dwelling on a lot should be allowed only: if they are responsive to the development capability of the land and existing neighborhood character; if they allow natural systems to function with little or no disruption; and only after a careful and thorough review of traffic, environmental and community service impacts.

Intensity policies

A mix of lot sizes, land uses and house types is desirable.

- **To guide growth to the right place at the right time and to control growth so there is no burden to the Town.**

Absolute policies

Scattered or premature growth which would necessitate an excessive expenditure of public funds for the provision of community facilities and services shall not be permitted.

Relative policies

Phased development should be allowed to mitigate large impacts.

Alternative locations should be considered in the review of any project, especially a new use in a particular area.

- **To encourage a climate in which available, affordable housing is possible.**

Absolute policies

Allow residential development only where there is no danger or injury to health, safety, quality of neighborhood or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools or other public services, or excessive expenditure of public funds for the supply of such services.

Large multi-unit structures will be located close to Town services.

Roads will not be improved or created by the Town to open up inaccessible parts of Town to development.

Relative policies

Allow conversion of large houses to apartments when on-site wells and septic systems can accommodate increased use.

Cluster development should be permitted when open space and service-related benefits can be realized and overall density patterns are not disrupted.

Intensity policies

Cluster development should be permitted in areas which are both close to community facilities and services and served by roads able to handle increased traffic.

Promote small town quality and character in housing development to preserve the village identity of Lyme Plain and Lyme Center.

- **To set aside land for recognized future community facility needs.**

Absolute Policies

Landbank: (1) beach/boat ramp area on the Connecticut River for public recreation use; (2) areas of high water yield close to existing high density residential areas for public water supply; (3) land adjoining existing cemeteries for expansion; and (4) sand and gravel deposits.

- **To preserve the historic and aesthetic qualities of Lyme**

Absolute policies

Prohibit development which would deter from the integrity of Lyme's historic districts.

Allow no development which would have adverse impact on Lyme's important scenic resources.

Preserve open space along Route 10 and the East Thetford Road.

Visual misfits are not permitted in scenic areas.

Relative policies

Create visual buffers between roadways and new development.

Regulate signs.

Intensity policies

Scenic and historic areas should be preserved throughout Town.

### TOOLS FOR GUIDING FUTURE DEVELOPMENT IN LYME

Table X-1 lists a number of techniques for guiding the future development of the Town. Each one is a tool, better suited for some uses than others. No one technique can accomplish the goals or implement all of the policies set forth in the previous section. The brief discussion of techniques which follows, selects the tools available today which seem most appropriate for guiding development in Town. More information about these and other land use controls is available at the Upper Valley-Lake Sunapee Council. As circumstances change and these techniques are improved, or new ones invented, a new set should be selected for Lyme.

Land use controls that are developed and adopted should:

- be based on the capability of the land to support development
- be consistent with community attitudes
- consider the appropriateness of a site and effects on the neighborhood
- protect the natural environment
- protect Lyme's residents from adverse impacts of neighboring land uses
- accommodate population and economic growth in keeping with traditional land use and density patterns
- regulate new construction, enlargement of structures or uses, initiation of uses and change of use
- be reasonable and enforceable
- be flexible, yet objective, explicit and legally defensible
- acknowledge uncertainty about the future and be designed to control unforeseeable land uses and land use changes

**TABLE X-1**

#### **TECHNIQUES FOR GUIDING GROWTH**

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Subdivision Regulations  
 Site Plan Review Regulations  
 Zoning Ordinance  
 Performance Zoning  
 Overlay Zones  
 Density/Intensity Bonus  
 Cluster Development  
 Historic District  
 Development Right Acquisition  
 Transfer of Development Rights  
 Conservation Restriction  
 Point System for Evaluating Development Proposals  
 Local Bylaw  
 Building Code  
 Capital Improvement Plan

### Subdivision Regulations

Lyme has subdivision regulations which control the way in which land is divided into lots and building development. The goals of Lyme's regulations are to foster the development of an economically and environmentally sound and stable community and to safeguard and protect the people of the Town of Lyme, the taxpayer and the public from the consequences of improper subdivision, planless growth and haphazard development by:

- Protecting and preserving the rural character of the Town.
- Protecting neighboring and neighborhood land uses, interests, values and concerns through harmonious development of the Town and its environs.
- Preserving land values and avoiding increased real estate tax burdens.
- Promoting and protecting the amenities of the Town through provisions for parks, playgrounds and other recreation areas and the preservation of the environment, natural beauty, trees, wetlands, lakes, ponds, bogs, streams and rivers, wildlife habitat (including deeryards), and other natural and historic resources, values and features.
- Preventing such scattered or premature subdivisions as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation, schools or other public services; or necessitate excessive expenditure of public funds for the supply of such services.
- Assuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through the proper design, construction, arrangement and coordination of streets and ways within a subdivision and in relation to existing or planned streets or with features of an official map of the Town, if adopted.
- Providing uniform standards and procedures for observance by both the subdivider and the Planning Board thus encouraging the equitable handling of all subdivision plans.

### Site Plan Review

Towns with a master plan, subdivision regulations and zoning may empower the planning board to review and approve or disapprove site plans for the development of tracts for non-residential and multi-family uses. Under site plan review, projects can be evaluated in greater detail than under zoning or subdivision. Requirements for site access, drainage, parking, pedestrian circulation, exterior handicapped features, public utilities and landscaping can be established. The following concepts should be included in site plan regulations for Lyme:

Architecture, scattered siting, green spaces and landscaping influence the rural character of the town.

Topography should be utilized to minimize both visual impact from the highway and highway noise from the development.

Gravel rather than macadam should be used for roads and parking areas; double-pitched rather than single-slant or flat roofs are preferable; green areas around each building reduce problems due to water runoff.

Tenant mix minimizes traffic impact by spreading it over the day; a small number of residential tenants contributes to the security of property.

High property tax income for the town with minimal outlay for town services is desirable.

### Performance Zoning

Performance zoning is a system which controls land use and the intensity of those uses by regulating the impacts, or performance of those uses. Undesirable uses can be prohibited as in traditional zoning. Performance measures include: erosion potential, drainage and runoff considerations, access and parking needs, noise, glare, emissions, effluents, impact on community facilities and services, compatibility with existing development, open space, density, the ratio of floor area to lot size. Buffer areas are often used to separate different land uses to eliminate or minimize incompatibilities and reduce adverse impacts.

### Overlay Zones

Overlay zones are like zoning districts but occur when a certain set of circumstances are present rather than being fixed on a map. Overlay zones may be associated with standards more stringent than the controls necessarily in place in a given location and are therefore often used to protect natural resources and critical natural areas. For example, an overlay zone could occur whenever a slope of greater than 25% was encountered. The absolute policy of no development in areas with slopes greater than 25% could be implemented in this way. Wetland, floodplain, slope and scenic resources are commonly protected by overlay zones.

### Density /Intensity Bonus

Underlying the use of density/intensity bonuses is the philosophy that individuals should be rewarded for good development or development that offers special benefits or amenities to the Town.

### Cluster Development

Cluster development is a form of density bonus whereby a developer may locate buildings closer together than would otherwise be permitted. The benefit to the Town is the resulting open space. Other advantages to cluster development include reduced construction costs, site-responsiveness and flexibility *in* site planning, which may result in protection of natural resources, the ability to efficiently deliver public services and minimal visual impacts.

### Historic District

(See Chapter IX)

### Development Rights Acquisition

In order to prevent development of important natural or scenic areas, the Town could pass a bylaw which would permit the Town to negotiate for the purchase of development rights from owners of a special property. This would also necessitate appropriating funds to acquire these rights. The owners of the land would retain title to the land and rights for permitted uses.

### Transfer of Development Rights

Transfer of development rights allows developers to exceed the recommended density in one area of town provided that other areas of Town were not developed to the allowable density. This shift of the development rights to non-adjacent parcels would allow developers to build the same amount of dwelling units but would provide an incentive for them to avoid critical natural areas.

Though this method of guiding growth might, in theory, be effective in keeping development out of certain portions of Town, it cannot be viewed as a sole option. Much of the land best suited for development in Lyme has already been used. To overload this remaining land seems akin to inviting disaster, for even though the rights would be transferred to another portion of Town, it would seem quite difficult to designate a "receiver zone" for the transferred rights.

### Conservation Restriction

New Hampshire has had, for several years, a program whereby a landowner can accrue substantial tax benefits while retaining title to his land by donating a "conservation restriction" to the Town. This legally binding document, executed at the discretion of the landowner can effectively prevent development of the land forever. In return, the landowner receives federal income tax reductions, estate tax reductions, and local property tax relief. He retains title to the land and can continue to use the land within the (self-imposed) limitations of the restriction. Like donations of land, this technique should be promoted and used along with other protection methods.

### Point System for Evaluating Development Proposals

A point system could be adopted as a way to evaluate development proposals. It could be used by the Selectmen prior to issuing or denying a building permit or by the Planning Board as part of its subdivision or site plan review. While absolute policies dictate which uses are allowed any place or no place in Town and which areas of Town may not be developed, a point system could help decisionmaking for relative and density policies.

### Local Bylaw

Towns may adopt bylaws for specific purposes relating to the protection of public health. Pursuant to RSA 147:1, health officers may make regulations for the prevention and removal of nuisance relating to public health. These regulations can be as simple or as complex as the Town may wish, but must have direct relation to the protection of the public health. These could include a septic system bylaw which would require new or altered septic systems to be built to standards comparable to those contained in Lyme's Subdivision Regulations and an underground storage tank bylaw and which sets standards for the installation of new underground storage tanks. Wetland and floodplain bylaws are common protection techniques in New Hampshire.

## **RECOMMENDATIONS**

- Monitor growth and development in the Town, especially noting the cumulative effects on the Town's character, natural resources and finances.
- Regularly review and update the master plan and, in particular, the future land use plan.
- Adopt land use controls to implement the future land use plan.
- Revise subdivision regulations and other land use controls as needed.
- Undertake a community attitude survey every five years.