

## Chapter IV Current and Future Land Use

### Introduction

Increased population growth, evolving housing needs, as well as changing social and economic trends discussed throughout the Master Plan have had a direct impact on the landscape of the community. Land is a finite resource and thoughtful use of land is a critical issue for all communities. How a community uses its land base has a direct impact on aesthetics, community character, transportation infrastructure, housing affordability, as well as the tax base.

The purpose of this chapter is to identify and explore land use trends in Hopkinton, discuss how regulations impact such trends, and offer recommendations as to what regulatory steps should be taken in the future to meet the growing housing, economic, environmental, and land use needs of the community.

Hopkinton's historic development pattern was determined long before there were any land use regulations in the State. Development occurred in those areas with good drainage, access to a water supply, access to transportation infrastructure, and to waterpower. Hopkinton's current development is being driven by the economic expansion of southern New Hampshire. This pressure is being felt primarily in the housing sector, as Hopkinton is viewed as an attractive bedroom community to Concord and Manchester. In order for Hopkinton to maintain its rural character, while at the same time accommodating its fair share of elderly and affordable housing, it is important for the Town to utilize progressive zoning techniques. These techniques include strengthening cluster zoning regulations (conservation subdivision design), adopting a methodology for the assessment of impact fees, encouraging elderly and affordable housing within Town, and developing overlay districts, as discussed herein.

Topics to be covered in this Chapter include:

Key Findings	
Community Survey and Visioning Session Results	Current Land Use
Land Use Categories	Development Patterns, 1990-2000
Current Zoning	
Other Current Zoning Ordinance Provisions	Future Land Use
Zoning District Recommendations	Overlay District Recommendations
Site Plan Recommendations	
Landscape & Screening Performance Standards	Other Land Use Recommendations
Strategies to Meet Land Use Goals	Summary

## Key Findings

- The Town, in the site plan review regulations, should create specific architectural façade performance standards for multi-family and commercial/industrial structures to protect the scale and rural character of the community, as well as expand the taxable value of properties.
- The Planning Board should re-write the existing cluster subdivision ordinance so as to create real incentives for developers to use this approach or require them to use this approach, to better protect land, and create usable open space, as intended by this type of development.
- The Town should consider implementing environmentally-based zoning techniques to further protect key natural resources in the community and the rural character while providing reasonable opportunities for development.
- Contoocook Village and Hopkinton Village Precinct zoning issues should be reviewed and coordinated with the Town's goals to ensure that their historic nature and character are retained, while at the same time permitting reasonable and compatible development and growth.
- Develop and adopt a methodology for a formal impact fee schedule.
- Review the current R-4 and R-3 zoning districts, with regard to minimum lot size, road frontage, and set-backs, to ensure that the goals of such districts are being met.

## Community Survey and Visioning Session Results

A Master Plan Community Survey was sent out to all households and non-resident landowners in Town at the beginning of the Master Plan process. A total of 2,700 surveys were distributed with 973 returned, for a 36% response rate. The following survey questions and responses relate to the current land use and future land use patterns in Hopkinton.

*What are the desirable qualities of Hopkinton? Check all that apply.*

Feature	Total
Small Town / Rural Atmosphere	852
Historical Character	487
Scenic Areas	431
Villages	370
Natural Resources	293

*Does Hopkinton need to establish specific design or architectural requirements to regulate how buildings should look? Check all that apply.*

	Total
Residential	62
Non-Residential	239
Both	219
None	386
No Opinion	84

*If specific design or architectural requirements are desirable, what areas of Town would be most appropriate for such standards? Check all that apply.*

<b>Area</b>	<b>Total</b>
In Hopkinton Village	425
In Contoocook Village	342
Along Routes 9 and 202	99
Along Route 103	124
Along Route 127 (Maple St.)	126
In Rural Areas	35
Throughout Town	183
None	222

*What types of housing would you like to see Hopkinton encourage? Check all that apply.*

<b>Housing Type</b>	<b>Total</b>
Single-Family	707
Two Family (Duplexes)	108
Multi-Family (3-4 units)	55
Elderly Housing	367
Conversion to Apartments	112
Manu. Housing on Individual Lots	70
Manufactured Housing in Parks	55
Condominiums/Town Houses	143
New Apt. Buildings (5+ units)	47
Cluster Developments	247

*Are current commercial and industrial zones in Hopkinton adequate?*

	<b>Total</b>	<b>Percent</b>
Yes	314	32.3%
No	225	23.1%
No Opinion	368	37.8%
No Answer	66	6.8%
<b>Total</b>	<b>973</b>	<b>100.0%</b>

*Should the Town implement policies to limit the amount of new homes which are built in Town?*

	<b>Total</b>	<b>Percent</b>
Yes	561	57.7%
No	189	28.4%
Unsure	148	13.1%
No Opinion	33	7.4%
No Answer	42	1.7%
<b>Total</b>	<b>973</b>	<b>100.0%</b>

*In your opinion, which statement characterizes Hopkinton's rate of residential growth?*

	<b>Total</b>	<b>Percent</b>
Hopkinton is growing too fast	213	21.9%
Hopkinton is growing too slow	22	2.3%
Hopkinton is growing as fast as appropriate	519	53.3%
No Opinion	165	17.0%
No Answer	54	5.5%
<b>Total</b>	<b>973</b>	<b>100.0%</b>

*Which of the following commercial enterprises would you like to see in Town?  
If you would like a particular type of development, please note where such development should be located.*

	<b>Location</b>								
	<b>Want in Town</b>	<b>In Hopkinton Village</b>	<b>In Contoocook Village</b>	<b>With Access to Routes 9 and 202</b>	<b>With Access to Route 103</b>	<b>With Access to Route 127/ Maple St</b>	<b>Burnham Intervale</b>	<b>In Rural Areas</b>	<b>Don't Want in Town</b>
<b>Professional Offices</b>	550	198	325	222	193	188	91	35	86
<b>Light Industrial Parks</b>	406	24	37	197	142	166	219	65	209
<b>Heavy Industrial Parks</b>	79	12	15	57	34	35	65	17	500
<b>Retail</b>	417	187	322	108	96	87	36	13	178
<b>Restaurants</b>	543	337	395	133	115	107	28	26	83
<b>Services</b>	351	165	241	104	100	102	43	22	107
<b>Home Businesses / Occupation</b>	465	209	229	149	145	143	113	152	87
<b>Recreational Businesses</b>	349	81	140	112	109	98	53	78	174
<b>Hotels / Motels / Inns</b>	210	78	87	125	95	81	22	36	366
<b>Major Shopping Malls</b>	36	11	17	25	19	22	4	6	592
<b>Major Grocery Store</b>	118	30	60	48	34	31	8	5	508

According to the survey results, the top three commercial enterprises that people would like to see in Town include professional offices, restaurants, and home businesses/occupations. The most desirable location for these three enterprises is Contoocook Village. The three least desirable commercial enterprises include major shopping malls, major grocery stores, and heavy industrial parks.

*In order to help Town Officials better direct their efforts to meet the needs of the community, we need your opinion on the relative importance/rating on the following Issues and Town Services*

Issues / Town Services	Effort Should Be (Please Check)				
	More	Same	Less	No Opinion	No Answer
Protection of Ground and Surface Water	508	301	11	52	101
Protection of Woodlands and Wildlife Habitat	430	373	25	55	90
Preservation of Farmland and Pastures	430	351	31	68	93
Expansion of Town Forests/Conservation Lands	381	354	55	80	103
Encourage Development of Light Industry	380	245	170	61	117
Encourage Commercial / Retail Growth	363	271	175	53	111
Preservation of Historic Sites and Buildings through zoning	356	390	61	69	97
Designation and Protection of Wetlands	353	386	64	72	98
Expansion of Sewer System	222	380	90	160	121
Maintenance/Expansion of Town Water System	195	431	77	151	119

In May 2000, a community visioning session was held, in which all members of the public were invited to attend and voice their opinion on and their vision for the future of Hopkinton. The participants were asked the following questions.

*What would you like Hopkinton to look like 75 years from now?*

- |  |                                  |
|--|----------------------------------|
| Maintain rural character                               | River access                     |
| Facilities for older people                            | Large blocks of wooded land      |
| Unpaved roads  | Grow existing business           |
| Cottage industries                                     | Mix of housing types             |
| Open land and tree farm encouragement                  | Zoning to encourage open space   |
| Expansion of sewer system                              | Continue to have operating farms |
| Wetlands protection                                    | Historic character preservation  |
| Better use of Town-owned land                          |                                  |
| Rezone areas of Town so as to not restrict development |                                  |
| All commercial developments should have green space    |                                  |

*What are the Town's strengths and opportunities?*

Rural Atmosphere	Contoocook Village
Hopkinton Village	Limit Industrial Locations
Building/Architectural Standards	Open Space
Historic/architecture – Hopkinton	Mix of open/wooded/landscape
Attractive housing	Encourage farm use
Big houses convert to apartments	Have Zoning
Mixed zoning for light commercial residential	
Residential/commercial uses appropriate in many areas	
Cluster housing pattern with open space between	
Encourage cottage industry/small business	

*What are the Town's weaknesses or areas of concern?*

Mega shopping complexes	Cell towers
Any large ugly development	Strip commercial development
Population growth	Urban spread
Access & define industrial areas with architecture & landscape controls	
Transportation to industrial areas without impacting residential/light commercial	
Bicycle and walking paths other than roads	
Access to open space and private landowner liability	

## **Current Land Use**

Natural and man-made features have a significant impact on the development pattern of a community. This is especially true of Hopkinton. Shaped by such forces as rolling topography, the Contoocook River, floodplains, as well as the railroad and major highways, Hopkinton's development pattern is a by-product of these several influences.

Since the area was first settled, natural and man-made features have significantly impacted how the community was developed. Industrial areas first developed around the Contoocook River, a prime energy source for mill operators and larger establishments. High-density residential development was soon constructed to provide housing for the mill workers in Contoocook Village. With the advent of the railroad, the area continued to thrive. Though the railroad is now discontinued and many of the mills are no longer standing, the Village remains largely intact.

Dating back to before the American Revolution, the existing development pattern in Hopkinton Village is largely a by-product of the regional transportation network. Created in 1735, the Village developed around a central Main Street (Route 103) and was home to a small commercial, professional, and service base. With political prominence emerging in Hopkinton, the New Hampshire Legislature and Courts began meeting here, and taverns, homes, and jail were built. With Concord becoming the official State Capital and changes in the transportation system, the Village has become largely residential.

The following describes the Town: the types of land use, the patterns of development, and the current Town zoning.

### Land Use Categories

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

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

Category	Acres	Percent of Total Land
Agricultural & Open Space Lands	2,583	9.0%
Conservation Lands	3,312	11.5%
Commercial Lands	112	0.4%
Industrial Lands	343	1.2%
Public / Institutional Lands	259	0.9%
Recreational Lands	191	0.7%
Residential Lands	3,082	10.7%
Utility Lands	145	0.5%
Undeveloped Land	18,823	65.2%
<b>Total</b>	<b>28,850</b>	<b>100.0%</b>

Source: CNHRPC Geographic Information System (GIS), 2001

#### Agriculture and Open Space

These uses are located throughout the community and are especially prevalent along the Contoocook River, Kast Hill Road, Beech Hill Road, George Road, Stumpfield Road, Hatfield Road, and Gould Hill Road. Open space and agricultural lands are areas that are deemed to either be active or recently active agricultural lands or open fields. In total, agriculture and open space lands represent 9% of the total land area in Hopkinton.

#### Commercial

These land uses occupy less than 1% of Hopkinton's total land area. Commercial uses involve the sale or trade of goods and services, which can include restaurants, convenience stores, coffee shops, as well as others. Commercial uses are more concentrated in Contoocook Village, along Maple Street, Pine Street, and Bound Tree Road.

#### Public / Institutional

Public and institutional uses of land are primarily concentrated in Hopkinton and Contoocook Villages. In total, these types of land uses occupy approximately 1% of the community's land area. Examples of such uses include the Town Hall, Transfer Station, Community Center, Library, and local churches and cemeteries.

### Industrial

These uses occupy slightly more than 1% of the community's total land area. Industrial uses can be thought of as any land use where raw materials are processed, modified, or assembled to create a finished or value added product. As is the case with commercial uses, the majority of these uses are located in Contoocook, primarily along Burnham Intervale Road, Pine Street, and Maple Street. Other areas with industrial development include Clement Hill Road. Examples of industrial uses in Hopkinton include Excaliber Shelving and the former Compaq site.

### Residential

Residential land uses are also scattered throughout the community, with greater concentrations located in areas east of I-89. The majority of residential land uses are located along major collector roadways in the community. In total, residential land uses occupy nearly 11% of the community's land area.

### Conservation

Conservation lands include land that has been permanently set aside for conservation and does not allow development on it. Such land can include Town forests, lands owned by private conservation organizations, as well as property with an easement on it. Occupying nearly 11.5% of the community's total land area, the majority of conservation lands are located south of Hopkinton near the Contoocook River Flood Mitigation Lands. Other larger parcels are located on Broad Cove Road, New Road, and Farrington Corner Road.

### Undeveloped Lands

Lands that are undeveloped could be that way because of natural conditions or because the owners have chosen to leave the land untouched for now. Undeveloped lands comprise nearly two-thirds of the Town's entire land area. The majority of these areas are located on land with steeper slopes and other development constraints that make them much more difficult to develop.

### Utility Lands

Utility lands include lands owned by the various public utilities located in Town or servicing the Town. These include lands held by the electric, telephone, and cable companies, as well as the land owned by the water district. This land use comprises less than one percent of the community's land area.

### Recreational Lands

Recreational lands can include such things as golf courses, private camps, soccer fields, as well as others. This land use comprises less than one percent of the community's land area.

## **Development Patterns, 1990 – 2000**

### Subdivision Activity

During the period of 1990 through 2000, a total of 63 subdivisions were approved in Hopkinton. Of that total, 11 were considered major subdivision consisting of four or more lots. The largest development consisted of 8 new lots on Penacook Road. Outside of this, the typical subdivision in the community consisted of creating one or two lots along existing road frontage. Again, this is common among rural communities. As compared to abutting communities, Hopkinton had similar activity to most other abutting communities.

### Number of New Lots Created, 1990-2000

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
<b>Bow</b>	6	39	27	28	61	72	167	97	46	44	20*	<b>607</b>
<b>Concord</b>	N/A	<b>N/A</b>										
<b>Dunbarton</b>	16	11	39	1	6	9	3	12	7	N/A	N/A	<b>N/A</b>
<b>Henniker</b>	22	8	0	4	0	5	15	6	2	8	17	<b>87</b>
<b>Hopkinton</b>	12	53	6	12	15	9	2	3	16	13	24	<b>165</b>
<b>Warner</b>	15	4	12	0	9	1	4	1	N/A	N/A	N/A	<b>N/A</b>
<b>Webster</b>	9	5	2	10	6	5	8	24	N/A	N/A	N/A	<b>N/A</b>

Source: Annual Town Reports and Town Staff

\* One of the lots created was a 30 house condominium complex.

#### Non-residential Site Plan Activity

From 1990-2000, there were many site plans submitted to and approved by the Town. There were forty-seven site plans approved for modifications - a change of use from one commercial or industrial use to another - and seventeen new site plans approved, three of which were submitted by the Town. Twenty-four site plans were approved for home occupations/home businesses over the same time period.

#### Building Permit Activity

During the period of 1990 through 2000, Hopkinton issued 322 residential building permits and 4 commercial building permits. As compared to abutting communities, this was slightly lower.

### Number of Building Permits Issued, 1990-2000

	Total Units in 1990	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total Units in 2000	% Increase From 1990-2000
<b>Bow</b>	1,860	32	34	35	48	51	63	89	54	47	32	35	2,380	28.0%
<b>Concord</b>	15,697	83	76	80	60	72	65	95	67	65	284	N/A	N/A	N/A
<b>Dunbarton</b>	685	14	14	11	16	9	18	24	36	25	28	36	916	33.7%
<b>Henniker</b>	1,558	10	11	8	8	14	8	15	11	14	11	22	1,690	8.5%
<b>Hopkinton</b>	1,924	40	13	16	19	23	15	38	44	52	39	23	2,246	16.7%
<b>Warner</b>	1,039	10	6	7	5	4	7	11	12	12	10	13	1,136	9.3%
<b>Webster</b>	579	13	6	3	5	9	16	12	15	14	9	18	687	18.7%

Source: Annual Town Reports and Town Staff

#### Current Zoning

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

In 1925, the New Hampshire State Legislature, using a United States Department of Commerce Model Standard Act, granted municipalities the ability to adopt zoning. Hopkinton first adopted zoning in March 1964 for all areas of town, except Hopkinton Village Precinct. This initial effort separated the community into four Districts, which required minimum lot areas ranging from 15,000 square feet to 40,000 square feet. The original Districts included a residential, commercial, agricultural, and industrial District. Later, rural residential and recreational Districts were created. Interestingly, this early zoning document contained many unique provisions, including affording property owners the ability to have flexible setbacks in areas where development already existed.

Today, Hopkinton relies on seven primary zoning Districts, as well as overlay Districts, to regulate land use within the community. The following is a summary of current zoning Districts and their associated performance requirements. The location of these Districts can also be seen on the **Zoning District Map**.

#### Residential - Agricultural (R-4)

This District governs nearly 57% of Hopkinton's total land area; however, 16% of the R-4 is in the Hopkinton-Everett Flood Control Area. The purpose of the District is to "provide for open space conservation, agricultural use, and predominantly very low density residential development on individual lots or in cluster developments, which can be accommodated on the land without major disruptions of the natural terrain, vegetation, watercourses, or surface drainage."

Minimum lot area within this District is 120,000 square feet (2.75 acres). The minimum frontage is 300 feet with setbacks as follows: front and rear setbacks of 60 feet and side setbacks of 30 feet.

Permitted uses within the R-4 District are limited to residential and agricultural uses, including single-family homes, in-home day care centers, cluster developments, manufactured housing subdivisions, forestry and wildlife preserves, farming, and places of worship. Uses permitted by special exception include duplexes, home businesses, bed and breakfasts, campgrounds, year-round greenhouses, and veterinary clinics.

#### Low Density Residential (R-3)

The purpose of this District is the exact same as that of the R-4 District. The minimum lot area in this district is 120,000 square feet (2.75 acres). Minimum frontage is 300 feet with setbacks as follows: front and rear setbacks are 60 feet, the side setback is 30 feet. Permitted uses and uses allowed by special exception are similar to those of the R-4 District except that manufactured housing parks and affordable housing options are allowed in the R-3 District.

#### Medium Density Residential (R-2)

The purpose of the District is to provide for open space conservation, and predominantly medium density residential development, on individual lots or in cluster developments, which can be permitted to occur at more intense levels of development because of natural terrain, vegetation, watercourses, or surface drainage.

The minimum lot area allowed in this District is 80,000 square feet (1.84 acres). The minimum frontage is 250 feet with setbacks as follows: front and rear setbacks are 40 feet and the side setback is 20 feet.

Uses permitted in the R-2 District include single-family homes, cluster developments, manufactured housing subdivisions, forestry and wildlife preserves, museums, and non-profit recreational facilities. Uses permitted by special exception include, home businesses, bed and

breakfasts, medical clinics, manufactured housing parks, campgrounds, and year-round greenhouses.

#### High Density Residential (R-1)

The intent of this District is to "provide for open space conservation, and predominantly medium density residential development on individual lots or in cluster developments, which can, because of natural terrain, vegetation, watercourses, or surface drainage, or because of the availability of Precinct Water and sewer service, be permitted to occur at more intense levels of development."

Minimum lot area in this District is 60,000 square feet for residential uses and 15,000 square feet (1.83 acres and .34 acres, respectively) for non-residential uses. Minimum frontage is 160 feet for residential uses with setbacks as follows: front setbacks are 30 feet, rear setbacks are 40 feet, and side setbacks are 15 feet. Minimum frontage and setback requirements for nonresidential uses are as follows: frontage is 100 feet, front setback is 25 feet, rear setback is 40 feet, and the side setback is 15 feet.

Permitted uses in this District include single-family homes, duplexes, multi-family structures with up to eight units per building, manufactured home subdivisions, home occupations, bed and breakfast inns, senior citizen centers. Uses permitted by special exception include convenience stores, gas stations, professional offices, and funeral homes.

#### Commercial District (B-1)

The purpose of this District is to provide limited commercial, institutional, professionals and personal service uses along with residential uses. Minimum lot area in this District is 15,000 square feet (.34 acres). Minimum frontage is 80 feet, with setbacks as follows: front 30 feet, rear 40 feet, side 15 feet.

Uses permitted in the B-1 District include home occupations, bed and breakfast inns, hotels, senior citizen centers, museums, medical clinics, professional offices, service businesses, retail uses, convenience stores, and research and development offices. Uses permitted by special exception include duplexes and multi-family dwellings, agriculture, drive-in restaurants, gas stations, vehicle dealerships, funeral homes, and adult entertainment establishments.

#### Industrial District (M-1)

The purpose of this District is to "provide areas for research and development, manufacturing, processing, assembly, wholesaling, and transportation oriented activities and related services, such as trucking and warehousing providing that such uses are determined not to be injurious or hazardous to the public health, safety, and welfare."

Minimum lot area in this District is 110,000 square feet (2.53 acres). Minimum frontage is 250 feet with setbacks as follows: front and rear setbacks are 50 feet and the side setback is 40 feet. Uses permitted in this District include year round greenhouses, business offices, professional offices, research and development offices, warehousing, bulk storage, and laundries.

#### Hopkinton Village Precinct (HVP)

There are three Districts within the HVP: Hopkinton Village Residential District, Hopkinton Village-Special Residential District, and Hopkinton Village Commercial District. HVP is not part of the Town of Hopkinton's zoning. Hopkinton Village Precinct maintains and enforces its zoning regulations through the authority granted to it by the New Hampshire Legislature in 1959.

The following is a summary of the amount of land area each primary district in Hopkinton regulates. The location of these Districts can also be seen on the **Zoning District Map**.

Zoning District	Area (Acres)	Percent of Total Land Area
Commercial District (B-1)	74	0.3%
Hopkinton Village Precinct (HVP)	814	2.8%
Industrial District (M-1)	989	3.4%
High Density Residential (R-1)	881	3.1%
Medium Density Residential (R-2)	2,676	9.3%
Low Density Residential (R-3)	7,022	24.3%
Residential/Agricultural (R-4)	16,420	56.9%
<b>Total</b>	<b>28,876</b>	<b>100.0%</b>

Source: CNHRPC Geographic Information System (GIS), 2001

### Other Current Zoning Ordinance Provisions

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

#### Cluster Development

Originally adopted during the late 1980s, the purpose of cluster zoning is to allow for an increased density of housing in exchange for a developer preserving open space. The Town adopted this ordinance in 1988 and amended it in 1999. Hopkinton permits the use of cluster zoning in all zones. By employing the cluster provision, developers can reduce the minimum lot size required in the development. The following table compares the lot area required for a cluster development to the regular zoning.

Zoning District	Regularly Required Minimum Lot Area	Cluster Subdivision Minimum Lot Area
R-4 Residential-Agricultural	120,000 sq. ft.	60,000 sq. ft.
R-3 Low Density Residential	120,000 sq. ft.	60,000 sq. ft.
R-2 Medium Density Residential	80,000 sq. ft.	45,000 sq. ft. no water / sewer
		40,000 sq. ft. public water / no sewer
		35,000 sq. ft. public water & sewer
R-1 High Density Residential	60,000 sq. ft.	40,000 sq. ft. no water / sewer
		35,000 sq. ft. public water / no sewer
		30,000 sq. ft. public water & sewer

In order to be considered a cluster subdivision, the parent parcel must be a minimum of ten acres and at least 25% of the total area must be dedicated as common open space. The maximum density permitted in a cluster development cannot exceed that of a traditional subdivision.

#### Wireless Telecommunication Facilities

In response to the 1996 Telecommunications Act, the Town developed a wireless telecommunications ordinance that was adopted in 1997 and repealed in March 2001.

In 2001 a new telecommunications ordinance created an overlay district reducing the maximum height of such facilities from 180 feet to 20 feet above the average tree canopy, or 90 feet, whichever is less. It also created a provision that all facilities must employ stealth technology and required new facilities to be set back 125% of the height of the tower from any structure, unless it was included within or on a pre-existing structure.

#### Signs

Signage has a direct and significant impact on the character and visual appeal of a community. Size, height, placement, illumination, and materials are important in sign design. Restrictions on the type, location and size of signs protect the public from hazardous and distracting displays and creates an attractive environment that is conducive to business, industry, and tourism.

The current sign ordinance, which was adopted in 1988 and amended in 1997, specifies a maximum size for signs - 15 square feet in the B-1 District, 20 square feet in the M-1 District, and 4 square feet in all of the Residential Districts.

#### Parking Requirements

This requirement, which was adopted in 1988, and amended in 1994 and 2001, requires that all new structures and developments, as well as additions to or changes in use or intensification of use in existing structures, shall provide off-street parking. This parking shall be on the same lot as the principal use it is intended to serve or be no further than 200 feet from the principal use.

The number of required parking spaces for different uses is determined based on capacity of the structure, square footage of the structure, number of rooms, or a set number based on the use of the structure. Each parking space is not to be less than 10 feet wide, have a minimum area of 180 square feet, and preferably paved, though crushed gravel and stone dust may also be used. The use of landscaped islands to control traffic is also encouraged. The Planning Board has the ability to amend these requirements, if they feel it is in the best interest of the community.

#### Adult Businesses

As did many communities during the 1990s, Hopkinton adopted an adult business ordinance in 1997. The purpose of the ordinance is to ensure that if an adult-oriented business were to be established in Hopkinton, that it not be in close proximity to a church, cemetery, school, day care center, or residence. The only area where an adult business can be located is in the B-1 District by special exception.

#### Growth Management and Innovative Land Use Controls

The timing of growth is an important issue for municipalities across the country. Enacted in 1988 and amended/readopted in 1989, 1992, 1995, 1998, and again in 2001, the purpose of this ordinance is to manage Hopkinton's rate of growth in relation to abutting communities and the region. This helps to establish timing and growth limitations in order to minimize financial burdens on the community, as caused by excessive and rapid growth.

The ordinance contains 29 findings that are used to justify the enactment of growth management regulations. In order to enact such regulations, the Planning Board must monitor seven indicators of growth. These indicators are as follows:

- a. The average percent increase in building permits for dwelling units in Town exceeds that of the combined seven abutting communities or Merrimack County.
- b. The average annual percent increase in population growth, as reported by the New Hampshire Office of State Planning, exceeds the same average of the combined seven abutting communities.
- c. The number of students enrolled or projected for the coming year for each school in the Hopkinton School System exceeds 90% of its stated capacity, as stated by the Hopkinton School Board.
- d. The annual full valuation tax rate increase exceeds the same average of the combined seven abutting communities or Merrimack County for the same year.
- e. The number of dwelling units of all projects combined, for which approval is being sought from the planning board, at any time of reporting, if approved could result in conditions of items 1-4.
- f. The number of students enrolled or projected for the coming year for each school in the Hopkinton School System exceeds 100% of its stated capacity as stated by the Hopkinton School Board.
- g. The annual capital expenditures including debt service and capital outlay for combined municipal and school expenditures exceeds 20% of the total municipal budget.

If the Planning Board determines that any of the indicators a-e has occurred, then they may issue a notice of Growth Impact and may implement phasing of development. This allows the Planning Board to require the phasing of a development for a period of up to five years for a project, which is proposed to have fifty lots or less. If the Planning Board determines that any of the indicators, a through e, plus either f or g has occurred, then they may issue a notice of Growth Impact and may implement permit limitations. This allows the Planning Board to limit the number of building permits to be issued over a certain period of time.

#### Excavation Regulations

The purpose of this section is to control the excavation of sand, gravel, rock, soil, or construction aggregate and to provide an orderly procedure for such removal to take place while protecting the health, safety, and general welfare of the community. This regulation was adopted in 1988 and amended in 1995. Excavation is allowed by special exception in the R-4, R-3, and M-1 Districts.

A permit is required for the excavation of sand, gravel, rock, soil or construction aggregate, with the exception of excavation for the construction or alteration of a structure, parking lot, or driveway; excavation that is incidental to agriculture, silvaculture, or normal landscaping activities; excavation from an area contiguous to an excavation operation that was in operation as of August 24, 1979; excavation from a granite quarry; or excavation performed for the construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway.

Within one year of the expiration of the permit or when the excavation is completed, whichever occurs first, the owner of the excavated land shall restore the affected area. The restoration plan shall include a diagram of the restored topography and drainage, a report explaining the phasing of the site restoration showing designated areas and completion dates, seeding and mulching specifications, vegetation to reduce erosion, slopes graded to natural response for their soil type,

the elimination of any standing bodies of water created in the excavation project, and any other information Regulators may require.

#### Wetlands Conservation District Overlay

The purpose of this section is to protect the public health, safety, and general welfare by controlling and guiding the use of land areas that have been found to be subject to high water tables for extended periods of time. This overlay District was adopted in 1988. Its further purposes are to control the development of structures and land uses on naturally occurring wetlands, which will contribute to the pollution of surface and ground water by sewage or toxic substances; prevent the destruction of, or significant changes to, natural wetlands that provide flood protection; protect unique and unusual natural areas; protect wildlife habitats and maintain ecological balances; protect potential water supplies, existing aquifers, and aquifer recharge areas; and prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities that might be required as a result of the misuse or abuse of wetlands.

The Wetlands Conservation District is defined as those areas delineated as very poorly and poorly drained soils. The District also includes those areas as swamps, marshes, and bogs that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil conditions.

The District is limited to areas of one acre or more in size, or of any size if contiguous to surface waters such as lakes, ponds, or streams, that are subjected to high water tables for extended periods of time and includes, but are not necessarily limited to, all such areas delineated as wetlands by on-site mapping. Where the Wetlands Conservation District is superimposed over another zoning District, the more restrictive regulations shall apply.

#### Recreational Camping Parks/Residential Tenting and Recreational Camping Vehicles

The purpose of this section is to allow for the placement of seasonal recreational camping parks and residential tenting and recreational camping vehicles within specific areas of the community and to provide for standards. This use is allowed by special exception in the R-2, R-3, and R-4 zones within Town. The minimum size of a recreational camping park is ten acres, with a minimum site size of 3,000 square feet per tenting/recreational vehicle site. Residential tenting/recreational camping vehicles shall not exceed a total of four weeks per year. This ordinance was adopted in 1988.

#### Fair District

This is an overlay District that was adopted in 1995 and revised in 1996. The allowed uses for the land located in the Fair District shall be those allowed in the underlying zoning Districts and those allowed by the provisions of the Fair District. Property in the Fair District may be used for the purpose of conducting the agricultural fair historically known as the Hopkinton State Fair, as well as other events similar in nature to an agricultural fair.

#### Manufactured Housing

The purpose of this section is to allow for the placement of manufactured housing within specific areas of the community and to provide for standards to do so. This section allows for the creation of manufactured housing parks and manufactured housing subdivisions. This provision was adopted in 1988 and revised in 1989.

Manufactured housing parks are allowed by special exception in the R-1, R-2, and R-3 Districts. Parks shall consist of a minimum of ten acres and at least two sites. The maximum number of

sites shall not exceed seventy. Open space shall not include wetlands, water bodies, roads, severe slopes, or open space on individual sites. The following dimensions must be met for all manufactured housing parks.

<b>Max. # of Units</b>	<b>Min. % of Open Space</b>	<b>Min. Lot Size</b>	<b>Min. Street Frontage</b>
50	30%	10,000 sq. ft.	100 ft.
60	40%	15,000 sq. ft.	125 ft.
70	50%	20,000 sq. ft.	150 ft.

Manufactured housing subdivisions are allowed in all Residential zones provided that they meet all the requirements that pertain to single-family homes. These subdivisions must consist of a minimum of twelve acres and the maximum number of units can not exceed fifty. Manufactured housing subdivisions may be developed as a cluster development provided that all cluster provisions are complied with.

#### Floodplain Development Ordinance

This ordinance applies to all lands designated as special flood hazard areas by the Federal Emergency Management Agency. All proposed development in any special flood hazard area shall require a permit. Enforcement of this Ordinance is placed with the Town Building Inspector. This Ordinance was adopted in 1988, revised in 1994, and amended in 1997.

#### Affordable Housing Innovative Land Use Control

The purpose of this section is to provide the opportunity for low and moderate income individuals and families to obtain affordable housing in Hopkinton, to provide appropriate incentives to encourage the production of such housing, and to provide standards and safeguards to make certain that the housing being produced remains affordable to those in need. The provision was adopted in 1988 and revised in 1989.

Affordable housing cluster developments are allowed in R-3, R-2, and R-1 Districts. Elderly affordable housing is allowed in the B-1 District and a portion of the R-1 District serviced by municipal water and sewer, by special exception. The following table shows the uses allowed in each District.

<b>Zoning District</b>	<b>Development Configuration</b>	<b>Density per Dwelling Unit</b>
Low Density Residential R-3	Single-Family detached or attached units with up to 4 units per building, providing all units have direct access to the ground and have some living area at ground level, either site built or pre-site built.	<ul style="list-style-type: none"> <li>• 60,000 sq.ft.</li> </ul>
Medium Density Residential R-2	Single-Family detached or attached units with up to 12 units per building providing all units have direct access to the ground and have some living area at ground level, either site built or pre-site built.	<ul style="list-style-type: none"> <li>• 45,000 sq.ft. if no public water or sewer</li> <li>• 40,000 sq.ft. if public water but no sewer</li> <li>• 35,000 sq.ft. if public water and sewer</li> </ul>
High Density Residential R-1	Single-Family detached or attached units with up to 12 units per building providing all units have direct access to the ground and have some living area at ground level, either site built or pre-site built.	<ul style="list-style-type: none"> <li>• 40,000 sq.ft. if no public water or sewer</li> <li>• 35,000 sq.ft. if public water but no sewer</li> <li>• 30,000 sq.ft. if public water and sewer</li> </ul>
High Density Residential R-1 <i>(Elderly Affordable Housing within the Contoocook Precinct serviced by Municipal water and sewer)</i>	Single-Family detached or attached units with up to 12 units per building providing all units have direct access to the ground and have some living area at ground level.	<ul style="list-style-type: none"> <li>• 15,000 sq.ft. and 2,000 sq.ft. for each dwelling unit more than one in a building</li> </ul>
Commercial B-1 <i>(Elderly Affordable Housing within the Contoocook Precinct serviced by Municipal water and sewer)</i>	Single-Family detached or attached units with up to 12 units per building providing all units have direct access to the ground and have some living area at ground level.	<ul style="list-style-type: none"> <li>• 15,000 sq.ft. and 2,000 sq.ft. for each dwelling unit more than one in a building</li> </ul>

This section of the zoning ordinance shall terminate when the Planning Board has approved the Town's "total theoretical fair share" of low- and moderate-income housing units for each decade. The Town's fair share is calculated every five years by the Central New Hampshire Regional Planning Commission. The theoretical share of affordable housing units that Hopkinton should have (1998) is 806 units. In 1998, there were 416 units of affordable housing in Town, which would mean that the future-planning goal for affordable housing would be 390 units.

### Impact Fees

The impact fee ordinance was adopted in 2001 to:

1. Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Hopkinton;
2. Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
3. Provide for the harmonious development of the municipality and its environs;
4. Ensure the proper arrangement and coordination of streets; and,
5. Ensure streets of sufficient width to accommodate existing and prospective travel.

Impact fees are imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and right-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreational facilities, not including public open spaces.

### **Future Land Use**

Preservation of the community's rural character, while providing reasonable opportunities for expansion of the commercial tax base and housing, is important for the future of Hopkinton. The current zoning and land use regulations achieves the separation of non-compatible uses, but it could be expanded upon to provide more opportunities for preservation of open space, prevention of sprawl, and creation of development more in keeping with Hopkinton's rural character. The following sections can serve as a general guide to assist the community in thinking about the various land use changes could be made in Hopkinton.

### **Zoning District Recommendations**

#### Residential/Agricultural (R-4) and Low Density Residential (R-3) Districts

The R-4 and R-3 Districts are almost identical in their purpose, uses, and dimensional requirements, which is described in detail in the Current Land Use section of this Chapter. The only differences between the two Districts are that manufactured housing parks and an affordable housing option is allowed in the R-3 District and not in the R-4 District.

#### **Recommendation:**

- Consider revising the zoning ordinance to differentiate the R-4 and R-3 Districts, with regard to minimum lot size, frontage, and setbacks, in order to maintain the rural character of the community and a diversity of housing types.

### Hopkinton Village Precinct

There are three Districts within the Hopkinton Village Precinct (HVP): Hopkinton Village Residential District, Hopkinton Village-Special Residential District, and Hopkinton Village Commercial District. HVP has its own land use regulations and ordinances administered by Village Boards.

#### **Recommendation:**

- There should be continued coordination between the Town of Hopkinton Planning Board and Zoning Board of Adjustment and that of the Hopkinton Village Precinct to ensure compatible land use and zoning decisions that will positively benefit both.

### Contoocook Village District

Most of the downtown Village area of Contoocook is a mix of residential, mixed-use, and commercial development. The area is surrounded on the northern part of the Village by agricultural land and much of the commercial development is concentrated near Fountain Square and along Park Street, across the river.

Over the past few years, there has been a great emphasis on the revitalization and redevelopment of Contoocook Village. The goal of this effort is to encourage infill development, reduce sprawl, energize the economic base, and foster a pedestrian-friendly, community Village. For more information on these efforts, see the Contoocook Village Chapter.

The current zoning impacting the Village, which includes the Industrial District, Commercial District, and High-density Residential District, does not adequately allow for these goals to be met. An option available to help meet these goals is to rezone Contoocook Village.

#### **Recommendations:**

- Consider developing zoning districts for Contoocook Village that will allow the redevelopment vision and goals that are outlined in the Contoocook Chapter, to be realized.
- Ensure that any new zoning district would not negatively impact currently existing businesses or industries located in the Village.

### **Overlay District Recommendations**

Overlay districts can be used by communities to apply special regulations to particular resources with definable site specific characterization – in other words, any features that can be clearly seen, or otherwise identified and delineated. Overlay districts have been used to protect a wide range of resource values. It is important to note that other uses of the land protected by an overlay may be allowed, if the use is compatible with the protection of the targeted resource.

### Wetlands Conservation Overlay District

Wetlands have a multitude of value that include flood control, wildlife habitat, fish habitat, pollutant removal, recreation, groundwater protection, and stabilization and erosion control. A large number of wetlands can be found throughout Town. For more information regarding wetlands, see the Conservation, Preservation, and Open Space Chapter.

The primary threat facing the wetlands in Hopkinton is the effect of development within their buffers. Buffers adjacent to wetlands reduce the adverse effects of human activities in these resources by protecting water quality, protecting and providing wildlife habit and reducing direct

human disturbance, and maintaining aesthetic qualities and potential recreational value. The loss of wetland buffers should be minimized.

**Recommendations:**

- The Wetlands Conservation District Overlay should be revised to incorporate, as a minimum, protections afforded at the State level.
- The careful and strict enforcement of the Wetlands Ordinance should be a high priority for the Town.

Steep Slope Overlay District

Slope is a very critical consideration in land use planning because it affects the capability and suitability of land to support development, as it relates to the site and the building, septic system and building design costs, and environmental impacts such as runoff, erosion, sedimentation, and pollution. Slope is the ratio of change in vertical elevation in relation to the change in horizontal distance, multiplied 100 percent.

As the community continues to grow in the future, more desirable development locations, such as those with less restrictive soils and more gentle slopes will be developed. As this happens, more development pressure will be focused towards locations that are more costly and difficult to develop. Areas with steep slopes are such locations where development pressures will be focused and where protections will be needed to preserve those important resources.

Hopkinton contains approximately 770 acres of land having a slope of 15% or more, which represents about 3% of the total land area in the community. See the Conservation, Preservation, and Open Space Chapter for more information on this topic.

**Recommendation:**

- The Planning Board should investigate the need for a Steep Slope Overlay District.

Agricultural Overlay District

An overlay district for agriculture can apply to currently active farms, as well as areas with excellent soils for agriculture. An emphasis on policies that encourage farming businesses to succeed is a valuable planning strategy that can be used to retain rural character.

In designing an agricultural overlay district, care must be taken to encourage and protect agricultural uses and to avoid restrictions, which may lead to the loss of farmland to other more developed uses. Care must also be taken in considering the rezoning of agricultural land, because farmers may depend on the potential value of converting their land to other uses to leverage needed support from financial institutions, even if they never plan to convert the land to other uses.

A component to the overlay district could be agricultural buffers between residential and agricultural uses to ensure they do not adversely impact one another. There are a number of ways in which communities can provide for agricultural buffers, including:

1. Development in designated areas should contain a specified “buffer zone” setback.
2. Subdivision developments adjacent to agricultural lands could be constructed in a cluster form of development so as to place the dwellings as far as possible from the agricultural land.
3. Performance standards could require all residential building sites in a subdivision to be adequately insulated from direct contact with potential conflicts from farming activities.

**Recommendations:**

- Research the establishment of an Agricultural Overlay District.
- Provide flexibility in Zoning, Subdivision, and Site Plan review regulations for agricultural uses and/or related activities.

**Site Plan Recommendations**

Commercial and industrial development may have significant impacts on the community. The existing zoning and site plan review regulations do not contain performance standards related to the aesthetic or environmental impact of commercial and industrial developments. Such performance standards should be reviewed and considered by the Town as a way to retain the desirable qualities of Hopkinton.

Signs

Signage can have a significant impact on the character of a community.

**Recommendations:**

- For free standing signs, require landscaping to re-establish ground cover where disturbed by sign installation and to screen the foundation of monument or pedestal signs without blocking the view of signage information.
- Encourage freestanding monument signs and directory signs to be placed perpendicular to approaching vehicular traffic.
- Signs should establish a visual continuity with adjacent building façades and should be oriented to emphasize pedestrian visibility.
- In the case of buildings with multiple business tenants, only one (1) sign per tenant should be permitted. All signs at a multi-tenant commercial or industrial structure shall be complementary to each other.
- Review the current sign ordinance for adequacy and propose new language to ensure the visual elements and aesthetics of the Town are not negatively impacted by signage.

Parking Requirements

Parking requirements impact a community in numerous ways, including pedestrian and driver safety, visual appeal, aesthetics of building design, and environmental impacts. Parking is necessary for economic vitality, personal mobility, and convenience but if done improperly, it can create an increase in costs, inconvenience, and environmental degradation.

**Recommendations:**

- Parking area designs shall adequately consider pedestrian circulation to and from parking spaces and shall maximize opportunities for the safe maneuvering of all vehicles.
- Parking areas should not be permitted to be located less than ten feet from a rear or side lot line, provided that the parking area is screened from adjacent properties by fencing, plantings, or earthen berm, or combination thereof.
- Parking areas visible from adjacent public roadways should employ landscaping strips to soften the appearance of the parking areas.
- Where appropriate encourage the use of alternative pavement materials other than asphalt and concrete. These materials could include brick, crushed stone, pea stone, stamped concrete, cobblestone, and other similar materials. Allowing the use of such materials will preserve the rural character of the community and add to the aesthetic appeal of smaller commercial developments.

- Consider adopting provisions that would allow for shared parking between separate lots. Such a requirement would allow the Planning Board, when feasible, to reduce parking requirements for each lot, provided that the peak parking demand of each land use does not occur during the same time periods.
- To reduce congestion of streets and minimize traffic safety hazards consider requiring developments, at time of subdivision or site plan review, to provide rights-of-way to abutting parcels for the future interconnection of sites.
- The Conservation Commission should be notified about and comment on all proposals that would create new or expanded parking areas within the Town as to their environmental impact, where appropriate.
- All parking areas should be adequately lit for safety, while keeping in mind aesthetic and environmental concerns. See the Lighting Standards section of this Chapter for more information.

#### Landscaping and Screening Performance Standards

The intent of these standards would be to preserve and enhance the aesthetic qualities of the community by establishing landscaping and design standards, which would be proportionate to the intensity of the proposed land use(s). Landscaping should be required along all visible portions of the structures' perimeter, parking area, as well as the front, side, and rear lot lines where vegetation has been removed. Landscaping should also be required where the existing natural state of the area does not screen the view of parking, loading, and storage areas, dumpsters, or the structures on the site.

#### **Recommendations:**

- Diminish adverse impacts of structures, lighting glare, noise, wind, and odors, which may result from permitting widely varying land uses on adjacent parcels.
- Ensure that each tract of land has an adequate buffer from other properties in order to preserve property values and improve the aesthetic values of properties.
- Promote aesthetically pleasing development consistent with the character of the Town.
- A landscape strip should be provided along the perimeter of all structures with a foot print greater than 50 square feet in size that is visible from abutting properties or the public right of way.
- To promote the aesthetic quality of streets, a street landscape strip should be considered for all commercial and industrial subdivisions and site plans.
- Side and rear landscape strips should be considered for developments to promote proper visual separation and adequate buffering between adjoining properties. Parking areas, driveways, and buildings shall not be located within any required Side or Rear Landscape Strip.
- Promote an aesthetically pleasing relationship of scale between buildings and their natural surroundings.
- Redefine the character, image, and identity of the commercial areas of the community by promoting tree-lined streets through the planting of native trees, installation of underground utilities, and designing of monument or pedestal signage.

#### Exterior Building Façade Performance Standards

To protect the aesthetic character of the community and to improve the quality of development constructed within Town, the Town should consider instituting architectural design standards in the Zoning Ordinance and Site Plan review regulations.

**Recommendations:**

- Ensure that development of commercial and industrial structures are consistent with and improve the architectural character of the Town.
- Require that all rooftop mechanical equipment be screened from view with either building walls or roof forms. All sides visible to the public and abutters should have screen materials.
- Consider adopting architectural performance standards in the Site Plan Regulations for the Town.

Screening Performance Requirements

As an important aspect of commercial and industrial development design, screening can help preserve property values of abutting parcels and enhance the overall aesthetic impact of such developments.

**Recommendations:**

- The ground level view of all mechanical equipment with a footprint of fifty square feet or greater should be fully screened from contiguous properties and adjacent streets. Screening should be accomplished by architecturally integrating the equipment into the principle structure or by surrounding it with materials compatible with the principal structure.
- All materials and equipment should be stored within a building or fully screened so as not to be visible from adjoining properties. It should be required that no exterior storage shall be visible from any street. Exterior storage areas should be screened for the entire height and width of the aggregate storage area on all sides and screens should be constructed of materials designed for low maintenance and long life.
- All waste material be kept in an enclosed building or properly contained in a closed container designed for such purposes. All exterior trash containers shall be screened on each side and shall not be visible from any street.

Lighting Standards

Lighting is a critical component of non-residential site design. Often, site designs employ excessive amounts of lighting, thus having negative impacts on abutting properties. Also, excessive lighting acts as a form of signage, and should not be permitted. It is recommended that the Town consider enacting specific performance standards regarding lighting for non-residential sites.

**Recommendations:**

- Any lighting used to illuminate an off-street parking area, sign, or other structure, should be arranged as to deflect light away from any adjoining properties or from the public streets. Direct or sky-reflected glare should not be permitted.
- In order to minimize glare and other adverse effects associated with exterior lighting, all exterior lighting fixtures shall be of a design that provides for luminaire cutoffs with a total cutoff at an angle of seventy- five degrees from the vertical. Further, all fixtures shall be positioned and/or installed in such a fashion as to prevent unwanted incidental illumination of abutting properties and streets.
- Any light or combination of lights that cast light on a public street shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights, which cast light on a residential property shall not exceed 0.1 foot candles (meter reading) as measured from the property.
- The Zoning Ordinance and/or Site Plan Review Regulations should stipulate that all

lighting fixtures be compatible to the architectural design of the proposed structures and abutting land uses.

- The Planning Board should require a detailed lighting plan for all non-residential site plans. Lighting plans should be required to incorporate standards and techniques included in the *Vermont Lighting Manual*.

#### Environmental Performance Standards

Environmental performance standards should be developed in order to protect the long term environmental quality and overall vitality of commercial and industrial districts. The variety of permitted uses, taken together with often intensive land use patterns and an inventory of environmental resources, necessitates environmental performance standards. Sample environmental performance standards are provided below:

##### *Performance Standards Related to Odors*

Uses and activities which produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, shall be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Planning Board judges such odor or emission to be harmful to the rights of others to enjoy their property(s).

This standard is not intended to discourage farming in any of the zoning districts, as long as the farms are following established best management practices and meeting all state and local health standards.

##### *Performance Standards Related to Noise*

The Performance Standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the community, are not diminished by unreasonable noise levels generated by commercial and industrial uses. Specific items that should be in noise performance standards include:

1. The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity.
2. Methods for measuring noise levels.
3. Provisions allowing the use of Sound or Noise Abatement techniques.
4. An inventory of activities and devices exempt from the Noise Performance Standards.

##### *Performance Standards Related to Vibration*

Heavy industrial operations can create significant vibrations that may have a negative impact on abutting properties. When developing overall performance standards, the Town should consider implementing standards related to vibration in the Zoning Ordinance. Earthborne vibrations generally should not be permitted to exceed those levels listed below, as measured at the property line.

Frequency in Cycles per Second	Displacement in Inches
0 to 10	0.001
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

Source: Town of Bow Performance Zoning Ordinance, March 2001

**Recommendations:**

- Consider adopting specific environmental performance standards related to odors, noise, and vibrations.

**Other Land Use Recommendations**

Conservation Subdivision Design

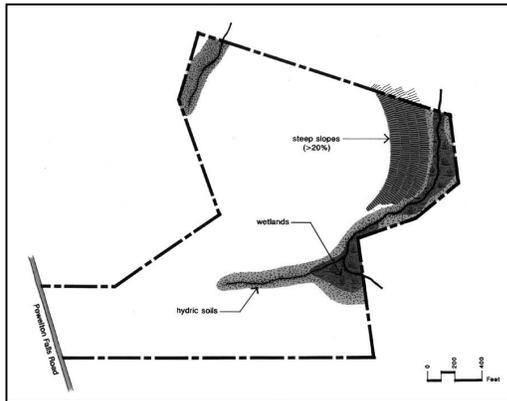
An answer to the sprawling landform created under conventional subdivisions is a new approach to subdivision design for rural areas, as outlined in the book entitled *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, by Randall Arendt (Island Press, 1996).

The current regulations do not reflect the Town's desire to preserve its rural character and open space. In order to preserve significant cultural, scenic, and natural features, as well as rural Town and neighborhood character, the Cluster Zoning ordinance should be revised.

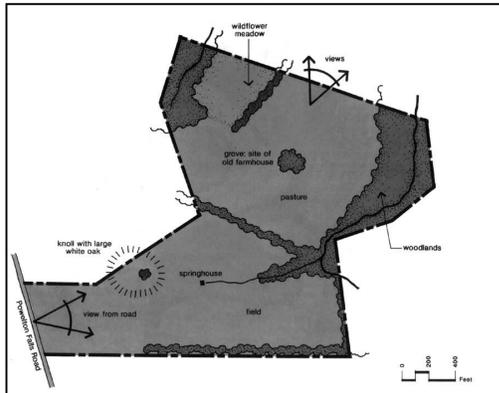
The figures below shows graphics from Arendt's book depicting the typical scenario for the development of a parcel under the conservation development design process. In its most basic form, the conservation development process can be broken into six logical steps, which are not the steps taken for a conventional subdivision. The six steps are as follows:



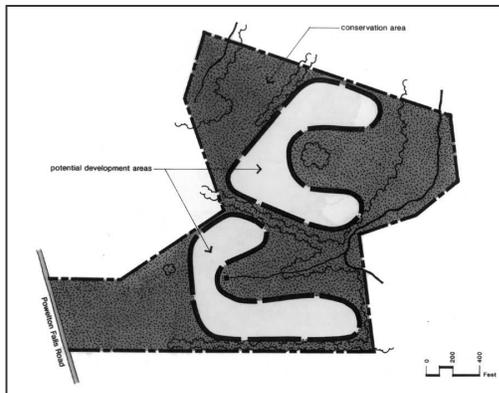
1) Create a "yield plan" for the site that assesses the number of viable building lots on the site under a conventional subdivision design. This plan establishes the density for the conservation development design. Although a yield plan is conceptual, it must be consistent with Town ordinances and regulations already in place.

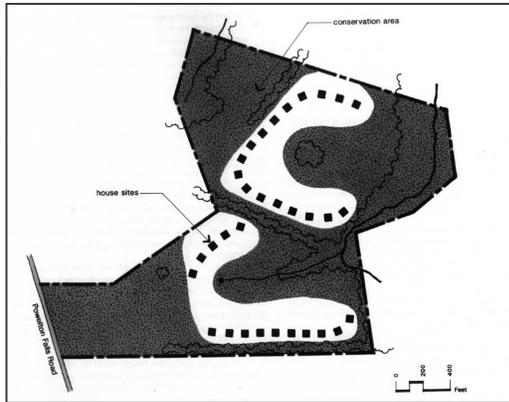


2) Prepare a conservation site analysis plan that identifies prominent open spaces and important natural features broken out into primary and secondary conservation areas. Primary conservation areas are those resources for which development should be excluded almost without exception. Secondary conservation areas are those that should not be developed, if at all possible.

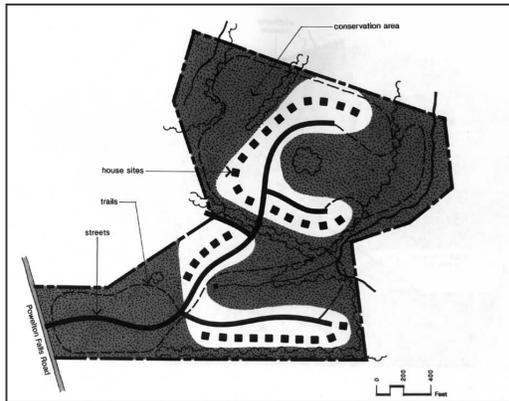


3) After evaluating the primary and secondary conservation areas, locate the portions of the site most suitable for development.

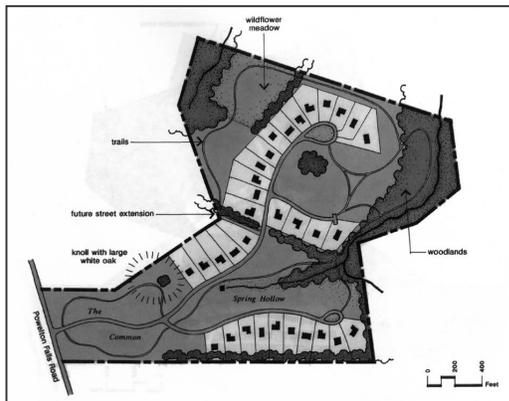




4) Locate dwelling unit sites using innovative arrangements to maximize views of open space and resources.



5) Locate and design the roadway and pedestrian travel ways. Maximize the protection of viewsheds and natural terrain in the design. Locate septic fields.



6) Delineate lot lines.

Under this approach, use existing minimum lot sizes as the basis for conventional residential density on the best soils, with reduced densities according to declining soil quality. The minimum lot sizes that are currently in place for residential uses should represent the maximum aggregate density on the best soils under the soils-based lot sizing approach. Lower-quality soils would require lower density development.

Primary conservation areas may include wetlands, steep slopes, aquifer recharge zones, and floodplains. Secondary conservation areas may include stonewalls, viewsheds, prominent vegetation, prominent landforms, prime agricultural soils, historic sites and features, archeological sites, and communities and species identified in the Natural Heritage Inventory.

To help ensure successful conservation subdivision designs, the following provisions should be followed:

1. Clearly state the goals and objectives of the regulation.
2. Clearly explain how much of the unbuildable land can be used towards the minimum open space requirement.
3. Require that the conservation land have good access and be well marked.
4. Provide performance standards to ensure a quality development.
5. Ensure workable tax collection on common land.
6. Secure developer follow-through on plan commitments.
7. Clarify application requirements to encourage more desirable plans and avoid unnecessary costs for the developer.

**Recommendations:**

- Change the name “Cluster Zoning” to “Conservation Subdivision Design” in the zoning ordinance.
- Eliminate current "cookie cutter" lot zoning and "frontage lot" zoning along existing roads in Conservation Subdivision Design. Require buffer zones from existing roadways in rural areas to retain maximum setbacks, views, and forested areas.
- For the more rural areas of Town, revise the road regulations and subdivision regulations so that new roads and neighborhoods in these areas are in keeping with the rural character of the area, yet still provide adequate provisions for safety measures. Changes to the regulations should vary the scale, scope, and length of required roadways and right-of-way clearings, with respect to vegetation and stone walls, traffic sight distances, minimum vertical and horizontal curves and related construction. Factors should all be re-evaluated in order to limit disturbance to existing areas.
- Employ all possible measures to create open space that is protected in perpetuity through conservation easements, an association of all the home owners, or by deeding the land to the Town or to a conservation organization.
- Ensure that the open space is usable for the desired use, such as farming, recreation, and/or wildlife habitat.
- Allow more flexibility in the minimum lot size, lot frontage and the side, rear and front setbacks.
- Consider creating a sliding scale for lot density in exchange for more open space.

Impact Fees

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

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

**Recommendation:**

- Develop and adopt a methodology for a formal impact fee schedule.

### Growth Management and Innovative Land Use Controls

The last five years in central New Hampshire have been a time of great economic growth. Economic prosperity in the region has triggered a significant increase in the amount of new residential development, as builders have been aggressively developing land to meet renewed housing demands. Because of this phenomenon, pressures have begun to strain critical public resources and services.

In reaction to the significant amount of development that has occurred in the region, several communities, including Hopkinton, have enacted a variety of growth management policies. Based on the likelihood that Concord's role as a regional employment center will increase in the future, the Town will have continued development pressure focused on it, and therefore, its Growth Management Ordinance should be as up-to-date and reflective of current conditions as possible.

#### **Recommendations:**

- Update the current "Findings" section of the ordinance to reflect recent population and development trends and 2000 Census data.
- Consider including the loss of open space as an "Indicator of Growth Impact."
- Revise "Indicators of Growth Impact" to combine c and f (listed on page 73).

### Excavation Regulations

The Town of Hopkinton issues permits for commercial sand and gravel excavation and has the authority to adopt regulations that apply to this excavation. However, the current ordinance is not based on scientific findings, nor does it require, in all cases, scientific site-specific data. These regulations, along with the process of reviewing permit applications for gravel removal areas, should be designed to ensure that science, public health, environmental concerns, and the reuse of the property are placed at the forefront.

#### **Recommendations:**

- Update and modify the current Excavation Ordinance so that it will be a comprehensive, science-based set of regulations that will work to protect the water quality and environmental resources located in Town.
- As part of the reclamation of the sand and gravel pits, develop reuse plans for the sites. Any reuse of the excavation sites should be evaluated as to the appropriateness for the proposed activity, and best management practices should be used to prevent contamination of subsurface water bodies, as well as adjacent streams, ponds, rivers, or wetlands.
- The spent gravel and sand pits should be managed to their fullest and best potential, while considering environmental quality and protection.
- An evaluation process should be undertaken by the Town, which will include an evaluation of the needs, costs, and benefits of the Town-owned gravel pits once they are reclaimed and prepared for reuse.
- The Town should establish standards/guidelines to be followed by those using the excavation sites. These standards/guidelines should place public health and safety, environmental quality, and the impact to abutting landowners at the forefront.

### Soil Based Lot Sizing

Soil based lot sizing first gained attention in New Hampshire in the early 1990's with the publication of *Model Subdivision Regulations for Soil-Based Lot Size*, June 1991, by the Rockingham County Conservation District. The theory behind soil based lot sizing is to encourage a development pattern that can be supported by soils in the community. For example,

areas with well-drained soils could allow a smaller minimum lot size, and those with more development restrictions, such as steep slopes and short depth to restrictive features, such as ground water or ledge, could be allowed to have a larger lot size.

Soil should be respected and protected as a valuable resource. Land use activities should be performed in such a way as to minimize any negative impacts and be located on sites suitable for such an activity.

**Recommendations:**

- Soil based lot sizing requirements should be reviewed and considered for addition into the Site Plan and Subdivision Regulations.

**Strategies to Meet Land Use Goals**

**Density Bonuses**

This strategy is used to provide a little extra encouragement so developers will more readily see the benefits from innovative zoning. Developers are allowed some flexibility in regulations, such as approval for a limited number of additional units on a site, or the reduction in the road width or set back requirements, in exchange for providing something else that the community desires. This strategy is most commonly applied to cluster developments, affordable housing, or performance zoning.

**Development Review Committee**

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

**Incentive Bonuses**

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

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

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

ramps, swimming areas, recreational facilities, pedestrian infrastructure, public parking spaces, or open space.

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

### **Performance Zoning**

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

### **Purchase of Development Rights**

The voluntary sale of the rights to develop a piece of property by the owner to a government agency or land trust. The development rights are separated from the bundle of rights that go with the land and are independently purchased. The seller gives up the right to develop the land but otherwise retains the rights and responsibilities that go with ownership. The sale is usually in the form of an conservation easement.

### **Transfer of Development Rights**

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

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

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

### **Zone by Lot Line**

The current zoning scheme in Hopkinton creates Districts based on measurements off the centerline of roadways. It is recommended that when rezoning occurs in the future that the Town define Districts by lot line. By doing so, the likelihood that some parcels will be divided into multiple zones, thus reducing confusion in the long run.

## **Summary**

Sound land use policies are critical for the protection of community character, preservation of natural resources, economic stability of the community, protection of public health, as well as preservation and enhancement of the quality of life.

Historically, Hopkinton has regulated land use in the community with a conventional approach. However, increases in population, development pressures, and changing economic needs of the community have shown that more dynamic land use regulations are now needed.

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