

# CHAPTER 5

## TUFTONBORO'S LAND USE

Development and land use are among the most important and controversial concerns of community planning. In the past, individual land owners made most decisions about Tuftonboro's villages and rural landscape. These decisions have become a legitimate public concern because they affect neighboring properties and property values, public services and facilities, environmental health, public safety, the availability of finite resources, economic opportunity and the overall quality of life in Tuftonboro. With the impacts of the recent growth in population, the community must actively guide the town's development. The challenge is to balance the interests of the community with those of the individual landowner.

Presently, Tuftonboro guides land use and development through its zoning ordinance, subdivision regulations, and site plan review regulations. Each of these tools is intended to help implement the goals and policies of the master plan, especially those related to development and land use. This chapter – which serves as the culmination and integration of the previous chapters – describes current land uses in town in relation to recent development trends, and recommends ways to manage development in a manner that respects the rights of local landowners, while protecting the interests of the community.

### *5.1 HISTORIC DEVELOPMENT*

Tuftonboro's landscape reflects the many decisions made over generations by both private and public property owners. Historic settlement patterns, dating from the town's founding, established the framework for present growth and development. A variety of cultural landscape features – including historic settlements, sites, and structures – mark progressive stages in the town's development, and today remain relatively intact. These resources, described in more detail in Chapter 3 of this plan, provide a critical link to the past, and contribute much to the town's rural character, sense of place and community identity.

Tuftonboro was mostly forested at the time of its initial settlement. It developed as an agricultural community, and remained so well into the early 20<sup>th</sup> century. Some of the town's oldest homes are farmhouses dating from the late 1700s. Remnants of the agrarian landscape – open land, farm buildings and stone walls that once marked field and property lines – also date from this era. Land cleared for farming supplied lumber to local saw mills, resulting in the establishment of a small milling

industry in the 18<sup>th</sup> century. During the 19<sup>th</sup> century, all but the most remote part of the Ossipee Mountains and the steepest slopes were cleared for farming. Reforestation then followed the abandonment of many of the town's hill farms.

Historically, development occurred along existing roads and the Lake and in small, clustered hamlets surrounded by forests and fields. Tuftonboro lacked one prominent village center, but by the late 1800s several smaller village centers and neighborhoods had been established – each with its own school house. Four villages or hamlets have been identified for their historic and cultural significance: Melvin Village, Tuftonboro Corner, Center Tuftonboro and Mirror Lake.

## 5.2 LAND COVER AND USE

The most recent land use and land cover information for Tuftonboro is derived from the NH Land Cover Assessment 2001 study. Satellite images acquired between 1990 and 1999 form the basis of the study and where possible this data was augmented with aerial photography, GRANIT data layers and field data collection. The study was evaluated for accuracy by testing 1,000 sites throughout the state. The assessment yielded an overall accuracy of 82.2%. Thus, the study provides a very general view of how land is used and what types of land coverage may be found in Tuftonboro. Table 5.1 summarizes this information and Map 5-1 provides a graphic representation for general planning purposes only.

Table 5.1 Land Cover including Water Bodies in 2003		
<i>Land Cover Type</i>	<i>Acres</i>	<i>Percentage</i>
Agriculture (Hay/Pasture)	983.19	3.1%
Disturbed	57.72	0.2%
Forest (Beech/Oak)	5,612.01	17.7%
Forest (Birch/Aspen)	300.17	0.9%
Forest (Hemlock)	928.39	2.9%
Forest (Mixed)	6,315.45	20.0%
Forest (Other Hardwoods)	2,428.19	7.7%
Forest (Spruce/Fir)	696.25	2.2%
Forest (White/Red Pine)	5,577.88	17.6%
Forested Wetland	153.33	0.5%
Non-Forested Wetland	836.65	2.6%
Open Water	6,082.62	19.2%
Orchards	1.41	0.0%
Other Cleared	950.13	3.0%
Residential/ Commercial/Industrial	116.64	0.4%
Transportation	590.29	1.9%
Total	31,630.33	
<i>Source: GRANIT NH Land Cover Assessment, 2001 (1990-99 LANDSAT data).</i>		

Developed land – including residential, commercial and industrial buildings and the transportation network – makes up less than 3% of the town’s total land area. Other cleared or disturbed land not defined as agriculture represents about another 3.5%. Nearly one-quarter of Tuftonboro is open water or non-forested wetlands (approximately 6,919 acres).

Forests by far dominate the local landscape. A variety of forest types cover 70% or 22,000 acres of the town, compared with county-wide forest coverage of 59%. The town’s forests help prevent surface runoff and erosion, moderate the local climate, clean the air, provide critical wildlife habitat and opportunities for outdoor recreation, and also support local logging operations.

Farmland comprises about 3% of Tuftonboro’s total area. There are few active agricultural operations left in town. Those remaining are important for the local economy and for maintaining the town’s rural character and scenic open spaces. Because farmland is typically level, cleared, and relatively well-drained, it is often also suitable for other uses.

Table 5.2 notes that there are nearly 3,000 lots in Tuftonboro. About 83% of the lots are 6 acres or less in size. The other 513 lots make up 15% of the town's land area (lots greater than 6 acres.) Although all property owners play a role in the town's future, one large landowner could significantly affect the character of the community.

Table 5.2 Tax Parcel Summary				
<i>Parcel size</i>	<i># of Parcels</i>	<i>%</i>	<i>Total Acreage</i>	<i>%</i>
Parcels 1 acre or less	1,001	34	489	2
Parcels 1 to 6 acres	1,442	49	3,224	13
Parcels 6 to 25 acres	306	10	3,557	14
Parcels greater than 25 acres	207	7	17,430	71
Total	2,956		24,700	

Source: Tax Records May 10, 2006 queried by Jackie Rollins

### 5.3 CONSERVED LANDS

The majority of Tuftonboro's forest and farm lands are privately owned. At present about 3,385 acres (nearly 14% of the town's land area) are conserved through public ownership and private land conservation efforts. The Society for the Protection of New Hampshire Forests and the Lakes Region Conservation Trust hold the majority of easements in town. Table 5.3 lists the conserved properties and the Natural Resources Map illustrates the location of these properties. There is town-wide support for conservation efforts.

Table 5.3 Conservation Properties		
<i>Property</i>	<i>Owner</i>	<i>Acres</i>
Beatrice Johnson Parcel	LRCT	90
Bentley Conservation Properties	Easement	79
Camp Belknap – Y.M.C.A.	SPNHF	105
Castle in the Clouds	LRCT	700
Chandler – walking trails	Easement	100
Cheney Farm	Easement	42
Chocorua Forestlands	Easement	1,810
Gale	LRCT	88
Great Meadows (Blaisdell, Caverly & Hersey lots)	Town	63
Great Meadows (Titus lots)	Town	56
Parkhurst Conservation Property – walking trails	Town	45
Rines	LRCT	57
Shohl Camp Trust	SPNHF	27
Sidney Butler Smith Woodland	SPNHF	5
Sidney Butler Smith/Kelly	SPNHF	60
Vittum	LRCT	58
Total		3,385

Source: Town Report & Tax Records 2006

More than one third of the town's land is enrolled (about 9,636 acres or 39%) in New Hampshire's Current Use Taxation Program. Enrolled parcels, generally 10 acres or more are assessed and taxed at their current, rather than highest potential use. Although the majority of these lands are not permanently conserved, the conversion of privately held farm and forest land is discouraged, to a limited extent, by the change of use tax. If land enrolled in current use is subdivided into parcels of less than 10 acres or converted to a non-qualifying use, the town assesses a one-time change of use tax which is 10% of the market value of the parcel removed from the program. Tuftonboro has elected to allocate 50% of this tax collected annually, with a maximum of \$5000, to its conservation fund. This fund has been used successfully to leverage the purchase of conservation easements from willing landowners. The Conservation Commission is interested in working with other landowners who want to protect their land in this manner.

The encroachment of development into environmentally sensitive areas and large blocks of interior land is an ongoing concern. Many of these areas are identified for conservation planning in Chapter 3 as well as in the Conservation Commission's *2004 Natural Resource Inventory* and associated maps. The 2005 Community Attitude Survey specifically asked whether steps should be taken to protect Tuftonboro's natural resources. Between 70% and 90% of the respondents supported preservation for the dozen resources cited. The following areas have been recommended for protection from inappropriate development, through regulations or other voluntary measures:

- shorelands, wetlands and associated buffers, aquifers, surface waters (rivers, brooks, ponds), riparian corridors, floodplains;
- scenic views and vistas;
- wildlife habitat areas;
- forest land and large un-fragmented areas;
- agricultural land (prime and high priority agricultural soils);
- public open space and public access to public waters;
- ridgelines and hilltops; and
- steep slopes (avoid development on slopes greater than 25% and limit development on slopes 15 to 25%).

**An Innovative Way to Conserve Land  
*Transfer of Development Rights (TDRs)***

TDRs enable the transfer of development density or other quantifiable development right from a parcel in a designated zoning district (sending area) to a non-contiguous parcel in another district (receiving area.) The administration of a TDR program typically involves a combination of an accurate permit tracking system integrated with the local land records.

Development rights may be removed from a sending parcel through a deeded conservation easement or similar legal mechanism, and applied to a receiving parcel through the local regulatory process. A separate "development agreement" stipulating the terms of the increased density may accompany the local permits. It is possible for development density to be removed from a parcel and "banked" for future transfer to unidentified parcels, providing a simple record keeping system is established to track the development rights.

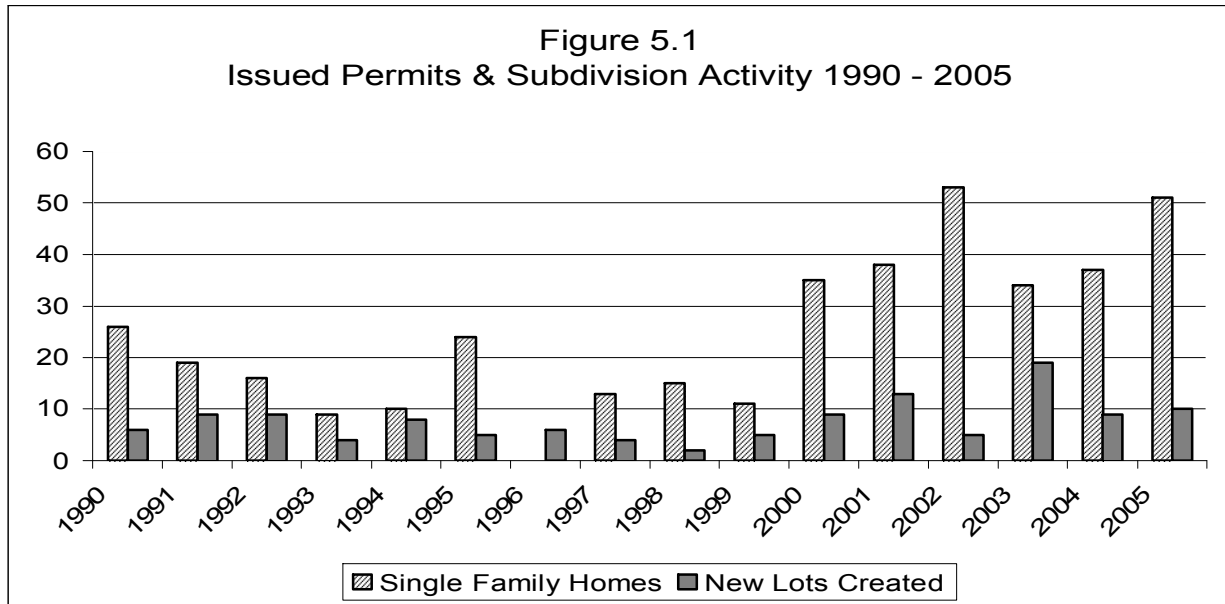
## 5.4 DEVELOPMENT TRENDS

Tuftonboro is predominantly a seasonal, bedroom community. The majority of development in recent years has consisted of the construction of single family dwellings and the subdivision of land for single family units. Table 5.4 shows the trend for the last five years.

Table 5.4 Development Activity 2001 – 2005					
	2001	2002	2003	2004	2005
Residential building permits	38	53	34	37	51
Number of subdivisions	3	5	9	9	6
Number of new lots created	13	5	19	-5	10

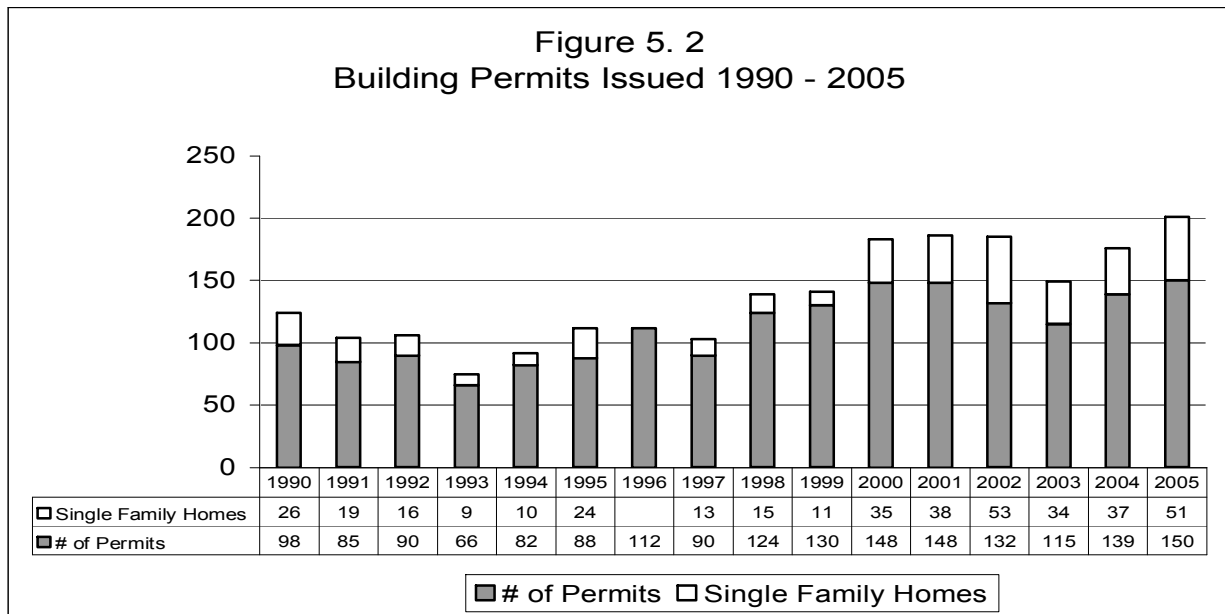
Source: Tuftonboro Town Reports 2001 – 2005

Figure 5.1 shows subdivision and building permit trends from 1990 through 2005. Comparing the number of single family home permits issued during the first five years of the 1990s (70), with the first five years of the 21<sup>st</sup> century (223), there was a three-fold increase.



Source: Town Reports & Building Permit Files 1989 – 2005(1996 data is missing)

With each single family home built, the number of lots is reduced. As the demand for lots increases, there will be an increase in subdivision activity.



Source: Town Reports & Building Permit Files 198 –2005(1996 housing data is missing)

Figure 5.2 illustrates the steady increase in building permit activity during the past 15 years. There was a 50% increase in the total number of permits issued between 1990 and 2005. Most permits are for additions and renovations. During the first five years of the 1990s (1991-1995), 78 housing permits were issued. For the same number of years in the 21<sup>st</sup> century (2001-2005), 215 house permits were issued (a 300% increase.)

## 5.5 LAND USE REGULATION

For the past three decades Tuftonboro has regulated development. The town's three primary land use regulations are the zoning ordinance, subdivision regulations and site plan review regulations. Although many policies and programs related to capital budgeting, economic development, transportation, etc. have a direct bearing on future land use patterns, the primary means with which to implement the future land use plan is through land use regulations.

### 5.5.1 Zoning Ordinance

Tuftonboro's first zoning ordinance was adopted in 1971 to regulate the type and density of development allowed in town. While the town has made amendments on a regular basis, the zoning has remained largely in its present form since its inception. Under local zoning, the town is divided into the following six land use or zoning districts, as shown on the *Zoning 2006 Map 5-2*:

- Low Density Residential,
- Medium Density Residential,
- Neighborhood Business,
- Open Space/Forestry,
- Islands' Conservation, and
- Lakefront Residential.

There are also two overlay zones for wetland conservation and manufactured housing. There is a stated purpose for each of these districts and a list of allowed uses within each district. Map 5-2 shows the existing land use patterns. Table 5.5 provides the approximate district acreages.

Table 5.5 Zoning Districts: Approximate Acreages		
<i>Zone</i>	<i>Approximate # of Acres</i>	<i>Total Land Area</i>
Low Density Residential	13,689	52%
Medium Density Residential	2,013	8%
Neighborhood Business	366	1%
Open Space/Forestry	7,824	30%
Islands' Conservation	820	3%
Lakefront Residential	1,394	5%
Total	26,106	

*Source: Approximation based on 2006 Zoning Overlay not including water.*

More than 80% of the town is zoned low density residential and open/space forestry. In the past two decades most of the residential development has occurred in these areas. Many of the new houses are located on two+ acre lots, each with 150 feet of road frontage as dictated by the zoning ordinance. However, keeping density low in this way can be misleading. Single-family detached houses, for example, generate the *most* car trips per household of any type, and this type of low-density sprawl has proven to be the *most* expensive pattern for delivery of municipal services and the *least* supportive of transit and other services for the elderly and children.

Current dimensional requirements, presented in Table 5.6, under zoning allow for moderate densities of development throughout the community. Low Density Residential and Open Space/Forestry districts require two acres and four acres, respectively, for a building lot (two dwellings permitted per lot). The other districts including Islands' Conservation and Lakefront Residential allow single family dwellings on one-acre lots. The current lot size, frontage and setback requirements, particularly in the four village areas, do not generally reflect or allow for historic patterns of development. They have, however, served to guide more recent development – resulting in some land use patterns that are not necessarily consistent with the town's traditional landscape or rural character.

Table 5.6 Zoning Districts: Dimensional Requirements						
Zone	Lot Area* (acres)	Frontage (feet)	Setbacks Front/Side/Rear (feet)	Height (feet)	Maximum % Coverage Per Lot	Minimum % Open Space Per Lot
Low Density Residential	2	150	30/25/25	35	20	60
Medium Density Residential	1	100	30/25/25	35	25	50
Neighborhood Business	1	100	50/20/40	35	40	20
Open Space/Forestry	4	250	50/40/50	35	10	75
Islands' Conservation	1	150	50/20/25	35	20	60
Lakefront Residential	1	150	50/20/25	35	20	60

\* Must be contiguous non-wetland area

Source: Tuftonboro Zoning Ordinance revised through March 2005

The zoning ordinance also includes provisions for "cluster subdivisions," a form of planned development that allows for tighter clustering of development to preserve open space for recreation, conservation, agriculture or natural resource protection. However, the density standard is such that there is only minimal incentive to use the provision.

Allowed uses do not vary significantly by zoning district except within the Open Space/Forestry, Islands' Conservation and Lakefront Residential. A mix of residential, institutional and commercial uses is allowed in the other districts and treated as *Special Exceptions*. Several uses are also subject to conditions set for in the zoning requirements – e.g., special home occupations, manufactured housing, recreational camping and recreational vehicles, excavation and telecommunications facilities – that are intended to address the potential impacts of these types of development. Zoning boards, in considering whether to grant a special exception, may not vary or waive any of the requirements set forth in the ordinance and there must be sufficient evidence presented by the applicant to support favorable findings on all of the ordinance's requirements for the board to grant the special exception.



**Planning Considerations:**

To help maintain Tuftonboro's character and desired settlement patterns, Tuftonboro could amend its zoning ordinance to better reflect the economic and housing needs of residents and the importance of protecting the rural character and the natural environment. More specifically, zoning amendments could include new areas for economic activity, incentives for affordable housing, and natural resource protection standards. New village districts and overlay districts could be proposed to encourage appropriate development and/or prohibit development altogether in certain locations (i.e., extremely sensitive resource areas). Existing standards, uses by district, and dimensional requirements could be reviewed and amended to better reflect the desired patterns. For example, front setback requirements in the neighborhood business district in Melvin Village might be changed from 50 feet to 15 feet to replicate the existing setbacks of many of the buildings.

In addition, the Planning Board could consider innovative land use controls as enabled by NH RSA 674:21, II. Some controls include performance-based zoning, form-based zoning, conditional use or special use permits. Of particular interest could be conditional use permits. The principal difference between special exceptions and conditional use permits is that the latter may be administered by any local body or official, as specified by the ordinance. This offers considerable flexibility to a town that is seeking ways to streamline permitting processes, without sacrificing important identified standards.

Section 5.6 describes the future land use plan and provides specific recommendations. It focuses on three categories of land use districts which include the Village Centers and Growth Areas, the Islands and Lakefront, and the Rural Countryside. The Future Land Use Map provides a blue print for the future zoning map. Details of the future zoning map and changes to the regulations will require public discussions that focus on balancing the good of the community and the rights of individual property owners.

**PRINCIPAL DIFFERENCES BETWEEN FORM-BASED AND TRADITIONAL ZONING**

**Prescriptive, Contextual Standards.** Traditional zoning prescribes minimum setbacks, permitting building placement anywhere within the allowable zone. Form-based zoning prescribes build-to lines, specifically defining desired development patterns. Based on ideal urban forms or contextual cues, form-based zoning ensures that new development will be appropriate to community vision or existing character.

**Encouraging Mixed Use.** By focusing on land use, traditional zoning makes mixed-use development difficult. Form-based zoning de-emphasizes land-use regulation, allowing the market to determine the use. For example, form-based regulation would prescribe large windows and entrances oriented toward the street to promote ground-floor retail. Form-based zoning encourages a healthy mix of retail and residential uses, and aims to curb sprawl and reduce car dependence by removing elements of the zoning code that encourage exclusionary housing practices and density restrictions.

**Adapting to the Market.** By prescribing use, traditional zoning attempts to predict demand. Uses that are no longer threats to public health are still segregated (e.g., office and light industrial from residential uses). Form-based zoning relies on the market, allowing the use to automatically adapt to demographic and market shifts. Some designers of form-based codes find that, in the early stages of adoption, prescribing a mix of uses may be necessary to wean developers from the ingrained practice of segregating uses. Freeing the real estate market to respond to changes in demand has been shown to increase property values.

~ American Planning Association's *Planning Advisory Service* October 2004

### 5.5.2 Subdivision Regulation

The subdivision of land is regulated by the Planning Board in accordance with the local subdivision regulations which were authorized originally by Town Meeting in 1970. The regulations provide public oversight of the pattern and location of development, the provision of public and private infrastructure, and the protection of natural resources. In many respects, subdivision regulations are the most important tool for ensuring that new residential development occurs in a manner that is consistent with the town's traditional landscape and rural character.

Currently, subdivision regulations include general principles, design and construction standards. Applications shall conform to the town's master plan, be of such character that public health, safety and the environment are not threatened; and lot sizes adhere to the zoning ordinance as well as the state and federal requirements for water supply and pollution control (septic disposal). Design standards for subdivision proposals include the layout and construction of lots, streets and utilities, drainage improvements, erosion and sediment control, fire protection, water and septic. There are also some specific review standards for the protection of natural resources, conservation areas, or open space.

Increasingly, residential subdivisions have been suburban in character and pattern which is inconsistent with Tuftonboro's historic landscape. As subdivisions have encroached into areas characterized by steep slopes and poor soil conditions, such as the Ossipee Mountains, concern has grown regarding the environmental and visual impacts of land clearing, road and driveway construction, and the siting of houses and septic systems.

#### ***Planning Considerations:***

Conservation or open space subdivisions are one way to protect natural resources and rural character. Comments at the Public Forums seem to support this type of development. Tuftonboro could amend its subdivision regulations to require a greater degree of site analysis and improved site design. Rural communities facing development similar to Tuftonboro have required environmental and landscape protection as the primary design criteria for new subdivision regulations. The regulations would require a subdivision design that has the least impact on the landscape. Standards may easily be included in the regulations which require:

- An accurate site plan and resource inventory of the parcel including the careful delineation of sensitive resources as defined in the regulations (i.e., wetlands, steep slopes, water bodies, historic structures, hydric soils, etc.);
- Designation of open space in accordance with clear standards; and
- Establishment of designated building envelopes within each development.

Other revisions to Tuftonboro's subdivision regulations which might be considered include better erosion control and storm water standards to safeguard water quality; a review of road standards to ensure that roads are adequate with regard to emergency access and long term maintenance while being careful not to over-build roads; and landscaping and tree cutting standards to address the scenic impacts of development on forest hillsides (i.e., Ossipee Mountains.)

### **5.5.3 Site Plan Regulations**

The third tool used by the Planning Board, site plan review, regulates non-residential uses and multi-family housing (more than two dwelling units). First given the authority to adopt site plan regulations in 1987, the Planning Board wrote regulations that were adopted shortly thereafter. The regulations set design and construction standards for parking, access and street construction, landscaping, storm water drainage, flood and erosion control, lighting and other site specific items. Site plan review applications will increase as the town:

- encourages economic development in certain parts of town;
- provides for more creative uses of existing historic buildings; and
- allows for more multi-family housing.

#### ***Planning Considerations***

The Planning Board may want to update its design and construction standards to better address open spaces and storm water and to explore other innovative land use controls that could minimize impacts to environmentally sensitive areas and encourage sustainability. Standards could also be added to address the unique character of different areas of town. In order to adequately address the standards, application requirements may need to be reviewed and updated so the Board may make informed decisions.

As noted in section 5.5.1, the town could also amend its zoning ordinance per NH RSA 674:21, II, which allows for innovative land use controls to include conditional use or special use provisions. Such provisions could combine site plan review standards in addition to specific use and/or district standards and be administered by the Planning Board. This type of innovation could:

- reduce the time spent reviewing an application;
- provide for a more comprehensive look at a proposal; and
- provide for more flexibility in the review process.

Another way to achieve similar efficiencies could be to hold more joint meetings of the Board of Adjustment and Planning Board to address the same proposal that requires a special exception and site plan review. In addition, the Board may want to investigate NH RSA 674:43 IV that allows for the Board to establish thresholds based on the size of a project below which an applicant does not have to go through site plan review.

## 5.6 FUTURE LAND USE PLAN

The proposed land use plan (Map 5-3) builds upon past planning efforts and opinions expressed at public forums as well as the results of the 2005 Community Attitude Survey. It is based on the town's *Guiding Principles* (see Chapter 1) and New Hampshire's Smart Growth Principles as noted in the text box below. It includes the following general guidelines:

- small-scale commercial and medium density residential development *concentrated* in the villages and growth areas along major transportation routes;
- shoreland development that minimizes environmental and scenic impacts;
- surrounding countryside characterized by low density residential development and a working landscape of forest and farm; and
- the least accessible and most fragile areas undeveloped.

To maintain the desired settlement patterns, while ensuring that the economic and housing needs of local residents are addressed and Tuftsboro's rural character and natural environment are protected, the future land use plan focuses on three categories of land use districts. These are the Villages and Growth Areas; the Islands and Lakefront; and the Rural Countryside. These three categories are discussed in detail below as well as the existing and proposed overlay districts.

### New Hampshire Smart Growth Principles

1. Maintain traditional compact settlement patterns to efficiently use land resources and investments in infrastructure.
2. Foster the traditional character of New Hampshire downtowns, villages, and neighborhoods by encouraging development that is comfortable for pedestrians and conducive to community life.
3. Incorporate a mix of uses to provide a variety of housing, employment, shopping, services, and social opportunities for all members of the community.
4. Provide choices and safety in transportation to create livable, walkable communities that increase accessibility for people of all ages.
5. Preserve New Hampshire's working landscape by sustaining farm and forestland and other rural land to maintain contiguous tracts of open land and minimize land use conflicts.
6. Protect environmental quality by minimizing impact from people and maintaining natural areas that contribute to the health and quality of life in New Hampshire.
7. Involve the community in planning and implementing to ensure that the development retains and enhances the sense of place, traditions, goals, and values of the local community.
8. Manage growth locally, but work with neighboring towns to address common goals and address common problems more effectively.

### 5.6.1 Villages and Growth Areas

Tuftonboro contains four village areas - Melvin Village, Center Tuftonboro, Tuftonboro Corner and Mirror Lake - characterized by moderately dense residential development and a more compact settlement pattern than its surroundings. The four areas are different in character, function and capacity to accommodate additional growth. Melvin Village, Center Tuftonboro and Tuftonboro Corner have served as the town's historic centers. They include residential use, limited commercial activities and a number of public structures. Mirror Lake was a summer colony that has become a year-round hamlet of homes with several civic buildings. All of the villages have a unique character and a special charm that results from a combination of features and elements, including:

- the dominance of residential use;
- a diversity of architecture reflecting the changing styles that have contributed to New Hampshire's heritage;
- a traditional village settlement pattern, comprised of buildings set close to and fronting upon roads;
- high density/small lot development in the core and more open land a short distance from that core;
- several prominent buildings and natural features serving as civic and cultural focal points;
- a complimentary mix of building scale and mass; and
- a clear contrast between the village, the lakes and the surrounding countryside defined, in large part, by sparsely developed fields and water ways.

Of the four villages, Center Tuftonboro has evolved as the community center with the elementary school, library, town office, Town House, homes and a few commercial entities. It has served and will continue to serve as the town's principal modern growth center.

#### ***Planning Considerations:***

Results from public forums and the 2005 Community Attitude Survey indicate that development should be supported and encouraged in the villages while maintaining the historic character, unique features and quality of life enjoyed by village residents. To this end, the town may want to more thoroughly define the "unique" character of each village by conducting a detailed inventory of resources and limitations. The inventory for each village could include:

- number of lots;
- size and use of each lot;
- location of structures (dimensions of footprint) on the lot;
- physical capacity of the land;

- infrastructure assessment (access, water, wastewater, utilities, etc.);
- history of buildings and/or uses of each lot; and
- the capacity for future development.

With the inventory, the town could work with local property owners to define the purpose of each village district, its boundaries and appropriate uses. Public sentiment suggests that future residential development, including senior housing, should be encouraged in these areas as well as uses that may complement more dense housing such as a neighborhood corner store, small businesses and community facilities. Innovative technology and creative design may be necessary to adequately meet the water and wastewater requirements of such development.

Standards to regulate scale, site design, development densities, demolition and pattern of new and expanded development could be included with future zoning amendments to address concerns raised over the importance of the historic character and uniqueness of each village. Village specific considerations are described below.

### **Melvin Village**

Melvin Village features a mix of residential, commercial and institutional land uses at relatively high densities along Route 109. The settlement pattern and architecture are typical of 19<sup>th</sup> century New Hampshire. Residential uses dominate the village, including single family structures, duplexes, manufactured housing and multi-family structures.

Commercial activity is concentrated along the highway near Pope Dam. Activities include two active marinas, several businesses, professional offices and a few specialty shops. Several home businesses are located in the village as well as private restoration facilities (2 former gas stations have been converted to private antique car facilities – see Chapter 2 for more details).

Governmental and institutional uses are also clustered along the roadway. These include the fire station, post office, a cemetery, a church, the historical society museum and public access to Lake Winnepesaukee.



Melvin Village is currently zoned Neighborhood Business (about 110 acres) surrounded by Medium Density Residential (371 acres) and Lakefront Residential. The total acreage of the area is about 530 acres. Within this district a full range of mixed residential and commercial uses are permitted, with limited regulatory oversight to address public concerns related to the scale and site design of new construction. There are no regulatory controls relating to demolition or historic preservation. Presently, most properties do not comply with current dimensional and density standards.

***Planning Considerations:***

It is clear from concerns expressed during the Master Plan process and neighborhood reaction to development proposals in recent years that future development in Melvin Village needs to maintain and enhance the unique character of the village. While maintaining village charm and protecting property values, changes to zoning could:

- provide for additional residential development that includes all types of housing;
- encourage businesses that provide goods and services (i.e., grocery store, gas station);
- allow for expansion of existing businesses and new entrepreneurial opportunities;
- include provisions for institutional and civic uses;
- offer incentives for sustainable development which could include energy conservation, efficient use of land, water conservation and other methods; and
- address density, landscaping, design, dimensional standards and district boundaries.

Infrastructure investment by the community may be necessary to enhance opportunities in Melvin Village. In addition, the town could address pedestrian and vehicular traffic including speed, pedestrian and cyclist safety, trucking and parking and also explore the possibility of historic district designation. The town might also consider establishing a Melvin Village Work Group to work on the aforementioned inventory, zoning changes and other pertinent issues.

## Center Tuftonboro

Center Tuftonboro has evolved as the 21<sup>st</sup> century center of Tuftonboro with the school, the library, town office, Town House, recreation facilities and a few commercial entities. It serves as the focal point of the community's governmental, cultural and social activities. There are historic properties scattered amongst the more contemporary structures on state and town roads. Additionally, there are homes within the area and space for future residential growth.

Public forums and the 2005 Community Attitude Survey identified Center Tuftonboro as "the town center." The area includes land that is zoned Medium Density Residential (1,589 acres) and Neighborhood Business (256 acres). Both districts provide for the highest density and greatest number of uses in town. Dimensional standards are also the most relaxed in town.



The town is currently exploring possible options for a new public safety facility to house the fire and police departments. The locations are within Center Tuftonboro along Middle Road and include the sites of the Town Office, the Tuftonboro Free Library and the Dearborn property (across from the library). The Library Trustees are also working on new library designs. These significant infrastructure improvements will enhance the town's center and provide the unique opportunity to create a cohesive, more easily recognized vibrant village.

### ***Planning Considerations:***

It was suggested at public forums and in the 2005 Community Attitude Survey that the town should develop better physical connections between the various uses in the area (see Chapter 4). As the spine of Tuftonboro Center, Route 109A (Middle Road) could better knit the village together with an enhanced streetscape scaled to the pedestrian and cyclist. It could provide a distinctive and comfortable village corridor with growth that is complementary to and supportive of existing and new residential neighborhoods. A senior housing component could be added to the mixed use in the area.

Consideration for the pedestrian should guide the design of roadways, buildings, recreation and open space throughout town but particularly in Center Tuftonboro.

In terms of zoning, the Planning Board could create the "Center Tuftonboro" district that could:



- encourage a mixture of development types on a parcel or within buildings (i.e., commercial uses on ground floor, and residential units above);
- provide layout and design standards for buildings and parking lots;
- reduce density requirements if soils can support waste disposal systems;
- relax dimensional standards; and
- offer incentives for sustainable development which could include energy conservation, efficient use of land, water conservation and other methods.

As recommended for Melvin Village, the town could create a Tuftonboro Center group to work on these issues and possibly seek design assistance through such organizations as Plan NH<sup>1</sup>.

### **Tuftonboro Corner**

Tuftonboro Corner is an historic crossroads located in the northern tier of town at the intersection of Route 171, and Durgin and Ledge Hill Roads. It is a neighborhood more densely developed than other parts of Tuftonboro with a number of older, historic homes representative of the early settlement in town. It has not experienced widespread commercialization typical of other historic villages in New England. While several home-based businesses and institutions exist, it is predominately residential in character.



The 1984 Tuftonboro Master Plan recommended this area for medium density residential development. However, it remains in the "Low Density Residential" district (LDR) that requires 2 acres per unit. Most properties, if not all, do not comply with current density standards nor do the dimensional requirements reflect the existing pattern of development. The LDR district is the largest zoning district in town (13,142 acres). Throughout the 2005-06 Master Plan process, it has been suggested that the historic neighborhood become its own district.

<sup>1</sup> Plan NH is a professional organization that includes architects, planners, engineers, bankers, construction managers, historic preservationists, and others working with buildings and communities. Part of Plan NH's mission is to make a positive contribution to NH communities. One way in which Plan NH is doing this is through free design assistance to communities with demonstrated needs.

Town residents and taxpayers have indicated that additional residential development including housing for senior and work force populations should be encouraged in a manner, scale and pattern that reflect the traditional character of the area. Limited commercial development in the compact area was also deemed desirable. Recommendations included a small restaurant and small office space for professionals or a small-scale medical facility (doctor or dentist office).

***Planning Considerations:***

Although public comments indicated support for creating a "Tuftonboro Corner" district, it was also clearly stated that the town needs to seek feedback from local land owners before pursuing significant changes to the area. The Planning Board could work with local landowners to ascertain their interest in creating a Tuftonboro Corner district. The new district could provide standards that:

- reflect current densities and dimensions;
- regulate scale and site design of new development;
- provide guidelines for historic preservation and demolition; and
- allow limited commercial development (i.e., small-scale medical office, small restaurant).



**Mirror Lake/Nineteen Mile Bay Area**

Mirror Lake is a higher density summer colony that has become a year-round hamlet of homes. It is currently zoned Lakefront Residential and Low Density Residential. There are several community buildings including the fire station, the post office, the church and a few commercial operations. Other uses are predominantly residential.

In addition to the historic hamlet of Mirror Lake, development has occurred along Route 109 north from the post office to Nineteen Mile Bay. Existing uses include two large summer camps, Pak 2000, the town beach and recreation area, Union Wharf (the Islanders' hub), and the store at Nineteen Mile Bay. Some residents have expressed the desire to create a "Mirror Lake" zoning district that specifically addresses the unique nature of the area and provides for additional recreation.

***Planning Considerations:***

The town could work with local property owners to determine the need for a "Mirror Lake" district. Such a district could encourage uses that complement the existing ones as well as uses related to recreation that maintains the character of the area and perhaps more intensive residential uses. Mixed uses could be allowed and infrastructure improvements such

as bikeways and trails could help create a greater sense of community. The extensive wetlands associated with Nineteen Mile Brook to the east of Route 109 needs to be protected from development but could also offer a natural eastern boundary for the district. Redevelopment will occur in the future, which may warrant additional infrastructure improvements that address water and wastewater issues.

### 5.6.2 Lakefront and Islands

Water makes up more than a quarter of the town's area. The town has zoned the land that meets the water Lakefront Residential and provides for a special district for the islands.

**Lakefront Residential (LKR) District:** The LKR District makes up approximately 1,400 acres of town, all lots that directly abut Lake Winnepesaukee, Mirror Lake, Lower Beech Pond and Dan Hole Pond for a depth of up to 600 feet or one lot from the water body. The district is intended to provide for appropriate land uses adjacent to the town's important water bodies. The District standards mirror the state's Comprehensive Shoreland Protection Act (RSA 483-B). The Act affects land 250 feet in depth from the high water mark of the aforementioned "great ponds" and concerns land use, removal of vegetation, installation of septic systems and land subdivision. The town has also adopted lot coverage and building coverage standards.



**Islands' Conservation (ISC) District:** About 820 acres of town make up the ISC District which is intended to provide protection for water quality and wildlife habitat as well as provide for appropriate land uses for the islands located on Lake Winnepesaukee. The standards for this district are very similar to the Low Density Residential District. Commercial and industrial uses are not allowed and only a few institutional uses are permitted in the district.

#### ***Planning Considerations for Lakefront Residential and Islands' Conservation:***

The size of lakefront houses and accessory buildings and their subsequent impact on water quality has been a growing concern. The Planning Board could consider adopting more comprehensive protections of these sensitive areas (e.g., reduce % coverage of lot.)

Some concern has also been voiced about the redevelopment and seemingly more intense use of the land fronting the lake. The Planning Board may want to:

- re-examine the dimensional and use standards including coverage;
- explore the possibility of expanding the regulations to better protect water quality, shoreland vegetation, and wildlife habitat;
- address storm water and erosion to prevent sediment, fertilizers and pesticides from entering surface and ground water during construction as well as post construction (i.e., natural vegetation buffers, rain gardens and other infiltration technologies, etc.);
- explore innovative ways to address the aesthetic impact of large developments along the lakefront.

### 5.6.3 Rural Countryside/Open Space

The bulk of Tuftonboro – over 80% – is the rural countryside. It is designated as either Low Density Residential (LDR) District or the Open Space/Forestry (OSF) District. Together the LDR and OSF Districts comprise most of the town's productive forest and farm land and define its historic working landscape. In the past two decades most of the residential development has occurred in these areas and as a result Tuftonboro's rural countryside has begun to change.



In addition to the distinct characteristics and considerations associated with the two respective zoning districts discussed below, the town's sense of place and rural character are especially relevant to the future development that can be expected to shape the countryside.

**Open Space/Forestry District:** The defining characteristics of this district are predominantly environmentally-sensitive areas including:

- steep slopes;
- soils with extremely poor septic suitability;
- highly visible hillsides and ridgelines that form the background view for many of the town's scenic views;
- large tracts of productive forest land;
- fragile headwater areas; and
- critical wildlife habitat.

While small portions of the district may have once been used for agriculture, as evidenced by stone walls, old cellar holes and patchwork forest patterns, it is almost entirely wooded today. Large undeveloped parcels still exist.

The District presently permits agricultural and forestry uses; limited residential and recreational and almost no commercial or industrial uses. Much of the upper elevation property in the Ossipee Mountain range is subject to ongoing forest management. As was stated in Chapter 4 of this plan, good forest management may ensure a sustainable income from timber harvesting while accommodating stable wildlife populations, protecting sensitive headwater streams and providing a wide range of low intensity recreation opportunities.

***Planning Considerations:***

Important land use considerations in the Open Space/Forestry District could address:

- the protection of environmentally sensitive areas as defined earlier in this chapter as well as in Chapter 3;
- the visual impacts associated with lot clearing and the placement of structures on prominent sites and steep hillsides; and
- erosion and storm water runoff resulting from clearing and development on steep slopes, especially in headwater areas.

In addition, because of geographic conditions throughout much of this district, road improvements are expensive and difficult to maintain. This is exacerbated by the distance from other town roads and services (at least in the Ossipee Mountain area). Further, emergency vehicle access is difficult on steep narrow roads, and the potential exists for conflict between automobile traffic, logging operations and outdoor recreation use in these areas.



A number of boards and citizens have also suggested guiding development in environmentally sensitive areas based on natural resource science (such as resource identification and high intensity soil surveys) as well as the ability of the town to provide services to the more remote parts of the countryside. Most agree that development of environmentally sensitive areas should be prohibited.

The Planning Board may want to consider:

- evaluating the boundaries and purpose the OSF district;
- adding a "reserve" district that prohibits most development;
- examining density, uses and dimensional standards; and
- requiring subdivisions in this district to protect resources, retain open space, reduce municipal services, reduce energy costs and provide more sustainable development.

**Low Density Rural (LDR) District:** The LDR District comprises the bulk of the town. The district is intended to protect environmental resources while permitting low density development. In addition to all types of residential development permitted on two-acre parcels, a number of other land uses are presently allowed within this district.

***Planning Considerations:***

Many of the issues related to preservation of rural character and environmental protection in this district can be addressed with the changes in the OSF District boundaries, the proposed revision of subdivision regulations and the proposed changes to the wetlands overlay district as described in this section.

The general pattern of development in the LDR should remain largely rural. The historic pattern of farmyard clusters surrounded by open fields could be recreated through the application of Planned Residential Development (PRD) standards included in the town's zoning ordinance or subdivision regulations. The existing zoning provisions for cluster developments should be reviewed and amended to encourage such development that uses land more efficiently and in a sustainable manner. Incentives to maintain historic barns and/or outbuildings could be considered. This could allow uses not otherwise permitted in the LDR District.

### **5.6.4 Overlay Districts**

Overlay districts are an effective way of accommodating special situations. The overlay is a special zone, created by ordinance, which has its own unique, additional standards (or a schedule of items that automatically replace the requirements in the conventional zoning ordinance.) Tuftonboro has adopted two such zones that are superimposed over other zoning districts in town. The more restrictive regulations apply.



**The Wetland Conservation Overlay District**

protects wetlands throughout town. Wetlands, as noted in Chapter 3 are critical to maintaining the natural health of the community, and especially important for maintaining good water quality. Special standards apply to all development in and adjacent to wetlands as defined by the New Hampshire Department of Environmental Services. In effect, the provisions allow uses within the district as special exceptions if it can be shown that such use is not in conflict with the purposes of the district. It also limits the location of septic systems and does not allow any part of the wetland to be considered part of the minimum lot size.

***Planning Considerations:***

Based on recommendations from the *2004 Natural Resource Inventory* as well as public opinion, the Planning Board may consider expanding measures to better protect its wetlands and hydric soils. Such measures could include requiring increased setbacks for specific uses; greater undisturbed vegetated buffers, and other means of conservation such as designating the Great Meadow and other significant wetlands as state recognized "Prime Wetlands." It has also been suggested that the Planning Board and Zoning Board of Adjustment consult more frequently with the Conservation Commission when reviewing subdivision and site plan applications and ZBA applications that impact wetlands.

Town residents have also expressed the need to protect other surface waters and groundwater. It may be wise to carefully review the existing provisions and expand the protections to include water bodies as well as aquifer recharge zones.

Finally, the Planning Board might consider redefining the wetland conservation overlay district and/or creating a new "Environmentally-Sensitive Area Overlay." The environmentally-sensitive area overlay district could achieve greater natural resource protection and include steep slopes, head waters, land above a certain elevation, ridgelines or hilltops, wetlands, aquifer recharge, hydric soils, agricultural lands, wildlife habitat and/or scenic views.

**Manufactured Housing Overlay District** allows for manufactured housing on conventional lots within specific parts of town. There are four areas that overlay the Low Density and Medium Density Residential Districts. Manufactured housing/mobile home parks are also allowed in any residential district as long as there is a minimum of 20 acres and two lots.

***Planning Considerations:***

Although there have been many discussions about senior housing, housing affordability and workforce housing, there has been very little comment about the need for manufactured housing to be treated as equal to a single family home. The Planning Board may want to review the overlay district to be sure it is consistent with their concerns for affordable housing and reflects the requirements of state statute.

## Summer Camps

There are seven summer camps located in Tuftonboro (see *Facilities and Services Map*). One camp is located at Lower Beach Pond, two camps at Dan Hole Pond, three on the shores of Lake Winnepesaukee and one family camp on Sandy Island. All of the camps have tax-exempt status from the state and therefore, according to town policy are exempt from property taxes. The town does encourage a donation in lieu of taxes and all of the camps have donated. This policy is unique and some say it is the reason there are still camps for boys and girls in town.

Currently, summer camps are not described in the zoning ordinance which in essence makes them non-conforming uses. A proposal for a new summer camp would not be permitted in town, however, expansion and renovation of the existing camps is permitted.

Most camps have master plans and the Planning Board has used the information in their review process of specific applications.



### ***Planning Considerations:***

The Planning Board may want to explore ways to allow new summer camps and to more easily permit modifications to existing facilities. In addition, the Board may want to consider requiring camps to submit master plans to encourage long-range planning and to help both applicant and town in land use regulatory process.

## 5.6.5 Other Provisions

To accomplish the proposed future land use plan while achieving many of the goals set forth in Chapter 6, additional development standards related to environmental protection, open space preservation and coordination of land use and capital facilities planning will be required. A full range of strategies are available to Tuftonboro and described in the next chapter.