

# **CHAPTER 3**

## **LAND USE**



## **3.1 LAND USE INTRODUCTION**

The Land Use Chapter of a community master plan serves to guide all other chapters and translates the community vision statements into physical terms. Its purpose is to describe the location, extent, and intensity of future land use. Managing land use and development are among the most important functions of community planning. The critical nature of the Land Use Chapter is based on the premise that understanding how the land is currently used will better ensure that future development occurs in a way that supports the town's vision, goals, and objectives.

Effingham is rich in natural resources including areas of steep slopes, extensive wetlands, and predominance of forested land which serve as diverse wildlife habitats and provide recreational opportunities. The 1981 Master Plan characterized nearly 50 percent or approximately 12,600 acres of the undeveloped land in Effingham as having development capabilities. At that time nearly 93.3 percent of the land area in Effingham was undeveloped and it was projected that the population would grow to 814 residents by the year 2000. The development pattern at that time consisted of pockets of concentrated development in the areas of: Effingham Falls, Lord's Hill, Center Effingham, and South Effingham.

This chapter will explore the significant land use and demographic changes which have occurred since the 1981 Master Plan and how these changes may impact the community looking forward 20 years. Results from the Effingham Master Plan Survey 2010 will guide the determination of goals, objectives, and recommendations for future land use.

### **3.1.1 Effingham Master Plan Survey Results**

An Effingham Master Plan Survey was distributed to residents in 2010 to gain community insight to assist in guiding the development of this master plan. The survey asked a number of questions pertinent to current and future land use decisions. There were a total of 110 survey respondents; however, not all respondents answered each question. The percentages shown in this chapter are based on the number of respondents for a particular question.

From a list of general community issues, survey respondents were asked to identify five issues they consider to be of the "utmost importance" for Effingham in the next ten years. The respondents were also given the opportunity to identify other issues that were not listed. The top five most frequent responses are displayed in Figure 1.

**Figure 1: Effingham General Issues of "Utmost Importance" in the Next Ten Years**

1	Protect property rights	59%
2	Town Tax burden	53%
3	Protecting water bodies	50%
4	Protecting drinking water	46%
5	Attracting business/cottage industries	42%

Source: Effingham Master Plan Survey 2010

These results might be summarized as the desire to reduce the tax burden by encouraging and attracting business while maintaining property rights and protecting Effingham's natural resources. The protection of water bodies (65 percent) and natural resources (61 percent) were at the top of the list of highest regional priorities based on the most frequent responses from the respondents who answered this question.

The desire for business development was a common theme in other survey question responses as well (Figure 2). In particular, cottage industries or home businesses were supported, but the promotion of industrial development was not. Noteworthy was the relatively high percentage of survey respondents who were 'not sure' or had 'no opinion' about updating the towns ordinances. This indicates a need for good information and local consensus when planning tools are chosen to support the community vision, which requires ordinance changes.

**Figure 2: Methods for Guiding Future Growth and Development in Effingham**

	Yes	No	Not Sure/No Opinion
Encourage home business development*	82%	6%	13%
Encourage commercial development	59%	34%	7%
Update town ordinances	59%	13%	28%
Encourage clustered residential development	55%	34%	11%
Encourage industrial development*	27%	59%	13%
Consider reducing lot size requirements	25%	65%	10%

\* Percentages do not add to 100 percent due to rounding

Source: Effingham Master Plan Survey 2010

As displayed in Figure 3, a wide variety of economic development opportunities were viewed as "somewhat important" and "very important", while there was a contrasting lack of support for a diverse housing stock expressed through the survey responses. Less than 50 percent of survey respondents indicated support for apartments, condominiums, and low income, multi-family, workforce, and manufactured housing. In general, the types of businesses operating in the Lakes Region require a diverse housing stock to support worker wages in lower paying retail, service, and agricultural sectors. A lack of opportunity for a range of housing options at varied prices for rent and purchase may significantly limit economic development opportunities.

Other land use related needs identified in the Master Plan Survey which were supported by more than 50 percent of the respondents included:

- Hillsides and Steep Slopes Protection (75%)
- View protection (70%)
- Capital Improvements Plan and reserve (69%)
- Conservation Subdivisions (64%)
- Alternative energy tax incentives (63%)
- Additional fire ponds/dry hydrants (62%)
- Housing restrictions in the Historic District (56%)
- Building inspections (54%)

**Figure 3: Contrasting Support for Economic Development and Housing Diversity**

Supported Business Types		Supported Housing Types	
Home Business	83%	Single Family	86%
Agricultural Business	83%	Senior Housing*	58%
Cottage Industry	82%	Two Family	52%
Logging and Forestry	74%	Apartments	48%
Restaurants	66%	Condominiums	45%
Service Sector Business	64%	Low Income Housing*	42%
Retail Business	63%	Multi-Family	41%
Light Industry	62%	Workforce Housing*	30%
Office Business	61%	Manufactured Housing	29%

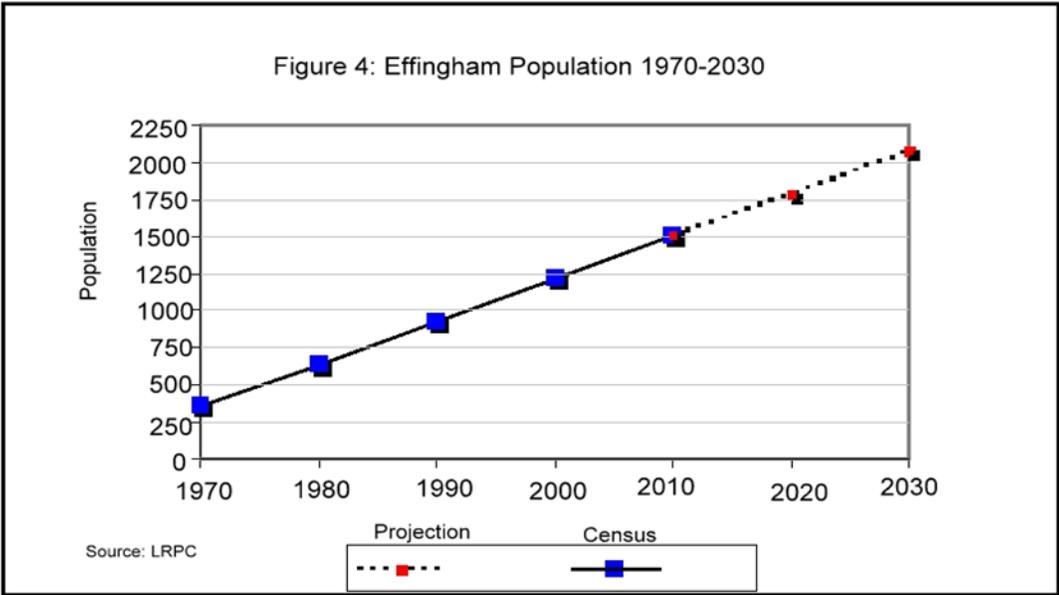
\* Respondent answered yes to need for this housing type based on yes or no question. All other percentages based on combined "somewhat important" and "very important" responses.

Source: Effingham Master Plan Survey 2010

The recommended planning tools and potential land use implications for each of these items are discussed in detail in the recommendations section of this chapter.

### 3.1.2 Recent Trends

The population of Effingham grew by 192 people (15.1%) from 1,273 in 2000, to 1,465 in 2010. This followed a period of rapid growth from 1990 to 2000, when the population in Effingham grew by 35.3 percent; an increase of 332 people. The 1980 Master Plan included three population projections for the period 1980 to 2000, each based on a different forecasting methodology (ratio of state population, least squares, and exponential) which produced 2000 population estimates ranging from 725 to 1,167. The highest projection (1,167), produced by the exponential method, was surpassed by the actual Census 2000 population of 1,273. Between 1980 and 2000 the Effingham population more than doubled, adding an average 34 new residents per year. In comparison, the ten year period between 2000 and 2010 added an average of 19 new residents annually. Figure 4 illustrates historic Census population data with a linear trend line to 2030. Using 40 years of historic data and a linear forecasting method, the Effingham population is estimated to grow by nearly 40 percent by 2030 or an average of approximately 29 new residents each year. Annual population estimates with base year 2010 data are scheduled for release by the New Hampshire Office of Energy and Planning starting in 2012.



According to Census data, housing stock in Effingham grew by 22 percent between 2000 and 2010. Information about the total units by housing type was not released by the time of this publication. As a result, historic residential permitting data (2000 - 2009) were used to estimate total housing units by housing type, as illustrated in Figure 5. The estimates indicate that the Effingham housing stock is comprised of approximately 81 percent single family homes, five percent multi-family residential units, and 14 percent manufactured housing. These estimates are consistent with the composition of the housing stock in 2000, when single family homes represented 78 percent of the stock. Noteworthy is that only one multi-family permit was issued

in Effingham between 2000 and 2009. Within this same time period, the Lakes Region as a whole experienced a significant increase in multi-family permits issued. The height of the decade was in 2005, when one in every four residential permits issued was for multi-family housing. In Effingham, 2005 also represented the high point of the decade, when the highest number of residential permits was issued.

**Figure 5: Effingham Housing Stock 2000 - 2010**

	Census	Building Permits Issued										Census Estimate*
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2010
Single Family	614	3	0	22	30	32	31	14	7	8	n/a	776
Multi-Family	47	0	0	0	0	0	0	1	0	0	n/a	49
Manufactured	130	3	0	0	0	0	1	1	0	0	n/a	138
<b>Total</b>	<b>791</b>	<b>6</b>	<b>0</b>	<b>22</b>	<b>30</b>	<b>32</b>	<b>32</b>	<b>16</b>	<b>7</b>	<b>8</b>		<b>963</b>

na - 2010 Census housing units by housing type has not been released. \*Estimates of total units by housing type are based on historic permit data and Census 2010 total housing units.

Source: *Development Activity in the Lakes Region: 2010 Annual Report*, LRPC

Residential development has slowed considerably since the mid 2000s as a result of a sluggish economy. If population projections are an indication of the need for additional housing, more units will be built in coming years.

**Figure 6: Effingham Subdivision Activity 1999 - 2009**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
Acres												
Subdivided	71.3	22	30	0	n/a	105	324	57.3	72	0	62.6	744.2

Source: *Development Activity in the Lakes Region: Annual Report*, LRPC 2001-2011

During the period 1999-2009 approximately 750 acres of land were subdivided for residential development purposes (see Figure 6). The largest number of acres subdivided in a given year was in 2005, when 324 acres were subdivided. As indicated in Figure 7, the number of commercial permits issued from 2000 to 2009 was a total of four; with activity also taking place in 2004 and 2005. No subdivision or commercial permitting information was available from the town in 2003. Because this is so dependent on the state of the economy, future subdivision and commercial development activity is difficult to forecast. It is noteworthy that strong economic conditions, such as those experienced in 2004 and 2005, coincided with the vast majority of subdivision, commercial, and residential activity. This is supportive of the need for good long-range planning during lulls in economic activity. Local volunteer planning boards can quickly get inundated processing land development applications in heated economies, limiting available time for long-range planning.

Figure 7: Effingham Commercial Activity 2000 - 2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
<b>Commercial Permits Issued</b>	0	0	0	0	n/a	2	2	0	0	0	4

Source: *Development Activity in the Lakes Region: Annual Report*, LRPC 2002-2011

### 3.1.3 Land Use Objectives

The following land use objectives were derived from the 2003 Master Plan and the results of community responses to the 2010 Master Plan Survey:

- Explore ordinance and regulation revisions that support the development of cottage industries and protect scenic resources from commercial development.
- Identify and create an appropriate location for the establishment of a commercial zone in the zoning ordinance.
- Develop design guidelines for non-residential development which are consistent with community characteristics and style.
- Review and amend the zoning ordinance to promote open space / cluster development in Effingham. This may require awareness of and education for residents and developers about the benefits of this type of development.
- Conduct a view shed analysis to identify critical views for preservation which may require amendment of town regulations to ensure adequate views protection.
- Explore senior housing opportunities for both business and residential property owners.
- Enhance fire protection requirements for new development through changes to existing subdivision regulations.

## 3.2 ZONING AND EXISTING LAND USE

The town of Effingham created a zoning ordinance in 2000 for the purpose of protecting the town's rural character; site plan review regulations were adopted by the Planning Board the following year. Currently the Zoning Ordinance of the Town of Effingham, NH, 2000 consists of a minimum lot size of two acres for all areas in town, with zoning district and overlay determined permissible land development guidelines. An overlay district is usually used where there is a special public interest to be served that does not coincide with the underlying zone(s). Generally, the underlying zone determines the permitted land uses, while the overlay district restricts the design, requires additional setbacks, or sets into place any other restrictions that meet the district's purpose. Figure 8 shows the varying dimensional requirements by zoning district in Effingham.

**Figure 8: Existing Zoning Dimensional Requirements**

	Rural/ Agricultural	Village District	Historic District	Province Lake District	Conservation Subdivision
Minimum Lot Size	2 Acres	2 Acres	2 Acres	2 Acres	Variable
road Frontage	200'	200'	200'	200'	75'
Water Frontage	150'	150'	150'	150'	150'
Front Setback	50'	35'	35'	30'	20'
Side Setback	30'	25'	25'	20'	20'
Rear Setback	50'	50'	50'	30'	20'
Shoreline Setback	-	-	-	50'	50'

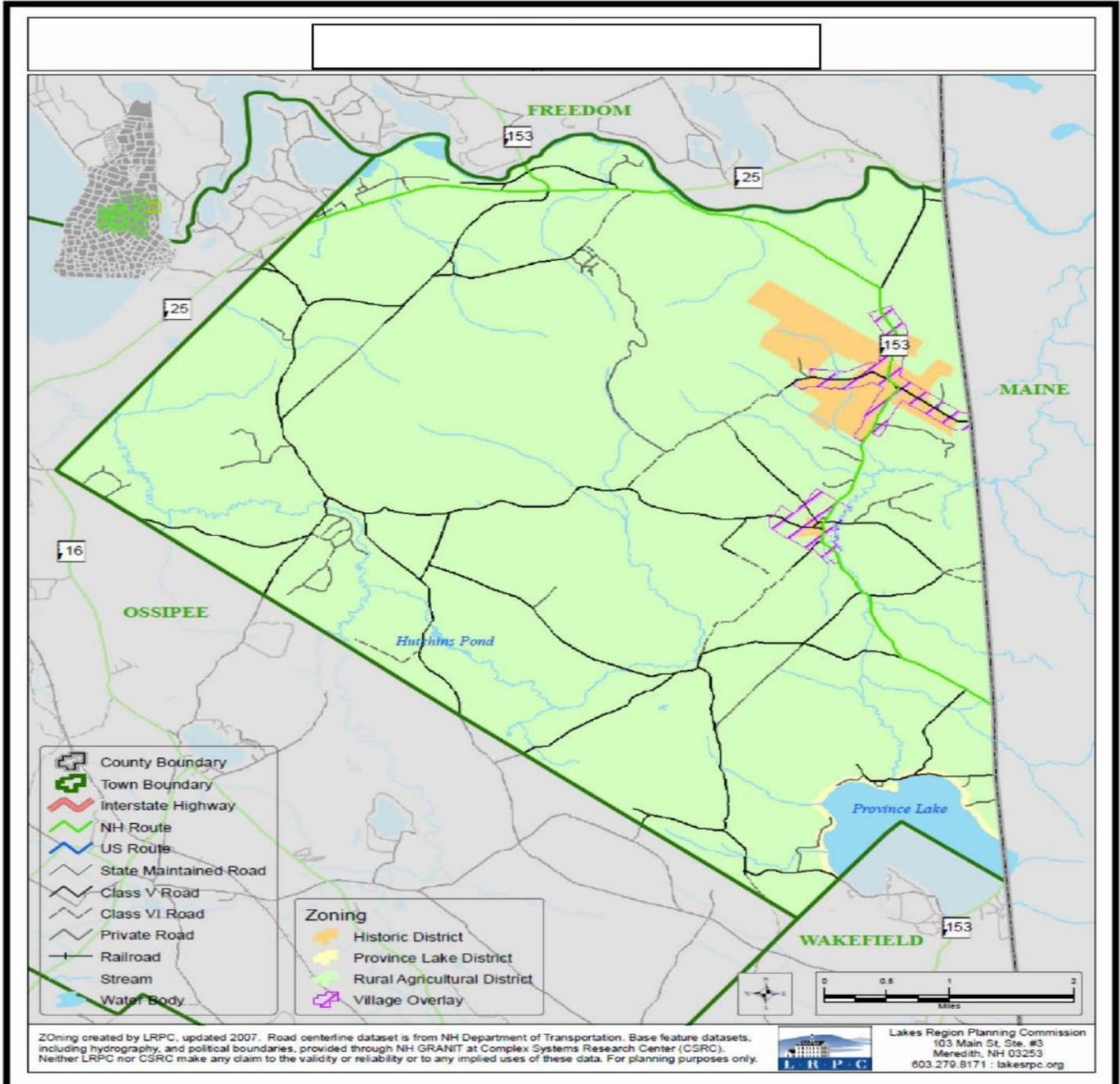
### **3.2.1 Rural Agricultural (RA)**

The Rural Agricultural Zone is the predominant zone in Effingham, consisting of approximately 24,084 acres or 94.4 percent of the land area in Effingham.

### **3.2.2 Village Overlay Districts (VOD)**

The Village District varies from the RA zone with lesser front and side setback requirements and additional consideration for hours of operation for differing types of businesses. The Village Overlay District encompasses 504 acres.

Figure 9: Effingham Zoning Map



**3.2.3 Historic Districts (HD)**

The Center Effingham and Lord's Hill Historic Districts provide additional development oversight through a Historic District Commission that administers a Certificate of Approval process. No person shall alter, construct, reconstruct, repair, demolish, or change the external appearance of any building or structure, or change the use of land in the Historic Districts without a Certificate of Approval from the Commission. The Commission considers land use changes in the historic districts based in part on architecture, scale of buildings, and traffic generation. Similar to the Village District, this zone also has restrictions on hours of operation for different types of businesses. The Historic Districts are comprised of approximately 766 acres or 3 percent of the total land area in Effingham.

**3.2.4 Province Lake District (PLD)**

The Province Lake District provides guidance for development patterns within 300 feet of the Province Lake shoreline. The district purposes include maintaining water quality, wildlife habitat, and aesthetics. The Province Lake District is comprised of 654 acres which represents 2.6 percent of the land area in Effingham.

Additional land use development oversight is established in the Effingham Zoning Ordinance, which includes: Floodplain Management Ordinance, Open Space Conservation Subdivision Ordinance, Steep Slopes and Critical Elevations Overlay, and Personal Wireless Communications Facilities Ordinance.

**3.2.5 Existing Land Use and Land Cover**

Land uses and land cover 2010 are depicted in the Effingham Land Use/Land Cover Map (located at the end of this chapter). Existing land uses and land cover are described in greater detail in Figure 10 below.

**Figure 10: Existing Land Use and Land Cover 2010**

Land Use and Land Cover Classifications	Number of Acres	Percent of Total Land Acres
Residential	1,547.1	5.7%
Commercial, Services, and Institutional	344.5	1.3%
Transportation, Communications, and Utilities	310.4	1.2%
Gravel Pit	9.9	<1%
Outdoor Recreation	40.8	<1%
Cemetery	2.0	<1%
Agricultural Land	55.7	<1%
Transitional Land	1,373.5	5.4%
Forest land	18,476.4	72.3%
Water	832.1	3.3%
Wetlands	25,563.30	10.1%
Total Effingham Acres	25,563.30	100%

Source: Land use data based on LRPC interpretation of 2006 aerial photography and local review

### **33 FUTURE LAND USE**

The Future Land Use Map is, by design, a product that brings together most, if not all, other elements of the master plan such as natural resources, economic development, transportation, and housing. It provides a visual representation of what the community would like to have happen, but it is not a prediction. Because it affects all residents in a community it is important to include the public in this planning process.

On May 6, 2011 the Effingham Master Plan Advisory Committee hosted a public forum to gain additional insight regarding the views of Effingham residents on the draft Master Plan contents. The forum was used to discuss future land use with two groups of residents independently. Supporting historic information about housing and commercial development, population growth over time and projected into the future, and land use preferences expressed through the community survey were provided in the form of a handout, and were discussed by Lakes Region Planning Commission staff prior to residents' participation in a mapping exercise. The map exercise consisted of identifying areas in Effingham which are considered appropriate for future non-residential development. A base map with developmental constraints including steep slopes, wetlands, conservation lands, water resources, existing land use and land cover, and a zoning overlay were used to guide the participants. Each group identified and marked their group base map without interaction between groups. The two maps were compared and consolidated by LRPC into a draft Future Land Use Map staff for presentation to and consideration by the Master Plan Land Use Subcommittee. The Future Land Use Map was refined based on committee input and presented to the Planning Board with the Land Use chapter.

The results of the future land use exercise from the public forum showed much similarity between the two participant groups. Common determinants in selecting areas with future

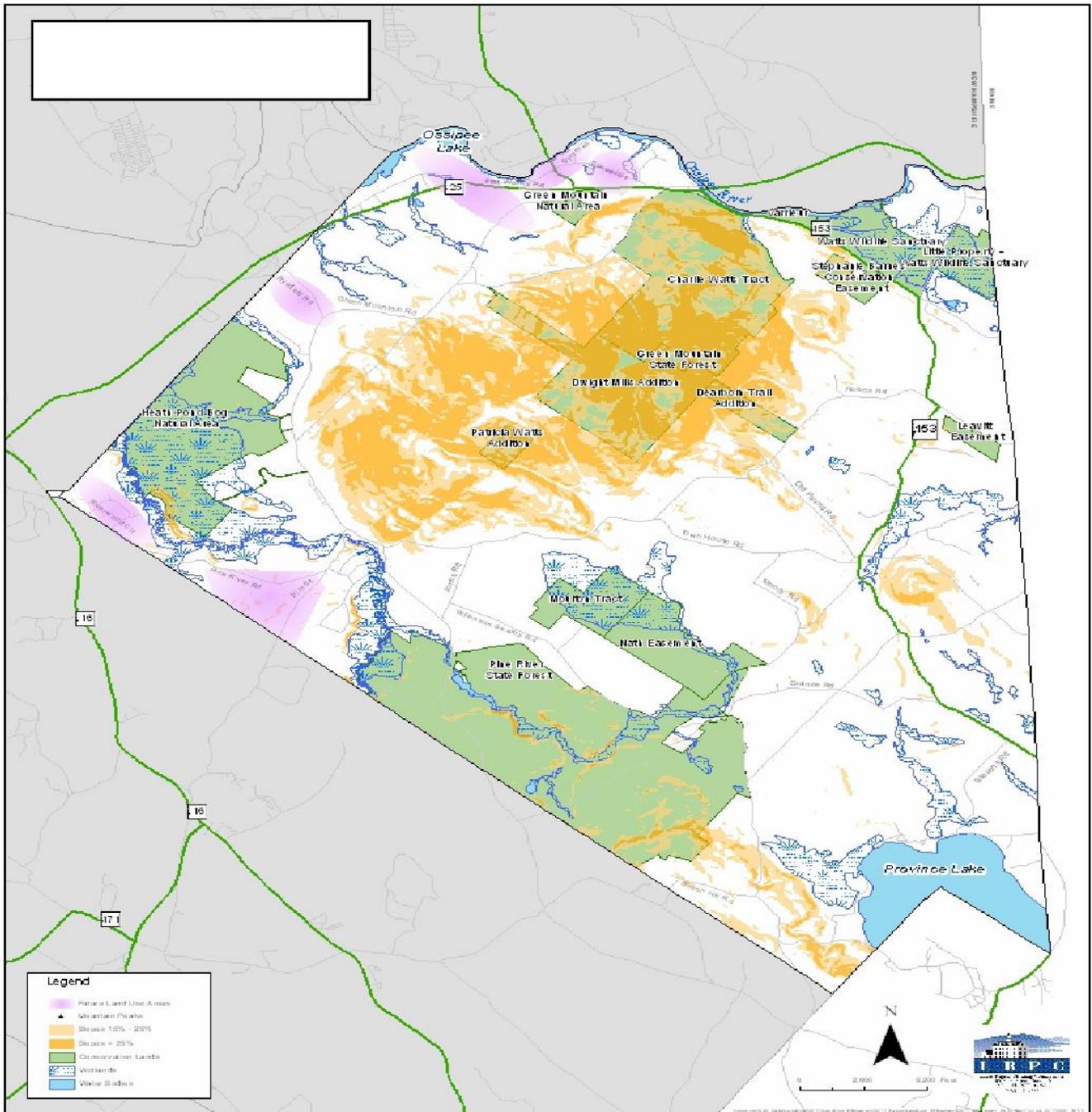
development potential were the desire to create opportunities for commercial development or mixed residential and commercial development. Participants considered proximity to existing commercial development and larger residential subdivisions or neighborhoods, highway access, and compatibility of future land uses. Both groups selected land areas to the west and north of Green Mountain. The following describes the areas identified by the two groups:

- 1) **Pine River Road** from the Ossipee/Effingham town line to beyond the PK Motel and Warehouse Storage. Currently this area is predominantly residential with a commercial business, home businesses, and interspersed transitional and forested land. The area has good access to NH Route 16.
- 2) **Pine River Road/Elm Street** from the Ossipee/Effingham town line north on Elm Street to the junction of Pine River Road then west on Pine River Road towards a wetland crossing. This area is characterized by large subdivisions with large residential lots in varying states of completion. Development is predominantly residential, with a mix of home occupations, agricultural land, and interspersed areas of steep slopes and forest. Both Elm Street and Pine River Road provide access to NH Route 16.
- 3) **Ryefield Road** from the Effingham town line southwesterly to Green Mountain Road. Significant agricultural and transitional land currently occupies the majority of the western stretch of Ryefield Road. A mix of sparse, large lot residential development, forested land, and additional farm land comprise the remaining area. Ryefield Road provides convenient access to NH Route 25.
- 4) **NH Route 25** east of Ossipee Lake Campground and Camp Marist. In addition to the commercial summer camps, NH Route 25 has a sparse mix of commercial development including a restaurant, laundry, and general store on a frontage street adjacent to NH Route 25 and a filling station with access on NH Route 25. Future development potential may be constrained by limited access to NH Route 25, which would need to be explored with the NH Department of Transportation. Currently the area identified is forested, with minimal pockets of wetlands and transitional land.
- 5) **Effingham Falls**, the cross roads from the Freedom/Effingham town line south on NH Route 153 to NH Route 25, and the dead end of Iron Works Road east to the cemetery on School Street. This is a neighborhood setting with close knit residential development, a commercial business, a river park, and forested buffer from NH Route 25. A similar development pattern exists in Freedom, across the river. A small segment of sidewalk in Effingham on NH Route 153 provides limited off-road residential connectivity. Iron Works Road may provide future connectivity to NH Route 25.
- 6) **School Street** from the cemetery east to NH Route 25. This section of Effingham is home to the elementary school, municipal offices, police

department and a commercial storage facility. In addition, residential development, forest, two prominent wetland fingers, and transitional land occupy the remaining land area. School Street provides easy access to NH Route 25 and NH Route 153. Currently a forested strip of land buffers School Street from NH Route 25.

The Future Land Use Map represents a community's visual guide for future planning. The Future Land Use Map does not share the same legal status as the town's Zoning Map. It should be considered a guide that expresses the town's vision for the future, and should be used to influence future land use decisions, but not to regulate the activities within specific areas identified. For this reason, the map contains "soft" boundary lines to delineate the areas identified, and the associated descriptions are generalizations as well.

Figure 11: Future Land Use Effingham, NH 2011



## **3.4 2011 MASTER PLAN RECOMMENDATIONS**

### **View Protection**

Formalize the scenic views described in the 1981 Master Plan by mapping, photographing, and applying current zoning to explore the development of protection measures that ensure that land use practices and future development are consistent with the desired views. This scenic view analysis could include other locations in town beyond the two areas described in the 1981 master plan:

- 1) The area south of High Watch Road looking northwest to the lakes and mountains;
- 2) South of Bailey Road along Province Lake looking southwest towards the lakes and mountains.

### **Additional fire ponds/dry hydrants/cisterns**

An opportunity exists for residential and commercial fire protection which addresses incremental future development through the town's site plan review and subdivision regulations. Evaluating fire protection measures as a checklist item for all site plans and subdivision applications helps ensure adequate protection is provided and can minimize or reduce the costs of municipal fire services. The regulations should be reviewed and revised as needed for the inclusion of adequate size thresholds when fire ponds, hydrants or cisterns will be required for future development. If concerns for fire protection are related to adequate protection for existing development the town should consider the services of the NH Rural Fire Protection Initiative through the area Resource Conservation and Development Council. This initiative has included competitive grant funding for town fire protection assessments and fire pond design and construction.

### **Building Inspections**

Currently the town of Effingham has a building permit application process that is administered by the Board of Selectmen through a part-time Zoning Enforcement Officer (ZEO). The ZEO is responsible for applying the town Zoning Ordinance for new development. State building code is applicable in Effingham, but the town has not adopted building inspection requirements. The Planning Board, Zoning Board of Adjustment, and Board of Selectmen should meet together to discuss local inspection needs.

## **Non-Residential Design Guidelines**

Design guidelines vary greatly in the type and breadth of topics covered. Common elements include: landscaping, parking, signs, and the appearance of buildings - façade, scale, height, roof style, etc. The purpose of design guidelines is to convey the type of commercial and multi-family development a community desires which is consistent with the characteristics that make the community an attractive place. While subjectivity and judgment are invariably part of making decisions about aesthetics, there are universal principles of good design. Once established, design guidelines can reduce the time and cost of design changes when incorporated early in the planning process and are intended to work towards a common vision for the town.

Well crafted design guidelines can promote building design that is functional, economical, attractive, and harmonious. This balances the benefits to all residents with the individual rights of a property owner to do what they wish with their land. The goal in the creation and use of this planning tool is to establish a direct link between the guideline contents and the community vision articulated in this master plan.

## **Alternative Energy Tax Incentives**

The types of alternative energy that are incentivized may have impacts on the character of the community and land use implications. For example, in order to be effective wind generation, even for residential use, typically requires towers that are well in excess of current building height restrictions. Currently the town provides alternative energy tax exemptions for the assessed value added by installing solar power and for the cost of wood boilers.

## **Cluster Subdivisions**

Currently Effingham has an Open Space Conservation Subdivision Ordinance in place that allows greater density in exchange for open space protection for a portion of the buildable land area. In the absence of support for smaller minimum lot sizes as expressed through community response to the Master Plan Survey, cluster subdivision may be a planning tool for consideration to reduce land development impacts. The majority (55 percent) of survey respondents indicated support for clustered residential housing. A difference between cluster housing and conservation subdivisions, which are often times used interchangeably, is that clusters do not necessarily require open space or preservation. The Planning Board should give careful consideration to the desired outcomes when developing this type of residential development tool. In other Lakes Region communities, these subdivision options have not been favored by developers over conventional zoning.

Cluster subdivisions can be used for the promotion of workforce housing as well. Land costs are one of the most significant development costs passed on to the consumer in new housing. To the extent that lot sizes are reduced, the over-all cost should be reduced as well.

## **Capital Improvements Plan and Reserve**

Using a Capital Improvements Program (CIP) to guide annual expenditures for public improvements is one of the best ways to implement a town's Master Plan. In conjunction with the Master Plan, the capital improvements programming process works to anticipate investments in community facilities and infrastructure which are needed to serve or shape community growth and development.

The CIP is a statement of a town's intended schedule for the construction, expansion, or replacement of public facilities and equipment that have a known life expectancy - such as municipal buildings and highway equipment. Expenditures for projects may be included in the CIP as well; examples include engineering studies, Master Plan development, land acquisition, and revaluation of property. Non-recurring projects and those projects that require bond financing can also be included.

## **Hillsides and Steep Slopes Protection**

The town currently has a Steep Slopes Ordinance and Critical Elevations Overlay.

## **Create a Commercial Zone**

This recommendation was included in the 2003 Effingham Master Plan. The recommendation appears to be consistent with the strong support for economic development expressed in the community response to the 2010 Master Plan Survey.

## **Zone Descriptions**

The town may wish to consider developing purpose statements for each of the zoning districts in the community. Currently, the Province Lake and Historic Districts are described by a purpose statement, but the Rural/Agricultural and Village Districts do not have the same detail in the zoning ordinance.

## **Information Dissemination**

Through the Master Plan update process a common theme developed that the town should provide an easily accessible and comprehensive outlet for Effingham land use information. The town website may provide an effective source of this information which would likely include the Zoning Ordinance, Site Plan and Subdivision Regulations, Master Plan, Planning Board minutes, agendas, meeting schedule, etc.. The role of the Zoning Enforcement Officer and appropriate forms might be posted on a web page dedicated to land use as well.

Figure 12: Existing Land Use and Land Cover

