

5. EXISTING LAND USE

INTRODUCTION

As we approach the Twenty-First Century, the Town of Newton finds itself struggling to maintain its rural character. The Economy is good and developments are on the rise. Surrounding towns have experienced extensive growth. Until now, Newton has been spared the rapid development of its neighbors . (See Community Profile) . The town is easily accessible by a state maintained highway, Route 108, and is close to Interstate 495. With the Seacoast only minutes away and tax-free shopping available in Seabrook, Plaistow, and Salem NH, Newton's rural/suburban character and prime location is attractive to people employed in both Massachusetts and Southern New Hampshire.

EXISTING LAND USE MAP

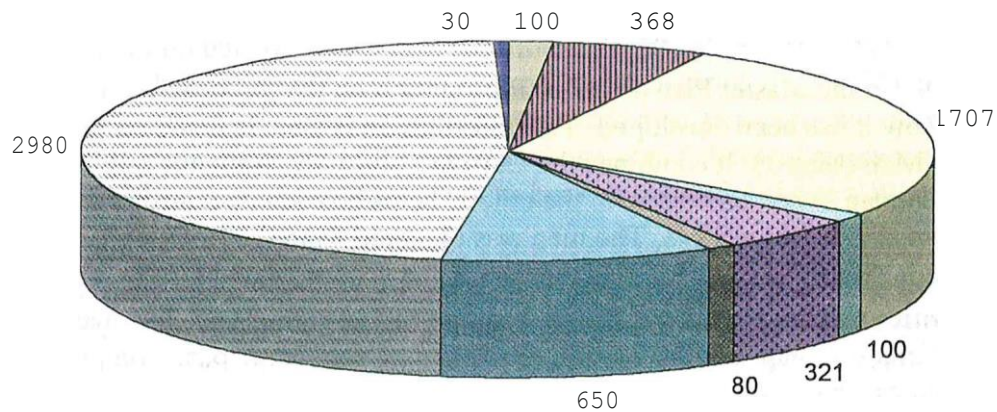
This section of the Master Plan provides information on the physical nature of the town's land and how it has been developed. This information is best depicted on the Existing Land Use Map (Map 1). It combines the Current Land Use, Wetlands and Topographical maps. Each map, when layered with the others, helps provide an overview of the layout of the town as it exists in 1998. The map was obtained from the Rockingham Planning Commission (RPC) and is located at the end of the Existing Land Use section.

The Existing Land Use Map was reviewed and updated by the Master plan committee for the present year (1998). It provides valuable information on the location and type of specific activities and the overall pattern and configuration of land use. The map is a parcel-based land use map; in other words, the land uses shown are based on property boundaries, unless there was further potential for development. If there is further potential for subdivision, only the acreage needed for a residential lot would be indicated residential. This is a more useful way to present land use information from the standpoint of the impact of the use on the land . It is also important to understand that at the current development rate, even the most accurate land use map becomes quickly outdated. Therefore the purpose of the map is to provide an understanding of the extent and distribution of the town's current development and to highlight any development trends that have occurred since the Plan was last updated (1986).

To give a different visual perspective on the existing land use, we have also included a chart (Figure 4) in our presentation . It combines the different uses shown in the Existing Land Use Map and shows approximate distribution of each.

LAND USE CLASSIFICATIONS

The town of Newton is 9.9 square miles or approximately 6336 acres. Of this, standing water comprises nearly 100 acres, with Newton's section of Country Pond being the bulk contributor at 87.5 acres. Several smaller ponds and rivers scattered throughout the town make up the remaining acreage. As of the 1997 Annual Report, there were 37.6 linear miles of streets and roads in town.



D Roads

IIII State-owned

D Current use [3]

□ Standing water

E3 Town-owned

Pipeline & railroad

□ Industrial/commercial

EI Residential [4]

■ Churches & Schools

[1] Acreage is approximate and should be used for description purposes only.

[2] Wetlands are divided among all categories

[3] For current use break-down, refer to Table 12

[4] Single family and multifamily, developed and undeveloped.

Figure 4: Newton's Approximate Land Use in Acres [1], [2]

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Like many of its neighbors in Southeast NH, Newton has a nice balance of wetlands and wooded areas. When combined with uses that are unique to the area and the town, they help define the separate land-use classifications. For the purposes of our discussion these classifications have been condensed into 10 categories as follows :

Single Family - residential land-use; includes all structures that contain one dwelling unit, including manufactured housing. Residential property comprises the largest single developed land use in Newton. According to the 1997 town Report there were 1465 taxable properties as of 4/01/96. Of these approximately 1300 contain residential structures.

Multi-Family- those structures that contain more than one single-family dwelling unit. Currently there are three larger multi family developments in town: one apartment complex, a senior housing development and a trailer park. There are also several smaller units, primarily located on the major routes, which are older single-family homes that have been converted to multi-family use. These homes predate existing zoning and are a permitted use in residential zoning.

Industrial/Commercial- includes all retail establishments, manufacturing and warehousing facilities. There are several small neighborhood businesses scattered throughout town: at Rowe's corner, Newton Junction and along route 108. These businesses are limited to grocery-general stores, restaurants, a greenhouse, office space, a dance studio, and automotive services. Recent changes include the loss of Newton Chevrolet, although the structure remains, and the addition of a landscape business adjacent to it.

There is no formally developed industrial park. Industrial development is limited to Continental Biomass Ind. and a few light-manufacturing firms. FX Schmid, a puzzle manufacturing business, has developed a warehouse on part of the largest Light/Industrial zoned parcel in town off of South Main St. (Route 108). See Zoning Map (Map 2).

Agriculture- uses include traditional farms and farm fields. The Nicol Farm is the only full-time commercial farm in Newton. There are several smaller farms, which may sell trees or hay, but as is true for many southern Rockingham County towns, agriculture has played a minor role in the community over the last several decades. There are also a few roadside farmstands, but they are located on primarily residential use land and are a permitted use in that zone.

State Land- state-owned wildlife management areas. There are three large parcels of land, containing approximately 368 total acres, which have been designated as the Richard Satgent wildlife management areas. They are all located in the northern section of town.

Wetlands- those areas that are considered non-developable for traditional purposes. According to the Rockingham Planning Commission, there are approximately 1543 acres of Wetland of which 923 acres are considered to have **very poor** soil drainage and 620 to have **poor** soil drainage. Some of these areas are privately owned and are in the Current Use program.

Pipeline and Railroad - the Guilford Railroad has an active set of tracks that run through the western side of Newton. There is also a natural gas pipeline that runs through town. A second pipeline, a joint venture of the Portland Natural Gas Transmission System and Maritimes & Northeast Pipeline LLC, is currently under construction. It runs adjacent to the existing pipeline from the Northern most part of town at the East Kingston border to the Southern most part of town at the Plaistow border. There are many households of the town whose property is affected by the construction of the pipeline. The pipeline impacts the entire town because of restricted use and potential hazards.

Town-Owned Land- including: land that houses town owned structures, (Town Hall, Police Station, Fire Station etc.), the transfer station, Peanut trail rights of way, town beach, recreation area on Heath street, fire ponds, cemeteries, conservation land and land acquired through Tax Collector's Deed. There is also a 47-acre parcel of open space land off of North main St. that has been purchased by the town.

Churches and Schools- There are four places of worship in town. They account for only a small percentage of useable land. The elementary and middle schools are combined on one 26-acre parcel off of West Main and Whittier St. Extension.

Current Use- New Hampshire's Current Use law (RSA 79-A) allows qualifying land to be taxed according to its current, rather than its potential use. Without the Current Use program, all open land, regardless of the owner's intent for future, use would be assessed and taxed at market value. In many cases this would have the effect of forcing landowners to sell their property to escape high property taxes. Inevitably this would mean losing much of this land to development, probably in the form of residential subdivisions. The Current Use program "enables" those who wish to hold on to large parcels of land to do so and in doing so, it helps preserve open space and conserve the accompanying agricultural, forest water and wildlife resources.

The Current Use program is utilized extensively in Newton. According to the 1997 town Report, over 1700 acres of land was enrolled under current use. This constitutes more than 25% of the town's total of 6336 acres. Refer to Table 12.

The current use program is an extremely important mechanism for keeping open land open in Newton. It does not, however, provide any long-term protection from the future development of this land. This is because current use land can be taken out of the program. There is a penalty tax equal to 10% of the land's full value assessment at the time of the change. Additionally, some of the land in Current Use is wetland and should not be developed.

Table 12: Current Use

<i>Land Use</i>	<i>Acres</i>	<i>Source</i>
Forest Unmanaged	1155	Town of Newton 1997 Annual Report
Forest Managed	134	
Farmland	134	
Wetlands	145	
Une_productive	102	
Total Acres in Current Use	1707	

LAND USE TRENDS

By comparing the 1986 ELU Map (LU-1) with the Existing Land Use Map (Map 1) several important trends are obvious:

- Newton continues not to have a distinguishable town Center. It is unique in that homes and businesses are spread fairly evenly throughout town. Little has changed as far as the location of town facilities except the police department relocated from the town Hall to Amesbury Road. The fact that Newton has not invested in updating these town facilities constitutes a trend. Whether this trend can continue, in the face of increased residential development, will need to be looked at in the future.
- More and more of the land is being developed, primarily for residential use. There has been very little development in any form other than residential. From town records, between 1986 and 1989 there were 92 new houses built. Then there was a slow period during the early 90's until the end of 1994, in which only 63 new houses were developed. In 1995 through 1997 the economy started to pick up and 117 houses were built. This increase can be seen in Table 13 and Figure 5.

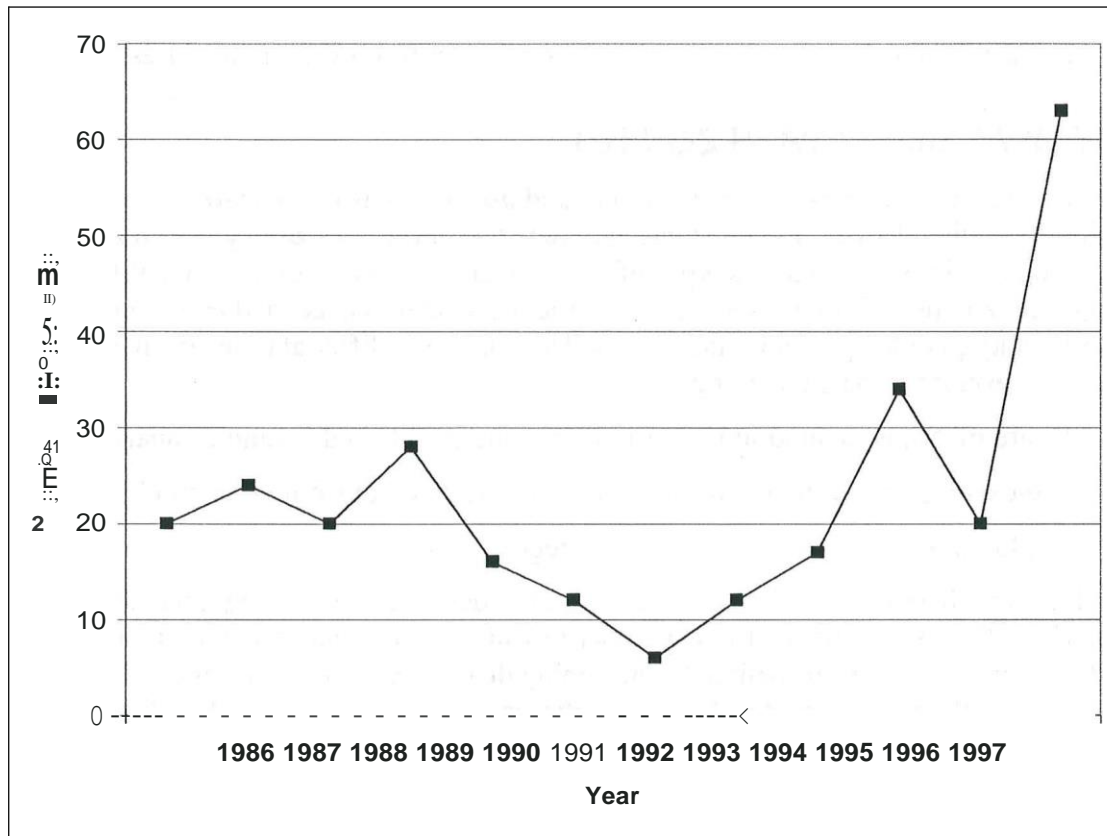


Figure 5: Number of Houses Built in Newton

- New development has spread away from the main roads, which have reached their full potential, and has extended to new subdivisions. The number of lots in these subdivisions (hence number of residential units) has also risen, as witnessed by the development of Chase Estates. These new, neighborhood style developments are attracting young couples who have children. Cul-de-sacs are also considered child-safe developments and have been used where it is impossible, based on the circumstances of the land, to develop more than one entrance/exit from an existing route. This trend is having a substantial impact on town Facilities and must be watched closely in the future.
- Because of this residential development, forestland has decreased during this period. Some of the remaining forestland, both public and private, contain trails that are used by many residents for recreational purposes, (horseback riding, trail biking, exercise route Etc.) Correspondingly, it will become increasingly important in the future for the town to find a way of preserving areas of forestland while allowing for controlled development.
- The land most readily suited for development has been developed first. An increasingly larger proportion of undeveloped land (land which is less well suited to development due to steep slopes, wetlands, ledge, inaccessibility, or other factors and was once considered difficult to develop) is now being reconsidered because the reward for developing these areas has risen. In the future the Planning Board will

have to pay special attention to the physical characteristics of the land and require a more conscientious development practice with careful review procedures.

COMPATIBILITY WITH ZONING

One of the main reasons for conducting a land use survey is to compare existing land use with the zoning districts the town has adopted. The purpose of zoning is to regulate the location and impact of various types of land use and to maximize the compatibility of adjacent land uses. Zoning is a regulatory tool by which to enact and enforce the community plan for particular land areas. This plan may differ at times from actual land use for several reasons, including:

- Board of Adjustment granting variances to the established zoning ordinance;
- Pre-existing uses which, after the zoning is enacted, constitute non-conforming uses;
- Exploitation of "loopholes" in zoning regulations.

In Newton, there is generally a very good match between the existing land use and zoning districts. This is largely due to the manner in which the current zoning regulations, adopted in 1973, were formulated. The zoning districts were created specifically to coincide with the existing development patterns rather than being used to direct desired growth.

There are at least two areas of the town in which Current use is different from the town Zoning Map (Map 2). Recent development on Heath Street appears to be Single family Residential A use, however it is listed as Single family Residential B on Zoning Map 2. Fernwood Drive off of Route 108 appears to be Single family Residential A but is listed as Commercially Zoned on Map 2. Areas where Zoning is different from Existing Land Use should be examined to determine the impact of various types of land use and to maximize the compatibility of adjacent land uses.

There are also two pieces of Light Industrial/Commercial zoned properties, located near the Railroad tracks, which are currently not occupied. How they eventually develop and the impact they have on adjacent zones will be determined in the future.

ADDITIONAL CONSIDERATIONS

In the future it will be imperative that the residents of the town pay special attention to zoning and the existing land use. One key issue is the enforcement of established Zoning Ordinances, (for example, junkyards and non-residential home occupations in residentially zoned areas). Until now it has been the Board of Selectman's responsibility to enforce these Zoning ordinances, a task that can be expensive and time-consuming in nature. As the population increases, it will be more important than ever to control the land use. Combined with planned growth, this will help define the future land use of the Town of Newton.

A second consideration is that the planning board may be granting inappropriate waivers to Subdivision Regulations. This could account for some of the rapid increase in

residential growth. Hopefully, recent changes to the Subdivision regulations will make these waivers much harder to come by.

RECOMMENDATIONS

- The planning board must update all town maps . We recommend that they be computerized and updated regularly.
- The board of selectmen must find a way of addressing zoning issues more effectively or find a way to delegate some of their enforcement authority (code enforcement officer) over the town zoning ordinances.
- The planning board should consider either some kind of impact fee on future developments , or encouraging the developers to donate a section of the development to common land. This would help maintain some of Newton's rural character.
- The planning board should adopt an ordinance requiring the non-wetlands area used in minimum lot size determination to be contiguous. This will help eliminate the need for public sewerage in the future.
- The town should work towards preserving the extensive set of recreational trails that are currently in use. These trails are found on both private and public lands .
- The town should establish a program that would encourage owners of land that is in current use, to donate some of their land to town conservation, in return for memorializing the donor.
- The town should work with landowners to establish easements combining the Peanut Trail and pipeline easements for a trail system.
- Finally , the Master Plan committee should work hard at publicizing the updated Master Plan.

