

Town of Washington, New Hampshire

Master Plan 2015

1. LAND USE AND ZONING

OVERVIEW OF CURRENT SITUATION:

The Town is currently zoned as a single zoning district with six types of permitted use: residential, civic, agricultural, business (minor home occupation, home business, business), earth excavation and communication towers. Historically, several of the subdivisions were developed with deed restrictions in order to ensure residential use only. The current land use regulations for Washington include: the Land Use Ordinance, Site Plan Review Regulations and Subdivision Regulations.

The Town has 16 owners of tracts of more than 200 acres, four of whom are organizations rather than individuals, about 352 owners of 10-200 acre tracts and 603 owners of tracts between two and 10 acres. There are approximately 1,115 smaller lots (under two acres), many in lakeside communities planned for summer cottages that are gradually being winterized.

Only 10 - 15 % of the Town is suitable for industrial or commercial development. Their slopes (less than nine percent), good drainage, lack of ledge and the fact that they are not subject to flooding define these lands as suitable for this type of development. Approximately 30-35% of the land in Town is suitable for houses with basements. This land has a slope of less than 15%, is not in a flood plain and is not poorly drained.

Residential Development:

Development in Washington is primarily residential, split between year round and seasonal use. As stated in the chapter on Population, the 2010 Census data show that 54% of the homes are seasonal. The majority of these are clustered on relatively small lots around five of the Town's 20-some ponds: Ashuelot Pond, Island Pond, Highland Lake, Millen Pond and Halfmoon Pond.

Lake Ashuelot Estates, on the eastern shore of Ashuelot Pond, was developed in the late 1960s, prior to any land use regulations in Washington. There was an original total of 482 lots. The Town has taken ownership of a number of lots for nonpayment of back taxes and, in recent years, has sold most of these lots to abutters who have then merged their lots. There are, therefore, now a total of 383 lots, 241 of which have been developed. Lots in this subdivision have deed restrictions ensuring residential use. Eleven miles of private roads, maintained by the homeowners' association, service it. LAE is accessible via a paved Town road and a dirt road with their junction at the entrance to the development. The average lot size in Lake Ashuelot Estates is approximately one acre. The main section of development, which abuts the pond, consists of lots averaging about $\frac{3}{4}$ of an acre and is 80% built out. Another section that is further away from the pond for the most part cannot be developed due to a high incidence of ledge. The northern section, along the east bank of the Ashuelot River, has many open lots, which range from one to two acres. While the lots within this development are generally undersized, most of the homes are substantial, not just small summer "camps." Many people have built homes to be used as summer residences for a time, with the intention of eventually using them as their retirement homes. Lately there has been a trend toward construction of year round homes on available lots. Obviously, as the population continues to age, there is potential for this trend to continue.

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Island Pond was also developed in the late 1960s and consists of water front lots of less than one acre and off shore lots of three acres or more. A number of properties have been converted from seasonal homes into full-time residences in recent years. Lots in this subdivision also have deed restrictions ensuring residential use. There are currently about 150 lots on the east side of the pond, but there is potential for future subdivision on the west side, greatly increasing the size of the overall developed area around the pond.

The west side of Highland Lake, **Highland Lake Shores**, was subdivided into some 250 lots in the 1930s and consists mostly of summer camps which are winterized, although a few houses built during the last 20 years are substantial, year-round homes. There are many trailers in the area, which due to recent changes in State Law and the Land Use Ordinance must each have its own septic disposal system. This is a heavily populated area in the summer.

Highland Haven, a development on the east side of Highland Lake, contains some 75 lots, 25 of which have been developed with full-time or part-time residences. There are about 10 small lots on the shore of the lake, (1/2 acre or less), the remainder being two acres or more. Just south of this there is another 10-lot subdivision, approved in the early 1990s, while further south along the lake there is **Highland Forest**, a subdivision of some 40 10-acre lots which is actually close to if not south of the Washington/Stoddard town line. Most of these lots are not yet developed.

Millen Pond has many homes around it, many dating from early in the last century, some seasonal and some year round, on a total of 73 lots. Camp Morgan, a Town-owned recreational facility, occupies a good deal of the northeastern shore of the pond. There are few remaining developable lots around the pond.

Halfmoon Pond has a few older summer cottages along the southeastern shore, but there is potential for a future sizable development along the western shore.

A subdivision around **Freeze Land Pond** was approved in 1990, consisting of 26 lots, ranging in size from five to 20 acres, but none have been built on. The Town purchased two lots for the Transfer Station and Department of Public Works.

South of this, around **Smith Pond**, a subdivision of 10 to 15 lots has been created, with substantial homes on about nine of them.

There are **three major subdivisions** in Town that are not located on or near a body of water: **Washington Heights, Martin Road and Sandy Knolls Road**. These subdivisions all have larger lots (five to 10 acres) and are geared toward year-round residences.

Washington Heights has 32 lots off Lempster Mountain Road, with an additional eight lots on Route 31. Eighteen of these lots have been developed.

The **Martin Road** subdivision is on the western side of Lovewell Mountain; 17 of the 29 lots have either full-time or part-time residences.

Sandy Knolls Road, off Mountain Road in East Washington, consists of 22 lots, 10 of which have year round homes; the remainder are as yet undeveloped.

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A **new subdivision** was approved in 2006 between Mill Street and East Washington Road consisting of 13 lots of approximately five acres. Six lots have been developed.

Table 1.1 Subdivision Table (Source: Town of Washington Assessor's Data)

Subdivision	Year	Total Acreage	Total Lots +/-	Built Lots +/-
Lake Ashuelot	1969	532	383	24
Island Pond	1966	168	150	79
Highland Lake	1930's		25	17
Highland Haven		324	75	25
Highland Haven -2	1990's		10	3
Highland Forest		400	40	13
Millen Pond	1900's		73	59
Halfmoon Pond			48	33
Freezeland Pond	1990	308	26	0
Smith Pond		43	13	9
Washington		135	32	18
Martin Road	1982	454	29	17
Sandy Knolls		77	22	10
Mill Street	2006		13	6
Total			1,166	683

Village Districts:

Ashuelot Pond Dam Village District: In 2001 a village district was formed solely to manage and maintain the dam at the exit of Ashuelot Pond, when insurance costs became so high that it was not possible to afford liability protection by any other means. This entity is run by a board of elected commissioners consisting of residents of Lake Ashuelot Estates and is funded by Village District taxation.

Highland Haven Village District was established on August 6, 1994 in order to protect and maintain the land and property held in common and is also funded by Village District taxation.

The 2008 Natural Resource Inventory Report indicates that there are approximately a total of 2,200 lots currently existing, and it estimates that there could be an additional 2,200 four-acre lots in the future. Thus, there is still substantial potential for future subdivisions in Washington, which eventually could increase the Town's present population. However, because of the minimum requirements of the present Land Use Ordinance (four acres) and septic disposal designs there can no longer be a summer cottage type development. The earliest projects in Town were designed for purely summer use and did not have regulations to control them. There are no public water or sewer services in Washington, with all lots depending on individual wells and septic systems, and it is conceivable that a higher density of homes could lead to future groundwater pollution problems. Building permit activity has been very quiet for the past five years. Most activity involves additions or renovations rather than new dwelling units. With so many

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empty lots in subdivisions already approved, it is unlikely that additional major subdivisions would be easily marketable, unless they had some amenity not found in existing developments.

With so few available water front lots there may, however, be a certain amount of pressure on land near other as yet undeveloped ponds.

Commercial Development:

Commercial or industrial land use presently consists mostly of the General Store, the Post Office and a few small businesses scattered throughout the Town. There are no industrial businesses in Washington. The types of businesses currently in operation are: building trades, logging, minor home-based businesses, professional services, consulting, internet-based mail order, bakery, artisans and antiques.

Agricultural:

There is one remaining operational farm, Eccardt farm, which is situated on 109.7 acres in East Washington. Several small family farms and sugaring operations are scattered throughout the Town.

Religious Institutions:

The religious organizations that currently own substantial property include The Slaves of the Immaculate Heart of Mary, the Seventh Day Adventist Church and the East Washington Baptist Church. The Slaves own and built the Montfort Retreat, a 200-acre facility for their summer youth programs, which is located off of King Street. The birthplace of the Seventh Day Adventist Church is also located on King Street on 18.3 acres. Their historic meetinghouse, built in 1842, is situated on this property. The East Washington Baptist church also owns the Grange building on the village green and, together, they are situated on .96 of an acre in East Washington. The Washington Congregational Church in the Town Center stands on municipally owned property.

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Table 1.2 Land Use Table

(Source: 2014 Assessor's MS1 (NH DRA) report and 2008 Washington Natural Resource Inventory (NRI) Report)

<i>Land Use</i>	<i>Total Acreage +/-</i>	<i>% of Total Land</i>	<i>Comments</i>
DEVELOPED:			
Residential (Subdivided or built)	3,670	12.0%	Per 2014 MS1 report filed by Assessors to DRA
Commercial/Industrial	61	0.2%	Per 2014 MS1 report filed by Assessors to DRA
Agricultural	463	1.5%	
Municipal/Religious	752	2.5%	Calculated from 2014 MS1 report
UNDEVELOPED:			
Land in Current Use	19,288	62.8%	Includes Farm, Forest and Wetlands
(CU: Conservation Land)	(4,431)	(14.4%)	SPNHF, DRED, ASNH, NEFF
(CU: Town owned Forests)	(720)	(2.3%)	
Lakes	1,478	4.8%	Jager, R & G, <i>Portrait of a Hill Town</i> , 1977, p.531
Pillsbury State Park	5,000	16.3%	
Total Town Acreage	30,712 +/-		

LIMITS TO DEVELOPMENT:

A "Constraints to Development" map, included at the end of this section, was produced in 2008 for Washington's Natural & Cultural Resource Inventory. The map identifies four absolute constraints to development: wetlands, wellhead protections areas, steep slopes (>15%), conservation and public lands. It also identifies partial constraints to development that would not prohibit development but would be unattractive to development because of site characteristic or regulatory hurdles. These partial constraints include: Comprehensive Shoreland Protection Act Zone, flood plains and Washington Town Forests.

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SUMMARY OF COMMUNITY INPUT:

Our vision statement for Washington's future encourages us to preserve our unique village centers and gathering places through zoning protection and land use ordinances enforced to safeguard our natural resources and to maintain community pride of place. The vision also encourages us to serve as active stewards of our rural surroundings, scenic vistas and recreation resources to preserve and expand protected open space and perpetuate the rural character our townspeople cherish.

Through the **Community Survey**, the following input was received relative to Land Use and Zoning:

Specific sections of Town should be designated for different land use.	74% agree or strongly agree
Different minimum lot sizes should be required in these different sections.	68% agree
Areas in which to locate business and industrial development are important to identify.	84% agree or strongly agree
The current NH state building code is adequate for the Town.	66% agree or strongly agree
No development in forested areas or on present farmland.	Favored by over 55%
The Town should encourage historic preservation.	90 % agree
There are historic sites or areas in Town that should be protected.	62% agree

With reference to housing growth, the largest percentages of respondents favored single-family dwellings (82%) and seasonal homes (74%).

To be discouraged were apartment buildings (83%), mobile homes (79%) and condominium complexes (73%).

The **Community Workshop** generated the following strengths/weaknesses/opportunities relative to Land Use and Zoning in the breakout group:

STRENGTHS: Current Land Use Ordinance (LUO) discourages development; strong Planning Board continues to update the LUO; large amounts of land are currently protected (privately owned, Town owned and State owned); the Camp Morgan property and Montfort Retreat are positive land uses.

WEAKNESSES: Property values are impacted when regulations do not exist; junky yards should disappear; a lack of visual screening exists; lack of code enforcement exists; there is a need to rezone to allow smaller lots in village sections; senior accommodations are lacking.

OPPORTUNITIES: There is a small vibrant downtown, within 1/4 mile of Town Hall, that is a defined area; certain intensive businesses could be restricted to certain areas; more land can be protected for future generations; cottage industries that blend with the character of the neighborhood can be encouraged; our quality of life asset should be maintained; growth could be achieved through keeping what currently exists; diversity could be attracted to our Town.

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The **Community Workshop** included the following Land Use and Zoning priorities:

- Enforce all codes and Land Use Ordinances;
- Protect land for future generations;
- Encourage businesses to downtown and cottage businesses to neighborhoods where they blend in;
- Maintain rural character and tranquility through zoning.

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GOALS AND RECOMMENDATIONS:

Goal A: Preserve and protect the rural character, scenic beauty and tranquility of Washington through the Land Use Ordinances and Subdivision Regulations.

Recommendations:

1. Regularly review and amend the Town's ordinances, site plan review regulations, subdivision regulations and codes to ensure that they provide the appropriate protection and preservation while allowing reasonable opportunity for land use.
2. Consider light and sound ordinances and setbacks for commercial/light industrial.
3. Recommend land use practices that preserve steep slopes and other natural and built features.
4. Actively encourage conservation easements on forested areas and on present farmland.

Goal B: Protect and enhance property values through implementation and enforcement of Town ordinances.

Recommendations:

1. Enforce provisions of all State regulations, Town ordinances, Town regulations and codes in order to protect property values, public safety and scenic beauty.
2. Explore methods and opportunities for instilling pride in property appearance and reducing the number of junky yards.
3. Enforce Town and State regulations to manage storm water runoff and prevent erosion, sedimentation and environmental degradation of our waterways and bodies of water.

Goal C: Manage growth and prohibit scattered or premature subdivision* or development of land.

Recommendations:

1. Utilize the Natural Resources Inventory data and recommendations, particularly "Constraints to Development" map, to identify the appropriate areas for development.
2. Identify specific sections of Town to be designated for different land uses (residential, commercial, industrial, farming, recreational). Establish different minimum lot size requirements in these different sections.
3. Thoroughly research and evaluate each subdivision and development proposal to ensure that the Town's prohibition of scattered or premature subdivision or development of land is observed.
4. Investigate the various undeveloped subdivisions in Town and seek guidance from the State regarding the future of these subdivisions.

*Note: scattered or premature subdivision is subdivision that would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

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Goal D: Preserve our unique village centers through zoning protection and land use ordinances to safeguard our historical resources and to maintain community pride of place.

Recommendations:

1. Determine methods to encourage historical preservation of specific sites.
2. Investigate and implement land use tools and zoning that will protect historic areas of Town such as “Neighborhood Heritage Districts” and “Form-Based” planning.

Goal E: Provide for housing development compatible with sound land use planning, including the provision of safe, healthy housing available to low income people and those with special needs (such as elderly and handicapped people).

Recommendations:

1. Encourage the maintenance and rehabilitation of current housing stock whenever feasible.
2. Develop alternative housing approaches in an effort to provide lower cost dwelling units for families unable to afford conventional homes.

Goal F: Provide for appropriate commercial development and light industry ** to expand the tax base and provide employment opportunities in the Town without jeopardizing our rural character and scenic beauty.

Recommendations:

1. Consider adding a new zoning district to the Town to provide a location for commercial and light industry businesses.
2. Adopt regulations that will provide the flexibility needed by such developers while maintaining the control needed to protect the public safety and the aesthetic qualities of the area.
3. Explore expansion and upgrading of broadband services and power supplies to encourage internet-based technology businesses that offer minimal environmental impact.

** Note: light industry is characterized by less capital-intensive and more labor-intensive operations. Products made tend to be targeted toward end consumers rather than other businesses.

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Implementation Techniques:

The most common techniques used to control growth and land use are zoning and subdivision regulations. Many innovative tools are available through zoning to guide growth in terms of location and also in terms of housing cost. Public or private housing trusts are also used to promote low cost housing. Regulations can allow the construction of accessory apartments or the conversion of large older homes into several apartment units. By combining appropriate regulations regarding commercial development in the Land Use Ordinance and Site Plan Review Regulations, a community can have economic development without it being an eyesore, public nuisance or hazard to the health, welfare and safety.

Land use regulations can be used to protect open space, environmentally sensitive areas, wildlife habitats and forests, all of which have recreational value. The most common of these is cluster development, which allows the developer to build all the houses in one small area of the site while preserving the remaining land as open space for the enjoyment of the residents of the development and sometimes for the general public. The overall density prescribed in the zoning ordinance is adhered to, but the location of the buildings is changed. Other regulations to protect certain elements of the environment (such as wetlands, shorelines, floodplains, etc.) are commonly used to keep development out of those areas, sometimes providing a buffer for protection.

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CONSTRAINTS TO DEVELOPMENT

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