

9. EXISTING AND FUTURE LAND USE

Historically, land use in Chichester was strongly influenced by the Suncook River and the Suncook Valley Railroad that was completed in the 1800s. The railroad benefited Chichester and the surrounding towns with a thriving economy, including the presence of several mills, factories, boarding houses, and other businesses. Additionally, other portions of Town provided ample farmland for farms and agricultural related businesses.

More recently, land use in Chichester has been impacted by the Town's proximity to Concord and major roadways of US4 and NH28. It has also been influenced by the Town's topography, soils and other natural resources. There is no municipal water or sewer system, therefore building lots must be capable of providing a water supply and a sewage disposal system without affecting or being affected by those of neighbors.

Today, Chichester is home to many small to mid-size businesses, with most of the businesses located in the Commercial-Industrial zone. The 2014 Community Design Charette, "A Village Center, Again" made a number of proposals related to density and design along the Main Street corridor, of which some were incorporated into the 2019 zoning ordinance update.

This Chapter reviews the public input received during the Master Plan process related to land use, summarizes existing uses and patterns of uses in Chichester, describes the current zoning structure and related regulations, and provides an overview of recommendations related to zoning, development, and other land uses.

CHAPTER VISION

Chichester's future development should capitalize on opportunities to expand the local economy, promote traditional village scale development as appropriate along the Main Street corridor, support continued agricultural uses, and address changing demographic needs. Of key importance is the protection of Chichester's rural character.

COMMUNITY SURVEY RESULTS

Chichester's residents uniformly feel that Chichester is a desirable place to live due to its rural, quiet, small-town atmosphere, and its convenient location near cities, shopping, and services with easy access to mountains, lakes and the seacoast. As demonstrated in the Community Survey and at the Community Visioning Session, residents also appreciate the Town's recreational resources and opportunities and strongly support the development of a rail trail along the railroad bed. Overall support was also shown for agritourism development as well as a Historic District to protect designated historic places throughout Town.

Community Survey Question #10:

Please rank the following economic development goals to the level of importance that the Town should give them:

Goals	Very Important	Important	Not Important
Attract new office development	17.1%	49.7%	33.1%
Attract new retail development	23.0%	43.3%	33.7%
Expanding commercial & industrial development along US4	16.6%	44.0%	39.4%
Expanding commercial & industrial development along NH28	14.3%	42.9%	42.9%

Community Survey Question #11:

If you had to choose an area in Town to encourage business development, where would this area be?

Area	Percentage
US4 (West of Main Street)	57.1%
US4 (East of Main Street)	64.1%
NH28 (North of Swiggey Brook Road)	48.2%
NH28 (South of Swiggey Brook Road)	36.5%

Community Survey Question #12:

Do you want to see zoning that allows commercial solar development outside of commercial zones?

Preference	Percentage
Yes	40.7%
No	32.6%
No Opinion	26.7%

Community Survey Question #13:

Please indicate the importance of each individual definition of rural character:

Characteristic	Very Important	Important	Not Important
Tree lined streets	68%	26.3%	5.7%
Farmland	77.8%	20.5%	1.7%
Stonewalls	64.2%	27.3%	8.5%
Natural stream banks	66.3%	29.1%	4.6%
Small village and communities	55.7%	31.8%	12.5%
Winding scenic roads	58.0%	36.2%	5.8%
Woodlands	78.9%	18.9%	2.3%
Clean air and water	89.1%	10.9%	0.0%
Outdoor recreation opportunities	57.4%	36.4%	6.3%
Increased distance between neighbors	45.7%	38.9%	15.4%
Gravel roads	21.5%	27.9%	50.6%
Night sky (visibility of stars)	63.2%	24.1%	12.6%
Old barns	56.8%	33.0%	10.2%
Other	64.7%	5.9%	29.4%

Community Survey Question #14:

Why do you feel Chichester is a desirable place to live? (Check all that apply).

Preference	Percentage
Rural/small/quiet	88.6%
Location	81.3%
People/community spirit	55.1%
School system	49.4%
Town services/management	16.5%
Tax rate	7.4%
Scenic	62.5%
Safe place to live	76.1%

Community Survey Question #15:

Please rate your support of the following for Chichester’s future:

Action	Strong Support	Moderate Support	No Support	No Opinion
Preserve small town image	73.1%	21.1%	1.7%	3.4%
Preserve rural character	70.3%	24.0%	1.1%	3.4%
Protect from excessive noise	65.7%	23.4%	6.9%	2.3%
Protect from light pollution	53.8%	27.8%	11.6%	5.8%
Protect from additional telecommunication towers	15.0%	37.0%	34.7%	13.3%
Protect from commercial strip development	13.7%	42.9%	33.7%	6.9%
Preserve and expand network of public trails	47.7%	34.5%	8.1%	8.1%
Protect valuable water resource areas	73.1%	22.9%	2.9%	0.6%
Preserve and protect historic & cultural properties and sites	58.0%	33.3%	4.6%	3.5%
Preserve tracts of undeveloped land	56.6%	29.1%	7.4%	4.0%
Enhance quality & variety of recreational activities for all age groups and abilities	43.4%	38.9%	9.7%	6.3%
Protect agricultural resources	61.9%	28.3%	4.6%	4.1%
Establish future bus service	12.1%	21.4%	46.2%	17.9%

Community Survey Question #16:

Do you support a trail system in Chichester for recreational use that would include snowmobiles, horseback riding, mountain biking, walking, etc.?

Preference	Percentage
Yes	82.2%
No	9.2%
No Opinion	8.6%

June 12, 2019 COMMUNITY VISIONING SESSION

The land use discussion at the Visioning Session focused mostly on zoning and developmental uses. Some of the topics discussed include:

- Concern with regard to access to properties on US4;
- Support for manufacturing in the C/I zoning district;
- Interest in utilizing economic development tools, such as incentives for additional commercial density on US4;
- Interest in seeking opportunities for the Town to acquire maintenance responsibility of Main Street;
- Support for agricultural businesses and agritourism activities; and
- Interest in extending the Town Center node to include the remainder of Main Street or create a second node from the school to Carpenter Park.

Many were interested in the potential to connect open space development, agriculture, and economic development.

Community Survey Question #17:

If yes on Question 16, how should this be done?

Action	Percentage
Town purchase of land	34.5%
Transfer of development rights	16.6%
Landowner permission to use land	89.0%
Town purchase of easement	27.6%
Subdivision regulation requirements	18.6%
Private organization purchase of land/easement	35.9%
Other	4.8%

Community Survey Question #18:

In what ways do you enjoy Chichester’s recreational opportunities?
(Check all that apply).

Activity	Percentage
Fishing	25.5%
Snow shoeing	26.8%
Hiking	49.7%
Hunting	24.8%
Horseback riding	16.3%
Cross country skiing	16.3%
Mountain biking	15.0%
Canoeing/boating	20.9%
Snowmobiling	14.4%
Nature observation	54.3%
Carpenter Park recreation area	57.5%
Other	8.5%

PAST COMMUNITY PLANNING STUDIES

COMMUNITY DESIGN CHARETTE, 2014

The Plan NH Community Design Charrette “A Village Center, Again” provided a series of land use and transportation related recommendations for the Main Street corridor. Regarding land uses, the Charette Team observed that the existing zoning uses and setbacks were counter to traditional development patterns, and that the Town’s architectural character is an important factor in Chichester’s sense of place. A combination of road/intersection design concepts and potential zoning changes were identified specifically for the Village Center, Library Corner and Parade Corner “nodes.” The Charette document can be found in Appendix A.

ROUTE 4 CORRIDOR STUDY, 2004

As noted in the Transportation Chapter, the land use/zoning recommendations included in the Route 4 Corridor Study included the development of the Commercial Village zone in the vicinity of the Main Street/Horse Corner Road/US4 intersection, modifications to the special exception criteria within the zoning ordinance, and the development of future performance-based zoning standards related to access management.

NATURAL RESOURCE INVENTORY (NRI), 2003

The Society for the Protection of New Hampshire Forests prepared the Chichester NRI for the Conservation Commission in 2003. The NRI document included (1) natural resources mapping (including the development of a resource co-occurrence model) , (2) the identification of areas of high ecological value, and (3) the identification of specific focus areas for future conservation efforts. The focus areas were the Suncook River Valley, Perry Brook, Lynxfield Pond, and the Plausawa Highlands. The Conservation Commission plans to update the NRI in 2020.

EXISTING LAND USE

The existing land use pattern in Chichester is typical of many communities in New Hampshire; commercial land uses are located along US4 and NH28, while the majority of residential development and agricultural lands is scattered throughout Town. Undeveloped land also covers a large portion of Chichester (approximately 75%), which includes forested land, unmaintained farmland, and wetlands. Table 9.1 provides the acreage of each land use and the uses can be seen on the Figure 9.1 Existing Land Use (attached).

Table 9.1: Existing Land Use

Land Use	Acreage
Single Family Residential	1,603
Mobile Home Parks	30
Multi-Family Residential	5
Commercial, Services, Institutional	175
Mining/Gravel Operations	25
Barren Land or Gravel Pits	35
Transportation, Communications, Utilities	205
Agricultural, Maintained Fields	1,120
Water	234
Undeveloped Land	10,198
Total	13,628

Source: CNHRPC Calculations

CURRENT USE TRENDS

In 1973, the New Hampshire State Legislature enacted RSA 79-A:1 and created the Current Use program, a tool that landowners can use to reduce the amount of property tax they pay on open space within their property limits as well as an incentive to keep the land in its traditional use. Before the statute was enacted, financial burdens were being placed on individuals with large open space

land holdings, since property taxation was based on the highest and best use of the land. Under the program, current use value is the assessed valuation per acre of open space land based upon the income-producing capability of the land in its current use - not its real estate market value.

Property owners can file for reduced property taxes through the current use taxation program where the valuation shall be determined by the assessor in accordance with the range of current use values established by the state's Current Use Board (CUB). Eligible land types include farmland, forest land, open space land, unproductive land and wetlands.

By allowing open space land to be classified as current use, it acts as an incentive for landowners not to develop property. When land is removed from Current Use, ten percent of the full and true value of the land, not the Current Use assessed value, must be paid as a Land Use Change Tax (LUCT). It is important to understand that the Current Use classification can be placed on or removed from land at the landowner's discretion, which is why these lands vary from conservation lands.

Table 9.2: Current Use Acreage, 2010-2016

Year	Acres in Current Use	% of Total Land in Current Use	Land Use Change Tax Collected
2010	7,482	55.2%	\$49,220
2011	7,478	55.1%	\$9,811
2012	7,872	58.0%	\$28,535
2013	7,887	58.2%	\$0
2014	8,006	59.0%	\$0
2015	8,008	59.0%	\$5,930
2016	8,004	59.0%	N/A

Source: Annual NH Department of Revenue Administration Current Use Reports

Table 9.2 illustrates the amount of land in Current Use over the period of 2010-2016. In 2016, approximately 59.0% of Chichester’s total land area was categorized as current use. As shown in the table, very little LUCT has been collected in recent years. Of the money collected, 75% of the Land Use Change Tax collected annually is allocated to the Conservation Commission to be used for conservation purposes, while the remaining 25% is allocated to the Town’s General Fund.

CURRENT ZONING REGULATIONS

In March 2019 several significant changes to the zoning ordinance were adopted. At the most basic level, district boundaries moved away from a soils-based zoning framework to conventional zoning districts. Further, a Town Center “village node” was established and the Open Space Development Ordinance (cluster housing) was updated.

The transition from soils-based to district-based was undertaken in part to make the ordinance more user friendly for all parties. The effort also tried to capture the intent of soils based zoning - protecting important areas of Town as highlighted in part by the 2003 Natural Resources Inventory. These objectives were accomplished several ways: first, the basic concept of areas of five and two acre minimum lot sizes for areas for residential uses was maintained in the new zoning framework. The Planning Board sought to ensure that the bulk of the five acre and two acre areas from soil based zoning corresponded with the new districts. Second, key areas of land continued to be protected in two ways: requiring a “buildable acre” within each building lot, and putting the more sensitive areas within the five acre zone. The “buildable acre” requirement means that within each new lot created one acre must be free of steep slopes and wetlands, in addition to the minimum

Chichester’s zoning history began as a way to protect farming and agricultural soils from development pressures. When the Town’s Zoning Ordinance was first adopted, a local farmer had proposed a soil-based approach in an effort to specifically protect soils that supported farming. Over the years though, this approach had become difficult to use given what was involved with identifying soils on site for even the simplest of applications. In 2019 the Planning Board had sought to rectify this situation while supporting the original intent of the Zoning Ordinance: protecting agricultural soils.

To address this issue the Planning Board did two things. First, a “buildable acre” free of wetlands and steep slopes would be required on every new lot. This would result in lower density in more rural areas. Secondly, the Board enhanced the cluster housing ordinance, notably by making it easier to use and by providing a sliding scale of incentives for various types of open space – including agricultural uses. These efforts, among others, have laid a foundation for appropriate, scaled rural development that protects agricultural uses which stays true to the reason for establishing the Zoning Ordinance.

lot size requirement. Agricultural soils and natural resource maps were utilized as a guide to determine what the key areas were in need of protection in the five acre zone.

By adopting the provisions for the village node in the vicinity of the Town Hall, Chichester sought to do several things. As noted earlier in this chapter, the origin of the Town Center zone was the 2014 Community Design Charette, “A Village Center, Again” which proposed areas along Main Street for village-type mixed use “nodes.” There were three key elements in the new district. First, the ordinance allowed for a modest increase in density in these areas. Secondly, it allowed a mix of housing to meet the needs of

residents. Thirdly, it allowed for a mix of small-scale commercial and retail uses. The effect of these changes will be to provide a place for small, traditional villages to grow consistent with community character, to provide options for housing, and to allow for modest economic development in these areas.

The final aspect of the 2019 zoning update related to the Open Space Conservation Development (cluster) ordinance. Essentially, a revised version of the ordinance was adopted that encouraged the use of the cluster option. This was accomplished in three ways. First, the ordinance clearly puts the process within the Planning Board’s jurisdiction and eliminates the need for concurrent ZBA approval. Next, it makes the density calculation process easier and clearer by simplifying the “yield plan” calculation process. Finally, it establishes different types of protected open space and then allows for density incentives based on the type of open space. The effect of these changes is that more desirable land will be protected from development in perpetuity.

Table 9.3: Zoning District Acreage

Conventional Zoning District	Acres*	% of Total Land Area
Town Center Village (TC)	76.4	0.6%
Rural-Agricultural (RA)	7,069.4	51.9%
Residential (R)	5,123.6	37.6%
Commercial-Industrial/Multi-Family (CI-MF)	1,217.2	8.9%
Commercial Village (CV)	141.6	1.0%
Backlands (BL)	13,628.2	100.0%
Total	13,628.2	100.0%

Source: CNHRPC GIS Analysis

**Calculated acreage will be different than reported acreage.*

Today, Chichester relies on six conventional zoning districts and several other developmental ordinances to regulate land use within

the community. The location of these Districts as per the 2019 Chichester Zoning Ordinance is displayed on Figure 9.2 Zoning (attached).

As noted in Table 9.3, the largest zoning district is the Rural-Agricultural District, covering 51.9% of the Town’s land area. This does exclude the Backlands district that covers the entire Town. Table 9.4 on the next several pages is a summary of the Zoning Districts and their permitted uses/dimensional requirements. It should be noted that Table 9.4 is intended as a summary only, and the complete Zoning Ordinance should be viewed for a complete list of uses.

The zoning framework is both extensive and diverse. The six districts include the following: Town Center Village (TC), Rural/Agricultural (RA), Residential (R), Commercial-Industrial/Multi-Family (CI-MF), Commercial Village (CV), and Backlands (BL) districts. Each district occupies a portion of Town with the one exception being Backlands which is a Town-wide district. As noted previously, the 2019 zoning changes modified the boundaries of the Rural/Agricultural and Residential zones extensively.

The purpose of the Town Center Village zone is to create small-scale mixed use density consistent with small New Hampshire villages. Permitted uses include a variety of residential, personal service, small commercial, small retail, and small eatery establishments. Density is based on one acre zoning and pulls buildings closer to the street. Multiple uses are permitted on a lot. This district seeks to support the enhancement of the Main Street village area with an increase in density and a mix of uses. It also can create some modest economic growth and address various housing needs. A potential second node in the vicinity of the Library and a third node near the Chichester Central School and the intersection with NH28 were identified in the Design Charette.

The Rural Agricultural Zone and the Residential Zones are fairly similar in nature with the exception of density: the RA Zone is a two acre zone while the R Zone is five acres. In terms of uses, they both permit single family and duplexes, as well as farming and home occupations. These two districts make up the majority of Town and shape the “rural” community character.

For residential, an acre of buildable land is required but in the CV a lot must also be at least two acres in size. Finally, the CV has architectural standards whereas the CI-MF zone does not.

The Commercial-Industrial/Multi-Family and Commercial Village districts both contain a mix of commercial and residential uses: the commercial uses in the CI-MF district are of a greater intensity than those in the CV. The CV, while also a mixed-use district, allows commercial uses that may be more in tune with a traditional village. In both districts commercial uses must have just one buildable acre.

Table 9.4: Zoning Districts in Chichester

District	Description
Town Center Village (TC)	<p>Applicability: Area suitable for mixed use development/redevelopment in the Old Town Center. Promotes a more pedestrian friendly environment compatible with the rural residential nature of the area. Any new or redeveloped building or structure shall be compatible with traditional New England village design.</p> <p><u>Permitted Uses:</u> Single family residential, duplex residential, townhouses, accessory residential or office, retail, elderly housing, assisted living, churches or house of worship, business and professional offices, and short-term accommodations rental.</p> <p><u>Permitted Uses Requiring a Conditional Use Permit:</u> Personal or service establishments, daycare center, community center, café/deli/restaurant, and a bank or ATM.</p> <p><u>Dimensional Requirements:</u> One acre minimum lot size with minimum building setbacks of 25 feet (front), 20 feet (rear), and 10 feet (side).</p>
Rural Agricultural (RA)	<p>Applicability: Area suitable for development that preserves the rural character and protects rural areas from intensive development.</p> <p><u>Permitted Uses:</u> Farming, forestry, single family dwellings, two family dwellings, accessory uses and buildings, home occupations, and recreational buildings and lands.</p> <p><u>Permitted Uses Requiring a Special Exception:</u> Public utility transmission lines, portable sawmills, public places of assembly, public community buildings, and public recreational buildings and lands.</p> <p><u>Dimensional Requirements:</u> Five acres minimum lot size with 300 feet of minimum road frontage. Each lot shall contain one buildable acre and shall be reasonable symmetrical.</p>

Table 9.4: Zoning Districts in Chichester (Continued)

District	Description
Residential (R)	<p>Applicability: Area suitable for development as residential units with density greater than may be found in the Rural Agricultural Zone.</p> <p><u>Permitted Uses:</u> Single family dwellings, two family dwellings, farming of land, home occupations, management of land for forestry and wildlife, accessory uses and buildings. All uses permitted in the RA zone are permitted by right on lots that are five acres or larger.</p> <p><u>Permitted Uses Requiring a Special Exception:</u> Public utility transmission lines, sawmills, animal husbandry, public places of assembly, public community buildings, and public recreational buildings and lands.</p> <p><u>Dimensional Requirements:</u> Two acres minimum lot size with 200 feet of minimum road frontage for a single family dwelling. Each lot shall contain one buildable acre and shall be reasonably symmetrical.</p>
Commercial-Industrial Multi-Family (CI-MF)	<p>Applicability: Area suitable for commercial-industrial and multi-family growth near major transportation corridors.</p> <p><u>Permitted Uses:</u> Hotels, restaurants professional offices, service establishments, automotive, funeral homes, warehouses or distribution centers, recreational facilities, manufacturing, sawmills, auto body shops, public and institutional facilities, and multi-family uses. .</p> <p><u>Permitted Uses Requiring a Special Exception:</u> The use shall meet the intent of the purpose of the zoning district, all general requirements, or salvage yards, cemeteries, excavation, and public service utilities.</p> <p><u>Dimensional Requirements:</u> All commercial uses shall have a minimum of 50 feet of deeded driveway access to US4 and NH28. No building or structure shall be closer than 90 feet to the center line of US4 or NH28 and must have minimum setback of 40 feet from the right-of-way. Must meet parking requirements. Each lot shall contain one buildable acre and shall be reasonably symmetrical.</p>
Commercial Village (CV)	<p>Applicability: Area suitable for mix of land development in the vicinity of Main Street/Horse Corner Road intersection.</p> <p><u>Permitted Uses:</u> Bed & Breakfasts, restaurants, professional establishments, personal and business service establishments, retail sales establishments, public facilities, theater, childcare, single or two-family dwellings, home occupations and multi-family.</p> <p><u>Dimensional Requirements:</u> No building or structure shall be closer than 15 feet to any lot line. Must meet parking requirements. Each lot shall contain one buildable acre and shall be reasonably symmetrical.</p>
Backlands (BL)	<p>Applicability: *Not depicted on the Town zoning map and is a Town-wide district* If subdivided, would not contain the minimum road frontage required for developable lot.</p> <p><u>Permitted Uses:</u> Wood lots and related farming or forestry.</p> <p><u>Dimensional Requirements:</u> May be subdivided if plot and deed restrictions clearly state that land is not a buildable dwelling lot and contains at least 50 foot right of way to a town or state road.</p>

The final zoning district, the Backlands district, is a Town-wide District that allows for logging on lots that are substandard (i.e. don't meet minimum lot sizes). This can be a useful way for productive use of difficult lots and should continue to be supported.

OPEN SPACE CONSERVATION DEVELOPMENT ORDINANCE

As described above, the 2019 zoning update included revisions to the Open Space Conservation Development Ordinance (Section 3.19). The permitting process is governed by a Conditional Use Permit issued by the Planning Board. This allows for efficient and effective planning and permitting of each open space development. Such developments are allowed in all parts of Town provided there is enough acreage: 20 acres in areas where the minimum lot size is five acres; 15 acres in parts of Town where the minimum lot size is two acres; and, 10 acres in parts of Town where the minimum lot size is less than two acres. A simple yield plan process is used to determine the number of housing units and there is a range of permitted uses for the open space. Each use permitted in the open space is consistent with rural character and density incentives are used to prioritize the type of open space. For example: trails open to the public can enjoy a 5% increase in the number of units, while agricultural land and forest management will see 10% and 15% density bonuses respectively.

ACCESSORY DWELLING UNIT (ADU) ORDINANCE

The Accessory Dwelling Unit (ADU) Ordinance (Section 3.21) was adopted in 2017. This ordinance allows for ADUs Town-wide wherever single family homes are permitted. Further, it is consistent with current RSA changes regarding ADUs. This tool will allow for Chichester to not only comply with current state law, but also allow for additional housing types that can serve changing demographics such as seniors downsizing or new graduates entering the workforce.

What About Agritourism?

What can Chichester do to appropriately encourage Agritourism? First, and understanding of how it is defined is key. NH RSA 21:34-a.5 defines "agritourism" as a "means attracting visitors to a farm to attend events or activities that are **accessory uses to the primary farm operation**, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm."

The next question: where can agritourism be permitted? NH RSA 674:32-d states that it is allowed everywhere agriculture is permitted.

The final question: can it be subject to site plan review and what would the trigger be? NH RSA 674:32-b.II indicates that yes, agritourism can be subject to site plan review. The threshold suggested is "...traffic and parking adversely impacting adjacent property, streets and sidewalks, or public safety."

In short, ways to generate visitors that is an accessory to the farm. Site plan review can be required and the threshold should be parking and traffic flow concerns.

EXTRACTION REGULATIONS – SAND AND GRAVEL REMOVAL

The state law that governs excavations is RSA 155-E. The law was enacted in 1979, and saw significant revisions in 1989 and other revisions in 1991, to ensure that no Town could prohibit any excavation. In that sense, RSA 155-E preempts local zoning because it states that if a zoning ordinance has no provisions for excavation, then by law it is considered to be a use that is allowed by special exception, based on specific criteria. RSA 155-E contains standards for the operation and reclamation of excavation sites, as well as a

list of projects that would be prohibited (for example, damaging a known aquifer). A permitting process is also described, with a list of excavations that are exempt from a permit.

The Town of Chichester Zoning Ordinance allows for excavation sites within the Commercial Industrial/Multi Family by Special Exception permitted by the Board of Adjustment.

FLOODPLAIN DEVELOPMENT ORDINANCE

Adopted in 2008 and revised in 2010, pursuant of RSA 674:16, this ordinance applies to all land designated as special flood hazard areas by FEMA as described in its 2010 Flood Insurance Study for the County of Merrimack. The later revisions were made to correct and add language and insert the Town adopted the new U.S. Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate (DFIRM) maps dated April 19, 2010. With the adoption of the Floodplain Development Ordinance, the Town became eligible for the National Flood Insurance Program (NFIP).

TELECOMMUNICATIONS FACILITIES ORDINANCE

Adopted in 2000 as part of the Town's Zoning Ordinance (Section 3.14), this ordinance establishes the general guidelines for the siting of telecommunications towers, antennas and supporting facilities. Zoning requirements indicate that towers will project no higher than ten feet above the average tree canopy or the height of existing buildings, whichever is greater, within a radius of 150 feet from the tower.

HOME OCCUPATIONS

Chichester has adopted flexible home occupation regulations. The Town allows by right up to two non-resident employees plus the owner or residing tenant. A permit from the Planning Board must be obtained (permits shall expire five years following issuance) and

must meet any and all zoning requirements within the district in which it will be operating.

FUTURE LAND USE

Historically, Chichester was a relatively isolated farming community until transportation improvements began to affect growth and development. In the late 1700's the Great Road from Concord to Portsmouth was completed (the earliest version of today's US4), allowing products to easy move inland to and from the Seacoast. This was followed by the completion of the Suncook Valley Railroad in 1869, which brought mills and factories to Chichester and surrounding communities.

By the 1930's, electricity arrived in Town, roads improved, and automobiles brought employment and shopping opportunities to Concord and surrounding communities. As the population began to grow after World War II, several service stations opened, new houses were built, and a new schoolhouse was built on Main Street. Zoning was enacted in 1964, with districts determined by soil types as identified in the Merrimack County Soil Survey.

Looking at future development, the number of potential home sites on Town-maintained roads is relatively limited, therefore future development is likely to occur on large tracts of land with varying amounts of road frontage (50' to 300'). Such development will necessitate the construction of new roads by developers. Current zoning dictates that multiple family dwellings in excess of two-family can only be built in the Commercial Industrial/Multi-Family zone located along US4 and NH28 and in the Commercial Village zone. The Town Center Village zone allows for attached, single family homes which can have a similar density to multi-family.

Chichester is also home to many small to mid-size businesses, with most of the businesses located in the Commercial Industrial/ Multi Family zoning district. Though commercial growth has continued to increase, future growth is limited due to lack of Town services, and development is limited to those that can operate with on-site water and sewage systems. Another restraint is the fact that the zone is 1,000' deep from the road. This can result in some parcels with limited commercial use.

A VISION FOR CHICHESTER'S FUTURE LAND USE

Feedback gathered in the Community Visioning Session process and through the Community Survey demonstrated resident's desire to preserve the Town's image and rural character, through protecting the high quality of agricultural resources, historic and cultural resources and sites, and protecting undeveloped land.

It is envisioned that future commercial and industrial development should continue to be focused to US4 and certain areas along NH28, while mixed residential and small-scale commercial development that fits with the Town's rural character and small town feel should be permitted and promoted on Main Street. This feedback has been echoed and is reflected in the most recent Zoning Ordinance adopted in March 2019 at Town Meeting.

The following outlines some potential measures related to Chichester's Future Land Use. Please also refer to the Figure 9.3 Conceptual Future Land Use (attached).

MAIN STREET VILLAGE ZONES

As noted previously, the Town Center Village zone was adopted at 2019 Town Meeting as an initial implementation measure of the 2014 Community Design Charette, "A Village Center, Again." The Charette also identified a potential second node in the vicinity of

the Library and a third node near the Chichester Central School and the intersection with NH28 for similar treatment.

AQUIFER PROTECTION

The Town of Chichester does not have an Aquifer Protection District but residents and other users rely entirely on groundwater for both potable and non-potable uses. The Town's stratified drift aquifer area mapped by the US Geological Survey is generally situated along the Suncook River. The need exists to protect this critical water resource from land uses on or nearby that could adversely affect groundwater.

The Town should consider adopting regulations establishing best management practices for land uses within the identified stratified drift aquifer areas and to establish best management practices to protect existing and proposed private wells. These include:

- Require performance standards within the aquifer areas for commercial activities such as vehicle service and repair shops, junkyards, or other activities that produce liquid waste.
- Identify minimum Water Systems Protection Areas (WSPAs) for domestic wells (75 foot radius) and public water supplies (150 foot radius), and require performance standards within the WSPAs, such as regulating proposed land use activities, drainage to be sloped away, minimum 50 feet distance from roads, driveways or parking, and approved wastewater piping. In addition, provide maintenance, testing and inspection requirements.

When the opportunity arises, The Town should prioritize obtaining new permanently protected conservation land over the aquifer.

COMMERCIAL-INDUSTRIAL MULTI FAMILY DISTRICT

The Commercial-Industrial Multi-Family District has been part of the Town of Chichester's zoning framework since 1978. Its purpose is to concentrate commercial and multi-family uses near transportation centers in an effort to reduce congestion, it has become Chichester's primary economic engine. Its boundaries are 1,000 feet on either side of US4 and 500 feet on either side of NH28 and requires one buildable acre. It is important for this district to continue to shape Chichester's economy, though it could benefit from some revisions to address current issues. Potential changes include:

- Some standards and requirements (access management and parking) could be moved to the Site Plan Regulations to improve the clarity of the development application review process.
- Increase the viability of the district by revisiting the boundary of the district. This could be done by allowing the entirety of each parcel (with limits for certain parcels that extend deeply into adjacent zones) with frontage on US4 and NH28 to be part of the district, but require large buffers and screening between commercial/multi-family structures and single family homes.
- Extend the area of CI-MF zoning to the east of NH28 to a depth similar to the US4 corridor to support further economic development opportunities.
- Identify areas within the CI-MF zone as light and medium intensity areas through the modification of permitted uses and uses allowed by special exception. See Figure 9.3 for proposed locations of the CI-MF 1 (Medium) and CI-MF 2 (Light) zone boundaries. Incorporate detailed special exception criteria for certain intensive uses.

Available Economic Development Tools

ECONOMIC REVITALIZATION ZONES (ERZs) - NH RSA 162-N

The Economic Revitalization Zone (ERZ) program allows municipalities to establish certain zones in a community where a business can then seek a credit on its New Hampshire Business Profits Tax if the business makes an investment in equipment and creates at least one full time job in a calendar year. The designated zone can be in a combination of unused or underutilized industrial parks; or vacant commercial land or structures.

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE - NH RSA 79-E

If the Community Revitalization Tax Relief Incentive is adopted at Town Meeting, the Board of Selectmen have the authority to delay any *increase* in taxes for property owners in the designated zone if they replace or substantially rehabilitate their property. Its goal is to encourage the rehabilitation and active reuse of under-utilized buildings.

COMMERCIAL AND INDUSTRIAL CONSTRUCTION EXEMPTION - NH RSA 72: 80-83

If the Commercial and Industrial Construction Exemption is adopted at Town Meeting, the tax exemption for a commercial or industrial use shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures not exceed 50 percent per year. The maximum period for the exemption is 10 years following the new construction, and only applies to municipal and local school property taxes.

See the Economic Base Chapter for more information on the potential use of these tools in Chichester.

- Provide greater emphasis on access management within the corridors, including shared driveways, interconnected developments, and access roads. Finally, the existing land use patterns and environmental constraints along some areas of NH28 (notably south of Carpenter Road) may indicate a need to revisit the applicability of the zoning designation for that stretch of state highway.

COMMERCIAL VILLAGE DISTRICT

The Route 4 Corridor Study was completed in March 2004 in an effort to better understand the corridor and land uses at the intersection between US4 and Main Street. Following the study, the Commercial Village District was established. At its most basic level it provides mixed use at a scale that works with Chichester’s community character. Specifically, it seeks to promote the “traditional New England Character” of smaller village areas.

While the intent of the ordinance and many of the components of the ordinance continue to be relevant, a few areas could be improved:

- In a similar approach to the CI-MF District, there are aspects of the ordinance that could be left to the Site Plan Regulations and doing so would aid in simplifying its administration. In addition, the conditional use process could be clarified.
- The boundary of the district could be extended moderately to the east and west along US4 to further promote the scale and type of development beyond the current development pattern.

OBJECTIVES OF THE CHAPTER AND RECOMMENDATIONS

The following objectives were developed that capture the overall aims of the chapter. Individual recommendations were developed that correlate to existing conditions and needs of the community.

OBJECTIVE 1:

Continue to promote Chichester’s residential areas and rural character and supports the preservation of Chichester’s agricultural culture and natural resources.

- Continue to promote the appropriate use of the Open Space Conservation Development Ordinance to protect open space and agricultural areas and promote forestry management.
- Clarify issues related to agritourism through the incorporation of the state definition of agritourism in the zoning ordinance and by addressing site plan review regulation thresholds for proposed agritourism uses.
- Consider the adoption of aquifer protection measures that establish best management practices with the Town’s aquifer areas.
- Support efforts of the Conservation Commission to identify and protect important conservation areas as outlined in the 2020 Natural Resources Inventory (NRI) Update.

OBJECTIVE 2:

Preserve and enhance the US4 and NH28 corridors through a modification of existing zoning districts to serve a variety of functions including appropriate levels of economic development and mixed use development.

- Examine the intensity of commercial uses throughout the overall Commercial Industrial/Multi-Family (CI-MF) zone. Consider the designation of certain areas as light and medium intensity zones. Incorporate specific special exception criteria for certain intense commercial and industrial uses.
- Consider the modification of the CI-MF zone along US4 and NH28 to follow parcel boundaries as appropriate. Consider the moderate expansion of the CV District to the east and west along US4 and the possible reduction of the zone area along the southern section of NH28 nearest the Epsom Town boundary to reflect the aquifer boundary.
- Simplify the CI-MF and CV district regulations by moving certain standards and requirements (access management and parking) to the Site Plan Regulations to improve the clarity of the development application review process.
- Provide greater emphasis on access management within the corridors, including shared driveways, interconnected developments, and access roads (See Transportation Chapter).
- Consider the use of available economic development tools such as the Economic Revitalization Zone (ERZ) program and the Commercial and Industrial Construction Exemption within certain areas of the CI-MF zone (See Economic Base Chapter).
- Consider further implementation of the 2014 Community Design Charette, “A Village Center, Again” through the designation of small-scale mixed use development zones at Library Corner and Parade Corner.
- Encourage additional local investment by seeking Town Meeting approval of a Community Revitalization Tax Relief Incentive Zone (NH RSA 79-E) for the Town Center Village Zone (See Economic Base Chapter).

OBJECTIVE 3:

Encourage and support appropriately scaled development along the Main Street corridor through a variety of measures.

- Support design improvements (see Transportation Chapter) at the Main Street/Center Road/Canterbury Road intersection that encourages small-scale mixed use development in the Town Center Zone. Consider expansion of zone to CV zone boundary.

Figure 9.1 Existing Land Use Chichester Master Plan 2021

Legend

Land Use

- Single Family Residential
- Mobile Home Parks
- Multi-Family Residential
- Commercial, Services, and Institutional
- Mining/Gravel Operations
- Barren Land or Gravel Pits
- Transportation, Communications, and Utilities
- Agricultural, Maintained Fields
- Water

Data Sources for the Chichester Master Plan Map series includes:

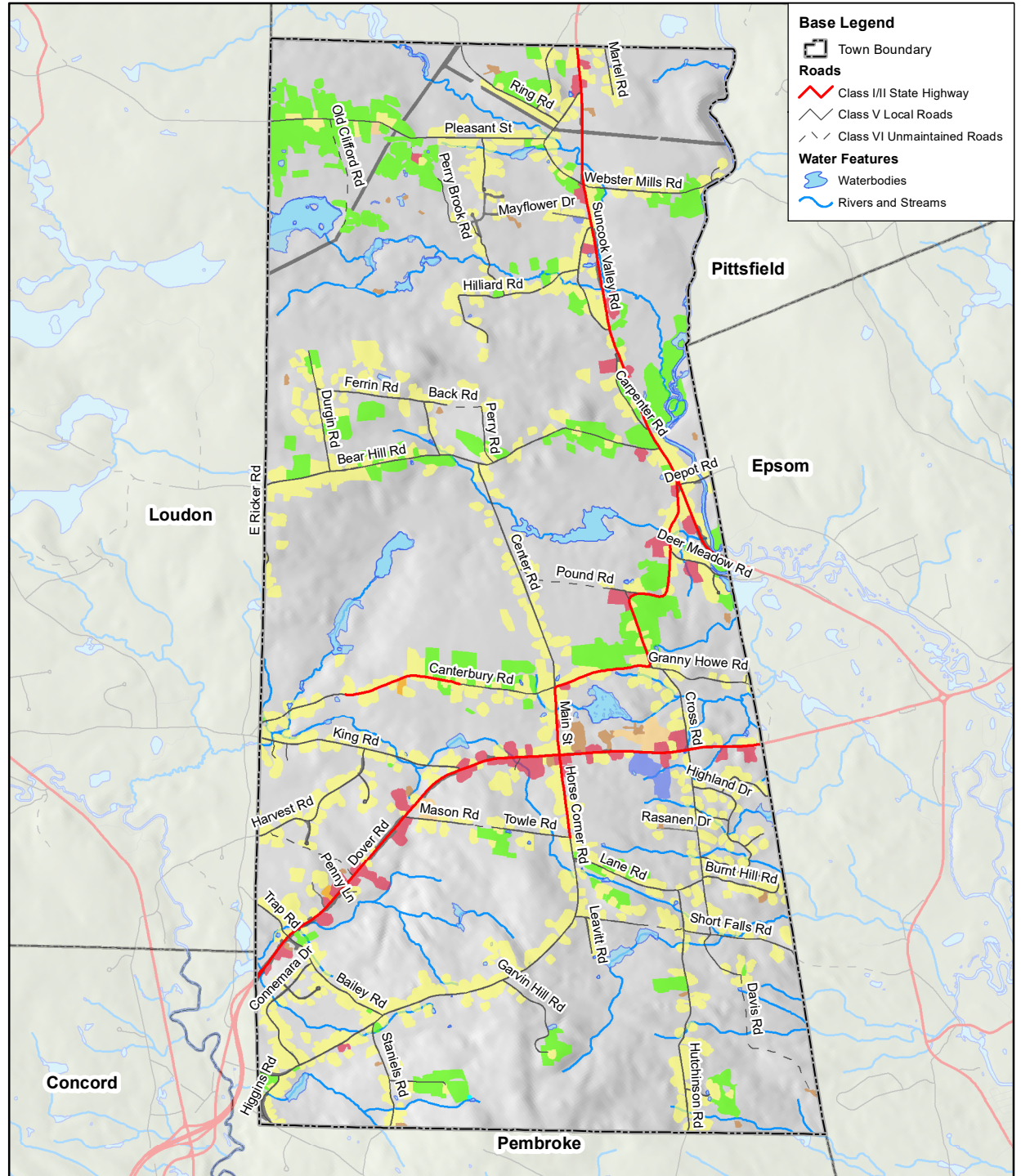
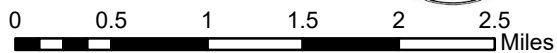
Digital Tax Maps by CAI Technologies, NH Department of Environmental Services, Federal Emergency Management Agency, NH Department of Transportation, US Geological Survey, Town of Chichester, NH GRANIT, and CNHRPC.

Disclaimer:

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Base Legend

- Town Boundary
- Roads**
- Class I/II State Highway
- Class V Local Roads
- Class VI Unmaintained Roads
- Water Features**
- Waterbodies
- Rivers and Streams

Figure 9.2 Zoning Chichester Master Plan 2021

Legend




Zone

-  Commercial Village
-  Commercial Industrial/Multifamily
-  Residential
-  Rural/Agricultural
-  Town Center



Base Legend

-  Town Boundary

Roads

-  Class I/II State Highway
-  Class V Local Roads
-  Class VI Unmaintained Roads

Water Features

-  Waterbodies
-  Rivers and Streams

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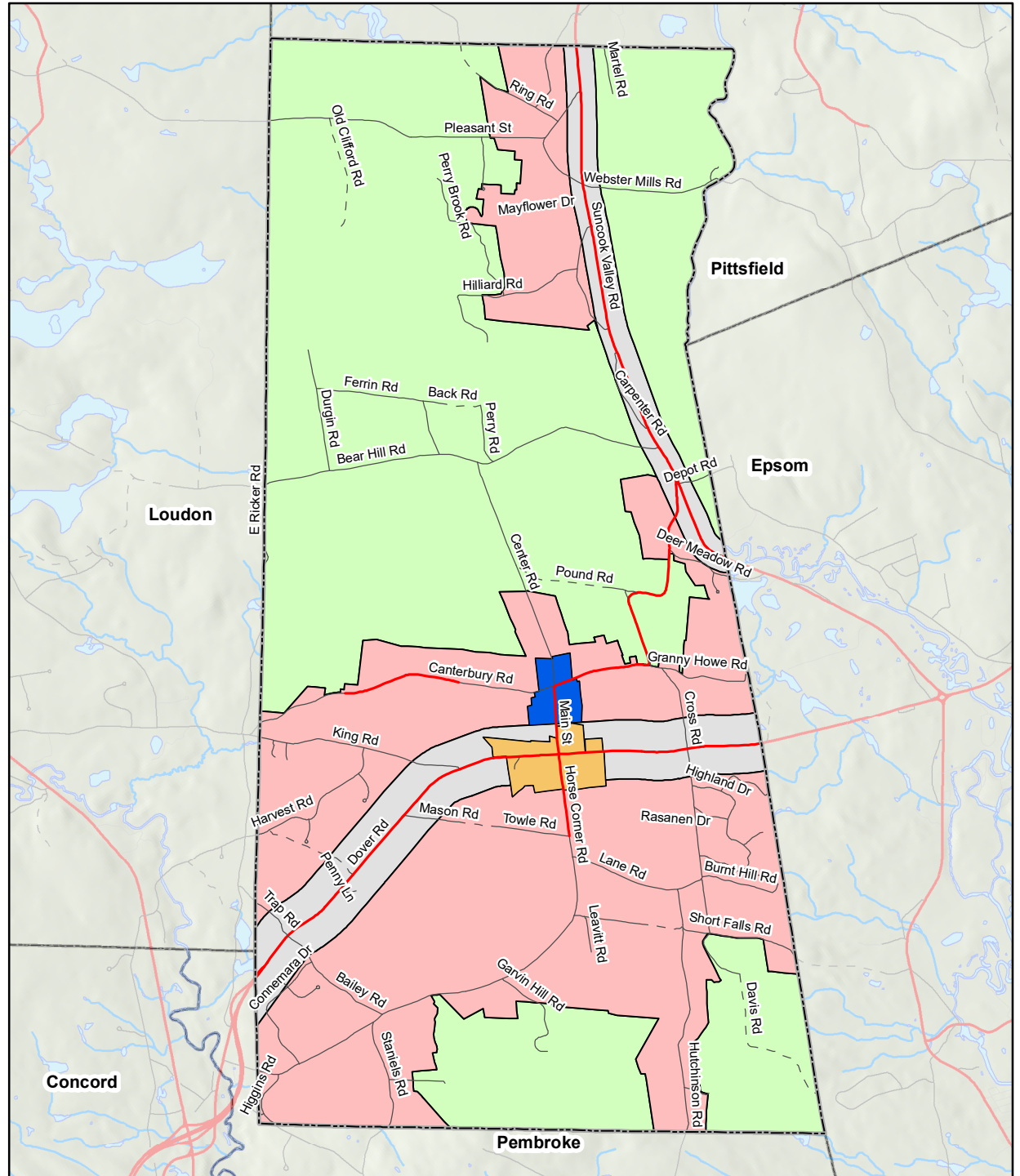
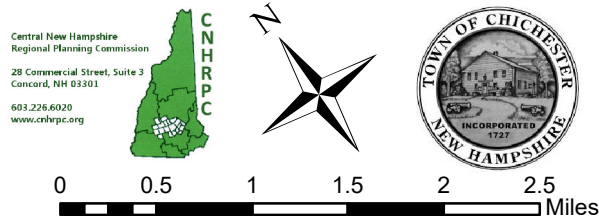



Figure 9.3 Conceptual Future Land Use Chichester Master Plan 2021

Legend




Zone

-  Commercial Village
-  Commercial Industrial/Multifamily
-  Residential
-  Rural/Agricultural
-  Town Center



Base Legend

-  Town Boundary

Roads

-  Class I/II State Highway
-  Class V Local Roads
-  Class VI Unmaintained Roads

Water Features

-  Waterbodies
-  Rivers and Streams

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