

BRISTOL LAND USE REGULATION AUDIT SEWER SERVICE TO NEWFOUND LAKE

To: Bristol Planning Board
From: Susan Slack, Principal Planner
Date: April 29, 2020
Re: Land Use Regulation Audit



Introduction

The Lakes Region Planning Commission was asked to review Bristol's land use regulations and recommend actions the town could take in anticipation of a phased expansion of the town's sewer system. Sewer expansion plans include constructing sewer from the downtown central village to Newfound Lake. Sewer line expansion would occur along Lake Street (Route 3A) from Crescent Street to Riverdale Road and north along Hall Road across land to North Main Street.

The goals of the sewer expansion are to protect the water quality of Newfound Lake by eliminating the use of hundreds of individual septic systems in the densely populated lakefront area and to encourage the town's continued economic development by providing sewer in the economic revitalization zone along Route 3A, which also includes future high-speed fiber connectivity.

The focus of the land use regulation review was to suggest actions to encourage economic development in the Village Commercial District and to guard against increased density of development in the Lake District.

Summary of Recommendations

Major recommendations include adopting stormwater management regulations in the zoning ordinance and in the subdivision and site plan review regulations; establishing a Lake Street (Route 3A) Performance Zoning District to provide incentives and flexibility for commercial development in areas served by municipal water and sewer; amend the zoning ordinance and site plan review regulations to provide incentives for housing that is affordable along Hall Road in areas served by municipal sewer; amend the subdivision and site plan review regulations to incorporate access management requirements on Route 3A and enter into a memorandum of agreement with the NH Department of Transportation (NHDOT) on the issuance of driveway permits under the provisions of RSA 236:13.

Master Plan

The town's Master Plan and recent updates to its land use chapter have documented the desire to protect the water quality of Newfound Lake and for additional commercial development in Bristol. Careful consideration has been given to redevelopment and infill development in the Downtown Commercial District, and the Village Commercial District has been identified as the "next best" location for commercial development outside the downtown center. Future Master Plan updates should consider updates that would:

- Broaden the town's vision for the Lake District and develop more robust goals for protecting water quality

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- Consider the town's vision for parts of the Rural District immediately surrounding the Lake District and the potential that development pressure there could have
- Broaden the town's vision for the Village Commercial District, particularly the area between Crescent Street and Riverdale Road, and consider implementing a performance zoning district for that section of Lake Street that offers property owners/developers clear development expectations while providing flexibility in how those expectations are achieved.
- Consider steps to avoid incentives to Lake Street commercial development that may work at cross purposes to achieving the goals of Downtown Commercial District.

Zoning Ordinance

Consider amending the Zoning Ordinance to implement the more robust vision and goals of the Master Plan that focus on protecting water quality, limiting density of development in the Lake District, and incentivize commercial development on Lake Street, including:

- Strengthen the purpose section of the Lake District(Section ...) based on an updated Master Plan vision and goals
- **Develop stormwater management regulations that prioritize permanent on-site infiltration of water through the use of best management practices and treatments for all development sites**
- Review maximum lot coverage requirements to ensure that they achieve goals related to discouraging density development in the Lake District
- Review impervious surface limitations to ensure they provide increased water quality protection in the Lake District
- **Establish a Lake Street Performance Zoning District**, preferably as a new stand-alone zoning district, or as an overlay district for a portion of the Village Commercial District along Lake Street from Crescent Street to Riverdale Road
- Review lot size, frontage, setback and coverage requirements in the Village Commercial District (or new Performance Zoning District) and consider decreasing size, frontage and setback requirements. and decreasing or eliminating maximum density limitations in areas where municipal water and sewer service is provided.
- **Create Village Residential District incentives along Hall Road, where the sewer service will become available, for housing that is affordable, including lot size reductions for small single-family dwellings, and performance zoning incentives for townhouses and multi-family dwellings of four to six units.**

Subdivision and Site Plan Regulations

- Amend subdivision and site plan regulations to establish site specific requirements that advance the provisions of a stormwater management zoning ordinance, focusing on permanent on-site water infiltration treatments.

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- Amend site plan regulations to advance the requirements a performance zoning district on Route 3A, focusing on outcomes and providing flexibility in how those outcomes are achieved
- Amend site plan regulations to advance zoning incentives provided in Village Residential District zoning amendments for multi-family housing on Hall Street served by municipal sewer
- **Amend subdivision and site plan regulations to incorporate access management requirements for the Route 3A commercial district and enter into a memorandum of understanding with NHDOT on the issuance of driveway permits under the provisions of RSA 236:13**

Further Information and Reference Materials

1. Stormwater Management

Model Stormwater ordinance – NH DES Innovative Land Use Planning Techniques

https://www.des.nh.gov/repp/documents/ilupt_chpt_2.1.pdf

The NH Department of Environmental Services (NHDES) has published a fact sheet on Low Impact Development and Stormwater Management (2018), available at:

<https://www.des.nh.gov/organization/commissioner/pip/factsheets/wmb/documents/wmb-17.pdf>

Stormwater has been identified as contributing to over 80% of the surface water quality impairments in New Hampshire. Many subdivision and site plan regulations limit stormwater management requirements to the construction phase of site development, or focus on techniques that direct runoff of the site into ditches. Modern stormwater management is focused on minimizing impervious surfaces and directing runoff through on-site infiltration methods. These are sometimes referred to as low impact development (LID) techniques or green infrastructure.

While state and federal permit requirements address the impacts of development on large sites, considerable development occurs on smaller sites that do not require permits from the U.S. Environmental Protection Agency (EPA) or NHDES (alteration of terrain permits). Yet these small-scale developments can have serious, cumulative impacts on water quality. To mitigate these effects, communities are encouraged to adopt a local stormwater management ordinance instituting stormwater controls for projects of all sizes and during all phases of development.

2. Performance Zoning

Performance Zoning Fact Sheet – Nashua Regional Planning Commission

https://www.nashuarpc.org/files/7213/9042/4981/FS34_Performance_Zoning.pdf

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Performance zoning is land use planning based on quantifiable performance standards that regulate the intensity of land use to prevent adverse impact on abutting and nearby properties. It is a site specific method of zoning that provides greater flexibility than traditional use based zoning. Site standards regulate the appearance in terms of maintaining community character and may include lot size, setbacks, height, floor area, building coverage, impervious surface ratios, stormwater management, parking, loading area, landscaping, etc.

A Lakes Region example of performance zoning is the recently enacted Laconia infill performance overlay zoning and a detailed conceptual plan included in the Master Plan, which states in part:

Conceptual development plan shall meet the following criteria for redevelopment: (a) Creating a well-planned and integrated development which may include a mixture of land uses, including residential, retail, office, entertainment, hotels, restaurants, or other uses compatible with adjacent parcels that enhance the overall community. (b) Mitigating negative impacts on traffic, public utilities, municipal services, and natural resources. (c) Limiting new access points on existing streets. (d) Providing transitions between existing and proposed land uses which protect residential abutters (e) Providing high quality site planning and architectural, landscaping and signage designs that meet the retail design standards in the Site Plan Review Regulations. (f) Minimizing views of large parking lots from existing streets. (g) Creating pedestrian and vehicular links to abutting parcels. (h) Establishing open space and pedestrian amenities, including usable common land and wide sidewalks.

3. Access Management

Model Subdivision and Site Plan regulation language, definitions, and NHDOT Memorandum of Understanding – NH DES Innovative Land Use Planning Techniques

https://www.des.nh.gov/repp/documents/ilupt_chpt_3.3.pdf

Access management involves the planning and coordination of the location, number, spacing and design of access points from a roadway to adjacent land. Access management limits the number of access points from a highway. Access management regulations may be used to address permitting or prohibiting access; location, spacing, and design of access connections; spacing of median openings, signalized intersections, and interchanges; and the access permitting process. Zoning ordinances can address lot dimensions and coverage, landscaping, parking, site circulation, sidewalks and bicycle facilities, development density, and the allowable use of the land. “Corridor overlay districts” are sometimes used to establish access requirements for a specific roadway corridor. Village Plan Alternatives, higher density development, can be combined with access management ordinances to create a safe, livable and walkable community.

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Protecting and enhancing the functioning of Route 3A will be important as Bristol encourages commercial development there. NHDOT issues driveway permits for development on state highways.

The DOT has developed a memorandum of understanding (MOU), which is an agreement between the DOT and the community, to coordinate the review and issuance of driveway permits to access state roads. The MOU contains a number of requirements for the community and the DOT: 1. The community must develop, adopt and enforce access management standards for state highways that comply with best management practices for access management. 2. The community can develop site or parcel specific access management plans for highway corridors or segments. 3. The community must notify the DOT district engineer when it receives a development proposal that would require a state driveway permit and solicit input on the design. 4. The community shall require that all access points comply with its adopted access management standards and any applicable site specific access plans. 5. The community must inform the DOT of any waivers or variances from the access management standards or plans prior to local approval and provide appropriate notice for comments. 6. The DOT will provide information and technical assistance to the community in developing access management standards and site/parcel specific plans. 7. The DOT will not approve driveway permits that do not conform to the local access management standards or plans except with the consent of the community. 8. The DOT district engineer shall notify the community and transmit copies of all driveway access permit applications to the planning board. 9. The DOT will withhold final action on any driveway access permit until the planning board has formally approved the access plan for the development. 10. The DOT must notify the community if it intends to issue a driveway access permit that is not in conformance with the adopted access management standards or parcel specific plan. 11. All corridor or site specific access management regulations or plans must be filed with the DOT.

4. Housing Affordability

Housing Solutions for New Hampshire – NH Housing Finance Authority

<https://www.nhhfa.org/wp-content/uploads/2019/12/Housing-Solutions-for-NH-2019.pdf>

Workforce Housing Guidebook – NH Housing Finance Authority

https://www.nhhfa.org/wp-content/uploads/2019/06/Workforce_Housing_Guidebook.pdf

Inclusionary Housing – NH DES Innovative Land Use Planning Techniques

https://www.des.nh.gov/repp/documents/ilupt_chpt_1.9.pdf