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### Newmarket Open Space Conservation Plan

Town of Newmarket, NH

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# Newmarket Open Space Conservation Plan

RES-21



A Final Report to The New Hampshire Estuaries Project Submitted by

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**Executive Summary** 

This document reports the completion of tasks related to the Newmarket Open Space Conservation Plan. The document highlights the achievements, goals, research and difficulties associated with developing a highly refined program for the protection of open space within the Town of Newmarket.

Due to the fact that several of the work tasks were slightly modified, and that their review is most coherently explained in a chronological fashion, the format of the report is presented in this fashion. Furthermore, the project is almost exclusively qualitative in its presentation and conclusions, a report format for a quantitative study will skew the data and success of the efforts.

The most significant aspect of the project is the development of a comprehensive webpage devoted to the deployment of the project. The web was somewhat complex to set up but once up, became the most impressive aspect. The consultants will host the web until the Town webpage is updated (which has not happened since 1998). The html code and page itself along with instruction on its upgrade will be provided to the Town at no charge by the consultants. The beauty of web deployment is that updates can take place on a daily basis and instantly available to anyone with an internet connection. With this project, that is picture and graphic intensive, the updating process can stimulate interest by everyone who wants to send in pictures, advice or experience with the open space protection efforts in Newmarket.

The link for the webpage is:

http://www.mgplanning.com/Open%20Space/open space.htm

#### Introduction

A lthough the term "open space" evokes varied and different images for different people, this plan is an attempt to bring the diverse evocations together in one source for the purpose of directing numerous efforts within the political boundaries of the Town of Newmarket. Regardless of personal meanings, open spaces, in myriad forms such as wetlands, forests, parks, and farmland, present many benefits to the town and region in which they are located. In addition to providing an economic gain to municipalities and landowners, the preservation of open space can safeguard and enhance the character of a community and ensure relatively high levels of ecological integrity and biological diversity within the context of the greater environmental landscape.

In rural and urban areas alike, protected open space is the guarantor of species richness, habitat diversity, and ecosystem health. Open spaces provide vital biological functions for the well being of both ecosystems and human populations. For instance, wetland areas offer flood control, sediment collection, pollution filtration, and wildlife habitat. Unfragmented forestlands, in addition to providing crucial wildlife habitat, also serve to filter and purify water resources, mitigate air pollution, and, under some arrangements, can provide sustainable forest products to the local economy. Other categories of open space, such as farmland and coastal areas, both of which have become noticeably vulnerable in seacoast New Hampshire, contribute to the overall health and integrity of ecosystems.

Obvious linkages connect the tourism and recreation industry, vitally important in New Hampshire, to the conservation of open space. Thousands of hunters, fishermen, hikers, and skiers rely on largely undeveloped areas for the enjoyment of their recreational pursuits. Smitten with the feelings of intimacy, solitude, challenge, and escape that one can experience when immersed in a landscape removed from the often frenzied pace of modern life, outdoor enthusiasts not only nurture the natural world that sustains them, becoming some of the strongest supporters of wilderness preservation, but also spend a good deal of money on their pursuits. This in turn provides great impetus for the further protection of green spaces and the consequent perpetuation of the tourism industry. Open space provides economic benefits in addition to revenues earned by the tourism and recreation industry, as has been demonstrated in many national and local studies.

As environmental consciousness grows concurrently with the recognition that well-preserved green spaces can enrich the lives of both individuals and communities, public support for the conservation of these areas has grown considerably. In the year 2000, 208 referenda that offered, in one form or another, open space conservation were placed before American voters. The American public accepted eighty-four percent of these referenda. Cumulatively, these referenda allocated \$7.4 billion for the purchase and maintenance of open space areas throughout the country<sup>1</sup>. Within the context of this mandate, town planners, government officials, and concerned citizens are taking important steps to strike a delicate balance between

<sup>1</sup> Land Trust Alliance, http://www.lta.org/publicpolicy/referenda2000.htm

economic development and the accompanying increases in human populations and development pressures, and the necessary preservation of open spaces.

Nowhere in the northeast is the attempt to strike such a balance as salient an issue as it is in New Hampshire. As the fastest growing state in the region, with a population growth rate of 6.8% from 1990 to 1998, New Hampshire is rapidly becoming accustomed to development pressures and changing landscapes.2 The farmlands and forests that seemed to cover the state three decades ago have increasingly given way to housing developments, new roads, and commercial expansion. However, the state of New Hampshire and private organizations have begun to face these issues head on. In a year of tight budgets and rancorous discussion over education funding, the NH State Legislature approved a \$12 million appropriation to the Land and Community Heritage Investment Program (LCHIP). New Hampshire citizens and decision-makes have made conservation of open space and historical resources a top priority. In the face of continuing population growth, development pressure, and habitat loss, the Society for the Protection of New Hampshire Forests (SPNHF) has issued a call for each New Hampshire town to conserve at least 25% of their land area.<sup>3</sup>

While shutting the door on future growth is neither a pragmatic or equitable solution, the creation of a focused open space conservation plan is a useful way in which communities can shape growth while accounting for the protection of vital natural areas. These natural areas are central in defining Newmarket's character – making it both inviting to outsiders and a source of pride for its residents. The Town of Newmarket boasts an incredibly varied array of ecosystem types and natural resources. The Lamprey River, designated in 1994 as part of the Wild and Scenic Rivers Program, an initiative of the federal government; the marine ecosystem of Great Bay; and the Tuttle Swamp area in the western portion of town, to name just a few, all contribute to the sense of place and allure of the town. Balancing the preservation of open space with responsible development, long maintained as a priority by citizens, business owners, and town officials, has become more a necessity today than in the past, as needed growth and all its requisite accompaniments present ever increasing challenges to protecting the Town's open spaces.

As Newmarket continues to grow, so will concern over new threats to the natural areas and the quality of life that Town residents have long enjoyed. It is within this context that a comprehensive plan to guide the protection of Newmarket's most vulnerable natural areas becomes essential. The last such effort was presented to the Town in 1991 in the form of a Natural Resources Inventory and Conservation Plan prepared by The Smart Associates. In the ten years that have elapsed between the *Smart Report* and this project, Newmarket has undergone many changes, which justify a reprioritization of open space protection concerns.

2 SPNHF, "New Hampshire's Changing Landscape,"1999.

3 SPNHF, 2001, New Hampshire Everlasting: An Initiative to Conserve Our Quality of Life

#### Project Goals and Objectives

Building on previous reports and studies completed for the Town of Newmarket and the efforts of other governmental agencies and private protection groups, the 2001 Newmarket Open Space Conservation Plan advances further conservation efforts by achieving these four major components:

- A Vision in which responsible development compliments open space protection. This component deals with the Town's purposes for initiating this project, as well as its objectives and goals relative to land conservation.
- 2. A working **Inventory of Open Spaces** that identifies existing conservation lands and town-owned lands suitable for future conservation efforts. The inventory consists of two components: a map highlighting these areas in relation to other Town features, and a table which will provide further description of these areas, in both written and photographic form.
- An Educational Plan aimed at improving and enhancing the public's appreciation of and familiarity with Newmarket's natural areas, communicating the importance of open space protection, and encouraging public participation in the ongoing process.
- 4. A Conservation Plan that identifies specific priority areas for protection and provides detailed information on the legislative, funding, and collaborative mechanisms necessary to accomplish that protection. The conservation plan focuses on proactive methods to achieve stated goals.

The Open Space Conservation Plan has been prepared to utilize resources to identify and guide the protection of Newmarket's significant open spaces, in the belief that a rational open space system is fundamental to the protection of environmental resources and maintaining the character of the town as it grows. The objectives developed as part of this open space plan are:

- To provide meaningful input for the town Master Plan;
- To encourage and guide land-protection actions by individuals, the Town, and by nonprofit organizations such as the Great Bay Partnership and The Nature Conservancy;
- To ensure thoughtful expenditure of public moneys, particularly the town's Conservation Fund, and to leverage additional money from other sources for implementation of the plan;
- To encourage the Town to explore regional cooperation as a means to protect open space. Working with neighboring towns and other regional groups, including the Great

Bay Resource Protection Partnership, Rockingham Land Trust, and the Three Rivers Coalition, to pursue joint conservation interests can bring mutual benefit to all parties involved.

The goals of the Open Space Plan, and the criteria to be applied to potential acquisitions, have been selected in the belief that they will serve the needs of Newmarket far into the future. Nevertheless, the plan should be reviewed regularly as progress is made in building a cohesive system of open spaces, as development and open space needs evolve, and as new information becomes available.

#### GOALS

The general goals of this open space plan for Newmarket, serving both conservation /recreation and in-town needs and protecting significant natural resources are:

- To promote the conservation, protection and sound management of the natural resource base within the Town of Newmarket and within the context of greater regional preservation efforts;
- To protect and enhance the ecological integrity of the town's diverse natural communities, wildlife habitats and overall environmental health on scalable levels from a single occurrence of rare or endangered species to the regional ecological landscape;
- To provide and support educational programs for all ages of citizens in Newmarket teaching of the benefits of land protection and stewardship;
- To provide the infrastructure in terms of undisturbed land to preserve existing natural resources and enhance their adaptation to a future that includes continued development throughout the town and region;
- To sustain the scenic quality and visual character of the town and preserve property
  values through the carefully balanced development within Town;
- To maintain and expand landscape-based recreational opportunities that provide educational, personal and even spiritual benefits to the citizens of Newmarket;
- To provide the basis for regulatory changes that work hand-in-hand with developers who espouse the goals of this plan and inhibit
- To provide a clearing house for recommendations and protection efforts to focus energy and funding mechanisms for a coordinated effort;
- To protect the town's historic sites and cultural landscapes; and

• To protect in-town open spaces.

Methods Results and Discussion

This section of the report is a combination of method, results and discussion

#### Initial Meeting - Conservation Commission

During the initial meeting the Conservation Commission was introduced to the consultant and decided to be the oversight committee for the development of the plan. The Conservation Commission already includes one member of the Planning Board and Town Council. Rather than overburden public officials with too many committee type obligations, this process was chosen to provide for follow-through with the committee. (Work Task 1-2).

At the initial meeting a generalized discussion evolved that provided the consultants with direction on perceived deficiencies in conservation efforts, current efforts, past efforts and information shortages that hamper these efforts. An open discussion about the political forces at play in the Town of Newmarket and the anticipated reaction to the Open Space Conservation Plan took place which provided the consultant with adequate guidance about criteria for protection, targeted education audiences and misconceptions about the entire conservation effort in Newmarket. (Work Task 3).

#### Survey

The Conservation Commission was given a draft of the Open Space Survey and asked to review the survey for comments. After several iterations and meetings with what essentially amounted to a subcommittee, the final survey was agreed upon and local deployed in a newspaper (1,500)copies), over the web (http://www.mgplanning.com/ Open%20Space/nmk os survey.htm) and handed out during voting. The results of the survey are tabulated, included within the plan and form a significant basis for the recommendations. This basis includes voter willingness for particular legislative efforts, recommendations on town-owned parcels and recreational options. (Work Task 4).

#### **Funding Research**

With significant input from State of New Hampshire Department of Environmental Services and the Office of State Planning several state funding mechanisms were researched and included within the plan. Federal programs were researched through Region 1 EPA and the Coastal Program. F inally, private m ethods and p otential partnerships are identified as well as contacts and general descriptions of the work undertaken by these groups. These funding mechanisms are described in detail and the

plan includes the various application forms for easy reference. Potential partners were also highlighted as part of this research and included in the plan with reference to the existing efforts in Newmarket and their general objectives to provide future outreach and collaborative efforts. (Work Task 5).

These funding opportunities and partnerships are linked to physical areas within Town to further guide future efforts and provide the most information for particular efforts. Within the inventory generated as part of this project, lands held by these entities are identified to provide potential partnerships for targeted efforts that abut these locations. These efforts manifest throughout the document. (Work Task 5).

#### **Regulatory Approach Research**

Extensive research was conducted through the American Planning Association, Office of State Planning, the Audubon Society and web-based and literature searches to provide the basis for regulatory approaches. Many of these approaches have been integrated in the final regulatory recommendation section. Individual interviews with local officials was also used to drive potential efforts particularly with respect to their acceptance by the Town. These efforts manifest throughout the document with specifically developed ordinances to be presented for consideration by the Planning Board and Town Council. (Work Task 5).

#### Second Meeting with Conservation Commission

This meeting provided results of the survey and a status report on the Open Space Conservation Plan. Within the context of this meeting, the general objectives of the plan were developed. This development provided some modifications of the original work tasks but fell directly within the objectives of the project. The following objectives were formulated, some undertaken and some had the groundwork laid for their future implementation. (Work Task 6)

To provide meaningful input for the town Master Plan;

Working closely with the Planning Board, the consultants have received the directive to reformat the Open Space Conservation Plan so that it integrates within the existing Master Plan as a new chapter and integrate the recommendations directly within the Future Land Use and Implementation Chapter that has not yet been adopted.

Given the strong effort on behalf of the Planning Board on the Master Plan and its integration into the Zoning amendment process, this effort will enhance the dissemination of the Plan's recommendations and educational efforts. The Planning Board will be viewing the presentation of the educational materials at the next joint meeting with the Town Council and Conservation Commission.  To encourage and guide land-protection actions by individuals, the Town, and by nonprofit organizations such as the Great Bay Partnership and The Nature Conservancy;

> Aside from the direct dissemination to the Town and citizens through the web page deployment and educational sessions, the plan will be disseminated directly to protection organizations operating within the Town of Newmarket. Outreach will culminate with a resource summit meeting tentatively scheduled for the summer. This meeting will follow this year's town meeting that will include several local efforts for open space protection in terms of ordinances as well as monetary articles on the ballot.

 To ensure thoughtful expenditure of public moneys, particularly the town's Conservation Fund, and to leverage additional money from other sources for implementation of the plan;

Two of the most controversial recommendations center on the increase for of current use penalties to the Conservation Fund and the recommendations for town-owned parcels that should be set aside for conservation. Working closely with the Conservation Commission, these recommendations will be presented to the Town Council along with the plan and will hopefully open a productive dialogue on the issue.

- To encourage the Town to explore regional cooperation as a means to protect open space. Working with neighboring towns and other regional groups, including the Great Bay Resource Protection Partnership, Rockingham Land Trust, and the Three Rivers Coalition, to pursue joint conservation interests can bring mutual benefit to all parties involved.
- To promote the conservation, protection and sound management of the natural resource base within the Town of Newmarket and within the context of greater regional preservation efforts;

Both of these efforts center on the analysis of the published plans for open space protection from the Towns of Lee, Durham, Epping and Newfields as well as the Regional Environmental Protection Programs from Rockingham and Strafford Regional Planning Commissions. This analysis has manifested itself in the recommendations of the Plan and will be pursued by the Town of Newmarket as part of the local effort. Coordinating this data will permit the development of joint funding submissions as well as joint analysis of environmental protection goals and open space protection priorities.

To protect and enhance the ecological integrity of the town's diverse natural

communities, wildlife habitats and overall environmental health on scalable levels from a single occurrence of rare or endangered species to the regional ecological landscape;

Implementing the Natural Resource Inventory findings, the Open Space Conservation Plan includes these areas of critical resources as part of the regulatory protection measures. These specific areas are targeted as significant natural resources.

 To provide and support educational programs for all ages of citizens in Newmarket teaching of the benefits of land protection and stewardship;

> Aside from the educational aspects of the plan itself, the ongoing efforts toward education should be built around the short-comings of the implementation of the plan. These future educational efforts should provide citizens with the exposure to make educated judgments about the complex issues that involve land protection. An educated citizenry will prove to be one of the strongest tools available for land conservation.

 To provide the infrastructure in terms of undisturbed land to preserve existing natural resources and enhance their adaptation to a future that includes continued development throughout the town and region;

This is a general goal of land protection efforts.

To sustain the scenic quality and visual character of the town and preserve property
values through the carefully balanced development within Town;

This is a general goal of land protection efforts.

 To maintain and expand landscape-based recreational opportunities that provide educational, personal and even spiritual benefits to the citizens of Newmarket;

This is a general goal of land protection efforts.

- To provide the basis for regulatory changes that work hand-in-hand with developers who espouse the goals of this plan and inhibit
- To provide a clearing house for recommendations and protection efforts to focus energy and funding mechanisms for a coordinated effort;

Along with the descriptions of funding mechanisms, the plan includes contacts for the various programs, web sites and in most cases the actual application forms. This approach is intended to insure that a dministrative t edium or insignificant oversight will not stand in the way of a successful application for grant monies.

· To protect the town's historic sites and cultural landscapes; and

The efforts under this goal are grounded within the context of the LCHIP funding protocols. The Town of Newmarket, armed with the Open Space Conservation Plan, will be able to submit a refined application for the second round of funding.

To protect in-town open spaces.

This effort is one of the main aspects of future efforts that coincide with the Main Street Program and the Riverwalk. These efforts receive support from the plan, however, future support should be developed further.

#### Inventory & Priority District Identification

One of the tasks introduced by the Conservation Commission included the identification and inventory of existing conservation lands within the Town of Newmarket. After the initial research it was discovered that the GRANIT layer dedicated to conservation lands included less the one-third of the total conservation parcels. Within that amount about half were incorrectly identified as to owner or ownership classification. In order to generate an up-to-date list, a critical element of any conservation effort, it was necessary to research past Planning Board approvals, contact local, regional and national conservation organizations, review historical town records and finally, the Rockingham Registry of Deeds. The final element of the inventory is a list and graphical display of properties participating in the Current Use program (although not perpetually protected, these properties are worthy of note with respect to acquisition efforts and regulatory changes). This inventory has developed into one of the most enlightening aspects of the plan, by providing new insight into the areas of Town where significant conservation efforts can yield the greatest benefits. The maps indicate some rather startling areas where conservation efforts have already progressed as well as areas of significant risk.

Using the data developed as part of these efforts with the Regional Environmental Protection Program for Strafford and Rockingham Planning Commissions as well as the Master Plans for Newington, Durham, Epping and Lee a picture of target areas was developed. Combining these inventories with existing natural resource inventories led to the development of the Conservation Priority Districts. These districts, under the direction of Conservation Commission members, were chosen as designated areas within Town and are to provided the focus for conservation efforts in terms of acquisition, regulatory efforts in terms of zoning changes and funding efforts in terms of tax and grant monies. (Work Task 7).

An additional aspect of this component of the Plan was the development of recommendations for Town owned parcels that are candidates for conservation. Several of the Town-owned parcels that were identified were acquired by the Town without development restrictions. The Conservation Commission asked to have all of the Town-owned parcels identified and then to go one-step further and identify those parcels owned by the Town without restrictions and that would contribute to the fabric of the conservation efforts undertaken by this plan. This was achieved through the research detailed above and five parcels were selected as prime candidates for conservation. Follow-through on this task will require political effort on the part of the Conservation Commission.

The map component of the Open Space Conservation Program includes a new "base map" that includes roads, topography and surface and subsurface water resources. Tax parcels are included in specific maps for identification of existing conservation lands and Town owned parcels. Upon these maps is overlain the Conservation Priority Districts which includes a significant textual description of the justification for selection as well as delineation of the boundaries for these districts. (Work Task 7).

#### **Education & Outreach**

With the help of the input form the survey and the members of the Conservation Commission, the consultants developed two primary education tools in the form of Power Point programs. Deployed over the web, these programs take the user through a basic introduction to Open Space and its values as well as the concept of Open Space Design in terms of development. These efforts were chosen as the most needed educational tools given the lack of understanding from the taxpayers for the economic as well as social and environmental values of open space lands. The Design presentation was chosen because of Town Officials deep resentment of the "cluster" housing type of design prevalent in the 1980's. Although a high-speed internet connection viewed is needed. the programs can be at http://www.mgplanning.com/Open%20Space/open space.htm. The programs are entitled "What is OS?" and "OS Design". Downloadable formats are being researched and will be added to the website for distribution and use by the public.

A Three-fold pamphlet is in the works to be developed for future use by the Conservation Commission describing the values of Open Space for distribution in relation to warrant articles on bonding for acquisition and to support other conservation efforts. Ongoing support from the consultant will provide for additional pamphlets for Town-owned passive recreation areas. (Work Task 8).

#### **Final Conservation Commission Meeting**

Unfortunately interim interest in the completion of the Open Space Conservation Plan

dwindled. As a result the third and fourth meetings were combined in an effort to maintain support and condense the work time as the deadline approached. The final meeting was devoted to a session of review of existing efforts, comments and further guidance for development of the plan. It was decided that the Power Point presentations would be presented at the March 2002 joint meeting of the Conservation Commission, Planning Board and Town Council. This presentation, although outside of the scope of the contract, will be given by the consultants at no charge. Two additional presentations will also be given, at the discretion of the Conservation Commission as part of the project, also at no charge. Due to the number of meetings already taking the time of the Town Officials, it was decided that the later presentation would have a greater impact on the support for warrant articles on the May 2002 vote and generate greater support for these and future efforts. (Work Task 9, 11, 12 and 15).

#### **Regulatory Tools**

In conjunction with the research completed as part of Task 5, three separate regulatory tools have been generated for adoption by the Town. These tools include the delineation of conservation districts along with specific restrictions within these districts. Natural resource inventory information forms the basis for the Conservation Districts. Specific resources within these Districts form the basis for the increased protection of prime wetlands, shorelands and aquifers. Each of these three critical resources are recommended for increased buffers and setbacks. Within the Conservation Districts a new Open Space Conservation Design is provided for residential and commercial development that is mandatory rather than option. The conservation design is optional throughout town and provides bonuses for choosing this form of development. In the conservation district, the design is mandatory and does not provide for bonuses. Conservation design within these districts is now the "conventional" development. (Work task 12).

The adoption of these regulatory methods are to be included in the planned zoning amendments that are targeted by the Planning Board. The Board did not want to present a piece-meal approach to amendments and have taken the proposals under review. The consultants have agreed as part of the project to provide support for the amendments when the Planning Board takes up the issue this year. No additional charges will be assessed against the Town of Newmarket or NHEP. (Work Task 13).

#### Conclusions

This project achieved substantial compliance with the goals and objectives. The descriptions of the tasks as outlined above along with the document itself provide the Town of Newmarket with the infrastructure for implementation of a strong conservation program. The benefits of the plan will only be seen through an aggressive follow-through on the part of staff and the volunteers at the Town level.

Newmarket is going through significant political and physical change. There is deep resentment between essentially two groups in Town; one is seen as the "environmental-stopdevelopment" group who want to stop all growth and development, and the other as the "oldtimers" group who sacrifice everything for perceived tax benefits. This tension is at the heart of the question of whether this plan will succeed. With respect to the actual document, it is easily maintained, easily updated and should form a significant base for grant funding, education and support for regulatory and project review.

The project will be adopted as part of the master plan to provide the Planning Board additional support in its zoning rewrite effort. This alone provides significant justification for the effort as the Board clearly intends to turn zoning on its head with environmentally based "zones" and use "overlays" rather than the past approach which was reversed. The project provides support for the Board to develop zoning that is based upon more flexibility for uses provided they account for their impact to the environment where they occur. The Planning Board views this approach as "Smart Growth" despite the literatures definition championed by various agencies, professional associations and critics thereof. It is the intent of this plan to provide for the preservation of the natural and cultural resources in Newmarket through a significant effort of protecting open space.

More importantly, this plan represents the effort to reverse peoples thinking with respect to how development and the environment relate.

#### Recommendations

The future work for this plan can be undertaken by a variety of entities.

- Locally, individual parcels can be targeted for outreach by the Town with respect to acquisition through the identified partnerships found in document and by the Town itself.
- Staff of the NHEP and other state and federal agencies can assist with minor effort by
  monitoring available grant applications and assisting Town officials in compliance
  with grant applications and deadline reminders.
- Since the support for grants can be found in the plan itself and the data references are cataloged in one place the application process should be much easier when compared to past attempts.
- The Consultant will tie up the plan in the future with some efforts described above. Any project that is contingent on town adoption schedules should include additional funding for support in the following year due to the time it takes for the political process.