

TOWN OF WILTON MASTER PLAN
CHAPTER VIII: Existing Land Use and Zoning

EXISTING LAND USE AND ZONING

Introduction

The purpose of this Section is to examine Wilton's existing land use patterns and current zoning ordinances. This information, along with that presented in earlier Sections, is very important to developing the future land use section of this Master Plan that follows.

The major determinants of land use location include: natural and/or physical land limitations (land capability), social desires for separation of incompatible use (land suitability) through the adoption of zoning ordinances; and the influence of existing land use patterns and transportation facilities. Each of the above three factors is briefly described below and related to Wilton's existing land use patterns. Only the latter two are described in more detail here since the earlier section on natural resources covers land capability.

Land capability is the term used to describe the natural (environmental) and physical ability of certain land areas to support development of various intensities. Every parcel of land has certain natural-physical features which affect the manner in which it can be used. The features, such as soil types, slope, and wetness, impose limitations on the relative intensity at which a parcel can and should be used. These natural-physical limitations have been identified, mapped, and analyzed in the natural resources section of this master plan, and can often be overcome by engineering solutions. Slopes can be cut and filled, wetlands can be crossed with minimal effects, and soil limitations can be identified and considered in septic system designs. However, all of these "solutions" then become additional costs and translate into economic limitations. The effectiveness and ultimate application of such solutions is debatable relative to the costs of potential environmental damage.

Land suitability is the term used to refer to the relative suitability of a given use to locate in a particular location. This factor is determined by a community's desire to separate potentially incompatible uses from one another so as to avoid land use conflicts, and is the primary basis for the establishment of different zoning districts for land uses of varying types and intensities (i.e., industrial, commercial, and various densities of residential). Such land use conflicts are presumed to pose threats to health, safety, and welfare, and thus are regulated under the police power of the community through zoning. Other, less obvious, issues of land suitability are derived from concerns about preservation of property values, the scale and scope of development, and aesthetics. Nonetheless, these factors, grouped under the heading of land suitability, are significant in determining how a community develops and where certain uses are located.

Existing land use, including land used for transportation (roads and highways) and other public facilities, is another significant factor in determining how land is used now and in the future. Quite simply, zoning and other issues aside, one does not locate expensive homes next door to a landfill or industrial park, or vice versa, because of basic economic considerations. The existing land use pattern is an essential factor in decisions about how vacant land is used or how existing uses are converted land use planning purposes, it is generally anticipated that the spreading of established land uses to adjacent land areas will continue. Some changes to this pattern are likely, but, in general, land use patterns remain the same, filling vacant areas and spreading out to reach natural barriers or other land use types. The presence of certain public facilities, especially roads, is a related factor. The established road network greatly influences existing and future land use patterns. Industries locate close to good highway accesses, commercial uses (especially retail) locate near high-volume arterials, and residences seek quieter, less busy areas.

Zoning ordinances represent the formalization of the above factors into law. Zoning is a police power of the community, which is authorized by the State through enabling legislation. The State has given communities the authority to establish laws (zoning) which determine how land can be used.

However, the authority is not unlimited; there are procedural safeguards, limits, and other requirements. One requirement is that zoning be rationally based upon a master plan to exercise this authority, thus the need for a comprehensive and detailed master plan that includes all the necessary information to direct and implement future actions and programs. In theory, zoning must consider how all of the above factors combine to affect land areas. It then establishes what uses are permitted (or not permitted) within certain areas and how those uses are placed by establishing lot size, frontage, setback, and other requirements for the development of a parcel. (Land use regulations address site-specific concerns of the development by addressing how land is divided into lots and how land is built upon.

This Master Plan has examined each of the factors described above in significant detail: the Natural Resource Section identifies natural limitations to development and examines “land capability”; the Population-Housing Section looks at projected population growth and housing needs; the Transportation Section examines the Town’s road network; and the Community Facilities Section examines public facilities which affect land use and development. The remainder of this Section will look at Wilton’s existing land use patterns and zoning ordinances. From these analyses, including the other sections, will be formulated a proposed plan for future land use (Section VII) with recommendations intended to achieve or implement the future land use plan described therein.

Existing Land Use

Mapping and analyzing existing land use patterns are necessary to support long range planning, the creation of a future land use map, and the implementation of necessary land use controls. There are many systems and methods available to classify existing land use, from general to detailed classification systems that involve “office” mapping, field observation, and aerial photo interpretation methods.

The classification system described below and used to prepare Wilton’s existing land use map, is an alteration of a system used in land use mapping with the aid of aerial photography. The terms used in this system are common descriptions to southern New England land use patterns. They are intended to describe the nature of the land itself, the vegetation of the landscape, or the land use.

In mapping existing land use, actual boundaries can be used, or the information can be “averaged” and noted for each individual tax lot. While the former is the more accurate method of indicating land use, it is not easy to do without aerial photographs, associated equipment, and trained photo-interpreters. The latter is likely the “next-best” method, and can be improved if aerial photos as referred to in the process. Unfortunately, with the latter method, accuracy is sacrificed as land uses, particularly those associated with natural resources, do not follow property boundaries. In this case, the observer has to judge the amount of each land use type (e.g., 75% forest and 25% agriculture) and assign the tax lot a land use type indicative of this mixture (e.g., S/T: S for majority softwood forest and T for minority tilled agricultural land), or draw in the approximate location of the natural boundary. Land uses can be determined from office, field, and aerial photo reference work. Using existing mapping for soils and wetland vegetation aids in locating “conservation” land uses. For mapping Wilton’s existing land uses, a combination of office, personal field knowledge, and recent existing aerial photo coverage at a scale of 1” = 1000’, were utilized. Seven general categories of land use were used. These include: agricultural lands; forestlands; conservation lands; outdoor recreation lands; mining and waste disposal lands; urban lands; and, public lands. Because a piece of land may actually fall within two of the above categories, a combined label was used in some cases (i.e., forest and public), and shown on separate maps in others (i.e., forest and light density residential). The following is a description of the seven existing land use categories, the individual land use types within these categories, and where they are found in Wilton.

Agricultural Lands

One way to classify agricultural land is by the vegetation which it supports. To a degree, vegetative cover defines the land value and its potential for other uses.

- T — is tilled or tillable cropland which is or has recently been intensively farmed. The land supporting farm buildings is included as part of this type. Included would be cattle, sheep, hog and horse farms.
- P — is pasture or wild hay land which is not suitable for tillage due to steepness of slope, poor drainage, stoniness, or lack of fertility. This land often has occasional scattered shade trees for the grazing animals.
- AF — is abandoned field which is reverted to wild land. Woody vegetation and grass are abundant, but not enough to classify it as forestland. This land is highly productive of wildlife. Most of this land would be pasture or wild hay land before abandonment.
- OP — is productive fruit orchard.
- OA — is abandoned orchard. In addition to the decadent fruit trees, grass and woody vegetation are abundant in this type.
- N — is land supporting nurseries. This type would include greenhouses and land adjacent to them as well as lands supporting horticultural specialties, ornamentals, shrubs and Christmas trees.
- V — is land supporting vineyards.

From looking at the Existing Natural Resource Land Use Map (separate from this report), it appears that there are many different types and locations of existing agricultural land uses spread throughout Wilton. The agricultural land use types which appear to predominate include tilled crop land, pasture, and productive orchards. The map shows concentrations in the distribution of agricultural land: in northwest Wilton along Burton Highway (pasture and tilled cropland); in northeast Wilton along Pead Hill and Curtis Farm Roads (orchards, tilled cropland, and vineyards); in westcentral Wilton around Keyes Hill, Temple, Town Farm, and Whiting Hill Roads (pasture, tilled cropland, and nurseries); in southwest Wilton adjacent to Kimball Heights, Russell Hill, and Heald Roads (orchards and tilled cropland); and in southeast Wilton along Isaac Frye Highway and Abbot Hill, Badger Farm, and Stephens Roads (tilled cropland and orchards).

Forest Lands

Forested land is classified by a system which describes the forest by tree species. Species differentiation is necessary because some species have greater value for wood products, for wildlife habitat, or have a greater resistance to recreational impact than do others. Tree species groups are designated by letters as follows:

- S — softwoods constitute almost all of the stand.
- H — hardwoods constitute almost all of the stand.
- HS — a mixture of hardwoods and softwoods with hardwoods predominating.
- SH — a mixture of softwoods and hardwoods with softwoods predominating.
- P — forest plantations are indicated by prefixing the symbol P to the forest type symbol (e.g., PS).

As shown by the Existing Natural Resource Land Use Map, forested lands by far cover the largest area of Wilton, maybe by as much as 75%. This is quite different from historical land use patterns throughout New England where as much as 80% of the land was cleared for agricultural use and only about 20% was forested. With a shift in the nation's agricultural farming "center" towards the Midwest and South, and the population migration to the urban areas for more promising employment opportunities, much of the farmland became abandoned. No longer under production, these lands continued in their natural succession and once again support the forest cover we have today.

The predominant forest type in Wilton is the mixed hardwood and softwood stand. The western half of Wilton appears to support the larger areas of this forest type. While hardwoods constitute a majority of the mixture, there are still many areas where softwoods constitute more of the mixture (central and northeast Wilton), and where hardwoods (northeast) and softwoods (central) each

constitute almost all of the tree types in a particular stand. Though this classification does not determine the condition of a particular stand (i.e., tree heights, crown closure, trunk diameter) it does indicate those areas that have large tracts of forested land that should be evaluated further and considered for long-range preservation and management efforts.

Conservation Lands

In this context, Conservation Lands cover open water and wetland areas. Existing resource mapping was used to identify this land use type. Open water is fairly easy to assess. However, other types of wetlands are much more difficult. The SCS Soil Survey for western Hillsborough County was used to indicate very poorly drained and poorly drained soils which are considered to support wetland vegetation. This information was transferred from a 1" -1000' soil survey map. These lands have been discussed in greater detail in the Natural Resources Section of this Master Plan, and so coverage here will be limited. The Existing Natural Resource Land Use map locates these areas adjacent to existing surface waters and within lowland depression areas. Surface waters and wetland soils do constitute a sizable area of the Town, and are shown to be bordered by agricultural forest, and urban land uses. Those wetlands bordered by urban land uses should be monitored to see that they continue to exist in harmony. Those bordered or surrounded by forest and agricultural land uses should be evaluated and considered for future wetland preservation and management efforts.

Outdoor Recreational Facilities

Outdoor recreation types have been broken down into those mainly for participation, and those environmental in character. Each recreational type includes the recreational complex: access roads, parking facilities, buildings and other related facilities. State parks, State forests, or Town forests can be classified under the forest category, but due to their public ownership, might be included here instead. Classification categories for outdoor recreation land uses include:

- RPC — Playgrounds and athletic fields including tennis courts, ballfields, swings, etc.
- REN — Environmental recreation areas including outdoor education areas, nature trails, and the State and local forest and park lands.

The majority of these types of land uses, particularly environmental recreation areas, are shown on the map to be located in the southern half of the Town. With what appears to be similar areas capable of supporting this type of land use within the northern portion of Town, consideration should be given to preserving and managing some of the land to the north as well.

Mining or Waste Disposal Areas

Mining in New Hampshire is mainly for sand, gravel or stone. Waste disposal areas occupy much space and they usually have unsightly characteristics.

- SG — Sand or Gravel: Used for the extraction of sand or gravel.
- RQ — Rock Quarries: Used for extraction of stone and materials other than sand or gravel.
- L — Landfill: Used for the disposal of waste and refuse materials. Active sanitary landfills would fall into this class, as well as closed landfills, recycling centers, and transfer stations.
- AS — Automobile Salvage Yards: Automobile "graveyards" or active automobile salvage yards.

Active sand, gravel, and rock mining areas are shown by the map to exist mainly in the north-central and east-to-west central parts of Town. There are other sand and gravel deposits located in Town, but due to their close association with existing aquifers, their use for gravel supplies most likely is not practical. The Town's landfill, now closed and used a recycling-incineration-transfer station, is located on NH Route 31 in east central Wilton. The one automobile salvage yard in Town is located west of the intersection of NH Routes 101 and 31S. Both the landfill and automobile salvage yard are located over a portion of an existing stratified drift aquifer. These two land uses should be closely monitored to ensure that their operation does not contaminate the groundwater supply beneath them.

Urban Lands

Land classified as urban for the most part encompasses a large number of people living and working in close proximity in a confined land space. Urban limits are at the border of the block street pattern or just beyond it. Industrial, commercial, residential and transportation lands make up the urban type. Each urban type includes the access roads, parking facilities and other features which go with the complex.

Residential

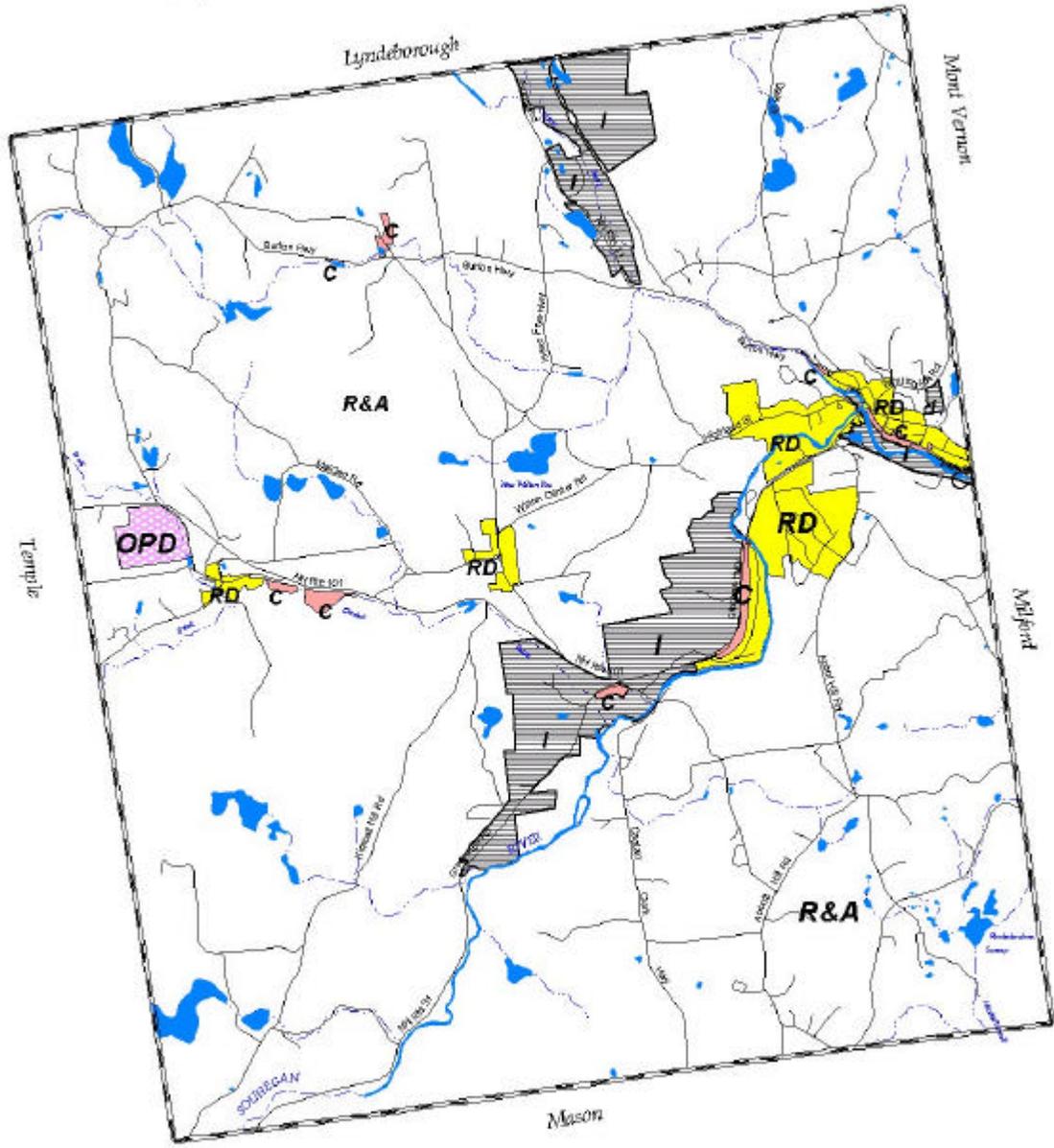
- URO — is open, very light density residential land with large lots over five acres in size.
- URF — is very light density, forested, residential land with large lots greater than five acres in size with forest cover. In this type, only space for the house and a small lawn are cleared in the forest. Most of the forest is left intact in this type.
- URL — is low-density residential land with lot sizes from 2 acres to 5 acres in size. The lots have one dwelling unit each.
- URM — is medium density residential land used for homes which are arranged in orderly curved or rectangular patterns on lots which are predominantly $\frac{1}{2}$ to 2 acres in size. Most of the street frontage is 100' to 200' in width and there is one dwelling unit per lot.
- URH — is high-density urban residential land used for homes which are spaced closely, set back from the street, and arranged in orderly rectangular patterns on lots less than $\frac{1}{2}$ acre in size. These include older urban areas, lakeshore cottages, or mobile home parks.
- UA — is apartments which are usually located within the central downtown area, are set back from the street, may have some "grounds" and may have attached recreational facilities like swimming pools and tennis courts.
- UCR — is clustered residential land with clusters of domestic dwellings in farming or forested areas.

Outside of forest resource lands, existing residential land uses occupy the greatest land area in Wilton. Residential land uses, as shown on the Existing Urban Land Use Maps, are spread throughout Town. The main difference in distribution is that lower density residential uses appear in the more remote areas of Town while the higher density residential development is located in those areas having public water and sewer facilities.

Surprisingly, there is almost no residential land use within Wilton's northeast and southeast quadrants. Most likely this is due to the owner preference and the lack of access. Very low residential development, that includes forested and open lots over 5 acres in size with a residence situated on them, appear to be concentrated in the north-central and southeastern part of Town. Low-density development (2-5 acre lots with a residence) is found in central northeastern and southeastern parts of Town. Medium density development (0.5-2 acre lots with a residence) are also located primarily in the eastern half of Town, with the higher concentrations of medium density lots within and immediately surrounding the downtown area. High-density residential development (less than 0.5-acre lots with residences and apartments) is only found in Wilton's downtown area as it is dependent on public water and sewer facilities.

**TOWN OF WILTON MASTER PLAN
CHAPTER VIII: Existing Land Use and Zoning**

**Zoning Districts
-- Wilton, NH --**



- | | |
|----------------------------|----------------------------|
| Commercial (C) | Residential & Agricultural |
| Industrial (I) | Residential District |
| Office Park District (OPD) | Rivers or Ponds |

2000 0 2000 4000 Feet

Zoning Districts displayed on this map are based on local ordinances current to 1999. District areas were digitized by NRPC according to property parcel boundaries.

Accepted planning practice would dictate that higher density residential development is best located where there is access to adequate public road, water, and sewer facilities. For the most part, Wilton's past growth patterns have followed this principle. The exception is that medium density development is located in the northeast and southeast parts of Town. Although this already exists, if there are not adequate public facilities (particularly roads in this case), a continuation of this type of residential growth pattern should be reevaluated. Allowing "premature" development ahead of or beyond the Town's ability to physically and financially provide the public facilities necessary to support it will only make it much more difficult for the Town to adequately serve the development that exists. For this reason, the town should evaluate the adequacy of public facilities (particularly roads) in areas currently being developed to see if any future development would be "premature". Future growth should be directed to those areas where roads and adequate public water and sewer facilities already are in place or can be provided by a prospective development.

Commercial

- UC — is commercial land located in the central or downtown area, predominantly used for distribution, or merchandising goods and services. Stores, hotels, offices, parking garages, and smaller warehouses are usually set adjacent to streets having a close pattern.
- UH — is highway commercial land used for merchandising goods and services to the traveling public away from urban centers. Gas stations, motels, restaurants, drive-ins and stores located in strips along major routes of travel make up this type.

Wilton's existing commercial land uses are situated where they are due mainly to the historic development of the Town and the confining nature of the Souhegan River, which was utilized by the original mills.

Industrial

- UC — is industrial land containing facilities for the manufacture or assembly of smaller, partially processed products such as electronics, appliances, and other secondary process products. Large smokestacks or raw material storage facilities are never present, air and water pollution are seldom a problem, and light industries are not likely to be a visual nuisance.

The types of industries located in Wilton are associated with manufacturing (assembly and secondary processing). These industrial uses are located in north-central Wilton along NH Route 31N, in the east-central downtown area, and in central Wilton near the intersection of NH Routes 101 and 31S. As with commercial development, Wilton's industrial land uses have located where they have primarily because of the transportation network that exists. Unlike commercial uses that need a transportation network allowing customer access and visibility, the industrial uses' need for a transportation network is to allow truck access to major thoroughfares and interconnection with the area's labor pool. Again, industrial land uses will likely locate themselves as they have in the past due to this dependency on a good transportation network. However, as with commercial land use development, industrial development, if not directed to suitable areas, may end up causing unwanted traffic impacts, environmental contamination, and public health-safety problems.

Public Lands

The types of public lands described below may also be classified as forest, recreation, or conservation land. If this is the case, the land use symbol also contains respective public designation (e.g., REN/UPS).

- UP — is quasi-public land which contains facilities to serve large numbers of people. Examples are colleges, churches, hospitals, etc.
- UPT — is public (town-owned) land which contains facilities to serve large numbers of people. Examples are elementary and high schools, libraries, town halls, and other town buildings.
- UPR — is public (State-owned) land.

UPO — is land open to the public but under private or some other type of ownership (e.g., SPNHF lands).

+ — cemeteries

Zoning

Wilton's zoning ordinance is perhaps the most significant explanation of the development patterns previously discussed. The zoning ordinance has evolved over time through analysis of environmental constraints, land use and early settlement patterns, and community expressions of how the Town should grow. Wilton's future growth will also be mainly directed by the zoning ordinance in effect at the time.

The present zoning ordinance established five districts for active land uses, one regular environmental zoning district, and three environmental "overlay" districts which control the active uses of the other five districts on lands of environmental significance. The following narrative describes the key features of each district. The reader is urged to consult Wilton's zoning map to determine the location of a specific district's boundaries and the Town's zoning ordinance book for the specific language of a district's legal requirements.

Residential District

The residential district is where a large portion of Wilton's housing is located. The district generally covers the area in east Wilton north of the Souhegan River around the town's center, and south of the town's center in the area along NH Route 101 (now named Gibbons Highway). The district continues along Intervale Road to the intersection of NH Route 31 South (Greenville Road), a small area where Wilton Center Road, Burns Hill Road, and Wilson roads intersect with Isaac Frye Highway. Another small area is located on West End Highway and Temple Road which intersects at NH Route 101 in two locations. All roads in Wilton are named and signed in compliance with 911 emergency regulations.

The Residential District encompasses those areas within the town of Wilton designated on the Town Zoning Map and includes the following areas as of March, 1995:

- A. The area in West Wilton south of NH Route 101 as delineated on the Town of Wilton Tax Map C encompassing Lots 106 through 114 inclusive; 117, 118, 119 and part of 120 drawing a straight line from the northwest corner of 118 to 119; 122 through 124 inclusive; and 137 through 141.
- B. The area in Wilton Center as delineated on the Town of Wilton Tax Map C encompassing Lots 62, 63, 64, part of 65 drawing a straight line from the southwestern corner of 66 to 64, 66, and 67; 72, 73, parts of D-140-1 and C-74 east of a straight line drawn from the southeastern corner of 72 to the northwestern corner of 76, 75, 77 and 78; and 81, 82 and 84.
- C. Tax Map F all land east of NH Route 101 between the north and south intersections of Intervale Road from the western edge of the 150-foot Commercial District to the eastern edge of the Souhegan River, Lot 140 from NH Route 101 to the Souhegan River; Map D, Lot 99; Map L, Lots 29 and 48; and Map M, Lots 6 through 98, inclusive.
- D. Tax Map D Lots 105, 106, 106-1 through 113 inclusive, 66, 68, 69, 74, 75, 76 and 77; Map M, Lot 1; Map L, Lots 1 through 28 inclusive, 30 through 39 inclusive, and 42 through 45 inclusive; and Map J, 106 through 109 inclusive, 111, 112, 112-1, 114 through 132 inclusive, 136, 137, 138 east of a straight line drawn from the southwestern corner of Lot 136 to the corner of the southern corner of the jog in the northern line of 138, and Lots 133, 134, 135 and 139 east of a straight line drawn from the southwestern corner of Lot 136 to the southwestern corner of Lot 133.
- E. Tax Map J, part of Lot 12 east of a line drawn from the western corner of Lot 76 on Dale Street to the jog in Lot 12; lots 13 through 42 inclusive, 62 through 78 inclusive, 80, and 92 through 98 inclusive; Map K, Lots 15 through 37 inclusive, 48 through 62 inclusive, 67

through 84 inclusive, 86 through 102 inclusive, 105 through 153 inclusive, 155 through 157 inclusive, 163 and 164.

Permitted uses in this district include mixed residential with a high density (single-family, duplex, and multi-family). A maximum of three dwelling units per lot is allowed for any new construction on town water and sewer. One dwelling unit per lot is allowed in the remainder of the district. Certain other uses are allowed in this district by special exception of the Zoning Board of Adjustment (ZBA), and upon review and approval by the Planning Board. These include: home occupations; building for religious purposes; hospitals; municipal buildings; schools; and day care centers. This affords homebuyers greater certainty that potentially incompatible uses will not be constructed nearby that would reduce relative property values. This adds a certain desirability to building and buying homes located within the residential district. Trailers and mobile homes are prohibited from locating in this district.

Lot size requirements are at least one-half acre per dwelling unit when served by both town water and sewer. Where town water and sewer are not available, the lot size must be at least one acre per dwelling unit. In addition, there must be at least one hundred feet of frontage on a public right-of-way, Class V or better, and a front building setback of thirty-five feet and a combined side setback of thirty-five feet with a fifteen foot minimum. The height of any buildings in this district is not to exceed forty-five feet or two stories.

General Residence and Agricultural District

The largest of Wilton's zoning districts is the residential and agricultural district. Permitted uses include agriculture, forestry and all permitted uses of the residential district, subject to lot size restrictions as specified in Section 6.2 of the Land Use Laws and Regulations.

Lot size is determined by the soil potential ratings for subsurface septic systems, prepared by the Hillsborough County Conservation District, a map of which is on file in the Clerk's Office of the Town Hall. Lots with soil rating of Very High require one acre per dwelling a unit, a High rating requires one and one-half acre, and Medium, Low or Very Low rating mandates two acres per dwelling unit. Wetlands and land contained within the hundred-year floodplain must be excluded from calculation of the minimum lot area.

Lot configuration and frontage as specified in Sections 6.2.2–6.2.5 include a minimum lot width, side to side, of one hundred and seventy-five feet, a minimum two hundred feet on a public right-of-way, Class V or better, and a setback of thirty-five feet from all boundary lines for buildings and disposal fields.

Alternative lots which do not meet the minimum frontage requirements may be developed subject to Section 6.3, Alternative Lot Requirements, in the Land Use Laws and Regulations.

Cluster Developments may be permitted in this zone under the following conditions, as specified in Section 6.4: Minimum development site is fifteen acres with a minimum frontage of five hundred feet on a Class V or better public right-of-way. Dwelling unit density shall be determined by the Planning Board in accordance with the provisions of the Cluster Development Regulations. Open space requirements are fifty per cent, except for areas within one mile of Town Hall and using town sewer and water - the requirement will be forty per cent.

Manufactured homes are permitted in this zone subject to all minimum requirements of the district and enclosing the space underneath the home with suitable skirting.

Home occupations in this zone require a special exception from the Zoning Board of Adjustment (ZBA) and site plan review and approval by the Planning Board. Requirements are specified in Section 6.6 of the Land Use Laws and Regulations.

Commercial District

There are several areas in Wilton zoned for commercial use. They are located along Main Street, Route 31 North (Forest Road), Route 31 South (Greenville Road), NH Route 101 (Gibbons Highway) and another in north Wilton near the intersection of Burton Highway and Davisville Road.

Uses permitted in the commercial district include:

- A. Any use permitted in the General Residence and Agricultural District with conditions;
- B. Duplex and multi-family dwelling, other lodging houses, inns, tourist courts, cabins and bed and breakfasts, retail businesses within these permitted buildings;
- C. Restaurants and other retail establishments;
- D. Garages, parking lots and filling stations;
- E. Business and professional offices;
- F. Theaters, halls, clubs and amusement centers;
- G. Greenhouses and florist shops;
- H. Funeral homes;
- I. Wholesale establishments in connection with permitted retail establishments, warehousing or merchandise or retail sale within the District.

A minimum frontage of 200 feet is required throughout the commercial zone except along Main Street from the Milford line to Forest Street. A minimum of 25 feet of frontage is required in these areas. Front setback of 35 feet, side setback of 25 feet, and rear setback of 20 feet are required. Setback exceptions are provided in the areas of Main Street from the Milford town line to the junction of Route 31 and Forest Street. These areas are to conform to existing neighborhood buildings.

No buildings or parking areas are permitted in the front setback or in any setback which abuts a residentially or residential/agriculturally zoned parcel. Parking areas are permitted up to within ten feet of the side or rear lot line of a commercially zoned parcel where it abuts another commercially or industrially zoned parcel. Parking areas shared between two adjacent commercially or industrially zoned parcels may be developed up to the common side or rear lot-line if all other conditions of the District are met.

Buildings, parking, and roadways shall occupy a maximum of 75 per cent of the gross area of any lot. Commercial building, structures and parking areas in existence as of March 13, 1990 that exceed the permitted lot coverage within the District may be maintained at or rebuilt to the existing level.

Access to any lot with frontage on NH Route 101 shall be accessed by any other street or side road that is available and only by NH Route 101 if no other alternative exists. Access to NH Route 101 is limited to one curb cut for each lot of record existing as of March 11, 1986. Access to any town road or state highway shall require town of state permit approval.

Two advertising signs relating only to the permitted use or uses are allowed. They may not exceed 100 square feet in area per face with a maximum of two faces. Animated, flashing, or intermittently illuminated signs are prohibited.

Architectural design considerations or esthetically conforming structures should be a major function of this volatile district when considering the visible nature and impression offered to the public.

Office Park District

The office park district is located off NH Route 101 in West Wilton, near the Temple town line. The district is south of NH Route 101, west of West End Highway, and north of Keyes Hill Road. The objective of this District is to attract corporate office and research facilities to a college campus-like environment. The ordinance incorporates typical zoning requirements and other provisions that address the desire for large open spaces, generous setbacks, and compatible architectural and landscape

standards. Buildings constructed in this district must be sited to blend in with the environment with a minimum change in the natural topography.

Permitted uses in the office park district include corporate offices, research facilities, and farming uses only.

The minimum lot size in this district is five acres. Access and egress shall only be from one road leading to a state highway. Building setbacks are two hundred feet from all District boundaries, a front lot setback of at least one hundred feet in depth, and a side and rear setback of fifty feet from property lines. Side and rear setbacks may be reduced to fifty feet to promote clustered nonresidential development. All land within one hundred feet of Blood Brook shall remain in its natural state except for foot trails.

The maximum allowable building size is forty thousand square feet of gross floor area on the ground floor, cumulative of all building and parking areas on the lot. The maximum building height is two stories, with a maximum height above mean lot terrain of thirty-five feet. There shall be at least one parking space for every one and two-tenths employees based on the highest expected employee occupancy. Shared parking facilities will not be counted toward the percentage of lot coverage. Parking areas shared between two adjacent lots within this District may be developed up to the common side or rear lot line (excluding lot lines tangent to the Conservation Zone and Section 6.0 of the General Residence and Agricultural District if all other conditions of the district are met). An office park sign is allowed if it is no more than one hundred square feet in area or eighteen feet in height. One building sign is allowed, not to exceed thirty-two square feet.

Neon, animated, and flashing signs are prohibited.

As a condition of granting final site plan approval for a development upon a lot in this district, the lot owner shall obtain Planning Board approval of the exterior architectural design of such structures. In connection therewith, the Planning Board shall require the lot owner to provide it with graphic renderings, photographs or three-dimensional models to depict the proposed development. In undertaking its review and approval, the Planning Board shall consider the location, alignment, and spacing of new buildings in relation to existing and future development of adjoining lots. In addition, the Planning Board shall consider the positioning and configuration of the proposed buildings on a lot or lots, the use of the required setbacks, open space and buffer mechanisms and the lot owner's campus-type layout and building requirements.

Even though maximum lot coverage has been increased, it may be more reasonable to increase the maximum park development area of a lot to no more than fifty per cent.

Industrial District

Wilton has five areas zoned for industrial use. One area is located in East Wilton along the Souhegan River between Main Street and NH Route 101. The second and third are both small areas, with one fronting on the south side of Whiting Hill Road and the other area at the east end of Highland Street. A fourth area is located in North Wilton along Forest Road (NH Route 31N) and the Boston and Main Railroad line. The fifth area, the largest of all, is located in the area south of the intersection of NH Routes 101 and 31S along the south side of NH Route 101 and both sides of NH Route 31S. This area also includes property along NH Route 101 north from the Souhegan River Bridge to NH Route 31S. The purpose of the district is to provide a location for the establishment of industrial facilities in order to improve employment opportunities and broaden the Town's tax base.

Permitted uses in this district include manufacturing, compounding, processing, packing, treatment or warehousing of goods and products, research and/or testing laboratory, and offices. The above uses are allowed so long as they do not produce excessive or objectionable vibration, noise, odor, smoke, and no hazardous material discharges. Residential uses are not allowed in the industrial district. Commercial uses are permitted under the same terms and conditions as industrial use. Industrial use shall be permitted to generate traffic in keeping with the character of the roadway from which the use

has access and egress and shall include 0–10 average daily trips on Class IV and Class V roads and 0–150 average daily trips on Class I and Class II roads.

In addition, industrial uses that will be served by the Town’s water supply must not require more than 10 per cent of the system’s available capacity at that time. If the use is not on public water, the Town has adopted performance standards for the pumping of individual wells to avoid the depletion of water supplies for neighboring uses. These standards are based on an earlier U.S. Geological Survey of groundwater availability. For high potential yield areas, proposed uses may require up to a maximum of 4,000 gallons per day (GPD) of groundwater from a drilled well. Medium potential yield areas may require up to 2,000 GPD, and low potential yield areas may require up to 1,000 GPD of groundwater supply from a drilled well. In areas determined by the U.S.G.S. as generally yielding enough water for domestic supplies, proposed industrial uses shall be limited to a maximum of 750 GPD of groundwater from a drilled well.

Lot size shall be two acres excluding wetlands with 60 per cent occupied by buildings, parking and roadways. Total lot impervious coverage (buildings, parking area, and roads) shall be 40 per cent within the Aquifer Protection District. Industrial buildings, structures, and parking areas in existence as of March 13, 1990, that exceed the permitted lot coverage within the district may be maintained at or rebuilt to the existing level. Any increase in impervious area will not be permitted. For setbacks and buffer zones please see Wilton Land Use Laws and Regulations Zoning Ordinance, Sections 8.2.4–8.2.8.

Watershed District

The watershed district was established to preserve water quality and protect the health and welfare of Wilton residents by minimizing pollution sources through regulation and restriction of population density and activity. As shown on the Town’s zoning map, the watershed district encompasses the land and water areas which by seepage or flow introduce water into the Town’s old and new reservoirs. This area includes, but is not restricted to, the watershed of Mill and Stockwell Brooks above the reservoirs.

Minimum lot size in this district is 15 acres per single-family dwelling. Wetlands are not counted as part of this acreage amount. Cluster developments are prohibited from the watershed district. Lot frontage needs to be a least 500 feet on a Class V or better road.

No residence animal feed lot or associated building used for housing animals shall be less than 300 feet from the One Hundred-Year Floodplain and the deeded flowage rights to the NH Flood Control System. The use of any toxic chemical within 300 feet of the seasonal high water mark is also prohibited. No pasturing of livestock is permitted within 100 feet of open flowing water. It is deemed the landowner’s responsibility to protect the water by installing adequate and proper fencing.

No land is to be filled, excavated, graded, or used in such a way that would cause substantial erosion or alter existing patterns of natural water flow. Those uses incidental to permitted residential and agricultural construction are excepted.

As there is a small commercially zoned area within this district, the ordinance specifies that the watershed district provisions take precedence over any other district which is located within it. The ordinance also incorporates the regulation to protect the purity of water of Mill Brook under the provision of Chapter 57, Laws of 1899, entitled “An act for the better protection of public water supplies,” as adopted at a special town meeting on December 4, 1904.

Floodplain Conservation District

The floodplain conservation district, the first of Wilton’s three environmental overlay districts, was developed to protect public health and safety from related flood threats. This district is defined by the Flood Insurance Study and Flood Boundary-Floodway maps prepared for Wilton by the U.S. Department of Housing and Urban Development, Federal Insurance Administration. (See Section VI: Natural Resources)

All subdivision and nonresidential development proposals having lands within the One Hundred-Year Floodplain area must be located and designed for consistency with the need to minimize flood damage and provide adequate drainage. Subdivision and other development proposals greater than 50 lots or five acres, whichever is smaller, must include base flood elevation data. Buildings and fill are prohibited from this area if it will result in any increase in flood levels during the occurrence of the base flood discharge. Mobile homes in this area are also prohibited due to their tendency to be floated and transported if flooded.

Wetlands Conservation District

The wetlands conservation district, the second of Wilton's three environmental overlay districts, was developed in the interest of public health, convenience, safety, and welfare. The ordinance is intended to guide the use of land areas designated as having poorly and very poorly drained soils (high water table at or below the surface for extended periods). (See Section VI: Natural Resources) The provisions of the ordinance were designed to prevent the development of structures and land uses on wetlands which would contribute to the pollution of surface water and groundwater by sewerage, prevent the destruction of natural wetlands that provide flood protection, prevent unnecessary or excessive Town expenditures to provide and maintain essential services and utilities which may arise from the improper use of wetlands, and encourage those uses that can be appropriately and safely located in wetland areas.

Permitted uses in this district include any use that does not result in the erection of any structure or alter the surface configuration by the addition of fill or by dredging and that is otherwise permitted by the underlying zoning district. Examples of uses permitted include forestry, agriculture, wildlife refuge, parks and recreational uses, conservation areas and nature trails, subdivision open space, natural drainageways, and water impoundments and wells for water supply.

Certain prohibited uses are allowed by ZBA special exception. These include streets, roads, and other access ways and utility right-of-way easements if essential to the productive use of the land not so zoned and if so located and constructed as to minimize any detrimental impact of the use upon the wetland. Also included are the erection of a structure, dredging, filling, draining, or otherwise altering the land surface if it can be shown that the proposed use will not conflict with the purpose and intent of the ordinance.

Aquifer Protection District

The third of Wilton's environmental overlay districts, the aquifer protection district, has been established to protect, preserve, and maintain the existing and future municipal water supply sources of Wilton. The ordinance regulates the uses of land over known aquifers and their recharge areas so as to protect such supplies from contamination caused by incompatible land use practices or development. The district includes those areas delineated by the recent U.S.G.S. aquifer delineation study as stratified drift aquifers that are of adequate quantity and quality to serve a municipal well. (See Section VI: Natural Resources)

The aquifer protection district does permit industrial or commercial uses (in the appropriate industrial or commercial district) which discharge no non-human wastes on site and human wastes only in approved septic systems. Residential development is permitted at the same densities allowed in the underlying district if serviced by Town water and sewer. Otherwise, residential development is allowed at 50 per cent of the underlying district's density. An exception to this is for those areas within the watershed district where the density corresponds to the underlying district. Other permitted uses include those associated with the conservation of soil, water, plants, and wildlife, outdoor recreation, nature study, boating, fishing, and hunting, maintenance of existing water bodies, foot, bicycle, and horse paths and bridges, maintenance of any existing structure, and farming, gardening, nursery, forestry, harvesting, and grazing. The latter is allowed provided that fertilizers, herbicides, pesticides, manure, etc., are used appropriately and stored in an environmentally safe and proper manner, the cultivation and harvesting of crops is in accordance with recognized soil conservation and agricultural

practices, and that forestry or tree farming is in accordance with recognized forest management practices.

Specific land uses are prohibited from this district. These include the disposal of solid waste other than brush or stumps, subsurface storage of petroleum products except as regulated by the NH Department of Environment Services (DES), disposal of liquid or leachable wastes, except for single and multi-family residential subsurface septic systems or approved commercial and industrial systems discharging human wastes only, industrial uses which discharge contact-type process water on site, outside unenclosed storage of road salt, the dumping of snow containing de-icing chemicals brought from outside this district, the mining of land except incidental to the permitted use or conducted in accordance with an approved earth removal permit, all on-site handling, disposal, storage, processing, ore recycling of hazardous or toxic materials, automotive service repair shops, and junk/salvage yards unless operated in accordance with DES regulations, and bulk storage of toxic material for resale or distribution.

Wireless Communications Overlay District (WCOD)

Recognizing the provisions of the Federal Telecommunications Act of 1996, the WCOD applies to all wireless communications infrastructure that emit radio frequency (RF) signals that are radiated through the air by means of an antenna, to be located within the Town of Wilton. This section is intended to ensure the coordinated development of the communications infrastructure necessary to provide communications services for the Town of Wilton while preserving the public health, welfare and aesthetic qualities of the town and its residents.

The WCOD applies only to the Industrial and/or Commercial District(s). If conflict between sections of the Ordinance is found, then the more stringent standard will apply as stated in Section 23.00 Savings Clause of the Ordinance.

Any use permitted in the underlying zone shall be permitted following the same provisions as apply to that use in that district. All new wireless communication facilities or any related infrastructure must comply with the performance standards set forth in Section 4.6 of Wilton's Zoning Ordinance. These new facilities shall be co-located with existing facilities where possible and shall be designed for and shall permit that co-location of future facilities. New towers shall reserve space for municipal emergency communications equipment.

Each application for new tower and any new antennas or other structures shall be required to submit a site plan review to the Planning Board. More than one tower on a lot shall be permitted and located as close to each other as technically feasible. Towers shall be enclosed by security fencing not less than eight feet in height and be equipped with appropriate anti-climbing devices. Visual impacts shall be minimized.

The minimum lot size for new wireless communications facilities shall be two acres within the WCOD. Setbacks shall be at least 200% or twice the height of the tower from existing Class V roads or better. They shall be set back at least 150% or 1 ½ times the height of the tower from the lot line of a residentially zoned lot. No parking, storage of materials or structures are allowed within 75 feet of any lot line. This setback shall retain its existing vegetation and remain undisturbed. However, existing vegetation shall be removed only within the immediate area of the access route. Buffer zones shall be provided between the facilities and existing residential structures or residentially zoned parcels.

Towers shall be considered abandoned if not operated for a continuous period of twelve months. The owner of the facility and the owner of the land upon which the facility is located shall be under the duty of removing the abandoned facility within 60 days of receipt of notice from the Town of Wilton. The owner or operator will be required to post a bond sufficient to cover all costs related to the removal and disposal of abandoned equipment or materials.

Summary

While it is desirable to know with certainty just how much land in Wilton is indeed buildable, open, or used for specific purposes, that was not really the purpose of this section. The key questions are not “how much development can Wilton ultimately support” or “when will the Town be filled up?” The important issues are how will Wilton be filled up: in what patterns of land use, with what types of uses, and in which locations. Because there are no absolutes in the land development and regulation process and because zoning can be changed, variances granted, and higher densities allowed, attempts to identify some future “saturation level,” much less determine when it will occur, are speculative at best. For these reasons, it is far more significant to:

1. determine what levels of growth are likely to occur in the foreseeable future,
2. identify areas where it should and should not occur,
3. determine how public facilities should grow to reasonably accommodate this growth, and
4. develop strategies to shape future growth in desirable patterns.

Addressing the four items listed above has been the ultimate goal of this Master Plan. The future land use section that follows presents a discussion of how the Town should go about doing this.

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