

II. LAND USE & GROWTH

BACKGROUND

Of all aspects and attributes of a community, land use is the most visible element. Land use is also the component of community life where the physical effects of policy choices and regional trends in other areas – economic development, transportation, housing, open space policies, among others – manifest themselves most clearly. It is the land use of a community that – shaped by all these other elements – most strongly gives that community its unique and particular character.

Changes in growth trends and patterns as well have their most visible effect upon land use, even though the impacts of growth reverberate through other components of community life and municipal policy.

Among New Hampshire cities and towns over the last three decades, few communities have experienced this reality as intensely as has Derry.

Derry Land Use

Development growth has been the single most consuming issue facing Derry over the last three decades. The large majority of this development growth has been residential. This growth has substantially altered the face of Derry and its land use.

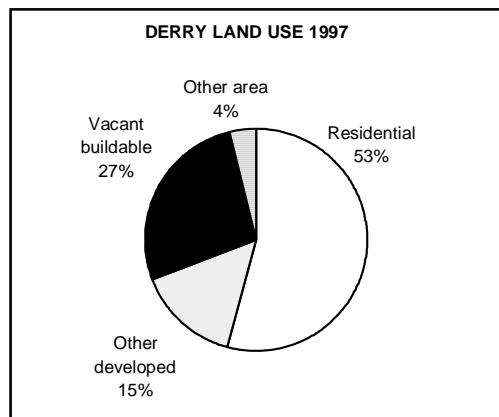
More than two-thirds of Derry’s land area is in already-developed parcels, most of that in residential use. Only about a quarter of the Town’s land area remains in vacant and developable parcels. Even when adding the development potential in parcels used but not to the full extent allowed by zoning, there clearly is a declining potential for added development in Derry. Those observations are based upon the Southern New Hampshire Planning Commission’s GIS-based tallies of land use acreage in Derry¹.

The distribution of acreage among categories of land use is consistent with typical patterns, with residential use dominating, and commercial and industrial land use comprising a small but highly visible share of the total. Perhaps the most striking

departure from land use area norms is the small share of public land in Derry.

**Table II-1
Derry Land Use: 1997**

Land use category	Acres	Percent
Developed parcels		
Residential	12,300	54%
Commercial	1,200	5%
Industrial	200	1%
Public, semi-public	700	3%
Utilities, streets	1,300	6%
Developed subtotal	15,700	69%
Vacant parcels		
Wetland	900	4%
Developable	6,100	27%
Vacant subtotal	7,000	31%
Total land	22,700	100%
Water	600	
Total area	23,300	



There are probably about 8,000 acres of vacant developable land remaining in Derry. That consists of the 7,000 acres of vacant land parcels listed in the following Table, and approximately 1,000 acres of excess land in residentially zoned parcels having area over the minimum lot size, so capable of being further subdivided. Most of this vacant land is in the LDR (3 acre minimum lot size) and LMDR (2 acre minimum lot size) zoning districts.

The acreage in those districts probably has a development capacity for fewer than 3,000 new housing units. Considering vacant land remaining in other districts, under current zoning Derry has the capacity for no more than about 4,000 new housing units in addition to the 13,000 units now in the community. Derry has been averaging about 100 new dwellings per year. There is apparently land capacity under current zoning for another three or four decades of growth at that rate.

That potential increase of about one-quarter in the number of dwelling units at build-out probably would mean an increase of less than a quarter in total population, given continuing reductions in the average household size. Based on the U.S. Census 2000 population of 34,000, that means that under current zoning population is unlikely ever to exceed about 40,000 persons.² Unless regulations are changed, growth will approach that build-out limit at an increasingly moderate rate over the next few decades.

As illustrated on Map II-1, the western section of Derry contains the highest proportion of developed land. Commercially and industrially developed lands are located predominantly in the central and west sections of town. East Derry's land use character is predominantly lower density residential.

Derry Growth Management Initiatives

During Derry's rapid growth during the 1970s and 1980s, predominantly residential growth created substantial imbalance among development, services, and the environment. The ensuing strain on municipal services, revenues, and citizen concern for the rapidly changing character of their community led to the Town's December, 1994 adoption of a one-year moratorium on growth, while the Town developed a growth plan and regulations to better manage that growth. A Growth Management Plan and program was developed in 1996. Following the adoption of this plan and several years' work and studies to determine the appropriate course of action, in 1999, the Town of Derry adopted a growth management ordinance. This ordinance regulates the timing and phasing of major new development proposals, and established a building permit limit of 50 residential units per year. The ordinance links development rights to the availability of Town services, facilities, and schools. As part of this effort,

in 1997 the Town also developed and adopted a revised zoning map that more closely guides development to desired, appropriate areas of Derry, and a thirty-year capital improvement program upon which the growth controls of the ordinance are based.

Excavation Activities

There are two excavation sites in Derry. In 1997, the Town's excavation regulations were revised, with the assistance of the Southern New Hampshire Planning Commission, and adopted as part of the overall zoning recodification. The Town's zoning ordinance now contains earth removal regulations governing existing and abandoned excavations, stationary manufacturing plants, highway excavations, reclamation of excavated areas, operational standards for excavation practices, and land use, and enforcement of standards.

GOALS AND OBJECTIVES

Derry's goals for land use and growth are to:

- Preserve Derry's overall pattern of land use that concentrates development in the Downtown and west central sections of the Town, with open lands and sparser development in the east section of the community, avoiding the tendency toward suburban sprawl.
- Continue to guide the amount of growth that is sustainable, given Derry's environment, level of service, and to its desired character, as outlined in its growth management ordinance.
- Integrate Town goals for open space, recreation, economic development, downtown revitalization, with land use policies and regulatory tools where appropriate.
- Continue to review zoning regulations to assure consistency with Town objectives and evolving policies on land use.

IMPLEMENTING ACTIONS

Implementing actions identified during the 2000 planning process can be grouped in several categories – residential land use, business land use, open space, recreation, and agriculture, and the land use planning and management process.

Land Use Planning and Management Process

Several implementing actions are concerned with Derry’s overall land use planning process, how it is managed, and general zoning approaches:

- Expand long-range planning efforts in Derry, including:
 - Broadening areas of long-range inquiry to include protection of natural and cultural resources over the long term, in addition to those areas specified in the Town’s growth management ordinance;
 - Increasing opportunities for Derry Boards and agencies to work together on long-range planning efforts in a systematic, continuing process;
 - Holding at least one workshop a year with neighboring communities on issues of mutual concern.
- Improve public communication in Derry, particularly with respect to land use issues, including:
 - Expanding opportunities for citizens to be heard; and
 - Improving communication with developers and real estate professionals about the Town’s land use goals.
- Review the Town’s growth management ordinance on an annual basis to determine its effectiveness in implementing the community’s vision for its desired and appropriate growth rate.
- Explore opportunities for “dual purpose controls” – i.e., controls that serve more than one interest such as economic development and conservation – in the growth management ordinance.
- Improve the ability of Town regulations and policies to protect Derry’s natural, cultural, and historic resources.

- Periodically review Town regulations, including zoning and excavation regulations, for consistency with state land use law and policies.
- Improve enforcement of existing Town regulations and codes.
- Improve consistency in zoning definitions of permitted uses throughout all districts.

Residential Land Use

Other implementing actions are targeted toward general regulatory approaches and specific zoning revisions concerning residential development in particular:

- Identify the differing residential neighborhoods in Derry, the particular and special qualities that contribute to their character. Identify a strategy for preserving and enhancing their character.
 - Explore the creation of an overlay zoning district to assure compatible design in infill construction and rehabilitation within these neighborhoods.
[Also in Housing Element].

- Revise Derry’s zoning and subdivision regulations to allow and encourage open space residential development for a range of households, including moderate and one-income households.*[Ed.note: The Master Plan Housing Subcommittee recommended this, observing that, while Derry has provided more than its share of low-to-moderate income housing, a significant needs still exists for moderate income residents and starter homes.] [Also in Housing Element].*

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- Review the zoning map for appropriate locations for multi-family districts, **especially in and near Downtown centers of activity.** *[Ed.note: this qualifier was in the original recommendation in the Housing Element and was inadvertently omitted in this location.] [Also in Housing Element].*

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- Rezone the Bypass 28/Overledge Drive area from 1-acre (MDR) to 2-acre minimum lot size (LMDR). (#1 on Map II-2).

Review the existing Office/Research Development (ORD) zone in the Berry Road/South Range Road for the possibility of rezoning.

these for industrial use – in particular, in the general vicinity of Route 111. Suitable areas are areas are ones that that are not surrounded by residential development and that that have useable access.

Deleted: <#>Rezone Berry Road/South Range Road area from Office/Research Development (ORD) to residential 2-acre zoning, allowing elder housing, retirement housing, assisted living and nursing home facilities. (#8 on Map II-2).¶

Business Land Use

These actions are concerned with overall as well as specific zoning revisions related to business land use:

- Explore revisions to Derry’s regulations and policies that would provide improved alternatives to “strip development” – linear frontage development along Derry’s main roadways.
- Examine existing industrial zoning regulations for potential revisions to encourage higher density buildings with less of a “footprint”. [*Also in Economic Development Element*].
- Expand permitted commercial and industrial uses in the Ash Street Ext./Folsom Road area to Londonderry Town Line, adjacent to potential Exit 4a connection road. (See #2 on Map II-2).
- Continue to examine expansion of commercial zones near Route 111 in the southeast corner of town (See #3 on Map II-2).
- Consider OMB or Professional Office District zoning for Rockingham Road/Sunnyside Lane area. (See #5 on Map II-2).
- Expand the Office Medical Business (OMB) District along the north side of Kendall Pond Road and changing commercial/retail use from permitted to special exception. (See #6 on Map II-2).
- Maintain the Tsienneto Road area in between By-pass 28 and Ross’ Corner as an Industrial III District. (See #7 on Map II-2).
- Consider rezoning the Industrial I District along Windham Road to low-density residential. (See #9 on Map II-2).
- Identify additional suitable areas in Derry for industrial development and pursue rezoning

- Examine possibilities for creating more industrial land near Exit 4 – for example, relocating Town public facilities and converting Town-owned land to industrial use.

[Also in Economic Development Element]

- Continue to examine the appropriateness of zoning along Windham Road, in particular the area presently zoned as Industrial V. (See #10 on Map II-2).

- Consider Professional Office II zoning for the rotary area (south side of Route 102 to Chase’s Mill, including restaurant uses and strengthening historic considerations. (See #12 on Map II-2).

- Fine-tune the General Commercial District, creating more specific zones (I,II, III) depending upon the geographic area of town. No specific map location identified.

- Fine-tune permitted uses and definitions for the Central Business District (CBD). Continue to encourage downtown revitalization. (See #15 on Map II-2).

- Review downtown residentially-zoned parcels for commercial or mixed-use potential.

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Open Space, Recreation, & Agriculture

Other actions have to do with supporting and preserving open space, recreation and agriculture:

- Consider creating an agriculture district that gives preference to agricultural preservation. This might include:
 - Requiring clustering of new units on soils least suitable to agriculture;
 - Protecting remaining agricultural land by deed restriction;

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- Requiring buffers to separate residential and agricultural areas.
[Also in Open Space/Recreation Element].
- Create more green space and public and private gathering places in the Downtown, including:
 - Identifying a range of opportunities to create downtown green space, such as areas for acquisition, incentives for private development, regulatory mechanisms.
[Also in Downtown Element].
- Plan and create open space buffers around farms as part of Derry’s overall open space preservation strategy.
[Also in Open Space/Recreation Element].
- Identify opportunities for improved protection of existing trees and other natural resources in Town regulations and policies.
 - Consider inclusion of tree protection in site plan review regulations.
[Also in Open Space/Recreation Element].
- Create and improve more neighborhood parks through:
 - Developing neighborhood parks for each Derry neighborhood as identified in the 1995 Recreation and Open Space Master Plan.
[Also in Open Space/Recreation Element].
- Encourage recreation and open space uses in the vicinity of the Robert Frost Farm through rezoning this area from commercial and ORD use to recreation and open space. (See #4 on Map II-2).

MAP II-2 KEY

The following numbered locations, cited in the Implementing Actions, are identified on Map II-2. The numbers and recommended actions correspond to the recommended zoning revisions contained in the Land Use Topic Group Report, June, 2000.

1. Rezone Bypass 28/Overledge Drive area from 1-acre (MDR) to 2-acre minimum lot size (LMDR).
2. Expand permitted commercial and industrial uses

in the Ash Street Ext./Folsom Road area to Londonderry Town Line, adjacent to potential Exit 4a connection road.

3. Continue to examine expansion of commercial zones near Route 111 in the southeast corner of town (See #3 on Map II-2).
4. Recreation and open space uses in the vicinity of the Robert Frost Farm.
5. OMB or Professional Office District zoning for Rockingham Road/Sunnyside Lane area.
6. Expand the Office Medical Business (OMB) District along the north side of Kendall Pond Road and change commercial/retail use from permitted to special exception.
7. Maintain the Tsienneto Road area in between Bypass 28 and Ross’ Corner as an Industrial III District.
8. Rezone Berry Road/South Range Road area from Office/Research Development (ORD) to residential 2-acre zoning, allowing elder housing, retirement housing, assisted living and nursing home facilities.
9. Consider rezoning the Industrial I District along Windham Road to low-density residential. (See #9 on Map II-2).
10. Continue to examine the appropriateness of zoning along Windham Road, in particular the area presently zoned as Industrial V.
11. Skipped number.
12. Professional Office II zoning for the rotary area (south side of Route 102 to Chase’s Mill, including restaurant uses and strengthening historic considerations.
13. Skipped number.
14. Skipped number.
15. Fine-tune permitted uses and definitions for the Central Business District (CBD). Continue to encourage downtown revitalization.

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APPENDIX

A. "Growth, Housing, Population, Jobs: Derry and Neighbors", August 14, 2000.

B. "Derry Diagnostic Results", April 4, 2000.

C. "Master Plan Land Use Topic Group Report", June 12, 2000.

REFERENCED MATERIALS

Existing Land Use Map, 1997, prepared by Southern New Hampshire Planning Commission.

Growth Management Plan and Program, Town of Derry, Manuel S. Emanuel Associates, Inc., July, 1996.

April 2, 2001

END NOTES

¹ These figures are not directly comparable with land use inventories made in 1985 for the previous Master Plan or in 1994 for the SNHPC, owing to different data sources and survey techniques.

² The 1996 Growth Management Plan (Emanuel Associates) estimated a maximum population of 44,000-45,000 assuming the 1990 average household size of 2.75 persons to continue over time. Since national and regional trends indicate declining household size, Derry's estimated maximum population may be closer to 40,000.