

# MONADNOCK PERSPECTIVES

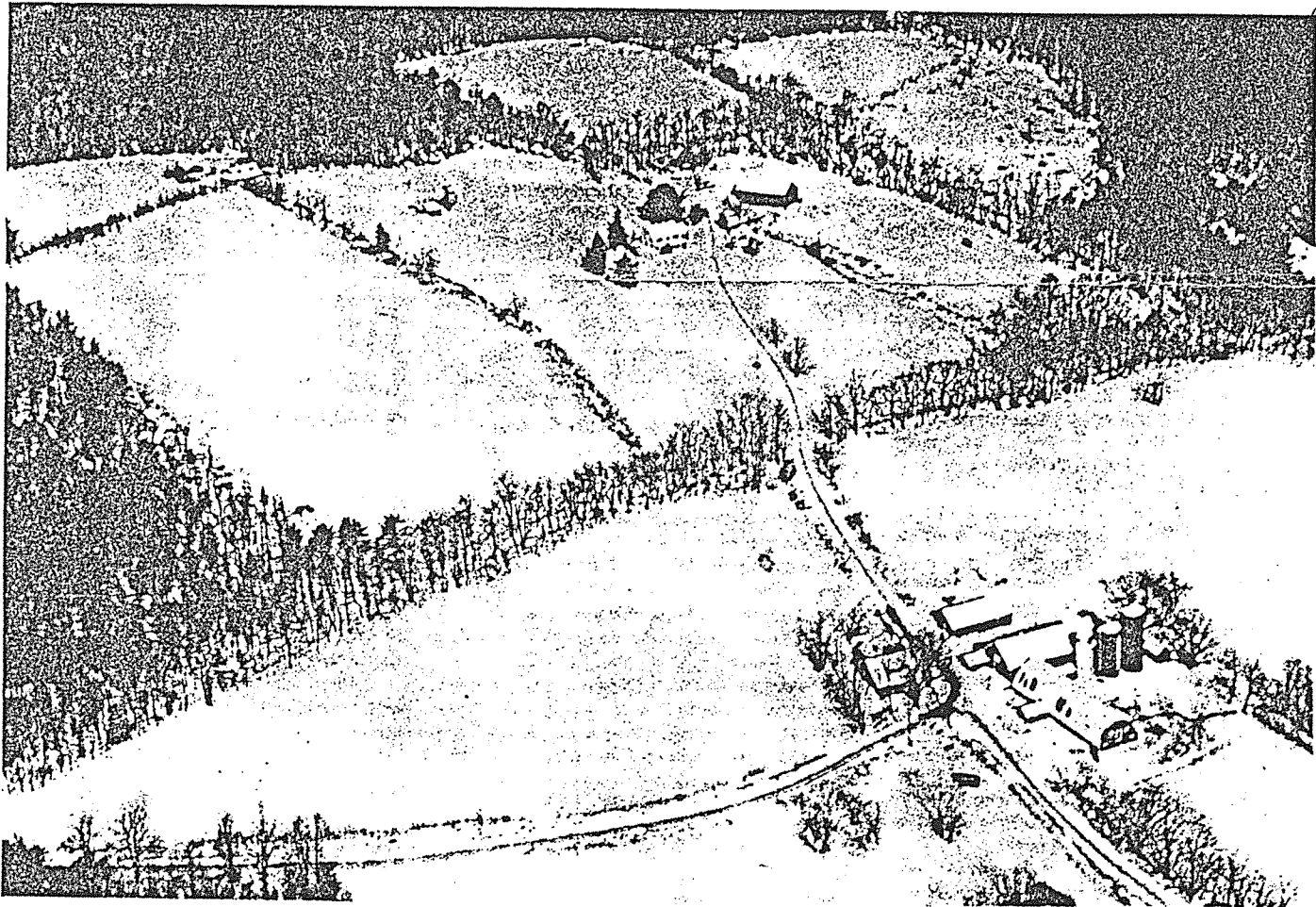
News And Commentary On Design Issues

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**Fletcher Farm, Greenfield, NH.** There has always been a Fletcher Farm in Greenfield since Simeon Fletcher, one of Greenfield's first settlers, carved one out of the wilderness in 1770. Cloverly Farm, above, was established by Simeon's great grandson, Franklin, near the site of the original farm, south of the village. It is still owned by the direct descendents of Simeon. (Text from 1983 Greenfield Annual Reports; photo by Raymond Cilley.)

## New Idea For Farmland Preservation

By Randall Arendt

After receiving a Preliminary Plan for several hundred house-lots completely blanketing the handsome old Warren Farm just outside the village center, the South Berwick (Maine) Planning Board asked me to come up with an effective zoning regulation to halt the wholesale "houseclotting" of the town's remaining farmland. The approach I devised for them, and which was officially adopted on June 28, 1982, may be of interest to other municipalities.

*The approach is simple, easy to administer, does not penalize the farmer, costs the town nothing, and appears to be very effective in preserving the open fields and pastures which make Maine's rural areas so attractive.*

My idea was simply to take two common planning tools and make them function together. Separately, neither one has produced impressive results in this state. Harnessing them together, they

become surprisingly successful in achieving the objectives described in the preceding paragraph.

Most towns in York County, where the Southern Maine Regional Planning Commission operates, have adopted at least a two-acre minimum houselot size in rural districts. They also allow "planned unit development" (sometimes called "PUD" or "cluster housing"). South Berwick is one of those towns, but here "PUD" is no longer simply an option for the developer to choose or reject. Any open farmland of 10 or more acres, if it is to be developed, must be laid

out according to the principles of planned unit development.

For example, in the 2-acre minimum houselot district a 100-acre farm would normally be subdivided into 50 two-acre lots, assuming soils were uniformly acceptable for septic systems. Under the PUD principles, these 50 houses would be located on 20,000 sq. feet houselots covering just 25 acres. This would leave 75 percent of the farm as permanent open space for area farmers to lease from the community association established under the ordinance (see below for details).

Farmers who are not attracted by the lease-back approach have another option under a provision recently adopted by the town of Kennebunkport. This ordinance is identical to South Berwick's except that it also allows farmers to retain ownership of the "permanent open space" for continued agricultural usage. The Kennebunkport ordinance stipulates that "farmland owners are not required to sell that part of their property which is to become open space provided that they convey the development rights of that open space to the town in a conservation easement, prohibiting future non-agriculture development. Copies of the sample conservation easement, drafted specifically for use with this ordinance, are obtainable by mailing a stamped, self-addressed envelope to the author, c/o SMRPC, Box Q, Sanford, Maine 04073.

If the minimum lot size were three acres rather than two acres, 83% of the farm would be preserved. Likewise, if houses were clustered on lots smaller than 20,000 sq. ft., connected to common sewage systems located on the most suitable soil, even greater farmland savings could be achieved.

The ration of land per dwelling unit is a local decision, and the figures given above are only examples of a few alternatives. From conversations with officials in the Department of Human Services and the Department of Environmental Protection, there seems to be no problem in following such an approach, provided that suitable soils are provided for septic systems.

A few of the "finer points" of this approach are necessary to deal with special concerns. They are as follows:

- 1) In order to preserve the greatest amount of farmland, new housing on farm parcels shall be located on wooded sections as much as possible.
- 2) In order to protect the most fertile or most easily cropped soil, all development shall be on soils and slopes least valuable for agriculture. (The U.S. Soil Conservation Service office in your county can help you identify these soils). Naturally, however, septic systems must be located on soils meeting the State Plumbing Code's requirements, which means that it is usually impossible to avoid developing at least some good farming soil.
- 3) In order to guarantee permanent preservation of the agricultural open space, the subdivision process requires that the developer sign a conservation easement with the town, describing land management practices to be followed by the community association of subdivision owners, to ensure that the fields will be plowed or mowed at least once every year, forever.
- 4) In order to prevent speculators from abusing this system, building densities shall be regulated according to soil types. A 100-acre farm containing 75 acres of hayfield underlain by marine clay should not be allowed to support 50 houses clustered on the 25 acres of deep, well drained soils. In a conventional subdivision with two-acre houselots, these 25 acres would support only 12 houselots. Without a special provision to avoid loopholes, 50 half-acre houselots could be clustered onto the 25 well drained acres. This loophole is closed by allowing only 25% of the 75 acres of poorly drained clay to count as "land

suitable for development." This means that the 75 acres of clay would be counted as if it were 18 acres of well drained soil. The total number of houselots allowed under this system would be 21 (12 for the 25 acres of well drained soil, and 9 for the 75 acres of clay).

These 21 house-lots may seem too many to people who remember that only 12 two-acre lots might have been created in the first place (on the 25 acres of well drained land). However, experience has shown me that soil types are often very well mixed across a typical farm field, and that it is usually possible to locate houses (or at least septic systems) on sandy knolls rising out of the otherwise low-lying marine clay. Therefore the 75 acres of clay hayfields can be (and often are) subdivided into large houselots. This of course, destroys the farm, making future cropping or haying infeasible.

*The beauty of this new approach to farmland preservation is that it does not require either large public expenditures (to purchase development rights to farmland) or large public sacrifices. Farmers who view their land as their "pension" no longer have to destroy their farms in order to retire with a guaranteed income.*

In fact, they can pass on the farmhouse, barns, silos, and the residual land to the next generation, which could continue to farm the majority of original fields on a lease-back system from the community association which controls the openland as permanent green space.

In order to implement this approach, the following steps are recommended:

- 1) Using aerial photographs from the tax assessor's office, or from the U.S. Soil Conservation Service or regional planning commission), trace the boundaries of all open fields and pastures exceeding 10 acres in area.
- 2) Amend your zoning or land use ordinance (or lot size ordinance) to require that "residential subdivisions proposed to be located on open fields or pastures (whether or not they are actively used) shall be laid out according to the planned unit development approach" (see below for details).

### South Berwick, Maine Farmland Preservation Ordinance

#### Article 4 — Performance Standards

#### 4.12 Agricultural Land Conservation and Development Standards

4.12.1 The purpose of this section is to allow landowners a reasonable return on their holdings, in such a way that the majority of existing open fields and pasture may remain unbuilt for use by future generations. Toward this end, all residential subdivision development proposals encompassing 10 or more acres of existing open fields or pasture shall be laid out according to the "cluster" standards in Section 4.9 above, and in a manner consistent with the South Berwick Subdivision Ordinance.

If the parcel which is proposed for development also contains land which is neither open field nor pasture, new dwellings shall be clustered on such land to the most practical extent, so that the fields and pastures remain as undeveloped as possible.

4.12.2 The above building densities shall be based on the following table, which shows the percentage of land in various drainage categories which may be counted as "suitable soil for development."

	Poorly Drained	Very Poorly Drained	Other
on sewer	50%	10%	100%
not on sewer	25%	0%	100%

In order to determine the maximum number of

dwelling units permitted on a tract of land, the total acreage allowed to be included (on the basis of the above table), less the land needed for roads, is divided by the minimum lot size required in the district (two acres, one acre, or half acre). A high intensity soil survey by a Registered Soil Scientist shall be submitted to certify the extent and location of these soil types.

4.12.4 To the fullest extent practicable, all buildings and roads shall be located away from the soils which are most suitable for agriculture (based on the "Soil Suitability Guide or Land Use Planning in Maine"). This provision does not apply to the location of on-site septic disposal facilities, which must be placed on soil meeting the Maine State Plumbing Code.

4.12.5 Applicants for subdivision review under this subsection shall provide the Planning Board with copies of deed covenants (with prospective purchasers) or conservation easements (with the Town of South Berwick) describing land management practices (to be followed by the developer and/or a community association of condominium owners) which will ensure that the existing fields or pastures will be plowed or mowed at least once every year.

### QUESTIONS AND ANSWERS About the Proposed Farmland Preservation Regulations

*Q. Would the new rules encourage development of farmland?*

A. Definitely not. The only time the rules would apply is *after* the farm owner himself decides to develop all or part of his land (or to sell all or part of it to a developer). In fact, the rules require that all new dwellings must be located in *wooded* locations within the farm parcel, unless the farm contains no woodland or unless the woodland is unsuitable for building due to excessive slopes or wet soils. (In such uses, houses would have to be built on open fields, but this is no worse than the present state-of-affairs.)

*Q. Would the new rules encourage roadside development along the edge of the farm, thereby diminishing the rural character of the town?*

A. Quite the opposite. Although present rules contain nothing to prevent new houses being lined up along existing roads, the new proposal requires that houses be located in the areas least-suited for agriculture (e.g., the least productive soils, the woods, etc.) In some cases these soils might lie near existing roads, but in most cases the houselots will probably be laid out around a new cul-de-sac.

*Q. Would the new rules give developers a break, at the expense of the farmer?*

A. Not at all. Developers would still be required to buy two acres of land for every dwelling proposed to be built. The farmer would receive exactly the same amount of money as he would under present zoning. The difference is that 75% of the land which the farmer sells to the developer would remain unbuilt-upon forever, as permanent agricultural open space.

*Q. What do you mean, "forever"?*

A. Two highly unlikely things would both have to happen before the protected land could possibly be developed. First, all the homeowners in the new subdivision would have to agree to give up their rights to the open land, and to sign papers authorizing it to be sold. (This is very improbable because people move to such places in order to obtain a rural living environment. The last thing these people usually want is another subdivision next door to

# Farming and Our "Cultural" Life

The decline of farming has been a corollary of the "coming of age" of the Monadnock Region during the past two decades. Industrial growth and population increases have raised the demand for commercial and residential land uses. The consequent "opportunity costs" of not selling out and/or going to work in town and the real costs of continuing to farm have withered the farming economy in southwestern New Hampshire. Only a small farming community survives in the Connecticut Valley towns of Walpole and Westmoreland, clustered around one of the few remaining farm machinery dealerships in the area. On the prime agricultural soils of the former glacial lake bed of Keene, there has been almost a complete wipeout of a substantial dairy farming industry (from about 20 to only 3 farms) during the past 25 years. (For further documentation on the decline of farming in southwestern New Hampshire, see the following past issues of *Monadnock Perspectives*: Volume 2, Numbers 2 and 3; and Volume 3, Number 2.)

The decline of farming has not hurt the local economy as a whole so it has been mourned by only a few. Nevertheless, this loss has had significant detrimental consequences. For one, we have become completely dependent on outside sources of food, which may be costly in the long run. We have also lost an occupational diversity in our communities. The scenery and wildlife habitats that go with open fields have diminished. Finally, there has been the loss of land ethic that derives from treating land as a continuing resource rather than as a commodity to be used up. This last concern is a serious long-term societal problem, which is ignored by most "econ-

mists." However, it can still be hoped that this region, with its strong interest in the arts and "culture" will see fit to set an example in land conservation, as well.

Ideally, the state and local communities acting from a long-term economic perspective, would buy up the development rights to existing and potential farmlands. This type of action has already been tried and abandoned by the State of New Hampshire and has rarely even been considered by local communities because of the great costs involved. Now, however, the Senior Planner with the Southern Maine Regional Planning Commission, Randall Arendt, has come forward with a regulatory approach with great potential. As detailed in this issue of *Monadnock Perspectives*, this method combines two proven local ordinance techniques — zoning and cluster development — which work well for the landowner, the developer, the farmer and the community.

Mr. Arendt's "New Idea For Farmland Preservation" requires that subdivisions involving ten acres or more of "existing open fields or pasture" must be clustered on a few densely developed acres, with the remainder secured by deed as permanent farmland, which must be plowed or mowed at least once every year. Through such local legislation, which is already in place in the towns of South Berwick, Arundel and Kennebunkport, Maine, significant acres of farmland can be secured in developing

*Continued on page 3.*

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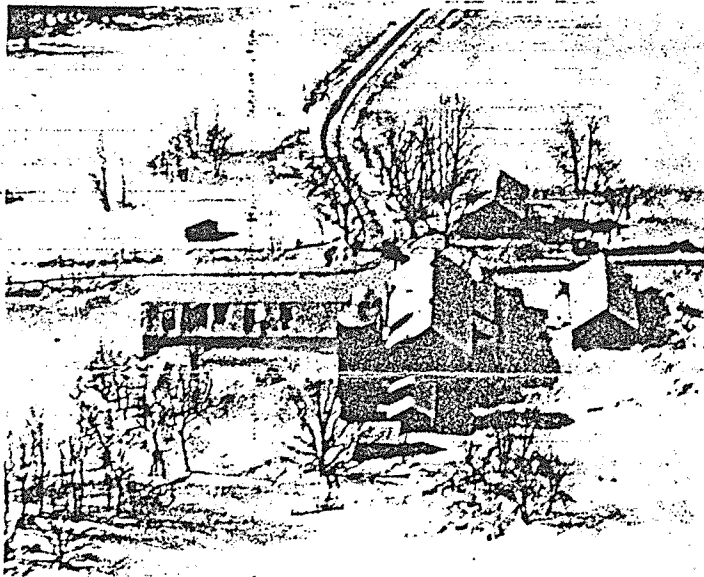
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*The Fletcher Farm, Greenfield, NH.*  
 (Photograph by Raymond Cilley)

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