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Open Space Plan: Strategy for Protecting Open Space

Previous sections of this chapter have outlined the town's vision for open space and presented an inventory of important natural resources and characteristics of the landscape considered to be priorities for future conservation efforts. This final section presents the two remaining components of the town's open space plan, which includes criteria for evaluating the significance of potential conservation parcels within the open space objectives and an implementation strategy that provides a list of actions to be taken to support the plan. The implementation strategy is divided into three broad categories that include: administration, education, and outreach; regulatory actions; and land and habitat preservation initiatives.

A. Open Space Protection Criteria

Using the vision concepts outlined earlier in this chapter as the overarching framework for open space protection, as well as the three tier classification system of unfragmented blocks and their associated inventory of natural resources, a number of criteria have been developed to assist in establishing priorities when evaluating a specific parcel, or group of parcels, with regard to their suitability in achieving the town's open space goals and objectives. The following criteria are recommended for use when evaluating and identify priorities relating to the potential open space value of land within the town or adjoining communities.

1. A parcel, or group of parcels, should be at least 30 acres in size when evaluating Habitat Oriented (H/O) parcels. Smaller parcels may be considered for specific purposes, especially for Neighborhood/Community (N/C) open space sites, such as providing public access, recreation, historic/cultural preservation, forming linkages for trails or natural corridors, or expanding previously protected areas.
2. Land that abuts or contains a segment of the Souhegan River corridor is considered to be a high priority. Preference may be given to locations that have the following characteristics.
 - Locations in less developed portions of the town that are part of large unfragmented blocks of land
 - Locations where the river corridor intersects or overlays identified aquifers or floodplains
 - Parcels containing additional significant upland or wetland habitat
3. Land that abuts property that is currently preserved as open space where protection of additional land will enhance and/or further protect the characteristics of the existing protected area.
 - Prime examples of such locations would be in the area of Tophet Swamp, the Wapack Range, Binney State Forest and Hoar Pond
4. The land contains exemplary natural communities, is part of a critical ecosystem, or contains one or more of the high priority natural resources listed previously in this chapter. Preference may be given for the following conditions.
 - The parcel is under imminent threat of development or significant encroachment from nearby development
 - The area has been identified as containing habitat/locations that support rare, threatened, or endangered species
 - Properties containing large wetlands or clusters of wetlands (greater than 5 acres), Palustrine Emergent Marshes (PEM), riverine wetlands or vernal pools
5. The parcel would contribute to the overall preservation of Tier I open space unfragmented block areas identified on Map 2. The total size of the parcel may include undeveloped land in adjoining towns. In some situations, a smaller parcel (i.e. less than 30 acres) may be considered if it has the potential to provide linkage between protected parcels, or across a roadway, if sufficient frontage along the road remains undeveloped. Preference may be given for the following conditions.
 - The parcel has multiple occurrences of important resources as identified in this chapter and the Natural Resource Inventory
 - The parcel would create linkage between previously protected properties
 - Preserving the parcel would insure the protection of a scenic viewpoint that is readily accessible to the general public (i.e. from a roadway or other publicly owned vantage point)
 - Public access would be guaranteed for recreation activities such as hunting, fishing, hiking, picnicking, etc.
 - The land would be managed for sustainable forestry activities
6. Land that would preserve active agricultural and forestry operations. Preference may be given for the following conditions.
 - Locations where prime agricultural soils or soils of statewide importance are present
 - The agricultural area contributes to the support of a larger wildlife habitat area

Forestry operations that are certified tree farms or managed for sustainable yield
 Forestry management areas that also allow for public use trails or other types of public recreation

7. Land that would contribute to the creation of a comprehensive trail network. Preference may be given for the following conditions.

Parcels that form linkages with an existing or planned trail system
 Parcels that would guarantee public access in perpetuity (as opposed to a temporary agreement with the landowner)
 Trail corridors that follow river/stream channels

B. Implementation Strategy

New Ipswich must develop a long-term strategy for preserving open space that employs a variety of approaches and methods. Such a multi-pronged strategy is necessary because of the complex and often unpredictable conditions created by decisions related to land ownership and other economic factors that influence the local and regional real estate markets. Furthermore, the approach must be long-term because decisions by landowners regarding the use, development or sale of their property often take many years to evolve due to factors such as personal finances or considerations that affect family estate planning.

There are four primary components of the town's proposed open space protection strategy that are outlined in the following sections. The first three focus on education, regulation, and cooperation. The fourth component involves the need to provide an adequate level of local funding to support the other segments of the town's overall strategy as well as creating the potential to achieve greater impact with regard to preserving large tracts of unfragmented open space when such opportunities arise.

1. Administration, Education and Outreach

- a) Establish a permanent Open Space Task Force to oversee the implementation of recommendations in this plan. This Task Force would establish annual milestones to be achieved as part of the town's long-term open space planning strategy.
- b) Establish an on-going education strategy to keep residents informed of changing land use, natural resources and open space conditions in the town. Some components of this strategy could include the following.
 - o Create marketing style campaign to "Protect the New Ipswich Landscape"
 - o Send semi-annual mailings to households regarding development and conservation trends and activities
 - o Establish management plans for town-owned conservation areas (info kiosk, trail maintenance, selective harvesting, etc.)
 - o Conduct more detailed ecological studies of critical habitat in town to highlight the need for future conservation efforts
 - o Create an accurate map of conservation land that shows partial easement areas that can overlay digital tax maps
- c) Apply for grant funds for on-going education and outreach efforts from the New England Grassroots Environment Fund (NEGEF) which provides funding up to \$2,500.
- d) Require that the Open Space Task Force and/or Conservation Commission comment and advise the Planning Board, as well as other municipal boards and departments, on all major development proposals effecting the open space objectives of the community.
- e) The Planning Board should adopt by reference, the Natural Resource Inventory (NRI) as part of the town's master plan. Copies of the NRI, including all maps, as well as this chapter of the master plan, should be provided to all town land use boards and departments to promote a continued awareness of the town's critical resources in the municipal decision-making process.
- f) The Planning Board should also adopt by reference as part of the master plan's supporting documentation, the Souhegan River Management Plan prepared by the Nashua Regional Planning Commission. The town should work with the Souhegan River Local Advisory Committee (SoRLAC) and the Souhegan River Watershed Association to implement the recommendations contained in the management plan. The town should also work through these organizations to secure funds from the New Hampshire Department of Environmental Services (NHDES) Watershed Assistance and Restoration Grants program for implementing Best Management Practices

(BMP) within the watershed.

- g) Evaluate and make recommendations for future status of Class VI roadways with regard to open space objectives. For example, the upgrading of the Class VI portions of Binney Hill Road and Country Club Road would promote fragmentation of priority Tier I open space areas and therefore, should be discouraged.
- h) Evaluate roadways in town for potential designation as Scenic Roadways under state statute, which would help to preserve the rural character of these corridors.
- i) Conduct a build-out analysis for subwatersheds of the Souhegan River in New Ipswich. Use this data to determine current and future amounts of impervious cover based upon current zoning and to evaluate the impacts associated with impervious surfaces in the more highly developed subwatersheds.
- j) Establish a list of "green developers" interested in working with landowners in New Ipswich to create conservation subdivisions.
- k) Initiate the process of documenting Prime Wetlands in New Ipswich as provided for under state statute. Prime Wetlands mapping will identify the highest value wetlands, including larger wetlands (greater than 5 acres), which have been designated as a high priority for protection within this open space plan. This mapping effort could also potentially include the documentation of vernal pools, particularly on tracts of land in designated high priority open space areas.
- l) Coordinate efforts of public and private recreation groups to identify suitable locations for facilities-based recreation facilities that can serve the current and future demands for organized recreation activities in the town. Work with the same groups, or establish a separate Trails Committee, to identify potential locations for a town-wide trail network. Coordinate with efforts of local snowmobile clubs to integrate existing trails used by these groups. The primary snowmobile trail network currently used in New Ipswich is illustrated on Map 2.

2. Regulatory Actions

The following provisions recommend a number of regulatory changes intended to preserve open space and better protect some of the town's critical natural resources. The proposed changes include recommendations that affect the zoning ordinance, as well as the subdivisions and site plan regulations. Therefore, the town should consider a comprehensive re-write of all three regulations in order to insure that the following provisions, as well as other recent changes, are incorporated in a well-integrated manner. However, if this approach is not considered practical at this time then these provisions can be added in a more incremental manner.

- a) Add a general provision to the zoning ordinance, subdivision and site plan regulations that requires all development proposals to consider and address the stated principles and objectives of the town's open space plan.
- b) Strengthen the town's zoning regulations with regard to buffers and protective setbacks of riparian areas around rivers, streams, ponds, and wetlands. Setbacks and buffers around the major shorelines/edges of rivers, ponds and wetlands should be 150 feet. Setbacks and buffers around all other shorelines and wetlands should be 100 feet.
- c) Revise the town's wetland ordinance to include language indicating that wetlands greater than five acres, wetland clusters greater than five acres, palustrine emergent marshes (PEM), and bogs are considered high priority wetlands with regard to minimizing the impacts of dredging or filling (NOTE: A reference to Map 3 of this chapter, which highlights these wetlands, should also be included in the ordinance). In addition, the potential for development in these wetlands under the Special Exception provision of the ordinance (Section 4. Special Exceptions) should be eliminated. Vernal pools should also be included as areas protected under the wetlands ordinance.
- d) Adopt an aquifer protection overlay district as part of the town's zoning ordinance that would regulate impervious surfaces, potential sources of contamination, and require implementation of best management practices to protect the water quality of these resources. The boundaries of the aquifer protection district should coincide with the areas identified as aquifers on Map 3, presented previously in this chapter.
- e) Establish a viewshed overlay district for Wapack Range and Kidder Mountain unfragmented block areas (Tier I and II open space designation). These viewshed regulations would define development standards within a delineated "viewable" area (e.g. above a specified topographical elevation) that would minimize visual impacts on the landscape from future development.

the landscape from future development.

- f) Require all subdivisions to set aside 10%-15% of the tract area (the town's current approximate total percentage of open space) of a proposed development for recreation or open space purposes that would primarily serve the local needs of residents in the subdivision. As an alternative to this land dedication, the town could establish a fund in the Capital Improvement Plan (CIP), or a capital reserve fund, into which the developer could pay a fee that is commensurate to the dedicated land value or some other proportional amount. These funds would be used to achieve the town's open space objectives.
- g) Require implementation of wildlife sensitive design standards for all major subdivisions. These standards would require that a site inventory be conducted of a proposed development tract that identifies existing habitat characteristics and significance that is used to design the subdivision layout. Revise the town's zoning ordinance to allow flexibility in dimensional controls (e.g. a reduction in road frontage) to promote habitat preservation design.
- h) Revise the roadway design standards to allow/encourage a reduction in construction dimensions, where appropriate, to lessen impacts of habitat and open space fragmentation. More specifically, the design standards should be amended to allow narrower pavement and/or right-of-way (ROW) width for subdivision roads that have lower traffic volumes and design speeds. These types of minor access roads may service less than 200 vehicles per day where a 30 foot ROW and 20 foot pavement width would be adequate. In addition, as noted in paragraph g) above, language should also be added to the design standards that promotes roadway layout that minimizes, to the extent practical, the effects of fragmentation on open space and wildlife habitat due to the location of new roadways on previously undeveloped tracts of land, or adjacent to existing protected open space parcels. The Planning Board should also consider removing the provision in the subdivision regulations that requires all vegetation be removed from a ROW, since this can impact wildlife habitat, as well as the scenic qualities of the town's roadways (Refer to Appendix B. of the subdivision regulations entitled Design Criteria).
- i) Revise the cluster development ordinance to allow for development incentives and the provision of open space that supports the town's open space objectives. Consider the provision of density bonuses when certain open space thresholds are achieved and also the requirement that a detailed site inventory be conducted prior to the submittal of any detailed development plans. Incentives could be provided for preserving agricultural areas, protecting/enhancing critical habitat areas, and providing public recreation facilities. The cluster regulations should also be revised to include a provision requiring a third party be identified that will be responsible for enforcing the protective covenants for preserving the open space in the event that the homeowners association fails to do so. The Conservation Commission should also be identified in the regulations as having authority to enforce these restrictions if necessary, and the town should be enabled to recover any legal expenses incurred from the homeowners association as a result of such actions.
- j) The town's zoning and land use regulations should be revised to reflect the Best Management Practices (BMP) recommended in the Souhegan River Management Plan for protecting water resources on a town-wide basis in New Ipswich. The town should seek assistance from the Southwest Regional Planning Commission (SWRPC) in making the necessary changes to these regulations.

3. Land and Habitat Preservation Initiatives

The town will need to take a proactive approach if it is to preserve key tracts of land that are priority areas identified in this open space plan. It will also need to take an active role in encouraging habitat management and resource protection as part of the development process for properties that cannot be completely preserved as conservation land.

a) Contact Landowners of Key Properties

A representative, or group, from the town should begin to contact the owners of key conservation/open space parcels to open a dialogue regarding the owners long-term goals for the property and the potential for preservation or limited development alternatives.

Contact landowners whose property contains headwaters of various river systems in town (work with towns that use as water supply and/or appropriate public/quasi-public agencies and organizations)

Contact landowners of large tracts (30+ acres) of undeveloped land in the Tier I open space areas

Contact landowners of managed wood lots and certified tree farms (work with NEFF and SPNHF)

Contact landowners of agricultural properties in Tier I and II open space areas with properties that comprise a portion of larger significant wildlife habitat

b) Designate Wapack/Kidder Mountain Range Corridor as High Priority

Support the Quabbin to Cardigan Conservation Collaborative (Q2C) efforts of large scale habitat preservation along Wapack Range corridor. Work with SPNHF to make the New Ipswich portion of the Q2C corridor focus area a priority for forthcoming detailed bio-inventory at the parcel level. Ask SPNHF to make presentations regarding significance of the Q2C corridor at forum(s) in New Ipswich.

Hold summit meeting of groups interested in protecting Wapack Range to identify appropriate joint action plan for this corridor (e.g. SPNHF, NEFF, NWT, Friends of Wapack, NHF&G). Consider coordinating efforts through regional planning commission.

Ask Town Meeting to pass a resolution that the Wapack Range is a critical feature in the town's visual landscape and a high priority for conservation

Consider requiring a 250 foot buffer around the Wapack Trail within the town's zoning ordinance to protect this local and regionally important recreation corridor

Establish permanent public access points to the Wapack Trail at its northern and southern extents within the town that offers adequate parking facilities

Appropriate town funds to support acquisition of Hampshire Country School property conservation easement being sought by NWT

Establish viewshed protection overlay district for this corridor (see Section 2e) above for details)

Limit future fragmentation of this corridor by discouraging upgrade of Binney Hill Road from its current Class VI status

4. Alternative Methods for Acquiring Open Space

As noted at the beginning of the implementation section, the town must develop a long-term strategy for preserving open space in New Ipswich that employs a variety of approaches and methods if it hopes to succeed in achieving the goals of this plan. The previous portions of this sections have outlined three of the approaches, which focus primarily on education, regulation, and cooperation. However, in order for the town to protect major tracts of unfragmented open space, as well as other key parcels, it will be necessary to use other techniques that include financial support from various funding sources, including local property taxes.

It would not be fiscally practical for the town to appropriate the total amount of funds required to purchase all of the priority open space areas identified in this chapter. Therefore, the town will need to use some of its municipal appropriations as leverage to secure other funding, such as grants, or to purchase less than fee simple ownership of open space parcels. In such instances, the town could purchase the development rights of a property, typically accomplished by means of a conservation easement, that would preclude further development of the property. This approach also leaves the property on the local tax roles, although at a much reduced value. Wherever possible, the town should also attempt to obtain the development rights, or a portion of the value of these rights, through donations from property owners.

- a) The town should consider making open space preservation a more prevalent component of its annual budgeting process through the following actions.

Establish a capital reserve fund and/or other appropriate revenue fund for open space to insure a dedicated budget mechanism is available for receiving and dispersing funds. Such funding would include all fees received as an alternative to open space dedication from the subdivision approval process, as recommended in paragraph 2.f) above.

The town should consider making a minimum allocation of \$200,000 to the capital reserve fund in order to be able to respond in a more timely manner to real estate market conditions to protect parcels of critical importance or provide matching funds for various grant programs and fundraising campaigns. These funds can also be used as a stopgap measure to temporarily secure key open space properties that are subject to the threat of eminent development.

The town should require that all penalty fees collected for withdrawing land from Current Use be allocated for open space preservation. Presently, only a portion of these fees are used for such purposes.

The town should use its bonding capability to purchase key open space areas when other funding sources are not available or are insufficient to cover the entire cost of the property.

- b) It is recommended that the purchase of development rights, as opposed to fee simple ownership, be the primary approach used by the town for acquiring and protecting open space in order to reduce the amount of municipal funding required. Fee simple acquisition should be used to purchase properties where public access is a primary objective or when the other approaches are not practical.

- c) To the greatest extent possible, grants and other public funding sources should be used to preserve open space and

protect critical natural resources in New Ipswich. The town should actively pursue funding from the state's Land Conservation and Heritage Investment Program (LCHIP) and other comparable programs that support the goals of this plan. The town should attempt to leverage matching funds for such grants through the private donations of funds and/or property.

- d) The town should also work with private land trusts and other land preservation groups (i.e. SPNHF, NEFF, NWT) to secure matching funds for joint open space preservation initiatives in New Ipswich, as noted in Section 3 above.

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