

Hanover's Rural Study Group

A Process Analysis with Recommendations

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EXECUTIVE SUMMARY

With continuing population growth and changing land use patterns, rural character has become an important topic of interest for the Town of Hanover. Hanover residents have overwhelmingly responded that preserving the rural character of the town is important, and since 1974 the town has released reports to define just what rural character is. Land use and development patterns, and their effects on rural character, are therefore of interest to many Hanover residents.

In May 2007 the Hanover Planning Board launched the Rural Study Group “to focus on the natural resource underpinnings of future land use and regulation in rural Hanover within the context of the 2003 Master Plan.”¹ While many groups had existed previously to study rural character in Hanover, this was the first group to study it specifically in context of the new master plan.

Composed of interested citizens and Planning Board staff, the Rural Study Group met regularly through January 2008. A public workshop held on January 15, 2008 revealed discord within the larger community over both the process and implications of reviewing rural zoning. Further activity on the part of the Rural Study Group was postponed until at least after the 13 May 2008 Town Meeting.

This Rockefeller Center Policy Research Shop report seeks to provide recommendations for how the process of review for formal mechanisms to protect rural character can best operate and address the needs of relevant stakeholders. We conducted a series of phone interviews using a standard questionnaire to examine the issues of stakeholder representation and general clarity of procedure in the Rural Study Group. The respondents have been kept anonymous.

1. INTRODUCTION

The rural qualities of the Town of Hanover have been shaped over centuries of economic and geographic changes. Today, this rural character is important both to individual citizens and government directives alike. While studied in town committees and working groups many times, the adoption of a new town Master Plan in 2003 necessitated a new study group. The Rural Study Group established in May 2007 is the topic of this report. In order to comprehend the group and its purpose, an understanding of the historic and economic forces behind its charge is necessary.

1.1 Regional Context

The Town of Hanover was chartered in 1761 at the request of the residents of Lisbon, Connecticut.² At that time, the center of the town was around what today is Hanover Center, where milling and agriculture attracted new residents.³ By 1790, the town had 1,380 residents.⁴ As the town grew, agriculture became the predominant economic activity, mirroring the economic trends in Grafton County as a whole – in 1850, there were over 5,000 farms in the county.⁵

During this same time, Dartmouth College grew and came to shape the economic character of the town. Established in 1769 by Eleazar Wheelock, the College was located in the southwestern corner of town, on the outskirts of what was then the economic center of town.⁶ As Hanover Center and the Etna area grew in farming and sheep production, the area surrounding Dartmouth College, what is now Hanover, developed more business and commercial interests.⁷

As the 20th century came, more industrial activity entered the state. However, this industrial activity was primarily confined to Claremont, Lebanon, and White River Junction. In the Town of Hanover, economic activity around the College began to outpace the rural economic sector.⁸ Agriculture, both within Hanover specifically and the region in general, continued to decline in importance. By 1950, the number of active farms in Grafton County had decreased to 1,800.⁹

This change in the economic base of Hanover caused changes in land use as well. In 1926, 40.8 percent of the land in Hanover was used for farms or pasture. By 1984, only 8.8 percent of the land was used for farms or pasture.¹⁰ Increased population pressure has been present throughout this time. In 1950 the town had 6,259 residents. By 2006, this number had grown to 11,151 residents.¹¹ The town experienced a 17.8 percent growth rate from 1990 to 2000, which compared to 8.3 percent elsewhere in the region.¹²

This increase in population, combined with change in land use patterns, has had many effects on the land itself. Large housing subdivisions, oftentimes occurring in former farmlands, became present in Hanover beginning in the 1950s. In 1961, town-wide zoning ordinances were adopted in order to regulate this increased development.¹³ Continued population growth and consequential pressure on the housing market has created an emerging trend of suburban sprawl.¹⁴

1.2 Hanover's Rural Study Group

The trends of increasing population and housing pressures, in combination with a recognition of the agricultural and rural history of the town, have led to concern about the preservation of the rural character of Hanover. This rural character has been described as "...quiet, privacy, dark night sky, a mixture of woods and fields, wildlife, scenic views, including uncluttered views of the hilltops and ridgelines, natural areas and other places for outdoor activities."¹⁵ Starting in 1974, Hanover started to study the rural character and look for ways to protect it. The resulting committees and study groups recommended various policies, often in the form of zoning, to advance these ends.¹⁶

The 2003 Master Plan laid out two zoning districts to be crucial to Hanover's rural character: Rural Residential (RR) and Forestry and Recreation (F). Rural Residential areas have a minimum lot size of either three or ten acres and generally do not have city sewer or water services. The RR zone is meant for single-family homes away from the built-up part of town, agriculture, or forestry.¹⁷ Forestry and Recreation areas have a minimum lot size of 50 acres, and permanent dwellings are prohibited.¹⁸ Failure to

maintain certain landscape features within these zones solicits concerns over the rural character and the possibility of erosion and other negative environmental impacts.¹⁹

The three features that have elicited the most attention regarding rural character in the RR and F zones are:

- Steep slopes
- Ridgelines and hilltops
 - There are eight ridgelines of concern in Hanover
 - There are ten hilltops of concern in Hanover; all are visible from a public street²⁰
- Agricultural soils

The Planning Board initiated the Rural Study Group following a meeting on May 15, 2007. They charged the group “to focus on the natural resource underpinnings of future land use and regulation in rural Hanover within the context of the 2003 Master Plan.”²¹ It continued to meet through January 2008.

The Planning Board confined the area of study to the RR and F zones.²² The Rural Study Group decided to focus on steep slopes, ridgelines and hilltops, and agricultural soils, which are all features found in privately owned lands in the RR and F zones.²³

Rural Study Group membership was open to all interested Hanover residents, and its meetings were open to the public. In addition to interested citizens, members of the Planning Board and staff from the Planning Department typically attended these meetings. The Planning Board did not outline the organizational structure of the Rural Study Group. In the fall of 2007 Iain Sim, a private citizen, assumed leadership as the chair of the Rural Study Committee.²⁴

The Rural Study Group met weekly between May 2007 and January 2008. Beginning in November 2007, preliminary recommendations were presented before the Planning Board. The primary recommendation was to create a Rural Resource Lands Conservation district that overlaid the Rural Residential and Forestry zoning districts, specifically on lands deemed to contain steep slopes, ridgelines, hilltops, or agricultural soils. Within this overlay district, all development would require a conditional use permit.²⁵ On January 15, 2008 this recommendation was presented at a public workshop in Trumbull Hall in Etna Village.

Strong anti-zoning opinions were vocalized at the public workshop. Reports vary as to how representative this faction, largely composed of citizens concerned about the erosion of landowner rights, was of community opinion. The citizens who held these concerns took issue with the assumption that rural character preservation necessarily requires more zoning ordinances. They criticized the Rural Study Group for following an *a priori*

zoning agenda and not fully including landowners in their process.²⁶ This complaint was also present in the December 2007 decision by Dave Cioffi to resign from the Rural Study Group.²⁷

In a meeting on January 16, 2008, the Rural Study Group decided that no additional zoning amendments should be recommended for the 2008 Town Meeting, and that additional public workshops should be postponed.²⁸ The Rural Study Group has not made any progress in the intervening time, and efforts on the part of the Planning Board have been postponed until after the May 13, 2008 Town Meeting.

2. RESEARCH QUESTION

The Rural Study Group presents many questions. Objections centering on the group extended not only to their recommendations, but also to the process through which these recommendations came into being. With these process objections raised, an impartial and disinterested third-party analysis of the formation, activity, and cessation of the Rural Study Group was deemed necessary.

In order to analyze the Rural Study Group, telephone interviews were conducted in May 2008 of relevant participants in the process. While their names are not released in order to protect anonymity, they represent an approximate sample of the relevant stakeholders both formally and informally involved in the Rural Study Group. The responses to these interview questions (see Appendix I for the interview questions) were analyzed in order to uncover trends. The remaining sections of this report will elaborate upon these trends.

3. TRENDS

3.1 Lack of Direction

It was a common complaint amongst the respondents that the Rural Study Group functioned inefficiently and could have benefited greatly from a sense of direction. As one respondent said, “The group was not empowered by anyone in particular.”

One respondent commented that the group “bit off more than it could chew” and that it might have been more productive if it had devoted an entire year to hilltop preservation, an entire year to ridgeline preservation, etc.

Another respondent attributed the lack of direction partly to the lack of technical expertise. Much of the group’s time and energy went into researching technical issues that could have been easily answered had technical experts been appointed to the committee.

The implications for the future of the Rural Study Group are that the process will run more efficiently if the Planning Board gives the group members a specific task as well as a specific organizational structure. Concerns over fair representation of all stakeholders

may be forestalled if the members of the group are appointed by the Planning Board or by the Selectmen, as one respondent suggested.

3.2 Concern about the Over-Involvement of Town Officials and Staff

There was general concern amongst both zoning advocates and landowner rights advocates that the Planning Board and Planning Department staff took too much of an active role in the Rural Study Group's proceedings. Most of the respondents would have preferred that a strong public commitment to the group's work be balanced with an observational role during the group's meetings.

One respondent complained that the chairman of the Planning Board came to the group meetings almost all of the time and occasionally provided "on the spot leadership," making it clear "what was not acceptable to her in certain areas."

One respondent noted that it was inappropriate for the Planning Board and the Planning Department staff to be so highly involved because "the Town itself has an agenda." Another respondent commented that the Planning Department staff member who participated in the Rural Study Group as a technical advisor was more than an advisor and in fact was "an advocate of zoning to protect rural lands."

The implication for the future of the Rural Study Group is clear. The town officials and staff should publicly support the group but should not participate as members. One respondent suggested that the purpose of the staff should be to craft relevant legislation once the group submits its recommendations.

3.3 Further Monitoring

The consensus amongst the respondents was that no further monitoring is necessary. Even though the rural study group had to contend with incomplete information, especially in the case of agricultural soils, this problem can be addressed by expanding the input of technical experts.

Some of the respondents believed that the town has all the information it needs regarding landowner and developer practices. Other respondents believe that this issue is too pressing to delay action any longer. As one put it, "We don't have five years to avoid taking responsibility. Big developers are hanging around Hanover and have been for some time."

Everyone who was asked this question and wants to see some kind of action, either increased zoning or increased incentives for easements, believe that now is the time to act because "the subject is hot."

Implications for the future of the Rural Study Group are that delaying action for the purpose of monitoring development on critical lands is not to be recommended. The stakeholders will be most satisfied if the Planning Board acts quickly.

3.4 Entrenched Sides

Many people interviewed expressed concern about the seemingly uncompromising beliefs that people with differing opinions hold. This was common among all of the respondents, with the concern of stubbornness on both ends of the debate.

One group of interviewees, primarily comprised of those who advocated for additional zoning ordinances to protect rural character, often viewed the other side as unwilling to move forward. One respondent complained that many people wanted to renegotiate the Master Plan instead of actually working on the appointed task of the Rural Study Group. Another interviewee stated that a small group of landowners “dug in their heels at the beginning” of the process in opposition to zoning, which subsequently stalled the process.

The other group, often those people who wanted to “renegotiate the Master Plan,” complained that the other side was “making an issue out of something that isn’t there.” Another interview respondent stated that the other side was engaged in “group think,” and would not accept anything other than additional zoning amendments. One interviewee also talked about the current Rural Study Group in the context of previous groups in the past, specifically mentioning, “it is the same names and the same people that have pushed this zoning.” Another interviewee likened the Rural Study Group to a “fraternity” of like-minded people, who would only want additional zoning amendments. However, a person formally involved with the Rural Study Group stated that “a lot of people who knew about the process chose not to participate” and that if people did not like what they saw, that they should say something, as the process was amply democratic.

These sentiments, held by people on both sides of the issue, will be challenges for the future of the Rural Study Group. The ability for the Rural Study Group to actively engage all interested parties is complicated by the perception that many stakeholders in the process believe the other side to be stubborn and uncompromising. The possibility of having a future Rural Study Group that is composed of people appointed by the Planning Board or Selectmen could decrease the uncompromising characteristics of certain factions on each side, although this would not be guaranteed. Further avenues to overcome this impasse should be investigated.

3.5 Misunderstanding of Population Statistics

Another trend that developed in the course of interviewing relevant stakeholders was the misconception of actual development trends in Hanover, specifically in regard to the current rate of population growth and development. One respondent stated, “we do not have any development in Hanover. Maybe a one or two percent growth rate – there is nothing dramatic going to happen because the market is so small.”

The statistics on population and housing growth should be made more readily available and proactively disseminated. The 2003 Master Plan presents many applicable statistics for the issue at hand. The above respondent was correct in the annual growth rate, which was an average of 1.8 percent per year in the 1990s, and is projected to be between 1

percent per year and around 2.5 percent per year into the near future.²⁹ As applied to the rural context, 25 percent of the town's population currently lives in rural areas, and this percentage is expected to remain constant during the decades to come. The maximum rural population possible, given the current zoning restrictions, would be double the current population. It would take approximately 70 years to achieve this population if the current growth rate is unchanged.³⁰ On average, this rate equates to an increase of 30 residents per year in the rural areas of Hanover.

Whether these statistics qualify as “dramatic” growth or not is dependent on who is interpreting them. However, accurate statistics on future population growth should be a priority for the Rural Study Group in ensuring that residents are factually informed.

4. STATE MODEL

Success for future incarnations of the Rural Study Group appears to rely on effective agenda setting, clear and transparent organization, and stakeholder involvement. The New Hampshire state model for commissions and study groups addresses these aspects of the process.

The New Hampshire Commission to Review the Effectiveness of the Comprehensive Shoreland Protection Act is a typical example of how such study groups are formed. A governing body (in this case, the New Hampshire Senate) established the Commission in 2005. Senate Bill 83, chap. 209, specifically mandated which organizations would be represented on the commission and how many representatives would be allotted to each.³¹ Representatives were included from the legislature, state regulatory bureaucracy, and professional and citizen groups. There was no ambiguity concerning the relative contributions of experts and concerned citizens to the review process.

Senate Bill 83 also described the organizational structure of the commission, including

- The process for electing a chairperson
- How soon the commission was to begin meeting and who had the authority to call a meeting
- Deadlines for the final recommendations.³²

The same piece of authorizing legislation also charged the Shorelands Commission with ten precise duties and enumerated specific features of the law that required review.³³

It was also made clear that the commission would provide a review for lawmakers, including funding options, but would not craft new legislation concerning shorelands.³⁴

Hanover may operate with less formality than the state proceedings described here, but adopting key features of this model would do much to allay concerns regarding parity of stakeholder involvement, transparency of the study group process, clarity of the study group's mission, and over-involvement of Planning Board staff.

5. CONCLUSION

These five trends – lack of direction, concern about the over-involvement of town officials and staff, the need for further monitoring, entrenched sides, and misunderstanding of population statistics – are all aspects of the Rural Study Group that emerge as common points of interest among the stakeholders. The following are recommended in order to address these trends:

1. The Planning Board should give the group a specific task as well as a specific organizational structure. The Planning Board or the Selectmen should also appoint group members.
2. Town officials and staff should only be involved in a strictly professional capacity. They should not be advocating particular agendas or providing their personal opinions.
3. Continued monitoring of development on critical lands is not recommended as most find it unnecessary.
4. The existence of entrenched persons on both sides should be acknowledged.
5. Accurate statistics on future population growth should be made available to the public and disseminated to all relevant stakeholders.

While some recommendations, such as a decision to forego further monitoring, are relatively easy to implement, others, such as a belief among participants about the entrenched nature of those whom with they disagree, may be more difficult to address. One possible option, in terms of alternate models, is the New Hampshire state model for commissions and study groups. Groups formed by this model, such as the study group formed to evaluate the Comprehensive Shoreland Protection Act, inherently address many of the issues raised in this report.

APPENDIX I: INTERVIEW QUESTIONS

1. What are the first five words that come to your mind when thinking about the rural planning process?
2. Do you think hilltops, steep slopes, ridgelines, and farmlands are worth protecting?
3. What was your role in the rural planning process?
4. What things were positive about the process?
5. What things were negative about the process?
6. Why do you think the rural planning process stalled?
7. Do you believe that the rural planning process was collaborative in nature, and that all relevant stakeholders were adequately consulted with?
8. Do you believe that there is a middle-ground solution that would address the concerns of all parties involved?
9. In what capacity would you like to see the rural study group continue?
10. In terms of rural character preservation, which is more effective, zoning ordinances or private landowner discretion?
11. What would you think if the Planning Board decided to postpone any new regulations for another 5 years in order to monitor more closely any questionable developments on steep slopes, agricultural soils, and ridgelines that occur in the absence of new regulation? Would you like the Rural Study Group to be part of that monitoring process?

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- ⁸ Master Plan, 2003, p3
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- ¹⁴ Master Plan 2003
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