TOWN OF CANTERBURY
ZONING ORDINANCE
(Revised 03/12/2019)

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TOWN OF CANTERBURY

ZONING ORDINANCE

ARTICLE 1

PREAMBLE, TITLE AND AUTHORITY

This ordinance shall be known as the Zoning Ordinance of the Town of Canterbury, New Hampshire, herein referred to as "this ordinance", and is adopted pursuant to the authority granted by the laws of the State of New Hampshire, Chapters 673 through 677, New Hampshire Revised Statutes Annotated, as amended. In conformity with a Master Plan; viz. "The Plan for Tomorrow" and for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of Canterbury. The provisions of this ordinance are considered minimum requirements.

Effective date:	03/14/90
As Amended:	03/12/91
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	03/11/16
	03/12/19

ARTICLE 2

GENERAL PROVISIONS

2.0 REQUIRED CONFORMANCE

No land in the Town of Canterbury shall hereafter be used for building, development or otherwise, and no structure shall be erected, enlarged, materially altered, or moved, except in conformance with this ordinance.

2.1 OBNOXIOUS USES

Land shall not be used in any manner that is noxious, offensive, or detrimental to the public or to the owners or occupants of adjacent property or prejudicial to the general welfare of the community. If the use is found to be obnoxious by the Selectmen, a public hearing, conducted by the Board of Adjustment, may be requested by the applicant or aggrieved party before a final decision is rendered under this provision.

2.2 REPAIR OR REMOVAL OF DAMAGED AND UNSAFE STRUCTURES

No owner or occupant of land shall permit buildings ruined by fire or other causes to be left indefinitely. Said ruins shall be made safe within 30 days after the date of the original damage or destruction. Within one year, the owner shall remove the ruins and grade the area to clear ground level or shall begin to repair, rebuild or replace the structure in conformance with this ordinance.

2.3 SANITARY PROTECTION

All sanitary systems within and serving dwellings and structures shall at a minimum be constructed and maintained in accordance with existing and amended regulations of the State of New Hampshire Department of Environmental Services Water Supply and Pollution Control Division or successor agency.

2.4 TEMPORARY STRUCTURES

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and upon issuance of the appropriate permit by the Selectmen. Nothing in this ordinance shall prevent a property owner from being the builder, or prevent the property owner and his family from living in the structure being built during construction for a period of one year, even though the building does not conform to all the building regulations prior to completion, except those pertaining to sewage disposal.

2.5 HOME OFFICE (OCCUPATION), HOME SHOPS, AND HOME INDUSTRIES

An office (occupation), shop, or industry conducted entirely inside a dwelling unit or accessory structure by a member of the family residing in said dwelling unit. Home offices, shops, and industry shall be permitted provided:

A. Such use is clearly incidental and secondary to the use of the premises for residential purposes, and

B. Not more than two employees, other than members of the family, are employed in connection with such uses, and

C. No offensive noise, traffic, vibration, smoke, dust, odors, heat, glare or unsightliness is produced, and

D. There is no exterior storage of commercial material or equipment (including the parking of more than one commercial vehicle) and no other exterior indication (excluding advertising signs) of such use or variation from the residential character of the premises, and

E. Off street parking for employees and visitors, in connection with the home occupation, is provided.

F. In a commercial zone, home offices, shops and industries shall be allowed in the same manner as specified in this section except that:

1. A single family dwelling unit is allowed in a commercial zone as an accessory to a business or industry. The business or industry is the primary use of the lot.

2. The business may employ not more than 10 full or part-time employees, other than family members.

3. The portion of the property used for the business shall not exceed 3,000 square feet of interior space and/or 5,000 square feet of exterior space. If exterior space is used for the business, it shall be adequately screened or buffered so as to meet the requirements of paragraph C, as determined by the Planning Board through its site plan review.

4. The prohibition of paragraph D of exterior indication of business use shall not apply, but the Planning Board may impose requirements for screening, appearance and buffering appropriate for the neighborhood in which the property is located.

2.5A ACCESSORY DWELLING UNIT TO BUSINESS USES

In a commercial zone, a single attached dwelling unit may be allowed as a permitted accessory use to an allowed business. The accessory dwelling unit shall conform to all standards required for an Attached Accessory Dwelling Unit (AADU) as defined in Article 18, except that the AADU shall be accessory to an allowed business instead of a single family residence.

2.6 SIGNS

Commercial advertising signs (signs) shall be limited to on-site locations only and to one per business enterprise, except for temporary signs advertising the sale of agricultural products. All signs shall be limited to ten (10) square feet per side or twenty (20) square feet total, whichever is less. The overall height of freestanding signs is limited to ten (10) feet above grade.

External illumination is permitted but must be static in terms of intensity and color and not directed onto property other than the premises on which the sign is located. No sign within 100 linear feet of a residential structure shall be illuminated between the hours of 12:00 midnight and 6:00 am.

No sign shall endanger driving on the public roads, either by reason of placement or excessive glare caused by illumination of the sign. Displays, including lighting, erected in connection with the observance of holidays are permitted. However, such signs shall be removed within ten (10) days following the holidays.

On-site signs attached to structures, solely for the purpose of identifying the owner or occupant of an industrial or commercial building, are permitted as a special exception provided that the length of such signs shall not exceed one half the length of the building. The size, height, and number of signs located on a property in a Commercial/Industrial district may be increased as a special exception by the Board of Adjustment.

The following sign types, technologies and devices are specifically prohibited in all districts:

A. Internally illuminated signs.

B. Electronic message center signs.

C. Electromechanical or projected signs.

D. Animated, software-controlled, or remotely controlled signs.

E. Windblown devices, pennants, or inflated signs.

F. Signs that change text, graphics, or color as the result of observer

position.

G. Signs made wholly or partially of highly reflective material, so as to generate a contrast between the sign and adjacent surfaces or the surrounding area.

H. Any sign that copies or imitates an official sign or purports to have official status.

2.7 TRAVEL TRAILER

An individual travel trailer may be stored on land owned by the owner of such travel trailer, provided that:

A. It shall not be used for living or housekeeping purposes, and

B. Its condition, appearance and the place where it is stored is not detrimental to the neighborhood or other property in the vicinity.

2.8 GENERAL STANDARDS

All permitted uses shall meet these standards as a condition of meeting the terms of the ordinance. Uses granted a special exception or variance by the Board of Adjustment shall meet these standards in addition to those determined by the Board of Adjustment.

A. Any uses in any district shall not be conducted in a manner that is unsightly, or emits dangerous, noxious or unpleasant odors or is objectionable due to risk of fire, explosion, noise, vibration, smoke, dust or other forms of environmental pollution.

B. At all times the natural features of the site shall be respected. Excavation and removal of sand, gravel or soil, stripping of topsoil or clearing of vegetation so as to cause erosion or long term disfiguring of the landscape shall not be permitted. Filling, culverting, draining or rerouting of natural area water courses may only occur with the approval of the Zoning Board of Adjustment and as required by N.H. RSA Chapter 149 & Chapter 483-A, as amended.

C. The disposal of industrial or commercial wastes in any form resulting from a proposed or existing operation shall meet all state and federal regulations prior to commencing operations. A statement of the volume and chemical content of such wastes shall be required of the owner/operator. This data and the type of disposal methods proposed shall be presented at requests for special exceptions under Article 8. The cost for the evaluation of

this data by the town or its agents shall be borne by the developer.

D. Roads and access to public roads shall be constructed in such a manner as to respect the landscape and shall promote public safety. Sufficient off street parking is required for all uses. Two spaces are required for each dwelling unit and/or for each 400 feet of non-residential floor space, unless amended by the Board of Adjustment.

E. The Town of Canterbury has maintained a rural, residential and agricultural character that is incompatible with "adult businesses" which involve public indecency or sexually explicit activities or materials. The Town's limited police and public protection resources are insufficient to address the secondary effects and well-documented problems that are often associated with adult businesses. The Town has limited areas available for commercial development and the location of adult business within those commercial areas would deter their development for uses that would enhance the community tax base. The table of uses set forth in section 5.3 shall therefore be interpreted so as to preclude the establishment of an adult business within any permitted use or special exception.

2.9 AIRCRAFT TAKE-OFFS AND LANDINGS ON PRIVATE LAND

Aircraft take-offs and landings on private land shall not be deemed to be a valid and permitted accessory use of any property in the Town of Canterbury.

2.10 WAIVER OF DIMENSIONAL STANDARDS TO PROVIDE REASONABLE ACCOMMODATION FOR DISABLED INDIVIDUALS

Upon application duly made to the Zoning Board of Adjustment, that Board, by approving a special exception pursuant to Section 8.2, may allow waiver of dimensional standards otherwise applicable to a property occupied by an individual with a disability as defined by the Federal Americans with Disabilities Act. The Board may grant the special exception if it finds that the criteria set forth in Section 8.2 are met and if it finds that the waiver of the dimensional requirements is necessary to provide reasonable accommodation under said law to allow the individual to make reasonable use of the property. The Board of Adjustment may attach such conditions to approval of the special exception as it deems necessary, including provisions to require compliance with the waived dimensional requirement if the property is no longer occupied by the individual with the disability.

ARTICLE 3

DEFINITIONS

3.0 For the purpose of this ordinance, words used in the present tense include the future, the singular number includes the plural, and the plural includes the singular. The word "lot" shall include "plot" or "parcel." The word "structure" shall include the word "building" where the context requires. The word "used" shall include "rented, leased, intended to be used, and occupied." The word "shall" is mandatory and the word "may" is permissive.

CERTAIN OTHER TERMS OR WORDS SHALL BE INTERPRETED AS FOLLOWS:

ABUTTER

Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. (RSA 672.3)

ACCESSORY DWELLING UNITS

An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides independent facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies. An ADU is intended to be secondary, and accessory to, a principal single family dwelling unit in accordance with ARTICLE 18 ACCESSORY DWELLING UNITS.

ACCESSORY STRUCTURE

A structure, the use of which is clearly incidental, subordinate and customarily associated with use of a lot.

AGRICULTURAL RETAIL OUTLET

Pick your own. A site on which agricultural, horticultural or silvicultural products are grown and made available, at a fee, for harvest by the public.

Farm Stand (roadside stand). Means an agricultural retail operation, not to be considered commercial, provided that: (A) at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the farm stand owner or farm stand operator; and (B) product sales not attributable to the farm or farms of the farm stand owner or farm stand operator shall be agriculturally related and may include, but not necessarily limited to, the sale of garden accessories, cheese, home crafts, cut flowers, dried flowers, value added products such as jams, jellies and baked goods from a farm stand kitchen.

APARTMENT

An individual dwelling unit in a building which contains two or more dwelling units.

APPLICANT

The owner of record, or his agent duly authorized in writing at the time of application.

BASEMENT/CELLAR

An area enclosed by foundation walls and partly underground.

BUILDING INSPECTOR

The Building Inspector of the Town of Canterbury, appointed by the Board of Selectman.

BOARD/PLANNING BOARD

The Planning Board of the Town of Canterbury.

CLUSTER SUBDIVISION

A division of land into lots for use as building sites where said lots are arranged into one or more groups and where each lot may have an area and dimensions less than the minimum required for the district. However, the total number of lots in the tract shall not exceed the number permitted in a normal subdivision for that district. Common open space(s) is provided by clustering buildings on lots reduced in size sufficiently to provide the common open space(s) area.

COMMERCIAL KENNEL

Any establishment where boarding of dogs is done as a business,

or where more than two litters of pups are whelped during a calendar year.

COMPREHENSIVE TOWN PLAN; SEE MASTER PLAN

CONDOMINIUM

Real property, and any interest therein, pursuant to RSA 356.B. In addition, any buildings involving cooperative ownership and conversions of existing buildings to cooperative ownership or condominiums shall be considered condominiums for the purpose of this ordinance.

DEVELOPMENT

Construction or improvements on a tract or tracts of land.

DEVELOPER

The individual, partnership or corporation, which will be responsible for the construction of all improvements and subsequent sale of lots, buildings and/or dwelling units.

DWELLING UNIT

One room or rooms connected together constituting a separate, independent housekeeping establishment and containing independent cooking and sleeping facilities.

ENGINEER

The duly designated Engineer of the Town of Canterbury, or if there is no such official, the planning consultant or official assigned by the Canterbury Planning Board or Selectmen.

FARM, AGRICULTURE, FARMING

As defined at RSA 21:34-a and as it may be amended from time to time.

FINAL PLAT

The final drawing or drawings on which the applicant's plan of subdivision is indicated, prepared as required under the provisions of the Subdivision Regulations.

FLOOD HAZARD AREA

Those areas containing soils formed in thick alluvial deposits and

so delineated by the U.S. Soil Conservation Service survey; and other soils and areas so delineated in other governmental floodway, flood plain or flood hazard studies.

FRONTAGE

The front boundary line of a lot measured by a continuous line along a road or street.

HEALTH OFFICER

The Health Officer of the Town of Canterbury.

LOT

A plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

MANUFACTURED HOUSING

Any structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK

A plot or parcel designed to be used exclusively for the siting of more than one manufactured housing unit.

MASTER PLAN

A document prepared and adopted by the Planning Board to guide the long-range development of the Town in accordance with RSA 674:2.

MONUMENT

Bounds of concrete or stone, not less than thirty-six (36) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely imbedded or iron pipes or rods at least thirty-six (36) inches in length and three-quarters (3/4) inch in

diameter or square.

MULTI-FAMILY

More than two dwelling units in a single building or in separate buildings each containing at least two dwelling units under condominium or apartment ownership within a single lot.

OFFICIAL MAP

The official street map which reflects road classes and zoning and is on a scale of 1"-1000'.

PRELIMINARY PLAT

A plan prepared as required in the Subdivision Regulations and submitted to the Board prior to preparing the final plat.

PRINCIPAL USE

Main or primary use of a lot.

RESIDENTIAL USE

Dwelling units and accessory uses including but not limited to:

- Approved accessory apartments
- Garages and storage buildings for storage of personal vehicles and possessions
- Agricultural buildings for personal use under 2000 sf footprint
- Raising of crops, gardening and agricultural practices for personal use on the same or a contiguous lot to one's lot of residence

RESERVE STRIP

Any area for which future public use is intended for street connection, for pedestrian ways, or for recreational use.

RIGHTS-OF-WAY

A. Any approved road which is accepted or maintained by the Town or State; or

B. Any approved private road which is part of a subdivision; or

C. Any Class VI road as shown on the Town road map as included in the Plan for Tomorrow.

ROAD OR STREET CLASSIFICATION

A. Local: A street used primarily to give access to abutting properties.

B. Collector: A street which, in addition to giving access to abutting properties, serves to carry traffic from local streets to arteries and to public and other centers of traffic concentration.

C. Secondary arterial: A street or highway used primarily for through traffic but which also serves as a collector or local street.

D. Major arterial: A street or highway used primarily for heavy and/or through traffic.

SEPTAGE

Material removed from septic tanks, cesspools, holding tanks, or other sewage treatment units, excluding sewage sludge from public treatment works and industrial waste. Septage includes domestic septage as well as septage from industrial and commercial sources.

SEPTAGE LAGOON

A pit of excavation designed to receive septage.

SPECIAL EXCEPTION

A use which may be granted in certain districts by the Board of Adjustment in accordance with this ordinance.

STRUCTURE

A combination of materials constructed to give support or shelter, including but not limited to uses such as a building, barn, dwelling unit, garage, carport, bridge, shed, tunnel, stadium or the like.

SUBDIVISION

The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

SUBDIVISION, MAJOR

A subdivision not classified as a minor subdivision, including but not limited to a subdivision of four (4) or more lots.

SUBDIVISION, MINOR

A subdivision of fewer than four (4) lots requiring no new roads. A proposed subdivision that is one of two or more successive minor subdivisions (of the same original parcel) occurring within a 5 year period, where the total number of lots in all the subdivisions taken together is 4 or more, shall be considered a major subdivision for all purposes.

TRAVEL TRAILER

A portable vehicular structure designed to be used as a temporary dwelling for travel, recreation or vacation, built on or propelled on its own chassis. This includes pickup coaches, motor homes, camp trailers and RVs.

TWO FAMILY DWELLING

A single structure designed for or containing two independent dwelling units physically connected in such a way that separation is impracticable. Neither dwelling unit may be an accessory apartment.

VARIANCE

A permit authorized by the Board of Adjustment allowing a departure from the terms of this ordinance in cases where, owing to special conditions inherent in the land (such as topography or lot shape) a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. These are granted in accordance with RSA 674:33, I-III, amended, and Article 8 of this ordinance.

WETLANDS

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

ARTICLE 4

NON-CONFORMING USE

4.0 Any existing use not conforming with the provisions of this ordinance may continue but shall be governed by the following conditions:

A. Existing non-conforming uses of land or structures which have been discontinued for one year or more can only be reestablished in conformance with the terms of this ordinance.

B. Any existing non-conforming use shall not be exchanged for a different non-conforming use.

C. Rebuilding of a structure for a non-conforming use after a fire or natural disaster is prohibited where the non-conforming use is expanded.

D. A non-conforming use shall not be expanded or altered in degree or type.

4.1 Construction, for residential purposes only, on a non-conforming lot is permitted provided that the lot was of record in the Registry of Deeds office and in conformity with the Zoning Ordinance in effect at the time of its creation and in compliance with all state and local requirements, and that the owner owns no contiguous land that can be used to bring the lot as nearly as possible into conformance with present zoning standards. Such non-conforming lots shall be merged with other contiguous land and may not be separately conveyed, unless meeting both of the following criteria:

A. The abutting land shall have been in the same ownership prior to March 8, 1983.

B. That the land be approved for subdivision by the Planning Board with one lot being the conforming lot and the other lot meeting all criteria of a two acre lot minimum (e.g., excluding wetland acreage, etc.)

4.2 The provisions of Section 4.1 regarding the automatic merger of contiguous pre-existing non-conforming lots shall not apply to lots acquired by a person on or after September 18, 2010, except by consent of the owner.

ARTICLE 5

ESTABLISHMENT OF ZONING DISTRICTS

5.0 DESIGNATION OF DISTRICTS

The Town of Canterbury is hereby divided into eight districts to be designated as follows:

Agricultural/Conservation district	A
Rural district	RU
Residential district	R
Commercial district	C
Industrial district	I
Natural Resource district	NR
Center Historic district	CHD
Shaker Village Museum Preservation district	SVMPD

The zoning boundaries and districts are shown on the "Zoning Map of the Town of Canterbury" dated February 27, 1979, as amended. All uses permitted as of right or by special exception in these districts shall conform to the provisions of this article.

5.1 ZONING MAP

The locations and boundaries of the zoning districts are shown on the "Zoning Map of the Town of Canterbury, N.H." dated February 27, 1979, as amended, and signed and certified by the Town Clerk, which is a part of this ordinance. See Appendix A of this document for the Zoning Map.

Where any uncertainty exists with respect to the boundary of any district as shown on the map the following rules shall apply:

A. Where a boundary is indicated as a highway, street, railroad, watercourse, or town boundary it shall be construed to be the center line thereof or such a town boundary.

B. Where a boundary is indicated as approximately parallel to a highway, street, railroad, watercourse, or town boundary, it shall be construed to be parallel thereto and at such distance from as shown on the Zoning Map.

C. If no dimension is given on the Zoning Map the location of any boundary shall be determined by use of the scale shown on the Zoning Map.

D. Where a boundary falls within 10 feet or less of a lot line, the boundary shall be construed to be the lot line.

5.2 ESTABLISHMENT OF MINIMUM LOT STANDARDS

District	Minimum lot acreage	Minimum lot depth	Minimum lot width
Agricul/Conser	5 acres	300 feet	300 feet
Rural	3 acres	250 feet	300 feet
Residential	2 acres	200 feet	300 feet
Commercial	1 acre	150 feet	200 feet
Industrial	2 acres	150 feet	200 feet
Center Hist	2 acres	200 feet	300 feet
Natural Resource	10 acres	300 feet	300 feet
Shaker	- see Article 5.4 -		

A. MINIMUM LOT SIZE STANDARDS

1. In computing the minimum lot acreage requirements under this article, any portion of the lot not suitable for building due to high water table as evidenced by open water or wetland shall not be included. Open water or wetland that has been dredged, drained or filled shall not be included in computing the minimum lot sizes.

2. In computing minimum lot depth and width, each lot must contain within its bounds a rectangle meeting these requirements: each of the sides parallel to the front boundary line must equal or exceed the minimum lot width requirement in the zone, and each of the other sides must equal or exceed the minimum lot depth requirement in the zone.

3. In computing the minimum lot acreage requirement, that portion of the lot between the front boundary line and the line from which the front setback is measured shall not be included.

4. In computing minimum lot acreage requirements for proposed two-family or multi-family uses, the minimum acreage for the lot shall be calculated as follows: (number of dwelling units per lot) x (minimum lot acreage requirement) x 75%. Width and depth requirements will be consistent with the zone.

B. STRUCTURE SETBACK

1. FRONT SETBACK. The minimum setback of all structures shall be 50 feet from any front boundary. The minimum setback for a multi-family structure shall be 200 feet. For the purpose of this ordinance, a "front boundary line" shall be the boundary which parallels or most closely parallels the road. However, if the lot is bounded by more than one road, the front boundary line shall be the boundary line which contains the largest amount of frontage. Where a lot does not have the rectangle that is required by Article 5.2A2 as a part of its front boundary, the front setback shall be measured from the side of the required rectangle that is parallel to and closest to the front boundary.

2. SIDE AND REAR SETBACK. Minimum setback of any structure from all other boundaries (including an easement for exclusive access to a lot as allowed under Article 5.2D1 of this ordinance) shall be 20 feet; however, if such a boundary is a road, the setback shall be 50 feet from the boundary or 75 feet from the center of the road, whichever is greater.

3. POND SETBACK. The minimum setback of any dwelling unit from great ponds shall be 75 feet. Accessory structures must be set back 20 feet from public waters. Accessory structures set less than 75 feet from public waters must have a maximum height allowance of 20 feet and a maximum footprint allowance of 150 square feet. The setback for accessory structures does not apply to structures that require direct access to water as an operational necessity, including but not limited to piers, docks, boathouses, pumphouses, and other functionally water-dependent structures. These structures do, however, require a permit from the Wetlands Bureau (RSA 482-A).

4. MERRIMACK RIVER SETBACK.

   a. The minimum setback of any structure from the Merrimack River shall be 200 feet.

   b. The minimum setback of any structure from the top of the river bluff of the Merrimack River, if such a bluff exists in a particular stretch of river, shall be 50 feet.

   c. In areas where the top of the river bluff is less than 150 feet from the river, the more restrictive setback shall apply.

5. AGRICULTURAL RETAIL OUTLET SETBACK.
The following applies to Pick Your Own and Farm Stand (Roadside Stand) Outlets. Pick Your Own Farm Stand (Roadside Stand) Outlets shall provide off street parking. Outdoor display of produce may be provided on the site, but storage of equipment, produce containers and the like shall be enclosed or otherwise screened from view. Farm Stands (Roadside Stands) shall be set back 20 feet from the front boundary or 45 feet from the center of the road, whichever is greater. The Farm Stand (Roadside Stand) shall not exceed 1200 square feet.

6. CAMPGROUNDS AND TRAVEL TRAILER SETBACK. Setback requirements for travel trailers and tent sites shall be the same as for structures.

7. In case of lots of 25,000 square feet or less existing as of November 1, 1999, the minimum structure setback from the front property line shall be 25 feet.

8. BURIAL SITE SETBACK
As per NH RSA 289:3 and subject to amendment from time to time, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the Board of Selectmen in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

C. SEPTIC SETBACK

1. Septic tanks and leach fields shall be set back at least 125 feet from public waters, great ponds, the Merrimack River, and year round streams.

D. ROAD FRONTAGE AND ACCESS

1. RESIDENTIAL. In all zoning districts, a lot used for residential, including two family or multi-family purposes shall have at least 300 feet of contiguous frontage.

2. COMMERCIAL OR INDUSTRIAL. A lot used for commercial or industrial purposes shall have at least 200 feet of

contiguous road frontage, except for lots located in commercial cluster developments approved pursuant to Section 6.2.

3. STATUTORY BUILDING PERMIT REQUIREMENTS

a. In accordance with RSA 674:41, I(a) and (b), the street providing access to any lot to be used for building purposes shall be a Class V or better road prior to the time the building is erected or shall correspond in its lines and location with:

(1) A street shown on a subdivision or street plat approved by the Planning Board; or

(2) A street laid out by the Selectmen or accepted by the Town Meeting pursuant to law.

b. In accordance with RSA 674:41, I(c), a lot with its frontage and access on a Class VI road may be used for building purposes, provided that:

(1) The Selectmen after review and comment by the Planning Board issue a building permit therefor; and

(2) The Town shall not assume responsibility for maintenance of the road or liability for damages for use of the road, and the applicant shall execute an agreement to the effect satisfactory to the Selectmen to be recorded in the Merrimack County Registry of Deeds.

4. SUBDIVISION STANDARDS

a. The Planning Board may approve a subdivision with the required lot frontage on a Class VI or private road, provided that the subdivider upgrades the road to current Class V road standards prior to approval or posts adequate surety therefor in accordance with Subdivision Regulations.

b. The Planning Board may approve a subdivision with the required lot frontage on a Class VI or private road, without requiring full upgrade to Class V road standards, provided that the lots so created are designated on the subdivision plan as "Open space uses only; lots not eligible for residential or commercial building purposes." The Planning Board

may require such improvement of the road as it deems necessary for the proposed use. Any lot created by subdivision under this subparagraph may become eligible for residential or commercial building development purposes only in accordance with the provisions of this section through upgrading the road to meet then current town road standards or by application for an issuance of a building permit pursuant to this section or RSA 674:41.

E. FRONTAGE ON GREAT PONDS AND MERRIMACK RIVER

1. Lots bordering on great ponds and the Merrimack River shall have a minimum of 100 feet of water frontage. In developments bordering great ponds and the Merrimack River that include lots with no direct water frontage there shall be set aside for the common use of such interior lot owners suitable and appropriate shore frontage equal to at least 25 feet for each interior lot.

F. MERRIMACK RIVER BUFFER

1. The cutting of more than 25% of the basal area of trees within one hundred (100) feet of the seasonal high water mark on the Canterbury side of the Merrimack River or within fifty (50) feet of the edge of the river bluff is prohibited. Within said buffer zone, material alteration of the natural contours of the land or ground surface shall be prohibited. The selected and dispersed cutting of vegetation for the purpose of wildlife management, or to create a view of the river, may be permitted by the Planning Board within the buffer zone, provided that the cutting causes only negligible adverse environmental impact, particularly with respect to the stability of the river bank and the aesthetic character of the river shoreline. In instances where there is not significant pre-existing natural vegetation over fifteen (15) feet high in the buffer zone, the Planning Board may require the applicant for subdivision approval or site plan review to plant vegetation which will screen structures and other improvements from the river. This revegetated buffer zone shall be at least fifty (50) feet in depth and shall consist of indigenous trees and shrubs selected so as to blend with the sections of the river.

5.3 PURPOSES AND USES IN DISTRICTS

A. PURPOSES OF ZONING DISTRICTS

1. DISTRICT A (Agriculture/Conservation)
   To reserve those areas of steep slope and severe soils limitations, primarily for conservation, agriculture and forestry purposes. These areas shall serve as open space and agricultural resources to protect the stream sources and scenic qualities of the town from encroachment. To preserve open lands and especially those areas identified by

   the USDA Soil Conservation Service as important farm lands.

2. DISTRICT RU (Rural)
   To reserve from most intensive development those elements served primarily by gravel roads, thus minimizing the cost of additional municipal services and preserving the character of the community.

3. DISTRICT R (Residential)
   To identify areas suitable for development served by continuous paved roads and in locations which provide access to collector roads and services.

4. DISTRICT C (Commercial)
   To permit commercial and retail growth and development in those areas most convenient to residents and to visitors so as to meet the daily needs of the community.

5. DISTRICT I (Industrial)
   To concentrate industrial growth in those areas which have the best access to major transportation corridors and which can best serve the overall interest of the community.

6. DISTRICT CHD (Center Historic District)
   To acknowledge those areas of cultural aesthetic or historic value as community assets which must be conserved by special consideration of the impact of uses in these areas.

7. DISTRICT NR (Natural Resource)
   To acknowledge those areas of high natural resources value as community assets which must be conserved by special consideration of the impact of uses in these areas.

8. DISTRICT SVMPD
(Shaker Village Museum Preservation District)
To foster and encourage the preservation of the Canterbury Shaker Village, and education regarding the Canterbury Shakers. The town recognizes that the Canterbury Shaker Village, including the existing buildings, the Shaker Ponds, the prime agricultural and forest land, represents a unique part of Canterbury's history, and finds that its preservation, restoration and enhancement are in the public interest. It is recognized that the property is restricted by a Conservation and Preservation Easement granted to the State of New Hampshire, dated December 17, 1992, and recorded in the Merrimack County Registry of Deeds at Book 1903, Page 1412 (hereinafter the "Conservation Easement"). It is understood that the uses of property within this district are restricted by the Conservation Easement, that future development can occur only in specific locations and under the specific restrictions set forth in the Conservation Easement, and that subdivision of the land is not permitted.

B. PROVISIONS FOR INTERPRETATION OF THE TABLE OF PRINCIPAL USES

1. No land or structure or building shall be used except for the purposes permitted in the district as set forth in this section.

2. If an activity might be classified under more than one of the principal use definitions, the more specific definition shall determine whether the use is permitted.

3. Except in the case of a Cluster Development approved by the Planning Board under the provisions of the ordinance, no more than one principal use along with customary incidental accessory uses shall be permitted on any lot.

4. Major subdivisions are not permitted in the A and NR districts.

5. Minor subdivisions are permitted in all districts.

6. All uses of land or structures in the CHD District are also subject to the regulation of the Historic District Commission.

7. All Uses Subject to Overlay District Regulations: All uses are subject to the provisions and regulations of Overlay Districts contained in the Town of Canterbury Zoning Ordinance. Wherever there is a conflict between the provisions of an Overlay District and a Base District, the provision which imposes the greater restriction or higher

standard shall control.

A use is permitted by right in any district under which it is denoted by the letter "A".

A use is prohibited in any district under which it is denoted by the symbol "--".

A use denoted by the letters "SE" may be authorized as a Special Exception by the Board of Adjustment.

A use denoted by the letters "SPS" may be permitted by Special Permit from the Board of Selectmen.

A use denoted by the letters "SPP" may be permitted by Special Permit from the Planning Board.

C. TABLE OF PRINCIPAL USES

LIST OF USES	ZONES A	RU	R	C	I	CHD	NR	SVMPD
Churches, educational facilities.	SE	SE	SE	SE	--	SE	SE	A
Nursing homes, or any convalescent facilities.	SE	SE	SE	SE	--	SE	SE	--
Essential public utility services such as transformer stations, substations, pumping stations or telephone exchanges.	<----------SPP---------->							
Agriculture, for personal use including the grazing, care and keeping of livestock and poultry; tree nurseries; and orchards.	A	A	A	SE	SE	A	A	A
Agriculture, for commercial use including the grazing, care and keeping of livestock and poultry; tree nurseries; and orchards.	A	A	SE	SE	SE	A	A	A
Agriculture, but excluding commercial greenhouses, the grazing, care and keeping of livestock and poultry.	A	A	A	A	A	A	A	A

C. TABLE OF PRINCIPAL USES

LIST OF USES	ZONES A	RU	R	C	I	CHD	NR	SVMPD
Forestry, growth and harvesting of forest products, tree farms and similar uses.	A	A	A	A	A	A	A	A
Retail establishments not requiring outdoor storage of goods, including but not limited to groceries, pharmaceuticals, general merchandise, furniture, apparel and specialty goods, tobacco, newspapers, books, gifts, flowers and similar items.	--	--	--	A	A	--	--	SE*
Commercial greenhouses, including sales.	A	SE	--	A	A	SE	SE	A
Home office or occupation shop, or home industry.	SE	SE	SE	A	--	SE	SE	SE
Open storage of lumber for sale.	A	SE	--	A	A	--	--	A**
Accessory uses or structures and open uses of land normally incidental to the permitted principal use of the premises, except as otherwise specified.	A	A	A	A	A	A	A	A
Single family dwelling.	A	A	A	--	--	A	SE	A
Two family dwelling.	--	A	A	--	--	SE	SE	SE
Multi-family dwelling	--	SE	SE	--	--	--	--	--
Cluster development:								
Single family	--	A	A	--	--	A	--	A
Pre-site built housing	--	A	A	--	--	A	--	A
Manufactured housing	--	A	A	--	--	--	--	--
Two-family	--	A	A	--	--	SE	--	SE
Multi-family	--	SE	SE	--	--	--	--	--
Commercial	--	--	---	SPP	--	--	--	--
Accessory dwelling unit for business uses	SE	SE	SE	SE	--	SE	SE	SE

C. TABLE OF PRINCIPAL USES

LIST OF USES	ZONES A	RU	R	C	I	CHD	NR	SVMPD
Accessory dwelling unit designed for and occupied by a person employed primarily on the same premises as a farm laborer.	A	SE	SE	--	--	SE	SE	A
Accessory dwelling units to a principal residence. (Article 18)	SE	SE	SE	--	--	SE	SE	SE
Manufactured housing	--	--	--	--	--	--	--	--
Manufactured home parks and subdivisions in accordance with existing regulations.	--	A	A	--	--	--	--	--
Bed and breakfast, and inns (less than 10 guest rooms)	SE	SE	SE	A	--	SE	SE	SE
Commercial campgrounds.	SE	SE	--	--	--	--	--	--
Hotels and motels.	--	--	--	A	--	--	--	--
Permanent planing mills and sawmills.	SE	SE	--	--	--	--	--	SE***
Excavations regulated under RSA 155-E (excavation of Gravel, soil, sand, and construction aggregate).	←----------SPP---------→						--	--
Excavations regulated under RSA 12-E (mining).	SE	SE	SE	SE	SE	SE	SE	--
Junkyards and outdoor storage of junk or unregistered or inoperative vehicles, or the dismantling thereof which are in conformance with the provisions of RSA 236:111-129, N.H. as from time to time amended.	--	--	--	--	--	--	--	--

C. TABLE OF PRINCIPAL USES LIST OF USES	ZONES A	RU	R	C	I	CHD	NR	SVMPD
Agricultural Retail Outlet								
Pick Your Own	A	A	SE	A	--	A	A	A
Farm Stand	A	A	SE	A	--	A	A	A
Manufacturing, research and testing laboratories, including assembly, fabrication, processing, reprocessing of materials provided all resulting cinders, dust, clashing, fumes, gases, odors, smoke, or electromagnetic transmission shall be so regulated as to be not perceptible without the use of instruments at the boundary of the zone in which the use is located.	--	--	--	SE	SE	--	--	SE*
Commercial laundry, cleaners, dyers, self-service laundromat, ad similar uses.	--	--	--	SE	A	--	--	--
Restaurants.	SE	SE	SE	SE	--	SE	--	SE
Indoor recreation facilities.	--	--	--	A	--	--	--	--
Wholesale bakery and food processing.	--	--	--	SE	A	--	--	--
Automobile repair garage but not including the outdoor storage of inoperative or unregistered vehicles.	--	--	--	SE	A	--	--	--
Warehouse, storage, or wholesaling establishments, fuel storage, distribution centers, and other activities involving a substantial amount of trucking.	--	--	--	--	A	--	--	--
Automobile sales.	--	--	--	SE	A	--	--	--
Outdoor commercial recreation facilities involving motorized vehicles.	--	--	--	--	--	--	--	--

C. TABLE OF PRINCIPAL USES LIST OF USES	ZONES A	RU	R	C	I	CHD	NR	SVMPD
All other outdoor commercial recreational facilities.	SE	SE	SE	SE	SE	SE	SE	SE
Gasoline stations, including facilities for minor repairs, but not requiring outdoor storage of unregistered or inoperative vehicles.	--	--	--	SE	SE	--	--	--
Convenience store with gas pumps and no repair facilities.*****	--	--	--	SE	SE	SE	--	--
Office establishments								
Less than 5000 sf of floor area	--	--	--	A	A	--	--	--
More than 5000 sf of floor area	--	--	--	SE	SE	--	--	--
Outdoor firing ranges.	--	--	--	--	--	--	--	--
Horses for personal use.	A	A	A	SE	SE	A	A	A
Veterinarian care.	SE	SE	--	SE	--	--	SE	SE
Commercial kennel	--	--	--	SE	--	--	--	--
Commercial parking lots.	--	--	--	SE	SE	--	--	A*****
Large scale (greater than 200 people) recreation use for which leases, event or general admission will be charged.	←----------SPS----------→							A
Travel trailer parks for temporary dwelling but not for permanent residence.	SE	SE	SE	--	--	--	--	--
Golf courses.	SE	SE	SE	SE	--	--	SE	--
Septage lagoons.	--	--	--	--	--	--	--	--
Outdoor storage of plants, aggregate and/or other non-toxic landscaping materials required for the	A	SE	--	A	A	--	--	--

permitted business.

*Limited to uses consistent with historic Shaker practices.
**Only for lumber milled or planes on site.
***Only at historic Shaker mill sites.
****No such convenience store shall be denied a permit for failure to provide public restroom facilities.
*****Only when conducted as an accessory to a permitted use.

5.4 SHAKER VILLAGE MUSEUM PRESERVATION DISTRICT

A. DISTRICT BOUNDARIES

The Shaker Village Museum Preservation District (SVMPD) shall consist of the area described on the "Zoning Map of the Town of Canterbury, N.H.," as amended.

B. USE REGULATIONS

See Article 5.4, the Table of Principal Uses. The locations for uses permitted by right and by special exception within the District shall be further governed by the Conservation Easement.

C. DIMENSIONAL REGULATIONS

Because ownership of the land is held by a single entity and cannot be subdivided, dimensional requirements shall be determined according to this subsection, provided that the development or improvement of the property shall also be in accordance with the Conservation Easement.

1. The general requirements of this ordinance that any lot or parcel contain only single principal use shall not apply. Individual buildings or uses shall not be required to be placed upon separate lots, nor shall road frontage requirements apply to uses or buildings within the District.

2. All new buildings, substantial additions or alterations of existing structures involving more than 5,000 square feet, and changes in use shall be subject to site plan review by the Planning Board in accordance with regulations adopted by the Board, including provisions for waiving or expediting review. In reviewing site plan applications, the following general dimensional principles shall apply:

   (i) Density based upon the type of use involved shall be established by the Planning Board. The density for uses permitted under the Conservation Easement shall take into account the density and configuration

of the existing Shaker Buildings in the Village core, as well as the maximum density of development that could have taken place within the District under the minimum lot size standard of 2 acres per residential lot which applied in this district prior to March 9, 1993.

(ii) Structures shall cover not more than 50 percent of the land area within each designated building area (Areas B, C, and D in the Conservation Easement).

(iii) Building height shall not exceed 35 feet, except that historic structures rebuilt in accordance with the Conservation Easement may exceed 35 feet to the same extent as the historic structure did, subject to any applicable building code and fire prevention requirements. The maximum height limit of this paragraph does not apply to spires, steeples, and other similar portions of structures that are not intended for occupancy.

(iv) Structures shall be set back not less than 75 feet from the center line of any public road except where a building is proposed to be reconstructed on historic foundations, in which case reconstruction shall be allowed unless the Planning Board determines that it would pose hazards to the public health or safety. Setbacks from private internal roads which are used for travel shall be at least 20 feet.

(v) Space between structures shall be at least 15 feet or such greater amount as may be required by the Building Code requirements, or in order to ensure adequate fire and emergency access.

D. ADDITIONAL PROVISIONS

1. Private internal roads within the District need not be paved, nor shall a minimum width or traveled way or right-of-way be required except as determined by the Planning Board to be necessary for the public safety, including fire and emergency vehicle access.

2. Signs used within the District which are visible from a public way shall meet the following requirements:

(i) Nonadvertising informational and directional signs may be installed as necessary for the specific purposes involved.

(ii) Permanent advertising signs may be installed in clusters or individually and shall not exceed a total area based upon a single village sign not exceeding 20 square feet plus 10 square feet for each separate use as determined by the Planning Board.

(iii) Temporary signs for special events may be erected for periods not to exceed two weeks.

3. Parking is not permitted on the public roadway, and public parking shall be located so as to minimize the visual impact from the public way. Parking and parking lots shall not be located within the setback from the public way.

ARTICLE 6

CLUSTER SUBDIVISION

6.0 CLUSTER RESIDENTIAL DEVELOPMENT

PURPOSE. The purpose of Cluster Residential Development is to encourage the preservation of common land for conservation, agriculture, open space, and recreational use; to preserve historical or archaeological resources; to protect existing and potential municipal water supplies; to protect the value of real property through the encouragement of good quality professional development; to promote more sensitive siting of structures and better overall site planning; to promote better utilization of land in harmony with its natural flexibility in design; to allow more efficient provision of municipal services; and to preserve the natural appearance of undeveloped road frontage.

The owner(s) of a tract of land may submit a cluster subdivision plan for Planning Board approval in accordance with Article 5.3 of this ordinance and the Subdivision Regulations and, if required by this ordinance, obtain a special exception from the Zoning Board of Adjustment. This site plan and subdivision plan must be reviewed and approved by the Planning Board.

6.1 The following standards shall apply to all Cluster Residential Developments:

A. The total number of dwelling units in the Cluster Residential Development shall not exceed the number of single family dwelling units that would be permitted if the entire tract were developed consistent with all other articles of this ordinance.

B. Dimensional Requirements: Where the requirements of this Article differ from or conflict with the requirements of Article 5.2, the requirements of this Article shall prevail. The following dimensional

requirements shall be observed in all Cluster Residential Developments in all districts. The Planning Board may, in appropriate cases, impose further restriction upon the tract or parts thereof as a condition of granting of its approval.

MINIMUM DIMENSIONAL REQUIREMENTS

MINIMUM ACREAGE:	1 ACRE
MINIMUM INTERIOR ROAD FRONTAGE:	100 FT.
MINIMUM SIDE AND BACK STRUCTURE SETBACK:	20 FT.
MINIMUM INTERIOR ROAD STRUCTURE SETBACK:	50 FT.

MINIMUM LOT SIZE STANDARDS

1. In computing the minimum lot acreage requirements under this article, any portion of the lot not suitable for building due to high water table as evidenced by open water or wetland shall not be included. Open water or wetland that has been dredged, drained or filled shall not be included in computing the minimum lot sizes.

2. In computing minimum lot acreage requirements for proposed two family or multi-family uses, the minimum acreage for the lot shall be calculated as follows: (number of dwelling units per lot) x (minimum lot acreage requirement) x 75%.

C. Each building lot shall face on an interior road and not on an existing accepted town and/or state maintained road, nor shall said lots have any direct access to any such roads.

D. Wherever possible, structures shall be oriented with respect to scenic vistas, solar access, natural landscape features, topography and natural drainage areas.

E. All roads or vehicular rights-of-way and drainage within the Cluster Residential Development shall meet construction standards specified in the Subdivision Regulations. There shall not be more than one intersection of an interior road with an accepted and maintained town or state road unless approved by the Planning Board.

F. A minimum percentage of the total area of the tract to be subdivided shall be Common Open Space(s) permanently reserved for recreational and other outdoor activities of a non-commercial natural and for the preservation of historic sites, pasture, or agricultural land, large trees, woods, streams, marshes, wetlands,

glens, rock outcrops, native plant life and wildlife cover. In no event shall man-made recreational facilities such as recreation halls, tennis or basketball courts comprise more than ten (10) percent of the Common Open Space(s).

G. The following percentages of Common Open Space(s) shall be maintained:

ZONE	PERCENTAGE
R	50
NR	50
RU	60

H. Such Common Open Space(s) shall be shown on the official subdivision plan with appropriate notations on the face thereof to assure continued use as common open space(s) stating that:

1. The Common Open Space(s) shall not be used for future building lots, and

2. A part, or all, of the Common Open Space(s) may, at the option of the Town, be accepted in dedication and operated as a Town conservation or recreational area by the Town or the Conservation Commission.

I. The Common Open Space(s) shall be used for the following purposes:

1. Conservation, including conservation of wildlife and historic sites, and the preservation and protection of the existing natural characteristics of said Common Open Space(s), and

2. Outdoor recreational facilities of a non-commercial nature, and

3. Farming and agriculture.

J. The Common Open Space(s) with the development, insofar as reasonably possible, shall be contiguous both within the development and with other existing and proposed Common Open Space(s) offsite.

K. The common area may not consist primarily of land difficult to utilize, such as wetlands or steep slopes (defined as greater than or equal to 25% slope). Such land may be included in the Common Open Space(s), but shall not consist of more than 20% of the total area.

L. A 200 foot buffer is required on the front boundary and a 50 foot buffer is required on all other exterior boundaries in any Cluster Residential Development. These buffer zones shall be maintained in their natural state unless otherwise ordered by the Planning Board. The "buffer land" may be included in the Common Open Space(s).

M. No multi-family dwelling shall contain more than six (6) dwelling units, and no such structure shall be located less than 100 feet from another such structure, or a two-family dwelling.

N. Conventional housing shall not be mixed with manufactured housing in a Cluster Residential Development.

O. When an owner has frontage on a town road, and the land is contiguous to a proposed Cluster Residential Development, that road frontage shall be part of the cluster development. No lot shall be eligible for development under this section for five (5) years if any portion of the tract is subdivided subsequent to the effective date of this section, except for existing residences being separated from proposed cluster development. These conditions shall be met to ensure that the purposes of encouraging preservation of open space and reduction in occurrence of strip development are satisfied.

P. Any Cluster Residential Development that is to be a condominium shall conform to all applicable statutes for condominiums.

Q. Except as modified by this article, all other provisions of this ordinance, the Building Codes, Subdivision Regulations, and the Town's "Plan for Tomorrow" shall be adhered to in every instance where applicable.

R. The Planning Board may impose such additional regulations, restrictions, controls and requirements as are deemed appropriate or necessary to accomplish the purposes and objectives of this Cluster Residential Development Article.

S. Approval of Water and Septic Systems. The development may be served by common water and septic systems, the design and construction of which must be approved by the state and local authorities. All pertinent local regulations regarding the placement and construction of septic systems shall be applicable, including the requirements for the incorporation into the project design of alternative, backup leach field areas. Any on-site well may be located within the Common Open Space(s) and shall have a protective radius as required by the State of New Hampshire

Department of Environmental Services Water Supply and Pollution Control Division or successor agency.

T. Limitation of Subdivision. No lot shown on a plan for which a permit is granted under this Article may be further subdivided so as to reduce the area of any lot for the purpose of creating an additional building lot(s) and a condition to that effect shall be shown on the recorded plan.

U. In order to effectuate the purposes of this article, any other article of this ordinance which is affected by this article is hereby amended in order to conform to this article.

6.2 COMMERCIAL CLUSTER DEVELOPMENT

A. PURPOSE. The purpose of commercial cluster development is to encourage the preservation of open space while allowing appropriately zoned industrial land to be flexibly developed so that individual lot size and frontage requirements might be varied to suit individual needs while complying with overall density and open space requirements.

B. GENERAL STANDARDS/PROCEDURE. Commercial cluster development under this section may be used only for permitted uses in the Industrial Zone upon approval of the subdivision and site plan by the Planning Board. The total number of lots in the commercial cluster development shall not exceed the number of lots that would be allowed if the entire tract were developed consistent with dimensional requirements otherwise applicable to the property. In acting upon an application for commercial cluster development, the Planning Board shall follow the procedural requirements under its Subdivision Regulations and Site Plan Review Regulations.

C. REQUIREMENTS FOR APPROVAL.

(1) The Planning Board may approve the proposed commercial cluster development if it finds that the Plan furthers the purposes of this section and the Canterbury Zoning Ordinance and Master Plan and if the plan otherwise serves the public interest.

(2) The Planning Board may approve a commercial cluster development which does not conform to the otherwise applicable minimum lot size and frontage requirements where the Board finds that the proposed development will increase open space, reduce public and/or private expenditures for construction and maintenance of infrastructure, and where such development would otherwise

further objectives of proper land use planning. The minimum open space requirement for a commercial cluster development shall be 50%.

D. INDIVIDUAL LOT DESIGN. The design of individual lots within a commercial cluster development shall conform to the same minimum standards as set forth for residential cluster development under Section 6.1, except that individual lots may front on a Town or State maintained road, when approved by the Planning Board.

ARTICLE 7

MANUFACTURED HOUSING PARKS

7.0 MANUFACTURED HOUSING PARKS

For the purposes of encouraging the preservation of open space, promoting a more efficient use of land in harmony with its natural features within the general intent of this ordinance, providing for lower cost housing, and to protect and promote the health, safety, convenience and general welfare of the inhabitants of the town, the owner(s) of a tract of land situated within the residential or rural districts, in conjunction with the establishment of a manufactured housing park, may make application to the Planning Board for site review to enable manufactured housing to be sited on ½ acre lots provided that community water and sewerage be provided and maintained by the park owner, and further provided that the total acreage required shall not be reduced from that which would have been required had the density remained at a minimum of one manufactured housing site per the lot size requirements for the appropriate zone. The site plan of any manufactured housing park must be reviewed and approved by the Planning Board.

Manufactured housing parks may be permitted in the districts as shown in Article 5.3 of this ordinance, subject to the following conditions:

A. Application for a permit to operate a new manufactured housing park or to expand an existing one shall require approval of the park design by the Planning Board.

B. Prior to establishment of a manufactured housing park, a permit must be obtained from the Selectmen.

C. The Board of Selectmen shall prescribe the fee for such a permit sufficient in amount to cover the entire administrative cost incurred in processing the permit. Permits granted for the establishment, enlargement or operation of a manufactured housing park shall not be transferable.

D. Any manufactured housing park permit may be revoked by the

Selectmen if, after investigation, it is established that the permittee has violated any of the provisions of the ordinance, or that the manufactured housing park is being maintained in an unsanitary or unsightly manner.

E. The minimum area of a manufactured housing park shall be ten (10) acres, with a minimum frontage of 300 feet. Tracts shall abut a state or town maintained road, or provide direct access to a state or town maintained road or street through an improved and permanently maintained private street or way which meets town standards.

F. A manufactured housing park shall comprise a single contiguous parcel of property.

ARTICLE 8

BOARD OF ADJUSTMENT

8.0 AUTHORIZATION

The establishment of a Board of Adjustment is hereby authorized in accordance with RSA 673, 674, 676 and 677 as amended, and all provisions are incorporated by reference in this ordinance.

A municipal officer shall not be a member or alternate member of the Board of Adjustment.

The Board of Adjustment shall elect its officers from its own membership.

Two (2) alternates may be appointed to the Board of Adjustment by the Selectmen to serve in accordance with RSA 673:6.

PLANNING BOARD RECOMMENDATIONS

The Board of Adjustment may, on receipt of individual requests for special exceptions or variances, request the Planning Board to make recommendations concerning conditions that should be attached to such special exceptions or variances.

8.1 VARIANCES

The ZBA may authorize a variance from the terms of this Ordinance for a particular use, parcel of land or to an existing building thereon from the terms of this chapter where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

A. The ZBA may authorize a variance from this Ordinance only where it confirms in writing that each and every one of the following has been met:

1. An unnecessary hardship would be imposed by a literal application and enforcement of the provisions of this Ordinance.

    a. For a use variance, the following must be determined to support a finding of unnecessary hardship:

        (1) The zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment;

        (2) No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restriction on the property; and

        (3) Granting the variance will not injure the public or private rights of others.

    b. For an area variance, the following must be determined to support a finding of unnecessary hardship:

        (1) An area variance is needed to enable the applicant's proposed use of the property given the special conditions of the property; and

        (2) The benefit sought cannot be achieved by some other method reasonably feasible for the applicant to pursue other than an area variance.

2. Authorization of a variance will not be contrary to the public interest;

3. The spirit of this Ordinance shall be observed and substantial justice done in the use or structures resulting from the authorization of a variance; and

4. No diminution in the value of surrounding properties would be suffered as a result of the authorization of the variance.

B. The applicant bears the burden of presenting evidence sufficient to allow the ZBA to reach conclusions and make findings to support the authorization of a variance.

C. The owner shall submit an application to the Board of Adjustment with the required number of copies of the site plan drawn to scale and other written statements, records, and photographs documenting the following for the record of the petition.

1. The location of existing and proposed buildings or additions, parking areas, loading areas, vehicular maneuvering areas;

2. Existing and proposed screening;

3. The nature of the property for which the variance is sought and the physical circumstances that create a hardship;

4. That such circumstances are peculiar to the property under appeal and are not common within the zoning district;

5. That the relief sought would not reduce the value of surrounding property, would be of benefit to the public interest, and would not be contrary to the intent and spirit of the ordinance.

6. That the specific variance sought is the minimum variance required for reasonable relief to allow a reasonable use of the property; and

7. Other information determined to be necessary by the Board of Adjustment.

D. Prior to authorizing a variance, the Board may require such additional information and impose conditions or safeguards as it deems necessary and reasonable.

E. A variance authorized under the terms of this section shall expire if not undertaken within one year of the authorization. Upon receipt of a written request, the board may, however, grant a one-year extension.

F. If after commencement, a variance is abandoned for a period of two (2) years, then the variance shall be deemed to have expired and cannot be re-established without a new application process and affirmative decision of the ZBA.

8.2 SPECIAL EXCEPTIONS

The Board of Adjustment may authorize the uses set forth as special exceptions in the specified districts in Section 5.4 of this ordinance.

A. GENERAL CONDITIONS

All uses requiring a special exception are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case. A permit granted under a special exception shall expire if such use shall cease for more than one year.

In acting on such exceptions the Board of Adjustment shall require at a minimum:

1. That granting the permit would be in the public interest.

2. That the proposed use would not adversely affect the property values in the district.

3. That the specific site is an appropriate location for the proposed use.

4. That the proposed use would not adversely affect the health and safety of the residents and others in the area and would not be detrimental to the use or development of adjacent or neighboring properties.

5. That the proposed use would not constitute a nuisance because of offensive noise, vibration, smoke, dust, odors, heat, glare, or unsightliness.

6. That granting of the permit would be in the spirit of this ordinance.

7. That the proposed use would not constitute a hazard because of traffic, hazardous materials, or other conditions.

B. NATURAL RESOURCE SUPPLEMENTAL CONDITIONS

In addition to the general conditions for Special Exception under Article 8.2, in the NR zone the Zoning Board of Adjustment shall also require that:

1. Landscaping and development be compatible with existing development.

2. Proposed uses be planned and oriented to respect natural features, solar access, scenic vistas and natural drainage

areas.

3. Access ways and provisions for motor vehicles be planned to minimize their impact.

ARTICLE 9

ENFORCEMENT AND ADMINISTRATION

9.1 ENFORCEMENT

It shall be the duty of the Board of Selectmen or their authorized agent to enforce the provisions of this ordinance.

9.2 ISSUING PERMITS

The Board of Selectmen shall issue use permits as required by this ordinance when, in its judgment, the intended use is in accordance with the provisions of this ordinance, or is neither injurious to nearby properties nor detrimental to the interests of the community.

9.3 USE PERMITS

Written application for a permit required under the provisions of this ordinance must be filed with the Selectmen or their duly authorized representative for any of the following, none of which shall be commenced until a permit has been obtained, or in the case of denial of a permit, until the Board of Adjustment, on appeal, has directed that a permit be issued:

A. A temporary structure associated with a temporary use, including manufactured housing or travel trailer; or

B. Temporary uses of land used for public assembly.

9.4 MATERIAL ACCOMPANYING APPLICATIONS FOR PERMITS

Any application for a use or building permit shall be accompanied by a description of the intended use or uses of the land and structure(s) and such further details as the Board of Selectmen or its duly appointed agent may require. Application and permit fees shall be established by the Selectmen.

9.5 The Board of Selectmen shall enforce the provisions of this ordinance by seeking an injunction in the Superior Court, or by any other legal means.

ARTICLE 10

MISCELLANEOUS LEGAL PROVISIONS

10.0 PENALTY

Upon conviction thereof, every person, firm or corporation violating any of the provisions of this ordinance shall be fined not more than the sum allowed by RSA 676:17 as amended.

10.1 EFFECTIVE DATE

This ordinance shall take effect upon its passage.

10.2 AMENDMENTS TO THIS ORDINANCE

This ordinance may be amended in accordance with the procedure provided by RSA 675 as amended. Amendments shall take effect upon their passage.

10.3 VALIDITY OF THIS ORDINANCE

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

ARTICLE 11

NUMBER OF RESIDENTIAL BUILDING PERMITS

11.0 AUTHORITY AND PURPOSE

This Article is enacted pursuant to the authority granted by N.H. RSA 674:22. It is intended to regulate and control the timing of development in accordance with the objectives of the Master Plan and the Capital Improvements Program. These two documents assess and balance community development needs of the Town of Canterbury and consider regional development needs. This Article is intended to enable Canterbury to bear its fair share of regional growth, while at the same time minimizing the disruptive impact of “boom and bust” building cycles.

11.1 BUILDING PERMITS

The number of residential building permits for the construction of new or additional dwelling units which may be issued during any one building year shall be limited to 3% of the number of year-round single family dwellings existing at the commencement of the building year. The building year shall begin on the day after the annual Town Meeting and run to the date of the next annual Town Meeting.

For the purposes of this Article, a permit to replace an existing residence with a new one shall not be counted towards the limit so long as the existing residence meets one of the following criteria:

A. The structure was built with a residential building permit and received a Certificate of Occupancy, or

B. If built before permits were issued, has been occupied as a dwelling unit continuously for the previous 5 years.

11.2 MULTI-FAMILY DWELLING PERMITS

Only one of these permits each year may be used for a multi-family dwelling and will allow the applicant to build a number of units up to a maximum of 1% of the year-round single family dwelling units existing at the commencement of the building year, subject to the limitation that the total number of units of multi-family dwellings shall not exceed 6% of the number of year-round single family dwellings existing at the commencement of the building year. If the 1% limit is not used up by the first applicant in any given year, then a second applicant shall be eligible for a permit for the remaining multi-family units.

11.3 PERMIT ELIGIBILITY

No more than one single-family permit per record holder shall be issued during the building year unless the total number of permits to be issued shall not have been issued by September 1 of the current building year, in which case a second single-family permit (but in no event more than two) may be issued. An applicant who has been granted a permit for a multi-family dwelling shall not be entitled to a second permit in that building year.

Exception: The Planning Board after consultation with the Conservation Commission may during site plan review order that a record holder be eligible for accelerated permit availability if conservation goals are met as a result.

11.4 MISCELLANEOUS PROVISIONS

Permits shall be issued by the building inspector in the order that the applications are received by him. Once the number of building permits has been exhausted, the building inspector shall maintain a waiting list in the event that another permit becomes available during that building year, or to apply to the next building year. At no time may a record holder be on a waiting list in more than one place, and the waiting list maintained by the building inspector shall not extend beyond the next building year.

"Record holder" shall mean the owner(s) of land in Canterbury on record at the Merrimack County Registry of Deeds at the time of application.

Land owned in joint tenancy or as tenants in common shall not entitle the owners to more than the number of permits which would be available if the land were owned by one individual. No person, corporation, partnership or other entity shall directly or indirectly be a record holder of more than one lot for purposes of obtaining building permits.

For the purposes of this Article, a new two-family dwelling shall be considered a multi-family dwelling and a conversion of a single family dwelling to a two-family dwelling shall require a permit as an additional dwelling unit.

11.5 ISSUANCE OF BUILDING PERMITS

If on the date of the Town Meeting in any year there is a surplus of unissued building permits for new dwelling units, the surplus shall be made available in the following year, after all of the permits available in the annual limitation of the following year are issued. Provided, however, that in no event shall the surplus available in the following year exceed 25% of the total number of residential building permits that had been eligible for

issuance in that year. If the surplus of unissued building permits is not issued in the year immediately after they are surplus, they shall expire.

Any permits issued but not utilized shall not be added back into the annual limitation.

11.6 ADMINISTRATIVE PROCEDURES

The Selectmen are hereby authorized to establish administrative procedures necessary to implement this Article. All such procedures shall be posted.

11.7 CONFLICTS

In matters governed by this Article, this Article shall supersede conflicting local ordinances and regulations.

11.8 SEVERABILITY

Should any part of this Article be held invalid or unconstitutional by a court, such holding shall not affect, impair or invalidate any other part of this Article, and, to such end, all sections and provisions of this Article are declared to be severable.

11.9 EFFECTIVE DATES

This Article becomes effective upon adoption and shall remain in effect until March 31, 2020. However, no less frequently than every two years,

the Planning Board shall review growth rates in the region and shall make a recommendation as to whether the percentage growth rate should be increased or decreased in order to achieve the purposes stated in Section 11.0.

ARTICLE 12

FLOODPLAIN ORDINANCE

12.0 PURPOSES

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Canterbury Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Canterbury Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Merrimack, N.H.” dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

12.1 DEFINITION OF TERMS

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Canterbury.

"Area of Special Flood Hazard" is the land in the floodplain within the Town of Canterbury subject to a one percent or greater possibility of flooding in any given year. The area is designated as zone A on the FHBM and is designated on the FIRM as zones A and A13. The area is designated as Zone(s) A and AE on the Flood Insurance Rate Map.

"Base Flood" means the flood having a one percent possibility of being equaled or exceeded in any given year.

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" - see "structure."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Elevation Study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

"Flood Insurance Rate Map" (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Canterbury.

"Flood Insurance Study" - see "Flood Elevation Study."

"Floodplain" or "Flood-Prone Area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood Proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" - see "Regulatory Floodway."

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

C. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. by an approved state program as determined by the Secretary of the Interior, or

2. directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New Construction" means:

A. For the purpose of determining insurance rates, a structure for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvement to such a structure.

B. For floodplain management purposes, a structure for which the start of construction commenced on or after March 16, 1996, and includes any subsequent improvement to such a structure.

"100 Year Flood" - see "Base Flood."

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Special Flood Hazard Area" means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FIRM as Zone A or AE. (See "Area of Special Flood Hazard.")

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it

include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

12.2 PERMIT REQUIREMENT

All proposed development in any special flood hazard areas shall require a permit.

12.3 APPLICATION REQUIREMENTS

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

A. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Be constructed with materials resistant to flood damage,

C. Be constructed by methods and practices that minimize flood damages,

D. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

12.4 WATER AND WASTE DISPOSAL SYSTEMS

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the building inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

12.5 SUBSTANTIALLY IMPROVED STRUCTURES

For all new or substantially improved structures located in Zones A, A1-30, AE, AO, or AH, the applicant shall furnish the information required by paragraphs A to C to the building inspector. Such information shall be retained as public records open to inspection upon request.

A. The as-build elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement,

B. If the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed,

C. Any certification of floodproofing.

12.5A RECREATIONAL VEHICLES

Recreational vehicles placed on sites within zones A1-30, AH, and AE shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c) of Section 60.3.

12.6 FEDERAL AND STATE PERMITS

The building inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the building inspector, in addition to the copies required by the RSA 483-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the building inspector, including notice of all scheduled hearings before the Wetlands Board.

B. The applicant shall submit to the building inspector certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

12.6a WATERCOURSES

A. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

B. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development

(including fill) shall be permitted within Zone AE on the FIRM,

unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

C. The building inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that development in Zone A meet the floodway requirement:

No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.

12.7 SPECIAL FLOOD HAZARD AREAS

A. In special flood hazard areas the building inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:

1. In zone AE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

2. In A zones the building inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e., subdivisions, site approvals).

B. The building inspector's 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:

1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;

2. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the 100 year flood elevation the structure is watertight with walls

substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c. Be certified by a registered professional engineer or in accordance with accepted standards of practice for meeting the provisions of this section;

3. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

5. Proposed structures to be located on slopes in special flood hazard areas, zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

12.8 VARIANCES AND APPEALS

A. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:

1. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

2. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

3. That the variance is necessary, considering the flood hazard, to afford relief.

C. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

D. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

12.8 VIOLATIONS/ENFORCEMENT

Any structure or other development subject to this article for which the elevation certificate, and other certifications or evidence of compliance required by Sections 60.3 (b) (5), (c) (4), (c) (10), (d) (3), (e) (4) or (e) (5) have not been submitted to the building inspector shall be presumed to be in violation of this article until such time as that documentation is provided to the building inspector.

ARTICLE 13

HISTORIC DISTRICT ORDINANCE

13.0 GRANT OF POWER

Pursuant to RSAs 673-677 the Town of Canterbury, New Hampshire, adopts this document hereby known as the Historic District Ordinance.

13.1 PURPOSE

The purposes of this ordinance are to:

A. Recognize and preserve those structures, sites and viewscapes within the Historic Districts, defined in this ordinance, which reflect the cultural, architectural, social and economic history of the Town of Canterbury.

B. Promote the use of man-made and natural features within the Historic Districts for the education, welfare and enjoyment of the community.

C. Foster public appreciation of and civic pride in the town's present day character and the accomplishments of its past.

13.2 DISTRICT DESCRIPTIONS

A. The purpose of designating the Center Historic District is to preserve the visual character of the acknowledged center of our community; to protect and preserve the structures and features that document our shared heritage; to maintain the atmosphere of a rural village.

CENTER DISTRICT DESCRIPTION

Beginning at the intersection of Old Tilton Road, Lamprey Road and Goodwin Road, thence running Easterly along the center line of Goodwin Road to the center line of (076/006) and Booth (069/003). Thence turning and running Southeasterly along the property line which divides the properties N/Fof Matarozzo and Booth to a corner. Thence turning and running Southeasterly along the property line which divides the properties N/F of Matarozzo and Booth to a corner which is the common property corner N/F of Matarozzo, Booth and Geiger (070/000). Thence turning and running Southeasterly along the property line which divides the properties N/F of Matarozzo and Geiger to a corner which is the common property corner of Matarozzo, Booth (075/000) and Geiger.

Thence turning and running Southwesterly along the property line which divides the property N/F of Booth and Geiger to a corner which is the common property corner N/F of Geiger, Booth and Robinson (075/001). Thence turning and running Easterly along the property line which divides the property N/F of Booth and Robinson to a corner. Thence turning and running Southerly along the property line which divides the properties N/F of Booth and Robinson 200' +/- to a point, thence turning and running Easterly across the 50' ROW which is the property of Booth to a common property corner N/F of Booth and Mordarski (071/000). Thence running Easterly along the property line which divides the property N/F of Booth from Mordarski and Ernst (072/000) to a corner which is a common property corner N/F of Booth, Ernst and Blais (073/000). Thence turning and running Southeasterly along the property line which divides the property N/F of Ernst and Blais to a point at the intersection of Baptist Road. Thence running diagonally across Baptist Road to the common property corner N/F of the Spruces (060/000) and Piroso (059/001). Thence running Southeasterly along the property line which divides the property N/F of the Spruces and Piroso to a corner which is the common property corner N/F of the Spruces and Piroso to a corner which is the common property corner N/F of the Spruces, Piroso and Fifield (034/000). Thence turning and running Westerly along the property line which divides the properties N/F of Fifield, D. Parker (056/001) and C. Parker (056/000) from the properties N/F of the Spruces, Thornton (061/000), Laliberte (062/001) and Shaker Regional School (063/000) to a corner which is the common property corner N/F of Shaker Regional School, Peterson (054/000), and C. Parker. Thence turning and running Southeasterly along the property line which divides the property N/F of Peterson and C. Parker to a corner. Thence turning and running Southwesterly along the property line which divides the property N/F of Peterson and C. Parker to a corner at the intersection of Morrill Road. Thence turning and running Northwesterly along the Easterly side of Morrill Road along the property line N/F of Peterson, Brillhart (065/002) and Keeler (065/001) to a point at the intersection of Kimball Pond Road. Thence running diagonally across Kimball Pond Road to a corner which is the common property corner N/F of Fifield (033/001), Guertin Jr. (032/001) and Hildreth (037/000). Thence turning and running Westerly along the property line which divides the property N/F of Hildreth from the properties N/F of Guertin Jr., Guertin Sr. (032/000) and Streeter (034/000) to a corner which is the common property corner N/F of Hildreth, Streeter, and W. Cochrane (035/000). Thence turning and running Northerly along the property line which divides the properties N/F of Streeter from W. Cochrane and T. Cochrane (035/001) to a corner at the center line of Center Road. Thence turning and running Easterly along the center line of Center Road to a point opposite the common property corner N/F of Desmarias (028/005) and Fowler (031/000). Thence turning and running Northeasterly along the property line which divides the properties of Desmarias and S. Cochrane (028/006, from Fowler, C. Nay (030/000), Sallah (030/002), and Mudge (029/000) to a corner at the center line of Old Tilton Road. Thence turning and running Southeasterly to the point of beginning.

SHAKER HISTORIC OVERLAY DISTRICT

13.2.B.1 PURPOSE

The purpose of the Shaker Historic Overlay District is to preserve and protect the historically important land and archeological resources relating to the Canterbury Shakers. This District shall be an overlay district with the use and dimensional requirements for land located within the overlay district determined according to the requirements of the underlying zoning district within which the property is located. The purpose of this district is to preserve and protect the tangible and nontangible characteristics of the Shaker land and buildings as modified by more than 200 years of the Shaker enterprise; the buildings in the Village core; archeological resources; and Shaker Pond area; the mill buildings; the prime agricultural land; forest land; and the scenic vistas to and from Shaker Village, as well as the approaches to the Shaker Village Museum Preservation District. It is particularly important to ensure that the property visible from the public ways within this district shall be developed in a way that is consistent with historic Shaker practices and does not diminish the special sense of place developed by the Canterbury Shakers.

13.2.B.2. DESCRIPTION

Beginning at a corner on the East side of Shaker Road being the common property corner N/F of McCullough (036/000) and Curtis (036/001), thence running Easterly along the property line which divides the property N/F of McCullough and Curtis to a corner which is the common property corner of McCullough, Curtis, and T&G Meeh (037/002). Thence turning and running Northerly, Easterly, Northerly, Easterly to a corner which is the common property corner N/F of McCullough, T&G Meeh, and M. Meeh (037/000). Thence running Easterly along the property line which divides the property N/F of T&G Meeh and M. Meeh to a corner which is the common property corner N/F of T&G Meeh, M. Meeh and Oleson (011/000). Thence turning and running Southerly along the property line which divides the property N/F of Oleson and Dustin (049/000) from T&G Meeh and the Shakers (038/000) to a corner which is the common property corner N/F of Dustin and Shakers. Thence turning and running Westerly, Southerly, Easterly and Southerly to a point which is the common property corner N/F of Shakers, Dustin, and Gregory (047/000). Thence running Southerly along the property line which divides the property N/F of Shakers and Gregory to a corner at the center line of Asby Road. Thence N 70 degrees 45 minutes E a distance of 338 feet, more or less, along the southerly side of Asby Road to a point where a rebar is set at land now or formerly of Arnold Alpert and Judith Elliot (045/000); then S 43 degrees 15 minutes E a distance of 298 feet, more or less, along said Alpert and Elliot land to a corner of stone walls; thence N 51 degrees 15 minutes E a distance of 103 feet, more or less, to an intersection of stone walls at the westerly side of Mudgett Hill Road; thence S 41 degrees 30

minutes E a distance of 380 feet, more or less, following a stone wall which runs along the westerly side of Mudgett Hill Road to a rebar set at land now or formerly of Joan LaPlante (044/000); thence S 73 degrees 30 minutes W a distance of 888 feet, more or less, along LaPlante land to a rock marked "A"; thence S 11 degrees 00 minutes E a distance of 1611 feet, more or less, along LaPlante land and land now or formerly of Kim and Melinda Bean (042/000) to an iron pipe at the Canterbury-Loudon Town Line; thence S 35 degrees 30 minutes W a distance of 1469 feet, more or less, along said Town Line and land now or formerly of William Crowley to an iron pipe, thence S 82 degrees 45 minutes W a distance of 1766 feet, more or less, along land now or formerly of Stephen and Betty Fifield (041/000) to a corner of stone walls at the easterly side of Old Shaker Road; thence N 09 degrees 00 minutes W a distance of 1714 feet, more or less, following a stone wall which runs along the easterly side of Old Shaker Road to a rebar. Thence turning and running Westerly along the property line which divides the property N/F of Shakers from Mitchell and Lamb (023/000) to a corner on the East side of Shaker Road which is the common property corner N/F of Lamb, Mitchell and Shakers. Thence turning and running Southerly along the property line which divides the property N/F of Shakers (027/001) and Mitchell to a corner which is the common property corner of Shakers and Mitchell, thence turning and running Westerly along the property line which divides the property of Shakers and Mitchell to a point at the intersection of Shaker Road. Thence running Westerly across Shaker Road along the property line which divides the property N/F of Shakers (027/000) and Abberton (005/000). Thence turning and running Northerly, Westerly, Northerly, Westerly, Northerly, Westerly along the property line which divides the property N/F of Shakers and Abberton to a corner which is the common property corner N/F of Shaker, Parnell (004/000), and Miller (003/000). Thence turning and running Northeasterly and Northwesterly along the property line which divides the property N/F of Shakers and Miller to a corner which is the common property corner N/F of Shakers, Miller and McCullough (003/002). Thence turning and running Easterly and Northerly along the property line which divides the property N/F of Shaker and McCullough to a corner at the center lien of Shell Meeting House Road, thence turning and running Easterly to the point of beginning.

13.3 HISTORIC DISTRICT COMMISSION

The Historic District Commission shall be charged with the responsibility of administering this ordinance.

A. The Commission shall consist of 5 members, one of whom shall be a member of the Board of Selectmen.

B. Two alternates shall be appointed.

C. All members and alternates shall be appointed by the Board of Selectmen.

D. The term of office for all members shall be 3 years.

13.4 POWERS AND DUTIES

A. The following activities within the Historic Districts shall be reviewed by the Historic Commission:

1. Erection, alteration, repair, removal, relocation, or demolition of a building, structure or any visible feature thereof.

2. Construction, reconstruction, repair or removal of stone walls or fencing.

3. Grading or excavation on any site.

4. Change or removal of any natural feature within the District.

5. Any activity which might disturb a known or suspected archeological site.

The power of review shall be limited to those considerations which have an impact on the character and integrity of the District.

B. The Historic District Commission shall not require review of the following:

1. The ordinary maintenance and repair of any architectural feature which does not involve removal or a change in design, dimensions, materials or outer appearance of such features.

2. Painting or repainting of buildings or structures.

C. The Commission shall have the right to accept and use gifts, grants or contributions for the exercise of its function.

D. The Commission may adopt and amend regulations and prepare amendments to this ordinance.

13.5 APPLICATION PROCEDURE

A. An application, on forms established by the Historic District Commission, must be submitted to and approved by the Commission prior to the start of any activities listed herein as requiring review.

B. An applicant shall be required to pay an application fee and legal notice fee as established by the Commission.

C. The applicant shall include a narrative description of the project and graphic materials of sufficient clarity and detail to give the Commission a clear and certain understanding of the work contemplated and its consistency with the Historic District Ordinance and regulations.

D. The applicant shall supply appropriate site plans, building plans, elevations, perspective sketches, photographs, building material samples or other information as may be required by the Commission to make its determination of approval or disapproval.

E. In reviewing the application package the Commission may request reports and recommendations regarding the feasibility of the proposal from Town Boards or Officials and professional, educational, and other groups or persons who may profess information concerning the impact of the proposal on the Historic District.

13.6 HEARINGS AND NOTICES

A. The Historic District Commission shall conduct a public hearing on all applications.

B. Written notice of the hearing date shall be given to the abutting property owners and the general public as required by law.

C. The Commission shall issue a Certificate of Approval or Notice of Disapproval within 10 days of the hearing date unless the applicant shall agree to an extension in writing.

D. Failure to render a decision within the time specified shall be deemed to constitute approval by the Commission.

13.7 REVIEW CRITERIA

In making a determination on an application, the Commission shall take into account the purposes of this ordinance and consider, but not be limited to, the following:

A. The historical, architectural, or cultural value of the subject structure(s) or landscape(s) and their relationship and contribution to the setting.

B. The compatibility of exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing structures or features and their setting.

C. Architectural features shall be repaired rather than replaced. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities.

D. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.

E. In reviewing an application for demolition or removing a structure, the applicant shall secure approval and shall in good faith prepare a detailed plan for re-use of the vacated site which the Commission determines will meet the requirements for a Certificate of Approval.

13.8 ENFORCEMENT

Enforcement of the provisions of this ordinance shall be made through the Zoning Ordinance of the Town of Canterbury. It is unlawful for any person to construct, alter, repair, move or demolish any structure or feature which lies within the Historic Districts without first obtaining a Certificate of Approval from the Historic District Commission.

13.9 PENALTIES

Failure to comply with any provisions of this ordinance shall be deemed a violation and the violator shall be liable to a fine as specified in the Zoning Ordinance.

13.10 APPEALS

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have a right to appeal that decision to the Zoning Board of Adjustment.

13.11 The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

ARTICLE 14

TELECOMMUNICATIONS EQUIPMENT AND FACILITIES

14.1 FINDINGS AND INTENT

A. The Town of Canterbury finds that specific regulation of the placement, spacing, installation and number of telecommunications facilities is in the public interest so as to conserve and enhance

property values, to minimize the visual impact of such facilities upon the natural landscape and scenic vistas within the municipality, to minimize the number of towers and/or to reduce the height and visual impact of towers, and to avoid congestion in the location of such facilities.

B. The Town hereby states its intent not to discriminate against or favor providers of telecommunications facilities and services.

C. The Town also finds that regulation of wireless and personal telecommunications facilities, consistent with federal and state policies and law, is in the public interest.

D. The purposes of this article are as follows:

1. To preserve the authority of the Town to regulate the siting of telecommunications facilities while facilitating the proper location of facilities to provide such services to the community quickly, effectively, and efficiently.

2. To reduce adverse impacts such facilities may create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values.

3. To encourage collocation and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the Town.

4 To permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

5. To require cooperation and collocation, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon the Town.

6. To assure responsibility for adequate telecommunications maintenance and safety inspections for facilities.

7. To provide for the prompt, safe removal of abandoned facilities.

8. To provide for the removal or upgrade of facilities that are technologically outdated.

14.2 DEFINITIONS. In this article:

A. "Act" means the federal laws governing telecommunications facilities, as amended, including the Telecommunications Act of 1996, and FCC regulations thereunder.

B. "Alternative tower structure" means an innovative siting technique or structure, such as man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

C. "Antenna" means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

D. "FAA" means the Federal Aviation Administration.

E. "Height," when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

G. "Preexisting tower or antenna" means any tower or antenna lawfully constructed or permitted prior to the adoption of this article (March 13, 1998).

H. "Telecommunications Facility" includes both:

1. "Wireless telecommunications facilities" such as any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services; and

2. "Conventional telecommunications facilities" such as any telecommunications facility installed within, upon, or across a public right-of-way, including poles, wires, conduits, and similar equipment or property, whether installed above or below ground.

I. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission

towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

SUBDIVISION 1 (Sections 14.3 to 14.11)
WIRELESS TELECOMMUNICATION FACILITIES

14.3 GENERAL SITING STANDARDS AND POLICIES. Wireless telecommunications facilities shall be permitted within the Town only in accordance with this ordinance, this article and the specific provisions of this subdivision (Sections 14.3 to 14.11). In the case of conflict with any other provisions of this ordinance or any town ordinance or regulation, that provision imposing the more stringent standard shall apply.

14.4 GENERAL PROVISIONS.

A. Wireless telecommunications facilities may be allowed as primary or secondary uses, either as permitted uses or by conditional use permit issued in accordance with Section 14.7. In any case, however, the facility must conform to all other applicable ordinances and regulations, and must be approved by the Planning Board through site plan review. If allowed by the Planning Board, an applicant may seek to combine conditional permit review with site plan review.

B. When allowed by this ordinance, and after approval by the Planning Board, a wireless telecommunications facility may be placed upon a property as a primary or secondary use of the property on which it is located. A different primary use of the property shall not preclude the use of the property for an antenna or tower, provided that the Planning Board approves such use as a conditional use under Section 14.7. Any other wireless telecommunications structure or facility shall be allowed only by conditional use permit in accordance with Section 14.7.

C. For purposes of determining whether the installation of a tower or antenna complies with this ordinance, including but not limited to set-requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the antenna or tower may be located on a leased parcel within the lot. Towers that are constructed and antennas that are installed strictly in accordance with this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure. Wireless telecommunications facilities shall not be deemed to be an "accessory use."

14.5. ZONING DISTRICT REQUIREMENTS.

A. Wireless telecommunications towers and antennas may be located within the Town only in accordance with the following table:

Zoning District	New Tower Construction	Collocation on Existing Tower	Collocation on Existing Structure
Rural	Not allowed	P	CUP
Residential	Not allowed	CUP	CUP
Historic (Center and Shaker)	Not allowed	Not allowed	CUP
Agricultural/ Conservation	Not allowed	CUP	CUP
Commercial	CUP	P	P
Industrial	CUP	P	P
Resource Res.Nat.	Not allowed	Not allowed	CUP

Notes:

"P" means permitted without a conditional use permit, but site plan review still required, and subject to any restrictions on existing tower or structure.

"CUP" means allowed only by conditional use permit issued under Section 14.7, and site plan review also required.

"New Tower Construction" permits construction of a tower for one or more antennas, as allowed in the permit issued by the Planning Board.

"Collocation on existing tower" permits additions of antenna(s) to an existing telecommunications tower in the manner permitted in the conditional use permit or site plan review as appropriate.

"Collocation on existing structure" permits the placement of an antenna on an existing structure other than a telecommunications tower in the manner permitted in the conditional use permit or site plan review as appropriate.

B. Wireless telecommunications structures other than towers and allowed amenities may be located on property only in conformity with the use and dimensional requirements otherwise applicable to the property.

C. Where allowed and as approved in site plan review, a telecommunications tower may include reasonable minor, accessory amenities, such as one storage building not to exceed 100 square feet and a parking area not to exceed 200 square feet (only with a surface approved by the Planning Board).

D. The maximum height for any telecommunications tower or support for an antenna shall be 180 feet. Any height limit imposed may be decreased or increased by the Planning Board by approval of a conditional use permit if the Board affirmatively finds the intent of the ordinance will be preserved, and where the Board finds that a modification is reasonably necessary and appropriate to further the purposes of this article.

14.6. APPLICABILITY.

A. PUBLIC PROPERTY. Antennas or towers located on property owned, leased, or otherwise controlled by the Town may be exempt from the permit requirements of this article, except that such uses are permitted only in the commercial and industrial zones. This partial exemption shall be available if a license or lease authorizing such antenna or tower has been approved by the Board of Selectmen. The entity which will use or operate the tower or antenna shall be required to obtain site plan approval therefor.

B. AMATEUR RADIO; RECEIVE-ONLY ANTENNAS. In accordance with RSA 674:16, IV, this article shall not apply to any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator and is used exclusively for receive-only antennas.

C. ESSENTIAL SERVICES AND PUBLIC UTILITIES. Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in this ordinance or any other Town ordinance or regulation. Siting for telecommunication facilities constitutes a use of land and is regulated by this article.

14.7. CONDITIONAL USE PERMITS AND SITE PLAN REVIEW; CRITERIA; CONSTRUCTION AND PERFORMANCE STANDARDS.

A. In acting upon a conditional use permit, or in applying its site plan review regulations to a wireless telecommunication facility, the Planning Board shall apply and utilize the criteria and standards set forth in this section, in addition to such other standards and criteria as it may establish. The Planning Board may waive one or more of these requirements, in accordance with Section 14.11, only if it determines that the goals of this article are served thereby.

B. AESTHETICS AND LIGHTING.

1. Towers shall have a galvanized steel finish, subject to any applicable FAA standards, or shall be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

5. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind, except as allowed by the Planning Board in the interests of public safety.

C. FEDERAL REQUIREMENTS. All towers and antennas must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners or operators of the towers and antennas shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna in accordance with Section 14.10, at the owner's expense through the execution of the posted security.

D. ADDITIONAL REQUIREMENTS FOR WIRELESS TELECOMMUNICATIONS FACILITIES. These requirements shall supersede any less stringent applicable standard found elsewhere in this ordinance or any other Town ordinance or regulation.

1. Setbacks and Separation.

a. Towers shall be set back a distance equal to 125% of the height of the tower from any off-site residential

structure.

b. Tower, guys and accessory facilities shall comply with the minimum zoning district setback requirements.

c. Towers over 90 feet in height shall not be located within one-quarter mile of any existing tower that is over 90 feet in height.

2. Security Fencing. Towers shall be enclosed by security fencing not less than 6 feet in height and shall also be equipped with an appropriate anti-climbing device.

3. Landscaping.

a. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the tower compound. Natural vegetation is preferred.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely, in accordance with Section 14.11.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer, if approved by the Planning Board.

14.8 PERMIT PROCEDURES.

A. GENERAL. All applications under this subdivision shall apply to the Planning Board for Site Plan Review, in accordance with the Site Plan Review Regulations. In addition, applications under this subdivision shall submit the information required by this section. All applications shall be handled as required by RSA 676:4.

B. INFORMATION REQUIRED. Each applicant requesting a Conditional Use Permit or Site Plan approval shall submit a scaled plan in accordance with the Site Plan Review Regulations. The application shall also include: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to 200 feet away), and any other information deemed necessary by the Planning Board to assess compliance with this article. The

applicant shall also submit the following prior to any approval by the Board:

1. Written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

2. Written proof that an evaluation has taken place which demonstrates that the use/facility satisfies the requirements of the National Environmental Policy Act (NEPA). If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the federal 30-day commitment period, and the Town process, shall become part of the application requirement.

3. An inventory of existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for the collocation on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence may consist of:

    a. Substantial evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, including a description of the geographic area required.

    b. Substantial evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.

    c. Substantial evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. Substantial evidence that the applicant's proposed antenna would cause electromagnetic interference with antennae on existing towers or structures, or antennae on existing towers or structures would cause interference with the applicant's proposed antenna.

e. Substantial evidence that the fees, costs or contractual provisions required by the owner to share the existing tower or structure are unreasonable.

f. Substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

5. An applicant proposing to build a new tower shall execute an agreement that allowed for the maximum allowance of collocation upon the new structure, which shall become a condition of any approval. This agreement shall, at a minimum, require the applicant to supply available collocation for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town and grounds for denial of approval for the tower.

6. The applicant shall submit engineering information detailing the size and coverage required for the facility location. The Planning Board may require such information to be reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternate locations, or any other matter required by the application. Cost for this review shall be borne by the applicant in accordance with RSA 676:4, I(g).

C. FACTORS CONSIDERED IN DECISIONS. The Planning Board shall consider at least the following criteria when acting upon an application for a conditional use permit:

1. Height of proposed tower or other structure.

2. Proximity of tower to residential development or zones.

3. Nature of uses on adjacent and nearby properties.

4. Surrounding topography.

5. Surrounding tree coverage and foliage.

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

7. Proposed ingress and egress to the site.

8. Availability of suitable existing towers and other structures.

9. Visual impacts on viewsheds, ridgeline and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.

10. Availability of alternative tower structures and alternative siting locations.

D. DECISIONS.

1. In granting a conditional use permit, the Planning Board may impose conditions necessary to minimize any adverse effect of the proposed tower on adjoining properties, and to preserve the intent of this Ordinance.

2. The Planning Board may approve, approve with conditions, or deny an application. All decisions shall be in writing and a denial shall be based upon the record.

E. EXPEDITED REVIEW. The Planning Board may, by regulation, provide for an expedited review for facilities that utilize existing facilities or sites designated by the Planning Board and Selectmen as desired sites for such facilities.

14.9. SECURITY. As a condition of approval for any new tower and when deemed appropriate for other facilities, the Planning Board shall require the applicant to post adequate surety for the costs of maintenance, repair, or removal therefor. The amount and form of the surety shall be determined by the Planning Board.

14.10 ABANDONMENT, DISCONTINUANCE, REPAIR, REPLACEMENT, REMOVAL. To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town finds that a tower fails to comply with such codes and standards or otherwise constitutes a danger to persons or property, it shall notify the tower owner who shall, within 30 days, bring the tower into compliance with such standards or eliminate the danger. If the owner fails to bring the tower into compliance within 30 days, such action shall constitute an

abandonment and grounds for the removal of the tower or antenna, at the owner's expense through execution of the posted security, in accordance with Section 14.9.

14.11 WAIVER/APPEAL.

A. In compliance with section 253 of the Act, the Town does not intend to create barriers to the ability of any entity to provide interstate or intrastate telecommunication service. If any such entity, having duly exhausted all applicable avenues to providing such service, believes that the procedures or standards established by this article have created such a barrier, the entity may apply within 20 days after the final administrative decision, to the Planning Board for administrative relief in accordance with this section.

B. Upon application duly made in accordance with the procedures required for a conditional use permit, the Planning Board may grant waivers from the strict application of the requirements of this article where the Board finds, on the probability of evidence presented to it, with the burden upon the applicant for the facility, that:

1. Strict adherence to the requirements of this chapter is not required to effectuate the purposes hereof:

2. Strict compliance would create practical difficulty and unnecessary inconvenience;

3. Strict compliance could potentially cause a conflict with the Act.

ARTICLE 15

IMPACT FEES

15.1 PURPOSE

This ordinance is enacted pursuant to RSA 674:21, and in order to:

Promote the public health, safety and welfare and prosperity;

Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Canterbury;

Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;

Provide for the harmonious development of the municipality and its environs;

Ensure the proper arrangement and coordination of streets; and,

Ensure streets of sufficient width to accommodate existing and prospective traffic.

15.2 DEFINITIONS

"Impact Fee" means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.

15.3 AUTHORITY TO ASSESS IMPACT FEES

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.

15.4 ASSESSMENT METHODOLOGY

The amount of any impact fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.

Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

15.5 ADMINISTRATION OF IMPACT FEES

Each in fact impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.

All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.

Between the date of assessment and collection, the Planning Board may require developers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.

Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where offsite improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portion of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit.

The Planning Board and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees.

15.6 RETURN OF IMPACT FEE

If the full impact fee assessed under this ordinance is not encumbered or otherwise legally bound to be spent for the purpose for which it was collected within six years, the fee shall be refunded to the assessed party, with any accrued interest.

Whenever the calculation of the impact fee has been predicated upon some portion of capital improvement costs being borne by the Town, a refund shall be made upon the failure of the Town Meeting to appropriate the Town's share of the capital improvement costs within six (6) years from the date of payment thereof.

15.7 WAIVERS

The Planning Board may waive the imposition of an impact fee upon written request of the developer or person assessed if the Board finds that good cause is demonstrated for such waiver. Prior to the approval of any such waiver, the Planning Board shall notify the public and the Selectmen and shall hold a public hearing on the waiver request. The burden shall be upon the person requesting waiver to demonstrate that it is in the public interest to do so and that good cause for the waiver exists.

15.8 APPLICABILITY

This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA

674:36, II(a).

ARTICLE 16

WORKFORCE HOUSING ORDINANCE

I. Purpose. The purpose of this Article is as follows:

A. To encourage and provide for the development of affordable workforce housing;

B. To ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households;

C. To meet the goals related to affordable housing provisions set forth in the town's Master Plan; and

D. To comply with the requirements of SB 342, An Act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing (RSA 674:58-61).

In the course of implementing this Article, the Town of Canterbury has considered the region's affordable housing needs as described in the Central New Hampshire Regional Planning Commission's Housing Needs Assessment and relevant regional fair share analysis.

II. Authority. This innovative land use control Article is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision as defined in RSA 674:21(I)(k) and 674:21(IV)(a), as well as RSA 672:1, III-e, effective July 2009 which states:

"All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the State of New Hampshire, and serves a vital public need. Opportunity for development of such housing shall not be prohibited or unreasonably discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers."

III. Applicability

A. The provisions of this ordinance will be in effect only when Canterbury <u>does not</u> meet its regional "fair share" of workforce housing at the present time and for a projection of the next 24 months. During those times when Canterbury <u>does</u> meet its regional "fair share" of workforce housing the provisions of this

ordinance will not apply. A Housing Commission, or the Planning Board (or it's designee) in the absence of a Housing Commission, will monitor and report regional housing trends to determine if Canterbury meets its "fair share" of workforce housing for the region. The Central New Hampshire Regional Planning Commission Regional Housing Needs Assessment and any relevant methodology will be consulted when determining if Canterbury meets its "fair share" of the region's workforce housing needs.

B. When this Ordinance is in effect per Section A above, on a case by case basis, the Planning board, after consultation with the Board of Selectmen or their designee (e.g. Housing Commission) and only when necessary to remove a direct impediment to Workforce Housing Goals, will have the authority to increase the number of building permits in Article 11.1 and the number of single family Building Permits per record holder in Article 11.3 of the Canterbury Zoning Ordinance. Such an increase may only occur within the constraints of State of New Hampshire RSA 674:22 Growth Management; timing of Development.

C. Development in accordance with the provisions of this Article shall comply with all Zoning Ordinance, Site Plan Review Regulations, and/or Subdivision Regulations, other than those standards relaxed under Section V.D. Cost Relief and Section VII. Density Bonus.

D. Development in accordance with the provisions of this Article is permitted as a conditional use in the Workforce Housing Overlay District only, as depicted in the Town of Canterbury Official Zoning Map.

E. Permitted Uses: Single family, duplexes, and accessory apartments are permitted within an application under this Article. Multi-family (5 or more units), manufactured housing, a mix of housing within the same development, and a mix of commercial and multi-family within the same development are permitted within an application under this Article provided that such uses are permitted in the underlying zoning districts.

F. Appeal: Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).

G. Applicability of Remainder of Article if Portions Overturned: If any clauses or provisions of the Article are found to be illegal, void or

unenforceable, the remainder of the Article shall not be affected thereby.

IV. Procedural Requirements/ Applicant

A. Notice of Intent to Build Workforce Housing: Any person who applies to the Planning Board for approval of a development that is intended to qualify as workforce housing under this subdivision shall file a written statement of such intent as part of the application for a Workforce Housing Conditional Use Permit. In addition, a Site Plan Review and/or Subdivision Application must be filed as required by a specific project. A WFH Conditional Use Permit can be processed concurrently with a Site Plan Review Application and or Subdivision Application.

B. Waiver: Failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61 (so-called builder's remedy), but shall not preclude an appeal under other applicable laws.

C. In any appeal where the applicant has failed to file the statement required by this section, the applicant shall not be entitled to a judgment by a court on appeal that allows construction of the proposed development, or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with the municipality's ordinances or regulations.

D. Conditional Use Permit Application: A complete application for a Conditional Use Permit includes the materials listed below ***in addition to an application for a site plan review and/or a subdivision***. An application for a Conditional Use Permit can be processed concurrently with the application for a Site Plan Review and/or a Subdivision, as required for the specific project. Required exhibits include:

1. An application form.

2. A "Yield Plan" depicting the APPROXIMATE development potential of the parcel (ducting for wetlands, steep slopes, septic/wells, 25% for roads when needed and any other non-buildable variable as indicated in the Zoning Ordinance or Site Plan or Subdivision regulations as appropriate).

3. The applicant shall file a written statement indicating the applicant's intent to develop land that is intended to qualify as Workforce Housing under RSA 674:58-61.

4. List and mailing address of the abutters, the applicant and any easement holders on the property in question.

5. Fees for notifying abutters, the applicant and any easement holders.

6. All applicants under this article must submit the following data to ensure project affordability:

a. Calculation of the number of workforce housing and market rate housing units provided under this Article and how it relates to its provisions, to include construction phasing, the number and timing of building permits required, and the number of additional units requested as per Section VII Density Bonus.

b. Description of each workforce housing unit's size, type, estimated sales price and other relevant data.

c. Builder's Agreement to comply with the Section entitled Household Eligibility of this Article.

d. All agreements established as part of section XI.B Assurance of Continued Affordability of this Article.

e. List of required variances, Conditional Use Permits, and special exceptions including justification of their necessity and effectiveness in contributing to affordability.

f. Cost savings associated with any written waiver request to the application submittal requirements or the standards outlined in the Site Plan Review Regulations or the Subdivision Regulations.

7. Written requests for waivers from any of the application submittal requirements or standards outlined in the Site Plan Review Regulations or the Subdivision Regulations.

8. Any other items that may be requested by the Planning Board.

V. Procedural Requirements/Planning Board

A. Approval Process: The Planning Board shall consider the Applicant's Conditional use Permit as stipulated in Section IV.D of this Article as well as the relevant Site or Subdivision Plan Application. The consideration of these two applications may be done concurrently at the request of the Applicant or sequentially.

B. Notice of Conditions: If the Planning Board approves an application to develop workforce housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the

purposes of complying with the requirements of RSA 676:4 I(i). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.

C. Submission of evidence to establish cost of complying with conditions: Upon receiving notice of conditions and restrictions as described above, the applicant may submit evidence (See Economic Feasibility Worksheet) to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the board, which shall not be less than 30 days. Upon receipt of such evidence, the Board shall allow the applicant to review the evidence at the board's next meeting for which 10 days notice can be given, and shall give written notice of the meeting to the applicant at least 10 days in advance. At such meeting, the board may also receive and consider evidence from other sources including paid professional expertise whose cost shall be born by the applicant.

D. Cost Relief: The board may affirm, alter, or rescind any or all of the conditions or restrictions of approval at such a meeting. Upon reasonable showing demonstrated by the applicant (as per Section C. above) that after considering all cost factors, affordable housing cannot be provided under the terms of the zoning ordinance, the Planning Board is authorized to consider relaxing or waiving: a) One or more provisions of the Town's Site Plan Regulations or Subdivision Regulations, b) Zoning Ordinance interior road frontage requirements, c) Zoning Ordinance interior set back requirements, and d) growth management provisions (as per item III.B of this Article.

E. Final decision: The board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the board, in which case it may issue its final decision any time after the expiration of the period. If the applicant notifies the board in writing at any time that the applicant accepts the conditions and restrictions of the approval, the board may issue its final decision without further action under this paragraph.

F. Appeals: Any person who has filed the written notice and whose application is denied or is approved with conditions or restrictions which have a substantial adverse effect on the viability of the proposed workforce housing development may appeal the municipal action to the Superior Court under RSA 677:4 or RSA 677:15 seeking permission to develop the proposed workforce housing.

VI. Definitions Refer to RSA:674:58

A. Affordable: Affordable means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that doe not exceed 30 percent of the household's gross annual income.

B. Multi-family housing: Multi-family housing for the purposes of workforce housing, means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household.

C. Reasonable and realistic opportunities for the development of workforce housing: Means Opportunities to develop economically viable workforce housing within the framework of a municipality's ordinances and regulations adopted consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the development of workforce housing shall be considered in determining whether opportunities for the development of workforce housing are reasonable and realistic.

D. Workforce housing/owner occupied: Means housing which is intended for sale and which is affordable to a household with an income of no more than 100% of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

E. Workforce housing/renter occupied: Means rental housing which is affordable to a household with an income of no more than 60% of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20% of the units, or in which more than 50% of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision.

F. Area Median Income (AIM): Means the median income of the greater region, either the HUD Metropolitan or Non-Metropolitan Fair Market Rent Area to which the community belongs, as is established and updated annually by the United States Department of Housing and Urban Development. Income considers both wage income and assets.

G. Market-rate Housing: Means any units within a development, whether the unit is to be owner or renter occupied, that is intended

to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

VII. Density Bonus

A. A site plan or subdivision plan that will guarantee a designated percentage of units no lower than 20%, reserved as workforce housing, will be granted a 10% density bonus of units on the site. The Planning Board may allow a reduction of the minimum lot size by 15% to accommodate the increased site density as long as soil conditions permit the siting of septic and wells within the decreased lot size.

B. The applicant shall submit a yield plan with sufficient detail including soil types and slope as well as any natural resource constraint zoning such as wetland/lot size on percentage restrictions to determine the achievable density on the parcel that would meet the standards of the underlying district.

Density Bonus

	Percent of total units that are affordable workforce housing	Density bonus	Reduction in minimum lot size
Housing Development	20% of units	10% of units	15%

C. When, in the course of calculating density, a fraction of a unit will be rounded down to the next lowest whole housing unit;

VIII. General Requirements of Workforce Housing Units

A. Architectural compatibility of all units: The dwellings qualifying as workforce housing shall be compatible in architectural style and exterior appearance with the market-rate dwellings of similar type, (i.e. affordable and market-rate multifamily units, affordable and market-rate single family homes) in the proposed development. The workforce housing units should be interspersed throughout the overall development and not concentrated in a separate area of the development. Workforce housing units shall be mixed with, and not clustered together or segregated in any way from the market-rate units.

B. Phasing: The phasing plan for the development shall provide for the development of workforce housing units concurrently with the market-rate units.

IX. Affordability

A. Certification of Income Levels: To ensure that only eligible households purchase/rent the designated affordable housing units, the purchaser/renter of a workforce housing unit must satisfactorily demonstrate income eligibility to all parties administering this ordinance.

B. Assurance of Continued Affordability: Affordable units offered for sale and approved by the planning board as part of a subdivision or site plan and subject to RSA 674:58-61 shall require a restrictive covenant and lien granted to the Town of Canterbury. The initial value of the lien shall be equal to the difference between the fair market value of the unit and its reduced affordable sale price, which is indexed according to the qualifying income standards. The Town of Canterbury lien is indexed over time at a rate equal to a consumer price index identified in the restrictive covenant and lien document. Future maximum resale limits shall be calculated as the fair market value minus the adjusted lien value and a transaction administrative fee. Subsequent sales prices are not limited based on income targets, but on the housing unit's fair market value, minus the adjusted lien value. The restrictive covenant and lien shall be in a form approved by the planning board. Workforce housing rental units (i) shall limit annual rent increases to the percentage increase in the area median income, except to the extent that further increases are made necessary by hardship or other unusual conditions; or (ii) shall be subject to affordability controls imposed by a state or federal governmental entity.

C. Documentation of restrictions: Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Article must be documented on all plans filed with the town's Planning Board and with the Registry of Deeds.

X. Administration, Compliance, and Monitoring

A. This Article shall be administered by the Planning Board.

B. Certificate of Occupancy: No certificate of occupancy shall be issued for a workforce housing unit without written confirmation of the income eligibility of the tenant or buyer of the workforce housing unit and the confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.

C. Ongoing responsibility for monitoring part IX.A and B: Certification of income levels and compliance with continued affordability of the resale and rental of workforce housing units, shall be the responsibility of the organization(s) designated by the Board of

Selectmen or, in the absence of an outside monitoring organization, the Canterbury Planning Board or its designee. This article shall grant the Board of Selectmen the authority to enter into agreement with said outside monitoring organizations. All costs for administering this subsection shall be borne by the buyer/seller/owner, as appropriate, or other appropriate party other than the Town of Canterbury.

D. Annual Report: The owner of a project containing workforce housing units for rent shall prepare an annual report certifying that the gross rents of affordable units and the household income of tenants of workforce housing units have been maintained in accordance with this Article. Such reports shall be submitted to the monitoring agent indicated in C above or their designee and shall list the contract rent and occupant household incomes of all workforce housing units for the calendar year.

XI. Relationship to other ordinances and regulations

No portion of this ordinance shall nullify the provisions of any other town ordinance provisions which relate to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.

XII. Conflict

If any provisions of this ordinance are in conflict with the provisions of other ordinances, the more restrictive provisions shall apply, except for any provision dealing with affordability, in which the provisions of this ordinance shall apply.

**Note: A map detailing the Workforce Housing Overlay District can be found in the Appendix at the end of this document.

ARTICLE 17

GROUNDWATER PROTECTION ORDINANCE

17.1 AUTHORITY

The Town of Canterbury hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.

17.2 PURPOSE

The purpose of this ordinance is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater. The purpose is to be accomplished by regulating non-residential land uses and home

occupations not exempt from this ordinance which could contribute pollutants to wells or aquifers needed for present or future public and private water supply.

17.3 GROUNDWATER PROTECTION OVERLAY DISTRICT

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning. The Groundwater Protection District includes all of the NH Department of Environmental Services-approved Wellhead Protection Areas for community Public Water Systems and all areas overlying Stratified Drift Aquifers as described in GEOHYDROLOGY AND WATER QUALITY OF STRATIFIED-DRIFT AQUIFERS IN THE UPPER MERRIMACK RIVER BASIN, SOUTH-CENTRAL NEW HAMPSHIRE by Peter J Steckl and Sarah M. Flanagan, U.S. Geological Survey, Water-Resources Investigations Report 95-4123, shown on the map entitled, "Groundwater Protection Overlay District, which is part of the Official Zoning Map of the Town of Canterbury, New Hampshire" located in the Canterbury Town Offices and on file with the Town Clerk. . The Planning Board may revise the aquifer protection district boundary based on the availability of new information. For example, new wellhead protection areas could be approved by DES, or existing wellhead protection areas could be re-delineated. For stratified drift aquifers, existing maps are not 100 percent accurate, so the map could be revised based on the recommendation of a professional geologist using 1:24,000 scale surficial geology maps prepared by the N.H. Geological Survey, if available, other existing data (including wells, borings, or other excavations of sufficient depth), or appropriate field testing methods. Any such revisions would require a vote of the Planning Board in a public hearing.

NOTE: A copy of this map can be found in the Appendix at the end of this document.

17.4 APPLICABILITY

This Ordinance applies to all uses in the Groundwater Protection District, except for those uses exempt under Section 17.9 (Exemptions) of this Ordinance.

17.5 PERMITTED USES

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. (See Zoning Ordinance Article 5.) All uses must comply with the Performance Standards unless specifically exempt under Section 17.9.

17.6 PERFORMANCE STANDARDS FOR PERMITTED USES

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under section 17.9:

A. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, June 2011, and any subsequent revisions. Complaints shall be referred to the Commissioner of the Department of Agriculture for investigation and enforcement under NH RSA 431:35.

B. In the Public Water Supply Groundwater Protection Area all regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains. In the Aquifer Protection Area all regulated substances (other than petroleum) stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow. In the Aquifer Protection Area petroleum stored in containers of forty gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains and outside drains;

C. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;

D. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;

E. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);

F. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;

G. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained according to state regulations at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.

H. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.

17.7 EXISTING NON-CONFORMING USES

Any lawful use in existence at the time of the adoption of this Ordinance, or of any amendment hereto, may be continued although such use does not comply with the provisions of this Ordinance. Such uses shall be known as "Non-Conforming Uses". Existing non-conforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.

A non-conforming use shall be presumed to be abandoned if the use has been discontinued for a period of two years or more. A determination shall in the first instance be made by the Code Enforcement Officer, and any person aggrieved may appeal that decision to the Zoning Board of Adjustment. Rights vested by applicable law shall not be affected.

17.8 PROHIBITED USES

The following uses are prohibited in the Groundwater Protection District.

A. The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;

B. The development or operation of a solid waste landfill;

C. The outdoor storage of road salt or other deicing chemicals in bulk;

D. The development or operation of a junkyard;

E. The development or operation of a snow dump;

F. The development or operation of a wastewater or septage lagoons.

G. The development or operation of a petroleum bulk plant or terminal;

H. The development or operation of underground storage tank (UST) systems used to store a regulated substance) gasoline stations.

17.9 EXEMPTIONS

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

A. Any private residence is exempt from this ordinance;

B. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from section 17.6, Performance Standards for Permitted Uses, sections 17.6C through 17.6F;

C. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from section 17.6, Performance Standards for Permitted Uses, section 17.6C;

D. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from section 17.6, Performance Standards for Permitted Uses, sections 17.6C through 17.6F;

E. Storage and use of office supplies is exempt from section 17.6, Performance Standards for Permitted Uses, sections 17.6C through 17.6F;

F. Temporary storage of construction materials on a site where they are to be used is exempt from section 17.6, Performance Standards for Permitted Uses, sections 17.6C through 17.6F if used within the site development project within six months of their delivery on the site;

G. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;

H. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from section 17.6, Performance Standards for Permitted Uses, 17.6C through 17.6F;

I. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under section 17.13 of this ordinance;

J. Home occupations not working with hazardous materials are exempt from section 17.6H of this ordinance;

K. Forestry and agricultural field equipment re-fueling is exempt from section 17.6H provided that best management practices are followed as described by the Department of Environmental Services and amended from time to time.

17.10 CONDITIONAL USES

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

A. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, is approved by the local Fire Department.

B. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater.

C. Any activities that involve blasting of bedrock.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (section 17.8) and will be in compliance with the Performance Standards in section 17.6 as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

17.11 PERFORMANCE STANDARDS FOR CONDITIONAL USES

A. Conditional uses shall require stormwater management and pollution prevention plans which include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites (US EPA, May 2007) and Developing Your Stormwater Pollution Plan: A Guide for Industrial Operators (February 2009). The plan shall demonstrate that the use will:

1. Meet minimum stormwater discharge setbacks between water supply wells shall meet stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management, (DES, 2008 or later edition)

2. Minimize the release of regulated substances into stormwater through a source control plan that identifies

pollution prevention measures;

3. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI); and

4. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.

B. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, is approved by the local Fire Department. The Fire Chief shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

1. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.

2. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.

3. A list of all regulated substances in use and locations of use and storage.

4. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.

5. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

C. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater, requires a stormwater management plan which the planning board determines is consistent with New Hampshire Stormwater Manual Volumes 1-3,

December 2008, NH Department of Environmental Services.

D. Any activities that involve blasting of bedrock. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells, following the BMP requirements in RSA 155.

17.12 RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

Where both the State and the municipality have existing requirements the more stringent shall govern.

17.13 MAINTENANCE AND INSPECTION

A. For conditional uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Merrimack County. The description so prepared shall comply with the requirements of RSA 478:4-a.

B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Code Enforcement Officer at reasonable times with prior notice to the landowner.

C. All properties in the Groundwater Protection District known to the Code Enforcement Officer as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under Section 17.9, shall be subject to inspections under this Article.

D. The Board of Selectmen may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Board of Selectmen as provided for in RSA 41:9-a.

17.14 ENFORCEMENT PROCEDURES AND PENALTIES

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

17.15 SAVING CLAUSE

If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

17.16 AQUIFER AND GROUNDWATER PROTECTION DISTRICT OVERLAY MAP BOUNDARY DISPUTE RESOLUTION

In any dispute by an applicant for a Conditional Use Permit, Building Permit, Site Plan Review, Subdivision Authorization or an appeal of a violation of these Regulations, as to the exact location of the Overlay District boundary line across a lot, it is the responsibility of the applicant to provide the Planning Board with an alternate delineation of the geological characteristics of the site from a qualified professional at the applicant's expense. The Board may accept the alternate delineation or utilize the services of their own qualified private professional and/or a professional field investigator provided by the State to confirm or deny the alternate proposal before making a decision. Following a denial by the Planning Board, applicant has 30 days to appeal that decision in Superior Court pursuant to RSA 677:15.

17.17 EFFECTIVE DATE

This ordinance shall be effective upon adoption by the legislative body.

17.18 DEFINITIONS

1. Aquifer: a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

2. Petroleum bulk plant or terminal: means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.

3. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations.

4. Gasoline station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.

5. Impervious: not readily permitting the infiltration of water.

6. Impervious surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or

gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.

7. Junk yard: a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material or for the maintenance or operation of an automotive recycling yard. The definition does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126.

8. Positive Limiting Barrier: A depression (e.g., groove) in the surface of an otherwise level impervious area designed to impede the flow of and contain spilled substances within the perimeter of the impervious area. These are typically constructed and maintained to contain small spills or releases (five to fifteen gallons).

9. Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

10. Public water system: a system for the provision to the public of piped water for human consumption, which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

11. Regulated substance: petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.

12. Sanitary protective radius: The area around a public water supply well which must be maintained in its natural state (as defined by DES) as required by Env-Dw 301 or 302 (for community water systems); Env-Ws 373.12 and Env-Ws 372.14 (for other public water systems).

13. Seasonal high water table: The depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Engineer or other qualified professional approved by the Planning Board.

14. Secondary containment: a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated substances container that will be stored there.

15. Snow dump: For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.

16. Source Control Plan: A plan designed to 1) minimize the volume of stormwater coming into contact with regulated substances and 2) segregate relatively clean stormwater from stormwater with a higher concentration of pollutants. (For further details, see NH DES Alteration of Terrain Rule Env-Wq 1504.07 or Fact Sheet WD-DWGB 22-5, Developing A Source Control Plan for HighLoad Areas.)

17. Stratified-drift aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

18. Surface water: streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.

19. Wellhead protection area: The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

ARTICLE 18

ACCESSORY DWELLING UNITS

AUTHORITY AND PURPOSE

In accordance with NH RSA 674:71-73 this provision allows for the creation of an Accessory Dwelling Unit (ADU) as an accessory use to single family detached dwellings for the purpose of providing expanded housing opportunities and flexibility in household arrangements.

DEFINITIONS

An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides independent facilities for one or more

persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

An ADU is intended to be secondary and accessory to a principal single family dwelling unit and may be either attached or detached to the principal dwelling unit as follows:

A. Attached Accessory Dwelling Unit (AADU) located within or attached (bumped out) to a single family residence or an attached garage or barn that is part of the structure.

B. Detached Accessory Dwelling Unit (DADU) located within a detached accessory structure such as a barn or garage, or as a standalone unit such as a cottage.

REQUIREMENTS, LIMITATIONS, CONDITIONS:

1. All Accessory Dwelling Units, attached or detached, shall comply with the following standards:

A. An ADU shall require a Special Exception approval from the Canterbury Zoning Board of Adjustment and Select Board approval for a Residential Building Application. RSA 674:72,I.

B. An accessory dwelling unit shall have no more than 1,000 square feet of gross floor area, and be smaller than the principal dwelling, and contain no more than two bedrooms in addition to kitchen and bathroom facilities. Gross floor area shall mean the sum of the several floors (including basements) of the ADU measured from the exterior walls, but not including interior parking or loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.

C. An ADU shall contain fully self-sufficient living quarters, consisting of adequate sleeping, eating cooking, and sanitation accommodations.

D. One ADU is permitted per lot, provided the lot is an existing legal lot of record.

E. Either the primary single family unit or the accessory dwelling unit must be owner occupied.

F. Adequate off street parking must be provided.

G. An accessory dwelling unit shall meet all setbacks, height, lot coverage, zoning, fire, building codes, sanitary requirements, and maximum occupancy per bedroom applicable to a single family dwelling and shall require a certificate of occupancy. The ADU shall not increase any nonconforming aspect of any existing structure.

H. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485:A38, but separate systems shall not be required for the principal and accessory dwelling units. RSA 674:72, V.

I. Accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses, and with manufactured housing as defined in RSA 674:31,are prohibited. Subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit are prohibited, notwithstanding the provisions of RSA 356-B:5.

J. An ADU may be considered a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

2. Attached Accessory Dwelling Units (AADU's) shall comply with the following additional standards:

A. Upon meeting requirements, the municipality shall allow one AADU per residence in all zoning districts that allow single family dwellings. RSA 674:72,I.

B. One AADU shall be allowed without additional requirements for lot size, frontage, space limitations or other controls beyond what would be required for a single family unit.

C. An interior door shall be provided between the principal dwelling unit and the AADU but it need not remain unlocked. A common wall is not necessary when entrance is through an attached garage, barn, or heated hallway.

3. Detached Accessory Dwelling Unit (DADU's) shall comply with the following additional standards:

A. For DADU's only, The Zoning Board may use its discretion to require additional lot size in order to meet requirements of this section and section 1 above.

B. A DADU may not be constructed on an existing non-conforming lot.

C. A DADU may not be constructed in the Center Historic District without approval from the Historic District Commission.

D. A DADU must share a common driveway entrance (curb cut) with the primary dwelling and have a separate address.

E. A DADU may exist as a freestanding structure or a unit within or attached to a detached accessory building or be a conversion of an existing detached accessory building.

F. The principal dwelling unit and the DADU shall not be separated in ownership (including by condominium ownership) and title and shall not be separable from the primary dwelling to which it is accessory.

G. Remote DADUs, located greater than 500 feet from the primary dwelling, are prohibited as not meeting the general intention of this ordinance as accessory, incidental, and subordinate to the primary dwelling. See lot requirements for subdivision or cluster housing for the Canterbury Zoning Ordinance for other options.

H. Notwithstanding paragraphs F. and G., a detached accessory dwelling unit (DADU) may become an individually owned private residence if the original lot is legally subdivided by application to the Canterbury Planning Board into two or more separate lots that meet all the regular requirements for sub-division in the Canterbury Zoning Ordinance and Subdivision Regulations without exception or special consideration. The former primary dwelling unit and lot and the new converted independent dwelling unit and lot may not be made non-conforming by the subdivision process, including lot size, all front and side setbacks, road frontage, private septic and utilities. In the granting of an ADU permit, no terms or conditions in this Article, expressed or implied, shall be interpreted as conferring any obligation by the Town to allow any future subdivision either by vested right or variance for hardship, special exception, or any other reason.

APPENDIX

ZONING MAPS

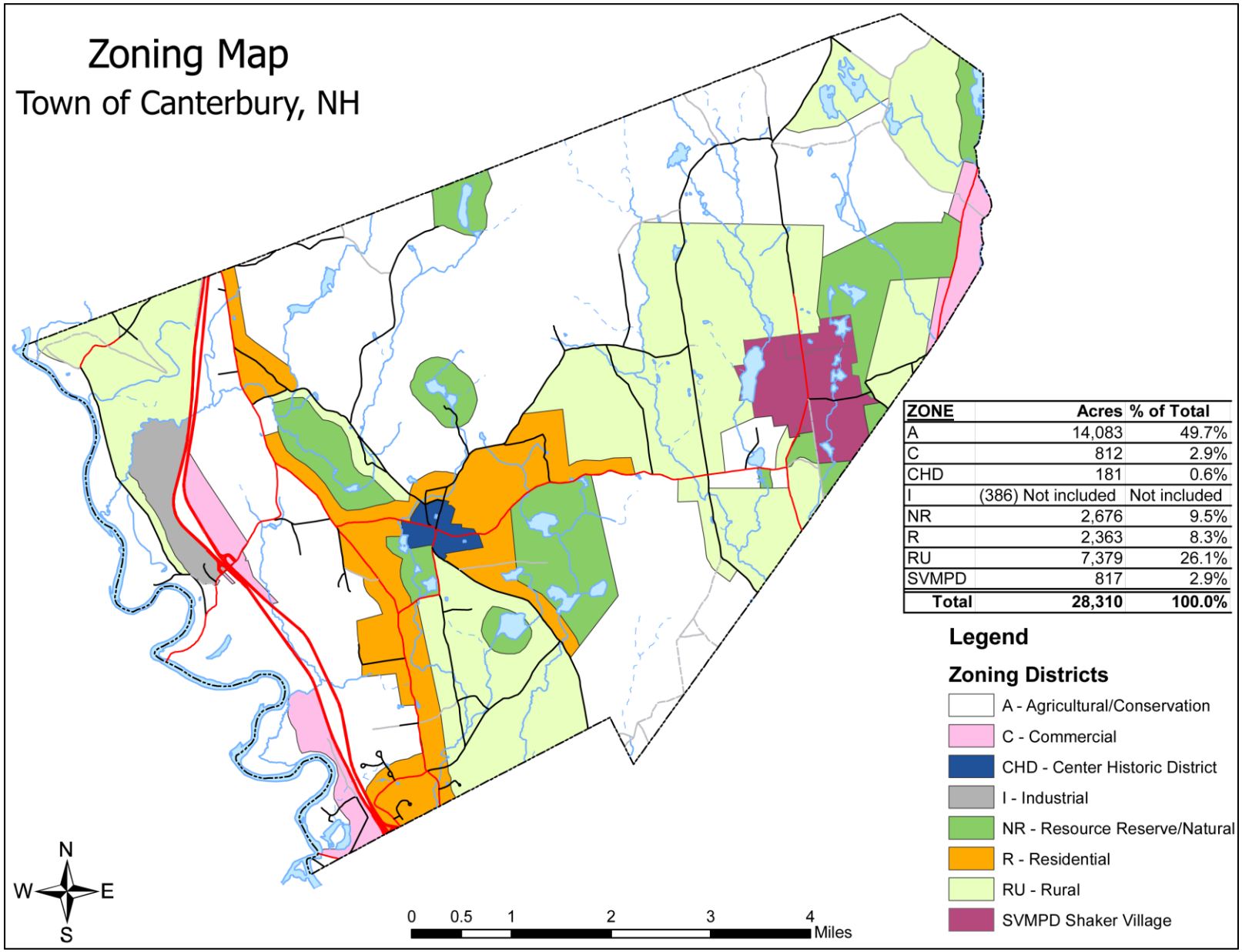
This Appendix includes 3 maps:

1. The Zoning Map of Canterbury, NH

2. The Workforce Housing Overlay District

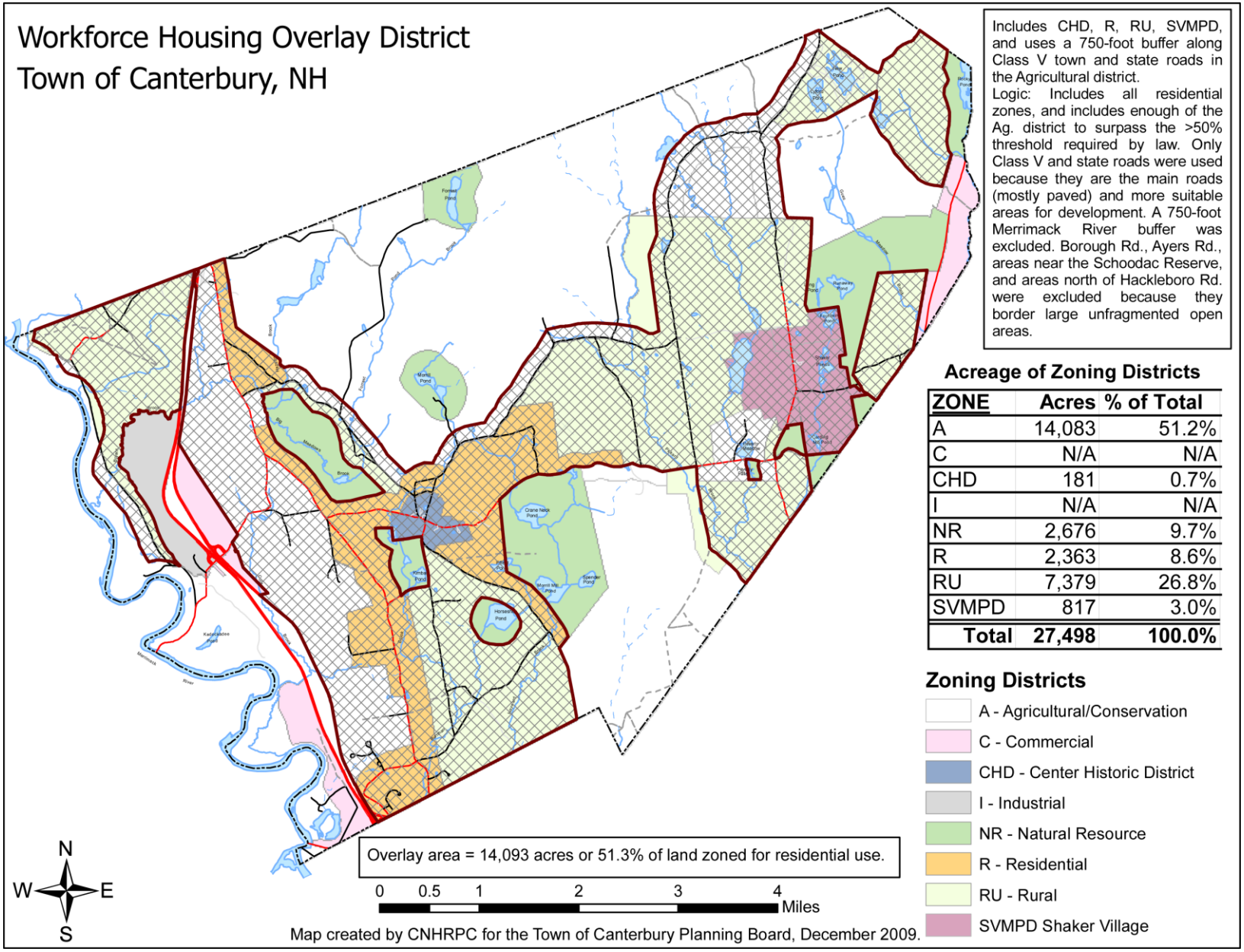
3. The Aquifer & Groundwater Protection District

NOTE: An “Overlay District” is a regulatory tool that creates a special zoning district, placed over existing base zones, which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the overlay district to protect a specific resource or guide development within a special area.



ZONE	Acres	% of Total
A	14,083	49.7%
C	812	2.9%
CHD	181	0.6%
I	(386) Not included	Not included
NR	2,676	9.5%
R	2,363	8.3%
RU	7,379	26.1%
SVMPD	817	2.9%
Total	**28,310**	**100.0%**

Workforce Housing Overlay District
Town of Canterbury, NH



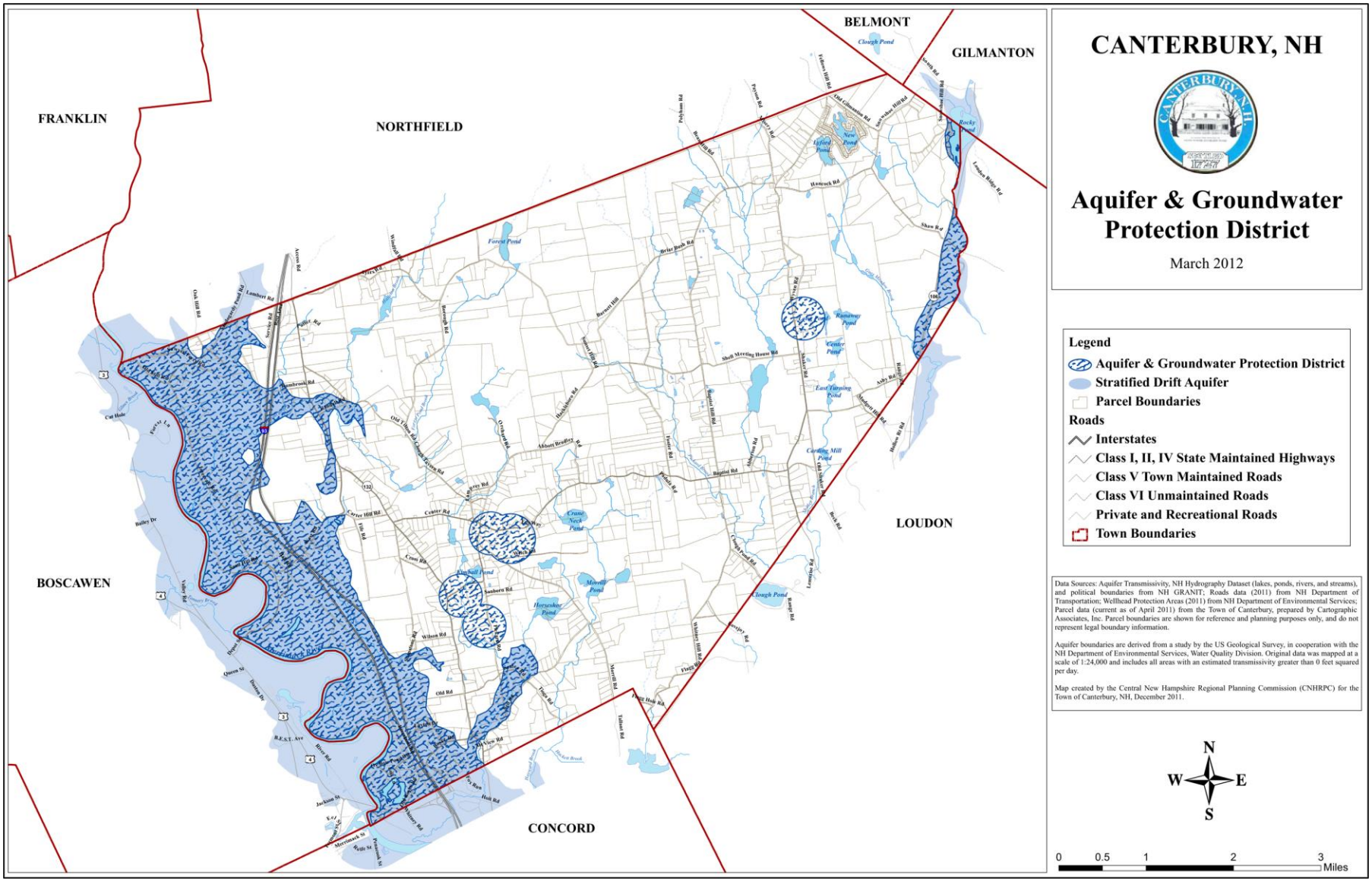
Includes CHD, R, RU, SVMPD, and uses a 750-foot buffer along Class V town and state roads in the Agricultural district.
Logic: Includes all residential zones, and includes enough of the Ag. district to surpass the >50% threshold required by law. Only Class V and state roads were used because they are the main roads (mostly paved) and more suitable areas for development. A 750-foot Merrimack River buffer was excluded. Borough Rd., Ayers Rd., areas near the Schoodac Reserve, and areas north of Hackleboro Rd. were excluded because they border large unfragmented open areas.

Acreage of Zoning Districts

ZONE	Acres	% of Total
A	14,083	51.2%
C	N/A	N/A
CHD	181	0.7%
I	N/A	N/A
NR	2,676	9.7%
R	2,363	8.6%
RU	7,379	26.8%
SVMPD	817	3.0%
Total	**27,498**	**100.0%**

Zoning Districts

- A - Agricultural/Conservation
- C - Commercial
- CHD - Center Historic District
- I - Industrial
- NR - Natural Resource
- R - Residential
- RU - Rural
- SVMPD Shaker Village


BELMONT
GILMANTON
FRANKLIN
NORTHFIELD
LOUDON
BOSCAWEN
CONCORD
CANTERBURY, NH
Aquifer & Groundwater Protection District
March 2012
Legend
Aquifer & Groundwater Protection District
Stratified Drift Aquifer
Parcel Boundaries
Roads
Interstates
Class I, II, IV State Maintained Highways
Class V Town Maintained Roads
Class VI Unmaintained Roads
Private and Recreational Roads
Town Boundaries
Data Sources: Aquifer Transmissivity, NH Hydrography Dataset (lakes, ponds, rivers, and streams), and political boundaries from NH GRANIT; Roads data (2011) from NH Department of Transportation; Wellhead Protection Areas (2011) from NH Department of Environmental Services; Parcel data (current as of April 2011) from the Town of Canterbury, prepared by Cartographic Associates, Inc. Parcel boundaries are shown for reference and planning purposes only, and do not represent legal boundary information.
Aquifer boundaries are derived from a study by the US Geological Survey, in cooperation with the NH Department of Environmental Services, Water Quality Division. Original data was mapped at a scale of 1:24,000 and includes all areas with an estimated transmissivity greater than 0 feet squared per day.
Map created by the Central New Hampshire Regional Planning Commission (CNHRPC) for the Town of Canterbury, NH, December 2011.
N
W
E
S
0
0.5
1
2
3
Miles