

1 **ARTICLE 6**

2 **CLUSTER NEIGHBORHOODS**

3 6.1 Authority

4 This article is adopted pursuant to the provisions of RSA 674:21, Innovative Land Use Controls, and shall
5 be administered by the Planning Board through the conditional use permit process described in this
6 Article.

7 6.2 Purpose

8 The purpose of this Article is to allow greater flexibility in the design of ~~housing~~residential projects;
9 discourage development sprawl; provide for a more efficient use of land in harmony with its natural
10 characteristics; preserve ~~larger areas of more useable undisturbed or conservation?~~ open space,
11 agricultural land, tree cover, recreation areas, and scenic vistas; protect areas of steep slopes; promote
12 the historic and rural character of Canterbury; and to expand ~~the opportunity for development of more~~
13 ~~affordable-residential housing options~~ for all residents.

14 6.3 Goals

15 It is the intent of this Article to authorize the Planning Board, in granting a conditional use permit, to
16 allow cluster neighborhoods in those districts that permit them as a conditional use, and to modify the
17 district requirements for lot size, frontage, and setbacks for cluster neighborhoods. In reviewing such
18 applications, the Planning Board shall ensure that the following criteria are met:

- 19 A. That the purpose and intent of the Zoning Ordinance will be upheld.;
- 20 B. That the proposed development will be consistent with the goals, policies, and
21 recommendations of Canterbury’s Plan for Tomorrow.;
- 22 C. That the proposed development will not have adverse impacts upon the character of
23 Canterbury.;
- 24 D. That the proposed development complies with all provisions of the Canterbury Site Plan Review
25 and Subdivision Regulations.;
- 26 ~~E. That the proposed development meets the Farmhouse Alternative or Village Design Standards~~
27 ~~found in Appendices A & B~~

28 6.4 General Requirements

- 29 A. The permitted uses in a cluster neighborhood are residential dwelling units with not more than 6
30 units in any structure, ~~except as permitted under Section 6.7, Farmstead Alternative. A limited~~
31 ~~area of commercial or mixed uses (residential/commercial) may be incorporated into the cluster~~
32 ~~neighborhood at the Planning Board’s discretion. ? if PB determines it complies with spirit and~~
33 ~~intent of the ordinance?~~

- 35 B. Cluster neighborhoods are permitted as a conditional use in the Agricultural/Conservation (A),
 36 Residential (R), ~~and Rural (Ru),~~ Center Historic (CHD), and the Shaker Village Museum (SVMPD)
 37 Districts.
- 38 C. ~~The density, or~~ the maximum number of residential dwelling units permitted in a cluster
 39 neighborhood, may not exceed the ~~the maximum allowable net residential density~~ allowed
 40 under Section 5.2 of the Zoning Ordinance, for the zone district in which the development is
 41 ~~located,~~ except when a request for a density incentive is approved by the Planning Board ~~for a~~
 42 ~~density bonus~~ under Section 6.6 or Section 6.7.
- 43 D. ~~All~~ Cluster neighborhoods shall have a minimum tract size of 10 acres. The minimum tract size
 44 for a Farmstead Alternative proposal under Section 6.7, shall be five acres.
- 45 E. In the interest of flexibility and creative site design, there is no minimum lot size for lots within
 46 cluster neighborhoods.
- 47 F. Road frontage. The minimum road frontage for a tract on which a cluster neighborhood is
 48 proposed shall be the same as the frontage required for an individual lot in the zone district in
 49 which the tract is located. There shall be no minimum frontage requirement for individual lots
 50 within a cluster neighborhood. Individual lots or units will not have individual access to existing
 51 public roads.
- 52 G. In the interest of flexibility and creative housing designs, there shall be no minimum setback for
 53 individual house lots within a cluster development. Building envelopes shall be shown on the
 54 plan delineating where structures, dwelling units, wells, and septic systems will be placed on the
 55 tract of land. There shall be a minimum setback of 50 feet for all structures along all property
 56 lines of the parcel being developed. There shall be a minimum of 25 feet between structures.
- 57 H. Access to individual units shall be provided by private roads or driveways that are designed and
 58 engineered to carry the anticipated traffic load. The Planning Board may consult with a
 59 professional engineer for peer review of all engineered plans at the applicant's expense. No
 60 roadways shall be considered for acceptance by the Town without being constructed to Town
 61 Standards as described in the Subdivision Regulations.
- 62 I. There shall be a minimum of ~~55~~50% of the total land area of the parcel dedicated as ~~common~~
 63 ~~open~~ conservation open space that shall remain undisturbed, except for approved agricultural or
 64 recreational uses. — govern, which shall be restricted as follows The following restrictions shall
 65 apply to the common open space:
- 66 1. There shall be no further subdivision of or development of the ~~common~~ open space
 67 areas, which shall be preserved in perpetuity as undisturbed (this needs a definition: ?
 68 Paved trails? Motorized vehicles? Greenhouses? Indoor animal production?) open spaces
 69 used only for any approved recreational or agricultural or recreational uses approved by
 70 bothe the PB and CC. — Legal instruments which preserve the common open space in
 71 perpetuity, including the language of deed restrictions if applicable, shall be submitted
 72 to the Planning Board for approval. The Planning Board may refer these instruments or
 73 restrictions to Town Counsel for review.

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74 2. The ~~conservation~~ ~~common~~ open space shall be permanently deeded ~~either to a~~ the
75 homeowners' association ~~or may be deeded to the Town or a conservation organization,~~
76 which shall be responsible for taxes, maintenance, compliance with Article 6.4. I. 1 of
77 this ordinance and the cost of conservation monitoring, as specified by the Town. ~~or if~~
78 applicable, private arrangements may be made to continue ~~the~~ agricultural use of
79 appropriate portions of the open space. In such cases where agricultural pursuits will
80 take place on the open space, a maximum of 75% of the total open space in the
81 development may be used for agricultural pursuits, and the remainder shall be reserved
82 for the use and enjoyment of the residents.

83 a. Legal instruments which preserve the ~~conservation~~ ~~common~~ open space in perpetuity,
84 including the language of deed restrictions if applicable, shall be submitted to the
85 Planning Board for approval. The Planning Board may refer these instruments or
86 restrictions to Town Counsel for review.

87 ~~3. The open space may be useable for recreational or other outdoor living purposes and~~
88 ~~may include recreational facilities that are consistent with the size and type of the~~
89 ~~development. This can include but is not limited to sidewalks, paths, benches, and picnic~~
90 ~~tables for passive recreation, swimming pools, tennis courts, ballfields, or a children's~~
91 ~~playground for active recreation.~~

92 ~~4. Open space may include wells, septic systems, and subsurface drainage infrastructure,~~
93 ~~but shall not include any structure or impervious surface other than the recreational~~
94 ~~amenities listed above. In no case may access drives and parking areas be counted as~~
95 ~~open space, regardless of surface.~~

96 ~~3. The Planning Board may require a program for future monitoring of any or all easements~~
97 ~~and permit conditions affecting the ~~conservation~~ ~~common~~ ~~open~~ ~~open~~ space.~~

98 ~~J. Structures in a proposed cluster neighborhood shall meet either the Voluntary Farmhouse~~
99 ~~Design Standards or Voluntary Village Design Standards found in Appendices A & B~~

100 6.5 Conditional Use (CU) Permit

101 A. All cluster neighborhoods shall obtain approval of a conditional use CU permit from the Planning
102 Board. The conditional use CU permit application shall include a narrative that describes the
103 project and addresses the requirements of this Article, as well as a yield plan that reasonably
104 demonstrates the permitted density on the parcel.

105 B. Applications for a conditional use CU permits for a cluster neighborhood shall be made in
106 accordance with the procedures set forth in the Canterbury Site Plan Review Regulations.

107 C. When reviewing a conditional use CU permit application for a cluster development, the Planning
108 Board shall take into consideration the following:

109 1. The location, character and natural features of the parcel.

110 2. The landscaping, topography and natural drainage.

- 111 3. Vehicular access, circulation and parking.
- 112 4. Pedestrian circulation.
- 113 5. Signs and lighting.
- 114 6. Proposed architecture, ~~that should meet either the Farmhouse Alternative or Village~~
 115 ~~Design Standards found in Appendices A & B~~
- 116 D. A ~~conditional use~~CU permit shall be issued only if a cluster neighborhood complies with all of
 117 the requirements of this Article. The Planning Board may set reasonable ~~additional~~ conditions
 118 ~~necessary~~ to accomplish the objectives of this Article or of Canterbury's Plan for Tomorrow.
- 119 E. Standards of Review

120 The following shall govern the Planning Board's consideration of any and all ~~CU~~Conditional Use ~~P~~permit
 121 ~~A~~applications under this Article:

- 122 1. If, in the opinion of the Planning Board, all of the standards described in this Article have been
 123 met, the Board shall issue the ~~CU permit~~Conditional Use Permit (CUP). The CU ~~permit~~
 124 require the approval of any accompanying site plan or subdivision applications. In the event any
 125 accompanying site plan or subdivision application is denied by the Board or withdrawn by the
 126 Applicant, the ~~CUP permit~~ approval shall be deemed null and void. The Planning Board may or
 127 may not affix other conditions of approval at their discretion.
- 128
- 129 2. If, in the opinion of the Planning Board, all of the standards of Section 6.6 have been met, the
 130 Board may grant a density bonus or bonuses as described in that section.

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132 6.6 Density Bonus

133 A. For exemplary cluster neighborhood proposals, the Planning Board, at its discretion, may grant a
 134 density bonus of not more than 20%, if one ~~each~~ or more of the following criteria are met:

- 135 1. Preservation of 75% or more of the parcel as open space in the Residential or Rural
 136 Zone Districts.
- 137 2. Preservation and maintenance of five or more acres of contiguous, open field.
- 138 3.
- 139 3. Preservation or construction of 1,000 linear feet or more of connected stone walls. The
 140 connected stone walls shall be visible to the public and breaks for driveways and
 141 walkways are permitted.
- 142
- 143 4. Maintenance of existing or new agricultural use(s) on the property.
- 144 5. Provision of planned pedestrian access, such as sidewalks or maintained trails for public
 145 ? town residents use.-

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146 ~~66.~~ Provision of other outdoor amenity for public use – do we need to define public use -
147 like not limited to 8:30 to 9 am first Thursday?;

148 ~~77.~~ Use of community well or septic system serving six or more units

149 ~~88.~~ Provision for public access to conservation of open space.

150 9. ? CC asked for bonus if conservation area is contiguous with other tract with conservation
151 easement?

152 B. A 10% density bonus may be granted by the Planning Board if one criterion is met, 15% for two
153 criteria, and 20% for three or more criteria.

154 C. A density bonus ~~that~~ yielding a half unit or more s-less than one dwelling unit shall not be
155 counted may be rounded up.

156 6.7 Farmstead Alternative

157 A. General Requirements

158 1. All underlying zoning requirements shall apply, except for those variations listed in this
159 section.

160 2. This option for development is permitted only in the Rural (RU) or Residential (R)
161 districts. ? not in CHD or SVMPPD?

162 3. The permitted uses are residential units located within one farmhouse and accessory
163 structures. No more than six residential units are permitted in any single “Farmhouse
164 Alternative” development.

165 4. The minimum tract size for development is 5 acres.

166 5. The maximum density of any “Farmstead Alternative” development shall not exceed
167 one dwelling unit per acre, including any density bonus granted under Section 6.6,
168 subject to any limitation set forth by the New Hampshire Department of Environmental
169 Services for the siting of wells and septic systems, whichever is more restrictive.

170 6. The minimum setback for new structures from all property lines shall be 50 feet. The
171 Planning Board may waive this requirement for an existing historic farm with new
172 construction no closer than the closest existing property setback.

173 7. Planning Board approval of a CU permit and site plan are required.

174 8. Planning Board approval of a subdivision is required for any division of property,
175 including condominium units. A homeowner’s association shall be required to maintain
176 all property held in common.

177 9. All proposed dwelling units shall be located within structures that meet Section 6.8(B),
178 Voluntary Farmstead Design Standards.

179 10. Access to individual units shall be provided by private roads or driveways that are
180 designed and engineered to carry the anticipated traffic load. The Planning Board may
181 consult with a professional engineer for peer review of all engineered plans at the
182 applicant’s expense. No roadways shall be considered for acceptance by the Town

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183 [without being constructed to Town Standards as described in the Subdivision](#)
184 [Regulations.](#)

185 **B. [Voluntary Farmstead Design Standards](#)**

186 [For the first few hundred years of Canterbury's existence as a town, residents were almost exclusively](#)
187 [involved in some sort of farming for their livelihood. Many farms and much farmland have been lost](#)
188 [over the years due to depopulation, and more recently due to conversion of farmland for residential](#)
189 [development, but iconic historic farms that dot the town's landscape still form an integral part of](#)
190 [Canterbury's rural character.](#)

191 [Connected and semi-connected farms from the 18th and 19th Centuries are in fact a distinctive part of the](#)
192 [heritage of northern New England, along with the fields and stonewalls that surround them. Today these](#)
193 [historic farms with their large barns and outbuildings are sometimes lovingly restored, but sadly some](#)
194 [are neglected. Many of these buildings no longer serve the large families and agrarian purposes that](#)
195 [they once did. These buildings and their classic forms can be repurposed for the needs of today,](#)
196 [however. Demographics are changing in town and the need for more housing options was identified in](#)
197 [Canterbury's Plan for Tomorrow. The Farmstead Alternative ordinance and these accompanying design](#)
198 [standards are intended to provide a needed option for residential development in keeping with the](#)
199 [character of Canterbury.](#)



Route 103, Warner, NH, A 19th Century farm on 2 acres converted to eleven residential units.



640 Maple Street, Contoocook, NH, An 1880 farmhouse on 5.5 acres near Exit 6, 189 that was converted into eight residential units.

204 **[Standards](#)**

205 [Any development using the incentives provided in this section, Farmstead Alternative, shall meet the](#)
206 [following general standards:](#)

- 207 [1. Buildings and grouping of buildings shall be designed to closely resemble traditional building](#)
208 [forms of northern New England farms of the 18th and 19th Centuries \(building form examples are](#)
209 [shown below\).](#)
- 210 [2. Buildings shall be of a proportional size and similar to existing connected, and semi-connected](#)
211 [historic farms of Canterbury.](#)
- 212 [3. Building materials shall be brick, stone, or wood, or materials that simulate their appearance.](#)

- 213 4. [Rooflines shall be pitched and similar to the building form examples shown below.](#)
- 214 5. [Distinguishing architectural features found in historic farms, such as trim, porches, and windows with panes \(or simulated\) should be incorporated into the design.](#)
- 215
- 216 6. [Use of colors commonly found in historic New England villages and farms is encouraged.](#)

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217 [Building Form Examples](#)



[Gilmanton, New Hampshire](#)



[Canterbury, New Hampshire](#)

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[Foxfield, Maine](#)

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[Union, Maine](#)



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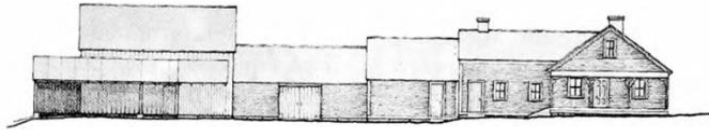


Illustration from: Hubka, Thomas C., "Maine's Connected Farm Buildings." *Maine History* 18, 139-170. <https://digitalcommons.library.umaine.edu/mainehistoryjournal/vol18/iss3/3>

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222 6.87 Submission Requirements

223 The following material shall be included in a formal application:

- 224 1. Complete Site Plan application, per the Canterbury Site Plan Review regulations
- 225 2. CUP narrative describing the project and addressing the requirements of this article.
- 226 3. Complete Subdivision application for all divisions of property, per the Canterbury
- 227 Subdivision Regulations.

228 6.9 Commercial Cluster Development

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

233 B. GENERAL STANDARDS/PROCEDURE. Commercial cluster development under this section may
234 be used only for permitted uses in the Commercial and Industrial Zones -upon approval of the
235 subdivision and site plan by the Planning Board. The total number of lots in the commercial
236 cluster development shall not exceed the number of lots that would be allowed if the entire
237 tract were developed consistent with dimensional requirements otherwise applicable to the
238 property. ?Density Bonuses as in 6.6 & 6.7? In acting upon an application for commercial cluster
239 development, the Planning Board shall follow the procedural requirements under its Subdivision
240 Regulations and Site Plan Review Regulations.

241 C. REQUIREMENTS FOR APPROVAL.

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

245 (2) The Planning Board may approve a commercial cluster development which does not
246 conform to the otherwise applicable minimum lot size and frontage requirements where
247 the Board finds that the proposed development will increase protected open space,
248 reduce public ~~and/or private~~ expenditures for construction and maintenance of
249 infrastructure, and where such development would otherwise further objectives of
250 proper land use planning.

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3.The minimum conservation open space requirement for a commercial cluster development shall be 50%.

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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 **Cluster Neighborhoods** including density bonus 6.6 & 6.7 under this Article, except that individual lots may front on a Town or State maintained road, when approved by the Planning Board. This is not preferred. Delete? There is provision for applicant to ask for this if they need?

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