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ARTICLE 3

DEFINITIONS

DESIGNATED OPEN SPACE

Land set aside in a cluster neighborhood or commercial cluster (see Article 6) that shall remain undisturbed, except for activities and improvements previously approved by the Planning Board.

RESIDENTS' COMMON AREA

All land held in common in a CLUSTER NEIGHBORHOOD, excluding DESIGNATED OPEN SPACE.

COMMERCIAL COMMON AREA

All land held in common in a COMMERCIAL CLUSTER, excluding DESIGNATED OPEN SPACE.

15 **ARTICLE 6**

16 **CLUSTER NEIGHBORHOODS**

17 6.1 Authority

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

21 6.2 Purpose

22 The purpose of this Article is to allow greater flexibility in the design of ~~housing~~residential and
23 commercial projects; discourage development sprawl; provide for a more efficient use of land in
24 harmony with its natural characteristics; preserve ~~of larger areas of undisturbed~~ open space, agricultural
25 land, tree cover, recreation areas, and scenic vistas; protect areas of steep slopes; promote the historic
26 and rural character of Canterbury; and to expand ~~the opportunity for development of more affordable~~
27 housing for all residentsresidential options.

28 6.3 Goals

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

- 33 A. That the purpose and intent of the Zoning Ordinance will be upheld;~~z~~
- 34 B. That the proposed development will be consistent with the goals, policies, and
35 recommendations of Canterbury's Plan for Tomorrow;~~z~~
- 36 C. That the proposed development will not have adverse impacts upon the character of
37 Canterbury;~~z~~
- 38 D. That the proposed development complies with all provisions of the Canterbury Site Plan Review
39 and Subdivision Regulations;~~z~~
- 40 ~~E. That the proposed development meets the Farmhouse Alternative or Village Design Standards~~
41 ~~found in Appendices A & B~~

42 6.4 General Requirements

- 43 A. The permitted uses in a residential cluster neighborhood are residential dwelling units with not
44 more than 6 units in any structure. A limited area of commercial or mixed uses
45 (residential/commercial) may be incorporated into the cluster neighborhood at the Planning
46 Board's discretion, if the Planning Board determines it complies with the spirit and intent of the
47 ordinance.
- 48 B. ~~Cluster~~Residential cluster neighborhoods are permitted as a conditional use in the
49 Agricultural/Conservation (A), Residential (R), and Rural (Ru), Center Historic (CHD), and the
50 Shaker Village Museum (SVMPD) Districts.

51 C. The ~~density, or~~ maximum number of residential dwelling units permitted in a cluster
52 neighborhood, may not exceed the ~~maximum allowable net residential density for the zone~~
53 ~~district in which the development is located, density allowed under Section 5.2 of the Zoning~~
54 ~~Ordinance,~~ except when a request ~~for a density incentive~~ is approved by the Planning Board ~~for~~
55 ~~a density bonus~~ under Section 6.6 ~~or Section 6.7.~~

56 D. ~~All Unless otherwise specified,~~ cluster neighborhoods shall have a minimum ~~tract size~~ of 10
57 acres.

58 E. In the interest of flexibility and creative site design, there is no minimum lot size for lots within
59 cluster neighborhoods.

60 F. Road frontage. The minimum road frontage for a tract on which a cluster neighborhood is
61 proposed shall be the same as the frontage required for an individual lot in the zone district in
62 which the tract is located. There shall be no minimum frontage requirement for individual lots
63 within a cluster neighborhood. Individual lots or units will not have individual access to existing
64 public roads.

65 G. In the interest of flexibility and creative housing designs, there shall be no minimum setback for
66 individual house lots within a cluster development. Building envelopes shall be shown on the
67 plan delineating where structures, dwelling units, wells, and septic systems will be placed on the
68 tract of land. There shall be a minimum setback of 50 feet for all structures along all property
69 lines of the parcel being developed. ~~There shall be a minimum of 25 feet between structures.~~

70 H. Access to individual units shall be provided by private roads or driveways that are designed and
71 engineered to carry the anticipated traffic load. The Planning Board may consult with a
72 professional engineer for peer review of all engineered plans at the applicant's expense. No
73 roadways shall be considered for acceptance by the Town without being constructed to Town
74 Standards as described in the Subdivision Regulations.

75 I. ~~There shall be a minimum of Fifty (50%) percent~~ of the total land area of the parcel
76 ~~dedicated shall remain undisturbed as common open space govern, which~~ Designated Open
77 Space, except for activities and improvements approved by the Planning Board after consultation
78 with the Conservation Commission. The following restrictions shall be restricted as follows apply
79 to the Designated Open Space:

80 1. There shall be no further subdivision of or development of the ~~common open~~
81 ~~space~~ Designated Open Space areas, which shall be preserved in perpetuity as ~~open~~
82 ~~spaces undisturbed areas~~ used only for ~~any approved recreation or agricultural uses.~~
83 ~~approved by the Planning Board.~~

84 2. ~~The Designated Open Space shall be permanently deeded to an owners' association,~~
85 ~~which shall be responsible for taxes, maintenance, compliance with Article 6.4. I. 1 of~~
86 ~~this ordinance and the cost of conservation monitoring, as specified by the Town.~~

87 3. ~~Legal instruments which preserve the common open space~~ Designated Open Space in
88 perpetuity, including the language of deed restrictions if applicable, shall be submitted

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89 to the Planning Board for approval. The Planning Board may refer these instruments or
90 restrictions to Town Council for review.

91 ~~2. The common open space shall be deeded either to the homeowners' association or may~~
92 ~~be deeded to the Town or a conservation organization, or if applicable, private~~
93 ~~arrangements may be made to continue the agricultural use of appropriate portions of~~
94 ~~the open space. In such cases where agricultural pursuits will take place on the open~~
95 ~~space, a maximum of 75% of the total open space in the development may be used for~~
96 ~~agricultural pursuits, and the remainder shall be reserved for the use and enjoyment of~~
97 ~~the residents.~~

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

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

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

109 ~~4. The Planning Board shall require a program for future monitoring of easements and~~
110 ~~permit conditions affecting the Designated Open Space.~~

111 ~~J. All Residents' Common Area shall be deeded to an owners' association.~~

112 6.5 Conditional Use (CU) Permit

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

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

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

- 121 1. The location, character and natural features of the parcel.
- 122 2. The landscaping, topography and natural drainage.
- 123 3. Vehicular access, circulation and parking.

- 124 4. Pedestrian circulation.
- 125 5. Signs and lighting.
- 126 6. Proposed architecture ~~that should meet either the Farmhouse Alternative or Village~~
 127 ~~Design Standards found in Appendices A & B~~
- 128 D. A ~~conditional-use~~CU permit shall be issued only if a cluster neighborhood complies with all of
 129 the requirements of this Article. The Planning Board may set reasonable ~~additional~~ conditions
 130 ~~necessary~~ to accomplish the objectives of this Article or of Canterbury's Plan for Tomorrow.
- 131 E. Standards of Review

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132 The following shall govern the Planning Board's consideration of any and all ~~Conditional Use Permit~~
 133 ~~Applications~~CU permit applications under this Article:

- 134 1. If, in the opinion of the Planning Board, all of the standards described in this Article have
 135 been met, the Board shall issue the ~~Conditional Use Permit (CUP)~~CU permit. The ~~CUP~~CU
 136 ~~permit~~ shall also require the approval of any accompanying site plan or subdivision
 137 applications. In the event any accompanying site plan or subdivision application is denied by
 138 the Board or withdrawn by the Applicant, the ~~CUP~~CU permit approval shall be deemed null
 139 and void. The Planning Board may or may not affix other conditions of approval at their
 140 discretion.
- 141 2. If, in the opinion of the Planning Board, all of the standards of Section 6.6 have been met,
 142 the Board may grant a density bonus or bonuses as described in that section.

144

145 6.6 Density Bonus

- 146 A. For exemplary cluster neighborhood ~~or commercial cluster~~ proposals, the Planning Board, at its
 147 discretion, may grant a density bonus of not more than ~~20%~~%, if one, or more of the following
 148 criteria are met. ~~A 10% density bonus may be granted by the Planning Board if one criterion is~~
 149 ~~met, 15% for two criteria, and 20% for three or more criteria:~~
- 150 1. Preservation of 75% or more of the parcel as ~~open space~~Designated Open Space.
- 151 2. Preservation and maintenance of five or more acres of contiguous, open field.
- 152 3. Preservation or construction of 1,000 linear feet or more of connected stone walls. ~~The~~
 153 ~~connected stone walls shall be visible to the public and breaks for driveways and~~
 154 ~~walkways are permitted.~~
- 155 4. Maintenance of existing or new agricultural use(s) on the property.
- 156 5. Provision of planned pedestrian access, such as sidewalks or maintained trails. ~~for public~~
 157 ~~use.~~
- 158 6. Provision of ~~other~~ outdoor amenity ~~which may include access to public space.~~
- 159 7. Use of community well or septic system serving six or more units

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160 8. Contiguous connections with permanent conservation land on adjacent parcels
161 B. A 10% density bonus may be granted by the Planning Board if one criterion is met, 15% for two
162 criteria, and 20% for three yielding a half unit or more criteria may be rounded up.
163 6.7 Farmstead Alternative
164 A. General Requirements
165 1. All underlying zoning requirements shall apply, except for those variations listed in this
166 section.
167 2. The permitted uses are residential or commercial units, depending on the underlying
168 zoning, that are located within one farmhouse and accessory structures. No more than
169 six units are permitted in any single "Farmstead Alternative" development.
170 3. The minimum tract size for development is 5 acres.
171 4. The maximum density of any "Farmstead Alternative" development shall not exceed one
172 unit per acre subject to any limitation set forth by the New Hampshire Department of
173 Environmental Services for the siting of wells and septic systems, whichever is more
174 restrictive.
175 5. The minimum setback for new structures from all property lines shall be 50 feet. The
176 Planning Board may waive this requirement for an existing historic farm with new
177 construction no closer than the closest existing property setback.
178 6. Planning Board approval of a CU permit and site plan are required.
179 7. Planning Board approval of a subdivision is required for any division of property,
180 including condominium units. A homeowner's association shall be required to maintain
181 all property held in common.
182 8. All proposed units shall be located within structures that meet Section 6.8(B), Voluntary
183 Farmstead Design Standards.
184 9. Access to individual units shall be provided by private roads or driveways that are
185 designed and engineered to carry the anticipated traffic load. The Planning Board may
186 consult with a professional engineer for peer review of all engineered plans at the
187 applicant's expense. No roadways shall be considered for acceptance by the Town
188 without being constructed to Town Standards as described in the Subdivision
189 Regulations.
190 B. Voluntary Farmstead Design Standards
191 For the first few hundred years of Canterbury's existence as a town, residents were almost exclusively
192 involved in some sort of farming for their livelihood. Many farms and much farmland have been lost
193 over the years due to depopulation, and more recently due to conversion of farmland for residential
194 development, but iconic historic farms that dot the town's landscape still form an integral part of
195 Canterbury's rural character.
196 Connected and semi-connected farms from the 18th and 19th Centuries are in fact a distinctive part of the
197 heritage of northern New England, along with the fields and stonewalls that surround them. Today these

198 historic farms with their large barns and outbuildings are sometimes lovingly restored, but sadly some
199 are neglected. Many of these buildings no longer serve the large families and agrarian purposes that
200 they once did. These buildings and their classic forms can be repurposed for the needs of today,
201 however. Demographics are changing in town and the need for more housing options was identified in
202 Canterbury's Plan for Tomorrow. The Farmstead Alternative ordinance and these accompanying design
203 standards are intended to provide a needed option for residential and commercial development in
204 keeping with the character of Canterbury.
205



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.

209 Standards C. — A density bonus that yields less than one dwelling unit shall not be counted or
210 6-7

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211 Any development using the incentives provided in this section, Farmstead Alternative, shall meet the
212 following general standards:

- 213 1. Buildings and grouping of buildings shall be designed to closely resemble traditional building
214 forms of northern New England farms of the 18th and 19th Centuries (building form examples are
215 shown below).
- 216 2. Buildings shall be of a proportional size and similar to existing connected, and semi-connected
217 historic farms of Canterbury.
- 218 3. Building materials shall be brick, stone, or wood, or materials that simulate their appearance.
- 219 4. Rooflines shall be pitched and similar to the building form examples shown below.
- 220 5. Distinguishing architectural features found in historic farms, such as trim, porches, and windows
221 with panes (or simulated) should be incorporated into the design.
- 222 6. Use of colors commonly found in historic New England villages and farms is encouraged.





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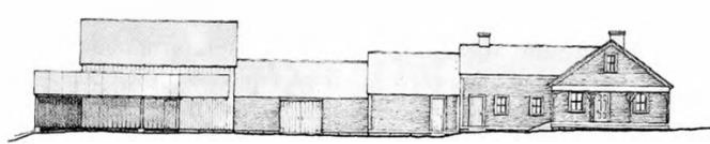


Illustration from: Hubka, Thomas C.. "Maine's Connected Farm Buildings." *Maine History* 18, 3 (1979): 139-170. <https://digitalcommons.library.umaine.edu/mainehistoryjournal/vol18/iss3/3>

228 6.8 Submission Requirements

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

- 230 1. Complete Site Plan application, per the Canterbury Site Plan Review regulations
- 231 2. CUP narrative describing the project and addressing the requirements of this article.
- 232 3. Complete Subdivision application for all divisions of property, per the Canterbury
- 233 Subdivision Regulations.

234 ~~Cluster Neighborhoods~~ this Article 6.9 Commercial Cluster Development

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

239 B. GENERAL STANDARDS/PROCEDURE. Commercial cluster development under this section may
240 be used only for permitted uses in the Commercial and Industrial Zones upon approval of the
241 subdivision and site plan by the Planning Board. A commercial cluster development shall have a
242 minimum tract size of five (5) acres. The total number of lots in the commercial cluster
243 development shall not exceed the number of lots that would be allowed if the entire tract were
244 developed consistent with dimensional requirements otherwise applicable to the property,
245 except when a density bonus is granted by the Planning Board, as permitted in Sections 6.6 &
246 6.7. In acting upon an application for commercial cluster development, the Planning Board shall
247 follow the procedural requirements under its Subdivision Regulations and Site Plan Review
248 Regulations.

249 C. REQUIREMENTS FOR APPROVAL.

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

254 2. The Planning Board may approve a commercial cluster development which does
255 not conform to the otherwise applicable minimum lot size and frontage
256 requirements where the Board finds that the proposed development will
257 increase protected open space, reduce public expenditures for construction and

258 maintenance of infrastructure, and where such development would otherwise
259 further objectives of proper land use planning.

260 3. The minimum Designated Open Space requirement for a commercial cluster
261 development shall be 50%.

262 4. All Commercial Common Area shall be deeded to an owners' association.

263

264 D. INDIVIDUAL LOT DESIGN. The design of individual lots within a commercial cluster
265 development shall conform to the same minimum standards as set forth for Cluster
266 Neighborhoods under this Article and the Planning Board may grant a density bonus, as
267 permitted in Section 6.6 and 6.7.

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