

4 Existing and Future Land Use

Overview:

The goals and policies for the use of Canterbury land established in this chapter are consistent with historical patterns and with the residents' desire to preserve Canterbury's rural and residential character. Future development should be evaluated by its impact on the character of the Town, as well as by its impact on both the cost of Town services and the general quality of life in Canterbury. The experience of other towns demonstrates that unplanned, uncontrolled growth leads to a change in the Town's character along with higher taxes. Once begun, neither trend can easily be reversed.

Elements:

Discussion of
Land Use over the
years

Current
Land Use
Data

Challenges and
Recommendations

The Town's Thoughts

Input received through the Community Survey highlighted residents' appreciation of the Town's rural landscape and small-town atmosphere, including an abundance of natural resources, recreational opportunities, and historical character of Canterbury center and Canterbury Shaker Village.

Concern was expressed about the current tax rate and its potential of forcing residents out of the community. With that, there is strong support for additional commercial development in areas of Town that wouldn't compromise Canterbury's rural character, including the area around Interstate 93 Exits 17 and 18 and in the Commercial Zone along NH Route 106. Additional support was given for stand-alone retail development and offices in the commercial zone.

Support for preserving Canterbury's rural character was further demonstrated through resident's support of certain zoning regulations, as shown in the graphic below. This includes preserving agricultural land, retaining large blocks of unfragmented land and preserving wildlife corridors, restricting development in wetlands, and preserving open space.

Additionally, 60% of respondents noted that they can hear noise from the New Hampshire Motor Speedway on their property.

From the Community Survey



I would like to see Canterbury be welcoming of new families and also to be easier for seniors to live in



Remain an oasis of forests and wildlife



Open to business development at Exits 17 and 18



Lacks a gathering place



Family-friendly, not over-developed



Keep it small



Protect and promote agriculture and historical heritage

History of Land Use in Canterbury

Canterbury was once home to the members of the Pennacook-Abenaki tribe, who lived around Concord and along the Merrimack River. When the first settlers reached Canterbury in the late 1700s, their primary concern was to clear enough land so they could pasture their cattle and produce crops and enough food for their families.

Given the rocky nature of Canterbury's hillsides and the fact that many settlers built their homes high in the hills, agricultural activity was a constant struggle. Land use in those days was focused on meeting basic needs. Until the 1950s, Canterbury land was used almost exclusively for agriculture: raising livestock and crops, harvesting timber, and making maple syrup. Land values were determined by agricultural productivity.

Beginning slowly in the 1930s and continuing more rapidly since the 1950s, residences began to appear that were not affiliated with farming. Land became a commodity bought and sold for residential development. Development and agricultural and forestry uses have coexisted since then, but land sold for residential development has a cash value higher than land kept in agricultural use. Home based businesses have gradually expanded during the past 40 years. During the past 25 years, the proliferation of the internet and computer technologies has enabled many service-related and consulting businesses to thrive as home occupations. The onset of the COVID-19 pandemic further increased the number of people who worked from home. This shift is likely to have a lasting effect on how people in Canterbury use their homes for work and business.

Key Findings

Canterbury is similar to other rural towns in New Hampshire, but it does differ from surrounding towns in a number of respects. The following are some key findings regarding Canterbury's housing challenges:

There is a great appreciation of Canterbury's agricultural heritage and strong interest in retaining its rural character. Protecting agricultural uses and preserving farmland is a high priority. Various methods for doing so should be employed. At the same time, there is interest in expanding the tax base and supporting mixed uses near Interstate 93, Exits 17 and 18.

Residents are concerned about the lack of housing available for different age groups and income levels. Based on the survey there is significant interest in exploring ways to increase housing options through adjustments to land use regulations, such as the cluster development, the accessory dwelling units, and the workforce housing ordinance.

There is a desire for additional economic development near the highway exits, as well as along the NH Route 106 corridor. Consideration should be given to creating Economic Revitalization Zones (ERZs) and revising zoning rules to expand the variety of allowed uses. The abandoned gas station at Exit 18 is one opportunity to enhance the tax base through redevelopment.

Existing Land Use

In the past the distribution of residences in town was determined either by the suitability of farmland or the proximity to an existing village. Others, many that have been built more recently, are a principal use of land in Canterbury. Single-family residences are widely distributed across the community. The Town Center, Sherwood Forest development, and the southwest corner of the Town form the primary centers of population. Residential development is distributed throughout the Town along the main paved roads and the more-traveled dirt roads. There are a few small commercial establishments located in the center of Town and near Exits 17 and 18 of Interstate 93.

Agricultural uses are scattered across the community and are a principal feature of the Town’s rural character. At present agricultural land is an important resource of the Town. This land provides a variety of values and uses including local food production, preservation of open space, historic character, and incidental recreation. Some of the agricultural products produced in the Town include, but are not limited to, maple syrup, apples and other orchard fruit, horticultural plants, livestock, dairy, fiber, vegetables, forage crops, and timber. There are a few large commercial agricultural businesses and many smaller agricultural operations in Town.

Land Use Initiatives Supported by Canterbury Residents and Landowners	Percentage
Stand-alone retail in the commercial zone	64.1%
Stand-alone offices in the commercial zone	78.3%
Development in Commercial Zone at I-93 Exit 17	75.0%

Private Lands

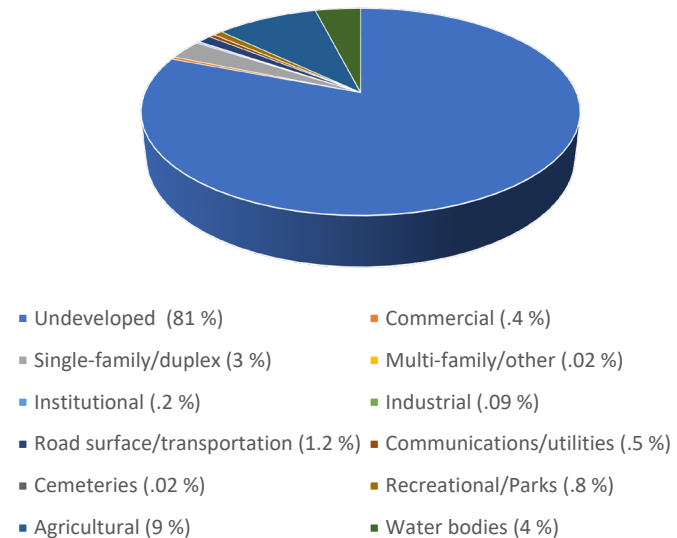
Privately owned lands constitute the largest percentage of the lands in Town. Landowners have traditionally opened their lands to hunting, fishing and recreation, this provides environmental and aesthetic benefits to the public. Based on longstanding tradition, land in New Hampshire that is not posted against a specific use can be accessed by the public. State law (RSA 508:14, Landowner Liability Limited) protects landowners from liability if they allow free use of their land. Current Use taxation greatly reduces the property taxes on undeveloped privately owned land. (See chapter 8, Natural Resources). There are a number of formal and informal recreational trails throughout the Town.

Publicly Owned Land and Public Access

Canterbury also has many properties with stipulated public access including land owned by the State of New Hampshire, land owned by the Town, and land owned by private parties with public access secured by conservation easement.

See *Conservation Lands Map and Index of Conservation Properties in Chapter 8* for a complete list of conservation lands.

Land Use Percentage by Category



State Owned Lands

The Shaker State Forest

250 Acres

Located on and accessible from NH 106, just north of the New Hampshire Motor Speedway in Loudon, east of Shaker. It is managed by the NH Division of Forest and Lands.

The Ayers State Forest

50 Acres

Located along the Northfield Town line in the northwest part of Town. It is managed by the Division of Forest and Lands.

Morrill Mill Pond

70 Acres

Located along Morrill Road in the southern portion of the Town. It is managed by the NH Division of Forest and Lands.

The Muchyedo Banks Wildlife Management Area (the Canterbury Oxbow)

290 Acres

Located on the Merrimack River, north of Exit 17, is managed by NH Fish and Game. It contains 290 acres.

Town Owned Lands

Town Center

Includes a covered gazebo on the Town green, the historic Town Hall, the new Elkins Library, the Elizabeth Houser Museum, a shared parking area, the Elkins Memorial Building (former library) and adjacent lot, the Town offices located in the Sam Lake House, and a fire pond adjacent to the Sam Lake House.

The Municipal Center Complex

On Baptist Road, just up the hill from the Town Center and across from the Canterbury Elementary School. The property houses the Police, Fire & Rescue, and Highway Departments in a large, multi-use building.

The Refuse Transfer Station

East of Town Center on Baptist Road. The Station has an enclosed recycling and transfer station; a garage building houses the refuse transfer truck and has bays for salt and sand used by the Town road crew.

Housing and Land Use

Housing needs in Canterbury are changing as demographics evolve and the average age of the population increases, and older residents look to downsize. There are also challenges for first-time home buyers and young families to find suitable affordable housing.

As described in the Housing Chapter, these two groups are competing for the same housing. What is needed to address this issue in Canterbury is more affordable housing, a greater variety of housing types, and consideration for increased density in some areas. Mixed use development and cluster developments can address some of the need. Such developments allow for greater density which can lower cost by reducing the length roads. Cluster subdivisions also can further conservation efforts by ranking and prioritizing the type of open space the community would like to see preserved. The town may want to rank and prioritize the type of open space that should be conserved and then offer density incentives to subdivisions that propose to conserve those high value lands. Another approach is to include density incentives for smaller homes in a subdivision, such as two and three bedrooms, single-family homes, and giving preference to Canterbury seniors or first-time home buyers.

An additional approach that can be offered is a streamlined review of the approval process, as this will save time and money for those constructing housing. Reviewing the Site Plan and Subdivision Regulations to assess clarity, predictability, and ease of use will identify changes that can be made to the approval process that will help applicants, the land use boards, and the town.

Development Constraints

Land development projects are typically affected by a range of natural and man-made restrictions. These limitations to development have been charted and are shown on the *Development Constraints Map* and what follows are a series of brief descriptions of these various limitations to development.

Wetlands are areas where water is present at or near the soil surface for at least part of the growing season and influences the plants that can grow there, as well as the soil characteristics. There is now a much greater understanding of the function that wetlands provide, including flood control, water storage, groundwater recharge, erosion and sediment control, pollution filtration and wildlife habitat. Based on GIS data provided by NH GRANIT Canterbury has 2,450 acres of wetlands including water bodies located throughout town, or approximately 9% of Canterbury's total land area, respectively.

Floodplains are areas that have the potential to carry and store floodwater, also termed flood storage land. Preserving the floodplain's ability to store this excess water is key to protecting surrounding land uses, especially as the frequency and severity of storms increase. An examination of these floodplain areas indicates that they are mostly open lands use for agriculture. Additional areas of concern are found along the Merrimack River near Interstate 93. There are 2,017 acres of 100-year floodplain in Town, or 7% of Canterbury's area.

Steep Slopes that are greater than 15% are present in area throughout Canterbury and create a number of difficulties and dangers associated with development. Overall, approximately 3,951 acres (or 14% of Canterbury's total land area) is considered a steep slope.

Aquifers are sometimes quite large, underground deposits of porous rock, sand and other similar earth materials containing water into which wells can be sunk. Information obtained from the U. S. Geological Survey indicates that a high yield stratified drift aquifers is located in the northwestern part of town near the boundary with Northfield (Exit 18 area). Less significant aquifer deposits are also located along much of the Merrimack.

Drinking water is provided to the community exclusively through private wells, so protecting aquifers from contamination is extremely important.

Wastewater (Septic) treatment is provided to the community exclusively through private septic systems.

Public Lands

The Town of Canterbury, along with other public entities or agencies, possesses various public lands throughout town, many of which are protected. The largest protected contiguous areas of land are held by Canterbury Shaker Village, Sloping Acres farm, and Brookford Farm. Other protected lands include parcels protected by conservation easements, fee ownership, open space, and deed restrictions. Specific easements and protected lands can be seen on the Conserved Lands Map. There is an estimated 5,340 acres of conservation land across public and private ownership in Canterbury, or 19% of the total land area in town.

Developments within a quarter mile of the Merrimack River are also subject to a review by the Upper Merrimack River Local Advisory Committee (UMRLAC) and a possible review by NH Department of Environmental Services.

Land Use Regulations

Canterbury's Zoning

The ability to regulate private property is one of the most important tools allocated to local government. Used properly, zoning can improve the aesthetics of a community, protect the natural environment, raise the quality of life, and increase property values. Used improperly, zoning can serve special interests, harm the natural environment, and increase socioeconomic inequality.

In 1925, the New Hampshire State Legislature, using a United States Department of Commerce Model Standard Act, granted municipalities the ability to adopt zoning. Canterbury first adopted a basic zoning ordinance in 1956. In the 1970s, revisions were made to discourage large-scale residential subdivisions and encourage the preservation of large tracts of open space. In the late 1970s, Canterbury was one of the first towns in New Hampshire to place an annual limitation on building permits for new residences.

Canterbury's Eight Primary Zone Districts

Refer to the Zoning District Map for additional information.

Almost half (49%) of the land in Canterbury is zoned **Agriculture/Conservation(A)**. The purpose of this zone district is:

“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 farmlands.”

Single-family homes are permitted with a minimum lot size of five (5) buildable acres and a minimum road frontage of 300 feet. A limited number of commercial uses are permitted that are specifically related to agriculture. Home business can be approved by special exception. The **Rural Zone District (RU)** is the second largest in Canterbury and comprises 25.7 % of the total land area of the town. The purpose of this district is:

“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.”

Most agricultural uses are permitted as a use by right in this district and institutional uses and a few commercial uses are allowed by special exception. Single-family homes are allowed with a minimum of three (3) buildable acres and 300 feet of road frontage; duplexes are permitted by right and multi-family dwellings by special exception with an additional 2.25 buildable acres per unit.

The **Natural Resource District (NR)** encompasses 9.3% of the town's land area. Its purpose is:

“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.”

Agricultural uses are permitted by right, but other uses, including institutional, limited commercial, and residential (single and two-family) are permitted only by special exception. Other uses are not allowed. The minimum lot size for a single-family residence with a special exception is ten (10) buildable acres with a minimum road frontage of 300 feet.

The Potential Role of an Economic Development Committee

It takes a great deal of effort and momentum to undertake an appropriate level of economic development in a small community like Canterbury. An Economic Development Committee could assist in promoting some of the potential tools described in this chapter. The charge of the EDC could be as follows:

- Encourage development in the potential new mixed-use districts in the vicinity of Exits 17 and 18.
- Publicize the Town to potential new businesses who might consider locating to the Industrial Zone near Exit 18.
- Lead the effort to develop Economic Revitalization Zones (ERZs) in the Industrial Zone and along NH Route 106.
- Participate in planning and coordination related to the expansion/improvement of broadband services in Canterbury.
- Create an inventory of commercial/industrial parcels in Canterbury and identify potential areas for future development.
- Focus on the areas in the vicinity of Exits 17 and 18 and the NH 106 corridor for future commercial development
- Emphasize redevelopment and brownfields assessment efforts on the former gas station/convenience store site near Exit 18.
- Coordinate and seek out support for businesses from local, state, federal, and regional organizations and the NH Department of Business and Economic Affairs (NH BEA), Division of Economic Development, and USDA Rural Development.

Canterbury's Zoning (continued)

The **Residential District (R)** is the fourth largest zone and covers approximately **8.2%** of Canterbury. Its purpose is:

“To identify areas suitable for development served by continuous paved roads and in locations which provide access to collector roads and services.”

This zone has the smallest minimum lot size of two (2) buildable acres, with a minimum of 300 feet of road frontage. Permitted uses include single-family residences and duplexes and agricultural uses. Multi-family dwellings are permitted by special exception.

The remaining four zone districts comprise less than 8 % of the total land area in town combined. The **Commercial District (C)** and **Industrial District (I)** comprise a little more than 4% of the town's area and almost all its nonresidential tax base. The other two districts are the **Center Historic District (CHD)** and **Shaker Village Museum Preservation District (SVMPD)**.

There are also two overlay districts for Workforce Housing and Aquifer & Groundwater Protection.



Canterbury Shaker Village

Management of Development and Growth

Starting in 1990, a more wholistic approach was taken with zoning revisions. Tools fore growth management have been used to ensure that land use is consistent with the land's ability to support human activity, and to ensure that development takes place in an orderly, harmonious and sustainable way.

The Town's Zoning Ordinance, Subdivision, and Site Plan Review Regulations and the Plan for Tomorrow have been developed to foster the following goals:

- 1 To preserve to the maximum extent possible the natural features, historic buildings and districts, rural qualities and diversity of population that makes Canterbury special to those who live here.
- 2 To provide for orderly and sustainable population growth and development while meeting fair share growth forecasts.
- 3 To encourage growth and development in those areas of the Town that are most suitable for development and most accessible to existing and planned services.
- 4 To reduce sprawl into the less developed areas of Town with poor road access and high conservation values.
- 5 To provide for orderly expansion of Town services to accommodate reasonable growth.
- 6 To maintain and extend the present balance and diversity in Canterbury's housing stock by providing a broad range of housing opportunities.
- 7 To protect and enhance property values by assuring that development is compatible with neighboring properties and is generally conducive to the economic well-being of the Town.
- 8 To preserve and encourage agricultural use of the land by adopting agricultural friendly ordinances and policies.

Mixed Use

Mixed use villages are an important part of Canterbury's heritage. Canterbury Center and Shaker Village are two of the Town's most cherished assets, along with its woods, wetlands, and pastoral landscapes. Today neither of these villages could be built under the Town's current zoning ordinance, which prohibits multi-use buildings and the small lot sizes typical in a village.

Allowing this village-type of development in specific areas with good access could help to expand the Town's commercial tax base, as well as expand the choices for the types of residences for its citizens. Canterbury's two exits on Interstate 93 and its frontage along NH Route 106 are areas of opportunity where a new mixed-use village might be built. Exit 18, in particular, offers many possibilities with a vacant commercial site, nearby buildable land, a New Hampshire Park and Ride location. as well as an active rail line. To attract small-scale, village-type development, Canterbury would first need to permit it in some form in its zoning ordinance.

Management of Development and Growth (continued)

In 2019, the Town passed an ordinance allowing Accessory Dwelling Units on some existing properties. The ordinance creates the opportunity to create additional housing in Town. Ideally, this ordinance will encourage new construction on already developed properties, more affordable housing, multigenerational housing, and income to offset property taxes.

In the Community Survey, a large majority of respondents support maintaining Canterbury's rural, residential and small-town atmosphere. Clearly there is an overwhelming desire to preserve Canterbury's rural small-town character and to manage growth through a wise land use policy. The traditional rural landscape of some towns in this part of New Hampshire has given way to types of development which destroy the historic rural character, such as building houses and condominiums in the center of open fields, or by dividing land so that it can never again be used for agricultural or forestry uses. These other towns have also discovered that rapid residential growth can dramatically increase property taxes. Under current tax laws, residential development does not pay for itself unless the homes are very expensive or are vacation homes.

Residential development has not overwhelmed Canterbury. This is partially a result of zoning and subdivision regulations enacted in the 1970s, which discouraged large-scale development of residential tracts, and encouraged the preservation of open space. In the late 1970s, Canterbury was among the first communities to enact an annual limit on building permits for new residential construction. This limitation, commonly referred to as the "building permit cap," is re-examined by the Planning Board no less frequently than every two years to ensure that the cap adequately addresses regional housing needs and population trends (see Article 11 of the Canterbury Zoning Ordinance).

The annual permit cap for new, single-family residential construction is currently set to 3% of the existing single-family housing stock. There is a separate permit cap for new multi-family residential construction. The building permit cap has had the beneficial effect of enabling Canterbury to largely avoid the "boom and bust" building cycle endured by many of our neighboring communities in the late 1980s and early 1990s. Significantly, only during the ill-fated residential building boom of the late 1980s did the demand for single family building permits exceed the building permit cap. Since the early 1990s, the number of building permits requested and issued for single-family dwellings has never come close to reaching the annual building permit cap (3% of existing number of single-family dwellings). If, in the future, single-family dwellings were constructed at the rate currently allowed by the building permit cap, the number of single-family dwellings would double in about 33 years.

Local zoning, subdivision, and site plan review regulations are not the only factors affecting the amount and type of development in Canterbury. Constraints on development include poor access to broadband and many dirt roads. Other constraints to development in addition to lack of town water and septic include such physical limitations as steep terrain, soils unsuitable for septic systems, State wetlands regulations, conservation easements and public land. However, it should be noted that perhaps the most important factor impacting growth in Canterbury is the one over which the Town exerts the least control - the health of the regional and statewide economy.

Since Canterbury's growth has been slow in recent years, why should the Town be concerned with the possibility of increased growth in the future?

Ten Factors That Could Create a Significantly Higher Rate Of Development in Canterbury in the Future

Increased regional development, particularly at exit 17.

Increased land values motivating long-time landowners to sell property for capital appreciation.

Higher taxes on undeveloped land could force the sale of this land.

A strong regional economy creating more demand for housing.

Growth of remote working opportunities in response to COVID-19 and improved internet access.

A monetary appreciation of land values so that traditional uses such as agriculture and forestry are less feasible.

Widening of I-93 through Bow-Concord.

Outdated and inadequate zoning and subdivision regulations.

Out-migration from urban centers from COVID-19 concerns.

High estate taxes forcing subdivision or sale of large parcels as a result of poor estate planning.

New Challenges and Concerns

No Town is an Island Unto Itself

There are economic, technological, demographic and social changes that continue to affect our entire nation and the State of New Hampshire. Canterbury is not immune to these changes. Among the issues that have arisen nationally and regionally are: workforce housing shortages, transportation congestion and cost, energy demands and new energy sources and new transmission technologies, infrastructure needs, and limits on roads, broadband, water supply, waste management, rising property tax burden, and climate change and adaptation.



Canterbury Town Center

Objectives and Recommendations

It is important to remain aware of potential changes in our community and what those changes could mean to the rural character, tax structure, and quality of life in Canterbury. There is a need for widespread public understanding of how development forces can exert tremendous pressures to subdivide larger properties. Without this awareness, Canterbury will not be able to preserve the unique and extraordinary beauty of this Town nor assure our children the opportunity to live in a Town such as we now have. Canterbury also needs to identify steps the community can take to guide the future development of the Town in order to preserve its rural character and scenic beauty, and to control the cost of local government.

Objective 1

Encourage a mix of uses and densities in appropriate parts of town.

- 1 Consider the development of mixed-use zones in the vicinity of Exits 17, 18 and Route 106 to include a mix of housing and small-scale retail/office service business uses.
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Objective 2

Promote and preserve Canterbury’s agricultural heritage.

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| 1 | Continue to identify, inventory, protect and maintain features that make up the rural character of the Town, such as dirt roads, stone walls, open land, the trail system, and old farm buildings. | 2 | Consider possible changes in the Zoning Ordinances and Subdivision Regulations to direct development away from cleared fields and prime agricultural land to those areas of limited agricultural or conservation uses. |
| 3 | Continue identifying land that should be conserved for agricultural activity, forestry, wildlife habitat, water quality and recreation. | 4 | Augment agricultural map data with ground truthing to identify properties managed for agriculture and forestry. |
| 5 | Encourage landowners to make their agricultural land available for others to farm and maintain a list of those landowners willing to participate in such a program. | 6 | Maintain and enhance ordinances that facilitate small- scale agricultural operations. |

Objective 3

Continue to promote economic development in areas of town that are well-suited for business uses.

- 1 Consider modifications to the Industrial zone to allow for a mix of office, housing, and services businesses, and light industrial uses.
- 2 Consider the designation of specific areas along NH 106 and the Exit 18 Commercial/Light Industrial zone as Economic Revitalization Zones (ERZs).
- 3 Focus redevelopment and brownfields assessment efforts on the former gas station/convenience store site near Exit 18.

Objective 4

Encourage the construction of housing for residents of all ages and income levels.

- 1 Revise the Zoning Ordinances and Subdivision Regulations to reduce barriers for accessory dwelling units, elderly housing, bed and breakfasts, and low-impact outdoor recreation businesses.
- 2 Continue to periodically reevaluate the existing “building permit cap” and adjust a rate of growth that will enable Canterbury to assume its regional responsibilities while not unduly straining existing and planned Town services, schools, and roads. This growth rate should not lead to an adverse impact on the quality of life in Canterbury or unreasonable increases in Canterbury’s property taxes.
- 3 Encourage the use of the Cluster Development Ordinance by simplifying the ordinance and the consideration of a range of density incentives.
- 4 Update the Workforce Housing Ordinance to simplify and better promote Workforce Housing at an appropriate scale.