

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

A. Obnoxious Uses Prohibited:

Pursuant to NH RSA chapters 674 and 676, land shall not be used in any manner that constitutes an obnoxious use. Obnoxious use means a use that is noxious, offensive, detrimental to the public or to the owners or occupants of property affected by such use, or prejudicial to the general welfare of the community. Examples of uses that may be obnoxious include, but are not limited to, uses that result in excessive or offensive noise, odors, light, pollution, or vehicular traffic.

B. Determination of Obnoxious Use:

The determination of whether or not a use is obnoxious shall be made using the “reasonable person standard.” Under the reasonable person standard, a use is obnoxious if that use unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of the community; or if that use causes public inconvenience, annoyance, or alarm to reasonable persons of ordinary sensitivity.

In determining whether a use is obnoxious, the Select Board, or its authorized representative, shall conduct an investigation and take evidence. Evidence that a use is obnoxious may take the form of: (1) written or oral testimony of individuals affected by the use; (2) direct evidence gathered using appropriate tools, such as, but not limited to, cameras, decibel or light meters, recording devices, traffic counters, or particulate matter sensors; or (3) other appropriate evidence.

Examples of evidence that may be relevant to whether a use is obnoxious includes, but is not limited to, evidence regarding: (1) whether the use negatively impacts surrounding property values; (2) whether the use creates health risks or otherwise poses a danger to the health of others; (3) whether the use received necessary state and local approvals, including Zoning Board of Adjustment Approval or site plan review; (4) whether the use has changed in character or intensity over time; (5) whether any changes in the character or intensity of the use impact whether that use violates the Town’s land use regulations.

The investigation may include, but is not limited to, any of the following steps:

1. Holding a public hearing for the purpose of taking evidence regarding the impact of the use on the public at large and on impacted individuals.
2. Interviewing or taking statements from the property owner.
3. Interviewing or taking statements from surrounding property owners, residents, or other potentially impacted members of the public.
4. Conducting a site visit of the property.
5. Consulting with the Planning Board or Zoning Board of Adjustment.
6. Hiring a third party to investigate or to provide an opinion regarding the use or its impacts.

C. Enforcement:

If the Select Board determines that a use is obnoxious, the Select Board may: (1) issue a cease and desist order pursuant to RSA 676:17-a; (2) pursue any remedy available under Articles 9 or 10 of the Town Zoning Ordinance; or (3) pursue any other remedy available to the Town at law or in equity.

D. Complaints:

Individuals who believe they have been or might be affected by an obnoxious use may request that the Select Board investigate the use to determine whether there has been a violation of this Ordinance. The Select Board may also initiate an investigation without a request from a member of the public.

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