



# MERIDIAN

## LAND SERVICES, INC.

CIVIL ENGINEERING | LAND SURVEYING | PERMITTING | SOIL & WETLAND MAPPING | SEPTIC DESIGN | ENVIRONMENTAL

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**Canterbury Planning Board**  
**The Sam Lake House**  
**10 Hackleboro Rd.**  
**PO Box 500**  
**Canterbury, NH 03224**  
**Phone: (603) 783-9955**

**November 19, 2024**

**Re: 114 West Road,**  
**Tax Map 248 Lot 8**  
**Canterbury, NH**

### **Interpretation of Mixed Used Cluster Development, Density Determination, and Unit Allocation**

We are writing on behalf of our client, 114 West Road LLC (the “Applicant”), seeking additional conceptual discussion with the Planning Board regarding interpretation of the Canterbury Zoning ordinance, specifically section 5.2, and Section 6, and how it will be applied to the proposed development of Tax Map 248 Lot 8 (the “Subject Parcel”). It is understood that this discussion may need to be extended to the Town Attorney in the event the board feels they need additional interpretation. In support of this, actual density calculations have been provided and a conceptual plan has been created to assist with the visualization of the interpretation. We are seeking to discuss zoning ordinance interpretation as follows:

- I) Use Determination
- II) Baseline Density Determination
- III) Bonus Density Determination
- IV) Density Calculation
- V) Density Allocation of Commercial and Residential

#### **(I) Use Determination**

Table C. TABLE OF PRINCIPAL USES allows for cluster developments by Conditional Use (CU) permit. This table separately lists single family, two-family, multi family, and commercial. It does not specifically list “Mixed Use” developments. The only section where “mixed use” is mentioned is ins section 6.4.A General Requirements for Cluster Developments. We understand this to mean that either a single family/two-family or commercial Cluster Developments could be proposed as long as it meets the requirements spelled out in the zoning ordinance and the CU process. However, the planning board has the authority, at their discretion, to allow mixed use developments.

*6.4.A. The permitted uses in a residential cluster neighborhood are residential dwelling units with not more than 6 units in any structure. A limited area of commercial or mixed uses (residential/commercial) may be incorporated into the cluster neighborhood at the Planning Board’s discretion, if the Planning Board determines it complies with the spirit and intent of the ordinance.*



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We believe that the subject property is an ideal location for a mixed used development of this nature due to its proximity to RT 93, specifically exit 18. Furthermore, the mixed use is supported by the Canterbury 2023 Master Plan mentioning that a high priority of the Town is to “support mixed use zoning in the vicinity of Exits 17 and 18”. This is further supported by the zoning section 6.4.A referenced above was recently added to the 2024 Zoning ordinance.

### (II) **Baseline Density Determination**

The Canterbury Zoning Ordinance determines density for cluster developments via section 6.4.C, which then refers to section 5.2. This section

*6.4.C. The density, or maximum number of residential dwelling units permitted in a cluster neighborhood, may not exceed the density allowed under Section 5.2 of the Zoning Ordinance, except when a request for a density incentive is approved by the Planning Board under Section 6.6 or Section 6.7.*

**Note:** From this section there is a restriction on residential dwelling units but is silent on how the commercial “units” effect the total units. There is no mention of commercial density determination till Section 6.9 Commercial Cluster Development. See **(V) Density Allocation of Commercial and Residential** for Commercial Density Determination and how it is allocated.

Referring to Section 5.2, it is not clear how the maximum number of units is calculated. The most relevant section is section 5.2.A. Minimum Lot Size Standards. Of section 5.2.A., section 5.2.A.1 is the most appropriate.

#### 5.2.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.*



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The use of Section 5.2.A.1 is further supported by our conversation with the planning board at the 10/22/24 planning board meeting. This section allows for density to be calculated by subtracting the wetland area from the overall property area, then dividing the remaining area by the minimum lot size.

As a point of clarification, some board members mentioned steep slopes need to be subtracted as well. However, there is no mention of steep slopes in this section. Upon further review of the Canterbury Zoning Ordinance, the deduction of steep slopes for the purposes of a yield is mentioned in Article 16 Workforce Housing Ordinance. Article 16 does not apply since the proposed development is not workforce housing.

### **(III) Bonus Density Determination**

Bonus are given by Section 6.6 Bonus Density 10% is allocated for providing one of the below criteria and 15% for two and 20% for providing three.

*6.6.A. For exemplary cluster neighborhood or commercial cluster proposals, the Planning Board, at its discretion, may grant a density bonus of not more than 20%, if one or more of the following criteria are met. A 10% density bonus may be granted by the Planning Board if one criterion is met, 15% for two criteria, and 20% for three or more criteria:*

- 1. Preservation of 75% or more of the parcel as Designated Open Space.*
- 2. Preservation and maintenance of five or more acres of contiguous, open field.*
- 3. Preservation or construction of 1,000 linear feet or more of connected stone walls. The connected stone walls shall be visible to the public and breaks for driveways and walkways are permitted.*
- 4. Maintenance of existing or new agricultural use(s) on the property.*
- 5. Provision of planned pedestrian access, such as sidewalks or maintained trails for public use.*
- 6. Provision of outdoor amenity which may include access to public space.*
- 7. Use of community well or septic system serving six or more units*
- 8. Contiguous connections with permanent conservation land on adjacent parcels*

*B. A density bonus yielding a half unit or more may be rounded up.*

The 10% density bonus is supported by the criteria outlined in section 6.6.A.7, via the use of a community well. The additional 5% density bonus bringing the total bonus to 15% is section 6.6.A.2 supported by the criteria outlined in section 6.6.A.7, via the preservation of the existing field which is approximately 9.40 acres. Although the field does include a wet meadow it does meet the criteria "Preservation and maintenance of five or more acres of contiguous, open field". Therefore a 15% bonus is applied.

Further density bonuses could be sought via the criteria above, although none are proposed at this stage in the process.



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## (IV) Density Calculation

Based on the interpretation of Section 5.2.A.1 the density calculation would be the following without consideration of density bonuses and commercial units.

Gross property area:	37.26 acres	[1,623,197 sf]
Wetland area:	5.09 acres	[221,541 sf]
Net tract area:	32.17 acres	[1,401,656 sf]

**Baseline Density = 32.17 acres / 1 unit per acre = 32.17 units**

Then applying the bonus allocated per section 6.6, the proposed development yields the following

Baseline density =	32.17 units
Applied bonus:	15%
Density Bonus	4.83
Unit total =	36.996

**Rounded Unit Total = 37 Units**

## (V) Density Allocation of Commercial and Residential

As stated above, section 6.4.C refers to the maximum number of residential dwelling units is determined by section 5.2. It does not mention that commercial units have a density calculation. However Section 6.9 Commercial Cluster Development, should be applied for the commercial portion of the mixed use.

### B. GENERAL STANDARDS/PROCEDURE.

*Commercial cluster development under this section may be used only for permitted uses in the Commercial and Industrial Zones upon approval of the subdivision and site plan by the Planning Board. A commercial cluster development shall have a minimum tract size of five (5) acres. 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, except when a density bonus is granted by the Planning Board, as permitted in Sections 6.6 & 6.7. 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.*

While Section 5.2 is not specifically mentioned similar to how the standard cluster neighborhoods establish maximum units, based on the wording in the above highlighted section, the same approach for establishing density can be applied. This is reinforced by section 6.9.D establishing commercial cluster development shall conform to the same minimum standards as “cluster neighborhoods”.



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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 under this Article and the Planning Board may grant a density bonus, as permitted in Section 6.6 and 6.7.*

In summary, one commercial lot/unit subtracts from the total allowable units after the bonus has been applied. It is typical that each unit would have individual ownership and sold to a different entity. The proposed development consists of 35 residential units with 2 commercial units (front lot and back lot).

These interpretations are requested to assist Applicant in making design decisions, and to guide the Planning Board in their assessment of the proposed project. If it would aid in rendering your interpretations, we suggest further discussions between the relevant Town officials, Applicant, and counsel to discuss how these interpretations are consistent with the Ordinance, and applicable statutes.

Sincerely,

Samuel R. Foisie, P.E.

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Cc: Keith Anastasy and Timothy M. McGibbon with attachments