

ARTICLE 11
NUMBER OF RESIDENTIAL BUILDING PERMITS

11.0 AUTHORITY AND PURPOSE

This Article is enacted pursuant to the authority granted by N.H. RSA 674:22. It is intended to regulate and control the timing of development in accordance with the objectives of the Master Plan and the Capital Improvements Program. These two documents assess and balance community development needs of the Town of Canterbury and consider regional development needs. This Article is intended to enable Canterbury to bear its fair share of regional growth, while at the same time minimizing the disruptive impact of “boom and bust” building cycles.

11.1 BUILDING PERMITS – NEW DWELLING UNITS

The number of new dwelling units that will be permitted to be constructed residential building permits for the construction of new or additional dwelling units which may be issued during any one building year shall be limited to 3% of the number of year-round single family dwellings units including Accessory Dwelling Units (ADUs), existing at the commencement of the building year. The building year shall begin on the day after the annual Town Meeting and run to the date of the next annual Town Meeting. For the purposes of this Article, a permit to replace an existing residence with a new one shall not be counted towards the limit so long as the existing residence meets one of the following criteria: A. The structure was built with a residential building permit and received a Certificate of Occupancy, or B. If built before permits were issued, has been occupied as a dwelling unit continuously for the previous 5 years.

~~11.2 MULTI-FAMILY DWELLING PERMITS~~

~~Only one of these permits each year may be used for a multi-family dwelling and will allow the applicant to build a number of units up to a maximum of 1% of the year-round single family dwelling units existing at the commencement of the building year, subject to the limitation that the total number of units of multi-family dwellings shall not exceed 6% of the number of year-round single family dwellings existing at the commencement of the building year. If the 1% limit is not used up by the first applicant in any given year, then a second applicant shall be eligible for a permit for the remaining multi-family units.~~

~~11.23 PERMIT ELIGIBILITY~~

~~No single applicant, approved subdivision or site plan may be issued more than 25% of the available dwelling units permitted during the building year unless the total number of permits shall not have been issued by September 1 of the current building year, in which case the remainder of permits up to the current year's limit may be issued.~~

~~No more than one single-family permit per record holder shall be issued during the building year unless the total number of permits to be issued shall not have been issued by September 1 of the~~

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~~current building year, in which case a second single family permit (but in no event more than two) may be issued. An applicant who has been granted a permit for a multi family dwelling shall not be entitled to a second permit in that building year. Exception: The Planning Board after consultation with the Conservation Commission may during site plan review order that a record holder be eligible for accelerated permit availability if conservation goals are met as a result.~~

11.34 MISCELLANEOUS PROVISIONS

Permits shall be issued by the building inspector in the order that the applications are received by him. Once the number of building permits has been exhausted, the building inspector shall maintain a waiting list in the event that another permit becomes available during that building year, or to apply to the next building year. At no time may a record holder be on a waiting list in more than one place, and the waiting list maintained by the building inspector shall not extend beyond the next building year. "Record holder" shall mean the owner(s) of land in Canterbury on record at the Merrimack County Registry of Deeds at the time of application. Land owned in joint tenancy or as tenants in common shall not entitle the owners to more than the number of permits which would be available if the land were owned by one individual. No person, corporation, partnership or other entity shall directly or indirectly be a record holder of more than one lot for purposes of obtaining building permits. For the purposes of this Article, ~~a new two-family dwelling shall be considered a multi-family dwelling~~ and a conversion of a single family dwelling to a two-family dwelling shall require a permit as an additional dwelling unit.

11.45 ISSUANCE OF BUILDING PERMITS

If on the date of the Town Meeting in any year there is a surplus of unissued building permits for new dwelling units, the surplus shall be made available in the following year, after all of the permits available in the annual limitation of the following year are issued. Provided, however, that in no event shall the surplus available in the following year exceed 25% of the total number of residential building permits that had been eligible for issuance in that year. If the surplus of unissued building permits is not issued in the year immediately after they are surplus, they shall expire. Any permits issued but not utilized shall not be added back into the annual limitation.

11.56 ADMINISTRATIVE PROCEDURES

The Selectmen are hereby authorized to establish administrative procedures necessary to implement this Article. All such procedures shall be posted.

11.67 CONFLICTS

In matters governed by this Article, this Article shall supersede conflicting local ordinances and regulations.

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11.78 SEVERABILITY

Should any part of this Article be held invalid or unconstitutional by a court, such holding shall not affect, impair or invalidate any other part of this Article, and, to such end, all sections and provisions of this Article are declared to be severable.

11.89 EFFECTIVE DATES

This Article becomes effective upon adoption and shall remain in effect until March 31, 20265. However, no less frequently than every two years, the Planning Board shall review growth rates in the region and shall make a recommendation as to whether the percentage growth rate should be increased or decreased in order to achieve the purposes stated in Section 11.0.