

**TOWN OF PLAINFIELD
PLANNING BOARD
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Plainfield Planning Board will hold a public hearing on a proposed amendment to the existing Town Zoning Ordinance, on **Monday December 18th at 7:00 P.M. at the MERIDEN TOWN HALL 110 Main Street.** To be enacted, said changes require approval at the March 2018 Town Meeting.

Summary of the proposed changes to date:

Question 1. If approved, this change will amend the town's existing Accessory Dwelling Unit (ADU) ordinance to be in conformance with recently enacted state law RSA 674:72, the state's ADU law.

Copies of the full text are available at the Plainfield Town Office; the changes are posted on the Plainfield Website, <http://www.plainfieldnh.org/planning.html>

Posted November 30th 2017
Stephen Halleran

ARTICLE 2. To see what action the town will take with regard to the following questions relative to the Plainfield Zoning Ordinances, **said changes being recommended by the Planning Board:**

Question 1. In order to make the Accessory Dwelling Unit ordinance (approved in 2014, amended 2016) in compliance with newly enacted RSA 674:73 Accessory Dwelling Units (effective June 2017) the following changes are proposed:

Amend Criteria #3 which reads

3. ADU's may be between 320 and 800 sq feet and cannot exceed 50% of the gross living area of the primary residence.

to read

3. ADU's may be no larger than 800 sq feet and cannot exceed 50% of the gross living area of the primary residence.

Amend Criteria #5 which reads

5. The parcel on which the ADU is built must be conforming in lot size and road frontage for the zone in which it is located. The ADU, whether a new or an existing structure, must satisfy the front, side, and rear yard setbacks for the zone. Setback encroachments or variances involving the living area square footage requirements are not allowed.

to read

5. The parcel on which the ADU is built must be conforming in lot size and road frontage for the zone in which it is located. The ADU, whether a new or an existing structure, must satisfy the front, side, and rear yard setbacks for the zone.

Amend the Accessory Dwelling Unit (ADU) definition which reads

ACCESSORY DWELLING UNIT (ADU): An attached or free standing independent residential unit, in addition to the primary residence on a single lot, which is between 320 and 800 square feet and which contains no more than one bathroom and two bedrooms

to read

ACCESSORY DWELLING UNIT (ADU): An attached or free standing independent residential unit, in addition to the primary residence on a single lot which contains no more than one bathroom and two bedrooms and is no larger than 800 square feet.

Yes No

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Accessory Dwelling Units

Section 674:71

[RSA 674:71 effective June 1, 2017.]

674:71 Definition. –

As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Source. 2016, 6:2, eff. June 1, 2017.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Accessory Dwelling Units

Section 674:72

[RSA 674:72 effective June 1, 2017.]

674:72 Accessory Dwelling Units. –

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.

Source. 2016, 6:2, eff. June 1, 2017.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Accessory Dwelling Units

Section 674:73

[RSA 674:73 effective June 1, 2017.]

674:73 Detached Accessory Dwelling Units. –

A municipality is not required to but may permit detached accessory dwelling units. Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. If a municipality allows detached accessory dwelling units, it may require an increased lot size.

Source. 2016, 6:2, eff. June 1, 2017.

Town of Plainfield
Zoning Ordinance

C. ACCESSORY DWELLING UNIT (ADU):

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods;
- Provide a broader range of accessible and more affordable housing.

A property may have only one ADU whether attached or detached. For attached accessory dwelling units where no prior zoning board approval exists, no Zoning Board of Adjustment approval is necessary prior to obtaining a building permit. For all detached ADU's (where the relationship to the principle dwelling unit is less than enclosed by weather tight space including a continuous roof and continuous foundation), Zoning Board special exception approval is required. In cases where a property has an existing zoning board approval the Zoning Board shall review the entire property and approved uses when determining whether or not an ADU (attached or detached) is allowable on the site. The ADU will be considered an accessory use to the primary residential use.

Criteria which apply to all ADUs whether attached or detached:

1. The property owner must occupy the primary unit or the ADU as their permanent residence. Prior to occupancy, the owner shall record at the Sullivan County Registry of Deeds an acknowledgment of the owner occupancy requirement in a form acceptable to the town.
2. ADU's are not intended for individual ownership. An approved ADU shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing primary dwelling unit.
3. ADU's may be between 320 and 800 sq feet and cannot exceed 50% of the gross living area of the primary residence.
4. The ADU shall contain no more than one bathroom and two bedrooms.
5. The parcel on which the ADU is built must be conforming in lot size and road frontage for the zone in which it is located. The ADU, whether a new or an existing structure, must satisfy the front, side, and rear yard setbacks for the zone. Setback encroachments or variances involving the living area square footage requirements are not allowed.

4. If applicable, the owner must seek a permit from the State of NH Department of Environmental Services Subsurface Systems Bureau in accordance with RSA 485-A:38.

5. At least one parking space must be designated for the ADU.

6. The ADU must use an existing curb cut on the property.

7. Utilities may be shared between the primary residence and the ADU, however, they must be configured in such a way to satisfy current left safety code requirements.

8. The local fire department shall be considered an abutter for purposes of noticing ADU applications.

Criteria which apply to detached ADUs:

1. If a new structure, the ADU must be constructed and located, in the judgment of the Zoning Board, so that it does not detract from the character of the neighborhood.

- a. The ADU should be subordinate in scale, size and placement to the primary residence.
- b. The ADU's exterior should be similar in design and quality to the primary residence.

2. For buildings constructed after January 1, 2015 maximum building height is 25' for ADUs. Ornamental cupolas measuring less than 30" in width and 30" in depth and that are no higher than 48" may be excluded from the 25' building height limit.

3. When located in an outbuilding such as a barn or garage built before January 1, 2015, the maximum height restriction does not apply. However the ADU portion must conform to all other dimensional requirements for ADU's as listed in this ordinance.

4. Detached ADUs in the VR zone which are constructed after the adoption of this regulation shall require 20,000 square feet in addition to the minimum lot size. An ADU incorporated into a structure existing prior to the adoption of this regulation shall be exempt from this requirement.

**ARTICLE VIII
DEFINITIONS**

ACCESSORY DWELLING UNIT (ADU): An attached or free standing independent residential unit, in addition to the primary residence on a single lot. ~~which is between 320 and 800 square feet and which contains no more than one bathroom and two bedrooms.~~