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**ACCESSORY DWELLING UNITS (ADUs) (Rev 3)**

**Authority.**

**NH RSA 674:71-73, Accessory Dwelling Units**

**Purpose.**

In accordance with NH RSA 674:71 – 73 this provision allows for the creation of an Accessory Dwelling Unit (ADU) as an accessory use to existing single-family detached dwellings.

**Definitions.**

“Accessory dwelling unit (ADU)” means a subordinate dwelling residence with complete and independent living facilities on the same lot attached to or contained within an existing single-family dwelling. Every accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59.

**Designation.**

One accessory dwelling unit shall be permitted only on parcels which meet the following conditions:

- A. A legal lot of record;
- B. Contains one existing single-family detached dwelling which is a conforming use;
- C. Contains no other accessory dwelling residence(s).

**Procedure.**

Each accessory dwelling unit shall require a building permit and an occupancy permit and meet the standards contained in the section below.

**Standards.**

A. New construction for an accessory dwelling unit shall comply with all the development standards for a single-family detached dwelling including, but not limited to, setbacks, height limits and lot coverage (for lots in the Comprehensive Shoreland Protection Zone) and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this chapter.

B. The following standards shall also apply:

- 1. The maximum size of an ADU shall not exceed 1,000 sq. ft. area.
- 2. Both the ADU and the primary residence shall comply with the state Building Code and Fire Code regulations for construction, minimum living space, fire exits and smoke alarms.
- 3. An accessory dwelling shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size or development density of the property.
- 4. The main exterior entrances may not be on the same side of the building.

5. An interior door shall be provided between the principal dwelling unit and accessory dwelling unit. There is no requirement for said interior door to remain unlocked.
6. The architecture of the ADU shall match that of the primary residence.
7. One off-street parking space shall be provided in addition to those required for the primary residence for a minimum total of three.
8. There shall be no exterior stairway leading to the ADU on the front of the house.
9. There shall be no more than two bedrooms in an ADU.
10. The applicant shall make adequate provisions for water supply and sewage disposal in accordance with NH RSA 485-A: 38, however, separate utility connections are not required by the Town.
11. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling as their primary residence.
12. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling.
13. No more than four persons shall occupy an ADU.

**Moultonborough Planning Board  
P.O. Box 139  
Moultonborough, NH 03254**

**Regular Meeting**

**November 9, 2016**

**Minutes**

Present: Members: Scott Bartlett, Rich Kumpf, Joanne Farnham, Kevin Quinlan, Allen Hoch,  
Norman Larson, Russ Wakefield (Selectmen's Representative)  
Alternate: Rich Thorman  
Staff Present: Gerald I. Coogan, Interim Planner; Administrative Assistant, Bonnie Whitney

**I. Pledge of Allegiance**

Chairman Bartlett opened the regular meeting at 7:00 PM and led the Pledge of Allegiance. The members then introduced themselves to the public.

**II. Approval of Minutes**

**Motion:** Mr. Hoch moved to approve the Planning Board Minutes of October 26, 2016, as written, seconded by Mr. Quinlan, carried unanimously with Mr. Bartlett and Mrs. Farnham abstaining.

**III. Citizen's Forum – None**

**IV. New Submissions – None**

**V. Boundary Line Adjustments – None**

**VI. Public Hearings – 2017 Proposed Zoning Amendments**

The Chair stated that this was the Public Hearing for the Proposed Zoning Amendments, giving a brief protocol for this evenings meeting. There were approximately nine (9) members of the public in attendance for the Public Hearing.

The Chair stated that he and Mr. Kumpf had prepared a short Power Point presentation in which they would like to present to the public which will give a brief overview of the 2 Proposals, with an opportunity for questions after the presentation. (See attached presentation)

The Chair opened the Public Hearing for the first proposal and read the language from the agenda for proposed amendment No. 1. into the record.

**1. Adding language relating to and defining Accessory Dwelling Units in accordance with NH RSA 674:71-73** - This proposal will amend the Zoning Ordinance by adding a new Article III (M) and amending Article XV that establishes the creation of an Accessory Dwelling Unit (ADU) as an accessory use to existing single-family detached dwellings.

Chairman Bartlett gave a brief Power Point Presentation which identified the two proposals, the goals for this evening and an overview relating to Accessory Dwelling Units.

The Chair opened the Hearing for Board questions or comments. Mr. Larson stated that it is his understanding that the intention with the connected ADU is that it's connected with an enclosed space, and that an enclosed porch or garage would be okay for the connection, but not a roof with an open porch. The Chair noted that in his discussion with the Code Enforcement Officer he pointed out that the connection should have a maximum dimension. The CEO felt that a reasonable maximum connection distance would be fifteen to twenty feet.

The Chair opened the public input portion of the hearing. Joe Cormier provided members with a handout he had prepared dealing with the ADU verbiage, specifically the definition section. Mr. Cormier read his narrative into the record questioning why the proposal defined "Accessory Dwelling Unit" when the definition of an ADU is already defined in the RSA. He also questioned the need to define "Rental Occupancy" as it is confusing. He had concerns with using the word "detached" and "rental". Mr. Cormier stated that the language the Board had prepared was good, but as stated, had a few concerns.

Chris Shipp stated that it was noted that the statute allows for both attached and detached ADU's and questioned the reason why the proposal is to not allow detached ADU's. Mr. Larson commented that the Board was very concerned that the statute allowing ADU's as a detached structure would in fact basically cut our lot sizing in half and with the prevalence of waterfront property it would become a doorway for creating much higher density on the waterfront, with effectively two dwellings per lot.

Hearing no further comments, the Chair then closed the public input for proposed Zoning Amendment #1.

The Chair then asked for board comments.

Mr. Kumpf proposed adding language to Item #11 Standards "as their primary residence" for further clarification. Members briefly discussed this minor change, noting they agreed with the suggested amendment.

**Motion:** Mr. Kumpf moved to add "as their primary residence" to Item 11 under standards, Seconded by Mr. Quinlan, carried unanimously.

Mr. Wakefield noted that the CEO had recommended a limit on a connector for a detached ADU. A brief discussion ensued with a large difference of opinion as to what the limit should be. It was the decision of the Board not to set a specific connection distance now, noting if it becomes a problem in the future, they could amend the article.

Members discussed the comments brought up by Mr. Cormier regarding Definitions. It was the decision of the Board to not make any changes regarding the definition of "Accessory dwelling unit" and to strike the definition of "Rental occupancy".

Board members agreed with the proposed language with the two minor amendments as noted. There were no further comments or questions.

**Motion:** Mr. Quinlan moved that the Board accept the language as amended and to forward it to the Town Clerk for posting on the warrant, seconded by Mrs. Farnham, motion carried 7 to 0 in favor.

The Chair opened the Public Hearing for the second proposal and read the language from the agenda for proposed amendment No. 2. into the record.

**2. Adding language and map creating a Village Center Overlay District (VCOD)** – This proposal will amend the Zoning Ordinance by adding a new Article IX-B (The current Article IX, Wetland Resources Conservation Overlay District, will be re-codified to Article IX-A, with Article IX being the general article for overlay districts) that establishes an overlay district to encourage the development of the Moultonborough Village Center in a manner consistent with its historic pattern, including the size and spacing of structures and open spaces. Additionally, including a map which outlines the VCOD with the properties identified in this proposal.

Vice-Chair Kumpf gave a brief Power Point Presentation explaining what an Overlay District is, what is the VCOD, the proposed Overlay District Map, Goals, Permitted Uses, Conditional Uses and the Design Principals and Standards.

The Chair opened the Hearing for Board questions or comments.

Mr. Larson commented that there was an inconsistency in the Applicability, noting that Professional Office was listed in both the Permitted Uses and the Conditional Uses, stating for clarification it should be stricken out of one. Chairman Bartlett commented that in discussions with the Interim Planner, he suggested that there be a size limit placed on this, anything over “x” number of feet would require a Conditional Use Permit (CUP). Members discussed this minor change briefly and agreed with adding language to Item #10 under Permitted Uses to read “Professional or medical office up to 5,000 sq. ft., and adding language to Item #5 under Conditional Uses to read “Business and professional offices more than 5,000 sq. ft.

**Motion:** Mr. Larson moved to add “up to 5,000 sq. ft.” to Item 10 under Permitted Uses, and to add “more than 5,000 sq. ft.” to Item #5 under Conditional Uses. Seconded by Mr. Quinlan, carried unanimously.

The Chair opened the public input portion of the hearing.

Paul Punturieri, 22 Nelson Road, stated that he did not have a problem with the proposed amendment, but did have a problem with the map, or the boundaries proposed for the overlay district. He pointed to the location of his property and surrounding lots which are all residential. More specifically, he pointed out that there is a 7.27-acre vacant lot which abuts his property and he does not want a hotel, bed and breakfast, daycare centers or restaurants built on that property. Mr. Punturieri stated that if this were the map then he would vote no on the proposed amendment.

Cristina Ashjian commented that there are several inconsistencies within the language. She stated that she supports a village overlay district, but noted in some of the document it’s being called the Moultonborough Village Center Overlay District, and in others not. It is confusing as the Moultonborough Village Center Overlay District language and the Moultonborough Village Center Overlay District Design Guidelines go back and forth between Moultonborough Village and Village Center.

Hearing no further comments, the Chair then was going to close the public input for proposed Zoning Amendment #2, but Mr. Punturieri stated he would like to know the answer regarding the size of the overlay district. Mr. Wakefield referred to the VCOD design guidelines in which the first bullet under Design Principals states “Buildings should be compatible with their surroundings and traditional New England residential architecture and color palettes.” He stated that he understood Mr. Punturieri’ concern and if he lived there, would have the same concern, but also in looking at the guidelines, if it’s residential and that whole section is residential, then they’re not going to put a hotel in there.

The Board briefly discussed amending the language to remove all the references to Moultonborough in

the document, except in the title (Moultonborough Village Center Overlay District) calling it the VCOD for consistency.

A discussion ensued regarding the proposed boundaries for the VCOD, with the Chair asking members what they thought, should the map be changed? Members responses varied from they were not comfortable with the map as proposed, it's very large and should be reduced, make it smaller and do not change it, as there is language contained in the guidelines about uses being consistent with neighboring land uses.

The Chair and the Interim Planner Coogan suggested amendments to the language in which to address the concerns of Mr. Punturieri and the board. Mr. Coogan suggested the following language "a proposed development in a defined residential neighborhood shall be consistent with the character and the existing neighborhood use as determined by the Planning Board" being inserted as a new bullet under Purpose.

Mr. Punturieri stated that he did not feel that this would address his concerns. After discussing several variations, the following motion was made:

**Motion:** Mr. Quinlan moved to table Item #2 for further study, seconded by Mr. Hoch with the caveat for further input and discussion by board members.

Mr. Kumpf asked for a discussion on the motion. He commented that the board agrees that their intent is to re-propose the amendment, not killing the VCOD, but modifying the proposal. Mr. Coogan stated the motion should be to continue the public hearing to a date certain to allow time to reconsider the issue with the area as noted by the abutter. This would be a continuation of the public hearing and would not need to be re-noticed, but continued to a later date.

Mr. Quinlan withdrew his prior motion and made the following:

**Motion:** Mr. Quinlan moved to continue the Public Hearing for Item #2, 2017 Proposed Zoning Amendments, to December 14, 2016, with a date of January 11, 2017 for a second hearing, if the planning board makes substantive changes to the proposed amendment, seconded by Mrs. Farnham, motion carried 6 to 1 with Mr. Bartlett opposing.

## VII. Other Business/Correspondence

### 1. Patterson Grantor Trust (280-10) (22 Wellswood Road) Subdivision Amendment

The Chair stated that the Board was in receipt of a request for an amendment to a subdivision which was approved by the Board in 2015. He noted a letter dated October 28, 2016 from the Code Enforcement Officer which briefly explained the requested amendment. There was a 50' setback from the wetlands depicted on the plan, which does not apply to the lot as existing lots under 5 acres are exempt from this requirement (see MZO Article IX.E. Exemptions). The proposed amendment removes the 50' setback line. To record the amended plan, it requires Board approval and the Chairman's signature on the plan. Members reviewed the CEO's letter and the plan.

**Motion:** Mr. Quinlan moved to approve the amended plan and authorize the Chair to sign the Mylar for recording, seconded by Mrs. Farnham, carried unanimously.

2. Master Plan Update – The Chair stated that the Board had approved the Land Use & Development chapter for the required public hearing. The MPSC is in the process of completing the Transportation Chapter and the Executive Summary. Once those are completed, they will be presented to the Board for

their review and approval. At that time the Board can set a date for the required public hearing for the adoption of the amendments to the Master Plan.

3. Planning Board 2017 Meeting Dates - The Board was provided with a draft of the 2017 meeting dates. Members reviewed the dates and the Board agreed to cancel the November 22<sup>nd</sup> meeting as shown.

**Motion:** Mr. Quinlan moved to approved the Planning Board 2017 meeting dates as presented, cancelling the November 22<sup>nd</sup>, 2017 meeting, seconded by Mr. Kumpf, carried unanimously.

4. The Chair questioned if members wished to hold their meeting of December 28<sup>th</sup>. After a poll of the Board it was the decision to CANCEL the Planning Board meeting of December 28, 2016.

**IX. Adjournment:** Mrs. Farnham made the motion to adjourn at 9:04 PM, Seconded by Mr. Hoch, carried unanimously.

Respectfully Submitted,  
Bonnie L. Whitney  
Administrative Assistant

**NOTICE: These DRAFT Minutes have not been formally approved by the Planning Board. Please contact the Office of Development Services after the next regularly scheduled meeting of the Moultonborough Planning Board to be held on the 2nd and 4th Wednesday of each month, to learn if any corrections, additions or deletions were made.**

