



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Conservation Commission

October 13, 2022, at 7:00 PM

Town Hall Auditorium

AGENDA

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Public Comment**
- 4. Acceptance of Minutes, Sept 8, 2022**
- 5. Finance Report; Approve NHACC annual dues**
- 6. Discussion and Input to Planning Board**
 - a. Accessory Dwelling Units**
- 7. Committee/Board Reports**
 - a. Planning Board**
 - b. Riverfront Advisory – letter of support for Planning Charette**
 - c. Town Council**
 - d. Appoint member to the Energy and Environment Committee**
- 8. Conservation Easement Monitoring**
- 9. Land Stewardship**
 - a. Heron Point Sanctuary – new kiosk panels, LRAC grant complete**
 - b. Piscassic River-Loiselle work day - Oct 15th Conservation Connections**
 - c. Sliding Rock Conservation Area**
 - d. Presentation to LRAC – October 18th**
- 10. Adjourn**



TOWN OF NEWMARKET, NEW HAMPSHIRE
PLANNING OFFICE

MEMORANDUM

Date: August 9, 2022
 To: Planning Board
 From: Department of Planning and Community Development
 Subject: Proposed Amendments to the Zoning Code Related to Accessory Dwelling Units

Introduction

The proposed zoning amendments before the Planning Board (“Board”) originated from a discussion that occurred at the Board’s May 10, 2022 meeting. The Board identified—along with Town Council (“Council”) at their November 3, 2021 meeting—as a high priority amending the accessory apartment zoning regulations under §32-234 *Accessory apartments* of the Municipal Code of the Town of Newmarket, New Hampshire. The primary issues the Board and Council intended to solve were: (1) to permit detached accessory apartments on qualifying single-family lots, and (2) to look into regulatory avenues to streamline the approval process for accessory apartments.

Provided with that guidance and afforded other documentation by Board members of past discussions on accessory apartments, the Department of Planning and Community Development sought out to research the exiting literature on accessory dwelling units (“ADUs”); understand regional housing and market trends; examine state statutes and other municipalities’ regulations of ADUs; and listen to challenges other communities in the region are encountering and learn from those experiences in order to design a zoning ordinance that meets the needs of Newmarket. The product of those efforts resulted in a draft amendment proposal to the zoning code that attempts to resolve those issues identified by the Board and Council, while providing additional standards recommended to be considered to make the ordinance more complete and predictable.

Process

Pursuant to §24-1 *Zoning ordinance amendment procedures*, the Board is to provide their recommendations to the Council on zoning amendment proposals. The Board, at its discretion, may hold a public hearing to allow for the opportunity for the public to comment on the proposed amendments. This avenue is recommended by staff after the Board’s initial discussion on the proposed amendments. A public hearing date is recommended be set for September 13, 2022. One further note: staff has made edits since the publication of the original document which will be shared with the Board at the public hearing.

Proposed Amendments

To facilitate discussion during the Board’s review, below are brief descriptions of the intent of each section’s proposed amendment:

1. Sec. 32-5 *Nonconformity*
 - a. §32-5(1)(b): The proposed language in this section seeks to permit ADUs to be built on nonconforming lots and structures that are used exclusively for and by single-family residence. This provision is key for providing space for ADUs to exist in a nonconforming environment.
2. Sec. 32-9 *Special use permits*
 - a. §32-9(a): The proposed language authorizes the Planning Board to permit two (2) accessory dwelling units on a single-family lot and alternative parking standards associated with ADUs. This language is necessary in order for the Planning Board to be allowed to review such a development under the special use permit mechanism.
3. Sec. 32-11 *Definitions*
 - a. Accessory Dwelling Unit: The proposed language removes standards therefrom and aligns the definition with the states, pursuant to RSA674:71
 - b. Residence, duplex, multifamily & single-family: The proposed language seeks to change ‘accessory apartments’ to ‘accessory dwelling unit’ so as to provide constancy in the terms and throughout the town code.
 - c. Gross floor area: The proposed language establishes the metric by which the area of an ADU is calculated. This definition derives from the International Residential Code’s (“IRC”) definition. After discussion with the Code Enforcement Officer, it was determine this definition would be the most consistent, enforceable, widely understood metric for calculating area for an ADU.



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- d. Short-term rental: The proposed language defines the constitution of a short-term rental. This language is necessary in order prohibit the short-term renting of both an ADU and its corresponding primary dwelling unit. To be clear, this definition is specifically for single-family lots with an ADU thereon and does not apply to other housing types.
4. Sec. 32-155 *Wetland protection overlay district*
- a. §32-155(d)(4): The proposed language would allow an attached ADU to be built within a wetland buffer. A notion to keep in mind throughout this amendment process is that attached or internal conversion accessory dwelling units cannot have stricter dimensional standards than that of a single-family dwelling unit, pursuant RSA: 674:72(iv). This does not apply to detached dwelling units, as the state statute allows a municipality discretionary authority over detached ADUs.
5. Sec. 32-234 *Accessory apartments*
- a. §32-234: The original language for this section will be deleted and replaced with new regulations governing ADUs. Also, the title for Sec. 32-234 will be renamed '*Accessory Dwelling Units*' in order to bring consistency throughout the zoning code with respects to ADUs.
- b. §32-234(a): The proposed language establishes the reasoning for the town to allow for ADUs to exist and why it is in the Town's interest to permit and regulate them. The goal of ADUs is to be a flexible housing option within the spectrum that are permitted by Newmarket, intending to help a variety of people who are at different stages of their life, while encouraging the repurposing of the existing structures into an ADU.
- c. §32-234(b): The proposed language permits existing single-family lots, regardless of their conformity status, to construct ADUs. This clause also establishes the type of ADUs that are permitted to be built within the confines of the regulations. The intent of this clause is to be flexible and equitable as possible to all single-family lots. This clause also aligns with §32-5(1)(b), if amended as proposed.
- d. §32-234(c): The proposed language establishes proscriptions for ADUs. The rationale behind the prohibitions derives from finding a balance between the essence of a single-family lot while providing an appropriate amount a density thereto (more than 2 ADUs on a lot would add more complexities to a site that contravene the intent of both the zoning ordinance and the proposed amendments before the Board). Further, the mantra of the proposed ordinance change is to provide long-term housing solutions for various stakeholders while expanding property rights without unnaturally altering existing neighborhoods to their detriment. For this reason, the prohibition of short-terming renting of all units on a lot with an ADU is proposed, while having these structures (AADU and DADU) constructed in a safe environment by barring their location be within a floodplain.
- e. §32-234(d): The proposed language authorizes ADUs to be built without going through the subdivision or site plan review process, unless there are elements, such as adding two (2) ADUs on a lot (special use permit), that necessitate a review by the Board.
- f. §32-234(e): The proposed language establishes the amount of ADUs permitted to be built on a single-family lot and directs their respective approval process. As stated herein, one (1) ADU is permitted by-right (building permit) on all single-family lots within town, regardless of the lot's conformity status. Whereas two (2) ADUs on a single-family lot must undergo Planning Board review via a special use permit. The Zoning Board of Adjustment ("ZBA") is removed from the approval process for ADUs, unless qualifying elements elsewhere in the zoning code necessitates their review (e.g., §32-5(2)(a): expansion of a nonconforming structure's footprint). The reason for the ZBAs removal from the ADU process is because their primary function as a board is adjudicative, i.e., ruling on issues of law, unlike the Planning Board, where their principal function is development review, which is the appropriate venue for this type of land use.
- g. §32-234(f): The proposed language ensures that all regulations at different regulatory levels are followed.
- h. §32-234(g)(1): The purpose of the proposed language is to protect neighborhoods by preventing absentee landownership, promoting accountability and encouraging long-term investment into the community. The underlying premise of this standard is that if the property owner lives on the lot, the likelihood that the upkeep of the property will be maintained increases.
- i. §32-234(g)(2)(i): The proposed language establishes living area thresholds for different types of ADUs under different contexts. To wit: the goal of this standard is to provide flexibility for the property owner in order to facilitate ADU construction. State law, under RSA 674:72VII, prohibits a municipality to compel a property owner to build an AADU or ICADU under 750-sf; however, an area range may be established, permitting smaller ADUs to be built, if desired. More restrictive standards can be applied to DADUs, as they are discretionary under RSA 674:72, which allows for more space to calculate dimensional controls differently.



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- j. §32-234(g)(2)(ii): The proposed language establishes a building setback between newly constructed DADUs and the principal dwelling unit. The purpose of this standard is to create space in order to provide a clear separation between the buildings, which can be used for open space, parking or other permitted uses for a single-family lot.
- k. §32-234(g)(2)(iii): The proposed language strives to provide a regulatory environment that maintains an equilibrium between new construction, reuse of existing structures, and building placement by allowing the following to occur: (1) to ensure newly constructed ADUs are to be built within a zoning district's setbacks, (2) to allow for legally nonconforming accessory structures to be converted into an ADU, and (3) to permit ADUs to be built in front of the primary dwelling unit on properties with excess amount of space located within the front yard.
- l. §32-234(g)(2)(iv): The proposed language establishes the permitted height for an AADU and DADU. Again, pursuant to RSA 674:72, municipally is prohibited from requiring a higher dimensional threshold for AADUs than that of a single-family dwelling unit. This clause is to provide clarity on building height standards for ADUs.
- m. §32-234(g)(2)(v): The purpose is to clarify the number of ADUs permitted to be built on a lot. The standard also provides the permitting process and regulations for the construction of two (2) ADUs on a single-family lot. Considering the limitations from state statute and being mindful of not overburdening a property that originally was intended to be used for single-family residential use, a scaled approach was elected to control the gross floor area of each ADU by establishing a 'primary' and 'secondary' accessory dwelling unit. The PADU is permitted to be built under the normal standards, pursuant to §32-234(g)(2), while the SADU has a maximum gross floor area of 750-sf. This attempts to achieve both flexibility and growth management on the lot by blending a slight density increase while establishing a recognizable, 'scaled-down' difference between the dwelling units. The clause also dictates where the two ADUs can be built, their permitted locations if excess front yard space is provided, and the number of parking spots required.
- n. §32-234(g)(2)(vi): This section intends to ensure that enough green space is provided on a lot proposing a newly constructed AADU or DADU in order to achieve the following objective: to provide private, socialization and natural spaces. Moreover, this standard works in conjunction with §32-234(g)(2)(vii) in order to ensure that low impact development stormwater improvements are located on the lot in the event not enough open space can be afforded. ICADUs, or an existing accessory structure to be converted into a DADU, proposing not to expand their respective building's footprint—while encouraged to provide such open space—do not qualify under this section, as no increase in structure imperviousness is proposed. The concept is to off-set the effects of a lot's increase in impervious coverage (expansion of building footprint), while not to overburden those projects not proposing any structural expansion.
- o. §32-234(g)(2)(vii): The proposed language seeks to ensure that a stormwater management plan is established for those qualifying lots unable to meet the open space requirement. This is to protect those properties and natural resources located in areas of town having more impervious cover (urban areas).
- p. §32-234(g)(2)(viii): The proposed language demonstrates the type of open space variations/combinations that can be deployed as it relates to ADU site planning. As mentioned above, the idea is to provide private, social and natural spaces for its residence to use and enjoy.
- q. §32-234(g)(2)(ix): The proposed language ensures that the open space will be kept on the lot for the duration of the ADU's existence.
- r. §32-234(g)(2)(x): The proposed language prohibits the addition of curb cuts in order to sustain the aesthetic quality of the single-family lot and as an additional safety measure in those instances limited right-of-way frontage is present.
- s. §32-234(g)(2)(xi): The proposed language seeks to promote sustainable energy production/usage by offering an incentive to increase in gross living area for an ADU if a solar energy system is built.
- t. §32-234(g)(3): The proposed language permits only DADUs on a single-family lot with a manufacture home. The zoning code defines manufacture housing as follows:

Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. This shall not include pre-site built housing as defined in RSA 674:31-a.



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The reason for permitting DADUs exclusively is because there are two different standards for stick-built and manufacture homes (IRC and HUD). After consulting with the CEO, from a safety; practicality; permitting; and equity standpoint, the best solution was to allow for only DADUs to be built on such lots. As a clarification, modular homes under Newmarket's ordinance are not classified as manufacture housing.

- u. §32-234(g)(4): The proposed language establishes a set of design criteria ensuring that the structural emphasis is not on the ADUs, rather the primary dwelling unit. Flexibility is granted to those accessory structures that are preexisting, however, any newly constructed ADU cannot be designed in a manner that makes it appear as the lot's primary structure.
- v. §32-234(g)(5): The proposed language provides the framework for which parking will be provided and located on a lot. The intent of the clause is to provide those lots with nonconforming onsite parking areas, or limited areas to establish new spaces, more flexibility to accommodate additional parking. Further, the proposed language lets the homeowner decide the amount of spaces needed for the ADU, but establishing a cap of two spaces to ensure that the lot would not be filled with an abundance of motor vehicles.
- w. §32-234(g)(5): The proposed language ensures adequate water and sewage disposal to and from the ADU is furnished. If a lot cannot met this standard, an ADU is prohibited, unless expressed relief is granted.

Recommendations

As stated above, it is recommended that the Board discuss the proposed amendments, suggest and agree upon changes to the proposal where they see appropriate, and set a public hearing date for the September meeting (9-13-22). The idea is get public comment and create a more perfect set of zoning amendments for Town Council to consider.

Bold and underlined = proposed language and ~~Strikethrough~~ = proposed language to be removed.

Title: Accessory Dwelling Unit Zoning Amendments
Date: [August 9, 2022]
To: Planning Board of the Town of Newmarket, New Hampshire
From: Department of Planning and Community Development
Addition: Draft #6

PROPOSED AMENDMENTS

Sec. 32-5 Nonconformity

Amended section related to read as follows:

§32-5(1)(b): Certain districts prohibit single-family residential use, and in such districts, the pre-existing single-family use is nonconforming. To prevent this chapter from being unduly burdensome on a nonconforming single-family residential use, such single-family houses shall be permitted to be physically expanded, and accessory structures added or expanded. All other requirements of this chapter shall apply. There shall be no increase in the number of residential units on the lot, **and excluding accessory dwelling units.** ~~accessory apartments shall be prohibited.~~

Sec. 32-9 Special use permits

Amended section related to read as follows:

§32-9(a): Pursuant to RSA 674:21,I(i), a provision which permits flexible and discretionary zoning among other innovative land use controls, the town offers certain discretionary authority to the planning board in limited cases where generally stated standards appear inappropriate. Special use permits are provided in the following sections: section 32-45(b)(2) for optional uses in the mills; section 32-45(b)(2)(A) for multifamily residential uses as part of a mixed-use mill redevelopment; section 32-46-A(b)(1) for mixed-use development with three or greater residential units; section 32-45(b)(2)a for self-storage facilities within existing buildings in the mills; section 32-48(b)(2) for optional uses related to the golf course or outdoor recreation; section 32-159(b)(3) for siting telecommunications facilities; ~~and section 32-232(2)~~ for permitting large home-based businesses; **and section 32-234(g)(2)(v) for more than two (2) accessory dwelling units on a single-family lot and section 32-234(g)(5) for optional parking uses related to accessory dwelling units.**

Sec. 32-11 Definitions

Amended and add definitions related to accessory dwelling units to read as follows:

Accessory Dwelling Unit means a residential living unit that is **subordinate to the primary dwelling unit of a single-family lot** ~~within, or attached to, which as 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 it accompanies. Its use is subordinate to the principal dwelling and can be either a studio, a one or two bedroom apartment.~~

Residence, duplex, means a single structure containing two residential units, neither of which is an accessory **dwelling unit** ~~apartment.~~

Residence, multifamily, means a single structure containing three or more residential units, none of which is an-accessory **dwelling unit** ~~apartment.~~

Residence, single-family, means a detached structure containing one residential unit, with or without permitted accessory **dwelling unit** ~~apartments.~~

Gross floor area, means the floor area within the perimeter of the exterior walls of the building without deductions for corridors, stairways, ramps, closets, thickness of interior walls, columns, or other features. Gross floor area is calculated by taking into account all stories of the building exclusive of basements and attic spaces.

Short-term rental, means the use, control, management or operation of a dwelling unit or accessory dwelling unit, in whole or in part, for dwelling, sleeping, or lodging purposed for periods of 30 consecutive days or less; for compensation, directly or indirectly.

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45 Sec. 32-155 Wetland protection overlay district

46 *Amended section to read as follows:*

47 32-155(d)(4): Notwithstanding other provisions of this chapter, the construction of additions and extensions to single-
48 family dwellings, **including construction associated with an attached accessory dwelling unit**, shall be permitted within
49 wetland buffers provided that the dwelling lawfully existed prior to the delineation of the wetland area and that the proposed
50 construction conforms to all other applicable codes of the town.

51 Sec. 32-234. – ~~Accessory apartments~~ **Accessory dwelling units.** (*Delete and replace whole section*)

52

53 ~~(a) Purpose. Accessory apartments are permitted in all zoning districts that permit single-family residential uses to ensure~~
54 ~~adequate provision of small, affordable residential units for various segments of the population, to help homeowners~~
55 ~~utilize excess space to generate revenue to help offset the costs of home ownership, and to encourage the adaptive reuse~~
56 ~~of historic homes.~~

57 ~~(b) One accessory apartment shall be permitted per detached single-family residence if granted a special exception by the~~
58 ~~zoning board of adjustment. The accessory apartment shall be contained entirely within or attached to the detached~~
59 ~~single-family residence. The zoning board of adjustment shall grant the special exception if the following conditions~~
60 ~~are met:~~

61 ~~(1) The accessory apartment shall be a minimum of 300 square feet and a maximum of 1,000 square feet of finished~~
62 ~~living area.~~

63 ~~(2) The accessory apartment shall either be an efficiency apartment (without a separate bedroom), or a one-bedroom~~
64 ~~or two-bedroom apartment.~~

65 ~~(3) One of the dwelling units must be owner-occupied.~~

66 ~~(4) There shall be a minimum of two parking spaces for each dwelling unit. A parking space shall be defined as a~~
67 ~~rectangular space nine feet by 18 feet. Parking spaces shall be permitted within the setbacks if the location is~~
68 ~~over 50 feet from abutting dwelling units.~~

69 ~~(5) No exterior changes shall be made unless they maintain the aesthetic continuity of the accessory dwelling unit~~
70 ~~with the principal dwelling unit as a single-family dwelling.~~

71 ~~(6) Adequate water supply and sewage disposal shall be provided. If town water and sewer services the site, tie-in~~
72 ~~fees shall be paid.~~

73 ~~(7) Granting of the special exception would be consistent with section 32-5(1)b.~~

74 ~~(8) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit; however,~~
75 ~~it shall not be required to remain unlocked.~~

76 ~~(c) Subdivision and site plan review approval are not required.~~

77

78 (a) **Purpose: It has been deemed to be in the public interest to permit accessory dwelling units (“ADUs”) in all zoning**
79 **districts where single-family residential use exists, so as to:**

80 **(1) maintain a diverse supply of housing options;**

81 **(2) to provide flexible, adequate and affordable living accommodations;**

82 **(3) to support homeowners utilizing excess space to offset the cost of home ownership;**

83 **(4) to foster the Town’s community fabric by establishing spaces for multigenerational living; and**

84 **(5) to promote the conservation of energy and land by the reuse of structures and the preservation of properties.**

85

86 (b) **Applicability: ADUs are permitted by-right in all zoning districts on lots and structures exclusively used as single-**
87 **family residence. This includes pre-existing, legally nonconforming single-family lots and structures. An ADU may**
88 **be located entirely within a single-family residence (internal conversion accessory dwelling unit, or “ICADU”),**
89 **attached thereto (attached accessory dwelling unit, or “AADU”), or located within an existing or proposed**
90 **detached building (detached accessory dwelling unit, or “DADU”) on the lot, subject to the provisions herein.**
91

92

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93 (c) **Prohibitions: The following uses associated with ADUs are prohibited:**

94 (1) **More than two (2) ADUs on a single-family lot without a manufacture home.**

95 (2) **More than one (1) ADU on a single-family lot with a manufacture home.**

96 (3) **The leasing of either the principal residence, ADU(s) or both for short-term rental.**

97 (4) **The conversion of an ADU into a condominium or any other form of legal ownership distinct from the**
98 **ownership of the single-family dwelling.**

99 (5) **The conversion of an ADU into a primary dwelling unit, unless it were to become the only dwelling unit on**
100 **the lot.**

101 (6) **The construction of a new AADU or DADU or conversion of an attached or detached accessory structure**
102 **into an ADU that is located within the 100-year flood plain.**

103 (d) **Exemptions: Subdivision and site plan review approval are not required for an ADU unless otherwise required**
104 **within §32-234 Accessory Dwelling Units or elsewhere within the Municipal Code of the Town of Newmarket, New**
105 **Hampshire, as a result of qualifying elements of the proposed development.**

106 (e) **Permitting Process: Except otherwise require by state statue or the Municipal Code of the Town of Newmarket,**
107 **New Hampshire, one (1) ADU requires only a building permit application. In the event two (2) ADUs are sought**
108 **for development, a special use permit application, pursuant to §32-234(g)(2)(v)[1], is required in addition to a**
109 **building permit application.**

110 (f) **Retirement of ADUs: In the event an ADU is abandoned or converted into a primary dwelling unit, the property**
111 **owner shall comply with all applicable federal, state and local regulations.**

112 (g) **Standards: The follow standards shall apply to all ADUs:**

113 (1) **Occupancy and ownership: The property owner, as reflected in the deed, shall occupy and establish as their**
114 **primary residence either the principal dwelling unit or the ADU. Residency shall be demonstrated by**
115 **evidence of voter or vehicle registration with the Town of Newmarket, New Hampshire. When the property**
116 **is owned by one or more trusts, limited liability company (“LLC”), or other unnatural person, one of the**
117 **dwelling units shall be the principal place of residence of the beneficiary(ies) of the trust(s) or LLC.**

118 (2) **Dimensions: The following dimensional controls shall be observed unless expressed relief is granted:**

119 (i) **Living area: All newly constructed ADUs shall be of a size between 300 and 1,000 square feet as**
120 **measured by gross floor area, except under the following circumstances:**

121 [1] **For principal dwelling units under 1,000 square feet of gross floor area, a newly constructed**
122 **AADU’s gross floor area shall be no greater than 750 square feet.**

123 [2] **For principal dwelling units under 1,000 square feet of gross floor area, a newly constructed**
124 **DADU’s area shall be no greater than 80% of the size of the principal dwelling unit, but no less**
125 **than 300 square feet, as measured in gross floor area.**

126 [3] **In the event an ICADU is proposed within the principal dwelling unit, or a pre-existing attached**
127 **garage, a maximum of 1,000 square feet of gross floor area is permitted.**

128 [4] **The conversion of an existing, detached accessory structure, excluding accessory sheds, into a**
129 **DADU having a gross floor area greater than 1,000 square feet, built prior to (insert date of**
130 **enactment), such as a carriage house or garage, is permitted regardless of the size of the gross**
131 **floor area of the primary dwelling unit. Future expansion of the converted DADU’s gross floor**
132 **area is prohibited.**

133 (ii) **Structure setbacks: A minimum of 10 feet separation between the principal dwelling unit and a newly**
134 **constructed DADU is required.**

135 (iii) **Lot setbacks: All ADUs shall adhere to applicable setback requirements, pursuant to §32-89**
136 **Dimensional table, unless expressed relief has been granted, or a legally nonconforming accessory**
137 **structure is proposed to be converted into an ADU. In the instance a newly constructed DADU is**
138

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157 proposed to be closer to the front property line than the principal dwelling unit, the following standard
158 shall apply:

160 [1] The principal dwelling unit shall be setback 100 feet from the front property line, while the
161 proposed DADU shall be no closer than 80 feet from the front property line.

163 (iv) Building height: A proposed AADU and DADU shall adhere to the building height standards, pursuant
164 to §32-89 Dimensional table. In the instance that an existing detached accessory structure proposed to
165 be converted into a DADU is of a height in violation of §32-89 Dimensional table, then that structure
166 cannot exceed its preexisting height. See section §32-234(g)(3)(ii) for detached ADU building height
167 standards for manufacture homes.

169 (v) Density: A single-family lot proposing an ADU is exempt from the Maximum Residential Density
170 requirements, pursuant to §32-89 Dimensional table. Notwithstanding the foregoing, a maximum of one
171 (1) ADU shall be permitted on a single-family lot, except under the following scenario:

173 [1] The Planning Board may grant a special use permit to allow for two (2) ADUs on a single-family
174 lot, provided the applicant demonstrates conformity with the following additional standards:

176 [a] Designation: The applicant shall designate a primary (“PADU”) and secondary (“SADU”)
177 accessory dwelling unit.

179 [b] Size: A PADU shall adhere to the gross floor area standards, pursuant to §32-234(g)(2)(i),
180 while the SADU shall have gross floor area no greater than 750 square feet.

182 [c] Building separation: A minimum separation of 10 feet is required between AADUs and
183 DADUs. In no case may a PADU have a SADU built within.

185 [d] Internal conversion ADUs: The primary dwelling unit may host both PADU and SADU.

187 [e] Building location: Newly constructed DADUs may be closer to the front property line than
188 the principal dwelling unit, provided that the principal dwelling unit is setback 200 feet from
189 the front property line. Under this circumstance, the DADUs shall be setback no less than
190 100 feet from the front property line.

192 [f] Parking: A minimum of two (2) parking spaces are required to accommodate both ADUs.
193 All other parking standards, pursuant to §32-234(g)(5), shall apply.

195 (vi) Open space: The following scheduled under Table 1. Open Space Requirements shall be observed for all
196 proposed newly constructed AADUs and DADUs:

	Table 1. Open Space Requirements			
Lot size (square feet)	< 10,000	10,000 - 20,000	20,000 - 50,000	50,000+
Preservation Required (%)	35	25	15	10

198 (vii) Stormwater management: In the event the open space requirement, pursuant to §32-234(g)(2)(vi),
199 cannot be met, compliance with Sec. F, Part A. of Appendix C. Stormwater Management Regulation, at
200 a minimum, is mandatory for all proposed newly constructed AADUs or DADUs.

203 (viii) Open space design: A lot proposing an ADU subject to the requirements of §32-234(g)(2)(vi) shall
204 incorporate an open space design to be used both actively and passively. Such designs shall include, but
205 not be limited to backyard garden courtyards; greenway walkways; garden terraces; pollinator
206 fields/walkways; raingardens; pocket parks; forested areas, or a combination thereof, arranged to
207 promote a balance between socialization and personal spaces amongst the primary and accessory
208 dwelling units along with areas dedicated to natural or passive green space. Access to open space areas
209 shall be no further than 20 feet from the respective ADUs unless demonstrated by the applicant that
210 there is no practical location for the open space other than the proposed location as a result of the lot’s
211 physical characteristics.

212 (ix) Maintenance of open space: The preservation of dedicated open space subject to §32-234(g)(2)(vi) shall
213 be maintained in perpetuity by the property owner until the retirement of all ADUs.

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From: Department of Planning and Community Development

Addition: Draft #6

- 214 (x) Lot access: A property proposing an ADU shall not increase the existing number of driveways entrances
215 (i.e. curb cuts) front the right-of-way onto the lot.
- 216 (xi) Renewable energy systems: If a rooftop solar energy system is proposed for installation onto an AADU
217 or DADU, a 100 square foot gross floor area bonus may be applied to the maximum allowable gross
218 floor area of the impacted ADU, but in no case may the height of the impacted ADU be expanded unless
219 done so in conformance with §32-234(g)(2)(iv). For the purposes of this subsection section, the rooftop
220 solar energy system is exempt from building height standards.
- 221 (3) Manufacture homes with an ADU: In addition to the standards herein not modified by this clause, the
222 following standards for ADUs on lots with manufacture homes as the primary dwelling unit shall apply:
223
- 224 (i) Attached ADU: An AADU affixed to a manufacture home is prohibited.
225
- 226 (ii) Detached ADU: A newly constructed or accessory structure conversion DADU is permitted on a single-
227 family lot with a manufacture home designated as the primary dwelling unit. A newly constructed
228 DADU shall not deviate from a gross floor area between 300 - 750 square feet and shall have a building
229 height not to exceed the height of the manufacture home. The aforementioned standards
230 notwithstanding, the conversion of a pre-existing detached structure, excluding accessory sheds or
231 structures below 300-sf, is permitted to be converted into a DADU. In the instance a pre-existing
232 structure converted into a DADU has an area greater than 750 square feet, a height greater than that
233 of the manufacture home, or both, future expansions for those respective dimensions of the building
234 are prohibited.
235
- 236 (iii) Internal conversion ADU: An ICADU within a manufacture home is prohibited.
237
- 238 (4) Building Design: An ADU shall be clearly subordinate to the primary dwelling unit, as demonstrated in the
239 building design and placement. Building design for purpose of this section shall include the following:
240
- 241 (i) Attached and conversion ADUs shall be designed as follows:
242
- 243 [1] Aesthetics, integration and entrance: Proposed AADUs and ICADUs shall have a roof pitch,
244 windows, and eaves that maintain the aesthetic continuity of the principal dwelling unit. To wit:
245 the development's design shall achieve an appearance in all parts as a continuation, or an
246 accompaniment to the single-family residence, while designs giving the appearance of a duplex or
247 multi-family building are prohibited. A separate entrance into the ADU structure, in view from
248 public right-of-way, is allowed, provided the entrance is designed to harmonize with the primary
249 dwelling unit in a manner not indicative of an entrance into a separate dwelling unit.
250
- 251 [2] Building materials: AADUs and ICADUs shall use similar exterior materials (roof, siding, and
252 trim) and a color that complements the primary residence.
253
- 254 [3] Building safety: Proposed ADUs with fire escapes or exterior stairs for access to an upper-level
255 shall not be located on a side(s) of the principal dwelling unit facing a street(s).
256
- 257 [4] Building access: An interior door shall be provided between the principal dwelling unit and the
258 respective ADU; however, it shall not be required to remain unlocked.
259
- 260 (ii) Detached ADUs shall be designed as follows:
261
- 262 [1] Building location, aesthetics and materials: a newly constructed DADU shall be located in a
263 position on the lot that presents a less dominant focus than the primary dwelling unit, while its
264 design shall present the general impression that it is clearly an accessory building to the primary
265 dwelling unit, yet maintains an aesthetic continuity with the primary dwelling unit. For
266 conversion DADUs, all improvements made thereto shall complement the architectural style of
267 the primary dwelling unit while maintaining the emphasis of the primary dwelling unit as the
268 lot's central structure.
269
- 270 [2] Building safety: Fire escapes or exterior stairs for access to an upper-level ADU shall not be
271 located on a side(s) of the ADU facing a street(s).
272
273

Bold and underlined = proposed language and ~~Strikethrough~~ = proposed language to be removed.

Title: Accessory Dwelling Unit Zoning Amendments

Date: [August 9, 2022]

To: Planning Board of the Town of Newmarket, New Hampshire

From: Department of Planning and Community Development

Addition: Draft #6

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- (5) **Parking: All ADUs shall conform with the following parking standards, exclusive of contexts where relief is expressly granted or ADUs subject to §32-234(g)(2)(v)[1]:**
- (i) **A lot proposing to establish one (1) ADU shall require a maximum of two (2) off-street parking spaces.**
- (ii) **Tandem parking with a maximum stacking limit of two (2) spaces to accommodate ADUs or both the primary dwelling unit and an ADU(s) are permitted on-site.**
- (iii) **Outdoor parking spaces accommodating ADUs exclusively, or in part, are authorized to encroach into a lot's setbacks, provided that the location of the new parking spaces are at minimum 20 feet from an abutting property's dwelling unit, or maintain the setback of pre-existing parking spaces that are closer than 20 feet to an abutting property's dwelling unit. The Planning Board may grant a special use permit to reduce the minimum distance from an abutting property's dwelling unit to 10 feet for proposed new parking spaces accommodating an ADU full, or in-part, provided the following standard is met:**
- [3] **A proposed or exiting landscaping buffer, or neighbor-friendly fencing shall screen adequately the parking space(s) from the abutting property and shall be maintained in perpetuity by the property owner so long as the ADU exists. In the event new landscaping is proposed to meet this standard, native vegetation shall be used exclusively. Modifications made to an approved landscaping buffer or neighbor-friendly fencing that reduce the efficacy of their screening capabilities shall require prior Planning Board approval.**
- (6) **Water supply and sewage disposal: Adequate water supply and sewage disposal shall be provided. If town water and sewer services the site, all applicable fees shall be assessed prior to the issuance of a building permit, pursuant to (add in section) and paid prior to the issuance of the ADU's certificate of occupancy. When town sewer is not provided, the proposed septic system servicing the ADU shall meet NH Department of Environment Services, Water Division requirements for the combined system demand for total occupancy of the premises.**

302 (Ord. of 2-14-1996, § 7.03; Ord. of 9-1-2004; Ord. No. 2016/2017-01, 3-1-2017; Ord. of 06-21-2017)

303

Town of Newmarket, New Hampshire					
Conservation Commission -- Conservation Fund (5Oct2022)					
Items (date of motion)	Date of CC Approval	Date of Debit, Revenue, or Balance	Conservation Commission Fund	Richard Schanda Fund	TOTAL
		8/1/22	\$129,846.64	\$4,764.46	\$134,611.10
		10/5/22	\$129,084.24	\$4,764.46	\$133,848.70
CREDITS					
Interest		8/31/22	\$44.56		
		9/30/22	\$80.61		
Land Use Change Tax (LUCT)					
LUCT - 17A Cushing Rd balance		9/12/22	\$443.84		
Other Contributions					
DEBITS this FY					
Heron Point kiosk trail map (Martin Forestry)	11/18/21	7/21/22	\$690.00		
Heron Point kiosk panel design (Cathy Arakelian)		8/9/22	\$825.00		
Heron Point kiosk panels printing (Portsmouth Sign)		9/14/22	\$581.00		
Approved to be spent:					
Wiggin Farm invasive plant control RCCD	2/10/22		\$3,190.00		

Newmarket Conservation Commission Funds						
FY23		General Fund: 014611				
General Fund Budget		\$4,185.00				
	Date of motion or debit	Part-Time Salary	Contracted	Dues/ Subscriptions	General Supplies	Postage
BUDGETED		\$3,335.00	\$300.00	\$350.00	\$200.00	\$0.00
EXPENDED		\$594.78	\$0.00	\$0.00	\$69.65	\$0.00
BALANCE (5Oct2022)		\$2,740.22	\$300.00	\$350.00	\$130.35	\$0.00
General Fund total balance (5Oct2022)		\$3,520.57				
Part-time salary, recording secretary	7/14/22	\$137.04				
Part-time salary, recording secretary	7/28/22	\$162.74				
Part-time salary, recording secretary	8/11/22	\$9.87				
Part-time salary, recording secretary	8/25/22	\$218.30				
Recording Secretary - supplies (10/14/21)	8/31/22				\$52.41	
Part-time salary, recording secretary	9/22/22	\$66.83				
Supplies - notebook, files	9/20/22				\$17.24	
Approved to be spent						