

**TOWN OF CHESTERFIELD, NH  
PLANNING BOARD**

**Monday, August 15, 2016**

**Present:** Joe Brodbine, John Koopmann, James Corliss, Rolland Vollbehr, Davis Peach, and Norm VanCor (Selectmen Rep in place of Jon McKeon)

**Call to Order**

James Corliss called the meeting to order at 7:08

**Seat Alternates**

Joe Brodbine was seated in place of Susan Lawson-Kelleher

**Review of the Minutes**

August 1, 2016

*John Koopmann motioned to accept the minutes as presented from August 1, 2016. The motion was seconded by Joe Brodbine and passed unanimously.*

**Appointments**

**Items for Discussion**

Master Plan

Peach noted that there is nothing new to date. The next meeting is scheduled for August 18, 2016 at 7:00 PM at the Town Office Building.

Accessory Dwellings

Discussion:

Corliss noted that the State Law is not requiring detached accessory dwelling units. Towns are allowed to, but are not required. Vollbehr noted he liked the idea of detached accessory dwelling as there are some buildings that already exist that can be turned into or already turned into apartments. Peach noted that he would like to deal with attached first and then once that discussion is complete, move onto detached. Brodbine noted that there could be three types of units up for discussion. One detached, one inside the footprint and one that expands the footprint. Koopmann noted that he is in favor of potentially allowing detached, but agrees with Peach and would like to discuss them separately. Corliss noted that he believes that there are some detached dwelling unit possibilities that make sense. Peach noted that dealing with them separately will make it much easier and streamline the process.

*Peach moves that the board deal with attached accessory dwelling units solely until complete. When the regulations for attached are complete and passed by the board, then the board moves on to detached and complete those regulations. When all the draft regulations are complete, they are*

*brought to the Town and put into the Zoning Regulations under separate categories under the same heading. The motion is seconded by Koopmann and passes by majority. (no: Brodbine and Corliss) (yes: Koopmann, Peach and Vollbehr)*

The board went over the draft regulations (dated 8/1/16) line by line.

*Koopmann moves to begin discussion of detached ADU regulations. The motion was seconded by Brodbine.*

*Discussion: Peach noted that his previous motion was clear. He would like to finish with attached prior to talking about detached.*

*The motion passed by majority. (No: Peach)*

*Koopmann noted he would like McKeon's input. Corliss noted that the discussion on detached will continue to the next meeting.*

The final draft of Accessory Dwelling Units is as follows

Updated from meeting 8/15/16

### XXX Accessory Dwelling Units

#### XXX.1 Purpose

For the purpose of providing expanded housing opportunities and flexibility in household arrangements, accessory dwelling units as described by RSA: 674:71-73 and further described below, shall be permitted by a conditional use permit granted by the Planning Board or their designee in any district in conformance with these regulations.

Definition (is this going in the back under definitions?)

Accessory Dwelling Unit (ADU): a secondary dwelling unit within or attached to and subordinate to the permitted principal dwelling unit in accordance with the provisions of this section (or list section # if in back under definitions)

#### XXX.2 Standards

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 and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this section. Existing non-conforming structures must comply with current codes and regulations at the time the ADU conditional use permit is applied for.

#### XXX.3 Requirements/Limitations

a. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit. In granting a conditional use permit, the Board or its designee must find that the secondary dwelling unit is developed in a manner which does not alter the character or appearance

of the principal dwelling unit as a single family residence. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot. The accessory dwelling unit shall be designated by a unique address issued by the Town.

b. There shall be no exterior alterations, enlargements, or extensions of the structure which alter its character or appearance as a single -family residence. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

c. An attached accessory dwelling unit shall not be considered to be a two-family unit and all regulations for single family units apply except as allowed by these ADU regulations.

d. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet measured by the outside dimension of the exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30% of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.

e. An attached accessory dwelling unit shall be designed to allow for re-incorporation into the principal dwelling unit. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling unit and the principal dwelling unit must share internal heated living space through a common wall.

f. The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Chesterfield septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Chesterfield septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.

g. Adequate off-street parking shall be provided.

h. There shall be no more than two bedrooms in an ADU

#### XXX.4 Existing nonconforming accessory dwelling units

To be considered a nonconforming use, an accessory dwelling unit must have either;

a. Been constructed or installed prior to March 10, 1987, or

b. Have otherwise been legally granted a building permit or certificate of occupancy between the year 1987 and the date of passage of the occupancy dwelling unit amendment.

#### XXX.5 Existing illegal accessory dwelling units

Accessory dwelling units constructed after March 10, 1987 and before March 2017, which do not have either a building permit or certificate of occupancy, shall apply to the code enforcement officer for a determination of compliance with section (Whatever this section is numbered #2).

Applications shall be accompanied by the filing fee, plans and other documentation requested by the code enforcement officer to enable him/her to evaluate compliance with section (XXX.2). The code enforcement officer shall issue one of the following:

- a. A determination of compliance with (XXX.2) and a certificate of occupancy;
- b. A conditional determination of compliance with XXX.2 and a description of the corrective changes needed to bring the accessory dwelling unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the code enforcement officer shall issue a certificate of occupancy; or
- c. A determination of non-compliance with one or more of the requirements of XXX.2, together with a listing of those requirements and conditions for which compliance cannot be achieved through corrective changes.

XXX.6 Failure to comply

If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the building inspector. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after March 31, 2017.

XXX.7 Owner Occupied

The principal dwelling unit or the Accessory dwelling unit shall be owner occupied. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or medical/family emergency; the owner may apply to the Zoning Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years.

XXX.8 Maximum occupancy

The ADU may be occupied by a maximum of two (2) persons per bedroom

Signs

Parisi is working on language.

Spofford Boat Sales

There is nothing to report.

**Items for Information**

**Other Business**

Dead River Company - Lachenal noted that she received a waiver of Land Development Regulation 303.4E requiring a decision within 65 days. The waiver requests an extended deadline of another 65 days to October 28, 2016. The board notes and accepts the extension.

Lachenal noted that the first Monday in September is a holiday. The board will cancel the meeting scheduled for Monday September 5, 2016 and hold a meeting on Monday September 12, 2016. The meeting scheduled for September 19, 2016 will not change.

Peach noted that he was not present at the previous meeting and was inquiring if the Rules of Procedure were changed. It was noted that the rules were not changed, just discussed.

Koopmann noted that with the granting of the variance for Mannys some questions have come up. Koopmann asked if there was a use on a property years ago which changed along with the owners, could the use then go back to the original use just because it was accepted previously. Corliss noted that any pre-existing non-conforming use that is discontinued are not allowed back after a certain amount of time. Koopmann noted that the variance was granted based upon the fact that previously there was a car dealership there. It was noted that if the variance was granted, the Planning Board will deal with it when it comes before the board.

**Items for Signature**

Minutes – July 18, 2016

**Adjournment**

*Corliss moves to adjourn at 9:15PM Vollbehr seconded the motion which passed unanimously.*

The next meeting will be held in the Town Offices at 7:00 PM September 12, 2016.

Respectfully Submitted by:

**Patricia Lachenal**  
**Planning Board Secretary**

Approved by:

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**James Corliss, Chairman**

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**Date**