

**Town of Gilmanton Planning Board Public Hearing  
Proposed Zoning Changes  
December 8, 2016**

1) Are you in favor of the adoption of Amendment #1 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

A. Amend Article IV, Table 1 by adding a new category **Accessory Dwelling Units** and allowing this use in all zoning districts by CUP, Village, Rural, Conservation, Lt. Business, Business and Residential Lake.

B. Amend Article III, General Provisions Applicable to All Districts by add a new Section R  
**ACCESSORY DWELLING UNITS**

1. PURPOSE: For the purpose of providing expanded housing opportunities and flexibility in household arrangements, accessory dwelling units (in-law apartments) shall be permitted by Conditional Use Permit for all single family homes and shall meet the Conditional Use Permit criteria as outlined in Article XVII.

2. DEFINITION: "Accessory Dwelling Unit" as defined in RSA 674:21, as amended, 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 accompanies.

3. REQUIREMENTS/LIMITATIONS:

a. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot. The accessory dwelling unit shall have a separate house number/letter from the principal dwelling.

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

c. An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size.

e. Detached accessory dwelling units are only allowable when located on a lot that has twice the minimum lot size required in the applicable Zoning District. Detached accessory dwelling units cannot be converted to a principal dwelling unit.

f. 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.

g. Attached accessory dwelling units shall be designed to allow for re-incorporation into the principal dwelling units. Internal access to the principal dwelling unit shall be maintained or constructed. The

accessory dwelling units and principal dwelling units must share internal heated living space access through a common wall.

h. The existing or proposed septic systems must be certified by a NH 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 Gilmanton 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 Gilmanton septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.

i. Adequate off-street parking shall be provided.

j. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.

k. OWNER OCCUPIED: The principal dwelling unit or the Accessory dwelling unit shall be owner occupied.

**Note: This amendment is being proposed to comply with the new statutory requirements of RSA 674:71 – 73.**

2) Are you in favor of the adoption of Amendment #2 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article IX Board of Adjustment, B Special Exceptions 1, General Provisions by adding a new Section e. A Special Exception shall expire if the use or construction permitted in not substantially implemented with four (4) years of the date the Zoning Board of adjustment approves the application.

**Note: RSA 674:33 requires a minimum of 2 years, the town's zoning ordinance presently states variances must be implemented within 4 years, this amendment mirrors the time period allowed for variances.**

3) Are you in favor of the adoption of Amendment #3 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article III, General Provisions Applicable to All Districts, A Sanitary Protection as follows:

Any structure that is being improved by ~~adding a bathroom where none exists,~~ adding a bedroom, or whenever a structure is being converted from a seasonal to a permanent use, shall have the existing septic system certified by a NH licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated.

**Note: This amendment will clarify who may evaluate a septic system when an expansion of the home occurs.**

4) Are you in favor of the adoption of Amendment #4 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article IV, Table One, Dwelling Two Family by making the use Permitted (P) in the Conservation Zone instead of by Conditional Use Permit (CUP).

**Note: This amendment is being proposed to be consistent with the requirements in the other zoning districts.**

5) Are you in favor of the adoption of Amendment #5 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article IV Table 1 by amending the footnote for Accessory Building/Use as follows: In the Residential Lake District, accessory buildings are allowed ~~only~~ when accessory to an abutting lot, including a lot across the roadway.

**Note: The purposed of this amendment is to help clarify the requirement.**

6) Are you in favor of the adoption of Amendment #6 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article XVI Definitions, Accessory Building or Use as follows: A subordinate building or use commonly associated with, incidental to, and on the same lot ~~, adjacent lot or across the street or road from,~~ that is occupied by the main building or use.

**Note: The purposed of this amendment is to help clarify the requirement.**

7) Are you in favor of the adoption of Amendment #7 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article IV, Table 1 by removing the size limit of office uses; Offices ~~(2,000 square feet or less).~~

**Note: In order to expand the town's tax base, the Planning Board does not believe the town should limit the size of offices in the community.**

