

APPROVED

Town of Grantham
Zoning Board of Adjustment Minutes
September 22, 2016

Chairman Conrad Frey called the meeting to order at 7:00 pm on Thursday, September 22, 2016 in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall located at 300 Route 10 South.

Present: Chair Conrad Frey, Richard Mansfield, Margery Bostrom, Myron Cummings and Alternates Peter Gardiner and Peter Guillette. Selectmen's Representative Connie Jones was in attendance.

Absent: Tanya McIntire; Martha Norris, Clerk.

Approval of Minutes

Chair Frey asked the Board if there were any corrections or additions required of the minutes from the July 7, 2016 meeting. Peter Guillette said that he had attended the meeting and was not absent, but was late, as he had been at the Planning Board meeting before coming to the Zoning Board Meeting on the same night. The correction was approved and a motion to approve the minutes as amended was made by M. Cummings and seconded by R. Mansfield.

Unanimously Approved

New Business

Chair Frey stated the only topic for this meeting was the discussion of a mandated (RSA 674:71-73) concerning the implementation of Accessory Dwelling Units (ADU) in the Town's Zoning Ordinance. The State has set a date of June 1, 2017 for Towns to include a new Article in their Ordinances otherwise RSA 674:71-73 provisions would be applied. [As these provisions leave a great amount of latitude in the installation of ADUs, it behooves the Towns to impose some realistic limitations by drafting a suitable Article for their Ordinances].

A discussion was begun by Chairman Frey concerning the State's reasoning for New Hampshire's need to allow the construction of ADU's. The primary reason was to allow more affordable housing for those less able to afford rentals and purchases of living space. An ADU would allow small additions to an existing single family home for elderly, college students, low income workers, older stay at home children, etcetera. This discussion was brief as Board members had received material distributed by the State on the subject of ADUs.

The State has mandated that ADUs be permitted in every zoning district where there were single family dwellings. The State also outlined a number of limits and restrictions that a Town could draft into their Ordinance. These had been circulated to Board members prior to the meeting. There was no need for clarification.

Chair Frey presented a draft for a proposed Article to be placed in the Grantham Zoning Ordinance that would satisfy the State's requirements, and would also be in keeping with Grantham's wishes to stay within the spirit of their Master Plan and the purpose of the Ordinance. The draft was based on two newly drafted Articles from the Towns of Londonderry and Moultonborough as well as over 25 towns whose ordinance referred to ADUs prior to the State mandate. These were mostly short descriptions in the "Definitions" section of their Ordinances. The draft also incorporated requirements not mentioned

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in the other Towns' Ordinances. A copy of the corrected draft is attached, and as can be seen, the changes were few in number and minor.

It was agreed that this permitted use for installation of an ADU would be by Special Exception so that the specific plans of a proposed ADU could be reviewed by the Board. Any deviations from the requirements could be submitted as a request for a variance.

The bulk of the discussion was devoted to the uses of the word "must" versus "shall". Most documents to date, whether Federal, State, County or Municipal have used the word "shall" to state a mandatory condition. Apparently, the legal profession is rethinking the distinction and is now leaning towards "must" as more stringent than "shall". The draft shows both "shall" and "must" where applicable and the final choice will be made when the draft is reviewed at the Planning board meeting in November.

The draft was unanimously approved with the caveat that the "shall" and "must" dilemma would be resolved at the Planning board meeting.

Adjournment

There being no further business, a motion was made by Peter Gardiner and seconded by Margery Bostrom.

Unanimously Approved

The next meeting of the Zoning Board of Adjustment will take place on October 27, 2016. Application deadline for that meeting is October 6, 2016.

Respectfully submitted,

Conrad Frey
Chairman Zoning Board

ARTICLE VIII:
ACCESSORY DWELLING UNITS

A PERMITTED USE BY SPECIAL EXCEPTION

A. Purpose

This Article is based on the need to increase housing alternatives while maintaining neighborhood aesthetics and quality. One accessory dwelling unit is permitted on any property containing an owner occupied single family dwelling in those Districts permitting single family dwellings and is mandated by RSA 674:71-73 providing that the conditions below are met. An Accessory Dwelling Unit shall be deemed a unit to satisfy the municipality's obligation for

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Workforce Housing as described in “Article VII - Affordable Housing” of this Ordinance as mandated under RSA 674:58-61.

B. Conditions

1. Accessory Dwelling Units are permitted in any Zoning District that permits a single family dwelling. Accessory Dwelling Units are not permitted to be built on two family dwellings in Rural Residential Districts I and II.
2. Only one Accessory Dwelling Unit is permitted to be built on to an existing or new single family dwelling. Accessory Dwelling Units are not permitted on a detached structure on the property.
3. The Accessory Dwelling Unit shall comply with the State Building Code and Fire Code regulations for construction including use of fire alarms. A building permit and certificate of occupancy is required.
4. The owner of a property containing an Accessory Dwelling Unit shall reside in either the principal or the Accessory Dwelling Unit.
5. Separate sale or ownership of the principle dwelling and Accessory Dwelling Unit is prohibited. An owner can discontinue the use of an Accessory Dwelling Unit by notifying the Board of Selectmen.
6. The Accessory Dwelling Unit shall contain fully self-sufficient living quarters consisting of no more than two bedrooms, sanitary, cooking and eating accommodations. No more than two occupants per bedroom are permitted (maximum of four occupants per Accessory Dwelling Unit).
7. The maximum size of an Accessory Dwelling Unit shall be subsidiary in size and function to the principal dwelling and be consistent with the principal dwelling in appearance, design, colors and materials.
8. The maximum size for an attached Accessory Dwelling Unit shall be no more than 40% of the existing principal dwelling but shall not be less than 750 square feet in area nor more than 1,000 square feet.
9. An interior door between the principal dwelling and the Attached Dwelling Unit is required as well as an exterior entrance that shall face either the side or rear of the building. A second floor Accessory Unit shall have an exterior stairwell facing either the side or rear of the building.
10. Off street parking for at least two cars shall be provided. A second curb cut is not

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permitted.

11. Accessory Dwelling Units shall comply with all setback and height requirements in the particular Zoning District in which they are located.

12. Well and septic requirements for the combined principle dwelling and the Accessory Dwelling Unit shall comply with the provisions of the New Hampshire Department of Environmental Sciences and necessary permitting must be obtained.

Article XVIII Definitions

ACCESSORY DWELLING UNIT

A residential living unit that is within or attached to a single family dwelling with independent living facilities for more than one person including provision for sleeping, eating, cooking and sanitation.