

## ACCESSORY DWELLING UNITS

### 3.13 Accessory Dwelling Units

#### 3.13.1 AUTHORITY

NH RSA 674:71-73, amended and in effect 7-1-2025 Accessory Dwelling Units

**3.13.2 PURPOSE** In accordance with NH RSA 674:71 – 73 and 674:21, this provision allows for the creation of an accessory dwelling unit (ADU) as an accessory use to single-family detached dwellings.

#### 3.13.3 DEFINITION

“Accessory dwelling unit (ADU)” means a residential living unit that is located on a lot containing a single-family dwelling 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 it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit. ~~If a unit meets the criteria in RSA 674:58, IV for rental units, then that unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59. The Town shall not restrict the area of the ADU to less than 750 sq. ft. Every accessory dwelling residence shall be deemed a residence of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59.~~ “Attached” means connected by at least one common wall faced by conditioned space on both sides, passable by a door which may be locked. “Attached unit” means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.

“Detached unit” means a unit that is neither within or physically connected to the principal dwelling unit, nor completely contained within a preexisting (prior to July 1, 2025) detached structure. ~~“Conditioned space” means an area, room or space that is enclosed within the building thermal envelope and that is directly or indirectly heated. Spaces are indirectly heated where they communicate through openings with conditioned spaces.~~

~~“Gross Livable Area (GLA)” means the total floor area designed for occupancy and exclusive use. The area of occupancy is measured from the centerlines of joint partitions to the outside of exterior walls. All tenant areas, including areas used for storage, shall be included in calculating gross livable area.~~

“Rental occupancy” means non-ownership including long term lease ownership.

#### 3.13.4 DESIGNATION

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

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conditions:

- 3.13.4.1 ~~The parcel is a~~ legal lot of record;
- 3.13.4.2 ~~The parcel~~ contains one single-family detached dwelling ~~which is a conforming use~~;
- 3.13.4.3 ~~The parcel~~ contains no other accessory dwelling ~~unit residence(s)~~;

**3.13.5 Procedure**

Each accessory dwelling unit shall require ~~compliance with zoning, an issued ADU specific~~ a building permit and an ~~ADU specific~~ occupancy permit and meet the standards contained in the section below.

**3.13.6 Standards**

- 3.13.6.1 New construction ~~or renovation~~ 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 except as permitted under Article 7.5 of this document~~.
- 3.13.6.2 No accessory dwelling unit shall exceed 1,100 sq. ft. gross livable area (GLA).
- 3.13.6.3 Both the accessory dwelling unit 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.
- 3.13.6.4 ~~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. An accessory dwelling unit which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential accessory use which is consistent with the master plan and zoning designation for the lot.~~
- 3.13.6.5 ~~An interior door shall be provided between the principal dwelling unit and accessory dwelling unit. For the purposes of this ordinance, an “interior door” shall be defined as a door with conditioned space on both sides. There is no requirement for said interior door to remain unlocked.~~
- 3.13.6.6 ~~Per NH RSA 674:72 VII, any proposed accessory dwelling unit, and its means of connection to the primary dwelling, shall maintain aesthetic continuity with the primary single-family dwelling. Compliance with this section shall be determined as part of the building permit review process based on site specific conditions and the architecture of the primary dwelling.~~

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3.13.6.5 One off-street parking space shall be provided in addition to those required for the primary residence for a minimum total of ~~three~~ two.

3.13.6.6 There shall be no more than two bedrooms in an accessory dwelling unit.

3.13.6.7 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 or NHDES. Prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A:38 as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.

3.13.6.8 The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling as their primary residence. Only one unit shall be used for rental occupancy.

3.13.6.9 The accessory dwelling unit shall not be converted to a condominium form of legal ownership separately from the principal single-family dwelling, notwithstanding the provisions of RSA 356-B:5.

3.13.6.10 Any additions to the ADU shall meet the requirements of this chapter.

3.13.7 Accessory dwelling units may be converted from existing nonconforming structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.

3.13.8 Additional Requirements.

3.13.8.1 Accessory dwelling units shall be subject to the following requirements:

3.13.8.1.1 Sale or ownership of such units separate from the primary residence is prohibited. Sale of an ADU through condominium conveyance is prohibited.

3.13.8.1.2 ADU units are prohibited on lots with multi-unit housing and on rented or leased land.

3.13.8.1.3 The establishment of a separate electrical panel and separate electrical service shall be allowed.

3.13.8.1.4 Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the principal dwelling or both.

### 3.1 General Definitions

#### A

**Abandonment:** To stop the use of property. When the use of a property has ceased for a continuous period of two (2) years or more other than for reasons beyond the control of the owner of the property, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use.

**Access:** A means of vehicular or pedestrian approach, entry to, or exit from property.

**Accessory Agriculture Solar:** see Article 10.2.3.3 for article-specific definition which shall not pertain to other Articles of the Ordinance.

**Accessory Building or Structure:** A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. An accessory structure may be permitted upon the premises so long as it is not adapted for use or occupancy as a dwelling or for any use inconsistent with that of the principal building upon the premises.

**Accessory Dwelling Unit (Attached and Detached):** ~~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. see Article 3.13.3 for article - specific definition which shall not pertain to other Articles of the Ordinance.~~