

May 2, 2017



Members of the City Council  
City of Concord, NH  
Green Street Concord, NH 03301

Subject: Change in the maximum 750 Square Feet of the proposed Amendment to the zoning Ordinance concerning Accessory Dwelling Units (ADU).

The newly passed RSA Section 674:72 pertaining to Accessory Dwelling Units will benefit many different categories of housing users requiring different size square footage requirements of the units. Your amendment should attempt to satisfy their needs for a livable space. Among the various groups will be:

Younger Adults, single people and the disabled. These could be classified as an efficiency apartment or mother-in-law users.

Young married couples in need of their first house who could live in an ADU built or renovated by their parents.

Elderly citizens who may want to “downsize” from their present single family house but still stay and live on their property. Under the RSA, they have the option to either live in their existing house or in the renovated ADU and rent out the other.

My concern is that the proposed amendment of a maximum 750 square feet is too small to make it livable for an elderly couple of two people with occasional guest or visiting children. Please see my floor plan attached. The RSA along with your amendment allow up to 2 bedrooms. It is not unusual for people to want a second bathroom or “more space” in their kitchen or living room area. Per the RSA a municipality does not have to have a maximum stated amount. In my case, my house is 2400 square feet (the national average is 2300) and I would like the option in the future to downsize to a livable space certainly larger than 750 square feet. My plans are wheelchair accessible which encompass slightly more space for all 3 foot wide interior doors and toilet space radius ADA specifications. This will be all on a first floor addition to the back of my house.

Concord’s residential zoning has always been a function of the lot size and maximum lot coverage as specified in your zoning “Table of Dimensional Regulations”. It has never set an arbitrary building square footage for either an addition or an original structure. Because of my lot size, I could build an addition by right to my house (solely as a single family house) many times greater than the limit of an ADU addition of 750 square feet. Many other homeowners are in this same large lot category.

Your proposed amendment protects the single family residential neighborhoods (RS and RO zones) with these controls on the ADU:

1. Unlike a two family or duplex house in which case there could be an absentee

landlord, the ADU requires one of the two dwelling units to be owner occupied.

2. An ADU will require Architectural Design Review to ensure that the ADU will appear from the outside elevations as just a part of the existing house and not a two family exterior.

3. No more than two bedrooms.

4. Additional parking requirements.

5. Review and public input by "Special Exceptions" thru the ZBA.

Alternative options for your consideration to the maximum 750 square footage:

1. Set a maximum of 1,000 square feet which will allow more interior livable space by only increasing the exterior footprint 10 ft. In depth by 25 ft in width.

2. Set no maximum. This will allow an ADU addition to equal any other potential addition that could be legally added to the house.

3. Set a maximum as a percentage of the existing house square footage. For instance, set a maximum of the greater of 750 square feet or 40% of the existing House square footage, whichever is greater. For example:

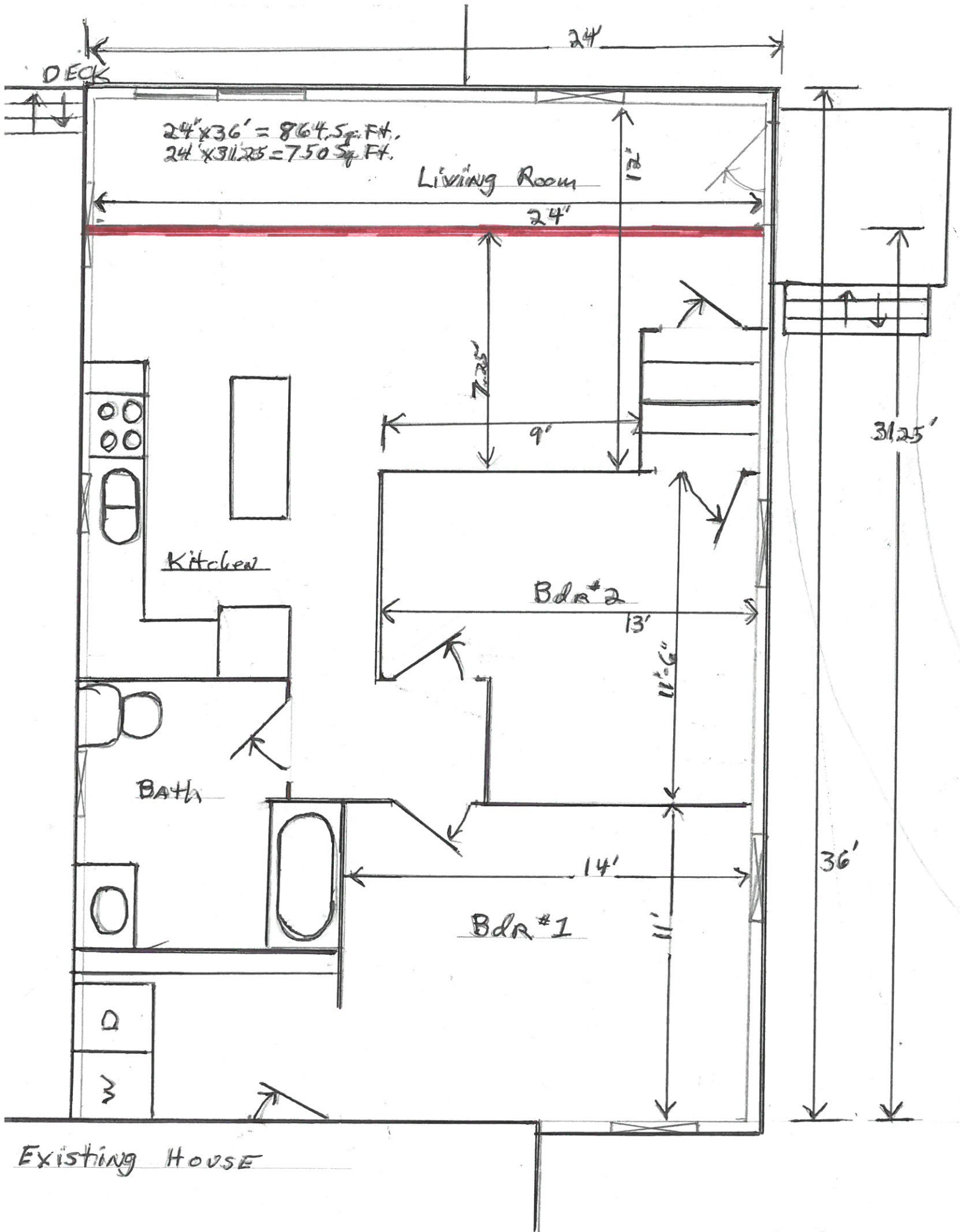
a 2,000 existing sq. ft. House x 40% = 800 sq. ft.

a 2,400 existing sq. ft. House x 40% = 960 sq. ft.

Respectfully,



Robert Nichols  
29 Cemetery St.  
Concord, NH 03301





# TITLE LXIV PLANNING AND ZONING

## CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

### Accessory Dwelling Units

#### Section 674:72

[RSA 674:72 effective June 1, 2017.]

##### **674:72 Accessory Dwelling Units. –**

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. A municipality may require adequate parking to accommodate an accessory dwelling unit.

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.