



ADUs in the Lakes Region

Accessory Dwelling Units

September 2020

RSA 674:71 Accessory Dwelling Unit

- Residential living unit
- Within or attached to a single-family dwelling
- 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.



Purpose of ADU law

Provide more housing options to meet needs of changing demographics



State law
permits ADUs
even if towns
don't adopt
ADU
ordinances

- Law became effective June 2017
- 25 of 30 LRPC member municipalities have adopted ADU ordinances
- The 5 towns without ADU ordinances:
 - Alexandria
 - Hebron
 - Hill
 - Tamworth
 - Tuftonboro

Adopting an
ADU ordinance
allows
municipalities
to choose
several options

- Allow detached ADUs
 - Increased lot size can be required
- Require owner occupancy
- Control the level of regulatory oversight
- Establish aesthetic and/or parking standards
- Allow more than one ADU per lot

Detached ADUs

- Permitted in 12 of 25 LRPC municipalities with ADU ordinances

Andover
Bridgewater
Danbury
Effingham
Gilford
Gilmanton
Laconia
Meredith
Northfield
Ossipee
Plymouth
Tilton



Owner occupancy

- Required in 22 of 25 LRPC member municipalities with ADU ordinances
 - In either the principal or accessory unit
- Not required in:
 - Bridgewater
 - Danbury
 - Holderness

Level of regulatory oversight

Permit as of right – no additional municipal review
except building permit – **12 of 25**

Special Exception – ZBA approval if enumerated
criteria are met – **9 of 25**

Conditional Use Permit – Planning Board approval
if enumerated criteria are met – **2 of 25** (Plymouth,
Wolfeboro)

Combination of as of right and Special Exception –
2 (Belmont, Tilton – SE for detached ADUs)

Additional ADU standards in ordinances

- Minimum, maximum square footage
- Proximity of detached ADU to the principal dwelling

Regulating Size of ADU

- Municipality can't require ADU smaller than 750 sq ft
 - Fixed square footage for all ADUs, or
 - Size based on percentage of floor space of principal dwelling
- Property owner can propose ADU smaller than 750 sq ft
 - Some municipalities have adopted minimum square footage requirements

State law requirements

- Town regulations that apply to single-family dwellings also apply to the combination of the principal dwelling and the ADU
 - Lot size
 - Lot coverage standards
 - Maximum occupancy per bedroom standards
 - Consistent with HUD policy

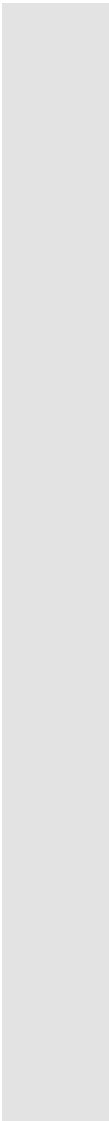
Larger lot size requirements

Permitted for:

- Detached ADUs
- More than one ADU per single-family dwelling



Additional State law requirements

- Can't require separate water supply or sewage disposal systems for the ADU
 - Can't limit ADUs to only one bedroom
 - Can't require familial relationship between occupants of principal dwelling and ADU
 - Common provision in older ADU ordinances
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Other ordinance options

- Prohibit ADUs for:
 - Multiple single-family dwellings
 - Townhouses, condominium developments
 - Manufactured housing
 - Mobile homes, trailers
- Allow condominium conveyance of ADU separate from the principal unit

Septic system
requirement:
RSA 674:72, V

- Requires submitting application for approval of newly designed septic system to NH Department of Environmental Services prior to constructing ADU
- The new system does not have to be installed unless the existing system is in failure or never received state approval
- Effective September 16, 2017

Unresolved issues:

Concept of ADU as accessory use
Subordinate to the principal use

Prohibiting short-term rental of ADU

Ashland – ADU can't be used for transient occupancy, including short-term rental

