

Lucy St. John

From: Steven C. Root [REDACTED]
Sent: Wednesday, December 28, 2016 4:58 PM
To: Jeremy Bonin; Paul G. Gorman; Marianne McEnrue
Cc: Lucy St. John
Subject: Proposed Zoning Ordinance Amendments Relating to Accessory Dwelling Units

To the Planning Board Subcommittee on ADUs:

I would like to suggest consideration of a few provisions to strengthen the proposed amendments relating to Accessory Dwelling Units (ADUs).

New London citizen Gerald Coogan shared with me some language that, in his work for other New Hampshire towns, is being developed with the help of their counsel to limit "condominium-ization." I have massaged the language to make it applicable only to the extent permitted by law:

To the fullest extent permitted by law, (i) there shall be no conveyance of an Accessory Dwelling Unit separate from the principal Dwelling unit by Subdivision, (ii) the Accessory Dwelling Unit shall not have ownership separate from the owner of the Lot on which the principal Dwelling unit is located, and (iii) the Lot and the Structure containing the Accessory Dwelling Unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal Dwelling unit.

I would suggest a revision to the definition of "Accessory Building" to resolve an ambiguity and to make it clear that Article II.8.c is applicable. Here is my suggestion (new language in *bold italics*):

Accessory Building: A Building subordinate to the main Building on the Lot and used for purposes customarily incidental to those of the main Building. ***An Accessory Dwelling Unit will be deemed an Accessory Building.***

The current language in our Zoning Ordinance, in the definition of "Accessory Dwelling Unit" conveys the sense that an ADU is an accessory – i.e., secondary and subordinate – to the primary dwelling unit. The following language should be retained:

Accessory Dwelling Unit: A secondary Dwelling Unit attached to, incorporated into and subordinate to the primary Dwelling Unit with a common roof and common wall or common ceiling/floor, in accordance with the provisions of this section. Detached Accessory Dwelling Units are not allowed.

The Planning Board should consider including a 30-day minimum rental provision. Here is language proposed to be included in Newbury's zoning ordinance, which could be adapted:

If the accessory apartment is to be rented, then the accessory apartments shall be rented, to the same renter, for no less than a minimum of thirty (30) consecutive days.

Steven C. Root