

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

5:30 PM Work Session begins

November 10, 2025

AGENDA

WORK SESSION

- I.** Historic District Commission recommendation of boundary revision to the Historic District

- II. City Council Referrals**
 - a. Request Planning Board move parking requirements to Site Plan regulations
 - b. Request Planning Board rezone certain parcels to Gateway
 - c. Request Planning Board modify Section 10.812 Conversion of Existing Dwelling to Multifamily Dwelling.

- III. Zoning Amendments**
 - a. Mechanical Units
 - b. Solar
 - c. Senate Bill 284 - Parking
 - d. House Bill 577 - Accessory Dwelling Units
 - e. House Bill 631 – Multifamily in Commercial Districts
 - f. Dependent on available time: wetlands CUP section revisions and other previously pending matters the Chair will discuss.

- IV. Adjournment**

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_Q1kS7l4QT0KFqv28bENZbw

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: 9 Middle Road rezoning
Date: Friday, November 7, 2025 11:37:19 AM

-----Original Message-----

From: eric weinrieb <eweinrieb@altus-eng.com>
Sent: Thursday, October 16, 2025 12:37 PM
To: Peter M. Stith <pmstith@portsmouthnh.gov>
Cc: Rachel Hopkins (rachel.hopkins@comcast.net) <rachel.hopkins@comcast.net>
Subject: 9 Middle Road rezoning

Peter,

Thank you for bringing this to my attention. I am both shocked and dismayed to hear that my home at 9 Middle Road is proposed to be added to the HDC and that the proposal is under consideration tonight, the day that I heard about at. WOW!

I feel that if the City was intending to rezone someone's property that they would have informed the property owner in advanced via certified mailing. My home is the only property under consideration to be added to the HDC in this area. There is no reason to add a single property to the district. There is intense landscaping between the house and the street that limits the ability for the public to see the structure.

My property would be the only property with a Middle Road address that would be in the district. The HDC generally includes the properties along Middle Street and Lafayette Road. The proposal, rightly so, is correcting some of the previous errors where homes not fronting on Middle Street or Lafayette Road are being removed from the HDC. For consistency, there is no reason to add a Middle Road property to the HDC.

I find the proposed modification to the HDC to include my property overreaching and inappropriate.

Yes, my residence is over 100-years old and we treat the architecture with respect to the era. We purchased the property 20 years ago because it was not in the HDC. We do not want it to change.

On behalf of my wife, Rachel Hopkins, and I, we respectfully request that 9 Middle Road is not added to the HDC.

Please pass this email onto the Planning Board and it read into the record.

I have another work commitment this evening otherwise I would be present to voice my opposition to the proposal.

Respectfully submitted,

Eric D. Weinrieb, PE

Altus Engineering

133 Court Street

Portsmouth, NH 03801

(603) 433-2335

Residence:

9 Middle Road

Portsmouth, NH 03801

From: Peter M. Stith <pmstith@portsmouthnh.gov>

Sent: Thursday, October 16, 2025 11:09 AM

To: eric weinrieb <eweinrieb@altus-eng.com>

Subject: RE: Admin letter and HDC

Peter Stith, AICP

Planning Manager

Planning & Sustainability Department

City of Portsmouth

1 Junkins Avenue

Portsmouth, NH 03801

603.610.4188

www.portsmouthnh.gov <<http://www.portsmouthnh.gov>>

.gov instead of @cityofportsmouth.com for future communications. Thank you for your attention!



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: November 6, 2025

Re: Memo for November 10, 2025 Planning Board Work Session

I. Historic District Commission recommendation of boundary revision to the Historic District

The City Council, at their September 24, 2025 meeting, voted to refer map changes to the Historic District Boundary, recommended by the Historic District Commission, to the Planning Board for a recommendation.

Memorandum from Reagan Ruedig, Historic District Commission Chair, regarding Historic District Boundary Revision – Voted to refer this request for a Zoning Map change to the Planning Board for a report back to the City Council.

Included in the packet is a memo from Izak Gilbo, Planner 1, documenting the Historic District Commission's work on modifying the boundary of the Historic District. The current boundary extending out of downtown along New Castle Avenue and Middle Street is a distance of 150 feet on either side, which bisects parcels and, in some cases, buildings. It also includes parcels that do not front on Middle Street. The revised proposal removes the 150-foot boundary and instead includes the entire parcel that fronts the street or corner and removes or includes parcels that are currently bisected by the district. The attached maps outline the two areas of the HD with proposed changes and parcels that will be removed (red), parcels to include in their entirety (yellow) and one parcel is proposed to be added (green) and one parcel remains split (purple). Maps included show the areas along Middle Street and South Street/New Castle Ave. zoomed in with existing and proposed boundary and a full map of the proposed Historic District boundary.

Only 1 parcel (Map 152 Lot47) is proposed to be added that was not currently in the district at all. A letter from the property owner was submitted to the Board in October requesting they not be added to the district. This lot is shown as green below. One parcel is proposed to remain split, Map 207 Lot 36 which is located on New Castle Avenue and shown as purple on the map below.

M E M O R A N D U M

TO: Karen Conard, City Manager
FROM: Izak Gilbo, Planner 1
DATE: September 16, 2025
RE: Historic District Boundary Revision

The Historic District Commission Chair, Reagan Ruedig identified that the existing boundary lines for the Historic District did not align with typical district boundary standards. The existing Historic District boundary lines along Islington Street and Middle Street contain parcels that sit behind the street facing parcels. Whereas South Street and New Castle Avenue have bisected parcels that do not match the property boundary. The revisions presented to the Historic District boundary lines remove the parcels that are street facing and those of which that are bisected. This will create a more cohesive Historic District boundary for the City. The attached parcel list demonstrates which parcels will remain in the district, which will be removed, and which parcels need a boundary revision.

Background

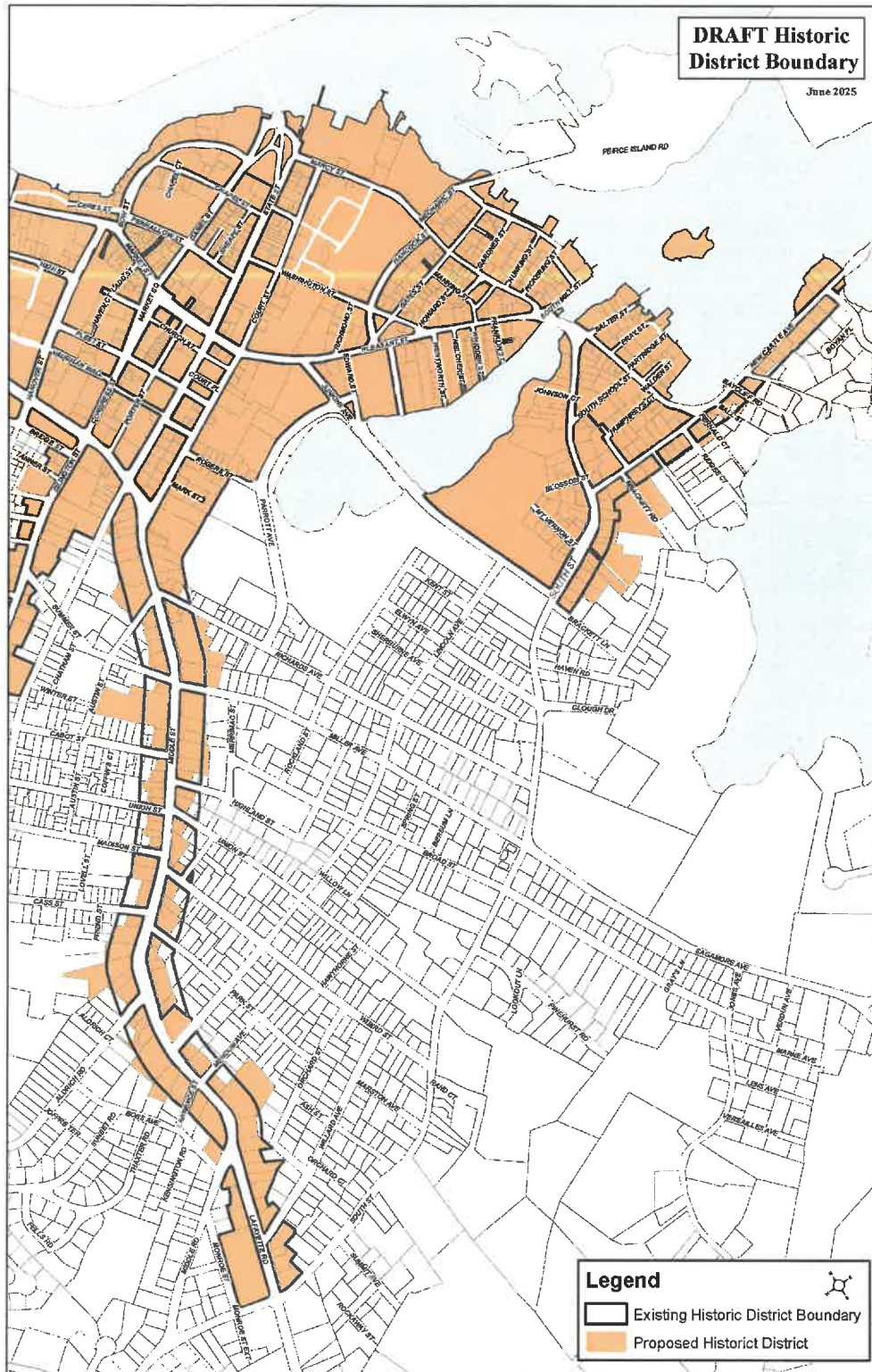
May 07, 2025, the Historic District Commission members reviewed the boundary changes for the first time and noted further revisions to a small grouping of parcels.

June 04, 2025, the Historic District Commission members voted to approve the final draft boundary revisions as presented.

Recommendation:

I would recommend the City Council vote to refer this request for a Zoning Map change to the Planning Board for a report back to the City Council.

Proposed Historic District Boundary:



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP of the Ordinances of the City of Portsmouth, be amended to change the zoning designation of the following parcel pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance as follows:

That the Zoning Map be amended to change the boundary of the Historic District (HD) along Middle Street, South Street and New Castle Avenue to add, remove or add in its entirety the following parcels:

The following parcel is proposed to be added to the HD:

Assessor Map 152 Lot 47 [9 Middle Road](#)

The following parcels are proposed to be removed from the HD:

Assessor Map	Lot	Address
127	27	43 Austin Street
128	2	31 Richards Avenue
128	3	39 Richards Avenue
134	31	39 Chauncey Street
134	33	25 Chauncey Street
134	32	31 Chauncey Street
134	34	320 Union Street
134	38	35 Wibird Street
135	46	16 Cabot Street
135	15	300 Union Street
135	22	236 Union Street
135	14	305 Union Street
135	13	285 Union Street
135	40	21 Madison Street
135	10	34 Highland Street
135	39	29 Madison Street
135	6	35 Highland Street
135	5	29 Highland Street
135	47	24 Cabot Street
135	48	34 Cabot Street
135	71	233 Union Street
135	70	211 Union Street
136	41	33 Cabot Street
136	2	64 Austin Street

136	25	40 Summer Street
136	24	26 Summer Street
136	5	39 Summer Street
136	1	50 Austin Street
136	42	25 Cabot Street
136	40	31 Cabot Street
136	38	39 Cabot Street
147	13	44 Wibird Street
147	24	24 Friend Street
147	8	269 Cass Street
147	25	34 Friend Street
147	22	270 Cass Street
147	9	273 Cass Street
147	14	34 Wibird Street
148	22-2	29 Mendum Avenue
148	63	50 Wibird Street
148	42	76 Park Street
148	28	31 Aldrich Road
148	43	46 Park Street
148	44	26 Park Street
148	38	635 Lincoln Avenue
148	20	670 Lincoln Avenue
148	19	664 Lincoln Avenue
148	26	46 Aldrich Road
148	45	35 Park Street
149	60	10 Mendum Avenue
149	42	179 Orchard Street
149	43	155 Orchard Street
152	50	35 Lawrence Street
153	1	66 Aldrich Road
207	52	19 Ball Street
207	54	28 Ball Street
207	40	25 Driftwood Lane
207	55	21 Fernald Court

The following parcels are proposed to be added in their entirety to the HD.



Assessor Map	Lot	Address
101	29	100 New Castle Avenue
101	28	112 New Castle Avenue
101	27	122 New Castle Avenue
101	25	150 New Castle Avenue
101	30	88 New Castle Avenue
101	33	50 New Castle Avenue
101	34	28 New Castle Avenue
111	10	306 South Street
111	13	7 Brackett Lane
111	12	332 South Street
111	11	320 South Street
111	9	292 South Street
111	8	280 South Street
111	5	262 South Street
111	6	270 South Street
111	1	220 South Street
111	3	244 South Street
111	4	254 South Street
127	28	27 Austin Street
127	16	534 State Street
127	8	180 Middle Street
127	15	526 State Street
127	13	116 Middle Street
135	1	381 Middle Street
135	3	425 Middle Street
135	2	411 Middle Street
136	20	375 Middle Street
136	16	245 Middle Street
136	17	Middle Street
136	22	364 Middle Street
147	19	660 Middle Street
147	18	668 Middle Street
148	29	700 Middle Street
148	30	678 Middle Street
148	24	736 Middle Street
149	62	873 Middle Street
152	44	816 Middle Street
153	8	796 Middle Street

DRAFT Historic District Boundary

October 16, 2025



Legend

-  Existing Historic District Boundary
-  Proposed Historic District



DRAFT Historic District Boundary

October 16, 2025



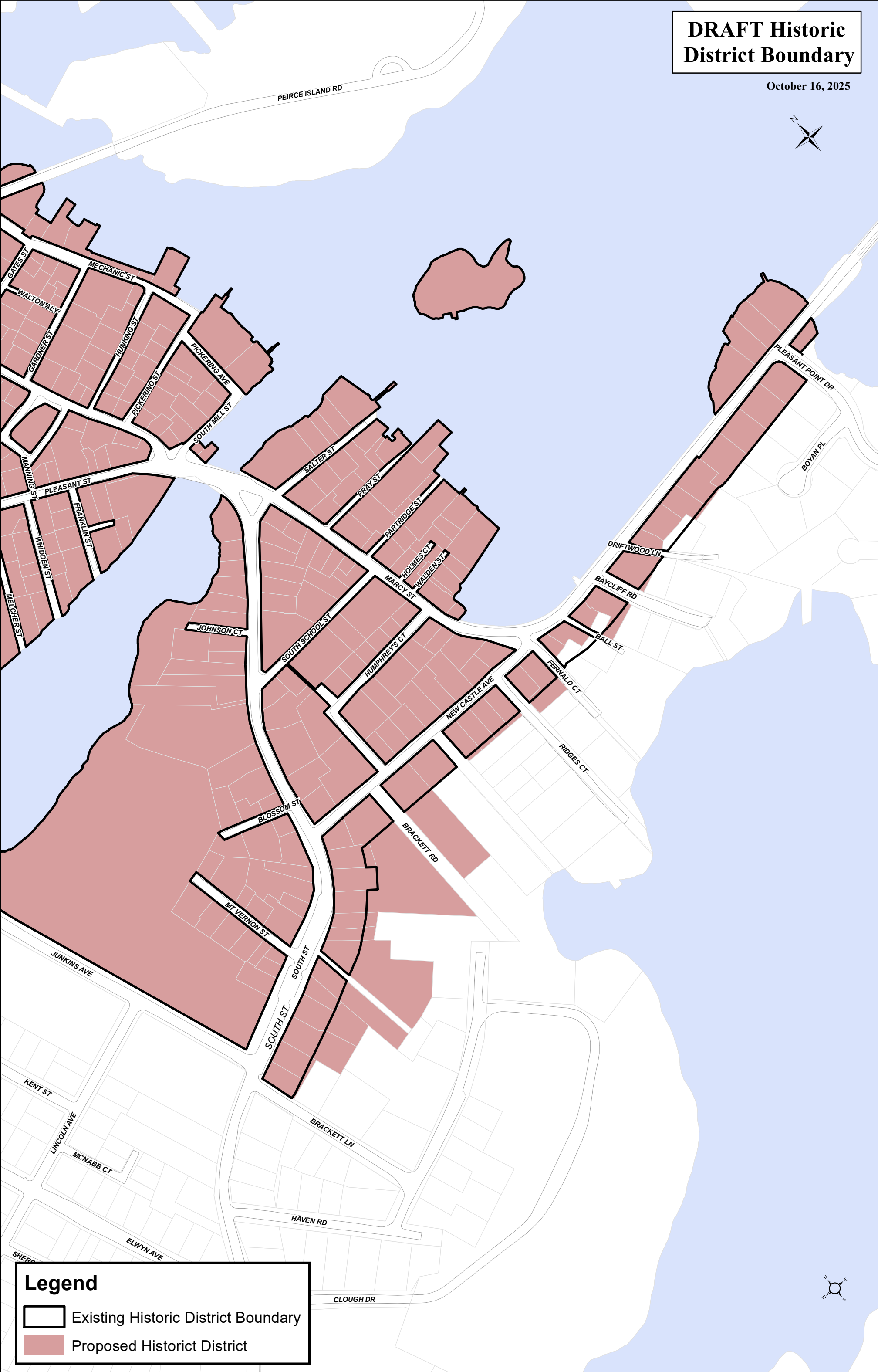
Legend

- Existing Historic District Boundary
- HD_Status**
- Add to District
- Remove from District
- Include in Entirety
- Split





DRAFT Historic District Boundary

October 16, 2025



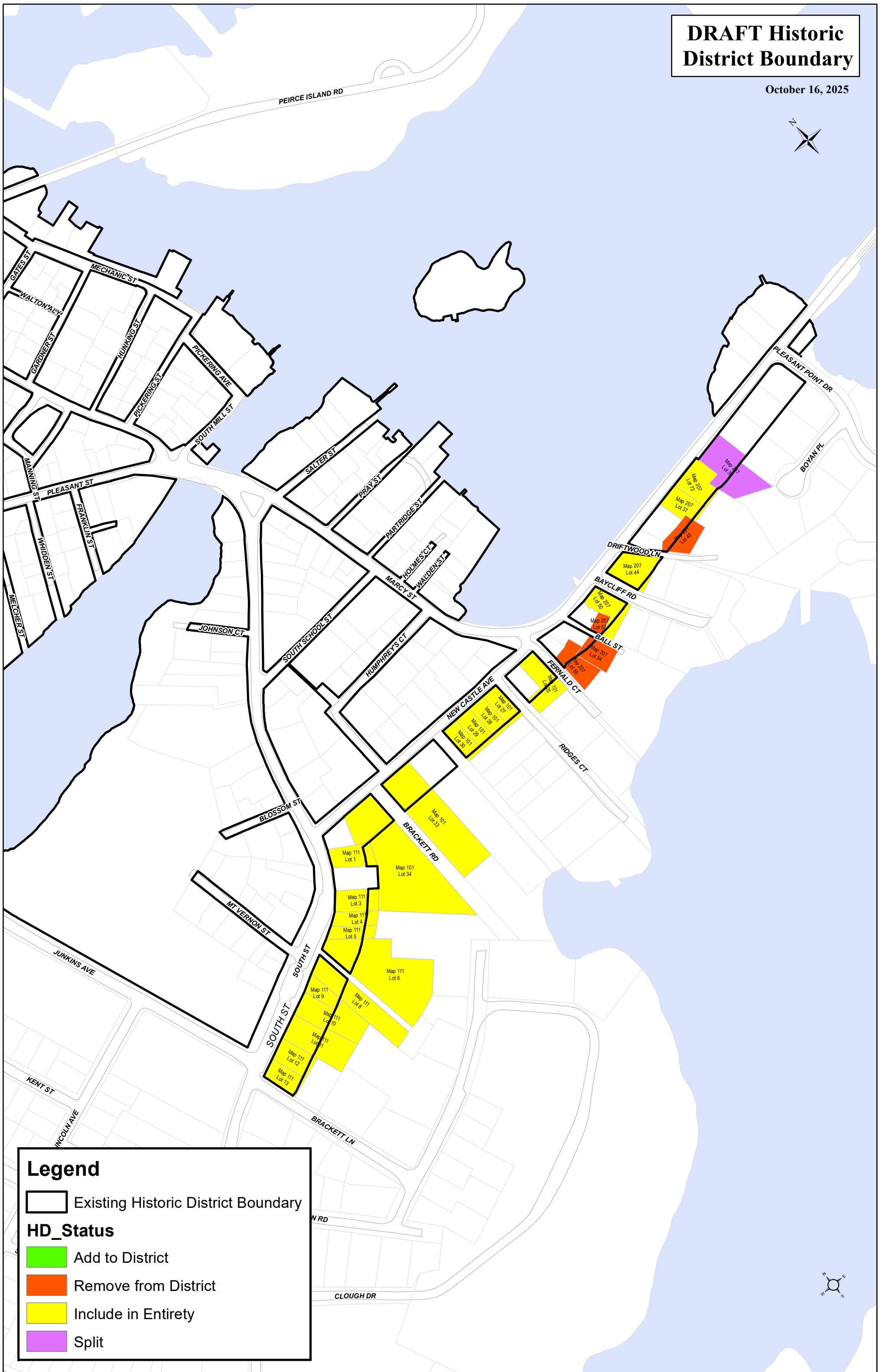
Legend

-  Existing Historic District Boundary
-  Proposed Historic District



DRAFT Historic District Boundary

October 16, 2025



Legend

- Existing Historic District Boundary
- HD_Status**
- Add to District
- Remove from District
- Include in Entirety
- Split



Blue Ribbon Housing Committee Supporting information for motions on floor.

A.

Currently multi-unit projects must meet parking requirements as shown in the zoning ordinance section 10.1112.31. The Planning Board has debated changing the code to make these part of site review. Doing so would avoid projects going to the ZBA for any exceptions or Planning Board for Conditional Use. Having parking in site review regs would allow an applicant to request a waiver from the requirements when seeking site plan approval. The Housing Committee reviewed this change and recommends the Planning Board move forward and draft the appropriate deletions and additions to the code to present to the City Council for approval. Putting parking into site review would eliminate costly and lengthy ZBA review, allow shared use between commercial and residential in the same or nearby buildings, and enable the economics of the project to dictate parking supply versus regulation. In Housing Committee interviews with developers, the current parking component of the zoning process came up as one of top barriers to multi-family housing projects.

Example: The Gateway Neighborhood Overlay District (GNOD) was approved by the City Council to incentivize more housing. The overlay zone deliberately allows parking to be shared between buildings, and between commercial and residential uses. The above action would duplicate this opportunity

throughout the city.

10.1112.31 *Parking Requirements for Residential Uses*

10.1112.311 The required minimum number of **off-street parking** spaces for **uses** 1.10 through 1.90, including **dwelling units** in mixed-use developments, shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft.	0.5 spaces per unit
500-750 sq. ft.	1.0 space per unit
Over 750 sq. ft.	1.3 spaces per unit

10.1112.312 In addition to the **off-street parking** spaces provided in accordance with Sec. 10.1112.311, any **dwelling** or group of **dwellings** on a **lot** containing more than 4 **dwelling units** shall provide one visitor parking space for every 5 **dwelling units** or portion thereof.

II. CITY COUNCIL REFERRALS

A. Request Parking moved to Site Plan Regulations

The City Council, at their September 24, 2025 meeting, took the action below to refer parking changes to the Planning Board.

Housing Recommendations – **Voted** to refer to the Planning Board a Council request to put parking review for residential projects with three or more units into the site review process, and draft appropriate ordinance changes for City Council action.

The Planning Board has consensus on moving parking regulations for projects that require site plan review from the Zoning Ordinance into the Site Plan Regulations. This would remove the Conditional Use Permit process for allowing less than the minimum or more than the maximum required parking for a site and instead would allow an applicant to request a waiver from the site plan regulations. Staff have been working on a draft revision to both the Site Plan Regs and Zoning Ordinance and will continue to prepare a draft of each for the Board's review.

B. Request to rezone certain parcels to Gateway

Voted to refer to the Planning Board a Council request to rezone certain streets and parcels as shown in the packet from industrial and commercial to Gateway, requesting the necessary ordinance deletions and additions to present back for City Council action.

Background

In late 2023 the Committee looked at potential parcels to rezone to Gateway to create more opportunities for housing development. The LUC reviewed the current Gateway district and identified parcels adjacent to existing Gateway parcels that could extend or connect the district. There was a broader discussion about eliminating some of the outdated districts such as OR and GB. The LUC identified close to 60 parcels for consideration and split the list into short-term and long-term, with the short-term list consisting of parcels the LUC came to a consensus on rezoning. The current list consists of the remaining parcels from the original list generated by the LUC.

The list of consensus parcels was presented to City Council on January 16, 2024 and referred to Planning Board for a recommendation back. The Planning Board voted to recommend map changes to the City Council and on April 15, 2024 the City Council adopted map changes for the initial list of parcels. Since the map changes that were adopted in 2024, the Council adopted the Gateway Neighborhood Overlay District (GNOD) which includes the parcels on the Land Use Committee's list of parcels on Commerce Way and that is why they are shown as strike through on the list. The LUC was dissolved and the Housing Committee was created in its place and by consensus, forwarded this list of parcels for review to be rezoned to Gateway to the City Council.

Additional Background

The information in this section was provided to the Planning Board in 2024 for the initial batch of map amendments but still holds true for the parcels before the Planning Board for consideration and provides supporting information from the Master Plan.

Below are some excerpts from the results of the public outreach process for the current Master Plan that are relevant to the map amendment discussion:

Page 24 states the following:

"The Study Circles described the need for diversity in the form of mixed-use neighborhood zoning, housing that meets the needs of all ages and incomes, and less reliance on tourism as an economic driver. Specific priorities included:

- *Equity throughout the community, with as much focus on the neighborhoods as downtown.*
- *A diverse supply of housing for all economic levels and types from*

- young to old; single or families; abled or disabled;*
- *A diverse built environment, not just replicating the past, but authentic to Portsmouth, new and old;*
 - *Diverse modes of transportation that is affordable, intermodal and regional; and*
 - *A balanced local economy that includes opportunities for small businesses and entrepreneurship as well as tourism.*

Page 26 states the following:

Participants responded to three potential strategies to increase the availability of housing in Portsmouth and marked on maps where each strategy should be used:

Redevelopment of gateway commercial areas;

Densification with second units or parcel splits;

Greenfield development on unbuilt parcels.

Residents overwhelmingly supported redevelopment of existing commercial areas over greenfield development or increasing density in existing neighborhoods. Some residents spoke in favor of in-law or accessory dwelling units as a strategy for both providing affordable housing and increasing income for residents with larger homes and fixed incomes.

During the corridor development meeting, participants consistently gave higher ratings to more activated streetscapes, with multistory buildings close to the streets, landscaping, and bicycle and pedestrian amenities (Page 27).

Every group chose to include a mix of residential and commercial uses on their site, and most designs were at least two stories tall and placed buildings closer to the street than existing development (Page 28).

The Master Plan contains a section on Corridors on pages 121 – 133 which speaks to promoting more mixed-use development along the corridors. See link below to the Master Plan to review this section.

<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

Among the goals in the Corridor section, Goal 1.2 below supports mixed-use development along the commercial corridors.

- *Goal 1.2 – Encourage walkable Mixed-use development along existing commercial corridors.*
 - *1.2.1 Encourage mixed-use development in existing commercial areas by adopting new and enhancing existing flexible zoning techniques such as Gateway Planned Development option.*
 - *1.2.2 Promote redevelopment along the Route 1 Bypass north of*

the traffic circle that is compatible with adjoining neighborhoods.

The series of maps below show the remaining 10 parcels on the list with their current zoning, acreage and proposed zoning. map below shows the subject parcels in relation to the corridors outlined in the Master Plan. The corridor boundary in the Master Plan is broad and not parcel specific. Most of the parcels fall entirely within the corridor areas, and several are located adjacent to the corridor areas. These proposed amendments are a continuation of the rezoning efforts the Housing Committee, Planning Board and Council have been engaged in which implement recommendations of the 2025 Master Plan.

B.

The Housing Committee recommends the following parcels be changed to Gateway zoning to allow housing. These are a second tranche of areas to rezone as identified by the Land Use Committee in 2024. These were held back until the first large tranche of conversions was done. The rezoning would create housing opportunity in 40.14 acres.

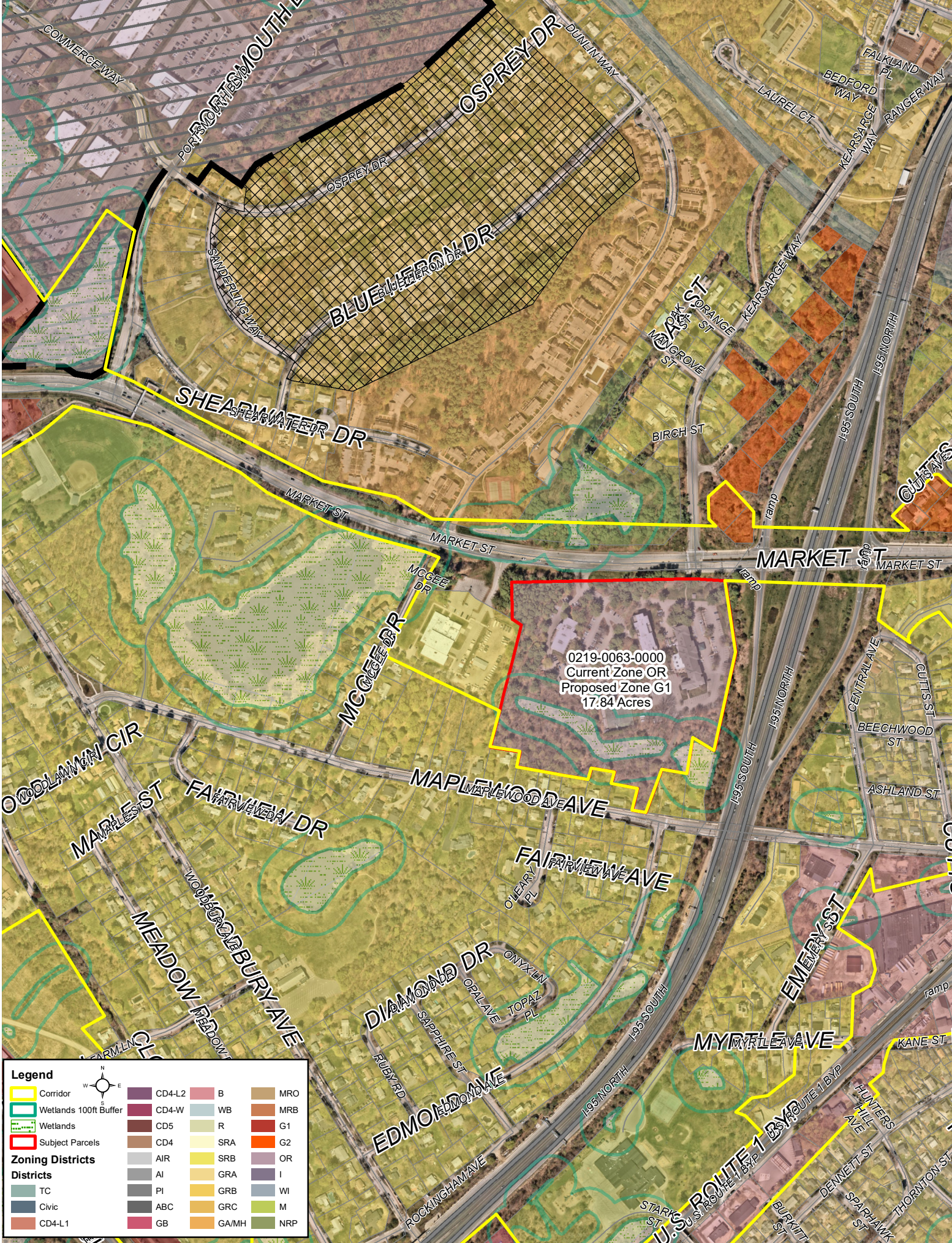
Map Changes

The Land Use Committee compiled a list of map changes that included changes that were agreed upon to move forward and other potential changes that warranted more discussion. The first group moved forward and the map was amended in 2024. The parcels that were not moved forward are included in the list below. Since this time, the Gateway Neighborhood Overlay District (GNOD) was adopted, thus the reason for some of the parcels crossed out below.

To Gateway? Key= GA/MH (garden apartment/mobile home park) I (Industrial) OR (office research) GB (general business)

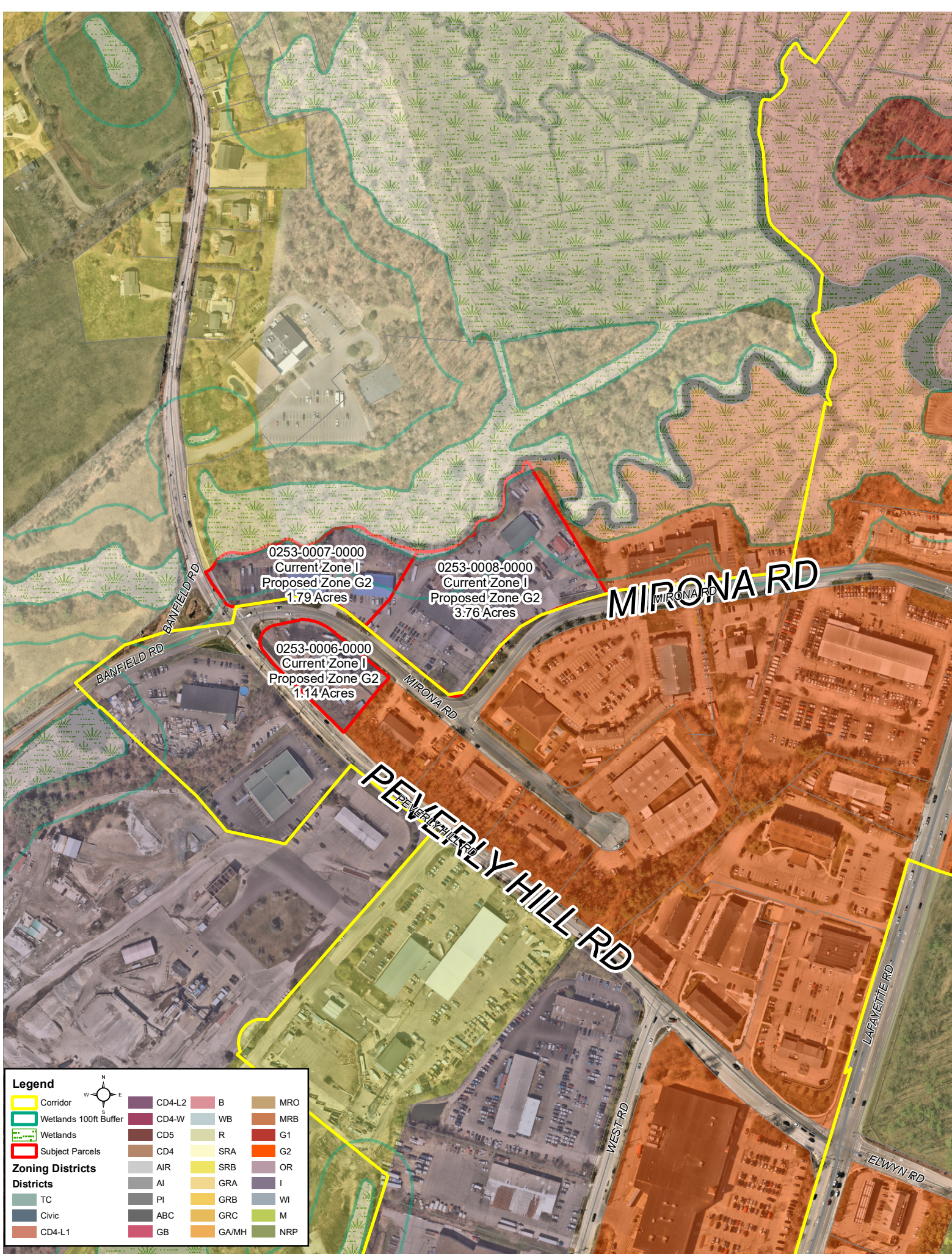
	Property	Map-Lot	Size of Lot	Current Zone	Future Zone	Current Development
3	55 Heritage Ave	0285-0004-0000	2.85	I	G1	Warehouse building
4	70 Heritage Ave	0285-0011-000B	7.44	I	G1	Storage Units/Com
5	100 Heritage Ave	0285-0011-00A2	4.79	I	G1	Storage Units
6	Constitution Ave	0285-0016-3000	8.47	I	G1	Office type buildings
16	2059 Lafayette Rd	0268-0013-0000	.30	MRB	G1 or G2	Office building
17	0000 Lafayette Rd	0268-0012-0000	.62	MRB	G1 or G2	Vacant land
19	2 Mirona Rd	0253-0006-0000	1.13	I	G2	Auto Repair
20	11 Mirona Rd	0253-0008-0000	4.07	I	G2	Auto Repair
21	1 Mirona Rd	0253-0007-0000	1.83	I	G2	Glass Company
46	Commerce Way	0216-0001-0001	4.11	OR	G1	Vacant land
47	135 Commerce Way	0216-0001-0011	5.39	OR	G1	Office building
48	155 Commerce Way	0216-0001-0010	5.49	OR	G1	Office building
49	175 Commerce Way	0216-0001-0009	4.07	OR	G1	Office building
50	170 Commerce Way	0216-0001-0002	6.86	OR	G1	Office buildings
51	195 Commerce Way	0216-0001-0008	2.82	OR	G1	Office building
52	215 Commerce Way	0216-0001-008A	8.82	OR	G1	Office buildings
53	210 Commerce Way	0216-0001-0004	4.24	OR	G1	Office building
54	230 Commerce Way	0216-0001-0005	5.62	OR	G1	Office buildings
55	Shearwater Drive	0217-0002-1975	4.53	OR	G1	Vacant land
57	1000 Market St	0219-0063-0001 & 3	Unknown	OR	G2	Office bldg. hotel

Example: the Housing Committee discussed the property now housing the post office building at 345 Heritage Road, which went up for sale in 2016. Had it been zoned Gateway, some or all of this 33 acres could have been used for housing.



Legend

Corridor	CD4-L2	B	MRO
Wetlands 100ft Buffer	CD4-W	WB	MRB
Wetlands	CD5	R	G1
Subject Parcels	CD4	SRA	G2
Zoning Districts	AIR	SRB	OR
Districts	AI	GRA	I
TC	PI	GRB	WI
Civic	ABC	GRC	M
CD4-L1	GB	GAMH	NRP



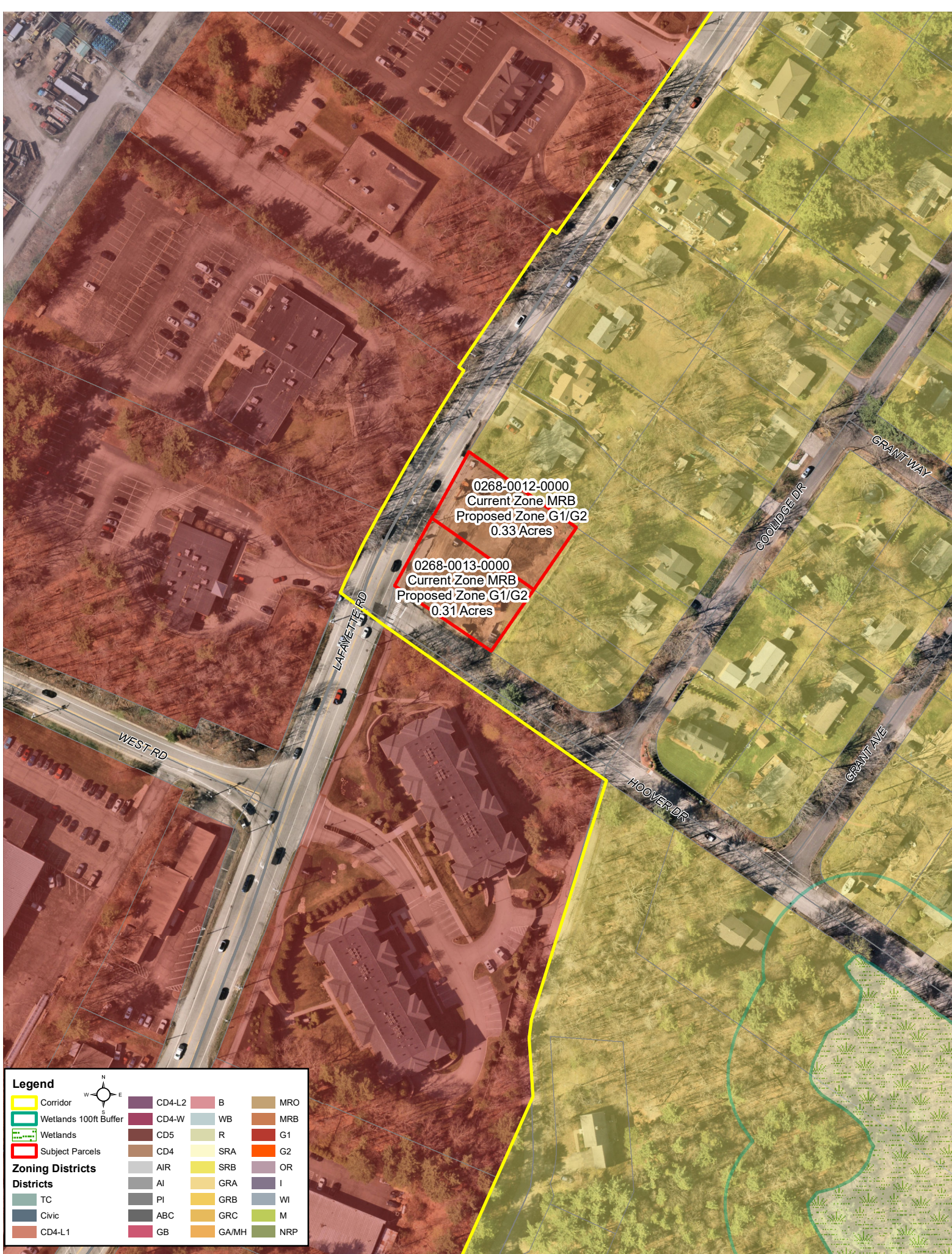
0253-0007-0000
Current Zone I
Proposed Zone G2
1.79 Acres

0253-0008-0000
Current Zone I
Proposed Zone G2
3.76 Acres

0253-0006-0000
Current Zone I
Proposed Zone G2
1.14 Acres

Legend

Corridor	CD4-L2	B	MRO
Wetlands 100ft Buffer	CD4-W	WB	MRB
Wetlands	CD5	R	G1
Subject Parcels	CD4	SRA	G2
Zoning Districts	AIR	SRB	OR
Districts	AI	GRA	I
TC	PI	GRB	WI
Civic	ABC	GRC	M
CD4-L1	GB	GAMH	NRP

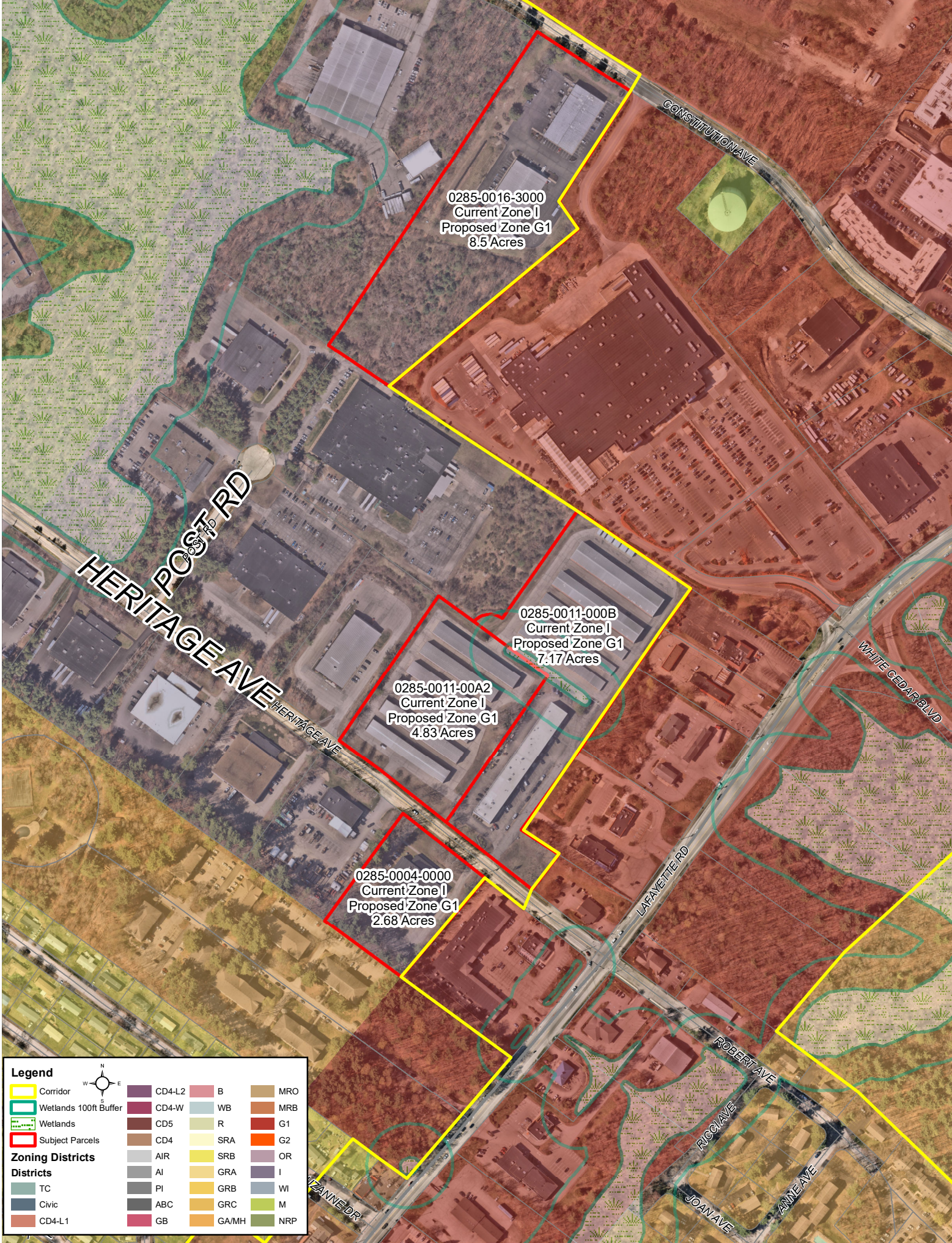


0268-0012-0000
 Current Zone MRB
 Proposed Zone G1/G2
 0.33 Acres

0268-0013-0000
 Current Zone MRB
 Proposed Zone G1/G2
 0.31 Acres

Legend

Corridor	CD4-L2	B	MRO
Wetlands 100ft Buffer	CD4-W	WB	MRB
Wetlands	CD5	R	G2
Subject Parcels	CD4	SRA	G1
Zoning Districts	AIR	SRB	OR
Districts	AI	GRA	I
TC	PI	GRB	WI
Civic	ABC	GRC	M
CD4-L1	GB	GAMH	NRP



0285-0016-3000
Current Zone I
Proposed Zone G1
8.5 Acres

0285-0011-000B
Current Zone I
Proposed Zone G1
7.17 Acres

0285-0011-00A2
Current Zone I
Proposed Zone G1
4.83 Acres

0285-0004-0000
Current Zone I
Proposed Zone G1
2.68 Acres

Legend

	Corridor		CD4-L2		B		MRO
	Wetlands 100ft Buffer		CD4-W		WB		MRB
	Wetlands		CD5		R		G1
	Subject Parcels		CD4		SRA		G2
Zoning Districts			AIR		SRB		OR
Districts			AI		GRA		I
	TC		PI		GRB		WI
	Civic		ABC		GRC		M
	CD4-L1		GB		GAMH		NRP

C.

The Housing Committee previously recommended allowing conversion of existing homes to more units within the same house. This is a way to increase density in the same streetscape. The current zoning places extreme limits on such action. This motion requests they look at this and report back with appropriate language for the council to vote on.

Examples: the committee discussed the many older houses in Islington Street that have been converted to multiple units. Currently such conversions are not allowed in most other residential zones.

C. Section 10.812 – Conversion of Existing Dwelling to Multifamily Dwelling

The City Council took the below action on September 24, 2025 in reference to Section 10.812 of the zoning ordinance.

Voted to ask the Planning Board to modify zoning section 10.812 to eliminate the requirement that it apply only to houses built before 1980, and look at including Rural, SRA and SRB as permitted zones, and changing General Residence districts from Special Exception to Permitted in order to create more affordable housing.

Section 10.812 of the ordinance allows the conversion of an existing dwelling into a multifamily dwelling that exists on or before January 1, 1980 either by right or by special exception. A conversion can occur if it meets the criteria below, which requires compliance with off-street parking, building coverage and open space and the conversion cannot include any exterior changes other than what is required for egress per the building code. Using this provision allows the lot area per dwelling to be lowered per the table below.

The Housing Committee identified this section for review as an opportunity to create more housing in existing dwellings, because the appearance of the structure would remain and would not change the character of the neighborhood. The Committee discussed expanding the use to the Rural, SRA and SRB districts and adding a reduced lot area per dwelling requirement accordingly and removing the prerequisite date of January 1, 1980. In addition, reviewing the other permissions for this use in all districts for possible change. Staff would also recommend the Planning Board include CD4-L1 and L2 in the table, as the use is permitted in these districts, but not in the table below. Staff added the existing lot area per dwelling for each district to the table and the new districts in red with suggested changes for discussion.

This use could be expanded to incentivize workforce housing if an additional unit above what the lot area per dwelling allows is permitted if that unit is a workforce housing unit. For example, if a lot in the GRA has 6,000 square feet, it would be allowed to convert a dwelling into a two family. A third unit could be permitted if it is a workforce housing unit, without having an additional 3,000 square feet of lot area, but assuming all other requirements are met (parking, open space, building coverage).

10.812 Conversion of Existing Dwelling to Multifamily Dwelling

The conversion of a **dwelling** existing on January 1, 1980, to additional **dwelling** units as a permitted **use** or by special exception with less than the minimum required **lot area** per **dwelling unit** (per Section 10.440, use 1.50) shall comply with all the following requirements:

- 10.812.11 The conversion shall not include any change to the exterior of the **building** except for minimum egress components required for **Building Code** compliance.
- 10.812.12 The **lot** shall comply with the applicable minimum **open space** and maximum **building coverage** requirements in Article 5 and the **off-street parking** requirements in Article 11.
- 10.812.13 The **lot** shall comply with the following standards:

District	Minimum lot area per dwelling unit	
	Required	Reduced
GRA	7,500 sq. ft.	3,000 sq. ft.
GRB	5,000 sq. ft.	3,000 sq. ft.
GRC	3,500 sq. ft.	1,000 sq. ft.
MRO/CD4-L1	7,500/3,000 sq. ft.	1,500 sq. ft.
MRB	7,500 sq. ft.	1,500 sq. ft.
CD4-L2	3,000	1,000
SRA	1 acre	15,000
SRB	15,000	7,000
R	5 Acres	1 Acre

10.812.14 An additional unit can be added without meeting the lot area per dwelling requirement if it is designated as **workforce housing** under the requirements of this Ordinance.

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
1.30 Two-family dwelling	N	N	P	P	P	P	P	P	P	N	P	P	N	N	N	N	N	10.640 (Downtown Overlay district)
1.40 Townhouse	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.50 Multifamily dwelling																		10.5A32 (Character district permitted uses)
1.51 3 or 4 dwelling units	N	N	S	P	P	P	P	P	P	N	P	P	P	N	N	N	N	10.640 (Downtown Overlay district)
1.52 5 to 8 dwelling units	N	N	N	S	P	P	P	P	P	N	P	P	P	N	N	N	N	10.813 (Multifamily Dwellings in the Business District)
1.53 More than 8 dwelling units	N	N	N	N	P	N	N	N	P	N	P	P	P	N	N	N	N	
1.60 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5																		10.640 (Downtown Overlay District) 10.812 (Conversion of Existing Dwelling to Multifamily Dwelling)
1.61 To 2 dwelling units	N	N	S	S	N	P	P	P	S	N	N	N	N	N	N	N	N	
1.62 To 3 or 4 dwelling units	N	N	S	S	N	P	P	P	S	N	N	N	N	N	N	N	N	
1.63 To 5 to 8 dwelling units	N	N	N	S	N	S	S	S	S	N	N	N	N	N	N	N	N	
1.64 To more than 8 dwelling units	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
1.70 Live/work unit	N	N	N	N	N	P	P	P	P	N	P	P	P	N	N	N	N	

III. Zoning Amendments

a. Mechanical Units

Earlier this year, the Planning Board considered zoning amendments referred by the City Council regarding accessory structures, fences and mechanical units. The Planning Board recommended removal of Section 10.515.14, which related to setbacks for mechanical units. The section below was previously in the Ordinance and was struck as part of the amendments the City Council adopted in March. After the July Planning Board meeting, staff met with the Inspections Department to discuss standard sizes of mechanical equipment. The fire code requires a 5 foot off set from openings for generators, therefore the amended definition includes a 5 foot setback requirement from lot lines for generators to be consistent with the fire code.

Article 5 Dimensional and Intensity Standards

Section 10.510 General Requirements

10.515 Measurement Rules

10.515.13 Fences not over 4 feet in height shall be exempt from front yard requirements, and fences not over ~~8~~ 6 feet in height shall be exempt from side and rear yard requirements.

~~10.515.14 A mechanical system (i.e. HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet shall be exempt from yard requirements, but shall be set back at least 10 feet from a property line; and shall not be located closer to the street than the front of the principal structure.~~

To further clarify the intent of the amendment above, staff suggests the following revisions to the definition of building coverage and structure to clarify that these types of mechanical systems are exempt from setbacks and coverage.

Building coverage

The aggregate horizontal area or percentage (depending on context) of a **lot** or **development site** covered by all **buildings** and **structures** on the **lot**, excluding

- (a) gutters, **cornices** and eaves projecting not more than 30 inches from a vertical wall, and
- (b) **structures** less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the **building** face;
- (d) fences; and
- (e) mechanical systems (i.e. HVAC, power generator, etc.) ~~that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.~~

Structure (including **roof structure**)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. **Structures** include, but are not limited to, **buildings**, fences over 4 feet in height, **signs**, and swimming pools. (See also: **temporary structure**.) ~~For the purposes of this Ordinance, mechanical systems (i.e. HVAC, power generator, etc.) shall not be considered structures, but any power generator must be setback a minimum of 5 feet from any lot line.~~

Solar

The City Council voted to refer solar zoning amendments to the Planning Board at their December 16, 2024 meeting:

15. Report Back on Solar Overlay District – **Voted** to refer the zoning review and drafting of Solar Zoning Amendments to the Planning Board for its recommendation in a report back to the City Council.

The Planning Board initially reviewed draft solar amendments at the February 27, 2025 work session. Since the July meeting, Chair Chellman and Member Roy have provided edits and comments for the Board’s discussion and consideration of zoning amendments related to solar that are included in the packet.

10.122 Sustainability Objectives

This Ordinance is intended to promote **sustainable** and balanced **development** in support of the following **sustainability** objectives:

1. Reduce dependence upon fossil fuels, extracted underground metals and minerals **and promote the use of alternative energy sources such as solar and wind**;
2. Reduce dependence on chemicals and other manufactured substances that accumulate in nature;
3. Reduce dependence on activities that harm life-sustaining ecosystems; and
4. Meet the hierarchy of present and future human needs fairly and efficiently.

Section 10.810 Residential and Institutional Residence or Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **uses** are permitted as **accessory uses** to permitted residential **uses**, in addition to those **accessory uses** listed in Section 10.440:

- (a) The keeping of dogs and cats and other **household pets**, but not including **kennels**.
- (b) **Yard sale**.

- (c) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.

- (d) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:
 - (1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.
 - (2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.
 - (3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.

- (e) **EV fueling space A.**

- (f) **Roof-mounted Solar Energy Systems**, less than or equal in area to 100% of the roof area of the principal structure on the lot.

- (g) **Ground-mounted Solar Energy Systems**, provided: 1) Its solar panels are less than or equal in area to 25% of the footprint (SF) of the principal structure on the lot; and that the area for the structural portion attached directly to the ground, together with the other coverage for existing and any proposed buildings and structures, does not exceed the maximum lot coverage allowed in that zone..

10.5A43.30 Building and Story Heights

10.5A43.32 A roof appurtenance may exceed the maximum allowed building height as specified on Map **10.5A21B** (Building Height Standards) by 10 feet, subject to the following:

(a) All roof appurtenances and other features that exceed the allowed building height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators, stair towers, and decorative railing no taller than four feet in height, shall be set back at least 10 feet from any edge of the roof.

(b) Outside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback. ~~provided that they are not visible from a point 20 feet above the edge of the street right of way on the opposite side of the street.~~

(c) Inside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback.

(d) The area of roof appurtenances that comply with this section shall not be considered as part of the building's gross floor area calculations.

10.517 Roof Appurtenances and Other Rooftop Features

10.517.30 All roof appurtenances and other features that exceed the allowed structure height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.

10.517.31

(a) Outside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback. ~~provided that they are not visible from a point 20 feet above the edge of the street right of way on the opposite side of the street.~~

(b) Inside the Historic District, **Roof-mounted solar energy panels systems** shall not be subject to the 33 percent limitation or the edge of roof setback

Add to Article 15 - Definitions

Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot or development site covered by all **buildings** and **structures** on the **lot**, excluding

- (a) gutters, **cornices** and eaves projecting not more than 30 inches from a vertical wall, and
- (b) **structures** less than 18 inches above ground level (such as decks and patios);
- (c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the **building** face;
- (d) fences; and
- (e) mechanical system (i.e. HVAC, power generator, etc.) ~~that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet.~~

Roof appurtenance

A device or **structure** not designed for human occupancy, attached to the exterior of the roof of a **building**, such as a stair or elevator tower, cooling tower, mechanical equipment housing, storage tank, antenna, **roof-mounted solar energy system** or similar equipment.

Solar Energy Systems

Any device or structural design feature, including accessory equipment associated with the system, whose primary purpose is to provide for the collection, generation, storage, or distribution of solar energy. This includes **Roof-mounted Solar Energy Systems** and **Ground-mounted Solar Energy Systems**.

Roof-mounted Solar Energy System

A solar energy system that is structurally mounted to the roof of a building or structure.

Ground-mounted Solar Energy System

A solar energy system that is structurally mounted to the ground and is not roof-mounted. The horizontal setback requirement shall be to that part of the **Ground-Mounted Solar Energy System** nearest to a property line, but not less than the vertical height of the highest element of the **Ground-Mounted Solar Energy System**.

Structure (including roof structure)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. **Structures** include, but are not limited to, **buildings**, fences over 4 feet in height, **signs**, swimming pools and **Ground-mounted Solar Energy Systems**. (See also: **temporary structure**.)

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4-L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15. Transportation and Utilities																		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building																		
15.11 Essential to service the area in which it is located	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
15.12 Providing community-wide or regional service	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	S	S	

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MROCD4- CD4-L2 L1	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI			
15.20 Heliport or helipad																			
15.21 Helipad, as an accessory use to a permitted hospital use	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S			
15.22 Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
15.30 Ground-mounted Solar Energy System		CU	CU	N	N	N	N	N	CU	N	CU	CU	CU	N	N	CU	CU	CU	Installations that exceed the footprint area of the principal structure on a lot or those installed as a principal use.

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
1. Residential Uses																		
1.20 Accessory dwelling unit (Attached or Detached) up to 750 sq. ft. GLA	P	P	P	P	N	P	P	P	P	N	P	P	N	N	N	N	N	10.814 (Accessory Dwelling Units)
1.21 Attached accessory dwelling unit (AADU)																		
1.211 Up to 750 sq. ft. GLA and entirely within an existing single-family dwelling	AP	AP	AP	AP	N	AP	AP	AP	CU	N	CU	CU	N	N	N	N	N	
1.212 Up to 750 sq. ft. GLA and in an expansion of an existing single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	CU	CU	N	N	N	N	N	

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
1.22 Detached accessory dwelling unit (DADU)																		
1.221 Up to 600 sq. ft. GLA and entirely within an existing accessory building that conforms with the dimensional requirements of this Ordinance.	CU	CU	AP	AP	N	AP	AP	AP	N	N	N	N	N	N	N	N	N	
1.222 Up to 750 sq. ft. GLA and entirely within an existing accessory building that conforms with the dimensional requirements of this Ordinance.	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	
1.223 Up to 600 sq. ft. GLA in an existing accessory building that does not conform with the dimensional requirements of this Ordinance or includes the expansion of the existing accessory building .	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	
1.224 Up to 750 sq. ft. GLA on a lot and in a new building that complies with all lot and building dimensional standards of this Ordinance for a single family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	N	N	N	N	N	N	N	N	

State Law Changes

Recent legislative changes have been passed that require zoning ordinance amendments. Two memos from New Hampshire Municipal Association (NHMA) are included in the packet and provide guidance on changes to zoning. Planning and Legal staff have reviewed the RSAs and for this meeting have provided proposed changes to the minimum parking standards and the Accessory Dwelling Unit section in the Ordinance. Senate Bill 284, effective 9/13/25, prohibits municipalities from requiring more than 1 parking space per dwelling unit. House Bill 577, effective 7/1/25, significantly changes the regulations on ADUs and staff has prepared a markup of the existing ordinance for the Planning Board. Related to the size of an ADU, there is flexibility in the law that allows a maximum square footage of 950 square feet and it can be larger but must be authorized in the code. A municipality cannot limit the size of an ADU to less than 750 square feet. This is the maximum currently, and the Board could opt to keep it at 750 or designate a larger size for the maximum limit.

Article 11 Site Development Standards

Section 10.1110 Off-Street Parking

10.1112.30 Off-Street Parking Requirements

10.1112.31 *Parking Requirements for Residential Uses*

10.1112.311 The required minimum number of **off-street parking** spaces for **uses** 1.10 through 1.90, including **dwelling units** in mixed-use developments, shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft.	0.5 spaces per unit
Over 500-750 sq. ft.	1.0 space per unit
Over 750 sq. ft.	1.3 spaces per unit

10.814 Accessory Dwelling Units

10.814.10 Purpose and Eligibility

10.814.11 The purpose of this section is to provide for additional **dwelling units** within single-family neighborhoods in order to: increase the supply of smaller, more affordable housing units with less need for more municipal infrastructure or further land development; contribute to local housing needs; and provide opportunities for adapted reuse of existing **accessory structures**. The standards in this section are intended to integrate more housing options into the community with minimal impact on the surrounding neighborhood.

10.814.12 Only one **accessory dwelling unit (ADU)** (either an **attached accessory dwelling unit (AADU)** or a **detached accessory dwelling unit (DADU)**) shall be allowed on any **lot** containing a **single-family dwelling**. An **accessory dwelling unit** shall not be allowed under this Section 10.814 on a **lot** that contains more than one **dwelling unit, multi-family dwellings or on rented or leased land**.

10.814.13 Except as provided elsewhere in this Section 10.814, in order for a **lot** to be eligible for an **accessory dwelling unit**, the **lot** and all proposed **structures** and additions to existing **structures** shall conform to all zoning regulations as follows:

10.814.131 Any municipal regulation applicable to **single-family dwellings** shall also apply to the combination of a **principal dwelling unit** and an **accessory dwelling unit**. However, an **accessory dwelling unit** shall be allowed without additional requirements for **lot area, lot area per dwelling unit, or frontage** beyond those required for a **single-family dwelling** without an **ADU** in the same zoning district.

10.814.132 An **attached accessory dwelling unit** is permitted on existing **nonconforming lots** and within an existing **nonconforming building** provided no increased or new nonconformity is created.

10.814.133 Newly constructed **detached accessory dwelling units** shall be governed by the provisions of this Ordinance and the **side** and **rear yard** requirements for the applicable zoning or Character District.

10.814.14 Notwithstanding all of the above provisions, an **accessory building** existing on the effective date of this ordinance may be converted to a **detached accessory dwelling unit** as provided in this Ordinance.

10.814.20 Standards for All Accessory Dwelling Units

All **accessory dwelling units** shall comply with the following standards:

- 10.814.21 The **principal dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).
- 10.814.22 Either the **principal dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner's principal place of residence. The owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City.
- 10.814.221 When the property is owned by an entity, one of the **dwelling units** shall be the principal place of residence of one or more principals of that entity, such as a member or beneficiary.
- 10.814.23 **Accessory dwelling units** shall not have more than two bedrooms.
- 10.814.24 Neither the **principal dwelling unit** nor the **accessory dwelling unit** shall be used for any business, except that the property owner may have a **home occupation** use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.
- 10.814.25 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- 10.814.26 1 **off-street parking** space shall be provided for an **ADU** in addition to the spaces that are required for the principal **single-family dwelling**.
- 10.814.27 **Accessory dwelling units** shall comply with the drainage requirements of this Ordinance.
- 10.814.28 **Accessory dwelling units** shall comply with the lighting requirements of this Ordinance.
- 10.814.29 **Accessory dwelling units** located in the Historic District are subject to review and approval by the Historic District Commission.

~~10.814.30 — Additional Standards for Attached Accessory Dwelling Units~~

~~The following standards are intended to ensure proportionality and aesthetic continuity between the **AADU** and the principal **dwelling unit**.~~

~~An **attached accessory dwelling unit (AADU)** shall comply with the following additional standards:~~

- 10.814.30~~1~~ **An attached accessory dwelling unit** shall have either an independent means of ingress and egress or ingress and egress through a common

~~shared space with the principal dwelling. interior door shall be provided between the principal dwelling unit and the AADU.~~

10.814.312 All **accessory dwelling units** ~~The AADU shall not be larger than 750 sq. ft. in gross living area (GLA). For the purpose of this provision, the gross living area of the AADU shall not include storage space, shared entries, or other spaces not exclusive to the AADU.~~

10.814.32 ~~—A newly constructed DADU shall be separated no less than 5 feet from the principal structure or as required by the Building Code, whichever is greater. The AADU shall be subordinate to the principal dwelling unit in scale, height and appearance, as follows:~~

10.814.331 ~~—If there are two or more doors in the front of the principal dwelling unit, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.~~

10.814.332 ~~An addition to or expansion of an existing building for the purpose of creating an AADU shall be recessed or projected at least 18 inches from the existing front wall of the principal dwelling unit. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at least 10 feet from the front wall of the principal dwelling unit.~~

10.814.333 ~~The building height of any addition or expansion that includes an increase in building footprint shall be no greater than 75% of the height of the existing building. In the case of a single-story building, an addition or expansion may include either an additional story to the existing building or a single-story addition at the same height as the existing building.~~

~~10.814.40 Additional Standards for Detached Accessory Dwelling Units~~

~~The following standards are intended to ensure proportionality and aesthetic continuity between the DADU and the principal dwelling unit.~~

~~—A detached accessory dwelling unit (DADU) shall comply with the following additional standards:~~

10.814.41 ~~The DADU shall not be larger than 750 sq. ft. in gross living area.~~

10.814.411 ~~A DADU that is created from an existing accessory building that does not comply with its minimum yard~~

requirements shall not exceed 750 sq. ft. in **gross living area**.

10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard** requirements shall comply with the following additional requirements:

10.814.421 The existing **accessory building** shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.; except that the Planning Board may grant a conditional use permit to allow the **gross living area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in this Ordinance.

10.814.422 A **DADU** that is within a required **side yard** or **rear yard** setback for the zoning district shall not have any windows, balconies, or doors higher than eight feet above grade facing adjacent property.

10.814.43 The **DADU** shall be subordinate to the principal **single family dwelling** in scale, height and appearance as follows:

10.814.431 The front wall of a **DADU** that is not created within an existing **accessory building** shall be **set back** at least 10 feet further from the **front lot line** than the existing front wall of the principal **dwelling unit**.

10.814.432 The **building height** of the **building** containing the **DADU** shall be no greater than 22 feet.

10.814.433 When the **building** containing the **DADU** is taller than the **principal building**, its required setback from all property lines shall be increased by the difference in **building height** between the **DADU** and the **principal building**.

10.814.434 The **building footprint** of the **building** containing the **DADU** shall be no greater than 750 sq. ft.

10.814.435 The **gross floor area** of the **building** containing the **DADU** shall be no greater than 1,600 sq. ft. **gross floor area** or 75 percent of the **gross floor area** of the principal **dwelling unit**, whichever is less.

10.814.436 The **DADU** may include roof dormers provided they are located outside the required setbacks from all property lines and occupy no greater than 33% of any individual roof plane.

~~10.814.437 — The **DADU** shall comply with the drainage requirements of this Ordinance.~~

~~10.814.438 — The **DADU** shall comply with the lighting requirements of this Ordinance.~~

~~10.814.44 — A newly constructed **DADU** shall be separated no less than 5 feet from the **principal structure** or as required by the Building Code, whichever is greater.~~

~~10.814.50 — Architectural Design Standards~~

~~Where the creation of an **accessory dwelling unit** involves the construction of a new **building** or an addition to or expansion of an existing **building**, the exterior design shall be architecturally consistent with or similar in appearance to the **principal building** using the following design standards:~~

~~10.814.51 — The new **building**, addition or expansion shall be architecturally consistent with or similar in appearance to the existing **principal building** with respect to the following elements:~~

- ~~● Massing, including the shape and form of the **building footprint**, roof or any projecting elements;~~
- ~~● Architectural style, design, and overall character;~~
- ~~● Roof forms, slopes, and projections;~~
- ~~● Siding material, texture, and profile;~~
- ~~● Window spacing, shapes, proportions, style and general detailing;~~
- ~~● Door style, material and general detailing;~~
- ~~● Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;~~
- ~~● Exposed foundation materials and profiles.~~

~~10.814.52 — If provided, the following elements shall be architecturally consistent with or similar in appearance to the corresponding elements on the **principal building** in terms of proportions, materials, style and details:~~

- ~~● Projections such as dormers, porticos, bays, porches and door canopies;~~
- ~~● Chimneys, balconies, railings, gutters, shutters and other similar design elements.~~

~~10.814.53 — If provided, all street facing garage doors shall be limited to 9 feet in width.~~

10.814.60 — Review and Approval Process

~~10.814.61 — When Section 10.440 indicates that an **attached** or **detached ADU** is permitted by administrative approval (“AP”), the following shall apply:~~

~~10.814.611 — For a period of at least 30 days following the date of application to the City, the applicant shall post a notice, in the form of a sign provided by the city, that describes the proposed **ADU** application subject to the following:~~

~~(1) — Such sign(s) shall be located on the perimeter of the **lot** where it can easily be viewed and readable from all abutting public ways.~~

~~(2) — The applicant shall also provide the sign notice information to the City. The City shall send notice by certified mail to all owners of any property located within 100 feet of the **lot**.~~

~~10.814.612 — Any person may submit written comments on the **ADU** application. In order to be considered by the Planning Director, such comments shall be submitted to the Planning Director within the 30-day notice period, which begins on the date the certified mailing is sent by the City.~~

~~10.814.613 — The determination as to whether the **ADU** complies with all requirements shall be made as an Administrative Approval by the Planning Director. The Planning Director may approve, deny, or request additional information from the applicant. The Planning Director may refer the application to the Planning Board for a conditional use permit, if appropriate.~~

~~10.814.614 — The Planning Director shall not approve an application for an **ADU** until the conclusion of the 30-day notice period.~~

~~10.814.62 — When Section 10.440 requires a conditional use permit for an **attached** or **detached ADU**, the Planning Board shall make the following findings before granting approval:~~

~~10.814.621 — The **ADU** complies with all applicable standards of this Section 10.814 or as may be modified by the conditional use permit.~~

~~10.814.622 — The exterior design of the **ADU** is architecturally consistent with or similar in appearance to the existing **principal dwelling** on the lot.~~

~~10.814.623 — The site plan provides adequate and appropriate **open space** and landscaping for both the **ADU** and the principal~~

~~dwelling unit and complies with the off-street parking requirements of Section 10.814.26.~~

~~10.814.624 The ADU will maintain a compatible relationship with the character of adjacent and neighborhood properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.~~

~~10.814.63 In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific standard set forth in Sections 10.814.26 and 10.814.30 through 10.814.50 (except the size and height of any ADU), including requiring additional or reconfigured off-street parking spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.62.~~

10.814.70 Post-Approval Requirements

~~10.814.71 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.~~

10.814.33 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.

10.814.34 The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.

The Revised Law on Accessory Dwelling Units – 2025 Edition Updated Version August 12, 2025



This guidance document is an updated version of the original guidance NHMA issued on accessory dwelling units in July 2025.

Governor Ayotte signed House Bill 577 on July 15, 2025, relative to accessory dwelling units, substantially amending RSA 674:71 to :73. This document provides local officials with guidance on how to interpret and implement the new law.

The Revised Law

The New Basic Requirement. A municipality that adopts a zoning ordinance shall allow accessory dwelling units in all zoning districts that permit single-family dwellings. One accessory dwelling unit, **which may be either attached or detached**, shall be allowed as a matter of right, and **municipalities may no longer require either a conditional use permit or special exception for an ADU.**

Revised Definitions:

"Accessory dwelling unit" 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.

"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 nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

Effective Date. The new law took effect on July 1, 2025. (The Governor did not sign the bill until July 15, 2025.)

Where to Begin?

Does your zoning ordinance already address ADUs?

- If your zoning ordinance expressly **allows ADUs, both attached and detached, without limitation**, then you may not need to do anything, because your ordinance may already comply with the new law. However, please keep reading, because your ordinance may contain a limitation that doesn't *seem* like a limitation.
- The municipality shall allow one accessory dwelling unit without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. However, the municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.
- If your 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 building permits, if required by statute.

What Can You Do?

Here are some of the conditions a zoning ordinance may impose:

One ADU per dwelling. A municipality is not required to allow more than one attached or detached ADU per single-family dwelling. A one-ADU limit should be stated in the ordinance if a municipality wishes to implement a limit. Of course, the municipality may allow more than one ADU per principal dwelling unit, if it chooses.

ADU's may be prohibited for multi-family uses, or on rented or leased land. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses. The municipality may prohibit accessory dwelling units associated with rented or leased land.

Sale of an ADU through condominium conveyance is prohibited. Subsequent condominium conveyance of any accessory dwelling unit separate from the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

Attached ADU's - manner of access. 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. However, the municipality shall not limit the choice of ingress and egress.

Owner occupancy. The ordinance may require owner occupancy of either the principal or the accessory dwelling unit, but it cannot 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.

Combined principal dwelling & ADU shall otherwise comply with municipal zoning regulations. 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, provided that such municipal regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the same zoning district.

Aesthetic Standards. A municipality may apply aesthetic standards to accessory dwelling units only if it has also applied such standards to the principal dwelling unit.

Minimum and maximum sizes. The ordinance may establish size limits for ADUs, but it may not limit an ADU to less than 750 square feet. The total living space of the accessory dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality.

What *Can't* You Do?

Here are some conditions that the ordinance may *not* impose:

Septic system/wastewater requirements/water supply. The municipality may not impose greater requirements for a septic system for a single-family home with an accessory dwelling unit than is required by the Department of Environmental Services. 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. 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 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.

Parking. Only if existing municipal regulations impose off-street parking requirements for the principal dwelling unit can the municipality require up to one additional parking space for each accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.

Familial Relationships. A municipality “may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.” Some municipalities have this restriction built into their existing ADU definition; that will need to change.

Bedroom limit. A municipality “may not limit an accessory dwelling unit to only one bedroom.” This means, of course, that it may impose a *two*-bedroom limit.

Electric Service. A municipality shall not deny the establishment of a separate electrical panel and separate electrical service for the accessory dwelling unit.

What *Must* You Do?

The ordinance shall permit the following:

ADU in Nonconforming Structures. Under RSA 674:72, XI, a municipality shall allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.

NHMA offers the following suggestions for interpreting and applying Paragraph XI of 674:72. This section of the statute is ambiguous, and so municipalities are encouraged to consult with their own legal counsel as to how to proceed on any building permit applications that fall under this section of the law.

1. In order for a structure to be an “existing structure” under this provision, it had to exist on or before July 1, 2025, the effective date of HB 577.
2. For any structure that was in existence prior to July 1, 2025, the municipality could determine eligibility for placement of an ADU within that existing structure where the existing structure does not comply with dimensional requirements for setbacks and lot coverage based on one of the following possible procedures, which should be reviewed and approved by the municipality’s regular municipal legal counsel:
 - a. The existing structure could be required to demonstrate that it qualifies as a pre-existing, nonconforming structure exempt from the currently applicable dimensional requirements for setbacks and lot coverage according to RSA 674:19 or any local zoning regulation protecting non-conforming structures, or;
 - b. The existing structure received a prior zoning approval or determination it was exempt from the current dimensional requirements for setbacks and lot coverage, or;
 - c. Deem the provisions of Paragraph XI of amended 674:72 as essentially granting a blanket zoning exemption from dimensional requirements for setbacks and lot coverage for any existing structure that seeks a building permit to place an ADU in that existing structure.

Changes to Planning & Zoning Laws in 2025

A Guide for Municipalities

Revised August 13, 2025



This is an updated version of the **Changes to Planning & Zoning Laws in 2025 Guide**, published in July 2025.

Summary of Changes Pursuant to HB 577

[HB 577](#) (see separate guidance document)

Summary of Changes Pursuant to HB 631

[HB 631](#) creates two new zoning mandates. First, the new law requires municipalities to allow multi-family residential development on commercially zoned land, provided that adequate infrastructure is available to support that development. Municipalities may still restrict residential development in zones where industrial and manufacturing uses are permitted “which may result in impacts that are incompatible with residential use, such as air, noise, odor, or transportation impacts.” Nevertheless, municipalities may require that the ground floor space in the commercially zone property may be required to be dedicated in whole or in part to retail or similar uses.

Second, where an existing building is being repurposed for adaptive reuse for residential purposes, municipalities are required to afford exemptions to setbacks, height or frontage of a building, provided the dimensional elements of the building do not change.

When implementing this new mandate locally, the definitions in the statute must be adhered to in determining whether the proposed use must be permitted; however, municipalities are not required to update their zoning ordinances with these definitions.

The statute does not prevent application of dimensional and other similar requirements to developments proposed under this statute. Furthermore, to

determine whether proposed development under these statutes must be allowed, municipalities will need to understand their infrastructure capacity and whether the infrastructure is adequate to sustain proposed development.

Although perhaps seemingly straightforward at first read, HB 631 contains many ambiguities and will require local officials to work with legal counsel to interpret and then implement the new requirements. Below are the major questions raised by this new law.

What is “commercially zoned land”?

The new law defines “commercially zoned land” as “land zoned for such commercial activities as retail and office space.” Each municipality will need to determine which zones are “commercial,” which should be based on the definition of a “commercial use” in the zoning ordinance. Municipalities are advised to carefully review their definition of “commercial use” to ensure the definition is clear and specific.

What is “infrastructure” under this new statute?

The new statute does not define “infrastructure,” but RSA 674:21, V, which provides an exclusive list of allowable purposes for a impact fees, may be instructive:

As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, **including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal road systems and rights-of-way; municipal office facilities; public school facilities; public works facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space.**

Who decides whether there is adequate infrastructure?

The new law does not say what local official or local body makes these infrastructure capacity determinations. Possibilities include:

1. The planning board could review and make infrastructure capacity determinations when exercising site plan review authority.
2. The select board could be responsible for assessing infrastructure capacities of water, sewer, roads, etc. The select board may also wish to undertake studies about capacity before any application is presented. For example, the select board could commission a study to determine the maximum additional load the public water sewer system can handle.
3. The code enforcement/building code officer could be responsible for the determination as part of the building permit review and issuance process.
4. A combination of more than one, depending on the circumstances. For example, since roads are within the purview of the select board, they may need to weigh in on whether a new development exceeds the capacity of the road impacted by the development.

What does “multi-family” mean?

The statute does not define this term. However, two existing statutes may be instructive: Site plan review for multi-family homes is triggered when the proposed project contains three or more units. RSA 674:43, I. On the other hand, the workforce development statute defines “multi-family housing” as five or more units. RSA 674:58, II.

How does the new requirement for allowing “adaptive reuse” factor in?

The adaptive reuse requirement is related, but ultimately separate, from the requirement to allow multi-family development in commercially zoned areas. This portion of the bill focuses on the conversion of existing *buildings* to residential uses. The law does not limit the mandate for allowing adaptive reuse to commercially zoned areas only; instead, it presumably requires a municipality to allow the conversion of an existing commercial building, wherever located, for adaptive reuse, exempting the conversion from “setbacks, height, or frontage” if the building is being “converted to multi-family or mixed-use through adaptive reuse,” as long as the “building’s floor area, height, and setbacks do not change.” In other words, it appears that the conversion must be permitted as long as the footprint of the building is not changed.

Effective Date: July 1, 2026

Statutes Adopted: RSA 674:79; RSA 674:80

Summary of Changes Pursuant to SB 284

[SB 284](#) prohibits municipal zoning ordinances from requiring more than one residential parking space per unit. This amendment to RSA 674:16 does not affect the power to regulate parking at land uses other than residential uses. This amendment should be presumed to mean that when determining how much parking will be required for a residential use of land under a municipal zoning ordinance, each unit of housing can only be required to have one parking space.

Effective Date: September 13, 2025

Statute Amended: RSA 674:16, VII

Summary of Changes Pursuant to HB 457

[HB 457](#) prohibits municipal zoning ordinances from restricting the number of occupants of any dwelling unit to less than 2 occupants per bedroom. In addition, any existing zoning ordinance that restricts the number of occupants per bedroom to less than 2 occupants can no longer be enforced by the governing body. Furthermore, municipal zoning ordinances based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status, including but not limited to scholastic enrollment, or academic achievement at any level among, the occupants shall not be enforced.

Effective Date: September 13, 2025

Statute Amended: RSA 674:16 by inserting new paragraph VIII

Summary of Changes Pursuant to SB 283

[SB 283](#) enacts new statutes, RSA 674:77 and RSA 674:78 that will require municipalities to exclude from floor-area-ratio (FAR) calculations any part of a building that is entirely or partially below ground level, including basements, cellars and sublevels. Below-grade areas may be utilized for parking, storage, mechanical spaces and additional facilities without affecting FAR calculations.

Effective Date: 60 Days after passage

Statutes Adopted: RSA 674:77 and RSA 674:78

Summary of Changes Pursuant to SB 282

[SB 282](#) will permit residential buildings up to four floors above grade to have only one stairway under conditions to be established by the state building code review board (BCRB). Conditions must be set by the BCRB because the current state building code requires more than one stairway.

Effective Date: September 13, 2025

Statute Amended: RSA 155-A:2, XII

Summary of Changes Pursuant to SB 281

[SB 281](#) amends RSA 674:41, by permitting the issuance of building permits on Class VI roads without requiring approval from the governing body. Instead, in order to get a building permit for erection of a building a Class VI road the applicant will need only sign and record at the registry of deeds a liability waiver acknowledging: that the municipality will not maintain the road nor provide services to any lot accessible by the road; that the municipality will not be responsible for losses or damages caused by lack of services; and, that the responsibility for such services falls solely on the applicant. Prior to the issuance of the building permit, the applicant shall prove that the lot and any buildings thereon are insurable. We recommend that select boards prepare a standard liability waiver that is used for applicants under this statute. The municipality must verify that the waiver has been recorded.

The statute does not prohibit municipalities from establishing separate road frontage requirements for new construction. Therefore, a municipal zoning ordinance can require frontage (of a certain length) on a Class V or better road. However, the municipal ordinance must clearly state this requirement by defining the road as “Class V or better.” If the zoning ordinance does require frontage of a Class V or better road, a variance from the ZBA would still be required to build on a Class VI road. Because the statute is not effective until July 1, 2026, municipalities have time to amend their zoning ordinances if desired.

Effective Date: July 1, 2026

Statute Amended: RSA 674:41, I (c)

Summary of Changes Pursuant to HB 296

[HB 296](#) amends RSA 674:41, building and subdivision on Class VI and Private Roads, and RSA 676:5, appeals to the Zoning Board of Adjustment. Currently, a building permit for the erection of a building on a Private Road can only be authorized by the local governing body after review and comment by the planning board. This amendment to RSA 674:41, I (d)(1) will allow as an alternative to going to the planning board for review and comment the applicant can instead establish that the private road identifies and complies with a policy adopted by the governing body. Therefore, if the governing body adopts a policy for building on private roads, and the applicant complies with that policy, then planning board input is not required.

In addition, this bill modifies the statute governing the time for appealing to the Zoning Board of Adjustment. Currently, RSA 676:5, I, states that appeals to the

Zoning Board of Adjustment will be taken within a reasonable time as provided by the rules of the board. This amendment changes that appeal period to a standard 30-day period.

Effective Date: September 13, 2025

Statute Amended: RSA 674:41, I (d)(1)

Summary of Changes Pursuant to HB 92

[HB 92](#) mandates that a Zoning Board of Adjustment member shall recuse himself or herself from voting on matters previously voted upon by the same member while serving as a member of the planning board in a quasi-judicial capacity.

Effective Date: July 23, 2025

Statute Amended: RSA 673:3 by inserting new paragraph V

Summary of Changes Pursuant to HB 413

[HB 413](#) extends the vesting time periods that protect approved subdivision and site plans from changes in local planning and zoning regulations. Currently, approved plans are vested from subsequently enacted local zoning and planning amendments if active and substantial work commences within 24 months of approval, and the development project is substantially completed within 5 years of approval. HB 413 extends these time periods so that substantial work shall commence within 3 years of approval, and the project shall be substantially completed within 7 years of approval. The 7-year and 3-year exemption periods shall apply to any planning board approval granted on or after July 1, 2023. HB 413 also limits the authority of the Zoning Board of Adjustment or Select Board when acting as the building code board of appeals to only hearing appeals involving local amendments to the state building code or state fire code, with all other appeals shall be made to the state building code board of review. Furthermore, in matters involving a possible appeal to the Housing Appeals Board involving final decisions of a local building code board of appeals, the matter would first have to be appealed to the building code board of review and thereafter could then be appealed to the superior court or the Housing Appeals Board.

Effective Date: July 1, 2025

Statutes Amended: RSA 674:39; RSA 674:34, I; RSA 155-A:11-b; RSA 478:1-a; RSA 679:5, IV; RSA 673:3, IV.