

Town of Harrisville
Ordinance Review Committee
Proposed Ordinance Amendments for Recommendation to the Planning Board
1/18/24

Article IV General Provisions

4.1.10. Site plan approval may be required by any board that has jurisdiction over the matter brought before it for a change in the following use or development: ~~by the planning board is required for the following development, change, or use:~~

4.1.10.1. Any non-residential use.

4.1.10.2. Any multiple-family use.

4.1.10.3. Any cluster development.

4.1.16. Recreational vehicles designed for camping and traveling may be parked on any residential lot in all zoning districts, subject to parking regulations. The vehicle may, by approval ~~permit~~ of the selectmen, be occupied for a period not exceeding ninety (90) days in any calendar year, provided that adequate provisions are made for sewage disposal and water supply.

Article IX Lakeside Residential District

9.1.6. No dwelling or structure other than docks or fences shall be erected closer than seventy-five (75) feet from the high-water mark. In the case of existing non-conforming structures, ~~no additions shall be made which will be closer to the high water mark than the nearest part of the existing structures.~~ alteration or expansion of a nonconforming structure may expand the existing footprint within the waterfront buffer, provided the structure is not extended closer to the high water mark and the property is made more nearly conforming than the existing structure or existing conditions of the property. This provision shall not allow for the enclosure or conversion to living space of any deck or open porch located between the primary structure and the high water mark and within the waterfront buffer.

For the purposes of this section, a property that is "more nearly conforming" means alteration of the location or size of the existing footprint(s), or redevelopment of the existing conditions of the property, such that the structures or the property are brought into greater conformity with these ordinances. Methods for achieving greater conformity include, without limitation, reducing the overall square footage of the structural footprint(s), enhancing storm-water management, adding infiltration areas and landscaping, upgrading wastewater treatment, improving traffic management, or other enhancements that improve wildlife habitat or resource protection.

No structure shall be located closer than fifteen (15) feet to the edge of any right-of-way, or to the side or rear boundaries of the lot. Accessory buildings such as storage sheds and gazebos but excluding automobile garages, and support structures such as those used for ground mounted solar arrays or for boats, may be located within the seventy-five (75) feet setback as a special exception provided:

9.1.6.2. The structure is required as a shelter either for humans or animals or storage of equipment, or firewood, or as support for solar panels.

Article XIX Personal Wireless Service Facilities

19.5.3. Fall Zone. In order to ensure public safety, any proposed PWSFs shall have a fall zone that forms a circle around it with a radius~~diameter~~ equal to the height of the facility.

Article XXIX Accessory Dwelling Units

29.3.1. An accessory dwelling unit (ADU) that is attached to a single family residence is allowed by right in all districts that permit single-family dwellings, except a special exception~~conditional use permit~~ from the Zoning Board of Adjustment~~Planning Board~~ shall be required in high-density areas, i.e., village and lakeside districts.

29.3.2. The creation of an ADU in a barn, garage or outbuilding that is detached from the primary residence may be granted by a special exception~~conditional use permit~~ from the Zoning Board of Adjustment~~Planning Board~~.

29.3.3. The creation of these ADUs shall maintain the visual and functional character of single family residential neighborhoods.

29.3.4. The Zoning Board of Adjustment~~Planning Board~~ may, in appropriate cases and subject to appropriate conditions and safeguards as determined by the Board, grant a special exception~~conditional use permit~~. The Board, in acting on an application for a special exception~~conditional use permit~~, shall take into consideration the following conditions and the applicant shall demonstrate compliance with the following conditions:

29.3.4.1. The specific site is an appropriate location for such use.

29.3.4.2. The use as developed will not adversely affect the adjacent area.

29.3.4.3. There will be no nuisance or serious hazard to vehicles or pedestrians.

29.3.4.4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

29.3.4.5. The proposed use shall comply with all the frontage, setbacks, minimum land area, sanitary protection, signs, and parking requirements for itself or its most similar use, except where specifically waived by the board, the reasons for such waiver to be set forth in writing by the board.

29.3.4.6. The proposed use shall maintain the visual and functional character, as well as aesthetic continuity, with the neighborhood.

29.4. DESIGNATION: One accessory dwelling unit shall be permitted only on parcels which meet the following conditions:

29.4.1. Is a legally created lot of record.

29.4.2. Contains one single family detached dwelling which is a conforming use.

29.4.3. Contains no other accessory dwelling residence(s).

29.5. PROCEDURE: The creation of a new accessory dwelling unit shall require a building permit and an occupancy permit and meet the standards contained in the section below.

29.6. STANDARDS: New construction for an accessory dwelling unit shall comply with all the development standards for a single family detached dwelling including, but not limited to setbacks, height limits, and lot

coverage (for lots in the Shoreland Protection District) and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this article. The following standards shall also apply:

29.6.1 The maximum size of an ADU shall not exceed 1000 square feet of total living area. The Zoning Board of Adjustment ~~Planning Board~~ may authorize variations from maximum size by special exception ~~conditional use permit~~ for medical needs and/or disabilities, provided that the Zoning Board of Adjustment ~~Planning Board~~ determines the design incorporates Universal Design principles to allow the most usable space for everyone in the home. Total living area includes finished basement space and finished attic space. In the case of a slanted ceiling in the attic, only the area with the height of five feet or more is counted.

29.6.2. Every accessory dwelling residence shall be deemed a residence of workforce housing for purpose of satisfying the municipality's obligation under RSA 674:59.

29.6.3. Both the ADU and the primary residence shall comply with the state Building Code and Fire Code regulations for construction, minimum living space, fire exits and smoke alarms.

29.6.4. An interior door shall be provided between the principal dwelling unit and accessory dwelling unit. There is no requirement for said interior door to remain unlocked.

29.6.5. The architecture of the ADU shall be in keeping with that of the primary residence.

29.6.6. There shall be no exterior stairway on the front of the house leading to the ADU although, in special circumstances, the Zoning Board of Adjustment ~~Planning Board~~ could waive this restriction.

29.6.7. There shall be no more than two bedrooms in an ADU.

29.6.8. The applicant shall make adequate provisions for water supply and sewage disposal in accordance with NH RSA 485-A:38; however, separate utility provisions are not required by the Town.

29.6.9. Any additions to the ADU shall meet the requirements of this article.

29.6.10. An accessory dwelling unit which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use which is consistent with the Master Plan and zoning designation for the lot.

29.7. ADDITIONAL REQUIREMENTS: Accessory Dwelling Units shall be subject to the following requirements:

29.7.1. Sale or ownership of such unit separate from the primary residence is prohibited.

29.7.2. The occupant of either the ADU or the primary residence shall be the owner of the entire property, except for bona fide absences.

29.7.3. NH DES requirements for septic loading shall be met.

Article XXX Solar Energy Systems

30.4.4. The panels of a ground-mounted system are exempt from the impervious lot coverage calculation, although foundations to support them are not exempt.

ZONING DISTRICT						
System Type	Residential Agricultural	Commercial	Industrial	Lakeside Residential	Village Residential	Historic
Accessory Solar:	P	P	P	P	P	P/HDC
▪ Roof- Mounted	P	P	P	P	P	P/HDC
▪ Ground- Mounted <15 feet <i>in height</i>	P	P	P	SE	SE	SE/HDC
▪ Ground- Mounted >15 feet <i>in height</i>	SE	SE	SE	SE	SE	SE/HDC
Commercial Solar	SE/SPR	SE/SPR	SE/SPR	SE/SPR	SE/SPR	SE/SPR/ HDC

LEGEND: P = Permitted
SE = Permitted by Special Exception from the ZBA
SPR = Site Plan Review Approval from the Planning Board
HDC = Approval from the Historic District Commission