TOWN OF
NEW LONDON, NEW HAMPSHIRE
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NEW LONDON HOUSING COMMISSION
November 15, 2023, 5:00PM
Whipple Memorial Hall

MEMBERS PRESENT: Peter Nichols, Michael Quinn, Tom Vannatta, Ann Bedard, Nancy Rollins, Randy Foose, Marilyn Kidder

MEMBERS ABSENT: Winfried Feneberg, Steve Theroux

OTHERS PRESENT: Adam Ricker, Steve Whitman, Nancy Marachio, John Ellis, Renee Theall, Karen Epstein, Rich Epstein, Paul Vance, Tim Paradis, Amy Kaplan

1. **Call to Order** – Peter Nichols called the meeting to order at 5:05 pm.

2. **Meeting Minutes – August 23, 2023**

IT WAS MOVED (Randy Foose) AND SECONDED (Marilyn Kidder) to approve the minutes from the August 23, 2023 meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

3. **Governance & Procedures**
Nancy Rollins and Randy Foose will be voting members tonight.

4. **Draft Housing Ordinance on Detached ADU's: Discussion & Next Steps**
Chair Nichols distributed an updated worksheet regarding ADU points to consider. He tried to capture the general consensus of the discussion held at the last meeting but emphasized it is not finalized and is open for more discussion. The goals when going through this process are to consider two things and the first is if the item that they are considering will actually increase moderate housing units in New London. The second criteria is achieving voter approval in March 2024. The Housing Commission is serving the public and the citizens of the town need to be comfortable with it.

    1. With respect to the existing size of the detached ADU, it seemed that 1,000 square feet is a little small and 1,250 square feet of finished living space seemed to be the sweet spot.

    2. Increase allowed bedrooms from 2 to 3 bedrooms. Chair Nichols stated there was discussion about young families working remotely and one of the bedrooms could be used as an office. Having three bedrooms with a maximum size cap seemed to make sense.

    3. Allowing multiple ADU's on one property. The discussion at the last meeting favored a maximum of two, 1 of which would be attached and 1 would be detached.

    4. Shoreline District Prohibition for detached ADU's still seemed appropriate. Marilyn Kidder asked for clarification on this. Adam Ricker shared it is his understanding that when the Planning Board tackled this issue in 2016, the biggest push back with detached ADU's was the possibility of detached ADU's in the waterfront. Attached ADU's are

allowed, but there was concern from the protective associations and this is ultimately what caused them to eliminate it from the proposed amendment. There may still be some hesitancy and concern about this. Tom Vannatta stated that anything done in the shoreline will most likely not come in as a moderate rental and this is not going to satisfy the need for low income or workforce housing. Marilyn Kidder stated that if this is passed and whether or not it is for ski rentals, family, or workforce, we can't dictate what people do with it. It may not fulfill our wishes for a certain type of housing but it wouldn't be up to us.

5. Owner Occupancy & Residency Requirement –This was unresolved at the last meeting. One point of view was that eliminating owner requirement would create empty units that would otherwise be available for rent.

   There was also discussion about short term rentals and making the rental period a minimum of 90 days. A traveling nurse contract tends to be in 3 month increments so it would be beneficial to keep that in mind. Chair Nichols stated that short term rentals (Air BNB, VRBO) have not been a problem so far in our town. They have discussed in the past, whether or not having detached ADU or expanding the ADU component of the bylaw would encourage this a lot more. Chair Nichols shared that he is not concerned about short-term rentals but it should be something that they keep an eye on. It's very hard to regulate unless you know where they are. Ann Bedard shared that keeping track of owner occupancy will also be difficult to monitor. It's creating more of a headache for the town.

   Randy Foose stated if we are truly trying to stimulate housing, which we are, he is in support of this. Adam Ricker shared that he estimates the number of attached accessory dwelling units at waterfront homes that have come through the process in the last few years probably makes up 50% of the total units which equates to about 7 or 8. They are used for a variety of reasons. Chair Nichols stated if there isn't any requirement for owner occupant, it could mean there would be three rentals on a property. We would need to make sure multi-family conditions, codes and responsibilities are triggered. Mr. Ricker stated currently, any three family or above would go to the state fire marshals office for their building permits. So having a primary dwelling, a detached ADU and an attached ADU on one property could potentially trigger this requirement unless they specifically built in an exception in the bylaws.

   The commission felt more discussion was needed regarding the owner occupancy issue.

6. There was discussion with regards to whether adjustments should be made to:
   - Setbacks – perhaps apply greater minimum distances for detached ADU's or stay with what is already there? Chair Nichols stated when the setback regulations were written the community agreed and seems comfortable with these standards. They would be proposing to leave setbacks the way they are but they would be waiving the density requirement for a single property. Essentially this means for the purposes of creating housing units, we are allowing people to put more buildings on a single lot. There would be no requirement for internal setbacks.

     Karen Epstein addressed the concern of having an ADU close to the setback line and thinks this may be an unintended consequence of now having a new structure close to the buffer zone. Chair Nichols responded that the homeowner could

expand their existing residence to be that big if they chose. They could also build a garage or a barn. Ms. Epstein feels having a garage or barn is very different than a living unit. Marilyn Kidder stated if this were to be passed there wouldn't be any way to address that but all structures would still need to meet setback requirements.

- Parking requirements – 1 space or 2?
  Nancy Rollins stated this should be based on whether the property has the land and if so, it seems reasonable. Adam Ricker stated the way it's written now is that it is one space per bedroom and this has worked well. He felt if three bedrooms are allowed, we may want to consider writing something that states three parking spaces wouldn't be required.

- Driveway requirements – no additional curb cuts (waiver provision)? Mr. Whitman stated this was not flagged as a concern. Mr. Ricker reviewed the driveway regulations and believes two curb cuts are allowed in the driveway regulations. If a second driveway is put in, it would still need to meet the site distances and all of the other standards of the driveway regulations.

7. Permitting
   Chair Nichols discussed permitting procedures required for attached or detached ADU's and whether or not aesthetic considerations should be included in the approval process. Currently the bylaws do not have any aesthetic requirement which allows for different architecture. When he had discussed this with other towns, he's been told that they should allow for a significant portion to be "as a right" so the developer doesn't have to go through a long process for approval.

   With respect to aesthetics, in Greenfield NH, the architecture of the detached ADU shall be the same as the principal dwelling unit so to provide aesthetic continuity. This includes appearance, design, colors and materials. Also in Greenfield, placement of the detached accessory dwelling unit will not adversely affect the character of the neighborhood; traffic on roads, safety of pedestrians and will not create a hazard or nuisance to abutting property owners.

   Our existing attached ADU bylaws state that the entrance door must face the side or rear of the property. The attached ADU has an interior connecting door requirement which is required by statute but not to be locked.

   For detached ADU the commission considered the idea that a detached ADU's shall appear subordinance to the existing primary dwelling in terms of size and location.

   Chair Nichols also discussed an intermediate review process which is a technical review committee and is allowed by statute om the State of New Hampshire. The technical review statute allows a municipality to write whatever standards they want in the review process. You can also require abutters to be notified so they have an opportunity to share their thoughts. The commission decided to keep the ADU permitting process under a conditional use permit as it currently stands. They also decided not to impose any aesthetic requirements.

Nancy Marachio stated they should not eliminate the requirement to notice abutters. The ethics and credibility of the town depend on that. Chair Nichols stated this is in the conditional use permit requirements so this will not change. Abutters within 200 feet will still be noticed.

8. Short term rental prohibition
   For the town of Greenfield, "the use of the ADU shall not include such transient occupancies as bed and breakfasts, VRBO (vacation rental by owner), hotels, motels, inns, room or board houses." Chair Nichols asked if there should be a minimum STR period and how would that be enforced? Chair Nichols also reiterated that standard traveling nurse contracts tend to be 3 months at a time.

   Steve Whitman commented that if the town is not ready to require registration or regulate STR he wouldn't mention it within the ADU regulations because when/if it does come up, the town would want to deal with it for all units.

9. ADU creation Affidavit: recorded at Merrimack Registry
   Chair Nichols stated that when an ADU is created, it's easy for the owner to know what the intentions are and what the rules are but it's not always clear to a subsequent buyer. If you create an affidavit it goes on record with the title. When you buy a piece of property, the attorney goes through the title and this would be present so you would be aware of an ADU. Marilyn Kidder stated she isn't sure this would be necessary. It could be listed in the property disclosure instead. Ann Bedard feels it should be recorded at the town level that the property has been approved for an attached or detached ADU. Renee Theall stated there would be a record due to the building permit that would be issued so could be tracked that way.

5. UVLSRPC: Housing Navigator Report on Employer Data - Deferred

6. Updates: No new updates
- **Housing Development update**
- **HOP Grant Update**.
- **Water Precinct Update**

7. Future Meetings
Monday, November 27, 2023 – 5:00pm
Thursday, December 1, 2023 7:30am – Planning Board work session.
Thursday, December 7, 2023 at 7:30am – Planning Board work session

8. Adjournment

IT WAS MOVED (Randy Foose) AND SECONDED (Nancy Rollins) to adjourn the meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 6:51PM.

Respectfully submitted,

Trina Dawson

Recording Secretary
Town of New London