

602.1.9

Accessory Dwelling Units:

602.1.9.1

Purpose: To increase housing alternatives while maintaining neighborhood aesthetics and quality.

602.1.9.2

Definitions:

Accessory Dwelling Unit:

Pursuant to NH RSA 674:71, 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:

Pursuant to NH RSA 674:71, a unit that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting or simultaneously constructed detached structure.

Detached unit:

Pursuant to NH RSA 674:71, a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

Property Owner:

For the purposes of this subsection, the phrase "property owner" shall be one of the following:

- i. One or more natural persons
- ii. A revocable Trust, where the Donor(s)/Grantor(s) are one (or two) natural persons
- iii. A New Hampshire Limited Liability Company where the member (or two equal members) are natural persons
- iv. A New Hampshire Corporation, where the sole stockholder (or not more than two equal stockholders) are natural persons.

Such natural person shall have a current possessory fee ownership in the land and buildings situated thereon which constitutes the lot and the principal and accessory dwelling units.

602.1.9.3

Rules & Regulations:

602.1.9.3.1

Maximum of one (1) accessory dwelling unit shall be allowed per single family dwelling, which can be an attached unit or detached unit. Accessory dwelling units associated with multiple single-family dwellings attached to each other such as townhouses, and with manufactured housing as defined in RSA 674:3 are prohibited.

602.1.9.3.2

The property owner (to include Grantors, members or stockholders of the property owner) must occupy either the principal or the accessory dwelling as their principal place of residence.

602.1.9.3.3

The property and use must conform to all of the Town of Windham Zoning Ordinance and Land Use Regulations, other applicable land use regulations and building, life safety

and health codes. The accessory dwelling unit is permitted without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what is required for a single-family dwelling without an accessory dwelling unit.

602.1.9.3.3.1

The property owner may periodically be required to demonstrate their compliance to the Town, based on reasonable advanced notice.

602.1.9.3.4

Any exterior entrances of the principal and accessory dwelling units shall be designed such that they have the characteristics and appearances of a single-family residence.

602.9.3.4.1

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. The choice of ingress and egress shall be determined by the property owner(s).

602.1.9.3.5

The accessory dwelling unit may not exceed 950 square feet of occupied floor space with a maximum of two (2) bedrooms.

602.1.9.3.6

The principal and accessory dwelling units shall share a single driveway.

602.1.9.3.7

Pursuant to NH RSA 674:72, V, 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. In order to comply with this paragraph and 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.

602.1.9.3.8

Space shall be provided to accommodate off-street parking for one additional motor vehicle.

602.1.9.3.9

The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. In order to ensure compliance with this requirement, the property owners at the time the accessory dwelling unit is established shall be required to execute a restrictive covenant, easement or development restriction deed running in favor of the Town, which shall be recorded in the Rockingham County Registry of Deeds and a copy provided to the Community Development Department and the Assessor prior to the issuance of a certificate of Occupancy.

602.1.9.3.10

Accessory dwelling units may be converted from existing structures that lawfully existed on or before July 1, 2025, including but not limited to detached garages, ~~regardless of whether provided that~~ such structures ~~violate~~ ~~meet~~ current dimensional requirements for setbacks or lot coverage.