

Proposed Amendment to the Town of Chesterfield
Zoning Ordinance

The following amendment, as proposed by the Planning Board, shall be incorporated into the Town of Chesterfield, NH Zoning Ordinance:

CURRENT:

401.7: Temporary Off-Premises Signs of the Chesterfield Zoning Ordinance:

- B. Written authorization from the landowner shall be required prior to the issuance of any off-premises sign permit.
- C. The maximum size shall be 16 square feet per side with a two side limit. No sign shall be more than ten feet above grade.

PROPOSED:

401.7: Temporary Off-Premises Signs

- B. Authorization from the landowner shall be required prior to the issuance of any off-premises sign permit.
- C. Temporary signs shall not exceed 24 square feet per side with a two side limit. No sign shall be more than ten feet above grade.

Summary for physical ballot:

This amendment, to the Chesterfield Zoning Ordinance 401.7, is intended to provide greater flexibility for temporary off-premises signs while ensuring consistency with sign standards and maintaining local control through property owner consent and content-neutral regulation.

Approved and recommended by unanimous vote of the Chesterfield Planning Board

James Corliss
Joseph Bravall
David
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Frances J. Snippe

Date: December 15, 2025

Proposed Amendment to the Town of Chesterfield

Zoning Ordinance

The following amendment, as proposed by the Planning Board, shall be incorporated into the Town of Chesterfield, NH Zoning Ordinance:

CURRENT:

207.2 Accessory Dwelling Units

207.2 1 Purpose and Definition

For the purpose of providing expanded housing opportunities and flexibility in household arrangements, accessory dwelling units as described by RSA: 674:71-73 and further described below, shall be permitted by a conditional use permit granted by the Planning Board or their designee in any district in conformance with these regulations.

Accessory Dwelling Unit (ADU): a secondary dwelling unit within or attached to and subordinate to the permitted principal dwelling unit in accordance with the provisions of this section.

207.2 2 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 and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this section. Existing non-conforming structures must comply with current codes and regulations at the time the ADU conditional use permit is applied for.

207.2 3 Requirements/Limitations

- a. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit. In granting a conditional use permit, the Board or its designee must find that the secondary dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot. The accessory dwelling unit shall be designated by a unique address issued by the Town.
- b. Exterior alterations, enlargements, or extensions of the structure shall not alter its character or appearance as a single -family residence. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
- c. An attached accessory dwelling unit shall not be considered to be a two-family unit and all regulations for single family units apply except as allowed by these ADU regulations.
- d. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet of living space measured by the outside dimension of the

exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30% of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.

- e. An attached accessory dwelling unit shall be designed to allow for re-incorporation into the principal dwelling unit. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling unit and the principal dwelling unit must share internal heated living space through a common wall.
- f. The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Chesterfield septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Chesterfield septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required. Occupants must have safe and ready access to the electrical panel for their unit.
- g. Adequate off-street parking shall be provided. In addition to the parking required for the existing structure, at least one additional parking spot for each ADU bedroom added shall be provided.
- h. There shall be no more than two bedrooms in an ADU.
- i. ADU's must maintain the look and feel of a single-family home.
- j. Condominium Conveyance is not permitted.
- k. A detached ADU must comply with a minimum lot size of 1 acre.

207.2 4 Existing nonconforming accessory dwelling units

To be considered a nonconforming use, an accessory dwelling unit must have either;

- a. Been constructed or installed prior to March 10, 1987, or
- b. Have otherwise been legally granted a building permit or certificate of occupancy between the year 1987 and the date of passage of the accessory dwelling unit amendment.

207.2 5 Existing illegal accessory dwelling units

Accessory dwelling units constructed after March 10, 1987 and before March 2017, which do not have either a building permit or certificate of occupancy, shall apply to the code enforcement officer for a determination of compliance with section 207.2. 2.

Applications shall be accompanied by the filing fee, plans and other documentation requested by the code enforcement officer to enable him/her to evaluate compliance with section 207.2. 2. The code enforcement officer shall issue one of the following:

- a. A determination of compliance with 207.2.2 and a certificate of occupancy;
- b. A conditional determination of compliance with 207.2.2 and a description of the corrective changes needed to bring the accessory dwelling unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the code enforcement officer shall issue a certificate of occupancy; or
- c. A determination of non-compliance with one or more of the requirements of 207.2.2, together with a listing of those requirements and conditions for which compliance cannot be achieved through corrective changes.

207.2.6 Failure to comply

If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the building inspector. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after notice.

207.2.7 Owner Occupied

The principal dwelling unit or the Accessory dwelling unit shall be owner occupied and the owner shall certify occupancy to the Planning Board or its designee yearly by April 1st. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or medical/family emergency; the owner may apply to the Zoning Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years.

207.2.8 Maximum occupancy

The ADU may be occupied by a maximum of two (2) persons per bedroom

PROPOSED:

207.2 ACCESSORY DWELLING UNITS (ADUs)

A. Purpose

To permit the creation of one (1) Accessory Dwelling Unit (ADU), either attached or detached, on any lot where a single-family dwelling is permitted, in accordance with RSA 674:71–73.

B. Definition

An Accessory Dwelling Unit (ADU) is a residential living unit within or attached to, or located on the same lot as, a single-family dwelling that provides independent living facilities for one or

more persons, including provisions for sleeping, eating, cooking, and sanitation. An ADU may be attached or detached. Only one (1) ADU shall be permitted per lot (RSA674:71).

C. Permitting Process

All ADUs shall require a building permit issued by the Code Enforcement Officer. Site-plan review by the Planning Board shall not be required unless the project independently triggers such review under the Land Development Regulations.

D. Location and Lot Eligibility

An ADU shall be permitted on any lot where a single-family dwelling is permitted, including legally existing nonconforming lots, provided all applicable setback, coverage, and septic standards are met. No separate minimum lot size beyond that required for the principal dwelling shall be imposed.

E. Dimensional and Design Standards

ADUs shall conform to all dimensional requirements of the zoning district for setbacks, height, lot coverage, and yards. Detached ADUs are permitted by right and shall meet the same setback and height standards as the principal dwelling. Conversion of an existing detached structure (e.g., garage or barn) into an ADU is permitted even if the structure is legally nonconforming, provided no increase in nonconformity occurs and all building and life-safety codes are met. ADUs shall be designed to ensure compatibility with the existing dwelling and surrounding neighborhood in a manner consistent with standards applicable to all residential structures. No aesthetic or design requirements shall be imposed that are not equally applied to single-family dwellings.

F. Size Limit

An ADU shall have an area of no less than three hundred (300) square feet and no greater than eight hundred (800) square feet of area measured by the outside dimension of an exterior wall or inside dimension of a common interior wall and shall provide independent living facilities for sleeping, eating, cooking, and sanitation.

G. Parking

In addition to the spaces required for the principal dwelling, at least one (1) additional off-street parking space shall be provided for the ADU.

H. Utilities and Septic

Adequate provisions for water supply and sewage disposal shall be demonstrated before a building permit is issued, consistent with RSA 485-A:38. A separate septic system is not required if a licensed designer or engineer certifies that the existing system is adequate for the

combined use of both units. If the system is failing or inadequate, it shall be upgraded to current state standards.

I. Number of Units and Bedrooms

No more than one (1) accessory dwelling unit shall be permitted on any lot with a single-family dwelling. A maximum of two (2) bedrooms is allowed.

J. Occupancy Requirement

Either the principal dwelling or the accessory dwelling unit shall be the principal place of residence of the owner. The ordinance does not require which unit must be occupied by the owner. The owner shall certify occupancy to the Code Enforcement Officer yearly by April 1st.

K. Enforcement and Recordkeeping

The Code Enforcement Officer shall maintain a record of all approved ADUs for monitoring and reporting purposes.

L. Prohibition on Condominium Conversion

Neither the principal dwelling nor the accessory dwelling unit shall be converted to a condominium or any other form of legal ownership distinct from the principal single-family lot. Both units must remain under common ownership and may not be conveyed separately.

M. Existing Illegal Accessory Dwelling Units

Accessory dwelling units constructed after March 10, 1987 and before March 2017, which do not have either a building permit or certificate of occupancy, shall apply to the Code Enforcement Officer for a determination of compliance with Section 207.2. Applications shall be accompanied by the filing fee, plans, and other documentation requested by the Code Enforcement Officer to enable evaluation of compliance. The Code Enforcement Officer shall issue one of the following:

1. A determination of compliance with Section 207.2 and a certificate of occupancy;
2. A conditional determination of compliance and a description of the corrective changes needed to bring the ADU into compliance. Required changes shall be completed within ninety (90) days of the date of the conditional determination. Upon successful completion, the Code Enforcement Officer shall issue a certificate of occupancy;
3. A determination of non-compliance, including a list of unresolvable deficiencies.

N. Failure to Comply

1. Prohibited Use.

Failure to comply with any provision of 207.2, including failure to complete corrective actions specified in a conditional compliance determination within the prescribed time

frame, shall render the use of the ADU prohibited. Continued occupancy or rental of the ADU in such cases shall constitute a zoning violation.

2. Notice of Violation.

The Code Enforcement Officer shall issue a formal written notice to the property owner identifying the specific violation(s), the required corrective action(s), and a deadline for achieving compliance.

3. Termination of Use.

The ADU use shall be terminated and the unit decommissioned or reintegrated into the principal dwelling within six (6) months of the date of the notice of violation. Failure to do so shall result in enforcement action.

4. Penalties.

If the property owner fails to bring the ADU into compliance or discontinue the ADU use within six (6) months:

- o The owner shall be subject to penalties as provided under RSA 676:17 for each day the violation continues;
- o Any applicable occupancy permits for the ADU may be revoked;
- o The Town may initiate legal enforcement action, including injunctive relief and fines.

Hardship Exception.

A property owner may request an extension of the six (6) month compliance period by submitting a written application to the Zoning Board of Adjustment, demonstrating good faith effort and significant hardship. Any extension granted shall not exceed twelve (12) months from the original notice of violation unless renewed by the Board upon showing of continued hardship.

Summary for physical ballot:

To bring the Chesterfield Zoning Ordinance into compliance with recent amendments to RSA 674:71–73 (HB 577, effective July 1, 2025) concerning Accessory Dwelling Units (ADUs); to clarify permitting procedures; and to align with the Chesterfield Planning Board's adopted ADU Implementation Guidance (August 2025).

Approved and recommended by unanimous vote of the Chesterfield Planning Board

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Michael H. Church
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Frances J. Slippce

Date: December 15, 2025