

Proposed 2026 Warrant Articles to Amend Chapter 1.0 Zoning and Land Use Ordinance of the Town of Strafford, NH

NOTE: Text to be deleted appears in ~~strikethrough~~. Text to be added appears in underline. Text appearing within *[brackets]* is explanation only and not part of the proposed amendment.

AMENDMENT 1 Accessory Dwelling Units “ADUs”

Warrant Article 2, Zoning Amendment 1: Are you in favor of adoption of Amendment 1 as proposed by the Planning Board for the town’s zoning ordinance as follows:

The Town of Strafford is required to update its Zoning Ordinance provisions pertaining to Accessory Dwelling Units (ADUs) to reflect changes to the State’s ADU law (RSA 674:71:73) per 2025 HB577. The existing Article 1.4.1.K Accessory Dwelling Units is proposed to be repealed and replaced with new provisions that, consistent with state requirements, allows one attached or detached ADU as a matter of right in all zoning districts where single-family homes are permitted; increases the maximum square footage to 950 sf; retains the requirement for owner occupancy of the principal dwelling unit or ADU; allows for conversion of existing structures, including detached garages, into ADUs even if structure doesn’t meet setback or lot coverage dimensional standards; and adds flexibility for ingress and egress. Additional amendments are made to Article 1.14 Definitions to include definitions of Accessory Dwelling Units, Attached, and Detached.

1.4 Agricultural-Residential District:

1.4.1 Land Requirements.

D. Minimum Land Area--A lot shall contain not less than 2 acres of land which is suitable for development (87, 120 square feet) with an additional 20, 000 square feet of land which is suitable for development for each additional family unit under a common roof, except as set forth in parts (2) and (3) of this subsection. (amended 3-9-1999)

1. There shall be no more than one principal residential structure per lot. (amended 3-14- 2006)

K. Accessory Dwelling Unit (ADU) Ordinance

[repeal and replace]

1. Authority: This section is enacted in accordance with the provisions of RSA 674:71–73.
2. Purpose: The purposes of the accessory dwelling unit ordinance are to:

- a. Increase the supply of affordable housing without the need for more infrastructure or further land development.
 - b. Provide flexible housing options for residents and their families.
 - c. Integrate affordable housing into the community with minimal negative impact.
 - d. Provide elderly citizens with the opportunity to retain their homes and age in place.
3. Criteria for Approval
- a. Accessory dwelling units shall be allowed 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 per principal dwelling unit.
 - b. A septic system for a principal dwelling unit with an accessory dwelling unit shall comply with requirements of the department of environmental services.
 - c. No more than one accessory dwelling unit for any principal dwelling unit. ADUs are prohibited on rented or leased land.
 - d. Subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5.
 - e. 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.
 - f. All municipal regulations 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.
 - g. One additional parking space for the accessory dwelling unit is required.
 - h. 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.
 - i. Owner occupancy of one of the dwelling units required. The owner must demonstrate that one of the units is his or her principal place of residence and must submit documentation demonstrating this to the Building Inspector.

- j. The total living space of the accessory dwelling unit shall not exceed 950 square feet and shall not exceed two (2) bedrooms.
- k. Accessory dwelling units may 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.
- l. Accessory dwelling units do not require the establishment of a separate electrical panel or separate electrical service to the accessory dwelling unit.
- m. Prior to occupancy of the accessory dwelling unit, the homeowner shall obtain an occupancy permit from the Building Inspector.

1.14 Definitions:

[add these new definitions to the Definitions Section]

1.14.25 Accessory Dwelling Unit.

A residential living unit that is located on a lot containing a principal dwelling that provides independent living facilities for one or more people, 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.

1.14.26 Accessory Dwelling Unit, Attached.

A unit that is within or physically connected to the principal dwelling unit.

1.14.27 Accessory Dwelling Unit, Detached.

A unit that is neither within nor physically connected to the principal dwelling unit.

AMENDMENT 2 In Home Child Care Facilities

Warrant Article 3, Zoning Amendment 2: Are you in favor of adoption of Amendment 3 as proposed by the Planning Board for the town's zoning ordinance as follows:

Adopt a new section 1.6 In Home Child Care Facilities and renumber all subsequent sections. This new section allows in home child care facilities accessory to any residential use with a conditional use permit. Facilities must be compliant with state licensing and all applicable building, fire, and health codes for residential properties. Additionally, while no additional parking is required, there must be safe space provided for drop-off and pick-up. Operators are encouraged to scheduled drop-off and pick-up to minimize congestion.

[Adopt a new section 1.6 and renumber all subsequent sections.]

1.5 In Home Child Care Facilities

Family childcare programs and group family childcare programs shall be permitted with a conditional use permit as an accessory use in all zoning districts where residential uses are allowed, including single-family and multi-family residential, provided the following conditions are met:

- A. Programs must obtain a valid license and comply with all applicable state licensing requirements under RSA 170-E (Child Day Care Licensing). Proof of licensing shall be provided to the municipality upon request.
- B. Programs must comply with applicable building, fire, and health codes for residential properties.
- C. Any modifications to the residence to accommodate childcare must meet local building permit requirements.
- D. Family childcare programs and group family childcare programs shall not be subject to additional parking requirements beyond those required for the principal residential use of the property except that adequate space must be provided for safe drop-off and pick-up.
- E. Operators are encouraged to schedule drop-off and pick-up times in a manner that minimizes congestion.

AMENDMENT 3 Non-Conforming Uses

Warrant Article 4, Zoning Amendment 3: Are you in favor of adoption of Amendment 2 as proposed by the Planning Board for the town's zoning ordinance as follows:

Amend Article 1.7 Non-Conforming Use to clarify when Special Exceptions or Variances are required, or when neither is needed. Also, the amendments establish provisions to allow for the reconstruction of a non-conforming structure destroyed by fire or other act of nature within one year. Extensions may be granted by the Board of Selectmen or their designee.

2.5 Non-Conforming Use:

Article 1.7.1 Non-Conforming Use, Lot or Structure.

1. Any non-conforming use of land, building lot, or buildings, may continue in its present use except that such non-conforming use shall not be changed, extended, or enlarged, nor shall the dimensions of any non-conforming lot be reduced nor the dimensions of any non-conforming structure be changed, or expanded, except by approval of the Board of Adjustment as a Special Exception. A special exception will not be required if the non-conformity is eliminated by the proposed action. A discontinuance of one year shall void the permit.

An expansion of a non-conforming structure may include, but is not limited to, any one or all of the following: enlargement of the footprint, increase in height, construction of a full basement, increase in floor space, ~~or~~ the creation of additional living space or any expansion that would result in greater setback intrusion than currently exists shall be prohibited except where relief is obtained via a variance granted by the Zoning Board of Adjustment.

2. Any non-conforming structure which is destroyed by fire or rendered unusable or uninhabitable by an act of nature may be repaired, rebuilt or replaced with a structure having the same dimensions in the same location. Any alteration, expansions, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks shall be permitted, provided that all applicable state and local laws and regulations are adhered to. Repairs, rebuilding or replacement must commence within one year of the occurrence of the event and must be completed within one year of the start date. One-year extensions may be granted by the Board of Selectmen or their designee for good cause shown.

- ~~2.3.~~ Special Exceptions may be granted by the Board of Adjustment, upon submission of a site plan or a building plan, provided that the following requirements are met:

- a. A non-conforming use, lot or structure shall not be made more non-conforming.

- b. No change or expansion of use shall be permitted which would be detrimental or offensive to the owners of adjoining property or to the Town, that would adversely affect abutting or nearby property values, which would cause any hazard to health or safety, or which would adversely affect the character of the area in which the proposed use will be located.
- c. That the use conforms with all other applicable regulations governing the district where located.
- d. That the proposed use has an adequate water supply and sewerage system, and meets all applicable requirements of the State of New Hampshire.

~~3.4.~~ Other Requirements: The granting of any Special Exception by the Board shall not exempt the applicant from any other portion of this Ordinance not specifically ruled upon by the Zoning Board of Adjustment or specifically set forth as an exception in this particular case from a provision of this Ordinance. Any further appeal to the Board, or any change to any required limitations or special conditions imposed by the Board in authorizing a Special Exception, shall be considered a new case.

~~4.5.~~ Public Hearing. The Board shall, within 30 days, hold the hearing of an appeal and before any hearing is given either on an appeal or an application for Variance or Special Exception of the Zoning Ordinance, notice shall be given to all abutting owners or representatives of interest as required under state statutes.

~~5.6.~~ If the Zoning Board of Adjustment approves an application for a Special Exception, it may impose relevant conditions of approval under RSA 674:4, I(i) as serve the purposes of the ordinances, ~~which may include~~ but is not limited to modification of the design of any building involved in the proposed use, limitation of the number of occupants or employees, restrictions in the manner and/or time of operation and use, and of the size or extent of facilities.
(amended 3-13- 2007)

1.14 Definitions:

1.14.7 Non-Conforming Use

A non-conforming use is a use ~~is in~~ any lot or structure which does not conform to the use regulations of the district in which such use exists.

Proposed 2026 Amendments to Chapter 2.0

Subdivision Regulations of the Town of

Strafford

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Following a Hearing of the Planning Board, the Board may vote to adopt the following amendments.

Amendment 1: Vesting

[add new section as 2.6.17] – note to Planning Board for 12/16/2025 review and discussion. Recommend removing the requirement for foundations and footings for vesting of subdivision plats as the act of subdivision does not include review or approval of placement of buildings. Focus should be on roads, stormwater and erosion control infrastructure, and utilities.

2.6.17 Active and Substantial Completion.

- A. In accordance with RSA 674:39, the Board shall exempt any subdivision plat from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by the town, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of seven (7) years after the date of approval; provided that:
1. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within three (3) years after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the town at the time of commencement of such development. The Board may extend this period for up to 36 months only for good cause;
 2. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
 3. At the time of approval and recording, the subdivision plat conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat.

- B. Once substantial completion of the improvements as shown on the subdivision plat has occurred in compliance with the approved subdivision plat or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2- 4, as amended, shall operate to affect such improvements.
- C. For the purposes of these regulations, the following are threshold levels of work shall constitute the following terms, with regard to the scope and details of a particular project. **Active and Substantial Development or Building** shall be deemed to have occurred when at least one-third (33%) of the total infrastructure improvements to the site, as indicated in the approved subdivision plat, have been made, unless otherwise specified by the Planning Board when approving an application. Infrastructure improvements include:
1. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc., to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans;
 2. Completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and
 3. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site.

Movement of earth, excavation, or logging of a site without one-third (33%) total completion of items (C)(1) through (C)(3) shall not be considered active and substantial development. Items (C)(1) through (C)(3) shall be reviewed and inspected by the Building Inspector or designated agent.

- D. **Substantial completion** of the improvements as shown on the subdivision plat for the development or approved phase shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved subdivision plat has been issued by the Town, and all other on-site or off- site improvements have been determined by the Town or its agent to be in compliance with the approved subdivision plat or satisfactory financial guarantees remain on deposit with the town to insure completion of such improvements.

Proposed 2026 Amendments to Chapter 3.0

Non-Residential Site Plan Regulations

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Following a Hearing of the Planning Board, the Board may vote to adopt the following amendments.

Amendment 1: Telecommunications Facilities

3.2 Procedure.

3.2.2 Requirements.

- I. **Telecommunications Facilities.** Any proposal for the construction of a telecommunications facility shall include complete plans for both construction and removal of the facility. ~~Approval is contingent upon execution of a mutually agreeable Performance Agreement between the Board and the applicant, including the performance Bond or other financial assurance, for the removal of the tower within three (3) months of termination of use, which will include some financial assurance for removal in case of default. (effective 5-1-2003)~~

Amendment 2: Vesting

[add new section as 3.2.3 C]

3.2.3 C Active and Substantial Completion.

- A. In accordance with RSA 674:39, the Board shall exempt any site plan from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by the town, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of seven (7) years after the date of approval; provided that:
 1. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within three (3) years after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the town at the time of commencement of such development. The Board may extend this period for up to 36 months only for good cause;

2. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
 3. At the time of approval and recording, the site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such site plan.
- B.** Once substantial completion of the improvements as shown on the site plan has occurred in compliance with the approved site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2- 4, as amended, shall operate to affect such improvements.
- C.** For the purposes of these regulations, the following are threshold levels of work shall constitute the following terms, with regard to the scope and details of a particular project. **Active and Substantial Development or Building** shall be deemed to have occurred when at least one-third (33%) of the total infrastructure improvements to the site, as indicated in the approved site plan, have been made, unless otherwise specified by the Planning Board when approving an application. Infrastructure improvements include:
1. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc., to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans;
 2. Completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and
 3. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site.
- Movement of earth, excavation, or logging of a site without one-third (33%) total completion of items (C)(1) through (C)(3) shall not be considered active and substantial development. Items (C)(1) through (C)(3) shall be reviewed and inspected by the Building Inspector or designated agent.
- D.** **Substantial completion** of the improvements as shown on the subdivision plat or site plan for the development or approved phase shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan has been issued by the Town, and all other on-site or off- site improvements have been determined by the Town or its agent to be in compliance with the approved site plan or satisfactory financial guarantees remain on deposit with the town to insure completion of such improvements.