

**ASHLAND PLANNING BOARD
PROPOSED ZONING ORDINANCE CHANGES – 2025**

ARTICLE 4 SPECIAL PROVISIONS

4.1 Waterfront Access This provision provides guidelines for the development of backland with access to Little Squam Lake and the Squam and Pemigewasset Rivers so as to prevent overcrowding and to protect water quality. Backland refers to undeveloped land behind a developed property.

Rights to gain access to a water body through or by means of any land in the Town of Ashland shall not be created or attached to any real estate, except in accordance with the standards set forth below and subject to Planning Board approval. Any owner granting rights of use and access shall comply with the following standards:

4.1a The minimum area of any waterfront access lot shall be the greater of: [a] one acre or [b] 800 square feet per residential dwelling unit, individual recreational campsite, or individual lodging unit. The minimum depth of any waterfront access lot shall be one-half the frontage.

4.1b A waterfront access lot shall not have less than 200 linear feet of shore frontage for up to 10 residential dwelling units, individual campsites, or individual lodging units with granted rights of use or access. Each additional such unit of campsite shall require an additional 20 linear feet of shore frontage.

4.1c A parking area of 300 square feet adjacent to the waterfront access lot shall be provided for each dwelling unit, recreational campsite, or individual lodging unit located in excess of 1000 feet from the waterfront property to which it has granted access. The parking area shall not be closer than 100 feet to the reference line. The reference line is the edge of the water body at its full volume, from which setbacks, such as the limits of the protected shoreland, are determined. Parking shall be permitted only in the designated parking area.

4.1d One Two chemical, mechanical or flush toilet facility facilities shall be provided on the waterfront access lot for each 10 residential dwelling units, individual campsite or individual lodging unit, or fraction thereof.

4.2 Lake and River Frontage. The minimum shore frontage for a building lot located along Little Squam Lake or along the Squam and Pemigewasset Rivers shall be 200 feet

4.3 Accessory Dwelling Unit (ADU)

4.3.1 Purpose and Intent: In accordance with NH RSA 674:71-73, the purpose of this ordinance is to expand the mix of affordable housing opportunities in town by permitting

the creation of secondary dwelling residences as an accessory use to existing single-family detached dwellings while maintaining the visual and functional character of single-family residential neighborhoods for the following reasons:

4.3.1a There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.

4.3.1b Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.

4.3.1c Elderly and disabled citizens are in need of independent living space for caregivers.

4.3.1d There are many important societal benefits, associated with the creation of accessory dwelling residences.

4.3.2 Definition. In accordance with NH RSA 674:71-73, this provision allows for the creation of an Accessory Dwelling Unit (ADU) as a subordinate residential living unit that is contained within or attached to a single-family detached dwelling or accessory building, on the same parcel of land as the principal dwelling unit it accompanies, and that provides independent living facilities for one or more persons (but no more than two adults per ADU), including provisions for sleeping, eating, cooking, and sanitation. [Amended March 10, 2020].

Either the ADU or principal dwelling unit shall be the legal domicile and principal residence of the property owner. ADUS shall be listed with the town and the owner shall notify the town if they are no longer using this as a permanent legal residence or if the owner does not occupy either unit. Re-certification each year is to be held and inspected by the Building Office and the Fire Department.

The use of an ADU shall not be deemed to include such transient occupancies as hotels, motels, rooming houses or boarding houses. This limitation includes short-term rentals of dwelling units.

4.3.3 Minimum Lot Requirements. An ADU is permitted in any zone that permits a single-family dwelling, i.e., Village Residential or Rural Residential.

4.3.3a Only one (1) ADU shall be permitted on a lot that has an existing single-family dwelling and no other accessory dwelling.

4.3.3b There shall be no additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit.

4.3.3c The ADU shall be subordinate and secondary to the principal dwelling.

4.3.3d The ADU shall comply with all the zoning regulations for a single-family detached dwelling including, but not limited to, setbacks, height limits, and lot coverage.

4.3.3e The construction of the ADU shall not increase the nonconforming aspect of any existing nonconforming lot.

4.3.3f Construction of the ADU shall meet all building code/life safety code guidance. The architecture and design of the ADU should reflect that of the primary residence.

4.3.3g ADUs shall not be allowed on lots with multiple single-family dwellings attached to each other, such as townhouses, or on lots with manufactured housing as defined in RSA 674:31.

4.3.3h There shall be no conveyance of an ADU separate from the principal dwelling unit by subdivision, nor shall the ADU have ownership separate from the lot on which the principal dwelling is located. The ADU structure and lot shall not be converted to a condominium or any other form of ownership distinct from the ownership of the principal single-family dwelling.

4.3.4 Dimension Requirements. The ADU shall not be less than 750 square feet and shall not exceed 1,000 square feet in habitable floor area.

5. **Permitting.** ADUs shall be approved by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings. 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.

4.3.6 Parking. An ADU shall be provided a minimum of two (2) off-street parking spaces, in addition to primary dwelling unit parking requirements.

4.3.7 Requirements

4.3.7a The ADU shall have no more than two bedrooms, nor shall it be occupied by more than two adults per ADU.

4.3.7b Adequate provisions shall be made for water supply and sewage disposal for the ADU in accordance with NH RSA 485-A:38 and regulations adopted by New Hampshire Department of Environmental Services. Separate systems shall not be required for the principal and accessory dwelling units.

4.3.7c The ADU must have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door. The square footage of the shared hallway is included in the 1000 square footage maximum size.

4.3.7d An interior door shall be provided between the principal dwelling and the ADU. There is no requirement for said interior door to remain unlocked.

4.3.7e Any exterior stairway leading to the ADU shall be covered or enclosed.

4.3.7f The ADU must meet state requirements for Life Safety Codes and Carbon Monoxide Detectors.

4.4 **Mobile Homes**

4.4a No mobile home shall be allowed within the Town of Ashland without a permit issued by the Building Inspector.

Mobile homes intended for use by one family shall be considered single family residences.

4.4b Mobile homes placed or replaced within the Pemigewasset Overlay District or in a designated flood plain must be installed upon a permanent foundation.

4.5 **Mobile Home Parks.** Mobile Home parks are not allowed in the Industrial-Commercial or Commercial Zone.

4.5a No mobile home park shall be constructed on less than 10 acres of land. No mobile home park shall be permitted within the Pemigewasset and Squam Overlay Districts. In all other zones, mobile home parks shall be permitted only by Special Exception.

4.5b A mobile home park not served by town sewerage and water shall conform to the regulations of the New Hampshire Water Supply and Pollution Control Commission.

4.5c A separate, clearly defined site shall be provided for each mobile home. The boundaries of these individual sites shall be clearly marked. Each site shall have a minimum area of 10,000 square feet in the Village Residential Zone, Commercial Zone

and sewered portions, and a minimum area of 30,000 square feet in the Rural Residential Zone and unsewered portions of the Industrial-Commercial Zone.

4.5d Each mobile home site shall be provided with off-street parking of 400 square feet.

4.5e A usable area of no less than 1,000 square feet per mobile home site shall be set aside and maintained for joint use of all the occupants of the mobile home park.

4.5f Within the minimum 10 acres, but in addition to requirements stated in 4.4c and 4.5g A a 35-foot buffer strip shall be maintained along all boundaries and public roads. Within this space a dense visual screen of suitable shrubs and trees 6 feet or more in height shall be provided. Such open space shall not be built upon, paved, nor used for parking.

4.5h. 4.5g All roadways shall be constructed and maintained by the mobile home park owner in conformance with Ashland road standards, unless adequate provision has been made for on-going maintenance and repair.

4.6 **Recreational Camping Parks [Amended March 8, 2022]**

4.6a A “Recreational Camping Park” is governed by NH RSA Chapter 216-I, whose terms are incorporated herein.

4.6b Within the Pemigewasset and Little Squam Overlay Districts, the following standards shall also apply:

4.6.b(1) The minimum area shall be 5 acres.

4.6.b (2) A 35-foot landscaped buffer strip shall be maintained along all perimeters of the park, except that along the riverfront the buffer strip shall be 75 feet wide. Within this space, a dense visual screen of suitable shrubs and trees six feet or more in height shall be provided. Such open space shall not be built upon, paved, or used for parking.

4.6c Must comply with the Flood Hazard Overlay District, Article 2.2g.

4.7 **Home Occupation** A home occupation is any use that is customarily conducted entirely within a dwelling by the inhabitants thereof, and the use of a portion of a dwelling or portion of an accessory building must be clearly secondary and incidental to the said dwelling and subordinate to the primary use of the premises as a residence. It must not change the character of the building or the character of the neighborhood. [Amended March 10, 2020] There is no outward appearance of such an occupation with the exception of one permitted sign.

A home occupation shall not be interpreted to include dining facilities, lodging or transient housing, convalescent homes, mortuary establishments, garbage and waste hauling services, animal hospitals or kennels, or similar uses. A home occupation may include, but not be limited to, a licensed professional office, business office, arts and crafts, instruction services, agricultural, and other products.

4.7a A home occupation meeting the requirements listed below is permitted in any zone:

4.7a(1) The home occupation must be operated by residents of the property. No more than two (2) non-residents may be employed on this site. The operator of the home occupation shall reside at the residence whether he/she is the owner of the property or not and shall be engaged in the home occupation.

4.7a(2) No signage other than a permitted sign in a configuration not to exceed 360 square inches shall be placed only on the property.

4.7a(3) Storage of goods and materials is only allowed within the primary structure or accessory building. There shall be no exterior storage of equipment (including the parking of commercial vehicles).

4.7a(4) No traffic, other than that of employees, shall be caused by the home occupation between the hours of 8:00 pm and 7:00 am.

4.7a(5) The occupation shall not cause nuisance due to noise, radiation, radio interference, vibration, sound pressure, odors, dust, fumes, vapors, gasses, smoke or glare.

4.7a(6) No new separate entrance shall be created for the home occupation.

4.7a(7) No more than twenty-five percent (25%) of the combined floor area of the occupied dwelling unit and accessory buildings shall be devoted to the home occupation.

4.7b There shall be no outside parking of vehicles defined in NH RSA 259:7, 259:11a, 259:59, 259:98, 259:109 and 259:116 as Bus, Combination Vehicle, Motor Truck, Semi-Trailer, Tractor-trailer, and Truck-tractor.

4.7c Approval for a home occupation shall be non-transferable to another property or operator without a new home occupation application. A home occupation approval shall automatically expire when the applicant is no longer the legal resident of the dwelling.

4.7d Any Home Occupation not meeting the requirements of 4.7a1 through 4.7a7, and 4.7b may be permitted by Special Exception. Applicants for Special Exception must meet the requirements of Sections 6.3.1 through 6.3.2c of the Zoning Ordinance.

4.8 Bed and Breakfast Bed and Breakfasts are allowed in Village Residential or Rural Residential Zones, subject to site plan approval. Bed and Breakfasts are allowed in all zones subject to site plan review and the following conditions:

4.8.1 Purpose The purpose of this Section is to preserve the existing housing stock and neighborhood character while providing efficient use of larger homes and providing flexibility to respond to changing household sizes and needs.

4.8.2 Definitions "Bed and breakfast" means a transient lodging facility that is a single-dwelling residence, occupied by the owner at the time of rental to a patron. The facility is regularly used and kept open as such in a bona fide manner for the feeding and lodging of

transient guests. It shall have a dining area capable of accommodating the number of registered guests, whose posted room rates shall include breakfast only.

As this is considered a rental unit, the property owner must comply with State of New Hampshire RSA 153:10-a, as amended, relative to compliance with NFPA Life Safety Code and the Standard for Installation of Carbon Monoxide (CO) Detection and Warning Equipment.

4.8.3 All Bed and Breakfasts shall be required to have all local and state permits, and a permit to operate issued by the Building Inspector before operation begins. Approval alone by the Planning Board does not constitute permission to operate.

4.8.4 **Requirements** A bed and breakfast shall be subject to the following requirements:

4.8.4a The maximum number of accommodation units shall be determined by the more restrictive of:

4.8.4a(1) Subtracting 750 sq feet from the total square footage of the building and dividing the result by 400 or,

4.8.4a(2) The total square footage of the lot divided by 1800.

4.8.4a(3) Exterior alterations other than signage (see below) should be in keeping with the character of the structure.

- The establishment is not primarily a restaurant. although the establishment may serve breakfast and snacks to its guests

4.8.5 **Signage**

4.8.5a For each bed and breakfast the main signage shall be no larger than 8 square feet and may be double sided, posts not included.

4.8.5b There shall be no neon or flashing signage.

4.8.5c A nameplate sign of 100 square inches to be mounted on the building.

4.8.5d Signs located on the property and intended to regulate or guide activities within the property, even though such signs may be incidentally visible from outside the property, are exempt from the sign permit. They shall not exceed six [6] square feet in size. [Amended March 13, 2018]

4.8.6 **Parking**

4.8.6a Minimum off-street parking shall to include [2] spaces for the owner/innkeeper and [1] space for each unit, [200 square feet minimum per space]

4.8.6b Guest spaces shall be set back a minimum of twenty feet from any property line and located to the side and rear of the building, and shall be screened from adjacent properties by a six-foot high wood or masonry fence or by sight-obscuring vegetation of the same height.

4.8.7 **Lighting**

4.8.7a All lighting shall be installed so as not to disturb the neighbors or the residential nature of the area.

4.8.7b No areas shall be floodlit.

4.8.7c All outdoor lighting shall be in compliance with the requirements of site plan regulations.

4.8.7d The total cutoff of all light shall occur within the property lines of the parcel to be developed.

4.8.8 The Bed and Breakfast shall not cause nuisance due to radiation, radio interference, vibration, sound pressure, odors, dust, fumes, vapors, gases, smoke, traffic or glare.

4.9 **Yard, Garage, Barn Sales and Auctions** Yard, Garage, Barn sales and Auctions are permitted in all districts without permit, but only after notification to the Town Office. No such sale or auction may run for more than 4 consecutive days.

4.9a Signage

4.9a(1) There are no sign permits required for yard, garage, barn sales and auctions, however, all signs must be removed with 24 hours of ending the sale. All signs must contain name, address and telephone number of the sale's host, as well as the date[s] of the sale.

4.9a(2) Signs are not permitted on utility poles, or within the public right-of-way. Failure to comply may result in a fine being levied of not more than \$275 a day from date of ordinance violation [RSA 676:17].

Article 4.10 "Flood Hazard Areas" is being moved in its entirety and renumbered as Article 2.2g under Article 2, Zones and Regulations.

