

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

Amendment #1: Amend Article IV by deleting the provisions for Accessory Dwelling Units and replace them with a new section, as follows:

ACCESSORY BUILDINGS AND USES

Any non-occupancy accessory use or any accessory building which is customarily incidental to the principal use or building and located on the same lot with the principal use or building shall be permitted in all districts, subject to the Zoning Regulations and setbacks.

~~Accessory dwelling units are permitted with the following restrictions and conditions: The additional dwelling unit must be attached to the principal dwelling unit by an interior wall and an interior door connecting the units; one of the units must be occupied by the owner of the property; the accessory dwelling unit shall have no more than two (2) bedrooms; the accessory dwelling unit cannot exceed 1000 sq. ft.; only one accessory dwelling unit is permitted per lot. Detached accessory dwelling units are not permitted.~~

ACCESSORY DWELLING UNITS

A. Applicability.

Two Accessory Dwelling Units (ADU's) associated with a principal single-family dwelling shall be allowed as a matter of right in any district which allows residential uses. No increase in lot size, frontage, or setbacks shall be required beyond what would be required for a single-family dwelling without an ADU.

B. Standards

1. In addition to a principal dwelling the parcel may have up to two additional ADUs where applicable. No accessory dwelling unit shall be larger than 40% of the gross living area of the principal unit or 1200 square feet, whichever is greater, not including unfinished spaces such as but not limited to unfinished attics or unfinished basements. In the case of two ADUs on a single lot their combined area shall be no more than 40% of the principal dwelling or 1200 square feet, whichever is greater.
2. ADUs may be located within or attached to an existing building on the parcel: either the principal dwelling or any outbuilding, as well as in a new, purpose-built structure. In the case of a parcel which has no structures at the date of this ordinance two ADUs and a principal dwelling may be constructed as new purpose-built structures.
3. Unless otherwise provided for herein, all existing regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling and any accessory dwelling units, 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.
4. For an ADU that is located in the same building as the principal dwelling unit in compliance with RSA 674:71-73, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but there is no requirement that the interior door shall remain unlocked. Should RSA 674:71-73 be revoked this requirement shall also be revoked.
5. Adequate provisions for water supply and sewage disposal for the accessory dwelling units in accordance with RSA 485-A:38 shall be demonstrated by the applicant, but separate systems, including but not limited to plumbing, heating, electrical, and sanitary disposal systems, are not required for the principal and accessory dwelling units provided that occupants of all units have access to the electrical panel and circuit breakers serving their respective units.

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

6. When converting an existing structure or a portion of an existing structure to an ADU or constructing a new addition or detached structure to create an ADU the ADU shall comply with all applicable sections of the fire code and building code.
 7. An ADU may be created in an existing dimensionally nonconforming principal or accessory structure provided the ADU does not increase the dimensional nonconformity.
 8. Applicants are required to meet the requirements of the town's building permit application.
 9. No more than one off-street parking space is required per ADU. Tandem parking is permitted.
- C. Units created under this ordinance may be sold as condominiums only after conforming to the appropriate state statute and provided they comply with all necessary subdivision regulations.

Amendment #2: Delete Article IX in its entirety and replace it with the following new Article IX:

Cluster Development Overlay District.

- I. **Authority.** This section is adopted pursuant to RSA 674:21 and RSA 675:1, II. Pursuant to RSA 674:21, II the Planning Board is hereby authorized to grant Conditional Use Permits for development accordance with this section. In the granting of any such Permit, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of this ordinance.
- II. **Purpose.**
The purpose of cluster development is to encourage the preservation of common land for conservation, agriculture, forestry, open space and recreational use; to preserve historical or archaeological resources; to protect existing and potential municipal water supplies; to protect the value of real property; to promote more sensitive siting of buildings and better overall planning; to promote better utilization of land in harmony with its natural features and with the general intent of this chapter through a greater flexibility in design; and to allow more efficient provision of municipal , aservices.
- III. **Permitted Uses.** The following uses are permitted in the Rural Agricultural, Residential, Business, Roadside Commercial A & B, and the Commercial/Industrial Districts subject to criteria described herein.
 - a. Single-family detached dwellings, including manufactured housing.
 - b. Duplex dwellings
 - c. Multi-family dwellings up to four (4) units
 - d. Associated accessory uses.
- IV. **Density.**
 - a. The minimum tract size is five (5) acres in all Districts except the Rural Agricultural District and (10) acres in the Rural Agricultural District.
 - b. The total number of building lots shall be no greater than the number of building lots that would otherwise be allowed in the district in which the land is located, except as provided in Paragraph V. below.

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

V. Density Bonuses. The Planning Board may approve additional density if the proposed development:

- utilizes one-half of the lot size, the number of homes allowed may be doubled;
- utilizes one-third of the lot size, the number of homes allowed may be tripled; or
- utilizes one-fourth of the lot size, the number of homes allowed may be four times the conventional density.

Example:

- 12 acres = 6 homes
- Utilize 6 acres/conserves 6 acres = 12 homes
- Utilize 4 acres/conserves 8 acres = 18 homes

VI. Dimensional Standards. Where the requirements of this section differ from or conflict with the requirements of Article V, the requirements of this section shall prevail.

1. Building lot areas shall be based on the site loading for each soil type on the lot, according to NH DES Administrative Rules (Env-Wq 1005).
2. Frontage: not more than 50 feet.
3. Minimum front yard: no more than 30 feet.
4. Minimum setbacks:
 - a. Exterior boundary
 - i. Front: no more than 30 feet.
 - ii. Side and rear: the same as is required in the underlying zoning district.
 - b. Interior boundaries
 - i. There are no defined setbacks; however, buildings shall be placed based on the IBC standards for separation.
5. Maximum height: the same as is required in the underlying zoning district.

VII. Common Land.

1. The proposed development shall set aside a minimum of 25% of the total land area for conservation/open space purposes.
2. The ownership of any common land shall either be conveyed to the Town of Hinsdale or to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a trust or corporation owned or to be owned by the owners of the lots within the development. In any case where such land is not conveyed to the Town of Hinsdale, a perpetual restriction enforceable by the Town of Hinsdale shall be recorded providing that such land be kept in its open or natural state and not be built upon or developed.
2. The common land shall be used for open space, conservation, forestry, agriculture, outdoor recreation or park purposes, or such other use as agreed upon by the applicant and the Planning Board. The common land shall be in one (1) or more parcels of a size, shape and location appropriate for its intended use as determined by the Planning Board. The common land shall remain unbuilt upon except that a maximum of five percent (5%) of such land may be devoted to paved areas or structures accessory to and consistent with the approved uses of the land.
3. Each parcel or area of common land shall be provided with access of twenty (20) feet wide, which shall be identified on the plan.

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

4. The boundaries of common land shall be delineated with physical markers, as shown in the examples below.

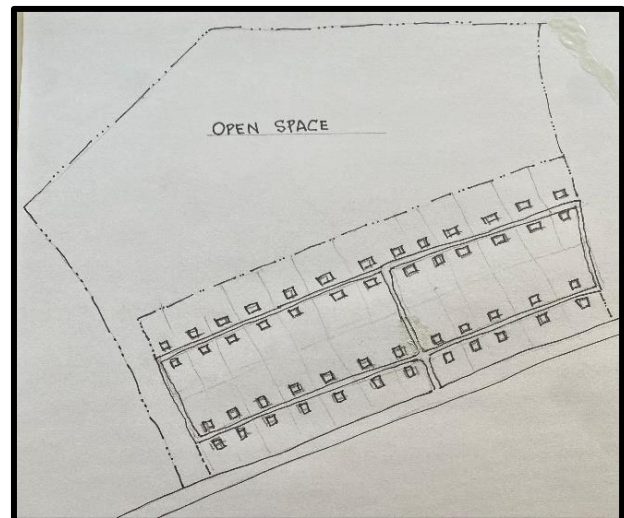


VIII. Homeowners Association.

- a. A Homeowner’s Association shall be formed to specify the individual and collective responsibilities for the ownership and ongoing maintenance of all common facilities, such as open space, septic systems, water supply systems, and roads.
- b. In the event that any units are occupied by renters and not owners, the tenants shall be made aware of any pertinent responsibilities regarding the common facilities.
- c. The Association agreements must be reviewed and approved by Town Counsel prior to Planning Board approval, after which the agreements shall be filed with the approved plans in the Cheshire County Registry of Deeds.

IX. Design/Layout Standards

1. Conserved land, if applicable and to the extent practical and feasible, shall be located to the rear of the development.
2. The primary development shall be oriented toward the road frontage, as shown in the illustration to the right.
3. Streets.
 - a. Streets serving the cluster development must be laid out and constructed to meet standards outlined in the Town of Hinsdale Subdivision Regulations.
 - b. Cul-de-Sacs shall not be permitted, unless it can be demonstrated that there is no other practical alternative.
 - c. The street grid shall be oriented along the frontage.



HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

X. Procedure

- a. Any person applying for a cluster development must meet with the Planning Board for a non-binding preliminary consultation prior to filing an application. The purpose of the preliminary consultation is to provide the applicant and the Planning Board the opportunity to review the proposed plan and advise the applicant of the relevant requirements.
- b. Detailed plans are not required for the preliminary consultation; however, the applicant should be prepared to provide a conceptual rendering of the proposal.
- c. The formal application shall be accompanied by the following information:
 - a. A cluster development site plan showing all of the information required for a subdivision and/or site plan where necessary, as specified in the Town of Hinsdale Subdivision and Site Plan Review Regulations.
 - b. Copies of all instruments to be recorded with the cluster development site plan, including the proposed common land deed, if applicable, the membership trust and perpetual restriction.

XI. Planning Board Action.

1. In determining whether to grant a conditional use permit for a proposed cluster development, the Planning Board shall consider:
 - The general objectives of cluster development.
 - The existing and probable future development of surrounding areas.
 - The appropriateness of the proposed development in relation to the topography, soils and other characteristics of the tract in question.
 - The recommendations of the Conservation Commission, Code Enforcement Officer, and Fire Department, if applicable.
 2. Changes in lot shape or layout of development. The Planning Board may require changes in lot shape and layout as it deems necessary to secure the objectives of this chapter.
 3. Conditional use permit conditions. The Planning Board shall not grant a conditional use permit for a cluster development if it appears that the granting of such permit would be detrimental to the health, safety, or welfare of the neighborhood or town, be inconsistent with the intent of cluster development or would result in unsuitable development. The Planning Board may impose additional conditions and safeguards in order to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Hinsdale.
-

Amendment #3: Add a new section to Article VII – Special Regulations, as follows:

Cottage Court Overlay District.

- A. Authority.** This section is adopted pursuant to RSA 674:21 and RSA 675:1, II. Pursuant to RSA 674:21, II the Planning Board is hereby authorized to grant Conditional Use Permits for development accordance with this section. In the granting of any such Permit, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of this ordinance.

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

B. Purpose. The purposes of a cottage court-type development are to:

1. create housing opportunities that reflect changing household demographics;
2. create opportunities for smaller, more energy-efficient, and thus more affordable, housing;
3. locate density in closer proximity and with greater access to public safety and emergency services, as well as services and amenities;
4. enable residents to become less auto dependent; and
5. provide “missing middle” housing that bridges the gap between single-family homes and apartment complexes.

C. Definition. A cottage court is a type of housing development that consists of between four and 12 buildings arranged around a shared courtyard. It is sized to fit within existing neighborhoods, as well as creating a pocket neighborhood in a rural setting.

D. Permitted Uses. Cottage Courts are permitted in any district that permits residential use, subject to criteria described herein.

1. Single-family detached dwellings, including manufactured housing.
2. Duplex dwellings
3. Associated accessory uses.
4. Dwelling units in a cottage court may be counted toward the Town’s share of workforce housing.

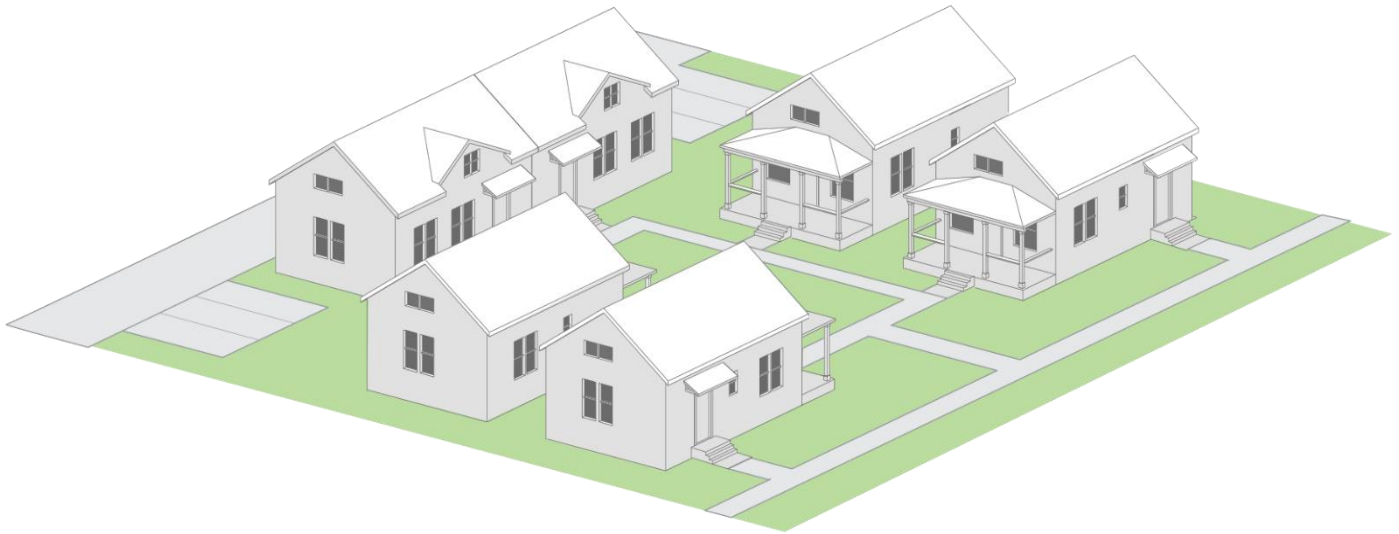
E. Dimensional Standards. Where the requirements of this section differ from or conflict with the requirements of Article V, the requirements of this section shall prevail.

1. Land area requirement per dwelling unit is 2000 square feet where connected to municipal water and sewer.
2. For projects not connected to municipal water and sewer, adequate land shall be provided for on-site septic disposal and well protection. The lot shall be adequately sized to support a well with its protective radius, and be based on the site loading for each soil and type on the lot, according to NH DES Administrative Rules (Env-Wq 1005)
3. Setbacks from the exterior property lines shall be set by the underlying zoning district.
4. There is no lot width minimum.
5. Building heights are set by the height regulations of the underlying district.
6. Cottage courts are permitted on any lot of record,

F. Building Standards

1. Unit sizes shall be less than 1,000 square feet for a single unit building, or less than 800 square feet for a duplex building.
2. Buildings shall be separated based on the IBC standards for separation.
3. Buildings within 50 feet of a public street shall have front-facing facades that include windows.
4. Buildings shall have porches that face the courtyard/common open space.
5. The buildings shall be clustered as exemplified in the accompanying illustration, regardless of parcel size.

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING



G. Open Space Standards

1. Each unit shall be provided with 250 square feet of private open space contiguous with the dwelling unit for the exclusive use of that dwelling unit. No dimension of the private open space shall be less than 10 feet.
2. A minimum of 250 square feet of common open space shall be provided per unit. This may be provided in a courtyard, orchard, landscaped picnic areas, plazas, or gardens. A detailed plan of the common open space depicting the design and the amenities shall be reviewed as part of the site plan approval process.
3. Common open space shall be used and maintained as approved by the Planning Board during Site Plan Review.
4. Septic systems, wells, and stormwater management facilities may be placed in the common open space, provided they can do so without affecting the use and enjoyment of this space. Low Impact Development stormwater management techniques are encouraged (i.e., rain gardens and/or similar structures).

H. Parking

1. Parking may not be located in or accessed from the courtyard or any shared space.
2. If visible from a public street, the parking area must be screened as determined by the Planning Board.
3. A minimum of one off-street parking space per dwelling unit shall be provided. Where there is an ADU associated with a single-family dwelling, there shall be one additional space per ADU.
4. Parking may be provided off-site on a separate parcel adjacent to or in close proximity to the development.

I. Homeowners Association.

1. A Homeowner's Association shall be formed to specify the individual and collective responsibilities for the ownership and ongoing maintenance of all common facilities, such as open space, septic systems, water supply systems, and roads.

HINSDALE PLANNING BOARD
PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FOR 2025 TOWN MEETING

2. In the event that any units are occupied by renters and not owners, the tenants shall be made aware of any pertinent responsibilities regarding the common facilities.
3. The Association agreements must be reviewed and approved by Town Counsel prior to Planning Board approval, after which the agreements shall be filed with the approved plans in the Cheshire County Registry of Deeds.

J. Procedure

1. Any person applying for a cottage court development must meet with the Planning Board for a non-binding preliminary consultation prior to filing an application. The purpose of the preliminary consultation is to provide the applicant and the Planning Board the opportunity to review the proposed plan and advise the applicant of the relevant requirements.
2. Detailed plans are not required for the preliminary consultation; however, the applicant should be prepared to provide a conceptual rendering of the proposal.
3. The formal application shall be accompanied by the following information:
 - c. A site plan showing all of the information required for a subdivision and/or site plan where necessary, as specified in the Town of Hinsdale Subdivision and Site Plan Review Regulations.
 - d. Copies of all instruments to be recorded with the plan, including the proposed common land deed, if applicable, the membership trust and perpetual restrictions.

K. Planning Board Action.

1. In determining whether to grant a conditional use permit for a proposed cottage court, the Planning Board shall consider the recommendations of the Conservation Commission, Code Enforcement Officer, and Fire Department, if applicable.
 2. Changes in lot shape or layout of development. The Planning Board may require changes in lot shape and layout as it deems necessary to secure the objectives of this chapter.
 3. Conditional use permit conditions. The Planning Board shall not grant a conditional use permit for a cottage court if it appears that the granting of such permit would be detrimental to the health, safety, or welfare of the neighborhood or town, be inconsistent with the intent of this type of development or would result in unsuitable development. The Planning Board may impose additional conditions and safeguards in order to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Hinsdale.
-

Amendment #4: To amend Article V by including Cluster Development as a permitted use in the Roadside Commercial A & B and Commercial/Industrial District.