
Rooming House

2 messages

Michele Decoteau <mdecoteau@wiltonnh.org>

Tue, Oct 1, 2019 at 10:18 AM

To: John Goeman <johng@nashuarpc.org>, Norma Ditri <nditri@wiltonnh.org>, Neil Faiman <Neil.Faiman@wiltonzba.org>

Hello!

We have a person in town operating what appears to be a rooming house. A rooming house seems to be a blend of B&B and apartment dwelling.

This property is in the residential district and listed as a two family but they have multiple kitchens, at least 5 people renting/bartering to live there aside from the owner, and the owner said that only he is allowed to cook.

This issue was raised by two different people and both expressed concerns over safety.

My question is this: I don't see rooming house in our Ordinance outside of the definitions section. Is this a business like a B&B or more a business like being a landlord?

Confused,
Michele**Michele Decoteau**Building and Land Use Administrator
Town Hall - 42 Main Street
PO Box 83, Wilton, NH 03086
(603) 654-9451 x309
Mon, Tues, Thurs 9am - 3pm

Preferred pronouns: she, hers, her

The Right-to-Know Law (RSA 91-A) provides that most email communications, to or from Town employees regarding the business of the Town of Wilton, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

Neil Faiman <wiltonzba@wiltonzba.org>

Tue, Oct 1, 2019 at 11:14 AM

To: Michele Decoteau <mdecoteau@wiltonnh.org>

Cc: John Goeman <johng@nashuarpc.org>, Norma Ditri <nditri@wiltonnh.org>, Neil Faiman <Neil.Faiman@wiltonzba.org>

The starting point in addressing a question like this is, "is it a permitted use?"

The only permitted uses in the Residential District are single-family and duplex dwellings (5.1(a)) and three-family dwellings with site-plan review (5.1.1(b)), and accessory uses.

A dwelling (3.1.6) is a building containing one or more dwelling units.

A dwelling unit (3.1.7) is "One or more living or sleeping rooms arranged for the use of one or more individuals living as a single family housekeeping unit, **with cooking, living, sanitary and sleeping** facilities," and is distinguished from a lodging unit (3.1.15), "One or more living or sleeping rooms arranged for occupancy by a single family, but **sharing common cooking, dining, living or sanitary facilities with other lodging units.**"c

A rooming house (3.1.27) is "A building containing one or more lodging units used primarily for rental to non-transient occupants, together with any common cooking, dining, living or sanitary facilities for the shared use of the occupants."

The building you have described is clearly a rooming house. Reading the definitions together, a rooming house is *not a dwelling*, and therefore is not a permitted use in the Residential Unit.Or, looking at it from a slightly different angle, the building is a dwelling because it does contain one dwelling unit (the owner's), but it *also* contains one or more lodging units, which are *not* a permitted use in the district. (They are not explicitly listed as a permitted use, and are not accessory uses to the permitted dwelling.)

Regards,

 Neil

[Quoted text hidden]

Prait



Michele Decoteau <mdecoteau@wiltonnh.org>

Rooming House

Neil Faiman <wiltonzba@wiltonzba.org>

Tue, Oct 1, 2019 at 11:14 AM

To: Michele Decoteau <mdecoteau@wiltonnh.org>

Cc: John Goeman <johng@nashuarpc.org>, Norma Ditri <nditri@wiltonnh.org>, Neil Faiman

<Neil.Faiman@wiltonzba.org>

The starting point in addressing a question like this is, "is it a permitted use?"

The only permitted uses in the Residential District are single-family and duplex dwellings (5.1(a)) and three-family dwellings with site-plan review (5.1.1(b)), and accessory uses.

A dwelling (3.1.6) is a building containing one or more dwelling units.

A dwelling unit (3.1.7) is "One or more living or sleeping rooms arranged for the use of one or more individuals living as a single family housekeeping unit, **with cooking, living, sanitary and sleeping facilities,**" and is distinguished from a lodging unit (3.1.15), "One or more living or sleeping rooms arranged for occupancy by a single family, but **sharing common cooking, dining, living or sanitary facilities with other lodging units.**"c

A rooming house (3.1.27) is "A building containing one or more lodging units used primarily for rental to non-transient occupants, together with any common cooking, dining, living or sanitary facilities for the shared use of the occupants."

The building you have described is clearly a rooming house. Reading the definitions together, a rooming house is *not a dwelling*, and therefore is not a permitted use in the Residential Unit.

Or, looking at it from a slightly different angle, the building is a dwelling because it does contain one dwelling unit (the owner's), but it *also* contains one or more lodging units, which are *not* a permitted use in the district. (They are not explicitly listed as a permitted use, and are not accessory uses to the permitted dwelling.)

Regards,

Neil

[Quoted text hidden]