



Town of Salem, New Hampshire

Community Development Department

Planning Division

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To: Town Council

From: Jacob LaFontaine, Planning Director

RE: Zoning Amendments

Date: 3/28/2025

Recommendation: That the Town Council review the proposed amendments to Salem's Zoning Ordinance, and if satisfied with the language presented, move to pass the amendments to a second reading and public hearing.

The following zoning amendments are being proposed:

1. **Noncommercial Keeping of Chickens:** proposing to reduce lot size requirement to one-half acre and allow keeping of chickens in all residential districts.
2. **Temporary Occupancy of Manufactured Home:** proposing to modify language to reflect a more realistic timeline for construction of a replacement dwelling.
3. **Expansion of Certain Nonconforming Uses:** proposing to clarify current practice of allowing replacements of nonconforming structures.
4. **Updating Parking Requirements for Multi-family Housing, workforce housing and accessory apartments:** proposing to modify parking requirements to comply with State law and meet NH BEA Housing Champion criteria.
5. **Corner Lot Setbacks:** proposing to codify traditional practice of applying "two fronts and two sides" for corner lots.

The Planning Board held public hearings on February 25, 2025 and March 25, 2025 and unanimously recommends (7-0) that the Town Council adopt the proposed amendments.

Deletions in ~~strikethrough~~, additions in *italics*

§ 490-713. Noncommercial keeping of chickens.

- A. Purpose. Recognizing the importance of sustainable and locally sourced food, the following regulations will govern the keeping of chickens and are designed to prevent nuisances and conditions that are unsanitary or unsafe.
- B. Notwithstanding the provisions of §490-301B, ~~and~~ §490-302B ~~and~~ *§490-303B* of this chapter, the noncommercial raising and keeping of chickens shall be permitted on all lots of at least one-~~half~~ acre in size in the *Recreational, Residential, and* Rural District under the following conditions:
 - 1) Number. No more than six hens shall be allowed for each lot.
 - 2) Setbacks. Coops or cages housing chickens and manure storage areas shall be kept at least 25 feet from any property line. Coops and cages shall not be located in the front yard.
 - 3) Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless an individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
 - 4) Sanitation. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Manure storage must comply with Best Management Practices published by the New Hampshire Department of Agriculture.
 - 5) Slaughtering. There shall be no outdoor slaughtering of chickens.
 - 6) Roosters. It is unlawful for any person to keep roosters.
 - 7) Permit. A permit shall not be required unless the coop is greater than 200 square feet.

- 8) Chickens may only be kept as an accessory use to, and on the premises with, a single-family residence. No commercial activity related to the keeping of chickens, such as selling products or breeding, is allowed.

§ 490-810 Expansion of certain nonconforming uses.

- A. A person shall be permitted to expand otherwise permitted uses on premises subject to site plan jurisdiction of the Planning Board, notwithstanding the fact that said premises may not conform to lot coverage or setback requirements otherwise applicable to new uses, provided such expansion does not further diminish the lot coverage or increase the area or volume of the structure or uses which encroach into required setback areas.
- B. Alteration, *or* expansion, *or replacement* of nonconforming structures. Alteration, *or* expansion, *or replacement* of a structure which is nonconforming solely because of dimensional requirements is permitted without Zoning Board of Adjustment approval, provided that:
[Added by the 2016 Town Meeting]
 - 1) The present use, a changed use, or an additional use is permitted in the district; and
 - 2) The alteration *or* expansion, *or replacement* will not further violate setback dimensional requirements. Any new encroachment cannot come closer to a property line than the encroachment into the normal setback area made by the existing structure.
 - 3) *For purposes of determining the pre-existing limit of encroachment, the structure does not include appurtenant features such as exterior stairs and non-habitable areas such as open decks*

§ 490-808 Temporary occupancy of ~~house trailer or mobile manufactured~~ home.

In instances where a dwelling ~~located in the Residential, Rural, or Recreational District~~ has been damaged by fire or other catastrophe and is being rebuilt or repaired, it shall be permissible to occupy one ~~house trailer or motor manufactured~~ home on that lot for a period not exceeding ~~90~~ ~~180~~ days while the dwelling remains unoccupied, and up to an additional ~~90~~ ~~180~~ days if the Building Inspector deems it advisable. *The Chief Building Official, Planning*

Director, and Building Inspector may together issue a second and final extension of 180 days when extenuating circumstances are demonstrated.

§ 490-701. Off-street parking and loading.

E. Table of Minimum Off-Street Parking Requirements. Off-street parking requirements are shown in the following table:

Principal Use	Off-Street Parking Requirements
<i>Housing: Multi-family developments of 10 units or more</i>	<i>1.5 per dwelling unit</i>
Housing for the elderly <i>and workforce housing developments</i>	1 per dwelling unit

§ 490-801. Accessory apartments.

(6) Off-street parking shall be provided for at least four vehicles. *One additional off-street parking space shall be required for the accessory apartment.* Garage and "piggy-back" tandem parking is encouraged.

Zoning Dimension Restrictions Table.

Notes for Zoning Dimension Restrictions Table:

C. Corner lots shall be considered to have a front yard bordering on each street line, and a side yard adjacent to all other lot lines.

§ 490-107. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CORNER LOT—A lot abutting upon two or more streets at their intersection.