



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: 8/29/2025

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. **Revising Residential Definitions to Exclude Transient Uses:** proposing to revise the definition of residential uses to expressly prohibit transient occupancies such as hotels, motels, short-term rentals, rooming and boarding houses.
2. **Revising Accessory Dwelling Units Ordinance to Comply with State Law:** proposing to modify the accessory apartment ordinance to comply with HB 577/RSA 647:71.
3. **Updating Parking Requirements for Residential Uses to Comply with State Law:** proposing to reduce residential parking requirements to one space per unit to comply with SB 284/RSA 674:16, VII.
4. **Wetland Mitigation Monitoring:** proposing to require a performance guarantee and post construction monitoring requirements for wetland mitigation areas. ***Supplemental Recommendation:*** This amendment received unanimous (6-0) recommendation from the Conservation Commission on 8/6/2025.

The Planning Board held a Public Hearing on August 26, 2025, and unanimously recommends (7-0) that the Town Council adopt the proposed amendments.

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

§ 490-107 Definitions.

ACCESSORY DWELLING UNIT

A residential living unit that is ~~within or attached to~~ *located on a lot containing a one (1) single-family dwelling, and* that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. *This use shall not be deemed to include such transient occupancies as hotels, motels, short-term rentals, rooming or boarding houses.*

ATTACHED ACCESSORY DWELLING UNIT

An accessory dwelling unit that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting detached structure.

DETACHED ACCESSORY DWELLING UNIT

An accessory dwelling unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. (See definition for "single-family dwelling.") For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision. *This use shall not be deemed to include such transient occupancies as hotels, motels, short-term rentals, rooming or boarding houses.*

MULTI-FAMILY DWELLING

A building containing three (3) or more dwelling units to be used for living, eating, sleeping, and cooking. This use shall not be deemed to include such transient occupancies as hotels, motels, short-term rentals, rooming or boarding houses.

SINGLE-FAMILY DWELLING

A detached or freestanding residence designed for and occupied by one family to be used for living, eating, sleeping, and cooking. These dwellings shall include any room or rooms connected together forming a habitable unit for one family, or a manufactured home which is used for residential occupancy, built upon a permanent chassis and which conforms to the definition of manufactured home under the provisions of RSA 674:31. *This use shall not be deemed to include such transient occupancies as hotels, motels, short-term rentals, rooming or boarding houses.*

SHORT-TERM RENTAL

The rental of any residential dwelling unit, or portion thereof, for residential occupancy of less than 30 consecutive days.

§ 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: all residential land uses</i>	<i>1 per dwelling unit</i>
Housing: single family dwelling and apartments	2 per dwelling unit
Housing: Multi family developments of 10 units or more	1.5 per dwelling unit
Housing for the elderly and workforce housing developments	1 per dwelling unit

§ 490-801 Accessory apartments dwelling units.

- A. Accessory *apartments dwelling units* are allowed ~~in all districts that permit on lots containing one (1) single-family dwellings.~~
- B. *Definitions. See § 490-107*
- C. To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory ~~apartment dwelling unit within a detached single-family dwelling~~ shall be permitted *on a lot containing a maximum of one (1) single-family dwelling*, provided the following conditions are met:

- 1) Maximum of one accessory ~~apartment dwelling unit~~ per single-family dwelling.
- 2) The property owner must occupy one of the two units. *Where the property is owned by one or more trusts, limited liability companies ("LLC"), or other unnatural persons, one of the dwelling units shall be the principal place of residence of the beneficiary of the trust or member of the LLC.*
- ~~3) Exterior appearance and entrances of the dwelling shall be consistent with a single-family residence.~~
- 3) *It is encouraged that accessory dwelling units are constructed of similar exterior materials (roof, siding, and trim) and colors that complement the primary residence.*
- 4) Only two bedrooms are permitted in the accessory ~~apartment dwelling unit~~, and the ~~apartment accessory dwelling unit~~ may not exceed 950 square feet of floor space.
- 5) Adequate provisions for water supply and sewage disposal for the accessory unit shall be made in accordance with RSA 485-A:38.
- 6) One additional off-street parking space shall be required for the accessory ~~apartment dwelling unit~~. Garage and tandem parking is encouraged.
- 7) The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. Accessory ~~apartment dwelling unit~~ use shall be recorded by deed addendum.
- 8) An accessory ~~apartment dwelling unit~~ shall not be permitted in addition to an in-law apartment or a family day-care center.
- 9) Variances from this section shall be contrary to the spirit and intent of this chapter.
- 10) *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.*
- 11) *Existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage can be converted to an accessory dwelling unit.*
- ~~10) Detached accessory apartments are not allowed.~~
- ~~11) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.~~

§ 490-706 Wetlands conservation.

J. Applications involving the construction of wetland mitigation areas, shall be subject to the following requirements.

- 1) A performance guarantee (letter of credit, bond, etc.), sufficient to cover the costs of constructing and planting the mitigation area shall be submitted.*
- 2) Monitoring through three (3) growing seasons. A portion of the performance guarantee will be held during this time to cover replanting and minor site work revisions if necessary.*
- 3) Monitoring reports, from a qualified wetland scientist, shall be submitted to Town staff, the Planning Board and the Conservation Commission. In some cases, the Planning Board may require an independent firm to monitor construction and planting on behalf of the Town, at the applicant's expense.*
- 4) Submission of as-built topographic plans, and certification that the wetland mitigation area was constructed and planted according to approved plans, before occupancy.*
- 5) Removal of invasive plants during the monitoring period, if present.*