

TOWN OF BETHLEHEM
Planning Board Meeting
September 27, 2023
Minutes

Present: Anthony Rodrigues, Linda Moore, Mike Bruno, Alecia Loveless, Martie Cook, Sean Gawlik, and Jerry Blanchard

Absent: Kevin Roy

Anthony Rodrigues opened the meeting with the Pledge of Allegiance at 6:00 pm.

Jerry Blanchard was appointed as a voting member for tonight's meeting.

Tara Bamford presented the Board with the first draft of possible amendments to the zoning ordinance as part of the Housing Opportunity Planning grant. The amendments are based on the results of a survey conducted by North County Council in July and August of 2023.

[Language to be added to the Zoning Ordinance is shown like this](#) and *language to be removed is shown like this*.

Draft amendment number 1 would reduce the required parking from 2 spaces to 1 space for accessory dwelling units (ADU) that are no larger than 1,000 sq. ft. to make it easier to provide an ADU, while reducing stormwater runoff and visual impact.

The Board approved as written.

DRAFT AMENDMENT NO. 1

Article II. General Provisions

H. Parking Requirements:

1. Single- family dwellings, *single family dwellings with an accessory dwelling unit* and two-family dwellings shall provide 2 spaces of off-street parking per dwelling unit, either by means of open-air space or garage space, each having an area of ten (10) feet wide by twenty (20) feet long. [A single-family dwelling with an accessory dwelling unit \(ADU\) that has no more than 1,000 sq. ft. of gross floor area and no more than two bedrooms may provide one additional off-street parking space instead of two additional spaces for the ADU.](#)

Article XXII. Definitions

Gross Floor Area: The sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc.

Draft amendment number 2 would allow a single-family home to have one detached accessory dwelling unit (ADU) up to 1,000 sq ft.

There was conversation regarding the definition of an Accessory Dwelling Unit, Detached. Could it be made clearer? Tara will work on the change and bring it back to the Board at the next meeting.

DRAFT AMENDMENT NO. 2

Article II. General Provisions

B. Except as provided [elsewhere](#) in [this Ordinance Article XI Multi-Family Dwelling Unit Development or XII Cluster Development](#), there shall be no more than one single-family dwelling, single-family dwelling with *attached* [one](#) accessory dwelling unit, two-family dwelling, or other principal use or principal building per lot.

Article V, Section A Zoning Districts

Add “Single-Family Dwellings with Detached Accessory Dwelling Units” in use tables as new row following single family homes with or without attached accessory dwelling units, to be a new use allowed by Special Exception in District I Main Street and District 1 and a Permitted Use in District II, District III and District IV.

Article XXII. Definitions

Accessory Dwelling Unit, [Attached](#): A dwelling unit that is within or attached to a single family dwelling or attached garage, 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; and contains an interior door between the principal dwelling unit and the accessory dwelling unit.

[Accessory Dwelling Unit, Detached:](#) A dwelling unit in a detached accessory structure such as guest cottage, barn or garage, on the same lot with a single-family dwelling, containing no more than two bedrooms and no more than 1,000 sq. ft. of gross floor area.

[Gross Floor Area:](#) The sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc.

Draft amendment number 3 would make it easier to convert existing buildings to multi-family dwellings and would allow the building coverage for multi-family dwellings in District 1 Main Street and District 1 to be 25% like all other land uses.

The Board approved as written.

DRAFT AMENDMENT NO. 3

Article XXII. Definitions

Residential Conversion: The conversion of an existing residential structure or structure previously used for nonresidential purposes, to multi-family, or addition of dwelling units within an existing structure that is or with this change will become multifamily.

Article V, Section A Zoning Districts

Add “Residential Conversion” in use tables as new row following multi-family dwellings, to be a new Permitted Use in District I Main Street and District 1 and allowed by Special Exception in District II, District III and District IV.

Article XI. Multifamily Dwelling Unit Development

A. GENERAL REQUIREMENTS

4. Building Coverage:

In *all*) Districts II, III and IV the total building coverage shall not exceed 10% of the lot area.

12. Residential Conversions:

Existing structures may be converted to multi-family, apartments or have additional dwelling units added, if off-street parking private parking can be provided as required. (General Provisions Article II H) This conversion shall not be considered to be an expansion or change of use due to nonconformance with *These properties do not have to meet the* minimum parcel size *or setbacks*. However, in no case shall the density exceed that allowed under paragraph 3 of this article.

Draft amendment number 4 would increase housing opportunity by allowing dwelling units above first-floor businesses.

The board approved as written.

DRAFT AMENDMENT NO. 4

Article XXII. Definitions

Mixed Use: A structure with nonresidential uses on the first (street level) floor and dwelling units or a mix of dwelling units and nonresidential uses above the first floor.

Article V. Section A Zoning Districts

Add “Mixed Use” in use tables as new row, to be a new Permitted Use in District I Main Street and District 1 and allowed by Special Exception in District II, District III and District IV.

Article II. General Provisions

B. Except as provided [elsewhere](#) in [this Ordinance Article XI Multi-Family Dwelling Unit Development or XII Cluster Development](#), there shall be no more than one single-family dwelling, single-family dwelling with *attached* [one](#) accessory dwelling unit, two-family dwelling, or other principal use or principal building per lot.

Draft amendment number 5 would add Cluster Development as a Permitted Use everywhere except District I Main Street and the Landfill District, provide additional guidance for the Planning Board when reviewing proposed Cluster Developments, and provide a density bonus for development with homes no larger than 1,200 sq.ft.

Minor changes made from the previous meeting include title change for section 5 from “Roads and Streets” to “Responsibility for Facilities”; added ADU in Cluster Development needs a Special Exception, and a new section, Article V Section A Zoning Districts that still needs formatting work to fit into the Zoning Ordinance table.

The Board approved as written.

DRAFT AMENDMENT NO. 5

Article V. Zoning Districts

Add “Cluster Development” to the use tables as a Permitted Use under Dwelling Units in District I, District II, District III and District IV.

Article XII. Cluster Developments

A. STATEMENT OF PURPOSE

This ordinance is an innovative land use control to provide some flexibility in overall subdivision design, lot layout, and shape for single and two-family *individual* dwelling units on a single lot, [or on lots of reduced dimensions](#). The purposes to which any such proposed development must adhere are:

1. To promote the conservation of the natural and scenic environment, and the development of community uses in harmony with the natural features of the land.
2. To establish living areas within Bethlehem that provide for a balance of community needs, such as a diversity of housing opportunities, adequate recreation and open space areas, easy accessibility to these and other community facilities, and pedestrian and vehicular safety.
3. To provide for the efficient use of land, streets and utility systems.
4. To stimulate imaginative and economical approaches to land use and community development.

B. DENSITY

1. The maximum number of single- family lots and/or, two-family duplex lots, or single family and/or two-family duplex dwelling units, permitted in any cluster development shall be determined by dividing the net tract area of the parcel by the minimum lot size for the particular zoning district. The net tract area of a parcel of land shall be defined as the total area of the parcel less all nonbuildable land, including all area within the mapped flood hazard areas, wetlands all area with poorly or very poorly drained soils, and all area with a slope of 25 percent or greater. The net tract area concept may be waived by the Planning Board with a special exception to be requested from and granted by the Zoning Board of Adjustment when a parcel is to be serviced by both Bethlehem Village District town water and sewer, in which case, the number of units shall be based on the gross land area.

2. For cluster subdivisions with permanent covenants restricting homes to no more than 1,200 square feet gross floor area with a two-car garage (no more than 480 sq. ft.) and prohibiting use as a short-term rental, the density may at the applicant's discretion be increased to 150% of that which would normally be allowed in the district provided that the applicant demonstrates the provision of water supply and wastewater treatment in accord with NHDES requirements. The net tract area shall not be reduced by the acreage of floodplains, wetlands or steep areas when calculating the allowed number of dwellings for this category of cluster subdivision.

C. FRONTAGE AND SETBACKS PROJECT SIZE

The Planning Board shall evaluate the natural features of the land, the suitability of proposed lots or dwelling units, and overall layout requirements of the development, and may approve reduced interior setbacks and reduced frontage requirements on interior roads. The setbacks from existing roads and from abutting properties not part of the application shall not be reduced. When approving three or more dwellings on a single lot, the Planning Board may require increased setbacks and/or vegetative screening from existing roads and/or abutting properties. permit the reduction of any required road frontage on individual lots to not less than 75 feet in width for a proposed cluster subdivision.

D. LOT AREA

Each individual lot, or single family or duplex dwelling unit shall have a minimum area accounted for in the development as determined by the regulations governing the District of its location. The building lot size in a cluster subdivision may be reduced in the cluster development so long as the remaining balance of square footage is accounted for in contiguous open space or recreational space.

E.D. LOT SHAPE

Long, narrow lots or lots with very irregular shapes shall not generally be accepted by the Board, especially if, in the opinion of the Board, these lots will create unusable or inaccessible areas of land.

E. SEPARATION DISTANCE

Dwellings shall be separated by a minimum of 20 feet, measured at the nearest point of any architectural feature such as eave, deck, or bulkhead.

F. COMMUNITY DESIGN

The arrangement and design of a cluster housing subdivision should include elements that will facilitate neighborhood character, such as arrangement of homes facing each other around a common area, front porch sitting areas, garages to the side or rear and/or shared parking areas, and a combination of private and shared outdoor activity areas.

F.G. OPEN SPACE

Where applicable, oOpen space areas should be located and designed so as to protect important resource areas such as agricultural land, wetlands, shorelands or other important habitat. *and/or to result in* At least 50% of the total property shall be left in the form of open space. At least 20% of the property shall be comprised of open space that is realistically and conveniently usable *recreational area(s) for future residents.* for recreational purposes by the future residents. All permanent open and recreational space areas *referred to in Section D* shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to ensure its maintenance and preservation for the designated purpose. Open space land cannot be further subdivided.

The common open space area shall not be developed except for features that enhance or facilitate its use for nonmotorized outdoor recreation. Examples may include, but are not limited to, picnic areas, gardens, or playing fields. Common open space may include amenities such as seating, landscaping, trails, gazebos, outdoor cooking facilities, covered shelters, playground equipment, or the like.

The Planning Board may allow at its discretion a portion of the open space area to be utilized for water supply, wastewater treatment, and/or stormwater treatment purposes compatible with other open space purposes.

H. Parking

May be in a combination of individual spaces/garages and shared parking areas.

G.I. ROADS AND STREETS

The developer (original or subsequent) or the homeowners association of any cluster development shall have the responsibility to develop, repair, and maintain all roads and streets, stormwater facilities and any shared water and/or wastewater facilities.

H.J. CONDOMINIUM COMPLIANCE

A proposed condominium project must comply with all other required local, state and federal regulations, including the Subdivision Regulations of the Town, and RSA 3567-B, the Condominium Act.

K. ACCESSORY DWELLING UNITS

Any accessory dwelling unit (ADU) associated with a single-family home in a cluster development receiving a density bonus must be an attached ADU and shall be limited to 750 sq.ft. gross floor area. The ADU may not be used as a short-term rental.

Article XXII. Definitions

GROSS FLOOR AREA: The sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc.

A lengthy discussion took place regarding the various components of Cluster Developments, the Board agreed to removing the phrase “when approving three or more swellings on a single lot,” and to allow ADU’s in a Cluster Development by Special Exception.

Draft amendment number 6 would add Short-Term Rentals as a Permitted Use in all homes with some basic health and safety requirements, define renting one or two rooms in an owner-occupied home to be an accessory use not requiring any special permission, make Bed and Breakfast a Home Business, and provide a definition for all other Public Accommodations which would now include Campground.

A conversation took place regarding STR as a home business requiring STR. Tara raises the question: what is the priority, notifying abutters or an easier path for residents to have STRs? Tara’s recommendation is not to require SPR and allow STR’s in the Zoning Ordinances, then let the Select Board adopt regulations that manage the behaviors of the people. She added that it appears the PB isn’t worried about the house, they are worried about the behaviors of the people. Tara will explore other examples and present a revised amendment at the next meeting.

DRAFT AMENDMENT NO. 6

Would add Short-Term Rentals as a Permitted Use in all homes with some basic health and safety requirements, define renting one or two rooms in an owner-occupied home to be an accessory use not requiring any special permission, make Bed and Breakfast a Home Business, and provide a definition for all other Public Accommodations which would now include Campground.

Article V. Zoning Districts

In use tables-

Replace “Motels, hotels, guest homes, and overnight cabins” with “Public Accommodations” throughout.

Add “Short-Term Rental” as a new Permitted Use in District I Main Street, District I, District II, District III and District IV.

Article XXII. Definitions

Accessory Building or Use: A building or use located on the same lot as the principal building and the use of which is considered customarily incidental and subordinate to those of the principal building, such as detached garages, swimming pools and equipment sheds. Also includes offering one or two guest rooms in an owner-occupied dwelling for compensation by up to three lodgers.

Bed and breakfast: An owner-occupied single-family dwelling, where the owner or a livein manager is present overnight during the period of rental, where three to five guest rooms, all within the principal building, are offered for transient use for overnight accommodation for compensation. May offer breakfast only exclusively for guests.

Campground: A parcel of land on which 2 or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency, in compliance with RSA 216-I.

Home Business: An accessory use of a dwelling or accessory structure on a residential lot that involves the on-site manufacture of goods, provision of services, or outdoor storage or activity, which use is clearly incidental and secondary to the use of the dwelling as a residence and shall not change the residential character thereof, with any retail sales only incidental and occasional, operated by a resident of the same premises. Includes Bed and Breakfast and owner-occupied Short-Term Rental.

Owner-occupied: Describes the principal residence or seasonal dwelling of a person or persons that holds title to the property, where at least one such person is physically present within the dwelling unit on said property for at least three months each calendar year.

Public Accommodations: A building or group of buildings in which more than one dwelling unit, or guest rooms (three or more rooms if in an owner-occupied dwelling where the owner or a live-in manager is present during the period of rental) are provided for lodging, or lodging and meals, for transient or seasonal guests for compensation; or a residential building with rooms (three or more rooms if in an owner-occupied dwelling where the owner or a live-in manager is present during the period of rental) that are provided to lodgers who may not be transient or seasonal. Public accommodations include, but are not limited to, motels, hotels, condotels, inns, lodges, bed and breakfasts, and boarding or rooming houses. Includes multiple cottages, camps or cabins operated under a single management entity and offered only for transient or seasonal use. Also includes campgrounds. May include customary lodging amenities and facilities such as restaurants and meeting rooms.

[Note to Planning Board: We need to discuss “condotels.” A common model now in the tourist industry is to build a multifamily building, sell the units as condominium units, and then provide hotel services that handle rental of the units like hotel suites for the owners who desire that when they are not present. In Bethlehem, hotels are a Permitted Use in every district, but multi-family housing either requires a Special Exception or is not allowed. Typically the units in condotels are purchased by owners who intend to use them seasonally, and now some units are being purchased for the short term rental market. However, they can’t prohibit someone from living in their unit year-round, so in that way some also function like multifamily dwellings. This hybrid should be addressed so that it is clear where it is and isn’t allowed.]

Short-Term Rental: A single-family dwelling, owner-occupied two-family dwelling, or owner-occupied single family dwelling with accessory dwelling unit, where one unit only is offered for transient use for compensation. Refers only to dwelling units that would normally be considered residential living units not associated with Public Accommodation.

Transient: Describes a room, number of rooms, or dwelling unit that is offered for rent in increments of less than 30 days.

Article XVII Short-Term Rental (New Article XVII. and renumber as needed)
Each of the following must be documented to the satisfaction of the Building Inspector prior to the issuance of a Zoning Permit for a Short-Term Rental:

1. Access to the dwelling is provided by a Town or State-maintained road, or private road that has not been the subject of a waiver pursuant to RSA 674:41 and that has been approved by the Planning Board.

2. The dwelling is served by one on-site parking space for each permitted bedroom plus one additional parking space.

3. The septic system is properly-functioning, with a NHDES permit on file for the number of bedrooms. For systems without a NHDES permit on file, an evaluation by a NH Certified Septic System Evaluator will be required, along with a current NHDES-approved design to be constructed in the event of system failure.

4. For dwellings not served by a public water supply, documentation must be provided prior to the issuance of a permit of a test for total coliform by a New Hampshire Environmental Laboratory Accreditation Program-accredited lab showing the absence of coliform bacteria.

5. The dwelling is in compliance with all applicable building, health and life safety codes.

[Note to Planning Board> At our previous meeting, Board members expressed a desire to (1) allow any home to be a short-term rental, (2) have an easier path for residents, and (3) have abutters notified if a home is becoming a short-term rental. However, the only tool for requiring abutter notification for a Permitted Use would be to require site plan review. If the Board adds language to the site plan review regulations stating that owner-occupied (using definition above) short-term rentals are exempt from site plan review and those that are not owner-occupied are minors, there is no abutter notification for owner-occupied STR. Let's discuss this further when we meet. We can assist the Board with any amendments to the site plan regulations related to any of these zoning amendments under the HOP grant. There will be a couple months in between Town Meeting and the grant close-out.]

Tara will contact the clerk to set a date for the next meeting where the Board will review the revised amendment; October 11th or 25th.

Anthony updates the Board on his meeting with Roland Schick to go over the Customer Service Survey he had filled out.

The Board discusses Gravel Pit inspections. Anthony and Linda will visit John Seeley's pit and Sean and Jerry will visit Bethlehem Earth Materials.

The Board reviewed the minutes from 9/13/23. Jerry motioned to accept the minutes as written. Alecia seconded and the motion passed 7-0,

A motion to adjourn was put forth by Jerry and seconded by Linda. Motion passed 7-0.

Respectfully submitted,

Dawn Ferringo, Planning and Zoning Board Clerk

