



AGENDA

December 20, 2011

Town Hall BOS Meeting Room - 6:30 PM

PUBLIC HEARING:

1. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday December 20, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:
 - Revisions to Article II, *General Provisions*, to remove Equitable Waiver, modify and transfer it to Article X, *Administrative Relief*.
 - Revisions to Article VIII, *Administration* and VII, *Sign Ordinance* relative to Enforcement, Penalties and Remedies.
 - Revisions to Article X, *Administrative Relief* relative to Special Exceptions for Accessory Dwelling Units and Home Occupations, and Variances.

SCENIC ROAD PUBLIC HEARING:

2. In accordance with NH RSA 231:158, the Milford Planning Board will hold a public hearing on the following application:
Anne C Weiser/Barbara Justason – Map 50, Lot 5 (proposed lot 50/5-1); potential tree cutting/trimming for proposed driveway to be located on Mile Slip Rd.
(New application)

MINUTES:

3. Approval of minutes from the 10/18/11 meeting, 11/1/11 and 12/6/11 public hearings.

NEW BUSINESS:

4. **Anne C Weiser/Barbara Justason – Mile Slip Rd - Map 50, Lot 5.** Public Hearing for a proposed subdivision creating one (1) new residential lot.
(New application-Fieldstone Land Consultants)
5. **Paul Francoeur/Café on the Oval – 285 Union Sq – Map 25, Lot 42.** Public Hearing for compliance with the Nashua and Elm Streets Corridor District for proposed building façade renovations.
(Miscellaneous application)

OTHER BUSINESS:

Future meetings:

12/27/11 Worksession: Commerce and Community District
01/03/12 Public Hearing
01/17/12 Regular Meeting & Public Hearing

The order and matters of this meeting are subject to change without further notice.

December 6, 2011

STAFF REPORT

Community Development Department

RE: Administrative Zoning Changes – Round 2 – March 2012 Warrant

Public Worksessions: December 6
Public Hearings: December 20
Board Action: TBD

The ZBA submitted a list of potential suggestions for updates to the Zoning Ordinance in late November. Staff has reviewed the suggestions internally and with Town Counsel. The following is the list of recommended changes initiated by the ZBA, and supported by Staff and Town Counsel.

PROPOSED REVISIONS:

1. Update Section 8.01.0 Enforcement (Administration) and Section 7.06.d.f.2 (Sign Ordinance)

- **Modify Section 8.01.0 Enforcement** as follows:

This Ordinance shall be enforced by the Board of Selectmen, and the Board of Selectmen is hereby given power and authority to enforce the provisions of this Ordinance. The Board of Selectmen is further empowered to confer upon an administrative official appointed by the Board of Selectmen the duty of administering the provisions of this Ordinance *in accordance with RSA 676:17(as amended) or as otherwise authorized by RSA. A copy of RSA 676:17 is included in appendix.*

- **Remove 7.06.5.F.2 General Administration, Sign Ordinance** as follows:

~~2. By virtue of the authority contained in NH RSA 676:17, the Code Administrator is hereby authorized to issue warnings or citations for violations of this Article, at a fee of two hundred seventy five dollars (\$275) for each day the violation continues, including the day the citation is issued and the day the violation is abated for first violations and five hundred fifty dollars (\$550) for each day of any subsequent violation.~~

~~i. The Code Administrator shall issue a verbal warning to the property owner and/or lessee upon the Code Administrator's discovery of a violation of the terms of this Article.~~

~~ii. If the violation is not remedied within seven (7) days, the Code Administrator shall issue a second warning, in writing, to the property owner and any applicable lessee.~~

~~iii. If the violation is not remedied within fourteen (14) days of the Code Administrator's discovery of said violation, the Code Administrator shall issue a citation in the amounts set out above.~~

7.06.5.F.1 directs the reader to Article VIII as listed above and will have the reference to the RSA and the appendix.

2. Move Equitable Waiver from Article II, Section 2.06 to Article X, Section 10.07.0 and modify

- **Remove** Section 2.06, Equitable Wavier and **Add** Section 10.07.0 as follows:

All equitable waivers of dimensional requirements shall be governed by RSA 674:33-a (as amended), *a copy of which is included in appendix.*

~~A. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning Ordinance enacted pursuant to NH RSA 674:16, the Zoning Board of Adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the Board makes all of the following findings:~~

~~1. That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;~~

~~2. That the violation was not an outcome of ignorance of the law or Ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in Ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;~~

~~3. That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and~~

~~4. That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.~~

~~B. In lieu of the findings required by the Board under subparagraphs 2.06.0:A.1 and 2.06.0:A.2, the owner may demonstrate to the satisfaction of the Board that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.~~

~~C. Application and hearing procedures for equitable waivers under this section shall be governed by NH RSA 676:5 through 7. Rehearings and appeals shall be governed by NH RSA 677:2 through 14.~~

~~D. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the Ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be~~

~~construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.~~

3. Update Section 10.02.3.C Home Occupation

- **Add C.** Prior to commencement of operation of a Home Occupation, the homeowner shall make application for a permit to the Community Development Office, submit to a Code Compliance Inspection specific to the location or area of the Home Occupation and shall obtain a Certificate of Compliance specific to the location or area of the Home Occupation.

4. Modify Section 10.01.0 Variances

- **Modify 10.01.0 VARIANCES** as follows:

Any request for a permit of any nature required under this Ordinance which will require a variance from the prescribed stands of this Ordinance shall be made only by the owner of the property in question or ~~his~~ ***the owner's(s')*** duly appointed agent and shall be transmitted to the Board of Adjustment or ~~their~~ ***its*** duly appointed official to the Board. ***All variance requests made to the Zoning Board of Adjustment shall be made in accordance with RSA 676:5 (as amended), a copy of which is included in the Appendix.*** Upon receipt of the request, the Board shall establish a date for a public hearing in the following manner:

- A.—~~The Board of Adjustment shall, within thirty (30) days of receipt of the application, establish a hearing date.~~
- B.—~~The applicant and abutters must be notified of the public hearing by certified mail, return receipt requested, mailed at least ten (10) days prior to the public hearing. Said notice shall include the date and time of the hearing as well as a general description of the proposal.~~
- C.—~~Notice to the general public shall also be given at the same time by posting said notice in the Office of the Board of Selectmen, the Town Clerk Office, and the Planning and Zoning Office.~~
- D.—~~Notice shall be placed in a newspaper circulated in the Town of Milford at least one (1) week prior to the hearing date.~~
- E.—

- **Modify 10.01.2** as follows:

Every variance granted by the Zoning Board of Adjustment shall be ***in accordance with the powers of the Board as stated in RSA 674:33 (as amended), a copy of which is included in the Appendix.*** ~~based upon and accompanied by a specific finding or findings that:~~

- A.—~~There are special circumstances or conditions applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the property in question, or exceptional topographical conditions), which are peculiar to such land or structure, and the application of the requirements of this Ordinance will deprive an owner of such property a reasonable use of it, and will impose upon such owner a hardship not shared by the owners of other property in the same district.~~
- B.—~~The specific variance as granted is the minimum variance that will grant reasonable relief to the owner and is necessary for a reasonable use of the land or structure.~~
- C.—~~The granting of the variance will be in harmony with the general purposes and intent of this Ordinance, and with the convenience, welfare and character of the district within which it is proposed, and will not be injurious or otherwise detrimental to the public welfare.~~

Members present:

Janet Langdell, Chairperson
Tom Sloan, Vice chairman
Paul Amato
Kathy Bauer, BOS representative
Chris Beer
Steve Duncanson
Judy Plant

Alternates present:

Matt Sullivan

Staff:

Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Dan Finan, Videographer

MINUTES:

1. Approval of minutes from the 9/20/11 meeting/public hearing.

NEW BUSINESS:

2. **Alfred E. Vigneault – Melendy Rd – Map 47, Lots 5 & 6.** Public Hearing for a proposed lot line adjustment. (New application)

OTHER BUSINESS:

3. **Soiland, Inc/H2O Waste Disposal Services, LLC - Hayden Lane - Map 8, Lot 38.** Public Hearing for the continuation of a conditionally site plan to construct a private recycling facility with associated site improvements. (Revised plans submitted)

Chairperson Langdell called the meeting to order at 6:30PM, introduced the board members and reviewed the ground rules for the meeting.

MINUTES:

C. Beer made a motion to accept the minutes from the 9/20/11 meeting. K. Bauer seconded and all in favor.

NEW BUSINESS:

Alfred E. Vigneault – Melendy Rd – Map 47, Lots 5 & 6. Public Hearing for a proposed lot line adjustment.

No abutters were present.

Chairman Langdell recognized:

Alfred Vigneault

Jessica Hardwick

S. Duncanson made a motion to accept the application. P. Amato seconded and all in favor. J. Langdell noted that the application was complete according to the staff memo. C. Beer made a motion that this application did not pose potential regional impact. J. Plant seconded and all in favor. S. Wilson read the abutters list into the record.

A Vigneault presented plans dated 9/28/11 and described the previous revisions to Lots 5 and 6. This proposed lot line adjustment will shift the lot lines back to the former layout that was in place for more than fifty years. He has always kept the interests of his family in mind and would now like to sell Lot 5 to his daughter to keep the land in the family. The original thirteen acres will be split into eleven acres for Lot 5 and two acres for Lot 6. S. Marchant clarified the history through the use of colors on the plan.

P. Amato inquired if there were houses currently on both frontage lots. A. Vigneault replied yes. P. Amato noted that one area on Lot 5 looked fairly narrow. S. Marchant said her guesstimate would be between fifteen and thirty ft in that area.

Chairperson Langdell opened the meeting to the public; there being no comment, the public portion of the hearing was closed.

J. Langdell reviewed the comments and recommendations from the Staff Memo dated 10/18/11.

J. Hardwick added that she spoke to the Assessor and clarified that there would be no change to the frontage and there are no issues with the current land tax.

P. Amato made a motion to grant conditional approval of the application subject to the one staff recommendation that note #8 be removed. J. Plant seconded and all in favor.

Soiland, Inc/H2O Waste Disposal Services, LLC - Hayden Lane - Map 8, Lot 38. Public Hearing for the continuation of a conditionally site plan to construct a private recycling facility with associated site improvements.

Abutters present:

Todd Morin, Steven Lane

Chairman Langdell recognized:

Dawn Tuamala, Monadnock Survey, Inc.

Ryan Hansen, H2O Waste Disposal Services, LLC

J. Langdell read the notice of hearing into the record. S. Wilson read the abutters list into the record as several had changed since the original application submittal.

S. Marchant noted that all stormwater was submitted to this office, but due to the recent flooding in the Town Hall it was shifted around, so it is still in review and we have apologized to the applicants. Also, the applicant was quick to respond to staff comments and has submitted revised plans dated 10/12/11.

D. Tuamala provided a brief history of the application that was conditionally approved in February, 2011. Since then, there have been several issues with the State due to the activities of previous owners and a lot line adjustment that was in process for over a year was completed in June. Mr. Trombly has purchased a piece of land from the State and also added a piece from 8/39 to bring the 11 acre parcel up to 18.5 acres. In doing so, we were able to relocate the building in an area not previously disturbed by the former owners which eliminated the need for test pits. The original building has been flipped and turned to fit into a depression in the new area. Mr. Trombly really wanted to save as many trees as possible and we can accomplish that and still drive around the facility. The trucks can drive in, empty their load and back out. D. Tuamala then compared the original submitted plan with the latest revision. Per the State regulations we have to now show what is happening on the inside of the building. One of the original plans used to show the applicants how the facility would work showed a truck and trailer incorrectly labeled as household waste. Unfortunately, this was an error and it is not the intent to do household waste only doing recyclable materials. The loading dock was enlarged and moved; it actually works better. The area marked for truck and trailer loading can be used to store the bailer when purchased and the skid steer can use the loading dock. There may also be some periodic storage inside a locked vehicle from time to time. The intent has not changed from the original plans and the facility size of 1.5 acres will remain the same.

D. Tuamala reviewed staff notes dated 10/18/11.

1. New plans have been submitted to NH DES for permitting.
2. Referencing Note #6 on Sheet 1; the subsurface system is not changing and we will do an amended plan when the tank is moved.
3. We do not need an access easement anymore. We have eliminated the two different owners with the lot line adjustment.
4. We don't mind having a note stating that we comply with NH DES requirements but the details fall under State jurisdiction.
5. There will be nothing working on the outside and there will be no open storage or containers outside the building.
6. Note #27 was intended for the State and has been removed. The state requires Town Planning Board approval and the Planning Board requires State approval.
7. The agreed upon area for Christmas trees is shown on the plan. The original detention basin remains same and we've added two more so there will be zero runoff.

D. Tuamala said a catch basin has been included to alleviate potential winter icing. All areas slope up away from the base of the building and she pulled as much drainage away as possible. Overall the drainage on the site has been reduced with the trees, loam and grass.

State comments:

1. The sanitation facility now shows a restroom in place of the office. A first aid station will be located just outside of the restroom. There are many specific requirements such as a phone, hose or reel for potential fires, and absorbent booms that are all addressed.
2. The monitoring wells on the site from previous activity had to be noted on the plan and there are four that may be potentially impacted. See Note #21 on Sheet #2.
3. Note #26 on Sheet #1 is incorrect and should be on Note #25. The intent was to put a general directional sign for all the businesses out on the main road, but this facility is not open to the general public. We are requesting to put a sign on the building itself to meet the state requirements. We had originally asked the State for no sign, but they will probably not go for that. J. Langdell said one of the ideas for the original plan was to have a small directional sign at the end of Hayden Ln for truck traffic. D. Tuamala explained the five criteria that must be listed on a recycling center sign.
4. The trailer is to be used for loading materials for transport. All goods and all workings are to be done inside the building and they don't take items like refrigerators or air conditioners that have CFCs on this site; white goods and metal items only.

5. The existing facility is now shown in relationship to the proposed facility and due to the lot line adjustment, it now goes through the State's parking lot. Also, the access road to the Trombly property will be cut off and all traffic will use Hayden Ln.
6. Typically one would gate and fence the entire facility, but because the applicant will be leasing the facility and only a portion of the site, we are proposing putting gates or overhead doors on the ends of the building to secure it. It will be locked in some fashion.
7. The hot load area is shown at the edge of the parking lot. This does not apply to this particular facility and we have asked for a waiver as we do not pick up ordinary household trash. A hot load is when ashes are thrown in with the household trash that sometimes smolder in the trucks and there has to be a designated area for the trucks to dump that load. We have booms that can be brought out to easily contain the area until the fire department gets there.
8. The State has changed their definition of facility so that the facility also includes the access drives. The State also requires a 50' setback from any property line. We have requested a waiver, but without that waiver we would lose this access drive. D. Tuamala described the access and reiterated that Mr. Trombly wanted to save as many trees as possible. We will actually have more trees than before.

K. Bauer inquired what the chances of obtaining that waiver would be. D. Tuamala said they are good, with the location and the distance from the pond. We should know in about a month as we have re-submitted the plans.

P. Amato said it appears that the corner of the property is very open to the State's property from the photo image. D. Tuamala agreed and added that the State may have come over the line; however, since this picture was taken, some scrub has grown up along the berm to prevent access between them. P. Amato said that would be an area you would want to clearly delineate the property line. D. Tuamala said it makes more sense to secure the building and a brief discussion on access and security for the property followed.

J. Langdell asked if there would be any potential traffic impact with the proposed changes in operation. D. Tuamala replied no, the activities will be the same as originally presented.

Chairperson Langdell opened the meeting to the public; there being no comment, the public portion of the hearing was closed.

J. Langdell reviewed the comments and recommendations from the Staff memo dated 10/18/11.

C. Beer made a motion to grant conditional approval of the application subject to State approval and stormwater review. S. Duncanson seconded and all in favor.

The meeting was adjourned at 7:20PM.

MINUTES OF THE OCTOBER 18, 2011 PLANNING BOARD MEETING APPROVED _____, 2011

Motion to approve: _____

Motion to second: _____

Signature of the Chairperson/Vice- Chairperson:

Date: _____

Members present:

Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Paul Amato
Kathy Bauer, BOS representative
Steve Duncanson
Judy Plant

Excused:

Chris Beer

Staff:

Sarah Marchant, Town Planner
Bill Parker, Community Development Director
Shirley Wilson, Recording Secretary
Justin Atwood, Videographer

Chairman Langdell called the meeting to order at 6:30PM, introduced the board members, staff and Matt Lydon, Budget Advisory Committee representative to the CIP committee and opened the public hearing.

PUBLIC HEARING:

In accordance with NH RSA 675:7 the Planning Board will conduct a public hearing to discuss and adopt:

The 2012-2017 Capital improvements Program (CIP)

J. Langdell acknowledged the CIP committee members; Chairman Steve Duncanson, Gil Archambault, Kevin Drew, Matt Lydon, Colleen Moynihan, Judy Plant, Matt Sullivan and Rod Watkins and thanked the citizen volunteers for lending their time and talents.

Steve Duncanson presented the 2012-2017 CIP (Draft 4 version).

The Town of Milford Planning Board has the responsibility to put together the Capital Improvements Plan (CIP) which is a planning tool utilized by the town decision-makers to lay out necessary capital improvement expenditures with a cost of at least \$75,000 over a 6-year timeframe with the intent of maintaining as level tax rate impact as possible while providing for the needs of the Town. He then explained the following in detail:

- What is a Capital Improvements Plan (CIP)
- Benefits to the Community
- The CIP process
- Criteria used in reviewing projects
- 2012 calendar year projects for consideration:
 - New ambulance service facility: a proposed 7,800 SF, 4-bay facility with an estimated cost of approximately \$2.19 million for land acquisition and fully furnished facility by a 20-year bond.
 - Osgood Road Sidewalk Phase II; proposed sidewalk on Osgood Road from West St to Osgood Pond and Adams Field costing \$75,000 from the town with a \$375 Federal match, if available.
 - Backhoe/Loader – Rubber-Tired 4x4: replacement of 1998 backhoe/loader at a cost of \$125,000.
 - South Street drainage and stormwater improvements; reconstruction of a failed stormwater drainage system at Lincoln St and the railroad crossing at a cost of \$75,000.
 - Engine 4 replacement; replacement of a 1984 engine for \$500,000.
 - High school parking; land acquisition and parking lot construction for \$230,000.

The above projects would bring the town's total debt service for 2012 to \$1.72; the proposed items at 31¢ plus the existing debt service at \$1.41, so the proposed six items are only impacting the debt service by 31¢.

J. Langdell inquired if the committee had received the requested information from Jack Sheehy the Finance Director regarding the debt service numbers from the past five years. B. Parker said not yet, but will make sure we do.

P. Amato asked if the 31¢ included the new ambulance facility in this year's amount. S. Duncanson explained that the bond for the new ambulance facility would show up in 2013 adding approximately 20¢. T. Sloan added that the debt service changes as bonds are paid off. S. Duncanson referenced the CIP report's Tax Impact Table to show future debt service numbers. J. Langdell noted that the committee worked very hard to structure a plan that keeps us at a level playing field. P. Amato added that adopting the CIP doesn't circumvent the town vote in March.

J. Langdell reiterated that this is a planning tool to give structure and guidance and is at the will of the voters as to what this town will fund and what projects will go forward over the next couple of years. B. Parker said the 2012 project recommendations will be discussed by the BOS and Budget Advisory Committee and not all may make it to the warrant in March. This is a guide where the requests have been put into a logical framework; a slice in time document. J. Langdell said this has really moved away from being a wish list, the department heads took a lot of time to consider what their asset and resource needs are to operate this town. In looking over the requests, we are really on some solid ground.

K. Bauer agreed and said the committee met with each department head individually, heard their requests and held discussion before taking a vote. S. Duncanson said that was correct; we looked at each request, talked to each department head and asked many questions as to why the item was needed and why it would be good for Milford.

P. Amato inquired if this included both the town and school projects. S. Duncanson replied yes; the school only submitted one project this year.

B. Parker said if you look at the full table in the CIP report, you can see that some of the projects have been submitted for many years and keep coming back, i.e. engine #4 was originally submitted in 2004. Project needs may change over time, such as the ambulance facility which came back this year as a standalone facility instead of being in the CIP as a co-located facility or the library which has been in for ten or eleven years. Change is based on slice of time conditions. J. Langdell asked if the project numbers were clarified. B. Parker said they are explained at the bottom of the chart on the CIP Tax Impact Table. S. Duncanson said the project number represents Department/Year first requested/Request # for that year.

B. Parker then explained the two additional types of projects/requests;

- Place holder projects are projects that may not have enough information at this time, but that will be coming forward within the next six years; i.e. solid waste management improvements in 2015. We know something will need to be done with either the transfer station or curbside pick-up but not enough information has been developed to define that project.
- On horizon projects are just outside of the six year cycle but are identified in the plan to make everyone aware they are coming down road; i.e. Brox recreation fields, further improvements to Kaley Park, and a future potential west end fire station in 2022. Current thinking is that downtown station plans slated for improvement in 2017 will take care of town's needs for ten to fifteen years.

J. Langdell asked if it would be helpful to delineate placeholders in the grid for next year. B. Parker said we could certainly identify them in the table. The whole document and presentation will be online for viewing and the meeting will be streamed on the website, as well.

K. Bauer brought up the possible lease arrangement for the engine #4 replacement. S. Duncanson explained that the request came in for a ten year bond, but after committee discussion, it was felt that a lease to own option might be better and only cost the tax payers 2¢. The finance Director also thought it was a good idea. The leasing option is only available for seven years. T. Sloan added that there would be a cost savings over the long term with seven years versus ten years.

J. Langdell said the Osgood Road sidewalk is dependent on the availability of federal funding. B. Parker said it is tied in with the availability of transportation enhancement funds from the federal government. The NH DOT grants round is due to start this fall and we don't know if money will be available. J. Langdell also noted that although we do have federal money for the South St improvements, those monies do not cover the drainage corrections that need to be done in that area.

T. Sloan said he was appreciative of the Planning Board representatives and the CIP committee members in general. The work that has been done allows him, as a citizen, to see what the departments feel their future needs are. It is much easier to vote on a warrant article when you can see the costs put in black and white. It is designed and exists as a great planning tool and it should provide the motivation for citizens to see and evaluate what the projected costs for this town are, moving forward.

S. Duncanson personally thanked the committee members for making this a pleasant process this year.

Chairperson Langdell opened the floor for public comment. There being none, the public portion of the hearing was closed.

T. Sloan made a motion to adopt the 2012-2017 CIP as presented. K. Bauer seconded and all in favor.

There was no other business and the meeting was adjourned at 7:15PM.

MINUTES OF THE NOV 1, 2011 PLANNING BOARD MEETING APPROVED _____

Motion to approve:

Motion to second:

Signature of the Chairperson/Vice- Chairperson:

Date: _____

MILFORD PLANNING BOARD PUBLIC HEARING - Draft -
December 6, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Chris Beer
Steve Duncanson
Judy Plant
Susan Robinson (Alternate member)

Staff:

Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Feral McEleavy, Videographer

Chairperson Langdell called the meeting to order at 6:35PM. Chairperson Langdell then introduced the Board, explained the process for the public hearing and read the agenda.

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday December 6, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

1. Addition to Article I, *Introduction* to add a 'shall, should and may' statement
2. Clarification to Article II, *General Provisions* to update Discontinued Use and Lot of Record
3. Modifications to Article IV, *Definitions* to remove definitions of Kennel, Nursery and Nursery Stock, add Apartments and to clarify Discontinued Use and Lot of Record.
4. Modifications to Article V, *Zoning Districts and Regulations* Sections 5, 7 and 8 to allow Apartments as an Acceptable Use and Section 8 to allow Filling Stations as an Acceptable Use.
5. Revisions to Article VI, *Overlay Districts* relative to Nashua & Elm Street Corridor Overlay District to amend the title and update reference documents.
6. Revisions to Article VII, *Supplementary Standards* relative to the Sign Ordinance to clarify Monument signs, Building Marker signs and Directional signs.
7. Revisions to Article X, *Administrative Relief* relative to Special Exceptions for Accessory Dwelling Units

PUBLIC HEARING

Chairperson Langdell explained that most of these revisions have come from practical use of our Zoning Ordinance over the past couple of years where staff and citizens have found points that may not have been as useful or clear as we had intended.

Article I, Introduction; to add a 'shall, should and may' statement

Chairperson Langdell said this statement is a straightforward, technical piece that was brought forward as the Board was working on the Community and Commerce District zoning proposal. It was suggested that this language ought to be included in the Zoning Ordinance and it should be at the beginning of the document as opposed to one individual section.

Article II, General Provisions; to update Discontinued Use and Lot of Record

Chairperson Langdell said the recommendation for these modifications came from Attorney Drescher.

Article IV, Definitions; revisions to remove definitions of Kennel, Nursery and Nursery Stock, add Apartments and to clarify Discontinued Use and Lot of Record.

Chairperson Langdell explained that these words are no longer used anywhere in the Zoning Ordinance and therefore we are suggesting the deletion of the definitions for *Kennel, Nursery* and *Nursery Stock*.

Article V, Zoning Districts and Regulations; Sections 5, 7 and 8 to allow Apartments as an Acceptable Use and Section 8 to allow Filling Stations as an Acceptable Use.

Chairperson Langdell said that Filling Stations were intended to be included in the ICI District, so this is a cleanup from last year.

S. Marchant noted that the term *Apartments* was listed on the meeting notice for posting but has since been revised to *Mixed Use Dwelling Unit* but the word *Unit* should be removed to keep consistent with the rest of the definitions in the Zoning Ordinance. J. Langdell then explained that a suggestion had come up from citizens and staff about the possibility of allowing dwelling units in a building that also has a commercial use. An example would be an apartment over a storefront. The Board previously discussed this at length and came up with: *Mixed Use Dwelling* and defined it as, *One room or rooms connected together and designed for the use as a dwelling unit located in a non-residential building with no more than two dwelling units that are in addition to the primary non-residential use.* The proposal is to allow Mixed Use Dwellings in the Commercial “C”, Limited Commercial-Business “LCB”, and the Integrated Commercial/Industrial (ICI) Districts, covering a portion of Nashua St, most of Elm St and the end of South St.

Article VI, Overlay Districts relative to Nashua & Elm Street Corridor Overlay District to amend the title and update reference documents.

Chairperson Langdell said that this is the only title in Article VI that includes the term *Overlay*, so we are proposing to strike the word *Overlay* to be consistent.

Article VII, Supplementary Standards relative to the Sign Ordinance to clarify Monument signs, Building Marker signs and Directional signs.

Chairperson Langdell said these revisions came from practical use. This proposal will be more specific in requiring that the street/address number be shown on both sides of Monument Signs. There will also be some minor changes to the definition of Building Marker and Directional signs and to where they are allowed.

Article X, Administrative Relief relative to Special Exceptions for Accessory Dwelling Units.

S. Marchant explained that there was an additional opportunity for staff discussion and input from Town Counsel after last week’s meeting based on some of the feedback from the Planning Board. The Board had previously discussed removing the requirement that ADUs must be able to be re-incorporated as well as removing the requirement for re-inspection every five (5) years; however, based on discussion with Code Enforcement and the 2009 International Building Code (IBC), it was determined not to delete Section 10.02.1:A.1.f to maintain a common interior access. We do not want any gray that would insinuate that a building or facility would become a two-family which would require full separation. We do want to clarify that statement a bit so there would be less confusion in the future. J. Langdell noted that the suggested modifications listed on the Staff Report are not considered substantive changes from what was posted.

Chairperson Langdell opened the discussion for public comment on all the proposed zoning amendments; there was none. She then asked for comments from the Board; there were none.

C. Beer made a motion to post and send the proposed amendments, as written, to the March 2012 warrant. S. Duncanson seconded and all in favor.



STAFF MEMO

Planning Board Meeting

December 20, 2011

Agenda Item #2: Anne C Weiser/Barbara Justason – Map 50, Lot 5 (Proposed lot 50/5-1)

SCENIC ROAD PUBLIC HEARING

Public hearing for potential tree cutting/trimming for a new driveways to be located off Mile Slip Road, servicing one new lot

Background:

In conjunction with a minor subdivision application, the applicant is before the Board for a new driveway off of Mile Slip Road. All of Mile Slip Road is classified as a “Scenic Road”.

Based on NH RSA 231:158.II, *Effect of Designation as Scenic Road*,

“Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of the subdivision after a public hearing...”

There are no stonewalls to be disturbed by the proposed driveway. The proposed entrance has been flagged with a green stake to mark the centerline and, pink stakes denoting the limit of grading. There is one oak tree to be removed which has been flagged and is noted on the attached plan.

Staff Recommendation:

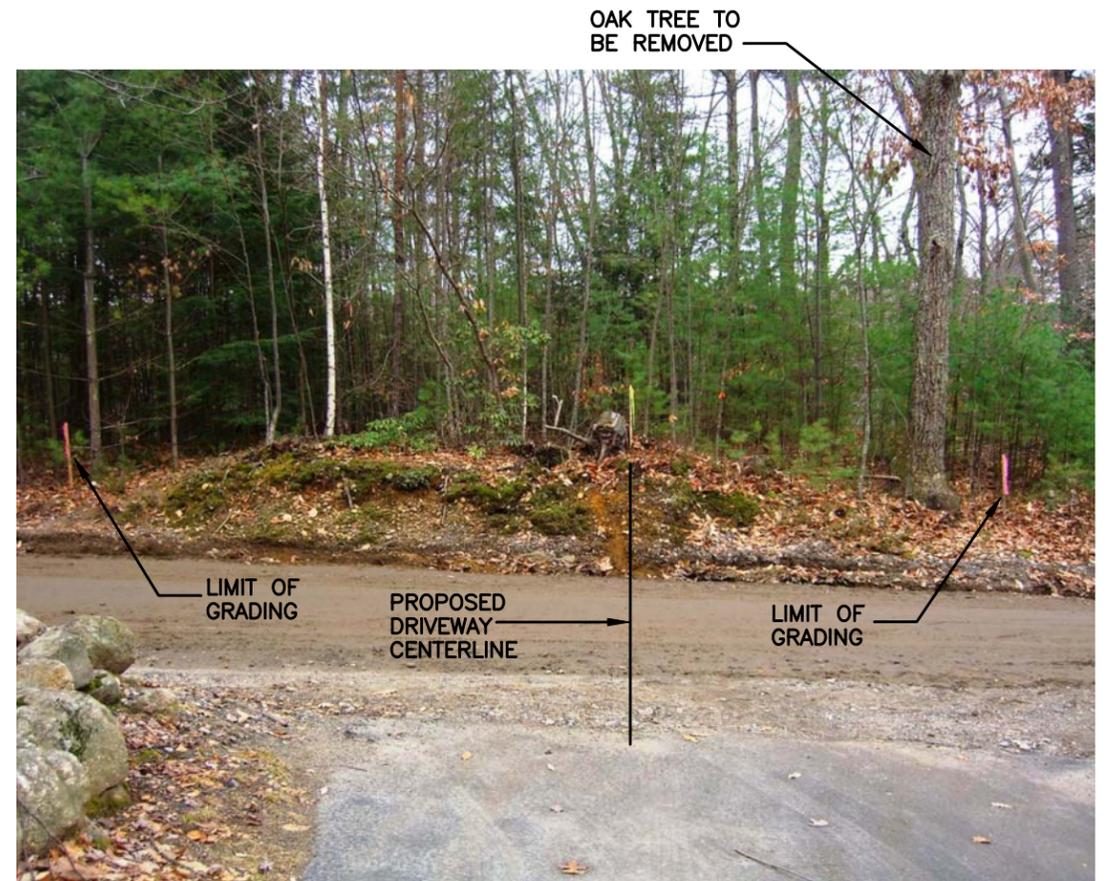
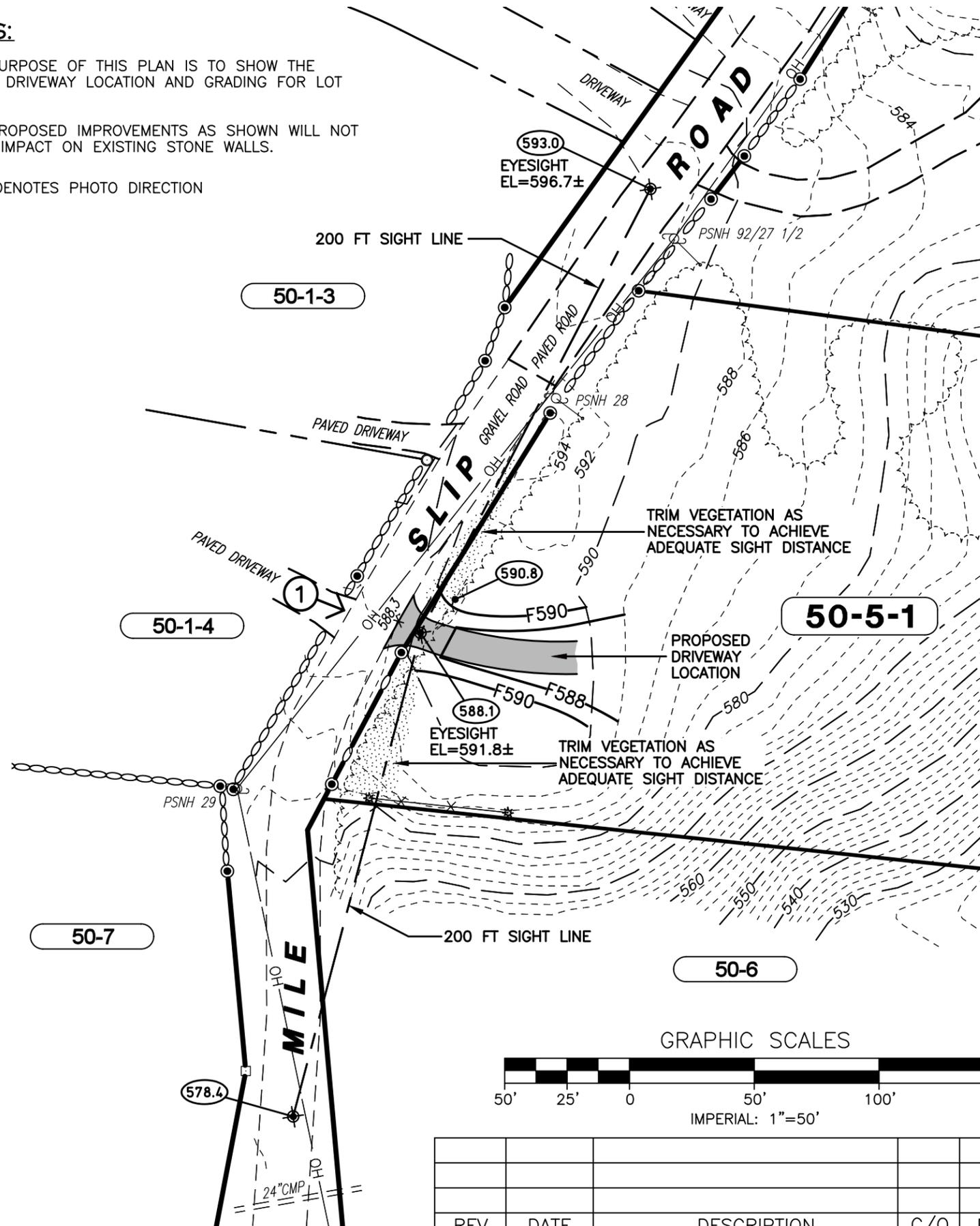
Staff has no issue with the proposed removal of the single oak tree for the proposed driveway. The driveway will align with the paved driveway across the street on 50/1-4 and does not require the disturbance of any stonewalls.

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DRIVEWAY LOCATION AND GRADING FOR LOT 50-5-1.

2. THE PROPOSED IMPROVEMENTS AS SHOWN WILL NOT HAVE ANY IMPACT ON EXISTING STONE WALLS.

① DENOTES PHOTO DIRECTION



PHOTOGRAPH 1

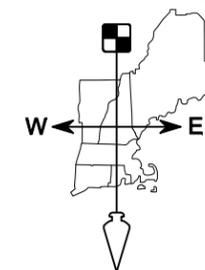
**PROPOSED DRIVEWAY ENTRANCE EXHIBIT
PREPARED FOR:**

BARBARA JUSTASON
TAX MAP PARCEL 50-5
MILFORD, NEW HAMPSHIRE

SCALE: 1" = 50'

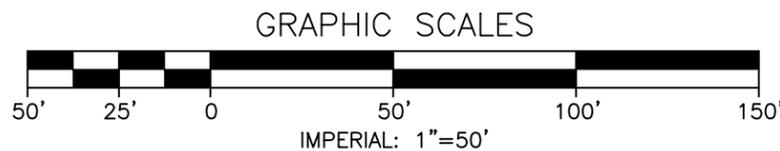
NOVEMBER 17, 2011

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REV.	DATE	DESCRIPTION	C/O	DR	CK



STAFF MEMO

Planning Board Meeting

December 20, 2011

Agenda Item #4: Anne C Weiser/Barbara Justason – Mile Slip Rd - Map 50, Lot 5

Public Hearing for a Minor Subdivision

Background:

The applicant is proposing to subdivide lot 50/5 into two lots. Currently Lot 50/5 has a single residential dwelling and driveway, proposed lot 50/5-1 would have a new driveway off of Mile Slip Road, aligning with the adjacent lot's driveway. Proposed lot 50/5-1 meets all frontage and acreage requirements of the Residence R district. The lot has a relatively flat buildable area abutting the ROW and then slopes down to the rear of the lot.

As Mile Slip Road is a Scenic Road the proposed driveway will require a Scenic Road Hearing prior to approval.

The new lot would be served by on-site private well and septic system. There are no wetlands or wetlands buffer disturbances proposed as part of this lot's development.

Please find the attached plan set.

Interdepartmental Reviews:

Zoning Administrator, Fire, and Code Enforcement have no comment on this application.

No response was received as of December 13th from DPW, Police, Assessing, Water Utilities, Heritage Commission and the Conservation Commission.

Staff Recommendation:

Staff has no issues with this subdivision as presented. If the Board chooses to conditionally approve this subdivision plan the following items will need to be updated prior to final approval:

1. Note #11 be updated with State Subdivision approval numbers once approved by DES.

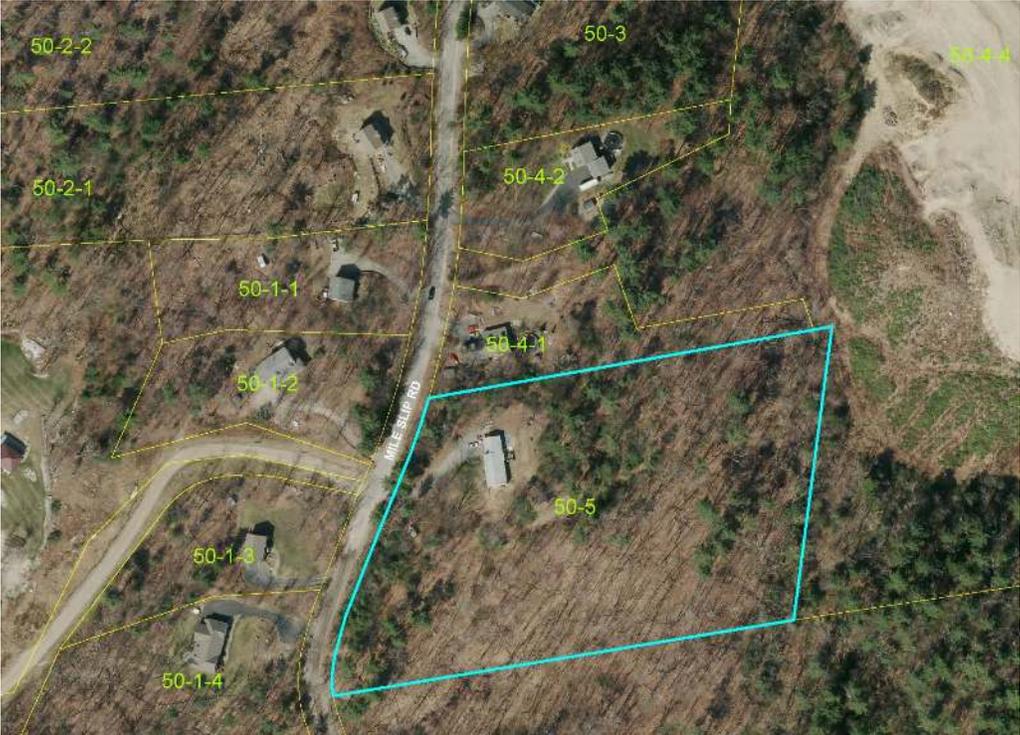


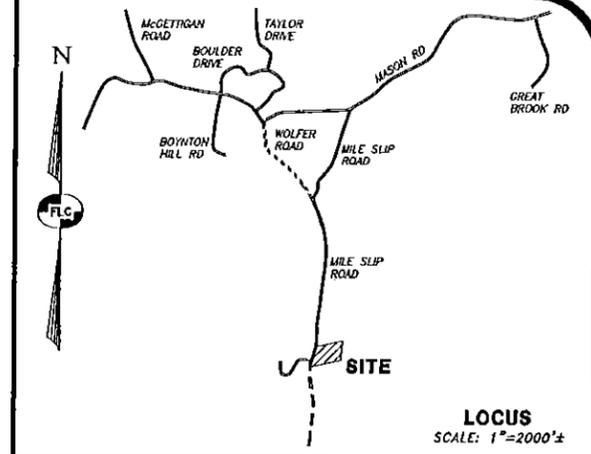
Image taken April 2010

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- - - - - ADJUTING LOT LINE
- - - - - EDGE OF WETLANDS
- - - - - WETLAND BUFFER LINE
- - - - - SETBACK LINE
- - - - - EDGE OF PAVED ROAD
- - - - - EDGE OF GRAVEL ROAD
- STONE WALL
- - - - - BARBED WIRE FENCE
- - - - - DRAINAGE CULVERT
- - - - - PROPOSED DRIVEWAY LOCATION
- WILLY POLE AND OUT WIRE
- ◊ ANGLE IRON FOUND
- IRON PIPE FOUND
- IRON PIPE FOUND
- DRILL HOLE FOUND
- DRILL HOLE SET
- GRANITE FOUND FOUND
- EXISTING BUILDING
- EXISTING TAX MAP AND LOT NUMBER
- TREELINE
- WELL

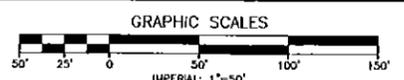
REFERENCE PLANS:

1. "LOT LINE REVISION PLAN - TAX MAP PARCELS 50-1, 50-1-3 & 50-1-4 - NORTHWOODS FAMILY ENTERPRISES, LLC - MILFORD, NEW HAMPSHIRE, SCALE: 1"=100', DATED: JULY 26, 1999 BY MERIDIAN LAND SERVICE, INC. (RECORDED AT THE H.C.R.O. AS PLAN #30004).
2. "SUBDIVISION OF LAND OF THURSTON & GLADYS WILLIAMS - JUDD HALL ROAD - MILFORD, N.H. 03055, SCALE: 1"=100', DATED: AUGUST 31, 1989, LAST REVISED: 5/22/00 BY GREATER NEW ENGLAND, INC. (RECORDED AT THE H.C.R.O. AS PLAN #24574).
3. "PHASIS PLAN - TAX MAP 50 LOT 4-4 - MILFORD, NEW HAMPSHIRE - SANDY HILL REALTY, LLC, SCALE: 1"=100', DATED: JUNE 24, 2004, LAST REVISED: 8/06/04 BY MERIDIAN LAND SERVICES (ON FILE AT THE TOWN OF MILFORD).
4. "MILE SLIP ROAD - RIGHT-OF-WAY PLAN - ADJACENT TO - MAP 50 / LOTS 6 & 7 - TOWN OF MILFORD - HILLSBOROUGH COUNTY, NEW HAMPSHIRE, SCALE: 1"=100', DATED: 11/30/05 BY SANDFORD SURVEYING AND ENGINEERING (RECORDED AT THE H.C.R.O. AS PLAN #35253).



- NOTES:**
1. THE OWNER OF RECORD FOR TAX MAP PARCEL 50-5 IS ANNE C. WEISER C/D BARBARA JUSTASON (POA) DURABLE POWER OF ATTORNEY DATED APRIL 26, 2010 - 1004 PALACE CT, APEX, NC 27502. DEED REFERENCE TO PARCEL IS VOL. 2782 PG. 645 DATED AUGUST 7, 1980 IN THE H.C.R.O.
 2. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE TAX MAP PARCEL 50-5 INTO 2 LOTS.
 3. THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN WAS DEVELOPED FROM REFERENCE PLANS CITED AND AN ON THE GROUND SURVEY BY THIS OFFICE DURING THE MONTH OF NOVEMBER, 2011. HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE PER REFERENCE PLAN #3.
 4. TOTAL AREA OF PARCEL 50-5 IS 258,183 SQ. FT. OR 5.927 ACRES.
 5. ZONING FOR THE SITE AND ADJUTING PARCELS IS RESIDENCE "R" MINIMUM LOT SIZE IS 2 ACRES OR 87,120 SQ. FT. WITH 20% OF FRONTAGE. BUILDING SETBACKS ARE 30' FRONT, 15' SIDE AND REAR WITH A 25' WETLAND BUFFER.
 6. LOT 50-5-1 WILL BE SERVICED BY AN INDIVIDUAL ON-SITE SEPTIC SYSTEM AND A PRIVATE ON-SITE WELL. CURRENTLY THE SUBJECT PARCEL 50-5 IS SERVICED BY AN EXISTING SEPTIC SYSTEM AND WELL.
 7. PORTIONS OF THE PARCEL LIE WITHIN THE WETLANDS CONSERVATION OVERLAY DISTRICT. A 25 FOOT NON-DISTURBANCE BUFFER EXISTS FROM ALL DELINEATED WETLANDS PER SECTION 6.02.3D OF THE MILFORD ZONING ORDINANCE.
 8. THE SITE IS LOCATED WITHIN THE LEVEL II PROTECTION AREA OF THE GROUNDWATER PROTECTION DISTRICT.
 9. ANY NEW CONSTRUCTION ON THE PROPOSED LOT SHALL BE SUBJECT TO APPLICABLE TOWN FEES SUCH AS POLICE AND LIBRARY IMPACT FEES.
 10. THE SUBJECT PARCEL 50-5 LIES OUTSIDE THE BOUNDARY OF THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP FOR THE TOWN OF MILFORD, HILLSBOROUGH COUNTY NH, F.I.R.M. COMMUNITY PANEL NUMBER 3301104650 DATED SEPTEMBER 25, 2009.
 11. NHDES SUBDIVISION APPROVAL IS PENDING.
 12. THE PROPOSED LOT WILL REQUIRE APPROVAL OF A STORMWATER MANAGEMENT PERMIT PRIOR TO COMMENCEMENT OF SITE WORK IF OVER 5000 SQ. FT. OF AREA WILL BE DISTURBED.
 13. THE POSTED SPEED LIMIT FOR MILE SLIP ROAD IS 25 MPH. THE PROPOSED DRIVEWAY LOCATION WILL MEET THE MILFORD SIGHT DISTANCE REQUIREMENTS WITH MINOR GRADING AT THE TIME OF DRIVEWAY CONSTRUCTION.

TOWN OF
REC
NOV 21 2011
PB

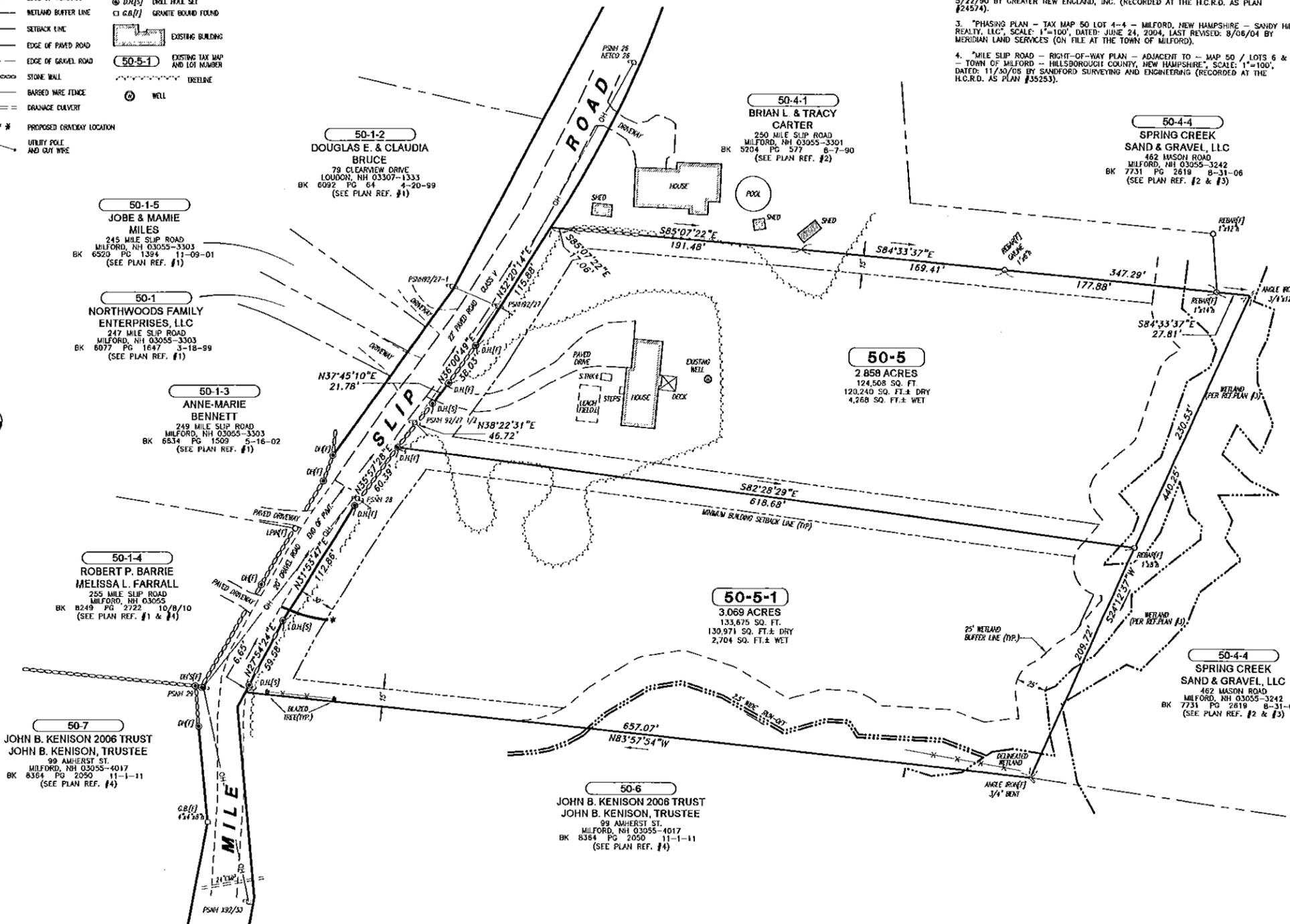


REV.	DATE	DESCRIPTION	C/O	DR	CK

SUBDIVISION PLAN
PREPARED FOR:
BARBARA JUSTASON
TAX MAP PARCEL 50-5
MILFORD, NEW HAMPSHIRE
SCALE: 1" = 50' NOVEMBER 17, 2011

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs

778 Elm Street Suite C, Milford, NH 03055
Phone: (603) 872-5456 Fax: (603) 413-5456
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CERTIFICATION:

WETLANDS HAVE BEEN FLAGGED AND / OR FIELD VERIFIED IN ACCORDANCE WITH THE US ARMY CORPS OF ENGINEERS 1987 WETLAND DELINEATION MANUAL Y-87-1 AND INTERIM REGIONAL SUPPLEMENT FOR NORTHEAST AND NORTHCENTRAL REGION AND FIELD INDICATORS FOR HYDRIC SOILS IN NEW ENGLAND BY CHRISTOPHER A. GUIDA, C.W.S. IN NOVEMBER 2011.

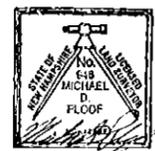
DATE: 11/21/11



CERTIFICATION:

"I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND PER THE PRECISION AND ACCURACY STANDARDS FOR AN URBAN CLASSIFICATION SURVEY AS SPECIFIED IN THE NEW HAMPSHIRE LAND SURVEYOR'S ADMINISTRATIVE RULES (LAN 503.04) AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND (1:10,000) ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY."

DATE: 11/21/11



I, THE UNDERSIGNED, HAVE REVIEWED THIS PLAN AND DO HEREBY AGREE THAT THIS PLAN REPRESENTS MY LAND AS KNOWN AND THAT ALL PROPOSED IMPROVEMENTS SHOWN HEREON MEET MY APPROVAL.

OWNER OF MAP 50 LOT 5 DATE

APPROVED

MILFORD, NH PLANNING BOARD

SUBDIVISION #: _____

DATE APPROVED: _____

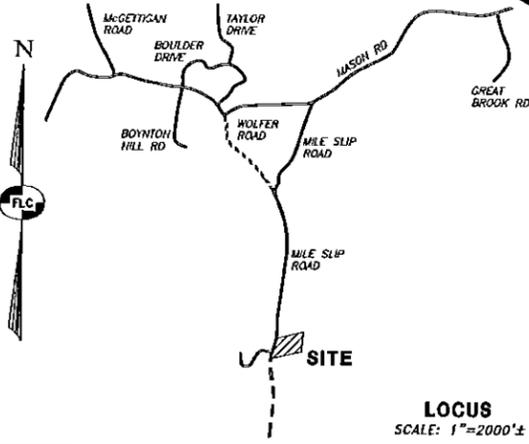
SIGNED: _____

LEGEND:

- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- - - ADJOINING LOT LINE
- - - EDGE OF WETLANDS
- - - WETLAND BUFFER LINE
- - - SETBACK LINE
- - - EDGE OF GRAVEL ROAD
- - - EDGE OF PAVED ROAD
- - - SES SOIL LINE
- STONE WALL
- - - BARBED WIRE FENCE
- - - DRAINAGE CULVERT
- - - PROPOSED DRIVEWAY LOCATION
- UTILITY POLE AND OUT WIRE
- - - 50' CONTOUR INTERVAL
- - - 50' CONTOUR INTERVAL
- ◁ (R)(F) ANGLE IRON FOUND
- (L)(F) IRON PIPE/REBAR FOUND
- (L)(P)(F) IRON PIPE FOUND
- ⊙ (D)(F) DRILL HOLE FOUND
- ⊙ (D)(H)(S) DRILL HOLE SET
- (G)(F) GRANITE BOUND FOUND
- EXISTING BUILDING
- 50-5-1 EXISTING TAX MAP AND LOT NUMBER
- TRELLINE
- WELL
- TEST PIT
- POTENTIAL WELL STRING
- PROPOSED 4000 SQ. FT. SEPTIC RESERVE AREA

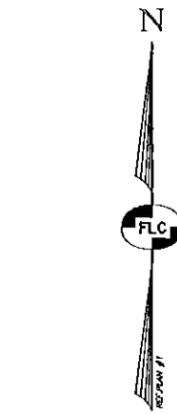
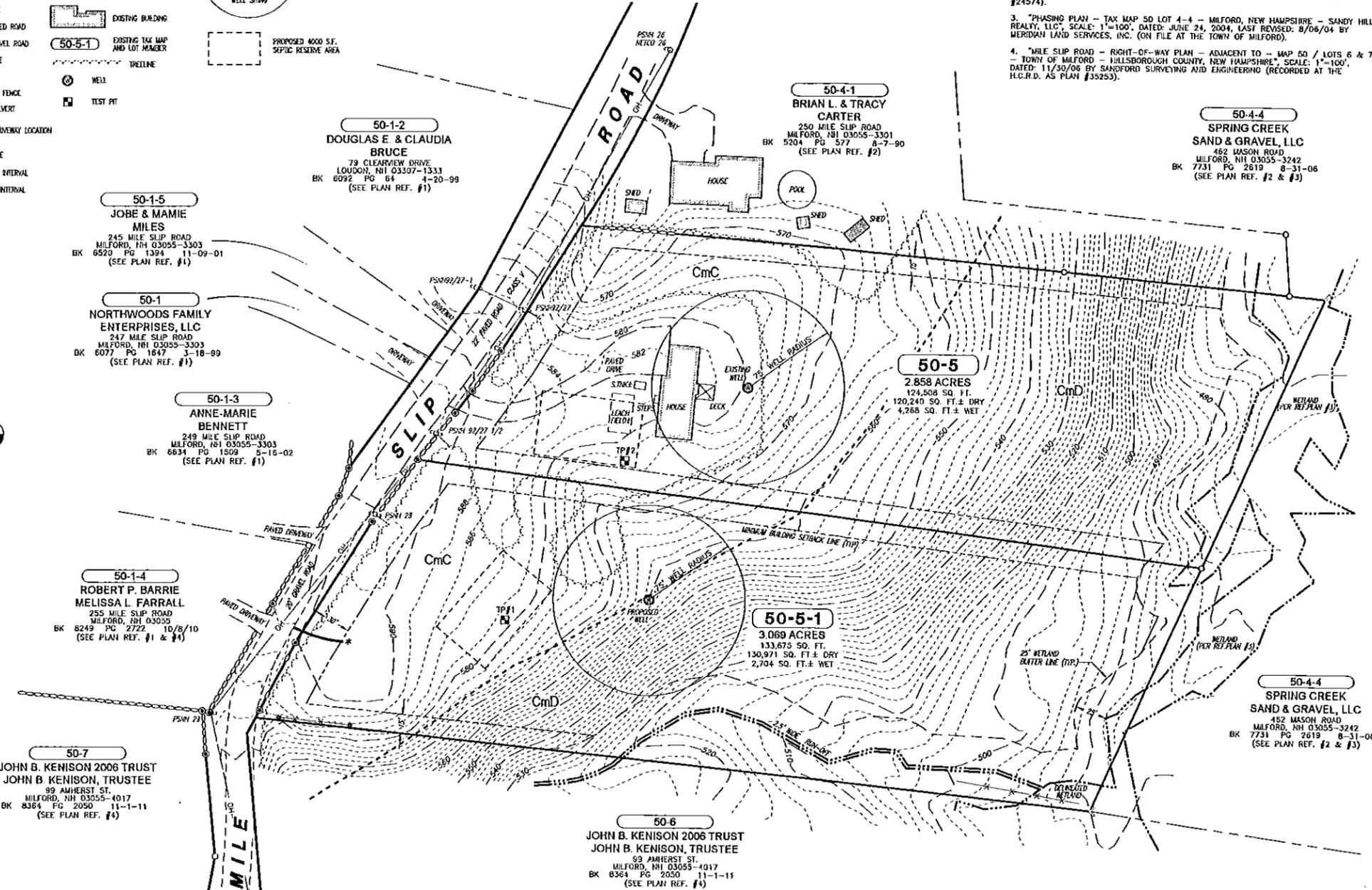
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DATE: 11/21/11



NRCS SOILS LEGEND:

- CmC CANTON STONY FINE SANDY LOAM 8 TO 15% SLOPES
- CmD CANTON STONY FINE SANDY LOAM 15 TO 25% SLOPES

SOURCE: USDA NRCS WEB SOIL SURVEY

APPROVED

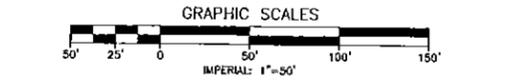
MILFORD, NH PLANNING BOARD

SUBDIVISION #: _____

DATE APPROVED: _____

SIGNED: _____

OWNER OF MAP 50 LOT 5 _____ DATE _____



REV.	DATE	DESCRIPTION	C/O	DR	CK

TOPOGRAPHIC PLAN
 PREPARED FOR:
BARBARA JUSTASON
 TAX MAP PARCEL 50-5
 MILFORD, NEW HAMPSHIRE
 SCALE: 1" = 50' NOVEMBER 17, 2011

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STAFF MEMO

Planning Board Meeting

December 20, 2011

Agenda Item #5: Paul Francoeur/Café on the Oval – 285 Union Sq – Map 25, Lot 42 Public Hearing for a Nashua and Elm Street Corridor Compliance

Background:

The applicant is before the Board for approval of a miscellaneous application for compliance with the Nashua and Elm Streets Corridor District on lot 25/42, at the corner of Union Square and South Street. The applicant is proposing to significantly alter the façade of 285 Union Square and rehabilitate the interior of the structure. No changes are proposed outside of the existing structure.

The applicant recently purchased one of the two tracts that made up lot 25/42 on the tax maps. The lot has been two separate, existing, lots of record since before the enactment of the 1969 Zoning Ordinance but was misrepresented as a single tract on the tax maps. The 2011 tax maps will correctly represent lot 25/42 and 25/42-1. The previous owners of 25/42 still own lot 25/42-1, the parking lot to the south of the building abutting South St.

The building is served by Town water and sewer services and is located within the Oval Subdistrict which exempts the property from open space, setbacks and parking requirements. Historically this property had apartments and office space on the second floor and a variety of uses on the first floor, most recently Harvey's Music. The proposed uses are allowed by current zoning as the Planning Board voted to post Mixed-use dwellings at their December 6th Planning Board meeting.

In renovating the building, the applicant is proposing to relocate the Café on the Oval to the first floor of this structure from several doors down on Union Square. The second floor will also be renovated to house two - one bedroom apartments and office/storage space for the restaurant downstairs. There is a full basement that will be used for storage and mechanical needs as well.

The applicant has proposed to completely reconfigure both the Union Square and South Street sides of the building to comply with the Nashua and Elm Streets Corridor District (NESCD), adding vertical windows to the second and first floors, an awning, new entryways and signage (Please see attached elevations).

As this application is for significant façade changes to an existing structure the Transportation and Site Design Standards sections of the NESCD do not apply, there are no changes to the site proposed, only to the existing structure.

The Architectural Design Standards of the NESCD are broken down into 12 categories emphasizing the use of traditional features, pedestrian scaled design, clearly delineated entrance ways and the breakup of long wall expanses both vertically and horizontally. The proposed elevations comply with all 12 categories. A copy of the NESCD ordinance is attached for your review.

Staff finds the application complete and recommends acceptance by the Board.

Interdepartmental Reviews:

The following departments have no comment or issues with the application as proposed as of December 13th: Fire, Zoning Administrator, Code Enforcement and DPW.

Staff Recommendation:

Staff has no issues with the application as the proposed façade changes to the building comply with the Nashua Elm Street Corridor District and all zoning requirements.



Image taken April, 2010







6.05.0 NASHUA AND ELM STREETS CORRIDOR ~~OVERLAY~~ DISTRICT (2008)

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6.05.1 AUTHORITY

- A. Title: This Ordinance shall be known as the Nashua and Elm Streets Corridor ~~Overlay~~ District.
- B. Authority: The Planning Board is hereby authorized to administer this Ordinance under the provisions set forth in NH RSA 674:21, Innovative Land Use Controls.

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6.05.2 PURPOSE

The purpose of this Ordinance is to implement the Town of Milford's vision for the future as set forth in the Community Character Chapter of the Master Plan 2007 Update:

Goal No. 2: Foster the traditional character of Milford's neighborhoods by encouraging a human scale of development that is similar in setbacks, size and height, and that is comfortable and safe for pedestrians and non-motorized vehicles while allowing for an efficient and safe roadway network.

In carrying out this goal, this Ordinance is designed to accomplish the following:

- A. Promote development that reflects the intended character of Milford's residential, commercial, and industrial neighborhoods relative to height, lot coverage, and setbacks.
- B. Encourage the development of entryway corridors and gateways relative to architectural and historic heritage, landscaping, stormwater management, traffic management, and parking.
- C. Preserve and enhance the architectural and visual character of the corridors.
- D. Encourage development to reflect the historic pattern of development in Town and enhance Milford's sense of community and place.
- E. Encourage attractive pedestrian scale development.
- F. Improve the overall streetscape of major corridors.
- G. Improve transportation efficiency.
- H. Promote alternative modes of transportation, particularly pedestrian and biking.

The following standards are tools that create a flexible framework to guide the appearance of future development that is compatible with the historic nature of Milford, while allowing for innovation and architectural creativity in order to enhance a special place.

6.05.3 FINDINGS

- A. The Nashua and Elm Streets corridor is becoming increasingly congested due to additional curb cuts and traffic from both local and regional development.
- B. Access management will increase the efficiency, safety and mobility of the corridor.
- C. Inter-site connections are needed to reduce the potential conflict points along major corridors.
- D. Milford's historical architecture is recognized as an important element of community character.
- E. Non-residential development that is indifferent to Milford's architectural heritage constitutes a significant threat to the character and future of the community.
- F. Future development can be guided to encourage building design that is functional, aesthetically pleasing and compatible with the architectural heritage of the community.

- G. The architecture of the community is varied and necessarily will evolve as the community grows. The regulation of architectural design must allow for flexibility, creativity and innovation within the context of an articulated framework.

6.05.4 APPLICABILITY

The provisions as set forth in this Ordinance shall apply to the following activities within the Corridor Overlay District:

- A. Applications for site plan and subdivision review.
- B. New building construction used for non-residential or multi-family purposes.
- C. Additions or alterations to buildings used for non-residential or multi-family purposes which significantly increases or decreases the square footage of a building.
- D. Additions or alterations to a site plan or buildings used for non-residential or multi-family purposes which significantly alter the visual appearance of the site or a façade visible from a public way.
- E. The Nashua and Elm Street Corridor District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of a conflict between the requirements of 6.05.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.05.0 shall apply. (2010)

6.05.5 DISTRICT BOUNDARIES

The Nashua and Elm Streets Corridor Overlay District boundaries include the area along Nashua and Elm Streets from Ponemah Hill Road to (and including) Granite Town Plaza, more fully depicted on the map entitled "Nashua and Elm Streets Corridor Overlay District Boundaries" dated 8/6/07, and incorporating the Tax Map lots as listed in Appendix I.

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6.05.6 PERFORMANCE STANDARDS

- A. General
 - 1. Pre-Application Review. The Community Development Director, or designee, shall review all proposals to determine applicability as stated in Section 6.05.4 above.
 - 2. Development Review. Upon determination by the Community Development Director, or designee, that an application meets the Section 6.05.4 applicability requirements, the applicant shall consult with the Planning Board using the Development Review Procedure set forth in the Town of Milford Development Regulations.
 - 3. Consistency with Plans. In addition to providing the required development review information, the applicant shall demonstrate how the proposed plan will address the specific site recommendations as well as the general principles set forth in the following studies and documents:
 - a. *Evaluation of Highway Improvement Alternatives in Milford, NH (2002)*; Prepared by Hoyle, Tanner and Associates
 - b. *Route101A Corridor Master Plan and Improvements Program, (2002)*; Prepared by VHB and Nashua Regional Planning Commission
 - c. *Milford Transportation and Community Systems Preservation (TCSP) Plan (2006)*; Prepared by Nashua Regional Planning Commission

d. *Town of Milford Design Guidelines (2007)*; Prepared by Nashua Regional Planning Commission

B. Transportation Standards

1. **Access Management:**

- a. All projects subject shall construct wherever feasible interconnecting driveways to adjacent properties or provide secure future connections through easements to adjacent property boundaries. This includes bicycle-pedestrian access to adjacent residential developments, where practical.
- b. New access points onto Nashua or Elm streets shall only be created when it is not feasible to combine or share existing access points.
- c. Interior parking lots shall provide for shared use and interconnected drives
- d. Interior driveways should provide adequate throat length for vehicle stacking (queuing) and unobstructed views for exiting safely.
- e. Interconnecting driveways shall promote vehicular and pedestrian access between adjacent lots without accessing the roadway.

2. **Transit Facilities.** The development of future transit facilities shall be incorporated within all major site plan developments that could generate high volumes of transit use, particularly senior housing or other multi-family housing as well as retail areas.

- a. Potential transit routes, access points, bus pull-outs, bus stop, signage and shelter locations may be designated along major roadways and within the perimeter of such projects, and easements reserved for such facilities.
- b. Transit facilities shall be provided in a manner to encourage transit as an alternative mode of travel.

3. **Bicycle Facilities.** Separate bicycle facilities may be required by the Planning Board where recommended by the studies listed in section VI.A.2. or where otherwise appropriate.

- a. Bicycle routes may be provided in the form of a separate off-street path or on-street marked bicycle lanes.
- b. Bicycle racks and other amenities may be required for all developments and shall be located in a convenient and secure location.

4. **Pedestrian Facilities.** Sidewalks shall be constructed as recommended by the studies listed in section VI.A.2. or where otherwise appropriate.

- a. Sidewalk corridors shall be easily accessible to all users, whatever their level of ability and comply with the Americans with Disabilities Act (ADA) standards.
- b. The sidewalk shall provide for a landscaped buffer (esplanade) between the roadway pavement and the sidewalk where adequate right of way exists.
- c. The walking route along a sidewalk corridor shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.
- d. Buildings should be sited so as to create pedestrian-scale plazas and gathering places.
- e. Sidewalk construction shall be in accordance with Department of Public Works specifications.

5. **Gateways.** Some locations contribute to the landscape character of the community because of their location and scenic qualities. Many such properties and approaches act as gateways, providing first impressions and reinforcing Milford's sense of place. Consideration should be given towards complementing these resources through the careful siting of new buildings, and the application of the Site Design Standards. The locations of proposed gateways are identified on the Nashua and Elm Streets Corridor **Overlay** District Boundary Map. In these areas, appropriate landscaping or other improvements may be required.

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- Nashua Street Neighborhood Gateway – Ponemah Hill Road and Nashua Street
- Elm Street Neighborhood Gateway – Elm Street at Granite Town Plaza
- Oval Area Gateways –
 - Elm Street and Cottage Street
 - Nashua Street and Tonella Road
- Other potential gateway locations outside of the District which should be considered for special treatment include:
 - Amherst Street and Souhegan Street (outside of St. Patrick's Church)
 - Mont Vernon Street and Granite Street
 - South Street and Lincoln/Prospect Street

C. Site Design Standards

1. **Natural Features.** Buildings, lots, impervious surfaces and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development.
 - a. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes in excess of 15%, floodplains, significant wildlife habitats and corridors, wooded areas, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent.
 - b. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
2. **Parking Areas**
 - a. Parking lots shall be located to the rear or side of a building.
 - b. Parking shall not be permitted in front of a building or along the frontage of a lot.
 - c. Side yard parking shall be well buffered from the street.
 - d. Shared parking provisions for any combination of uses on site and adjacent sites are encouraged.
 - e. Offsite parking shall be protected with a shared parking easement agreement which shall be reviewed and recorded with the approved plans, except in areas exempt from parking standards such as but not limited to the Oval Sub-district.

3. **Build-to-Zone.** Building setbacks influence the character of the street. New structures shall be constructed so as to maintain a traditional streetscape edge. The setbacks of adjacent structures and context of spacing between buildings shall be considered in determining the appropriate building setback. At a minimum, a new structure shall be constructed within a Build-to-Zone between 15' and 35' from the public street right of way. If site circumstances dictate a new structure may be constructed within 10' of the public street right of way.

4. **Landscaping.** Required landscaping coverage shall be in accordance with the Town of Milford Subdivision and Site Plan Regulations, and shall be required for all proposals in the Nashua and Elm Streets Corridor **Overlay District**.
 - a. **Trees.** Required street trees should be species which are native to New Hampshire as set forth on the "*List of NH Native Trees*" (as amended) published by UNH Cooperative Extension (See Appendix II). Recognizing that site and growing conditions vary other appropriate street trees may be considered and approved by the Planning Board.
 - b. **Landscaping plants.** Landscaping with native plants and materials is strongly encouraged. However, recognizing the need to accommodate varying site and growing conditions, non-native landscaping plants may be permitted in accordance with published recommendations from the UNH Cooperative Extension and Hillsborough County Conservation District. See "*Alternatives to Invasive Landscape Plants*", UNH Cooperative Extension (as amended).
 - c. **Prohibited Plants and Trees.** Plant species as listed on the "*NH Prohibited Invasive Species List*" (as amended) by the NH Department of Agriculture are prohibited. As of 2007, the list includes the species listed in Appendix III. **(aquatic species not listed)**.

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D. Architectural Design Standards

1. **General Criteria**
 - a. Plans shall show all building elevations and portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features.
 - b. The Planning Board may require that development proposals be reviewed by an historic preservation consultant or architect, and be designed by a NH licensed architect at the cost of the applicant.

2. **Building Orientation.** New structures shall orient their main entrance or storefront to a public street.
 - a. New structures shall maintain an appropriate street edge in relationship to adjacent structures. (See 6.05.6:C.3 Build-to-Zone)
 - b. Buildings shall be sited so that entrances are clearly identifiable and directly accessible from a sidewalk and shall be accessible for pedestrians, bicyclists and future public transit users.

3. **Building Massing, Forms and Pedestrian Scale.** The size, mass and form of new structures must relate to the appropriate scale of neighboring buildings as well as the context of the corridor. The following architectural features and treatments should be used to enhance the character of new development and the corridor:

- a. Avoid blank walls at ground-floor levels through the use of windows, trellises, wall articulation.
 - b. Arcades, materials changes, awnings or other features.
 - c. Reduce the apparent scale of the building by introducing small-scaled architectural features, creating an irregular footprint and variations in roof forms and height of roof elements.
 - d. Enhance definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.
4. **Building Heights.** Building heights shall be generally compatible with and transition from the height of adjacent development within the historic context of the corridor. The overall building height and number of floors shall comply with the dimensional requirements of the Town of Milford Zoning Ordinance; however, wall plane heights shall be “stepped back” to minimize the mass of the structure along the frontage or public way.
5. **Roof Forms and Materials.** Rooflines shall be characteristically sloped and articulated with architectural features such as dormers, chimneys, gables, cupolas, etc.
- a. Rooflines shall not run in continuous planes, and shall be broken into appropriately scaled masses.
 - b. Flat roofs are prohibited unless the Planning Board finds that a proposal can provide appropriate visual appeal and does not detract from the character of the corridor.
 - c. Where appropriate roofs shall provide adequate overhangs for pedestrian activity.
 - d. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal.
6. **Architectural Features and Materials.** Architectural features and details shall be considered in every building design.
- a. Traditional features and details such as columns, pilasters, canopies, porticos, awnings or arches associated with Milford’s architectural heritage are strongly encouraged.
 - b. Long expanses of repetitive architectural elements and flat unarticulated wall surfaces shall be avoided.
 - c. Use of traditional materials or materials that have the same visual effect shall be used including but not limited to wood, brick, tile, or stone.
7. **Windows.** With the exception of retail storefronts, modestly scaled vertically proportioned windows are the most appropriate to the local building vernacular.
- a. Building facades should have an abundance of windows that use clear non-reflective glass.
 - b. Windows on higher floors should align vertically with windows below, if possible.
 - c. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings or prominent sills and a pedestrian scaled lighting element. Storefronts should use windows to reveal indoor amenities, activities and displays.
8. **Building Entrances.** All building entrances shall be clearly defined and highly visible using a variety of the following details (*Please refer to the Town of Milford Design Guidelines for examples*):

- a. Porticos
 - b. Canopies
 - c. Overhangs
 - d. Arcades
 - e. Recesses or projections
 - f. Raised cornice parapets over doors
 - g. Arches with detail (tile work or moldings) integrated with the building
 - h. Outdoor patios
 - i. Display windows
 - j. Integral planters
 - k. Wing walls with planters or seating
9. **Mechanical Equipment and Building Accessory Screening.** All rooftop air conditioning, heating equipment, other large mechanical equipment and building accessories such as dumpsters shall be screened from public view. The screening may be part of the articulation of the building.
10. **Existing Structures.** Existing buildings and structures of historic value should be preserved and if renovated or expanded done so in a manner that is respectful of the character, features and details of the existing structure.
11. **Signs.** Signs shall comply with the Town of Milford Sign Ordinance and should be designed to meet the needs of the individual uses while complementing the building, site and surroundings.
- a. Wall signs shall be appropriately scaled to the building or surface on which it is placed and should not obscure important architectural features.
 - b. Signs shall be readable for both pedestrians and drivers approaching a site.
 - c. Consideration should be given to form, color, lighting and materials that are compatible with the building and its surroundings.
12. **Lighting.** All new developments shall include pedestrian-scaled light fixtures that are appropriate to the building and location. The use of floodlights, wall packs and tall light posts intended for lighting large areas shall be prohibited.

6.05.7 WAIVER PROVISION

There may be unusual or exceptional circumstances that exist where the application of one or more of the Performance Standards of Section 6.05.6 would entail practical difficulty or unreasonable hardship when balanced against the public purposes sought to be achieved by this Ordinance. In such circumstances, the Planning Board may waive the applicability of some or all of the Performance Standards in accordance with the Development Regulations waiver process (Section 5.020).

6.05.8 APPEALS

A decision of the Planning Board made pursuant to the Nashua and Elm Streets Corridor Overlay District shall not be appealed to the Zoning Board of Adjustment, but rather shall be appealed to the Superior Court as provided by NH RSA 677:15 and NH RSA 676:5, III.