Town of Milford

Commerce and Community District

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TITLE: COMMERCE AND COMMUNITY DISTRICT

How to Use this Ordinance

1. Determine if property in question is located within the Commerce and Community District.
2. Look at the adopted Framework Regulating Plan. Find the property in question. Note in which Subdistrict it is located.
3. Does the property have frontage on an existing or designated street on the Framework Regulating Plan or is there a Specific Regulating Plan in place?
   a. If yes:
      i. Note the Required Building Line, Parking Setback Line, and the color of the fronting Street-Space—this determines the applicable Building Form Standard (see the key located on the regulating plan). For Tech-Shop and Flex frontages, note The Lot Building Limit and the permitted Building Form Standards.
      ii. Find the appropriate Building Form Standard pages in Section 6.06.8 Building Form Standards. The Building Form Standards will tell you the parameters for building on the site in terms of height, siting, elements, and use.
      iii. Additional information regarding streets and other public spaces surrounding the property are found in Section 6.06.9 The Public Realm: Street and Streetscape Standards and Section 6.06.910 Parking and Loading Standards. These sections establish the general parameters for the character of the Street-Space including vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, and on-street parking configurations; and parking requirements.
   b. If no:
      i. Turn to Section 6.06.7 The Regulating Plans and review the Rules for New Specific Regulating Plans for the Subdistrict in which the property is located.
      ii. A Specific Regulating Plan must be prepared and approved prior to proceeding through steps a.i-iii above.
4. Please see Section 6.06.17 Flowcharts for further explanation

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COMMERCE AND COMMUNITY DISTRICT

6.06.1 AUTHORITY

Title: This Ordinance shall be known as the Commerce and Community District.

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 and RSA 674:16 Grant of Power, as amended.

This Ordinance was adopted to promote the health, safety and general welfare of the Town of Milford and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment and integration of open space, preservation of community character, education, recreation, reduction in sprawl development, and improvement of built environment.

6.06.2 PURPOSE AND INTENT

Commerce and Community District Vision:

An innovative, environmentally sensitive mixed-use overlay district that is consistent with Milford's community vision by integrating cost-effective, diverse transportation options and progressive economic development opportunities through comprehensive land use planning.

This Ordinance is intended to meet and implement the goals of the Commerce and Community District Vision and the Town of Milford's goals as set forth in the following Chapters of the Master Plan, updated as of 2011, The Brox Properties Chapter's High Priority Actions; the Housing Chapter's Action Program; the Traffic and Transportation Chapter's Action Program and the Economic Development Chapter's Action Items and The Community Character Chapter's 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 these goals and actions, this Ordinance is designed to accomplish the following:

A. Capitalize on private and public investment in new and existing infrastructure

B. Define a clear, coherent framework and process to promote commercial, industrial and tax-positive economic development and expedited land use approval timeframes.

C. Ensure an efficient, interconnected, multi-modal transportation network to support economic development, neighborhoods and alternate modes of transportation, particularly pedestrian and bicycling.

D. Promote compact, mixed-use development at a level complimentary to the character of Milford's commercial, industrial and residential neighborhoods.

E. Encourage the development of entryway corridors and gateways relative to Milford's architectural, agricultural and historic heritage.

F. Facilitate a comprehensive stormwater management system for the district.

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G. Encourage economic development and job growth in a sustainable, environmentally sensitive development pattern to enhance Milford's sense of community and place.

H. Encourage attractive streetscapes, pedestrian scale development and complimentary open and green space for public use.

I. Protect the health, safety and welfare of Milford citizens and businesses.

J. Promote land uses that can adapt to changing economic circumstances.

The creation of a diverse, automobile supportive and pedestrian oriented development is dependent on three factors: density, diversity of uses and design. The Ordinance places emphasis on the third element (design, or physical form) because it is of greatest importance when creating places that attract jobs and economic vitality. Density and uses can be expected to change and adapt over time as the area grows and matures.

The following standards are tools that create a flexible framework to guide the future development of The Commerce and Community District in a way that is compatible with the historic nature of Milford, while allowing for innovation and creativity to encourage the development of the Souhegan Valley's premier mixed-use neighborhood.

6.06.3 APPLICABILTY

Provisions of this Ordinance are activated by "shall" when required, "should" when recommended, and "may" when optional.

A. TERRITORY

This Ordinance is in effect for the part of the Town of Milford designated on the Zoning Map as the Commerce and Community District (CCD).

B. OTHER APPLICABLE REGULATIONS

All development must comply with relevant Federal, State and Town regulations and ordinances. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

It is not the intent of this Ordinance to interfere with or annul any easements, covenants, or other agreements between parties; provided that where this Ordinance imposes a greater restriction upon the use and dimensions of buildings, structures or land, or requires open spaces other than those that are imposed or required by other public by-laws, regulations or permits, or by private easements, covenants or agreements, the provisions of this Ordinance shall govern, except where expressly qualified herein.

This Ordinance is intended to supersede the Open Space Conservation District and the Accessory Dwelling Unit Special Exception as defined in the Zoning Ordinance.

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The Definitions section of this Ordinance contains regulatory language that is integral to the Commerce and Community District. Those terms not defined in the Definitions Section or in Article IV of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the Commerce and Community District, those of the Commerce and Community District shall take precedent.

C. MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this Ordinance, they are the minimum requirements for the promotion of the purpose of the Commerce and Community District.

6.06.4 SEVERABILITY

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

6.06.5 COMPONENTS OF THE ORDINANCE

This Ordinance places a primary emphasis on physical form and place-making, with a secondary focus on land uses. The principle regulatory sections of this Ordinance are described below.

A. Administration
B. The Regulating Plan
C. The Building Form Standards
D. The Public Realm: Street and Streetscape Standards
E. Parking and Loading Standards
F. Building Function and Land Use Categories
G. Signage
H. Lighting
I. Definitions
J. Flowcharts

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6.06.6 ADMINISTRATION

A. REVIEW PROCESS

1. Projects Subject to Review

   a. Each Development Proposal shall be subject to the review process set forth in this section.

2. Establishment of the Expedited Review Committee

   a. The Planning Board in accordance with RSA 674:43.III, as amended, will hereby create the Commerce and Community District Expedited Review Committee (ERC) comprised of the Town Planner, one representative from the Planning Board, and a representative from each of the following Departments and Committees: Code Enforcement (Building Safety, Zoning, Health & Stormwater), Conservation, Emergency Services (Ambulance, Fire & Police), Heritage, Public Works, Zoning Administrator and Water Utilities. A minimum of six (6) members of the ERC is required to constitute a quorum. The ERC may consult with other committees, commissions and professionals for review and comment on applications within the District. Any cost associated with professional review shall be the responsibility of the applicant.

   b. The Town Planner shall be the chairperson of this committee. The ERC may appoint a vice-chair to act in the chairperson's absence.

3. Expedited Review Committee Responsibilities and Functioning

   The responsibilities of the ERC include:

   a. Holding Pre-application Conferences (quorum not required) regarding Development Proposals as requested by proponents thereof, pursuant to Pre-application Conference Section 6.06.6.A.4.a.

   b. Determining whether to approve a Certificate of Conformity for any Minor Development Proposal application.

   c. Providing its recommendation to the Planning Board on any Minor Development Proposal application.

   d. Providing its recommendation to the Planning Board on any Specific Regulating Plan Review application.

   e. Providing its recommendation to the Planning Board pursuant to any applications for a Conditional Use Permit relating to the Commerce and Community District.

   f. Providing its recommendations to the Code Enforcement Officers regarding any action to enforce the provisions of this Ordinance.

   g. Providing its recommendations to the Planning Board regarding any application for subdivision approval within the Commerce and Community District.

   h. The ERC shall meet upon the call of the chairperson, as required, to respond to requests for ERC action under this Ordinance.

4. Application Process Components

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a. Pre-Conference Meeting: Any proponent intending to submit an application for approval of a Development Proposal governed by this Ordinance shall meet with the Town Planner or Community Development Director, and members of the ERC as necessary, prior to the submittal of the application to identify and anticipate any issues of concern. The Pre-conference meeting is intended as a procedural, conceptual discussion and is non-binding.

b. Tiering of Development Proposals

i. **Minor Development Proposals** (Expedited Review Committee/Building Permit Process)

1. Any Development Proposal that:
   a. Is covered by an approved Specific Regulating Plan; and
   b. Proposes to (a) erect new structure(s) or (b) expand existing structure(s) by not more than 50,000 SF in gross floor area,
2. Shall be defined as a "Minor Development Proposal".
3. Shall be reviewed pursuant to the provisions of Section 6.06.6.B - Minor Development Review.
4. As described in Section 6.06.6.B, a Minor Development Proposal review shall run concurrently with a building permit application and shall be reviewed by the ERC in accordance with RSA 674:43.III and 676:4.III.

ii. **Major Development Proposals** (Site Plan Review Process)

1. Any Development Proposal that:
   a. Is covered by an approved Specific Regulating Plan; and
   b. Proposes to (a) erect new structure(s) or (b) expanding existing structure(s) by more than 50,000 SF in gross floor area,
2. Shall be defined as a "Major Development Proposal".
3. Shall be reviewed pursuant to the provisions of Section 6.06.6.C - Major Development Review.
4. As described in Section 6.06.6.C, a Major Development Proposal is similar to the traditional site plan review process.
5. Major Development Review is conducted by the Planning Board in advance of submitting a building permit.

iii. **Specific Regulating Plan Proposals** (Site Plan Review Process)

1. Any Development Proposal that:
   a. Does not have designated Building Form Standards (frontage type) on the Framework Regulating Plan; or
   b. Has access from a new street not already designated on an approved Regulating Plan.
2. A Development Proposal that proposes the adoption of a new Specific Regulating Plan shall be defined as a "Specific Regulating Plan Proposal"
3. Review and approval process may be concurrent with a Minor or Major Development Proposal

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4. Shall be reviewed pursuant to the provisions of Section 6.06.6.D - Specific Regulating Plan Review.
5. The Specific Regulating Plan approval utilizes a Planning Board Site Plan process to review and approve a proposed Specific Regulating Plan.

B. MINOR DEVELOPMENT PROPOSAL - APPLICATION REQUIREMENTS AND PROCESS

1. Application Requirements

a. An application for approval of a Minor Development Proposal, demonstrating conformity with this Ordinance, (including, without limitation, any approved Specific Regulating Plan), shall be submitted concurrently with building permit application(s) and all required building submittal documents. The Minor Development Proposal application shall include an application to the ERC with the following materials (in addition to the required building permit application):

i. A brief narrative describing the Minor Development Proposal

ii. Five (5) sets of completed plans for the Minor Development Proposal at a scale sufficient to read:

1. Site Plans at 1” = 40’, Building Plans and Elevations at 1” = 40’,
2. Details as necessary to demonstrate ordinance compliance at 1” = 10’ to 1” = 20’,
3. Prepared by a Registered Professional Engineer, Registered Land Surveyor licensed Architect or licensed Landscaped Architect, as appropriate, and including the following information:
   a. Location and dimensions of all proposed buildings and other construction;
   b. Internal roadways, streets and/or street spaces, Alleys, common access easements, and access ways adjacent to public roadways;
   c. Location and dimensions of all parking areas;
   d. Utility strategy;
   e. Stormwater and Erosion Control;
   f. Architectural façade drawings of all proposed buildings;
   g. Lighting plan;
   h. Landscape/streetscape plan.

iii. Building projects submitted to the Code Enforcement Office, in addition to complying with applicable Building and Fire Codes shall be required to include materials showing how the project would conform to a third-party or government program for sustainable building design and energy efficiency. The approved sustainable building design programs that should be used for these submissions include:

1. The U.S. Green Building Council, Leadership in Energy and Environmental Design (LEED) program;
2. The Green Building Initiative, Green Globes program;
3. The U.S. Environmental Protection Agency, Energy Star program; or

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4. A similar building evaluation system chosen by the application for the project.

iv. A completed Commerce and Community District Review Checklist, the form of which shall be developed, maintained and made available by the ERC, demonstrating compliance with the provisions of this Ordinance; and

v. Any other documents and/or materials required by the ERC to determine consistency with the Ordinance.

2. Review Process, Lapse & Appeals

An application for Minor Development Review in conformity with the requirements of Section 6.06.6.B.1 -Application Requirements shall be reviewed according to the following process and in accordance with RSA 674:43.III and RSA 676:4.III as amended:

a. Within three (3) business days of receipt of complete application materials the Town Planner shall refer the application to the ERC and notify abutters of the ERC submission meeting date in accordance with RSA 676.4.I.d.

b. The ERC shall meet fifteen to thirty (15-30) business days after the date of referral of the complete application, to determine the Development Proposal complies with the provisions of the Ordinance. A hearing shall be held if requested in accordance with RSA 676:4.III, as amended.

c. If the ERC finds the application is in all respects consistent with the Ordinance and votes to approve, the ERC, through the Town Planner, shall issue a Certificate of Conformity within five(5) business days of the ERC meeting and:

i. Notify the applicant and Planning Board in writing; and

ii. Forward the Certificate of Conformity to the Code Enforcement Officer for issuance of a building permit. The Code Enforcement Officer shall not deny issuance of the requested building permit for a Development Proposal based on failure to comply with the provisions of this Ordinance if a Certificate of Conformity has been issued absent manifest error in the issuance thereof.

d. If the ERC finds that the application is not in all respects consistent with the Ordinance and votes to disapprove, the minutes shall reflect the reasons for disapproval. The Town Planner will within five (5) business days:

i. Notify the applicant and Planning Board in writing, stating the reasons for denial; and

ii. Refer the application back to the Code Enforcement Officer with a recommendation not to issue the requested building permit based on that lack of consistency. The Code Enforcement Officer shall deny issuance of the requested building permit for a Development Proposal based on a failure to comply with the provisions of this Ordinance if they receive a negative recommendation from the ERC, absent manifest error in that negative recommendation.

e. The ERC's approval of a Certificate of Conformity for a Minor Development Proposal shall lapse after two (2) years of building permit issuance, if Substantial and Active Development has not been completed. Such approval may, for good cause, be extended by the Planning Board in accordance with Section 4.07 of the Development Regulations.

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f. Any person aggrieved by the ERC's approval or disapproval of a Certificate of Conformity pursuant to this section may appeal to the full Planning Board (in accordance with RSA 674:43.III, as amended) so long as notice of appeal is filled within 20 days of a committee's decision.

g. Any person aggrieved by a Code Enforcement Officer's approval or disapproval of a building permit pursuant to this section may appeal that decision to the Zoning Board of Adjustment per RSA 674:34.

h. The time periods set forth herein may be extended upon written consent of the applicant.

C. MAJOR DEVELOPMENT PROPOSAL – APPLICATION REQUIREMENTS AND PROCESS

1. Application Requirements

An application for approval of a Major Development Proposal, demonstrating conformity with this Ordinance (including, without limitation, any previously approved Specific Regulating Plan), shall be submitted to the Planning Board or its designated agent and shall include:

a. The components required pursuant to Section6.06.6.B - Minor Development Review, i & ii ;

b. A completed Commerce and Community District Review Checklist, the form of which shall be developed, maintained, and made available by the ERC, demonstrating compliance with the provisions of this Ordinance; and

c. Any other documents and/or materials required by the Planning Board to determine consistency with this Ordinance.

2. Review Process; Lapse; Appeal

An application for Major Development Review in conformity with the requirements of Section 6.06.6.C.1, Major Development Review, shall be reviewed according to the following process:

a. Within seven (7) business days after receipt of complete application materials, the Town Planner shall refer the application to the members of the ERC, for their written recommendations. No decision shall be made by the Planning Board until such recommendations are returned to the Planning Board or fourteen (14) days have elapsed following such referral without receipt of those recommendations.

b. The Planning Board shall hold a public hearing on any complete application for Major Development Review at the next regularly meeting or within thirty (30) days of its submission. Public notice of said hearing shall be given in accordance with the requirements of RSA 676:4, as amended.

c. In considering an application for Major Development Review, the Planning Board shall give particular weight to the recommendations of the ERC and due consideration to the public hearing comments, as to whether the Major Development Proposal's proposed design, structures, and uses are in compliance with the this Ordinance.

d. The Planning Board shall take final action on an application for approval of a Major Development Proposal within sixty-five (65) days of the submittal of the completed application to the Planning Board, unless waived by the applicant in accordance with 676:4, as amended.

e. Final action shall consist of:

i. Approval of a Certificate of Conformity; or

ii. Approval of the Certificate of Conformity subject to such conditions, modifications, limitations, and safeguards as the Planning Board deems necessary to ensure substantial compliance of the Major Development Proposal with the requirements of this Ordinance or to mitigate any extraordinary adverse impacts of the Major Development Proposal on adjacent properties or public infrastructure; or

iii. Denial of the application, if in the opinion of the Planning Board the Major Development Proposal and specifications are not adequate to ensure substantial compliance with all the provisions of this Ordinance. Any decision to deny approval shall specifically state the reasons for denial.

f. The Planning Board shall notify the applicant and ERC of its decision in writing within five (5) business days.

g. The Planning Board's approval of a Certificate of Conformity for a Major Development Proposal shall lapse after two (2) years if Substantial and Active Development has not been completed. Such approval may, for good cause, be extended by Planning Board in accordance with Section 4.07 of the Development Regulations.

h. Any person aggrieved by a decision of the Planning Board regarding a Major Development Proposal may appeal pursuant to a RSA 677:15.

i. The time periods set forth herein may be extended upon written consent of the applicant.

D. SPECIFIC REGULATING PLAN - APPLICATION REQUIREMENTS AND PROCESS

1. Application Requirements

An application for approval under Specific Regulating Plan Review shall be submitted to the Community Development Office and shall include the following information:

a. Illustrative Plan

i. An illustrative plan drawn at a scale of 1:100 (or 1:200 with Pre-conference Meeting approval) and with the same extent as the proposed Regulating Plan.

ii. The purpose is to illustrate the likely built results of the proposed Specific Regulating Plan by showing buildings on each lot; preliminary designs for streets and civic spaces in compliance with this Ordinance, and the Framework Regulating Plan.

b. Specific Regulating Plan

Specific requirements for the preparation of a Specific Regulating Plan are listed in Section 6.06.7.F - Rules for New Specific Regulating Plans.

i. The Specific Regulating Plan application shall be provided along with five (5) sets of completed plans and a digital plan set in a format acceptable to the Planning Board.

ii. A Specific Regulating Plan shall be produced at a scale of 1:100 (or 1:200 with Pre-conference Meeting approval) with the same extent as the proposed illustrative plan.

iii. The proposed Specific Regulating Plan shall show:

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1. The entire land area (including water bodies) of the Development Parcel that is the subject of the planning area and shall also show the immediately adjoining roads, water bodies, and other rights-of-way or easements within 200'.
2. The boundaries of the Subdistricts, where relevant.
3. The location of all existing and proposed streets, with street type specification for each street (See Section 6.06.9.C).
4. All frontage designations (See Section 6.06.8 Building Form Standards).
5. The location of all designated public spaces, open spaces and trails.
6. The Required Building Lines, parking setback lines, and any lot building limits (See Framework Regulating Plan).

iv. The Specific Regulating Plan may show:

1. Specific requirements for development (related to unique context, Administrative Adjustments, or Conditional Use Permit approval) and;
2. Specific opportunities for development.

c. Project Report

A project report shall be prepared that includes the following:

i. Summary of any public input or involvement, if applicable (list of issues, participants, comments on the illustrative plan and Regulating Plan, etc.);

ii. A completed Commerce and Community District Review Checklist, the form of which shall be developed, maintained, and made available by the ERC, demonstrating compliance with the provisions of the relevant *Rules for New Specific Regulating Plans* from Section 6.06.7.F;

iii. General development sequence or schedule for the Specific Regulating Plan area; and

iv. Any illustrations of Development Proposals to be submitted pursuant to the Specific Regulating Plan.

d. Traffic Impact Report

i. A Traffic Impact Report shall be prepared in accordance with the Planning Board's standards, Development Regulations, Section 5.09 Impact Studies, and shall, at a minimum, include the following:

1. Forecasted vehicular traffic volumes entering or departing the site per average day and peak hour;
2. Forecasted vehicular traffic volumes on streets adjacent to the site per average day and peak hour;
3. Forecasted impact of mixing of uses and connectivity of the street and pedestrian network on the site and to adjacent streets and pedestrian networks on the vehicular traffic volumes described in 1 and 2, above; and
4. Forecasted impact of transportation demand management measures, to which the applicant agrees to commit as a condition to approval.
5. Existing traffic on streets adjacent to or approaching the site;
   a. Traffic generated or resulting from the site, and

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b. the impact of such additional traffic on all ways providing access to the site.

6. Such data shall be sufficient to enable the Planning Board to evaluate the extent to which contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements shall be required pursuant to the approval criterion set forth below in Section 6.06.6.A.1.a.ii.2

ii. Actual study results, a description of the study methodology, and the name, address, email and telephone number of the person responsible for implementing the study, shall be included in the Traffic Impact Report.

e. Stormwater Management and Erosion Control Report

A plan and report detailing compliance with the Town of Milford's *Stormwater Management and Erosion Control Ordinance*. The intent is to efficiently and effectively manage Stormwater for the Commerce and Community District as a region while minimizing the total amount of impervious surfaces in the district.

f. Market Analysis

A study of the supply and demand conditions related to the proposed uses and types of structures permitted by the Specific Regulating Plan prepared by a professional consultant with experience in real estate, economics, and/or marketing, which shall include an analysis of the projected impact of development permitted by the Specific Regulating Plan, including commercial office, industrial, retail and residential uses, on existing commercial office, industrial, retail and residential uses in Milford and abutting communities as necessary.

g. Phasing

Where development of the site covered by a proposed Specific Regulating Plan will be phased over more than two (2) years, indicate the following:

i. The methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles.

ii. The approximate size and location of portion(s) of the parcel to be cleared at any given time and length of time of exposure.

iii. The phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development. Detail the proposed total period of time over which full buildout of development permitted under the Specific Regulating Plan shall occur.

2. Review process; Lapse; Appeal

a. An application for Specific Regulating Plan in conformity with the requirements of Section6.06.6.D shall be reviewed and approved as a Specific Regulating Plan Site Plan per RSA 674:43 and according to the following process:

i. Within ten (10) business days after receipt of complete application materials, the Town Planner shall refer the application to the members of the ERC, for their written recommendations. No decision shall be made by the Planning Board until such

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recommendations are returned to the Planning Board or fourteen (14) days have elapsed following such referral without receipt of those recommendations.

ii. The Planning Board shall hold a public hearing on any complete application for a Specific Regulating Plan Review within thirty (30) days or at the next scheduled meeting, of its submission. Public notice of said hearing shall be given in accordance with the requirements of RSA 676:4, as amended.

iii. In considering an application for Specific Regulating Plan Review, the Planning Board shall give particular weight to the recommendations of the ERC as to whether the Specific Regulating Plan's proposed uses, structures, and design are in compliance with this Ordinance.

iv. The Planning Board shall grant approval to the application if it finds that the Specific Regulating Plan is consistent with the general purpose and intent of this Ordinance.

v. The Planning Board shall take final action on application for approval of a Specific Regulating Plan within sixty-five (65) days of the submittal of the completed application to the Planning Board.

b. Final action shall consist of:

i. Conditional Approval of the Specific Regulating Plan as submitted; or

ii. Approval of the Specific Regulating Plan subject to such conditions, modifications, limitations, and safeguards as the Planning Board deems necessary to:

1. Ensure substantial compliance of the Specific Regulating Plan with the requirements of this Ordinance;
2. Provide for reasonable contributions to or construction of off-site street and intersection improvements to offset impacts on the capacity and safety of adjacent streets and intersections, and the capacity of the water, sewer, and drainage systems affected by the Specific Regulating Plan;
3. Mitigate the impact of development under the Specific Regulating Plan on the Town's existing commercial, office, industrial, and retail areas;
4. Mitigate any extraordinary adverse impacts on adjacent properties; or
5. Minimize impacts on environmental quality;

iii. Denial of the application, if in the opinion of the Planning Board, the Specific Regulating Plan and specifications are not adequate to ensure substantial compliance with all the provisions of this Ordinance. Any decision to deny approval shall specifically state the reasons for denial.

c. The Planning Board shall notify the applicant and the ERC in writing, within five (5) business days of its decision.

d. The Planning Board's approval of a Specific Regulating Plan shall lapse after two (2) years from the final approval if Active and Substantial Development has not been completed. Such approval may, for good cause, be extended by Planning Board in accordance with Section 4.07 of the Development Regulations.

e. Any person aggrieved by a decision of the Planning Board regarding a Specific Regulating Plan may appeal that decision pursuant to RSA 677:15.

f. The time periods set forth herein may be extended upon written consent by the applicant.

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E. ADMINISTRATIVE ADJUSTMENTS

1. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Ordinance, with the intent of providing relief where the application of a standard creates practical difficulties in allowing development to proceed. These adjustments are intended to provide relief for minor construction or survey issues; they are not intended for designed deviations from the Ordinance, such as those governed by Sections 6.06.6.F &G Conditional Use Permit and Variance below. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

2. Application and Review Procedure

a. An application for approval of an Administrative Adjustment shall include:

i. A brief narrative describing the Administrative Adjustment sought;

ii. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Zoning Administrator, demonstrating that the adjustment sought is limited to the standards set forth below; and

iii. Any other documents and/or materials required by the Zoning Administrator to determine that the adjustment sought is limited to the standards set forth below.

b. The Zoning Administrator may seek assistance from the ERC in making a determination under this Section.

c. Within ten (10) business days of receipt of a complete application, the Zoning Administrator shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:

i. Approve the application as submitted;

ii. Approve the application with conditions; or

iii. Deny the application.

3. Administrative Adjustment Standards

The Zoning Administrator is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

a. Height

i. Minimum and maximum story height - up to five percent (5%) for any cumulative increase or decrease in building height.

ii. Street wall/fence requirements – up to ten percent (10%).

iii. Finished floor elevation – up to five percent (5%).

b. Siting

i. Required Building Line (RBL or RBL2) – Building façade variation of up to a total variation of 24 inches from the required build-to-line (an 18 inch variation is permitted by right).

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ii. Parking Setback Line – move forward up to six (6) inches.

iii. Mezzanine floor area – up to ten percent (10%) additional area.

iv. Street Wall requirements – up to ten percent (10%)

v. Required street façade (minimum percentage built-to) – Reduction of up to five percent (5%) of required length.

c. Elements

i. Fenestration (minimum and maximum percent) – up to five percent (5%).

ii. Building projections (minimum and maximum projections) – up to five percent (5%).

iii. Doors/Entries (maximum spacing) – up to five percent (5%) increase.

iv. Maximum building footprint – Up to fifty (50%) increase

d. Streets, Blocks and Alleys

i. Street center lines may be moved up to 50 feet in either direction, so long as the street connectivity is maintained (no cul-de-sacs).

ii. Street type specification dimensions – up to five percent (5%).

4. Administrative Adjustment of Unlisted Standards

Any request for relief from a required standard other than those listed above shall be made through the Conditional Use Permit or Variance set forth in Sections F & G below.

F. CONDITIONAL USE PERMIT

1. Application Requirements

a. An application to deviate from the requirements of this Ordinance, beyond the scope of an Administrative Adjustment, shall be submitted to the Planning Board or its designated agent and shall include:

i. An application in accordance with the Minor Site Plan Regulations

ii. A narrative description of the deviation from this ordinance

iii. Any other documents and/or material required by the Planning Board to determine consistency with this Ordinance.

2. Review Process and Appeals

a. A Conditional Use Permit is an approval to permit deviation from or reduction in a specific provision(s) of this Ordinance, beyond the scope of an Administrative Adjustment, but that is otherwise generally consistent with the provisions of Section 6.06.2. Purpose and Intent. The Planning Board shall have the authority to grant or deny a request for a Conditional Use Permit pursuant to the provisions of RSA 674:16 and RSA 674:21.

b. The granting or denial of a Conditional Use Permit by the Planning Board may be appealed to the Superior Court, as provided for in RSA 677:15. [A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).]

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c. A Conditional Use Permit, for relief from the requirements of this Ordinance, may be granted by the Planning Board after proper public notice and public hearing provided the Planning Board finds that the application complies with standards 2.c.i and 2.c.ii below.

i. Consistent with the Commerce and Community District Purpose and Intent, as well as but not limited to:

1. Both public and private buildings and landscaping shall contribute to the physical definition of streetscapes and public spaces; and
2. Development shall adequately accommodate motor vehicles and emergency service vehicles, while respecting the pedestrian, bicyclist and the spatial form of public spaces; and
3. Architecture and landscape design shall complement climate, topography, community character, and building practice; and
4. Open space and public gathering places shall be provided as locations that reinforce the identity and activity of the District and the community; and
5. Does not negatively impact adjacent properties and uses in the District.

ii. Improves public safety within the District and/or in adjacent zoning districts; or provides environmental and natural resource protection; or provides a measureable public benefit (such as increased public space, open space or public amenities).

G. VARIANCE

Any person seeking one or more variances from the provisions of this Ordinance with respect to a Development Proposal shall submit an application to the Zoning Board of Appeals pursuant to the provisions of Section 10.01 Variances of the Zoning Ordinance, and shall file a copy of the application with the ERC concurrently with its submittal to the Zoning Board. The ERC shall meet and make a recommendation regarding the variance application to the Zoning Board of Appeals within fourteen (14) days of the date of filing. The Zoning Board shall not hold a hearing or render any decision on an appeal for variance(s) until the ERC's recommendation has been received and considered, provided that if no such recommendation is received within this fourteen (14) day period, the Board of Appeals may hold a hearing and render its decision without such recommendation.

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6.06.7 THE REGULATING PLANS

A. PURPOSE AND INTENT

1. The purpose of this Ordinance is to enable, encourage and implement the following plans and general requirements.
2. For the purposes of delineation, the Commerce and Community District and the location and boundaries of its Subdistricts are hereby established as shown on a map entitled "Framework Regulating Plan for the Commerce and Community District of the Town of Milford, New Hampshire" (the "Regulating Plan") dated _____ and hereby incorporated as part of this Ordinance.
3. The Specific Regulating Plan makes the development standards place-specific, by allocating the Building Form Standards (BFS) and delineating the public spaces, within the Framework Regulating Plan. A Regulating Plan identifies: the boundaries for the Development Parcel and the Development Proposal(s) to be covered thereby; existing streets and new street connections; the Required Building Line and Parking Setback Line, and the Street-type designations through the plan area.
4. The Specific Regulating Plan may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.
5. The rules for creating new Specific Regulating Plans are intended to encourage sustainable development, neighborhood level stormwater management design, and an efficient, interconnected transportation network integrated with the Town, Souhegan Valley and greater region's network.

B. TYPES OF REGULATING PLANS

The Commerce and Community District includes two types of Regulating Plans: a Framework Regulating Plan, that covers the entire Commerce and Community District jurisdiction, and a Specific Regulating Plan(s) that may be developed for each Subdistrict or portions thereof.

1. The Framework Regulating Plan

   A Framework Regulating Plan has been prepared for the Commerce and Community District and is set forth in Section 6.06.7.C of this Ordinance. It designates the Subdistricts by which the development rules and regulations are organized and categorized; existing streets; new streets connection locations required for future development, connectivity and circulation within the Framework Regulating Plan area and region; the Building Form Standards for frontages along streets; and various rights-of-way, easements, environmental buffers, and other constraints to, or parameters for, development.

2. Specific Regulating Plan

   a. An approved Specific Regulating Plan is required for the development of most parcels within the Commerce and Community District's Subdistricts. These plans provide a public space master plan (including the creation of transportation networks, designation of street type and a stormwater management system) with specific information on development parameters for parcels within the District. They include the specific details necessary to

create the physical form and character required for the designated District. They may be prepared by individual property owners, groups of owners, developers, or the Town. These plans shall be prepared in accordance with Section 6.06.7.F Rules for New Specific Regulating Plans, to convey the required information to complete the appropriate application and review process.

b. Subdistricts:

i. For the Central District; a Specific Regulating Plan for a not less than 40 acres shall be approved before development within that area, except for the subdistrict parcels abutting Elm Street, which shall prepare and receive approval on a Specific Regulating Plan for not less than 5 acres. Individual Specific Regulating Plans for adjacent/abutting development parcels within the Central Zone shall provide for an interconnecting street network, with at least one point of connectivity for each 500 feet of shared parcel boundary, or portion thereof. This plan may be amended as development proceeds.

ii. For the Outer District; a Specific Regulating Plan for not less than 20 acres in a Development Parcel shall be approved before development within that area. Individual Specific Regulating Plans for adjacent/abutting development parcels within the Outer Zone shall provide for an interconnecting street network, with at least one point of connectivity for each 1000 feet of shared parcel boundary, or portion thereof. This plan may be amended as development proceeds.

C. THE FRAMEWORK REGULATING PLAN

1. Framework Regulating Plan and Legend

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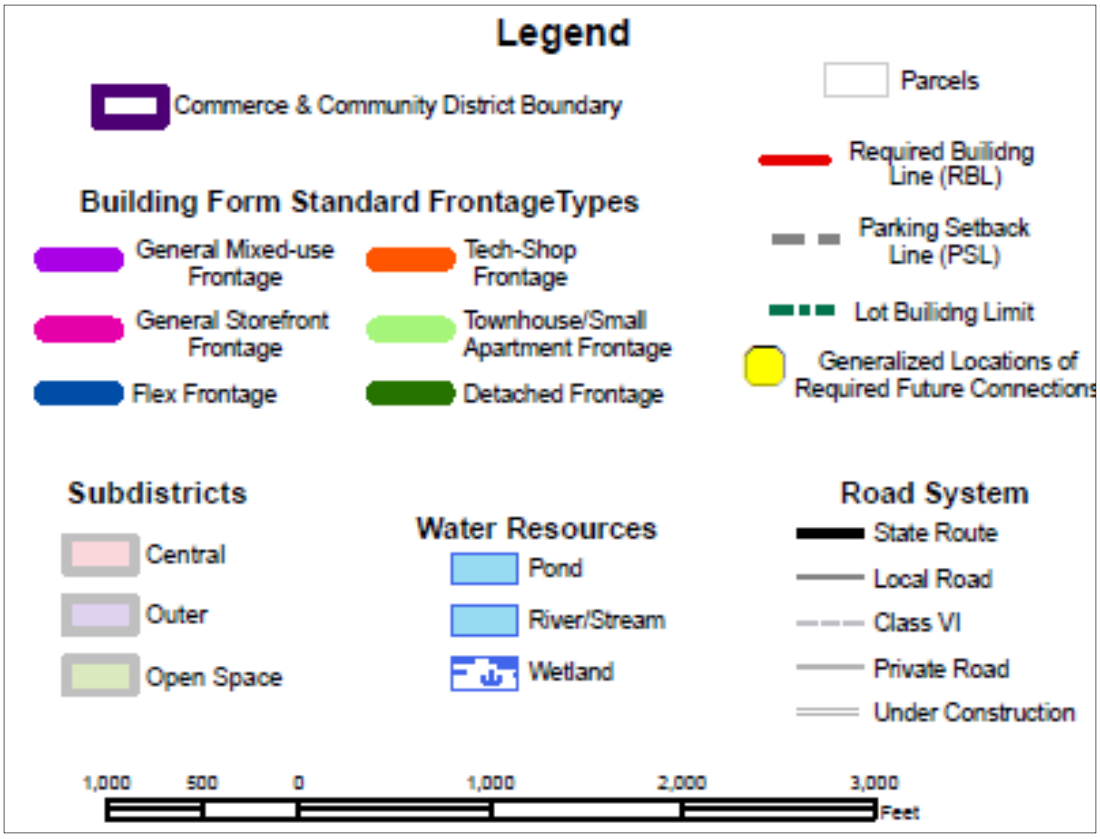
Legend
Commerce & Community District Boundary
Parcels
Required Builidng Line (RBL)
Building Form Standard FrontageTypes
General Mixed-use Frontage
Tech-Shop Frontage
Parking Setback Line (PSL)
General Storefront Frontage
Townhouse/Small Apartment Frontage
Lot Builidng Limit
Flex Frontage
Detached Frontage
Generalized Locations of Required Future Connections
Subdistricts
Central
Outer
Open Space
Water Resources
Pond
River/Stream
Wetland
Road System
State Route
Local Road
Class VI
Private Road
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1,000 500 0 1,000 2,000 3,000
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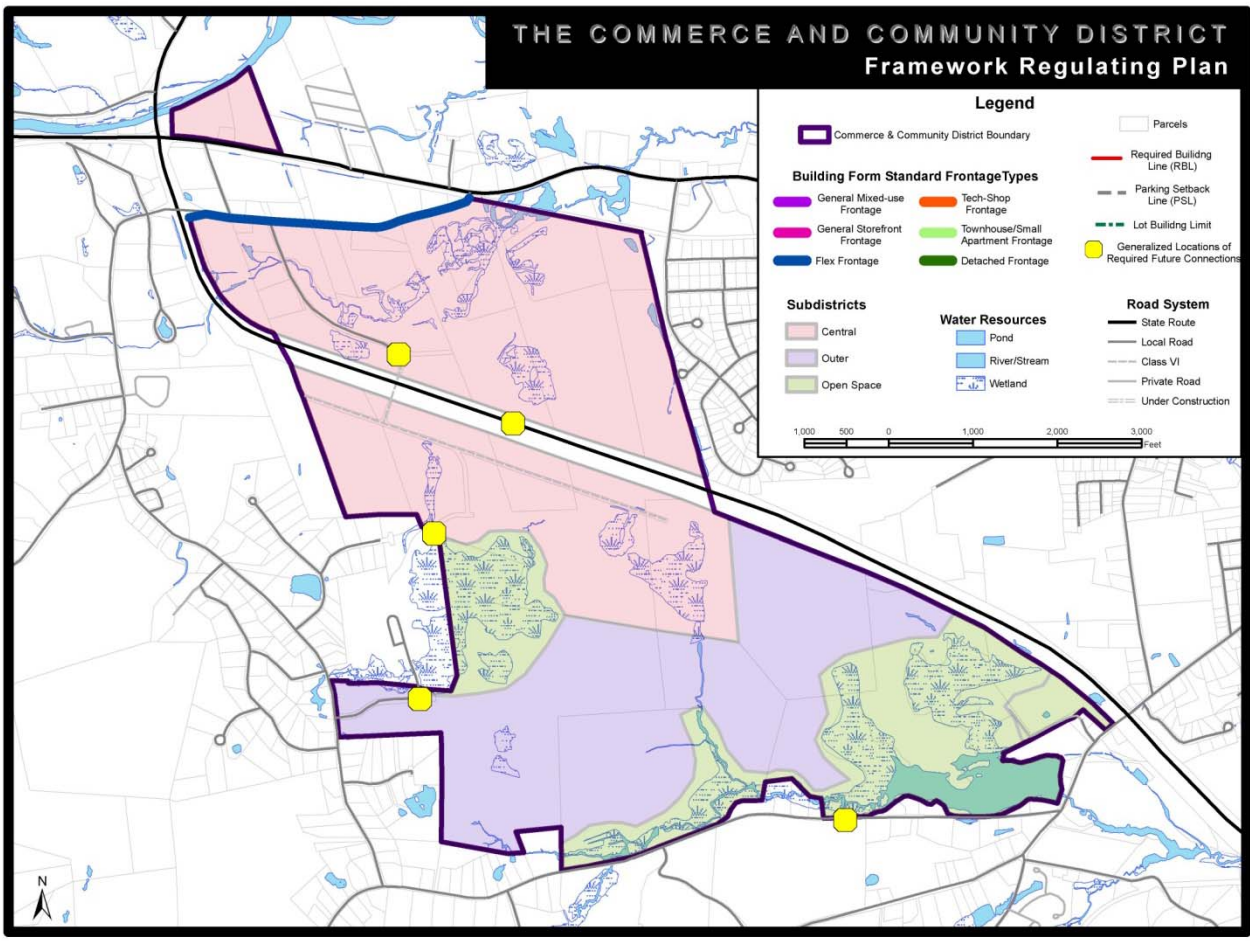
THE COMMERCE AND COMMUNITY DISTRICT
Framework Regulating Plan
Legend
Commerce & Community District Boundary
Parcels
Required Builidng Line (RBL)
Building Form Standard FrontageTypes
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Generalized Locations of Required Future Connections
Subdistricts
Central
Outer
Open Space
Water Resources
Pond
River/Stream
Wetland
Road System
State Route
Local Road
Class VI
Private Road
Under Construction
1,000 500 0 1,000 2,000 3,000
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New Street Connections: Designated on Framework Regulating Plan

Where new street connections are designated on the Framework Regulating Plan, they are critical to the working of the larger Commerce and Community District and shall be considered mandatory.

D. SPECIFIC REGULATING PLANS

A Specific Regulating Plan is required for:

1. All Development Parcels that do not have designated Building Form Standards on the Framework Regulating Plan.
2. Any new Development Parcels created through the development of new streets not already designated on an approved Regulating Plan.
3. Specific Regulating Plans shall convey the required information concerning designation of Building Form Standards, transportation network, designation of street types, stormwater management, public space, open space, and other information as specified in Section 6.06.6.D Application Requirements and Section 6.06.7.F Rules for New Specific Regulating Plans.

E. SUBDISTRICTS

The Subdistricts, as laid out on the Framework Regulating Plan, represent a variety of development forms and intensities, based on the vision and the physical/environmental constrains of the Commerce and Community District. Although this Ordinance regulates all of the Districts within the Commerce and Community District, some rules and standards are unique to each. The Subdistricts include: Central, Outer and Open Space. Following are general descriptions of these zones (refer to Section 6.06.7.F for detailed requirements for each zone):

1. Central District – for the purpose of providing non-residential uses, mixed uses and multi-family uses in a primarily dense development pattern with streets in a grid-like network, and dedicated public and open spaces.
2. Outer District – for the purpose of providing non-residential uses and residential uses in a moderate density and residential development pattern with wide streets in a grid-like network, and dedicated public and open spaces.
3. Open Space District – for the purpose of providing, scenic beauty and viewsheds, natural resource protection, transportation (pedestrian, bicycle and vehicle) connections and passive recreational opportunities.

F. RULES FOR NEW SPECIFIC REGULATING PLANS

1. General Standards for all Specific Regulating Plans

a. Applicability

The following rules and standards apply to the creation of any new Specific Regulating Plan in any Commerce and Community District subdistrict that:

i. Does not have an approved Specific Regulating Plan in place; and

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ii. Does not have Building Form Standard(s) designated on the Framework Regulating Plan along its existing Street Frontages; and

iii. Has newly created Street Frontage due to subdivision or the creation of new public or private streets

b. Building Form Standards (BFS)

i. General

1. Building Form Standards are designated on the Regulating Plan by Street Frontage (See Framework Regulating Plan for illustrative example).
2. The RBL, lot building limit, and Parking Setback Lines shall be transposed from the Framework Regulating Plan if designated; otherwise they shall be designated on the Specific Regulating Plan.
3. In determining the allocation, and thereby the form of the District, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When creating or amending a Specific Regulating Plan, the standards herein shall apply.

ii. Consistency of Application

1. Table of Permitted Adjacencies for the Building Form Standards
2.

Table 1: Permitted Adjacencies for the Building Form Standards

BFS Types	General Storefront	General Mixed-use	Tech-Shop	Flex	Small Apartment/ Townhouse	Detached
General Storefront	d	c, d	a, c	a, c	a, b, c	a, c
General Mixed-use	d	c, d	a, b, c	a, c	c, d	a, c
Tech-Shop	a, c	a, b, c	d	a, c	a	a
Flex	a, c	a, c	a, c	d	a, c	a
Small Apartment/ Townhouse	a, b, c	c, d	a, c	a, c	d	a, b, c
Detached	a, c	a, c	a	a, c	a, b, c	d
BFS Types may be placed adjacent as per the below parameters						
a) When separated by an Alley (or Common Drive) or rear lot line, or when fronting different streets (i.e. corner lots and its adjacent lot).						
b) When sharing a Common Lot Line. Such changes must be consistent with both sides of the street and must not occur more than once per 100 linear feet of street frontage.						
c) When facing across a Square, Civic Green or park.						
d) When facing and/or in any adjacency						

3. Civic Use Buildings (designated on the Regulating Plan) are not restricted by these standards.

c. Allocation by Subdistrict

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In order to provide for a mix of uses and a varied intensity of development within each Subdistrict, the required mix of Building Form Standards that applies to each Subdistrict is specified below. This percentage standard represents Net Lot Area. The percentage is calculated based on the relationship of the lot area designated with the same Building Form Standard to the area of the entire Subdistrict minus the area of any Street-Space.

Table 2: Allocations by Subdistrict

Building Form Standard	Central District	Outer District	Open Space District
General Storefront	5-20%	0-5%	N/A
General Mixed-use	10-40%	0-10%	N/A
Tech-Shop	0-80%	0-20%	N/A
Flex	0-60%	0-30%	0-20%
Townhouse/Small Apartment	10-40%	0-50%	N/A
Detached	0-20%	10-60%	0-100%

d. Streets

i. New streets shall be designated and designed in accordance with Street Type Specifications. (See 6.06.9 The Public Realm: Street and Streetscape Standards)

ii. New streets shall be publicly accessible.

iii. No Street-Space shall be gated.

iv. All lots shall share a frontage line with a Street-Space.

v. Connectivity of the street grid and intersection alignment within the Commerce and Community District and the Subdistricts is established and regulated by the Framework Regulating Plan (Section 6.06.7.B) and Street Specifications (Section 6.06.9.C).

e. Stormwater

In order to provide for District level Stormwater Management in accordance with the Stormwater Management and Erosion Control Regulations, the Specific Regulating Plan will detail the large scale Stormwater Management System to manage stormwater for the Specific Regulating Plan area, and the District, as a whole system.

2. Central District Specific Regulating Plans

The Central District recognizes the minimal existing infrastructure and requires an interconnected street and block pattern with specific standards designed to produce a mixed-use, auto-oriented, pedestrian and bicycle-friendly place with connectivity to the Outer and Open Space Subdistricts; and standards for more efficient and sustainable use of the land and development of infrastructure. This Subdistrict accommodates a broad range of uses. It is designed to allow for: mixed-use centers characterized by broad sidewalks, Street Trees, shop fronts, sidewalk cafes and other commercial uses at street level, with upper story office and residential; to commercial and industrial development ranging from small, single lot, one-story, and single-use projects (such as stand-alone

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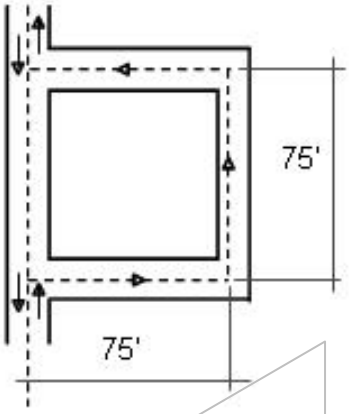
office, workshop or research buildings) to larger multi-lot, multi-story business parks or corporate headquarters/complexes.

It is anticipated that this Subdistrict will provide the support services and facilities for existing and new employment areas found within the Subdistrict and the larger Commerce and Community District. The Central District Regulating Plan makes the development standards place-specific by establishing the street and block pattern, allocating the Building Form Standards (BFS) and delineating the public spaces. This Specific Regulating Plan identifies: the boundaries for the area covered by the plan; the Required Building Line, the lot building limit (as necessary), the Parking Setback Line, and the Street-Type Designation throughout the plan area.



a. Building Form Standards (BFS)

i. General

1. In determining the allocation, and thereby the form and mixed-use character of the Subdistrict, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses.
2. The permitted BFS in the Central Subdistrict are: General Mixed-Use, General Storefront, Tech-Shop, Flex, Small Apartment/Townhouse and Detached (See 6.06.8.C Building Form Matrix).

ii. Streets, Blocks & Alleys

1. Streets
   a. The permitted street types in the Central Subdistrict are: MS-80/48, MS-74/42, NS-68/36, NS-66/34, T-14/6 and A-30 (See Section 6.06.9.C Street Type Specifications).
   b. Streets that do not connect to other streets, as part of an interconnected network, are not permitted except as below:
      i. Where streets are configured with a one-way loop around the perimeter of a central green area, having a maximum depth (perpendicular to the primary street centerline) of 75 feet and a minimum width (dimension parallel to the primary street) of 75 feet; (See illustration)
      ii. Where streets are less than 120 feet long (measured from the street intersection centerline) and configured as a stub-out (with sufficient turn-around space) designed for connection to future streets/development;
      iii. Where streets are less than 120 feet long (measured from the intersection centerlines) and connected to Alleys or common drives giving rear lot access, and or ending at designated conservation lands

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c. Additional streets may be added to an approved Specific Regulating Plan to create a smaller block pattern pursuant to the subdivision plan modification; however, no streets shown on an approved plan may be removed without being replaced.

iii. Block Standards

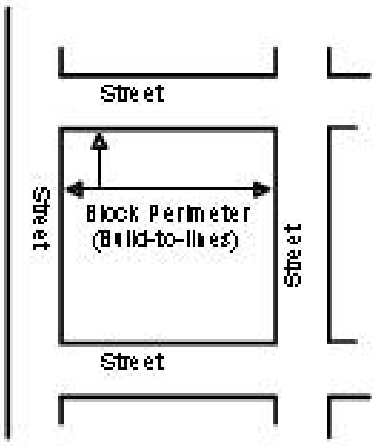
1. The average block perimeter shall not exceed 1400 feet with General Mixed-use, General Storefront or Townhouse/Small Apartment Frontages
2. The average block perimeter shall not exceed 2400 feet with Tech-Shop and Flex Frontages.
3. Blocks shall be measured at the public or private right-of-way line or at the RBL/build-to line, where a right-of-way line is not present. All lots and all contiguous lots are considered to be part of a block for this purpose. (See illustration)
4. For General Mixed-use or General Storefront frontages no block face shall have a length greater than 300 feet without an Alley, common drive or access easement, or pedestrian pathway providing through-access to another Street-Space, Alley or common access easement, or conservation restricted land. Individual lots with less than 100 feet of frontage are exempt from the requirement to interrupt the block face; those with over 200 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.
5. Unless otherwise specified on the Specific Regulating Plan, no curb cuts are permitted within 75 feet of another curb cut, intersection, or driveway. Driveways into or from Alleys or common drives are not restricted by this measure.

b. Alleys or common drives

i. Alleys or common drives must provide access to the rear of all lots, except where lots are on a perimeter common to non-developable or conservation lands or where a lot has streets on three sides and the absence of an Alley would not deprive an adjacent neighbor of rear lot access.

ii. Alleys (or common access easements) may be public or private, but public access must be dedicated via an easement.

iii. Alleys may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent to the Alley shall be maintained. Access across property lines between parking lots larger than 7,000 square feet is required.



iv. Where an Alley does not exist and is not feasible to construct at the time of development of any property, the applicant is required to dedicate the Alley right-of-way within the rear setback to the Town and maintain the area within the rear setback by, at a minimum:

1. Providing routine landscape maintenance to the area.
2. Keeping the area clear of debris, stored materials, and vehicles.

c. Public Spaces (in addition to Streets)

i. Public Spaces—excluding streets and sidewalks, but including civic greens and squares—shall constitute no less than ten percent (10%) of the Net Lot Area of each Central Specific Regulating Plan. Each Central Specific Regulating Plan shall have one central public space and a variety of other public spaces See Section 6.06.9.E Public and Open Space Standards).

ii. Provisions of bike/pedestrian access trails which connect with the Outer and Open Space Subdistricts or existing trail networks shall be encouraged in exchange for reducing the Net Lot Area of public and/or open space requirements.

iii. Property owners are responsible for the maintenance of private preservation areas on their parcels unless otherwise conveyed to either the town and accepted by it for park or open space use or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

d. Open Spaces

Open Spaces shall constitute no less than ten percent (10%) of the Net Lot Area for each Central Specific Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

3. Outer District Specific Regulating Plans

The Outer District requires an interconnected street and block pattern with specific standards designed to produce a mixed-use, vehicle-oriented, pedestrian and bicycle-friendly place bridging the Central and Open Space Subdistricts, for an efficient and sustainable use of the land and development of infrastructure. The regulations allow for a less intense development of Commerce, Industrial, Workshop, Civic, Agriculture and Residential uses.

a. Building Form Standards (BFS)

i. General

1. In determining the allocation, and thereby the form and character of the Subdistrict, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses.
2. The permitted BFS in the Outer Subdistrict are: Tech-Shop, Flex, Small Apartment/Townhouse, Detached and General Storefront (See Section 6.06.8.C Building Form Matrix).

ii. Streets, Blocks & Alleys

1. The permitted street types in the Outer Subdistrict are: MS-74/42, NS-68/36, NS-66/34, R-50/22, R-50/20, T-14/6 and A-30 (See Section 6.06.9.C Street Type Specifications).
2. The average block perimeter shall not exceed 2400 feet.

b. Public Spaces (in addition to Streets)

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i. Public Spaces—excluding streets and sidewalks, but including civic greens and squares—shall constitute no less than ten percent (10%) of the Net Lot Area of each Outer Specific Regulating Plan. Each Outer Specific Regulating Plan shall have one central public space and a variety of other public spaces (See Section 6.06.9.E Public and Open Space Standards).

ii. Provisions of bike/pedestrian access trails which connect with the Central and Open Space Subdistricts or existing trail networks shall be encouraged in exchange for reducing the Net Lot Area of public and/or open space requirements.

iii. Property owners are responsible for the maintenance of private preservation areas on their parcels unless otherwise conveyed to either the town and accepted by it for park or open space use or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

c. Open Spaces

Open Spaces shall constitute no less than twenty percent (20%) of the Net Lot Area for each Outer Specific Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

4. Open Space District Specific Regulating Plans

The Open Space District will remain predominantly undeveloped and in its natural state, providing passive and active recreational opportunities for the Commerce and Community District.

a. Building Form Standards (BFS)

The permitted BFS in the Open Space District are: Flex, and Detached (See Section 6.06.8.C Building Form Matrix).

b. Streets, Blocks & Alleys

i. The permitted street types in the Riverfront District are: MS-74/42, NS-68/36, NS-66/34, T-14/6 (See Section 6.06.9.C Street Type Specifications).

ii. Due to the environmental sensitivity of the Open Space, pervious paving and other Low-Impact Development (LID) design techniques or stormwater Best Management Practices—such as, but not limited to, landscape swales, vegetative filters or rain gardens, stormwater planters, and landscape infiltration facilities—are highly encouraged for all streets, access drives and any parking areas.

c. Public Spaces (in addition to Streets)

i. Property owners are responsible for the maintenance of private preservation areas on their parcels unless otherwise conveyed to either the town and accepted by it for park or open space use or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

ii. Public Spaces – excluding streets and sidewalks, but including parks and public open space – shall constitute no less than ten percent (10%) of the Net Lot Area for each Open Space Specific Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

d. Open Space

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Open Spaces shall constitute no less than thirty percent (30%) of the Net Lot Area for each Open Space Specific Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

G. REGULATING PLAN AMENDMENT

1. Any amendment or change to the Framework Regulating Plan will be a Zoning Map Amendment of this Ordnance and shall be placed on the ballot by the Planning Board after a Public Hearing process as defined in RSA 675:3, as amended.
2. Any significant amendment or change to a Specific Regulating Plan must follow the procedure used for initial adoption; as set forth in the Administration Section.
3. Any minor amendment or change to a Specific Regulating Plan shall be approved by the Zoning Administrator. An amendment or change would be considered minor if it would not require upgrades to Street-Type, BFS designation, drainage, public space, have a significant traffic impact or significantly alter the Street-Space.

6.06.8 BUILDING FORM STANDARDS

A. INTENT

1. The intent of these Building Form Standards (BFS) is to create a vital and coherent public realm by shaping the Street-Space—the specific physical and functional character—of the Subdistricts. The form controls on building frontages work together to frame the Street-Space while allowing greater functional and operational freedom behind their facades. The BFS aim for the minimum level of control necessary to meet this intent.
2. The Building Form Standards set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements, such as fenestration (windows and doors), stoops, balconies, front porches, and street walls.
3. The Building Form Standards establish the rules for development and redevelopment on private lots, unless otherwise indicated on the Regulating Plan.
4. The Regulating Plan identifies the Building Form Standard for all private building sites within the Subdistrict.
5. The Building Form Standards are intended to encourage sustainable development at the neighborhood and regional level and overlap with many of the requirements for sustainability ranking systems, such as the prerequisites and credits of the *Neighborhood Pattern and Design* portion of the *LEED for Neighborhood Development (LEED-ND*) program.

B. GENERAL PROVISIONS

The Commerce and Community District Ordinance includes the following Building Form Standards: General Mixed-Use Frontage, Tech-Shop Frontage, Flex Frontage, Townhouse/Small Apartment Frontage and Detached Frontage. (The General Storefront is a sub-category of the General Mixed-Use frontage). The follow standards apply to all BFS, unless expressly stated otherwise within and individual BFS or otherwise designated on the Regulating Plan.

1. Transitions

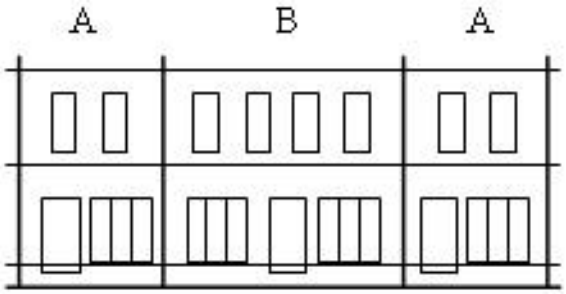
When the BFS designation shown on the Regulating Plan changes along a property's Required Building Line (RBL), the property owner has the option—for that property's street frontage only—of applying either BFS for a maximum additional distance of 50 feet in either direction along the RBL.

2. Façade Composition

a. For each Block face, Façades along the RBL shall present a *complete and discrete vertical façade composition* (i.e., architectural articulation to maintain and protect human-scale for the Street-Space) at an average street frontage length of no greater than 75 feet for General Mixed-Use and Town frontage sites; and 100 feet for Tech-Shop frontages.

b. "Façade composition" is the arrangement and proportion of Façade materials and elements (windows, doors, columns, pilasters, bays). "Complete and discrete" is much like a façade

for an individual building. To achieve item a. (above) within a building frontage requires, at a minimum, item i. and two additional items from the list below:



i. Clearly different Ground Story façade composition (both framing materials and fenestration proportions).

ii. Different façade compositions (clearly different 'bay' rhythm, i.e. "ABA" – "ABBA" _ "BAAB" – "ABCBA". See illustration.

iii. Different wall material (clearly different external wall material – color changes do not suffice)

iv. Change in Fenestration percentages (minimum difference is 12 percent; ground floor Façades are not included).

3. Building Size

The maximum building footprint for a building is: 25,000 square feet for the General Mixed-Use frontage; 50,000 square feet in the Tech-Shop; no limit for the Flex frontage; and 10,000 square feet for the Townhouse/Small Apartment and Detached frontage. These limits shall not limit parking structures built according to this Ordinance.

4. Neighborhood Manners

a. For any BFS frontage except Townhouse/Small Apartment and Detached, the following standards shall apply:

i. Where a Development Parcel has a Common Lot Line with a single family detached residential lot, there shall be a 30 foot setback for any buildings.

ii. Where a Development Parcel abuts an existing single family neighborhood a garden wall or street wall, 4 to 6 feet in height, shall be constructed within one foot of the Common Lot Line or Alley.

iii. Where a Development Parcel is located within 50 feet of an existing single-family residential zoning district, any structure shall have a maximum height of 30 feet. This requirement supersedes the minimum story height requirement.

b. Height

i. The height of all buildings is measured in stories, with an ultimate limit in feet, measured from the top of the wall plate to the fronting sidewalk elevation, unless otherwise designated herein.

ii. An Attic Story is not included in the height measurement.

iii. If an individual Story exceeds the maximum floor-to-floor height, it shall be counted against another story, and no individual building may exceed the BFS prescribed ultimate height.

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iv. Any portion of a parking structure within 30 feet of any building (constructed after approval of the Regulating Plan) shall not exceed the building's primary ridge or Parapet Height.

v. Mezzanines that have a floor area greater than 1/3rd of the floor area of the Story in which they are located shall count as an additional full Story in the Story height measurement.

vi. The prescribed minimum clear-height (floor to ceiling) shall be met by at least 80 percent of the specified Story area.

vii. Mechanical Penthouses:

1. Shall not cover more than 30% of a rooftop,
2. Shall not be more than 15 feet in height,
3. Shall be set back a minimum of 15 feet from roof edges, and
4. Shall have noise reduction and visual screening.

viii. Any portion of a buildable area within 500 feet of the Route 101 right-of-way may increase in height up 1 Story or 14 feet.

5. Sitting

a. Within 30 feet of a Block Corner, the building façade shall be built to the RBL, unless otherwise specified in the BFS.

b. A street wall shall be required along any RBL frontage that is not otherwise occupied by a building, unless otherwise designated in the BFS or Regulating Plan. Unless otherwise designated, a required street wall shall be located not more than 8 inches behind the RBL.

c. The RBL, designated on Regulating Plan as an absolute line, incorporates an offset area (or depth) of 24 inches into the buildable area allowing for facade articulation, unless otherwise designated herein. Where the façade is placed within that 24 inch depth, it shall be considered to be "built-to" the RBL.

d. Buildings may only occupy that portion of the lot specified as the buildable area—the area behind the RBL as designated by the BFS.

e. No part of any building may be located outside of the buildable area except overhanging eaves, awnings, storefronts, stoops, bay windows, handicapped ramps (as approved by Code Enforcement Officer), signage or balconies, as designated in the individual BFS.

f. No part of any building may be located outside of any designated lot building limit.

g. There is no required setback from Alleys or common drives except as otherwise indicated in the BFS. On lots without Alley access, there shall be a minimum 15-foot setback from the rear lot line.

h. There are no side lot setbacks, except as specified in the Neighborhood Manners (above) or in the BFS.

i. The parking setback line is generally 30 feet behind the RBL and extends vertically as a plane unless otherwise indicated on the Regulating Plan or in the BFS. Vehicle parking shall be located behind the parking setback line, except where parking is provided below grade, on-street, or otherwise indicated on the Regulating Plan.

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j. Curb cuts or driveways shall be located at least 75 feet away from any block corner or Alley access point on the same block face. These requirements are not applicable along Alleys or common drives.

k. Corner lots and through lots shall satisfy the build-to requirements for all their frontages (RBLs), unless otherwise specified in this Ordinance.

l. Pervious paving materials are encouraged for driveways, Alleys, and parking areas, maintenance and upkeep of which remains with the property owner. Maintenance procedures and schedules shall be included in any required O&M Plan for the project.

6. Elements

a. Fenestration is measured as a percentage of the façade per Story (measured between floor levels).

b. No window may face or direct views toward a Common Lot Line within 15 feet unless:

i. That view is contained within the lot (e.g. by a Privacy Fence/Garden Wall); or

ii. The sill is at least 6 feet above its finished floor level.

c. Balconies and Stoops shall not project within 5 feet of a Common Lot Line.

d. No part of any building except overhanging eaves, Awnings, Balconies, Bay Windows, Stoops, steps, handicapped ramps approved by the Code Enforcement Officer, signage and Storefronts as specified by the Ordinance may project beyond the RBL.

e. At least one functioning entry door shall be provided along each Ground Story façade at intervals not greater than 75 feet, or as otherwise specified in the BFS.

f. Privacy fences may be constructed along that portion of a Common Lot Line behind the RBL and not otherwise occupied by a building.

7. Civic Use Buildings

When designated on the Regulating Plan, Civic Use Buildings are exempt from BFS standards.

8. General Storefront Frontages

Where designated on the Regulating Plan, these frontages shall use the General Mixed-use BFS standards, except that the Ground Story configuration shall be for Retail – that of a Storefront:

a. The Ground Story Fenestration shall comprise between 40% and 90% of the façade.

b. At least one functioning entry door shall be provided along each Ground Story Façade at intervals not greater than 60 feet on center.

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C. BUILDING FORM MATRIX

Table 3: Building Form Matrix by Subdistrict

Building Form Standards Allowed in Each Subdistrict						
Subdistrict	Building Form Standards					
	General Mixed-Use	General Storefront	Tech-Shop	Flex	Townhouse/ Small Apartment	Detached
Central	■	■	■	■	■	■
Outer		■	■	■	■	■
Open Space				■		■

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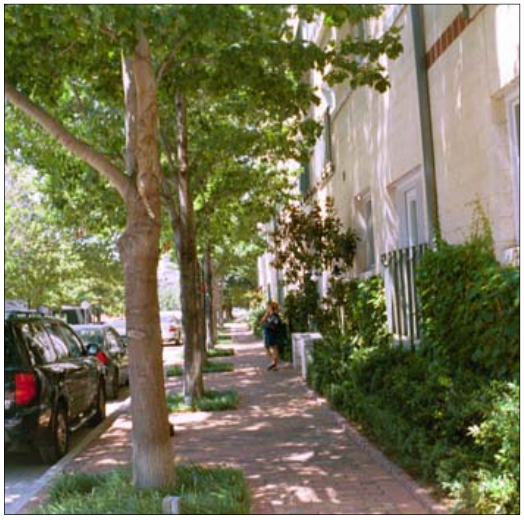
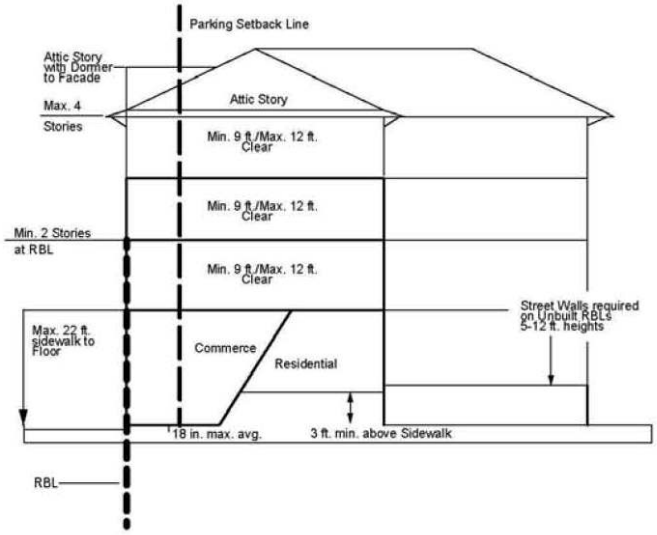
D. GENERAL MIXED-USE FRONTAGE

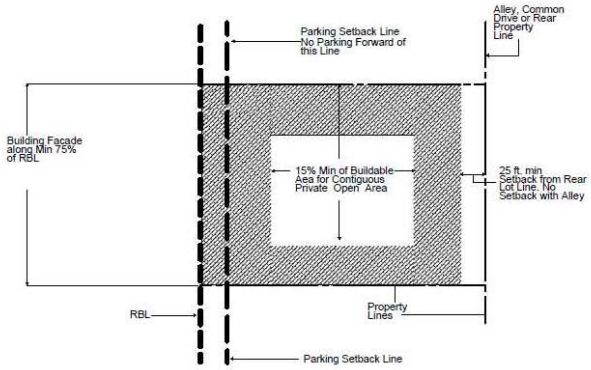
1. Illustrations and Intent

The General Mixed-Use Building Form Standard is the basic street frontage, common across the United States until the recent past. The uses are not specific, ranging from Commerce to Residential, retail to Civic—or some combination of all of the above. The primary form is that of a multi-story building placed directly at the sidewalk, with windows across the facade. There could be several buildings lined up shoulder to shoulder filling out a block, or a single building on smaller blocks might fill the frontage line. Depending on block length, there will be one or more functioning entrances and the building façade composition will be visually broken into vertical bays.

Note: The images and diagrams are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Form Standard. Illustrations provided by the of Bedford, NH and Celebration Associates, LLC, and the Tri-Town Development Area in partnership with Ferrell Madden Lewis, Robinson & Cole LLP and VHB, Vanasse Hangen Brustlin, Inc.







2. Height

a. Building Height

Each building shall be at least 2 stories in height, but not greater than 4 stories and 60 feet.

b. Ground Story Height: Commerce Uses

i. The average Ground Story finished floor elevation within 30 feet of the RBL shall be:

1. Not lower than the front exterior sidewalk elevation
2. Not higher than an average finished floor elevation of 18 inches above the sidewalk.

ii. The Ground Story shall have at least 15 feet of clear interior height (floor to ceiling) contiguous to the RBL for a minimum depth of 30 feet.

iii. The maximum Ground Story height is 22 feet, measured from the sidewalk to the second Story floor.

iv. See General Storefront frontage for special conditions, below.

c. Ground Story Height: Residential Units

i. The average finished floor elevation shall be no less than 3 feet above the exterior sidewalk elevation at the RBL.

ii. The Ground Story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum sidewalk to second Story floor height of 22 feet.

d. Upper Story Height

i. The maximum clear height (floor to ceiling) for stories other than the Ground Story is 12 feet.

ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.

e. Street Wall Height

A Street Wall not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL that is not otherwise occupied by a building on the lot.

3. Siting

a. Façade

i. On each lot the building façade shall be built-to the Required Building Line for at least 75% of the RBL length.

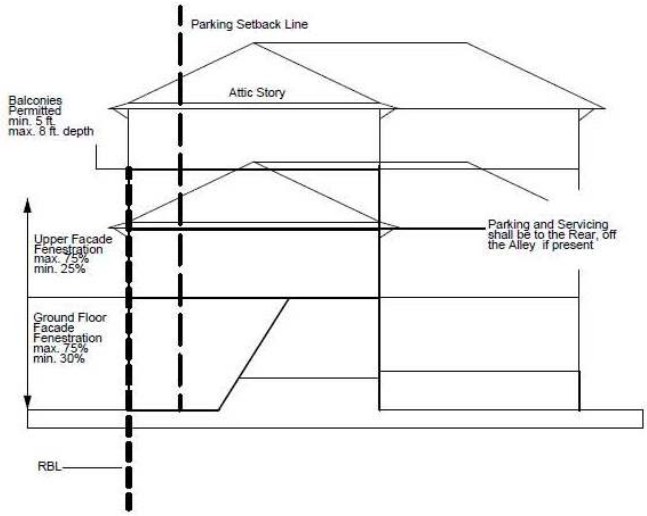
ii. Within 8 feet of the Block Corner, the Ground Story façade may be pulled away to form a corner entry.

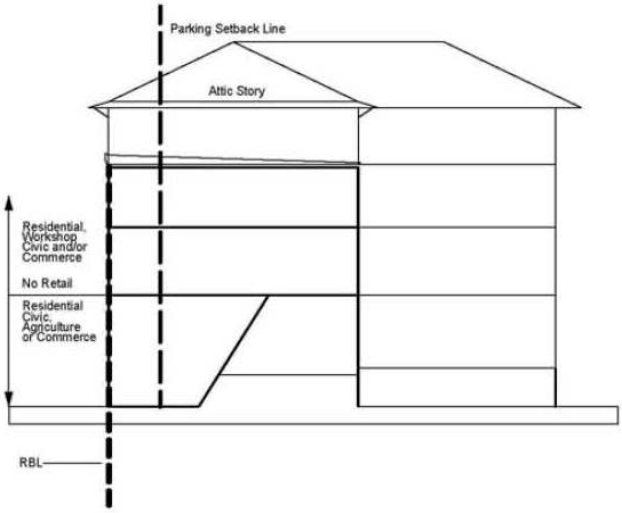
b. Buildable Area

A contiguous Private Open Space equal to at least 15% of the total Buildable Area shall be preserved on every lot. Such contiguous Private Open Space may be located anywhere behind the Parking Setback Line and not including any side or rear setbacks, at or above grade.

c. Garage and Parking

Openings in any RBL for parking garage entries shall have a maximum clear height no greater than 16 feet and a clear width no greater than 22 feet.





4. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBL.
      ii. Ground Story Fenestration shall comprise between 30% and 75% of the façade. Where designated as General Storefront the Ground Story Fenestration shall comprise between 40% and 90% of the façade.
      iii. Upper Story Fenestration shall comprise between 25% and 75% of the façade area per Story.
   b. Building Projections
      i. Awnings shall project:
         1. A minimum of 5 feet from the Façade
         2. A maximum of not less than 4 feet back from any Street Tree Alignment Line.
   c. Awnings that project over the sidewalk portion of a Street-Space shall maintain a clear height of at least 10 feet.
   d. Awnings may have supporting posts at their outer edge provided that they:
      i. Have a minimum of 8 feet clear width between the Façade and the support posts or columns of the awnings, and
      ii. Have between 18 and 24 inches between the support posts or columns of the Awnings and the back of curb, and
      iii. Provide a continuous Clear Walkway at least 4 feet wide running adjacent and parallel to the awning columns/posts.
   e. Street Walls
      One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required Street Wall.

5. Use
   a. Ground Story
      The Ground Story may only house Commerce, Civic, Agriculture or Residential uses (See Section 6.06.11.C). See height specifications above for specific requirements unique to each use.
   b. Upper Stories
      i. The upper stories may only house Commerce, Workshop, Civic or Residential uses (See Section 6.06.11.C). No restaurant or Retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.
      ii. No Commerce use is permitted above a Residential use.
      iii. Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.
      iv. Refer to Section 6.06.11.A.5 for specific standards related to restaurant or Retail sales uses in upper Stories.

6. Commerce Use Special Conditions
   Where designated on a Regulating Plan as General Storefront these frontages shall use the General Mixed-use BFS standard, excepting that the Ground Story configuration shall be for Commerce – that of a Storefront. (See Section 6.06.8.B.8 General Storefront Frontages).

E. TECH-SHOP FRONTAGE

1. Illustrations and Intent

The Tech-Shop Building Form Standard accommodates Workshop, Industrial and limited Commerce uses, including research and development businesses, large and small scale manufacturing, and repair or workshops – including artisans. These structures are of limited height and are built to the fronting sidewalks. Exterior work areas are confined to work courts and/or at the center of the Block.

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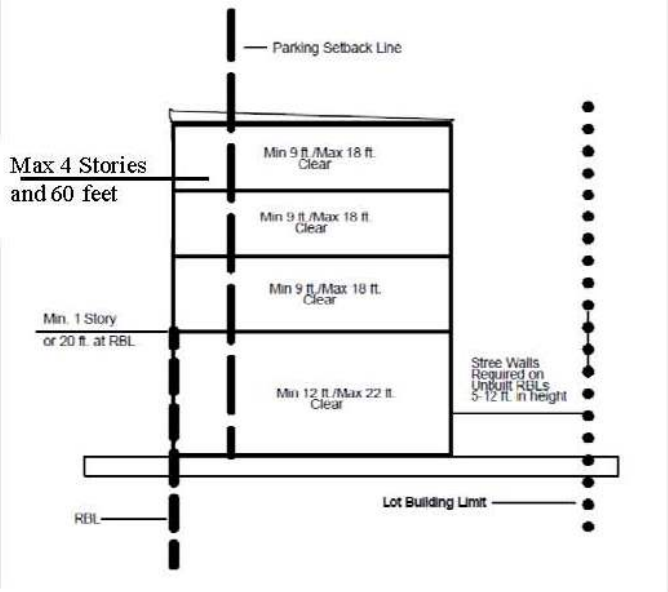
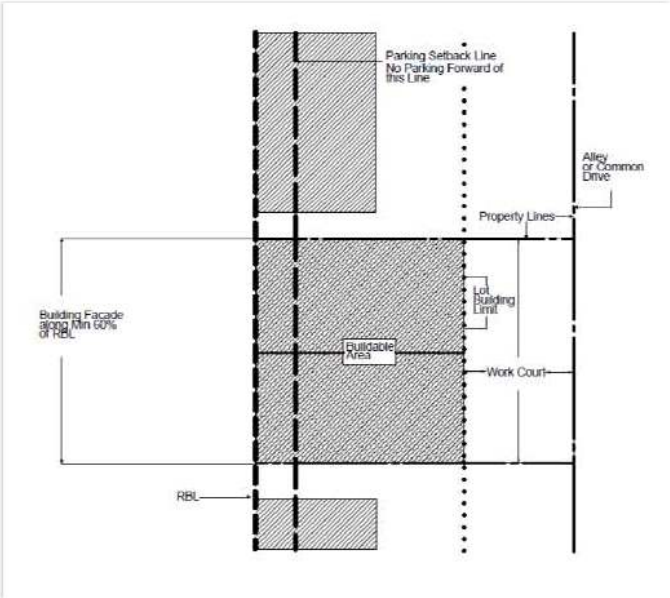
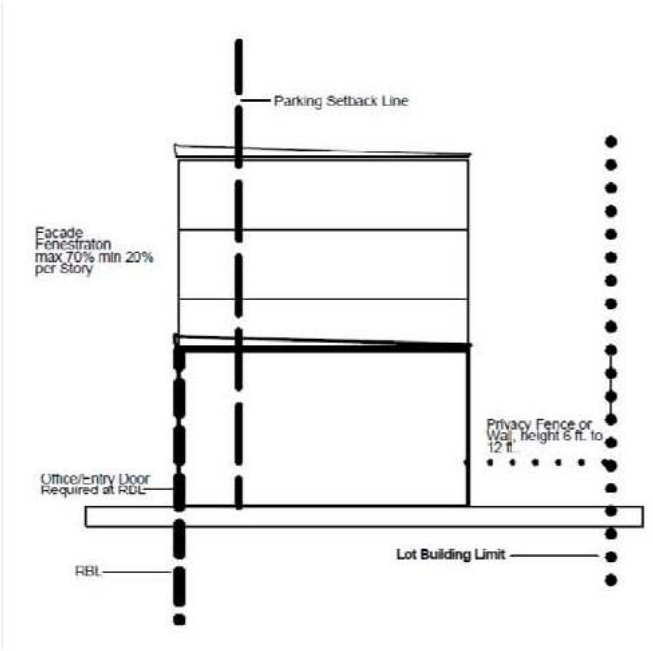
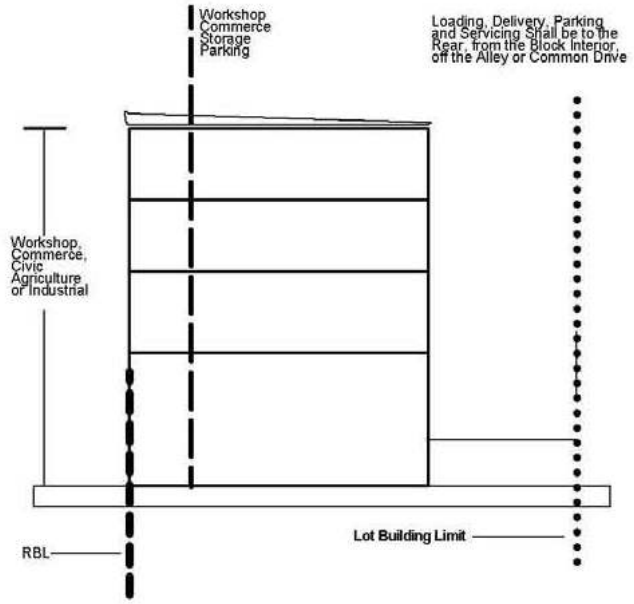




2. Height
   a. Building Height
      Each building shall be at least 20 feet in height, but not greater than 4 stories and 60 feet.
   b. Ground Story Height
      i. The average Ground Story finished floor elevation shall be between zero (equal to) and 24 inches maximum above the exterior sidewalk elevation in front of the building (excepting as may be required for flood or stormwater requirements).
      ii. The Ground Story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the RBL for a minimum depth of 30 feet.
      iii. The maximum Ground Story height is 22 feet, measured from the sidewalk to the second Story floor.
   c. Upper Story Height
      i. Upper Stories shall have an interior clear height (floor to ceiling) maximum height of 18 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   d. Street Wall Height
      A Street Wall not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL that is not otherwise occupied by a building on the lot.

3. Siting
   a. Façade
      i. On each lot the building façade shall be built-to the Required Building Line for at least 60% of the RBL length.
      ii. The Ground Story façade may be chamfered within 12 feet of a Block Corner.
   b. Buildable Area
      No part of any building, except overhanging eaves, or awnings shall occupy the area behind the Lot Building Limit. The area may be used for loading, circulation and/or as a workyard.
   c. Alleys
      There is no required setback from Alleys or Common Drives, except as provided by a Lot Building Limit on the Regulating Plan.
   d. Garage and Parking
      Garage doors shall not be located on the RBL.





3. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 35 linear feet are prohibited on all RBL.
      ii. Fenestration shall comprise between 20% and 70% of the façade.
   b. Building Projections
      i. Awnings shall project a minimum of 5 feet and a maximum of:
         1. Within 1 foot back of the curb where there are no Street Trees, or
         2. 1 foot into the Tree Lawn (where there are Street Trees).
      ii. Awnings that project over the sidewalk portion of a Street-Space shall maintain a clear height of at least 10 feet.
   c. Street Walls
      One access gate no wider than 25 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required Street Wall.

4. Use
   a. Ground Story
      i. The Ground Story may only house Workshop, Commerce, Civic, Agriculture or Industrial uses (See Section 6.06.11.B).
      ii. Retail uses shall be limited to a maximum of 1,000 gross square feet.
   b. Upper Stories
      i. The upper stories may only house Workshop, Commerce, Civic or Industrial uses.
      ii. No restaurant or Retail uses shall be allowed in upper stories.

H. FLEX FRONTAGE

As the name implies, the Flex Building Form Standard is the most flexible. This frontage accommodates Commerce, Workshop, Civic, Industrial and Agricultural uses but limits the size of Retail uses to accessory only.

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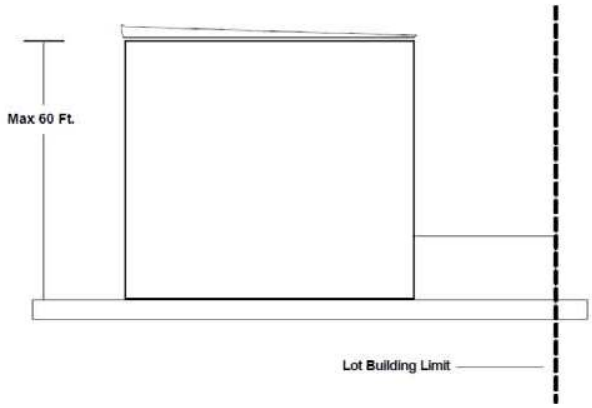
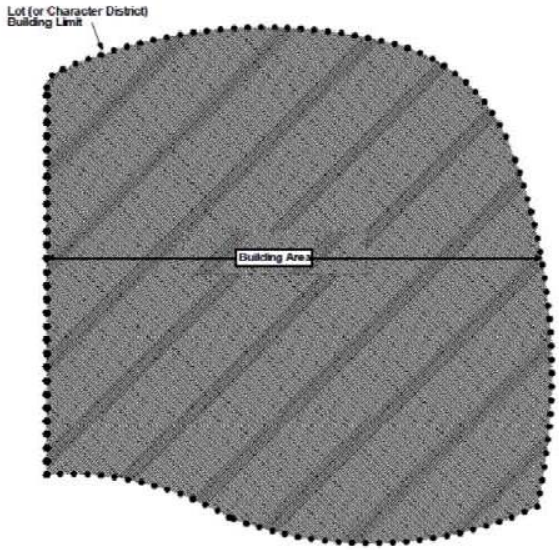
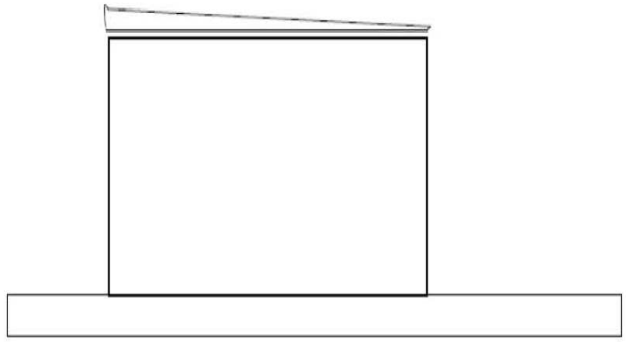
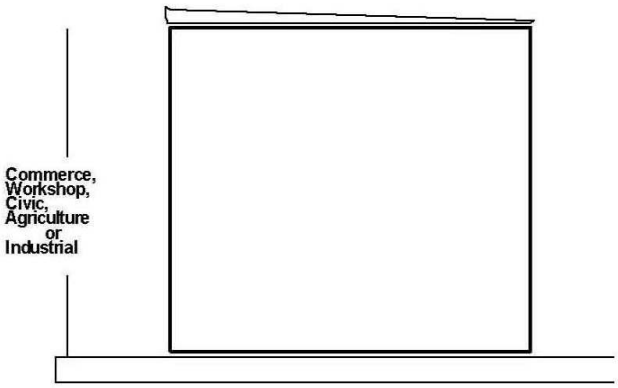




2. Height
   a. Building Height
      Each building shall be at least 20 feet in height, but not greater than 60 feet.
   b. Ground Story Height
      N/A
   c. Upper Story Height--
      N/A
   d. Street Wall Height
      N/A

3. Siting
   a. General
      i. Buildings shall orient their main entrances toward the street where possible.
      ii. Buildings with main entrances not oriented toward the street shall be oriented toward internal roadways and sidewalks within the site.
      iii. Main entrances shall have human scale features, architectural details, landscaping and adequate signage.
      iv. New buildings should have similar massing, form and height as surrounding buildings.
      v. Buildings shall be designed so as to minimize the appearance in mass and scale.
      vi. Architectural features, windows, entrances and building materials can reduce the appearance of building size.
      vii. Screened Loading Docks and Storage Areas
         1. All loading docks shall be well screened to conceal delivery trucks and bays from view.
         2. Storage of supplies must be inside storage buildings.
         3. Outside storage of supplies shall be heavily screened with attractive landscaping or fencing.
   b. Façade
      N/A.
   c. Buildable Area
      No part of any building, parking, loading circulation and/or workyard shall occupy the area beyond the Lot Building Limit.
   d. Alleys
      N/A
   e. Garage and Parking
      i. Parking should be located to the rear and side of buildings to avoid large parking lots in front of buildings.
      ii. Landscaping and small street trees shall be densely planted between parking areas and the Street-Space.
      iii. Special crosswalk and sidewalk treatments shall be used to create safe internal pedestrian access between parking lots and buildings.





3. Elements
   a. General
      i. Architectural features, windows, entrances and building materials can reduce the appearance of building size.
      ii. Buildings and adjacent walkways shall use a variety of architectural materials, colors and features to create attractive and visually appealing structures.
      iii. Corrugated metal buildings and large flat wall surfaces should not be located within view of both internal and external street networks, or shall be screened and situated in less visible areas of the site.
   b. Fenestration
      N/A
   c. Building Projections
      N/A
   d. Doors/Entries
      At least one functioning pedestrian entry door shall be provided on the front Ground Story façade.
   e. Street Walls
      N/A

4. Use
   a. Ground Story
      i. The Ground Story may only house Workshop, Commerce, Civic, Agriculture or Industrial uses (See Section 6.06.11.C).
      ii. Retail uses shall be limited to a maximum of 1,000 gross square feet.
   b. Upper Stories
      i. The upper stories may only house Workshop, Commerce, Civic, Agriculture or Industrial uses (See Section 6.06.11.C).
      ii. No restaurant or Retail uses shall be allowed in upper stories. Residential use is permitted on the top Story or upper most Story only and shall not exceed 25% of the gross floor area of the entire building.

I. TOWNHOUSE/SMALL APARTMENT FRONTAGE

1. Illustrations and Intent

The Townhouse/Small Apartment Building Form Standard is of moderate intensity, often created by a series of smaller attached structures for a mix of Residential and Commerce including; single-family residential, stacked flats, service commercial, or live-work arrangements. This standard has regular Street-Space entrances, as frequently as 18 feet. The character and intensity of this frontage varies with the siting/location of the Required Building Line – the building may be placed up to the sidewalk with stoops (at the RBL), or further back with front porches and/or small dooryard gardens (at RBL2). Similarly, the tree lawns may be found uncovered and continuous or partially covered in the Street-Space, depending on the street intensity.

Similar to the scale of the townhouse and row house, a small apartment can also be used to transition the from a higher intensity to abutting single-family neighborhoods.

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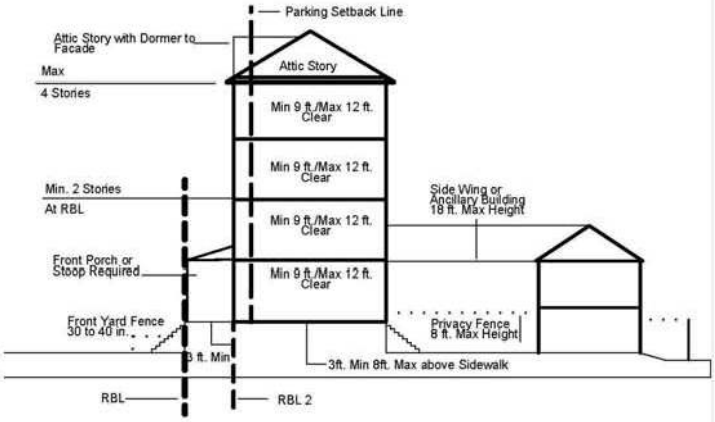
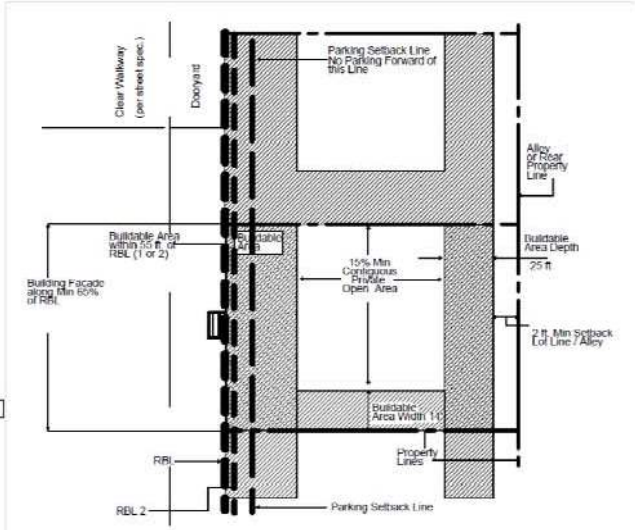
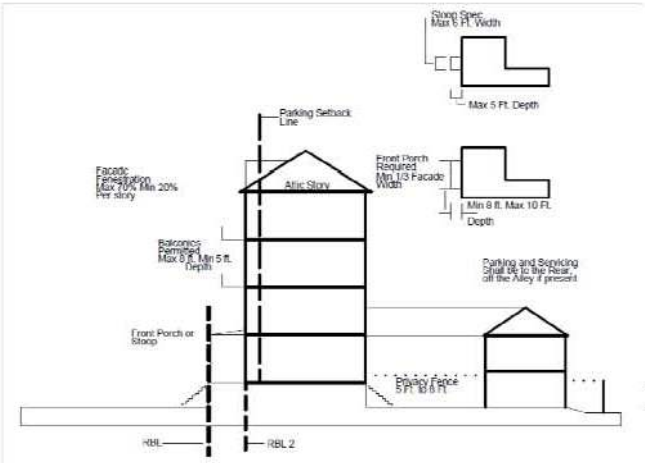
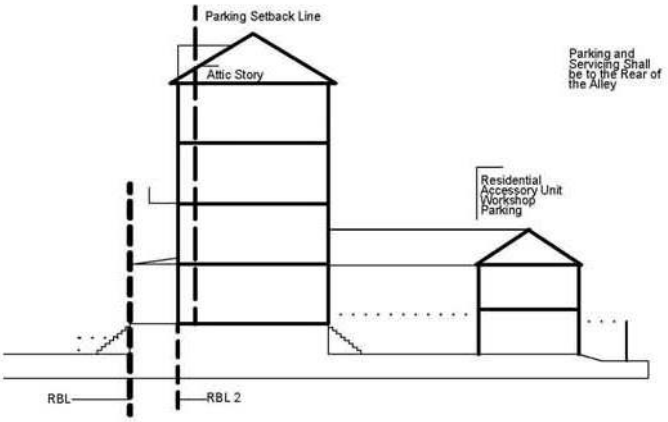




2. Height
   a. Building Height
      i. Each building shall be at least 2 Stories in height, but no greater than 3 Stories and 43 feet in height.
      ii. A Sidewing or ancillary structure shall be no higher than 18 feet in height.
   b. Ground Story Height
      i. The average Ground Story finished floor elevation shall be no less than 3 feet and no more than 8 feet above the exterior sidewalk elevation at the RBL.
      ii. At least 80% of the Ground Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
      iii. The maximum Ground Story floor to ceiling height is 12 feet.
   c. Upper Story Height
      i. The maximum clear height (floor to ceiling) for Stories other than the Ground Story is 12 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   d. Street Wall Height
      A Street Wall not less than 4 feet in height or greater than 8 feet in height is recommended along any RBL that is not otherwise occupied by a building on the lot.

3. Siting
   a. Façade
      i. The Townhouse/Small Apartment frontages have both the given RBL and a second "RBL2". This is offset 10 feet from the given RBL into the lot.
      ii. On each lot the building Façade shall be built-to either the:
         1. RBL for at least 65% of its length.
         2. RBL2 for at least 65% of its length with a Front Porch of at least that same width (65% of the RBL2).
         3. The RBL2 for at least 65% of its length.
      iii. Option ii.3 is not available within 20 feet of a Block Corner.
      iv. Shifts between RBL and RBL2 alignments shall be limited to 1 change per 75 feet of Block Face.
   b. Buildable Area
      The Buildable Area is as defined in the diagram above. A contiguous Private Open Space equal to at least 15% of the total Buildable Area shall be preserved on every lot. Up to 33% of the required Open Space may be satisfied through the balconies of individual units. This area may be located anywhere behind the Parking Setback Line and not including any side or rear setback areas, at grade.
   c. Alleys
      There is no required setback from Alleys or Common Drives, except as provided by a Lot Building Limit on the Regulating Plan.
   d. Garage and Parking
      i. Garage doors/entries are not permitted on any RBL/façade.
      ii. At-grade parking may be forward of the parking setback line only when it is within a garage on a corner lot and the parking areas frontage width is less than 25 feet.
   e. Frontage Widths
      i. The minimum lot width is 20 feet, with public water and sewer. If public water and sewer are not available see the Section 5.03.0 Residence B, of the Zoning Ordinance.
      ii. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 120 feet of continuous attached Street Frontage. A gap of 10 feet to 20 feet is required between each such attached structure.





4. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 15 linear feet are prohibited on all RBL.
      ii. Fenestration shall comprise between 20% and 70% of the façade.
      iii. No window may face or direct views toward a Common Lot Line within 20 feet unless:
      iv. That view is contained within the lot (i.e. by a Privacy Fence/Garden Wall) or,
      v. The sill is at least 6 feet above the finished floor level.
   b. Building Projections
      i. Each lot/Ground Story unit shall include:
         1. A stoop of not more than 5 feet deep and 6 feet wide (not including steps) may be roofed but not enclosed, or
         2. A front porch, between 8 feet and 10 feet deep with a width not less than 1/3rd of the facade, or as specified in Siting, Facade.
      ii. No front porch may sit forward of the RBL.
      iii. See Front Porch for additional dimensional requirements.
   c. Doors/Entries
      Each RBL/Façade Ground Story unit shall provide a functioning entry door with direct Street-Space access.
   d. Street Walls
      One access gate no wider than 20 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any Street Wall.

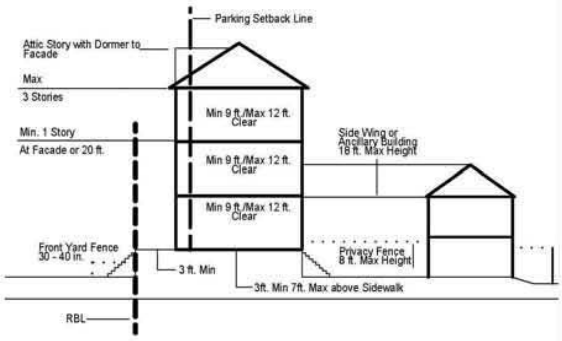
5. Use
   a. Ground Story
      The Ground Story may only house service Commercial, Civic, or Residential uses (See Section 6.06.11.B)
   b. Upper Stories
      i. The upper Stories may only house Civic or Residential uses (See Section 6.06.11.B).
      ii. Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.
   c. Accessory Unit
      i. One English Basement Unit or one accessory unit is permitted per lot.
      ii. Parking and Accessory Unit (maximum 700 square feet) are permitted in the Buildable Area at the rear of the lot.
   d. Live-Work Frontage Special Conditions
      Where designated on the Specific Regulating Plan as Live-Work, these frontages shall use this BFS standard, excepting that they have the option of using the ground Story configuration for Commerce – that of a storefront. (See Section 6.06.B.8 for General Storefront).

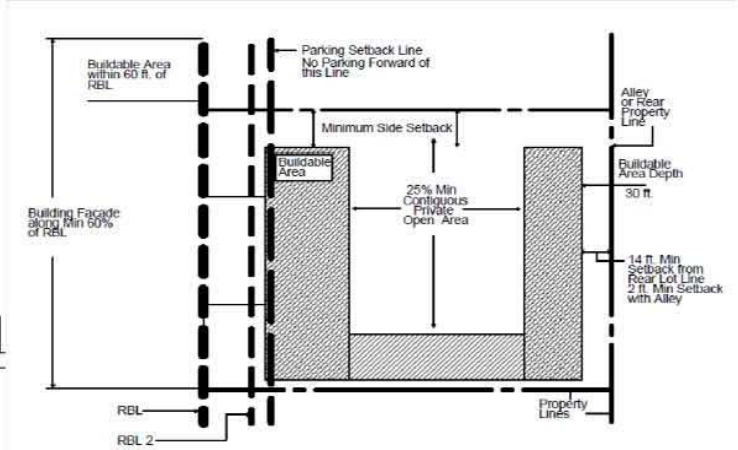
J. DETACHED FRONTAGE

1. Illustrations and Intent

The Detached frontage Building Form Standard is represented by the traditional single-family house with small front, side and rear yards along a tree-lined street. Structures are 1 to 3 Stories in height with pitched roofs and front porches.

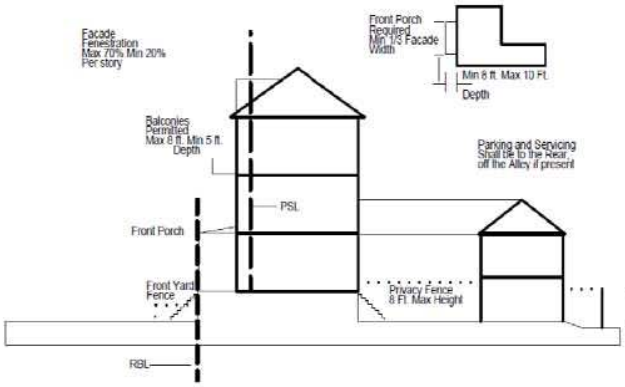
Note: The images and diagrams are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Form Standard. Illustrations provided by the of Bedford, NH and Celebration Associates, LLC, and the Tri-Town Development Area in partnership with Ferrell Madden Lewis, Robinson & Cole LLP and VHB, Vanasse Hangen Brustlin, Inc.

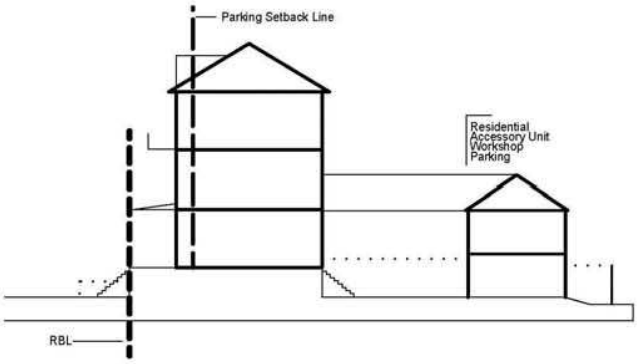




2. Height
   a. Building Height
      i. Each building shall be at least 1 Stories in height, but no greater than 3 Stories and 43 feet in height.
      ii. A Sidewing or ancillary structure shall be no higher than 18 feet in height.
   b. Ground Story Height
      i. The average Ground Story finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the RBL.
      ii. At least 80% of the Ground Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
      iii. The maximum Ground Story floor to ceiling height is 12 feet.
   c. Upper Story Height
      i. The maximum clear height (floor to ceiling) for Stories other than the Ground Story is 12 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   d. Front Yard Fence
      A Front Yard Fence is allowed within one foot of the Clear Walkway/ Dooryard line and any Common Lot Lines back to the house Façade alignment, with a minimum height of 30 inches and a maximum height of 40 inches. See Front Yard Fence for additional requirements.

3. Siting
   a. Façade
      i. The Detached frontages have both the given RBL and a second "RBL 2". This is offset 10 feet from the given RBL into the lot.
      ii. On each lot the building Façade shall be built-to either the:
         1. RBL for at least 60% of its length.
         2. RBL2 for at least 60% of its length with a Front Porch of at least that same width (60% of the RBL2).
         3. The RBL2 for at least 60% of its length.
      iii. Option ii.3 is not available within 20 feet of a Block Corner.
      iv. Shifts between RBL and RBL2 alignments shall be limited to 1 change per 75 feet of Block Face.
      v. For Corner Lots the minimum 60% bulild-to shall include the frontage within 20 feet of a Block Corner.
   b. Buildable Area
      A contiguous Private Open Space equal to at least 25% of the total Buildable Area shall be preserved on every lot. This area may be located anywhere behind the Parking Setback Line and not including any side or rear setback areas, at grade.
   c. Lot Size
      i. Within the Central District: each lot has a minimum width at the RBL of 50 feet and a minimum depth of 100 feet, with public water and sewer. If public water and sewer are not available see the Section 5.02.0 Residence A, of the Zoning Ordinance and each lot has a maximum width of 100 feet.
      ii. Within the Outer District: each lot has a minimum width at the RBL of 75 feet and a minimum depth of 100 feet, with public water and sewer. If public water and sewer are not available see the Section 5.04.0 Residence R, of the Zoning Ordinance and each lot has a maximum width of 150 feet.
      iii. Within the Open Space District: Each lot has a minimum width at the RBL of 150 feet and a minimum depth of 100 feet, with public water and sewer. If public water and sewer are not available see the Section 5.04.0 Residence R, of the Zoning Ordinance and each lot has a maximum width of 200 feet.
   d. Front Yard
      The Front yard/Dooryard shall not be paved excepting walkways and driveways. Where double frontage or corner lots exist, any required front yard shall be provided on both streets.
   e. Alleys
      There is a 2 foot required setback from Alleys or Common Drives.
   f. Garage and Parking
      Garage doors shall not be located on the RBL/façade.





4. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBL.
      ii. Fenestration shall comprise between 25% and 70% of the façade.
      iii. No window may face or direct views toward a Common Lot Line within 15 feet unless:
      iv. That view is contained within the lot (i.e. by a Privacy Fence/Garden Wall) or,
      v. The sill is at least 6 feet above the finished floor level.
   b. Building Projections
      i. Each lot should include a Front Porch at the RBL or RBL2, between 8 feet and 10 feet deep with a width not less than 1/3rd of the Façade width. The principal entry to each dwelling unit shall have direct access from a porch, stoop, or patio which faces the street.
      ii. No part of any building except the Front Porch, roof (overhanging eaves) and steps may encroach beyond the RBL or RBL2 into the Dooryard.
      iii. See Front Porch for additional dimensional requirements.
   c. Doors/Entries
      At least one functioning entry door shall be provided along the Ground Story Façade of each building.
   d. Street Walls
      i. There is no Street Wall requirement
      ii. Any Front Yard Fence shall be within 1 foot of the Clear Walkway/Dooryard line parallel to the RBL, and along Common Lot Lines to a point at least 10 feet back from the RBL.
      iii. A Privacy Fence may be constructed along a Common Lot Line behind the Parking Setback Line and parallel to the RBL when setback 15 feet behind the Parking Setback Line.

5. Use
   a. Ground Story
      i. The Ground Story may have house Residential or Agricultural uses(See Section 6.06.11.B)
      ii. Any Accessory Unit may only house Residential uses (See Section 6.06.11.B)
   b. Upper Stories
      i. The upper Stories may only house Residential uses (See Section 6.06.11.B).
      ii. Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.
   c. Accessory Unit
      Parking and Accessory Unit (maximum 700 square feet) are permitted in the Buildable Area at the rear of the lot.

6.06.9 THE PUBLIC RELAM: STREET AND STREETSCAPE STANDARDS

A. APPLICABILITY

1. The public space standards apply to new development as well as the reconstruction of existing streets (or right-of-ways) and other public (and publicly accessible) spaces within the Commerce and Community District.
2. The public space standards establish the rules and standards for the Street-Space or public realm (especially streets and sidewalks).

B. INTENT

1. Although commonly thought of just Squares, greens, plazas or parks, the public space (or public realm) is much more; it includes the complete Street-Space – the public domain between the building Façades: the travel lanes between the curbs as well as the sidewalks; the public plazas as well as parks and Civic Greens.
2. The public space standards are directly related to the goal of defining and enhancing the public realm. Specifically:
   a. They establish an environment that encourages and facilitates pedestrian activity - "walkable" streets that are comfortable, efficient, safe, and interesting.
   b. They ensure the coherence of the Street-Space, serving to assist residents, building owners, and managers with understanding the relationship between the Street-Space and their own lots.
   c. They contribute to overall sustainability. Native trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and stormwater management.
3. Property frontages and building facades are part of the public realm, literally forming the walls of the public Street-Space and are therefore subject to more regulation than the other portions of the private property.
4. The private, interior portions of the lots (toward the Alley or rear lot lines) are much less controlled to allow commercial and industrial operators to utilize these spaces as efficient working environments unseen by the public, and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

C. STREET TYPE SPECIFICATIONS

The street type specifications provide typical configurations for Street-Spaces within the Commerce and Community District. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations.

1. Intent and Principles
   a. Intent
      i. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the Street-Space—both its scale and its details—plays a critical role in determining the pedestrian quality of a given location.

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ii. Streets must balance the needs of all forms of traffic—vehicle, transit, bicycle and pedestrian—to maximize safety, accessibility, mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a larger volume of traffic and provide a more active and intense pedestrian experience while others will provide a less active and more intimate Street-Space.

iii. Within the Subdistricts, outside of the Route 101 connection corridor, these are streets—not highways, arterials, or collectors—and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood street types are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The major street types grant more to the free movements of vehicles, while maintaining fair walkability.

b. Principles

i. The appropriate design of streets is one of the most important design elements for Mixed-use areas or other pedestrian-friendly place.

ii. To design for continuous free-flowing vehicle traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.

iii. With appropriate design techniques, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.

iv. Scale is a primary design consideration for street design elements (from signage to crossing distances)—in a neighborhood, town or city it should be that of the pedestrian.

v. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.

vi. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.

vii. Differences between “requirements” and “preferences” can be significant - increased lane width and the accompanying increased vehicle speed more often than not decrease the overall safety for pedestrians.

viii. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.

ix. Overall function, comfort, safety, and aesthetics of a street are more important than efficiency alone.

x. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.

xi. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.

xii. Designing a street to facilitate (rather than accommodate) infrequent users may actually be the wrong design for the frequent users of the space.

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xiii. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

2. Street Types

a. These are the permitted types and configurations allowed within the Commerce and Community District. The numbers refer to dimensions within the Street-Space. The first number is the Street-Space (the distance between building facades across the street) and the second is the distance between curb faces. Diagrams of each are provided in the following pages.

i. Main Street MS-80/48

ii. Main Street MS-74/42

iii. Neighborhood Street NS-68/36

iv. Neighborhood Street NS-66/34

v. Rural Road R-50/22

vi. Rural Road R-50/20

vii. Bike/Pedestrian Trail T-14/6

viii. Alley A-30

b. Not all street types are appropriate for all Subdistricts. The matrix below indicates which street types are permitted in each Subdistrict.

Table 4:Street Types by Subdistrict

Street Types Allowed in Each Subdistrict								
Subdistrict	Street Types							
	MS-80/48	**MS-74/42**	**NS-68/36**	**NS-66/34**	**R-50/22**	**R-50/20**	**T-14/6**	**A-30**
Center	■	■	■	■			■	■
Outer		■	■	■	■	■	■	■
Open Space		■	■	■			■	

c. Within Subdistricts, intersections configured as roundabouts are discouraged. They are encouraged at the edges of and between Subdistricts, where their ability to break up and distribute traffic flow is most appropriate and least disruptive to pedestrian comfort.

d. On the Main Street (MS-74/42) designated bike lanes are shown. The other street types are configured such that in-lane bike travel is encouraged and appropriate.

e. The Planning Board is authorized to approve waivers pursuant to Section __ of the Development Regulations, to these street type specifications, where, owing to site specific conditions, strict enforcement would be physically impractical. This optional process occurs only when the applicant requests a waiver of the Street Types Section. The Planning Board shall solicit comments from the Department of Public Works prior to reviewing a waiver application for Street Types.

3. Street Type Diagrams

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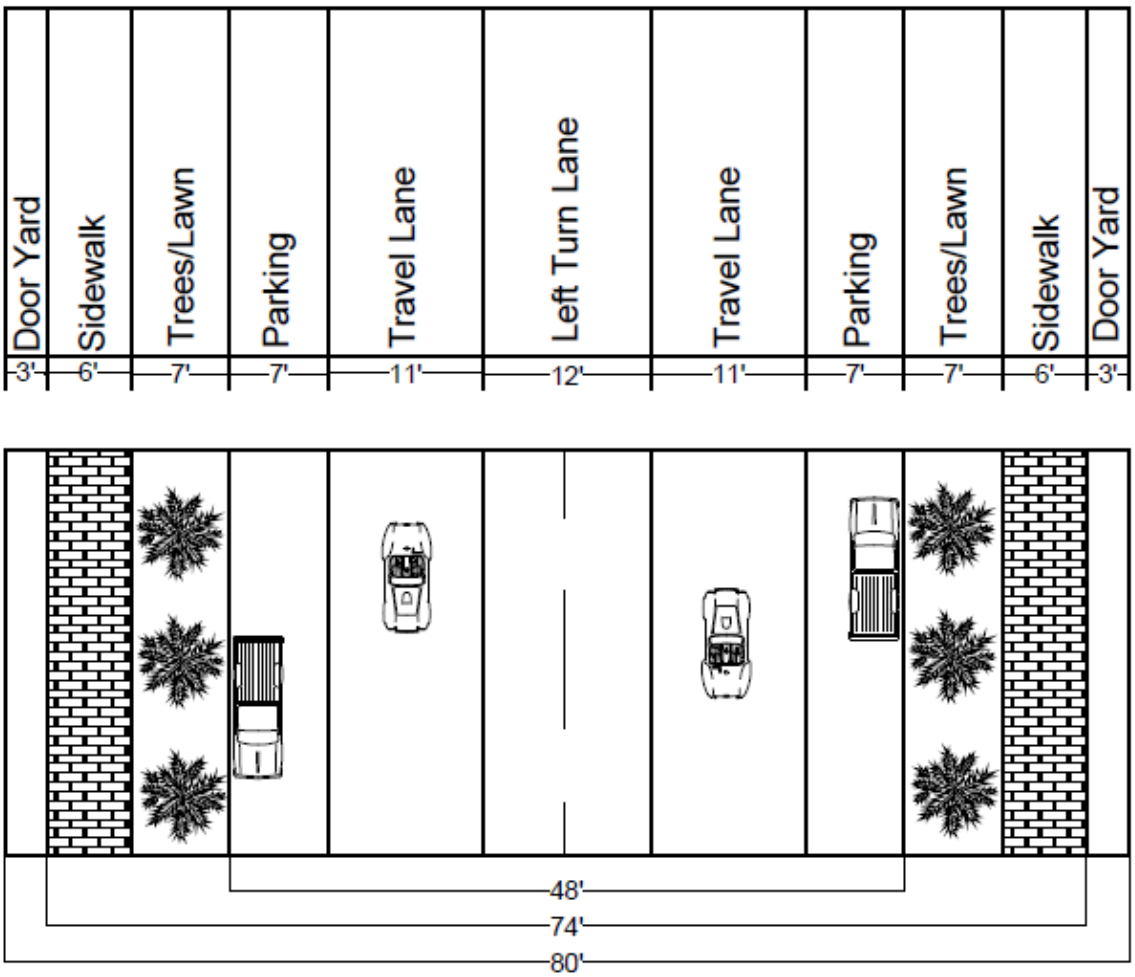
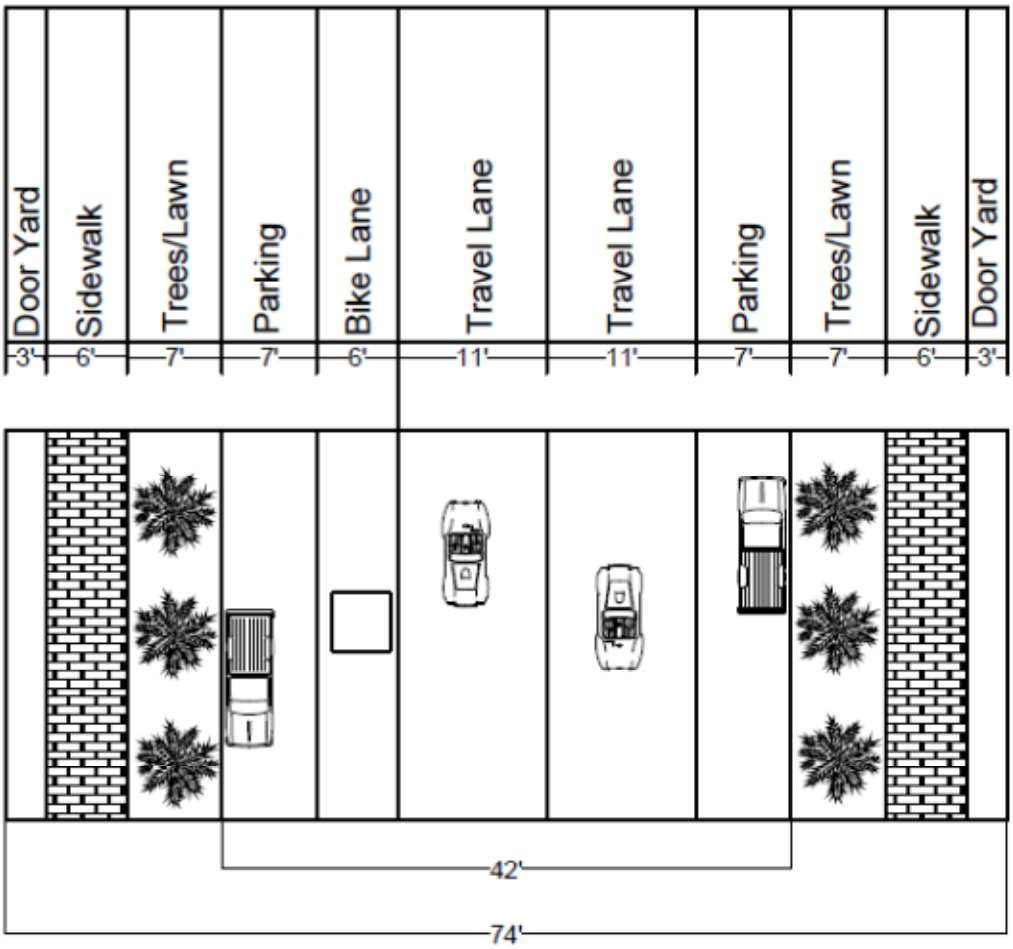
a. Main Street MS-80/48



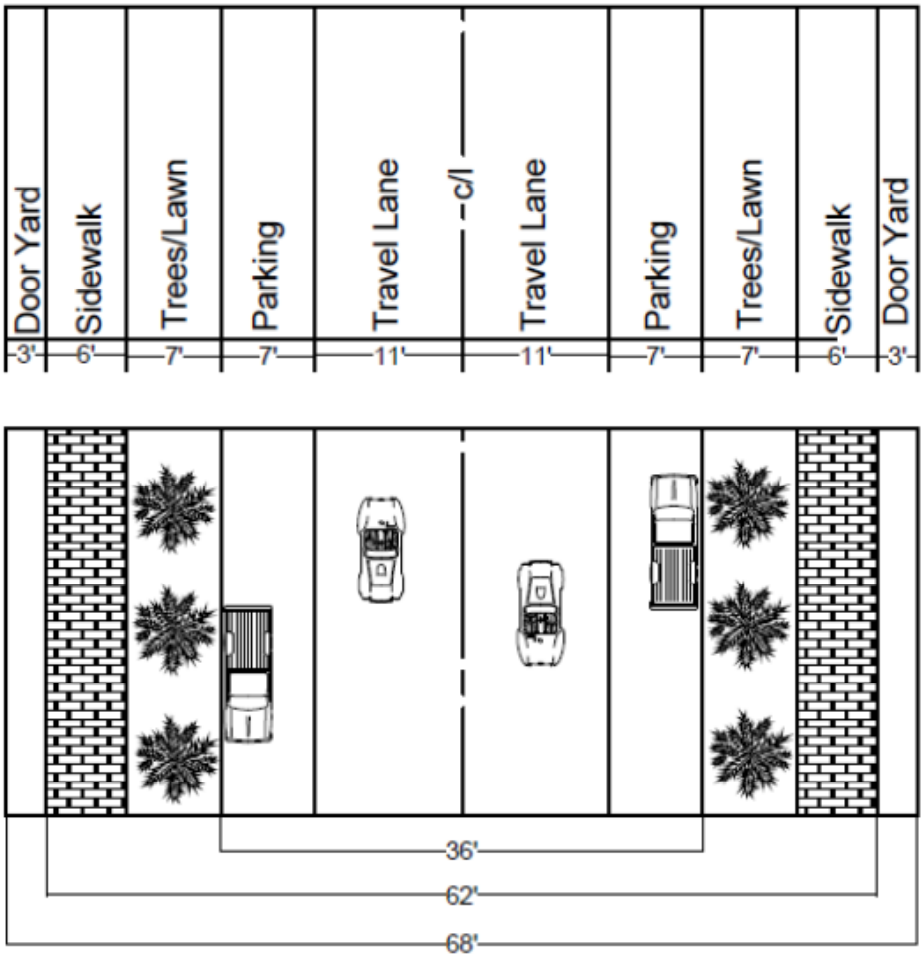
Main Street MS-80/48	
Street-Space	80’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’ (varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	74’ (varies)
Pavement Width	48’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

b. Main Street MS-74/42



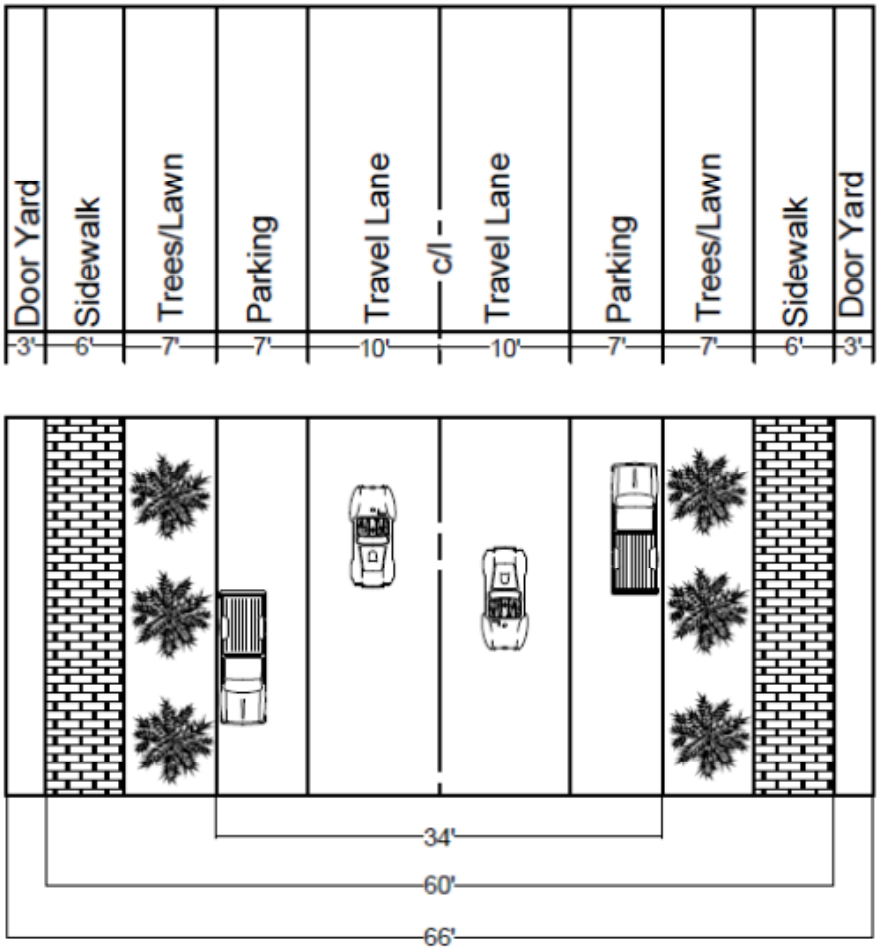
Main Street MS-74/42	
Street-Space	74’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’ (varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	68’ (varies)
Pavement Width	42’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

c. Neighborhood Street NS-68/36



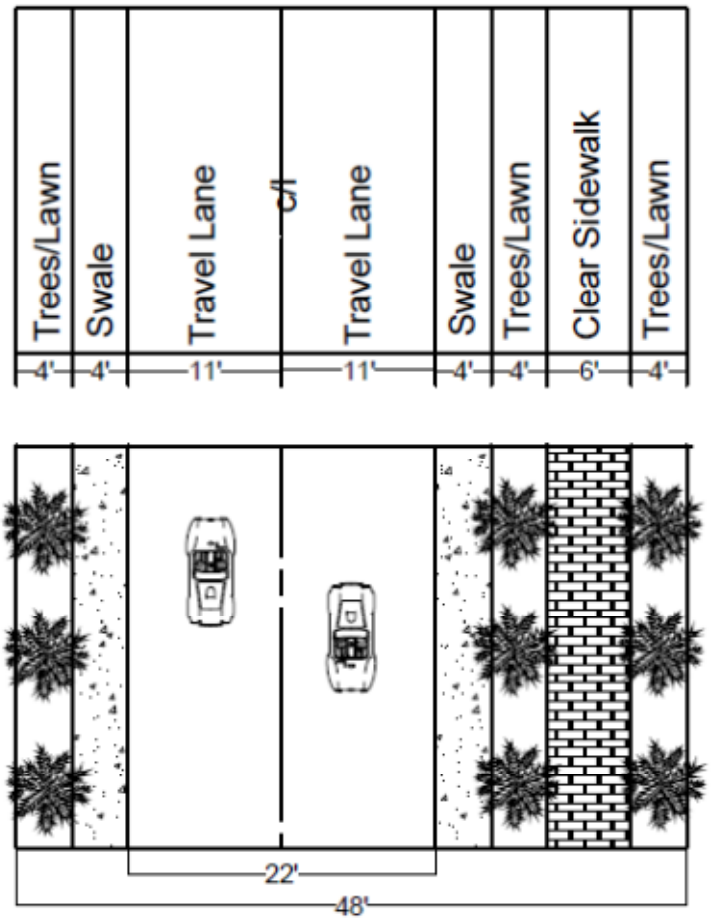
Neighborhood Street NS-68/36	
Street-Space	68’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’ (varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	62’ (varies)
Pavement Width	36’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

d. Neighborhood Street NS-66/34



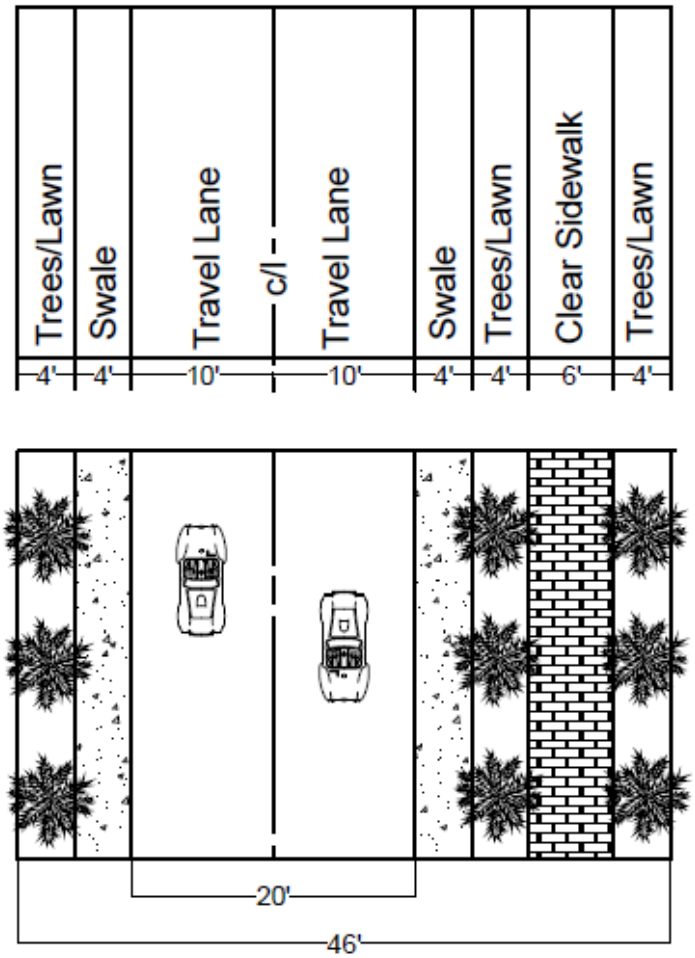
Neighborhood Street NS-66/34	
Street-Space	66’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’(varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	74’ (varies)
Pavement Width	34’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

e. Rural Road R-50/22



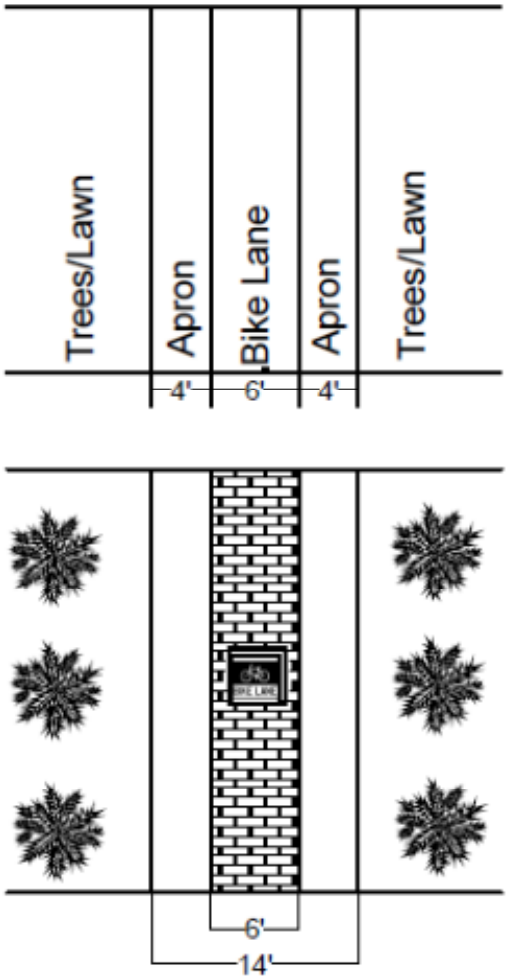
Rural Road R-50/22	
Street-Space	48’
Tree Lawn	4’
Clear Sidewalk	6’
Dooryard	N/A
Type	rural
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	48’ (varies)
Pavement Width	22’
Curb Type	None, swale/ditch
Curb Radius	10’
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

f. Rural Road R-50/20



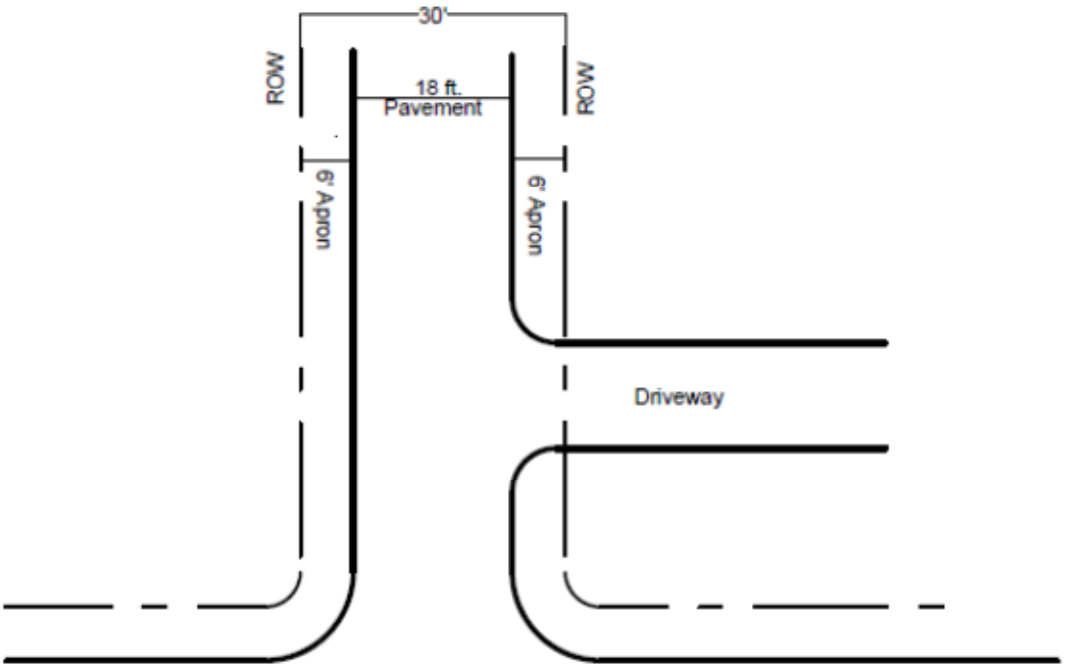
Rural Road R-50/20	
Street-Space	46’
Tree Lawn	4’
Clear Sidewalk	6’
Dooryard	none
Type	rural
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	46’ (varies)
Pavement Width	20’
Curb Type	None, swale/ditch
Curb Radius	10’
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

g. Bike/Pedestrian Trail T-14/6



Bike/Pedestrian Trail T-14/6	
Street-Space	14’
Tree Lawn	varies
Clear Sidewalk	6’
Dooryard	none
Type	trail
Design & Posted Speed	5-10 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	14’
Pavement Width	6’
Curb Type	N/A
Curb Radius	10’
Planting	Street trees maximum average 30’ centers staggered or natural

h. Alley A-30



Alley A-30	
Street-Space	30’
Tree Lawn	N/A
Clear Sidewalk	N/A
Dooryard	N/A
Type	alley
Design & Posted Speed	10-15 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	30’ (varies)
Pavement Width	18’
Curb Type	N/A
Curb Radius	10’
Planting	N/A

D. STREETSCAPE STANDARDS

1. General Provisions

a. All plant material (including trees) shall be non-invasive species and should be native species. No planting materials (including trees) shall be listed on the New Hampshire or Massachusetts Invasive Species lists.

b. All plant material between the RBL and the back-of-curb shall be watered and maintained by the adjoining property owner.

c. All turf grass shall be solidly sodded or seeded at installation. Vegetative groundcovers or natural, uncrushed stone less than 6” may be used in place of turf grass.

d. In addition to the lot, the owner must maintain the following areas:

i. The portion of the Street-Space between their RBL and the back of the curb.

ii. The portion of the Alley or common drive between the lot line and the edge of the Alley pavement.

e. All utility lines shall be placed underground.

f. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any Street-Space. (Water pumps for public fountains or irrigation that are not visible are excluded from this prohibition. Temporary placement of private garbage cans within the Street-Space may be allowed to accommodate scheduled pick-up.)

2. Street Trees

a. Each Street-Space shall have street trees planted along the street tree alignment line (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the site-specific Regulating Plan or Street Type Specification) at an average spacing as specified by Street Type (calculated per block face). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, at no location may street tree spacing exceed 50 feet on center except where necessary for transit stops or stations. Required street tree planting area configurations are specified in the Street Type Specifications and below.

b. Required street tree planting minimum specifications are as follows:

i. Planting areas:

1. Shall be at grade or not greater than six inches in height above or below the sidewalk
2. Shall have a soil surface area not less than 110 square feet per isolated tree or 90 square feet per tree for connected (tree lawn) situations.
3. Shall have no soil surface area dimension of less than 6 1/2 feet unless otherwise specified in this ordinance.
4. These requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived street trees.

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5. Any unpaved ground area shall be covered with natural, uncrushed stone 6” or smaller (i.e. River Rock) or planted with groundcover, flowering vegetation, or climbing vines, not to exceed 12 inches in height.

ii. Street trees:

1. At planting, shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least ten feet in overall height.
2. Species must be selected from the street tree list (see Section 6.06.9.G Tree Lists below). Consult with the Specific Regulating Plan for the designated tree species for a particular Street-Space.
3. Must be “limbed up” as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over the travel lanes of the street) and to maintain visibility.

iii. If any required plantings die within one year they shall be replaced by the property owner.

3. Other Streetscape Elements

a. Street lights on Main and Neighborhood Street types shall be installed on both sides of streets, aligned with the street trees, and unless otherwise designated on the Specific Regulating Plan, at intervals of not more than 80 feet, measured parallel to the street.

b. Street lights on Rural Streets shall be placed at intersections and may be placed on one side of the street, at a maximum average of every 100 feet.

c. Street lights shall be between 9 and 16 feet above ground in height.

d. At the time of development, the developer is required to install street lights and sidewalks, as illustrated in Street Type Specifications, on the side of the Street-Space being developed.

e. Sidewalks not otherwise designated in the Specific Regulating Plan or Street Type Specifications shall be a minimum of five feet wide and be constructed to meet all Town (and ADA) specifications.

f. Street furniture is an element of the overall Street-Space design - not an afterthought.

i. Street furnishings include but are not limited to: seating, trash receptacles and bicycle racks.

ii. Street furnishings should be simple, functional, and durable.

iii. Street furnishings shall be located within the dooryard or along the street tree alignment line, but in no case shall be allowed to obstruct the clear walkway.

4. On-Street Parking

a. On-street parking spaces shall count towards parking requirements. (See 6.06.10 Parking and Loading.)

b. The parking lane pattern may be interrupted by existing or new driveways designated in the Specific Regulating Plan, streets, Alleys, or transit stops.

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c. Parking spaces must be constructed in a manner that allows proper drainage (generally a "w" profile, having a gutter pan between the travel and parking lanes).

d. On-street bicycle parking, as necessary, shall be provided forward of the dooryard area. The racks shall be located in alignment with the street trees and shall not block the clear walkway. (The "U" rack is recommended as the standard rack.)

E. PUBLIC AND OPEN SPACE STANDARDS

1. Intent

These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the Regulating Plan(s).

2. Standards

a. Public Space

i. The Specific Regulating Plan shall include a minimum of 10 percent of the total area dedicated to public spaces for the Central, Outer and Open Space Zones. Public space shall not include lands within required Street-Space cross-sections and other proposed streets.

ii. Public Space shall include facilities and landscapes that promote outdoor activities and enjoyment.

b. Open Space

i. The Specific Regulating Plan shall include the following minimums of percent of the total area dedicated to open space:

1. Central District = ten percent (10%) Open Space
2. Outer District = twenty percent (20%) Open Space
3. Open Space District = thirty percent (30%) Open Space

ii. . Open space shall not include lands within required Street-Space cross-sections and other proposed streets. Open space shall be no narrower than a 1:5 ratio and have no width or breadth dimension of less than 25 feet. (For example, a small open space area could be 25 by 25 feet, 25 by 125 ft, or any proportion in between; however it could not be 20 by 25 feet – too small – nor could it be 25 by 150 feet – too narrow)

iii. Open Space may include septic reserve areas, well protection areas and stormwater management features (i.e. natural areas such as bioretention area, vegetated buffers and rain gardens)

iv. Open Space shall consist of natural areas, or created natural areas such as gardens, landscaped areas and parks, where the public may gather, recreate and enjoy scenic views.

c. Trails

i. The Specific Regulating Plan shall detail any trails through the Development Parcels with connection provided to trails on adjacent properties or open space areas.

ii. Trails shall be a minimum of 6 feet in width and surfaced to provide universal access.

F. PRIVATE OPEN SPACE

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1. Intent

   Although the emphasis of this ordinance is the creation and maintenance of the public realm, these standards area provided to contribute to the overall sustainability of the Commerce and Community District. Trees contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and stormwater management.

2. Standards

   a. At least 1 tree per 800 square feet of private Open Space shall be planted and located no closer than five feet to any Common Lot Line. To encourage the preservation of existing mature trees (six inches in diameter at DBH and fifteen feet in overall height), an existing mature tree may be counted as two trees towards the meeting the total minimum tree standards for Open Space.

   b. Trees shall be at least two inches in diameter at DBH and ten feet in overall height (at time of planting). Species shall be selected from the Tree Lists.

G. TREE LISTS

1. Intent

   Street trees are part of an overall Street-Space plan designed to provide both canopy and shade and to give special character and coherence to each Street-Space. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate street tree list species may grow and change over time. Inclusion in this list must be based on the following criteria:

   a. Structural: Street trees shape and subdivide the Street-Space, increasing pedestrian comfort and adding (literal) value to the street/community. “Canopy Shade Tree” species grow to heights in excess of 60 feet and have a broad canopy—enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the Street-Space and storefronts at eye-level.

   b. Pragmatic: Life as a typical street tree is nasty, brutish, and typically short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. Street tree planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase the community value as they grow.

   c. Design: Species are planted consistently along a given Street-Space to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different Street-Spaces with different trees.

2. General

   a. The following lists contain all approved tree species for use in the public realm of the Commerce and Community District. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot.

   b. This list will evolve over time and may be periodically amended by the Planning Board. It represents the beginning of the evolution of the plant palette for the Commerce and Community District. Plants develop new diseases; plants are discovered and improved,

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they become available commercially. For all of these reasons, these lists should evolve to reflect the educated opinions of a group of citizens that have developed criteria for analyzing these plants as landscape plans are submitted for approval.

c. Species found on the New Hampshire or Massachusetts Invasive Species lists, may not be used anywhere on private lots or other areas. Plants collected from the wild are prohibited. Only commercially grown or propagated plants are allowed, with the exception of seeds.

d. Species in the street tree list are for placement as shown in street type specifications, or as specified in the Regulating Plan for placement along the street tree alignment line.

e. The use of alternate species may be permitted, but only if approved by the Planning Board.

3. Street Trees

Table 5: Street Tree List

Street Tree List (Large Canopy Trees – mature height above 60 feet)	
Acer rubrum	Red Maple
Betula nigra	River Birch
Celtis occidentalis	Common Hackberry
Cercidiphyllum japonicum	Katsura Tree
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Liquidambar styracifolia	Sweetgum
Platanus acerifolia 'Bloodgood'*	London Plane tree
Quercus acutissima	Sawtooth Oak
Quercus coccinea	Scarlet Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Sophora japonica 'Regent'*	Japanese Pagoda Tree
Tilia Americana	Basswood/American Linden
Tilia cordata 'Greenspire'*	Greenspire Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Ulmus americana 'libertas'*	American Liberty Elm
Ulmus hollandica 'Groenveldt'*	Groenveldt Elm
Ulmus parvifolia	Chinese/Lacebark/Drake Elm

*specific cultivars are recommendations only.

4. Public Space Trees

In addition to the above trees, the following trees may be placed in Public and Open Space at along Trails.

Table 6: Public Space Tree List

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Acer palmatum cultivars	Japanese Maple
Cerus canadisis	Redbud
Cornus florida cultivars	Dogwood
Cornus kousa	Kousa Dogwood
Lagerstroemia indica	Crepe Myrtle
Magnolia spp.	Magnolia
Malus spp. (improved varieties)	Crabapple
Prunus spp.	Flowering Cherry and Plum
Taxodium distichum	Bald Cypress
Acer nigrum	Black Maple
Carya illinoinensis	Pecan
Carya laciniosa	Shellbark Hickory
Carya ovata	Shagbark Hickory
Ilex vomitoria	Yaupon Holly
Juglans nigra	Black Walnut
Liriodendron tulipifera	Tulip Poplar
Pistacia chinensis	Chinese Pistache
Taxodium ascendens	Pond Cypress
Zelkova serrata	Japanese Zelkova

6.06.10 PARKING AND LOADING STANDARDS

A. INTENT

The intent of these parking standards is to support compact, pedestrian-friendly and automobile-supportive development while also reducing stormwater run-off and water pollution through the reduction of run-off generating surface area through the following approaches:

1. Promoting a “park once” environment that will enable people to conveniently park and access a variety of commercial and civic enterprises in pedestrian friendly environments by encouraging shared parking.
2. Reducing fragmented, uncoordinated, inefficient, reserved single-purpose parking.
3. Avoiding adverse parking impacts on neighborhoods adjacent to development areas.
4. Maximizing on-street parking.
5. Providing flexibility for redevelopment of small sites.
6. Increasing visibility and accessibility of publicly available parking.
7. Promoting early prototype projects using flexible and creative incentives.
8. Encouraging low impact development (LID)/light imprint development techniques such as pervious paving and natural infiltration systems, where appropriate.

B. APPLICABILITY

Each building and land use, including a change or expansion of a building or land use (as defined in this Ordinance), shall provide parking areas in compliance with this Section, based on its Building Form Standard (frontage) Type.

C. OTHER APPLICABLE REGULATIONS

1. Pervious surfaces approved by the Director of Public Works are encouraged for surface parking lots.
2. All existing federal, State and Town requirements in accordance with Americans with Disabilities Act of 1990 (ADA). The number and design of Handicapped Parking spaces shall conform to the NH Architectural Barrier Free Design Code, as amended and described in Section 6.05.5 Handicapped Access Provisions of the Development Regulations.

D. PARKING STANDARDS FOR GENERAL MIXED-USE AND GENERAL STOREFRONT

1. Minimum Parking Requirements
   a. There are no minimum parking requirements for Commerce where the commercial floor area is less than 4,000 SF

Table 7: General Mixed-use and Storefront Parking Spaces

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General Mixed-use and General Storefront: Required Parking Spaces	
Use Category	**Parking Space Requirement**
Commerce (over 4000 SF)	1.25 shared spaces per 1,000 SF gross floor area
Residential	1 space including .25 shared per unit
Workshop	1.25 shared space per 1,000 SF gross floor area
Civic	1 space per classroom plus 2 per 1,000 GSF of office use (assembly = ¼ seats)

b. Shared Parking

Shared parking shall be designated by appropriate signage and markings (making it clearly visible and accessible to the public).

c. Reserved Parking

i. Includes all parking that is not shared parking.

ii. There is no minimum requirement for reserved parking.

2. Maximum Parking Requirements

a. Limits on Reserved Parking

Surface and Structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

Use	Maximum Reserved (non-shared) Spaces
Residential	2 per single-family attached dwelling unit 2 per multi-family dwelling unit
Nonresidential	4 per 1,000 SF

b. Limits on Shared Parking

There are no limits on the amount of shared parking

c. Limits on Surface Parking

Surface parking shall not exceed 150% of the required minimum parking

d. Limits on Structured and Underground Parking

There are no limits on the amount of structured or underground parking.

3. Achieving Parking Requirements: Location and Configuration

a. General

i. These parking requirements may be met either on-site or off-site within an 800-foot walking distance of the development.

ii. Parking shall be located in compliance with the parking setback/regulations for the site on which it is located as indicated on the Regulating Plan and/or Building Form Standard.

b. On-Street Parking

i. On-street parking along the frontage lines of the site shall be counted toward fulfilling the shared parking requirements.

ii. Each on-street parking space may only be counted once.

c. On-Site Parking

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i. Alleys may be incorporated into (rear) surface parking lots as standard drive aisles. Access to all properties adjacent to the Alley shall be maintained.

ii. Where there is no Alley (or common drive), access between parking lots across property lines is required.

d. Off-Site Parking

i. The off-site parking shall be located within the 800 ft walking distance.

ii. The off-site parking must be the subject of a long-term lease approved as to form by the Zoning Administrator, or permanently dedicated for off-site parking use.

e. Tandem Parking

i. Tandem parking is only allowed for:

1. Single-family Residential projects; and
2. Multifamily projects; and
3. Tthe Residential component of mixed-use projects.

ii. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.

iii. Up to 75 percent of the total off-street parking spaces provided may incorporate tandem parking.

iv. Tandem spaces shall be assigned to the same dwelling unit.

v. Tandem parking shall not be used to provide guest parking.

4. Bicycle Parking

Sites and/or projects over 10,000 square feet in land area have the following requirements:

a. For Commerce, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 10,000 square feet of GFA and 1 visitor/customer bicycle parking rack (2-bike capacity) per 25,000 square feet of GFA.

b. For Residential, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under 10 units shall have no requirement.

c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the clear sidewalk area intended for use by pedestrians, nor shall they encroach on any required fire egress.

d. On-street bicycle parking spaces (typically along the Street Tree Alignment Line) may be counted toward the minimum customer/visitor bicycle parking requirement.

5. Surface Parking Lot Plantings

a. The edge of any surface parking lot adjacent to a single family attached Residential lot shall be planted with canopy shade trees from the Tree Lists in Section 6.06.9.G Public Realm Standards, planted at an average distance not to exceed 40 feet on center and aligned parallel three to seven feet behind the Common Lot line.

b. Edges along a Common Lot Line shall have a Street Wall, Garden Wall or Privacy Fence.

6. Loading Facilities

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a. No loading facilities are required.

b. Where loading facilities are provided, they shall be located to the rear and Alley or common drive side of buildings.

c. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any new or existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

E. PARKING STANDARDS FOR ALL OTHER BFS TYPES

1. Minimum Parking Requirements

Table 8: Minimum Parking Requirements

All Other Building Form Standards Types: Required Parking Spaces	
Use Category	**Parking Space Requirement**
Commerce	3 spaces per 1,000 SF gross floor area
Residential	1 space including .25 shared per unit
Workshop	3 spaces per 1,000 SF gross floor area
Civic	1 space per classroom plus 2 per 1,000 GSF of office use (assembly = ¼ seats)
Industrial	1 per 600 SF net floor area
Agriculture	No required minimum

2. Maximum Parking Requirements

a. Limits on Surface Parking

i. Surface parking shall not exceed 150 percent of the required minimum parking.

ii. Surface parking above the maximum (see Section E.2.i above) may be provided if it is constructed using low-impact development (LID) design features or stormwater Best Management Practices, such as (but not limited to): landscape swales, vegetative filters or rain gardens, stormwater planters, and landscape infiltration facilities.

b. Limits on Structured and Underground Parking

There are no limits on the amount of structured or underground parking.

3. Achieving Parking Requirements: Location and Configuration

a. Location

i. These parking requirements may be met either on-site or off-site.

ii. Parking shall be located in compliance with the parking setback/regulations for the site on which it is located as indicated on the Regulating Plan and/or Building Form Standard.

b. Joint Parking

Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles where such surface parking areas lie within 50 feet

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of one another. A mutual access easement acceptable to Town Counsel shall be executed.

c. On-Street Parking

i. On-street parking along the frontage lines of the site shall be counted toward fulfilling the parking requirements.

ii. Each on-street parking space may only be counted once.

d. Off-Site Parking

i. Off-site parking must be located within an 800 foot walking distance from a working building entrance of the site it is serving or an approved shuttle-served lot.

ii. The off-site parking shall be located within the same Subdistrict.

iii. The off-site parking must be the subject of a long-term lease approved as to form by the Zoning Administrator or permanently dedicated for off-site parking use.

4. Green Parking: Surface Parking Lot Plantings

a. Intent

Landscaping is an integral component of quality neighborhood design, including parking lots. Throughout the country, innovative parking lot design has addressed the need for comfort, aesthetics, Stormwater Management, as well as adequate space. Green parking areas are intended to help provide more shade for pedestrians, vehicles and improve the aesthetic appearance of parking areas, and offer alternative stormwater management opportunities without negatively impacting parking area efficiency. The green parking areas standards will encourage this kind of innovation in the Commerce and Community District by requiring parking lots outside of the General Mixed-Use frontages to be designed “green.” The standards contain three alternatives that allow for greater flexibility:

i. A landscaped strip extending the full length of each row of parking;

ii. A wider strip for trees and larger shrubs extending the full length of alternating rows; and

iii. Landscaped “islands” or “peninsulas” distributed evenly throughout the parking area.

These alternatives can be pursued alone or in any combination.

b. Dimensions

The dimensions of parking stalls in green parking areas shall comply with Section 6.06.10.F.2.

c. Pervious Landscaping Within Parking Lots

i. All parking areas shall include landscaped areas equal to not less than seven percent (7%) of the interior parking area (including drive aisles that do not provide access to a parking stall), arranged in one or any combination of the following ways:

1. Alternative 1 (alternating 10-foot strips).

The preferred method for meeting this standard is to provide a pervious strip no less than 10 feet in width including the “vehicle overhang” on both sides (where parking stalls lie adjacent to landscaped areas, the paved depth of the stalls may be decreased by two feet to provide for a vehicular overhang area), extending the full length of alternating parking rows. This strip may be located

below the level of the adjacent parking area, allowing drainage through curb breaks, or it may be located at top of curb level. The pervious strip shall be planted with low growing plant materials, ground cover, or natural, uncrushed stone les than 6" in size, and shade trees.

2. Alternative 2 (islands/peninsulas).

   As an alternative, the required landscaped areas may be provided through the use of interior islands or peninsulas distributed approximately evenly throughout the interior of the parking area and including one tree for every 350 square feet of landscaped area.

3. Alternative 3 (5-foot strips).

   As a further alternative, the required landscaped areas may be provided through the use of pervious strips of 5 feet in width (including the "vehicle overhang" on both sides), extending the full length of each parking row.

d. Adjustments for Redevelopment Sites

i. For parking areas on sites that are being redeveloped and for which the applicant can demonstrate that the number of parking spaces that could be constructed in compliance with the provisions of this section would not comply with the number of parking spaces required by Section 6.06.10.E.1 (Minimum Requirements) of this Ordinance, the ERC or Planning Board, as determined by approval process, may authorize a reduction of up to ten percent (10%) in the required number of parking spaces.

ii. In the event that an applicant for a project involving redevelopment demonstrates that the application of the standards in Section 6.06.10.E.4.c (Pervious landscaping within parking lots) would result in the loss of parking spaces necessary to accommodate the uses proposed for the redevelopment site, the ERC or Planning Board, as determined by approval process, may authorize a reduction of up to 1.5 percent in the required percentage of pervious landscaping.

e. Perimeter Landscaping

The perimeter of all parking areas shall be surrounded by a landscape area.

i. Each unenclosed parking facility shall provide minimum perimeter landscaping of at least ten feet along each side property line, and increased to a twenty-five-foot minimum width where adjacent to existing residential districts. This landscaped area shall be in addition to the interior parking area landscaping requirement set forth in Section 6.06.10.E.4.c (Pervious landscaping within parking lots).

ii. In addition, all parking area perimeters adjacent to any street shall provide a continuous landscaped area to a minimum height of 3 feet and a minimum depth of 15 feet. Landscaped berms, hedgerows, shrubbery or any combination may be used to fulfill this requirement.

iii. Shade trees shall also be required as described in Section 6.06.10.E.4.f (Landscaping Standards).

iv. The edge of any surface parking lot adjacent to a single family Residential (detached or attached) lot shall be planted with canopy shade trees from the Tree Lists in Section

6.06.9.G Public Realm Standards, planted at an average distance not to exceed 40 feet on center and aligned parallel three to seven feet behind the Common Lot Line.

f. Landscaping Standards

Areas in green parking areas that are required to be landscaped, including the pervious strip beyond the front wheel car stops required by Section 6.06.10.E.4.c (Pervious landscaping within parking lots) and the perimeter landscaping required by Section 6.06.10.E.4.e (Perimeter Landscaping), shall be planted with shade trees at intervals of not more than 35 feet on center, and with appropriate low-growing plant materials, to ensure the long-term viability of the pervious surface.

g. Other Applicable Requirements

i. Generally

1. Parking facilities shall use curbs, protective bumpers, wheel stops or other devices to prevent encroachment on public rights-of-way or adjoining private property and to protect landscaping.
2. Parking facility design shall provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility.
3. Vehicular circulation patterns shall be designed in accord with accepted principles of traffic engineering and safety.
4. Parking facility design, lighting, landscaping and other features shall provide ready visibility into the facility from adjacent public sidewalks and shall not create blind or hidden areas.

ii. Exterior lighting in green parking areas shall comply with the requirements of Section 6.06.13 Lighting of this Ordinance.

5. Bicycle Parking

Sites and/or projects over 10,000 square feet in land area have the following requirements:

a. For Commerce, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 25,000 square feet of gross floor area (GFA).

b. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

c. On-street bicycle parking spaces (typically along the Street Tree Alignment Line) may be counted toward the minimum bicycle parking requirement.

6. Loading Facilities

a. No loading facilities are required.

b. Where loading facilities are provided, they shall be located to the rear and Alley or common drive side of buildings.

c. Loading facilities for adjacent parcels and/or buildings are encouraged to share truck access drives and turnaround facilities.

d. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any new or existing use of land or buildings, in

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accordance with all regulations herein governing the location, design, and operation of such facilities.

F. SURFACE PARKING LOT DIMENSIONS FOR ALL DISTRICTS

1. Intent

The purpose of these standards is to assist with Stormwater Management at the earliest stage of a project: Planning. Surface parking lots are one of the single largest sources of stormwater runoff, so any reduction in their impervious surface area can contribute to a management solution. Reductions in the minimum dimensions of parking spaces and drive aisles can enable more compact development as well as help to provide the necessary space for increased landscaping—while maintaining the vehicle capacity.

2. Parking Space Dimensions

Table 9: Parking Space Dimensions

MINIMUM PARKING SPACE & AISLE DIMENSIONS				
Angle (in degrees)	**Width**	**1-Way Aisle Width**	**2-Way Aisle Width**	**Stall Length**
30	9 ft	12 ft	20 ft	15 ft
45	9 ft	12 ft	20 ft	17 ft
60	9 ft	16 ft	20 ft	17 ft 6 in
90	9 ft	20 ft	20 ft	16 ft

- See also Tandem Parking Section 6.06.10.D.3.e

6.06.11 BUILDING FUNCTION AND LAND USE CATAGORIES

A. GENERAL PROVISIONS

1. Permitted Uses

Although the Commerce and Community District primarily regulates form, broad categories of uses have been established for the Commerce and Community District. Use categories provide a systematic basis for assigning land uses, and expanding the allowed uses of the underlying zoning district, to appropriate categories with other similar uses

a. Principal Uses

Principal uses are grouped into categories. Permitted principal uses by Building Form Standard (BFS) are shown in Section 6.06.11.B Use Table.

b. Accessory Uses

i. Accessory Uses shall be accessory and clearly incidental and subordinate to permitted principle use.

ii. No accessory use may be established on a site prior to the establishment of a permitted principal use.

iii. The Zoning Administrator is authorized to determine when a structure or use meets the definition of an accessory use.

iv. Parking is allowed as an accessory use on all sites as long as it is located and constructed in accordance with the designated Parking Setback Line and BFS for the site.

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2. Use Determination

The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not covered by a use category, and is similar to a use category, the Zoning Administrator shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is not similar to any other listed uses, the use shall be prohibited.

B. USE TABLE

The Use Table identifies the uses allowed in the respective frontages (Building Form Standards). Exceptions based on Subdistricts are identified within the individual BFS.

Table 10: Use Table

USE CATEGORY		Building Form Standards (BFS)												Additional Regulations – See Section C. Use Category
		General Mixed-Use		Storefront		Tech-Shop		Flex		Townhouse/ Small Apartment		Detached		
		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	
RESIDENTIAL	Household Living	■	■		■				□	■	■	■	■	*
	Group Living	■	■		■				□	■	■			*
COMMERCE	Office	■	■	■	■	■	■	■	■	■				
	Retail Sales & Service	■	□	■	□	□		■		■				
	Health Service Facilities	■	■		■	■	■							*
	Restaurant/Bar	■	□			■		■		■				
	Hotels	■				■	■	■	■					*
	Recreational Facility, Commercial	■			■	■	■	■	■	■				
	Banks and Financial Institutions	■			■	■	■	■	■					
	Passenger terminal	■				■		■						
	Day Care facilities	■			■	■	■	■	■	■				*
	Filling Stations	■				■	■							
CIVIC	Civic	■	■	■	■	■	■	■	■	■	■	■	■	*
WORKSHOP	Light Industrial		■			■	■	■	■					
	Light Manufacturing		■			■	■	■	■					
	Research & Development		■			■	■	■	■					
	Vehicle Services	■		■		■	■	■	■					*
INDUSTRIAL	Industrial					■	■	■	■					
	Manufacturing					■	■	■	■					
	Processing & Warehousing					■	■	■	■					

	Distribution and mailing facilities					■	■	■	■					
	Wholesale businesses					■	■	■	■					
AGRICULTURE	Agriculture	■		■		■		■	■			■	■	*

Key: ■ = Permitted □ = Additional Regulations apply Blank Cell = Not Permitted

C. USE CATEGORY

1. Residential Use Categories
   a. Household Living
      i. Single-family dwelling
      ii. Two-family dwelling
      iii. Multi-family dwellings
      iv. Senior Housing Developments
   b. Group Living
      i. Assisted Living
      ii. Hospice House
      iii. Nursing Home
2. Commerce Use Categories
   a. Health Services Facilities:
      i. Hospitals
      ii. Health Services Facilities
      iii. Veterinary Clinics
      iv. Hospice House
      v. Nursing Home or facility
      vi. Assisted Living
   b. Hotels:
      i. Hotels
      ii. Bed & Breakfasts
   c. Recreation/Entertainment
      i. Recreational facility, commercial
   d. Day Care
      i. Day Care facilities
      ii. Family Day Care Home
3. Workshop Use Categories
   a. Vehicle Services includes: Filling Stations, Motor Vehicle Repair facilities and Motor Vehicle Sales Facilities.
4. Industrial Use Categories
   a. Uses listed as defined in Section 5.09.0 ICI-2 of the Zoning Ordinance; subject to applicable Development and Performance Standards

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5. Civic Use Categories
    a. Churches and Houses of Worship
    b. Recreational facility, not-for-profit
    c. Schools (public and private)
    d. Fire, Ambulance, Police stations or substations
    e. Museum, Library, Auditorium or Arena
6. Agriculture Use Categories
    a. Agriculture and Farming
    b. Processing of Natural Resources
    c. Harvesting of Natural Resources
    d. Farm Roadside Stands
    e. Farmer's Market

D. DEVELOPMENT AND PERFORMANCE STANDARDS

1. General
    a. All permitted uses shall meet the Section 6.06.8 Building Form Standards, General Provisions and those standards specified in the relevant individual Building Form Standards pages.
    b. No Civic, Commerce or Workshop use is permitted above a Residential Use
    c. Businesses providing drive-up services shall not have a drive-through lane or service window that abuts or faces a Street-Space.
    d. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
2. Residential
    a. See the General Mixed-Use BFS for configuration specifications for Ground Story Residential uses.
    b. A lobby serving an upper Story Residential use is permitted on the Ground Story of a Storefront site.
    c. For Flex sites, Residential use is permitted on the top Story or uppermost Story only and shall not exceed 25% of the gross floor area of the entire building.
3. Civic

    Buildings that house Civic uses located on Civic sites specifically designated on the Regulating Plan are not subject to Section 6.06.8 Building Form Standards.
4. Hotels
    a. Ground Story guest rooms shall meet the configuration standards for Ground Story Residential uses as specified in the General Mixed-Use BFS.
    b. A lobby serving an upper Story hotel use is permitted on the Ground Story of a Storefront site.

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5. Restaurant/bar, Retail Sale & Service
   a. A restaurant/bar or Retail use is permitted in the upper Stories of a General Mixed-use or Storefront site provided it is a second Story extension equal to or less than the area of the Ground Story restaurant/bar or Retail use.
   b. Outdoor eating areas for bars, taverns, or restaurants are allowed on the public sidewalk in General Mixed-Use and/or Storefront areas, provided that a minimum clear walkway width of four (4) feet shall be provided. No merchandise (including motorcycles, scooters and motor vehicles) may be left within the Street-Space when the business is not open.
   c. An eating/drinking establishment or Retail use that is permitted in the second Story or rooftop of a General Mixed-Use or Storefront sites. For rooftop locations the use shall be set back from an Common Lot Line by at least 20 feet.
   d. Restaurant/bar or retail sales uses located in Tech-Shop or Flex Sites shall meet those (use) standards specified in the relevant individual BFS pages.
   e. Retail sales and services shall be accessory uses in Tech-Shop, Flex or Townhouse/Small Apartment sites.
   f. Only merchandise or commodities manufactured on premise may be sold in the ground story of a Tech-Shop, Flex or Townhouse/Small Apartment sites.
6. Day Care

   Day care uses shall be Accessory Uses in the Tech-Shop sites.
7. Filling Station/Motor Vehicle Repair

   A filling station or motor vehicle repair shop may be permitted, subject to the following:
   a. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;
   b. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is not permitted outside unless heavily screened from the Street-Space.

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6.06.12 SIGNAGE

A. INTENT

Signs along General Mixed-Use, General Storefront, Tech/Shop and Flex frontages should be clear, informative and should weather well. Signage is desirable for advertising business, shops and offices, and as decoration. Signs should be scaled to the appropriate frontage type; for pedestrians and slow-moving automobile traffic in the Mixed-Use District; and simple unobtrusive way finding for the other Districts where businesses are destinations. Signage that is glaring or too large creates distraction, intrudes into and lessens the neighborhood experience, and creates visual clutter.

B. SIGN ORDINANCE BY FRONTAGE TYPES

The following table classifies how the Commerce and Community District Frontage types in accordance with the Sign Ordinance:

Table 11: Building Form Standards and the Sign Ordinance

BFS Type	Sign Ordinance Comparable Zoning District
General Mixed-use and General Storefront	OSD
Tech-Shop	C
Flex	I
Townhouse/Small Apartment	B
Detached	R

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6.06.13 LIGHTING

A. INTENT

Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should be made to preserve the ambiance of the night, to conserve public funds through the use of energy-efficient lights, and to respect the privacy of neighboring properties by applying the appropriate fixtures in the correct locations. Street lights are pedestrian-scaled and should occur along all streets but “cobra-head” highway fixtures should only occur at intersections if absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas nor be visible from the street. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle.

B. LIGHTING STANDARDS

1. Street-Lights - “Full cut-off fixtures” are preferred. (See Section D Streetscape Standards for placement specifications.)
2. Direct light (i.e. the lighting element) shall be shielded from view from public spaces and adjoining properties.
3. All lots with Alleys shall have lighting fixtures within five feet of the Alley right-of-way. These fixtures shall illuminate the Alley, be between 9 and 16 feet in height, and not cause glare in adjacent lots or light pollution.
4. Lighting elements shall be specified to proscribe those that cast a clearly/perceptively unnatural spectrum of light (such as low pressure sodium). LED, metal halide or halogen elements with a spectrum of light more perceptively natural are preferred. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the Planning Board as technologies advance and produce additional equivalent or better elements.
5. Floodlights or directional lights (maximum 75-watt bulbs) may be used to illuminate Alleys, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the Street-Space, or direct light out of any district.
6. Flood or up-lighting may not be used to illuminate private building walls. Accent lighting may be permitted on Civic buildings, historic buildings, or monuments to highlight architectural features (such as church steeples or courthouse domes).
7. Site lighting shall be of a design and height and be located so as to illuminate only the lot.

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8. All illumination of signs and buildings shall be by constant light—flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
9. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) goals.

C. MECHANICAL STANDARDS

1. The following shall be placed behind and away from any Required Building Line, may not be stored or located within any Street-Space, and shall have noise reduction screening and be screened from view from The Street-Space: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
2. Any and all roof-mounted equipment shall be placed behind the Required Building Line and be screened from view from the Street-Space.

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6.06.14 DEFINITIONS

The definitions of terms set forth below contains regulatory language that is integral to the Commerce and Community District. Those terms not defined in Section 6.06.14 Definitions or in Section IV of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the Commerce and Community District, those of the Commerce and Community District shall take precedence.

Accessory Unit. A building or addition for living purposes (maximum footprint of 650 square feet—or the footprint of the main structure for english basement type accessory units) that is not the primary structure or principal dwelling unit on a lot, that can be used as additional residential or home occupation space.

Accessory Use. *See Section __ Accessory Uses*.

Alley/Alley Access Easement. The public right-of-way or easement for vehicles and pedestrians within a block that provides access to the rear or side of properties, vehicle parking (i.e. garages), utility meters, recycling containers, and garbage bins.

Attic Story. Habitable space situated within the structure of a pitched roof and above the uppermost story. They are permitted for all BFS sites and do not count against the maximum story height or ultimate height limits of their BFS. Attic stories may have only dormers as windows on the RBL side of the roof-pitch.

Awning. A cantilevered, projected or suspended cover over the sidewalk portion of the Street-Space. Also a roof-like covering, usually of canvas or metal, and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun and rain.

Balcony. An exterior platform attached to the upper floors of the building façade (forward of the Required Building Line).

Bay Window. Generally, a U-shaped enclosure extending the interior space of the building outward of the exterior building wall/Required Building Line (along its Street-Space side). The minimum interior clear width at the main wall shall be four feet. Bay windows shall not project more than 36 inches beyond the Required Building Line; and walls and windows shall be between 90 degrees (perpendicular) and 0 degrees (parallel) relative to the primary building wall from which they project.

Block. An increment of land comprised of lots, Alleys and tracts circumscribed and not traversed by streets (pedestrian pathways excepted). Blocks shall be measured at the frontage lot lines (in most cases this is the Required Building Line).

Block Corner. The outside corner of a block at the intersection of any two streets. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered block corners for the purposes of this Ordinance.

Buildable Area. The area of the lot that building(s) may occupy, which includes the area of the lot behind the Required Building Line as designated by the Building Form Standard. The buildable area sets the limits of the building footprint now and in the future—any additions shall be within the specified buildable area.

Building Corner. The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered building corners for the purposes of this Ordinance.

Building Face. See Façade.

Building Form Standards (BFS**).** The part of this Ordinance that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as Storefronts, Balconies, and Street Walls. The Building Form Standards establish both the boundaries within which things may be done and specific things that must be done. The applicable Building Form Standard for a site is determined by its Street Frontage as per the Regulating Plan. This produces a coherent Street-Space and allows the building owner greater latitude behind its facade.

Campus Frontage Building. Building form and functions resulting from/as determined by the Building Form Standards indicated on the Regulating Plan.

Civic Green or Square. A public open space designated on the Regulating Plan. The term square is generally used to describe spaces that have more paved surface area. The term civic green is generally used to describe a formally configured small public lawn or park that is primarily unpaved. Civic greens and squares do not include active recreation structures such as ball fields and courts. See the Public Realm standards for the specific controls on squares and civic greens.

Civic Use. See Use, Civic.

Civic Use Buildings. Those buildings that house strictly civic uses located on sites designated on the Regulating Plan. Civic use buildings and publicly-owned public art are not subject to the Building Form Standard prescriptions of this Ordinance. See also Use, Civic.

Clear Walkway. An area within the sidewalk that must allow public passage and remain clear of obstructions. The clear walkway width is designated in the street type specifications.

Commerce. See Use, Commerce.

Common Lot Line. A lot line shared by adjacent private lots.

Corner Lot. A lot in which one side lot line is adjacent to a street or Street-Space. Special building placement, fencing and landscape requirements may apply.

Development Parcel. A site or lot within the Commerce and Community District upon which a development proposal may be proposed and developed in compliance with this Ordinance.

Development Proposal. The erection, extension, or modification of any building or part thereof, or the change in use of any building or land, for which the applicant is required to obtain a building permit, except as follows: modification to the interior of a structure; change of use from one allowed use to another allowed use without modification to the exterior of the building or the lot or site; fit-out of interior retail space without modification to the location, type or form of fenestration; and maintenance and/or repair activities that do not modify the building, including but not limited to replacement of roofs and repair of windows.

Dooryard. The area within the Street-Space between the façade of the building (generally the Required Building Line) and the clear walkway area of the sidewalk. Stoops, balconies, Bay Windows and, for appropriate Commerce uses, temporary displays or café seating, and other encroachments as specified by the ERC or Planning Board (as appropriate) may be placed within the dooryard area. The dooryard area is designated in the Street Type Specifications.

Dormer. A roofed ancillary structure with windows providing light and air to habitable space within the roof. Dormers are permitted and do not constitute a story (for height measurement purposes) so long

as: they do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60 percent of their Required Building Line façade length.

English Basement. A habitable floor level below the first floor that is partially above and below grade. The ceiling of an english basement is at least 3 feet above sidewalk grade with windows and an entry with direct Street-Space access. English basement units do not count against the story height limit but do count against the ultimate height measurement.

Equivalent or Better. A building material, technology, or construction technique that has been determined, by the Planning Board or Zoning Administrator, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.

Façade (Building Face). The building elevation facing the Street-Space or Required Building Line. Building walls facing private interior courts, Common Lot Lines, and Alleys are not façades .

Fenestration. Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). Fenestration is measured as glass area (excluding mullions and similar window frame elements with a dimension greater than one inch) and/or as open area.

First Floor. See Ground Story.

Front Porch. The ground floor platform attached to the front or Required Building Line side of the main building. Front Porches, where specified in the Building Form Standards, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof and shall not be otherwise enclosed, above a height of 42 inches, except with insect screening. A Front Porch may have a single ground floor platform or two to three platforms stacked at the ground and upper Story levels.

Front Yard. An open space required by certain Building Form Standards extending across the entire width of the lot between the Façade and the Clear Walkway area of the sidewalk. Where double frontage or Corner Lots exist, any required Front Yard shall be provided on both streets. This area is contiguous with the Street-Space, and includes any Front Porch.

Front Yard Fence. The wood (picket), wrought iron fence, or masonry wall, between 30 and 40 inches in height, located along and surrounding the Front Yard (generally 1 foot behind and parallel to the Dooryard/Clear Walkway line of private lots and also along Common Lot Lines to a point not more than ten feet back from the Required Building Line.

Garden Wall. A masonry wall defining a property line or delineating a private area. Shall be set back (or forward) not more than eight inches from the specified Required Building Line in the Regulating Plan or Building Form Standards. (For height and gate specifications, see the Building Form Standards.) A garden wall may serve as a front yard fence.

Gross Floor Area (GFA). The total amount of floor area on a development parcel.

Ground Story. The first habitable level of a building at or above grade. For Commerce uses, at least two-thirds of the finished floor elevation within 30 feet of the Required Building Line shall be within 18 inches of the adjacent fronting sidewalk level. When a residential use occupies the ground story, the finished floor elevation shall be at least three feet above the fronting sidewalk elevation, unless otherwise specified in the Building Form Standards. The next story above the ground story is the second floor or second story.

Industrial. See Use, Industrial.

Lot Building Limit. A line delineating the outer edge of the buildable area, generally to the rear of a lot away from the Required Building Line. Where designated on the Regulating Plan, this shall supercede the Building Form Standards minimum setbacks.

Net Lot Area. The area within the boundaries of a site-specific Regulating Plan—exclusive of streets, sidewalks, other public spaces, or easements—that is available for (private) development.

Open Space. See Private Open Space.

Parapet Height. Where used to limit building height in this Ordinance, parapet height shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the façade, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a block corner.

Parking Setback Line. A line or plane indicated on the Regulating Plan which extends vertically (unless otherwise noted) and is generally parallel to the Required Building Line. The parking setback is typically 30 feet behind the Required Building Line unless otherwise designated on the Regulating Plan. All parking shall be set-back behind this line, excepting where it is below grade. The parking setback line is a permissive minimum distance from the Required Building Line and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Ordinance.

Pedestrian Pathway. An interconnecting paved way that providing pedestrian and bicycle passage through blocks running from a Street-Space to another Street-Space, an Alley or an interior block parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way. The easement width for these pathways shall not be less than 14 feet with a paved walkway not less than 6 feet wide, except where otherwise specified on the Regulating Plan, and shall provide an unobstructed view straight through their entire length.

Privacy Fence. An opaque fence made of wood or masonry (not chain link or any other type of rolled fence) along Alleys and Common Lot Lines (where more than ten feet behind the Required Building Line). See the Building Form Standards for height specifications.

Private Open Space. An area within the buildable area and behind the parking setback line, accessible only to occupants of the particular building or site, and (primarily) open to the sky. Additional specifications for the private open space may be included in each Building Form Standard. Private Open Space shall not be built-upon, used to satisfy minimum stormwater BMP area, parked or driven upon (except for emergency access).

Regulating Plan. The implementing plans for the development of the district under this Ordinance. Regulating plans allocate the Building Form Standards and Street Types and provide specific information for the disposition of each building site. The Regulating Plan also shows how each site relates to adjacent Street-Spaces, the overall district, and the surrounding neighborhoods.

Required Building Line (RBL). A line or plane indicated on the Regulating Plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The façade shall occur on the Required Building Line—this is a requirement, not a permissive minimum. The minimum length and height of frontage that is required at the RBL is shown on the appropriate Building Form Standard.

Residential. See Use, Residential.

Retail. See Use, Retail.

Square. See civic green.

Stoop. An entry platform on the facade of a building. Stoops may be roofed, but they shall not be enclosed. (See the individual Building Form Standards for specifications.)

Storefront (Shopfront). Ground story facade fenestration configured for Retail and Commerce uses. For Regulating Plan designated General Mixed-use and General Storefront frontages the storefront may encroach up to two (2) feet into the dooryard area.

Story (Story Height). That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Story height parameters are as specified by the appropriate Building Form Standard.

Street Frontage. That portion of the lot or building that is coincident with the Required Building Line as required by this Ordinance.

Street Light. A luminaire installed on both sides of the Street-Space, along the street tree alignment line, unless otherwise designated on the Regulating Plan. Street lights shall be between 9 and 16 feet above ground in height. Lighting standards for Street-Spaces and Alleys should be developed to meet the minimum standards of the *Illumination Engineering Society of North America (IESNA),* with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space. All space between fronting Required Building Lines (streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or Alleys.

Street Tree. A tree required per this Ordinance and listed in the Street Tree List located in Public Realm Standards that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line. A line along which street trees shall be planted and street lights and other such infrastructure are to be placed. It is generally parallel with the Street-Space and, unless otherwise specified in the Regulating Plan, is:

- The street tree alignment line for center medians is their centerline.

Street Wall. A masonry wall set back not more than eight inches from the Required Building Line which assists in the definition of the Street-Space in the absence of a building. See the Building Form Standard for height and gate specifications.

Tree Lawn. A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the sidewalk, and used for planting street trees and configured to foster healthy street tree root systems. Tree lawn dimensions are specified in the Street Type Specification.

Use, Civic. Community uses including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other similar uses.

Use, Commerce. See *Section 6.06.11.B Use Table*.

Use, Industrial. See *Section 6.06.11.B Use Table*.

Use, Residential. See *Section 6.06.11.B Use Table*.

Use, Retail. See *Section 6.06.11.B Use Table*.

Use, Workshop. See *Section 6.06.11.B Use Table*.

Workshop. See Use, Workshop.

6.06.15 APPEALS

A decision of the Planning Board made pursuant to the Commerce and Community 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.

6.06.16 EFFECTIVE DATE

The Commerce and Community District Ordinance was adopted by the Town of Milford on Tuesday, March __, 2012 and is effective the same date.

6.06.17 FLOWCHARTS

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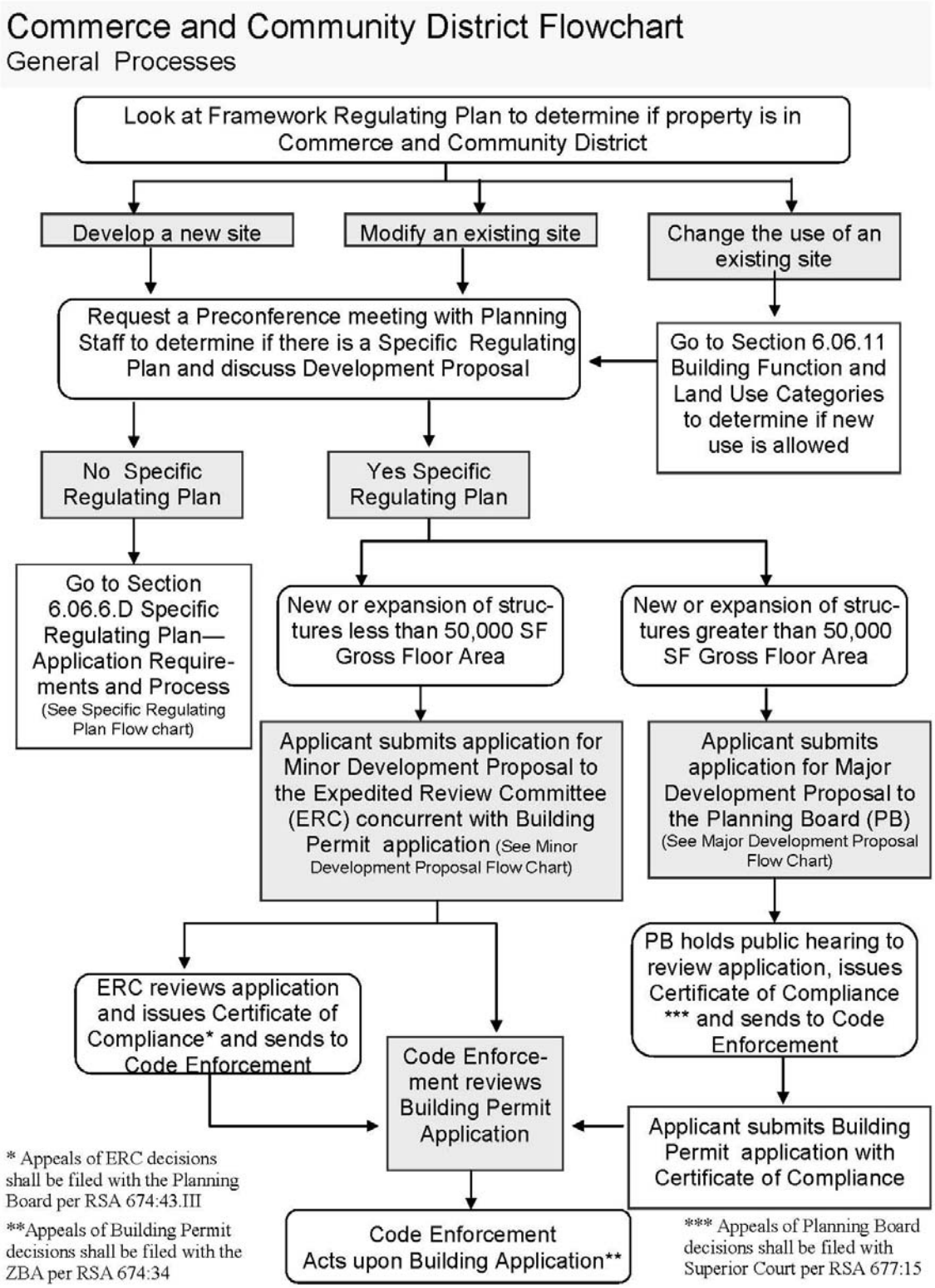
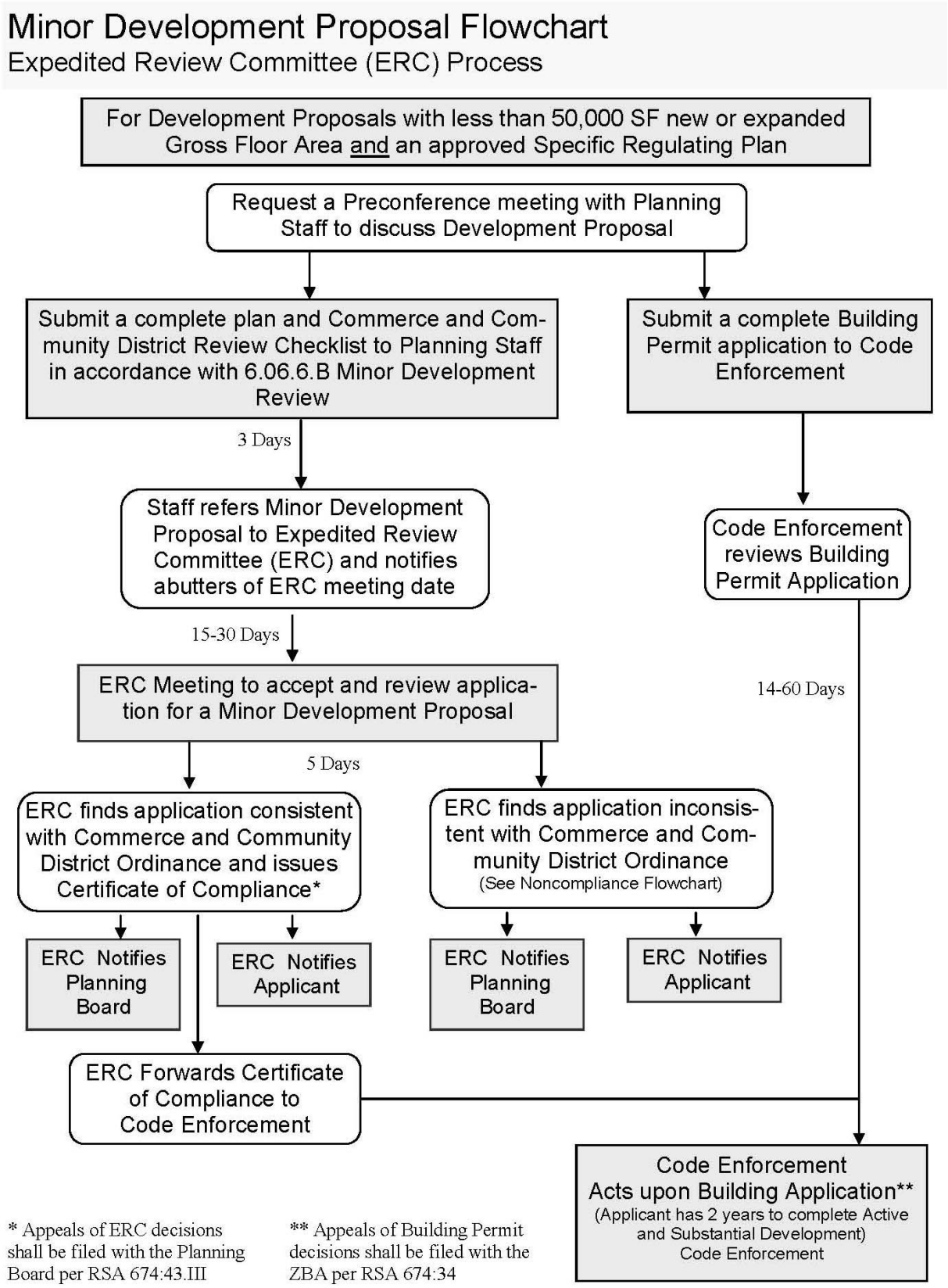
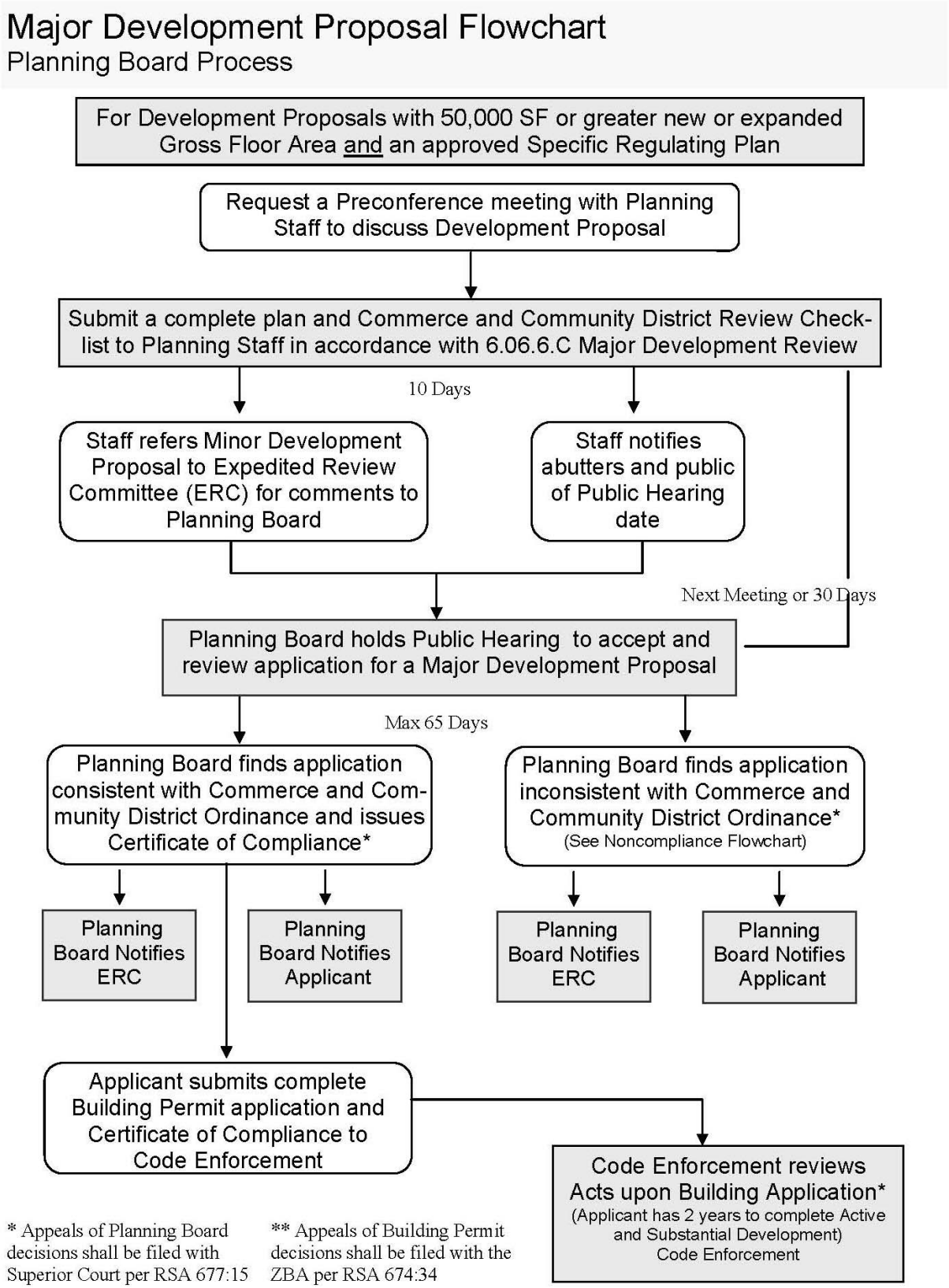
D. GENERAL PROCESS FLOWCHART



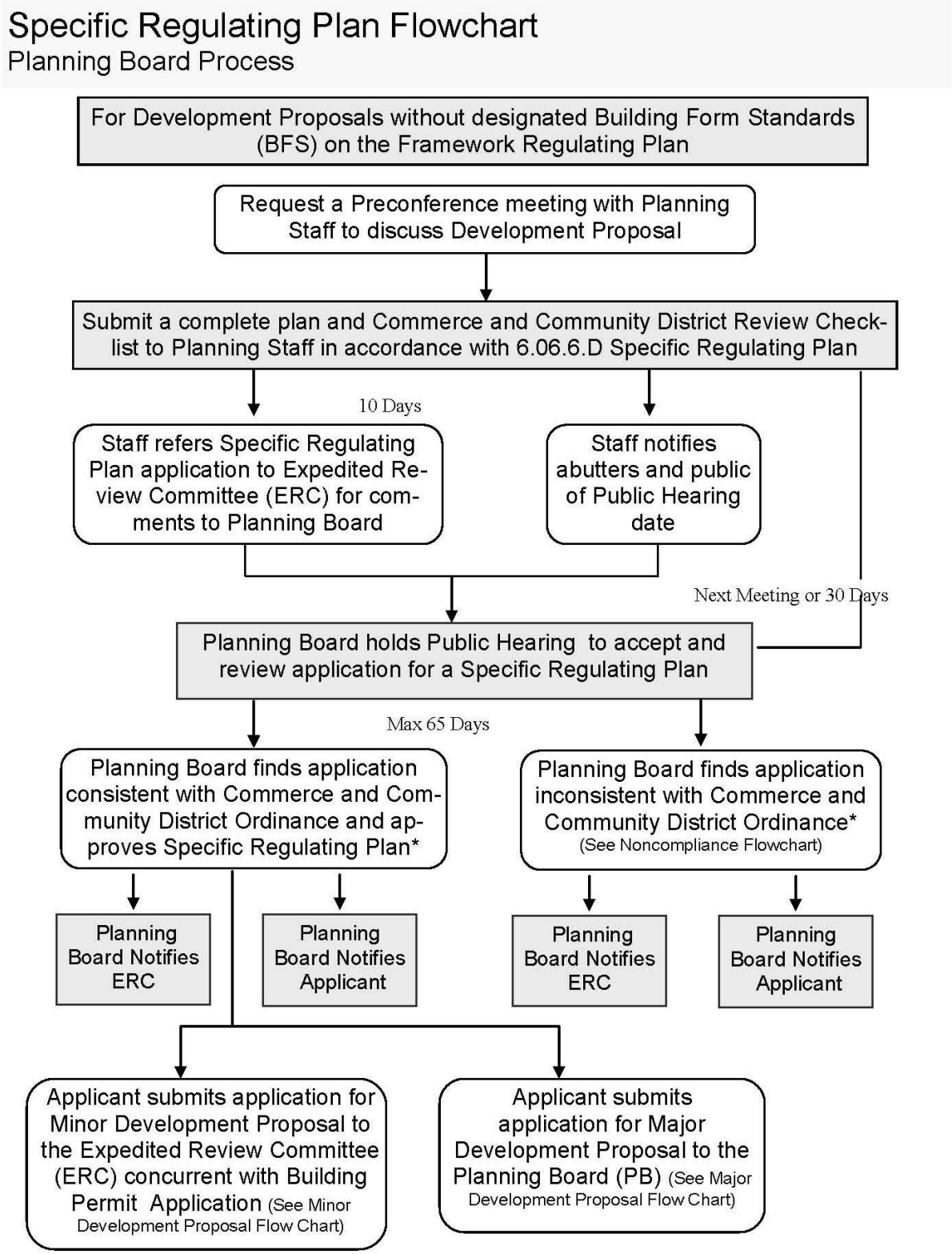
B.MINOR DEVELOPMENT PROPOSAL FLOWCHART



C. MAJOR DEVELOPMENT PROPOSAL FLOWCHART



D. SPECIFIC REGULATING PLAN FLOWCHART



* Appeals of Planning Board decisions shall be filled with Superior Court per RSA 677:15