

**6.05.0 NASHUA AND ELM STREETS CORRIDOR OVERLAY DISTRICT (2008)****6.05.1 AUTHORITY**

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

**6.05.2 PURPOSE**

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

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

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

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

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

**6.05.3 FINDINGS**

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

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

#### **6.05.4 APPLICABILITY**

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

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

#### **6.05.5 DISTRICT BOUNDARIES**

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

#### **6.05.6 PERFORMANCE STANDARDS**

##### **A. General**

1. **Pre-Application Review.** The Community Development Director, or designee, shall review all proposals to determine applicability as stated in Section 6.05.4 above.
2. **Development Review.** Upon determination by the Community Development Director, or designee, that an application meets the Section 6.05.4 applicability requirements, the applicant shall consult with the Planning Board using the Development Review Procedure set forth in the Town of Milford Development Regulations.
3. **Consistency with Plans.** In addition to providing the required development review information, the applicant shall demonstrate how the proposed plan will address the specific site recommendations as well as the general principles set forth in the following studies and documents:
  - a. *Evaluation of Highway Improvement Alternatives in Milford, NH (2002)*; Prepared by Hoyle, Tanner and Associates
  - b. *Route 101A Corridor Master Plan and Improvements Program, (2002)*; Prepared by VHB and Nashua Regional Planning Commission
  - c. *Milford Transportation and Community Systems Preservation (TCSP) Plan (2006)*; Prepared by Nashua Regional Planning Commission
  - d. *Town of Milford Design Guidelines (2007)*; Prepared by Nashua Regional Planning Commission

**B. Transportation Standards****1. Access Management:**

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

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

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

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

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

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

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

**5. Gateways.** Some locations contribute to the landscape character of the community because of their location and scenic qualities. Many such properties and approaches act as gateways, providing first impressions and reinforcing Milford's sense of place. Consideration should be given towards complementing these resources through the careful siting of new buildings, and

the application of the Site Design Standards. The locations of proposed gateways are identified on the Nashua and Elm Streets Corridor Overlay District Boundary Map. In these areas, appropriate landscaping or other improvements may be required.

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

### C. Site Design Standards

1. **Natural Features.** Buildings, lots, impervious surfaces and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development.
  - a. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes in excess of 15%, floodplains, significant wildlife habitats and corridors, wooded areas, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent.
  - b. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
2. **Parking Areas**
  - a. Parking lots shall be located to the rear or side of a building.
  - b. Parking shall not be permitted in front of a building or along the frontage of a lot.
  - c. Side yard parking shall be well buffered from the street.
  - d. Shared parking provisions for any combination of uses on site and adjacent sites are encouraged.
  - e. Offsite parking shall be protected with a shared parking easement agreement which shall be reviewed and recorded with the approved plans, except in areas exempt from parking standards such as but not limited to the Oval Sub-district.
3. **Build-to-Zone.** Building setbacks influence the character of the street. New structures shall be constructed so as to maintain a traditional streetscape edge. The setbacks of adjacent structures and context of spacing between buildings shall be considered in determining the appropriate building setback. At a minimum, a new structure shall be constructed within a Build-to-Zone between 15" and 35" from the public street right of way. If site circumstances dictate a new structure may be constructed within 10" of the public street right of way.

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

#### D. Architectural Design Standards

1. **General Criteria**
  - a. Plans shall show all building elevations and portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features.
  - b. The Planning Board may require that development proposals be reviewed by an historic preservation consultant or architect, and be designed by a NH licensed architect at the cost of the applicant.
2. **Building Orientation.** New structures shall orient their main entrance or storefront to a public street.
  - a. New structures shall maintain an appropriate street edge in relationship to adjacent structures. (See 6.05.6:C.3 Build-to-Zone)
  - b. Buildings shall be sited so that entrances are clearly identifiable and directly accessible from a sidewalk and shall be accessible for pedestrians, bicyclists and future public transit users.
3. **Building Massing, Forms and Pedestrian Scale.** The size, mass and form of new structures must relate to the appropriate scale of neighboring buildings as well as the context of the corridor. The following architectural features and treatments should be used to enhance the character of new development and the corridor:
  - a. Avoid blank walls at ground-floor levels through the use of windows, trellises, wall articulation.
  - b. Arcades, materials changes, awnings or other features.
  - c. Reduce the apparent scale of the building by introducing small-scaled architectural features, creating an irregular footprint and variations in roof forms and height of roof elements.
  - d. Enhance definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.

4. **Building Heights.** Building heights shall be generally compatible with and transition from the height of adjacent development within the historic context of the corridor. The overall building height and number of floors shall comply with the dimensional requirements of the Town of Milford Zoning Ordinance; however, wall plane heights shall be “stepped back” to minimize the mass of the structure along the frontage or public way.
5. **Roof Forms and Materials.** Rooflines shall be characteristically sloped and articulated with architectural features such as dormers, chimneys, gables, cupolas, etc.
  - a. Rooflines shall not run in continuous planes, and shall be broken into appropriately scaled masses.
  - b. Flat roofs are prohibited unless the Planning Board finds that a proposal can provide appropriate visual appeal and does not detract from the character of the corridor.
  - c. Where appropriate roofs shall provide adequate overhangs for pedestrian activity.
  - d. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal.
6. **Architectural Features and Materials.** Architectural features and details shall be considered in every building design.
  - a. Traditional features and details such as columns, pilasters, canopies, porticos, awnings or arches associated with Milford’s architectural heritage are strongly encouraged.
  - b. Long expanses of repetitive architectural elements and flat unarticulated wall surfaces shall be avoided.
  - c. Use of traditional materials or materials that have the same visual effect shall be used including but not limited to wood, brick, tile, or stone.
7. **Windows.** With the exception of retail storefronts, modestly scaled vertically proportioned windows are the most appropriate to the local building vernacular.
  - a. Building facades should have an abundance of windows that use clear non-reflective glass.
  - b. Windows on higher floors should align vertically with windows below, if possible.
  - c. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings or prominent sills and a pedestrian scaled lighting element. Storefronts should use windows to reveal indoor amenities, activities and displays.
8. **Building Entrances.** All building entrances shall be clearly defined and highly visible using a variety of the following details (*Please refer to the Town of Milford Design Guidelines for examples*):
  - a. Porticos
  - b. Canopies
  - c. Overhangs
  - d. Arcades
  - e. Recesses or projections
  - f. Raised cornice parapets over doors
  - g. Arches with detail (tile work or moldings) integrated with the building
  - h. Outdoor patios
  - i. Display windows
  - j. Integral planters

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

#### **6.05.7 WAIVER PROVISION**

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

#### **6.05.8 APPEALS**

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

#### **6.05.9 SAVING CLAUSE**

Where any provision of this Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.

#### **6.05.10 EFFECTIVE DATE**

The Nashua and Elm Streets Corridor Overlay District Ordinance was adopted by the Town of Milford on Tuesday, March 11, 2008 and is effective the same date.

**Appendix I – Parcels included in the Nashua and Elm Streets Corridor Overlay District**

**Map and Lot Numbers:** 19/3 thru 19/8, 19/10-19/14, 19/15-1, 19/15-2, 19/16, 19/16-1, 19/17, 19/21, 19/25, 19/25-1 thru 19/25-9, 20/44, 20/45, 20/47, 20/49 thru 20/52, 20/54 thru 20/61, 25/1 thru 25/7, 25/9, 25/9-1, 25/10, 25/11, 25/11-1, 25/12 thru 25/27, 25/32 thru 25/36, 25/38 thru 25/40, 25/42 thru 25/52, 25/56 thru 25/76, 25/112 thru 25/120, 25/122 thru 25/126, 25/126-1, 25/127 thru 25/133, 26/90 thru 26/99, 26/99-1, 26/100 thru 26/103, 26/103-1, 26/104 thru 26/109, 26/111 thru 26/166, 26/166-1, 26/167 thru 26/184, 26/184-1, 30/1 thru 30/4, 30/9, 30/10, 30/31 thru 30/37, 30/40 thru 30/53, 30/57 thru 30/63, 30/63-1, 30/64, 30/65, 30/65-1, 30/66, 31/2 thru 31/13, 31/32, 31/32-1, 31/32-2, 31/33, 31/52 thru 31/55, 32/1 thru 32/7, 32/11, 32/16, 32/17, 32/19 thru 32/24, 32/24-1, 32/28 thru 32/30, 43/46 thru 43/51 and 43/54.

**Appendix II – “List of NH Native Trees”**

Arborvitae	Hackberry	Poplar
Ash	Hawthorn	Sassafras
Basswood	Hemlock	Serviceberry
Beech	Hickory	Spruce
Birch	Hophornbeam	Sumac
Cherry	Juniper	Sycamore
Chestnut	Larch	Viburnum
Dogwood	Maple	Walnut
Elm	Mountain ash	White cedar
Fir	Oak	Willow
Gum	Pine	Witch-hazel

**Appendix III – Invasive Species**

Tree of Heaven	European Frogbit	Yellow Floating Heart
Garlic Mustard	Water-flag	Common Reed
European Barberry	Blunt-leaved Privet	Japanese Knotweed
Flowering Rush	Showy Bush Honeysuckle	Curly-leaf Pondweed
Fanwort	Japanese Honeysuckle	Common Buckthorn
Oriental Bittersweet	Morrow’s Honeysuckle	Glossy Buckthorn
Black Swallow-wort	Tartarian Honeysuckle	Multiflora Rose
Pale Swallow-wort	Purple loosestrife	Water Chestnut
Brazilian elodea	Parrot Feather	Burning Bush
Autumn Olive	Variable Milfoil	Norway Maple
Giant Hogweed	European Water-Milfoil	Japanese Barberry
Hydrilla	European Naiad	