

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

Present:

Members:

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

Staff:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairperson Langdell read the notice of hearing and stated that in accordance with the requirements of NH RSA 675:7, the Milford Planning Board will hold a Public Hearing on Tuesday December 6, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall to amend the following sections of the Town of Milford Development Regulations:

Article IV, Section 4.06, *Determination of Potential Regional Impact*

Article IV, Section 4.07, *Site Plan Extension and Expiration of Approval*

Article IV, Section 4.08, *Subdivision Extension and Expiration of Approval*

Article VI, Section 6.05.5, *Handicapped Access Provision*

Chairperson Langdell said that Sections 4.06, 4.07 and 4.08 are being updated because of changes in the State RSAs so that we are in compliance with those laws and Section 6.05.5 is being updated to modify our regulations so that they are more reflective of the American Disabilities Act (ADA) standards.

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

S. Duncanson made a motion adopt the proposed amendments to the Development Regulations. J. Plant seconded and all in favor.

The public hearing was adjourned at 6:45PM.

MINUTES OF THE DEC 06, 2011 PLANNING BOARD PUBLIC HEARING APPROVED DEC 20, 2011.