

MILFORD PLANNING BOARD PUBLIC HEARING

January 3, 2012 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Kathy Bauer
Chris Beer
Judy Plant
Susan Robinson, Alternate member

Staff:

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

Chairperson Langdell called the meeting to order at 6:30PM. Chairperson Langdell then introduced the Board, explained the process for the public hearing and read the notice.

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday January 3, 2012, 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. Revisions to Article II, General Provisions, to remove Equitable Waiver, modify and transfer it to Article X, Administrative Relief*
- 2. Revisions to Article VIII, Administration and Article VII, Sign Ordinance relative to Enforcement, Penalties and Remedies*
- 3. Revisions to Article X, Administrative Relief relative to Home Occupations and Variances*
- 4. Addition of the Commerce and Community District to Article VI, Overlay Districts*
- 5. Addition of the West Elm Street Gateway District to Article VI, Overlay Districts.*

PUBLIC HEARING

J. Langdell noted that the first three items advertised for Public Hearing were discussed at the 12/20/2011 public hearing, at which time they posted and published for the 2012 Warrant. They were only included in tonight's announcement in case additional discussion might be needed after that public hearing; however, should anybody in the audience want to speak to those items we certainly would do so. The focus of tonight's Public Hearing is on the Commerce and Community District and the West Elm Street Gateway District.

T. Sloan clarified that when the notice was read, item #1 should have been *Revisions to Article II, General Provisions, to "remove" Equitable Waiver*, not require Equitable Waiver as stated.

J. Langdell then said that these proposed overlay districts represents over a year's work by the Planning Board, Planning Staff, and the EDAC Land Use Subcommittee. Together those groups along with many other people, including the professional staff at the Nashua Regional Planning Commission (NRPC), have worked very hard to come forward with some proposals that should enhance Milford's ability to grow into the future. Planning Staff sent out, as part of the public education process, over 240 postcards to land owners and businesses in the west side of town that were involved or abutting the land under consideration for these two pieces of the Zoning Ordinance.

J. Langdell stated that she did receive a phone call from a property owner relative to one of the postcards that was sent. The individual had a few questions and asked for some clarification on the intent of the West Elm Street Gateway District. S. Marchant added that she also talked to two owners in that district who also had gotten postcards and both were supportive of our proposal, but didn't have any comment to add to the public record.

S. Marchant gave a presentation of the two proposed zoning changes for the 2012 ballot, both centering around the theme of promoting economic development in West Milford. One of the major responsibilities of the Planning Board is to develop long term planning for the community and getting the community's input to lay out a very broad-stroke plan with large concepts and ideas for how the community would like to see Milford grow and how to accommodate that growth to serves our interests for the long run. These items are coupled with the fact that Milford is going to continue to grow and must grow to remain economically viable. With this in mind the Planning Board, with the assistance of the Board of Selectmen, Conservation Commission, Economic

Development Advisory Council-Land Use Subcommittee, West Milford Tax Increment Financing District Advisory Board and Recreation Commission, has looked at ways to encourage growth and development in West Milford, which has resulted in somewhat of a three pronged approach. The three prongs include the two (2) proposed zoning districts under discussion tonight (the West Elm Street Gateway District and the Commerce & Community District) and the newly designated Economic Revitalization Zone (ERZ) that the Selectmen approved in September, which also incorporates these proposed overlay districts. An ERZ is somewhat of an incentive, provided by the State, which allows businesses within the zone to apply for a reduction or an offset credit to be used against the Business Profit Tax and Business Enterprise Tax if they expand operations and hire additional employees. We're hoping that with these three (3) tools we can create a carrot to encourage additional growth in the West Milford area. J. Langdell added that while we are trying to put these incentives to attract business and jobs in place, we are still trying very hard to balance out the desires of the people that currently live in this town as reflected in the Master Plan and the research we've done. It's the challenge of doing two things at once and doing both well.

S. Marchant said both proposed zoning districts are overlay districts that would lie on top of the traditional zoning and are supplemental guidelines for areas that have unique characteristics that the community has decided are important to enhance or protect. Overlay districts create a framework to ensure that new development is compatible with the Master Plan. Both of the proposed overlay districts pertain to commercial, industrial, mixed use new construction, additions and alterations and convey that framework that ensures compatibility with Milford's community character, an underlying theme, while trying to provide the flexibility to allow for the innovation and creativity needed to encourage development. The two districts were designed separately because of their very distinct layouts; the WESGD area contains development with an existing infrastructure and utility network and existing businesses while the Commerce and Community District is largely vacant and has great access but does not have road or utility infrastructure yet. Both districts are tools that our community can use to facilitate the outcome defined by the master plan.

Article VI, Overlay Districts; West Elm Street Gateway District (WESGD)

S. Marchant said the idea for this started several years ago when the Planning Board was working on the Nashua and Elm Streets Corridor District which focuses on the east side of town. This district was kicked off with a survey that was sent to the business and property owners in the district back in December, 2010 and then those owners were invited to a breakfast, hosted by Hitchiner Mfg., where they gave their ideas on what was important and what wasn't important for development and growth in this area. That community feedback has fed this project all the way. The WESGD is an overlay district in the Zoning Ordinance that also has a complimentary design guidelines document, which has pictures, simplified text and visually walks the user through what the Planning Board and community has said they are looking for in regards to development in this area. This pertains to commercial, industrial and mixed used buildings. It is designed to manage and improve traffic and roadway flow. The idea is that by laying out all the information very clearly and very visually, we're hoping to expedite the land use approval process so that both the applicant and the Planning Board have a very clear idea of what the community wants for redevelopment. By starting from the same page, in theory, we can get to the end a little sooner.

Overview of the WESGD

- Outline of the district using the NRPC *Corridor Overlay District and Potential Gateways* plan; Oct, 2011.
- Very specific to industrial development.
- Very strong infrastructure and utility network.
- Contains many existing businesses and large employers.
- Guidelines try to enhance the existing commercial and industrial development that the community is very proud of by requiring future new development and re-development meet those standards.
- Guidelines are based on shoulds not shalls.
- Document helps to give orientation to where discussions with the Planning Board should begin.
- Examples were broken down by industrial, commercial, mixed use and campus development,
 - Building orientation and siding
 - Building massing, form and height
 - Good access management

Article VI, Overlay Districts; Commerce and Community District

S. Marchant explained that the Commerce and Community District expands the allowed uses beyond what is already granted by the underlying zoning. The document is very large and detail intensive but will lay out a lot of very specific details. While that might seem cumbersome at first, if we can lay out all the details and very specifically identify what the community wants to see for development, it will expedite the process because the heavy lifting will be done up front. The idea is to not slow anybody down and to try to incentivize development by offering a quicker turnaround time. J. Langdell said hopefully that will be a carrot that attracts people to come to Milford instead of going to one of our neighboring communities or to Londonderry. That is a major reason why we included an expedited review process within this Zoning Ordinance beside it being a requirement of the contract that the Board of Selectmen signed with Eecotech. S. Marchant said we want to be a place that people can come to, for future commercial and industrial development. We want to grow the tax base and we want to bring jobs to Milford; and to do so, we have to offer some incentives to entice people to choose Milford over other areas that might have better access to the highway or airport. Milford has some phenomenal attributes to offer and we want to highlight those.

Overview of the CCD

- Outline of the district using the *Commerce and Community District* plan, which includes the TIF District and the land under agreement with Eecotech being the former police station lot and the Brox property.
- Commerce and Community District Draft 3, dated 12/24/11.
- Lays out a new administrative process to expedite the review of applications.
- Requires large scale master planning for the area to make critical pieces of infrastructure work for the district as a whole.
- Uses form based code.
- Allows for an expedited review process.

S. Marchant said most of Milford is regulated by conventional zoning and this is the first and only form based code area in town. Conventional zoning is based on use segregation and defines basic density, height and building area with a traditional Planning Board review process for subdivisions and site plans. Form based code focuses on the physical form from what the community wants to see; it starts at the street and public spaces. It organizes the zoning by special hierarchy from the big streets with more compact development to smaller streets with a little more space between buildings and uses, making it very spatially organized. The idea is to create places by promoting mixed uses with a large public and open space component. The CCD is set up internally by different levels of regulating plans.

The Framework Regulating Plan would be adopted through the Zoning Ordinance and would require a vote to change. This level addresses the large-scale development and the infrastructure and lays out the sub-districts and the general locations of the required future street connection points.

The Master Regulating Plan gets more specific and is the first plan submitted by a developer/owner that will be approved by the Planning Board through the more traditional site plan process. The plans have to be done at a minimum threshold of forty acres, which doesn't allow for small development to be piecemealed in. The plans will lay out the public and open space, street types, size, locations and connections, building form standards, large scale stormwater management and any special conditions. A key component is that traffic and impact studies would be required at this level to show that the infrastructure will support this development for the long term. Illustrative plans are also submitted at this level. The whole idea of this district is to accommodate future growth in Milford over the next twenty to thirty years so this is a long term project. The hope is that as Milford's population is projected to grow to 18,000 and beyond, the growth will come to this centralized area that has the ability to connect to water and sewer, roadways and transportation rather than pushing it out to the outskirts of the community.

J. Langdell added that research seems to reflect that society is looking for this type of living situation; a little higher density that is more walkable. S. Marchant said a lot of the population statistics that have just come out of the 2010 census say that the size of our over fifty-five population will double in the next thirty years and those people are not looking for 3,000SF homes. This type of development, getting you close to your shops and

potentially close to jobs with large scale commercial development would accommodate both the younger and older populations.

K. Bauer asked who would be reviewing the Master Regulating Plan. S. Marchant stated that the Planning Board would do so through the regular process.

The Site Regulating Plan, the lowest level plan would be submitted for one individual site by a developer or owner and if less than 65,000SF of new or additional building space, it would be reviewed and approved by an expediting review committee composed of Town Staff with Planning Board representation. If the building were larger than 65,000SF the plan would have to go before the Planning Board. This level is a traditional site plan which incorporates the parking, the landscaping, building placement and the more finite details as well as all the specific details laid out in the Master Framework Plan. J. Langdell said in theory, this 96 page Zoning Ordinance document is the framework.

J. Langdell noted that Sarah and Bill have done a tremendous amount of work to bring this forward and this is cutting edge planning from a national perspective. This is very exciting for the growth of Milford going forward.

Chairperson Langdell then opened the discussion for public comment.

S. Christensen inquired about the 65,000SF threshold for the review process. S. Marchant explained that per the review criteria, if you are creating a new structure of 65,000SF or less, instead of submitting an application to the Planning Board and having to wait the timeframes involved with that process, you can go through an expedited permit review if you meet all the details and don't need any waivers. You can submit application to the Community Development Office and within ten days, the application will be reviewed by an expedited review committee at the same time as your building permit so if there are any tweaks that need to be made, they can be done at the same time. It tries to expedite the process because we understand that time is money. A structure greater than 65,000SF would have to go before the Planning Board but there is somewhat of an expedited process for that as well. K. Bauer asked for clarification of the review committee. S. Marchant said the committee would consist of; Code Enforcement, Fire, Ambulance, Conservation Commission, Water Utilities, DPW, Planning, Zoning Administrator, Police and a representative from the Planning Board, all the departments that participate in our current interdepartmental review. The application would go through the same interdepartmental review processes as any other application, but the process would be shortened.

Chairperson Langdell closed the public portion of the meeting, hearing no further discussion and stated that because of the complexity of these zoning district ordinances, we want to allow sufficient time for the public to have an opportunity to review the documents, to see the presentations and ask questions.

T. Sloan said that the Board would encourage anybody with an interest or with questions to continue pursuing information. We have been working on this nearly every week for a very long time and it is not easily digestible. It takes time to understand it. He also wanted to clarify that the two districts don't overlap, even though they are very close in proximity. They are two separate districts.

K. Bauer made a motion to table the proposed zoning revisions to the January 17, 2012 meeting. J. Plant seconded and all in favor.

The public hearing was adjourned at 7:10PM.

MINUTES OF THE JAN 3, 2012 PLANNING BOARD PUBLIC HEARING APPROVED JANUARY 17, 2012.