# AGENDA

December 18, 2012

**Town Hall BOS Meeting Room - 6:30 PM**

## PUBLIC HEARING:

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

- Article II, G*eneral Provisions;* to amend language relative to Non-conforming Uses and Structures.
- Article IV, *Definitions;* to amend Accessory Dwelling Unit, Accessory Use or Structure, and Dwelling, Two-family and to delete Portable Sign.
- Article VI, Section 6.01, *Groundwater Protection;* to amend the definition of Junkyard.
- Article VII, Section 7.06.3, *Sign Definitions;* to add Façade Sign and amend Wall sign.
- Article VII, Section 7.06.5, *General Administration;* to amend language relative to Permit not Required and Application Procedure.
- Article VII, Section 7.06.7 *Sign Requirements by Type;* to amend language relative to the zoning districts, Directional Signs and Wall Signs and to modify all tables to include the ICI-2 District.
- Article VII, Section 7.07, *Senior Housing*; to amend language relative to Occupancy Eligibility.
- Article VII, Section 7.09 *Telecommunications Facilities*; to replace the section in its entirety with revised language.
- Article X, *Administrative Relief;* to amend language relative to Accessory Dwelling Units.

## MINUTES:

1. Approval of minutes from the 11/20/12 meeting.

## NEW BUSINESS:

2. **Pine Valley Mill Commerce Center & Residences at the Mill – Dakota Partners, et al – Wilton Rd – Map 6, Lot 13;** Public Hearing for a proposed two (2) unit condominium conversion.
   *(Fieldstone Land Consultants, PLLC)*

3. **C. Fuel Management, LLC – Hollow Oak Ln – Map 7, Lot 5-5;** Public Hearing for a proposed site plan amendment to add two (2) 30,000 gallon propane tanks.
   *(Sanford Survey & Engineering)*

4. **Paloja's Complete Auto Repair – Lehigh Gas/Getty Realty Corp – Amherst St – Map 26, Lot 185;** Public Hearing for a waiver from Development Regulations Article II, Section 2.03.B, in accordance with Section 5.020, to confirm motor vehicle sales, limiting the display to four (4) vehicles, for State licensing.

## OTHER BUSINESS:

**Future meetings:**

*1/8/13 Worksession/Possible public hearing for zoning changes (if needed)*

*1/15/12 Regular meeting*

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

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MILFORD PLANNING BOARD PUBLIC HEARING ~ DRAFT ~
November 20, 2012 Board of Selectmen's Meeting Room, 6:30 PM

Present:

**Members:**
Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Paul Amato
Kathy Bauer
Chris Beer
Steve Duncanson
Judy Plant

Susan Robinson, Alternate member

**Staff:**
Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Dan Finan, Videographer

**Excused:**

## MINUTES:

1. Approval of minutes from the 10/16/12 meeting.

## NEW BUSINESS:

2. **Milford Center Trust – Elm St – Map 19, Lot 20;** Public Hearing for a site plan to redevelop an existing residential house into a commercial office; and to consider a request for a waiver from Development Regulations, Article VI, Section 6.08, Landscaping.
   *(Fieldstone Land Consultants, PLLC)*

## OTHER BUSINESS:

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

**MINUTES:**
Revisions to the minutes were submitted by K. Bauer, C. Beer, P. Amato and J. Langdell. C. Beer made a motion to approve the minutes from the 10/16/12 meeting as discussed and amended. P. Amato seconded and all in favor.

**NEW BUSINESS:**
**Milford Center Trust – Elm St – Map 19, Lot 20;** Public Hearing for a site plan to redevelop an existing residential house into a commercial office; and to consider a request for a waiver from Development Regulations, Article VI, Section 6.08, Landscaping.
*No abutters were present.*

Chairperson Langdell recognized:
Chad Branon, Fieldstone Land Consultants, PLLC
Mike Plough, Fieldstone Land Consultants, PLLC

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

C. Branon distributed revised plans dated 11/20/12 and made the presentation. The .52 acre site is situated on the south side of Elm St in the Commercial District and is serviced by municipal water and sewer, overhead electric and natural gas. The two story residential home has been a rental property since 1984 and will be converted into a professional office with associated site improvements. We are proposing to renovate the existing building into a 1,580 SF office space while reserving a 1,420 SF two story addition for the future. There will be a new access to the site and a parking area created. The drainage is detailed on sheet 3 and Stormwater will sheet flow from north to south on the property. The south side of the access and parking area will be curbed which will convey all the water into the proposed leaching basin. The site will be completely self-contained and all stormwater will be infiltrated on the property. The lighting will consist of one (1) proposed pole mounted light on the north side of the parking lot and will be a standard downcast fixture, so the lumens do not extend beyond the property. The proposed landscaping will consist of two (2) street trees and seven (7) shrubs in front to address the requirements. There is no proposed signage at this time and no dumpster as we will remove the trash weekly. The revised plans address the interdepartmental comments and staff recommendations.

Interdepartmental reviews:
- The Building Comments regarding the engineering calculations for the catch basin have been addressed as this property has been designed to infiltrate the 2, 10, 25 and 50 year storms. Those storm events range from a 2.49" to a 5.1" storm event.
- Two of the DPW comments were based on a misunderstanding and after speaking to Rick Riendeau and clarifying that the plan details referenced a pavement match not a patch, the first comment was withdrawn. The second concern about the drainage was also satisfied. Rick was more concerned about the details of whether it was a curb or a berm on the plan and it will be a curb line. We also talked about the pitch of the driveway so he has no objections. The site contains good sandy soils so once you get the drainage off the impervious areas it infiltrates well. We did address the comment regarding the catch basin and there is a note on the plan.

Staff comments:
- *A note be added to the plan stating that M19L20 is within the Elm Street Gateway District;* note #4 has been revised and the district name will be corrected to state "West" Elm Street Gateway District.
- *Site plan and storm water submittal needs construction entrance/exit detail (project size allows for use of 50' residential detail)*; detail 2 has been added to the sheet 4.
- *The handicap parking space does not meet the Town of Milford Development Regulations which requires a space be 10'x20'. The plan should be revised to reflect these dimensions;* the handicap space has been revised

on sheet 2. The critical dimension has been changed from 18ft to 20ft in depth and the three (3) 8ft spaces total 24x20 which will satisfy the intent of the regulations and dimensional requirements.

- *A note be added to the plan stating the maintenance and care of leaching catch basin:* a note was added regarding the standard maintenance on sheet 4.

C. Branon then read the waiver request from Section 6.08.5, Landscaping Buffer Requirements. He explained that in order to accommodate our parking needs of twelve (12) spaces and due to the width of the lot, we are only left with about 5.4 ft instead of the required ten (10) ft; however, it is more separation than the adjacent lot that received recent site plan approval but we were not sure if the regulations were the same.

T. Sloan said he could appreciate the statement that you were not aware of certain regulations being in place at the time of development, but the point that is being missed is that the overlay district is not to allow businesses and redevelopment to remain the same in town. The whole point of the West Elm Street Gateway District is to improve the appearance of the properties and by asking for a waiver in that respect, you don't incorporate the requirements of that new ordinance or at least the principals behind us adopting it. I am not opposed to you bringing forth a plan that may not meet the requirements to the letter, but you should offer some type of consideration to the neighbors and some type of amenity to lessen the disturbance the residents may feel.

Chairperson Langdell opened the hearing to the public; there being none, the public portion of the meeting was closed. She then reviewed the comments from the staff memo dated 11/20/12.

C. Beer inquired about the minimum parking requirements. J. Langdell referenced note #9, and said four (4) spaces per 1,000 SF. She then inquired about the truncated or scooped out area at the south side. C. Branon showed all the spaces on the plan and explained that the scooped area was to allow for the car in the last space to back out. P. Amato inquired if twelve (12) spaces would be enough with the second story addition. C. Branon said yes, the site has been designed to address the future addition and we want to reserve and preserve the right to build this addition. It is a substantial investment for our company and for the town, so it is important for us to secure approval for 3,000SF of office space on this lot, which this site plan is designed for. The house is about 1,600 SF and we occupy close to that in our existing space right now. We are a full service land consulting company, offering surveying, engineering and environmental services and the addition will not change the use. The whole building will be strictly for our offices. Our goal is for this plan to vest us so that we can work with staff to obtain building permits for the 1,560 SF renovations and for the 1,400SF future addition. Any change in use would require us to come back to this Board. After discussion regarding parking for the future addition, J. Levandowski read the Development Regulations, Section 6.05.4 and stated that the parking requirements for professional offices are three (3) spaces per 1,000SF of building and one (1) handicapped space required for every twenty-five (25) regular spaces, per ADA requirements. Therefore, nine (9) spaces will be required according to our regulations.

P. Amato asked if there were going to be any changes to the façade. C. Branon said there would be a lot of changes to the building as it is in need of repair. The cabin on the end of the driveway, the concrete foundation and all else noted as such on the plan would be removed; they are ultimately trying to give the front of the building a more professional appeal. We will put the main entrance in the back of the building, as a lot of businesses in that area have done. He then distributed conceptual renderings of the proposed facility. P. Amato inquired about the front porch. C. Branon said it will be turned into a four season room and become part of the structure, although there is no cellar underneath. All the windows will be replaced and the building will be resided. We've had an asbestos survey done and unfortunately the plaster in the walls will have to be abated; ultimately the building will be completely gutted and rebuilt. P. Amato inquired about signage. C. Branon replied that they do plan on a monument sign in the future and will obtain the required permits for that as well as the wall sign shown on the renditions. P. Amato brought up the edge of gravel encroachment shown on the plan. C. Branon explained that it was pea stone used as ground cover under the outdoor kennel areas at the veterinary hospital. The fence is right on the property line and the kennel area has extended over the property line. J. Langdell noted that she didn't remember the buffering requirements when the veterinary plan was approved, but noted that they have a chain link fence and three (3) trees between the two properties. P. Amato asked about the shed out back. C. Branon said we may use it to store granite bounds and things like that but haven't yet evaluated if it would be any use to us down the road.

T. Sloan asked how the trash would be handled and if there would be a kitchen on site. C. Branon said the trash would be contained inside the building and disposed of weekly. They would be keeping some form of a small kitchen or kitchenette and that trash would be disposed of accordingly. T. Sloan asked if the applicant was aware of the distinguished site award and noted that the neighboring property was the 2nd recipient so there is incentive to maintain the caliber of the aesthetics put into place. P. Amato said the veterinary office looks very nice from the front and you have room to do that as well, but it is hard for us to say you have to do what the neighbor did, because if we asked the veterinary hospital to do what their neighbor did, it wouldn't look as nice as it does now. C. Branon said they appreciate that challenge.

J. Langdell inquired about the handicap ramp. C. Branon showed that it would be on the left side of the building and said that the details have not been ironed out yet. J. Langdell inquired about the fencing shown on the plan. C. Branon said the chain link fence belongs to our neighbor and there is also a type of fiberglass post and wire fencing that may have been run between the property monuments by the owners of this property to protect it from trespassers. He then described all the existing and proposed fencing in detail. J. Langdell asked about the pole light. C. Branon explained that it will be an aluminum pole with a shoe box style light and will be completely downcast.

C. Branon said, in speaking to the comments about the West Elm Street Gateway District, our understanding is that we are certainly improving the aesthetics as you drive the Elm St corridor and we believe that, on a large scale, we are addressing the overall goals. This will be an improvement project as the home, in its current state, is not much to look at. We plan on dressing up the front of the building nicely, probably more so than shown on the plan which was put together to meet the requirements and we would like the freedom to do additional things down the road. With that said, we are technically requesting some relief on the buffering along the westerly property line. C. Beer said that might not be necessary with the decrease in required parking spaces, which means that you could reduce the parking and provide the buffer. C. Branon said he understood that; however, we have nine (9) spaces at our current facility and depending on the day, we use all of them. We have three (3) company vehicles plus employees and although regulations state nine (9) spaces, we know that for our business to function adequately and properly today, and in the future when we hope to hire a couple more employees, we are going to need twelve (12) spaces and we've designed the site accordingly. J. Langdell said, in terms of the overlay district, this plan is showing elements that are very clearly called out; the parking is in the rear not in front, you are tending to the visual aspects, you are maintaining the trees and natural landscaping. The buffer requirements are in the Development Regulations and we've always had some level of requirement when have a commercial lot adjacent to residential lot. While this area is zoned commercial, has a high traffic volume, and lends itself to commercial development, we have to be sensitive to the fact that there is residential development. The question before us is how sensitive?

T. Sloan said he envisioned that the applicant would put forth a plan, after consultation with staff, to request our approval rather than ask for a waiver. There is a public benefit aspect to a waiver and I don't see any public benefit to what is proposed. C. Branon said they have contemplated installing a white vinyl stockade fence possibly along the parking area and extend it to the back line of existing structure but would prefer not the full length of the property line. T. Sloan stated it was not needed along the full length and asked if there were any invasive species in that area. C. Branon said we plan on raising the grade about two (2') ft to soften the vertical appearance of the building and give it a more professional appeal so the entire site is going to be re-landscaped and all invasives will be removed. T. Sloan said where it isn't necessarily desirable or recommended for the vinyl fence to come up to the road, maybe there could be some sparse accent plantings to continue on between where the fence stops going to the front. The plan may not necessarily meet the 6' x15' regulations, but there would be some type of buffer. J. Langdell said with a residential home next door, her concern was more relative to the parking lot area and a little beyond, not necessarily the back area or that she would want to see a ten (10') ft hedge all the way to Elm St, given this particular lot and this particular setting. T. Sloan said he envisioned where the fence stops you would have a tree, then an island with bushes suitable for that site, then maybe another tree and then an existing fir. That would be attractive but not over burdensome. Also, has there been consideration for extending a grass or gravel pave on the south side of the parking area where you could double up parking of company vehicles. C. Branon said we have discussed that depending on our future parking needs. C. Branon said we would not be opposed to this site looking nice, but the critical component for us is, if at all possible, we leave here tonight with a condition of approval so we can meet closing requirements. We don't have a problem

working with staff to generate a plan that would show the fence going to a specific location with some additional landscaping but we really do want some freedom to enhance the property in the future and not have to landscape the entire line. P. Amato said he would hope that a fence at the parking area would prevent car lights from shining into the neighbor's property and referenced the veterinary hospital next door saying that all those lights shine directly into the neighboring property.

S. Duncanson suggested bringing the fence from where the chain link fence stops to further north where the proposed construction of the five (5') ft wide sidewalk will be. C. Branon said he envisioned something similar but would like the Board to keep in mind that the adjacent residence is not close to the parking area at all and we would really like the freedom with the landscaping from that point forward. T. Sloan said you have that freedom as long as you do landscaping. C. Branon said the veterinary hospital focused all their landscaping in the front of the building and the only other landscaping on the entire remainder of the site are three (3) pine trees, which is pretty minimal. C. Branon said they would do the stockade fence and plant a few shrubs along the side of the building. T. Sloan added an observation to maybe include a shade tree which would be beneficial for energy conservation. P. Amato reiterated that he would prefer some fencing at the parking lot to prevent car lights from shining into the neighbor's property but then spend more money in the front area that can be seen when driving down Elm St. J. Levandowski read Section 6.08.5:B from the Development Regulations.

J. Plant said she would be happy with the fencing per the discussion and put the money in front.

C. Beer said the fencing at the parking lot meets the intent of the actual language of the ordinance and concurs with using the money in the front of the lot.

K. Bauer inquired about the public good for the waiver. J. Langdell clarified that the public good comes into play for our Zoning Ordinance.

P. Amato stated that we have two options; either go with the buffer requirements in our regulations or grant a waiver and a discussion on interpretation and procedure ensued. J. Levandowski read Section 5.02.0 of the Development Regulations.

P. Amato made a motion made to grant a partial waiver from Development Regulations 6.08.5, Landscaping Buffer using the alternative design as discussed, to include fencing to buffer the parking area on the northwest portion of the site and some additional landscaping. C. Beer seconded. P. Amato, K. Bauer, C. Beer, S. Duncanson, J. Plant and J. Langdell voted in the affirmative with T. Sloan voting no. The motion carried by a vote of 6-1.

T. Sloan said the renderings presented tonight were rough and asked if there would be more in depth renderings or who would approve the final version. C. Beer said we don't approve aesthetics. S. Duncanson agreed. J. Langdell said, in any case, we can ask for architecturals.

T. Sloan made a motion to grant conditional approval, subject to any Staff recommendations that have not been incorporated in the revised plans, taking into account the waiver that was granted and providing we have pre-approval of the renderings for the site design from staff and chair; also, that note #4 be revised to state West Elm Street Gateway District, and note #9 be revised to reflect the correct parking regulations of three (3) spaces per 1,000SF. P. Amato seconded and all in favor.

**OTHER BUSINESS:**

There was no other business and the meeting was adjourned at 8:00PM.

MINUTES OF THE NOV 20, 2012 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2012

Motion to approve: _____

Motion to second: _____

_____ Date: _____

Signature of the Chairperson/Vice-Chairman:

December 6, 2012

**STAFF REPORT**
Community Development Department

**RE: Administrative Zoning Changes – FINAL REVISIONS – March 2013 Warrant**

**Public Worksessions:** October 2, October 23, November 20, November 27, December 4
**Public Hearings:** December 18
**Board Action:** TBD

In late July, Kevin Johnson, Chairman of the Milford ZBA submitted a list of potential suggestions for updates to the Zoning Ordinance. Additionally, several recommendations were received by staff for Planning Board review. The submitted suggestions were reviewed internally by Planning and Building Staff and submitted to the Planning Board for review beginning in September. The following is an explanation of the exact changes the Board has agreed upon for the 2013 warrant.

PROPOSED REVISIONS:

1. **Non-Conforming Uses**
   Amend Article II: Section 2.02.0 Non-Conforming Uses, to modify the name of NON-CONFORMING USES adding additional language
   - Amend NON-CONFORMING USES to NON-CONFORMING USES AND STRUCTURES;
   - Add language A use or structure lawfully existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated

2. **Non-Conforming Uses and Structures- Continuance, Discontinuance, or Change**
   Amend Article II: Section 2.03.0 Non-Conforming Uses to modify the section title and amend Section 2.03.1:A and Section 2.03.1:C
   Amend Section title NON-CONFORMING USES to read as NON-CONFORMING USES AND STRUCTURES – CONTINUANCE, DISCONTINUACE, OR CHANGE
   Amend Section 2.03.1 by replacing in its entirety with the following language:

   2.03.1 INTENT: The intent of this section is to allow for the lawful continuance of non-conforming uses, and/or structures and to allow a certain reasonable level of alteration, expansion or change that will not change the nature of the use and unduly impact the neighborhood.

   A. Continuance: A non-conforming use or structure may be continued, although such use **or structure** does not conform to the current provisions of the Ordinance.

   B. Discontinued use: Whenever a non-conforming use has been discontinued for more than one (1) year for any reason, such non-conforming use shall not thereafter be reestablished, and the future use of the property shall be in conformity with the provisions of this Ordinance.

   C. Alteration, Expansion, or Change: Alterations, expansion, or changes to a non-conforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that:

1. The alteration, expansion, or change shall not change the nature of the original use or structure and the proposed alteration, expansion, or change shall ~~would~~ involve no substantially different effect on the neighborhood; or,

2. In the case of Home Occupations (Article X, Sec.10.02.3), Accessory Dwelling Units **(ADU)** (Article X Sec.10.02.6) and Office in the Residence A and B Districts (Article X Sec. 10.02.7) the proposed alteration, expansion, or change to a non-conforming use or structure complies with those specific Special Exception criteria governing those uses.

**3. Administrative Relief**

Amend Article X: Section 10.02.6 Accessory Dwelling Units to revise language relative to accessory dwelling units

Section 10.02.6 Accessory Dwelling Units

A. In all cases involving an Accessory Dwelling Unit (ADU):
   1. An ADU shall meet the following minimum requirements:
      a. Only one ADU shall be allowed per ~~a~~ property.
      b. The primary dwelling unit shall be owner occupied.
      c. **An** ADU~~S~~ shall not exceed 700 SF total space.
      d. The ADU shall include no more than one bedroom.
      e. No additional curb cuts shall be allowed.
      f. **An** attached **ADU** ~~**accessory dwelling units**~~ shall have and maintain at least one common interior access between the principal dwelling structure and the **ADU** ~~**accessory dwelling unit**~~ consisting of a connector a minimum of 36" in width or a doorway a minimum of 32" in width.
      g. An ADU shall be located in an existing or proposed single-family home or **its** detached **ADU** structure**(s).**
      ~~h. All criteria of the zoning district including lot sizes, frontages, yard requirements and height requirements must be met.~~
      i. An existing nonconforming single-family residential ~~use~~ structure or **its detached ADU** ~~**incidental structure**~~ ~~use~~ shall not be made more nonconforming.
      j. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.

**4. Zoning Ordinance Definitions**

Amend Article IV: Definitions by modifying "Dwelling, Two-family", "Accessory Dwelling Unit (ADU"; and "Accessory Use or Structure"; and removing "Portable Sign"

- Amend **Accessory Dwelling Unit (ADU):** A second~~, accessory~~ dwelling unit incorporated within an owner-occupied existing or proposed single-family home or **its** detached **accessory** ~~Incidental~~ structure. The total area of the additional **ADU** ~~**accessory dwelling unit**~~ shall not exceed 700 SF and shall include not more than one bedroom. Use of the existing curb cut is required and any additional parking should be accommodated by the existing driveway or to the side or rear of the property. For the purpose of this ordinance an **(ADU)** ~~**Accessory Dwelling Unit**~~ is not considered an accessory use or structure**(s).**
- Amend **Accessory Use or Structure:** A use or structure on the same lot with, and of a nature incidental and subordinate to, the principal use or structure. For the purpose of this ordinance an **ADU** ~~**Accessory Dwelling Unit**~~ is not considered an accessory use or structure**(s).**
- Remove ~~**Portable Sign:** Any sign that is not permanently affixed to a structure or the ground shall be considered a portable sign. (1988)~~

- Amend **Dwelling, Two-family:** A structure which contains two (2) separate dwelling units, each provided with complete and independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation as well as independent access and egress to and from each ~~living unit~~ dwelling unit. (1986)

**5. Groundwater Protection**

Amend article VI: Section 6.01.0:1.B Definitions to remove the definition of "Junkyard" and replace in its entirety with a revised definition **for consistency with New Hampshire RSA and the definition used in Article IV: Definitions**

- Add **Junkyard:** An establishment or place of business which is maintained, operated, or used for storing and keeping, or storing and selling, trading or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel or other old or scrap ferrous or nonferrous material. Junkyard shall also include any place of business for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary fills. Also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Junkyard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material, which are parts of a motor vehicle or cut up the parts thereof. Also, includes any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of five hundred (500) square feet and as amended by NH RSA 236:112. (2009)

**6. Sign Ordinance Definitions**

Amend Article VII: Supplementary Standards, Section 7.06.3: Definitions by adding "Façade Sign"; and amending "Wall Sign"

- Add Façade Sign: See "wall sign."
- Amend Wall sign: Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. This sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building's parallel wall. Also, a fascia sign or a façade sign.

**7. Sign Ordinance- Permit Not Required**

Amend Article VII: Supplementary Standards, Section 7.06.5 General Administration to make minor administrative updates for ease of use and support in enforcement

- Amend Section 7.06.5:C.17.d— Signs that are temporary in nature and not covered in the foregoing categories provided that such signs meet the following restrictions:

  d. Such a sign may not be displayed for longer than seven (7) consecutive days ~~or~~ and no more than fourteen (14) days out of any one (1) year period.

**8. Sign Ordinance- Application Procedure**

Amend Section 7.06.5:D.4 by modifying Section 7.06.5:D.4.a; and removing 7.06.5:D.4.d & 7.06.5:D.4.e as redundant to 7.06.5:D.4.a, and amend section 7.06.5:D.8 to include "of any existing sign"

- Amend Section 7.06.5:D.4- Decisions:
  a. The Code Administrator shall either approve or deny the sign permit application within the time periods specified below after the Code Administrator determines that the application is complete. Applications found to be incomplete shall ~~be denied~~ not be acted upon but returned to the applicant identifying the items needed for completion.
  b. Upon a finding by the Code Administrator that the sign permit application complies with the provisions of this Article, the Code Administrator shall cause to be issued a sign permit for installation by the applicant. The sign permit shall be issued within ten (10) calendar days of the date on which the application was deemed complete.
  c. If the sign permit application is denied, the applicant shall be notified within ten (10) calendar days of the date on which the application was deemed complete. The notice of denial shall specifically explain any deficiencies in writing in the application and how the applicant may proceed under this Section and Article 10 of the Zoning Ordinance.
  ~~d. The Code Administrator shall not consider any sign permit application until the Code Administrator has determined that the application is complete.~~
  ~~e. No sign permit shall be issued in any case of an incomplete sign permit application.~~
  f. No sign permit may be issued until all fees have been paid and other requirements of the Sign Ordinance have been satisfied.

- Amend Section 7.06.5:D.8—Amendments: No new sign or modification of the size, materials or design characteristics of any existing sign shall occur unless a new sign permit is issued in accordance with the procedures established by this Article.

**9. Sign Requirements By Sign Type**

Amend Article VII: Supplementary Standards, Section 7.06.7:A Sign Requirements By Sign Type to include the Integrated Commercial Industrial 2 District ("ICI-2"); and remove Section 7.06.7:A.1

- Amend 7.06.7 Sign Requirements By Sign Type — There are eight (8) zoning districts in the Town of Milford: Residence "A" District, Residence "B" District, Residence "R" District, the Commercial District ("C"), the Industrial District ("I"), the Limited Commercial-Business District ("LCB"), the Integrated Commercial Industrial District ("ICI"), and Integrated Commercial Industrial 2 District ("ICI-2") and the one Oval Sub-District ("OSD"). The maximum cumulative number and maximum cumulative area of all sign structures permitted for any lot, parcel or business within a zoning district is set forth in following sections. This section does not apply to political signs or any other sign displaying a noncommercial message.

  ~~1. In the event the voters shall approve the creation of a second Integrated Commercial Industrial District ("ICI-2") pursuant to the 2007 Warrant, it is the intent of this Article that the signs permitted in the ICI shall be permitted in the ICI-2. In the event the ICI-2 district is not approved by the voters, then this subparagraph (7.06.7:A.1) is hereby stricken from this Article.~~

**10. Sign Ordinance- Wall Signs (Fascia Sign or Façade Sign)**

Amend Article VII: Supplementary Standards, Section 7.06.7 Sign Requirements By Sign Type to modify Section 7.06.7:E WALL SIGNS (FASCIA SIGN OR FAÇADE SIGN) for consistency by modifying the definition of "wall sign"

- Amend Wall Sign: Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. Window signage shall not be included as total allowable wall sign area. This sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the

building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building's parallel wall. Included within this definition are signs commonly called a-fascia sign or ~~a~~ façade sign.

**11. Sign Ordinance Tables**

Amend Article VII: Supplementary Standards, Section 7.06.7 Sign Requirements By Sign Type to modify all tables under 7.06.7 to include the ICI-2 District; and amend table 7.06-3, to be consistent and specify the allowable number of square feet for Directional Signs in the Residence "A" District as four (4). (Please see attachment #1)

**12. Senior Housing Development**

Amend Article VII: Supplementary Standards, Section 7.07.3 Occupancy Eligibility for Living Units within Senior Housing Developments, to modify the name of the Occupancy Eligibility for Living Units within Senior Housing Developments

- Amend Section 7.07.3 OCCUPANCY ELIGIBILITY FOR ~~LIVING UNITS~~ DWELLING UNITS WITHIN SENIOR HOUSING DEVELOPMENTS

**13. Telecommunication Facilities Ordinance**

Amend Article VII: Supplementary Standards Section 7.09.0 TELECOMMUNICATION FACILITIES by replacing in its entirety with following revised TELECOMMUNICATION FACILITIES ORDINANCE (Please see attachment 2)

# STAFF MEMO

**Planning Board Meeting**

**December 18, 2012**

**Agenda Item # 2 Pine Valley Mill Commerce Center & Residence at the Mill**
**Dakota Partners, et al – Wilton Rd Map 6, Lot 13**

**Public Hearing for a proposed two (2) unit condominium conversion**

**Background:**
This applicant was before the Board in July 2012 to redevelop the historic Pine Valley Mill Building into mixed use commercial/residential space. The redevelopment is to involve 50 affordable family apartment units, to occupy 45,000 square feet of the mill building's top floors. The remaining area of the mill building and the annex building which consist of approximately 25,000 square feet are maintained as commercial space. Through a lengthy discussion the Board granted conditional approval for the project.

The applicant is back before the Board to seek approval to establish a two unit condominium of the property – one unit residential, and the other the commercial portion of the property. The reason for this is that the units are being financed through separate financing mechanisms that cannot be co-mingled.

N.H. RSA 356-B:5 restricts municipalities from regulating and prohibiting condominium conversions.

The application is complete and ready to be accepted at this time. The Board will need to make a determination of regional impact. Please find the attached site plan and draft floor plans.

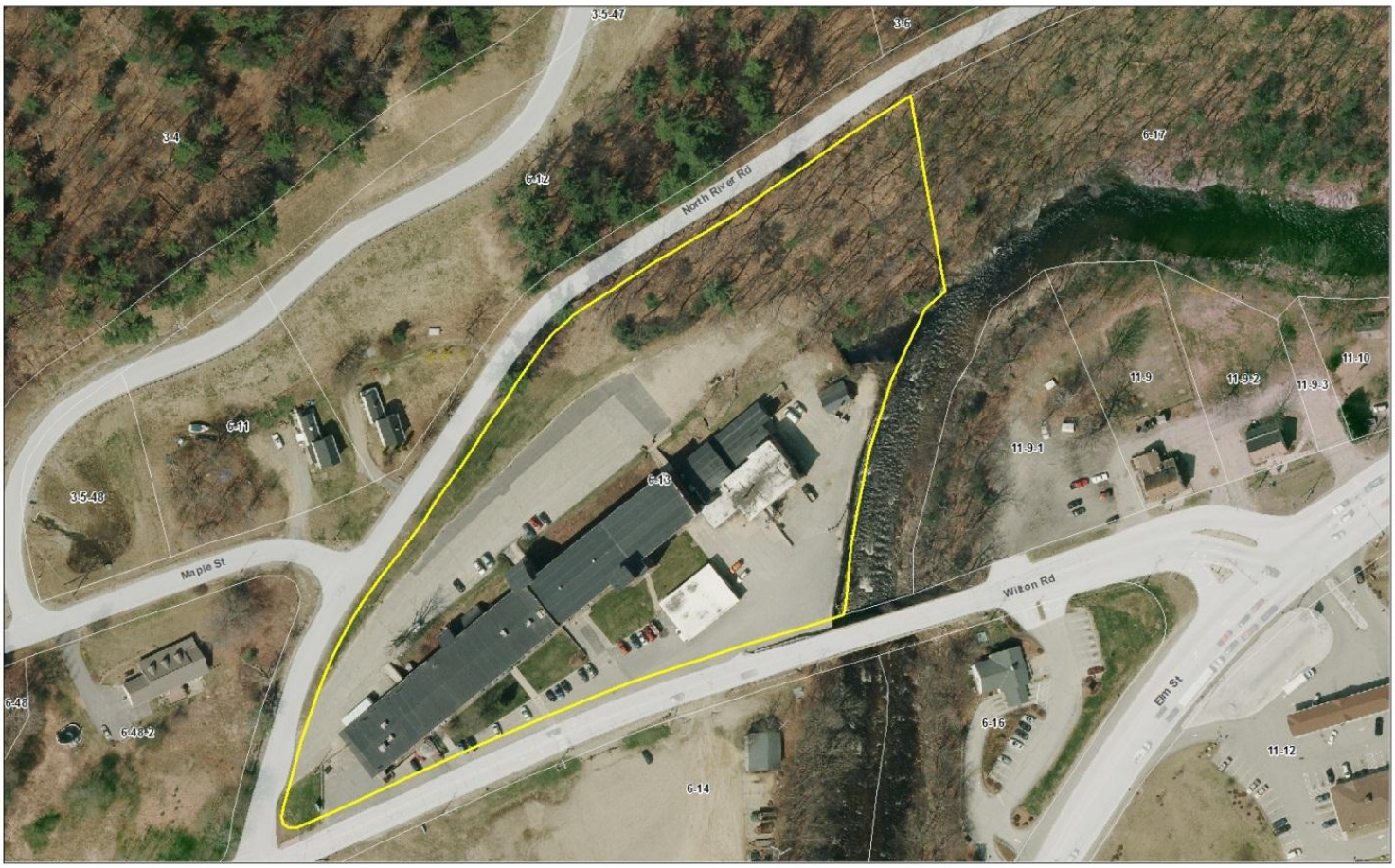
**Interdepartmental Comments:**
Fire Department – No issues with the proposed project.

Zoning Administrator – A condominium plan approval is required to legally allow the conversion of the Mill into a residential unit and a commercial unit for ownership transfer. The plan meets condominium plan requirements.

As of December 14, 2012 no comments were received from Assessing, Police, and Ambulance.

**Staff Recommendations:**
Staff has no issues with the project as it is proposed. If the Board decides to approve the Condominium Conversion Staff would recommend the following conditions of approval:

1. That the applicant provides copies of the recorded Condominium documents to the Planning Department.


3-5-47
3-5
3-4
6-12
North River Rd
6-17
6-11
3-5-48
6-13
11-9
11-9-2
11-9-3
11-10
11-9-1
Maple St
Wilson Rd
6-48
6-48-2
6-16
Elm St
11-12
6-14

## LEGEND:

EXISTING FEATURES

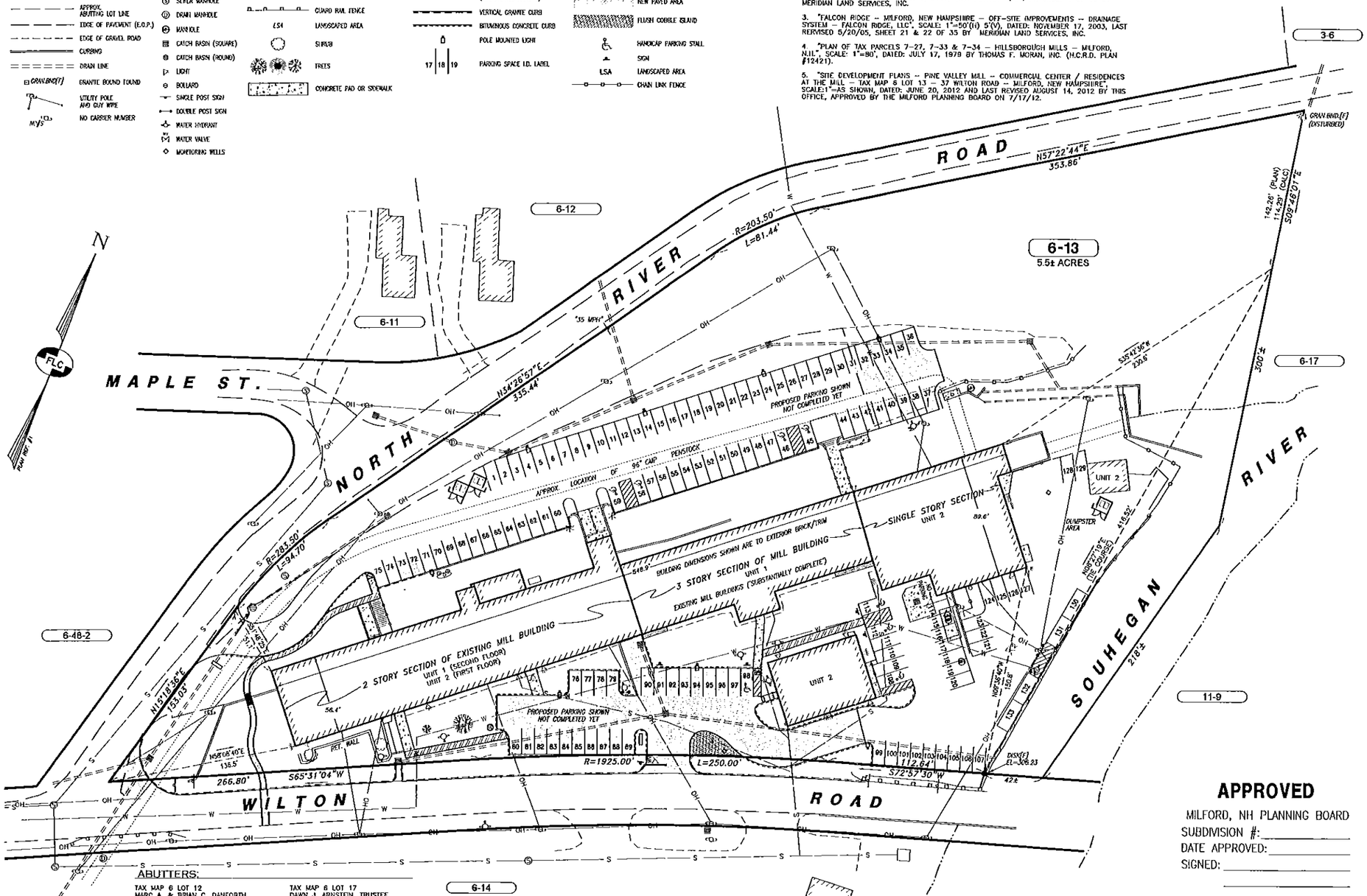
- 6-11 TAX MAP AND LOT NUMBER
- RIGHT-OF-WAY SIDELINE
- PROPERTY LINE
- APPROX. ABUTTING LOT LINE
- EDGE OF PAVEMENT (E.O.P.)
- EDGE OF GRAVEL ROAD
- CURBING
- DRAIN LINE
- GRAN.BND(F) GRANITE BOUND FOUND
- UTILITY POLE AND GUY WIRE
- M/S NO CARRIER NUMBER
- SHUT-OFF
- WELL
- SEWER MANHOLE
- DRAIN MANHOLE
- MANHOLE
- CATCH BASIN (SQUARE)
- CATCH BASIN (ROUND)
- LIGHT
- BOLLARD
- SINGLE POST SIGN
- DOUBLE POST SIGN
- WATER HYDRANT
- WATER VALVE
- MONITORING WELLS
- BUILDING
- CHAIN LINK FENCE
- GUARD RAIL FENCE
- LSA LANDSCAPED AREA
- SHRUB
- TREES
- CONCRETE PAD OR SIDEWALK

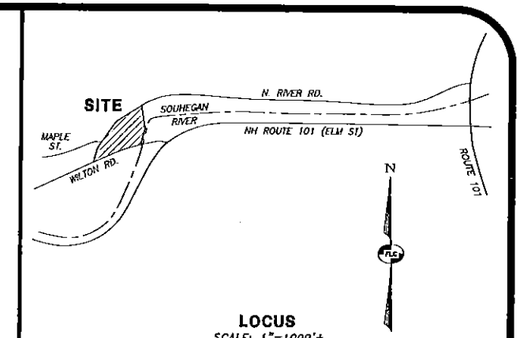
PROPOSED FEATURES (NOT YET COMPLETED)

- EDGE OF PAVEMENT
- TRAFFIC FLOW (NOT PAINTED ARROWS)
- VERTICAL GRANITE CURB
- BITUMINOUS CONCRETE CURB
- POLE MOUNTED LIGHT
- 17 | 18 | 19 PARKING SPACE I.D. LABEL
- BIT. CONC. WALKWAY
- NEW PAVED AREA
- FLUSH COBBLE ISLAND
- HANDICAP PARKING STALL
- SIGN
- LSA LANDSCAPED AREA
- CHAIN LINK FENCE

## REFERENCE PLANS:

1. "SITE PLAN – PREPARED FOR – MILFORD – ELM STREET – TRUST – MILFORD, N.H.", SCALE: 1"=40', DATED: APRIL 23, 1987, LAST REVISED 9/29/87 BY THOMAS F. MORAN, INC.
2. "EXISTING CONDITIONS PLAN – LAND OF – 282 ROUTE 101, LLC & – 37 WILTON ROAD MILFORD, LLC – TAX MAP–LOT 6–14 – 30 WILTON ROAD – MILFORD, NEW HAMPSHIRE", SCALE:1"=40', DATED: FEBRUARY 6, 2011, LAST REVISED 5/27/11, SHEET 4 OF 15 BY MERIDIAN LAND SERVICES, INC.
3. "FALCON RIDGE – MILFORD, NEW HAMPSHIRE – OFF–SITE IMPROVEMENTS – DRAINAGE SYSTEM – FALCON RIDGE, LLC", SCALE: 1"=50'(ii) 5'(V), DATED: NOVEMBER 17, 2003, LAST REVISED 5/20/05, SHEET 21 & 22 OF 35 BY MERIDIAN LAND SERVICES, INC.
4. "PLAN OF TAX PARCELS 7–27, 7–33 & 7–34 – HILLSBOROUGH MILLS – MILFORD, N.H.", SCALE: 1"=80', DATED: JULY 17, 1979 BY THOMAS F. MORAN, INC. (H.C.R.D. PLAN #12421).
5. "SITE DEVELOPMENT PLANS – PINE VALLEY MILL – COMMERCIAL CENTER / RESIDENCES AT THE MILL – TAX MAP 6 LOT 13 – 37 WILTON ROAD – MILFORD, NEW HAMPSHIRE", SCALE:1"=AS SHOWN, DATED: JUNE 20, 2012 AND LAST REVISED AUGUST 14, 2012 BY THIS OFFICE, APPROVED BY THE MILFORD PLANNING BOARD ON 7/17/12.




**LOCUS**
SCALE: 1"=1000'±

## NOTES:

1. THE OWNERS OF RECORD FOR TAX MAP PARCEL 6–13 ARE 37 WILTON ROAD MILFORD, LLC – 100 ELM STREET, NASHUA, NEW HAMPSHIRE 03060 AND 282 ROUTE 101, LLC – 100 ELM STREET, NASHUA NEW HAMPSHIRE, 03060. DEED REFERENCE TO PARCEL IS BOOK 8076 PAGE 2233 DATED APRIL 15, 2009 IN THE H.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO CONVERT THE EXISTING BUILDING SHOWN INTO A TWO UNIT CONDOMINIUM. UNIT 1 WILL CONSIST OF THE RESIDENTIAL PORTION OF THE BUILDING AND ALL OF THE PROPERTY AND UNIT TWO WILL CONSIST OF THE COMMERCIAL PORTION OF THE BUILDINGS. SEE ATTACHED ARCHITECTURAL FLOOR PLANS AND CROSS SECTION DETAILS IN THIS PLAN SET.
3. THE TOTAL AREA OF TAX MAP PARCEL I–47 IS 5.5± ACRES. THE SUBJECT PARCEL HAS 641.4 LINEAR FEET OF FRONTAGE ON WILTON ROAD AND 1018.47 LINEAR FEET OF FRONTAGE ON NORTH RIVER ROAD.
4. ZONING FOR THE ENTIRE PARCEL IS (ICI) INTEGRATED COMMERCIAL–INDUSTRIAL. THE MINIMUM LOT SIZE IN THE ICI ZONE FOR LOTS SERVICED BY MUNICIPAL SEWER AND WATER IS 20,000 SQUARE FEET WITH 150 FEET OF ROAD FRONTAGE. THE BUILDING SETBACKS ARE 30 FEET FROM THE FRONT LOT LINE AND 15 FEET FROM THE SIDE AND REAR LOT LINES. FOR CORNER LOTS THE SIDE SETBACK SHALL BE INCREASED TO 30 FEET ALONG THE SIDE BORDERING THE PUBLIC WAY. PROPOSED USE AUTHORIZED BY THE MILFORD ZONING BOARD OF ADJUSTMENTS VARIANCE DATED 6/17/12.
5. HORIZONTAL ORIENTATION IS BASED ON REFERENCE PLAN #1. VERTICAL DATUM IS NGVD–29 (THE NATIONAL GEODETIC VERTICAL DATUM OF 1929) PER REFERENCE PLAN #2.
6. PERIMETER INFORMATION SHOWN IS BASED ENTIRELY ON REFERENCE PLANS CITED HEREON AND IS NOT THE RESULT OF A BOUNDARY SURVEY BY THIS OFFICE.
7. THE SURFACE FEATURES AND SITE TOPOGRAPHY SHOWN ARE THE RESULT OF AN ONSITE FIELD SURVEY BY THIS OFFICE DURING THE MONTH OF MARCH 2012 TOGETHER WITH REFERENCE PLANS CITED HEREON.
8. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHALL BE CONSIDERED APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.
9. THE SUBJECT PARCEL IS SUBJECT TO THE NHDES SHORELAND WATER QUALITY PROTECTION ACT SINCE THE SOUHEGAN RIVER IS A PROTECTED WATER BODY.
10. SEE THE CORRESPONDING ARCHITECTURAL FLOOR PLANS AND CROSS SECTION DETAILS FOR EACH OF THE UNITS. EACH UNIT'S INDIVIDUAL CERTIFICATION AND HORIZONTAL BOUNDARY ELEVATIONS ARE TO BE RECORDED AT THE HCRD.
11. SEE REFERENCE PLAN #5 FOR ALL PROPOSED SITE PLAN IMPROVEMENTS AND CONDITIONS AS APPROVED ON JULY 17, 2012. THE CONDITIONS OF APPROVAL SHALL BE CARRIED FORWARD AND REMAIN VALID.
12. AS OF THE DATE OF THIS PLAN, SITE IMPROVEMENTS ARE NOT YET COMPLETED.

| REV. | DATE | DESCRIPTION | C/O | DR | CK |
|---|---|---|---|---|---|
| | | | | | |

## ABUTTERS:

TAX MAP 6 LOT 12
MARC A. & BRIAN C. DANFORTH
5 YOUNG ROAD
MILFORD, NH 03055

TAX MAP 6 LOT 11
SHEARZ INVESTMENT PROPERTIES, LLC
468 SAND HILL ROAD
PETERBOROUGH, NH 03458

TAX MAP 6 LOT 48–2
STEPHAN C. MURRAH
10 MAPLE STREET
MILFORD, NH 03055–5003

TAX MAP 6 LOTS 13 & 14
37 WILTON ROAD, MILFORD, LLC
282 ROUTE 101, LLC
NASHUA, NH 03060

TAX MAP 6 LOT 16
MILFORD COOP BANK
c/o TD BANK
380 WELLINGTON STREET, 12TH FLOOR
LONDON, ON N6A 4S4

TAX MAP 6 LOT 17
DAWN J. ARNSTEIN, TRUSTEE
RIVER BED TRUST
P.O. BOX 95
WILTON, NH 03086–0095

TAX MAP 3 LOT 6
WILLIAM W. CLEAVES, TRUSTEE
C/O ANN LORDEN
633 CENTER ROAD
LYNDEBOROUGH, NH 03082–5315

TAX MAP 11 LOT 9–1
P&P REALTY TRUST
P.O. BOX 95
WILTON, NH 03086–0095

TOWN OF MILFORD
RECEIVED
NOV 19 2012
PR SW ZBA Office

## CERTIFICATION:

"I HEREBY CERTIFY THAT THIS PLAN COMPLIES WITH THE 'EXISTING IMPROVEMENTS' PROVISION OF RSA 365–B:20 I, AND THAT ALL EACH UNIT'S COMPLETION STATUS IS AS STATED IN NOTE #10."

"I HEREBY CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN. (RSA 676,1B,II & 672:14)."

DATE: 11/19/12

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR NO. 918 MICHAEL D. PLOOF

## APPROVED

MILFORD, NH PLANNING BOARD
SUBDIVISION #: _____
DATE APPROVED: _____
SIGNED: _____

OWNERS SIGNATURE DATE:

GRAPHIC SCALES
40' 20' 0 40' 80' 120'
IMPERIAL: 1"=40'

**CONDOMINIUM PLAN**

# PINE VALLEY MILL

## COMMERCIAL CENTER / RESIDENCES AT THE MILL

**TAX MAP PARCEL 6-13 - 37 WILTON ROAD**
**MILFORD, NEW HAMPSHIRE**

PREPARED FOR:
**DAKOTA PARTNERS, INC**
1284 MAIN STREET WALTHAM, MA 02451

LAND OF:
**37 WILTON ROAD MILFORD, LLC**
**282 ROUTE 101, LLC**
100 ELM STREET NASHUA, NH 03060

SCALE: 1" = 40' NOVEMBER 13, 2012


Surveying ✦ Engineering ✦ Land Planning ✦ Permitting ✦ Septic Designs
FIELDSTONE LAND CONSULTANTS, PLLC
778 Elm Street Suite C, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com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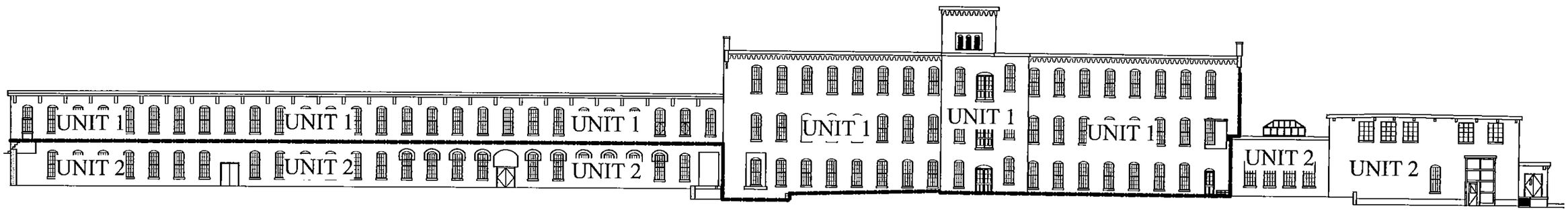



1 CONDO ELEVATION
SCALE: 1/16" = 1'-0"

BURNELL ▲ JOHNSON
A R C H I T E C T S
90 STARK STREET
(603) - 625-5098
(603) - 625-5167 FAX
MANCHESTER, N.H.
03101

CONDO ELEVATION

MILFORD MILL

MILFORD FAMILY HOUSING 1209

26 OCT 2012
REV 9 NOV 2012

C1.01

# STAFF MEMO

**Planning Board Meeting**

**December 18, 2012**

**Agenda Item # 3 C. Fuel Management, LLC - Hollow Oak Ln**
**Map 7, Lot 5-5**

**Public Hearing for a Proposed Site Plan Amendment to Add Two (2) 30,000 Gallon Propane Tanks**

**Background:**
The applicant was last before the Board in May of 2000 for Site Plan Approval to locate two 11' x 45' propane storage containers on site. The plan was determined to represent no potential regional impact and the Planning Board approved the plan pending final recommendations from staff.

In May of 2011, applicant submitted a proposal to the Town to add a third propane storage tank to the existing bulk plant. All changes were in compliance with the NFPA National Fire Codes and at a Planning Board meeting on May 22, 2011 the Board acknowledged the modifications as minor, and by consensus agreed that no further site plan review was necessary.

The applicant is back before the Board for a Site Plan Amendment to expand the use of propane storage on site by adding two (2) additional 30,000 gallon propane tanks totaling five (5) storage tanks on site. This is an expansion of a conforming existing use within the ICI District.

Staff has met with the Fire Department regarding the proposed additional storage tanks. The new tanks meet all NFPA National Fire Codes and Town setbacks.

The application is complete and ready to be accepted at this time. The Board will need to make a determination of regional impact. Please find the attached *site plan.*

**Interdepartmental Reviews:**
Environmental Coordinator – It does not appear that the proposed amendment significantly alters the site drainage. However, it would be beneficial for the engineers to confirm this – perhaps as a plan note.

Zoning – Proposed site plan amendment is minor and meets zoning requirements in the ICI District.

Code Enforcement/Building – No issues with the proposed two (2) additional propane storage tanks.

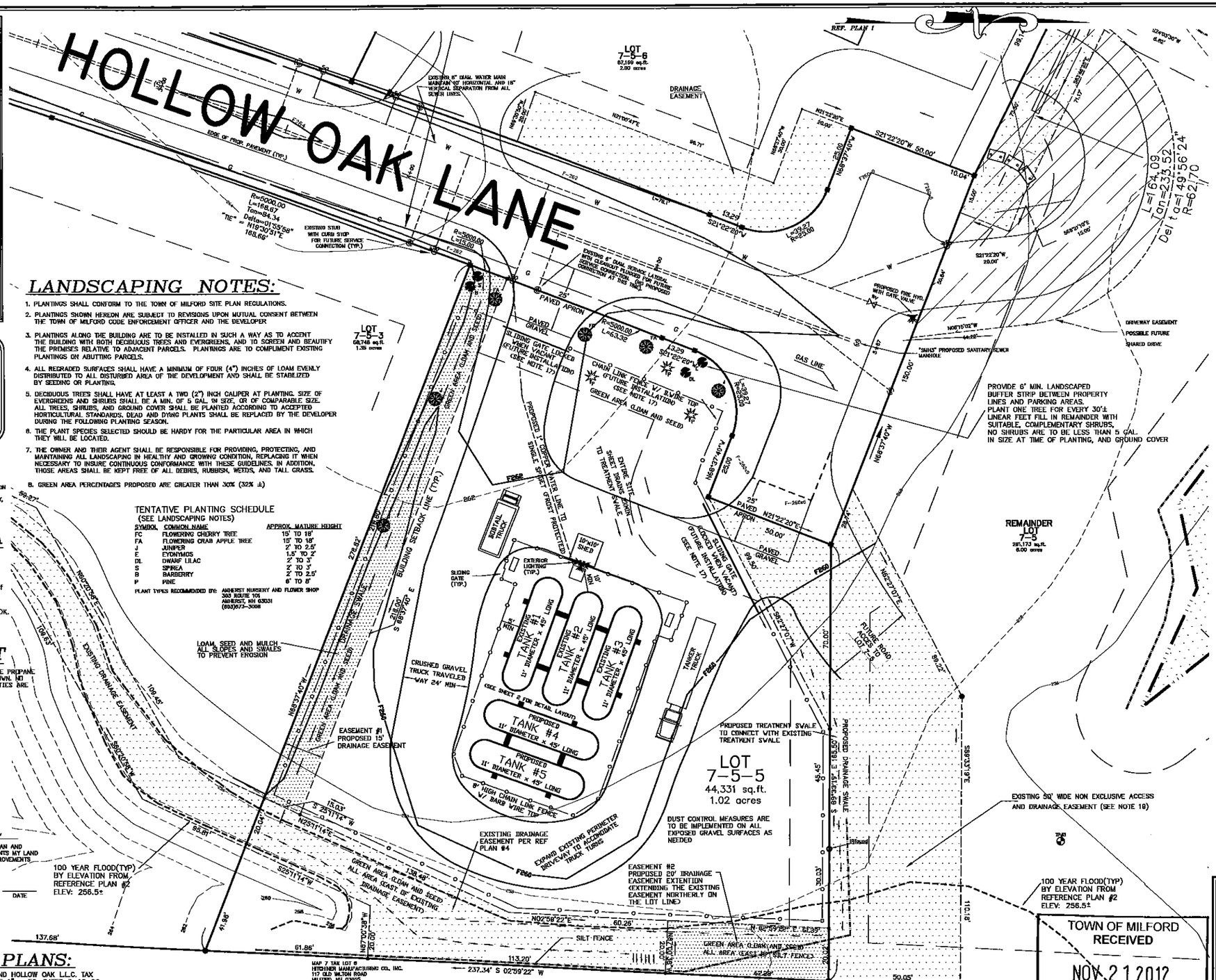
Fire Department has no issues with the proposed

No comments were received as of December 13, 2012 from Police, Water Utilities, Ambulance, Assessing, or DPW. The Heritage Commission and Conservation Commission's regular meetings were held after staff memos were distributed, if any comments come in, Staff will let the Board know at the meeting.

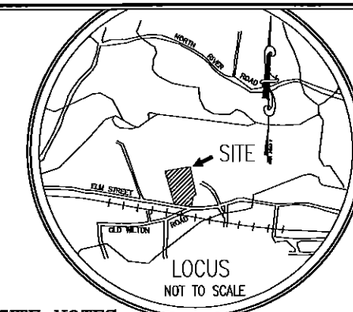
**Staff Recommendations:**

Staff has no issues with the project as it is proposed. If the Board decides to approve the Site Plan Amendment, Staff would recommend the following conditions of approval:

1. Change all occurrences of the use of "proposed drainage easement", "proposed drainage swale" and "proposed treatment swale" to existing.
2. A note be added to the plan stating the proposed additional propane storage tanks shall not alter the site drainage.
3. Update revision dates on plan.
4. If an additional sliding gate is proposed in the area of new tanks it shall be updated on the plan.




SUBJECT TO CHANGE UPON FIELD SURVEY UPDATE




## LEGEND

STONE WALL
PROPERTY LINE
EASEMENT LINE
CHAIN LINK FENCE
OTHER FENCE (SEE LABEL)
CONTOUR LINE
SOIL BOUNDARY
EDGE OF WET AREA
DRAINAGE FLOW
TREE LINE
TRAVELED WAY
BUILDING SETBACK LINE
SEWER LINE
WATER LINE
STORM DRAIN
OVERHEAD UTILITIES
FIRE HYD. fnd
FIRE HYD. prpsd
CULVERT
PROPERTY CORNER (AS NOTED)
BUILDING
STOP SIGN
TEST PIT
ROCK/BOULDER
MAILBOX
CURB WSO
WELL
GB fnd
GB tbs *
IR or IP found
DH fnd
IR or DH tbs *
UP fnd
UP PROPOSED
DCB
DRAINAGE MH
SEWER MH
STREET LIGHT
* SEE NOTE 16

**EXCAVATORS**

Telephone 1-888-344-7233

**DIG SAFE**
**~EXCAVATORS~**

BEFORE YOU DIG CONTACT DIG SAFE CENTER TO PREVENT DAMAGE TO TELEPHONE, GAS OR ELECTRIC UNDERGROUND FACILITIES OF MEMBER UTILITIES, CALL TOLL FREE 1-888-344-7233. NEW HAMPSHIRE STATE LAW REQUIRES NOTIFICATION AT LEAST THREE BUSINESS DAYS BEFORE YOU START DIGGING OPERATIONS. IN AN EMERGENCY, CALL IMMEDIATELY.

## LANDSCAPING NOTES:

1. PLANTINGS SHALL CONFORM TO THE TOWN OF MILFORD SITE PLAN REGULATIONS.
2. PLANTINGS SHOWN HEREON ARE SUBJECT TO REVISIONS UPON MUTUAL CONSENT BETWEEN THE TOWN OF MILFORD CODE ENFORCEMENT OFFICER AND THE DEVELOPER
3. PLANTINGS ALONG THE BUILDING ARE TO BE INSTALLED IN SUCH A WAY AS TO ACCENT THE BUILDING WITH BOTH DECIDUOUS TREES AND EVERGREENS, AND TO SCREEN AND BEAUTIFY THE PREMISES RELATIVE TO ADJACENT PARCELS. PLANTINGS ARE TO COMPLIMENT EXISTING PLANTINGS ON ABUTTING PARCELS.
4. ALL REGRADED SURFACES SHALL HAVE A MINIMUM OF FOUR (4") INCHES OF LOAM EVENLY DISTRIBUTED TO ALL DISTURBED AREA OF THE DEVELOPMENT AND SHALL BE STABILIZED BY SEEDING OR PLANTING.
5. DECIDUOUS TREES SHALL HAVE AT LEAST A TWO (2") INCH CALIPER AT PLANTING. SIZE OF EVERGREENS AND SHRUBS SHALL BE A MIN. OF 5 GAL. IN SIZE, OR OF COMPARABLE SIZE. ALL TREES, SHRUBS, AND GROUND COVER SHALL BE PLANTED ACCORDING TO ACCEPTED HORTICULTURAL STANDARDS. DEAD AND DYING PLANTS SHALL BE REPLACED BY THE DEVELOPER DURING THE FOLLOWING PLANTING SEASON.
6. THE PLANT SPECIES SELECTED SHOULD BE HARDY FOR THE PARTICULAR AREA IN WHICH THEY WILL BE LOCATED.
7. THE OWNER AND THEIR AGENT SHALL BE RESPONSIBLE FOR PROVIDING, PROTECTING, AND MAINTAINING ALL LANDSCAPING IN HEALTHY AND GROWING CONDITION, REPLACING IT WHEN NECESSARY TO INSURE CONTINUOUS CONFORMANCE WITH THESE GUIDELINES. IN ADDITION, THOSE AREAS SHALL BE KEPT FREE OF ALL DEBRIS, RUBBISH, WEEDS, AND TALL GRASS.
8. GREEN AREA PERCENTAGES PROPOSED ARE GREATER THAN 30% (32% ±)

## TENTATIVE PLANTING SCHEDULE
(SEE LANDSCAPING NOTES)

| SYMBOL | COMMON NAME | APPROX. MATURE HEIGHT |
|---|---|---|
| FC | FLOWERING CHERRY TREE | 15' TO 18' |
| FA | FLOWERING CRAB APPLE TREE | 15' TO 18' |
| J | JUNIPER | 2' TO 2.5' |
| E | EVONYMOS | 1.5' TO 2' |
| DL | DWARF LILAC | 2' TO 3' |
| S | SPIREA | 2' TO 3' |
| B | BARBERRY | 2' TO 2.5' |
| P | PINE | 6' TO 8' |

PLANT TYPES RECOMMENDED BY: AMHERST NURSERY AND FLOWER SHOP 303 ROUTE 101 AMHERST, NH 03031 (603)673-3098

## GREEN AREA

GREEN AREA PROVIDED:
FRONT ISLAND = 3707sf
WITHIN SOUTH SETBACK = 3400sf
EAST OF FENCE = 7056sf
TOTAL GREEN = 14163sf
PERCENTAGE OF TOTAL
14,163sf / 44,331sf = 32%
32% IS GREATER THAN 30%min SO OK.

## PLAN INTENT

THE INTENT OF THIS PLAN IS TO PROVIDE PROPANE GAS TANK STORAGE ON THIS SITE AS SHOWN. NO HABITABLE BUILDINGS OR SEWAGE FACILITIES ARE PROPOSED BY THIS PLAN.

## OWNER

1) OWNER OF RECORD:
TAX MAP 7 LOT 5-5
CIARDELLI FUEL COMPANY, INC.
C/O MICHAEL CIARDELLI
467 NASHUA STREET
MILFORD, NH 03055
(603)673-1336
BOOK 6238 PAGE 1538

## OWNERS APPROVAL

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

CIARDELLI FUEL COMPANY INC — DATE
MICHAEL CIARDELLI

## REFERENCE PLANS:

1. "LOT LINE ADJUSTMENT PLAN OF LAND HOLLOW OAK L.L.C. TAX LOT MAP 7, LOTS 5 & 5-1, SCALE 1" = 50, DATED 3-16-98, BY THIS OFFICE, RECORDED AT H.C.R.D. AS PLAN #29487
2. "FLOOD INSURANCE RATE MAP TOWN OF MILFORD, NH HILLSBOROUGH COUNTY PANEL 4 OF 5", COMMUNITY PANEL NUMBER 330096 0004 B, BY U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, EFFECTIVE DATE: 5-1-80.
3. "LOT LINE ADJUSTMENT PLAT LANDS OF ESTATE OF ROBERT A. SAVAGE MAP SHEET 7 PARCELS 5 & 7 MILFORD, N.H.", BY TODD LAND USE CONSULTANTS, DATED 4-30-97, REVISED DATE 5-23-97.
4. "SUBDIVISION PLAN OF LAND HOLLOW OAK LLC TAX LOT 7 LOT 5 MILFORD, NEW HAMPSHIRE" BY THIS OFFICE, DATED 3-16-98, REVISED DATE 6-15-98.

## UTILITY NOTES:

~WATER:
INSTALLATION & CONNECTION OF ALL WATER LINES SHALL COMPLY WITH THE TOWN OF MILFORD PUBLIC WORKS DEPT. SPECIFICATIONS.
ALL WATER LINES TO BE CONSTRUCTED IN ACCORDANCE WITH NH ADMINISTRATIVE RULE ENV-WS 370.
ALL LINES, VALVES, TEES, HYDRANTS, ETC. SHALL BE BUILT ACCORDING TO MILFORD REGULATIONS.
ADEQUATE THRUST BLOCKS SHALL BE PLACED AT ALL BENDS, PLUGS, TEES, & HYDRANTS (SEE DETAIL).
WATER MAINS INSTALLED UNDER CULVERTS SHALL BE COVERED WITH SUFFICIENT EARTH OR OTHER INSULATION TO PREVENT FREEZING.
MAINTAIN 10' OF HORIZONTAL SEPARATION BETWEEN ANY WATER LINES (MAINS AND SERVICE LINES) AND ANY SEWER LINES(MAINS OR SERVICE LINES).

MAINTAIN 18" OF VERTICAL SEPARATION BETWEEN ANY WATER LINES (MAINS AND SERVICE LINES) AT CROSSINGS AND ANY SEWER LINES (MAINS OR SERVICE LINES), OR FOLLOW DETAIL ON THIS SHEET.

~SEWER: (NO HOOKUP PROPOSED AT THIS TIME)
INSTALLATION & CONNECTION OF ALL SEWER LINES SHALL COMPLY WITH THE TOWN OF MILFORD PUBLIC WORKS DEPT. SPECIFICATIONS.

~GAS:
GAS LINE IS TO BE PLACED UNDERGROUND IN A LOCATION AND MANNER AS APPROVED BY THE MILFORD PUBLIC WORKS DEPARTMENT AND ENERGY NORTH GAS CO.

~ELECTRIC:
OVERHEAD ELECTRIC UTILITIES ARE TO BE PLACED IN SUCH A MANNER AS APPROVED BY THE MILFORD PUBLIC WORKS DEPARTMENT AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

FLOW CONDITIONS TO BE CONVERTED TO PRE DEVELOPMENT CONDITIONS (SHEET FLOW TO ADJACENT POND)

## SITE NOTES:

1. THE SITE PLAN REGULATIONS OF THE TOWN OF MILFORD ARE PART OF THIS PLAT AND APPROVAL OF THIS PLAT IS CONTINGENT ON COMPLETION OF ALL REQUIREMENTS OF SAID REGULATIONS, EXCEPTING ONLY ANY VARIANCES OR MODIFICATIONS MADE IN WRITING BY THE BOARD.
2. EASEMENT NOTE: THIS SITE IS SUBJECT TO THE ACCESS AND DRAINAGE EASEMENT SHOWN.
3. ANY STOP SIGNS, TRAFFIC MARKINGS, HANDICAP SIGNS, FIRE LANE SIGNS, WALKWAY SIGNS, AND SCHOOL ZONE SIGNS SHALL BE LOCATED AND INSTALLED PER RECOMMENDATIONS BY THE TOWN OF MILFORD POLICE AND FIRE DEPARTMENTS. (NONE ARE PROPOSED BY THIS PLAN)
4. THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY THIS OFFICE IN FEBRUARY 1998 USING A LIETZ SET 4 TOTAL STATION THAT HAD AN ERROR OF CLOSURE BETTER THAN 1 PART IN 10,000.
5. BOUNDARY INFORMATION FROM REFERENCE PLAN #1.
6. BASED ON THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 330096 0004 B DATED MAY 1, 1980, THE SUBJECT IS PARTIALLY LOCATED WITHIN A 100 YEAR FLOOD ZONE. THE BOUNDARY OF WHICH IS SHOWN.
7. ACCORDING TO THE AQUIFER PROTECTION DISTRICT MAP ON FILE WITH THE TOWN OF MILFORD PLANNING DEPARTMENT, THE SUBJECT DOES APPEAR TO BE IN THE AQUIFER PROTECTION DISTRICT AND ALL USES ON THESE LOTS SHALL COMPLY WITH THE RULES AND REGULATIONS
8. NO FLOOR DRAINS ARE TO BE USED ON THIS SITE WITHOUT THE APPROVAL OF THE NEW HAMPSHIRE GROUNDWATER PROTECTION BUREAU, AND SATISFACTORY ASSURANCE TO THE TOWN OF MILFORD BUILDING INSPECTOR THAT THE NEARBY AQUIFER WILL BE ADEQUATELY PROTECTED.
9. THERE ARE TO BE NO UNDERGROUND TANKS OF ANY KIND CONSTRUCTED
10. NO HAZARDOUS CHEMICALS/MATERIALS TO BE STORED OR MANUFACTURED AT THIS FACILITY. NO HAZARDOUS WASTE TO BE DISCHARGED FROM THIS
11. THIS IS NOT A GUARANTY OF TITLE.
12. ANY OUTSTANDING SITE IMPROVEMENTS SHOWN ON THIS PLAN THAT ARE NEEDED SUBSEQUENT TO A CERTIFICATE OF OCCUPANCY SHALL BE GUARANTEED BY A SECURITY IN ACCORDANCE WITH TOWN REGULATIONS.
13. A WATER AND SEWER IMPACT FEE MAY BE ASSESSED PER TOWN ORDINANCE UPON REVIEW AND CALCULATION BY THE BUILDING INSPECTOR.
14. ALL OUTSIDE LIGHTING TO BE DOWNCAST.
15. ALL WORK TO CONFORM TO "SPECIFICATIONS FOR: TOWN OF MILFORD, NEW HAMPSHIRE GENERAL CONSTRUCTION STANDARDS, STORM DRAINAGE, WATER DISTRIBUTION SYSTEM, SANITARY SEWERS, AND ROAD CONSTRUCTION," PUBLICATION, REVISED JANUARY 1998.
16. ALL BOUNDS HAVE BEEN SET.
17. THE PERIMETER SECURITY FENCE LABELED "FUTURE INSTALLATION" WILL BE INSTALLED AT A LATER DATE DETERMINED BY THE PROPERTY OWNER, WHEN SECURITY NEEDS WARRANT IT.
18. THE DEVELOPER OF THIS LOT IS TO INSTALL AND MAINTAIN PROPER EROSION AND SEDIMENT CONTROL MEASURES PER BEST MANAGEMENT PRACTICES.
19. PER REFERENCE PLAN #3, PARCELS 5, 7, & 8 WERE SUBJECT TO AN EASEMENT FOR FARM VEHICLE ACCESS BENEFITING PARCEL 7-4 (SEE 5708/611). SAID EASEMENT HAS BEEN SUPERSEDED BY A NON EXCLUSIVE 50' ACCESS & DRAINAGE EASEMENT SHOWN CONNECTING THE HAMMER HEAD TO THE OTHER LAND OF HITCHNER.

**CERTIFICATION OF BOUNDARY PRECISION**

I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND ON ALL PROPERTY LINES WITHIN AND BOUNDERING THE SUBJECT PROPERTY.

**PLANNING BOARD**
**TOWN OF MILFORD, NEW HAMPSHIRE**
SUBDIVISION PLAN REVIEW: # _____
APPROVED:
SIGNED _____ CHAIRMAN
SIGNED _____ MEMBER
SIGNED _____ MEMBER
SIGNED _____ MEMBER
SIGNED _____ MEMBER
SIGNED _____ MEMBER

TOWN OF MILFORD
RECEIVED
NOV 21 2012
Office

**REVISIONS**

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 1 | 5-16-00 | INNER FENCE AND SHED ADDED | EJS |
| 2 | 6/8/00 | ALL BOUNDS SET & REVISIONS PER TOWN | TAT |
| 3 | 6/29/00 | ADDED EASEMENTS | TAT |
| 4 | 11/19/12 | ADDED TANKS AND EXPANDED PERIMETER DRIVE | EJS |

PRELIMINARY COMMERCIAL SITE PLAN
# CIARDELLI FUEL COMPANY, Inc.
*TAX LOT MAP 7 LOT 5-5*
*HOLLOW OAK LANE*
*MILFORD, NEW HAMPSHIRE*

SANDFORD
SURVEYING AND ENGINEERING
TEL (603) 472-2265 FAX (603) 472-6604
597 NEW BOSTON ROAD, BEDFORD, NH 03110
BOUNDARY SURVEYS ~ SUBDIVISIONS ~ SITE PLANS ~ STRUCTURAL ~ SEPTIC DESIGNS

CONTACT: M.CIARDELLI | PROJ. MAN.: EJS | PROJ#:DESM807
SCALE: 1"=20' | DATE: 4-28-2000 | DRWG#:CIARDELLI | SHEET 1 OF 3

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# STAFF MEMO

**Planning Board Meeting**

**December 18, 2012**

**Agenda Item # 4 Paloja's Complete Auto Repair – Lehigh Gas/Getty Realty Corp**
**Amherst St – Map 26, Lot 185**

**Public Hearing for a waiver from Development Regulations Article II, Section 2.03.B, to confirm motor vehicle sales, limiting the display to four (4) vehicles, for State licensing**

**Background:**

The lot is located in the Commercial District and is considered pre-existing and nonconforming to area requirements for the zone. The site is a corner lot located at Amherst Street and Mont Vernon Road with an approximate area of 17,509 sq. feet. The property is owned by Lehigh Gas, LLC and is presently developed as a BP retail fuel and service station, recognized as Paloja's Complete Auto Repair.

The operation on this site (fuel and service station) pre-dates the Town's adoption of zoning (1970) and site plan regulations (1974) and is an allowed by present day zoning within the "C" District. There is no approved site plan on file as none was ever required to conduct business on this site. Although the operation of auto repair and occasional motor vehicles sales have been conducted at this location for many years, it wasn't until recently that an attempt was made to bring the uses into compliance.

The use of repair with a supplemental plate on site requires approval from the State of New Hampshire Department of Safety, Division of Motor Vehicles. Pursuant to NH RSA 541-A:39(I) the State is required to notify the Town of any action which may have an effect on land use, land development, or transportation in Town. The proposed repair with a supplemental plate on site would technically be an expansion use in accordance with the Milford Development Regulations. However, historically the site has functioned with the same use for over 50 years and there shall be no change or alteration to the site. Additionally, the limited display area will be located in an already improved, paved location

There are a number of similar locations in Town where the use of fuel and service stations pre-dates the Town's adoption of site plan regulations in 1974. There are no *original* construction permits or site plans on file within Town Hall for any of these sites.

The application is complete and ready to be accepted at this time.

**Request:**
The request before the Planning Board is for a waiver of site plan review ((minor) Section 2.03.B) which would normally be required for any change or expansion of use to a commercial site which does not have an approved site plan. A drawing has been submitted with the waiver request letter to demonstrate the existing conditions on site and to indicate where the proposed display areas are to be located.

The applicant is seeking a waiver of the full minor site plan process for this proposed use. Staff believes that automotive sales and repair use has been historically operating at this location since before zoning and should be considered a grandfathered use. The site drawing provided offers sufficient procedural detail on this already developed and operational site to adequately locate the display areas, and that the impacts from this use are insignificant.

*Attached is a narrative from Paloja's Complete Auto Repair that addresses the Waiver Request.*

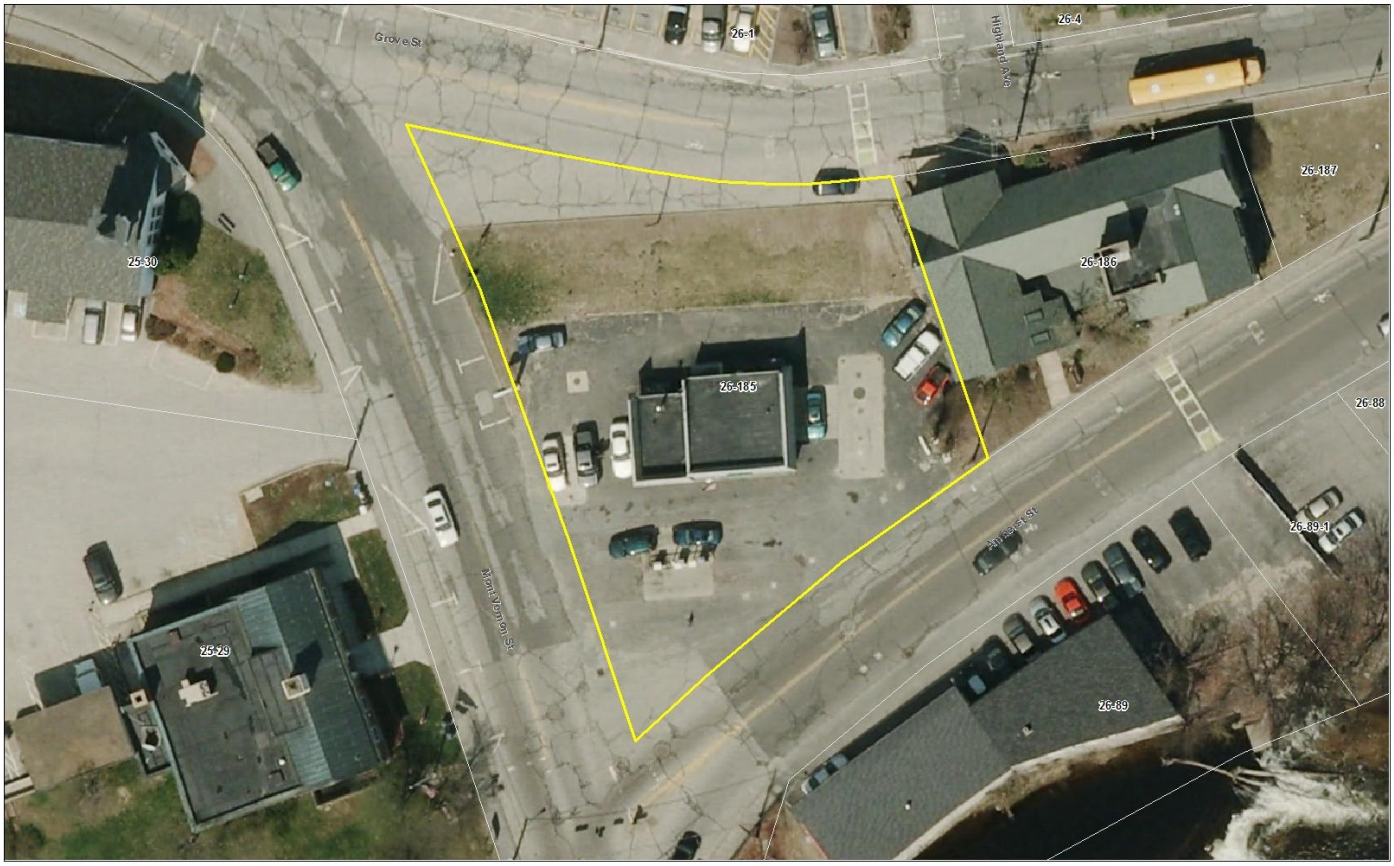
**Interdepartmental Reviews:**
Zoning Administrator – Proposed vehicle sales is allowed by zoning in the C – commercial district. Because the limited display area will be located in an already improved, paved location there is no site impact. Would recommend the waiver be approved to formalize the vehicle sales use that has been historically operating on the site since before zoning. This validation is necessary to meet State licensing requirements.

Code Enforcement/Building – I would just make sure the Planning Board verifies there is enough space for 4 vehicles in the current location, In the past there has only been 1 vehicle for sale at a time at that location and it seems a little small for 4.

Fire Department – The Department has no issues with the proposed display area.

No comments were received as of December 13, 2012 from Police, Water Utilities, Ambulance, Assessing, or DPW. The Heritage Commission and Conservation Commission's regular meetings were held after staff memos were distributed, if any comments come in, Staff will let the Board know at the meeting.

**Staff Recommendation:**
If the Planning Board decides to approve this Request, staff would recommend that the Board consider the following condition of approval: That at such time as any permanent construction is proposed on the property owners shall comply with the Development Regulations relative to site plan requirements as a means to bring the site into conformance with applicable current regulations. Additionally, the site should be limited to no more than an agreed upon designated number of cars for sale at any time given the dimensional constraints on site.


Grove St
26-1
26-4
Highland Ave
26-187
26-186
26-30
26-185
26-88
Hines St
26-89-1
Nashua St
26-29
26-89

**Paloja's Complete Auto Repair** **November 6, 2012**
**Getty Realty (Getty Properties) Corporation**

RE: Request for Waiver of Minor Site Plan Review

BP Gas Station, 4 Amherst Street, Milford NH 03055

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Dear Planning Board Members:

Paloja's Complete Auto Repair respectfully requests a waiver from the Milford Development Regulations Section 2.03:C "Development Requiring Site Plan Approval" to allow for the limited use of motor vehicles sales on site.

**Background on Site and Use:**
The site located at 4 Amherst Street is currently developed as a BP retail fuel and service station, recognized as Paloja's Complete Auto Repair. The site has an approximate area of 17,509 square feet within the "C" Commercial Zoning District and sits just outside the Oval Sub district.

The operation on this site (fuel and service station) pre-dates the Town's adoption of zoning (1970) and site plan regulations (1974). There is no approved site plan on file as none was ever required to conduct business on this site. Although the operation of auto repair and occasional motor vehicles sales have been conducted at this location for many years, it wasn't until recently that an attempt was made to bring the uses into compliance.

In an effort to comply with all state and local standards, Paloja's Complete Auto Repair submitted a request to the State of New Hampshire for approval to function as a motor vehicle inspection station and for a supplemental plate for secondhand motor vehicles sales. In September, State and the Town approvals were received to become a motor vehicle inspection station. However, State approval for a supplemental plate is pending, conditional on Town approval.

Upon review by the Code Administrator/Commercial Building Inspector it was determined that the operation of motor vehicles sales would constitute an expansion of use on site and therefore, Planning Board approval shall be required. Taking in to consideration the site history and the nature of the operation over the last 50 years, this use shall cause no change to the site or its surroundings.

**Request:**
Paloja's Complete Auto Repair is seeking a waiver of Development Regulations, **Article V: Section 2.03:C "Development Requiring Site Plan Approval"** to allow for the limited use of motor vehicles sales on site. As shown on the attached plan, Paloja's Complete Auto Repair would like approval to display no more than four (4) vehicles at any time for sale.

> ***2.03 DEVELOPMENT REQUIRING SITE PLAN APPROVAL***
> *Site Plan approval shall be required for:*
>
> *A. Any new commercial, industrial and multi-family dwelling uses of land.*

B. *Any change or expansion of use to a commercial, industrial or multi-family site plan which does not have an approved site plan.*
C. ***Any change or expansion of use to a commercial, industrial or multi-family site plan which would require upgrades to parking, drainage, landscaping or may have a significant traffic impact.***
D. *Any cumulative land disturbance of greater than or equal to 20,000 SF for commercial, industrial and multi-family sites.*

The Planning Board has been provided a site layout plan for reference of Tax Map 26/185 which shows the location of the proposed display areas.

**Impacts from the Waiver of Site Plan Review:**

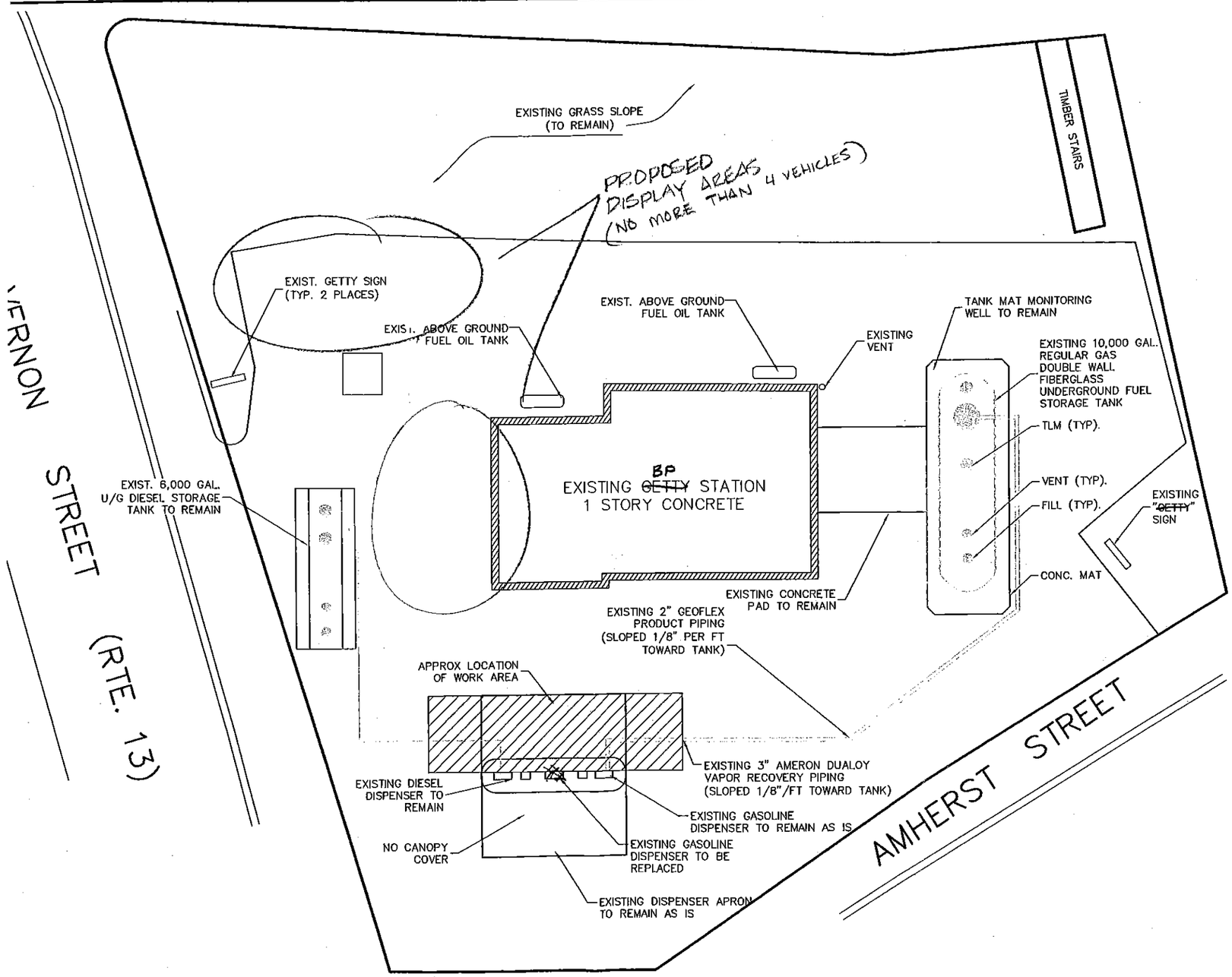
1. This site and its use has co-existed in this area of Milford for over 50 years and has not been the cause of negative impacts nor is there a record of citizen complaints from the use on site;
2. Pursuant to the Milford Zoning Ordinance motor vehicles sales facilities is a permitted use in the Commercial Zoning District;
3. By Allowing the continued use of motor vehicles sales on site there shall be no negative impacts to the surrounding area nor shall it alter or impede the current traffic flow;
4. Should any change, alteration, expansion or improvements be proposed on site a Site Plan Application shall be submitted and a full site plan shall be prepared portraying the proposed work on site;
5. Based upon the above, public justice will remain secured and justice will be served as Paloja's Complete Auto Repair will avoid additional costs associated with a minor site plan application.

Please contact Paloja's Complete Auto Repair should you have any questions pertaining to the above waiver request. Thank you for your consideration.

ION

SCALE 1/16" = 1'-0"

003

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