

Zoning Ordinance and Development Regulations Audit Report

IN CONJUNCTION WITH THE VISIONS AND GOALS
OF THE 2010 HOUSING CHAPTER OF THE MASTER
PLAN

Town of Milford, New Hampshire

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2013

ZONING ORDINANCE AND DEVELOPMENT REGULATIONS AUDIT IN CONJUNCTION WITH THE VISIONS AND GOALS OF THE 2010 HOUSING CHAPTER OF THE MASTER PLAN

Town of Milford, New Hampshire

I. INTRODUCTION

This audit report is a tool by which the Town of Milford can assess how consistent its existing Zoning Ordinance and Development Regulations are with the vision and action program identified in the 2010 Housing Chapter of the Milford Master Plan. The recommendations that come from the Audit results are intended to be starting points for discussions within the community about how to implement adequate housing for all citizens of Milford within the next decade.

II. OVERVIEW OF RECOMMENDATIONS

Throughout the process of this audit report, the Nashua Regional Planning Commission and the Milford Community Development Department publicly met with the Milford Planning Board to review draft recommendations, exchange ideas, and obtain review comments. The overall research, review, and long-term recommendations have been incorporated into the body of this report. However, the following recommendations have been listed as top priorities for short-term implementation.

- Modify Article 6.04.0 Open Space and Conservation District to allow flexible zoning standards for all types of housing development, by relieving development from rigid zoning requirements in exchange for high standards of open space, building design, etc.
- Overhaul of Article 7.07.0 Senior Housing Development to reflect current housing goals

III. AUDIT REPORT USER GUIDE:

The Milford Master Plan: Housing Chapter 2010 includes a detailed action program for housing, which is further identified as “the blueprint for attaining the Town’s vision for housing.” The following discussion provides a review of the Milford Zoning Ordinance and Subdivision Regulations with respect to the goals identified in the action program for housing. The comments and recommendations that resulted from this review are listed below and have been broken out in individual sections by relevant Action Program/Master Plan Topics (listed right).

Each topic is listed at the top of a table on each page. Within the table are 2 columns; one listed by “Topic” and the other listed by “Findings and Considerations”. A “discussion” occurs within the “Findings and Considerations” column. Specific recommendations for each topic can be found to the right and/or outside of the table and are designated with the

following symbol: ➤ In general, the word “Article” throughout the report refers to the Zoning Ordinance (ZO).

MILFORD MASTER PLAN HOUSING – CHAPTER 7 VISION STATEMENT

...“Milford shall promote and maintain a diverse and sufficient housing stock that meets the needs of a multigenerational community, while creating functional neighborhoods, interconnected with the greater community and natural resources that support and enhance our sense of community character and place.”

RELEVANT ACTION PROGRAM TOPICS

Topic 2: Housing Supply
Topic 3: Housing Affordability
Topic 4: Neighborhood Character
Topic 5: Relationship between residential development and other planning goals
Topic 6: Long-term impact of development on Town infrastructure

IV. OVERALL FINDINGS AND CONSIDERATIONS REGARDING TOPIC 2: HOUSING SUPPLY:

6.02 Topic 2: Housing Supply	
Topic	Findings and Considerations
<p>Cluster Open Space</p> <ul style="list-style-type: none"> • Zoning Ordinance (ZO) Article 7.03.0 indicates that a Cluster Open Space Development existed but was deleted in (2000). • (ZO) Article 6.04.0 includes the current Open Space and Conservation District (2011) • Referenced Articles 7.03.0, 6.04.0, Article IV Definitions 	<ul style="list-style-type: none"> • There are significant benefits for the Town to enhance open space and conservation focused development strategies, which include: <ul style="list-style-type: none"> ○ Implementation of the objectives identified in the current Open Space and Conservation District (6.04.0) ○ Promote Master Plan goals identified in Topics 4 and 5 of the 2010 Master Plan Housing Chapter, including interconnected neighborhoods, pedestrian oriented development, protection of natural resources, etc. ○ Reduced development costs, reduced service costs for public infrastructure in the future, enhanced property values, etc. • Considerations: <ul style="list-style-type: none"> ○ Modify (ZO) Article 6.04.0 Open Space and Conservation District ○ The overall dwelling unit density may exceed that which would be allowed in the underlying zoning district. The following are examples of evaluation criteria: <ul style="list-style-type: none"> - A and B District: Require affordable units and sidewalks - All districts: Protection of natural resources and sensitive features like parks, open space, buffers, landscaping, etc. - Deeded open space for public access, trail network, etc. - Require a Yield Plan in application - Require walkable neighborhood with public space - Require specific street design, transportation strategies, etc.



Recommendations:

- Modify (ZO) Article 6.04.0 Open Space and Conservation District to allow flexible zoning standards for all types of development, although the primary focus will be on housing development, by relieving development from rigid zoning requirements, in exchange for high standards of open space, building design, etc. Also, incorporate specific goals of the Master Plan.
- Modify the name of the overlay district to reflect new goals, i.e. "Conservation Cluster Overlay District."
- Modification to Location and Scope of Authority: Limit density bonuses by zoning district and site specific circumstances. For example, provide a multi-family density bonus in ICI and consider higher density around the 101-South St, and Ponemah Hill Road area).
- Modification to Density: Determine criteria for permitting density bonuses. (Example: Nashua, Bonus Units on Tracts exceeding 25 acres = .5units/acre. On Tracts between 10-25 acres, bonus is .25 units/acre)
- Modification to Dimensional Standards: Allow full or partial waivers from min. lot size requirements, distance between buildings, and general dimensional criteria, in exchange for determinants similar to those identified as "evaluation criteria" (listed above under findings and considerations) so long as maximum density (to be determined) is not exceeded.
- Determine specific open space requirements, i.e. % of total tract, strategic and meaningful buffers, etc.
- Modification to Scope of Authority to allow for a more flexible review process.
- Incorporate specific steps to determine whether a project is eligible under (ZO) Article 7.03.0.

6.02 Topic 2: Housing Supply	
Topic	Findings and Considerations
Infill Housing <ul style="list-style-type: none"> • (Commonly includes strategies such as Mixed Use, Redevelopment, and/or Adaptive Reuse) • Relevant Articles: Conservation Cluster 	<ul style="list-style-type: none"> • Housing goals, including variety of housing choices, strong sense of community and vibrant Town Center, economic vitality, minimal impact on existing Town character, redevelopment of underutilized properties, etc. may be achieved through housing in infill settings throughout the town. • Considerations: <ul style="list-style-type: none"> ○ Mixed-Use/Infill Housing Overlay District in certain existing residential neighborhoods and in the Town Center. ○ Identify specific areas for Adaptive Reuse (converting existing underutilized properties and nonresidential properties into alternative housing or new housing). ○ Housing on upper floors within certain zoning districts ○ Redevelopment of underutilized properties to encourage housing opportunities.
Planned Unit Development (PUD) <ul style="list-style-type: none"> • Relevant Article: Various 	<ul style="list-style-type: none"> • A Planned Unit Development (PUD) was identified in the Housing Chapter as a strategy to evaluate in order to achieve housing goals. • Considerations: <ul style="list-style-type: none"> ○ A detailed analysis on available land is recommended, however it does not appear that there are large enough land areas for a PUD at this time. If land is identified in the future, consideration could be given to expanding the Commerce and Community District (CCD). It is likely that housing goals could be achieved through strategies such as Conservation Cluster Development (see discussion on page 2).

Recommendations:

- After reviewing the Town Regulations, it was determined that a variety of infill strategies are already being exercised in the Town of Milford. Primarily, these include:
 - Adaptive re-use
 - Redevelopment
- To enhance infill in the future, the following strategies are recommended for consideration:
 - Conservation Cluster Overlay District
 - Mixed-use/Infill Overlay District
 - Evaluate each zoning district to determine areas of infill, i.e. Milford Oval and Elm and Nashua Streets. This exercise will help inform the appropriate strategy.
- Identify incentives. **Examples** Include:
 - Housing density bonuses
 - Dimensional flexibility
 - Cost basis, Waiving impact fees
 - Streamlined process
 - 79E-Downtown redevelopment
 - Beautification effort downtown (benches, sidewalk improvements, landscaping
 - Redevelop buildings into energy efficient units
 - Landscaping (i.e. using various trees instead of shrubs, etc.)



6.02 Topic 2: Housing Supply

Topic	Findings and Considerations
Commerce and Community District (CCD) • Relevant Article: 6.06.0	<ul style="list-style-type: none"> • User Guide: Like many form based codes, the CCD ordinance is very comprehensive. It may be helpful to have a one page user guide to assist an interested developer by quickly referencing applicable sections, etc. • Since the CCD is an overlay district, a developer is permitted to develop under the rules defined in the underlying zoning district. As a result, the innovative housing techniques may be lost.
Use of Publicly-owned property	<ul style="list-style-type: none"> • The sale of publicly-owned land to a developer at a “bargain price” may be an innovative planning tool to achieve housing goals (i.e. variety of housing types, mixed-use, affordability, etc.) • A detailed analysis on available land is recommended in the future (i.e. Brox Community Land), however it does not appear that there is an adequate amount of land owned by the Town at this time. This planning technique is a low priority for this audit report.
Overlay Districts, other Regulations, Ordinances Statutes	<ul style="list-style-type: none"> • Additional regulations that result from the topics in this section should be included in Article I.
Alterations, expansion or change of a non-conforming use or structure is permitted by Special Exception • Relevant Article: 2.03.1.C	<ul style="list-style-type: none"> • By permitting the redevelopment of Non-Conforming structures, etc., mixed-use opportunities may be encouraged as a result. • Consideration: There are already degrees of redevelopment that are allowed in the Town of Milford. The Planning Board is considering changes regarding this topic on the March 2013 Warrant.
Alteration, expansion or change of a conforming use Relevant Article: 2.03.1.C	<ul style="list-style-type: none"> • By permitting the redevelopment of a Conforming Use (meets lot area, setback requirements and other dimensional criteria); mixed-use opportunities may be encouraged as a result. • Consider adding language to Article 2.03.1 to address the redevelopment of conforming and non-conforming uses.

Recommendations:

- Create a user guide to quickly reference sections of the CCD. For example, the ability to reference a quick guide on Form and Land Uses are typically helpful to a developer in determining the feasibility of pursuing a project.



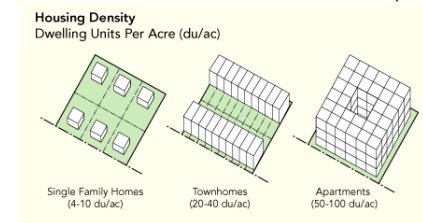
- Modify the Commerce and Community District by making it an underlying zoning district and not an overlay district.
- Alternatively, if the Planning Board prefers to maintain the CCD as an overlay district, it is recommended that at least some of the innovative strategies set forth in the CCD are required if the developer chooses to pursue a standard development under the underlying zoning regulations.

6.02 Topic 2: Housing Supply

Topic	Findings and Considerations
Conversion of single family home to apartments • Relevant Article: 5.03.4.B	<ul style="list-style-type: none"> The conversion of an existing single family home to apartments or multi-family dwellings is allowed in the Residence “B”, Commercial “C”, and Limited Commercial-Business “LCB” Districts, subject to meeting area, frontage, and setback requirements. To promote the goals of the Master Plan Housing chapter, consideration could be given to allow the conversion of single family homes in other districts.
Public Nuisance • Relevant Article: 2.04	<ul style="list-style-type: none"> Depending on the planning technique, housing could add to public nuisance as described in Article 2.04.0. Specifically, mixed-use development could add additional light, traffic, noise, etc. Consideration: Modify Article 2.04.0 to specifically prohibit nuisances that could be created by poor development planning. Examples: <ul style="list-style-type: none"> Stormwater runoff to protect abutting landowners Prevent traffic congestion Effects of signage, lighting, waste receptacles, fumes and noise
Residential Density • Relevant Articles: 5.02.0 and 5.03.0	<ul style="list-style-type: none"> Density, generally defined as the amount of residential development allowed on a parcel of land, typically dictates development patterns and housing opportunities. To meet the goals of the Milford Master Plan, NH Livability Principles, and smart growth philosophy, density is crucial to future development. Considerations: <ul style="list-style-type: none"> Flexible density in particular residential districts Higher density by location: If the opportunity exists to utilize town services/other potential services, encourage higher density residential use.

Recommendations:

- Consider conversion of single family homes to apartments in the following districts:
 - Residence A District
 - Integrated Commercial “ICI” District
- Revise Article 2.04 Public Nuisance to reference specific public nuisances that should be avoided.
- Residential Density:
 - To increase residential density without affecting the intentions of the underlying zoning district, utilize a Conservation Cluster Overlay District strategy to achieve housing goals.
 - Review existing density by zoning district according to community character, site development costs, and compare to other similar communities (i.e. Exeter, Somersworth, and Goffstown).



(Example density)

- Work with the Water and Sewer Commissioner to determine district expansion and appropriate locations for increased density, and strategies to implement without a developer incurring the total cost of expansion.
- Examples include: Elm Street (near Contemporary Chrysler), Osgood Road past West Street in the Residence A District, and in the undeveloped area off of South Street in the Residence B District (no sewer down South Street, past the Public Works).

V. TABLE OF RESIDENTIAL USES BY DISTRICT AND IMPEDIMENT ANALYSIS

The following is an analysis of residential uses that are allowed in the Town of Milford, by zoning district, and any impediments that exist which would prevent the Town from achieving goals related to housing. The degrees of impediments are ranked as HIGH, MEDIUM, or LOW.

	Key: Y = Acceptable Use SE = Acceptable Uses and Yard Requirements by Special Exception, Blank Cell = Not Permitted								
	A	B	R	C	I	LCB	ICI	ICI-2	CCD
RESIDENTIAL USES BY ZONING DISTRICT									
Single-family dwellings and their accessory uses and structures	Y	Y	Y	Y	Y	Y			Y
Single-family manufactured housing unit, per lot			Y						
Two-family dwelling per lot		Y	SE	Y		Y			Y
Multi-family dwellings		Y		Y		Y			Y
Dwelling, Mixed-use						Y	Y		Y
Accessory Dwelling Units	SE	SE	SE	SE	SE	SE	SE	SE	
Home occupations in accordance with Section 10.02.3	SE	SE	SE	Y		Y			
Senior Housing Developments	SE	Y		Y		Y	SE		
Current Density (units)/Acreage (Max.)	2.9	5	0.5						
FACTORS THAT REQUIRE A SPECIAL EXCEPTION									
Utilities, public or private	SE	SE	SE	Y	Y	Y	Y	Y	
Building and structure height greater than allowed	SE	SE	SE	SE	SE	SE		SE	
Reduced front, side and rear setbacks	SE	SE	SE	SE	SE	SE	SE	SE	
Impediments to planning goals related to housing	H	H	M	M	M	L	H	H	

Impediments:

- A District: There is a high degree of impediment relative to housing options and allowed density. Residential A areas do not have access to water and sewer.
- B District: There is a high degree of impediment relative to housing options and allowed density. Some Residential B areas do not have access to water and sewer.
- I District: No new housing is allowed whatsoever except for accessory dwelling units for single family homes.
- LCB District: This district is limited on size and restricted by smaller lots. Current zoning appears to allow enough flexibility
- ICI and ICI-2 Districts: These districts cover large areas of Town that are largely undeveloped. Some of these parcels may be better suited for residential development and mixed use. Zoning Regulations (i.e. allowed uses) are an impediment.

The following page outlines planning strategies, by zoning district, which address solutions to the impediment analysis listed on this page.

VI. RECOMMENDED PLANNING STRATEGIES FOR IMPEDIMENTS TO HOUSING

6.02 Topic 2: Housing Supply	
Topic	Findings and Considerations
<p>Solutions to impediments by Zoning District</p> <ul style="list-style-type: none"> Relevant Articles: All Zoning Districts 	<ul style="list-style-type: none"> Residence “A” District Considerations: <ul style="list-style-type: none"> Allow manufactured homes on single family lot Conservation Cluster Development Conversion to multi-family by special exception Multi-family, restricted by number of units Accessory dwelling units Non-residential commercial uses to promote walkable community (Retail/pharmacy, other supporting amenities.) Residence “B” District Considerations: <ul style="list-style-type: none"> Multi-family Condominiums Town Homes Conservation Cluster Development Expand Residence B into appropriate locations Section 5.03.5.A.2 discusses minimal lot sizes for lots not serviced by municipal/water sewer. Since multi-family uses not serviced by municipal water/sewer were not listed as an acceptable use, it appears that multi-family is excluded. Consideration could be given to allow multi-family if common wastewater treatment facilities are feasible. Residence “R” District Considerations <ul style="list-style-type: none"> Reduced lot size and frontage requirements Conservation Cluster Development Consider allowing some of the uses in other residential districts, maintain larger lot sizes (example: Great Brooks)

Recommendations:

- Create a housing brochure for a developer which highlights each zone and the acceptable housing options.
- “Encourage mixed land use and land use density that supports short distances between homes, workplaces, schools and recreation so people can walk and bike more easily to them” (2012 Livable Walkable Communities Toolkit).



- Determine how flexible the land use types are in each district so that it allows existing buildings in certain districts and vacant land to accommodate a variety of uses in the future.
- Residence R District – Encourage new developments in neighborhoods that are closer to existing neighborhoods. Allow higher density in these neighborhoods. This would help preserve the rural character of Residence R while allowing flexible density.

VII. OVERALL FINDINGS AND CONSIDERATIONS REGARDING TOPICS 3-6

6.02 Topic 2: Housing Supply	
Topic	Findings and Considerations
<p>Solutions to impediments by Zoning District</p> <ul style="list-style-type: none"> Relevant Articles: All Zoning Districts 	<ul style="list-style-type: none"> Commercial “C” District Considerations <ul style="list-style-type: none"> Allow shared parking lots Consider allowing senior housing by special exception instead of permitting by right as currently allowed Modify 5.05.5 Yard Requirements (reference Topic 4 below) Limited Commercial-Business “LCB” District Considerations <ul style="list-style-type: none"> This district does not allow businesses/retail that serves the neighborhood and promote walking, etc. Make reference to the section in the Development Regulations to clarify parking requirements in this district Integrated Commercial-Industrial “ICI” District and ICI-2 District <ul style="list-style-type: none"> Consider Intent related to vehicle oriented business and if other uses are encouraged. Make reference to the section in the Development Regulations to clarify parking requirements in this district. For larger parcels, open space requirements could meet the goals of the master plan, particularly since water bodies and farmland is in close proximity. Consider the quality and purpose of open space in addition to limits on impervious surfaces, specific to the development’s requirements and community needs. Consider allowing work force housing as the primary residential use in this area.

Recommendations:



(Example: Neighborhood Store)

- Allow small retail use in the LCB District that that would promote service to the neighborhood community
- Hold a workshop with the public to determine which non-residential uses should be allowed in residential districts.
- Allow multi-family in the ICI District (i.e. Pine Valley Mill)
- Allow a conservation cluster subdivision by special exception in the ICI District
- Review the “Intent” of each district to determine if it meets current and future (10-20 year projection) housing goals.

6.02 Topic 2: Housing Supply

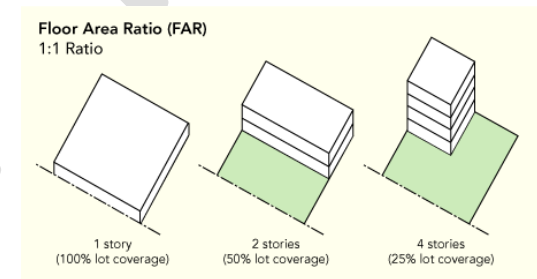
Topic	Findings and Considerations
Lot Sizes and Frontages, Yard Requirements <ul style="list-style-type: none"> Relevant Article: All Zoning Districts 	<ul style="list-style-type: none"> For site-specific locations, consider permitting some of the allowed uses to have flexibility in dimensional criteria. After uses are considered in each zoning district, it is recommended that the dimensional criteria be carefully examined and updated accordingly. Section 5.02.4.A and B (Residence A Lot Sizes and Frontages). Should this section mention that lot areas should exclude wetland and land contained in the 100 year floodplain?
Height Requirements <ul style="list-style-type: none"> Relevant Articles: All Zoning Districts 	<ul style="list-style-type: none"> If other densities are required in the districts, height requirements should be considered. Outcomes are to be determined. Consider adding a requirement for number of stories (multi-family units, redevelopment) or limiting the number of stories to fit in with the character of the surrounding neighborhood Consider requirements of Town's Fire Trucks.

6.03 Topic 3: Housing Affordability

Topic	Findings and Considerations
Accessory Dwelling Units <ul style="list-style-type: none"> Accessory Dwelling Units (ADU's) are allowed by Special Exception Relevant Articles: Article V, Definitions, Article 10.02.6 	<ul style="list-style-type: none"> Accessory Dwelling Units achieve housing goals by promoting housing that is affordable to a variety of users, is an alternative to multi-family housing, and provides a diversity of housing stock without changing neighborhood character or the intent of a zoning district. ADU's have been relatively problem free in Milford since adoption. Research as part of this review has determined that the Planning Board continues to review and refine the effectiveness of practical implementation of ADU's.

Recommendations:

- Incorporate strategies for dimensional criteria
 - Floor Area Ratio, defined as:
 - the ratio of a building's total floor area to the size of the parcel of land upon which it is built. The terms can also refer to limits imposed on such a ratio.
 - As a formula: Floor area ratio = (total covered area on all floors of all buildings on a certain plot)/(area of the plot)



(Example)

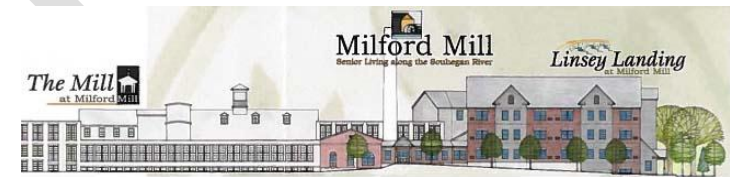
- Lot Coverage: The percentage of the plot of land that is covered by: ____ (examples include: structures, parking, etc.)
- Allow % flexibility in lot coverage requirements if the volume of stormwater runoff remains on site.
- Zero Lot Line allowances
- Building placement close to street
- Can't exceed more than ? % of the land as impervious
- Modify Article 10.02.6 with requirements for users, number of bedrooms allowed (if more than 1), design criteria, parking, residential density requirements, etc.

6.03 Topic 3: Housing Affordability

Topic	Findings and Considerations
<p>Senior Housing Development</p> <ul style="list-style-type: none"> Senior Housing Developments are acceptable uses in the B, C, and LCB districts. Senior Housing Developments are allowed by special exception in the A and ICI districts. Relevant Article: Article V, Definitions, Article 7.07 	<ul style="list-style-type: none"> Consider amending the Senior Housing Development Ordinance Opportunities: <ul style="list-style-type: none"> Prevent surplus in Senior Housing in future Allow future market trends to determine need Continue to serve needs of persons 55+ Strategies/Modifications: <ul style="list-style-type: none"> Allow via special exception <ul style="list-style-type: none"> Require market analysis as part of application Amend ordinances accordingly Re-evaluate eligibility requirements <ul style="list-style-type: none"> Location dependent Re-evaluate density, open space, buffer, setback requirements based on projected effect on Town Amend Section 7.07 accordingly Create Senior Housing Overlay District – location dependent Incorporate Senior Housing specific criteria into a Conservation Cluster Development
Fast Track Permitting	<ul style="list-style-type: none"> Consider adopting a streamlined approval process to achieve goals of the master plan. Determine criteria for the fast tracked permitting process. Examples include: <ul style="list-style-type: none"> Developers commitment to building affordable housing Construction of sidewalks, other Town goals

Recommendations:

- Cap the total number of senior housing units to a % of the total units in Town.
- Perform an overhaul of Article 7.07.0 Senior Housing Development to reflect current housing goals.



(Milford Mill)

- Review approval process to determine if there are opportunities for a fast track permitting process (i.e. similar to the CCD District). Determine the types of development that would be subject to a fast track process.
- Create a User Guide for development regulations



6.03 Topic 3: Housing Affordability

Topic	Findings and Considerations
Inclusionary Housing	<ul style="list-style-type: none"> • Inclusionary Zoning is a way to increase the supply of housing stock in Milford that is available and affordable to qualified low-income and moderate-income households, provide greater housing options for municipal residents, provide an adequate supply of workforce housing and to provide employment and economic development opportunities • Considerations <ul style="list-style-type: none"> ○ Determine incentives ○ Determine if a separate ordinance is applicable, if a conditional use permit/special exception would apply, or if a variance is needed to make units affordable ○ Determine where the greatest incentive for inclusionary housing would be (all residential areas, those that are compatible mixed-use/commercial zones, etc.) ○ Require a certain amount of low-income/moderate-income housing units for a certain number of market rate units in a proposed development (regardless of the zoning or overlay district) ○ Smaller development projects under a determined number of dwellings (say 4, for example) may be exempt. ○ Attach deed restriction to require units to be affordable as long as possible ○ Consider compatible architecture for affordable housing to market rate homes and develop design guidelines <p>Examples of Inclusionary Housing:</p> <ul style="list-style-type: none"> ○ Amherst, Nashua (affordable), ○ Brookline (Workforce Housing Option, Section 610.00, Town of Brookline Zoning and Land Use Ordinance) ○ Wayland, Massachusetts

Recommendations:

- If modifications are made to the Zoning Ordinance to include conservation cluster development strategies, consider building inclusionary housing criteria into those requirements.
- Inclusionary Housing styles may include:
 - Cottage-style smaller homes
 - Town Homes
 - Identical houses to market rate homes placed within a Cluster Development
 - Garden Apartments
 - See Article 6.06.H of the Milford Zoning Ordinance for other examples of Townhouse/Small Apartment frontage



- Incentives for Inclusionary Housing (built within the Conservation Cluster Development Regulations) may include:
 - Density bonuses
 - Fast track permitting
 - Reduce or waive parking requirements
 - Flexibility in housing type

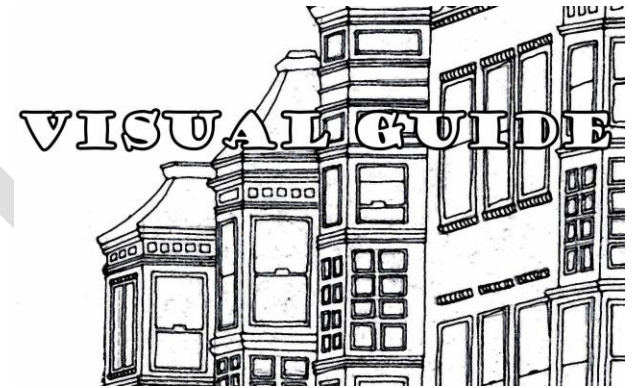
6.03 Topic 3: Housing Affordability

Topic	Findings and Considerations
Conservation Cluster Development District	<ul style="list-style-type: none"> It is anticipated that housing affordability goals can be achieved through a Conservation Cluster Development District. Please reference Master Plan Topic 2: Housing Supply of this report for detailed recommendations.
Redevelopment	<ul style="list-style-type: none"> It is anticipated that housing affordability goals can be achieved through redevelopment of underutilized properties. Please reference Master Plan Topic 2: Housing Supply of this report for detailed recommendations.

6.04 Topic 4: Neighborhood Character

Topic	Findings and Considerations
Lot Sizes and Frontages, Yard Requirements	<ul style="list-style-type: none"> Within districts that include residential uses, consideration could be given to the certain look of the buildings, common setback, and desirable characteristics. If reasonable, setbacks could be lenient to match the surrounding character (with restrictions).
Parking	<ul style="list-style-type: none"> Recommended to add parking section to the zoning districts to achieve the neighborhood character goals of the master plan. Alternatively, provide a reference in the Zoning Ordinance to the parking section of the Development Regulations. Consider if parking should be allowed in the front yard in certain districts. Consider if parking should have a setback to property lines Consider shared parking
Access and Curb Cuts	<ul style="list-style-type: none"> Mention “Access and Curb Cuts” in the zoning criteria or make reference to the Development Regulations

Recommendations:



- Create an overall visual guide for housing in the Town of Milford. The guide would be a supplemental document to the Development Regulations. Provide a quick reference in the Zoning Ordinance referencing the section of the Development Regulations that contains the overall visual guide
- Utilize the 79-E Strategy (Community Revitalization Tax Relief Incentive) that is available in New Hampshire to make certain areas in the downtown fit with desirable master plan goals.
- Review effectiveness of the Nashua/Elm Street Overlay District relative to parking requirements (i.e. for specific sites, allow parking in the front of the building if adequate screening is provided and/or require additional landscaping requirements.)

6.04 Topic 4: Neighborhood Character

Topic	Findings and Considerations
Oval District Section 5.05.7 discusses exemptions from yard and open space requirements in the Oval Sub district	<ul style="list-style-type: none"> In specific cases, it may be appropriate for certain design criteria to apply to multi-family residences to match the form of surrounding uses in the commercial district. In this case, the yard requirements for this use could be more flexible and a specific set of design standards could be developed. Consider if there are other areas other than the Oval District where leniency in yard and open space requirements would apply. Consider how the leniency would tie to mixed use.
5.08.0 Integrated Commercial-Industrial “ICI” District	<ul style="list-style-type: none"> There are a lot of shops, restaurants, etc. along 101A. <ul style="list-style-type: none"> Consider meeting transportation oriented goals in this area for residents to travel <u>safely</u> to jobs
Nashua and Elm Streets Corridor District Language <ul style="list-style-type: none"> Relevant Article: 6.05 	<ul style="list-style-type: none"> The language “additions or alterations to a site plan or buildings used for non-residential or multi-family purposes which significantly alter the visual appearance of the site or façade visible from a public way” could be added to all underlying districts. Significantly alter: Provide a definition 6.05.0 Consider requiring a site analysis to demonstrate an understanding of the performance standards, prior to development review. 6.05.6.C.4 Landscaping: Sometimes lists can prohibit proper planting (sun/shade exposure, water requirements, etc.). Consider requiring a Registered Landscape Architect’s stamp, depending on the type of project.

Recommendations:

- Identify areas surrounding the Oval Sub District where it would make sense for yard requirements to be exempt (examples: Amherst Street, Elm and Nashua Streets, Pleasant Street, Union Street area).



- Once identified, expand the Oval District to include these areas.
- Confirm that yard exemptions in the Oval District do not conflict with goals identified in the housing chapter (neighborhood character, etc.).
- Create plans for sidewalk expansion for pedestrians to travel safely from home to jobs, amenities, etc.
- Provide a definition for “Significantly Alter”

6.05 Topic 5: Relationship between residential development and other planning goals

Topic	Findings and Considerations
Open Space	<ul style="list-style-type: none"> • Cluster housing to preserve open space • Focus higher density development in appropriate areas • Encourage redevelopment • Convert existing housing to housing that is affordable for many users • Provide incentives for existing land owners • Support the use of vacant lots for recreational activities
Open Space and Conservation District (OSCD) (Article 6.04.0)	<ul style="list-style-type: none"> • Consider allowing higher densities if more open space is provided than is required by this section (Cluster Development) • Consider a reference in the underlying base districts that references this section. • Clarification between the meaning of open space and permanent open space is suggested. • Discretion of the Planning Board is noted in several locations under 6.04.4 Location and Scope of Authority <ul style="list-style-type: none"> ○ Similarly to the Nashua and Elm Street Corridor District, the applicant could be encouraged to meet with the Town Planner prior to submittal of a plan to ensure that the OSCD criteria are being met. • Under objectives, recreational opportunities could be added. For non-permanent open space, an exclusion easement(s) could be considered to meet the goals of public open spaces, parks, playgrounds, recreational trails, etc.

➤ Topic 5 of the Housing Chapter includes relationships between residential development and other planning goals. Included within the “Findings and Considerations” table (shown to left) are some overarching themes considered to achieve the goals of Topic 5. Please reference previous Topics 2-4 in this report for specific recommendations.

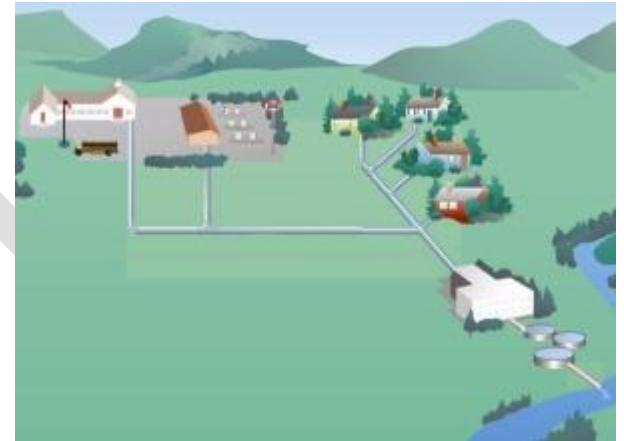
➤ Preserve and enhance Milford Open Space and Recreation



6.06 Topic 6: Long-term impact of development on Town infrastructure

Topic	Findings and Considerations
Town Water/Sewer	<ul style="list-style-type: none"> • If water expanded, will need to modify aquifer protection district • Consider if there would be incentives to developers to expand Town Water/Sewer beyond what is allowed in the current regulations. • Most districts limit lot densities by access to municipal water and sewer. If a wastewater treatment facility were proposed, a section could be added regarding general rule, studies to be performed, permits to be obtained, etc. • As stated in the master plan, work with the Water Utilities Department to evaluate potential areas for infill and increased residential density
Town Wastewater	<ul style="list-style-type: none"> • Limits opportunities for higher density housing in some areas of Town, impeding goals of master plan such as pedestrian oriented development patterns • Can be impediment to residential development because of lot size, septic location, soil suitability • Can limit redevelopment of single family to multi family
Commerce and Community District	<ul style="list-style-type: none"> • Consider costs of new roads • Consider requiring an infrastructure/utility assessment report as part of development requirements to determine impact on the larger Town system.

Recommendation:



- Ensure that there is capacity and capability to expand water and sewer
- Ensure that housing strategies and implementations into the regulations are based on practical utility of water, sewer, and expanded service
- 1/3. 1/3. 1/3: Consider splitting the costs of the expansion of Town infrastructure between the Town, State, and the Developer.
- For higher density/affordable housing developments, consider infrastructure constraints. Consider requiring subsidies as part of the project to make sure that the proper service is provided and the environment is protected

General	
Topic	Findings and Considerations
<p>Article IV Definitions <u>New Definitions</u> The modifications to the ordinance that consider the goals of the Housing Chapter of the master plan will likely require modifications to definitions</p>	<ul style="list-style-type: none"> The following definitions may be considered, depending on ordinance changes: <ul style="list-style-type: none"> Affordable Housing; Infill Housing; Applicant; Buffer (if buffers are part of new development strategies); Building, non-conforming, Cluster Housing ; Cohousing; Condominium; Town Home; Easement; Green Building Code; Green Development; Landscaping; Master Plan; Mobile Home; Mobile Home Park; Multigenerational housing; Off-street parking; Redevelopment or Alteration; Rooming House; Rental; Zoning Map
<p>Article IV Definitions <u>Modified Definitions</u> The modifications to the ordinance that consider the goals of the Housing Chapter of the master plan will likely require modifications to definitions</p>	<ul style="list-style-type: none"> The following definitions may be considered for <u>modification</u>, depending on ordinance changes: <ul style="list-style-type: none"> Density: depending on decisions on density changes Driveway/Private Way: depending on decisions relative to density, this definition may require modification to allow a different number of residential lots allowed Dwelling, Mixed-Use: If the number of dwelling units allowed is reconsidered, change definition Open Space: Should the definition reference “usable land?” Should exclude the use of wetlands and slopes? Senior Housing: Consider after re-evaluation of this use Usable Land: Currently usable land is defined as land that does not consist of wetland. In a cluster/open space type development, open space may be considered as an exclusion to usable land.

Recommendations:

- Add definitions to the Zoning Ordinance and Development Regulations as needed

Town of Milford
Zoning Ordinance

Article IV
Definitions

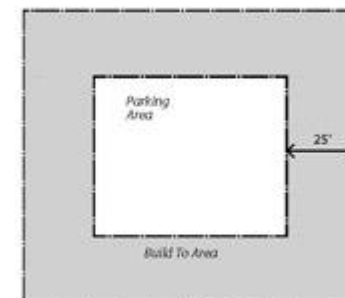
ARTICLE IV: DEFINITIONS

4.01.0 PURPOSE

For the purpose of this Ordinance, the word “shall” is mandatory, the word “may” is permissive, and the following terms shall have the following meanings.

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in NH RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use Board hearing in the case of an abutting property being under a manufactured housing park form of

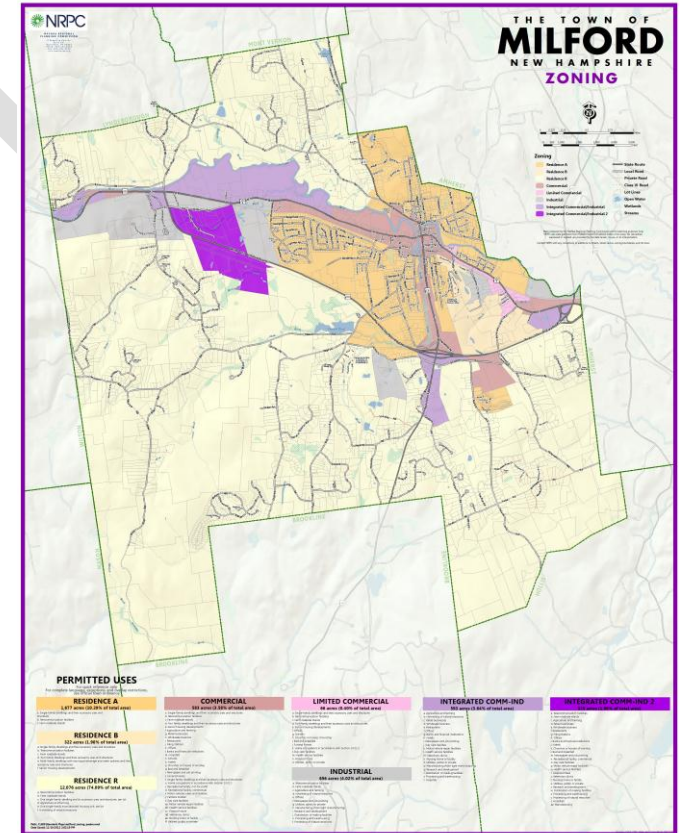
- Provide language to describe setback requirements to parking in conjunction with the landscape buffer requirements.



General	
Topic	Findings and Considerations
Zoning Map <ul style="list-style-type: none"> Relevant Article: 3.02.0 	Any modifications to zoning districts or overlay districts will require changing the zoning map and Section 3.01.0
Commerce and Community District <ul style="list-style-type: none"> Relevant Article: 6.06.6.B.1.a 	<ul style="list-style-type: none"> Illustrative Plan: Consider specifying what the illustrative plan should include. Board could receive a plan that is vague/hard to review.
West Elm Street Gateway District <ul style="list-style-type: none"> Relevant Article: 6.07.0 	<ul style="list-style-type: none"> Difficult to find a map for this district. Guidelines could potentially be cumbersome to an applicant. Add additional criteria for design review
Development Regulations	<ul style="list-style-type: none"> All new subdivisions (i.e over 10 units) could be required to include a “center” or main street/public space that creates places to play and gather, improves neighborhood character, takes on complete streets strategies. Require open space to be designed to create linkages and shape development patterns Examine street design guidelines for multimodal transportation, bicycle lanes, etc. Setbacks closer to the streets (may be appropriate for the conservation cluster type subdivision) Create, conserve green space and parks that are easy to get to in a variety of ways Low Impact Development (LID) approach for land development and stormwater management Encourage setting aside land for community gardening, farming
Livable/Walkable Communities	<ul style="list-style-type: none"> Consideration for Pedestrian/Bike linkages <ul style="list-style-type: none"> Create map of linkages between historic places, public parks, pedestrian paths, bicycles paths, linkages to bordering towns, connections between neighborhoods and town center, etc. Consideration of Public Transit <ul style="list-style-type: none"> Opportunities for access for a variety of incomes and stages of life

Recommendations:

- Include Overlay Districts Maps as an Appendix in the Zoning Ordinance
- Add all relevant maps to the appendix



- Create a survey to distribute to the community (post on website) to ask for suggestions on where to implement bike lanes and bike paths (i.e. North River Road).
- Create a pedestrian and bicycle path expansion plan

General	
Topic	Findings and Considerations
Open Space requirement for all districts other than residential	<ul style="list-style-type: none"> Open space is required in all districts for uses other than residential. The concept of open space is often associated with an area that is dedicated to conservation land, land that protects environmental features, recreational land, landscaped areas, etc. <ul style="list-style-type: none"> The definition could be confused with the intent of open space in the Open Space and Conservation District. 6.04.3.B (Open Space and Conservation District General Regulations) states that all open space shall be dedicated as permanently preserved from future development. The definition of open space in Article IV defines open space as a “permeable surface on a lot that is unoccupied by building....” <ul style="list-style-type: none"> It appears that the definition of open space fits the context of Article V (Zoning Districts and Regulations). If landscape islands qualify as open space, the definition could say so. If a lot contains wetlands, severe slopes, etc., it should be evaluated whether this land is counted towards meeting the open space requirement Instead of defining open space that is required in the zoning districts, a limit on the amount of “impervious surface, structures, etc.” could be incorporated, which limits the confusion on the intent of open space. Alternatively, it is recommended to further define the intent of open space in the base zoning districts and regulations. <ul style="list-style-type: none"> A certain amount could be required in the yard setbacks, islands could be a certain size, and other goals could be incorporated to design open space to meet planning goals (check subdivision regs) Floor area ratios are also common tools in many zoning bylaws.
Ordinance Revision	<ul style="list-style-type: none"> See recommendations listed in the right column.

Recommendations:

- Decipher requirements for site plan open space and all other open space requirements relative to wetlands, etc.



Example of commercial open space in parking lot



Example of open space in a conservation cluster setting

- Ordinance Revision
 - Consider amending Article V of the Zoning Ordinance to replace the requirements in each zoning district into two Use Tables; one for allowable uses by district and one that lists dimensional regulations (frontages, setbacks, height, etc.). See the appendices for a table prepared by the Milford Community Development Department, which is a good starting point for this recommendation.
 - It appears that the Zoning Ordinance has been amended numerous times. It is recommended that the entire Ordinance is re-worked subsequent to this Audit Report and according to current development trends/regulations.