



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

Date: November 29, 2019
To: Planning Board
From: Lincoln Daley, Community Development Director
Subject: Zoning Ordinance Amendment – Section 6.06 Commerce Community Overlay District

BACKGROUND:

The purpose of this memorandum is to discuss potential zoning changes to Section 6.06 Commerce Community Overlay District of the Zoning Ordinance. The Overlay district was adopted by the Town in March of 2012 after several years of development by Planning Staff, Planning Board, and community. The intent was to create a progressive, innovative zoning overlay concept to channel development in a manner consistent with the Milford community's vision for the integration of the Brox development district and the surrounding land abutting the Route 101 corridor into a sustainable, pedestrian-oriented, mixed-use district that supports the visions laid out in the Milford Master Plan. The Overlay was partly developed in response to a large scale development planned for the industrial portion of the former Brox properties and to manage future development of abutting properties along the Route 101 corridor. Said development project ultimately did not occur.

Since the adoption of the overlay, the Town has been approached by a limited number of interested parties seeking to develop the Town owned industrial Brox properties. However, the development projects discussed were not of the same or similar scale envisioned within the Community Commerce Overlay District and sought to develop individual properties or portions thereof.

In March 2019, the Town voted to authorize the Board of Selectmen to enter into a long-term contract (lease) with a developer for the construction of a solar farm on Town owned Brox Industrial properties identified as Map 38, Lots 4, 5, 5-1, 9, 11, 12, 13, 14 totaling 120 acres. On September 23, 2019, the Board of Selectmen entered into a lease agreement with Milford Spartan Solar, LLC. to move forward with a 16 Megawatt photovoltaic solar energy generating facility. As depicted on the conceptual site plan, the facility would be constructed partially on portions of Town property identified as Map 38-9 and 38-14 (totaling 69.39 acres) and portions of the abutting private property identified as Map 38-74 (totaling 101 acres). Of the 69 acres of Town property and 101 acres of the abutting private property, the arrays and equipment would be located on approximately 30 acres and 60 acres of land respectfully. See attached Milford Spartan Solar – Preliminary Site Plan dated 9/23/19.

As result of the limited interest/development within the overlay, need for infrastructure, and changing economy, Staff questions whether the overlay is the appropriate regulatory tool to encourage industrial-commercial development or redevelopment to compliment Milford's community character and enhance access management in the area of Elm Street, Old Wilton Road, Perry Road, and part of Route 101 in West Milford. At the last Planning Board meeting, Staff presented three options for Board consideration. After some discussion, the majority of members expressed support of eliminating Section 6.06

Commerce Community Overlay District in its entirety and extending the West Elm Overlay district to include Integrated Commercial Industrial 2 and Industrial zoned properties primarily between Old Wilton Road and Route 101.

FOR DISCUSSION:

Part 1: Amend the Milford Zoning Ordinance by deleting Section 6.06.0 Commerce and Community District in its entirety. The properties would be regulated by the underlying zoning districts (Residential ‘R’, Integrated Commercial-Industrial 2, and Industrial) within the Zoning Ordinance and the Development Regulations for site plan and subdivision approval.

The amendment would impact the following 41 parcels:

- | | |
|--------------------------------------|-------------------------------------|
| Map 7, Lot 14 - 410 Wilton Road | Map 38, Lot 7 - Route 101 Bypass |
| Map 7, Lot 15 - 414 Elm Street | Map 38, Lot 8 - Route 101 Bypass |
| Map 7, Lot 16 - 16 Old Wilton Road | Map 38, Lot 9 - 0 Perry Road |
| Map 7, Lot 16-1 - 0 Old Wilton Road | Map 38, Lot 10 - 0 Perry Road |
| Map 7, Lot 18 - 0 Old Wilton Road | Map 38, Lot 10-1 - 0 Perry Road |
| Map 7, Lot 19 - 84 Old Wilton Road | Map 38, Lot 11 - 0 Perry Road |
| Map 7, Lot 20-C - 96 Old Wilton Road | Map 38, Lot 12 - 0 Perry Road |
| Map 7, Lot 21 - 38 Perry Road | Map 38, Lot 13 - 0 Perry Road |
| Map 7, Lot 22 - 0 Perry Road | Map 38, Lot 14 - 0 Perry Road |
| Map 7, Lot 23 - 33 Perry Road | Map 38, Lot 58 - 0 Whitten Road |
| Map 7, Lot 25 - 19 Perry Road | Map 39, Lot 73 - Route 101 Bypass |
| Map 7, Lot 36 - OFF Elm Street | Map 39, Lot 74 - Route 101 Bypass |
| Map 13, Lot 3 - 621 Elm Street | Map 41, Lot 26 - 0 Mason Road |
| Map 13, Lot 4 - 605 Elm Street | Map 41, Lot 27 - 0 Mason Road |
| Map 13, Lot 5 - 589 Elm Street | Map 42, Lot 1 - 0 Mason Road |
| Map 38, Lot 3 - 0 Perry Road | Map 42, Lot 3 - 0 Mason Road |
| Map 38, Lot 3-1 - 0 Perry Road | Map 42, Lot 14 - 14 Twin Elm Drive |
| Map 38, Lot 4 - 0 Perry Road | Map 42, Lot 15 - Route 101 Bypass |
| Map 38, Lot 5 - 0 Perry Road | Map 42, Lot 16 - 97 Osgood Road |
| Map 38, Lot 5-1 - 0 Perry Road | Map 42, Lot 82 - Off Twin Elm Drive |
| Map 38, Lot 6 - Route 101 Bypass | |

And in connection therewith, amend the Milford Zoning Map by eliminating all references to the Community Commerce Overlay District.

Part 2: Extend the West Elm Street Overlay District to include the former Police Station Property (589 Elm Street) and State of NH owned Superfund site properties on Elm Street and southward to include all of the ICI-2 and Industrial properties between Old Wilton Road, Elm Street, and Route 101.

The West Elm District Overlay would include the following additional 21 properties:

- | | |
|----------------------------------|-------------------------------------|
| Map 13, Lot 3 - 621 Elm Street | Map 38, Lot 7 - Route 101 Bypass |
| Map 13, Lot 4 - 605 Elm Street | Map 38, Lot 8 - Route 101 Bypass |
| Map 13, Lot 5 - 589 Elm Street | Map 7, Lot 14 - 410 Wilton Road |
| Map 38, Lot 4 - 0 Perry Road | Map 7, Lot 15 - 414 Elm Street |
| Map 38, Lot 5 - 0 Perry Road | Map 7, Lot 16 - 16 Old Wilton Road |
| Map 38, Lot 5-1 - 0 Perry Road | Map 7, Lot 16-1 - 0 Old Wilton Road |
| Map 38, Lot 6 - Route 101 Bypass | Map 7, Lot 18 - 0 Old Wilton Road |

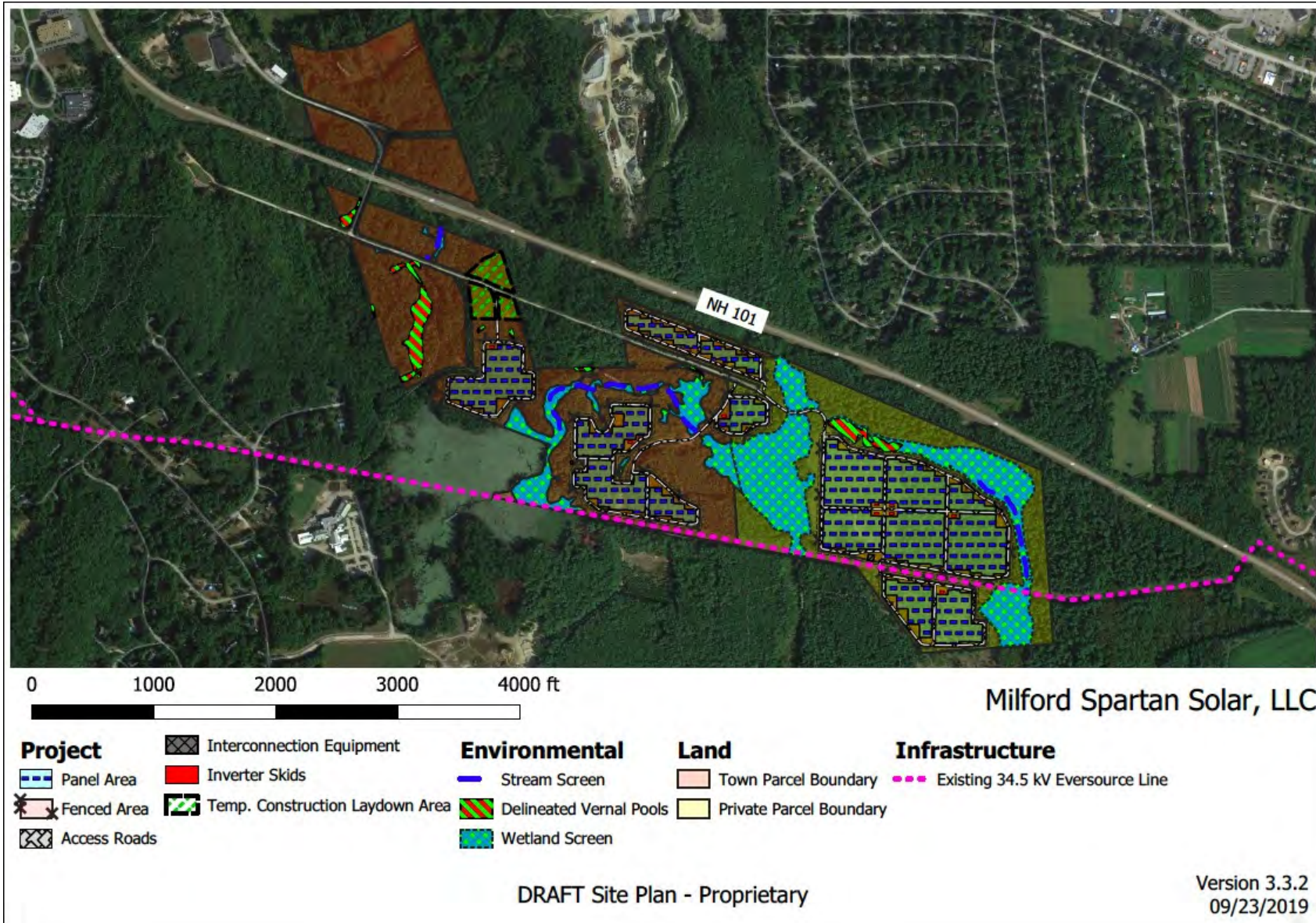
Map 7, Lot 19 - 84 Old Wilton Road
Map 7, Lot 20-C - 96 Old Wilton Road
Map 7, Lot 21- 38 Perry Road
Map 7, Lot 22 - 0 Perry Road

Map 7, Lot 23 - 33 Perry Road
Map 7, Lot 25 - 19 Perry Road
Map 7, Lot 36 - OFF Elm Street

And in connection therewith, amend the Town of Milford Zoning Map and “West Elm Street Gateway District Boundaries” map to include the twenty-one additional parcels identified above within the boundaries of the West Elm Street Gateway District.

Below and attached, please find the proposed Zoning Amendments pertaining to the elimination of the Community Commerce Overlay District and extension of the West Elm Street Gateway District.

Milford Spartan Solar – Preliminary Site Plan



Note: Land north of NH 101 was removed from lease subsequent to the letter of intent.

ARTICLE XX – BALLOT VOTE – ZONING CHANGES

To vote on Planning Board proposed zoning changes and amendments.

Ballot Vote No. 1

- 1. Are you in favor of the adoption of Amendment #XX as proposed by the Milford Planning Board for the Town of Milford Zoning Ordinance as follows:**

AMENDMENT #1: Amend Article VI. Overlay District, Section 6.06.0 Commerce And Community District by deleting said section in its entirety and renumbering subsequent sections of the Zoning Ordinance accordingly.

And in connection therewith, amend the Town of Milford Zoning Map by eliminating the Commerce and Community Overlay District in its entirety.

Topical Description of Proposed Amendment: The proposed amendments seek to remove the Commerce and Community Overlay District in response to the changing economic conditions and the community's long term vision and uses for the BROX properties and surrounding land abutting the Elm Street, Old Wilton Road, Perry Road, Route 101 corridor. The amendment also further revises the official Town of Milford Zoning Map by eliminating the reference and boundaries of the Overlay District.

Ballot Vote No. 2

- 2. Are you in favor of the adoption of Amendment #XX as proposed by the Milford Planning Board for the Town of Milford Zoning Ordinance as follows:**

AMENDMENT #2: Amend Article VI. Overlay District, Section 6.07.0 West Elm Street Gateway District by extending the overlay district to include the properties located at Map 13, Lot 3 (621 Elm Street), Map 13, Lot 4 (605 Elm Street), and Map 13, Lot 5 (589 Elm Street) on north side of Elm Street and southward to include all parcels within the ICI-2 and Industrial zoned properties bounded by Old Wilton Road, Elm Street, Perry Road, and Route 101. The West Elm District Overlay would include the following additional 21 properties:

Map 13, Lot 3 - 621 Elm Street	Map 7, Lot 16 - 16 Old Wilton Road
Map 13, Lot 4 - 605 Elm Street	Map 7, Lot 16-1 - 0 Old Wilton Road
Map 13, Lot 5 - 589 Elm Street	Map 7, Lot 18 - 0 Old Wilton Road
Map 38, Lot 4 - 0 Perry Road	Map 7, Lot 19 - 84 Old Wilton Road
Map 38, Lot 5 - 0 Perry Road	Map 7, Lot 20-C - 96 Old Wilton Road
Map 38, Lot 5-1 - 0 Perry Road	Map 7, Lot 21- 38 Perry Road
Map 38, Lot 6 – Route 101 Bypass	Map 7, Lot 22 - 0 Perry Road
Map 38, Lot 7 - Route 101 Bypass	Map 7, Lot 23 - 33 Perry Road
Map 38, Lot 8 – Route 101 Bypass	Map 7, Lot 25 - 19 Perry Road
Map 7, Lot 14 - 410 Wilton Road	Map 7, Lot 36 - OFF Elm Street
Map 7, Lot 15 - 414 Elm Street	

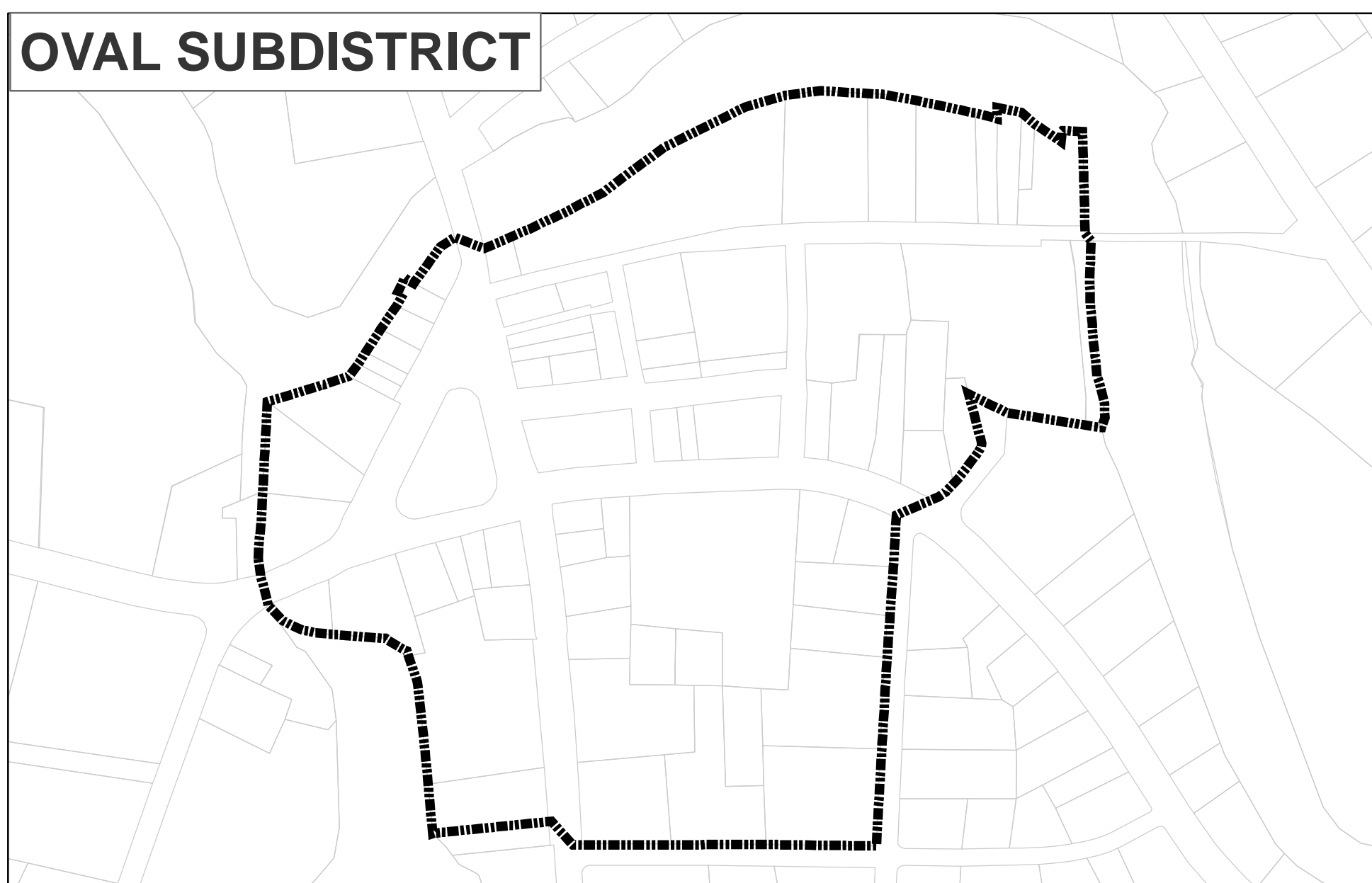
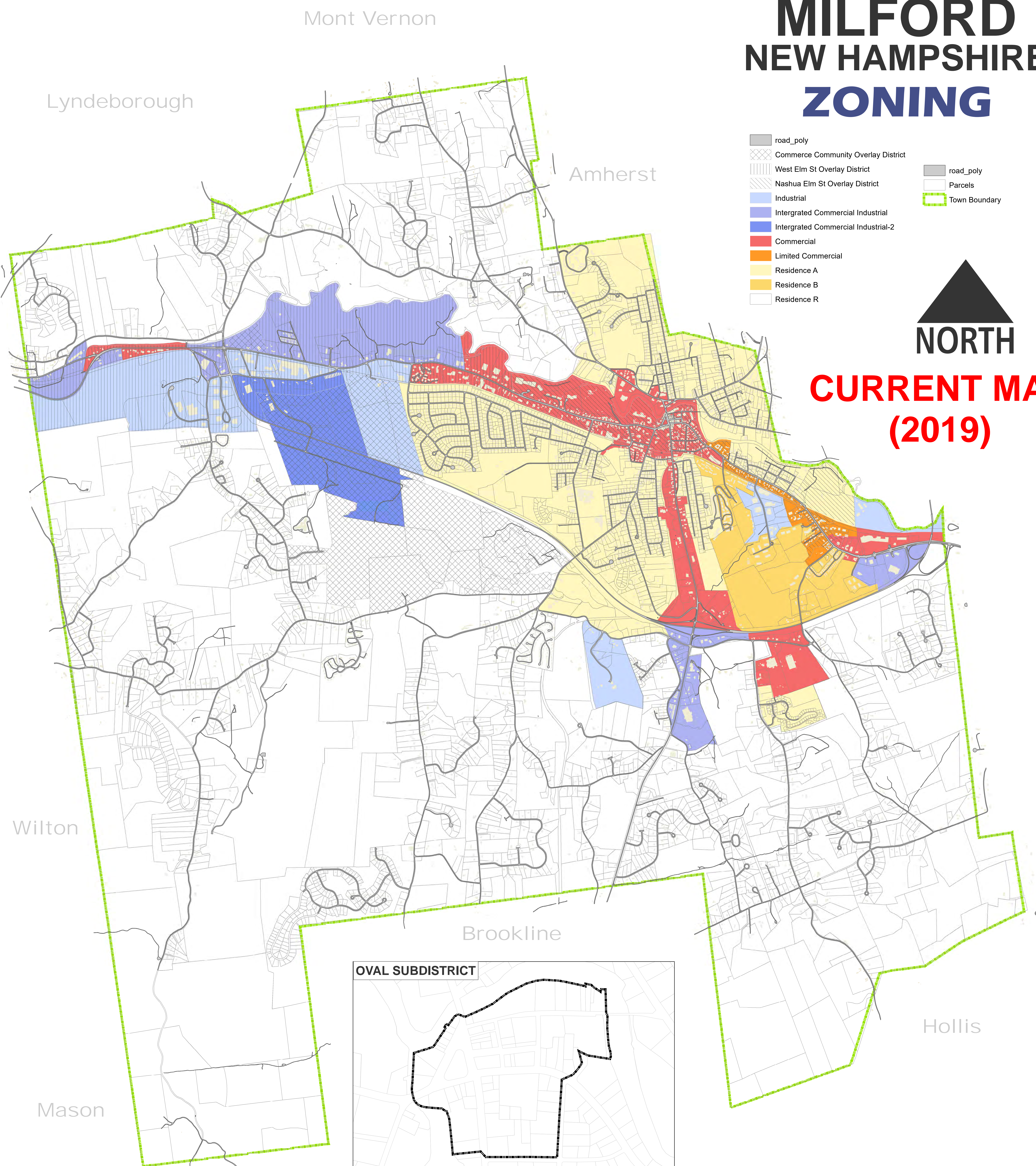
And in connection therewith, Amend Section 6.07.5 District Boundaries by inserting the following underlined text to read as follows:

“The West Elm Street Gateway District consists of a significant portion of Elm St and Route 101, from the Granite Town Plaza to the Wilton Town Line. It is bounded to the north by the Souhegan River until the fork at Wilton Road and Elm Street, where it is then bounded by North River Road and Wilton Road. The study area is bounded to the south by Elm Street and both sides of Old Wilton Road, Perry Road and Route 101. The southern boundary also includes Meadowbrook Drive, Scarborough Lane and two large parcels just south of Route 101 and west of Savage Road. The area is fully depicted on the map entitled “West Elm Street Gateway District Boundaries”.

And in connection therewith, amend the Town of Milford Zoning Map and “West Elm Street Gateway District Boundaries” map to include the twenty-one additional parcels identified above within the boundaries of the West Elm Street Gateway District.

Topical Description of Proposed Amendment: The proposed amendments extend the overlay district to include add twenty-one parcels additional parcels to encourage industrial-commercial development or redevelopment to compliment Milford’s community character and enhance access management in the area of Elm Street, Old Wilton Road, Perry Road, and part of Route 101 in West Milford. The amendment also further clarifies the boundaries of the West Elm Street Gateway District by updating the official Town of Milford Zoning Map and “West Elm Street Gateway District Boundaries” to include the twenty-one identified parcels.

TOWN OF MILFORD NEW HAMPSHIRE ZONING



Residence A

- Single-family dwellings and their accessory uses and structures
- Telecommunication facilities (2000)
- Farm roadside stands (2010)

Residence B

- Single-family dwellings and their accessory uses and structures
- Two-family dwellings with their accessory uses and structures
- Multi-family dwellings with municipal sewer and water and their accessory uses and structures
- Telecommunication facilities (2000)
- Farm roadside stands (2010)

Residence R

- One single-family dwelling and its accessory uses and structures, per lot
- Agriculture and Farming (2010)
- One single-family manufactured housing unit, per lot
- Harvesting of natural resources
- Telecommunication facilities (2000)
- Farm Roadside Stands (2010)

Commercial

- Retail businesses
- Wholesale businesses
- Restaurants
- Filling stations (2011)
- Offices
- Banks and financial institutions
- Hospitals (2011)
- Schools
- Hotels (2011)
- Churches or Houses of Worship (2011)
- Bed & breakfast (1997)
- Newspaper and job printing
- Funeral homes
- Single-family dwellings and their accessory uses and structures, with their respective related conditions set forth in Residence "A" District
- Two-family and multi-family dwellings and their accessory uses and structures, with their respective related conditions set forth in Residence "B" District
- Home occupations in accordance with Section 10.02.3
- Recreational facility, not-for-profit (1997)
- Recreational facility, commercial (1997)
- Telecommunication facilities (2000)
- Motor vehicles sales facilities (2011)
- Farm roadside stands (2010)
- Farmer's market (2010)
- Day care facilities (2011)
- Motor vehicle repair facilities (2011)
- Health services facilities (2011)
- Hospice house (2011)
- Veterinary clinics (2011)
- Nursing home or facility (2011)
- Agriculture and farming (2011)
- Utility, public or private (2011)
- Dwelling, Mixed-use (2012)

Limited Commercial

- Offices
- Health service facilities (2011)
- Schools
- Bed and breakfast
- Churches or Houses of Worship (2011)
- Funeral homes
- Single-family dwellings and their accessory uses and structures, with their respective related conditions set forth in the Residence "A" District
- Two-family and multi-family dwellings and their accessory uses and structures, with their respective related conditions set forth in the Residence "B" District
- Home occupations in accordance with Section 10.02.3
- Telecommunication facilities (2000)
- Farm roadside stands (2010)
- Day care facilities (2011)
- Hospice house (2011)
- Utilities, public or private (2011)
- Dwelling, Mixed-use (2012)

Industrial

- Harvesting of natural resources (2011)
- Manufacturing (from Light manufacturing 2003)
- Offices (2011)
- Research and development
- Distribution and mailing facilities
- Processing and warehousing
- Telecommunication facilities (2000)
- Farm roadside stands (2010)
- Processing of natural resources (2011)
- Newspaper and job printing (2011)
- Agriculture and farming (2011)
- Utility, public or private (2011)

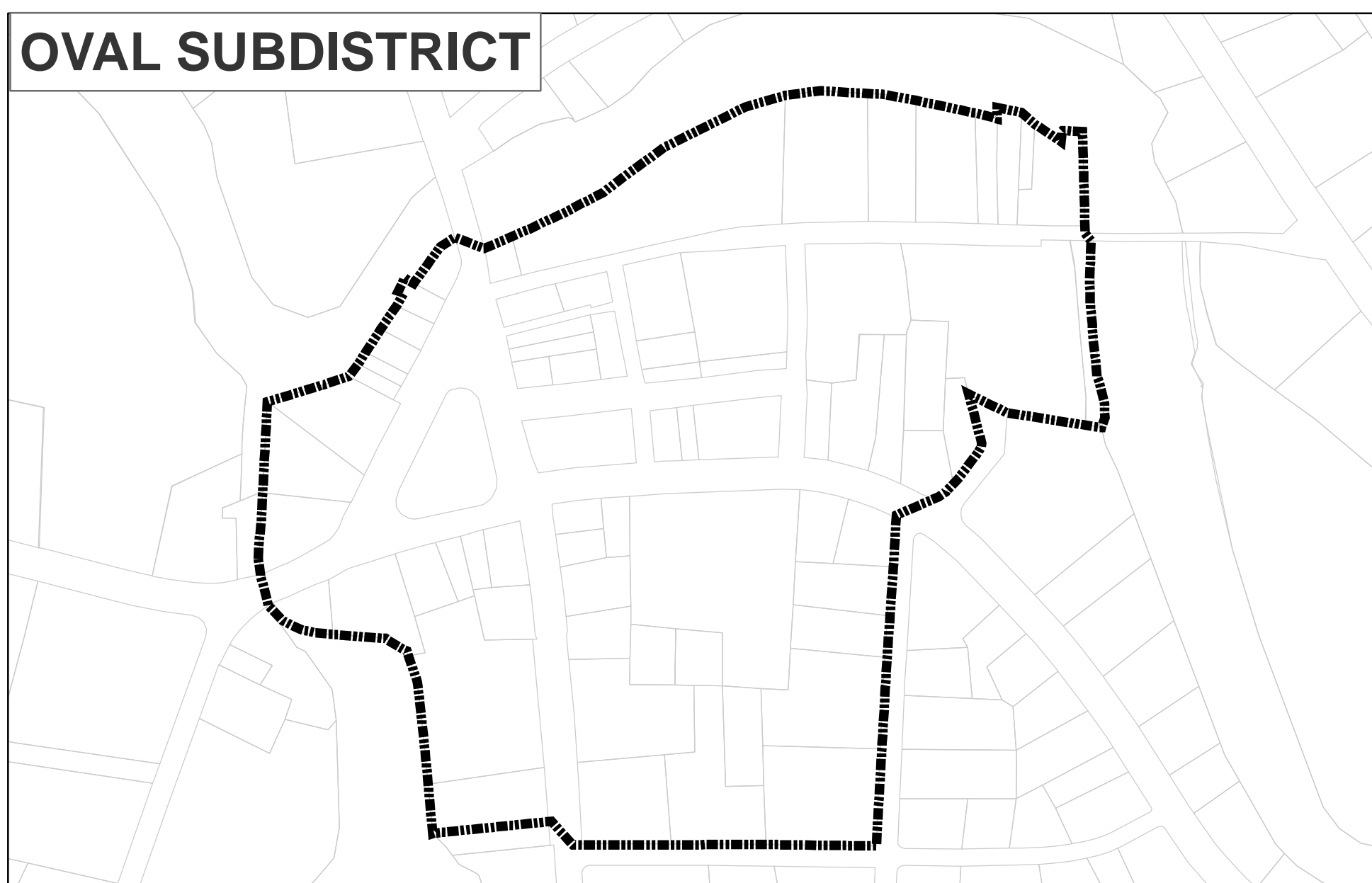
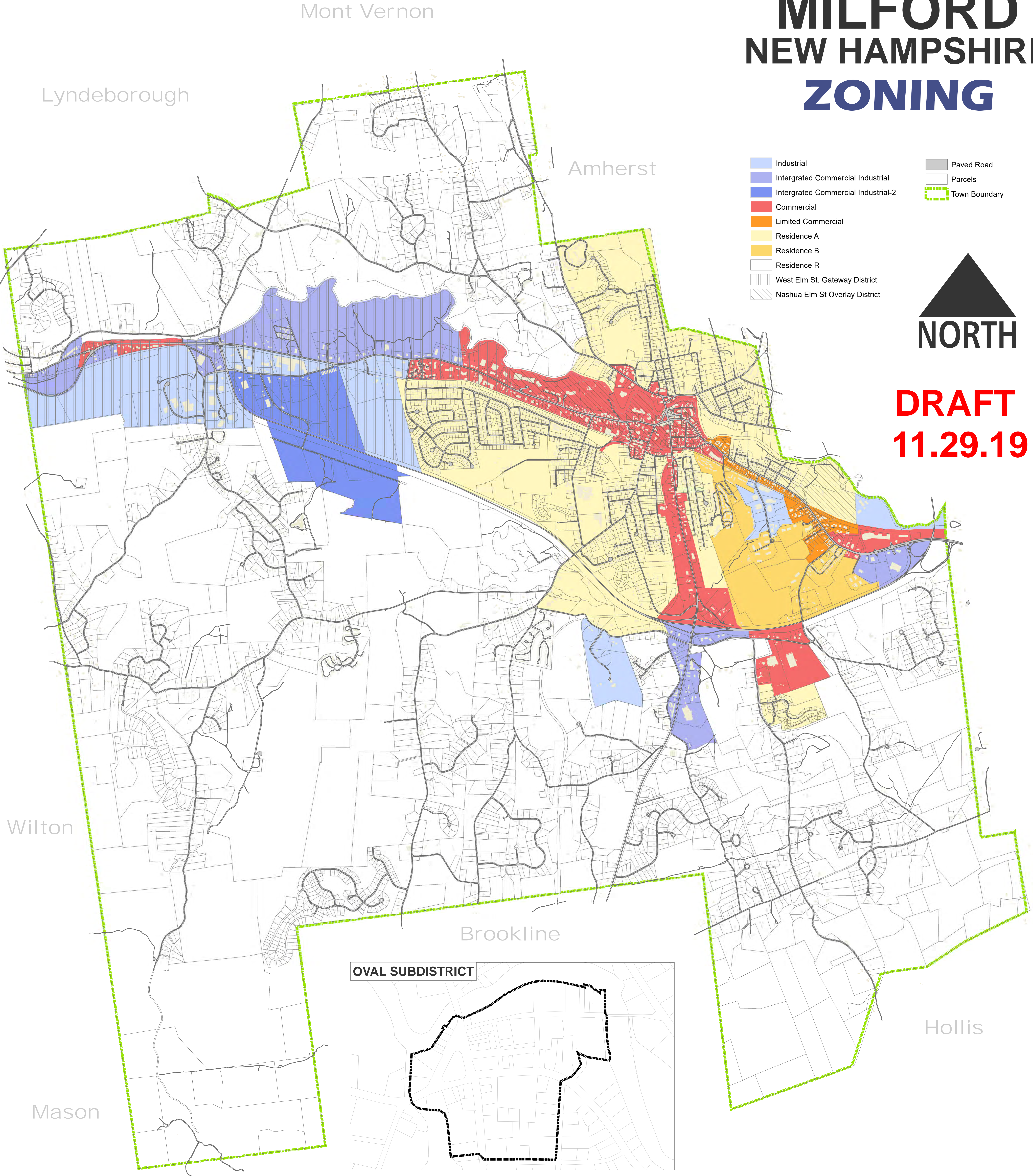
Integrated Comm-Ind

- Wholesale businesses
- Retail businesses
- Restaurants
- Offices
- Hotels (2011)
- Day care facilities (2011)
- Utility, public or private (2011)
- Manufacturing (from Light manufacturing 2003)
- Distribution and mailing facilities
- Research and development (2011)
- Motor vehicle repair facilities
- Harvesting of natural resources
- Banks and financial institutions
- Processing and warehousing (1997)
- Adult Entertainment Businesses (2000)
- Telecommunication facilities (2000)
- Motor vehicle sales facilities (2011)
- Farm roadside stands (2010)
- Farmer's market (2010)
- Bed and breakfast (2011)
- Churches or Houses of Worship (2011)
- Processing of natural resources (2011)
- Hospitals (2011)
- Health services facilities (2011)
- Veterinary clinics (2011)
- Newspaper and job printing (2011)
- Nursing home or facility (2011)
- Agriculture and farming (2011)
- Dwelling, Mixed-use (2012)
- Filling Station (2012)

Integrated Comm-Ind-2

- Wholesale businesses
- Retail businesses
- Restaurants
- Offices
- Hotels (2011)
- Day care facilities (2011)
- Utilities, public or private (2011)
- Manufacturing
- Distribution and mailing facilities
- Research and development
- Motor vehicle repair facilities
- Harvesting of natural resources
- Processing and warehousing
- Telecommunication facilities
- Recreational facility, commercial
- Farm roadside stands (2010)
- Farmer's market (2010)
- Banks and financial institutions (2011)
- Bed and breakfast (2011)
- Churches and Houses of Worship (2011)
- Hospitals (2011)
- Health services facilities (2011)
- Processing of natural resources (2011)
- Filling stations (2011)
- Nursing home or facility (2011)
- Newspaper and job printing (2011)
- Veterinary clinics (2011)
- Hospice house (2011)
- Agriculture and farming (2011)

TOWN OF MILFORD NEW HAMPSHIRE ZONING



Residence A

- Single-family dwellings and their accessory uses and structures
- Telecommunication facilities (2000)
- Farm roadside stands (2010)

Residence B

- Single-family dwellings and their accessory uses and structures
- Multi-family dwellings with municipal sewer and water and their accessory uses and structures
- Telecommunication facilities (2000)
- Farm roadside stands (2010)

Residence R

- One single-family dwelling and its accessory uses and structures, per lot
- Agriculture and Farming (2010)
- One single-family manufactured housing unit, per lot
- Harvesting of natural resources
- Telecommunication facilities (2000)
- Farm Roadside Stands (2010)

Commercial

- Retail businesses
- Wholesale businesses
- Restaurants
- Filling stations (2011)
- Offices
- Banks and financial institutions
- Hospitals (2011)
- Schools
- Hotels (2011)
- Churches or Houses of Worship (2011)
- Bed & breakfast (1997)
- Newspaper and job printing
- Funeral homes
- Single-family dwellings and their accessory uses and structures, with their respective related conditions set forth in Residence "A" District
- Two-family and multi-family dwellings and their accessory uses and structures, with their respective related conditions set forth in Residence "B" District
- Home occupations in accordance with Section 10.02.3
- Recreational facility, not-for-profit (1997)
- Recreational facility, commercial (1997)
- Telecommunication facilities (2000)
- Motor vehicles sales facilities (2011)
- Farm roadside stands (2010)
- Farmer's market (2010)
- Day care facilities (2011)
- Motor vehicle repair facilities (2011)
- Health services facilities (2011)
- Hospice house (2011)
- Veterinary clinics (2011)
- Nursing home or facility (2011)
- Agriculture and farming (2011)
- Utility, public or private (2011)
- Dwelling, Mixed-use (2012)

Limited Commercial

- Offices
- Health service facilities (2011)
- Schools
- Bed and breakfast
- Churches or Houses of Worship (2011)
- Funeral homes
- Single-family dwellings and their accessory uses and structures, with their respective related conditions set forth in the Residence "A" District
- Two-family and multi-family dwellings and their accessory uses and structures, with their respective related conditions set forth in the Residence "B" District
- Home occupations in accordance with Section 10.02.3
- Telecommunication facilities (2000)
- Farm roadside stands (2010)
- Day care facilities (2011)
- Hospice house (2011)
- Utilities, public or private (2011)
- Dwelling, Mixed-use (2012)

Industrial

- Harvesting of natural resources (2011)
- Manufacturing (from Light manufacturing 2003)
- Offices (2011)
- Research and development
- Distribution and mailing facilities
- Processing and warehousing
- Telecommunication facilities (2000)
- Farm roadside stands (2010)
- Processing of natural resources (2011)
- Newspaper and job printing (2011)
- Agriculture and farming (2011)
- Utility, public or private (2011)

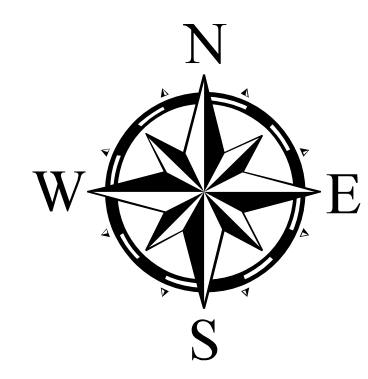
Integrated Comm-Ind

- Wholesale businesses
- Retail businesses
- Restaurants
- Offices
- Hotels (2011)
- Day care facilities (2011)
- Utility, public or private (2011)
- Manufacturing (from Light manufacturing 2003)
- Distribution and mailing facilities
- Research and development (2011)
- Motor vehicle repair facilities
- Harvesting of natural resources
- Banks and financial institutions
- Processing and warehousing (1997)
- Adult Entertainment Businesses (2000)
- Telecommunication facilities (2000)
- Motor vehicle sales facilities (2011)
- Farm roadside stands (2010)
- Farmer's market (2010)
- Bed and breakfast (2011)
- Churches or Houses of Worship (2011)
- Processing of natural resources (2011)
- Hospitals (2011)
- Health services facilities (2011)
- Newspaper and job printing (2011)
- Veterinary clinics (2011)
- Nursing home or facility (2011)
- Agriculture and farming (2011)
- Dwelling, Mixed-use (2012)
- Filling Station (2012)


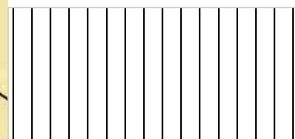
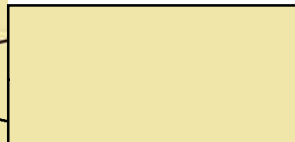
Integrated Comm-Ind-2

- Wholesale businesses
- Retail businesses
- Restaurants
- Offices
- Hotels (2011)
- Day care facilities (2011)
- Utilities, public or private (2011)
- Manufacturing
- Distribution and mailing facilities
- Research and development
- Motor vehicle repair facilities
- Harvesting of natural resources
- Processing and warehousing
- Telecommunication facilities
- Recreational facility, commercial
- Farm roadside stands (2010)
- Farmer's market (2010)
- Banks and financial institutions (2011)
- Bed and breakfast (2011)
- Churches and Houses of Worship (2011)
- Hospitals (2011)
- Health services facilities (2011)
- Processing of natural resources (2011)
- Filling stations (2011)
- Nursing home or facility (2011)
- Newspaper and job printing (2011)
- Veterinary clinics (2011)
- Hospice house (2011)
- Agriculture and farming (2011)

WEST ELM STREET GATWAY DISTRICT



LEGEND

-  West Elm St. Gateway District (Proposed)
-  West Elm St Overlay District (Current)
-  Parcels

Draft 11.29.19

