



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

Date: January 10, 2022
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: Amendments to Zoning Ordinance Article V, Section 5.04.0 Residence ‘R’ District
– Creation of an Estate Lot as a permitted use.

The Planning Board voted at its November 30th Meeting 4-1-1 (Langdell opposed, Freel abstained) on an amendment to the Milford Zoning Ordinance’s *Article V Section 5.04.0 Residence “R” District* and *Article IV: Definitions* to create and establish the requirements for an Estate Lot. Estate Lots are residentially zoned parcels of ten (10) acres or more in size containing or proposed to contain a maximum of three single-family dwellings. The proposed amendments were introduced and discussed at the November 2nd and November 30th Planning Board Work Sessions. At these meetings, the Planning Board suggested some substantive changes to the initial draft language including, but not limited to defining an estate lot, allowing Accessory Dwelling Units (via Special Exception Permit), establishing the maximum number of residences before requiring a subdivision, and Estate Lot title/ownership.

Staff has since incorporated the Board comments/changes throughout the process and as a result added a definition and new stand-alone subsection, *Section 5.04.8 Estate Lots* detailing the criteria and requirements for said use. In addition, the Board had previously asked Staff to provide the number and location of lots that would qualify as an Estate Lot. Upon further analysis, there are approximately one-hundred sixty (160) properties (excludes conservation land) in the Residential ‘R’ Zoning District that would currently be considered an Estate Lot based on lots ten (10) acres or greater. See attached Milford Zoning Map showing the eligible properties.

The Planning Board voted to move this amendment forward at its December 21st Public Hearing.

**ARTICLE II: BALLOT VOTE XX – ZONING ORDINANCE AMENDMENT
ESTATE LOTS IN RESIDENTIAL ‘R’ ZONING DISTRICT**

Are you in favor of adopting the following amendment to the Town of Milford Zoning Ordinance as proposed by the Planning Board?

To see if the Town will amend the Milford Zoning Ordinance, Article IV. Definitions by inserting the underlined text for a new definition for an Estate Lot to read as follows:

Estate Lot - A residentially zoned parcel of ten (10) acres or more in size containing or proposed to contain a maximum of three single-family dwellings.

And in connection therewith, amend Article V, Section 5.04.1 Acceptable Uses by inserting the underlined text to create a new subsection, 5.04.1.J. to read as follows:

Section 5.04.1.J Estate Lots in accordance with Section 5.04.8.

And in connection therewith, amend Article V, Section 5.04, by inserting the underlined text to create a new subsection, 5.04.8 Estate Lots to read as follows:

Section 5.04.8 ESTATE LOTS

- A. Parcels of land greater than or equal to ten (10) acres in size may be considered an Estate Lot.
- B. An Estate Lot permits a property owner to construct a maximum of three (3) single-family residential dwellings and their accessory uses and structures on the parcel without requiring a subdivision.
- C. The dwelling units should be assembled on the primary parcel of land in such a manner that a future subdivision could be accomplished without creating non-conforming lots and/or violating the dimensional requirements of the Zoning District.
- D. Title to the overall parcel, to include the land and all dwelling units, must be vested in the same owner and the owner with title to the property must reside on the property.

BALLOT VOTE No. XX – Residential ‘R’ Zoning District – Estate Lots

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

AMENDMENT #XX: Amend Article IV, Definitions, Article V, 5.04.1 Acceptable Uses, and add new section, Article V, Section 5.04.8 Estate Lots to include an Estate Lot as a permitted use on a lot 10 acres or more in the Residential ‘R’ Zoning District.

Topical Discussion of Proposed Amendment: The proposed amendment seeks to expand the allowable uses in the Residential ‘R’ District to include an Estate Lot. An Estate Lot would apply to lots 10 acres or more and allow a maximum of three single-family residences on the single property. Further, title to the overall parcel, including the land and all dwelling units must be vested in the same owner. The owner, with title to the property, must reside on the property. The purpose is to increase the diversity of housing opportunities in the Residential ‘R’ District.