



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

STAFF MEMO

Date: December 15, 2021
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.

PLANNING BOARD AMENDMENT 4: RESIDENCE “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 V Section 5.04.0 Residence “R” District and Article IV: Definitions by inserting the underlined language to read as follows:

ARTICLE IV. DEFINITIONS

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. (2021)

5.04.0 RESIDENCE "R" DISTRICT (2001)

INTENT: The intent of the Residence "R" District is to provide for low-density residential and agricultural land uses, and other compatible land uses, that are sensitive to the rural character and environmental constraints existing in the district.

5.04.1 ACCEPTABLE USES

- A. One single-family dwelling and its accessory uses and structures, per lot
- B. Agriculture and Farming (2010)
- C. One single-family manufactured housing unit, per lot
- D. Harvesting of natural resources
- E. Telecommunication facilities (2000)
- F. Deleted (2011)
- G. Farm Roadside Stands (2010)
- H. Solar Collection Systems in accordance with Section 7.11.0 (2019)
- I. Home Based Business in accordance with Section 7.12.0 (2019)
- J. Estate Lots in accordance with Section 5.04.8

5.04.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

- 1. One two-family dwelling per lot (2001)
- 2. Veterinary clinics
- 3. Home Based Business in accordance with Section 7.12.0 (2019)
- 4. Day care facilities
- 5. Family day care home
- 6. Schools
- 7. Reduced front, side and rear setbacks (2001)
- 8. Bed & breakfast (1997)
- 9. Processing of natural resources on parcels of a minimum five (5) acres in size (2011)
- 10. Recreational facility, not-for-profit (1997)

11. Recreational facility, commercial (1997)
12. Churches or Houses of Worship (2011)
13. Building and structure height greater than allowed in 5.04.7:A or 5.04.7:B (2005)
14. Accessory Dwelling Units (2008)
15. Hospice house (2011)
16. Nursing home or facility (2011)
17. Utility, public or private (2011)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)
2. Solar Collection Systems in accordance with Section 7.11.0 (2019)
3. Home Based Business in accordance with Section 7.12.0 (2019)

5.04.3 USES NOT SPECIFIED (2010)

Any uses of land and/or structures not specifically included in the "R" District as acceptable, acceptable by Special Exception or acceptable by Conditional Use Permit shall be considered as not permitted.

5.04.4 LOT SIZES AND FRONTAGES (2009)

- A. The minimum lot size and frontage for a single-family dwelling or a single-family manufactured housing unit and all other permitted uses, unless stated otherwise, in the residence "R" District shall be two (2) acres (87,120 SF), or greater, depending on soil and slope conditions, with a minimum two hundred (200) feet of frontage on a Class V or better road.
- B. The minimum lot size and frontage for a two-family dwelling as allowed by Special Exception in the Residence "R" District shall be four (4) acres (174,240 SF), or greater, depending on soil and slope conditions, with a minimum three hundred (300) feet of frontage on a Class V or better road.

5.04.5 YARD REQUIREMENTS (2011)

- A. Each structure shall be set back at least thirty (30) feet from the front lot line.
- B. Each structure shall be at least fifteen (15) feet from side and rear property lines. In case of a corner lot, the side distance shall be increased to thirty (30) feet on the side bordering the street, lane or public way.

5.04.6 OPEN SPACE

Open space shall be provided for all uses, other than single-family and two-family dwellings, in an amount equal to not less than thirty (30) percent of the total lot area.

5.04.7 HEIGHT REQUIREMENTS (2005)

- A. The maximum height of a building or structure in the Residence "R" District shall be thirty-five (35) feet, except as noted in B. below.
- B. The maximum height of school and municipal buildings or structures in the Residence "R"

District shall be forty-five (45) feet.

- C. A Special Exception shall be required for heights greater than allowed in either A or B above.

5.04.8 ESTATE LOTS

- A. Parcels of land greater than 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.

**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 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 and the owner, with title to the property, must reside on the property. The purpose is to maintain and increase the diversity of housing opportunities and supply not currently permitted on larger properties in the Residential ‘R’ District.

Mont Vernon

Lyndeborough

Amherst

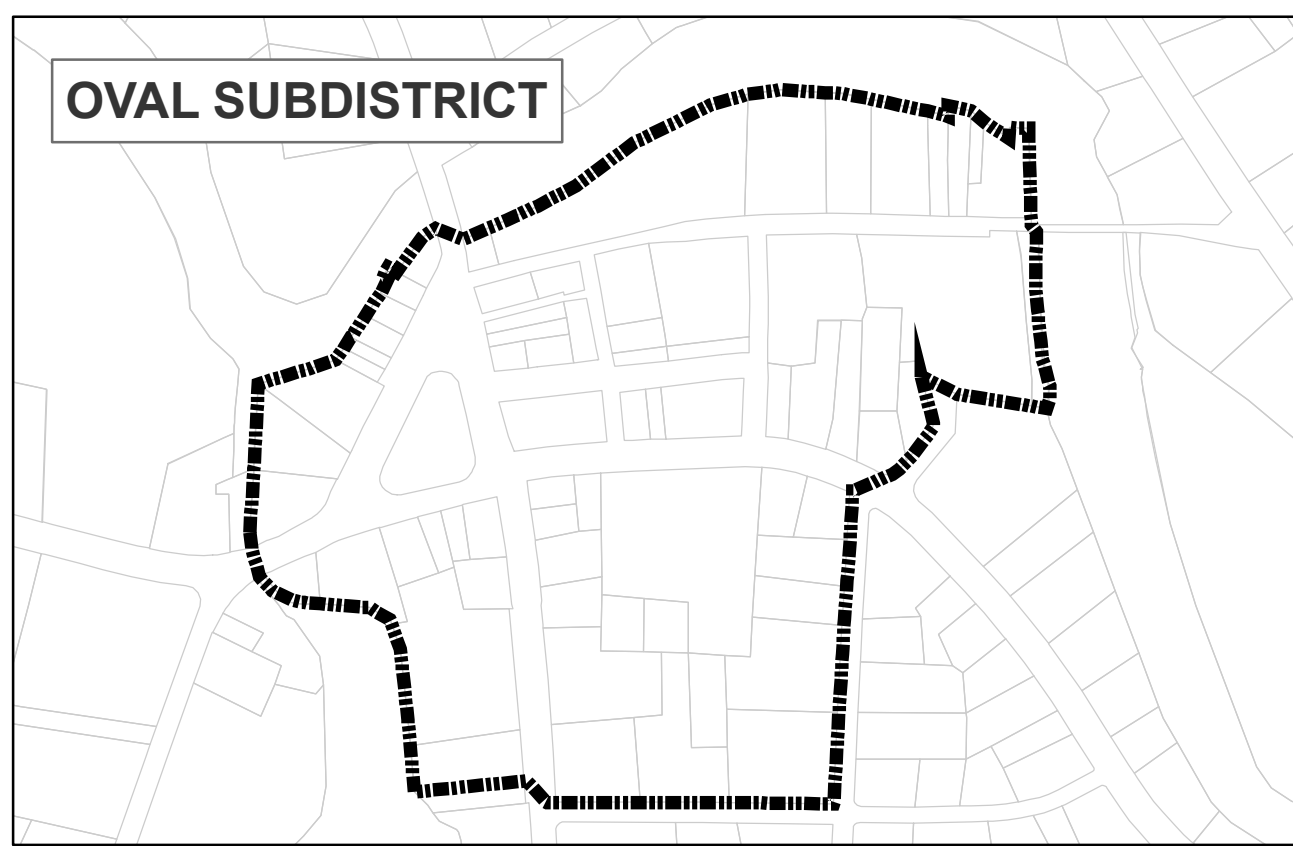
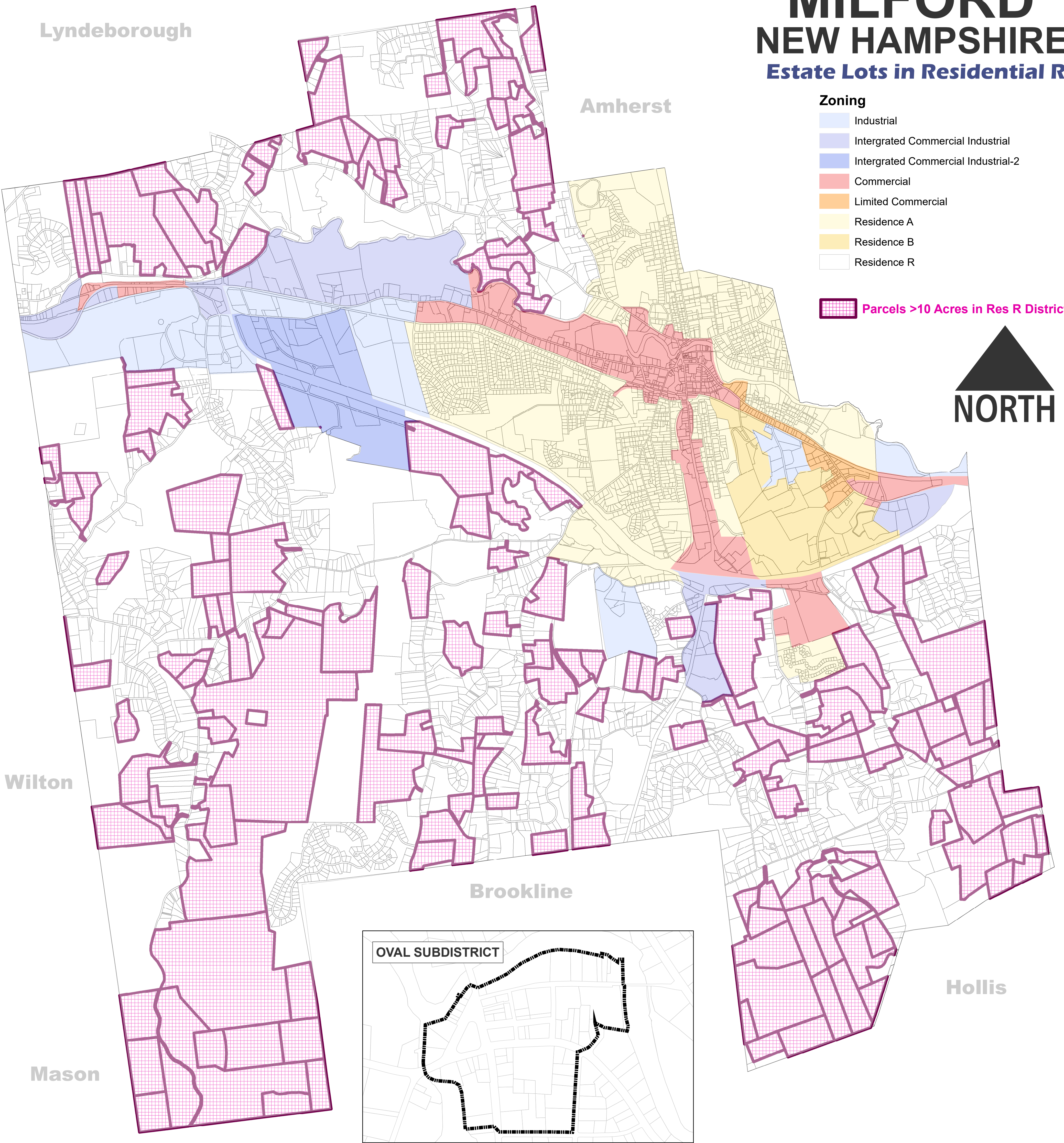
TOWN OF MILFORD NEW HAMPSHIRE

Estate Lots in Residential R

Zoning

- Industrial
- Intergrated Commercial Industrial
- Intergrated Commercial Industrial-2
- Commercial
- Limited Commercial
- Residence A
- Residence B
- Residence R

Parcels >10 Acres in Res R District



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 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)
- Estate Lots 10 acres or greater (2022) (DRAFT)

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)
- Hospice house (2011)
- Utilities, 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 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)
- Veterinary clinics (2011)
- Hospice house (2011)
- Agriculture and farming (2011)