TOWN OF MILFORD

Office of Community Development Planning • Zoning • Building Safety • Code Enforcement • Health Economic Development • Active Projects

Administrative Review

Date:	June 12, 2023
To:	Zoning Board of Adjustment
From:	Terrence Dolan, Community Development Director
Subject:	Case #2023-07 Hitchiner Manufacturing Co. Inc, for the property located at 96 Old Wilton Road, Tax Map 7, Lot 20 - Special Exception Application

The applicant, having recently purchased the existing (partially) developed site, is before the Board of Adjustment seeking a Special Exception from the Milford Zoning Ordinance, Article VI, Sections 6.02.6.B to disturb approximately 4,830 square feet of wetland buffer area to allow for improved site access areas surrounding the approximately twelve year old facility, trenching for new natural gas lines, new underground power & underground communication services, and related stormwater water management structures for a property located in the Integrated Commercial-Industrial-2 ("ICI-2") Zoning District. In reviewing the files for this property, I offer the following comments:

1. Existing Conditions:

a. The subject property's buildable footprint is approximately 2.54 acres of a total site of approximately 5.94 acres. (The remaining 3.4 acres of the site lie within a June 2004-recorded Conservation Easement, which encumbers the southerly portion of the referenced Lot 20, while also encumbering portions of Map 20, Lots 18 & 19).

The existing site has double road frontage, with frontage along both Old Wilton Road (+/- 449 linear feet) and Perry Road (+/- 418 linear feet). The property is only partially developed with adjoining "Units 1-5", pursuant to the approved Major Site Plan, last approved by the Planning Board in 2007. These units are presently divided amongst two tenants; with areas for Warehousing Use (Units #1 & #2), while the new owners wish to seek approval from the Planning Board to convert the recent usage of the remaining Units (#3-#5) from Warehousing to Manufacturing to serve their own needs. They shall be seeking approval of a "Change of Use" request from the Planning Board on June, 20, 2023.

The separate "Units #7-#12", (originally proposed and approved to be a separate building structure, along the site's Perry Road frontage) have not been built, to date. The entire development site, known as "Perry Fields" is essentially cleared, with the portion of the overall conservation easement lands that lie within Lot 20, consisting predominately of wet pasture, with scattered tree cover.

- b. The property is currently serviced by municipal water and sewer.
- c. The subject property is completely established within the Integrated Commercial-Industrial-2 ("ICI-2") Zoning District. To the north, (across Old Wilton Road) the subject property abuts an existing industrial site ("ICI-2" zoned), also owned by the applicant. To the east, the property abuts undeveloped property, also owned by the applicant ("ICI-2" zoned). To the west, (across Perry Road) lies undeveloped "ICI-2" zoned property. To the south of the developed (northerly) portion of subject parcel lies the referenced



conservation easement portion of Lot 20, with additional "ICI-2" zoned properties further south of the subject site along Perry Road.

- d. The property falls within the Level 1 Groundwater Protection District. The purpose of the district is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas.
- 2. The proposal calls for the impact of 4,830 square feet of Wetland Buffer Area. (See attached site plan, dated 6/07/23).

No impacts to this site's portion of the previously recorded (2004) Conservation Easement Area are proposed.

In 2003, the State of New Hampshire's Department of Environmental Services (NHDES) issued a Wetland Dredge & Fill Permit for the developed portion of the site, in the amount of 18,750 square feet (.43 acre) of wetland impact, for which the overall, multi-lot Conservation Easement Area was ultimately executed in favor of the Town of Milford, (i.e. the Conservation Commission).

The applicant is presently before ZBA only seeking a Special Exception for the proposed impacts to the related and established wetland buffers.

- 3. The disturbance of wetland buffer areas is permitted by Special Exception pursuant to Section 6.02.6, so long as the applicant, pursuant to Section 6.02.7, demonstrates by plan or example that the following factors have been considered in their design:
 - 1. The need for the proposed project;
 - 2. The plan proposed is the alternative with the least impact to the wetlands, surface waters and/or their associated buffers;
 - 3. The impact on plants, fish and wildlife;
 - 4. The impact on the quantity and/or quality of surface and ground water;
 - 5. The potential to cause or increase flooding, erosion, or sedimentation;
 - 6. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland, wetland complex and/or buffer area were also permitted alterations to the wetland and buffer proportional to the extent of their property rights;
 - 7. The impact of the proposed project on the values and functions of the total wetland or wetland complex.

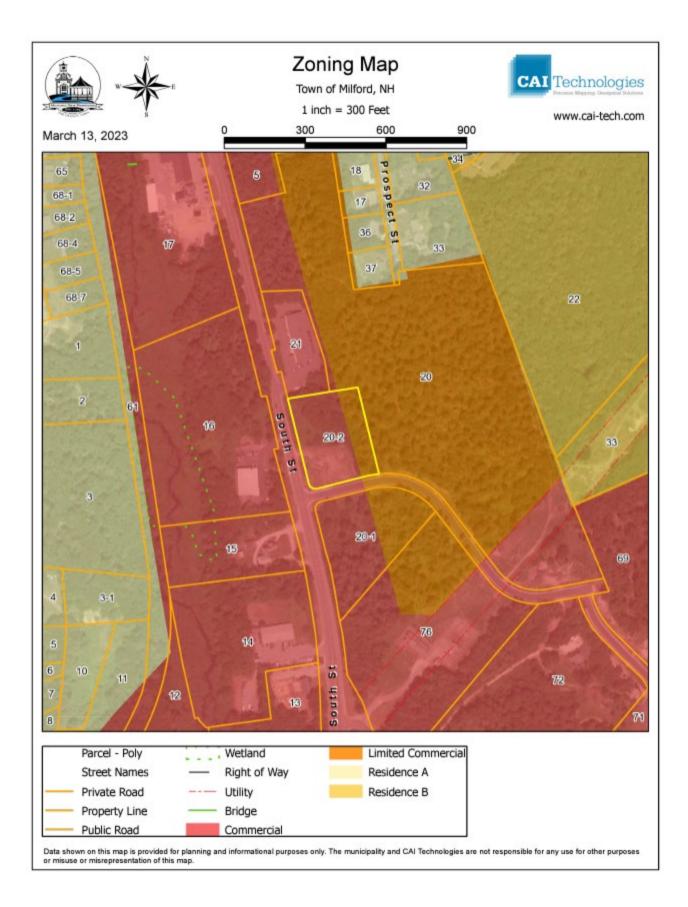
(Included in the application, the applicant has provided responses to each of the criteria. See attached.)

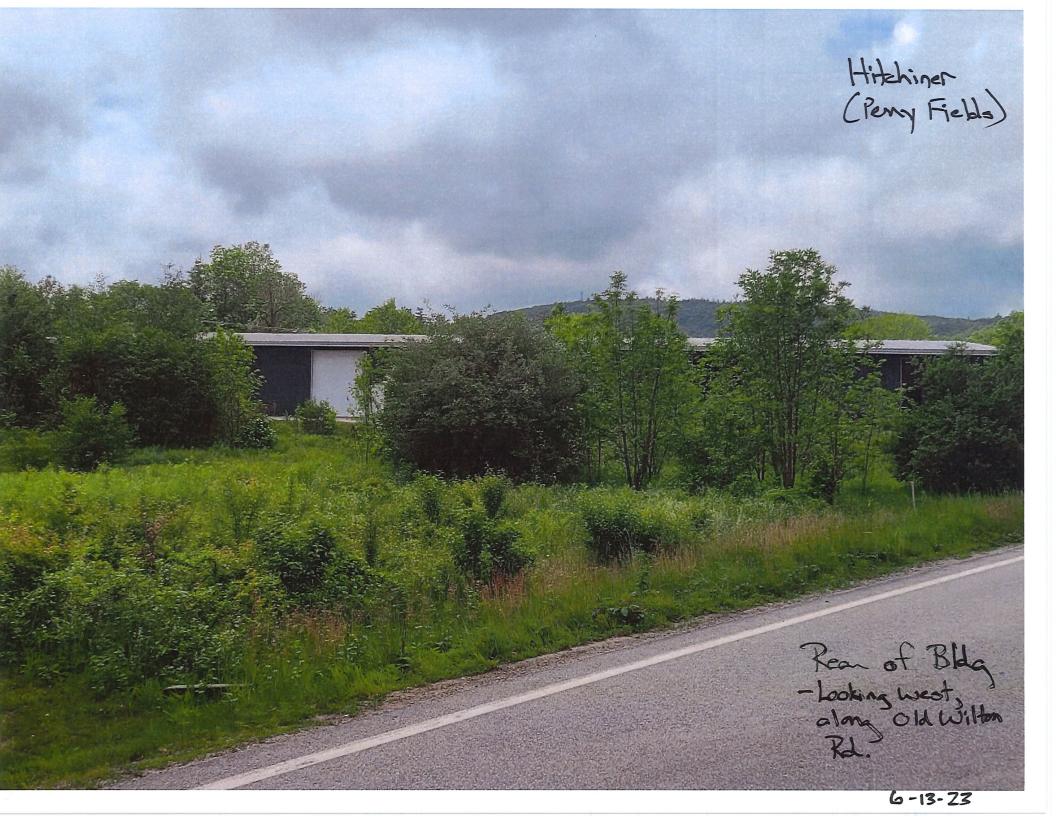
4. On June 6, 2023, the applicant appeared before the Milford Conservation Commission at the site, where the applicant convened a site walk to discuss the application, along with members of the Planning Board and members of the general public in attendance.

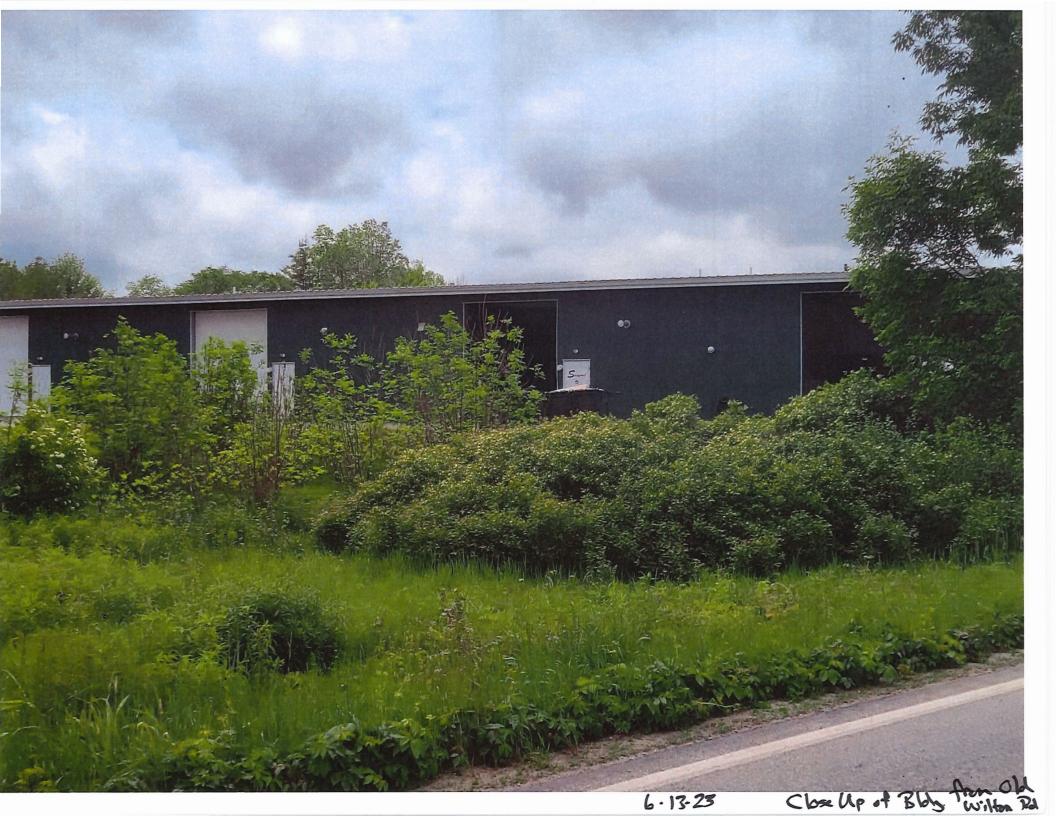
On June 8, 2023, the applicant once again appeared before the Milford Conservation Commission to formally present their proposal to the full Commission. (See attached Commission Memorandum, dated 6/08/23).

Staff Comments:

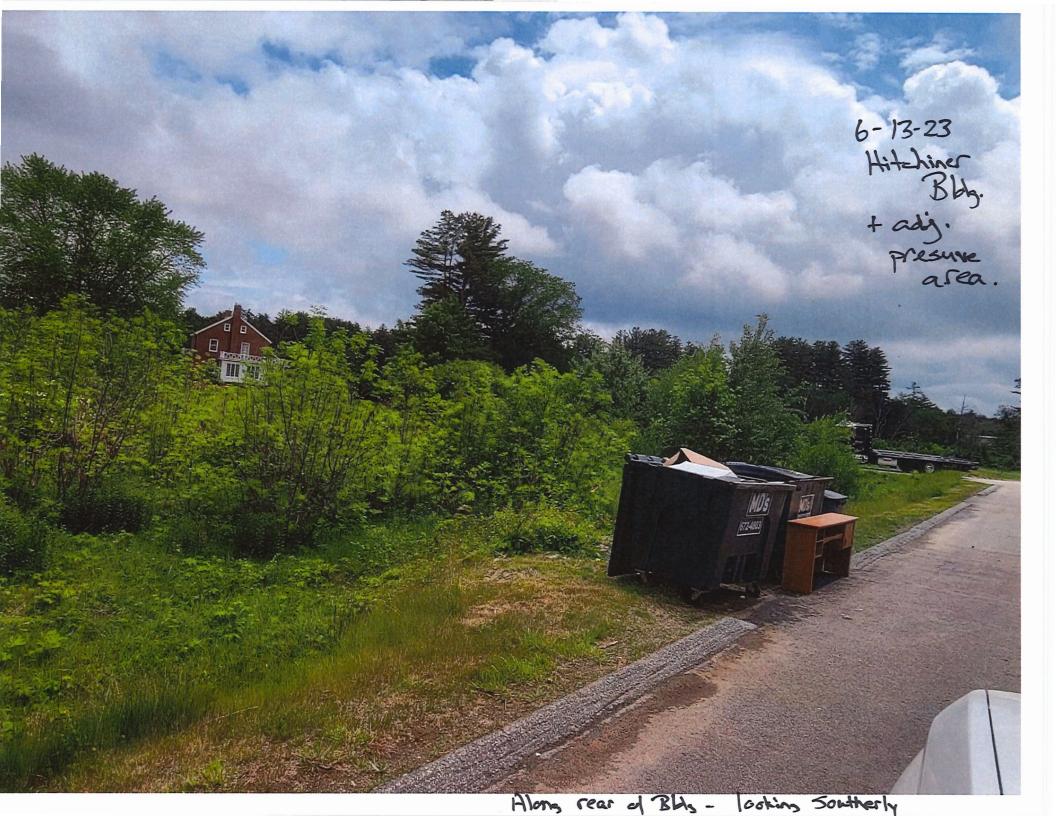
- a. The applicant should explain the design and layout of the proposed driveways access and other site improvements they propose, and how the site was considered to minimize the overall impact to both the delineated wetland resource areas and buffer.
- b. The applicant should review any stormwater management design revisions that were considered to minimize the overall impact to the wetland buffer.
- c. The applicant should explain how the project will ensure the continued protection of the Town's groundwater.
- d. In addition to requiring a Special Exception, the project will also require approval by the Planning Board for a "Change of Use" for converting the existing building (Units 3-5) from Warehousing Usage to Manufacturing Use. Both of those uses are deemed as Acceptable Uses within the "ICI-2" Zoning District. This Planning Board Hearing is scheduled for June 20, 2023.

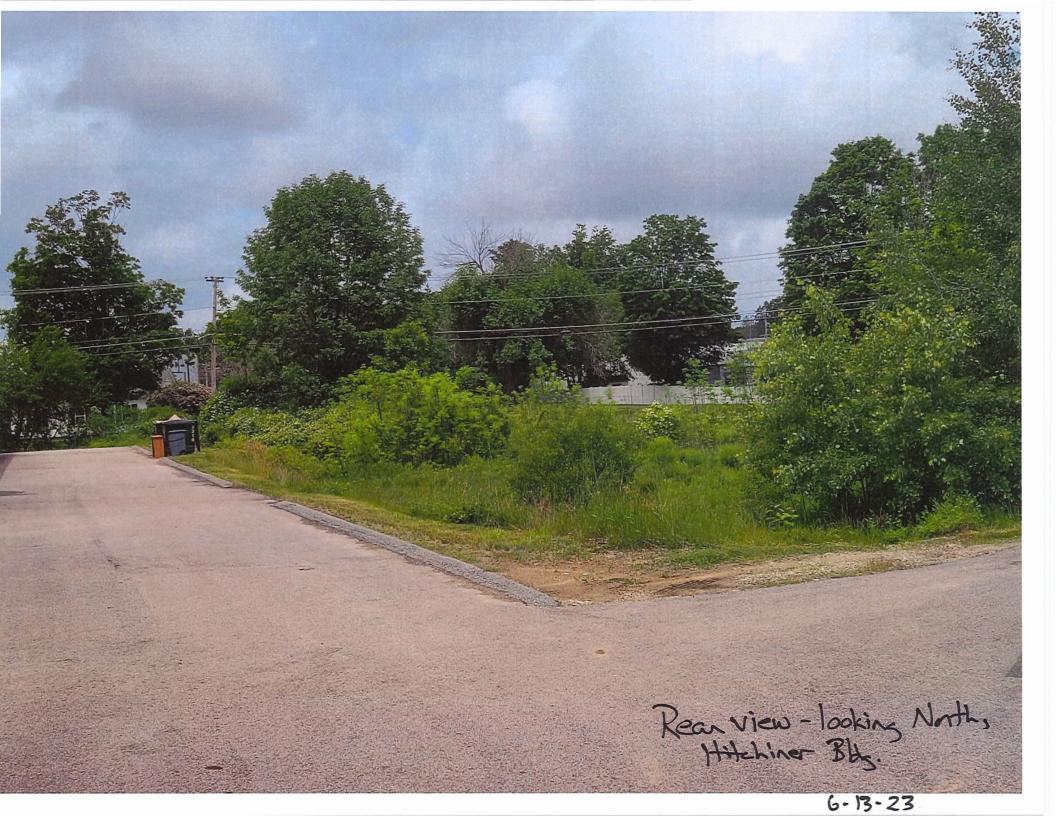


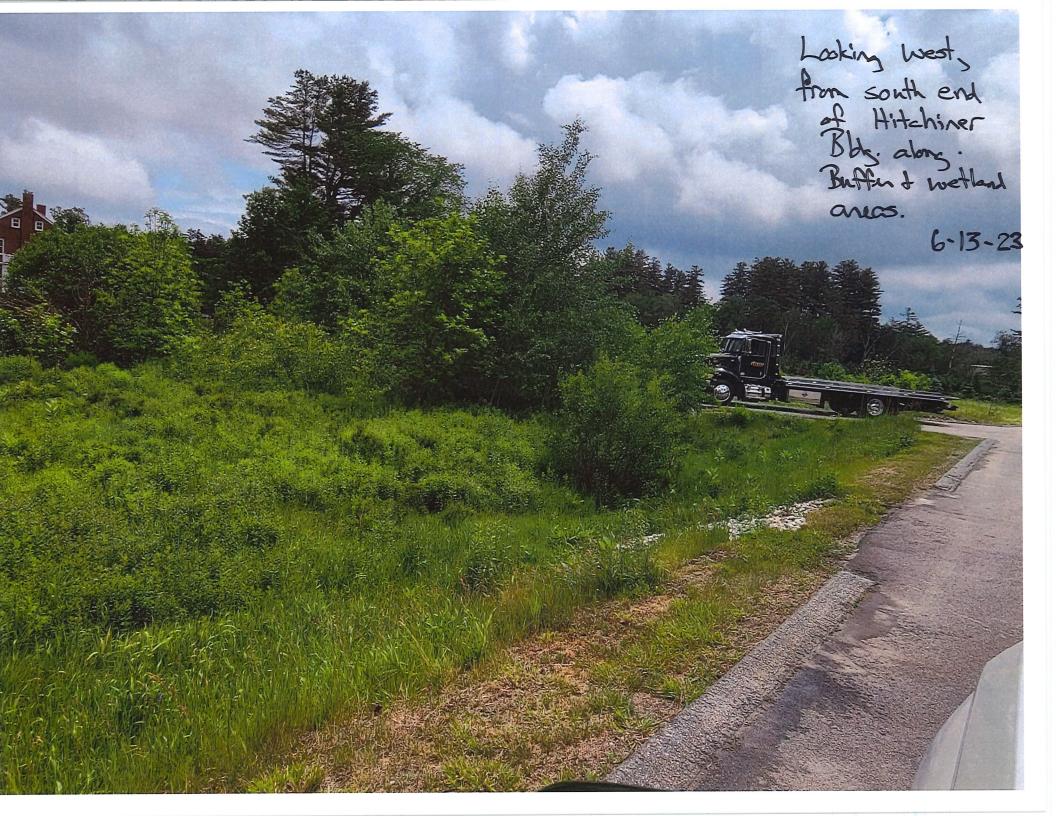


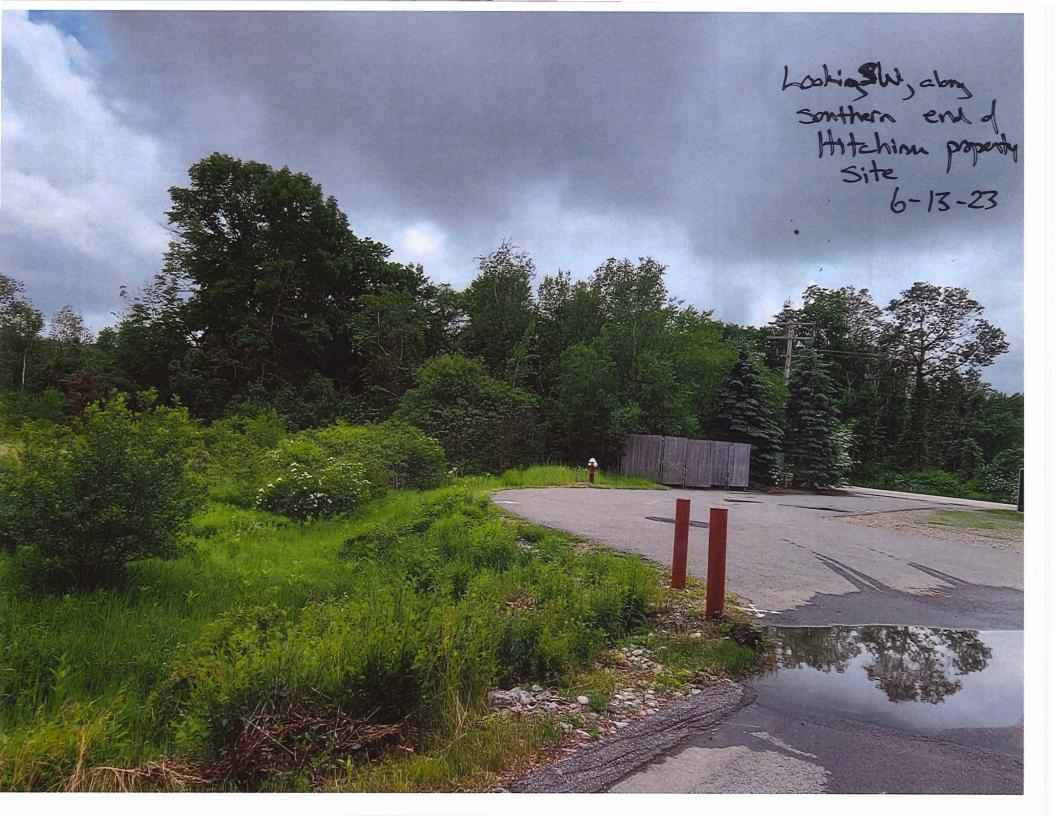












Looking Southwesterly scions south end of Hitchiner property Site. 6.13-23

6-13-23 Looking North, along front of Hitchinen Bldg. Not: Vehicles & trailus on parked where future (appred) Units 7-12 Shall be constructed. \square Π

ZBA Application Milford zoning board of adjustmen GENERAL PROPERTY INFORMATION FOR A	TOWN OF MILFORD RECEIVED MAY 18 2023
PROPERTY INFORMATION	Decision Date:
Street Address: 96 Old Wilton Road	Decision:
Tax Map / Parcel #: D3/7-20 Lot Size: 5.94	res
PROPERTY CURRENTLY USED AS	Zoning District (check one):
12,000 SF industrial building used for contractor wareho automotive repair (7,200 SF).	e 4,800 SF and
(7,200 SF).	Residence A
방법 성장 방법을 위한 것은 것이 같아요. 그는 것이다.	Residence B Residence R
If the application involves multiple lots with different owner copies of this page.	, attach additional
PROPERTY OWNER	
Name: Hitchiner Manufacturing Co., Inc.	□ Integrated Commercial-Industrial □ Integrated Commercial-Industrial-2
Address: 594 Elm Street	
City/State/Zip: Milford, NH 03055	Overlay District (check any that apply):
Phone: (603) 673-1100	
Email: Anthony_Rodrigues@hitchiner.com	West Elm Street Overlay
	Nashua/Elm Street Overlay
	Commerce & Community Overlay
The applicant is the person who is making this proposal on I the owner or a third party. This is your list	Deen Space & Conservation
and of a child pully. This is listicity the came as the	
give a condity someone who hins to hurchase the must	I Groundwater Protection
lawyer, etc. If the applicant is the same as the owner, just cl and leave the rest of this section blank.	ck "Same as owner"
APPLICANT/REPRESENTATIVE	
SAME AS OWNER	APPLICATION FEES
Name:	Application Fee: \$100.00
Address:	Abutters Fee: <u>8</u> X <u>5.75</u> \$ 46.00
City/State/Zip:	Amount received:
Email:	Date Received:
Phone: () Cell: ()	Check Cash
The undersigned property owner(s) hereby authorize(s) the filing agree to comply with all code requirements applicable to t	The fees associated with this application this application and application. For Approval of this project. Pluckton Impact, Building and Other fees may apply.

Town Hall • 1 Union Sq, Milford, NH 03055 •Phone: 603-249-0620 • www.milford.nh.gov

Units 3,4,5

ZBA Application - Special Exception MILFORD ZONING BOARD OF ADJUSTMENT	Date Received: Case Number: Application #: Date Complete: Hearing Date:
PROPERTY INFORMATION	Decision Date:
reet Address: 96 Old Wilton Road	Decision:
ax Map / Parcel #: D3/7-20	
Special Exception is a use which is permitted by the Zoning Ordinance, but equires approval from the Zoning Board of Adjustment. Most special exceptions ave a list of additional criteria that must be met in order for the ZBA to approve the application. Note that in addition to the specific criteria that may be listed for a particula pecial exception, all special exceptions are subject to the general criteria in fection 10.02.1 of the Zoning Ordinance.	Application for (check all that apply):
What section of the Zoning Ordinance are you applying under? Article <u>VI</u> Section <u>6.02.6.B</u> Describe the <u>use</u> you are proposing under the above section of the Ordinance. <u>The existing 5.94 acre site has an existing 12,000 industrial building and</u> appurtenant site development. The site is zoned Integrated Commercial- Industrial 2. The existing warehouse use, and proposed manufacturing use ar allowed in this zone.	 Change/Expansion of Non-conforming Use/Structure (2.03.1.C) Wetland Buffer Impact (6.02.6) Accessory Dwelling Unit (10.2.6) Office in Res-A & B (10.2.7) Home Business (7.12.6) Side/Rear Yard Setback Reduction (Zoning District Specific) Other
General Criteria Section 10.02.1	-
General Criteria Section 10.02.1 Describe the project you are requesting a Special Exception for: Proposed utility improvements which requires trenching and patching, install slopes, installation of roof drains, and minor addition of pavement (net increa Explain how the proposal meets the general criteria as specified in Article X, S	se of 800 sr) for venicie circulation
General Criteria Section 10.02.1 Describe the project you are requesting a Special Exception for: Proposed utility improvements which requires trenching and patching, install slopes, installation of roof drains, and minor addition of pavement (net increa Explain how the proposal meets the general criteria as specified in Article X, s A. The proposed use is similar to those permitted in the district because: The existing industrial building is presently used for warehouse (4,800 SF) and the automotive repair to manufacturing (7,200 SF), which are allowed uses in the zor	Section 10.02.1 of the Zoning Ordinance:
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X Z

ZBA Application – Special Exception

MILFORD	ZONING	BOARD O	F AD	JUSTMENT

Ex	plain how the proposal meets the specific criteria of the Zoning Ordinance for each section:
WE	TLAND AND WETLAND BUFFER IMPACT 6.02.6
1.	Has the need for the project been addressed? Please explain. The proposed improvements are essential to the growth of Hitchiner Manufacturing, Inc. in the Town of Milford.
2.	Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers? Please explain. The proposed improvements do not directly impact jurisdictional wetlands. The plan has been refined to minimize the
3.	permanent and temporary impacts to the wetland buffer. Has the impact on plants, fish and wildlife been addressed? Please explain.
	The proposed plan does not require any tree cutting within the wetland buffer, does not disturb jurisdictional wetlands, and all work is within the existing approved development area of the site.
4.	Has the impact on the quality and quantity of surface and ground waters been addressed? Please explain. The proposed work has a net increase in impervious area of 600 +/- SF. This is considered negligible and should have no adverse impacts on stormwater runoff or groundwater on the 5.94-acre parcel or adjacent wetlands.
5.	Has the potential for increased flooding, erosion and sedimentation been addressed? Please explain. As stated in #4 above, the the increase in impervious is negligible, and erosion control best management practices have been incorporated into the site improvements design.
6.	Has the cumulative impact if all parties owning or abutting the affected wetland were allowed to alter or impact the wetland or buffer area in the same way? Please explain. The on-site wet meadow is part of the Tucker Brook wetland complex, which is large and involves dozens of properties; many owned by the Town or within conservation easements. It seems reasonable that similar impacts on the remaining properties wouldn't have a measurable effect on such a large system.
7.	Has the impact of the values and function of the overall wetland and wetland complex been addressed? Please explain. The jurisdictional wetland is not being disturbed, no tree cutting is proposed, and the net increase in impervious is 600+/- SF. This should not effect the function and values of the adjacent wet meadow and the larger wetland complex.
8.	Has a comment from the Milford Conservation Commission been solicited? Yes X No Date of Conservation Commission Meeting attended: <u>June 5, 2023 site</u> walk and June 8, 2023 meeting.

HOME BUSINESS CRITERIA 7.12.6

1. Is the Home Business located in the Residential 'A', Residential 'B', or Residential 'R' Zoning District?

2. Please explain if the Home Business is conducted entirely within the dwelling or accessory structure.

- 3. A sign of not more than six (6) square feet is allowed and shall not advertise in such a way that would encourage customers or salespersons to come to the property without an appointment. Please provide the dimensions, design, and approximate location of the sign.
- 4. There shall be no more than two (2) non-resident employees of the Home Business. Please provide the total number of non-resident employees.

5. The Home Business shall not be more than 25% of the combined floor area of all structures on the property. Please detail the total combined floor area of all structures on the property used for Home Business.

Section continued on next page.



Civil Engineers/Land Surveyors

PROJECT NARRATIVE Proposed Site Improvements Hitchiner Manufacturing Co., Inc. 96 Old Wilton Road Milford, New Hampshire

TOWN OF MILFORD

MAY 2 2 2023

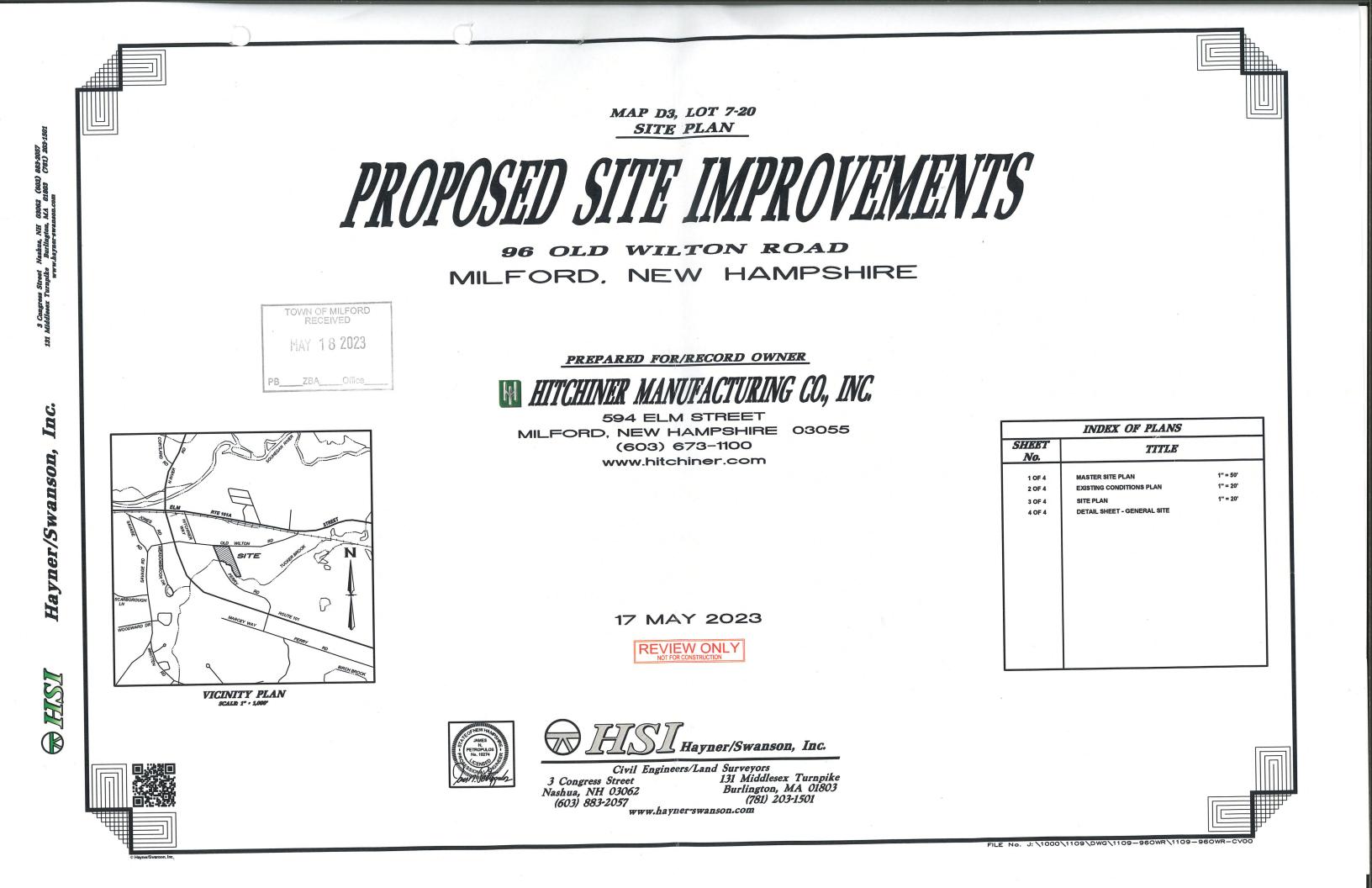
ZBA

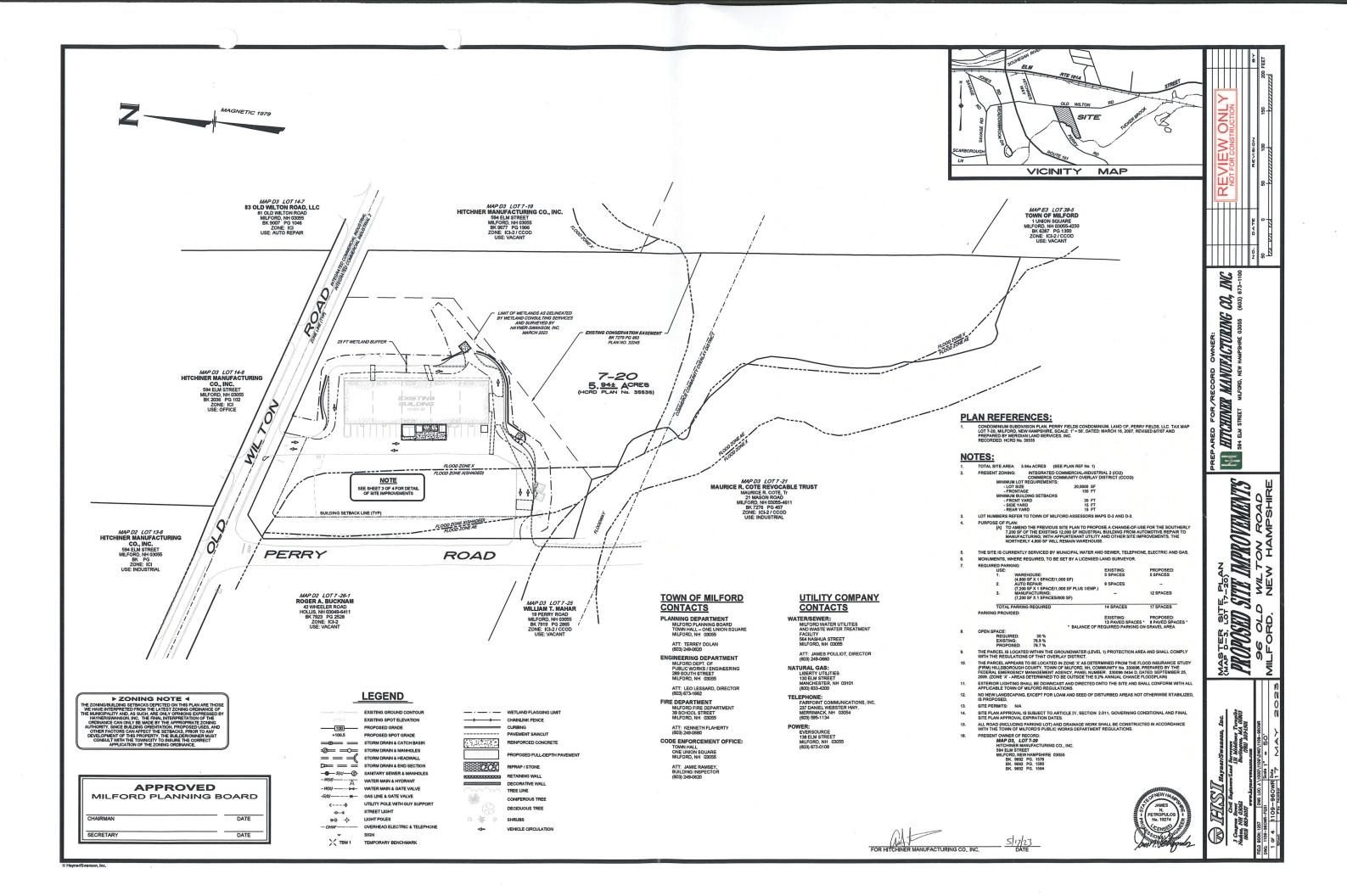
The project area under consideration is located on the easterly side of the intersection of Old Wilton Road and Perry Road identified as Tax Map D3, Lot 7-20; which is located at 96 Old Wilton Road in Milford, NH. The parcel was recently purchased by Hitchiner Manufacturing and is located in Milford's Integrated Commercial-Industrial 2 (ICI2) Zoning District, and the Commerce Community Overlay District (CCOD). The 5.94+/- acre site is bordered on the north by Old Wilton Road, on the east by a currently vacant residential building in the ICI2 Zone and owned by Hitchiner Manufacturing, on the south by Tucker Brook and the industrial property to the south of the brook, and to west by vacant ICI2 land. The site is presently developed with a 1-story, 12,000 s.f. industrial building, with appurtenant parking and other site improvements. The building has most recently been used for contractor warehouse (4,800 SF) at the northerly end of the building.

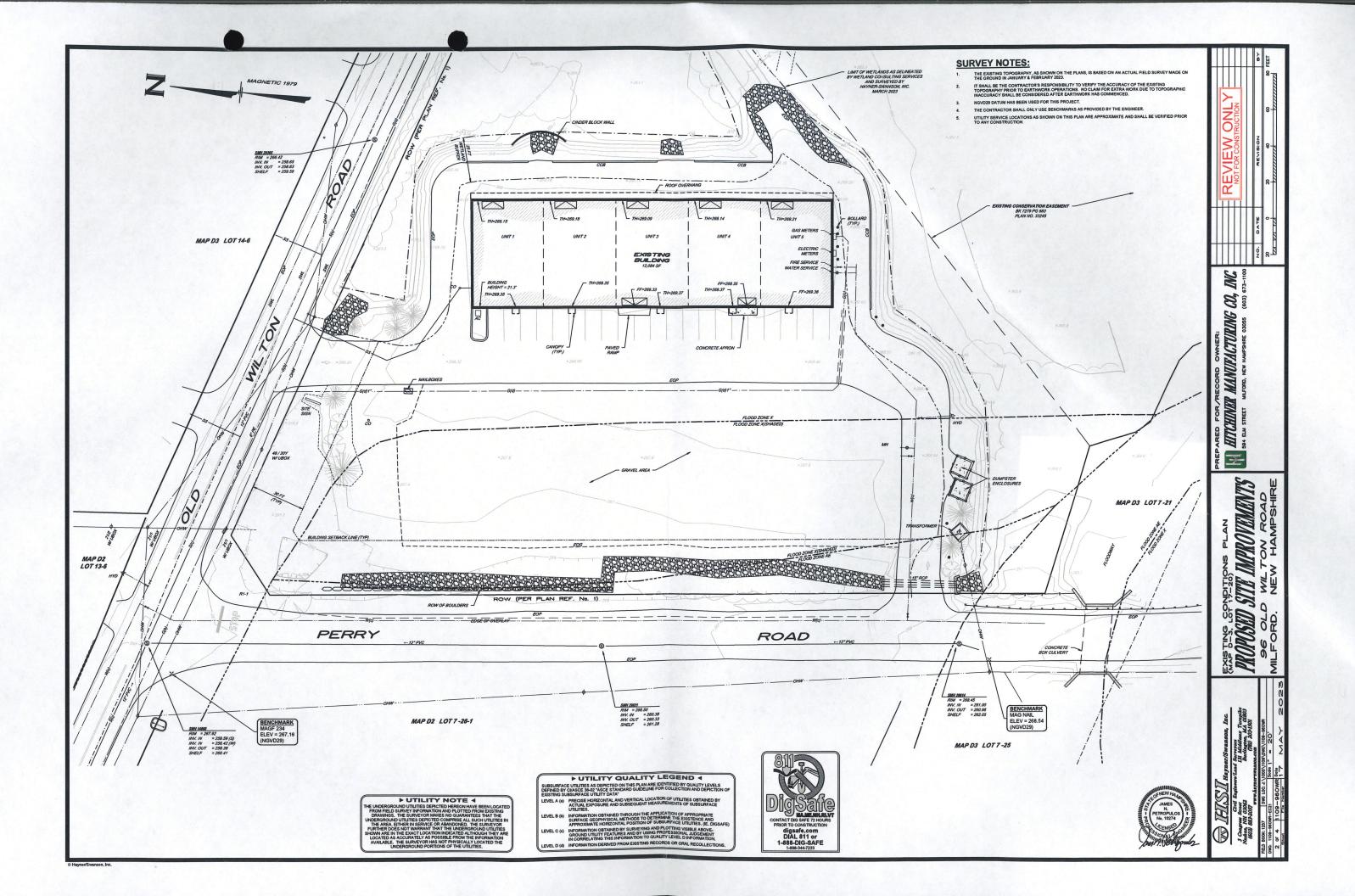
The site is currently serviced by municipal water and sewer; as well as power, telephone, cable, and natural gas.

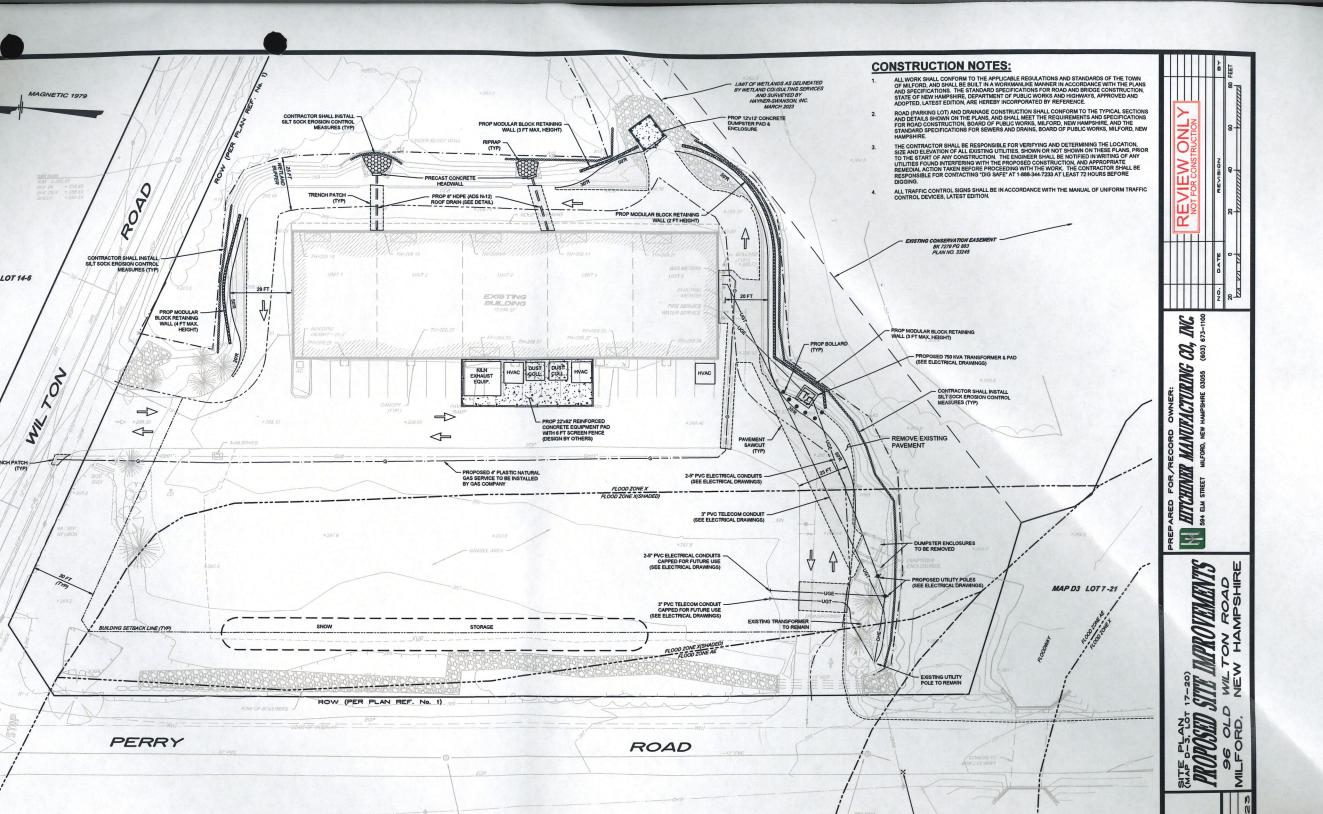
The proposed improvements call for a change-of-use of the former automotive repair space to manufacturing of ceramic components, which Hitchiner currently has to outsource. The site improvements consist of trenching and patching for new natural gas, undergound power, and underground communications services to the building; as well as new pad-mounted equipment, construction of modular block walls, and minor pavement widening along driveways. The total area to be disturbed by site construction activities is 10,000+/- SF, and the net increase in pavement area is 600+/- SF.

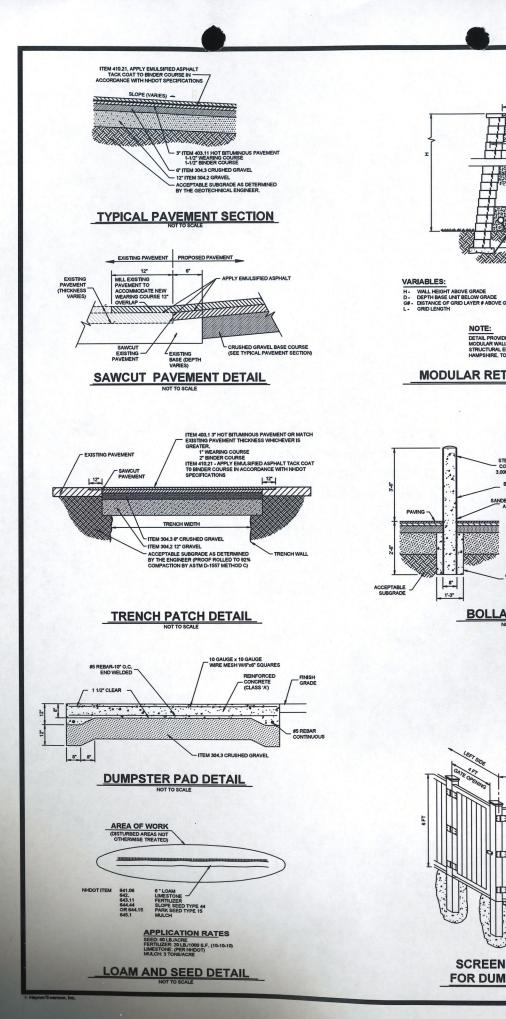
3 Congress St. Nashua, NH 03062 • (603) 883-2057 131 Middlesex Turnpike, Burlington, MA 01803 • (781) 203-1501 www.hayner-swanson.com There is no disturbance of the jurisdictional wetlands along the north, east, and southerly side of the existing site development area, and minor wetland buffer encroachment for which a special exception from the Milford Zoning Board of Adjustment is being requested.

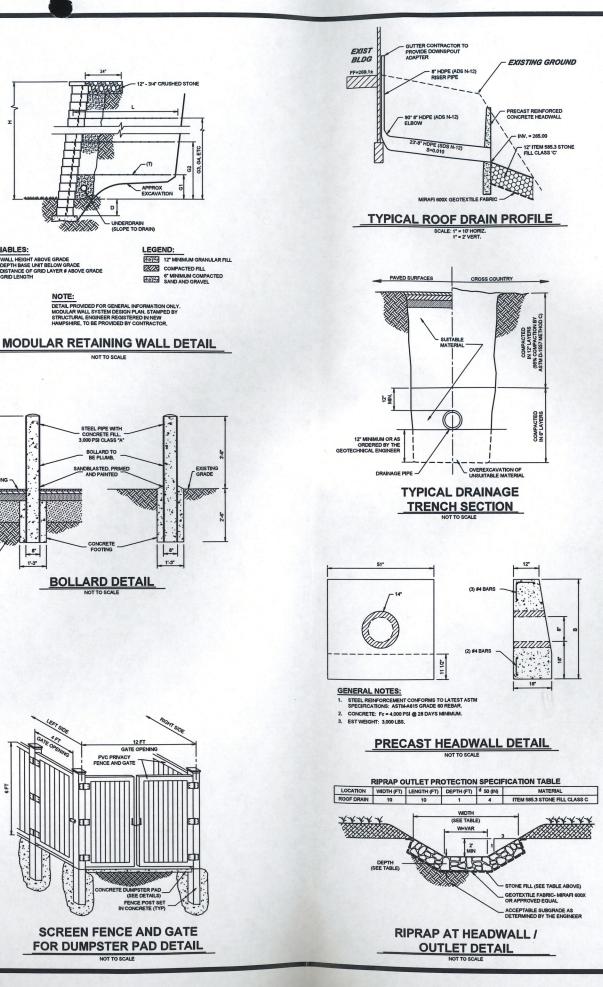












2. 3.

5.

STAKE 6 FT ON FLOW

FLOW

NOTES:

