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).

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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.

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

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, and automotive repair (7,200 SF) at the southerly 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, including 4,830+/- SF of disturbance in the 25-foot wetland buffer; with a net increase in pavement area of 550+/- SF.

There are no proposed disturbances to the jurisdictional wetlands or the existing conservation easement area along the north, east, and southerly side of the existing site development area; and minor wetland buffer disturbance of 4,830+/- SF, for which a special exception from the Milford Zoning Board of Adjustment is being requested.

Town of Milford

CONSERVATION COMMISSION

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1 Union Square
Milford, NH 03055-4240
(603) 249-0628
Fax (603) 673-2273
www.milford.nh.gov
conservation@milford.nh.gov



June 8th, 2023

To: Zoning Board of Adjustment

Re: Case # 2023-07

Hitchiner Wetland Buffer disturbance for improved vehicle circulation. Special Exception from Article VI, Section 6.02.6: B

To the Board,

Several members of the Milford Conservation Commission (MCC) met with the applicant at a scheduled site visit on Tuesday, June 6th, 2023, and our public meeting on June 8th, 2023.

The members evaluated the site based on the seven criteria listed in the Zoning Ordinance Wetland Overlay District Section 6.02.7.

Criteria for Evaluation with MCC comments.

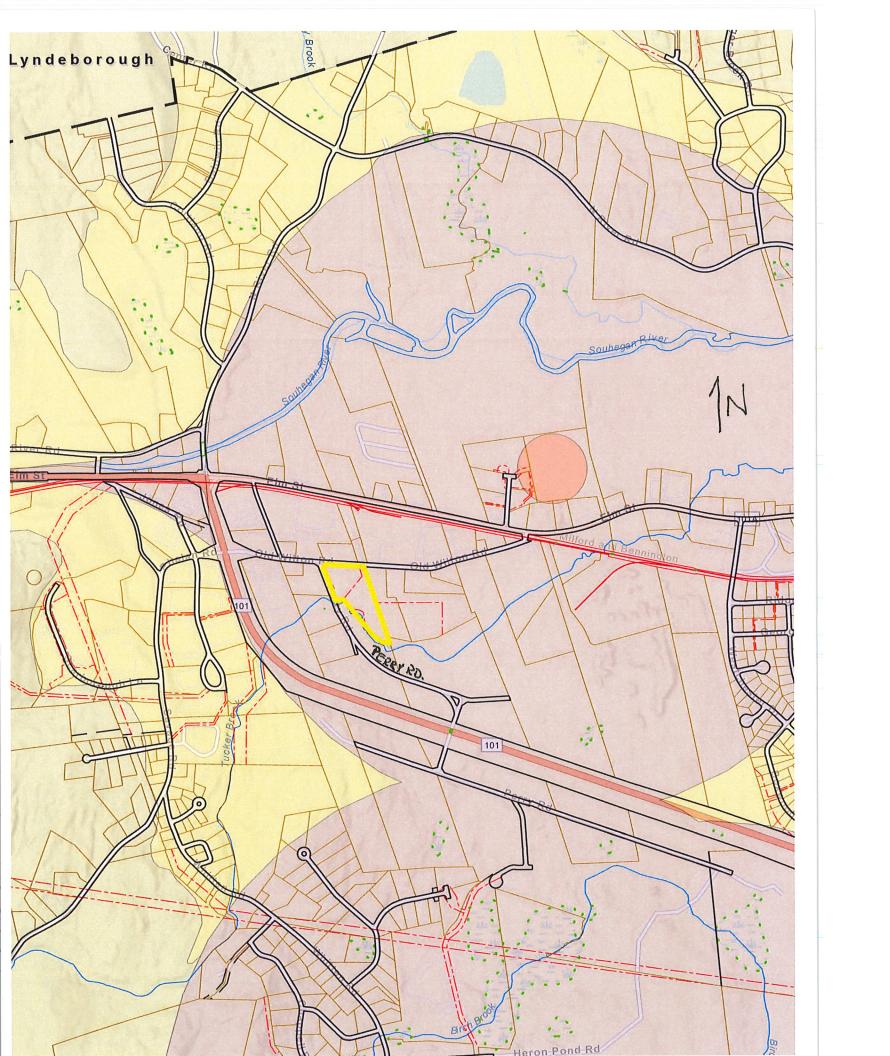
- 1. The need for the impact: To improve vehicle flow around the existing building located at the site.
- 2. **The plan is the least impact to the site:** The only area that will be disturbed is the existing embankment. Utility improvements that the applicant has requested will be located at the front of the property where no wetland buffer impact will occur.
- 3. The impact on plants, fish and wildlife. No trees will be removed as part of this project, thus minimizing impact on the existing wildlife in the area. With the widening of the driveway only encompassing the existing embankment, the impact into the larger wetland is minimal.
- 4. The impact on the quantity and quality of surface and ground water. Water runoff from the roof of the building will be managed by roof drains, then routed under the improved driveway and finally into the existing wetland via two separate roof drains. This will minimize the impact from road surface materials running directly into the wetlands and will not change the existing runoff occurring today. This is a net improvement that minimizes road materials and pollutants entering the wetland.
- 5. The potential to cause or increase flooding, erosion or sedimentation. The minimal impact to the existing buffer will not increase the potential for flooding, erosion, and sedimentation into the existing wetland.

- 6. The cumulative impact if all parties abutting this wetland or buffer were permitted to make equivalent alterations to the landscape. The cumulative impact would be minimal if other abutters were allowed to do a similar disturbance.
- 7. The impact of the proposed project on the values and functions of the total wetland or wetland complex. The impact appears to be minimal and will not stress the functionality of the landscape to support the existing wildlife and plants.

We acknowledge the applicant's intent, as shown on the plan and appreciates the opportunity to review this application. The Conservation Commission has no further comments.

Very Respectfully, Milford Conservation Commission











ZBA Application MILFORD ZONING BOARD OF ADJUSTMENT

Property Owner's signature

GENERA	AL PROPERTY IN	FORMATION FOR ALL APPLICATIONS	Hearing Date:
PROPERTY INFORMATION			Decision Date:
Street Address:	96 Old Wilton R	oad	Decision:
Tax Map / Parcel #	#: D3/7-20	Lot Size: 5.94 Acres	
	PROPERTY	CURRENTLY USED AS	Zoning District (check one):
•	-	for contractor warehouse 4,800 SF and	Residence A
automotive repa	air (7,200 SF).		
If the application	involves multiple lo	ots with different owners, attach additional	Residence B Reside Commercial Limited Commercial
copies of this page	e.		☐ Industrial
	PRO	PERTY OWNER	☐ Integrated Commercial-Ind ☐ Integrated Commercial-Ind
Name:	Hitchiner Manu	facturing Co., Inc.	Three in the second sec
Address:	594 Elm Street		Overlay District (check says the
City/State/Zip:	Milford, NH 030	55	Overlay District (check any the
Phone: (603) 673	3-1100		☐ West Elm Street Overlay
Email: Anthony		iner.com	☐ Nashua/Elm Street Overla
			☐ ☐ Commerce & Community
			🔲 🖵 Open Space & Conservation
The applicant is t	he person who is n	naking this proposal on behalf of themselves,	☑ Wetlands Conservation
		sually the same as the property owner, but	☑ Groundwater Protection
lawyer, etc. If the	t, someone who pi applicant is the so t of this section blo	ans to purchase the property, an engineer or ame as the owner, just check "Same as owner"	☐ Floodplain Management
una leave the res		NT/REPRESENTATIVE	APPLICATION FEES
⊠ SAME AS OW			Application Fee:
Name:			Abutters Fee: 8 X 5.75
Address:			Amount received:
City/State/Zip:			Date Received:
Email:			Check Cash
Phone: ()		Cell: ()	
The undersigned	property owner(s) h omply with all code	ereby authorize(s) the filing of this application and requirements applicable to this application.	THE FEES ASSOCIATED WITH THIS AP DO NOT APPLY TO ANY OTHER FEES F FOR APPROVAL OF THIS PROJECT. PI IMPACT, BUILDING AND OTHER FEES

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Data Received	
Date Received: Case Number:	
Application Number :	
Hearing Date:	
Decision Date:	i
Decision:	
Zoning District (check one):	
☐ Residence A	
Residence B Residence B	lence R
☐ Commercial	
☐ Limited Commercial ☐ Industrial	
☐ Integrated Commercial-I	ndustrial
☑ Integrated Commercial-I	
Overlay District (check any	,
□ Nashua/Elm Street Over	
Commerce & Communit	
Open Space & Conserva	tion
☑ Wetlands Conservation	
☐ Groundwater Protection	1
☐ Floodplain Managemen	t
APPLICATION FEES	
Application Fee:	\$100.00
Abutters Fee: 8 X 5.75	\$ 46.00
Amount received:	
Date Received:	
Check Cash	
THE FEES ASSOCIATED WITH THIS , DO NOT APPLY TO ANY OTHER FEE FOR APPROVAL OF THIS PROJECT. IMPACT, BUILDING AND OTHER FE	S REQUIRED PLANNING,
usilfand ph gov	



The CALVITY LOP'S	Date Complete:
PROPERTY INFORMATION	Hearing Date:
Street Address: 96 Old Wilton Road	Decision Date:
	Decision:
Tax Map / Parcel #: D3/7-20 A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board of Adjustment. Most special exceptions have 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 particular special exception, all special exceptions are subject to the general criteria in Section 10.02.1 of the Zoning Ordinance.	Application for (check all that apply):
What section of the Zoning Ordinance are you applying under? ArticleVI Section6.02.6.B Describe the <u>use</u> you are proposing under the above section of the Ordinance. The existing 5.94 acre site has an existing 12,000 industrial building and appurtenant site development. The site is zoned Integrated Commercial-Industrial 2. The existing warehouse use, and proposed manufacturing use are allowed in this zone.	□ Change/Expansion of Non- conforming Use/Structure (2.03.1.0 □ 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	
Describe the project you are requesting a Special Exception for: Proposed utility improvements which requires trenching and patching, installation slopes, installation of roof drains, and minor addition of pavement (net increase)	
Explain how the proposal meets the general criteria as specified in Article X, Sec	tion 10.02.1 of the Zoning Ordinance:
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 pro automotive repair to manufacturing (7,200 SF), which are allowed uses in the zone.	posed change-of-use from
B. The specific site is an appropriate location for the proposed use because: Both uses are allowed and similar to abutting properties.	
C. The use as developed will not adversely affect the adjacent area because: The proposal is for site improvements and interior building renovations to support a condustrial building (7,200 SF of the existing 12,000 SF). No building addition is proposed be subject to Planning Board review and approval.	change-of-use for a portion of the existing sed. The proposed site improvements will
D. There will be no nuisance or serious hazard to vehicles or pedestrians because: The improvements will be designed in compliance with Town of Milford regulations. standards for vehicular and pedestrian circulation through the site.	The design will incorporate accepted desig
E. Adequate appropriate facilities will be provided for the proper operation of the proper	osed use because:

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ZBA Application – Special Exception MILFORD ZONING BOARD OF ADJUSTMENT	Date Received: Case Number: Application #: Date Complete:
PROPERTY INFORMATION	Decision Date:
et Address: 96 Old Wilton Road	Decision:
Map / Parcel #: D3/7-20	
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at section of the Zoning Ordinance are you applying under?	☐ Change/Expansion of Non-conforming Use/Structure (2.03.1.C) ☐ Wetland Buffer Impact (6.02.6)
cleVI Section6.02.6.B	☐ Accessory Dwelling Unit (10.2.6)
cribe the use you are proposing under the above section of the Ordinance.	☐ Office in Res-A & B (10.2.7)
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purtenant site development. The site is zoned Integrated Commercial-	☐ Side/Rear Yard Setback Reduction
dustrial 2. The existing warehouse use, and proposed manufacturing use are	(Zoning District Specific) ☐ Other
owed in this zone.	G Other
General Criteria Section 10.02.1	
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The proposal is for site improvements and interior building renovations to support a clindustrial building (7,200 SF of the existing 12,000 SF). No building addition is propose be subject to Planning Board review and approval. There will be no nuisance or serious hazard to vehicles or pedestrians because: The improvements will be designed in compliance with Town of Milford regulations. T standards for vehicular and pedestrian circulation through the site.	he design will incorporate accepted design
The proposal is for site improvements and interior building renovations to support a clindustrial building (7,200 SF of the existing 12,000 SF). No building addition is propose be subject to Planning Board review and approval. There will be no nuisance or serious hazard to vehicles or pedestrians because: The improvements will be designed in compliance with Town of Milford regulations. T	he design will incorporate accepted design sed use because: The proposed manufacturing operation will



Explain how the proposal meets the specific criteria of the Zoning Ordinance for each section:

WETLAND 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 disturb jurisdictional wetlands or the conservation easement area. The plan has been refined to minimize the impacts to the wetland buffer to 4,830+/- SF (see attached Display Plan exhibit).
- 3. 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 previously 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 550 +/- 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 550+/- 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: June 5, 2023 site 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.

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HOME BUSINESS CRITERIA 7.12.6 (Continued)

- 6. Retail sales of goods incidental to Home Business are allowed. Please explain if there will be retail sales of goods incidental to Home Business.
- 7. There shall be not more than sixteen (16) clients or deliveries per day. If applicable, please provide the anticipated number of clients or deliveries per day.
- 8. There shall be no parking of or deliveries by vehicles with more than two (2) axles. Only one (1) commercial vehicle may be parked on the property in conjunction with the Home Business. Please summarize the anticipated size of the delivery vehicles and number of commercial vehicles serving the Home Business.
- 9. A Home Business shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the lot line between the hours of 9:00 p.m. and 7:30 a.m. Please explain the hours of operation.
- 10. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances. If applicable, please explain if there will be the storage of hazardous, flammable or explosive, or toxic substances associated with the Home Business and its location on the property.

ACCESSORY DWELLING UNITS 10.02.6

- 1. Is the property going to be Owner Occupied?
- 2. Has a Building Permit application been made? Copy of permit application attached?
- 3. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single-family residence?
- 4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?
- 5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment and value of neighborhood?
- 6. Is there adequate off-street parking? How many spaces?
- 7. Are any additional curb cuts being proposed?
- 8. Are all necessary additional entrances or exits located to the side or rear of the building to the maximum extent possible? Please note on the plan.

Section continued on next page.

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Yes ____ No ___ Date of hearing:__

AC	CESSORY DWELLING UNITS 10.02.6 (Continued)
1.	Is there adequate sewer/septic and water for the additional inhabitants? Please include septic/sewer approval.
2.	Is there only one (1) ADU on the property?
3.	Is the ADU no more than 750 square feet gross floor area? How many square feet is the ADU?
4.	Does the ADU have no more than two (2) bedrooms? Please show on plans.
5.	If inside the existing dwelling, is there at least one common wall with a door between the two spaces at least 32 inches wide? Please show on plans.
6.	If a connecting hall is proposed, is the hallway at least 36 inches wide? Please show on plans.
7.	Has a Code Compliance inspection been conducted by the Building Inspector? Please include inspection report.
8.	Is the ADU incompliance with Section 10.02.6:A of the Milford Zoning Ordinance? How so?
9.	If no, has a Variance from Section 10.02.6:A been granted by the ZBA?
OF	FICE IN THE RESIDENCE A AND B DISTRICTS 10.02.7

Is the specific site of the proposed office use located in an existing building that is an appropriate location for the proposed use and ancillary to the Residential Use permitted by right? Please explain. Will the use as proposed adversely affect adjacent Residential areas? Please explain. Will there will be any nuisance, such as but not limited to: noise, odor, hours of operation, traffic, deliveries and lighting associated with this use? Please explain. Will there be any outside storage? Please explain. Has the applicant made a site plan application to the Planning Board (hearing subsequent to Zoning Board approval)?



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