

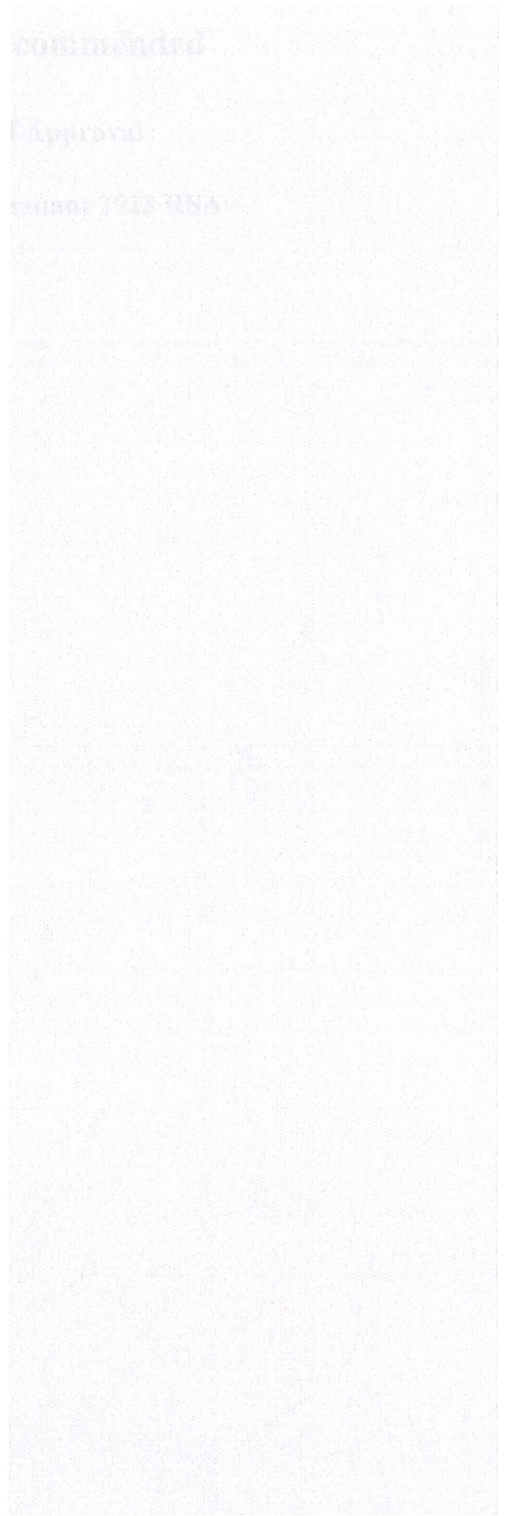
Community Development Department

Town of Milford Development Regulations

Site Plan and Subdivision Regulations

* See red-lined Dev.
Regulation proposed revisions
• 3/29/24

Adopted by Milford Planning Board 2/24/2009
Revised 9/5/2017



The applicant and the abutters shall be notified of the public hearing by certified mail (as necessary), return receipt requested, mailed at least ten (10) days prior to the hearing. The notice shall include the time and place of the public hearing and a general description of the application and shall identify the applicant and the location of the application.

Notice to the general public shall also be given at least ten (10) days prior to the hearing by posting said notice in the Offices of the Board of Selectmen and the Community Development Department within the Town of Milford or on the Town website.

4.06 DETERMINATION OF POTENTIAL REGIONAL IMPACT

Determination of potential regional impact shall apply to all applications requiring abutter notification and shall be made at an abutter notified public hearing to provide notice to and an opportunity for response from potentially affected municipalities and the regional planning commission(s) concerning developments which are likely to have impacts beyond the boundaries of the Town of Milford, in accordance with RSA 36:54-58, as amended.

- A. Determination of potential regional impact may be found for applications which meet any of the following impacts:
1. Relative size or number of dwelling units as compared with existing stock
 2. Proximity to the borders of a neighboring community
 3. Transportation networks
 4. Anticipated emissions such as light, noise, smoke, odors, or particles
 5. Proximity to aquifers or surface waters which transcend municipal boundaries
 6. Shared facilities such as schools and solid waste disposal facilities

If a determination of potential regional impact is made by the Board, the Planning Board will notify the regional planning commission and affected municipalities, in accordance with RSA 36:57 as amended.

All costs associated with notification shall be borne by the applicant.

4.07 SITE PLAN EXTENSION AND EXPIRATION OF APPROVAL

Approved and conditionally approved site plans that have not yet been signed by the Planning Board Chairman, have one (1) year from the date of approval to meet the conditions of approval and have the site plan signed. Prior to expiration, the applicant may apply at a regular Planning Board meeting for a single six (6) month extension to allow time to complete the conditions of approval. The approval of this (6) month extension shall be at the Planning Board's discretion. At the Planning Board's discretion, an applicant may apply for a second Six (6) Month Extension to complete active and substantial work, based on the approved plans. No further extensions shall be considered or granted by the Planning Board.

Signed site plans have two (2) years from the date of signing to complete active and substantial development or building on the site, in accordance with RSA 674:39, as amended. If the applicant fails to

1. Signs shall comply with the Town of Milford Sign Ordinance and should be designed to meet the needs of the individual uses while complementing the building, site and surroundings.
2. Wall signs shall be appropriately scaled to the building or surface on which it is placed and should not obscure important architectural features.
3. Signs shall be readable for both pedestrians and drivers approaching the site.
4. Consideration should be given to form, color, lighting and materials that are compatible with the building and its surroundings.

Alternative architectural solutions may be considered by the Planning Board. Emphasis should be placed on compatibility, aesthetics and creativity.

6.05 PARKING REQUIREMENTS

6.05.1 GENERAL

Safe, adequate and convenient vehicular and pedestrian traffic must be maintained both within and adjacent to the development. To this end, all plans should address the following items:

- A. The effect and impact of the proposed development on traffic conditions on abutting roads
- B. The number, location and dimension of vehicular and pedestrian entrances, exits, drives and walkways
- C. The visibility in both directions of all exiting points of the development and the visibility of a vehicle entering or exiting the development to a driver in a vehicle traveling on the street
- D. Off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in accordance with the Tables of Off-Street Parking. All off-street parking, loading or unloading shall be suitably improved, graded, surfaced and maintained so as to cause no nuisance from dust or storm drainage including ice and snow removal
- E. The interconnection of parking areas via access drives within and between adjacent lots is encouraged, in order to provide maximum efficiency, minimize curb cuts and encourage safe and convenient traffic circulation
- F. The location, arrangement and adequacy of truck loading and unloading facilities
- G. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to adjoining streets and sidewalks
- H. Parking and loading spaces shall be arranged so that cars will not back into public roads
- H.I. All approved off-site parking for "campus-setting" land uses (i.e. manufacturing, light industrial, school facilities, medical) shall provide and maintain pedestrian crosswalk areas from any approved "off-campus" parking areas to the primary site facilities.
- H.J. Whenever possible the applicant is encouraged to utilize alternate paving methods for parking lots, such as but not limited to porous pavement, porous concrete or grass pavers to reduce the environmental impact and drainage requirements

Other	As determined by Planning Board
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¹ SF = square feet

² All employee counts are to be determined at largest shift population.

3. In lieu of the required submission of a formal Waiver request for a reduction from the required 1 parking space for every 600 square feet of manufacturing and light industrial facility floor area, an applicant (for any Site Plan Approval for manufacturing or light industrial projects) may provide documentation during the site plan review to demonstrate that adequate employee parking is being provided. This shall be accomplished through the demonstration that the housed (internal) facility equipment assumes a certain amount of floor area and impacts the total amount of employees at any documented facility shift. The Planning Board may review and evaluate the request for a reduction of required parking and provide discretion to approve an alternative for the required amount of parking for these two specific land uses. In lieu of the Parking Table space requirements, the applicant may also present Average Daily Trip (ADT) data for the proposed use, for a discussion with the Board in calculating the total required number of parking spaces

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- A. When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half shall require one space.
- B. ~~In lieu of the Parking Table space requirements, the applicant may present Average Daily Trip (ADT) data for the proposed use, for a discussion with the Board in calculating the total required number of parking spaces.~~

6.05.5 ADA COMPLIANCE

Provisions shall be made to ensure that parking lots are in compliance with the Americans with Disabilities Act of 1990 (ADA). The number and design of handicapped parking spaces shall conform to the NH Architectural Barrier Free Design Code, as prepared by the Governor's Commission for the Handicapped and/or Title III of the deferral Americans with Disabilities Act. This shall include the following:

- A. Handicapped Accessible Parking Spaces. All sites which provide on-site parking shall provide handicapped accessible parking spaces and accompanying access aisles as specified herein in accordance with above referenced ADA and NH Architectural Barrier Free Design Code as cited in 6.05.5.
- B. The following numbers of handicapped accessible parking spaces are required. For larger lots, refer to the Federal Register for requirements:

Total # of Parking Spaces	Minimum # of Handicap Spaces required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5

E. All off-street parking and loading or unloading spaces shall be at least ten feet (10') from any public street right-of-way and shall be separated from such right-of-way by a granite curb and landscaping as required in ~~Section 6.05.4 TABLE OF OFF-STREET PARKING~~ ~~Section 6.05.4 TABLE OF OFF-STREET PARKING~~

6.05.7 PARKING SUBSTITUTIONS

If there is reasonable nearby on or off-street Municipal or privately-owned leased parking spaces the Planning Board may allow the substitution of space in lieu of the parking requirements of 6.05.4 TABLE OF OFF-STREET PARKING, provided they these parking spaces are located within five hundred feet (500') one thousand feet (1,000) of the building which is intended to be served.

In accordance with the Nashua and Elm Streets Corridor Overlay District, properties which share driveways or drive aisles may also share or overlap in the total number of parking spaces required.

6.05.8 INCREASE OR CHANGE OF USE

When the intensity of use of any building, structure or premise shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other unit of measurement, parking and loading facilities, as required, shall be provided for such increase in intensity of use.

Whenever the existing use of a building, structure or premise shall be changed or converted to a new permitted use, parking and loading facilities shall be provided, as required, for such use.

6.05.9 PRIOR NON-CONFORMING USES

No use, lawfully established prior to the effective date of this chapter, shall be required to provide and maintain the parking and loading requirements of this chapter; provided, however, that off street parking and loading space required by any previously adopted zoning ordinance and/or regulation approved under shall be continued and maintained.

For any non-conforming use which is hereafter damaged or destroyed and which is lawfully reconstructed, reestablished or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or destruction, shall be restored and continued in operation.

6.05.10 PROVISION FOR SHARED PARKING

Shared parking involves parking spaces that are used at different times by different uses. Shared parking provisions for combinations of uses on-site and adjacent sites are encouraged within the Nashua and Elm Streets Corridor Overlay District & the Oval Sub-District, and may be approved by the Planning Board in other locations on a case-by-case basis.

Off-site parking shall be protected with a shared parking easement agreement which shall be reviewed and recorded with the approved plans, except in areas exempt from parking standards such as but not limited to the Oval Sub-district.

ARTICLE VIII: PERFORMANCE AND MAINTENANCE SECURITIES

8.01 POSTING OF PERFORMANCE SECURITIES

- A. At the discretion of the Planning Board, Community Development Director and the Director of Public Works, all proposed Commercial, Industrial and Residential development shall require completion assurances to cover costs such as, but limited to, the following: drainage, landscaping, work involving public ways or utilities, offsite improvements, paving, erosion control measures, bounds and other areas that may be deemed necessary.

- B. The Planning Board will accept the following methods of posting a performance security:
 - 1. Cash deposited with the Town Finance Director
 - 2. A bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Planning Board
 - 3. An irrevocable letter of credit in an amount and manner acceptable to the Planning Board after consultation with Town Counsel

- C. A performance or maintenance security is required to be sufficient to cover the cost of all construction and improvements; including materials, labor and inspections.

- D. Performance securities shall be submitted to the Town prior to the completion of any construction of for any road, utility work, and public improvement or to obtaining a building permit on a new road. However, a bond for infrastructure, including roads and utilities, must be in place prior to the sale of any parcel or an application for a building permit for structures.

- E. Proper performance or maintenance securities shall be maintained at all times by the developer or successor in interest. A developer or successor in interest's insolvency, commencement of foreclosure proceedings against, appointment of a receiver or petition into bankruptcy shall constitute default of security and shall entitle the Planning Board to draw upon any Letter of Credit or other securities unless reasonable and comparable assurances regarding the completion of all improvements have been provided to the Town.

- F. Failure to maintain proper completion assurances shall result in the denial of a Certificate of Occupancy and the revocation of all building permits outstanding for the subdivision. This does not pertain to any lots within the subdivision that have previously received a Certificate of Occupancy.

8.02 RELEASE OF PERFORMANCE SECURITIES

Upon inspection of a partial completion of required improvements, the Community Development Department may authorize in writing for approval by the Board of Selectmen, a reduction in the performance security equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements and inspections plus a ~~ten-15~~ (1015%) percent retainage, as indicated by a qualified contractor's bid estimate approved by the Planning Board. If the costs for completing the required improvements exceeds the amount of the performance security held by the Town,