



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMORANDUM

Date: May 3, 2024
To: Town of Milford Planning Board
From: Terrence S. Dolan, Town Planner
Subject: **Milford Zoning Ordinance-Section 5.05.7 (Oval Sub-District) Discussion-Potential Revisions and Options**

In recent months, there have been many questions from the community to the Office of Community Development in regard to possible building structural renovations (both interior & exterior), tenant changes and allowable land uses within the Oval Sub-District.

Staff requests that the Planning Board examine the current Oval Sub-District (Section 5.05.7) language below, as the language contained within the Milford Zoning Ordinance for this Sub-District is somewhat limited and does not directly speak to many of the issues noted:

OVAL SUBDISTRICT: (PAGE 129 OF 188)

EXEMPTION FROM YARD AND OPEN SPACE REQUIREMENTS (2007)

The following area shall be exempt from the open space and yard requirements for all allowable uses in the Commercial District except multi-family residences: bounded by and beginning at the intersection of Great Brook and the Souhegan River, proceeding East along the southern bank of the Souhegan River to the Swing Bridge, proceeding south along the west line of Pine Street to the intersection with Nashua Street, continuing south along the west line of Franklin Street to its intersection with High Street, then proceeding west along the north line of High Street and continuing west along the south line of Lot 39 on Tax Map 25 to the southwest corner of that parcel intersection with Great Brook and then proceeding north along the east bank of Great Brook to the beginning.

HEIGHT REQUIREMENTS (2005)

- A. The maximum height of a building or structure in the Commercial District shall be forty (40) feet, except as noted in B. below.
 - B. The maximum height of school and municipal buildings or structures in the Commercial 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. (end)
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The multi-family usage regulations contained within the Oval Sub-District are in need of revision and significant expansion. There needs to be improvement of the planning or regulatory tools presently available

for the Community Development/Planning Office to work with an applicant, without requiring them to seek Variances; where, in most instances, *may* be seen as an un-intended consequence through the lack of specific ordinance language.

The following brief list provides some of the primary issues we currently face for considering various land use requests within the Oval Sub-District, and would appreciate guidance from the Planning Board:

- a. **Allowed Uses within the Oval Sub-District**-Should there be a list of Acceptable Tenant Uses, *separate and distinct* from the Acceptable Uses, as listed presently in the Commercial Zoning District language (Section 5.05.1)?

- b. **Conversion of existing Commercial Space into Multi-Family Units - Density of Units?**
The underlying zoning for the defined Oval Sub-District is Commercial (“C”), which only allows multi-family units through a density cap linkage back to a requirement in conformance with the Residence “B” Zoning allocation, producing a maximum cap up to five (5) multi-family units/acre.
As written, this Commercial (“C”) Zoning Land Use District requirement lacks any applicability to the Town’s Oval Sub-District, wherein most of the existing lots are under one half of an acre (.5-acre) to begin with, as many lots under one tenth (.1-acre) of an acre.

- c. **Oval Sub-District Parking-Under Section 6.05.10 (Provision for Shared Parking-Milford Development Regulations)**, the Oval Sub-District is exempt from conforming with this Section’s Standards.
Question: Should any future approved Multi-Family Units within the Oval sub-District, either through the conversion of existing commercial space over to residential, or for any newly proposed residential facilities (i.e. new lot structures), have a dedicated parking requirement. What other *Oval Sub-District* land uses, (if any), should *potentially* be required to provide and accommodate their own (dedicated) parking arrangements?

- d. **Oval Commercial Conversion: Question:** Should an existing built lot be allowed to provide for any form of a wholesale conversion from commercial usage to another distinct land use? Or should minimum percentage of existing gross floor area (GFA) be required to be retained, and where in the existing building should this retained “commercial” floor area be retained-(i.e. first floor level frontage?).....