



TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

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**STAFF MEMO**

**Date:** December 13, 2021  
**To:** Board of Adjustment  
**From:** Lincoln Daley, Community Development Director  
**Subject:** Amendments to Zoning Ordinance Article III, Section 3.01.0 Districts

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The purpose of this memorandum is to discuss possible amendment to the Milford Zoning Ordinance/Map by changing eleven parcels from “ICI” – Integrated Commercial- Industrial to Residential “B”. The affected properties under consideration include Tax Map 11, Parcels 13, 14, 14-1, 15, 16, 17, 18, 19, 20, 21, and 22. The proposed amendment would rezone these properties in a more consistent manner with how they have historically been used, protect the general developed area from any incompatible uses that would be allowed under the Integrated Commercial – Industrial zoning, and to better reflect current built conditions and existing residential neighborhood. The intent of the Residence "B" District is to provide areas for increased residential density and other uses which are compatible with single-, two-family, and multi-family uses.

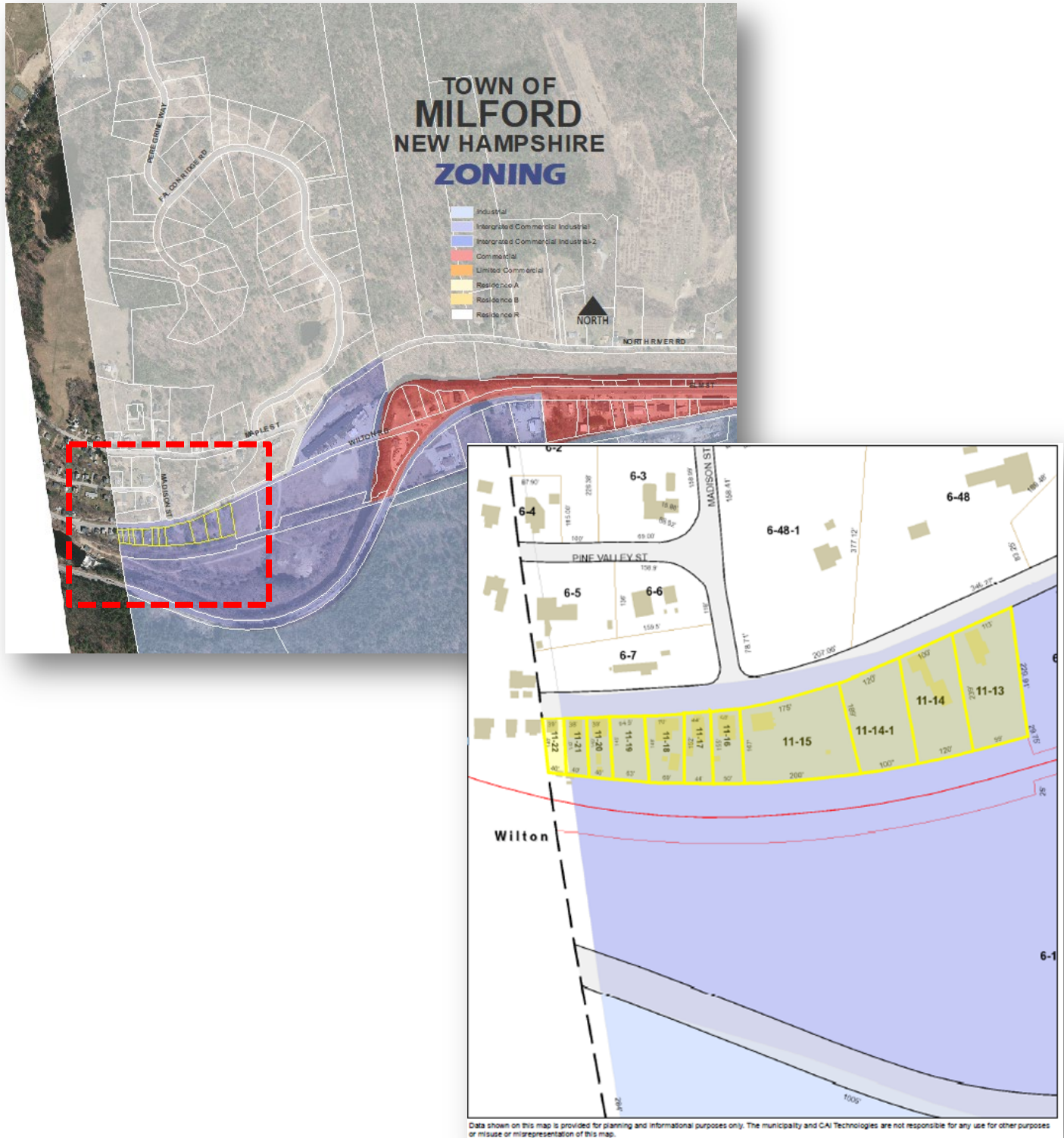
The Board last discussed this proposed amendment at the November 2<sup>nd</sup> and November 16<sup>th</sup> Work Sessions and concluded that the subject properties would be more suitably zoned as Residential ‘B’ given that the permitted uses are less intense than the permitted uses in the ICI district and are more consistent with the with the existing abutting residential uses and surrounding neighborhoods.

For your review and discussion, below please find the proposed draft warrant article and map. Attached, please find Sections 5.03 Residential ‘B’ and 5.08.0 Integrated Commercial-Industrial “ICI” District of the Zoning Ordinance detailing the permitted uses and dimensional requirements.

# PLANNING BOARD AMENDMENT 1: ZONING MAP

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 III, Section 3.01 Districts to change the designated zoning district from Integrated Commercial-Industrial (ICI) to Residential 'B' for the properties identified as Milford Tax Map 11, Lots 13, 14, 14-1, 15, 16, 17, 18, 19, 20, 21, and 22 and as shown below. These lots are located at the extreme west end of Wilton Rd. near the Milford and Wilton town line. The surrounding properties in the general area are primarily residential in nature.



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

### **5.03.0 RESIDENCE "B" DISTRICT (1995)**

**INTENT:** The intent of the Residence "B" District is to provide areas for increased residential density and other uses which are compatible with these residential densities.

#### **5.03.1 ACCEPTABLE USES**

- A. Single-family dwellings and their accessory uses and structures
- B. Two-family dwellings and their accessory uses and structures
- C. Multi-family dwellings with municipal sewerage and water systems and their accessory uses and structures
- D. Telecommunication facilities (2000)
- E. Deleted (2015)
- F. Farm roadside stands (2010)
- G. Solar Collection Systems in accordance with Section 7.11.0 (2019)
- H. Home Based Business in accordance with Section 7.12.0 (2019)

#### **5.03.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)**

##### **A. Special Exception**

- 1. Hospital and/or related facilities licensed by the State of NH
- 2. Schools
- 3. Funeral homes
- 4. Home Based Business in accordance with Section 7.12.0 (2019)
- 5. Day care facilities
- 6. Family day care homes
- 7. Recreational facility, commercial (1997)
- 8. Recreational facility, not-for-profit (1997)
- 9. Deleted (2014)
- 10. Bed & breakfast (1997)
- 11. Reduced front, side and rear setbacks (amended 2001)
- 12. Building and structure height greater than allowed in 5.03.8:A and 5.03.8:B (2005)
- 13. Accessory Dwelling Units (2008)
- 14. Hospice House (2011)
- 15. Nursing home or facility (2011)
- 16. Utility, public or private (2011)
- 17. Office in accordance with Section 10.02.7 (2011)

##### **B. Conditional Use Permit (2009)**

- 1. Small Wind Energy Systems (2009)

#### **5.03.3 USES NOT SPECIFIED (2010)**

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

#### **5.03.4 ALLOWABLE DENSITY**

Multi-family residences in the Residence "B" District shall adhere to the following conditions for development:

- A. Multi-family dwellings shall be served by both municipal sewerage and water systems and may have a maximum of five (5) units per acre. The maximum density may be reduced by the Planning Board based on recommendations of other qualified consultants.
  - 1. Section Deleted. (2007)
- B. In the conversion of an existing house to apartments or multi-family dwellings, a maximum of five (5) units per acre of land associated with the existing house shall be permitted, given the following conditions:
  - 1. The proposal meets the standards set forth for maximum density 5.03.4, yard requirements 5.03.6 and usable open space 5.03.7. (1996)

#### **5.03.5 LOT SIZES AND FRONTAGES**

- A. The following provisions shall apply to all other acceptable uses in this District, except single-family residences. (2009)
  - 1. In those areas serviced by both municipal sewerage and water systems, the minimum lot size in Residence "B" shall have as a minimum, twenty thousand (20,000) square feet in area with one hundred fifty (150) feet of frontage on a Class V or better road.
  - 2. In those Residential "B" areas not serviced by both municipal sewerage and water systems, the minimum lot size shall be sixty thousand (60,000) square feet in area or larger, depending on soil and slope conditions, as may be necessary to sustain development according to state standard with two hundred, twenty-five (225) feet of frontage on a Class V or better road.
  - 3. The minimum lot size and frontage for a single-family residence in this District shall be the same as those set forth for the Residence "A" District in section 5.02.4 of this article.

#### **5.03.6 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.
- C. Accessory Structures, one hundred-twenty (120) square feet or less shall have a minimum setback from the side and rear property lines of six (6) feet.

#### **5.03.7 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.

#### **5.03.8 HEIGHT REQUIREMENTS (2005)**

- A. The maximum height of a building or structure in the Residence "B" 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 “B” 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.

### 5.08.0 INTEGRATED COMMERCIAL-INDUSTRIAL “ICI” DISTRICT (1995)

**INTENT:** The intent of the Integrated Commercial-Industrial District is to provide an area for sales and service activities, both wholesale and retail, as well as industrial activities. This District is intended to be the area in which vehicular oriented business can occur.

#### 5.08.1 ACCEPTABLE USES

- A. Wholesale businesses
- B. Retail businesses
- C. Restaurants
- D. Offices
- E. Hotels (2011)
- F. Day care facilities (2011)
- G. Utility, public or private (2011)
- H. Manufacturing (from Light manufacturing 2003)
- I. Distribution and mailing facilities
- J. Research and development (2011)
- K. Motor vehicle repair facilities
- L. Harvesting of natural resources
- M. Banks and financial institutions
- N. Processing and warehousing (1997)
- O. Adult Entertainment Businesses (2000)
- P. Telecommunication facilities (2000)
- Q. Motor vehicle sales facilities (2011)
- R. Farm roadside stands (2010)
- S. Farmer’s market (2010)
- T. Bed and breakfast (2011)
- U. Churches or Houses of Worship (2011)
- V. Processing of natural resources (2011)
- W. Hospitals (2011)
- X. Health services facilities (2011)
- Y. Newspaper and job printing (2011)
- Z. Veterinary clinics (2011)
- AA. Nursing home or facility (2011)
- BB. Agriculture and farming (2011)
- CC. Dwelling, Mixed-use (2012)
- DD. Filling Station (2012)
- EE. Solar Collection Systems in accordance with Section 7.11.0 (2019)
- FF. Home Based Business in accordance with Section 7.12.0 (2019)

### **5.08.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)**

#### **A. Special Exception**

1. Schools
2. Recreational facility, not-for-profit (1997)
3. Recreational facility, commercial (1997)
4. Deleted (2011)
5. Building and structure height greater than allowed in 5.087.A and 5.087.B (2005)
6. Deleted (2015)
7. Accessory Dwelling Units for existing single-family dwellings (2008)
8. Reduced front, side and rear setbacks (2009)

#### **B. Conditional Use Permit (2009)**

1. Small Wind Energy Systems (2009)
2. Solar Collection Systems in accordance with Section 7.11.0 (2019)

### **5.08.3 USES NOT SPECIFIED (2010)**

Any uses of land and/or structures not specifically included in the ICI (Integrated Commercial-Industrial) District as acceptable, acceptable by Special Exception or acceptable by Conditional Use Permit shall be considered as not permitted.

### **5.08.4 LOT SIZES AND FRONTAGES (2009)**

- A. In those areas serviced by both municipal sewerage and water systems, the minimum lot size in the Integrated Commercial-Industrial District shall be twenty thousand (20,000) square feet, together with a minimum of one hundred fifty (150) feet of frontage on a Class V or better road.
- B. In those areas not serviced by municipal sewerage and water systems, a minimum of forty thousand (40,000) square feet shall be required, depending upon soil and slope conditions, together with a minimum of one hundred fifty (150) feet of frontage on a Class V or better road.

### **5.08.5 YARD REQUIREMENTS**

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

### **5.08.6 OPEN SPACE**

Open space shall be provided in an amount equal to not less than thirty (30) percent of the total lot area.

### **5.08.7 HEIGHT REQUIREMENTS (2005)**

- A. The maximum height of a building or structure in the Integrated Commercial-Industrial 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 Integrated Commercial-Industrial 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.